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Summary of Administrative Review Board Proceedings for ISN 653

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee accepted taking the Muslim oath.

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

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

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

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

Assisting Military Officer: The detainee's initial ARB interview occurred on 13 September 2005, in Camp V and lasted two hours. After a review of the ARB purpose and procedures, the Arabic translation of the Unclassified Summary of Evidence was read to the detainee, who followed along on his copy. The detainee chose to attend the ARB and answer any allegations as they were presented on the Unclassified Summary as well as answer any questions the board members may have for him. The detainee was cooperative and polite throughout the interview. The detainee alleged abuse while in the custody of the Taliban in Kabul, Afghanistan. The allegation of abuse was reported in accordance with OARDEC Memorandum. The detainee retained a copy of the

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Unclassified Summary of Evidence in both English and Arabic. A follow-up interview to verify the accuracy of translation was held on 14 September 2005, and lasted one hour. After considering all the allegations against him in the Unclassified Summary, the detainee felt that even if he could refute 23 allegations, the 24th would keep him in detention and that any attempt on his part would result in failure. The AMO pointed out that the detainee's presence at the board represented a significant opportunity, and that the detainee would make a better impression on the board than the AMO would on his behalf, but the detainee remained adamant, even requesting the AMO not present any information on the detainee's behalf to the board. Another interview occurred 14 September 2005, and lasted about 20 minutes at which time the detainee agreed to attend the ARB.

Presiding Officer: Is it still your request that the AMO not present information on your behalf?

Detainee: If he can explain things better than me. But I am prepared to present it by myself. If he has additional things to say for me, he is more than welcomed.

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

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board to assist the Detainee with answering the statements.

Designated Military Officer: The detainee stayed at the "Arabic House" in Kabul with 30 to 35 other fighters. He was given a Kalashnikov rifle and performed guard duties. He took orders from Abdel Aziz and Abut Hamza, who received their orders from Abdul Hadi al Iraqi.

Detainee: This is 75 percent not true. So, it's false.

Designated Military Officer: Abdul Hadi al Iraqi was a member of al Qaida and part of Usama Bin Laden's inner circle. He commanded 200 Arab and Taliban fighters in Kabul, and was also responsible for sending Arab fighters to Chechnya.

Detainee: It has nothing to do with my case, this Abdul Hadi. Whoever he is, he has nothing to do with me.

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Presiding Officer: The record indicates a non-responsive answer.

Detainee: May I clarify?

Presiding Officer: This is your chance to clarify any misconception.

Detainee: I'd like to explain. The first point, you asked about the house that I was in, and you remember that Abdul Hadi has a relationship with Abu Hamza. But if you mean that I have a relationship or I got my orders from Abu Hamza and Abu Hamza has a relationship with Abdul Hadi, that does not mean that Abdul Hadi has a relationship with me. So, Abdul Hadi has nothing to do with my case.

Presiding Officer: All right. The clarification is noted for the record. Thank you.

Designated Military Officer: In 1999, the detainee fought on the front line north of Kabul with an Arab unit for approximately three and a half months. The Taliban supported this unit with food, drinks, ammunition, and a truck. Al Qaida supported the fighters by providing logistical support and access to the Walam Bacha safe house in Kabul for rest and relaxation.

Detainee: Point one says I was in this house with 35 people. In the third one, it says in 1999, I was fighting. I wasn't fighting in this house. At the end of 1999, there wasn't any fight between Taliban and the Northern Alliance. So, I mean that I was in that house, but there wasn't fighting.

Presiding Officer: I note you speak English. Would you be comfortable without the interpreter?

Detainee: I will be comfortable, and also if I need something, I will ask her.

Presiding Officer: The interpreter is hereby directed not to translate unless specifically requested.

Designated Military Officer: The detainee was a weapons engineer on the front lines, repairing small arms for the Taliban.

Detainee: False.

Designated Military Officer: The detainee was in charge of Usama Bin Laden's weapon depots in Kandahar and Kabul from 1999 to 2000.

Detainee: False.

Designated Military Officer: The detainee was responsible for the storage of cash, weapons, and ammunition for Usama Bin Laden.

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Detainee: No.

Designated Military Officer: The detainee had control of the keys to the weapons storage container at the Gulam Bacha guesthouse in Kabul. The detainee was also a trainer of soldiers in the tactics of entering a structure and arresting or detaining persons in the given structure.

Detainee: Not right.

Presiding Officer: Any clarification on those?

Detainee: Unfortunately, forgive me. I have something to say about all of these things, but if you want me to answer if it is right or not, I will.

Presiding Officer: We'll just move on and then we'll come back.

Detainee: Thank you very much.

Designated Military Officer: The detainee claimed he was an al Qaida member who worked for Usama Bin Laden for 13 years conducting weapons maintenance.

Detainee: False.

Designated Military Officer: The detainee claimed he was an expert in the areas of poisons, explosives, martial arts, and weapons. The detainee claimed to have carried out an operation in Kuwait in which he blew up a building he believed was being used by the Israelis. He also boasted of kidnapping a Kuwaiti Intelligence Office to gain the release of one of his comrades being held in a Kuwaiti prison. The detainee claimed to have taken up jihad in the Philippines, Chechnya, and Bosnia.

Detainee: False.

Designated Military Officer: The detainee claimed he was a mechanical engineer for weapons with al Qaida. He claimed he went to London for al Qaida.

Detainee: This is not right.

Designated Military Officer: The detainee claimed he was an al Qaida member who ate frequently with Usama Bin Laden. He also stated he had specific knowledge of the al Qaida organization and the attacks on the World Trade Center. He claimed he traveled to England, Kuwait, Saudi Arabia, and Malaysia. The detainee claimed he was a third-degree black belt in Tai Kwon Do, which he learned while in Malaysia.

Detainee: This is not right.

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Designated Military Officer: While in the Iraqi Army, the detainee received training on the following weapons: AK-47 rifle, 7.62mm PK machine gun, and 82mm, 120mm and 160mm mortars.

Detainee: Yes, I have something to say about this. It is right that I was in the Iraqi Army in 1993 and 1994, two years. It is right that I got training for the Kalashnikov, but it is not right that I have training on the other three things. I want to let you know how this was done. The interrogator was asking me when I got training in the Saddam Army, the Iraqi Army, he said, "What is the weapons training about in the camp?" I told him this kind and this kind and this kind, and unfortunately he may have misunderstood and thought that I said I trained on these.

Presiding Officer: Very good. I am crossing out that you have training in these other weapons and noting that you have training with AK-47s.

Designated Military Officer: The detainee received specialized training in poisons at the al Farouq Camp.

Detainee: I haven't seen al Farouq Camp in my life.

Designated Military Officer: After fleeing the Iraqi Army and being held by the Kurds, the detainee said he provided a fake last name of Al Hashimi.

Detainee: Yes, this is right.

Designated Military Officer: The detainee's kunya nickname was Islam.

Detainee: Yes.

Designated Military Officer: Islam Abdul Rahman Al Hashimi is a known al Qaida member and chemical specialist. One of al Hashimi's associates is Abu Bassam, an Iraqi businessman who supported Al Hashimi financially.

Detainee: This is true that my nickname is Islam Abdul Rahman Al Hashimi, but the second thing that I am a member of the al Qaida is not right.

Designated Military Officer: The detainee had a close relationship with an Iraqi Kurd known as Abu Bassam.

Detainee: I haven't heard this name before.

Designated Military Officer: Abu Bassam was a member of Usama Bin Laden's inner circle. He met frequently with al Qaida members and Bin Laden, and knew about the 11 September 2001 attack on the United States prior to its occurrence.

Detainee: This false.

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Designated Military Officer: An al Qaida member identified the detainee as an al Qaida contact in Kabul.

Presiding Officer: This is asking if someone identified you, not whether the underlying allegation is true. Did someone identify you?

Detainee: I do not know personally, but maybe it's possible.

Designated Military Officer: The detainee claimed to be an understudy of Sheik Abdullah Azzam.

Detainee: This is not right. I will explain. Number 7 and Number 8, this guy that is named Abdullah Azzam died in 1987. At this time, my age is 28 years. So at that time, I was a little kid.

Presiding Officer: Noted.

Designated Military Officer: Abdullah Azzam led a successful campaign to recruit rich young Saudis using a three-tape series he released in 1987. He called individuals to follow Usama Bin Laden by imitating his devotion to Islamic jihad, both physically and financially.

Detainee: The same as Number 5 and Number 2.

Designated Military Officer: Abdul Rabim Janko was tortured by al Qaida and eventually told them he and the detainee were spies for the United States. The detainee was also tortured by al Qaida, but never admitted to being a spy.

Detainee: True.

Designated Military Officer: The Taliban imprisoned the detainee for two years at Sarpooza prison. During Ramadan when the Taliban fell, the detainee was transferred to Kabul and was imprisoned for three months.

Detainee: True.

Designated Military Officer: The Northern Alliance turned the detainee over to the Americans on 8 June 2002.

Detainee: Yes, I was sent here to Cuba at that time.

Designated Military Officer: The detainee claimed he was not a member of al Qaida, never swore bayat to Usama Bin Laden, received no training or fought for al Qaida, and he was not an expert on poisons.

Detainee: This is true.

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Designated Military Officer: The detainee believes his enemies have wrongly accused him of being an al Qaida member.

Detainee: Yes.

Designated Military Officer: This concludes 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 Detainee made the following statement: Before I start, I want to say sorry to the AMO because I defend myself. I told him I don't want him to say what I said, but I found a better idea to make you understand me better. I like to use examples because I don't speak English very well. I drew a tree. (Showing the Board a drawing of a tree). I drew the roots of the tree and moved up to the branches. The branches are the 23 charges against me. Most of the charges said I was or I claimed. If I say I was or I claimed, I want to explain to the American people that another detainee said that I claimed. For example, she told you that I told her this thing. If they said something, I haven't said anything. Just the things that I told you are right, then they are right. Other charges, when you search about the roots, you will find that 100 percent someone said something like, "Detainee Arkan said this thing." And if you ask why did this detainee say this about me, and you would measure that this detainee has known me before this prison, he would have to show if he's saying what is right or not. This is one thing that I want to tell you. I am from Shia people. It's a different religion.

Presiding Officer: The Board is well aware of the animosity and we understand that.

Detainee: Thank you very much. The reason they brought me to Cuba is not because I did something. They brought me from Taliban prison to get information from me about the Iraqi Army before the United States went to Iraq. I was without any charge. But unfortunately, they didn't measure that they would put me in the middle of my enemy. I was in their prison for three years, and I will show you the scar (lifting his pant leg to show a scar on his leg). And I also have one on the other leg. These people had tortured me, and they put me in prison, and told me that I am spying for the American people. They put me in there since 2000. At last, if you read all my history, you will know that I have no friends in this camp at all; most of them, if they don't give me a hard time or they don't give me a problem, they will not talk to me. But also, they've threatened me more than five or six times. They will say things about me; I don't know what they will say. And if we, all of us, look at how this charge is organized you will see that something

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is very difficult. If you will measure my age, one charge says that I have been for 13 years for the al Qaida. My age is 28 years, and if you take six years from 20 years--six years I have been in prison, and you measure one more, my age was 19 years. When I was in Iraqi Army I went for two years at 19 years, so how you can believe I was in al Qaida for 13 years? And I was in the Army for two years, '93 and '94. If you measure between there, and that I know someone named Abdullah Azzam that has died in 1987, and my age is 28.

Presiding Officer: Let me ask you this. All the Board Members and the DMO have questions they would like to ask you. Perhaps it would be more productive if we went to that portion. I will allow you a period to make a conclusion statement if you would like. Is that okay with you?

Detainee: Good.

Presiding Officer: Does that conclude your statement for now then?

Detainee: It does not conclude my statement. I would like to clarify some more.

Presiding Officer: Very well. We will do our questions and then the board will grant you your request to conclude.

Detainee: Okay.

The Assisting Military Officer had no further information to present or questions for the Detainee.

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

Designated Military Officer: Why did you desert from the Iraqi Army and then later join the Taliban?

Detainee: I left the Iraqi Army because my social status was not good. My home was in the south and my place in the Army was in the north. I didn't have money. When they give me my salary, I had to spend all of it on the way home. When I reached there, I had to work at least for five days until I got money to come back. Also, in the Iraqi Army it was a very difficult life, not like another Army. I think you know about Saddam's Army. So, for that reason, when I was like 18 or 19 years, I thought I would escape from the Iraqi Army, I will have my freedom and I will have everything that I want. I wasn't thinking. Unfortunately, I felt myself like a small bird in a cage and when I come outside the Army, unfortunately, I saw the light is outside of Iraq. I was waiting for the Saddam government to fail or change to go back to my home. Unfortunately, after I went from the Iraqi Army, I went to Kurdistan (*North Iraq*). In Kurdistan (*North Iraq*), it was a very difficult life for work. There was no work, and also no place to live in peace because they were fighting each other.

Presiding Officer: So, was that a bad decision then to leave Iraq and go to Kurdistan (*North Iraq*)?

Detainee: Yes, it was a very bad decision.

Presiding Officer: But you did it?

Detainee: Yes, I did it because I was 19 years. I didn't think about my family, my mother, my brothers. And unfortunately, when I measure life in Kurdistan (*North Iraq*), I couldn't live there.

Presiding Officer: Let me stop you there, because you're getting non-responsive to his question. He has more questions.

Designated Military Officer: You left one Army because you didn't like the conditions, but then a few years later you joined the Taliban?

Detainee: I'm going to explain. When I saw the difficult life in Kurdistan (*North Iraq*), I went to Iran because there was an easy life with work. I was sitting in Iran with other Iraqis; maybe there were many Iraqi people, all of them escaped from Iraq. I think you know that. Unfortunately, the Iran government was following the Iraqi people that don't have passports or are not legal.

Presiding Officer: So, you were in both Kurdistan (*North Iraq*) and in Iran without a passport?

Detainee: Illegally. And at last time, maybe I cannot tell you exactly, but in 1999, maybe in the beginning or in the middle, the Iran government was searching the illegal Iraqi people, and I went from the place that I worked to Meshed.

Presiding Officer: This is when you were working at a shoe factory?

Detainee: Yes. When I went there, I worked for a few months and they caught me. When they caught me, I know Farsi, and at that time the Iranian government, when they caught the Iraqi people, they gave them to the Iraqi government. And if the Iraqi government caught me, they would kill me. At that time, I had two options: one to say I am Iraqi and one of them to shut up so the Iranian government does not think I'm Iraqi. And unfortunately, they thought I am Afghan and they sent me with the Afghan people to Afghanistan.

Presiding Officer: Okay. Let me stop you there.

Designated Military Officer: I'm interested in understanding why you would join a second army when you had deserted from one earlier?

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Detainee: The first time, I didn't think it was the Taliban Army. They were like normal people. They are Taliban, but not army, like an organized army. And in Afghanistan, I thought that if I went to the Taliban people and I told them that the Iranian people threw me out of the country and would they please help me with some money to go back to Iran. Unfortunately, they said, "You need to be with us a few months, and then you will get salary, some money, and go outside Afghanistan." And they took me to Kabul. Unfortunately, when I was in Kabul, the second month they didn't give me anything. The third month, they didn't give me anything; and after three and a half months in Afghanistan, they caught me and said I was an American spy.

Presiding Officer: Let me stop you again. We've got a number of questions and I want to make sure that we take them in the right order. Some of your responses are partially answering some of the other questions we have.

Board Member: I'd like to clarify. Your contention is that you joined the Taliban Army, but it was unbeknownst to you that you were part of the Taliban Army? Is that what you're saying?

Detainee: No, exactly I didn't enjoy anything from Taliban. Also, when I was there, I was scared. I hid my religion because when I went inside there, I found that they don't like Shia people and I couldn't tell them that I'm Shia. Also, my goal was not to work with the Taliban, by goal was that I thought if they can help me with some money to go back to Iran, but unfortunately, they didn't and I went to prison.

Board Member: How old were you at this time?

Detainee: I must've been 23 or 24.

Designated Military Officer: So, after you were in Afghanistan, did you think that you could just get back over the border into Iran sort of like how you went from Kurdistan (*North Iraq*) into Iran a few years earlier? You were deported into Afghanistan and you were told you could join the Taliban Army and get some money. Did you think you could sort of run back across the border and hide again in Iran and have the same or similar job?

Detainee: Yes, I thought this. I thought that if I found some money, I could go. It was easy for me because I speak the language.

Designated Military Officer: So, did you try to get back in Iran?

Detainee: Yes, I tried, but I couldn't find money to go.

Presiding Officer: How much did it cost?

Detainee: I don't know the dollar amount, but I would guess maybe \$50.

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Presiding Officer: Very good.

Designated Military Officer: You had talked about when you were in Iran and they discovered that you were working there illegally. How were you able to sort of trick them that you were an Afghani and that they would send you back to Afghanistan rather than Iraq?

Detainee: The truth is I didn't trick them. There are two things that helped me. First, I know the language because the Afghani people and the Iranian have the same language, Farsi. And the thing that helped me is that the place that I was was closer to Afghanistan than to Iraq.

Designated Military Officer: Have you heard from your family since you've been here at GTMO?

Detainee: Yes, I have letters and pictures.

Designated Military Officer: And if you were to return to Iraq, what would you do?

Detainee: I have two or three plans for myself. When I go back to my home, I will get married and will make a small home for myself and I will try to open some shop to work. Also, I thought I would have a small café. Also, my interests or hobby is that I draw. I am an artist.

Administrative Review Board Member's questions:

Board Member: Mr. Arkan, what is your education level?

Detainee: In Iraq, I studied for the 4th grade in elementary. Outside of school, I was reading and got all of my education from the books that I've read.

Board Member: You've never received any engineering training?

Detainee: No.

Board Member: Why did you use so many aliases?

Detainee: I didn't use any names, just one name Islam Abdul Rahman Al Hashimi. When I went to Kurdistan (*North Iraq*), there was a resistance group against Iraq. I lived with them. They said if anyone lives with them, we are supposed to hide their name because the Iraqi intelligence will hurt our families. That is why I gave this name to myself.

Board Member: What did you do in Kabul for three and a half months?

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Detainee: I was north of Kabul. They called it the front line, but there wasn't any fighting there. There was a house for the people and we were sitting with other people at that house.

Board Member: Is that the Arabic house?

Detainee: I cannot say it is Arabic house. There were some Arabic people there, but I don't think so, because they got food from the Taliban.

Board Member: Have you ever been associated with any known al Qaida member?

Detainee: I swear to God, I was never.

Board Member: Were you ever involved in combat operations at all?

Detainee: Thanks be to God, I've never entered any battle, and when I was there, there was no battle happening.

Board Member: Have you ever been to London?

Detainee: No. The FBI interrogators told me that someone named Saleh Ahmad (3849) who was with me in the Taliban prison said this thing about me.

Presiding Officer: But it's all untrue?

Detainee: It's all untrue.

Presiding Officer: So, what you're saying is that all of the statements that were related by this person who was in prison with you are all lies. Is that right?

Detainee: Everything that they say is a lie. Trust me. I am trying to supply to you as much as possible. Everything you read in this statement that I was or I claimed, I wasn't and I didn't claim to the interrogators. Many detainees will tell you that I claimed or I told them that, but I didn't.

Board Member: Have you ever been to Malaysia?

Detainee: I only went to Kurdistan (*North Iraq*), Iran, and Afghanistan.

Board Member: What are your views and feelings concerning the 911 attack on the World Trade Center?

Detainee: I disagree with this thing. I don't know exactly what happened, only my own information that I know that the Arabic people broke the building and people died. I know these things, but I disagree. My faith and my belief is that in the Koran we are not supposed to kill everybody. You should not kill anyone. It also says an eye for an eye

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and tooth for a tooth. But if we kill you, we will be afraid that we will be killed, too. If you read about the Shia faith, you will not see anything from jihad. We don't believe in these things. We don't have this jihad or killing people or fighting people because of religion.

Board Member: What are your views and feelings concerning Usama Bin Laden?

Detainee: He's a bad person. I don't agree with him. Look what he's done to me. This is all because of Usama Bin Laden.

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

Detainee: I am very thankful for the American people, just because they took Saddam from the government. Saddam government for more than 25 years hurt us and injured the Iraqi people. Specifically, when I was a child, my father was tortured in the Army. He went into the Army and didn't come back. He was missing in Iran. Me and my mother and my sisters we couldn't live in Iraq in peace inside a house. We don't have our own house; we rented a house.

Board Member: So, you believe it is a good thing?

Detainee: Yes.

Board Member: Do you support democracy in Iraq?

Detainee: I support democracy.

Board Member: What was your rank in the Iraqi Army?

Detainee: A soldier.

Board Member: What was your job?

Detainee: Infantry.

Board Member: If all the allegations are false, why are you here at Guantanamo?

Detainee: Unfortunately, I am here in Cuba because they forgot the reason they brought me here. If you read in my file you will find that they brought me here to get some information about the al Qaida. Unfortunately, the detainees say something about me, and the interrogators that handle my case from then until now won't believe anything I say because he forgot the reason I came here. Unfortunately, because the interrogators change all the time, most of them don't read the reason that I came here or they don't care most of the time. And also, the detainees say something against me and this is a very difficult thing.

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Board Member: Your education level is 4th grade?

Detainee: Yes.

Board Member: You seem very intelligent, bright, and a good artist?

Detainee: Thank you very much. In my culture, I like to draw and a read a lot of books.

Board Member: So, you really like to learn from books and things of that nature?

Detainee: Yes. Now, if I have the chance to study again in school, I will.

Board Member: In the Iraqi Army, I would assume that you did well because you like to read and you could read about the requirements and the work that went on in the Iraqi Army?

Detainee: Unfortunately, it is not like this. In the Iraqi Army, I was 18 and 19 years old. For two years, I didn't think about that. My financial status at that time didn't let me think about what I wanted to think about because I had to serve in the Army. Also, they gave me a hard time to go back to my family; they didn't let me live my life how I wanted.

Board Member: So, poor pay made it difficult to get home?

Detainee: Yes, exactly.

Board Member: So, you decided to leave the Iraqi Army and go to Kurdistan (*North Iraq*)?

Detainee: Yes.

Board Member: How far was it from where you were stationed to Kurdistan (*North Iraq*)?

Detainee: It is very close; maybe from where I was stationed it was maybe three or four kilometers.

Board Member: So, you walked?

Detainee: Yes. I walked less than two hours to reach there.

Board Member: When you were there, you said it was very difficult to work?

Detainee: Yes. Unfortunately, I didn't see this. I thought that I was new in Kurdistan (*North Iraq*) and I would start over. But, unfortunately at the time, I found that I made a

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very big mistake, not because I escaped from the Army. Unfortunately, I couldn't go back. If I found the chance to go back, I would.

Board Member: So, then you decided to go to Iran?

Detainee: Yes.

Board Member: How did you get to Iran?

Detainee: Between the border of Kurdistan (*North Iraq*) and Iran, there were people smuggling tea. From there, you hide from the Iranian soldiers until you get to the Iranian city there. From this city, you can go by bus. In Kurdistan (*North Iraq*), there is a coffee shop. The people who are taking tea, most of them are in this café. If you want to go to Iran, you just need to tell them, and they will take you to Iran for money.

Board Member: How much money?

Detainee: I don't know exactly, but it was like 18,000 Dinar.

Board Member: How many days did you have to work to make that money?

Detainee: In Kurdistan (*North Iraq*), you need to be with one of companies to get salary. One salary is enough to get there.

Board Member: You worked in Kurdistan (*North Iraq*)?

Detainee: Yes, I was working for 11 months or one year with the INC of Chalabi.

Board Member: So, you did find work in Kurdistan (*North Iraq*)?

Detainee: Yes.

Board Member: How long did you work there before you went to Iran?

Detainee: From the end of 1994 until 1996.

Board Member: You left the Army in 1995? Is that right?

Detainee: In the end of 1994, December.

Board Member: You went to Kurdistan (*North Iraq*) and found a job?

Detainee: It is not like you think of work. There were people against the Iraqi government that were there. Also in 1996, the Iraqi Army went into Kurdistan (*North Iraq*) (*North Iraq*). The one city that they did not come in is called Dehook. When the

Army came into Kurdistan (*North Iraq*) (*North Iraq*), all of the INC went to Dehook, and from Dehook, they went to Turkey.

Board Member: So, you made more or less money in Kurdistan (*North Iraq*) than the Iraqi Army?

Detainee: More, maybe twice or three times as much. But also all of the INC went to America because the Saddam Army came to Kurdistan (*North Iraq*).

Board Member: So, you went to Iran because you were worried about the Iraqi Army capturing you?

Detainee: Not exactly. It was because the INC, the people that I worked with, all of them went from Kurdistan (*North Iraq*).

Board Member: So, everybody left?

Detainee: Everybody left from Kurdistan (*North Iraq*) to America.

Board Member: And, so, no more work?

Detainee: There is work, but it is very difficult to find work.

Board Member: But you were still working when they left?

Detainee: No, I didn't have work. In 1996, when the Saddam Army invaded Kurdistan (*North Iraq*), the political parties left and went to Turkey.

Board Member: So, what was your motivation to go to Iran?

Detainee: Life was difficult in Kurdistan (*North Iraq*).

Board Member: But it was a better life than you had in the Army?

Detainee: Yes. But it was a better life in Iran than Kurdistan (*North Iraq*).

Board Member: Why didn't you go back home instead of Iran?

Detainee: Unfortunately, I couldn't because the Iraqi Army was at the border. If they caught me, they would kill me or at least put me in a very hard Iraqi prison.

Board Member: So, there wasn't any Iraqi Army on the Iranian border?

Detainee: No.

Board Member: So, you go to Iran. I guess all your money was spent on getting there?

Detainee: Yes.

Board Member: So, now you're in Iran with no money?

Detainee: I had enough money for one or two days.

Board Member: And you were able to find work there?

Detainee: Yes, it is very easy to find work in Iran.

Board Member: What did you do there?

Detainee: The person that took me from Kurdistan (*North Iraq*) to Iran helped me.

Board Member: What was his name?

Detainee: I don't know. It was a long time ago, but he took me to Iran to a community that was mostly Iraqi POWs that worked there. It was very easy to get a job. I worked for a shoe company.

Board Member: How much money did you make?

Detainee: They gave me every day enough to live with.

Board Member: Who are they?

Detainee: The people I worked for.

Board Member: Do you know the name?

Detainee: I don't remember.

Presiding Officer: Maybe you'll remember later.

Board Member: Do you remember any other people you worked with?

Detainee: A lot of people worked, coming and going.

Board Member: Did you make any friends?

Detainee: Yes. I have friends that lived in the same place.

Board Member: What are their names?

Detainee: One was name Muhammad Najafi. I don't understand why you need my friend's name.

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Board Member: Just some friends that you hung around with while you were not working.

Detainee: Muhammad Najafi was very close to me.

Board Member: So one friend that you remember?

Detainee: I cannot tell you I cannot remember a lot, but he is the person I think about when I answered your question. If you want more, I can't give it to. You asked about a good person that was my friend, and that's this one.

Board Member: A good person or bad person, I don't care. I just want names of friends.

Detainee: Muhammad.

Board Member: Was Muhammad Iraqi?

Detainee: Yes.

Board Member: Did he also go to Afghanistan when the Iranian's came?

Detainee: No. He was legal in Iran.

Board Member: And once the Iranian police began to look for Iraqi illegal people, you decided to go to Afghanistan?

Detainee: No.

Board Member: They wanted you to go to Afghanistan?

Detainee: No. I left the city that I worked in to go to Meshed, because I didn't want them to catch me and put me in prison. When I went to Meshed, I worked there.

Board Member: A different job?

Detainee: The same job. Unfortunately, after two months, they caught me. At the place that I worked, had a verity of nationalities, most of them Afghanis.

Board Member: So, they caught you and said you had to go to Afghanistan?

Detainee: When they caught us, they took everything that we had, money and papers, everything. Most of the people were Afghanis and some Iraqi. I didn't tell them I was Afghan. I just shut up. They knew I spoke Farsi and they thought I was Afghani and they sent me to the border.

Board Member: And now you want to go back home and you have no money?

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Detainee: No money. When they put me on the border, they took everything I had, so I didn't have a choice except to go with these people. We went to the market. I asked what to do now, and they said to go to the Taliban and they will help you and give you some money. So, I went to the Taliban people to ask for help.

Board Member: So, the Taliban said they'd give you money, but you must fight?

Detainee: The Taliban people advised me that they wouldn't give me money, but that if I wanted to stay with the Taliban for a few months, they would give me some salary to go home. Unfortunately, I said okay.

Board Member: How were you captured?

Detainee: I met Abdul Rahim in the house I was in. The Arabic people captured him, and they asked him who helped you, who was with you, and he said a lot of names, and one of them was me. He said that I was spying with him for the United States. This is how they caught us in Kabul. From Kabul, they sent us to Kandahar to the Arabic House. We sat there for two months and fourteen days, and after that, they sent us to Taliban prison.

Presiding Officer: This is when they thought you were working for the Americans?

Detainee: Yes. It was 15 January 2000.

Board Member: Tell me how you were turned over to the Americans?

Detainee: In the end of 2001, we were in a prison that had maybe 800 people. When the Taliban left and the government came to the prison, I was in the second section and they took me from that prison to Kabul. I stayed in that prison for almost three months. After that an American interrogator met me there, and asked me about this thing, and he said that in two weeks we will take you to the American Camp and he brought me to the American Camp.

Board Member: What did he tell you that he was bringing you to the American Camp for?

Detainee: He didn't tell me. He just asked me about my name and my issue, and I explained how I got in prison, and he said, "We will move you to the American Camp in Bagram." And then they moved me after two weeks.

Board Member: So, you basically told him the same story you told me about being in the Iraqi Army?

Detainee: No, they didn't ask me that many questions. They asked me my name and the date I went to Afghanistan, and they asked me about my issue and how I got in the prison. Unfortunately, I told him that they don't like the Iraqi people and they hurt them.

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I told the American interrogator that I know some Arabic that were in Afghanistan and I have some information and if you want to know it, you will take me from this prison. And he said okay.

Board Member: And eventually, you ended up in GTMO?

Detainee: Yes. After three months from the Taliban prison, I went to Bagram for 15 days. After that, they moved me again to Kandahar at the American Camp. I stayed there for two months, and after that they brought me here.

Presiding Officer: How many languages do you speak?

Detainee: Three.

Presiding Officer: English, Farsi, and Arabic?

Detainee: Yes.

Presiding Officer: Any French?

Detainee: No.

Presiding Officer: Portuguese?

Detainee: No.

Presiding Officer: Yesterday afternoon, a lieutenant colonel came to talk to you?

Detainee: Yes.

Presiding Officer: He said something to you that changed your mind, what was it?

Detainee: He said it was a good thing to come to supply my own statement to the Board. At first, I didn't want to come, but after he left, I saw these charges that were made to accuse me.

Presiding Officer: Did you become despondent?

Detainee: After reading all those accusations with the respectful officer, I concluded that a lot of those things were fabricated to condemn me and accuse me, not to bring in the truth or say that I'm innocent. It made me suspicious.

Presiding Officer: What did he tell you? What made you change your mind?

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Detainee: He told me that the most important thing to get released is to make sure that these four important points are told. He told me that all of you understand that they can't say everything about me.

Presiding Officer: Did this gentleman sitting next to you do a good job for you?

Detainee: Yes.

Presiding Officer: Did the translator do a good job for you?

Detainee: Yes.

Presiding Officer: Have the Americans treated you well here?

Detainee: Yes.

Presiding Officer: What kind of shoes did you make?

Detainee: Ladies and men dress shoes.

Presiding Officer: What did you do? Did you sew or cut leather?

Detainee: It was an assembly line. The pieces to make the shoes were already made and came from the main factory. I did the finishing touches, the metal details.

Presiding Officer: I was curious. At this time, I am granting your request to add any conclusions. What else do we need to know?

The Detainee made the following statement: I think I only want you to please read the charges again and measure my age.

Presiding Officer: We got that.

Detainee: I want you to search out the words that said I was and I claimed and find that it was not me that said this, but someone else.

Presiding Officer: Anything else?

Detainee: Thank you very much.

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

AUTHENTICATION

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



Colonel, USA
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 655

The Administrative Review Board was called to order.

The Designated Military Officer was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

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

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

The Detainee accepted taking the Muslim oath.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board to assist the Detainee in answering the statements.

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Designated Military Officer: (3) The following primary factors favor continued detention: (a.) Connections / Associations: (3.a.1.) The Detainee, who places himself in his late forties, states he has a brother, Zainullah, who is twelve years old.

Detainee: Yes [this is true].

Designated Military Officer: (3.a.2.) Zainullah is the name of a 35-year-old Taliban facilitator, who is suspected of conducting bombings and utilizing improvised explosive devices against U.S. Forces and the International Community of the Red Cross.

Detainee: My brother is very small. He can't eat the food...he is very small.

Designated Military Officer: (3.a.3.) The Detainee said he lived in Taryitmak Village, Deh Rawud District, Oruzgan Province Afghanistan. He said there were three houses in his village. The Detainee lived in one house and his cousin Abdul Khaliq owned the other two.

Detainee: Yes, this house is for Abdul Khaliq.

Designated Military Officer: (3.a.4.) Zainullah's associate in Deh Rawud District, Oruzgan Province was Abdul Khaliq.

Detainee: Abdul Khaliq lives so far from me, I never said that Abdul Khaliq is with me.

Designated Military Officer: (3.a.5.) Mullah Zainullah is the former Taliban district chief of Deh Rawud Village in Oruzgan Province. He is a known associate of Taliban commanders, including Mullah Mohammed Omar, the Taliban Supreme commander.

Detainee: I don't know about this person. I don't know who he is or where he is. I don't know about this person.

Designated Military Officer: (3.b.) Other Relevant Data. (3.b.1.) On 12 April 2002, the Detainee was captured by American forces at a compound utilized by Mullah Berader.

Detainee: I don't know [of] this name, Mullah Berader. I don't know where he is or who he is.

Designated Military Officer: (3.b.2.) Mullah Berader is a Taliban Commander who, along with another senior Taliban facilitator, plotted to kill the current Afghanistan President Hamid Karzai.

Detainee: I don't know...I am a farmer...I was a farmer...I do not know who [Mullah Berader] is.

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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 U.S. prior to their execution on September 11th. He also denied knowledge of any future attacks on the U.S. or its interest.

Detainee: I don't know anything.

Designated Military Officer: (4.b.) The Detainee has never been a member of any terrorist or mudjahidin organization.

Detainee: No, I am not with the terrorist or mudjahidin. I am a farmer.

Designated Military Officer: (4.c.) The detainee is a migrant farmer with no military experience.

Detainee: Yes, I am a farmer.

Designated Military Officer: (4.d.) According to the detainee, approximately 10 months before he was captured, the Taliban came to his village and attempted to recruit him to fight for the Taliban. When the detainee refused, he was tied up and beaten.

Detainee: Yes, the Taliban [came] and they [broke] into [my house]...my mom [came]...she [helped me get] released from the Taliban. My mom knew the Taliban [were] coming...they hit me and beat me...my mom [came] and she [helped get me] released from the Taliban.

Designated Military Officer: This concludes the Unclassified Summary.

Presiding Officer: That is all that is in the Unclassified Summary that the Designated Military Officer has to present.

Detainee: If you read this Administrative Review Board thing...I don't know about this anyway.

Presiding Officer: Khudai Dad, thank you for you cooperation.

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 Detainee interrupts and makes the following statement.)

Detainee: OK. I don't know anything...these people they brought me here...I don't know anything.

The Presiding Officer acknowledged the request.

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Presiding Officer: At this point in the hearing the Detainee will be able to present information to the Administrative Review Board. Assistant Military Officer does the Detainee want to submit any information to this Administrative Review Board? Including written statements, oral statements, or witness statements prepared on his behalf.

Detainee: If you go to Afghanistan and ask someone if they know me...yea I work with these people...it is ok, otherwise I did not know about anything. I was asleep and they took ...

Presiding Officer: Khudai Dad do you have anything else to present to this board?

Detainee: I don't have anything to say. I was asleep, they took me there...in the day time I was farming and that night I came...I have a lot of kids and I want to support my kids. I don't know about anything.

Presiding Officer: I appreciate your cooperation. Did the Assisting Military Officer provide all the information that you wanted us to hear?

Detainee: Yes.

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

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

Administrative Review Board Member's questions:

Board Member: Do you have a brother by the name of Zainullah?

Detainee: Yes.

Board Member: How old is your brother?

Detainee: Twelve years old.

Board Member: Is this a real brother or a Muslim brother?

Detainee: A real brother.

Board Member: Do you have other brothers and sisters?

Detainee: I don't have any other brothers, but I have one sister.

Board Member: How many wives did your father have?

Detainee: Only one, my mother.

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Presiding Officer: Khudai Dad, Abdul Khaliq...it says here he is your cousin is that correct?

Detainee: Yes.

Presiding Officer: Does he own the other two houses in the village you live in?

Detainee: Yes.

Presiding Officer: Mullah Berader do you know whom this individual is at all?

Detainee: No, I heard his name and somebody showed me so far...no I don't know [him].

Presiding Officer: One last question; what are your plans when you return to Afghanistan?

Detainee: I want to go [back] to farming because I have a family. I want to support them. Right now, I don't know what they are doing...what they are eating...because I don't know.

Presiding Officer: Thank you.


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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Colonel, USMC
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 659

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Detainee accepted taking the Muslim oath.

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

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

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

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

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 14 September 2005 and lasted 70 minutes. After a review of the Administrative Review Board's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, the Detainee said, "I don't have any problem with that." A follow up interview occurred on 15 September 2005 and lasted 5 minutes. The Detainee was given a copy of the translated Unclassified Summary of Evidence for his records. The Detainee was polite and cooperative during the interview.

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

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

Designated Military Officer: The Detainee fought in Bosnia in 1995.

Detainee: I have never been in Bosnia.

Designated Military Officer: The Detainee traveled from Tunisia to the United Kingdom via Italy, passing through Rome, Naples, and Sicily.

Detainee: I traveled from Algeria to the United Kingdom not from Tunisia...I mean I traveled from Algeria to Italy.

Presiding Officer: How did you get to the United Kingdom?

Detainee: I got to the United Kingdom by plane from Rome, Italy.

Designated Military Officer: In the summer of 2001, the Detainee traveled to Jalalabad, Afghanistan where he stayed at an Algerian guesthouse.

Detainee: Yes.

Designated Military Officer: The Detainee traveled from London, United Kingdom to Islamabad, Pakistan and then was escorted to Jalalabad, Afghanistan.

Detainee: Yes, that is right.

Designated Military Officer: The Detainee volunteered to go see the Al Farouq camp. While visiting Al Farouq, attempts were made to recruit the Detainee and other visitors.

Detainee: I have never been to Al Farouq.

Designated Military Officer: Upon hearing that the Taliban were fleeing, Detainee set out with about 150 others toward the mountains of the Afghanistan and Pakistan borders.

Detainee: There were just 3 of us not 150.

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Presiding Officer: Please clarify. Were there just 3 people you traveled with?

Detainee: Yes.

Designated Military Officer: The Detainee received weapons training during his time in the military.

Detainee: Yes.

Designated Military Officer: While at the Algerian guesthouse the Detainee was trained on small arms.

Detainee: I have never in my life trained in Afghanistan.

Designated Military Officer: The Detainee traveled to the United Kingdom. There he became involved with other Algerians.

Detainee: All that I knew in the United Kingdom was just one.

Presiding Officer: You only knew one person in the United Kingdom?

Detainee: He is the one that helped me go to Afghanistan.

Presiding Officer: While you were in the United Kingdom whom did you associate with? The question is more dealing with whom you associated with while you were in the United Kingdom and not who got you there.

Detainee: When I went through the interrogation I gave them all of the names and details about the people I hung out with.

Presiding Officer: How many [people] were there?

Detainee: [There were] a lot of them and most of them [were] Algerian.

Presiding Officer: Thank you. We will ask more questions later.

Designated Military Officer: While at the Finsbury Park Mosque, four individuals attempted to recruit the Detainee to go to Afghanistan.

Detainee: This is not true.

Designated Military Officer: The Detainee gave money to the Finsbury Park Mosque. He later found out that part of the money went to fund individuals going to Afghanistan and other areas of the world where jihad was being fought.

Detainee: This is not right.

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Designated Military Officer: The Detainee was eventually told that he "needed to go to Afghanistan".

Detainee: He explained to me and he advised me to go to Afghanistan.

Designated Military Officer: The Detainee socialized with four men at the Algerian house. Two died in the bombing of Afghanistan and two died at the border between Afghanistan and Pakistan.

Detainee: That is right.

Designated Military Officer: The Detainee was intentionally deceptive during questioning.

Detainee: Which interrogation?

Presiding Officer: We do not know specifically.

Detainee: Who was the one interrogating me?

Presiding Officer: During the interrogations by the U.S. they say you have been deceptive. Is this true or false?

Detainee: I would like to listen to the question one more time. *(The translator repeats the question.)* Yes, that is right.

Designated Military Officer: The Detainee has recounted the details of his travel from Algeria to Italy, including his purchase of a fake identification.

Detainee: Yes, that is right.

Designated Military Officer: In 1992, the Detainee served in the military. The Detainee deserted the Algerian military.

Detainee: Yes.

Designated Military Officer: The Detainee deserted the Algerian military because of bad food and poor treatment. He also resented being sent to the front lines to fight mujahedin. He disliked fighting mujahedin.

Detainee: Yes.

Designated Military Officer: The Detainee acknowledged having been told that something would happen to the United States within one week of the September 11th attacks.

Detainee: I was lying to the interrogator.

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Designated Military Officer: The Detainee, at a later time, when asked to discuss his time at Al Farouq, stated it was "one of the lies". He had never been to Al Farouq.

Detainee: Yes.

Designated Military Officer: The Detainee is a strong supporter of the Al-Jibhat Al-Islamia Al-Inqatha, elsewhere referred to as the Islamic Liberation Front (ILF). Though not a member himself, the Detainee supports the group. He loves the ILF because of its opposition to the Algerian government, which is largely corrupt.

Detainee: Yes.

Designated Military Officer: The Detainee fled to cross the border into Pakistan, but was captured by the Pakistani Army.

Detainee: Yes.

Designated Military Officer: As he and others were transported from the scene of arrest, there was a bus accident. The Detainee escaped, but was recaptured.

Detainee: Yes.

Designated Military Officer: The Detainee denied ever having been to Bosnia. He admitted saying this in the past and that it was a lie.

Detainee: I never said anything about Bosnia and I never lied about Bosnia.

Designated Military Officer: The Detainee does not like the Algerian government as it has become corrupt, with mafia style leadership.

Detainee: Yes.

Designated Military Officer: The Detainee left Algeria because he hated the country. He denied going to fight jihad and denied being a member of al Qaida.

Detainee: I don't hate Algeria and I am not with al Qaida.

Designated Military Officer: The Detainee knows nothing of Usama Bin Laden or any ties between ILF and the al Qaida and Taliban.

Detainee: Yes.

Designated Military Officer: The Detainee denies knowledge of any rumors or plans of future attacks on the United States or United States interests.

Detainee: I don't know anything.

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Designated Military Officer: The Detainee has stated that if the "United States is killing innocent civilians like we are told, that is not right, but if they are just fighting with the Taliban and other armed groups, I do not have a problem because I am not part of any of it."

Detainee: Yes.

Designated Military Officer: The Detainee does not feel that the United States is a threat to Islam as a religion, just to groups that use Islam as a reason to fight against the United States. He does not agree with using religion as a reason to fight because that is not what Islam is about.

Detainee: Yes.

Designated Military Officer: The Detainee was queried regarding any knowledge or planning of internal uprisings at the Guantanamo Detention Facility, with negative results.

Detainee: I don't know anything about this.

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

The Presiding Officer acknowledged the request.

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

The Detainee made no statement.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: You were in London for quite a while. How did you support yourself?

Detainee: How was I living?

Board Member: Yes.

Detainee: The government gave me some money because I applied for political asylum.

Presiding Officer: The British Government?

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Detainee: Yes.

Board Member: Did you live with anyone else?

Detainee: The owner of the house.

Board Member: Was he an Algerian?

Detainee: No, he was Jamaican.

Board Member: When you went to the mosque in London what kind of messages would you hear?

Detainee: [Messages] about everything.

Board Member: Did you hear about jihad?

(The translator asks for clarification of the question.)

Presiding Officer: He is asking that when you were at the mosque did you ever hear a message calling for jihad?

Detainee: He was [talking about] go[ing] to jihad, but if you want to go you can go.

Board Member: What was your purpose in going to Afghanistan.

Detainee: To immigrate.

Board Member: What were you going to do there?

Detainee: The living there is cheap and easy and you can live in an Islamic country.

Presiding Officer: But, what were you going to do for a living? In the United Kingdom the government supported you. How were you going to live in Afghanistan?

Detainee: In Afghanistan there were charity groups that helped me get food and plus the Afghanistan Government gave me a piece of land to build a house...when I ask they will give it to me. I was living in an Algerian guesthouse and they gave me everything.

Presiding Officer: You said the government, was it the Taliban government that gave you...

Detainee: If I ask, they will help me. The kind of help that the Afghanistan government will give me...the piece of land; once you finish building the house they will give you gas, electricity, and water.

Presiding Officer: I asked if you were talking about the Taliban government.

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Detainee: Of course.

Board Member: Do you speak any Afghani languages?

Detainee: I did not have enough time to learn the language I only stayed 3 and half months.

Board Member: When did you first learn about the attacks on the United States that occurred on the 11th of September 2001?

Detainee: When the bombing started in Afghanistan we knew from that.

Board Member: The bombing started in October, you did not know before that?

Detainee: Yes, I knew about the attacks.

Board Member: When did you find out about that?

Detainee: I can't tell you exactly.

Presiding Officer: You heard about September 11th, the attacks on the World Trade Center, you heard about that before the bombing started.

Detainee: Yes, of course.

Board Member: Do you recall who told you?

Detainee: All of the people heard about it. Why would [I be the only one] that heard about it?

Board Member: I know that they did not have a lot of news agencies there.

Detainee: We knew because people started leaving their houses.

Board Member: You are a supporter of this group call the Islamic Liberation Front?

Detainee: In Algeria?

Presiding Officer: Where were you a member of the Islamic Liberation Front?

Detainee: I have never been a member of any party.

Presiding Officer: Okay. Where did you support it? Where did you [know] about it? You told us earlier that you liked them. You said 'yes' when we read that [allegation].

Detainee: Yes, but I am not a member.

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Presiding Officer: Okay, but where did you hear about them? In Algeria, the United Kingdom, where?

Detainee: In Algeria because that is where they started.

Board Member: What was it about their philosophy that you supported?

Detainee: They don't like dictatorship of the government and they are trying to do a coup or get rid of that government.

Board Member: Do they encourage violence against it?

Detainee: The Islamic Liberation Front does not like violence, but the government like[s] and start[s] the violence.

Board Member: Do you speak English?

Detainee: Very little.

Presiding Officer: How long did you live in the United Kingdom?

Detainee: A year and a half.

Presiding Officer: You don't know English?

Detainee: I forgot about it in Cuba.

Board Member: I have a lot of questions for you.

Detainee: I'm here.

Board Member: How old are you?

Detainee: 33 years.

Board Member: 33 years. You said you left Algeria because you hated the government, is that right?

Detainee: Yes.

Board Member: Why did you hate the government?

Detainee: The country had a lot of sources. They are so rich, but the people are so poor.

Board Member: Were you poor?

Detainee: Yes.

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Board Member: How did it affect you personally?

Detainee: I could not build my own life.

Board Member: So you left for Italy?

Detainee: Yes.

Board Member: What year was that?

Detainee: End of 1999.

Board Member: In 1998, Usama Bin Laden issued a fatwa. Do you remember that?

Detainee: I knew about Usama Bin Laden when I was in England after I bought videotape.

Board Member: You didn't know about him in Algeria?

Detainee: We have enough problems in Algeria. We don't want to know any overseas...

Presiding Officer: What kind of videotape?

Detainee: Its just [a] videotape.

Presiding Officer: Was it very supportive of Usama Bin Laden?

Detainee: It was about the life experience in Afghanistan and the war between the Afghanistan and Russia.

Presiding Officer: Did you go to Afghanistan because of the information on this tape?

Detainee: No, I didn't go because of the tape.

Presiding Officer: Thank you.

Board Member: You went to Italy. Do you speak Italian?

Detainee: No.

Board Member: A little bit?

Detainee: I just spent days in Italy.

Board Member: Just days! You went to Italy and then from there you went to? U.K.

Detainee: Yes.

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Board Member: Did somebody help you once you arrived in Italy to get to the U.K.?

Detainee: Help with what?

Board Member: Travel, taxi, place to stay?

Detainee: This is very obvious. I know the hotels and I know the buses I can use. This is something I know.

Board Member: So you were comfortable with getting around Rome by yourself?

Detainee: In language? No. But going from place to place, yes.

Board Member: How did you get the money?

Detainee: What do you mean in Algeria, in Italy? When I left Algeria I had money on me.

Board Member: When you left you had money?

Detainee: Yes.

Board Member: Where did you get the money?

Detainee: I worked. I was a painter and I worked in a pizza place.

Board Member: What neighborhood did you live [in] when you got to the U.K.?

Detainee: Gatwick.

Board Member: There is more than one mosque in London?

Detainee: I went to two mosques.

Board Member: Why did you pick Finsbury mosque as one of them?

Detainee: There were a lot of Algerians. They have a coffee shop around the mosque.

Board Member: The Finsbury mosque. Did you sell anything outside the mosque?

Detainee: I didn't have enough time.

Board Member: Why didn't you have enough time?

Detainee: I was studying, reading. My brother bought a house there and I was remodeling my brother's house in England.

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Board Member: Did you think about coming to the United States?

Detainee: From England?

Board Member: From England?

Detainee: No.

Board Member: Think about Canada?

Detainee: No. It's so far. I didn't want to go far away.

Board Member: Were you happy to be in England?

Detainee: I wasn't happy, but I just got there. I was trying to...there's a lot of paper[work] to fill. I had to go back and forth to the department to talk to them. The problem with that...they don't give you those things easy.

Board Member: But England was better than Algeria?

Detainee: Yes. Some [things are] better in England and some [are better] in Algeria.

Board Member: There were some Internet cafes close to the mosque?

Detainee: I didn't see any. I was going to a big area there and I would sit.

Board Member: There were some coffee shops close to the mosque?

Detainee: The mosque is up there and the coffee shops are on the bottom.

Board Member: Did you spend a lot of time there?

Detainee: If I didn't have anything or I [was] not studying, yes, I would go there.

Board Member: Back in Algeria, did you voluntarily join the military or were you conscripted?

Detainee: No. Almost everything you want to do in Algeria you have to have a military identification; for that reason I went and join[ed] to have that identification.

Board Member: You didn't want to join and fight the mujahedin?

Detainee: No.

Board Member: Who's the Imam at the Finsbury mosque?

Detainee: On Fridays, Abu Hasam; on regular days many of them.

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Board Member: At that point, somebody within the mosque asked you to go to Afghanistan?

Detainee: Yes.

Board Member: Why?

Detainee: Just advised me and told me this and that.

Board Member: Explain to me why you left Algeria. You went to Italy. You get to London. You applied for political asylum and you go from a Western country to Afghanistan?

Detainee: The freedom in Afghanistan is more than England. In Afghanistan they don't ask you to bring any money with you or any documentation. People would help you and it's simple there.

Board Member: We asked you about that video that you saw of Usama Bin Laden. You knew that he was in Afghanistan.

Detainee: Yes, I knew.

Board Member: You knew he was al Qaida?

Detainee: I didn't know about al Qaida. All that I knew is that I saw Usama Bin Laden in videotape.

Board Member: Did you think you would see him when you went to Afghanistan?

Detainee: No.

Board Member: You knew they were fighting?

Detainee: I didn't know there was fighting, but I knew the Russians left Afghanistan. There was opposition too. There was [a] fight between them. Sometimes they fight.

Board Member: Did you know about the Taliban?

Detainee: Yes, I knew the government of Afghanistan was [the] Taliban government. Everybody knows through the T.V.

Board Member: You left London; you had a pretty good life in London...

Detainee: Not that good, good. There were problems.

Board Member: What problems?

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Detainee: It's daily problems. When you go to get the house, those people who applied for political asylum...the owner he would ask for the money or he didn't get the money, I couldn't get in, I had to go back...that kind of problems.

Board Member: Did you ever hear about your political asylum application?

Detainee: I have political asylum in [England].

Board Member: What was your reason? What reason did you give them?

Detainee: I escaped from the military court, because I left the military. I have a problem with the government, that's all.

Board Member: Were there al Qaida members within the Finsbury mosque?

Detainee: I don't know any members of al Qaida or Taliban in England. I went for prayer. After that we would leave and go to the restaurant or to the coffee shop.

Board Member: Did you hear any fatwas out of the mosque?

Detainee: I didn't hear it.

Board Member: Do you agree with Usama Bin Laden and what he stands for?

Detainee: I never heard him saying something.

Board Member: Why do you think you're here?

Detainee: They arrested me Pakistan while I was leaving Afghanistan. Usama Bin Laden was in Afghanistan...when they arrested me they thought I was with Usama Bin Laden, because I was leaving Afghanistan.

Board Member: Do you think you are a threat to America?

Detainee: You figure it out.

Board Member: Thank you.

Presiding Officer: We'll all figure it out. That is what were here to do.

Detainee: I gave all that I have for the [past] four years. You can decide.

Presiding Officer: Okay. Your family, you mentioned a brother. Is he still living in London?

Detainee: Yes, he's married and he has his house there.

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Presiding Officer: How about the rest of your family where are they?

Detainee: In Algeria.

Presiding Officer: Have you ever been to Tunisia at all?

Detainee: Yes.

Presiding Officer: Okay. You mentioned that you didn't get any weapons training in Afghanistan, but you did get weapons training in the Algerian army. Did you ever carry any weapons or fire any weapons at all when you were in Afghanistan?

Detainee: There [was] no reason to have a weapon on me or to shoot.

Presiding Officer: The Algerian safe house you stayed in, in Jalalabad, did you see anyone there who had weapons?

Detainee: Yes, there were weapons there.

Presiding Officer: Who had those?

Detainee: In that house, there was a small room; there were weapons there.

Presiding Officer: Who used those weapons and what did they use them for?

Detainee: I was new there. I didn't ask.

Presiding Officer: How long were you there in the safe house?

Detainee: Three months and some days.

Presiding Officer: You lived three months, how many other people were in that house?

Detainee: I could not tell you exactly, because they were moving in and out.

Presiding Officer: Roughly, how many?

Detainee: People go in and out. I can't tell.

Presiding Officer: 100?

Detainee: I don't know. You can put a 100 people there.

Presiding Officer: 10?

Detainee: More than 10.

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Presiding Officer: Okay, you have a small amount of people there and you have weapons and you have no idea who's using them or what there for?

Detainee: There was no war in Jalalabad. Why [would] they use the...

Presiding Officer: Did any of the people in that safe house did they go fight the Northern Alliance?

Detainee: I don't know.

Presiding Officer: Did they fight any, were they all very supportive of the Taliban?

Detainee: Everybody loves the Taliban, because [the] Taliban was following God's law.

Presiding Officer: I'm asking you if the people who lived in that house...did they use weapons at all in support of the Taliban?

Detainee: All that I know is that I was living in that house. In the morning they take food, breakfast, and there was a river close and we would go and take a shower there and come back. We pray.

Presiding Officer: Do you know what the other people were doing there? You were just waiting for three and half months just showering and eating. What were the other residents doing just showering and eating?

Detainee: I cannot ask people what they are doing.

Presiding Officer: You didn't ask people. You live with them for three and half months...

Detainee: I knew just four people and I gave their names.

Presiding Officer: Those four people are the ones who died?

Detainee: Yes.

Presiding Officer: You don't know any of the people who were staying in that house. None of them were fighters?

Detainee: Even if he was a fighter, he's not going to come and tell me, "I am a fighter." He would come and drink a coffee or eat with us and leave.

Presiding Officer: What kind of weapons?

Detainee: All Russian made.

Presiding Officer: Anything more than guns. Were there any bombs?

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Detainee: I didn't see any bombs. Kalashnikov, pistols...Kalashnikov pistols only.

Presiding Officer: No grenades?

Detainee: I didn't see any grenades.

Presiding Officer: Were the same amount of weapons there everyday or were there different amounts every time?

Detainee: I didn't have the key. I didn't go to that room. I went to the kitchen.

Presiding Officer: I think people were there fighting and you know that.

Detainee: Even if I know, I'm not going to say something about [it], because that's never concerned me.

Presiding Officer: When you were in Italy and you traveled to the United Kingdom, were some of your documents false?

Detainee: From Italy to England?

Presiding Officer: Yes, were they falsified?

Detainee: Yes, yes.

Presiding Officer: Who did that for you?

Detainee: People [who did] that for a living.

Presiding Officer: That's what we're asking. There are people there who gave you false documents and helped you get to the United Kingdom?

Detainee: You pay money they give you whatever you need?

Presiding Officer: You said you found out about September 11th. Do you remember... you said you just heard it on the street no one told you?

Detainee: I heard about it as the others heard.

Presiding Officer: You mention the Islamic Liberation Front, did you ever hear about the Islamic Liberation Front...I know they were against Algeria? Did you ever hear them talk about killing people in the West or killing people in the...

Detainee: They don't have anything to do with the West. They are fighting in Algeria.

Presiding Officer: How about the Taliban when you were in Afghanistan, did you ever hear about them talk about killing non-Muslims?

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Detainee: Taliban have one problem...they don't obey their rules. The opposition of Taliban was Dustum and Massoud.

Presiding Officer: They were fighting against Dustum and Massoud?

Detainee: That's the problem with them.

Presiding Officer: Well, they also supported Usama Bin Laden, who killed many people in the West.

Detainee: They support any Muslim, not just Usama Bin Laden.

Presiding Officer: If we transfer you back to Algeria, what will you do?

Detainee: If they don't kill me in Algeria. I'll find my way. I can live.

Presiding Officer: What kind of work will you do?

Detainee: I did a lot of jobs. I want to work construction, painting houses. I worked in a pizza place and made some hard candies.

Presiding Officer: You think the Algerian government will kill you if you get...

Detainee: The way I left there, yes.

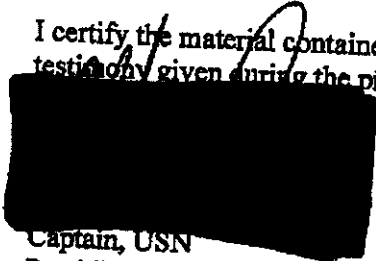
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Captain, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 664

*[] Items identified with this symbol were not initially translated during the board proceedings. They were translated and added during a review of the audio recording of the board proceedings by the linguist and the reporter.

The Administrative Review Board was called to order.

The Designated Military Officer was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

Detainee: Do you understand Arabic?

The Presiding Officer explains to the Detainee that the Board Members do not understand Arabic and were replying to the oath read by the Designated Military Officer and that the Linguist was repeating it in Arabic in order for the Detainee to understand what is being said.

The Assisting Military Officer was sworn.

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

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

Detainee: How can you call me an Enemy Combatant and now you want to find out if I am a threat to the United States? Why are you calling me an Enemy Combatant? How can you decide [that] I am not going to pose a threat to the United States?

Presiding Officer: Rashid, the Enemy Combatant status was determined at your CSRT hearing and we are here now conducting an Administrative Review Board. If we can proceed, there will be a time for questions and at that time you may question your Enemy Combatant Status all you want.

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Detainee: I want to talk about it now. How do they consider me to be an Enemy Combatant?

Presiding Officer: Rashid, it was determined at your CSRT Hearing that you are an Enemy Combatant. We are not reviewing that status, which is why you are here to submit evidence or give your testimony as to why we should consider releasing, transferring, or detaining you further.

Detainee: I refuse that. That piece of paper (*referring to Exhibit EC-A, The Enemy Combatant Notification form*) originally ... they consider me an Enemy Combatant, but with [out] any evidence. I am not an Enemy Combatant; I have never been your enemy at anytime. They are accusing me of being an Enemy Combatant on that paper [without] any evidence. They just decided themselves. I want to discuss the Enemy Combatant [status] before we proceed.

Presiding Officer: I am sorry but we are going to discuss it a little later on in the proceedings. If I may, I am going to continue on and I will give you more opportunity than you...[you can] take as much time as you want to explain it to us in about five minutes. I understand you are claiming that you are not an Enemy Combatant and it was decided by another board, but please give us this opportunity to review your information, hear what you have to say, and then we will make a determination by the end of the day as to what we are going to recommend.

Detainee: How do you want me to continue with this hearing to consider if I pose a threat to the United States while you have already considered me an Enemy Combatant?

Presiding Officer: Again, we are here to review the information, hear what you have to say in regards to some of the charges or some of the information that the board has been presented with so that we can make a decision to release, transfer, or detain you. We have not made a decision and we will not make a decision until we hear what you have to say in regards to the Unclassified Summary, which I understand you were provided a copy of. We have not made a decision prior to coming in here. Please give us that opportunity. We only view you as an Enemy Combatant...that is the title they put on you. They have determined you to be one. Please bear with me as I get to your portion and you will be able to answer and deny any allegations that have been made.

Detainee: OK. I want to let you know that they just wrote there...those two words 'Enemy Combatant'...I don't have anything to do with it. They decided without [me] answering [any] questions or...I never talked with them. There was an argument between me and one of the officers and he [got] mad and that is why they considered me an Enemy Combatant. He said if you want to proceed he [would] come back to this point.

Presiding Officer: Thank you.

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

Detainee: Do not consider me an Enemy Combatant without my knowledge. The paper that the [Assisting Military Officer] handed to you is the paper that considers me an Enemy Combatant. Ask me questions and then let him (*referring to the Assisting Military Officer*) hand it to you.

Presiding Officer: We are going to stick to the procedure that we have. These are answers that you have already provided prior to coming in here and it explains some of the answers you have already given to the Unclassified Summary. We are going to proceed and I *am* going to get to your question period and you can ask us all of the questions you want.

Detainee: OK.

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board.

Detainee: Is the interrogator going to read my answers?

Presiding Officer: Are you referring to the [Assisting Military Officer]?

Detainee: Yes. Who is going to answer me or [Assisting Military Officer]?

Presiding Officer: We are getting there.... I am almost there.

Detainee: I want to go statement by statement or by the whole clause, then I will answer.

Presiding Officer: When I get there I will work that out with the [Assisting Military Officer] and the linguist.

Detainee: Good.

The Designated Military Officer confirmed that he had no further unclassified information and the Detainee interrupted stating the following:

Detainee: I want members of the board to listen to my answers for every single...

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Presiding Officer: And we will. All I was asking the [board members] was if they needed more time to read what the Designated Military Officer read to us. You will have an opportunity to go through each one of those points and answer it either positively or negatively. That will be your choice. We know that some of your answers are here on the Enemy Combatant Election Form that you have already given to the Assisting Military Officer. We have his (*referring to the Designated Military Officer*) paperwork as well as your paperwork in front of us here. I understand that some of your answers contradict what he (*referring to the Designated Military Officer*) just said. So please, I am going to continue if you understand that.

Detainee: Why don't you let me answer or listen to me to answer all of these allegations right now?

Presiding Officer: I am getting real close now. Please bear with me.

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

The Presiding Officer acknowledged the request.

Detainee: Who wants a closed session?

Presiding Officer: The Designated Military Officer may have additional information to provide to the board and at that time we will entertain it. For now, the unclassified session is going to be your opportunity to speak.

Detainee: OK.

As the Presiding Officer is opening the Administrative Review Board to the Detainee to present information with the assistance of the Assisting Military Officer the Detainee interrupts him.

Presiding Officer: Excuse me Rashid.

Detainee: Excuse me! Excuse me! Excuse me, you (*referring to the Presiding Officer*).

Presiding Officer: It's your hearing...

Detainee: Shut up!

Presiding Officer: Rashid, Rashid, please I do not want...

Detainee: Shut up! Shut up! Who wants the closed session?

Presiding Officer: I will at an appropriate time. I will [want the closed session].

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Detainee: Through this meeting you are going to decide if I pose [a threat] or not. Why are you looking for a closed session?

Presiding Officer: If he (*referring to the Designated Military Officer*) has any additional information to provide, he can provide it then.

Detainee: Why doesn't he (*referring to the Designated Military Officer*) present it now as it was written on the paper?

Presiding Officer: Rashid, let me repeat what I said earlier. 'You may examine all unclassified information. However, some documents you examine may be partially masked for security reasons.' For the same security reasons there may be information that the Designated Military Officer is not able to present during this open session.

Detainee: Why doesn't he (*referring to the Designated Military Officer*) present it right now to be clear for you and I?

Presiding Officer: Because it is classified information.

Detainee: You did not explain to me the way this procedure is taking place here. This officer reads something and the other officer answers...

The Assisting Military Officer informed the Board Members that the Detainee wanted him to make a statement on his behalf. The Detainee interrupted stating the following comments.

Detainee: I can read the same thing he (*referring to the Assisting Military Officer*) is going to read. If you want me to I will say it instead of the Assisting Military Officer. Do you want me to read it from the paper or [without] the paper?

Assistant Military Officer: May I interject sir?

Presiding Officer: I thought you said you worked this out prior?

Assistant Military Officer: Yes sir, we did work this out prior.

Presiding Officer: OK. Rashid, is [it] your request now to answer them one by one and if so, I can have the [Assistant Military Officer] go right through the Unclassified Summary and you can respond individually to each one?

Detainee: I changed my mind [and] I want to answer [for] myself now. The circumstances have changed now. I want to answer for myself.

Presiding Officer: That is fine.

Detainee: I promised you [that I would let the Assisting Military Officer answer for me] but I didn't know the real procedure. I want to answer.

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Presiding Officer: That is fine. Let me go over some simple ground rules. Are you going to respond to each one or are you going to pick out the items on the Unclassified Summary that you would like to respond to.

Detainee: [I want to respond to] the Unclassified Summary and the classified portion.

Presiding Officer: Let's start with the Unclassified Summary if you (*referring to the Detainee*) could.

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

Detainee: [I will take the] Islamic oath.

Presiding Officer: Designated Military Officer please administer the Muslim oath.

Detainee: Why do you want me to swear?

Presiding Officer: We do not require you to take the oath. You said that you would take the Muslim oath, so if you do we will administer it. If you do not that is fine with me.

Detainee: I will swear, but for what? Where is the Classified?

Presiding Officer: We are not going to go over the classified information.

Detainee: I am not foolish...*[you are foolish].

Presiding Officer: We are not going to ask you anything that has not already been presented to you and that you have answered. Again, you are not required to give an oath.

Detainee: I am ready to take the oath. I listened to the allegations, but you did not listen to my answers. What kind of ARB is this...*[tar] (*the word 'tar' in Arabic is used to reflect discontentment*)! *[What kind of law is this...tar]! What kind of...what right do you have to talk to me like this and listen just to the unclassified and not listen to the classified? I am ready to answer all of the questions in front of everybody here and the tape recorder. The people here...they are my witness[es]. I am ready to answer all of the allegations the Designated Military Officer read.

Presiding Officer: Rashid, I am going to take that as...since we are not going to present any classified information here I am going to take your answer as a 'NO' for taking the oath and then we can proceed to the section where you are going to be able to answer all the questions you'd like and give us all the information you'd like.

Detainee: Including the classified...

Presiding Officer: I am going to...

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Detainee: ...in front of the witnesses and the tape recorder.

Presiding Officer: Rashid, I am going to ask you to begin...

Detainee: Rashid! *(The Detainee speaks in English stating the following sentence)* Why you no can read good *(referring to the pronunciation of his name)*? I want my name to be read correctly.

Presiding Officer: Rashid, I am going to ask the Assisting Military Officer to read the Unclassified Summary starting with the commitment and hearing your responses to each of the allegations listed there and we will proceed from there.

Detainee: I don't want it this way. This is a [game] and you are the one who created the game and you are the one playing the game. You create the game and you suppose there are players playing the game. Don't take the game only by yourself and the court. What kind of [talk] is this? What kind of people are you? What kind of *[wild] hearts do you have?

Presiding Officer: Assisting Military Officer please begin...

Detainee: *(The Detainee speaks in English stating the following)* Wait, wait, you criminal! I want the Unclassified [Summary to be] read by the DMO and I will answer.

Presiding Officer: I am sorry Rashid, but you don't dictate how we do it and the Assisting Military Officer is the person here to assist you.

Detainee: *[I am not telling you how to do it...] I have rights and the right to talk at this time and I want to talk. It is not right that someone will read the allegations and someone else will answer them. I want to listen to the unclassified allegations and answer for each one of them. I want to listen to [the allegations] one by one and give my answer.

Presiding Officer: Rashid, I am giving you that opportunity right now and the Assisting Military Officer is going to read them one by one and that is how we are going to do it. If you would like to cooperate, fine, if not then we can proceed without you. I would like for that opportunity to happen with you present.

Detainee: That is what I wanted to know. You will read the allegation and then the Assisting Military Officer will read the answer, which is my answer.

Presiding Officer: I am sorry. I was confused. I thought you were going to answer each of the allegations.

Detainee: It is OK. I will answer.

Presiding Officer: The Assisting Military Officer is going to read them to you.

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Detainee: I want to listen to the allegations and I will answer.

Presiding Officer: Please read them.

Detainee: *[Listen, listen] do not treat me...don't deal with me like I am foolish or I don't know. This kind of talk is [as if] you are dealing with [someone who is] stupid.

Presiding Officer: Rashid, I have been very patient with you. I am sorry.

Detainee: *[Patient with me?] Give me allegation and I will answer *[with my on tongue].

Presiding Officer: Please proceed Assisting Military Officer.

Detainee: Wait! Wait! No, I won't [allow] that. Read the allegations one by one and I will answer [them]. I want the tape recorder to tape what I am saying in front of the witnesses. What is the problem if I talk?

Presiding Officer: Rashid, it was just brought to my attention...I am not sure that you know the Assisting Military Officer has each of these allegations that the Designated Military Officer read off. He is going to read the exact same things that the Designated Military Officer read earlier.

Detainee: I want to talk so my voice will be on the tape recorder.

Presiding Officer: That is fine. It should be understood by individuals viewing the ARB that the information we are going to read is the same information that the Designated Military Officer read. So the people...

Detainee: When I came here...the thing (*referring to the ARB process*) is different for me when I came to this room in this case I want to talk.

Presiding Officer: Trust me I want you to be able to talk. I just...the only thing is the Assisting Military Officer is going to read the 'primary factors for continued detention and those that favor your release' and you will respond to every one of them. The witnesses that are here will be able to attest to that.

Detainee: Listen, listen what are you going to lose if I talk? I want to leave right now. Deal with me. Listen to me. (*The Detainee speaks in English stating the following sentence*) Listen to me, from me, understand? Listen to me then listen to the Assisting Military Officer. Listen from me and from him (*referring to the Assisting Military Officer*) not only from me or you (*referring to the Presiding Officer*)...understand?

Presiding Officer: No, I am sorry maybe I don't understand because *we are* going to listen to you. You are going to give us the answers to the...your response to these questions that you disagree with.

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Detainee: *(The Detainee speaks in English stating the following)* What is the problem if you listen to me?

Presiding Officer: We want to listen [to] you.

Detainee: *(The Detainee speaks in English stating the following)* When?

Presiding Officer: Right now. We are going to read the primary factors here on the Unclassified Summary and then you can respond immediately after each one. Maybe there is just a misunderstanding between us, but the Assisting Military Officer is going to read the Unclassified Summary and you are going to be able to respond immediately. If you think we can't hear you then speak up or...the [microphones] pick up everything you say. Trust me...they hear everything I say. Rashid, I'd really like to continue because I think we understand each other...he *(referring to the Assisting Military Officer)* is not going to read his responses that you gave us earlier...you are going to respond to the questions and if you want him to read your responses from earlier that are also listed on [Exhibit] EC-B, that's fine. I will let him read them as well but this is your opportunity to answer and to respond personally to all of these and then to allow us to ask questions if we have any or for you to ask questions of us. The immediate concern would be to get through this Unclassified Summary so you can voice your concerns against anything that might not be correct.

Detainee: I want to talk first and then the Assisting Military Officer translates.

Presiding Officer: He won't be able to translate. Your translator/interpreter is here.

Detainee: *(The Detainee speaks in English stating the following)* OK. No problem.

Presiding Officer: He would have to translate because...no problem?

Detainee: No problem.

Presiding Officer: OK, [instead of going into the] Unclassified Summary let me go into...Rashid, you may begin with your statement.

Detainee: *[Shut up dog! You're worthless...you're at the top of American ignorants...with that face...by what right do you want to listen to me?] You listen from me! Why do you want me to swear when I didn't say anything? I am ready to swear after I say what I need to say. How do I know [that] what is in that paper is right? Your accusing me [of being an] Enemy Combatant and I am not. Let me talk...I trust what he has in his hands...I know [the] same information he knows...but I want to say it myself so that the tape recorder will record my voice. Why do you want me to swear and you don't want to hear it from me? Why don't you want my responses [to the] allegations but you want to hear me swear? I am ready to swear after I say what I want to say. [I will] answer all of these allegations. If you want me to swear you have to let me answer the allegations.

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Presiding Officer: I am prepared to go through the Unclassified Summary right now. We are not worried about the swearing right now. If you'd like to swear at the end, that would be fine with me but again you are not required to swear.

Detainee: I am not going to swear *[at the beginning] until I talk and finish. Give me the classified and I will respond, then I will swear.

Presiding Officer: Are you prepared to continue and answer the unclassified information that the Assisting Military Officer is ready to proceed with? If not, then I will take that as a 'no' and I will ask you another question and we will proceed.

Detainee: I am ready. After I answer...we will have the same answers. He will read it and you will know [if] I am telling the truth or not from what I am going to read from the paper in front of me. There is not going to be any difference between what I am going to say and what is on the paper but I want to talk.

Presiding Officer: What paper are you referring to?

Detainee: Just let me answer and I can respond to you and listen...the paper I am talking about is [the one with] the answers [to the] unclassified in Arabic.

Presiding Officer: Let me understand this; we are going to read from the unclassified and he (*referring to the Assisting Military Officer*) is going to read your answer from what you provided earlier?

Detainee: Yes.

Presiding Officer: Assistant Military Officer could you please begin with the commitment... there is one comment under factors that favor continued detention and then commitment and we will proceed. Thank you for your patience.

Detainee: I want to talk and after that the Assisting Military Officer or I [will talk].

Presiding Officer: Rashid...

Detainee: (*The Detainee speaks in English stating the following*) Him has the same answer from me in Arabic and English. Can if me liar...understand...him has answer...my talk about allegations...and answer from me in language Arabic and English...he can talk with me...understand?

Presiding Officer: Please proceed with your statement. You may begin.

Detainee: I want him to read the allegation first then I will respond.

Presiding Officer: We will deviate so that we may break the [language] gap here.

The Designated Military Officer read the Unclassified Summary of the Evidence.

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Designated Military Officer: The Detainee voluntarily traveled from Saudi Arabia to Pakistan in June or July 2001.

Detainee: Yes, I traveled from Saudi Arabia to Pakistan, but I don't know the date.

Designated Military Officer: Connections/Associations: A list containing the Detainee's name was found on a floppy disk recovered from the raid of an al Qaida residence in Pakistan.

Detainee: I was asked this question before by an interrogator and I responded I lost my passport. I made arrangements with some people to buy some drugs and they came and threatened me with weapons, took my money, personal papers, passport and wallet. They probably got my name from the passport and sold it to al Qaida.

Designated Military Officer: The Detainee's name is on a list of 'trust' accounts of al Qaida Mujahideen found during raids against al Qaida safehouses in Pakistan.

Detainee: Same answer as the previous statement. Maybe the people that stole the passport provided my name to al Qaida.

Designated Military Officer: The Detainee's name is on a list of names, aliases and nationalities recovered during raids of suspected al Qaida safehouses in Pakistan.

Detainee: The person who stole my passport and put the name he wanted to on the list...there is a possibility that they took my name from the stolen passport. That is what counterfeiters do when they put the alias name on a list.

Designated Military Officer: Other Relevant Data. 1. The Detainee traveled to Pakistan to escape possible arrest by Saudi authorities for drug dealing. In Pakistan, he attempted to acquire drugs for resale in Saudi Arabia.

Detainee: Yes.

Designated Military Officer: 2. The Detainee was arrested in Islamabad, Pakistan with several Libyans who were helping Arabs get out of Pakistan.

Detainee: Yes. I was not working for that group, but I asked them for help. That group is an official Libyan group and the son of Ghidaffi, named-Saif Al-Islam, and the FBI is aware of this.

Designated Military Officer: 3. The Detainee stated he is not a terrorist; however he believes Americans are enemies of God. The Detainee explained that because the Koran states Americans are infidels, all fighting against them is justified.

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Detainee: This is a misunderstanding. What I said [was those] who fight the servants of Allah and who fight the religion of Islam are infidels. There is nothing in the Koran that says Americans are infidels.

Designated Military Officer: The following primary factors favor release or transfer: A. The Detainee was identified by a delegation from his country of origin as being of low intelligence or law enforcement value to the U.S. and unlikely to pose a terrorist threat to the U.S. or its interests. Further, the delegation indicated the government it represented would be willing to take custody of the Detainee for possible prosecution.

Detainee: They said that because I don't have any knowledge of the terrorist, government, and organizations. I was never an enemy of Americans. I don't have any problem... I want to be under Saudi Arabia custody and I want to go live there in peace. I know they are going to put me on trial.

Designated Military Officer: B. The Detainee said he had never been in Afghanistan until the Americans put him in prison there.

Detainee: Yes. I agree with that statement.

Designated Military Officer: C. The Detainee denied having any affiliation with al Qaida or the Taliban.

Detainee: Yes.

Designated Military Officer: D. The Detainee denied having any knowledge of the attacks in the U.S. prior to their execution on September 11th and also denied knowledge of any rumors or plans of future attacks on the U.S. or U.S. interests.

Detainee: Yes. I agree with that statement.

Presiding Officer: Rashid, does that conclude your statement?

Detainee: I don't know about the classified...when I get mad I cannot control myself and I would like to apologize. The situation I am in is very hard and the place where I am in detention and the circumstances I am going through makes me be like this. I don't want to be like this. But, what I said before...I was very mad...when someone gets mad and divorces his wife they don't consider it because they are angry. I was very angry.

Presiding Officer: There is no need to apologize. I did want to give you an opportunity to speak.

Detainee: This is for my behavior. I am not apologizing to you because I am scared of you. That was my behavior this way. I am not scared of this place.

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Presiding Officer: Thank you and I understand. Did the Assisting Military Officer's statement he gave earlier provide us with the information you wanted us to hear.

Detainee: I am finished with the allegations. What does the Assisting Military Officer have to say?

Presiding Officer: He does not have anything to say, but the information he presented earlier in the way of your comments, which you repeated, was that sufficient?

Detainee: For this unclassified [session]. Yes, if you want to ask me questions about this I am ready.

Presiding Officer: Thank you. We will get there. Does the Assisting Military Officer have any information to present?

Assisting Military Officer: Sir, I would just like to add during my interview with the Detainee he was very cooperative and polite through both interviews.

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

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

Administrative Review Board Member's questions:

Board Member: Rashid, why did you choose Pakistan when you left Saudi Arabia?

Detainee: There was a soldier citizen named Yosif Shaban, he is from Syria. He told me goods are cheaper in Pakistan. He asked me to go [to Pakistan] and he gave me his name and telephone number and I went there [Pakistan].

Board Member: Where did you get the money to leave Saudi Arabia?

Detainee: I saved some of the money, some from my family, but they did not know I was leaving/traveling.

Board Member: Rashid, did you ever hear any Fatwa's to join the jihad in Afghanistan?

Detainee: No.

Board Member: Where did you learn to speak English?

Detainee: I don't know how to speak [English]. Simple things I can say in English, but [not the whole language]. I had some classes in school.

Board Member: Rashid, how did you meet the Libyans in Pakistan?

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Detainee: After my passport was stolen someone came to me and told me [they could take me to get my passport back from them] and on the way to get the passport, some people in a village [forced me] to get inside. They said someone...someone took us to Peshawar. I escaped because I was scared [of them]. I went to a building and saw some people there and asked them if they know any Arab people. They said yes and led me to the Libyan group.

Presiding Officer: In the unclassified Summary, 3.B.3, did you stay at this suspected safehouse in Pakistan?

Detainee: What do you mean by a safehouse?

Presiding Officer: In the Unclassified Summary it mentions some safe houses in Pakistan that these list of names you are suspected of being on. Your name appeared on.

Detainee: All of the people I met in Pakistan they [all] deal with drugs. I never stayed with people that have a computer.

Presiding Officer: I take that as a 'no' that you did not stay at the safehouse in Pakistan that they are referring to.

Detainee: I do not know those houses. I have never been with [any] people that have any relation [ship] with terrorist or Mujahideen. I was sitting with people that deal with drugs and sell them.

Presiding Officer: Rashid, what will you do when you return to your home country?

Detainee: I will help my brothers on the farm, start family, and live with my family in peace.

Presiding Officer: One last question. Do you have any other skills other than farming?

Detainee: I don't have any knowledge in agriculture, but I will work with my brothers.

Presiding Officer: Thank you.

The Presiding Officer began to read the post-Administrative Review Board instructions to the Detainee and was interrupted by the Detainee with the following question:

Detainee: What is the problem if I stay and comment [on] the classified [information]?

Presiding Officer: Let me finish the Unclassified first.

Detainee: You said you were going to talk about the classified, why don't you want to talk about it now? You promised and you are breaking your promise.

Presiding Officer: No I am sorry, I never promised we would keep you for the classified.

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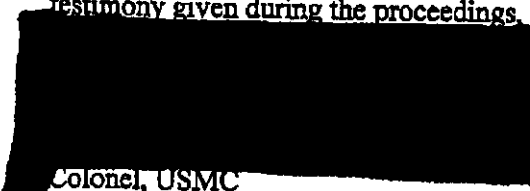
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Colonel, USMC
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 670

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer made a statement on the Detainee's behalf. The Detainee concurred.

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 11 Jul 2005 and lasted 100 minutes. After a review of the Administrative Review Board's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he would like to attend the Administrative Review Board and have the Assisting Military Officer read his response to the Unclassified Summary to help with his preparation. A follow-up interview occurred on 13 Jul 2005 and lasted 60 minutes, during this interview the linguist read back to the Detainee his response to the Unclassified Summary of Evidence to verify the responses were accurate. The Detainee was given a copy of the translated response to the Unclassified Summary of Evidence for his record. The Detainee was polite and cooperative during both interviews.

The Assisting Military Officer read the following comments in response to information in the Unclassified Summary of Evidence:

Assisting Military Officer: In response to the allegation that, the Detainee was a Taliban member, the Detainee stated, "I was not a member of the Taliban. I was never affiliated with the Taliban. We were like prisoners to them. They took over our country and we could not say no to them, or they would kill us. They didn't trust us." In response to the allegation that shortly after joining the Taliban, the Detainee was placed in charge of the 3rd Police Precinct in Mazar-e-Sharif where his duties included conscription and receiving bribes in lieu of conscription, the Detainee stated, "they were the bosses I didn't have any authority. We surrendered to them. They were the decision makers not me. The people who came to arrest and kill my father-in-law...we surrendered to them. That person became my boss. Helmandi Sahib didn't speak Farsi [nor did] any of the other members of the Taliban group. Sahib was there for four days and then went away and he put me in charge and required that I sign papers until his return. When he returned, after two months, I turned over everything to him and I returned to my home. I never got any money from anyone for conscription. This is fabricated. This is my hometown, my own people; I had to live with them. How could I live with them once the Taliban was gone? They would take revenge against me. Also, the Taliban had laws and had tribunals. If anyone harassed you the Taliban would come and catch them and cut off their hands." In response to the allegation that the Detainee, in his role at the 3rd Police Precinct, signed all official government paperwork while he was in charge for two months, the Detainee stated "I already answered that in the previous question." In response to the allegation that, the Detainee was identified as President of the Department of Research and Exploration in Sheberghan Province for 18 months during the late 1990s, the Detainee stated, "Yes I worked in this area this was gas exploration. I stayed at home for two months, and then Sahib directed me to go to the gas exploration area at Sheberghan.

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There was no equipment at this facility and no work. They had no money to drill. Only the body of the machines was left, even the wires were gone. I was there temporarily. They sent their own people and I went home. I was there for six months not 18 months." In response to the allegation that the appointment to the position the Detainee held as President of the Department of Research and Exploration required one to be well educated and connected. The appointment process involved a written proposal submitted to the Prime Minister for careful review before the Prime Minister would issue the appointment order to the Cabinet for final approval, the Detainee stated "there was no Prime Minister, no Cabinet, no functional government, only Sahib decided. This was the very beginning of the Taliban." In response to the allegation that the Detainee was turned over to a commander of Dustum's forces, he was in prison for four months, and then turned over to U.S. Forces as a Taliban and al Qaida operative, the Detainee stated, "I was arrested because I was a businessman; they forced me to give them money. Even prior to the Taliban's occupation they would kidnap the businessman's family members for ransom. Four or five men kidnapped me and wanted \$5,000 (USD) for my release. Because I didn't have the money to pay them off, they turned me over to the Americans." In response to the statement that [four armed men] arrested the Detainee from Mazar-e-Sharif under the pretense of protecting him from Hazra tribes, the Detainee [stated] "[I] was imprisoned when I was unable to pay a \$5,000 (USD) ransom for my release. Four armed men in Mazar-e-Sharif told me that the Hazra tribe might harass me. They told me they would protect me from the Hazra tribe. They told me to come with them to their house for protection. They said they would show me their place and they would bring me back to my place after that. I had no animosity with the Hazra tribe, but I went with them; upon reaching their place they arrested me and asked me for \$5,000 (USD) ransom. Since I didn't have the money they turned me over to the American forces." In response to the statement, that the Detainee was convinced by his father-in-law to join the Taliban because it would keep their family safe, the Detainee stated, "this is correct." In response to the statement that the Detainee claims he was indifferent regarding the Russian government, the Taliban, or the United States, as he was too busy with his business and trying to make money to worry about issues pertaining to their agendas, the Detainee stated, "this is correct." In response to the statement when asked how he felt about jihad, the Detainee stated, "I had no desire for jihad or "other stupid things" (NFI), and that I just wanted to go home, be with my family, and try to restart my business. The Detainee stated he had no knowledge about these things." In response to the statement what he would do if released back to Afghanistan, the Detainee stated, "I would return to my business and family. I told them I wanted to go home because I am a businessman and I don't know anything else except my old business."

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 Detainee made the following statement:

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Detainee: I have one question. I stated...I told the answer in an earlier question...so I want to [clarify].

Assisting Military Officer: In response to the allegation that the Detainee, in his role at the 3rd Police Precinct, the Detainee signed all official government paperwork while he was in charge for two months, the Detainee stated that he already answered that in the previous question.

Detainee: I wasn't in charge of that area. He (*Sahib*) put me in charge of the office himself.

Presiding Officer: I understand. You were in charge of the office while Sahib was not there.

Detainee: The government did not appoint me. I wasn't in charge of conscripting people. I wasn't a chief or commander to send people to the military, that wasn't my duty, that wasn't my function to do that. I didn't have the power to have somebody to leave in front of my business area. How could I conscript people for the military?

Presiding Officer: Do you have anything else you'd like to add?

Detainee: That's enough.

Presiding Officer: We will have questions in just a moment.

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

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

Administrative Review Board Member's questions:

Board Member: Did you voluntarily join the Taliban or were you forced to?

Detainee: How? What's your question?

Board Member: At one point, in item 4b (*In response to the statement that, the Detainee was convinced by his father-in-law to join the Taliban because it would keep their family safe, the Detainee stated this was correct.*)...You said that your father-in-law convinced you to join the Taliban?

Detainee: I didn't need to join the Taliban, because I have enough income...like a hundred dollars per day. So I didn't need to join the Taliban. There was a need to join the Taliban, because they raided the area. They were beating up people and they wanted to kill my father-in-law, because of that I wanted to protect my family from [the] Taliban or from other people [so] I joined the Taliban.

Board Member: Why did you get selected for that job with the petroleum company?

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Detainee: Their choice, I had nothing to do with that. You can send your soldier and tell them to do anything you want.

Board Member: Did you have education or training in that type of field?

Detainee: No, that was their job...their decision and I believe it was beginning of Taliban. They wanted someone for the security to fill every position. I was not a party with any authority. My boss recommended me to go there and there was an office and a few other employees were living there. There was no job...there was nothing to do, and there was no gun there. I asked them what was my function...what should I do. They said, "Our job is to drill the ground." I asked them, "What do you have...any machinery or equipment to drill?" They said, "They have nothing at the present time, because the Dustum people took everything from here. They stole it. There were no government plans to make it active." It was wartime and [as soon as it was] done, they sent their own people and I [went] home.

Board Member: Were you able to conduct your business, during the Russian war with Afghanistan?

Detainee: Yes.

Board Member: Is your business still there?

Detainee: I don't know. A businessperson whatever they gain they sell. They buy another stock. I had enough stock in the warehouse and when the Dustum people raided my area, their habit was to steal everything and rob everything. So I don't think there is anything left for me? The Americans caused this problem, because the Americans arrested me. When I was arrested there were three kids and my wife in the house. They came in the middle of night, they knocked [on] the door, and they scared my children and family. [They asked my family] to leave. They left and [Dustums' people] entered the house and they robbed everything. My house was three stories. The first story was the warehouse for my business, the second story was my store, [and] the third story was where my family was living. When they came and occupied my house my wife, came a couple of days later to the prison, and she told me they came in the middle of night. They were scared and ran away and they got everything.

Board Member: Were the Americans the ones who took everything?

Detainee: For the 18 months, the Dustum people occupied my place. They took [the] television, radio, carpets, and rag...everything out of my house. I had three hundred business items in my warehouse, whenever I had \$1 or \$100 or whatever...I used to go and buy new stuff...everything was there. They took everything. After 18 months, my father sent me a letter, telling me they called him and left the house empty and nothing else in it. Right now, my father is living in my house. I don't know who robbed my house, but my father received an empty house.

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Board Member: Thank you.

Detainee: I have a question.

Presiding Officer: What is your question?

Detainee: I've been recognized as an enemy combatant. An enemy combatant means somebody who kills someone...or fights...or involved in a war...or something like that. What did I do? I didn't kill anybody, I didn't fight with anybody, I don't know why they are calling me an enemy combatant. We didn't do anything, not me, not my brother, not my family, none of us. We didn't do anything against Americans.

Presiding Officer: Let me answer that question and then we'll have some more questions for you. Last year there was a board, which determined you were an enemy combatant. This is a totally separate board and we will now look at your past activities...how you have acted here...and we will make a determination. I'm not here to review that last board.

Detainee: You should evaluate me. You should see my past. When I was arrested, I was 30 years old. I didn't have time even to eat in a peaceful manner. America is far away from my country, what did I do to the Americans? I didn't say a bad word about the Americans.

Presiding Officer: Mr. Hekmat, we appreciate that. I understand your statement. We will take that into account.

Detainee: I never did anything wrong or I didn't do anything against any human being in the world. I was so busy with my business [of] 300 items...everybody needed my business items. My store was always busy. I ate my breakfast at lunchtime...lunchtime in the evening time...I didn't have time to eat my food at the right time.

Presiding Officer: Abdullah, we understand you are a businessman...that you say you're a businessman. That is why we are having this board to determine if you will be released, transferred, or detained. I understand what you are saying.

Detainee: For the last three years, I constantly asked this question...what did I do, because I was so busy with my work? People were demonstrating and taking part in a peace march. I did not have time for that. I didn't even have time to talk with the people. So what did I do...what is my problem? One, if somebody is arrested or put in jail; he is supposed to be a murderer. I am not a murderer. The second thing, people get arrested because of their political opinion or political involvement. I am not a politician. The third thing is...people, who [are] imprisoned if [they are] very influential, [they are] a commander, or a policeman, or the head of a village, or someone who has two to three thousand people behind him and he is trapped to the government. So I'm a stranger of that city. So I have nobody behind me. I never touched a gun. When the people get into problem[s], because of [their] past involvement...if they're in the military...or they have

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experience in fighting...or war...or something. They feel threatened about them (*government*), but I [have] never touched a gun. For the last three years, I've always asked what did you (*Americans*) have against me? When Russia came to my country, they arrested a few people? When the Americans [came] they arrested people because of their (*Americans*) security, but what did I do to be charged by the Americans or anybody? If working for the government is a crime, everybody is working [for the government]. He's (Detainee points towards Board Member) working, you're working (Detainee points towards Presiding Officer), and everybody is working for the government. Also, I didn't desire to work for the government. I was forced to work for the government.

Presiding Officer: Mr. Hekmat, we understand completely, that you were forced to work for the government and that we are, today, trying to move forward and determine the best outcome for you and the United States. We completely understand everything you said.

Detainee: I know that...this is my correction...[anybody who] works for the government. They are the poorest people. They get little salary. The government job could not even pay for my vehicle gas.

Presiding Officer: We understand. Let us ask a few more questions and I will ask if you would like to make a final statement at the end of our last question. We would very much appreciate it.

Board Member: Mr. Hekmat, what tribe do you belong to?

Detainee: Pashtu.

Board Member: Did you grow up and live in the same village all your life?

Detainee: Yes.

Board Member: What village was that?

Detainee: My father was a storekeeper from eight or ten; I started working in the store.

Board Member: In what village [did you grow up and live in]?

Detainee: Akcha.

Board Member: How large of a village?

Detainee: When I grew up I worked in Mazar-e-Sharif. When I got money, I moved to Mazar-e-Sharif.

Board Member: That is where your store was, in Mazar-e-Sharif?

Detainee: Everything...my house...my everything...in the same area.

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Board Member: What's your educational background?

Detainee: When the Russians came they burnt the school. They established a new school, reading their schoolbooks. I was a small boy. I didn't go to school much, but I did it privately on my own. I took one of the schoolbooks and hired a teacher in my house. I self-studied. I didn't have much time. There was a lot of difficulty. We didn't go to school...half [of] the time the teacher wasn't there...half [of the] time they didn't have enough books and school materials...there was a lot of difficulties.

Board Member: You said you joined the Taliban to keep your family safe, was your family kept safe?

Detainee: Yes, There were several powers in the country. If I didn't join one power...[then when] one group comes into power...they [would] beat me up and take me to prison, and if the second group comes into power they would do the same thing to me. The third group would do the same thing to me. So I [would] rather just join one group to be safe.

Board Member: You had said that they came and stole your T.V. and your radio. I had thought the Taliban had outlawed the T.V. and radio?

Detainee: We hid it in the house. The Taliban didn't search the houses.

Presiding Officer: How did Dustum's forces treat you?

Detainee: First, the Dustum forces came and four people arrested me. They asked me for \$5,000. I told them I am not a commander...I am not a farmer...I am nothing...I didn't give [them] any money or anything. They kept me for six or seven days and took everything from me...they sent me to another group. The second group asked me why I didn't pay off \$5,000 to Farid. I said I gain money for myself not for Farid. He said, that I didn't pay the \$5,000 now we are asking for \$50,000. They asked me if I had a car lot. I said, "Yes, I do." He said, "You're selling medical herbs?" I said, "Yes, I do." He said, "You had enough money...you work...and you have money, but we were in a mountain for five years. Why didn't you send us money? We have no right to get some money from you people? Why didn't you send the \$5,000?" I told him, "No, I make money for myself, not for you." They took me to a room, very secretly...to a room, because they wanted to beat me up...to tell them yes, I have money. When they took me to another room, I had a silk turban, French shoes, and a Rolex watch. They left [me] only in my pajamas. They took everything from me. They took everything off my body. They whipped me. Another person came and said, "Don't beat him up. He will think about it tonight and tomorrow he will give you \$25,000. After a few days, he will send you another \$25,000." I told them I didn't have money, not a penny. They didn't beat me, but they kept me as a prisoner. The next morning they brought another two businessmen [into the room]. In the afternoon, they took the two businessmen out and they beat them with whips. They beat them into unconsciousness. They wanted to get a

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rag from them. When they lost their consciousness. They threw them [back] into my room by [swinging them from] their hands and feet. They were unconscious for about one hour at least. When they regained consciousness...they were riling around and vomiting. At nine o'clock at night one of them died. I laid him straight and wrapped his mouth to keep it shut. I then called the guard. They called the commander. When the commander came and saw the dead man he said that I would be the same. I gave the other businessman some sugar and juice...he didn't die.

Presiding Officer: When were you turned over or transferred from the Dustum's forces?

Detainee: Dustum didn't know anything about that. They were at peace. For two months I was constantly beaten, like every four days. My family didn't know where I was. One of the guards knew me and I asked him to go and tell my family where I was. My wife and children came to the door and they started yelling and making noise. The guard said he would let me see them on the condition I didn't tell them anything and they didn't tell anybody about it. Another condition was if I didn't have \$50,000, to give them at least [I could give them] \$1,000. I agreed to pay \$1,000, but they had to let my wife and children visit. When my wife came, I whispered in her ear to tell everybody they are looking for money. My wife went to the International offices and she placed a petition. Some Delegation came to visit me. I don't know where the Delegation was from. Then everybody knew what had happened. Then the guards were shaking (*nervous*) and asked me why my wife told everybody. I said, that it was not my fault and I told her to bring the money. Then they were forced to send me to Dustum's prison.

Presiding Officer: Is your father-in-law, still alive?

Detainee: When I was arrested he was alive.

Presiding Officer: You haven't heard from him?

Detainee: No.

Presiding Officer: You say that you are a businessman, yet you are here today in an orange suit, indicating that you have not always been a very helpful Detainee. How will you act when you go home?

Detainee: I don't know what is left for me, but I don't have any money. I will have to borrow some money to start my business. I have no news of my family; all the money was tied up with my stock.

Presiding Officer: Will you fight against the United States if you go back to Afghanistan?

Detainee: I never fought before; I'll never do it.

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Presiding Officer: You're in an orange suit, indicating that you are not very helpful here. I want to make sure that you will be better behaved if you go home.

Detainee: What do you think? It is your idea. I told you what my situation was.

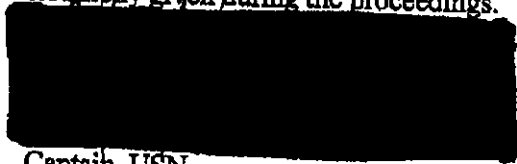
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

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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Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 679

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

Detainee: What procedures or proceedings? I just thought you were just going to ask questions. I need some clarification on this process.

Presiding Officer: What would you like to be clarified?

Detainee: Which process are you talking about? What you just said or what is going to follow from this point on?

Presiding Officer: So far, we have discussed conduct during this Administrative Review Board. We have discussed what you may be able to view and the information, which will be discussed.

Detainee: Fine.

Presiding Officer: Very well.

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.

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

The 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 read his comments to the Administrative Review Board.

Assisting Military Officer: The Detainee's initial interview occurred on 13 June 2005 and lasted for 90 minutes. After a review of the ARB's purpose and procedures were explained, the Arabic translation of the Unclassified Summary of Evidence was read to the Detainee. The Detainee said he wanted to attend the ARB. The Detainee elected to have the Assisting Military Officer take his comments, and wanted the Assisting Military Officer to read his comments on his behalf regarding the Unclassified Summary of Evidence. A follow up interview was scheduled for 15 June 2005 and lasted for 40 minutes. During the follow up review, the Detainee verified that the response to the Unclassified Summary of Evidence was what he wanted to the Assisting Military Officer to present to the ARB. The Detainee was polite and cooperative throughout both interviews. The Detainee was told that the ARB might ask him questions. He was provided an Arabic translation of the Unclassified Summary of Evidence for additional review.

Detainee: Even though he (*referring to the Assisting Military Officer*) is going to speak on my behalf. I would like to participate, as well.

Presiding Officer: That's fine. Very well.

Detainee: Fine.

Presiding Officer: Continue.

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The Assisting Military Officer read the Detainee's response to the Unclassified Summary of Evidence:

Assisting Military Officer: In response to the allegation that the Detainee traveled from Yemen to Pakistan in mid-September 2001, the Detainee said is it a crime to travel from Yemen to Pakistan? The Detainee said I do not know what is the month of September. He said what is it in the Hijri calendar. (*Detainee was shown the equivalent time on the Hijri calendar*). In response to the allegation that the Detainee stated he is a terrorist, the Detainee asked when had he stated that? The Detainee said even if I stated that, and knowing what it is, is that considered an allegation? In response to the allegation that the Detainee was sent to Pakistan by a member of the Jama'at al-Tablighi, the Detainee said this is true. In response to the allegation that the Detainee obtained his travel visa through the Jama'at al Tablighi, the Detainee said that is true. The Detainee asked is the Jama'at al Tablighi a terrorist organization? If so, they are the ones who gave him the visa, and he did not know. The Detainee said Jama'at al Tablighi is the terrorist group that committed the crime.

Detainee: I did not know.

Presiding Officer: Very well. I understand.

Detainee: I did not say that the Jama'at al-Tablighi is a terrorist organization or group terrorist.

Presiding Officer: I understand that is consistent with your statement for the record. Your statement questions whether it is or not. I understand what you are saying.

Detainee: I just want to make sure that I did not say.

Presiding Officer: I understand that you did not say that. You asked the question in a rhetorical sense... "Is that in fact a terrorist organization?"

Detainee: I would like the whole statement to be read from the beginning.

Presiding Officer: Very well.

The Linguist reread the statement from the Assisting Military Officer to the Detainee.

Detainee: I did not say that.

Presiding Officer: Very well. When you have the opportunity to make a statement you can rephrase that any way you would like at that time. For the record, the fourth item on EC-B, the Detainee says it is not worded as he would like it and he would reword it, during his statement.

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Assisting Military Officer: In response to the allegation that the Jama'at al-Tablighi, a Pakistani based Islamic missionary organization, is being used as a cover to mask travel and activities of terrorists including members of al Qaida, the Detainee said, he was aware that Jama'at al-Tablighi was all over including the United States, and the United States are aware of it as well. The Detainee said the Yemen Republic knows this also.

Detainee: I want [that] also, Pakistan, as well.

Presiding Officer: Very well. For the record, the Detainee has said in statement 5 of enclosure B (*AMO exhibit EC-B*), he also wants to include, as well as the United States, [and the] Yemen Republic, Pakistan, as well.

Assisting Military Officer: In response to the allegation that a senior al Qaida lieutenant recognized the Detainee in a photograph, the Detainee said if someone saw him in a photo, bring that person so he can meet him. The Detainee said it is possible that the person who saw his photo may have made a mistake. In response to the allegation that the senior al Qaida lieutenant ran an al Qaida safe house where a number of al Qaida members were captured, the Detainee said this has nothing to do with him. He said this has no connection to terrorist, Muslim or other wise. The Detainee said he used the Taliban [al-Tablighi] to accomplish his goals.

Presiding Officer: Excuse me for one second. When you finished reading that [Assisting Military Officer], you said [the Detainee] used the Taliban to accomplish his goals or he used the al-Tablighi to accomplish his goals?

Assisting Military Officer: Al-Tablighi.

Presiding Officer: Okay, you said differently last time. Did you (*referring to the translator*) translate al-Tablighi or translate...

Linguist: I translated Jama'at al-Tablighi

Presiding Officer: Very well. Good. Just want to clarify for the record. Make sure we have the right...(inaudible).

Assisting Military Officer: In response to the allegation that the Detainee was captured in this safehouse, the Detainee said he was not at al Qaida safehouse. He said he was at a house at belongs to the Salafia School. In response to the allegation that the Detainee was sent a personal greeting from the Taliban Deputy Minister of Intelligence, the Detainee laughed and asked, 'where is the letter, and what is the address it was sent [to]?' The Detainee said he has never received the letter. The Detainee said he never knew or heard of the Taliban until the Tribunal. The Detainee said he did not understand and asked during the tribunal, 'what is the Taliban and al-Qaida?' In response to the allegation that the Detainee stated if Muslim scholars said the attacks of September 11, 2001 were the correct actions to take, he would support the scholars, the Detainee said

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this is not true. The Detainee said this is not the way he stated this. The Detainee said he does not believe in the Muslim leaders any more, and he would no longer follow them. In response to the allegation that the Detainee stated that if Muslim scholars say that people must die, Muslims must follow their words, the Detainee said this is not true. The Detainee said if Muslim leaders said something that was correct he would follow it, and if it is incorrect he would not. In response to the allegation that the Detainee stated he wants the infidels, non-Muslims, destroyed, the Detainee said this is not true. In response to the allegation that the Detainee said those who do not follow Islam will go to hell or be killed, the Detainee said this not true. The Detainee said he cannot predict the future and does not know who will go to heaven. The Detainee said no reasonable person would accept this allegation. In response to the statement that the Detainee denied having any knowledge of any rumors or plans of future attacks on the U.S. or U.S. interests, the Detainees said this is true.

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

The Detainee requested to do the (Muslim) oath on his own.

Presiding Officer: Very well. Please recite the oath.

Detainee: I swear to tell the truth to you. I will tell you nothing but the truth. And I will give you all the statement. I will answer all the statements. All the statement, I have given you.

The Detainee made the following statement:

Detainee: Shall I start?

Presiding Officer: Yes, you may.

Detainee: I appreciate the fact that you are spending some time searching for the truth. That gives him a better picture, as far as the Americans and the American society. I will not forget that. This is what I've seen from them here and I'm sure that they don't want to project a bad picture for the United States. Every individual is searching for the truth and it would (inaudible) to be cruel and unjust to others. I will provide you with all the information and statements, whether this information that were in is true or not. I will explain everything about my life even about the time I spent here in Cuba. I am an ordinary man. Even though, they may have made a mistake, you know, by bringing me over here. All these statements that we have just read, that should give you a clear picture of myself. I never wished any harm for any nation, including that against the United States. I have never been in contact or associated with any organizations. I never had any confrontation with any organization or with any other individual. I would like for you to consider, that I could not give you [I did not give you] enough information is because I did not have any documentation. [Because] they did not allow me to send or

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receive any letters. Three years I have not been able to contact my family, my attorney or even exercise my rights. And I wish that you consider that in your decision. It's a proven fact, that when they captured me...the Pakistanis...I did not get involved or I did not go into conflict with them or fighting with them.

Presiding Officer: You did not resist, if I understand...

Detainee: There was no proof to show that I am an individual that is trying to attack somebody. Even during my stay here in prison, I didn't have any problems even with the soldiers, the other Detainees, or anybody else in camp. Also, some of these points, or statement/allegations, they were not correct. Somehow they said that I have connections to Taliban or al-Qaida. I don't know who they are, what they're doing? Infidel's statement, no reasonable man would accept these statements/allegations. I like to serve my country, my homeland, just as you people are serving your country. I would like to help people as well. I went to Pakistan for the purpose of studying medicine. I used the Jama'at al-Tablighi to achieve my goal, because I did not have the financial means and since I already gone there to study medicine. I found out that I could do something, you know.... I stated that in my previous, to the Tribunal and now.

Presiding Officer: Very well.

Detainee: Even during my stay, in Pakistan, there was nothing I've done over there against the laws and I'm sure they have that information in my file. In fact, there is nothing that was done, you know, against the Pakistani laws or the cities. The reason that I went to Jama'at al-Tablighi is because I know that this is an organization, exist all over the world. And you people know that as well. I admit using Jama'at al-Tablighi for that purpose only and that is only to get my medicine. Also, I would like when and if I'm released. You know once I get out. I would like to go back, so I can help my family and my father. For the past three years, the time I spent here in prison, I was prevented from doing what I was supposed to be doing. I hope that the United States, you know, made a mistake in capturing me or bringing me over here. And maybe they meant to capture somebody else, but they captured me instead. I hope that they don't make a mistake. I hope that I will not have an ugly picture toward the United States. United States says that they don't like to be cruel and they like to be just. I will see, how they will evaluate my situation. I would like you to consider all the things that I have told you. If you need any further explanation, please ask.

Presiding Officer: We will? Does this conclude your statement? We will ask questions.

Detainee: I would like, when and if I'm released, to go back to my country and would like to get married and settled down within a family and support, you know. I would like to have family life, a very stable one. I would not repeat the mistake of going to Pakistan again.

Presiding Officer: Does this conclude your statement [so we] can get to questions?

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Detainee: I would like you to consider all the facts that were given to you and I believe that this is an informal type of thing and that we are just going to the tribunal and the ARBs, and nothing is going to come out. And when you find out that all this information, I'm clear of all the wrong doing, I'd like you to release me to my home country.

Presiding Officer: We will consider all information, including your statement.

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

The Designated Military Officer had the following question:

Designated Military Officer: The Detainee stated that he does not believe in the Muslim leaders anymore, but in the very next statement, it said if a Muslim leader said something that was correct he would follow it. So, I guess I'm unclear, about his regard for the Islamic leaders.

Detainee: I did not follow the Muslim leader to begin with. I was doing my work without having to go back to the Muslim leader. I have no connections with these Muslim leaders. I pray. I do my daily work and I (inaudible).

Presiding Officer: Okay. Do any of the Administrative Review Member's have any questions for the Detainee?

Administrative Review Board Member's questions:

Board Member: Yes, sir, I have a question. Mr. Tahar do you believe the events of September 11, 2001 was a terrorist attack?

Detainee: Are you talking about what happened here in the States?

Presiding Officer: What happened on New York City, September 11, 2001?

Detainee: I don't know whether it is or it's not but I'm against it regardless. Anybody who attacks somebody else...that is a wrongdoing and he should be punished or penalized. Any reasonable man would see that.

Board Member: Does it matter whether the people that are attacked are infidels or not?

Detainee: I don't know as I told you anything about that. My level of intelligence is so that I can't make that prediction. I'm not at that high level that you should ask me this question.

Board Member: Do you know any members of al-Qaida?

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Detainee: No, I don't know. I told you in my statements here that I did not even know [anything] about al-Qaida or the Taliban. Even when I went to my Tribunal I had to ask there. I heard of it, but I didn't know the meaning of these [this] deviate al-Qaida and Taliban until, you know, put these allegations against me.

Presiding Officer: When you were studying in Pakistan, you did not hear of the Taliban in the neighboring country of Afghanistan?

Detainee: No, I did not.

Board Member: Were you ever contacted by a member of al-Qaida?

Detainee: No, I was not.

Board Member: Ever contacted by someone that was a member of the Taliban?

Detainee: No. Do you mean that he sent the letter to me while I'm here at Cuba?

Presiding Officer: No. [The Unclassified Summary of Evidence reads] 'The Detainee was sent a personal greeting from the Taliban Deputy Minister of Intelligence, prior to arrival in Cuba.'

Detainee: Did you find this letter?

Presiding Officer: We can discuss that in the closed session.

Detainee: I said that I didn't have any connection to nobody.

Presiding Officer: We understand your response.

Detainee: No reasonable man would understand. I did not get in touch with any one of these people. How is it that they're accusing me of being al-Qaida or Taliban? During the Tribunal, the [personal representative] told me that they did not find any allegation against me. I requested him to declare that to the Tribunal members. You can look in the file; you should find that there. They indicated they could not find any proof, that I am a member or I belong to either the Taliban or al-Qaida but he said 'we are looking for something, regardless what it is to connect me to them.' I told them, is this what you consider justice? The guy said "no."

Presiding Officer: We are looking for the truth.

Board Member: Where is your home country?

Detainee: [With] all this going on and you don't know where my country is?

Presiding Officer: We are confirming.

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Detainee: Yemen. I should tell you to go back to my file, but I want to save you some time. I am Yemeni.

Board Member: Thank you. We've been talking about the letter you got from...someone said you got a letter from the chief of intelligence or this is the chief of intelligence of Taliban.

Detainee: Whoever told you this; ask him to give you the letter.

Board Member: Who would say such a thing about you?

Detainee: I don't know who would say something like that. This question should not be directed to me. You should look for that yourself. That is what I'm trying to find out. Where's the source of this lie?

Board Member: Yes, it's my job to find out too. So that's why I asked.

Detainee: This allegation is to me.

Board Member: Yes, I know. If someone is not telling the truth about you, we need to know.

Detainee: I told you this is not true.

Board Member: I know, but someone is giving this information.

Presiding Officer: He (referring to the Board Member) is asking [if] you know who would have told us that information?

Detainee: I was not doing that interrogation. So, I cannot tell you, who would say something like that about me.

Board Member: Okay. You have no idea.

Detainee: I told you the whole thing does not make any sense. Your telling me you don't have any idea.

Board Member: No. No, we have to find out who did that. Who said that?

Detainee: I don't know.

Board Member: Did any of the other Detainees tell you what the board was like...what this hearing was like? Did any of the other Detainees out at camp tell you what the hearing was like?

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Detainee: Yes. They told me about it. They say this is nothing more than a theatrical thing. It's formality. They're just going through this thing and everybody is laughing at the whole process. But I made up my mind that I wanted to attend the ARB despite what they said. That's why I attended the Tribunal and I'm here now. If I wanted to follow what they're saying inside the camp, I wouldn't be here now. I am sure that the majority of the people that were here...they refuse to come to the ARB.

Board Member: Do the people at the camp know that these boards can keep them here and recommend that they be tried later on?

Detainee: Everybody is saying that these ARBs are nothing but a formality. These are not interrogators and even you don't know that this is just formality. They, the soldiers and interrogators, said it was a matter of paperwork and paper pushers and the American politics is just playing its role and that's true. You can check with your countrymen, you'll find out that's true. A lot of people, they end up leaving the camp here without having to attend the ARB or the Tribunal. They were accused of larger crimes than myself. You people know that as well.

Board Member: Thank you. Last question, if you return home would you study medicine again?

Detainee: Yes, I will.

Board Member: Okay, thank you.

Presiding Officer: I have several questions. When you were studying in Pakistan...the house that you were staying in...how many residents lived there with you?

Detainee: I don't know.

Presiding Officer: Were the others who lived there students?

Detainee: I don't know.

Presiding Officer: Are you the only student?

Detainee: I can only tell you about myself. I was a student there. If there were other people there, [I don't know] whether they're students or not. As you will know that these are personal things other people don't like to discuss.

Presiding Officer: The owner of the house. Did you know him?

Detainee: What do you mean by that?

Presiding Officer: It said you stayed in a house that was where a number of al-Qaida were captured. Did you know the owner of the house?

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Detainee: I used to know a guy...his name is Issa Pakistani.

Presiding Officer: Very well. I want to clarify [that] until your Tribunal you had never heard the term Taliban or al-Qaida.

Detainee: That's correct.

Presiding Officer: Very well. Does anyone have any further questions?

Board Member: I have one more. The house you were staying in in Pakistan, did you ever see any weapons inside that house?

Detainee: I did not see anything.

Presiding Officer: Thank you, Mr. Tahar, for your patience and forthrightness with your answers today.

Detainee: I have some comments to make about four points.

Presiding Officer: OK. On [Exhibit] EC-B there are four items that you do not agree with the statements that were written. You can restate them.

The linguist read the statements to the Detainee in Arabic and the Detainee gave the following answers.

Detainee: Number One, this is not correct [about] the Islamic leaders [saying] that this something is correct [and that because of that] I will follow it. Anything that's said, even though it's correct, it doesn't mean that I'm going to follow it. I do what my conscience tells me...what my God tells me to do. Their statements or words or decisions might be incorrect or inaccurate. Number two, all this is not true and the Islamic leader never said to kill other people. Even if they did I would not follow it because I do not hold a grudge against anybody.

Presiding Officer: We understand.

Detainee: Number three, this is not true. No reasonable man would make such an allegation or statement. Again, I would not hold any grudge against [anyone]. Number four, and finally, again this is not true. Restating I will not predict the future and whoever does not predict the future cannot determine whose going to hell and who is going to heaven. I can only talk about myself. That is all I have to say.

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.

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The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Captain, USN
Presiding Officer

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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT**

ISN 684

Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C1	19/12/2005	UNCLASSIFIED	NONE

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19 Dec. 05

From: Tahamuttan, Mohammed Abdullah

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted by Tahamuttan, Mahammed Abdullah ISN #684, on 19 Dec 05 by OARDEC Linguist OL-3.

The detainee submitted the following statement:

I left my country to go to Jordan, and there I got a visa to Pakistan from Jam'at al Tabligh, and my intention was to move to Pakistan permanently to live there and study Islam because of the deteriorating situation in terms of safety in Palestine. Because of the problems, I hated living in Palestine and didn't want to live there any more. So when I went to Pakistan and I stayed at the al Tabligh Center in Pakistan for four months. Within these four months, I got to know some Afghanistani. They knew my story, so they invited me to visit Afghanistan. They told me that life in Afghanistan would be better for you than life in Pakistan, so I accepted their invitation. After the four months with the Tabligh, we head to Quetta from Lahore, and there we went to a religious school, so the sponsor of the school, an old man, when he found out I was Arab, he got angry with the people with me for bring me there because I was a Arab and the Americans were fighting and looking for Arabs and Taliban in Afghanistan. So there was no security of stability in Afghanistan at the time and I know I would not be safe there. So I returned to Quetta from Lahore. From Lahore, I wanted to return to the Tabligh Center in Raward. So one Pakistani, when they knew I was Arab and did not speak Urdu, offered to let me stay at his house and he would take me to the center. So I went to his house and stayed with him for two days. And so he knew my story in detail, why I came to PK and why I left Palestine. He told me that he knew some Arab students living in a house near by and told me they would help you with studying here. I thought I would visit them, but intended on eventually returning to the Tabligh Center. On the third day, we went to see the Arab students. They received us and were hospitable, so they knew I was Palestani and that I came to PK for studying. So at that time I decided to return to the Tabligh Center. I saw there was no use in staying with them. So on that night the PK police came and they had American armed civilian with them. So they entered our house at night and they arrested us. Since then, I've been with the Americans. I say this with all honesty. I have no issues with the Americans. I have nothing against them. I don't want to fight them or anyone else. They tell me you were arrested at an al Queda guesthouse. Well, up until now, no one has told me (from the people I was captured with) that this was an al Quada guesthouse or that it had any thing to do with al Quada. So if I knew that was an al Quada guesthouse, I never would have stayed there, and up until this moment I finally believe it was not an al Quada guesthouse. That is the summary of my story. So you have on right to pose any accusations against me. These allegations about the Jam'at allegations, yes I did say that. I was with them. So what does American want with me now after four years when I have not posed any problems to them? I don't think of posing any threat or problem to them in the future. Sometimes the interrogations talk to me about returning to Palestine. I refuse this adamantly because I did not leave Palestine just so I could return to it. So the U.S. has no right to force me to go back to

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Palestine when I did not cause any problems for them. So I told the truth before. I would like to return to an Arab country where I could live my life in peace and where there are no problems between people or groups. So that is all what I think of in terms of what I will do after prison, to live somewhere safe where I could find a job and live in peace away from all problems. And if I have said anything incriminating, it is because of the stressful psychological conditions I have endured in this prison. And I don't have any affiliation or loyalty to any group that fights the U.S. or Israel or their allies. That is all I have from the moment I left Palestine up until now. And from this moment until the end of my life, I have no intention of causing problem for them or anyone else.

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Summary of Administrative Review Board Proceedings for ISN 687

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

It was noted by the Presiding Officer that from Exhibit EC-B, the Detainee had chosen not to be present for the Administrative Review Board proceedings.

The Presiding Officer confirmed that the Assisting Military Officer had met with the Detainee and informed him of his rights regarding the proceedings, that the Detainee appeared to understand the process, that the Unclassified Summary of Evidence was read to the Detainee, that a translator was used during the interview, and that the Assisting Military Officer confirmed that the translator spoke the same language as the Detainee.

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

The Presiding Officer asked the Designated Military Officer for any further unclassified information.

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he previously submitted a summary of the interview.

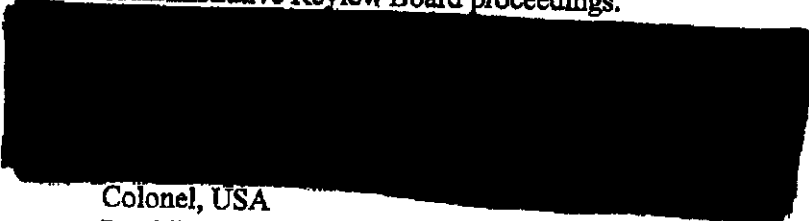
The Presiding Officer read the remainder of the unclassified portion of the Administrative Review Board proceedings, and then adjourned the proceedings.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the Administrative Review Board proceedings.


Colonel, USA
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 691

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Detainee accepted taking the (Muslim) oath.

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

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

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

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

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 11 August 2005 and lasted 80 minutes. After a review of the Administrative Review Board's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, the Detainee stated, "Yes, I will attend and speak on my own behalf." When asked how he wanted to address the allegations or statements, the Detainee indicated that he wanted to respond to each item in [the] Unclassified Summary after it is presented. The Detainee was given a copy of the translated Unclassified Summary of Evidence for his record. The Detainee was polite and cooperative during the interview.

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

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board.

Designated Military Officer: The Detainee met twelve missionaries who encouraged him to become a missionary and go on Tabligh with them.

Detainee: This point is not correct in this context. In my words, this is what happened. The leader of the mosque meets you and introduces you to a group and you go out with them.

Presiding Officer: We understand.

Detainee: That is what is correct, but in terms of having met someone...I have met millions of people.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee went to the al Huda' Mosque, also known as al Da'wa, in the village of al Hudaydah. There he met Sheik Saleh Muqbil, who also encouraged the detainee to go on Tabligh.

Detainee: This is not a village; it is a city, the city of Hudaydah. There is a specific mosque. This is a mosque, not specifically for the Tabligh, anyone can pray in it. There's no problem, but it's from this place that people go out to teach other people. Sheik Muqbil is responsible for this mosque and responsible for the arrangements for the Tabligh.

Designated Military Officer: Some al Qaeda members had joined the al Da'wa al Tabligh religious organization, which was well known for its support to jihadist causes.

Detainee: This is something that I do not know. I don't know that the people of al Tabligh have anything to do with al Qaeda. Most of the people do not know how to read or write. They just want to learn and that's it.

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Designated Military Officer: In October 2001 the Detainee traveled to Pakistan alone. He paid for his own ticket and flew from San'aa to Dubai to Karachi. Two unidentified Pakistani males met the Detainee at the airport.

Detainee: This is true. As for the date, I'm not quite sure how correct it is. I was in Pakistan for five and half months and here for three years. This date implies that I have been here for more than three years or three years in the half. So I think that the date is not correct.

Designated Military Officer: Originally the Detainee said that he had traveled with a group of Yemeni Tablighis and Tablighi representatives in Karachi met the group.

Detainee: I don't think so. It's true that there were people on the plane, who were Tablighi, but in the first place I traveled by myself not with anyone else. There was no group that met them at the airport. No one met them. Two people met me at the airport and took me away, but I didn't see anyone meeting them. The other people I don't even know them in the first place and I don't know if they left by themselves or what happened to them.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee traveled to Lahore and then went to the Raywand Mosque. For two months the Detainee accompanied ten other missionaries, where they traveled from mosque to mosque.

Detainee: It's true after the Emir made all the arrangements and put me together with a group. I did go out with them, so that is correct. As for traveling from mosque to mosque, I did not really travel, it was just going from mosque to mosque, because the distance was very short...like from here to over there. So it wasn't travel per say.

Designated Military Officer: The Detainee then joined a different group of 12 missionaries and went with them to Islamabad, where they traveled for two months from mosque to mosque.

Detainee: This is an arrangement made by the Emir, as well. He would put the group together and you would go with them. Same thing in this point, it was not traveling from mosque to mosque. It was just going from mosque to mosque, just like moving from one room to the other here.

Designated Military Officer: The day he returned, the Detainee got his money and passport and traveled to Faisalabad, Pakistan and enrolled at the Salafiyah University.

Detainee: It's true that I did take my passport and my money and I did travel to Faisalabad, but I did not register. I just went for a visit...only for one or two hours. I just went for a visit, after that I went home. The visit was just to go look around and then I

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went home...I was sick...I stayed at home. They showed me where it was and during that time period I got caught. So I did not register or anything.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee was a student attending religious studies at the Salafiyah University when Pakistani authorities raided Issa's house.

Detainee: This is not correct.

Presiding Officer: It's consistent with your last statement that you never enrolled.

Designated Military Officer: The Jamia Salafiyah School taught the Sunni school of thought. It taught only religious subjects and is run by the lunar calendar.

Detainee: It use to teach religious subjects, it's true, but on what specifically I'm not aware. All I know is that the Koran and the Hadith stories about the prophet...peace be upon him.

Designated Military Officer: The Detainee was identified by another individual who stayed at Issa's house as belonging to the Jama'at al Tabligh.

Detainee: Yes, it's true.

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

Detainee: These words I've never heard of until I came here...from you (*military*). What I know of the people is that they don't know how to read or write. They just go and they learn and they go back to their houses. They don't know [the] Koran...they don't know chair...they don't know anything.

Designated Military Officer: The Detainee was captured with 300 United States dollars in his possession.

Detainee: This is not correct. When I was captured I had \$700 on me, 650 in American currency...U.S. dollars, 50 U.S. dollars that I had changed into Pakistani rupees and I also had a watch. I had some other things that were at home and the Americans took them...just clothes and other stuff.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee is suspected of being a member of al Qaeda due to his association with the Kandahar, Afghanistan airport.

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Detainee: This is not true in the first place. I did not know Kandahar until they brought us there. They captured us and they took us there. I didn't even know we were in Kandahar until the soldier said, "We are in Kandahar now." So this is all not true.

Designated Military Officer: Another individual said he was the Detainee on the Taliban front lines around late 1999, early 2000.

Detainee: This is not true. My passport proves that I was in Pakistan in late, maybe 2000. I'm not sure of the date exactly, but I know that in 99 I was still in Yemen on a farm. So this is all not true.

Designated Military Officer: A senior al Qaeda Lieutenant said the Detainee spent a lot of time at Hamza al Ghamdi's house in Kabul at the front lines.

Detainee: This is not true. I didn't even go into Afghanistan. I don't even know it.

Designated Military Officer: The Ghamdi guesthouse was used to house all types of people to include newly arrived people, fighters from the front lines, wounded people and Usama bin Laden associates.

Detainee: I don't know Afghanistan. I don't even know this place, so even if you write about it...all of this is not true.

Designated Military Officer: An individual identified the Detainee as being in charge of an unidentified guesthouse in Kandahar, Afghanistan.

Detainee: This is also not true. I, again, did not go into Afghanistan in the first place.

Designated Military Officer: Another individual said he saw the Detainee at a guesthouse known as the Arab house, which is located in the Hajji Habash district of Kandahar, Afghanistan.

Detainee: As I have said before, I did not go into Afghanistan. I do not know Afghanistan.

Designated Military Officer: Hajji Habbash guesthouse was for everyone coming to or leaving Afghanistan, especially for those leaving.

Detainee: As I said I did not go into Afghanistan and I do not know this place.

Presiding Officer: Thank you.

Designated Military Officer: A senior al Qaeda operational planner thought the Detainee had already completed his training in Kabul by the time he met him in 1999.

Detainee: Just so you [know] that this is all not true. In this point, it says that I had finished my training in 1999. In point 15, *(Another individual said he was the Detainee*

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on the Taliban front lines around late 1999, early 2000.), it says that I was in the front lines in 1999 and I told you that I never went to Afghanistan. I don't know Afghanistan, so I don't know where they are getting these words. I don't what it is with the year 1999. Everything is 1999.

Presiding Officer: Thank you. We'll review the timeline when we get to [our] questions. For the record, 15 talks about he was seen at the Taliban front lines late 1999, early 2000...B tab one talks about a planner saw him...thinks that he completed training in 1999. We will review in questions.

Detainee: This is all not true.

Presiding Officer: Thank you. We will continue.

Designated Military Officer: The senior al Qaeda planner next saw the Detainee at Mes Aynak training camp in fall 1999. The Detainee was not a student at Mes Aynak; rather, he served as a carpenter, and was busy constructing structures on the base.

Detainee: So, the first one says that I was on the front lines in 1999. The second one says that I was doing training in 1999. Now this one says I was a carpenter in 1999. This should all prove to you, that this is not true. Even without talking to me, this should show you that the person who wrote this is saying it incorrectly. I think that based on your experience in military affairs and in law, so you should know the difference between true and false. If I told you that I saw you in the market at one o'clock and I saw you at your house at one o'clock and I saw you in the street at one o'clock and I saw you at I don't know where at one o'clock. Is this reasonable?

Presiding Officer: Mr. Zarnuki in a few moments we'll run through the timeline and ask you questions. Thank you very much.

Detainee: As you wish, but the most important thing is that you know that this is all just not true.

Presiding Officer: Thank you. We understand your statement. Next question.

Designated Military Officer: The Aynak has been identified by an individual as being an al Qaeda military training camp.

Detainee: I don't even know this area to tell you whether this is true or not. I don't know this place, in the first place. This Aynak, is this a place, a village, or a city? What is it exactly?

Presiding Officer: Reread it.

Designated Military Officer: The Aynak has been identified by an individual as being an al Qaeda military training camp.

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Detainee: I don't know this area in the first place and I never went to Afghanistan and I don't know anything about these matters.

Presiding Officer: Thank you.

Designated Military Officer: According to [a] senior al Qaeda operational planner Walid Muhammad Salih bin Attash, aka Khallad, aka Silver; he first met the Detainee in early 1999 at the al Qaeda village near the Kandahar airport.

Detainee: This is also again in 1999, so review this with the other things that say 1999 and this proves that I do not know this person and I don't know what he has said, but it is not correct. So here in 99 I was in a village, over there in 99 I was in a camp, over here in 99 I was...

Presiding Officer: For the record all four of these places mention 1999. All four are in Afghanistan.

Detainee: All of these places in Afghanistan, I do not know them. I'm just pointing out the dates, so that you know that this is all not true.

Presiding Officer: Thank you.

Detainee: Just from that side, but in the first place I don't know Afghanistan. I never went into Afghanistan or anything.

Designated Military Officer: The Detainee stated, "You killed my brother because he was defending the Koran, and I want to die too, and I want you to kill me."

Detainee: Yes, this is true. We did say this when the guards went in and beat our brother in solitary and they beat him and brought him out of his cell. He was unconscious, he was covered in blood upon blood, and they took him out. When other people saw him being taken out, they said he had been killed. So, yes, we all said this. We would rather have died then to sit there and see this. So, we all got very angry as Muslims. As Muslims we all love each other. So we got angry, because of what they did to our brother, because he was defending the Koran. There was a huge problem in the camp and even our brother was in the hospital for three years paralyzed and he only left very recently and went back to Saudi Arabia. I did say these words and I was in a state of extreme anger, because of what happened to my Muslim brother.

Presiding Officer: Thank you, next. We will get back to this one.

Designated Military Officer: The Detainee denies having been on Tablighi in the Lahore area, with any of the men he lived with at Issa's house.

Detainee: I don't know what you mean exactly by I was on a Tablighi in Lahore. What do you mean by this? Issa's house is in Faisalabad and in Lahore I was in a mosque.

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Presiding Officer: We understand Issa's house is in Faisalabad and in Lahore...our question...are any of the men that you were with in Issa's house in Faisalabad, did you travel with them on Tabligh to Lahore?

Detainee: No, I only knew them in that house only.

Presiding Officer: Thank you for answering that question.

Designated Military Officer: The Detainee advised that if he were released from United States custody, he would either return to Tabligh or go home to Yemen.

Detainee: It's true. This is true, but now I say if I go to Yemen, I will not go back for Tabligh. If I do wish to participate in Tabligh, I will do it in Yemen and not in Pakistan. This is my decision as of now. If it changes in the future I don't know.

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

The Presiding Officer acknowledged the request.

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

The Detainee made no statement.

The Assisting Military Officer had no further evidence to present to the Administrative Review Board.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: Question about the Tabligh? Are you affiliated with any particular Tabligh?

Detainee: Tabligh is not a party. It's basically a group of people, they learn and they leave. So there is no such thing as affiliated or registering your name with them or anything like that.

Board Member: I'm trying to clarify. We refer to the al Da'wa al Tabligh and later we refer to Jama'at al Tabligh?

Detainee: It's the same thing. They can call it Jama'at, which means group. It's an Arabic word. They can also call it Da'wa. They call it Da'wa because they go out and

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they tell people about the Koran and about the religion and they call people to the religion. *Translator explained that Da'wa is an Arabic word and it means what the Detainee just stated.* They call it Jama'at, which means group in Arabic, because they are a group of people who go out and call people to the religion. So it's the same name.

Board Member: Would you be surprised that the Tabligh included al Qaeda members?

Detainee: Obviously, but from what I know these are very humble, poor people. They don't really have anything. If I had known in the beginning that they were any kind of terrorist group or had anything to do with terrorist, I would not have gone to them in the first place. Of course I never would have been preoccupied with them. I never would have gone out with them or anything, but from what I know is that they're a very simple people they don't have anything like that. It's the only group of people that are allowed to go into Tel Aviv, to go into United States, to go into anywhere in the world with no problems.

Board Member: Do you speak the language of the region where you were going in Pakistan?

Detainee: No.

Board Member: You were in Pakistan for five months approximately?

Detainee: Five months in the half. Four months with the Tabligh people and one and half months I was sick at home.

Board Member: How did you get money when you were there?

Detainee: I brought my own money with me from Yemen.

Board Member: Because several people have identified you in Afghanistan, is there something about your appearance now that is significantly different then it was then?

Detainee: Their words are not true in the first place. My passport shows that when I was captured I had been in Pakistan for five and half months and if you had my passport and look at it, it would show you that. I have been here with you for three years. So this is not true. Maybe it was someone else that they saw, if their words are true in the first place.

Presiding Officer: For the record, are you saying that you have never been to Afghanistan, except when you were with U.S. forces...when you were taken to Afghanistan?

Detainee: Yes. When the U.S. forces captured us they took us to Afghanistan. Otherwise, I never knew it. It wasn't the Americans that captured me. It was the Pakistani that captured me and then they sold me to the Americans.

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Presiding Officer: We understand.

Board Member: Your appearance, your physical appearance now is not different than it was at that time, except that you're older?

Detainee: What do you mean? Of course, my appearance has not changed!

Presiding Officer: He's asking because four separate people recognized you in Afghanistan. He's curious to see if your look has changed...why four separate people are saying...why four separate people saw you were in Afghanistan?

Detainee: I really don't know, maybe they tortured them. Maybe it is because they want to show that they have good [as] relationship with Americans, so they just say things like that.

Presiding Officer: Thank you. He's just trying to determine if you look different.

Detainee: I will give you additional information. About 15 years ago, during the gulf war when the Yemenis went from Saudi Arabia...when they went back to Yemen from Saudi Arabia. A lot of these Yemenis that were in Saudi Arabia that returned to Yemen have said that they saw me in Saudi Arabia. I don't know Saudi Arabia. I never went into Saudi Arabia. So appearances are not proof at all. Just so that you know this.

Presiding Officer: Thank you.

Board Member: What is your date of birth?

Detainee: 1979. In the beginning, I did not know how old I was exactly. I wasn't sure if it was 79 or 77, but when they did an examination and I reviewed the history of my schooling and other things. Then I confirmed that it was 79.

Board Member: You said that the date we have of October 2001, is not the date that you went to Pakistan?

Detainee: I think it's not true, but I'm really not sure.

Presiding Officer: Do you remember was it before or after the attack in the United States in September?

Detainee: I entered Pakistan towards the end of Sha'ban (18 October - 16 November 2001), Islamic calendar, and I stayed for Ramadan (17 November - 15 December 2001), Shawwal (16 December 2001 - 14 January 2002), Dhul-Qi'dah (15 January - 13 February 2002). From Ramadan (17 November 2001 - 15 December 2001) to Muharram (15 March - 13 April 2002) in the Islamic Calendar, which is five and half months. When these attacks were I'm not sure? I don't know if it was before or after...I wasn't following it. I would hear some words, but I wasn't...

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Presiding Officer: You don't remember where you were when you heard about the attacks?

Detainee: I heard about it in Pakistan, but I don't remember if it happened before or after that.

Presiding Officer: Thank you.

Board Member: Do you speak English?

Detainee: No.

Board Member: A little bit?

Detainee: Just things that I need from the guards.

Board Member: What employment did you do in Yemen?

Detainee: Farmer.

Board Member: Can you tell me about your farm?

Detainee: Just a regular farm. We would plant according to the season...anything that you could profit from like tomatoes. It was just a simple farm. You could not exceed 500 meters.

Board Member: Did you make money from that farm?

Detainee: Of course!

Board Member: How much money did you leave Yemen with?

Detainee: Eight hundred dollars.

Board Member: And you spent then \$100 in five and half months in Pakistan?

Detainee: Yes, because most of the food and the drinks in Tabligh is free. Merchants would help out people from Tabligh...they would give them things like a bag of rice...different contributions. So all your expenses would mostly be things that you needed for yourself. You would buy it from the outside. We didn't really need a lot, particularly in Pakistan you didn't need to spend a lot. In Pakistan, it's just like Yemen; we don't do anything that is forbidden...like chewing khot, or smoking cigarettes or anything that's permitted...so that we spend money on it...so we really didn't need to spend any money at all.

Board Member: Have you ever been to the large Tabligh center in Lahore, Pakistan?

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Detainee: I don't remember. All these things I've forgotten, but I remember that I went to Karachi. I went to the Mecci Mosque in Karachi for two days and from there I went on to Lahore. How long I stayed there...I really don't know the date...I don't know anything. I just remember the main things...the main movements...the main things that I did while I was there.

Board Member: What did you do at the mosque?

Detainee: Just learn, learn and pray and other things.

Board Member: What do you think of Usama bin Laden?

Detainee: I really didn't know much about him. I use to hear a little bit about him. I just use to hear that he was against Jews, because they kill Palestinians. That's what I knew about him and for us as Muslims anyone who defends Muslims can't be bad...he's okay. But whether he's a terrorist or anything like that, I really don't know. I don't know really much. I didn't know much about him until I came here to prison. In fact, when we did hear that he had killed innocent people, we thought that this was something that was not good. If you kill someone who had killed then that is okay, but to kill someone, who is innocent, who was just sitting in their house, that's not good. If you found people, who were just sitting in their home...why [would] you kill them...why do you go to them? A person shouldn't harm a person unless that person has harmed them and that's it. This is my point of view.

Board Member: Have you ever heard of a fatwa against Americans?

Detainee: When I was in Pakistan I didn't hear anything.

Board Member: What about Yemen?

Detainee: No, not even in Yemen. I was in a village anyway. I didn't hear anything like that. Even here I didn't hear any fatwas against Americans, until now I haven't heard.

Board Member: What do you think about the Taliban?

Detainee: I used to think that Taliban was just what the Arabic word means, which means two students in school. That's what I knew about Taliban. When we met Afghanis and stuff like that, they told us that Taliban means a lot of people. Then I knew that Taliban meant a group of people and not just two people, like I thought. From what the Afghanis tell us here, they seem to be good people, they were just students of Shari Allah and that's it.

Board Member: Did you visit any Madrasas in Pakistan?

Detainee: No, just the Salafiyah University for one or two hours.

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Board Member: What do you think about Americans?

Detainee: I didn't really see any...what do you mean...what do I think...from what point of view?

Board Member: You have been in captivity here for three years. What do you think about Americans, if you were to go back to Yemen?

Detainee: If I were to go back to Yemen...if you let me go back to Yemen and just go there and work, leave me alone, just get married and do my job. I don't want anything to even do with Americans. I don't want to see them. I don't want them to see me. Even Yemenis, Yemeni police...I don't want anything to do with that. Even when I was in Yemen I had never seen an American, neither in Yemen nor in Pakistan, only when I came here to prison. We see here on T.V. that the Americans were in Saudi Arabia, but they were doing...what they were like I didn't know anything. My knowledge of them was just from here.

Board Member: Did it upset you that the Americans were in Saudi Arabia?

Detainee: Yes, it's natural, but what were they doing in Saudi Arabia. They said that they were defending them against Iraq. So I didn't really have an opinion. No one use to talk to me about it. The American presence whether it is in Saudi Arabia or Yemen, just like Chinese, Pakistani or Russian...he comes, he stays, he goes back to his country. So there's really nothing to it. So you see your people talk about it a lot, but I wasn't really...I didn't really have a point of view. I didn't really think about it too much. Just talk. So for me it was just like any...my point of view of any other person. Whether it was the Americans, Pakistani, Chinese, [and] Russians. Same thing. This was my point of view in Yemen.

Presiding Officer: You say you've never been to Afghanistan. I just want to make sure not just in 1999 in no year you've been to Afghanistan?

Detainee: Afghanistan, I didn't go to it and I don't know about it. Americans were the ones that brought me to Afghanistan.

Presiding Officer: Issa's house, do you know any of the other people that were there?

Detainee: Do I know them? I knew them in the house.

Presiding Officer: Did you know if any of them were involved with al Qaeda or Taliban?

Detainee: Really when I was there I wasn't interacting with them at all. I had a small room, I was sick in it. I would go to the infirmary and come back to my room. We would eat together and sometimes I would just take my food to my room. The only time I would interact with them was prayer time when we would all pray together. So I don't

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really know about anyone. I don't have any knowledge about anyone nor did I ever sit down with anyone.

Presiding Officer: You were arrested there by the Pakistanis, correct?

Detainee: Correct and after that they sold me to the Americans.

Presiding Officer: How big is the village of Hudaydah?

Detainee: I don't know. It's a city, but I don't know about the...how big it is. I just know that it is a big city.

Presiding Officer: What village was your farm in?

Detainee: Al Senaya.

Presiding Officer: Do you have any family members in Yemen? Do you hear from any of your family members in Yemen?

Detainee: They're there. I have them.

Presiding Officer: How many brothers and sisters?

Detainee: Two sisters and two brothers.

Presiding Officer: Have you heard from them at all while you've been here?

Detainee: I got one letter.

Presiding Officer: Do you know anyone...outside of here that you've met at Guantanamo have you met anyone, who has answered jihad against the United States?

Detainee: I live in a village and the city I would never go there, except just to work and come back...

Presiding Officer: But you traveled to Pakistan...

Detainee: Yes.

Presiding Officer: You didn't meet anyone in your travels in Pakistan or Dubai or Karachi; any of these places...did you meet anyone?

Detainee: No, I didn't hear about this at all.

Presiding Officer: The people who picked you up at the airport in Karachi. They were not also for Tabligh?

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Detainee: They're Tablighi.

Presiding Officer: Your earlier statement you said, "the other people were picked up by Tablighi not you." You said that you were just picked up by two men.

Detainee: No, we met two people from Tablighi. They took us. I said before that two Tablighis took us and met us. They took us in a car. The owner of the car, if he was Tablighi or not, I don't know. They took us to the Mecci Mosque and then we parted ways.

Presiding Officer: Thank you very much. So your long-term plan is to go back to Yemen and go back to farming.

Detainee: No doubt, unless of course the Americans took the \$700 that I had and invested them and there's a lot of interest on it now than I'll just take that money and go back and get married.

Presiding Officer: That's very unlikely.

Detainee: I think now it should be about 5 or 6 million dollars.

Presiding Officer: Thank you very much.

Detainee: I have some problems I would like to talk about.

Presiding Officer: Please go ahead.

Detainee: I have health problems. First thing, my back, the soldiers in Bagram hurt my back. I've been suffering from it for the past three years and the infirmary refuses to treat me...not to x-ray [anything or me]. My knees also hurt and they didn't do anything for me. They gave me pills...pain relief. The pain would go away for a little bit but then it always comes back. They didn't do any examination or anything. The [third] problem, I had an operation here, at the hospital here, they told me that the numbness would go away in six months. Now, two years later, I still have no feeling over here. *Detainee pointed at his lower right abdomen.* The fourth problem, my eyes have pain. I talked to them about it. They brought me glasses. When the glasses broke I gave it to the guards so they could fix it, it's been two years. They took the glasses, they never brought them back and now I still have pain. Fifth problem, I have this thing on my forehead. It hurts me when I pray and there's pressure on it. I talked to them about it in the first hearing. They took me and they did an examination outside the prison. After three and half months they said they got the results from America that this is a normal ailment, its just blood. I told them well go ahead and operate on it, so they said okay we'll give you an appointment with a surgeon. It has been four months and they [still haven't done] anything. Every time I talk to them about it, they say its okay, its just a small thing, its not a problem and they don't do anything. When I press on it like this (*Detainee raised his index finger and proceeds to poke the bump on the center of his forehead*), or I put

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pressure on it, it hurts me. These are five problems I have and they won't do anything about any of them.

Presiding Officer: Thank you very much. I'll make sure that we'll tell people about all five. I am not a doctor and I will definitely put all this in our report and it will definitely be seen. The information will definitely be seen.

Board Member: I just want to ask whether or not any of these problems occurred while you were here at Guantanamo?

Detainee: All of it, yes.

Board Member: Your back was hurt in Bagram?

Detainee: My back was in Bagram, when the soldiers pushed me off the plane in Bagram. They did it very harshly and they hit my back and it kind of snapped a little bit. Now when I bend over or lean back it hurts. It's right in the middle of my back. Because of the metal in the cell and temperature the pain it hurts more. If I were in Yemen I wouldn't have any of these problems. My only problem in Pakistan; I had some spots but there gone.

Presiding Officer: Do you have any other information for us?

Detainee: No, nothing else.

Presiding Officer: Thank you very much. We'll make sure all five of these are passed forward and hopefully something will get to some resolution.

Detainee: I'm just afraid it will be like the first hearing they took me and did a quick exam and that was it.

Presiding Officer: I am not a medical person. I don't know what they'll do.

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

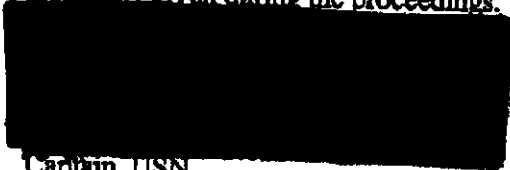
The Presiding Officer opened the classified portion of the session.

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

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AUTHENTICATION

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



Captain, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 693

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

It was noted by the Presiding Officer that from Exhibit EC-B, the Detainee had chosen not to be present for the Administrative Review Board proceedings.

The Presiding Officer confirmed that the Assisting Military Officer had met with the Detainee and informed him of his rights regarding the proceedings, that the Detainee appeared to understand the process, that the Unclassified Summary of Evidence was read to the Detainee, that a translator was used during the interview, and that the Assisting Military Officer confirmed that the translator spoke the same language as the Detainee.

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

The Presiding Officer asked the Designated Military Officer for any further unclassified information.

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he previously submitted a summary of the interview.

The Presiding Officer read the remainder of the unclassified portion of the Administrative Review Board proceedings, and then adjourned the proceedings.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the Administrative Review Board proceedings.



Captain, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 703

The Administrative Review Board (ARB) was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee accepted taking the (Muslim) oath.

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

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

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

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

Assisting Military Officer: The detainee's Administrative Review Board (ARB) interview was conducted on 4 October 2005 and lasted three hours and twenty 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 wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he wanted appear and participate at the ARB. The detainee requested that the AMO present his responses at the ARB, point-by-point, to the Unclassified Summary of Evidence. These were then dictated by the detainee via the translator and are explained here within. Additionally, the detainee stated he wanted to make an oral

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statement at the ARB. The detainee was very cooperative, attentive, and cordial throughout the interview. At the conclusion, the detainee declined the offer for the Arabic translated Unclassified Summary of Evidence.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3, other unclass information) to the Administrative Review Board.

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

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted the Assisting Military Officer to read his responses to each item of information from the Unclassified Summary as it was presented.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

Designated Military Officer: The detainee admitted to going door-to-door with the Jama'at Tablighi (JT) for three days in Hamburg attempting to discuss Islam with people.

Assisting Military Officer: The detainee disagreed. The detainee claims to have only gone out to learn about the Jama'at Tablighi organization. The detainee didn't like this, so he stopped after three days.

Designated Military Officer: The Tablighi Jama'at is an Islamic missionary organization founded to spread Islam and recruit followers. Islamic extremists have been known to exploit the organization to enhance their ability to fight the perceived enemies of Islam.

Assisting Military Officer: The detainee neither agreed nor disagreed. The detainee claims no knowledge about the JT organization because he only spent three days with them.

Designated Military Officer: A member of JT traveled to Afghanistan while the detainee was there and asked the detainee to return to Germany with him in October 2001, but the detainee refused.

Assisting Military Officer: The detainee disagreed. The detainee claims this never occurred.

Designated Military Officer: Around March 2001, an acquaintance at the al Nur Mosque gave the detainee two videotapes of the mujahidin in Afghanistan and Chechnya. After watching the videotapes, the detainee contacted this facilitator and made arrangements for his travels to Afghanistan.

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Assisting Military Officer: The detainee agreed.

Designated Military Officer: Originally, the detainee stated he traveled to Afghanistan to fight jihad to make amends for the wrongs he committed.

Assisting Military Officer: The detainee disagreed. The detainee claims to have traveled to Afghanistan in order to buy drugs. The detainee wanted to make enough money to open a store and live comfortably. This statement is a generality, but not his particular situation.

Designated Military Officer: Later, the detainee stated that prior to viewing the videotapes, he had begun thinking of a scheme to travel to Afghanistan to purchase drugs and then smuggle them back to Germany to sell. He said he made plans to travel to Afghanistan under the guise of training for jihad.

Assisting Military Officer: The detainee agreed.

Designated Military Officer: In June 2001, the detainee purchased a fraudulent Belgian passport, while his facilitator purchased round trip plane tickets for the detainee to travel from Germany to Afghanistan.

Assisting Military Officer: The detainee agreed.

Designated Military Officer: On 3 September 2001, the detainee and Bahaji traveled from Hamburg via Istanbul, Turkey, to Karachi, Pakistan. They remained for three days before flying to Quetta, Pakistan. In Quetta, the Taliban provided a driver to take them to a Taliban safe house in Kandahar, Afghanistan.

Assisting Military Officer: The detainee disagreed. The detainee claims to have traveled to Pakistan with someone else, a friend named Bin Murabit Ismael. While in transit, they met Bahaji at the Istanbul Airport while waiting for a flight to Karachi, Pakistan. They spent three hours together, having breakfast and drinking coffee.

Designated Military Officer: The detainee volunteered to fight for the Taliban against the Northern Alliance around Bagram under the command of Abdul Wakhil.

Assisting Military Officer: The detainee agreed.

Designated Military Officer: In December 2001, the detainee retreated with the Taliban to Zormut, Afghanistan. They remained in Zormut during the month of Ramadan and then traveled to Banuu, Pakistan.

Assisting Military Officer: The detainee agreed.

Designated Military Officer: The detainee met a senior al Qaida Lieutenant in December 2001 who was smuggling mujahidin into Pakistan.

Assisting Military Officer: The detainee disagreed. Detainee claims to have met someone doing this, but [the] individual was an Afghan Taliban, not an Arab. The Taliban provided detainee amenities (like food) during the month of Ramadan. Afterwards, the Taliban provided a car and driver (a native Afghan) for travel to Pakistan. Before departing, the detainee gave his Kalashnikov to the Taliban.

Designated Military Officer: During Ramadan 2001, a senior al Qaida lieutenant convinced 20 of approximately 100 mujahidin to leave Afghanistan at the request of local Afghan leaders. About one week later, the group of 20 proceeded to Banuu, Pakistan. The 20 men were told al Qaida would contact them to continue their jihad as soon as the situation in Afghanistan had improved.

Assisting Military Officer: The detainee neither agreed nor disagreed. The detainee claims no knowledge of this subject. Detainee has only stated that approximately 20 men traveled to Banuu, Pakistan. They intended to leave Afghanistan and return home [to] (Germany).

Designated Military Officer: Sometime in February 2002, al Qaida sent the group to Lahore, Pakistan, and then to Faisalabad, Pakistan. Traveling with this group was Jose Padilla (aka Abdallah al-Muhajir) and Fouad Zouaoui (aka Talha al-Kini).

Assisting Military Officer: The detainee disagreed. The detainee claims no knowledge of these individuals. When traveling from Lahore to Faisalabad, Pakistan, a Russian and Yemeni accompanied the detainee. [The] detainee claims this allegation is a result of a translator error from one of his interrogations. Note: The detainee claims these two individuals are also detained at Guantanamo Bay, [Cuba].

Designated Military Officer: Abdallah al-Muhajir and Talha al-Kini were planning to build a bomb using conventional explosive and radiological materials and then detonating it in the United States.

Assisting Military Officer: The detainee neither agreed nor disagreed. The detainee claims no knowledge about these individuals.

Designated Military Officer: The detainee remained in Lahore for approximately three and a half months, moving between several homes. He was then taken to Abu Zubaydah's safe house in Faisalabad, Pakistan.

Assisting Military Officer: The detainee agreed. The detainee claims the JT organization chose him and others to travel to Faisalabad, Pakistan.

Designated Military Officer: According to a senior al Qaida lieutenant, the Lashkar e Tayyiba as a Foreign Terrorist Organization.

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Assisting Military Officer: The detainee disagreed. The detainee claims no knowledge of the LET organization; the JT organization facilitated his movements in Lahore and Faisalabad, Pakistan.

Designated Military Officer: The Secretary of State has designated Lashkar e Tayyiba as a Terrorist Organization.

Assisting Military Officer: The detainee neither agreed nor disagreed. The detainee claims no knowledge of this subject.

Designated Military Officer: Pakistanis moved the detainee to Faisalabad, Pakistan, but they mistakenly placed him in Abu Zubaydah's house. Since the detainee did not have any connection or relationship to Abu Zubaydah, he should have been placed in the Yemeni house.

Assisting Military Officer: The detainee agreed. The detainee claims to have stayed at this house while waiting for his papers (passport) in order to travel home [to] (Germany).

Designated Military Officer: The detainee and others at Abu Zubaydah's house had a 15-minute period between the time they realized the Pakistani police had surrounded the house and the time entry was made to hide their fake passports and concoct stories to tell the police.

Assisting Military Officer: The detainee disagreed. The detainee was asleep when the Pakistani police entered the house and he awoke to find guns pointed at him.

Designated Military Officer: The detainee served in the Algerian Army as a conscript for four years starting in January 1979. He served primarily as a physical training teacher and weapons guard, receiving training on the AK-47, Seminov and Dictaroff (a single-shot rifle).

Assisting Military Officer: The detainee agreed. The detainee claims to have served five years, from 1979-1984.

Designated Military Officer: In September 2001, the detainee attended the al Farouq Training Camp and the surrounding mountain training area for approximately thirteen days. While in the mountains, he received training on the Kalashnikov rifle, Rocket Propelled Grenade and physical training.

Assisting Military Officer: The detainee agreed.

Designated Military Officer: The detainee also attended Camp Nine outside Kabul for approximately 25 days, receiving training in camouflage techniques, weapons, and physical fitness.

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Assisting Military Officer: The detainee disagreed. The detainee claims he had no training while at Camp Nine because his leg was injured.

Detainee: I wasn't injured. I was sick.

Designated Military Officer: During Ramadan 2000, the detainee met Sa'id Bahaji at the al Atrak mosque in Hamburg. Bahaji is a known al Qaida operative connected to the 11 September 2001 attacks.

Assisting Military Officer: The detainee agreed. The detainee claims to have only met this individual once and had no knowledge about his activities.

Designated Military Officer: Bahaji allegedly facilitated the false identification papers, cash, visa and transportation for the hijackers of the 11 September 2001 attacks. He also networked with other al Qaida cells around the world to fine tune the attacks on 11 September 2001.

Assisting Military Officer: The detainee disagreed. The detainee claims neither involvement nor knowledge about this subject.

Designated Military Officer: An admitted al Qaida member identified the detainee as a friend of an explosives trainer.

Assisting Military Officer: The detainee disagreed. The detainee claims no knowledge about any friend being an explosives trainer.

Designated Military Officer: Between 1973 and 1982, the detainee was arrested at least seven times in Algeria for stealing, robbery, receiving sentences varying from one week to two years. In 1985, he was found guilty of statutory rape after he married a 17-year old without her father's permission.

Assisting Military Officer: The detainee agreed.

Designated Military Officer: From 1990 to 1994, the detainee lived in Rome, Italy, where he dealt illegal drugs. He was arrested for stealing at least six times while in Italy.

Assisting Military Officer: The detainee agreed. The detainee claims he was arrested about 13 times.

Designated Military Officer: From 1994 to 2001, the detainee lived in Hamburg, Germany, where he was involved in numerous illegal activities and spent over two years total in prison. His crimes included possession of a shotgun; pick pocketing, credit card fraud, prison escape and possession of fraudulent identification. He continued to deal in illegal drugs while in Germany.

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Assisting Military Officer: The detainee agreed. The detainee claims the firearm was neither a shotgun nor an automatic gun.

Designated Military Officer: The detainee denied seeing American forces while serving with the Taliban fighting the Northern Alliance, and did not know they were even fighting until the bombing began.

Assisting Military Officer: The detainee agreed. The detainee claims he was not a front-line fighter, but was placed in the third (Arab) line, for logistic support and strategic reserves. [The] detainee was armed with a Kalashnikov.

Designated Military Officer: The detainee has no ill feelings towards the United States. He is aware he has made mistakes in the past and is willing to pay for these mistakes. He has spent most of his life in jail or prison and is hoping this will be his last detention, as he no longer wants to live a life of crime and wants to settle down with his family.

Assisting Military Officer: The detainee agreed.

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

The Presiding Officer acknowledged the request.

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

The Presiding Officer had the Assisting Military Officer submitted documents on behalf of the Detainee marked as Exhibits EC-c thru EC-c6.

The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.

Assisting Military Officer: The detainee claims that since he arrived, he has been completely open, honest, and cooperative. The detainee claims that he has never been evasive or uncooperative during his interrogations and that he has been questioned on over 70 separate occasions. The detainee further commented that he provided much of the information within these allegations during his interrogations. The detainee declined the Arabic translated Unclassified Summary of Evidence because he did not want other detainees to know anything about his "private" interview.

The Detainee made the following statement:

Detainee: I would like to mention one important thing that all these allegations that you just read. All of it, I have mentioned it. I have provided it to the interrogators or the investigators. They added some stuff, which was not true. Ever since I was captured

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from Pakistan until the present day today, I have seen about 71 interrogators and I was always cooperative with them, very honest, and helpful. You can verify that with the interrogators or investigators.

Presiding Officer: Do you have anything else to add?

Detainee: I have one thing, honest to goodness from the bottom of my heart, I would like the board to know that I have no problems whatsoever with any country in the world, any nationality or the United States. All my utmost concern now [is that] I want to be with my wife and my kids. I don't propose a threat to the United States or any other country.

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

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

Administrative Review Board Member's questions:

Board Member: When you lived in Germany, approximately 1994 to 2001, how did you get your money?

Detainee: I brought it from Italy. I had Italian friends and families that used to hide my money and hold on to my money and any country I go to, they used to send it to me.

Presiding Officer: How did you earn the money though? What did you do for a job?

Detainee: From stealing. After I [would] get out [of] prison, I used to work a month or two months here and there at a restaurant, save some money and then get out. All my money is from theft in Italy.

Board Member: Were you selling drugs during the entire period of time of 1994 to 2001?

Detainee: Yes, in Germany.

Board Member: What kind of drugs was it?

Detainee: Cocaine and I used to deal with cars, buy and sell.

Board Member: You decided that you were going to go to Afghanistan and buy some drugs there and then return to Germany?

Detainee: Yes Sir.

Board member: At some point you met a guy who showed you a videotape, you watched that video and you changed your mind?

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Detainee: At the beginning I did not know that Afghanistan is a country that has cocaine or drugs that are inexpensive. Not cocaine [I mean] heroin. Cocaine was in another country.

Presiding Officer: Cocaine was in Germany and heroin was in Afghanistan.

Detainee: Heroin is very cheap in Afghanistan. I heard about this opportunity [of] buying heroin in Afghanistan a long, long time ago, but I didn't have the opportunity to go into Afghanistan. Then when I watched the Chechnian tape and Afghani tape, then I decided to go to Afghanistan to help myself out and go to. The person who got these tapes to me, I was told by him that you could go for three to six months training and you could come back. I found this opportunity [would be of some] help for me. Then I took this opportunity, I told them yes [that] I would go to Afghanistan. He requested a Pakistani visa so I can lead the way to Afghanistan. I brought the visa and he took a look at it and then he went to the travel office and bought me plane tickets. I was told by him that [I] would meet someone by the Airport that will take me or lead me to where I need[ed] to go in Afghanistan. I rarely met with these people and all that [they] told me was true.

Board Member: Your purpose of going to Afghanistan was to cooperate with the Jihad, but also to buy drugs and return?

Detainee: There was no jihad. It was just military training. When I got to Afghanistan I had never seen a shotgun or war. There was nothing. Then I heard about the September 11 [attacks] that happened in the United States. Then one month later or two months we started seeing the bombs coming down on us. Then we went to Pakistan. [In] the first place I wanted to leave, but we were told by [the] Taliban, that we could not leave until they told us we could leave.

Board Member: On the Unclassified Summary on Item 9, page 2, it says that you volunteered to fight with the Taliban?

Detainee: Yes, because I was in camp 9. There were people there in charge that would tell you what to do. There were people there in charge that would ask, would you like to go with this group, would you like to work with this group. I chose to be with them.

Board Member: I want to go back a little bit to where you leave Germany and you are going to travel to Afghanistan. You are with a friend named Bin Murabit Ismael.

Detainee: Yes.

Board Member: Were you and he in agreement that you were going to go there originally and buy drugs?

Detainee: No.

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Board Member: He wasn't going to buy the drugs?

Detainee: I did not tell him my private intentions.

Board Member: Do you know why he was going there?

Detainee: I was told by him, I want to go to Afghanistan for a week or a couple of weeks just to see Afghanistan. I only told a friend of mine in Germany where I was going. I did not tell him what my intentions were. But since somebody offered us a plane ticket and was all for free, he decided to go for a couple of days. I did not tell him what were my intentions.

Board Member: When you go to Istanbul, you meet up with a man named Bahaji. Is that the first time you met him.

Detainee: I met him the first time at the mall and I met him a few times on the street. The first time I really got acquainted with Bahaji, it was in [the] subway where we got coffee and breakfast. Any other occasion, it was just Hello or Good-bye.

Board Member: From Istanbul, did he travel on with you to Afghanistan?

Detainee: Yes.

Board Member: Someone was paying your way there. You had a free ticket. Was it Bahaji that was paying for it?

Detainee: No, it wasn't Bahaji, it was someone by the name of Al-Moghrabi. It was the same guy who gave me the videotape. He is the one who bought me and Bin Ismael the plane ticket.

Board Member: Did he have anything to do with Bahaji as far as you know?

Detainee: No. I don't think so.

Board Member: How is your health today?

Detainee: Good.

Board Member: It is hard to be healthy with a drug lifestyle.

Detainee: There were many kinds of drugs and some of the drugs could be good to you and some of the drugs are not good to you.

Board Member: What sort of drugs did you use?

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Detainee: We use to deal with cocaine and we sell [it] to the very rich people. I used to use some of while I was in transit to sell it.

Board Member: Just cocaine?

Detainee: When I was younger I used to use the grass, but as I grow older I used the cocaine. When I left to Europe I used the cocaine because it is very, very expensive. [The] seller employees can't afford this kind of drug. It is very, very expensive. You have to deal freely in this kind of business in order to afford buying it.

Board Member: What about heroin?

Detainee: I never used heroin because it causes a lot of disease. I just went to Afghanistan to buy it because it is in demand in Europe. One kilo of heroin in Afghanistan costs \$700 (American) while in Europe it costs \$30 thousand.

Board Member: When was the last time you were high? When was the last time you used drugs [or] cocaine?

Detainee: December 1999.

Board Member: That is a long time to not use it, which is good.

Detainee: It doesn't cause any health problems, whether I use it or not.

Board Member: Are you a good Muslim?

Detainee: Yes, I am a good Muslim and I have parents that are Muslim. If I said I wasn't a good Muslim, I would be lying to you.

Board Member: What does the Koran say about stealing?

Detainee: It is forbidden.

Board Member: You see the problem?

Detainee: The problem is that if you don't own anything then you would have to steal to live. Since I was young my dad had a store and we kept asking for things, and when he would say no I would go to his store and steal [things]. For example, if I want to go watch a movie and my dad said no, then I would steal the money to buy the ticket. This is normal for me.

Board Member: You seem to be a man that makes friends easily?

Detainee: Yes, this is normal for me.

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Board Member: What did your friends in Italy and Germany think about your stealing?

Detainee: I have good Italian friends there. They have trust in me and I have trust in them. I would say anywhere I am or whenever I get with people and if they are honest with me I am honest with them; that is the most important thing.

Board Member: What about your Muslim friends in Germany? What do they think about your stealing?

Detainee: In Algeria this is something normal, people respect their religion but it is not so strict that you can do whatever you want. Especially the region in the north of Africa. There they respect their religion but still do whatever they want. In Italy, I had a lot of Italian friends and we used to go out with them and drink, but when Ramadan comes, that holy month we stop drinking until Ramadan is done, then we resume ourselves and we go out and start drinking. Since I was young I [have grown] accustomed to this and am used to this kind of life.

Board Member: It did not answer the question about your Muslim friends in Germany. What did they think about your theft or your stealing?

Detainee: Even then they steal. Everybody has a different hobby... When I get out of the prison they will celebrate and they will make [a] ceremony celebration and they will give me money. This is normal. People don't do anything if they recognize that I've been stealing they will say "haram" [which] means forbidden. I'm dealt my own life and I am free to do whatever I want. When I was capture the first time I was 15 years old. A lawyer came to me and visited me in the prison. I spent seven years in jail. My father used to visit me in prison and bring me clothes. Even when I left the last time when I got out of prison in 1986 my father used to come and visit me in prison and talk to me about my doing and my behavior and the way I conduct my life. I believe I am free to do whatever I want. This is my life and everyone is free to do whatever they want. When I was young I used to steal money my dad never touched the money I stole because he said it was "haram" [which] means it is forbidden money. My dad never took money from me. Every time I was captured [and put] in prison he came and checked on me. This is [a] normal lifestyle.

Board Member: It sounds like he was a good father, which is a blessing. You have been in many prisons in many countries: Algeria, Germany, and Pakistan. How do they compare to here?

Detainee: I [have] enter[ed] 21 prisons in my life [and have] spent [approximately] sixteen years.

Presiding Officer: How does this one compare to the others?

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Detainee: This is the hardest prison. This is the most difficult prison in my life I have seen. If this detention were to have been my first detention, I would have learned my lesson because it is so difficult. I would have learned my lesson and never stole again in my life. This is the hardest prison I have seen in my life. I used to come and go, something routine. I used to own a supermarket inside prison. I used to have money inside prison. I had TV, CDs. Everything was provided. Even women used to be with us in prison. We had everything. We even played soccer, all kinds of sports. They used to open the doors for us; from seven o'clock in the morning until eleven o'clock in the morning we were free in Germany. Everything was provided. This one compared to the others there is a big difference.

Board Member: Suppose that this board decided to transfer you to another country on the condition that the other country kept you in prison. You called Germany home today. Do you think the Germans would have you back?

Detainee: I don't know. I have no idea if Germany would take me back. If my own country, my native country does not care and nobody would come and talk to me. I don't know what Germany would do.

Board Member: You can imagine how they could be suspicious?

Detainee: Yes.

Board Member: I respect how the Jama'at Tablighi, the Taliban, and al Qaida are warriors and how they work. It is very difficult for me to imagine how those men would accept you in their company.

Detainee: Who are these men? I don't even know anybody. All these people that you mention, I don't really have anything to do with them.

Board Member: But you were arrested with them in Pakistan?

Detainee: I wasn't dealing with them. I was just trying to leave. I was going from one house to another. I had no opportunity to sit back and relax. I have no connection with all these people. You know everything about me. You have everything in my file. Ever since I was young I have nothing. Even my brothers have nothing. Even in Algeria we had no problems with the government or anybody else. We had nothing.

Board Member: Except for the stealing.

Detainee: This is something normal. This is my hobby. This is my profession.

Board Member: Deserting the Army?

Detainee: Which Army?

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Board Member: Algeria.

Detainee: It wasn't mandatory. Every Algerian has to serve two years. The reason I wasn't there for five years is because I was in prison. I never really stayed with the Army. One month I am in prison the next month I am out. I wasn't steady there. I don't like the Army anyway in Algeria.

Board Member: I look at the problem and I say Taliban are very smart. I say they have very good way of dealing with the world. They have very good security. I cannot believe the Taliban would allow a stranger who was a thief, who drank except for Ramadan. I cannot believe the Jama'at Tablighi would allow a stranger to get close to them, especially the men in the house where you were captured, very smart men. I can't imagine them letting you get close to them.

Detainee: ...is something normal with them. [In the] Taliban I didn't know anybody really. I know a lot of people in Tablighi and they lived with me in Europe and I know them very well. They go into bars and try to talk to people and make them get out of the bars and try to help them. They used to come to me to my coffee shop; my restaurant and we had drinks in the restaurant. Sometimes they would follow me home to my own house. They know I got out of prison and they come and visit me and see me. I like Tablighi and I admire them. I would spend a few days with them, but I don't like to get involved too much with them. I admire them, I like them but I didn't realize they have a lot of restrictions. They wanted me to stay all the time in the mosque. That is what I didn't like. There are a lot of restrictions with the Tablighi.

Board Member: The Taliban that you were captured with are very smart people. They knew you even if you didn't know them. You can be sure they knew you.

Detainee: I did not know them, how did they know me?

Presiding Officer: They gave you drivers to get out of Afghanistan to help you get out. Obviously the Taliban valued you. They helped you get out of Afghanistan...and go back to Pakistan.

Detainee: I have no involvement with them. I don't know anybody personally, but there are a lot of Arabs there and they will tell you they are Taliban and they will help you. I didn't know them personally. They help[ed] us and they [brought] us [what we] need[ed] and they will get us out of Afghanistan just by means of help.

Board Member: Why should they help a drug dealer and a thief?

Detainee: Nobody knows about what I do. They did not know anything about me. If they find out that I was a thief or a drug dealer then maybe they [would] kill me, so I didn't let anybody know anything about me. They might kill me. Some of the detainees

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here at Guantanamo Bay, they look at my right hand and they think something is wrong with my hand.

Presiding Officer: Are you talking about your tattoo?

Detainee: Yes.

Presiding Officer: Do you speak English? I see you answering sometimes. You understand English pretty well.

Detainee: No I don't.

Presiding Officer: Not at all?

Detainee: Some words. If I speak English I would tell you I speak it. I am honest.

Presiding Officer: I think you claim you didn't know anyone at the Taliban, but I think you are a very important man and that's why you ended up at Abu Zubaydah's house in Faisalabad.

Detainee: I swear to God I was taken by mistake and I have witnesses to Zubaydah's house. The house I entered Zubaydah wasn't there. After a couple of days he came to the house and I have witnesses, there was a Pakistani guy with us named...he lived with me in the house. One day I would...the three of us, the Yemeni, the Russian and me to that house, the Pakistani man told us we would leave this house in three days and we would go to another house. I liked the house. It was big and spacious and beautiful. I didn't want to leave the house.

Presiding Officer: Did you know any of the other people there? Had you seen any of them before, other than the one guy you mentioned?

Detainee: I did not know them personally. There were six to seven people there but after two days I did not know Abu Zubaydah and he told me he was responsible here. He was in charge in this house and [asked] who brought me to this house. I told him I am here waiting for my passport to get here. Then he asked me who am I, where am I from. [He asked] many, many questions.

Presiding Officer: Did you see any combat at all against the Northern Alliance?

Detainee: No I did not witness that.

Presiding Officer: None at all?

Detainee: No.

Presiding Officer: How is your family? Have you heard from your wife?

Detainee: How would I hear from her?

Presiding Officer: Many people here receive letters, have you received any letters on your wife's health?

Detainee: Yes. I received two letters: one from my wife and one from my daughter. My daughter got married and she sent me a letter and pictures.

Presiding Officer: If we send you back to Algeria or another country will you be involved in drugs again or stealing? All of these might lead you back to fight with someone like the Taliban. That is our fear.

Detainee: I would look for a job. I would look for something to earn a living. Four years here I have spent it in prison here. It is just a waste of time.

Presiding Officer: We have to look at your future. We have to determine what your future holds and determine if you will be a threat to the United States.

Detainee: I have no involvement with anybody in the Taliban. All my concern is my wife and my kids.

Presiding Officer: You trained with the Taliban and were arrested with Taliban members, so I worry that you will go back into that type of activity.

Detainee: I never acknowledged these people. I never acknowledged the Taliban. They create problems throughout the world. I don't like them. I will never be involved with them. I am honest with 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.


Captain, USN
Presiding Officer

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8 August 05

From: ABDALLAH, MUHAMED HUSSEIN

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted by (Abdallah, Muhamed Hussein (704 #) on (8 August 2005) by OARDEC Linguist OL-13.

1. I would like to inform you, as you see, I am a man who reached 60 years of age. Suffering from many illnesses and vision weaknesses thank God for that. I am a father of a big family and have successfully raised well, along with my grand children. I used to stay up all night out of concern for them in order to be able to take care of their needs. But now I don't know a thing about them, I totally lost contact with them for the last 4 years. I don't have an address so I can write to them, and I don't know why. How come I don't receive any letters just like the rest of the detainees? And tell me what did I commit in order to be treated this way? And also I would like to tell you that I have been through a lot of crisis and hardship since I was in prison in Pakistan. I was sent to Bagram prison, the place which nobody had any consideration for my age and weakness. I was treated very badly. I was subjected to mental and physical abuse. And when I questioned the investigator about this abuse, why are you doing this, they used to make fun of me and say, "Do you still have energy?" After that, I was sent to this Island, where I received the worst treatment, worse then a lost of the other detainees. I was treated and threatened badly: My illness got worsens and I had never received any medical care. Now I am suffering with vision loss, and sharp pain in my teeth.

2. I would like to ask this board to judge me with justice. Until now I am in a dilemma of myself. When I asked repetitively during my imprisonment in Pakistan, what is the cause of my detention? The answer was, "we don't know". I also asked the American investigator in Pakistan and he said only we need to make sure of your ID and legal papers and then we will release you. And as you know, I have a refugee ID card from United Nations. I felt strange when they transferred me to Bagram, and I used to ask, "What is my fault?" I was treated with all sarcasm and the answer was, "you don't know?" (Sarcastically) When I came to Cuba, I was not captured in Afghanistan or in the battlefields. I never had any weapon nor I had never fought against Americans or its allies not in my dreams nor when I am awake (real life.). I had no relation with Al Qaida or any other group, so on what basis was I being investigated for all this long period of time? When I used to ask, "what do you want from me?" They said, "you are an old man, you must know a lots of thing." My friend "Muhannad" was released a year and a half ago, and also one of my other friends, "doctor Mohammed Al Jazaeree" was found innocent. I was found or accused of being an enemy combatant. I ask you, I am an enemy to whom, and whom did I fight? The answer is always "we don't know."

3. Finally, I would like to ask this board to look at me with all consideration to my situation, my need for my family, and also their need for me. I ask God the almighty to have mercy upon my weakness, lack of energy, return me to my loved ones, and return them to their loved one. And peace be upon who ever follow the right path.

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خشامًا أوّاد أن أخبركم وكماترون أنّ رجل قد ناهزت
من العمر كستين عامًا، وأنا أعاني من أمراض كثيرة من ضعف
في البصر ولله الحمد وأبّ للأسرة كبيرة قد أحسنت تربيتهم
(أبنائي وأحفادي) وكنت أسهر على تربيتهم والاهتمام بقضاء
حاجياتهم أمّا الآن فاني لا أعرف عنهم شيئًا وقد
انقطعت أخبارهم تمامًا منذ أربع سنوات وللهم عنوان
لمراسلتهم، ولا أدري لماذا لا تصلني رسائل مثل بقية
المحتجزين، وأبّ ذنب جنيت حتى أعامل هذه المعاملة
كما أخبركم أنّي قد عانيت كل شدة وقسوة منذ اعتقالي
بباكستان ثم ترحيلي إلى سجن بكرا (أفغانستان) المكان
الذي لم أراعه فيه ضيفي وكيرسني، بل كنت أعامل معاملة
قاسية وتعرضت للتعذيب (النفس والجسد) ولما كنت
أسأل المحققين لماذا هذه المعاملة بهذا الشكل كانوا
يسخرون منّي ويقولون لا زالت فيك قوة وحيل بعد
هذا الأمر ثمّ ترحيلي إلى هذه الجزيرة ولاقيت أسوأ
معاملة ألت مما تعرضت كثير من السجناء، عوملت بقسوة
وصدت، وزادت أمراض وألم أتلق أدنى رعاية صحية
والآن أعاني من ضعف في الجسم والبصر وآلام حادة بالأضراس
وأخيرًا أوّاد من هبّتكم هذه أنّ تنصفوني وإلى الآن
فأنا في حيرة من أمري ففي باكستان سألتهم عدة مرات

Detainee's Signature

Date

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محمد حسين عبد الله

UNCLASSIFIED

عن سبب اعتقالي، وكان الجواب لاندري، وكان
وسألت المحقق الأمريكي كذبه في أستان فقال فقط
لريد أن تتحقق من صويتك وأوراقك الرسمية ثم
نطق سراحك وللعلم أنا لاجئ في أستان 9 سنوات
أصل بطاقة لجوء من الأمم المتحدة نظرًا لصعوبة
الحياة في الصومال وعدم الاستقرار في الصومال أيضًا،
واستغربت عندما تم نقلني إلى بكرايم ولم يلتفتوا
لبطاقة اللاجئين، وعندما أسأل ماذا كنت أعامل
بكل سخريه والجواب لا اندري، وعندما جئت إلى كوبا
كنت أسأل هذا السؤال البريء المحير لما إذا قبضوا علي
وأنا لم يقبضوا علي داخل أفغانستان ولا في ساحات
القتال ولم يكن بحوزتي أي سلاح ولم أقاتل أمريكيا
لا في المنام ولا في اليقظة ولا خلفا لولا أحدًا من البشر
ولا الحيوانات قط ولم يجدوا في بيتي بعد التفتيش الرفيق
شيئًا يُدينني بأنني مجرم أو مقاتل أو أنني لذي جماعة أو القاعدة
فعلى أي أساس يحقق معي طوال هذه يقولون أنت
مجرم كبير فلا بد أنك تعرف أشياء كثيرة،
وكان لي رفقاء في العمل معي كوبا منهم مهندس السورس وكان
زميلًا، قال لي وخرج من السجن قبل سنة ونصف وذهب إلى أهله
وأستاذًا ثم كان زميلًا في التدريس وفي كوبا وهو الدكتور أبو محمد

Detainee's Signature

Date

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محمد حسين عبد الله

UNCLASSIFIED

الجزائري كذلك قد برى وبتصيا للسفر ولم يتهم
بهما بانها عدو مقاتل وانا اتعب كيف اتهم اني
عدو مقاتل فاقول: انا عدو مقاتل لمن
ومن قاتلت من الجواب لاندرى
ختامًا أرجو من هيئتكم ان تنظروا بعين الاعتبار
الى وضعي وضعي وحاجتي الى عائلتي وحاجة مائلتي
الى الخ كذبح وانني كنت لاجئ برى لا اذنب على احد
واسالوا مكتب الأمم المتحدة للاجئين في بنساور
عن سيرتي وحياتي في بالستان
اسأل الله سبحانه وتعالى ان يرهم ضعفي وقلة حيلتي
ويردني الى من أحبهم ويحبونني والسلام على من
اتبع الهدى

والسلام على من اتبع الهدى

الامضاء

أبو عبد التواب

عبد الله

Detainee's Signature

Date

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UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 709

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

It was noted by the Presiding Officer that from Exhibit EC-B, the Detainee had chosen not to be present for the Administrative Review Board proceedings.

The Presiding Officer confirmed that the Assisting Military Officer had met with the Detainee and informed him of his rights regarding the proceedings, that the Detainee appeared to understand the process, that the Unclassified Summary of Evidence was read to the Detainee, that a translator was used during the interview, and that the Assisting Military Officer confirmed that the translator spoke the same language as the Detainee.

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

The Presiding Officer asked the Designated Military Officer for any further unclassified information.

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer read the Detainees' verbal comments pertaining to the Unclassified Summary of Evidence (Exhibit EC-B).

Assisting Military Officer: The Detainee requested that I read his verbal comments pertaining to the Unclassified Summary of Evidence that are contained on [Exhibit] EC-B and I also have some comments on that exhibit pertaining to the interview. The Detainee's Administrative Review Board interview occurred on 31 May 2005 and lasted for sixty minutes. The Detainee was cooperative throughout the interview. After an Arabic translation of the Unclassified Summary of Evidence was read to him, the Detainee stated that he did not want to attend the review Board, but did want to make a written statement in response to the Unclassified Summary. He said he did not want to attend the Review Board because he did not feel comfortable in the courtroom-like setting. At the conclusion of the interview, the Detainee was provided a copy of the Arabic translation of the Unclassified Summary and was told that a follow-up interview would be scheduled to review his written statement. That interview occurred on 1 June 2005 and lasted for sixty minutes. During the interview the Detainee submitted his written statement, and also provided a few additional verbal comments (Listed below) regarding the Unclassified Summary and asked the Assisting Military Officer to read those comments to the Review Board on his behalf. At the end of the interview the Detainee also asked that the Assisting Military Officer tell the Review Board that he is afraid of returning to Libya. He said he does not want to go to Libya because he feels he cannot trust them and because they put people in prison for no reason. He said he feels that if he returns to Libya, even after being released by the United States, he would be sent back to prison. However, he added that a Libyan delegation visited him last year and told him they would take care of him. He said the delegation also told him that they knew he was with the Libyan Islamic Fighting Group only by name, and that he was obligated to be with them. The Detainee provided the following verbal comments during the follow-up interview in response to information in the Unclassified Summary of Evidence: In response to the allegation that he was recruited and became a member of the Libyan Islamic Fighting Group at the Quetta, Pakistan University, the Detainee said he did not belong to this group, but was with them. In response to the statement that he served in the Libyan military from 1983 to 1990 and received training on electronics, AK-47s, Belgium pistols, the PK machine gun and UZIs, the Detainee said he did train on those items. In response to the allegation that during the time he was in Afghanistan he trained in two Libyan training camps, and received training on AK-47s, pistols, a Siminoff sniper rifle, 82 mm mortars, and anti-aircraft weapons such as Doshka, the Detainee said he trained on these items because he was obligated to since he was living at the camps. The Detainee agreed with all of the following statements: he

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did not believe in violence; he joined the Libyan Islamic Fighting Group out of desperation – he was broke, had no place to go, was hungry, unemployed and had no way to support himself; and his family did not receive monetary support from the Libyan Islamic Fighting Group but he received food, shelter, and an allowance for clothes. The Detainee also agreed with these statements: he denies ever having had any association with al Qaida or any other terrorist or extremist group; he angrily defined its leadership and members as “savages” who twist the meaning of Islam, thereby hurting all Muslims; he expressed equally negative views of the Taliban, stating he steered clear of them and lived a quiet life after getting married in 1999; and he did not reveal anything to suggest that he is linked to the Libyan Islamic Fighting Group. Finally, the Detainee said if he were released he would prefer to work on a farm, with just his family, because he does not like to be around a lot of people. Sir, I mentioned the Detainee also submitted a written statement. I am handing to the Administrative Review Board the following unclassified exhibit marked as (Exhibit EC-C), a copy of this exhibit has been previously provided to the Designated Military Officer.

Presiding Officer: Assistant Military Officer you may begin by reading [Exhibit] EC-C.

The Assisting Military Officer read the comments from Exhibit EC-C, identified herein as Enclosure (4).

Questions from the Administrative Review Members:

Board Member: Yes, sir. For the Assisting Military Officer, did he seem schizo-typical to you?

Assisting Military Officer: Well sir, he was definitely anxious in both the first interview and the follow-up.

Presiding Officer: Anxious meaning nervous?

Assisting Military Officer: Nervous...agitated, certainly not in a violent manner. You could tell he was under a lot of stress. Even when we asked him a question, he literally said it is hard for me to respond immediately that's why he preferred to write a written statement and he wanted to go back by himself to do it. There is no question that he was under some stress.

Presiding Officer: In EC-B, the comment about 'he's afraid of returning to Libya'...he said he feels that if he were sent to Libya he would be sent back to prison. Is there anything indicating that there are any charges against him?

Assisting Military Officer: No, sir that was the extent of what he said.

Presiding Officer: He just said that.

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Assisting Military Officer: He brought that up toward the end of the follow-up interview. He asked about the idea of a transfer. That is when he really became very nervous and said I do not wish to go back to Libya under [any] conditions.

Presiding Officer: OK, then this last sentence, he said the allegation also told him that he knew he was with the Libyan Islamic Fighting Group only by name and he was obligated to be with them. I am not sure if that has some kind of meaning that they are not concerned about that, or we're going to get you. I am not sure what is meant by that sentence.

Assisting Military Officer: He did add that the same delegation had talked to some other individuals at the camp that had basically told him the same thing that they had returned to Libya and had done OK and were not harmed. That was my impression of what [the Detainee] was saying.

Presiding Officer: But he is concerned?

Assisting Military Officer: He is definitely concerned about returning to Libya.

Presiding Officer: For the record make sure that we put in our report that the Detainee is afraid of returning to Libya.

Assisting Military Officer: I am sorry sir, I should say that the Detainee said if he were released in the United States and able to return to Libya as an individual that he would feel some what safe in that respect but, being transferred back government to government is what made him nervous.

Presiding Officer: Now you are saying if he were released in the United States.

Assisting Military Officer: And able to travel back on his own to Libya.

Presiding Officer: OK, but that's not what this says here.

Assisting Military Officer: Yes, sir. I know that just came back into my mind.

Presiding Officer: Alright, for the record what [the Detainee] is saying is if he were released in the United States, he would feel better about that so he could go back on his own, but if he was transferred back that is a different story and he would be afraid of going back to Libya.

Assisting Military Officer: Yes, sir.

Presiding Officer: OK, so lets make sure that we reflect in our report those two comments and we will capture it in the transcript. Thank you.

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Presiding Officer: Any other questions?

Board Members: No sir.

The Presiding Officer read the remainder of the unclassified portion of the Administrative Review Board proceedings, and then adjourned the proceedings.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the Administrative Review Board proceedings.



Colonel, USMC
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 727

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

It was noted by the Presiding Officer that from Exhibit EC-B, the Detainee had chosen not to be present for the Administrative Review Board proceedings.

The Presiding Officer confirmed that the Assisting Military Officer had met with the Detainee and informed him of his rights regarding the proceedings, that the Detainee appeared to understand the process, that the Unclassified Summary of Evidence was read to the Detainee, that a translator was used during the interview, and that the Assisting Military Officer confirmed that the translator spoke the same language as the Detainee.

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board.

The Presiding Officer asked the Designated Military Officer for any further unclassified information.

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he previously submitted a summary of the interview.

The Assisting Military Officer presented the Detainee's written statement (Exhibit EC-C 1 - 5). The Assisting Military Officer stated that he had not reviewed the above-mentioned documents due to Detainee's impulsive presentation.

The Administrative Review Board recessed at 1332 hours, 3 June 2005, in order for the Board Members, the Assisting Military Officer and the Designated Military Officer to review Exhibit EC-C 1-5.

The Administrative Review Board was reconvened at 1343 hours, 3 June 2005.

Presiding Officer: During the recess the Assisting Military Officer provided the Administrative Review Board panel with three exhibits. The exhibits were provided to the Assisting Military Officer by the Detainee on this date at approximately 1230 hours. The Detainee provided these items and the first one is [marked] as Exhibit One. This [exhibit] includes six different items. First is a report by Professor Timothy Valentine of Valentine Moore (ph) Associates. This item is a written compilation that describes that the Detainee was not the person shown in a video describing terrorist activity in Chechnya. The next item is an unclassified document [which is] still within the large packet brought in. [It] starts with page five, a statement of facts on Omar Deghayes. This is some kind of background information on him. It starts with page five and goes through page twelve. The next item in this packet is a two-page item, from thirty-two to thirty-three and it starts out with an item by Douglas, Ford, J. Frank and B. Frank, Not Guilty, Number 12, 1957. The next item in this packet of information starts out [with] Exhibit A, declassified materials, Deghayes, March 14, 2005. The next item in this packet is a three-page item, pages seventeen, eighteen and nineteen, describing abuse at Guantanamo Bay as it relates to Mr. Deghayes, the Detainee. The next item on this large exhibit is another compilation of pages that go from six through twelve. It starts, "one problem involves the use of incompetent translators...PR number one brought with him a translator who sounded as if he was probably Iraqi but spoke bad English and bad Arabic." Those six items are in a strange collection of information that has been presented as Exhibit One and they will be marked appropriately by the Assisting Military Officer. The Assisting Military Officer also brought information marked 'Privileged Attorney Detainee Materials Embargoed until 10 AM, Thursday, February 17, 2005.' It is marked as an Exhibit by the Assisting Military Officer. It is a single page document. The next item is an unclassified report that is four

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pages in length and it is an article from independent newspaper on Sunday, 24 April 2005, titled 'U.S. Guards at Guantanamo Tortured Me, says UK Man.' This is submitted by the Detainee Omar Deghayes and is now entered into the record.

Administrative Review Board Member's questions:

Board Member: I noticed in this one packet you gave us [that] it had a collection of these different items, in the upper left hand corner there is a pencil mark that appears to describe a sequence of documents and it looks like document seventeen is not in the package. I am wondering where document seventeen is. It is not in my package anyway.

Assisting Military Officer: I cannot give a satisfactory answer to that question because I copied it just as it was handed to me by the Detainee.

Presiding Officer: So there is a possibility that there is a page missing here or that he missed the count?

Board Member: He may have missed the count because it goes from eight to nine on the bottom right hand side but I just wanted to clarify for record that there is what appears to be an item missing but it doesn't appear that document seventeen may have ever existed because these go in sequence in the bottom. In the event that anyone asks the question 'where is document seventeen?' like I did, I don't think there is a document seventeen.

Assisting Military Officer: One possibility is that in the process of copying the original that he handed us, which we gave back to him, it (referring to the copy machine) may have double fed two sheets...or...

Presiding Officer: Or he missed the count.

Assisting Military Officer: Or he missed the count!

Board Member: Who put the marks on the upper corner, you or him?

Assisting Military Officer: They were here...

Board Member: OK.

Board Member: I have a question, I was reading through this package you provided us and it is on the...it is on this thirty-three page package...it's the second number 'seven' page and what I want to ask you about is your perception of his thought processes...because on the second page 'seven,' footnote eight, [it states] 'one reason Mr. Deghayes needed legal assistance with the CSRT process is that he suffers from what counsel clearly recognizes as psychotic thought processes'. Can you...what is your assessment? I know you're not an expert on this but when you asked him a question did he seem to respond? Was he

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cognizant of the question and responded in a comprehensible manner? What was your assessment?

Assisting Military Officer: I thought that he was quite lucid and he answered all of my questions satisfactorily. He did tend to want to run the show every time we interviewed him.

Board Member: Did he tend to go off the subject or go off on a tangent or...

Assisting Military Officer: Well, overall sir, I would say he did because I kept trying to steer him to the fact that the purpose of this review board is to assess his future behavior and he kept going back to the injustices done to him in the past.

Board Member: Did he speak English with you?

Assisting Military Officer: He speaks very good English.

The Presiding Officer read the remainder of the unclassified portion of the Administrative Review Board proceedings, and then adjourned the proceedings.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the Administrative Review Board proceedings.


Colonel, USA
Presiding Officer

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UNCLASSIFIED

02-JUN-2005

From: Deghayes, Omar Amer

To: Presiding Officer

Via Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted by Deghayes, Omar Amer, ISN#[727], on 02 Jun 2005 by OARDEC Linguist OL- [10]

(x.x.x) – Refers to the paragraph number on the Unclassified Summary of Evidence. Notes in square brackets [] are translator and AMO comments

In the name of ALLAH, Most Gracious, Most Merciful

I and my Lawyer answered all accusations mentioned at the CSRT or at the interview before. It was just four accusations. I answered all of them in details with preemptory proof it was not true. Some of these papers and answers are enclosed in Exhibit 2

After the windup from the first board (CSRT), why I am seeing creation or making up anew accusations different than the old accusations? And all these accusations also are not true. I demand statements from many parties to prove that all these accusations are not true. You did not allow me or the AMO to call my family and other people, which I demand statements from. For example, I am not an employee at Sanibel charity organization. I demand a statement from the head of attorneys in England and their society (Law Society), which I am associated. I demand a statement from newscaster for the nightly news program at BBC Broadcasting station, whom he searched accusations against me, he found it is not true and he announce this live to the people in England. The newscaster agreed to send his statement. His name is Jeremy Paxman; the one who assisted him in his search was Peter Marshall. The head of the Law Society his name is Peter Carter and he has knowledge of the accusation he said they are not true.

I demand from you to contact the minister of Foreign Affairs, Barones Symons, who played a major part in the government decision (UK government) to directly intervene in my case as reported by the Independent on Sunday 24 Apr 05.

I demand a statement from Professor Bill Bowys who is a barrister in Britain.

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I demand a statement from the British consulate (British Embassy)

You didn't let to coordinate with the AMO to bring these written statements. The day before yesterday, 01 June 2005 I met with the AMO. He mentioned to me about the ARB and I mentioned to him what I needed to defend myself and bring out the mistake you fall in.

He said he would try to bring all of them, and the next day, 02 Jun 2005, came to tell me the ARB proceeding will be on 03 Jun 2005. He didn't call all the people I demand the statements from to be on my side.

When the AMO first met with me the day before yesterday, 01 Jun 05, he told me the ~~ARM~~ meeting will be in the coming days, he didn't say on 03 Jun 05

see 30 Jun 05
ARB
When I met with the AMO I told him I need to consult with my lawyer, and my lawyer Clive Smith wanted to talk to the AMO. I gave my lawyer's web site and his email. My Lawyer want to ask some questions about my accusations and the ARB so he can furnish what is necessary for statements and legal advice to me. Going to the Internet doesn't cost any effort or difficulties, but the AMO didn't call my lawyer.

Yesterday, 02 Jun 05 the AMO told me that the ARB meeting will be on 03 Jun 05. I was surprised; I said to him I need to call my lawyer to consult with him about some legal things as you said to us we are allowed to call a lawyer in an emergency case. Until this hour the AMO never came back to me and let me know if I can. With all my insistence for the importance of this call before, I go in front of the ARB.

I don't have enough time to prepare one logical defense; this is a wrongdoing and not the right way to reach truth and fairness.

This is a very different way from what we hear that the United States is a democratic state and the law agrees with the human rights. This way brings memories of the procedures of the Revolution Committees in Libya.

About the count #A, Commitment.

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I have some answers for all these points, some of them mentioned in Appendix A and B, but I will mention little things only. For example, on count #5,

[3.a.5: The detainee went to Bosnia to join the mujahideen. The detainee enjoyed his experience in Bosnia and believed it was a good Muslim cause],

I went to Bosnia with a Canadian charity organization, registered in Canada. It doesn't have anything to do with any religion connections. It is a human organization named Human Rights Agency. It supports Muslims by giving them food and clothes and others, too. What makes bad act?

#6 [3.a.6: Detainee's travel from Pakistan to Afghanistan was facilitated by a senior al Qaida Lieutenant]

I answer this on Appendix A. You didn't tell me when and where and who is he so I can defend myself.

About accusations on B, Training

[3.b.1: The detainee received small arms training during secondary school in Libya]

How this became an accusation to me while it's mandatory for all Libyan students in the Libyan schools.

[3.b.2: The detainee received training at the Khaldan Camp after arriving in Afghanistan and then joined the fighters in 1999]

Training at Khaldan. The whole count is not true and is vague. Needs approve, which fighters in 1999

About the count C, Associations:

[3.c.1: The detainee traveled to Afghanistan with a false passport]

UNCLASSIFIED

Not true. Answered in Appendix 2

[3.c.2: The detainee stayed at the guesthouse of a senior al Qaida leader]

Not true

[3.c.3: The detainee had a good relationship with Usama Bin Ladin]

Not true. What is the evidence on that?

[3.c.4: The detainee was the financial supervisor for operations at the Sanibel organization in Kabul, Afghanistan]

Not true. I asked the AMO if he can help me to call my lawyer or for the AMO himself to call my lawyer to contact Sanibel organization which registered in Manchester (England) is public and legal according to the British laws, to bring a statement from the director that I never worked in this organization anytime, official documents are with the office charity register in Britain, it is possible to be looked at anytime.

About the count D, other relevant data

[3.d.2: The detainee received two months of solitary confinement as punishment for assaulting a soldier at Guantanamo Bay, Cuba]

This is not right. We move all the time with chains on our hands, legs and the middle of the body. How I can assault a soldier in this case? But what happened to me in these camps is the reverse, assaults from the soldiers against detainees ... etc. Details in Appendix 2. Also, I was in a solitary confinement at Oscar and November more than 1-year punishment, for what? Not only two months. And now for more than one year in Camp V – solitary confinement punishment for what?

UNCLASSIFIED

I have a lot to say [about] the procedure for the ARB didn't give me chances to defend myself, taking in consideration time, lack of fulfillment to provide me with a paper and pen, for example ... etc. That is why I decided not to attend, protesting and showing to all people that we are not getting nearer square deal of requirements, agreed upon all human beings. I have a lot of answers and replies, for all the accusations but I will keep it till I will have the right and fulfillment of some fairness.

For your information I don't have pencil or papers to write on, any notes or comments in the meetings. I got these papers yesterday only (02 Jun 05) [note: 'yesterday' would have been 01 Jun 05]. The pencil was very bad and given to me yesterday only. They took it back when they exchange soldiers. They brought hardly back today in the morning (03 Jun 05) [note: 02 Jun 03; the writer is off by one day]

For many other reasons I remain my full right to answer at the appropriate time and place.

UNCLASSIFIED

C. Associations المجموعات المعترف بها

1. الجمعية الوطنية لحقوق الإنسان (National Human Rights Association)

2. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

3. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

4. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

5. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

6. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

7. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

الموافق

في

بمدينة القاهرة

هذا اليوم

الموافق في اليوم الثاني عشر من شهر كانون الأول سنة 2015

8. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

9. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

10. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

11. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

12. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

13. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

14. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

15. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

16. الجمعية المصرية لحقوق الإنسان (Egyptian Human Rights Association)

Detainee's Signature

Date 2015

UNCLASSIFIED

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9810 39/11/15

Summary of Administrative Review Board Proceedings for ISN 743

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Detainee accepted taking the (Muslim) oath.

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

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

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

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

Assisting Military Officer: The detainee's ARB initial interview was conducted on 29 November 2005 and lasted 55 minutes. After reviewing the ARB's purpose and procedures, the Urdu translated Unclassified Summary of Evidence was read to the detainee. The detainee stated he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee was non-committal, opined he was already prejudged, and requested more time to decide. After the ARB process was thoroughly explained, the detainee stated he would attend and would likely respond with both oral and written statements to the Unclassified Summary of Evidence. The detainee

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was responsive, polite, attentive, but very skeptical of the ARB based on his experience with the CSRT. The detainee spoke in both Urdu and English. At the conclusion of the interview, the English and Urdu translated copies of the Unclassified Summary of Evidence, as well as the detainee writing templates, were provided to the detainee, via his guards.

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

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

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to 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: The detainee asked an unidentified confidant where and with whom a United States government official would be on New Year's Eve.

Designated Military Officer: The detainee wanted to know if there were protective officers with the government official and if they were American.

Designated Military Officer: An acquaintance of the detainee failed an attack on an American commercial airline in 2001.

Designated Military Officer: In mid-December 2001, the detainee speculated that something big was going to happen during a meeting with other al Qaida operatives.

Designated Military Officer: The detainee had visited with members of al Qaida in Jakarta, Indonesia.

Designated Military Officer: A member of the detainee's family was a leader of the female section of the Al Ikhwan Al Muslimoon Group in Indonesia. This group has been identified as an Islamic extremist group in Asia.

Designated Military Officer: The detainee stated that it was better to kill one U.S. Government Official than 100 Americans.

Designated Military Officer: The detainee claimed to be an al Qaida operative.

Designated Military Officer: The detainee admitted traveling to Saudi Arabia, Egypt, Afghanistan and many times to Pakistan.

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The Detainee made the following statement.

Detainee: Before I start responding to this summary, I would like to state some factors to make it easy for you to understand this case. First of all, I don't understand on the basis of what factors I have been called an Enemy Combatant. The paper of ... which was given to me, in that paper... which applies to Enemy Combatant, it does not apply to me. You should know that I was captured from my house without any weapons. At the time of my capture they did not find anything or any weapon that can prove that I am an Enemy Combatant.

Presiding Officer: The purpose of this board is not to question whether or not you are an Enemy Combatant. That decision has been made previously. The purpose of this is to determine whether you should be detained at Guantanamo Bay, to be transferred to the control of another country or to be released.

Detainee: That is why I stated earlier before you started anything, which will help you understand my case. They had not arrested me from the battlefield. They captured me from my house. Second thing I would like to state. I don't expect any justice. For the past four years which I spent here. I expected justice from these people. Neither I received any truth nor [did] I receive any justice. Here it says in number three (*referring to allegation 3.b.3*). You can ask my family [that] wherever I went any airport I stopped [at] or flew from, I can tell you the date and time from there and you can give me proof [of] who you saw me with. I was very much disappointed by these kinds of allegations. My mother always used to advise me, since I am a Qari of Qúran. I memorized the whole Qúran and my mother said [that] whatever I do, right or wrong, I [answer] to God. There is only one God, which everybody has to [answer to]. I was told tell one lie you need 100 lies to support [that] one lie. But if we tell the truth one time we will be safe. If we put one rotten apple among all the ripe apples, it will destroy the whole carton. All my travel expenses came from America. My family lives in America. I went to obtain [a] visa with American Express. You can try to find out from that Airport to the Jakarta Airport who was with me. Either I was alone or someone else was with me. I left Lahore Airport on Saturday, November 18 at 9:00 am with Emirates Airline from Lahore to Dubai. I stayed in Dubai for almost 16 hours. The next day, November 18, the Saturday was 17 November and Sunday was 18 November 2001. The second day, Sunday, [at] three o'clock, early morning I traveled from Dubai to Colombo with same airline, Emirates Airline. I stayed there a half an hour. I traveled with same airline from Colombo to Singapore. I stayed maybe one to two hours. Then I traveled from there to Jakarta. I end in... at the airport on Sunday, November 18 [at] almost 8:00 pm. I went to American Express in Pakistan because the General Manager is my best friend. You can ask him about me, too. I went over there and he sent one person with me to go to [the] Indonesian Embassy in Islamabad, the capital city of Pakistan. I have three passports. I have a diplomatic passport, official passport because my family is a diplomatic family. I have two other citizen passports. One [is] issued from Indonesia and the second one issued from Pakistan. It hurt my feelings when I read [that] I traveled from Pakistan to

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Indonesia with [an] al Qaida member. This is something that you told me I traveled [in the] nighttime. I did not. I traveled [in the] daytime.

Presiding Officer: I would like to read the charge again because the charge does not say that you traveled with al Qaida but you visited with al Qaida.

Detainee: That is what he (*the Translator*) said. The statement I have says that (*detainee was cut off by Presiding Officer*).

Presiding Officer: The evidence we are considering is the statement. (*Presiding Officer re-reads charge 3.b.3*).

Detainee: I have wrong thing [in] translation.

Presiding Officer: We are not considering that you traveled with al Qaida. We are only considered whether you visited with al Qaida in Indonesia.

Detainee: No.

Presiding Officer: I understand that you are saying that this allegation is not true.

Detainee: This is not true at all. I don't understand. I am Pakistani. Nothing or nobody can stop me from going to Pakistan. Either I go there every day or I visit there once in ten years. I know because all of my life I [have] spent abroad. What kind of evidence is this that says I traveled to Pakistan many times? I am a Pakistani.

Presiding Officer: One of the things that I consider is your pattern of travel. You and millions of other men have traveled to Pakistan but if people consistently travel back and forth and establish a pattern that is one of the factors we will consider.

Detainee: Please explain to me clearly. I am still confused. I belong to Pakistan. I have family that I go [visit] as many times as I want to. Why [do] you keep alleging that? My factory [is] in Manhattan. I have a company in Manhattan, New York. My aunt is [an] American. She is a U.S. citizen. Now you [asked] me why I traveled to a state? It is my business over there. Nothing can stop me. I go to New York to see my business or I go to New Jersey to see my aunt or my home. I don't understand something specific about Pakistan.

Presiding Officer: At a point later in the proceedings we will have an opportunity to ask you questions. We may ask you about the purpose of your travels to Pakistan, to Egypt, to Saudi Arabia [and] to Afghanistan. At that point we can talk more about it.

Detainee: Thirdly, what also makes me upset. You said in here that I traveled to Egypt, Saudi Arabia, Afghanistan and Pakistan. When they arrested me or captured me, it is coincidence that I had all those passports with me, on which I traveled all over the world

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my whole life. I have three passports. I have [a] diplomatic [one]; the second one is for all Pakistanis but one [is] issued from Indonesia.

Presiding Officer: What country is your diplomatic passport from?

Detainee: I told you already. All Pakistani passports but [the] diplomatic one is from Saudi Arabia. It is a stamp on [the] diplomatic [one] from Saudi Arabia for when we moved from Saudi Arabia to Indonesia. I never visited Egypt or Afghanistan. I lived in Saudi Arabia [for] 15 years. How did you already have my passports? I never used the fourth passport. I never used another name. My name is on the internet. You can open the internet with my office paper. You can find my name in there, too. Yesterday I got my name from [the] internet. A lot of paper I forget because they [did] not tell me [that] I was going to ARB. They told me they couldn't tell me where I was going. [For] that reason I [did] not bring my papers. There were letters and some papers I got from my interrogator yesterday from [the] internet. It makes me upset [because] I never visit Egypt or Afghanistan. How would they say the found any passports [with] other names [or] anything to show I visit[ed] Egypt. I visit[ed] Singapore. I visit[ed] Dubai, United Arab Emirates then I said in here I lived in Saudi Arabia ten to thirteen years. I lost hope. How can I explain [to] you my case [and] to think from you...? In here they say everything, like when they say it is night. It is not. It is daytime. Now I [will] start to answer about [the] evidence. I will talk about "Other Relevant Data". I [was] born on October 17, 1977 in Lahore, Pakistan. I don't remember what age I left Pakistan and went to Saudi Arabia. When I was able to understand everything I found myself in Medina, Saudi Arabia. From that time until 1990 I never left Saudi Arabia. Maybe [in] June 1990 I went to visit Pakistan [for the] first time in my life. I think I was fourteen years old. I stayed in Pakistan [for] almost two months because the Saudi Government sent my father from Saudi Arabia to Indonesia as a Religious Ambassador. You can look at my passport. I stay two months then I [went] back to Indonesia with Singapore Airline. When I was traveling with my family we traveled on Singapore Airlines. The government used Singapore Airline for diplomatic travel. I go from Lahore to Karachi, Karachi to Singapore, [and] Singapore to Jakarta. That was [the] first time I [was] in Indonesia. The first visit to Indonesia was for six to seven months. Every year we had two months vacation time when I visited Pakistan again. Second time we visited Pakistan [was] in 1991. After staying there for a couple of months we went back to Indonesia. Then I stayed there for one year. After one year, in 1992, I came back to Pakistan. Then from that day until 2001 I never left Pakistan. I think this was in July 1992 until November 18, 2001 [that] I never left Pakistan. I travel within the country because I had diplomatic status there. Third time I left Pakistan was November 18, 2001. It was a Saturday at nine o'clock in the morning. After that I am here. I never traveled to Egypt or Afghanistan. The countries I visited were Saudi Arabia; Pakistan; Kashmir (a region of Pakistan); Dubai; Colombo, Sri Lanka; Singapore; and Indonesia. To prove this you have all my passports. My family is an official government family. I don't think anybody can tell about every day of their life or what they have done. But I can tell you about my daily routine of my life. The second allegation stated that I said I am a member

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of al Qaida. I never said that. You [should] know that no extremist or terrorist organization, especially al Qaida, will try to make any connections with diplomatic people. That is in all the world. If [a] person is diplomatic, [then] extremists [or] religious [fanatics]; nobody can touch them. This doesn't make sense to me, also. I was never [a] member of any party or organization neither in Pakistan nor outside of Pakistan. Sometimes I was assisting the political party within Pakistan. I never filled out any form and I have never signed any form that is either political or official government party, or any religious organization. I don't even vote. I either like him or I don't. I don't even vote. I think this affected me before leaving Pakistan I met with Dr. Khan, the Nuclear Scientist of Pakistan. I think the reason they suspected me because I met him during that time when nobody in the world could meet with him. I did not say that killing one American government official is better than killing 100 Americans. This is very obvious [that] I left my country a few days after the war started in Afghanistan. During that time all American and Pakistani government agencies were there. I am talking about only Americans. [The] United States Government started against terrorists in Afghanistan. After a couple of weeks I left Pakistan. There were all agencies [like] FBI, National Security Council, CIA, and other agencies in Pakistan and all Military and Armies and Military Intelligence people. If I had to fight I could have declared war within my country against those American officials. I could go to Afghanistan quick like this (*detainee snaps fingers*). I traveled from Pakistan to Indonesia. It doesn't make sense to me to say if I need war already I [can] travel from Pakistan to Afghanistan or I [can have] war in Pakistan. But [instead] from Pakistan I go to Indonesia. If I had to fight or go to war I should have done [it]. That was [the] right time because [a] religious organization [had] already declared jihad against America. Why would I have to leave that country when they already had declared war? It is too easy from my house in Pakistan if I need to. It doesn't make sense to anybody if I am hungry and I have food in my house why would I go to another country to eat. I don't understand why these points were put against me and I told you all the facts. The allegation that says my family member was [a] member of Al Ikhwan Al Muslimoon Group in Indonesia for the women's section is not true. My father had second wife in Indonesia. If anybody from that women's family belonged to this group I have no knowledge about that one. I met a lot of people in Jakarta but not because they belonged to this group or al Qaida group or any other group. Allegation number two (*referring to 3.b.2*) says in mid-December 2001 I said that something would happen after meeting with al Qaida member that is not true at all. I don't even have any friend who has any kind of connection or relationship with any party, group or religious organization. I have personal relationship with world leaders since I am a Qari, a recitor of Qúran, so I had to go to every stage. That was the reason I met with Dr. Khan. I met with all the leaders of Pakistani organizations and that is the reason I met with King Fahad of Saudi Arabia. From my knowledge or facts, I never met anyone because that person is a terrorist or [because] he belongs to any terrorist group. It (*referring to allegation 3.b.1*) said that one of my acquaintances attacked a commercial airline. Please tell me his name. I don't think there is such a... In fact one of the interrogators told me about this one and he just told me as news. He did not discuss with me. I think you are talking about the "Shoe Bomb". The flight was from Paris to New

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York and the British guy, Richard Reid. I think so, but I don't know exactly. I think if you don't have name for me that is fine, but I don't know. I don't have any person who I can disclose my secrets [to]. If I had to fight against America [and] Pakistan was the best place to fight against them [then] why would I have to leave Pakistan to go to other country to fight against Americans? That is not absolutely right and this is not true. I told that if I go to another country to find out about Americans. When they captured me in Jakarta, all the papers and documents from my entire life's record were in that briefcase. If I had anything wrong or if I had any dishonesty within my life, why would I have to carry it with me in that briefcase? I met some people in Indonesia and that was purely because of my recitation of [the] Qúran. If you later found out that those people belonged to al Qaida [or] if they had any connections with any terrorist organization I did not even know about that one. I found out here at Guantanamo Bay prison. I don't think [there] is anything else I can say about this. If you have any questions [to] ask me about my life I can tell you day, time and the specific area about that one. If I recall something in this proceeding I will stop and tell you because I had written something back in my cell that I left because they didn't tell me I had to go. They immediately picked me up and I came here.

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 for a closed session.

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

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

The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.

Assisting Military Officer: After the Unclassified Summary of Evidence was read; the detainee summarized his response by stating, "Even the children would laugh at these things." The detainee also opined on the Unclassified Summary and the ARB, "I have been explaining this for over four years. Am I to expect them (the ARB board) to understand in just four hours? Tell me, who should better understand this...the people I have met with for over the past four years, or these people I will meet with for just four hours?" The detainee initially declined to attend his ARB and stated the problem was his experience with the CSRT, "I won't discuss this because it [is] not important to me...these are [the] same words that I heard in my CSRT. The ARB is just a play shown to the world." The detainee later stated, "Over the past four years, I haven't seen any justice. I don't expect any happiness of release, that's the most agonizing...I haven't received justice from the United States, the world's super power." After the AMO again

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explained the differences between the CSRT and the ARB, as well as the positive results from previous ARBs, the detainee acknowledged by stating, "Yes, I will go to the ARB...the importance is the truth." When the AMO repeatedly asked if he would respond point-by-point to the Unclassified Summary, the detainee replied, "I will go to the ARB and decide what I want to do...don't ask me this again." When the AMO inquired if he would provide a written statement, the detainee replied, "For the last time, I will decide when I come to the board!" The AMO then explained the written statement must be provided prior to the ARB for translation and proper formatting. The detainee then stated, "I will write it in English. I am a professor. I know nine languages. I am only 25 years old, but I am the smartest person on this island." When the AMO explained that normal procedure was scheduling a follow-up interview to collect any written statements, the detainee commented, "Don't bother...I will bring it to the ARB."

The Detainee made his oral statement immediately following the presentation of the Unclassified Summary.

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

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

Administrative Review Board Member's questions:

Board Member: How are things going for you?

Detainee: I am still [on] hunger strike for now.

Board Member: How long?

Detainee: The past five days. I was very, very sick but when I heard that they...I think maybe for ARB because Military Officer said maybe day after tomorrow you will go to there (the ARB). I was really happy to see [him] because when they took me six to seven months ago I had lost hope from you guys really. I have no hope. I'm telling the truth. Not because I get something from you or [am] afraid of you. I am afraid of God only. Because my mom told me when I don't do anything wrong I don't have to say sorry. Why did I say sorry because I never did anything bad? I think maybe I go over there [and] maybe something positive [is] going to happen. Every hand has five different fingers [and] even to blame one hand for five totally different things.

Board Member: Who is your family in America and where do they live?

Detainee: They live in New Jersey.

Board Member: You said you have a business, a company?

Detainee: A family business in Manhattan, New York.

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Board Member: What is the name of it?

Detainee: It's a pharmaceutical.

Board Member: Do you know the name?

Detainee: Fezeldine (phonetic spelling) and Sons. He is my paternal uncle. My father's younger brother and he is married to an American lady.

Board Member: He lives in New Jersey. It's his company and he runs the company?

Detainee: He is [a] doctor and his wife is [a] doctor. They run that business.

Board Member: Do you have business elsewhere in the world as well?

Detainee: We have business of ready-made garments in Indonesia. We have a leather shoe factory in Pakistan. We have 300 plazas and we have a lot more.

Board Member: So you come from a very wealthy family?

Detainee: Everything is given to us by God.

Board Member: I think you mentioned [that] your father was a religious scholar that went from Saudi Arabia to Indonesia?

Detainee: In city of Riyadh, Saudi Arabia there is a university. The name of the University is Imam Mohammed Bin Soud al Islamia University. They have a branch in Jakarta, Indonesia. My father was [the] Dean of Islamic Studies there. In Pakistan [the] Embassy had given honorary diplomatic status. The current Indonesian Government, the Ministry of Religious Affairs had given him honorary status.

Board member: Is your father's second wife in Indonesia Indonesian?

Detainee: Yes.

Board Member: You mentioned something about one of these allegations that a member of your family was a member of Al Ikhwan Al Muslimoon Group. Is that who you were referring to?

Detainee: I did not say that I know. I said that I don't have any idea. If there is somebody it would be from her family.

Board Member: But it is not her. Is that what you are saying?

Detainee: My stepmother I already met.

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Board Member: You met her when you went from Pakistan to Indonesia?

Detainee: Yes. I have one stepbrother, also.

Board Member: The son of your father and your stepmother.

Detainee: Yes.

Board Member: Do you have any other family in Indonesia?

Detainee: From second wife?

Board Member: Either directly or step family.

Detainee: My second mother, who is [my] stepmother, her whole family belongs to Indonesia.

Board Member: What about your father and your mother?

Detainee: On my father's side, my real relatives, they are in rest of the world but not in Indonesia.

Board Member: Where is your mother?

Detainee: She died [on] December 3, 1998.

Board Member: You have good mind for numbers. How old are you? You said you were born in 1977.

Detainee: Twenty-seven years old. My birth date is October 17, 1977.

Board Member: So you would be twenty-eight?

Detainee: Twenty-seven. I have family in Canada, Britain, United States, Malaysia, Saudi Arabia, UAE (*United Arab Emirates*), Pakistan, and Kashmir.

Board Member: All over the place. That is why you have traveled all over the place?

Detainee: Diplomatic.

Board Member: I understand Qari is an honorary title [because] you recite the Qúran?

Detainee: The person who memorizes the whole Qúran is called Hafez, which I already am. After completion of memorizing Qúran there is another course [that] takes two to four years [on] how to sing or read [the] Qúran properly. That is why I am given this title as Qari. In 1992 I won the World Championship for the recitation of the Qúran. I got

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that reward in Jakarta, Indonesia. In 1996 I won [a] Gold Medal from government of Pakistan. In 1998 I won [the] King Fahad Award.

Board Member: Do you have favorite passage in the Qúran that you would like to recite?

Detainee: Yes. It will be better at the conclusion of the session out of respect for the Qúran.

Board Member: You mentioned a couple of times about hope and justice. What is your perception of justice in your case anyway?

Detainee: Justice comes after the truth. First is the truth. If there is no truth then you don't have to explain about justice. For the last four years they can check my behavioral record where I have never lied to anybody. That is why Intelligence knows [and] in [the] computer they mention that I am a truthful person. I have never taken any step against my religion. I know there is a lot going on here, but in four years I have never done anything wrong. I have never violated any rules or regulations of [the] law. I was always cooperative, but the treatment I received was just [the] opposite. [Just] like you call in [the] United States "give and take;" I give and not take anything.

Board Member: You mentioned that there is a statement in here that you claimed to be an al Qaida operative but said that you never did say that. Is that what you are telling us today?

Detainee: Yes.

Board Member: Tell me what you think about al Qaida in terms of justice. Do you think what al Qaida stands for and what they are doing is just?

Detainee: I don't have any knowledge about al Qaida. The first time I heard about al Qaida [was] when they attacked the United States. At that time I was sitting in [the] Minister of Education's house in Pakistan. [That is the] first time I heard that the attack was from al Qaida and Usama Bin Laden. After that whatever I heard or read through the news. I don't have any interest with al Qaida anyway. I believe in God completely. If anybody does anything wrong against me I won't take my revenge back I will just leave it up to God. God will take care of it. If I take my revenge with that person that means that I don't believe in God or [that] God can't do anything so I am doing something. This is what I tell [the] rest of the people here in the camp that you have to leave everything to God if there is something going on against you. And if somebody does something wrong God will never forgive them. The man should not take [the] law into his hands. For this matter I have written a whole chapter and when I get [an] opportunity I will write and I will publish in the world.

Presiding Officer: Did I understand you to say that you had not heard of al Qaida until the attack on the United States?

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Detainee: Yes.

Presiding Officer: How can that be true? I am an American not a Muslim and I have heard of al Qaida many times before the attack on the United States.

Detainee: Because I don't belong to such a society who has connections with parties or organizations. Most of the time I spent in Pakistan was with government officials. They don't like such things. All my personal friends don't even like such things. When the environment is like this and doesn't even talk about this then how am I supposed to know this?

Presiding Officer: I want you to understand that I did not mean to imply that all Muslims would know all about al Qaida. What I meant to say was that because you live in that part of the world that I would expect most people who live there to have heard of al Qaida.

Detainee: I was busy attending the events because I was going to those programs and functions I did not have enough time to take interests in such things. I didn't have time to think about anything else.

Board Member: You also mentioned that you, your friends or people you associated with were not really into political parties or organizations in Pakistan but that you did assist some political parties in Pakistan.

Detainee: Like Blood Donation groups. I donated blood. The Ja'amat-al-Tablighi is like [a] motivation [group] for religion. My grandfather, my mother's father, was one of the leaders. They have no problem to get a visa from the United States. They go all over.

Board Member: What is the nature of their work?

Detainee: Motivation. That is the only organization, which goes all over the world easily. I went and I recited the Qúran [at] every event of every organization because of my status as Qari. Even if they have some kind of secret meeting they bring me for recitation of [the] Qúran. I go and recite Qúran.

Board Member: What do you mean by secret meeting?

Detainee: Like any party [they] have their closed sessions. I will explain to you. Once I was Secretary General to a party but I never filled out any forms. It was like 1994 or 1995 [that] I was Secretary General in all Pakistan for one group. It was [a] religious schoolboys group.

Board Member: What was the nature of your responsibilities?

Detainee: That was just my rank Secretary General.

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Board Member: You didn't actually do anything as Secretary General?

Detainee: To celebrate [the] Prophet Mohammed's birthday or death day or to celebrate other companions of prophets. [Also], religious contests like debates or sing religious songs.

Board Member: What was the name of the organization you were Secretary General for?

Detainee: Soldier of Islam of Pakistan.

Board Member: The reason you think you are here is because you had a meeting with Dr. Khan, the Nuclear Scientist. Why would you be meeting with Dr. Khan and why would that cause you to be here?

Detainee: The interrogators told me here that Dr. Khan was providing nuclear information to Usama Bin Laden. There was a program at the time when this chaos started. I met with him because of the program. I went there to recite [the] Qúran. Everybody in the world would like to take picture with him because he is a hero. For me he is a hero. Second thing I met a person in Indonesia. His name is Hany Yahyah al-Saqqaf. He is from Yemen but he lives in Indonesia. He is a journalist. He worked as a Secretary General for an extremist group in Indonesia called IDF: Islamic Defense Front. The intelligence interrogator said that I am in here because he gave information to [the] intelligence [that] I have relation. The interrogator told me all this that he belonged to that [group] and because I met with him the interrogator told me that is why I am here.

Presiding Officer: I'm glad you said that because I was wondering why you would be arrested in Indonesia for meeting with Dr. Khan. Why do you think Saqqaf would provide your name to Indonesia for them to arrest you?

Detainee: The interrogators asked me in Egypt about this and some other [stuff]. When I went to Egypt the interrogator there told me that is why I am sent here.

Presiding Officer: For what reason would Mr. Saqqaf betray you to the Indonesian Police?

Detainee: The United States Government wanted Mr. Saqqaf. I don't know why he gave them my name but I know he gave them my name. I just told you I went to Egypt because they arrested me and sent me to Egypt.

Presiding Officer: Why did they send you to Egypt?

Detainee: You should ask your government why they sent me [to] Egypt. Why you ask me?

Presiding Officer: I don't know why Indonesia would send you to Egypt.

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Detainee: The media in the entire world said globalization. Mr. Madni captured from Indonesia, they investigated in Egypt and now I am in Guantanamo. Plus I read some newspapers from Paris [and what] the journalist says about me. They captured me January 9, 2002 [around] 4: 15 am from my house in Jakarta. It was a Wednesday. Thursday night they sent me to Egypt. On January 11, Friday, [around] 11:24 I went to Cairo, Egypt. I stayed there ninety-two days. [On] Friday, April 13, 2002 [around] 7:30 pm they sent me to Bagram Airbase by Pakistan. I went to Cairo to Islamabad, Islamabad to Bagram. I stay over there one year and [on] Sunday, March 23, 2003 [around] 11:00 am I came to Guantanamo.

Board Member: Were you by yourself in your home when you were arrested/captured?

Detainee: Yes I was alone.

Board Member: Part of what we are doing here is trying to see your situation through your eyes. In turn I hope that I can show you how your situation looks through our eyes. Reading this Unclassified Summary, I agree with you [that] there are some parts that are not very well expressed. But, even so there are things that are problems from the way that we look at the war on terrorism. One of those problems has to do with associations and people that you know or had contact with. [Like] the Ja'amat-al-Tablighi for example. That's partly a charitable, inspirational organization. However, al Qaida members have also used that organization.

Detainee: I think all the parties who are declaring this kind of jihad are against [the] Tablighi party. Especially [the] people here are against the Ja'amat-al-Tablighi. I don't believe this is fact what you are saying. The whole world knows that the Ja'amat-al-Tablighi has nothing from [the] government nor [has] any relationship with the government or other organization. Their purpose is to take message of God to the people.

Board Member: That's a good purpose. As you know it's possible for an organization to be sick in the same way a good person can still be infected.

Detainee: If the person doesn't know if he infected or not...like when the holy prophet said to clean the curse from somebody you have to travel with them, you have to live with them after 40 days you can find out how that person is.

Board Member: Another example [is] the IDF. What to you know about them?

Detainee: I know that this is a jihadi and religious group in Indonesia. The Indonesian government is afraid of that group and the President of the group is Al Habib Mohammad Shihab and he is originally from Yemen. He has been living in and married in Indonesia. He was studying in the same university my father was sent to from that university to Indonesia. That group is against New Year's Eve events in Indonesia and they want to eliminate those events in Indonesia. The neighborhood where I was staying in Indonesia he once saw me with Hany. In small areas they have a president called Area President or

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something like that. One time he saw me with Hany Saqqaf when he visited me in my house and he asked me why I was with him. I am a Qari. I have to go with this person and that person because it doesn't matter [to] me. I have to go to read the Qúran. I have to know...to judge a person. I asked if it is all right to go over there. He said no he is a bad person. I asked why and he said when we arranged New Year's parties he blew up and broke whiskey bottles and stuff like that. That President warned me that this person is a bad guy and he is a wanted person in a lot of other countries. He is against the New Year's events. I would like to say further about these things that this person has a lot of expectations from me. When he did not see any hope he turned me down and turned me against Americans. I would like to talk on three points. First, I have an aunt (mother's sister) who lives in America in San Diego. They ran away from San Diego after September's attack. American government wanted to arrest them. She was married to a Pakistani named Zaheer Khan. When they were running away to their next destination they called Hany Saqqaf in Indonesia. They called [him] on his cell phone and they told him they are running from America because American government is looking for us to arrest us. They were looking for a person who lives in America and who produce us American documents. They wanted to live in America for a small period of time so they could collect a lot of money then they will come back to the area. They asked me to talk to my uncle in America, the uncle I already stated, and his wife so they can give him some papers to guarantee his stay in America. So when I suspected [that] something was wrong with him I did not give him [the] address of my uncle and aunt. I stopped talking to him. That is why he agreed. He wanted something from me that's why he wanted to meet with me. His father had some training camps in Indonesia and he wanted some charity money from me for those camps. Since I had knowledge and relationships with [a] lot of businessmen in the world he wanted me to introduce him to those people so they can give him financial assistance. I could not fulfill his requirement that is why he was hopeless with me. [There are] a lot of things, which I never discussed with anybody in Indonesia. I only spoke with him. The interrogator here at GTMO asked me the same questions. That is why I noticed that when I was being used by him he gave my name to the interrogators. He wanted me to buy the air[line] tickets for those people that wanted to travel to Afghanistan for jihad purpose. I did not do that either. There are a lot of other things, but these are the main factors.

Board Member: Why didn't you do it?

Detainee: Once I met with the President of IDF. [In] my opinion what problem can be solved through the weapons that cannot be solved by negotiations and by peaceful manners. There are verses in [the] Qúran that says that you have to solve your dispute by wisdom not by fighting. I told them that instead of weapons and tools if you want to take their attention to Tablighi, which is motivation and inspiration; that would be better. According to my point of view, Islam is not a terrorist religion but a lot of people they messed it up through their bad actions. Islam does not teach about terrorism.

Presiding Officer: According to our point of view, Islam is not a terrorist religion either.

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Detainee: If there is one rotten apple put in the carton of ripe apples it will mess up the whole carton. Due to a bunch of peoples bad acts the Islam image came into people's minds as a bad religion. I told that group that I would financially support them only if they give up the weapons and come and give your message through Tablighi, through motivation and inspiration. I told them instead of going to Afghanistan you have to first start jihad from your own house. You have to clean your own house from Indonesia through inspiration. That is my point of view, which I presented to them and they disagreed with that. [In] that meeting the media publicized it a lot more. I heard that the leader of this group he had relationship with al Qaida. I believe he is the caretaker of al Qaida in Indonesia. Hany Saqqaf was personally arrested and was in prison in Australia. Then he escaped from Australian prison. Those people do not like Americans. This is my limited knowledge about IDF. There is a lot about IDF on the internet.

Board Member: If you were released, where would you go?

Detainee: That's obvious. I would go to my country.

Board Member: Which country?

Detainee: Pakistan.

Board Member: Do you expect there will be any sort of problem with the government of Pakistan?

Detainee: I don't think I have done anything personally against anybody in my life. Even if you send me to Indonesia I will have no problem. People will have no problems with me. When I was in Pakistan, my government has given me a lot of respect out of Saudi Arabia. I earned a lot of words in that tiny age in Pakistan. I was alone in my country at the age of seventeen as a diplomatic person. I am a regular member of Pakistan Broadcasting Corporations.

Board Member: How would you support yourself?

Detainee: As what?

Board Member: To have a place to live, food to eat, to support your family.

Detainee: I have three houses in Lahore that personally belong to me. I am a professor in the university. I am a permanent member of Management Sciences in Lahore...I am affiliated with...university in Karachi, Pakistan. I have [a] personal business as well. God had given me a lot.

Board Member: I've seen your name as an instructor on the website and I was wondering what do they pay you?

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Detainee: It was good money. It was more than enough. If I don't work I stay home. I have three houses. I don't work because I need money. I work because I love to teach. The knowledge that God has granted me I want to distribute to the world. Even if I don't work I trade houses, which are bungalows. If I rent I get enough rent from them as well as I can make enough money through the rent. I have a government vehicle.

Presiding Officer: I am very impressed that you are a Hafez. How many years did it take you to become a Hafez?

Detainee: Four to five years. It's not important to memorize Qúran [but] more important to do good as [the] Qúran says. God wanted you to memorize. If you don't do that then you have to answer when you go to God. You should do right thing in your life.

Presiding Officer: If I ask you to for a verse in the Qúran do you still know it well enough to tell me what the verse is?

Detainee: Yes.

Presiding Officer: From the Ash-shu'ara, Chapter 26, verses 151 and 183.

The Detainee recites the verse from the Qúran.

Presiding Officer: Can you tell me in English what that means to you?

Detainee: The prophet went to that nation and told them to follow not the truth extravagant. They said no you are a magician. Then that nation asked the prophet if you are truthful and if you are a prophet of God then show us any signs. Then the whole story starts about animals.

Presiding Officer: Earlier you stated that the US Government started the war in Afghanistan. Is that true?

Detainee: I was in Pakistan.

Presiding Officer: Talking to us today you said the US Government started the war in Afghanistan.

Detainee: Against terrorists.

Presiding Officer: Do you consider that a just war for the United States?

Detainee: Can you define your question?

Presiding Officer: Did the United States have cause to make war against the terrorists in Afghanistan?

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Detainee: As for my knowledge, I think America went to Afghanistan to capture Mullah Omar and Usama Bin Laden. But they could not find them. That is the question. The war is against terrorists and where are those terrorists? Where have Usama Bin Laden and Mullah Omar gone? Either the earth has swallowed them or the sky taken them. After that I have never taken any personal interests because I have been in prison. I could not even know [and] I could not find out anything else. As a military point of view to chop somebody's head off is not right. The aim of the Army is to chop somebody's head off. Some genius people are needed to solve this problem that can take a needle and pinpoint those kind of people and take them out.

Presiding Officer: You said that it would be easy for you to go to Pakistan to fight but you did not do this? I mean to Afghanistan. You could continue, you could fight in Indonesia?

Detainee: What do you mean I could fight in Indonesia?

Presiding Officer: I fight the Global War on Terror but I do my job in Cuba. I do not pull a trigger on a rifle in Afghanistan. So you can make war many places you don't have to be the man who pulls the trigger. Do you understand that?

Detainee: Yes.

Presiding Officer: Is your family very proud of you for being a Hafez Qari?

Detainee: Yes obviously.

Presiding Officer: Your father is in Pakistan?

Detainee: He died on February 17, 2001.

Presiding Officer: I'm sorry. Are you the oldest brother?

Detainee: I am the head of the family now.

Presiding Officer: Are you married?

Detainee: No.

Presiding Officer: Do you want to go back to Pakistan and have a family?

Detainee: Yes.

Presiding Officer: Do you feel that you have been honest and truthful with the interrogators while you have been here?

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Detainee: That is why I told you if you check the computer under my detainee's special notes the intelligence written says that I am a truthful person. You can check my behavior. I have no problem with any guards because I think I am an ambassador for my religion. Most people here deal with Muslims for the first time. I know more than five million Muslims live in the United States but the Navy and guards in here they have no contact with Muslim people. I have to be good in behavior because they think one Muslim is a good Muslim.

Presiding Officer: You are wearing a brown uniform and not a white uniform.

Detainee: Whatever is given to me I will put it on. I like being alone. I don't want to go where they wear white uniforms at Camp 4. I like being alone.

Assisting Military Officer had questions for the Detainee.

Assisting Military Officer: I was wondering if you get financially compensated for speaking at these events?

Detainee: Yes.

Assisting Military Officer: How much per event?

Detainee: The government events I usually get less. The other private companies they give me air[line] tickets round trip and they pay more.

Assisting Military Officer: Since you have become a speaker how many events do you think you spoke at?

Detainee: Countless. More than 100 less than 1,000.

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.

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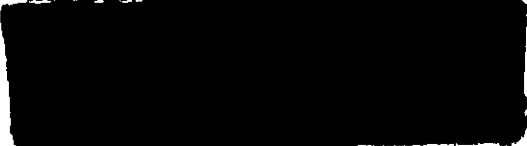
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AUTHENTICATION

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



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Summary of Administrative Review Board Proceedings for ISN 758

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee accepted taking the Muslim oath.

The Presiding Officer read the hearing instructions to the Detainee.

Detainee: No, I don't understand.

Presiding Officer: You do not understand this process? I am going to recap it and see if we can get you to understand.

Presiding Officer: I am going to do it in single sentences. You may be present at all open sessions of this Administrative Review Board.

Detainee: Good.

Presiding Officer: You can be removed if you become disorderly.

Detainee: Good.

Presiding Officer: Okay you understand me so far?

Detainee: Yes, I do.

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Presiding Officer: The purpose of this Administrative Review Board is to gather information to see whether you continue to pose a threat to the United States and it's allies.

Detainee: Very good.

Presiding Officer: And if there are other factors that lead us to believe that you should continue to be detained by the United States.

Detainee: Very good.

Presiding Officer: This is your opportunity to present information to us in written form, oral form or any other statements from other people that may help us understand why you should not be detained any further.

Detainee: Good.

Presiding Officer: You understand that?

Detainee: Yes.

Presiding Officer: The Assisting Military Officer can provide any help you may need during this process.

Detainee: Good.

Presiding Officer: You can present to us any information you like including written statements, oral statements, or statements from persons who can provide relevant information such as the other Detainee that you are going to provide a written statement from. Do you understand me?

Detainee: Yes.

Presiding Officer: You may examine all the unclassified information that you wish. Understand that some of the documents may be partially masked for security reasons. Do you understand that?

Detainee: Yes.

Presiding Officer: I think he understands some of what I am saying. You know a little English it sounds?

Detainee: A little bit.

Presiding Officer: Okay, thank you. You may not be compelled to testify. In other words, we cannot force you to tell us anything. We can't require you to provide a written statement but you can make a statement if you wish but you are not required to make one.

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Detainee: Very good.

Presiding Officer: Your Assisting Military Officer can provide a statement for you if you like. Do you understand the process now?

Detainee: I understand now.

Presiding Officer: Thank You.

Detainee confirmed that he understood the Administrative Review Board process.

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

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 25 November 2005 and lasted 35 minutes. After reviewing the Arab's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. The Detainee said that he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or, oral statement, or have the AMO speak on his behalf, the Detainee said, he would like to attend and answer the allegations after each point is read. The Detainee did during the pre-ARB interview indicate that he had a letter he would like for the AMO to present on his behalf. The Detainee was very polite, and attentive. A copy of the Arabic translated Unclassified Summary of Evidence was given to the Detainee for his review.

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

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board to assist the Detainee with answering the statements.

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Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) An associate of the Detainee recommend that he should go to Afghanistan and join the Taliban in their struggle to establish an Islamic state. The Detainee was led to believe that if he established himself early with the Taliban he would be successful, rising quickly in the Taliban ranks. The Detainee left Iraq for Afghanistan in 1994.

Detainee: That is not true. I left Iraq in 1989 and I entered Afghanistan in 1994, before the existence of the Taliban. That's all for this allegation.

Designated Military Officer: (3.a.2) The Detainee claims to have fought in eastern Afghanistan.

Detainee: I have never fought. I have never fought with Taliban.

Presiding Officer: Have you ever fought in eastern Afghanistan?

Detainee: Never.

Presiding Officer: Not with any tribes or anybody else.

Detainee: I have never fought with anyone, any tribe, or anybody.

Designated Military Officer: (3.a.3) Originally, the Detainee explained that his decision to go to Afghanistan was made out of religious fervor and to fulfill his religious obligation to fight a jihad. Later, the Detainee admitted that he is not a religious man. The Detainee also cited his desire to become financially successful as a reason for traveling to Afghanistan, claiming he was told there would be good jobs there for an Arab.

Detainee: That is not true. I went to Turkistan and I was transferred to Afghanistan. I did not go to any other country.

Presiding Officer: Transferred by whom?

Detainee: It was the government.

Presiding Officer: Which government?

Detainee: Turkistan.

Presiding Officer: You were a government employee or military employee.

Detainee: I was a political refugee. We went in as political refugees.

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Presiding Officer: And you are from Iraq, so why would Turkistan transfer you to Afghanistan if you were from Iraq?

Detainee: Because they do not have an Embassy there. There was no Iraqi Embassy there in Turkistan.

Presiding Officer: They transferred you to which Embassy in Afghanistan. Do they have an Embassy in Afghanistan?

Detainee: No there was not an Embassy in Afghanistan.

Board Member: Were you expelled from Turkistan and then you went to Afghanistan?

Detainee: No, no they transferred me. I wanted to stay in Turkistan, they transferred me they would not let me stay. They transferred me to Afghanistan.

Presiding Officer: How about your religious obligation to fight a jihad, have you fulfilled that or is it yet to be fulfilled?

Detainee: No sir, I am not a religious person. I would not be involved in any tribe. I am not a religious person and would not like to be involved in any war.

Designated Military Officer: (3.a.4) The Detainee arrived at a guesthouse near Logar, Afghanistan and went to the front lines.

Detainee: I never went to the front line. I arrived to the guesthouse in Logar but I never got to the front lines.

Designated Military Officer: (3.a.5) The Detainee served as a fighter for the Taliban.

Detainee: I only served for one month.

Designated Military Officer: (3.b) Training (3.b.1) While in the Iraqi military the Detainee was trained on the rocket-propelled grenade and the mortar.

Detainee: I never had any training. The mortar was true. Yes, in Iraq I had some training on mortar and RPG.

Designated Military Officer: (3.b.2) The Detainee claims that he was at a guesthouse used by the mujahedin in Kashmir, Pakistan for more than a month. The Detainee's training consisted of physical training, marching and exercising.

Detainee: That is true.

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Designated Military Officer: (3.b.3) A high-ranking member of al Qaida claims that the Detainee trained at the al Farouq Camp in Kabul, Afghanistan.

Detainee: That is not true.

Presiding Officer: A high-ranking member of al Qaida claims the Detainee trained at the al Farouq Camp in Kabul. He said that is not true?

Detainee: In Kashmir I spent one month.

Presiding Officer: But you deny being at al Farouq?

Detainee: No, I never was in al Farouq Camp.

Presiding Officer: Well I beg to differ with you because this source we have is very reliable. I have no problem if you admit to it. I would just prefer if you tell me the truth. It's okay if you were there. I just want you to tell me the truth.

Detainee: No, I never went to Farouq. That Farouq Camp was in Kandahar it was not in Kabul.

Presiding Officer: So you went to the al Farouq Camp in Kandahar?

Detainee: No, I did not.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) Once in Afghanistan the Detainee met with Usama bin Laden and Mullah Omar, the leader of the Taliban. The Detainee pledged a bayat to Mullah Omar.

Detainee: That is not true.

Presiding Officer: Did you pledge bayat to anybody else?

Detainee: No.

Presiding Officer: Can you explain to me what bayat is?

Detainee: It means that you take an oath to fight.

Presiding Officer: You never took an oath to fight for anyone?

Detainee: No, no, never.

Presiding Officer: Just a refugee?

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Detainee: Yes, I was a refugee only.

Designated Military Officer: (3.c.2) While traveling in Afghanistan, the Detainee said that he came into contact with Mullah Omar. The Detainee claims that he asked Omar for money to help assist him in getting back to his family in Iraq. The Detainee said Omar gave him 200,000 Afghani rupees and wrote a letter to the governor of Herat requesting that the governor also help with his situation.

Detainee: Very well, that's true. 200,000 Afghani rupees is only equal to \$5.00.

Presiding Officer: And he wrote a letter for you as well asking for help?

Detainee: Yes, he did.

Presiding Officer: Going back to the previous question, it said you met Usama bin Laden and Mullah Omar.

Detainee: I never met them.

Presiding Officer: But you just said that this guy gave you 200,000 Afghani rupees, this Mullah Omar and he also wrote a letter for you to get you some help. So you must have met him.

Detainee: Only when he was with Usama bin Laden I did not meet him. I met him on a [separate occasion] not when he was with Usama bin Laden.

Designated Military Officer: (3.c.3) The detainee claims that on three separate occasions Usama bin Laden met with and tasked the Detainee to conduct missions in support of al Qaida.

Detainee: That's not true.

Presiding Officer: Never assigned to conduct missions in support of al Qaida?

Detainee: No, no never.

Presiding Officer: Once again, the source who gave us this information is very reliable.

Detainee: Yes, I have never met Usama bin Laden.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The Detainee served as an infantry corporal in the Iraqi military from 1 May 1987 through November 1988.

Detainee: That's true.

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Designated Military Officer: (3.d.2) The Detainee was transferred and served as a border guard in November 1988.

Detainee: Yes, its true.

Designated Military Officer: (3.d.3) The Detainee claims to have been put back in the Iraqi Army for the first Gulf War. American Forces captured the Detainee during the first Gulf War.

Detainee: Yes, that is true.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee claims he met with Usama bin Laden and Mullah Mohamed Omar in May 2001. The purpose of this meeting was for the Detainee to tell Omar that his soldiers were committing war crimes and because of these atrocities, he could no longer support the Taliban. Omar told the Detainee to leave Afghanistan or risk being thrown in prison.

Detainee: That is not true.

Presiding Officer: None of this statement is true?

Detainee: It's not true. If it [were] true I would tell you.

Presiding Officer: Was Omar's soldiers committing war crimes?

Detainee: Yes, they were committing very bad war crimes.

Presiding Officer: Did you sometime say, even if it wasn't to Omar or Usama bin Laden, did you say that you could no longer support the Taliban? At sometime did you think even if you didn't say this to Usama bin Laden; did you think you couldn't support the Taliban?

Detainee: I never supported Taliban. They just supported me with some money.

Presiding Officer: So the Taliban supported you but you never did anything for them?

Detainee: Just some financial aide, that's all that they gave me. I never did anything for them.

Presiding Officer: Why would they do that, why would they give you financial aide? I don't understand that.

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Detainee: Because I was not an Afghani and I had no means of living for food or anything so I needed help. They helped me with minor things and gave me money. I wasn't the only one a lot of Iraqi people were there.

Presiding Officer: What were the other Iraqi people doing there?

Detainee: They were all refugees.

Presiding Officer: So what did they do as refugees, just hang out in the camp?

Detainee: They took aid from the Taliban and they [would] go to Pakistan.

Designated Military Officer: (4.b) A person known to the Detainee claims that the Detainee was recruited to join groups of fighters and [he] refused.

Detainee: That did not happen.

Board Member: The recruitment did not happen or your refusal?

Detainee: Nobody came to me; nobody had approached me.

Designated Military Officer: (4.c) The Detainee advised that he was basically a beggar while in Afghanistan. The Detainee went from charity to charity and frequently visited Taliban officials asking for money.

Detainee: That's true.

Designated Military Officer: (4.d) The Detainee claims that he never committed any acts of aggression against the Coalition Forces. The Detainee stated that he was never armed with any type of weapons while in Afghanistan and his only military training was the time he served in the Iraqi Army.

Detainee: That is true.

Designated Military Officer: (4.e) The Detainee acknowledged that his first story about being a close associate of Usama bin Laden was not true. The Detainee said the truth is that he never personally met Usama bin Laden.

Detainee: Yes, that's true.

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

Detainee: I have something to say.

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Presiding Officer: I will give you your chance in a couple of minutes. Can you wait a couple of minutes?

Detainee: Yes.

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

The Presiding Officer acknowledged the request.

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

Assisting Military Officer: Yes sir, the Detainee wishes to make an oral statement as well as have me present a written statement on his behalf. I am handing the Administrative Review Board the following Unclassified Exhibit marked as EC-C. A copy of this exhibit has been previously provided to the Designated Military Officer.

Presiding Officer: Since there are no other additional comments on the Enemy Combatant Election Form, I am going to ask the linguist to summarize the letter that has been presented to us so that we all have an understanding of the contents of the letter. OL-13 will translate the letter in its entirety after the board for its review. The board will consider the letter in its deliberation. Take your time and briefly give us an idea of what ISN 433 [wrote], and I understand ISN 433 wrote this, is that correct?

OL-13: Yes, sir. Another Detainee here wrote that stating ISN 758 pose no threat to United States and its allies. Should I read it?

Presiding Officer: Yes just summarize.

OL-13 summarized the written letter from ISN 433.

OL-13: I have to read it in Arabic so I can read [it back to you].

Presiding Officer: That's fine so he can understand it too.

OL-13: It is stating here that, I present this letter as an aid to Detainee ISN 758. I would like to state that he does not pose a threat to United States or its allies. Therefore, because I know this man from Afghanistan when he visited me in my own home begging me for some help. I did not have anything to offer [him]. But when I looked at his overall look and his dirty clothing he had on, he looked so miserable. So I went to another friend of mine and asked him for money. That person gave me about \$3.00 and I gave it to ISN 758. I have invited him to stay at my house for that particular night, but he refused. This person came back to me again (meaning ISN 758) asking me for more money that I didn't have to give him. I also learned from other people that this person

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was addicted to Hash, he smokes grass. This was a reason that made me decide not to help him because every time I would help him he would spend it on Hash. To me he was not a political person, a religious, or a military person. I have never heard once that he hated America or it's allies. I never heard that he really served with the Taliban. He received some help from the Taliban like other Iraqi refugees, and I am one of them. I am one of them and I have received help from the Taliban. They only gave me food for my family and me. They gave me a house to stay with my family. In regards to 758, they did not give him a house because he was not married. They only gave [one] to me. He is a peaceful man and he does not pose a threat on nobody and he has parents that need him. Anything that happened between him and me, like some kind of animosity was a result of the investigators here on this facility. So they can create animosity between the two of use. I was exposed to a lot of abuse, psychological abuse from the investigators and God only knows what happened. This person ISN 758 is innocent from any allegations and God knows everything. This is what I have and peace be upon [you].

Presiding Officer: Okay thank you. We will ensure EC-C is presented as evidence in your defense.

Detainee: Yes.

Presiding Officer: As I said before, OL-13 will read it and translate for our decision.

Detainee: Very good, sir.

Presiding Officer: You may begin your statement.

The Detainee made the following statement:

Detainee: I was a prisoner in the Taliban prison in 2001. The Taliban gave me a piece of paper to give it to the Red Cross stating to allow this person to get out of Afghanistan. This statement should be in my file.

Presiding Officer: That's it?

Detainee: That's it!

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Thank You!

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had one question for the Detainee.

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Designated Military Officer: You said you left Iraq in 1989 but you did not get to Afghanistan until 1994. Where did you go?

Detainee: I stayed in Iran.

Designated Military Officer: Where at in Iran?

Detainee: At the refugee camp.

Board Member: American Forces captured you during the Gulf War from Iran or from Iraq?

Detainee: During the Gulf War I was in Iran. I went from Iran to Iraq and I was captured.

Administrative Review Board Member's questions:

Board Member: If you were returned to Iraq what would you do.

Detainee: I would like to start my life all over again.

Board Member: What type of business would you get involved in?

Detainee: I am a driver.

Board Member: Thank you.

Presiding Officer: You brought up a lot of questions, when you said you left Iraq in 1989, went to Afghanistan in 1994. You went back from Iran to Iraq just to fight in the war?

Detainee: We were forced to leave Iran. I was forced to go back to Iraq from Iran. They made me leave.

Presiding Officer: Since you were not in the military why did you fight in the war?

OL-13: Which military sir?

Presiding Officer: You have fulfilled your military obligation by then correct?

Detainee: Iran forced me to go back.

Presiding Officer: I understand Iran made you go back, but you have fulfilled your military obligation in November of 1989.

Detainee: No, I did not finish my obligation in 1989.

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Presiding Officer: Okay did you desert in November of 1989? This statement here says you served as an infantry corporal in the Iraqi Military from May 1987 through November 1989.

Detainee: No, I did not desert. I stayed in the Iraqi military until I fled to Iran.

Presiding Officer: In 1989 you fled to Iran?

Detainee: Yes, in 1989 I fled to Iran.

Presiding Officer: At that point were you out of the military?

Detainee: No, I was not finished from the military.

Presiding Officer: So what do you call that? Were you on extended leave?

Detainee: I don't understand the question.

OL-13: I am going to try to rephrase it to him.

Detainee: I fled the Iraqi Army on foot.

Presiding Officer: So he fled Iraq to Iran and he still had the military obligation and left anyway?

Detainee: Yes, I did desert my obligation to the Iraqi Military.

Presiding Officer: Now I understand. I understand why Iran sent you back to Iraqi, and why you had to serve in the military for the Gulf War.

Detainee: Yes.

Presiding Officer: So we captured you in the first Gulf War.

Detainee: Yes, the first Gulf War.

Presiding Officer: Then you ended up here because and it doesn't tell me how you got capture, but you were apparently picked up in Afghanistan. Why were you captured again by the U.S?

Detainee: American Forces captured me as a prisoner and they took us somewhere in Saudi Arabia.

Presiding Officer: You're telling me that the U.S Forces picked you up in Afghanistan somewhere and took you to Saudi Arabia.

Detainee: That was in the first war.

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Board Member: Okay forget the first war, we are talking Afghanistan in 2001 or 2002. I am not sure when you were captured. When you were captured the second time why [did they capture you]?

Detainee: I was captured in Pakistan. And the Pakistani authorities delivered me to the Americans. They told us that every Arab person has to go to the Americans for an investigation.

Presiding Officer: Is 433 an Iraqi as well?

Detainee: Yes.

Presiding Officer: And it mentioned that your family needs you? Explain what he meant by that?

Detainee: We have to stick to our families because we need each other. I am missing.

Presiding Officer: Have you been communicating with them?

Detainee: Yes, in writing.

Presiding Officer: They didn't miss you when you went to Iran?

Detainee: Yes, they missed me.

Presiding Officer: The letter mentions that you had a drug problem with Hash.

Detainee: Yes I was addict.

Presiding Officer: If released or transferred to Iran, is Hash going to be trouble again?

Detainee: No, I am done with it. I stopped this habit three years ago.

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.

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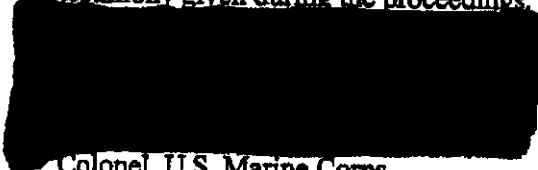
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AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

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CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

ISN 758

Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C1	09/12/2005	UNCLASSIFIED	NONE

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Enclosure (4)
EC-C
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From: Abbas Abd Rumi Al Naely

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted By Abbas Abd Rumi Al Naely, ISN #758, on 09 December 2002 by OARDEC Linguist OL-13.

The detainee submitted the following statement:

To the respected members of the board;

After greeting and salutation:

Statement:

I am called, Abu Fatima, case #433, present to you my statement as an act of charity to the so called shaker, case # 758... that he does not pose a threat to United States and its allies because of the fact that I knew him from Afghanistan... where he came to my house asking me for assistance, and I did not have anything to offer him. But, after I took a look at his appearance and the poor clothing condition, which proved to me clear starvation. I went to some friends and borrowed some money... approximately three dollars and gave it to him, and invited him to stay as a guest over night. But, he refused, and he left and came back after a while. Also, he was in need and did not have what I can help him with, but I found out from him, and from people that he is a hashish addict, and he could not be stable in one particular place because he does not have money and he is in need of clothes, food, and in need of money also, for the Hashisha. And of course the last reason was the hashisha that made me not to attempt to help him for another time. And, also he is not a political or a religious person or military and I did not hear that he hated America or it's Allies. And also, I did not hear that he conducted any job for Taliban, and he also received some help from the Taliban just like the rest of the Iraqi refugees, and I myself is one of them. I used to receive some help from Taliban and only gave me in return no more than enough food for my family and me, and provide a house because I have a family. But as far as # 758, they did not give him a house, because he is not married... and also he is a peaceful man and does not pose threat to anybody... and he has his family which they are in need for him, and anything that appeared from me towards him or against him, it was a result of some investigators, so they can pit us against each other. And also, I was exposed for psychological abuse from before... from the investigators and nobody knows this but God. And this # 758 is innocent from any allegation.

This is it, peace be upon you.

Abu Fatima Al Iraqi (9/12/ 2005)

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الى اعضاء الهيئه المحترمين بعد التحية والسلام

م / أ فاده

ابي المدعو ابو فاطمه 433 اقدم لكم افادتي هذه كتركيه الى المدعو شاكر المرقم 758
 بأنه لا يشكك خطر على الولايات المتحدة الامريكيه وعلفادها وذلك بسبب معرفتي به
 في افغانستان عندما جاءني للبيت يطلب مني المساعدة ولم يكن عندي شيئاً اقدمه
 له ولكن عندما نظرت الى حاله وما لبسه الرديئه وشكله مما يردن عليه الجوع
 الواضح فذهبت الى احد الاصدقاء واخذت نقود وبنياً ما يقارب ثلاثه دولارات
 واعطيتها له ودعوته ان يبقى عندي كطيفت تلك الليله ولكن رفض وذهب وجاء في
 بعد فترة ايضاً كان محتاج ولم يكن عندي ما أسأله به ولكني عرفت منه ومن الناس
 انه رجل مدمن حشيشه ولا يستطيع ان يستقر في مكان معين لأنه لا يملك نقود
 ويحتاج الى ملابس وطعام وسياج نقود ايضاً للحشيشه وطبعاً السبب الاخر وهو
 الحشيشه هو ما جعلني ان لا أحاول مساعدته مرة اخرى كما انه ليس ببلد رجل
 سيباه او ديني او عربي ولم اسمع انه يكره امريكا او جلفاها ولم اسمع ايضاً انه
 ادلى اي وظيفه للطالبان وهو كان ايضاً يحصل على بعض المساعدات من الطالبان مثل
 بقية المهاجرين العراقيين وأنا منهم ايضاً كنت أؤمن مساعدات من الطالبان وهم لا يعطوني
 اكثر من الطعام لكي ولعائلتي واطوري بيته لأنه عندي حائله اماً بالنسبه الى حوالي 758 فلا
 يعطونه الطالبان بيته لأنه غير متزوج وهو ايضاً رجل مسلم ولا يشكك خطر على احد
 وعنده اهل بحاجة له واي شيء يدره مني خبره فكانه نتيجة استقرارات من المحققين
 للأجاع بيننا وانما عرضت لتعذيب نفسي ما قبل المحققين ليعلمه الا الله وهذا حوالي 758 بري من كل

ادعاه

هذا والسلام
 433
 ابو فاطمه العراقي

2005/9/11

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Summary of Administrative Review Board Proceedings for ISN 760

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

Presiding Officer: I understand you speak English and you understand English.

Detainee: I do.

Presiding Officer: You do. During the course of the proceedings if at anytime you do not understand what I am saying just let me know, but if you do [understand], just say I understand sir or I understand. That way the translator will not have to repeat it to you. If you prefer he translate everything that's fine too. Which do you prefer?

Detainee: The first option is okay with me sir. If I just listen without making any comment then I understand. Should I [not] understand something I will just ask you to stop and ask him (referring to OL-21).

Presiding Officer: Then he will translate for you and that's fine. We can do everything translated but since you understand us then there is really no need.

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

Presiding Officer: Understood?

Detainee: Understood.

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

Detainee: I do, I want to make my statement under oath.

The Detainee accepted taking the Muslim oath.

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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.

Presiding Officer: This was read to you back in February and they probably went over it with you I just want to make sure you understand. It's a notification of when they notified you that you were an Enemy Combatant, do you remember that?

Detainee: Yes, I remember, yes.

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

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form and the Detainee comments we will use when we go through the Unclassified Summary [of Evidence].

Assisting Military Officer: The Detainee's ARB interview was conducted on 13 December 2005 and lasted 140 minutes. After reviewing the ARB's purpose and procedures, the Detainee said that he understood the difference between the CSRT and the ARB. The Detainee was read the Arabic translated Unclassified Summary of Evidence. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee said, he would attend the board and present an oral statement. He stated that at the ARB he would answer any questions in English. The Detainee was very courteous, and attentive. He elected to take a copy of the Arabic translated Unclassified Summary of Evidence and an English version for his review.

Presiding Officer: [Are] we good so far?

Detainee: So far so good.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, CITF Redaction Memorandum, DMO-3, and the Terrorist Organization Reference Guide, DMO-4 to the Administrative Review Board.

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

Presiding Officer: Go ahead and translate the whole thing until I review it.

Detainee: I just need the last one because I don't know what it is about.

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Presiding Officer: He gave me four unclassified documents. One is the Unclassified Summary of Evidence, the second one is a redaction form from the FBI, and the third one is a redaction form from the Army Criminal Investigative Command. Are you familiar with what redaction forms are?

Detainee: I think.

Presiding Officer: It is where they take out information that they don't want you to see.

Detainee: Okay.

Presiding Officer: The forth one is The Terrorist Organization Reference Guide. It talks about different terrorists organizations that the Department of Homeland Security and Customs and Border Protection had back in January 2004, where they classified a list of organizations as terrorist organizations. One of them is covered in the unclassified summary.

Detainee: Yeah, yeah. Okay.

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

Presiding Officer: I note that you have chosen to respond to each item of the Unclassified Summary as it is presented. Is this correct?

Detainee: It is.

Presiding Officer: You also want the assistance of the Assisting Military Officer as needed I presume.

Detainee: Yes.

Presiding Officer: Okay. At this time I will instruct the Designated Military Officer to summarize the Unclassified Summary to you and after he goes through a point you can then respond. Once we notice you are through answering his question we will go to the next item. Okay? He is going to read the Unclassified Summary to you and there are a number of items. He will read one item and you can respond to that if you'd like and if you don't just ask him to go to the next item and he will.

Detainee: I planned it so, if your honor does not have anything against it that my AMO and I have planned that I wrote very, very brief answers to each item of the Unclassified Summary and after he answers those questions I will also give a response. Just to explain and to demonstrate and prove to you why it is yes or it is no.

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Presiding Officer: Okay, DMO you will read the comment and AMO for those responses you have answers to all you need to do is pickup at whatever the Detainee said. You don't need to read in response to....just give us his response to it because the DMO is going to read the items. It looks like number one is the only one he didn't respond too.

Assisting Military Officer: No sir, there are a couple of them he didn't respond to. He will just answer them when we get to them.

Presiding Officer: Okay, I am going to give you an opportunity [to respond] after each one whether the AMO has something or not. I would just ask that you say no comment.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board to assist the Detainee with answering the statements.

Presiding Officer: DMO please summarize the information for the Detainee and allow him time to respond or allow the AMO time to respond and then the Detainee.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) In 1992, the Detainee traveled to Gardiz, Afghanistan to fight and was assigned to a mortar battery.

Detainee: That's correct.

Designated Military Officer: (3.a.2) The Detainee actively recruited for jihad from 1992-1997. The Detainee felt it was an important function and would often speak of jihad while he preached at mosques in Germany.

AMO/Detainee: The Detainee claimed he did not recruit but preached jihad from 1992-93. After 1993, the Detainee's passion faded because he had a wife and family, college and his life. ***The Detainee confirmed this statement.***

Designated Military Officer: (3.a.3) Based on the Detainee's advice, an individual in Duisburg, Germany traveled to Afghanistan for weapons training and to join the armed Taliban forces. The Detainee arranged for this individual to meet with Usama bin laden and the individual swore allegiance to al Qaida. The individual became an important and influential al Qaida member.

AMO/Detainee: The Detainee says it did not happen. ***The Detainee confirmed this statement.***

Designated Military Officer: (3.a.4) While in Germany, the Detainee worked with a friend who recruited people to go fight jihad in Afghanistan.

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AMO/Detainee: The Detainee said this must be Ashra Al-Nahass. He is a close friend, but he did not help him. The friendship was in 1999. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.5) In December 1999, the Detainee became the Imam at a mosque in Montreal, Canada. The Detainee thought that the Algerian Armed Islamic Group and the Salafis might have a presence at that mosque.

AMO/Detainee: The Detainee stated, that he did not become the Imam. He has the Koran memorized and during Ramadan he lead the prayer. Within two weeks Hasni Mohsen introduced him to the mosque. He has no sympathies of the Algerian Armed Islamic Group and did not go to the mosque because of this group. The Detainee completely sympathizes with the Salafis. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.6) An al Qaida operative identified the Detainee as an al Qaida facilitator who played a part in recruiting jihadists to fight in Afghanistan and Chechnya and to become suicide hijackers in the west. The Detainee convinced the al Qaida operative and three future World Trade Center suicide hijackers to undergo al Qaida basic military training in Afghanistan.

AMO/Detainee: The Detainee stated, that this is Ramzi bin Al Sheeb's statement and not his words. The Detainee took a polygraph and Al Sheeb refused. The Detainee says it shows he is telling the truth. The Detainee wants to read the Commission book on 911. He says it will tell the truth about Al Sheeb. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.7) An al Qaida operative stated that the Detainee facilitated the operative's initial travel to Afghanistan and his initial introduction to Usama bin Laden.

AMO/Detainee: The Detainee says, this is probably just an extension of Al Sheeb's statement. Either way it is false. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.8) An Islamic extremist stated that he attended meetings in the Detainee's house on numerous occasions with a future suicide bomber and an al Qaida operative.

AMO/Detainee: The Detainee stated, this is Karim Mehdi, a very good friend and that Karim made the statement and it is not correct. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.9) The Detainee swore loyalty to Usama bin Laden in 1990.

AMO/Detainee: The Detainee stated, in March 1991 he swore loyalty to Usama bin Laden through one of Usama bin Laden's recruiters. The Detainee does not want to say the recruiter's name. *The Detainee confirmed this statement.*

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Designated Military Officer: (3.b) Training (3.b.1) The Detainee was trained in the use of weapons and terrorist tactics in Usama bin Laden's training camps in Afghanistan.

AMO/Detainee: The Detainee stated, that it was only one camp, not multiple camps and that he did not train in terrorist tactics. *The Detainee confirmed this statement.*

Designated Military Officer: (3.b.2) In January 1991, the Detainee trained for six weeks at Camp Farouq, located near Khowst. Training consisted of physical exercises and weapons training on the AK-47, Seminov, Uzi, M-16, Makarov pistol and rocket propelled grenades.

AMO/Detainee: The Detainee stated, among other light weapons. *The detainee confirmed this statement.*

Designated Military Officer: (3.c) Connections/Associations (3.c.1) From 1993 through 1999, the Detainee was tasked by an individual to set up a radio broadcasting station in Sudan, to assist in counterfeiting money, especially United States currency, in Kandahar, Afghanistan, and to help establish greater Internet connectivity between Sudan and Kandahar. The Detainee denied taking part in any of these taskings.

AMO/Detainee: The Detainee stated, that this was refuted at the CSRT and that this allegation was removed. The Detainee had asked the Intelligence community to come as a witness. *The Detainee confirmed this statement.*

Designated Military Officer: (3.c.2) The individual who tasked the Detainee was one of Usama bin Laden's key operatives.

AMO/Detainee: The Detainee says this individual had no authority to task. The Detainee was asked to help with the broadcast. He wants to call this individual as a witness. The Detainee does not want to say the name of this individual. *The Detainee confirmed this statement.*

Designated Military Officer: (3.c.3) The Detainee was involved in money laundering activities. The Detainee wired United States currency three times for one of Usama bin Laden's operatives.

AMO/Detainee: The Detainee says, that he was never involved in money laundering. He helped his cousin wire some money twice to his cousin's family. 7,000 German marks. The third time the detainee refused. *The Detainee confirmed this statement.*

Designated Military Officer: (3.c.4) The Detainee stated that he attended a mosque in Duisburg, Germany where the director was the leader of the Egyptian Islamic Jihad in the area.

Detainee: That's correct.

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Designated Military Officer: (3.d) Intent (3.d.1) The Detainee said that his goal while in Afghanistan was to become a martyr by dying for Islam. However, the Detainee would fight in a battle and there would not be another one for months, thereby reducing his chances to be martyred.

AMO/Detainee: The Detainee says, that to die as a martyr is correct. To this day he still wants to die as a martyr. The Detainee does not want to kill any innocent people, including Americans. *The Detainee confirmed this statement.*

Designated Military Officer: (3.d.2) The Detainee is a suspected facilitator of the failed millennium bombing conspiracy.

AMO/Detainee: The Detainee says, this is completely incorrect and was refuted at the CSRT. He wants to call Ahmed Rassam and the United States Intelligence as witnesses. *The Detainee confirmed this statement.*

Designated Military Officer: (3.e) Other Relevant Data (3.e.1) In January 2000, the Detainee departed Canada to travel to Mauritania. On the way to Mauritania, the Detainee was detained in Dakar, Senegal where he was questioned and released after four days.

AMO/Detainee: The Detainee says, that he was not released. He was turned over to Mauritanian authorities. *The Detainee confirmed this statement.*

Designated Military Officer: (3.e.2) In April 2000, the Detainee traveled from Mauritania to Germany where he was detained for three weeks and questioned by German authorities.

AMO/Detainee: The Detainee states, that this is correct. However, it was because of fraud, not terrorism. *The Detainee confirmed this statement.*

Designated Military Officer: (3.e.3) In April 2000, the Detainee left Germany and traveled to Mauritania where Mauritanian government officials seized his passport.

Detainee: That's correct but it was in May 2000 not April.

Presiding Officer: It was in May not April?

Detainee: No, look at it your honor, in April I spent one month in jail cell. How could I?

Presiding Officer: Thank you.

Designated Military Officer: (3.e.4) In September 2001, the Mauritanian Security Service detained the Detainee after the 11 September 2001 attacks in the United States.

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AMO/Detainee: The Detainee states that he turned himself over to the Mauritanian government. *The Detainee confirmed this statement.*

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee denied having knowledge of the 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 U.S interests.

Detainee: That's correct.

Designated Military Officer: (4.b) The Detainee stated that he did not know of Usama bin Laden's operative's involvement in terrorism when he transmitted money for him.

AMO/Detainee: The Detainee says, this is correct. It is the same incident with his cousin and helping him send money to his cousin's family. *The Detainee confirmed this statement.*

Designated Military Officer: (4.c) The Detainee strongly denied that he had helped anyone travel to Chechnya or Afghanistan.

Detainee: That's correct.

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

The Administrative Review Board went into a closed session to discuss sensitive information. The board reconvened the unclassified portion at 1942hrs, 15 December 2005.

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

The Presiding Officer acknowledged the request.

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

Assisting Military Officer: Yes sir, the Detainee would like to make an oral statement and a written statement.

Presiding Officer: Okay, let me see what he wants to present and then I will explain to you how I want you to present it.

The Presiding Officer reviewed the documents the Detainee wanted to present to the board.

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Detainee: When the CSRT invited me to attend the hearing they confronted me with very much the same thing you have confronted me with. I said no that is outrageous. I have done some of that; most of that I have not done. I said I have witnesses and I can prove it, they said how? I said U.S. Intelligence, military intelligence, my ex-wife and so many witnesses. They said they would use U.S. Intelligence as a witness but you let them decide on what they were going to tell us. There were thirteen allegations and they erased nine and the [remaining] four sir, you have. Only those four are my allegations. I really don't understand why they have gone back [to the thirteen] and we have already been through and put the allegations I was not charged with on this. It does not make any sense to me. It looks like O.J. trial.

Presiding Officer: The unclassified is stuff that various agencies have given us to be allowed to use and present to you. They were classified at one time and they unclassified them and said this is what the Detainee can have or anybody else if in fact it gets released. There is other information of a classified nature that they won't release to you, but we may have access to it during our classified session. Even though they may have had thirteen or so many allegations and narrowed it down only to four here in the CSRT, those agencies may have given us a number of things, and say here you can read this and this is what we consider important on this guy. You can contest them as you did in some cases today and something you agreed to and we appreciate that. I am just trying to give you and idea of why some of this is repeated again.

Detainee: Why should it be repeated if it had already been refuted. Here you can read the synopsis and it reads very clearly, "During the recess the recorder modified exhibit R1 of the Unclassified Summary of Evidence deleting a number of allegations." So why did they delete them back then and they say I am right and the guy who wrote this was wrong and now the same things have come back. I don't understand that doesn't make sense to me, if you could explain it, I really want to understand.

Presiding Officer: Well again, they probably could not find enough stuff to substantiate the allegations that they took out. They are not saying they are right or wrong, they are just saying they didn't have the evidence to support them. Then they were just able to hang their hats on these four things in paragraph three which [states], Detainee was previously determined an enemy combatant and this determination is based on the information that the Detainee was a member of the Taliban or al Qaida. Then it goes on to say you admitted these four things; that you admitted to traveling to Afghanistan to wage jihad; that your goal was to become a martyr and you did say that again today. So based on these and the other two things, you can read them as well as I can, that is what they based their answer from the CSRT on continuing your detention as an enemy combatant. Because they only had to meet certain criteria and that is what they did. Now for today the Unclassified Summary is full of a lot of things you disputed and you're offering this as an explanation that it shouldn't be there. We will weigh and listen to your answers and I am sure we are going to have a few questions for you in regards to it. You may or may not have answers to it, but I know I have at least two questions, so we will get to that. I am not going to try and guess why the agencies repeated those allegations in

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the unclassified summary again [this time] even though the CSRT dropped them. They didn't really say but the deleted number of allegations and modified exhibit R1 [can be submitted as exhibits]. They didn't say that they weren't true they just modified them.

The Assisting Military Officer submitted the Detainee's CSRT excerpts as Exhibit EC-C to include EC-C1 and EC-C2, copies of these exhibits have been provided to the Designated Military Officer.

Presiding Officer: Do you have some other documents you would like to present to the board or are you just going to read something?

Detainee: No, no I have nothing.

Presiding Officer: Because if there are other things I would like to cover them with the AMO because he will have to present them as an exhibit. If you are not going to present anything else, that's fine.

Detainee: No, I have nothing.

Presiding Officer: Comments and things like that we are still going to continue with but I want to get through the exhibit portion.

Detainee: Okay.

Presiding Officer: Assisting Military Officer please read the Detainee's additional comments on the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee requests that he be released to Canada and that his request be forwarded to Washington, D.C. The Detainee was told that a decision will be made in Washington, D.C. and he will get an answer in the very near future.

Presiding Officer: Let me ask you this, you said you would like to be released to Canada, is there some reason you do not want to be released to your home country?

Detainee: Well, I have a good reason; my country turned me over, short cutting all kinds of due process of law, like a candy bar to the United States. They sent me to Jordan for torture and later on to Bagram and then to this place. So I think that is a good reason not to want to go back to such a country.

Presiding Officer: So your concern is being tortured again when you go back?

Detainee: Not only, I don't think that my country would torture me, I am not going to lie to you your Honor. So let me explain this to you. If the United States releases me to my country and they agree on some formula that will for sure limit my freedom without any reason, because in my country you do not need a reason to limit someone's freedom, and I don't see any reason why my freedom should be limited. For example, you have seen

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that my passport was taken and that I was forbidden to travel. I did not appreciate it and that is not a life. I [would have to] go everyday to the police and sign papers, no. I want to go to a country where I can enjoy my freedom or I'll stay here. Please explain my point to them (asking OL-21 to explain a previously discussed issue).

OL-21: He forgot to add one thing that he told us why Canada. It was because he had the immigrant status there. And the immigrant status is almost like being a citizen, but if you are outside of Canada for more than six months you cannot take advantage of that status. But he does not know if in his case, because it was beyond his control, if he stayed six months out of Canada if he still has that status in Canada or not.

Presiding Officer: He does not know if he has that status?

Detainee: I have the status and I have the papers. But it says [under] Canadian Law if you stay outside the country for more than six months you are not safe. Then you cannot go back to the country and you will have to reapply. But this was against my will because I was put in jail. So it's a problem, it's just a wish.

Presiding Officer: I was just curious why you didn't want to go back to your home country and if there were some other extenuating circumstances that the State Department could give consideration to when negotiating your transfer.

Detainee: I just want you to understand because it is key for me that you, the board, understand the case, the heart of the case. Forget about me being detained or released, forget about it. Just try to understand why I am here and all of the circumstances surrounding my capture and my detention, I would like for you to understand. I asked at the CSRT to be turned over to the United States of America, but when I learned from my American friends here, they said no, no you were in Cuba and for God sake you are a suspected terrorist and the United States would not accept you. I will not force you to take me. I feel like I deserve [it] because I was honest, cooperative, and I was forthcoming. I may be wrong; obviously I am, so just turn me over to Canada.

Presiding Officer: Okay.

Detainee: In case you don't release me, then I know my address.

Presiding Officer: I understand you would like to give a statement and you just did. Is there anything else you would like to tell us? If not does that conclude your statement? If you have additional comments you would like to give us you may.

Detainee: Yeah, yeah.

Presiding Officer: At this time I understand you have something you would like to read to us, you may begin reading your comments at this time.

The Detainee made the following statement:

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Detainee: First of all why did the U.S. Intelligence get on my neck? Why did they pick me out? Why did they pick me and not just anybody from the streets? They picked me out for reasons and I will explain them to you why. It goes back to late 1998 and January 1999 when I received a call from a cousin of mine, whose name I don't want to mention his name. I learned later that my cousin was using Usama bin Laden's satellite phone that was intercepted. He called me and another cousin of mine named Ould Mohammed. I was in Germany and our other cousin was in Mauritania, so the United States [told] the Germans that I was an al Qaida operative. They knew it was not Usama bin Laden's voice, they knew it was me. Mohammed was captured in Mauritania and stayed in jail for two months for interrogations. I wasn't captured, but I am sure I was followed by the German police [and/or] German Intelligence. I did not know anything about it back then, okay. My cousin had always been in moderate contact, he called me more and I never knew his address and he called me more for different reasons. We were [also] brother-in-laws; we married the same sisters (my former wife is his wife's sister). The sisters they want to contact each other and he also contacted me to help him transfer money to his family in Mauritania because technically when he was in Sudan it is not possible to wire money from Sudan to Mauritania. Mauritania banking does not work; I don't know about the banking in Sudan, but I don't think it is as advance. So he had to send me the money to my account in Germany and I would physically take the money to some of my friends, who will give it to his family (the cousin's family) in Mauritania. I did this twice in late 1998 [Detainee paused to recollect the time frame of the transfers]. It was between late 1997 and 1998, let me [think] it has been a long time so I don't want to give you [the wrong information].

Presiding Officer: We understand if you are off a little bit, then approximately.

Detainee: It was an amount around \$7,000. They said here American money, I don't understand.

OL-21: 7000 marks, not dollars.

Detainee: Okay, dollars I am wrong. It says here somewhere "the Detainee wired United States currency three times for one of Usama bin Laden operatives." It does not make sense to me.

Presiding Officer: What they say is that you were involved in money laundering activities, which if I have 5000 or 7000 dollars and I give it to him. Then he distributes it to [his] brothers, mothers, sisters and cousins then I am trying to launder it through them.

Assisting Military Officer: I think what his issue is though, is the difference where he didn't have U.S. dollars he had [Deutsch] marks. Where they are saying the equivalent might be 4000 U.S. [dollars] to 7000 [Deutsch] Marks.

Detainee: Exactly, AMO is correct. Here is the deal because my cousin and my brother-in-law want to send some money for his family and he asked me [for help]. How the hell

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could I know if he stole it or Usama bin Laden gave it to him, or wherever the hell he got this money, that was none of my business. It is not my policy to ask people where they got the money.

Presiding Officer: He just asked you to do him a favor?

Detainee: Yes, and I did it.

Presiding Officer: Okay.

Detainee: He asked me a third time, they said I did it three times and that's not correct. The third time it was around October 1999, I am dead sure because my brother was with me. Then my brother told me "Who is calling you?" he is my older brother and I said "my cousin". He said "What is he asking you?" and I said "He is asking me to help him wire money to his family" and my brother said "No!" Then I told my cousin I could not wire the money and he was upset. I would like for you to refer to the intercepted telephone conversation with me and him to prove my point.

Presiding Officer: I am not sure I have that available to me but I will take your word for it.

Detainee: Okay, well neither am I. Okay, but that is what happened anyway. Of course the Americans were interested in me and they told the Germans to watch me closely. But I have had such good conduct in Germany the Germans never even bothered me to ask any questions. They went to the Imam of my Mosque and they told him I had connection with terrorist and he laughed, that's what he told me, that he laughed. I said, "I don't think so". They said it was not really a "Hot", it is nothing hot about it but we just have the report to tell you and we will take your word for it. Then he told me, he advised me, "German Intelligence came and showed me your picture and said you have contact with terrorist." I said, "I was afraid." This was the first time that I heard something like that. For somebody to have never dealt with the police and intelligence they may get scared, but now I am not scared because I am so used to intelligence and police being after me and arresting me putting me in jail. I will show you guys, you will not be yourself when the police are behind you. Anyway, I was scared, he told me he has experience with them, so go to them and I can arrange a meeting with you. Tell them indeed you were in Afghanistan in 1991 and February 1992 because they don't give a damn about that. Just go and tell them and they will leave you in peace. I was afraid and I did not follow his advice. I said no, no if they find out I have been in Afghanistan they could make trouble with me because they hate people who believe in jihad and go with jihad even against Russia. So I was afraid. All the evidence was not in my favor and then my Visa was taken away. My lawyer messed up, he messed up some lawyer stuff and the Germans would not extend my Visa. I said, "okay, I'll go to Canada", upon the advice of my friend, whom I have already told you about. He was my student in Germany and he immigrated to Canada in 1996 or 1997. He came to visit me in Germany and he said, "Canada is amazing. There is no racism, they speak French, and it is just a very

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advanced country. You will have a job at the snap of a finger." I said "I like Germany" and he said "It's just a possibility, go for it and apply for Canada and you will have the Canadian papers if Germany does not accept you for some reason, then go to Canada." I decided to go to Canada on Friday, November 26, 1999. Okay, it was shortly before the beginning of Ramadan and my friend said "We need you here in Canada because we have no Hafez." Explain to them what Hafez is (asking OL-21 to explain what a Hafez is).

OL-21: Hafez is the person who memorized the whole Koran and when we pray we pray verses of the Koran and you have to memorize it. During Ramadan there is prayer and after the fifth salit we pray an extended prayer for about an hour and half to two hours. During Ramadan you have to recite the entire Koran, you start from the beginning and when you pray he keeps reading the Koran and he is called the Hafez, a person who has memorized the whole Koran.

Presiding Officer: And you are familiar with this?

Detainee: I am one. In Arabic countries there are oodles but in Europe and Canada one is very rare. I reluctantly accepted the offer because in Germany they were bothering me a lot. Sometimes during Ramadan I would pray for two months and it was just too much for me. In Canada they brought me to this big Mosque and they tested me and said he is good. The Imam said I have a trip to United Emirates and I would like for you to lead the prayer and I said okay. I lead the prayer during Ramadan that's it. I was not the Imam of the Mosque, so far, so good. Some people who were very important to intelligence attended this Mosque; people whom the intelligence community was watching were attending this Mosque were I lead the prayer. It is a three story Mosque where like ten thousand people could pray at the same time, okay.

Presiding Officer: And we are in Canada?

Detainee: Canada, Yes.

Presiding Officer: Didn't want to lose you.

Detainee: Please, I want you guys to understand my story okay, because it really doesn't matter if they release me or not, I just want my story understood. Okay, I want to get it off my chest. The Mosque itself was not a threat or important, it was a moderate Mosque.

Presiding Officer: But some people that the intelligence community had interest in were attending it?

Detainee: Yes, forcibly. I tell you why. People, bad people always want to blend in a crowd so if the Mosque is a very big Mosque the chances of a person getting picked up are very low. The Mosque is also classified as non-extremist. Is that correct, I don't know. Extremist, not dangerous because for you guys extremist is a very easy stamp to

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put on something. They were not really interested in me but they were interested in certain people who attended the Mosque. So look at me, I have contact with Usama bin Laden's operative, who was helping launder money, is now in Canada attending a Mosque where we believe a very dangerous group is attending and he is even the Imam of the Mosque, something is going on.

Presiding Officer: It's not looking good?

Detainee: No, it's not looking good at all. It will look worst than that. Then the Canadians said they have someone to take care of. Okay, December 14, 1999 a Nigerian called, Almed Rassam a former inhabitant of Montreal where I lived, tried to cross the border into the United States carrying a bomb. He wanted to attack the United States during the millennium; they call it the millennium plot, the infamous millennium plot. The Americans captured him, okay at he border before he did anything. Are any of you familiar with this story? Obviously the Major is, excuse me the Lieutenant Colonel. So, they captured him and they said wait a minute this guy is from Montreal and he is a member of the Algerian Islamic Group, which attends the Montreal Mosque, which is right now being lead by me who is in connection with an operative of Usama bin Laden. Why did he come from Germany at this time? He is the head, he is the Imam, he is the General, and a potentially very dangerous guy. I speak four languages and I am a Telecommunications Engineer and I am dangerous, I don't know why because I am a pretty lazy guy. They told the Canadians that I was the guy behind all of this. Almed Rassam refused to talk, he took his 5th Amendment and he didn't say anything at all, did talk later but vaguely. The Canadians are crazy they didn't stop the guy, so if they wanted to seem like they were up to something. So they were very jumpy. They were everywhere in the Mosque, in the police car, 24 hours and they made two holes in my apartment, very small tiny holes. They didn't know I saw them but I was asleep and when I woke up the guy was outside putting tiny cameras in the hole. I called the police and I knew it was not my neighbor it was intelligence. But I said, my neighbor is putting two holes in two bedrooms, one in my roommates [room] and one in mine, why would he do that to me? Then the police told me to put glue in the hole. I stared at him and said, "Did I ask you your advice or something? It is a crime behind this." Your honor, I was just laughing, I didn't have any problems that they were watching me. I told my brother I was going to make a joke or something. People say I am very funny and light so I didn't take it very seriously, but the police Royal Mounted Police of Canada, it's like FBI and they came and interrogated me. I was scared to hell, they asked me do I know Almed Rassam, I said "No", and then they said do you know this guy and I said "No, No". I was so scared I was shaking and they released to the Americans that I was very scared. I was not used to this it was the first time I had been interrogated and I just wanted to stay out of trouble and make sure I told the truth. But they were watching me in a very ugly way. It is okay to be watched but it is not okay to see the people who are watching you. It was very clumsy, but they wanted to give the message that we are watching you. Okay, screw it, it is not problem they can watch me. If 2000 starts they were are afraid that I would kill some people. After 2000, I thought they would leave me alone but that was not correct. At the same time members of my family were taken by the Mauritanian

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Intelligence and interrogated about the millennium plot. I didn't know that my wife was interrogated and that my brothers were interrogated. They didn't tell me because they were scared but they said, "What are you doing over in Canada?" I said nothing but look for a job. And my family decided I needed to get back to Mauritania because this guy must be in a very bad environment and we want to save him. We don't care if they put him in jail here (Mauritanian jail) but we need to get him out of trouble. He is surrounded by bad people, that is what my family thought and decided I should come home. And they told me that my mother was sick. My ex-wife called me and she was crying and she said "Either you get me to Canada or you come back to Mauritania." I said "hey take it easy." I didn't like this life in Canada, I couldn't enjoy my freedom and being watched is not very good. I hated Canada and I said the work is very hard here. I took off on Friday, 21 January 2000; I took flight from Montreal to Brussels, then to Dakar. The Canadians were asked by the American Intelligence to arrest me and the Canadians asked, "Where is your evidence?" The Canadians said we cannot arrest someone without paperwork. Then the Americans asked "Can you at least tail him wherever he goes?" So they must have told them I left and took a flight from Montreal to Brussels to Dakar. I didn't take a flight directly to Mauritania because Dakar is highly visited and the flights are cheaper. Dakar is about 270 miles away and originally my family, my two brothers were going to pick me up from the airport. So far, so good understood? I told them the flight number and everything and that the flight was on Friday. The Americans have obviously seen me as a potential threat. They were sure that I was behind the millennium plot because of all the circumstances.

Presiding Officer: But they just couldn't prove it.

Detainee: Yes, they wanted to get me arrested at least. But they wanted to get me in a place where they could arrest me. Belgium would not cooperate with them, Canada wouldn't cooperate with them because they needed a smoking gun, but Dakar was a very good choice. They waited and I stayed 12 hours in Belgium and nobody bothered me. When I got to Dakar they arrested me in the name of law. They took me to a police station and they said, "We have very heavy information against you, the millennium plot." I was saying no, it's not so. I just denied it. But the Americans were not impressed at all with the results of the interrogation. To be truthful, I was not very truthful with Senegal's interrogators but not with the thing they were asking me about. They asked if I was trained in jihad and I told them no, which was not correct. I just did not want to give them more evidence to get myself burned. I was in a foreign country of Senegal and I wanted to be turned over to the United States right away because I knew at some point the United States would know that I didn't do it and they would release me. In Senegal they might torture me and I don't like to be tortured. Senegal didn't really torture me because there was not any really substantial evidence. After five days, Senegal said they could not keep me. They said either give us proof or we will release him, but the American government worked it out so I could be sent back to Mauritania and I was scared. Okay to make a long story short, Mauritania thoroughly investigated my case. I was forthcoming and I said to just be honest because it is no big deal in Arabic countries to go fight jihad and come back. It is no big deal like in Saudi Arabia,

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for American and Europeans it is a very big thing. If you fight jihad they think you are going to kill people. But in my country I told yes, I was in jihad and I swore bayat to Bin Laden and everything but that was a very long time ago. They understood and they said they have no problem. But I said don't tell the Americans and they said they wouldn't but they lied and told the Americans everything. Then the American FBI came, three guys John Clonon, Michael Bush and another guy from the Department of Justice (DOJ), I forgot his name. They interrogated me they wanted to hear me instead of reading the report. They came on the 5th and 6th of February 2000 and they interrogated me. As to my story about the millennium plot, it was easy because I didn't have nothing to do with it I was forthcoming. As for my story about going jihad in Afghanistan, I was not as forthcoming because I didn't feel I needed to be forthcoming with them because I owe them nothing. Why should I talk to these guys? I didn't bomb you; I didn't come to the United States. Why do you come to me and ask me questions? That is what I was thinking on the inside but I couldn't say it because I must be conscious of everything because they were going to beat my ass if I didn't answer the FBI. I know that, but the FBI did not tell the Mauritians that I was not as forthcoming with them as I was with Mauritania. But anyway they could get the information but they wanted to read it themselves, which is good. But I didn't want to give them the information because I was distraught because they put me under things that I didn't deserve. The guy left on February 17th. I was released on February 18th, the Mauritians said " We don't need you go away. We have no interest whatsoever in you." I asked them what about the Americans? They said " The Americans keep saying you are a link but they didn't give us any proof so what should we do?" I told my wife that I should go to Germany because I have never experienced as much peace as I have experienced in Germany. I told her lets go back to Germany and try it. They told me no Visa and I said I am refugee and it takes about twenty years to decide about your case. Many people come as a refugee and they refuse them then they appeal everything and it takes a long time and you can take your case to the Supreme Court in Germany. It is a part of the German constitution. Do you understand your honor? Okay, so far so good. I asked for a European Visa and you can go to any European Country. Why did I get this Visa? It's because I didn't want to go to the Germans because they know me. They said the Americans are behind you and we don't want any trouble with America and we will not give you a Visa because they are friends. So, I went to Spain and they gave me a Visa and I used the Visa to go where? Germany! Soon as I landed in Germany they put chains on me and took me to jail. They said they were arresting me for fraud, which was correct. I did the fraud it was about 4000 [Deutsch] Marks, but the problem was that I took money for unemployed people, while I was designing my own company. It is not allowed and I didn't know but that was no excuse. If you break the law and you don't know it, that's your problem. There is no excuse not to know the law in Germany.

Presiding Officer: You took unemployment money while you were starting your own business?

Detainee: Exactly.

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Presiding Officer: Gotcha!

Detainee: I told that I have not started the [business] yet but they said no, that's not an excuse. You can get money but not under the title "Unemployed" maybe under another title. I said "that is not a good reason to put me in jail." It is because you have no address in Germany, you could potentially run away from the law. If I had an address I would have spent three weeks in jail because fraud like this is not a major crime. Anyway they kept me three weeks and they sentenced me to six months probation during three years and that was April 2000. In May, around mid May, I said, "Man no country is accepting me". Because Germany asked me about the fraud and they said if you give the information we can work together. I said, "Man I don't know anything." Then they just leave me peace. Then I said to my wife I am going back to Mauritania if I am going to be roasted then I am going to be roasted in my own freaking country. Then I went back to Mauritania and the Americans told them that this guy should be stopped. The Mauritanian asked me to come to them. I went to the police and they took my passport and said "you can not go." I said, "good!" Then a friend of mine found me some work with his employer, National Medica[1] to work as their Internet provider. I had a good time, it was work I like and they paid me well. I had a good life, but it sucked that I didn't have the freedom to travel but hey I have to cope with it, so far so good. September 11th 2001, the United States got attacked and people are looking for leads. The police called me on September 29th about 2300 hours in the night.

Presiding Officer: So September 11th 2001 you were in which country?

Detainee: In my country.

Presiding Officer: In your country?

Detainee: Yes, they were the ones who took my passport away and forbid me to travel. In a way it was good because no one could blame anything on me for that time being. Okay, September 11th happened. Then on September 29th 2001, the Mauritanian Intelligence called me at 11pm, okay! Understood! They said, "We need you. Where are you?" because I was on my cell phone. I told them not to worry about where I am, where are you? I will come to you. I drove my car [to] them, [they] told me to stop and they put a driver in my car. Then I drove with the interrogator. They said the Americans told us to arrest you man. I just want to mention here that I wrote a book while in jail here recently about my whole story okay. I sent it for release in District [of] Columbia and when it is released I advise you guys to read it. A little advertisement, it is a very interesting book, I think. The Mauritians arrested me and the FBI or whatever they are. They are American they may be anything, but one is named [REDACTED] a German descendent with a bad accent. He spoke German adequately but not very good. And [REDACTED] American he didn't speak any German. The other guy was interpreting for him because I didn't speak any English, I learned my English in this camp. They interrogated me on October 13th and [REDACTED] was a very violent guy and he threatened me with torture. He struck me with a bottle of water that is about 2 liters. He was very silly

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because he said he was going to bring in black people. I don't have problem with black people, half of my country is black people. He said "I am going to bring in some black mother fuckers" and this was my first time hearing these words, like what is a "mother fucker"? That is not appropriate language man. He was very silly; he told me he hated Jews also. I told him that's your problem man. I told him I have no problem with the Jews either man. Anyway, he said I know you are a part of the millennium plot. He brought me some intercepted conversation and which I explained to you. They were intercepting my phone and my mail. I explained it to him, because I was really scared and if you get scared everything you say will be garbage, and then he left. In October, the Mauritians released me. I went back to my life. I thought now I will have a problem with my employer because my employer would not take me back because I am suspected of terrorism and they said they would take care of this. In front of me while I was sitting [there] the highest intelligence guy in Mauritania called my employer and said that I was a good person we have no problem with [him] and we arrested him for a reason. We had to question him and we have questioned him and he is good to go, so you can take him back. The guy on the other side of the phone was scared as hell. He said he was going to take me [back] because he was scared of the government. He was very eager to take me back because he got called from the government. He said "you will come it's your company you can do whatever you want." They searched my office where I worked and took my hard disk. They also took my cellular phone. But I flushed the cell phone anyway because as soon as they told me I was arrested I hit a couple of buttons and flushed the whole phone.

Presiding Officer: Okay, so you cleared the system.

Detainee: I cleared the system completely. I tell you why; because I had in my phone something called PC Laden, which in German it means the PC Stored. Laden in German means store. I had that in my phone and I know the Americans would not believe that it is real store where I buy my supplies. Plus, I did not want them to bother my friends and other people, because maybe they would tap their phones, so I flushed the phone. They only have the hard disk to my computer.

Presiding Officer: So they have a phone but it is cleared with nothing on it and they probably could assume that you did that purposely.

Detainee: Nothing on it. Oh, yeah they can assume whatever they want to assume.

Presiding Officer: You see how that looks to me if I get that phone and there is nothing on it and he has cleaned this thing. So what of interest could have been on this thing that he was so worried about?

Detainee: Well, at least it's better to have them think that then to bother everybody I know.

Presiding Officer: Okay.

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Detainee: I don't care, so what are they going to say?

Presiding Officer: Right, right, because they can't prove anything.

Detainee: You can't prove anything, yeah. Well I tell you that I am being truthful with you but back then...

Presiding Officer: I appreciate that.

Detainee: Back then it was chaos, after September 11th everybody was just doing the wrong thing. Everybody wanted to get some place safe and everything else. Then it was September or November 20th the Mauritanian Intelligence called me at 10:00 again.

Presiding Officer: Three weeks later?

Detainee: Okay, I came back; I was a very good and obedient guy. Every time they called me I came.

Presiding Officer: Yes, you showed up every time they wanted you.

Detainee: Yeah, exactly I showed up every time. Then I told those guys, had I done something I would have ran for the hills. They said I was too smart and you want to show us that you are innocent. I said "obviously, I could not convince you of my innocence." I could have ran for the hills like other Mauritians they were smarter then I was, so they ran. They were in jihad and al Qaida and everything so they ran, waiting for the wave of heat fades away and then they can go back to their [regular] lives. But I didn't care for some reason, maybe I'm stupid, I don't know. I went to the police and said, "Why do you want me?" They said "please don't you worry it is just formalities and I was very sick and within eight days they turned me over to Jordan. Then man, what happened to me there is beyond description. This was a country I never knew man, I never knew Jordan. I said can you turn me over to the United States and they said no, the United States wants you to be turned over to Jordan. I said what do I have to do with Jordan, turn me over to America. They said they have no general law basis to turn me over to the United States. They wanted to find first the proof then they were going to turn me over to the United States because there were not facilities to send me to yet. Do you understand your honor?"

Presiding Officer: Oh, yeah.

Detainee: Then they sent me to Jordan and well it is a long story but I will try to make it short. The Jordanians were investigating my part in the millennium plot. They told me, they are especially concerned about the millennium plot. The Jordanians have very bad reputation when it comes to treatment of detainees. Well and it is a fact that they understand this whole concept of terrorism much better than the average American interrogator, I can witness to that and they can really know who is who. Had they known who [whom] to really capture because if you capture everyone who has been in

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Afghanistan once you would have to capture so many people including Americans. Anyway they were very reluctant to torture me. It was not everyday torture, I would say maybe twice a week, a couple times, sometimes more. They were reluctant to torture me and that was my assessment. I had three interrogators, [REDACTED], [REDACTED] and his real name, his first name was [REDACTED], I spotted his name.

Presiding Officer: When you said you spotted his real name, on what?

Detainee: On paper, he was writing my answer and then I seen [saw] interrogators name in Arabic. I have been spotting much more Americans names as you follow me. And then another was [REDACTED] but my main interrogator was [REDACTED], whose first name is [REDACTED]. He was a very bright guy and he is young. He struck me twice in the face on different occasions and pushed me against concrete many times because I refused to talk to him. I told him "I am not talking to you. I have told you everything." I really was not as forthcoming with them as I had been with America because I hated them so much because they were doing a dirty job. It was not okay, well to me it was not okay, if it's okay to you then I don't care but anyway. He threatened me with a lot of torture and he took me to the one room where they tortured and there was this guy who was beaten so much he was crying, crying like a child. I said "why do you want to do this to me, I am talking, I am talking, just ask me and I will talk." He said "yeah this is going to happen to you too." I said "but I did not give you a reason." Then people were wakened and they started to beat him and he started to cry and it was so difficult to sleep. I thought it was a bodybuilding center and I asked the guard (they weren't supposed to talk to me but they talked to me anyway and tell me everything), they treated me like a human being. Anyway, I said you guys are training at 3:00 [am] they said, "yes, do you want to go to bodybuilding center?" I said "what?" and then they look and laughed at each other. Then the other guys who were in the bodybuilding center they were masked in black, everything was masked. Then the other guards said to them, "hey take him to the bodybuilding center." They said "yeah, if he wants too." They were joking. I realized it was not a bodybuilding center because I started to hear crying and moaning. It was so hard to sleep. I was so terrorized, even though I did not suffer that I am not going to lie to I am not going to lie to anybody in my life. They threaten me with it but they didn't do it. All they did was struck me at different times in the face and hit me against the concrete wall. I came out of it with good eyes. July 19th 2002, the Jordanians turned me over to the United States. America came and I was so happy because they gave me my clothes and said you were free and they were going to send me to Mauritania, but I found myself in another plane. They took my clothes off and I said this is an American technique not an Arabic one because Arabs don't usually take all of your clothes off. So they stripped me naked like my mom bore me, and they put new clothes on me. The guy moved his mask a little bit and I could see he was pale and that way I knew he was American. It was like I know my life is God's, I didn't want my family to see me in such a condition on T.V. because I know Americans are about T.V. media. I did not want them to take my picture. I was in chains, a very bad suit, I had lost so much weight in Jordan I was like a ghost and I did not want my family to see me in this situation, that was my worst fear in the world. Besides that I had to keep my water (could not go to the

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restroom) for eight hours straight. Because the Americans [had me put] on a diaper but psychologically I couldn't [urinate] in the diaper. I tried to convince myself that it was okay but I couldn't and I was exploding [on the inside]. I was getting poisoned. Then after five hours of flight and this was my thinking because I know America is very far, I thought maybe it is Germany and maybe they were turning me over to Germany. I was happy because [I] know Germany and I think that Europe is a lot more liberal than America, that's what I think and that's what I believe. I was happy I said "they can send me back to Germany, the hell with it" I just want to be! That's all I want. I thought they were going to ask me a few questions and then I would go to jail and I will be all right. They took me in a helicopter for ten minutes and then a truck. I heard language that I have never heard before; it was like Pilipino language, something that I have never heard. I said I am in the Philippines. I wondered what day it was because I forgot whether they were one day before us or one day after us because they took me at 8:00 from Jordan and the sun hit me. It was like it was night and now all of a sudden it is day. It turned out to be Bagram AFB. They took me into custody and it was okay. I felt good because I saw other detainees. They put me in isolation for one week but I felt blessed really because it has been a long time and I have never seen somebody who was in civilian uniform. All I have been seeing in my eight months were people in military uniforms in Jordan, it is not right. I see civilians, I see detainees who suffered like I did and I was so happy. I was not really tortured in Bagram, one soldier grabbed me with chains and he dragged me over concrete stairs.

Presiding Officer: When you say soldier, what service and what country?

Detainee: He was an MP.

Presiding Officer: U.S., a U.S. soldier?

Detainee: Yes. I have no proof that the interrogator told him to do it. So my guess is he hates the detainees and he did it on his own.

Presiding Officer: So in Bagram a U.S. soldier dragged you so far?

Detainee: Yes, while taking me from the cell to the interrogation.

Presiding Officer: Why did he have to drag you, because you wouldn't walk?

Detainee: I think since I am in shackles I walked slower, and he didn't have time so he just dragged the hell out of me.

Presiding Officer: Okay, so you were going and you just were not going fast enough.

Detainee: That's what I think. I don't think that my interrogator told him to do it. I think he may have just had a bad day or maybe he was clumsy or something. That is my honest assessment. I didn't tell my interrogators about this because I didn't want my interrogator to know that something like that could be done to me.

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Presiding Officer: Is this the first time that you are saying this or has it been reported before?

Detainee: I never reported it.

Presiding Officer: You never brought this up before?

Detainee: Never, because I was afraid and at the CSRT they told me to tell them about this and I said no comment. The other guy who was a Japanese American and they called him "William the Torturer" in Bagram. He played with me a little bit. He made me sit on my knees for very long hours and I have very bad back pain, its called Sciatic Nerve and he worked on my Sciatic Nerve giving me a lot of pain during the interrogation. The definition of torture if I can categorize this was not it really but then he said to me "I am going to kick your ass." What does it mean to kick your ass, that's what I asked the interrogator. It didn't really make sense to me because I know kick and I know the other part but I didn't know these words together. I learn language [quickly] and pick it up. He said it to me in Arabic but it did not make sense in Arabic either. It does not make sense in Arabic.

OL-21: We don't say it in Arabic.

Presiding Officer: Okay, we understand that now.

Detainee: Anyway, August 4th 2002, I was assigned ISN 760 and transferred to GTMO Cuba. I was very happy because it was American territory and Afghanistan was a place of war and people could be subject to a lot of pain and stuff like that. I thought this place was more controlled and watched by the Americans. I believed that a vast majority of Americans did not believe in torture and I did not want to be tortured. That's all I wanted, I could stay in jail. People stay in jail for many reasons and for no reason but I don't like to be tortured. I was [just] any Detainee here, a nobody. Interrogation, I thought this is America not Jordan and they are not going to beat you. [REDACTED] the FBI guy said "we don't beat people, we don't torture it's not allowed." I was every once in awhile taken to interrogation, okay so far so good. I was just happy with the community and I am getting food and maybe I am seen as a hero or something, I don't know. Not everybody sees GTMO detainees as evil people. In other countries they believe the Americans exaggerate sometimes. September 11th 2002, America arrested a man by the name of, Ramzi bin Al Sheeb, who is said to be the key guy in the September 11th attacks.

Presiding Officer: What is the name again?

Detainee: Ramzi bin Al Sheeb. It is exactly one year after September 11th [2001] and since his capture my life has changed drastically. The guy has reportedly identified me as the guy that he saw in October 1999, which is correct he was in my house. He said that I advised him to go to Afghanistan to train. Okay, then his interrogator [REDACTED] from the FBI asked him to speculate who I was as a person. He said I think he is an operative

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of Usama bin Laden and without him I would have never been involved in September 11th. That was a big accusation. The interrogator could have lied because they lie all the time but that is what they said. They asked me do you know him, but I was lying. I have seen him he has been in my house but I don't know his name, but I do know he is Yemeni. [And] I did not know what he did before or what he was going to do.

Presiding Officer: Why was he in your house?

Detainee: He was visiting a friend of mine and that friend was at work as far as I can remember. He gave me a call and asked if I could pick up a couple of guys who were visiting him. They want to spend the night so I can visit with them tomorrow and I allowed them to spend the night with me. The guy came to my house in October 1999, and he is correct about this but he said that I encouraged him to go to Afghanistan. When he got to Afghanistan he joined al Qaida. The FBI and DoD speculated that I have dragged him over the table that I have conspired. I sent him to Afghanistan, called Usama bin Laden on the phone and said a guy is going to come there, recruit him make him pledged. No, they made a lot of assumptions about this meeting. The FBI guy told me that they think I am an operative of Usama bin Laden so that is the assumption the FBI and the DoD. As it turns out later, much later, the guy was a recruit for September 11th in 1998 and he recruited other people and he had seen me in 1999. Then the FBI said his statement cannot be correct. He was already in Afghanistan and he was recruited already. He knew in 1998 that he was going to hit some building with a plane but maybe he didn't know what building.

Presiding Officer: When did he know that?

Detainee: [In] 1998, refer to the documentary, Hamburg Cell, BBC, which reconstructs the September 11th attacks. Also, what worsened my situation is that I denied never seeing him. I am the guy who did it. Now I have millennium plot on this hand [and also] now September 11th both, it is not easy. Then the FBI at GTMO Bay during the time era of General Miller, they released a list of the highest priority detainees here at GTMO Bay. It was a list of 15 people and I was, guess which number, number ONE. Then they sent a special FBI team and the leader was [REDACTED] and I worked with him especially for my case. He said "you fucked up" and I was insulted because in Arabic that is a very bad word. That's like saying I have been raped or a homosexual or something. I asked why did he say that and he said because you are in a very bad situation. I did not believe him because the problem is interrogators lie and if a group of people lie, it is hard to tell who is telling the truth. But he was telling the truth on many aspects. I thought he was a truthful guy. I thought he was a decent guy. Since they are interrogators I guess it was a part of their job to lie. I thought he was just making fun of me when he said I was number ONE in the camp, but he was not lying he was telling the truth as future events would prove. He stayed with me until May 22, 2003.

Presiding Officer: He stayed with you meaning he came back and interrogated you off and on?

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Detainee: No, he stayed on this island and interrogated me on a daily basis until May 22, 2003.

Presiding Officer: Okay. Now I understand you.

Detainee: His command, his boss told him I was involved in the millennium plot and I told him I had nothing to do with the millennium plot. They gave him a lot of allegations with a lot of suspicious answers. He wanted me to give him something and I wouldn't give him anything because I didn't really do it, I didn't kill anybody, I did not hijack anyone, but I did see this dude Ramiz bin al Rasheeb. I didn't know his name but I didn't tell him that I just said I have never seen him. He said how did you know? Then I took a polygraph and Rasheeb refused to take a polygraph for many reasons. It turns out he is very contradictory and he lies. They said that to me themselves. They said my creditability is high because I took the polygraph. This guy was also subjected to torture because I do my own investigations too.

Presiding Officer: Ramiz was?

Detainee: Yes, I asked the Yemenis, man Ramiz Rasheeb said I sent him to Afghanistan. I knew him I seen him but I didn't send him, why did he say so. They said man you believe everything that they tell you (this was a Yemeni guy who was captured with Ramiz). He said, "The interrogators lie" and I said "no, they don't lie" I have seen him but I did not send him to Afghanistan. They said you forgot about something, that Ramiz was tortured. We would hear his cries every night, we would hear his moans every night. Anyway that is none of my business. FBI said that I was playing games with them. Then on 22 May 2003, [REDACTED], he said this was our last session, he told me that I was not going to enjoy the time to come. I am advising you to just tell the truth. I told him I don't care and he said goodbye, good friend. A couple of days later the new interrogators lead by a female interrogator name [REDACTED], they called her [REDACTED] a very beautiful lady and decent lady, came to me as a task force it was [REDACTED] from the FBI and another weird guy, I think he was CIA or something but he was very young. They said we will give you an opportunity to tell the truth or we will leave you in jail forever. I said, "Whatever you want to do, do it." "Why did you put me in jail what did I do?" We have proof and you just got to tell us. I said, "I haven't done anything, I told you everything. I am tired." [REDACTED] and an Army guy, [REDACTED], that's his real name, I found out his real name. Someone accidentally called him name and I remember he was the First Sgt. I don't hate him but he was very hateful guy. Anyway she assigned him to me [REDACTED] assigned the First Sgt to the Detainee). A couple of days later, [REDACTED], I don't know if that was her real name but I heard them call her that. It was [REDACTED] who was in charge. They assigned me another guy named [REDACTED] or [REDACTED] he was a special guy and we would never see his face.

Presiding Officer: When you said covered, I am not sure what you mean?

Detainee: You know like in Saudi Arabia, how the women are covered.

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Presiding Officer: With a veil type thing, were their openings for his eyes

Detainee: He did have openings for his eyes. He also had gloves, O.J Simpson gloves on his hands. He was assigned to this special mission. They started to talk to me and said, "look we are not FBI and we need you to admit to the crime we have here. That you were involved with the 11 September attack and that you were involved in the millennium plot." I said "no I wasn't". They said okay, forget about it. Around June 18th 2003, I was taken from Mike Block and put in India Block for total isolation. They took all of my stuff from me. I complained to [REDACTED] because I thought she was a deceit lady. I could not bear sleeping on the metal because of my back and you never know how much pain I could take. I could end up dead or something. She said "no, you are not going to die." They tried to give me painkillers and I refused they out of protest. How could you give me painkiller? Just give me something to sleep on and I will be all right. They took me to the doctor here, a Navy doctor, and he was a good guy. I told him that I am in a very bad situation and he said okay I going to recommend that they give you some items, because you have a very serious condition of Scatic Nerve. But I cannot promise you because those people decide not me. I would like for you to check my medical records.

During this portion of the ARB, the recording equipment began to malfunction. This malfunction has caused the remainder of tape 3 of 4 tapes from clicks 3407 to 4479 to become distorted. The Detainee discussed how he was tortured while here at GTMO by several individuals. The recording machine was swapped out with a new one and we finished out the session. The following is the board's recollection of that 1000 click malfunction:

The Detainee was explaining his medical treatment and noticed a Board Member passing a note to the Presiding Officer. The Detainee inquired as to why the Board Member was passing a note. The Presiding Officer told the Detainee the Board Member had a question regarding the Detainee's medical treatment. The Board Member asked the Detainee to summarize his medical treatment and the treatment he received at the hands of the interrogators. The Detainee stated the medical treatment he received was "good", however he decided to continue to go into greater detail regarding the alleged abuse he received from the hands of his interrogators.

The Detainee begun by discussing the alleged abuse he received from a female interrogator known to him as [REDACTED]. The Detainee attempted to explain to the Board [REDACTED] actions but he became distraught and visibly upset. He explained that he was sexually harassed and although he does like women he did not like what [REDACTED] had done to him. The Presiding Officer noticed the Detainee was upset and told him he was not required to tell the story. The Detainee was very appreciative and elected not to elaborate on the alleged abuse from [REDACTED]. The Detainee gave detailed information regarding the alleged abuse from [REDACTED] and [REDACTED]. The Detainee stated that [REDACTED] and [REDACTED] entered a room with their faces covered and began beating him. They beat him so badly that [REDACTED] became upset. [REDACTED]

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did not like the treatment the Detainee was receiving and started to sympathize with him. According to the Detainee, [REDACTED] was crying and telling [REDACTED] and [REDACTED] to stop beating him. The Detainee wanted to show the Board his scars and location of injuries, but the board declined the viewing. The Board agrees that this a fair recap of the distorted portion of the tape.

Presiding Officer: We are going to go back to where you left off but my question to you is has any of this abuse been brought up prior to this or is this the first time now? How about the people in the Camp, you said General Hood is aware of this?

Detainee: I think that General Hood is aware of this because of my interrogator [REDACTED]

Presiding Officer: If not he will be tomorrow because we will bring it up. Okay, could you take us from [before the 24th] because I got the August 2003 stuff between there, so if you could go to August 24th because you said that was a big day. Take us from there to this secret place so that we can move on a little bit.

Detainee: Okay, exactly. I was taken by those two guys and the trip took about an hour, it was in a boat. Then they took me to a place and I was moaning and I recognized a voice and he was talking to two Arab guys, one claiming to be Egyptian and one claiming to be Jordanian. He was telling them how grateful he is that they are helping him. They told him in Arabic that they were there to torture me and they could not take me to Jordan or Egypt or something like that. Then they were telling him look into this. Then they gave me to the Arabic team and they took me to a place for about an hour and they took me to a place I don't know. They were hitting me all over (Detainee demonstrated the blows). They put ice in my shirt until it would melt. Then I arrived at that place and they gave me back to [REDACTED] when I arrived at the place and I was there and they brought in a doctor, who was not a regular doctor he was a part of the team. He was cursing me and telling me very bad things. He gave me a lot of medication to make me sleep and I had special guards with mask so I couldn't see anybody. For like two or three weeks I was unconscious and after that I decided it is not worth it. Because they said to me either I am going to talk or they will continue to do this. I said I am going to tell them everything they wanted. I told them while I was in Canada, I was planning for a terrorist attack but I couldn't get it straight with Rassam because he was not talking back then and he was cooperating completely with the FBI, and of course he said he didn't know me because *he didn't* know me. But I told them I was on my own trying to do things and they said write it down and I wrote it and I signed it. I brought a lot of people, innocent people with me because I got to make a story that makes sense. They thought my story was wrong so they put me on polygraph and I passed it. Then they wanted everything, they wanted me to tell them that I would tell them. I just wanted to get some peace. If nobody understands then they don't understand because I am the one who suffered with no food, the guards beat me, and it was a very bad place. Then they started, the interrogators, with the leaders started giving me a better life. He never brought up what they did to me but he didn't feel what I felt. But he was a good guy to me. He even

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brought me a T.V and a lot of comfort items. Since 2004, I really have no complaints and everything was good. I admitted to what they wanted and they found out what was right and not right because I challenged them admitting to things in which they have to go to people. I did not know that was a big challenge for them to get what they wanted. Then it was all right every since General Hood came here he makes sure personally that nothing is going to happen to me because I was so afraid. I was afraid of everything. Even when the CSRT wanted me to share with [them] I refused it because I was afraid of them. And that is my story and thank you very much for hearing this long and boring story.

Presiding Officer: Your CSRT was when?

Detainee: 08 December 2004, something like that.

Board Member: Notification was done on the 22 February 2005 so time wise that makes sense.

Presiding Officer: Yes, I know I was here when they took place.

Detainee: Yes, the Colonel was a black Air Force Colonel.

Presiding Officer: Yes, I'll have to look because I do know who it was. Thank you. Does that conclude your statement?

Detainee: Yes, I just want to emphasize that my treatment is almost perfect. I have no complaints about it.

Presiding Officer: Since August 2000?

Detainee: Since 2004, but I don't want to [go] into details.

Board Member: Thank You.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Thank You!

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Presiding Officer: Do any of the Administrative Review Board Members have any questions for the Detainee? If not I have just a couple.

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Board Member: I don't have any sir.

Presiding Officer: In 3.d.1, where you responded "to die as a martyr is correct, to this day he still wants to die as a martyr but he does not want to kill any innocent people including Americans". That was your answer. Then my question to you sir is how do you fulfill being a martyr without killing innocent people?

Detainee: I was expecting this question. In the Arabic world Shahid does not reflect the English word martyr. Martyr is supposed to translate to Shahid but it does not really, there are lots of types of Shahid. For instance, if you die defending your family, you are Shahid; if you died defending your goods, then you are Shahid; if you die defending your country against invaders then you are Shahid; if you die in a very painful way like drowning or even stomach ache, then you are Shahid too. If you suffer more than normal then you are Shahid too. The ultimate goal of every Muslim is to die as Shahid.

Presiding Officer: Or Martyr?

Detainee: Quote unquote "Martyr". Because it is the shortest way to heaven, so we Muslim believe that we all pass through sometime in purgatory but Shahid don't spend this time in purgatory. Everybody sins, so every Muslim wants to die Shahid, maybe of diarrhea or something. I don't want to kill nobody, I don't want to make anybody a Shahid, I just want to make myself Shahid.

Presiding Officer: Okay, I appreciate you clearing that up.

Detainee: My pleasure.

Presiding Officer: That clears that up for me. Anything else?

Board Member: No, sir.

Board Member: If you were released to Canada, what would you do?

Detainee: Man just give me a couple of million dollars and just let me go on my own and I will just be fine. I have been kept out of the world for more than four years and I really don't know what is going on outside. I wish I could have a family a peaceful life without anybody trying to pin anything on me and some kind of money to make me comfortable, to make me serve God, have a house and take care of my big family. That is what I have been doing and most likely what I will do if the opportunity arises. Nonetheless, I need some assistance because to integrate myself back into society. Look at it for example, if I go now to look for a job somewhere I will have to write or they are going to ask me, who is your previous employer and I am going to write JTF-GTMO. I was a terror suspect and the guy will tell me are you crazy! Get out of my sight before I call the police. It is understand, why should anybody take a chance like that. I wouldn't take a chance like that, so I definitely understand. I think just to let any Detainee out without giving some rehab or some help getting his way back into society, what they call reintegration, is bad.

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Presiding Officer: No other questions and if you don't have nothing further to present.

Assisting Military Officer: Sir, may I interrupt for a second he wants to ask you something.

Presiding Officer: Sure.

Assisting Military Officer: He wants to know if it is bad that you are not asking a lot of questions.

Presiding Officer: Well you covered an awful lot of stuff. Although we may not have questions for you, you answered the Unclassified Summary of Evidence almost all the questions. I can't see what this member has but I know this member next to me has lots of notes.

Board Member: He can see my notes.

Presiding Officer: He has a lot of scribbling. And I think through the course of the past couple of hour, you may have answered a lot of things we would have asked. In every board when a Detainee comes we always ask him what he is going to do if and when released so we can have an idea of what he is going back to. Now you obviously have a trade, Telecommunications, radio.

Detainee: Micro-Internet.

Presiding Officer: So you will be able to put yourself to work. Yes, you will have to explain those four years where you weren't employed.

Detainee: Yeah, a translator.

Board Member: You would be a very good English translator for being self-taught.

Detainee: Thank you.

Presiding Officer: If you learned all that English here, you have done well. I think again that your answers in response that you were in contact with Usama bin Laden's key operative, you gave an answer for that and I am not sure that we really need to try to interrogate you on it. You cleared up the one date I was concerned about, in April 2000, you did a couple of things and you cleared that up when you said it was May and not April. It is not an indicator if we don't have a lot of questions for you. If you would not have given us anything, we would have quizzed you on each one of these [items]. But since you provided reasonable answers...that's why I have to look at my notes because I write stuff as we go through and... You talked about this Ashra Al-Nahass as being a close and good friend but that you did not help him. You answered some of the questions we may have generated had you not talked to us. You explained there is some

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information that I looked at that mentioned you may have facilitated laundered money three times. You said you did it twice by transferring some money for your cousin.

Detainee: You are right.

Presiding Officer: But you refused a third time. So I mean that may be in one of the interrogations somebody may have said you did it three times. Now you are admitting to two of the three and trying to explain what it was as far as laundering and not necessarily a misinterpretation there. Your explanation was very reasonable.

Detainee: Thank you very much.

Presiding Officer: More importantly you answered my question about the martyr.

Detainee: I was expecting that.

Presiding Officer: Because that threw me when you were saying yes and agreeing to that.

Board Member: It was very informative.

Detainee: Thank you very much.

Presiding Officer: So, I wouldn't be concerned that we don't have a whole lot of questions.

Detainee: Thank you very much sir. I have two questions.

Presiding Officer: Go ahead.

Detainee: The last part of the Unclassified Summary it talked about "that favor my release", what is that?

Presiding Officer: The following primary factors that favor release or transfer.

Detainee: Yes, yes. I want to tell you maybe you will hear it in the classified session but I have no problem saying it in the unclassified session. I have been nothing but truthful, honest and forthcoming with your government. Should you have not heard it you have heard it from me. I call U.S. Intelligence as a witness, your government as a witness because they would not witness otherwise. I just missed it here and maybe it's okay. I think honesty and truthfulness are parts of my religion.

Presiding Officer: If when I go through the classified summary and I find that statement in one of those documents we will make sure we include it in our report. Right now this is what is available to you and I may see it somewhere else. If it is I tell you today that I will make sure it is in my report, your truthfulness.

Detainee: The second question is, when will I have an answer?

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Presiding Officer: See now you are making it tough on me. I can't give you a time or a date. Once we provide our recommendation to the Designated Civilian Official, which I am going to cover here in a minute, he makes a determination from our recommendation and he may agree with us or he may decide against us. As to when he will notify you that decision has not been made yet. We did get some word within the last couple of days that decisions may be passed out but the exact day when they are going to do that I couldn't tell you.

Detainee: Do I have access to your decision or to the final decision?

Presiding Officer: Our decision no! Our decision is just between us and the Designated Civilian Official. Then his decision or what he decides from what we recommend, he will at some point in time make that available to you. I just don't know if it is going to be in a month or in two or three months, I am not sure. Because you may or may not know but other Detainees have asked that question and I don't know to this date that they have been told. But we have as a board, each of the boards have been trying to get that rectified so that whether we are going to detain you or transfer you, it would be nice for you to know.

Detainee: Right.

Presiding Officer: We are pushing for that answer to get to you as well. I think sooner than later, that word will be getting passed. I just don't know exactly when.

Detainee: That's amazing. I wish if you could pass the hearing to my lawyer in Washington, [D.C.] if it's possible I don't know.

Presiding Officer: He will be able to request whatever lawyers can request. I don't know how much of this he is going to be [allowed] to [have] depending on his clearance, if he requests the information he will be able to see certain things.

Detainee: Do you know if your lawyer has provided anything to our headquarters in your defense? Do you even know?

Detainee: No, they told me that they are not allowed to interfere.

Presiding Officer: No, they are not allowed to interfere but he may be able to get access to reports but I don't know what.

Detainee: I know for sure in CSRT they got both classified and unclassified.

Presiding Officer: So if he has gotten the classified and unclassified, then he will know what to do to look at the material we looked at. He may have already looked at it and I just don't know that. But as far as our decision goes and it being given to him, we won't be doing it he will have to go through whatever channels he goes through. You may know before he does.

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Detainee: Yeah, I think so too. I am not really upset but just amazing that my life is going to be at the hands of one person called the Designated Civilian.

Presiding Officer: I am going to get to that let me get to it.

Detainee: Okay.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

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CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

ISN 760

Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C1	12/15/2004	UNCLASSIFIED	NONE
EC-C2	11/27/2004	UNCLASSIFIED	NONE

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Pages 20968 and 20969 are non-responsive

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Summary of Administrative Review Board Proceedings for ISN 762

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

Assisting Military Officer: The Detainee's ARB interview occurred on 23 August 2005 and lasted for 40 minutes. After a review of the ARB's purpose and procedures, the Pashtu translation of the Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, the Detainee stated he wishes to attend and speak openly with the board members. The Detainee prefers to respond to the Unclassified Summary of Evidence after each allegation or statement is read during the ARB. He also wishes to give his oral statement. The Detainee elected not to have the Assisting Military Officer submit a written statement on his behalf. The Detainee was very polite during the interview. The Detainee elected to keep the English version of the Unclassified Summary of Evidence for his review.

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.

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board.

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

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee attended a Madrassa in Dusarakuh, Afghanistan where he practiced militant Islam and was recruited by al Qaida.

Detainee: There is a Madrassa in Dusarakuh, but I have not attended it. There is another famous Madrassa...high school named Alfatah Alisa. I studied in that high school I have not been in the Madrassa. I studied in a modern school up to 11th grade.

Designated Military Officer: (3.a.2) During the time of the Taliban rule, the Detainee helped coordinate the movement and activities of various foreign al Qaida operating in the Khowst area.

Detainee: I was 19 years old and I had not heard the name al Qaida in Khowst. If I was 19 years old and I was arranging the whole operations and attacks that would be...that does not make sense.

Designated Military Officer: (3.a.3) After the beginning of the Allied Forces Campaign against al Qaida and the Taliban, the Detainee used his compound to hide and relocate about 18 Arab al Qaida members to Pakistan. Subsequent to the Shahi Kot Campaign, the Detainee hid six additional al Qaida Arab members in his house.

Detainee: I don't know where Shahi Kot is, but I know where Nada Shahi Kot is. It is one of the counties of Khowst. I don't know Shahi Kot. I have not brought any Arabs to my home and I don't know any Arabs. There were some linguists for Arabs to translate from Arabs to Afghans at that time and they are prisoners and you can ask them if they have seen me with Arabs. That is not possible that is a lie.

Designated Military Officer: (3.a.4) One month after the conclusion of the Shahi Kot fighting, the Detainee received orders to prepare command-detonated mines to use against United States forces in Khowst area.

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Detainee: Nobody gave me an order and I did not belong to any party.

Designated Military Officer: (3.a.5) The Detainee placed two Soviet anti-tank mines on the road between Khowst and Miram Shah, Pakistan. He eventually removed the mines, because no United States forces passed by the road and a rain shower washed away the dirt that was covering the mines.

Detainee: When I was in Khowst there were no tanks with the Americans. There was no need for me to put a tank mine [in the road]. Besides that I have not done this. That sentence does not make sense because Americans did not have tanks at that time. I have not put any mines there.

Designated Military Officer: (3.a.6) The Detainee continued to experiment in order to devise a means to detonate the mines. In mid-July 2002, the Detainee had at least 18 anti-tank mines hidden in his compound.

Detainee: I did not have any hostility for anybody so what was the necessity for me to have a mine, learn about it, explode it, and carry or keep it? This is right that I had mines in my house, but later on I will explain that to you.

Designated Military Officer: (3.a.7) The Detainee was either given a vehicle or received funds to buy a vehicle that he used to scout a position from which he could attempt another mine attack.

Detainee: I was very young and nobody trusted me to give me money or a car. Nobody has given [these things] to me.

Designated Military Officer: (3.a.8) The Detainee received cash and additional explosives at his home and traveled to Peshawar, Pakistan to receive instructions or carry messages between Arab al Qaida and their Afghan subordinates still in Khowst Province.

Detainee: Americans searched my house and except for the mines that they found I did not have any other things. I had no connection with al Qaida.

Presiding Officer: Does he have anything else to say? I don't want to rush you. When you are done let the linguist know.

Detainee: In Pakistan I don't think there will be Arabs because the Pakistani government started capturing Arabs.

Designated Military Officer: (3.a.9) The Detainee was captured with over 20 anti-tank mines in his home and was personally carrying a notebook containing electronic and explosives schematics.

Detainee: I answered the question before that they found some mines in my house. Yes, they found a booklet with me too.

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Designated Military Officer: (3.b) Training (3.b.1) The Detainee attended a mechanical high school in Khowst City, Afghanistan. Subjects relating to tanks, mines, and weapons were taught by the Taliban at the school. He attended the mine course, which covered the basics regarding Russian mines, approximately one month prior to 11 Sep 2001.

Detainee: Yes, when I was a kid the Taliban came to my house and said that I had to go with them to fight. I was too young so they said I had to learn something and they put me in that school. I did not stay there more than 2 days. I [left] and then I hid. Several times a day the Taliban came to my house to take me again, but I hid. I only went to that school for 2 days and it was by force.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee joined Jama'at al-Tabligh in approximately 2000.

Detainee: Not the Americans and not the Afghan government say bad things about Jama'at al-Tabligh. They are very good people and I am a Muslim and I have been there with them a few days. I had not heard any bad things about Jama'at al-Tabligh. They are still in Afghanistan and they have centers there...have some bases and they talk. It was not a danger for me to join them.

Designated Military Officer: (3.c.2) The Jama'at al-Tabligh is a legitimate Islamic Missionary organization based in Pakistan and is believed to be used as a cover for action by Islamic extremists.

Detainee: The Afghan government told them that they were good people and they have not hurt them or done anything to them. They are still in Afghanistan and they are doing their mission. When you announce democracy people have the right to go wherever they want to. When the government permits, people will do whatever they want.

Designated Military Officer: (3.c.3) The Detainee said Karim was a member of the Jama'at al-Tabligh and a shopkeeper who he partnered with in business. The Detainee became indebted to Karim after losing 50,000 Rupees. In return for the debt, Karim asked him to store some land mines at his home.

Detainee: Yes, I was his partner and I lost money and I was in debt to him, but he did not tell me to take these mines and keep them in my home.

Designated Military Officer: Sir, if I could make a clarification. The linguist translated 50,000 Pakistani Rupees and it should actually be 50,000 Rupees. I don't know if it is Pakistani or Afghani Rupees.

Linguist: Rupees are like...

Presiding Officer: Sir, just say what he is saying. You don't have to put Afghanistan or Pakistan in there just what he is saying. You may understand the distinction but that is not what it says.

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Detainee: During that time the Karzai government was in power so Pakistani money was [being used]. It was 50,000 Pakistani Rupees.

Designated Military Officer: (3.c.4) Bostan Qadeem, a.k.a Karim, is a suspected al Qaida cell leader and bomb maker. He and another man were detained. The two did not have identity papers. In their possession they had a Thuraya satellite telephone, \$2,700 USD, 3,600 Pakistani Rupees and 70,000 Afghan Rupees.

Detainee: I have no idea if Karim is an al Qaida member or if he can make explosive devices or explosive things.

Designated Military Officer: (3.c.5) Three days before the detainee's arrest, Karim drew some schematics on how to detonate the mines in a notebook that the detainee kept under his mattress.

Detainee: Karim did not give me any notebook or anything. The booklet that I had I learned it in mechanical school during the time of the Taliban. I knew how to make it because they taught me there. I cannot make them, but they taught us and that is why I had the notebook.

Designated Military Officer: (3.c.6) The Detainee said that Karim told him the purpose of the land mines was to kill people that Karim did not like.

Detainee: Karim did not give this mine to me and he never told me to use it against people. The mine that was found in my house, we were immigrating to Pakistan during the time of Nagib...he was a president at one time...there was a commander of the Nagib government and he was living in our house and the mines belonged to him. There were a lot of checkpoints that he was responsible for and he dug out places...when the mujahideen and them ran away a lot of things were buried in my house. These mines have been there since that time. Karim did not give me anything.

Designated Military Officer: (3.c.7) Karim asked the Detainee to take a truck full of wood, lumber and a bomb to Kabul, Afghanistan for the purpose of driving it close to where the Americans are.

Detainee: I was very young and Karim did not tell me this. I was not a driver and I couldn't take a truck there. In Bagram the investigators made me accept a lot of things. They kept telling me that I had done this, so finally I said yes. I had no other choice. When I came to Cuba and I saw that no one was bothering me I told them the whole story.

Designated Military Officer: (3.c.8) The Detainee says that Karim is thought to be a Taliban commander who was getting funding from the Taliban or the Arabs.

Detainee: I accepted this by force in Bagram. They told me in Bagram that Karim is one of the Taliban commanders and they forced me to say yes. I am not aware if he is a

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Taliban commander. I am not aware of it and Karim has not told me if he is a Taliban commander.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The Detainee was arrested during a raid on Miland Village, Ismail Khel District, Khowst Province, Afghanistan.

Detainee: Yes, they caught me there.

Designated Military Officer: (3.d.2) The Detainee was captured on 20 July 2002.

Detainee: I don't remember the date that they captured me.

Designated Military Officer: (3.d.3) The Detainee says that he never would have placed or detonated the mines that Karim had given him. He only promised to help Karim because he had been promised money, and he needed the money to help support his family.

Detainee: I mentioned earlier that Karim did not give me the mines. They forced me to accept this in Bagram. Karim did not give me those things.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee never saw Jama'at al-Tabligh members who were associated with al Qaida or who were recruited on behalf of al Qaida.

Detainee: Yes.

Designated Military Officer: (4.b) The Detainee stated he never attended training camps related to Jama'at al-Tabligh, jihadist or the military.

Detainee: Yes.

Designated Military Officer: (4.c) The Detainee denied having any knowledge of the attacks in the United States prior to September 11th, and he also denies knowledge of any rumors or plans of future attacks on the United States or its interests.

Detainee: Yes..

Designated Military Officer: (4.d) The Detainee claims not to have had any knowledge of or affiliation with al Qaida or Taliban forces. He says he made a mistake and regrets his actions.

Detainee: That is a strange thing. One time you say the Detainee does not have any connection with al Qaida or the Taliban and then you say I made a mistake and I am sorry for it. I never had any connection with them. I have not done any bad things and that is what I am sorry for. I have not done anything against America. Why should I be sorry? I

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would like to say something about why I have [made] a mistake. This is right that there were mines in my home. During the communist time there was a commander living in our house. When the mujahideen took over the mines were in my house. There is a well-known person named Ali Jhan in the village and everybody knows him. My uncle dug out the mines from the house so we would not get hurt. He buried them in the land that we plant [crops] on. Americans have made a mistake and brought me [here] because of that. In Afghanistan there are a lot of people that have hostility. I know the person that turned me in and he is my enemy. He is my personal enemy and he gave the wrong information. The Taliban took me when I was very young and they said they were going to take me to fight. I was too young and they said I had to learn something and that is why they put me in that school and gave me that book. I was forced...I don't have a father...my mother told me to hide from them and go to a relatives house. I hid myself and several times the Taliban came to my house to catch me. For those two things the Americans brought me here. The school that the Taliban took me to said they were going to put a mine under Masoud tanks and not the allies and that is why they taught us. I don't know how many months the course lasted, but I just went for two days. There is another allegation against me but I cannot remember it because they are just lies. I don't have any answers for it because they are all lies. America made a mistake and brought me here. Before that, I had not done anything against the Americans and I will not. I was in a modern school and when the Taliban came they closed the schools and I had no other choice but to go to their school. They stopped paying the teachers and that was why the schools closed. There were no good lessons in the school and I did not like the Taliban, but I had no choice. For two days they forced me to go there and learn about the mines.

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

The Presiding Officer acknowledged the request.

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

The Detainee made the following statement:

Detainee: Again, Americans made a mistake. I had the mines and I explained it to them, I had the book and I explained it to them and someone gave them wrong information. It was not like the mines we had in our home we were going to use against Americans. We were so scared of the government. During the time of the Taliban when you present them with your weapons they would start beating you and ask you where are the other [weapons]? When the Taliban catches someone or if someone would give the Taliban weapons they would beat them. That is why we were scared of them and we were not going to give them the mines. When Karzai came into government they were very organized for us to give them [the mines]. It was not organized and different groups were

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in Khowst. Anything that I have told to interrogators please try to look at it and see. I have not done anything against America and I am not going to do anything against Americans.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

The Assisting Military Officer had no questions for the Detainee.

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

Designated Military Officer: I am a little confused and I am hoping you can clarify it for me. You said that you did not attend the Madrassa in Dusarakuh is that correct?

Detainee: No, I have not been in that Madrassa.

Designated Military Officer: You attended another school through the 11th grade is that correct?

Detainee: Yes, I studied in a modern school.

Designated Military Officer: Then the Taliban came to your house and took you to a technical school is that correct?

Detainee: Yes, by force.

Designated Military Officer: You went to that school for two days is that correct?

Detainee: The school was long but I only went for two days.

Designated Military Officer: In those two days you filled up a notebook with mine detonating notes?

Detainee: The Taliban said that they did not have books but they would give us notes and later on they would explain it to us.

Designated Military Officer: So, for the two days you copied notes into a notebook and filled a notebook with notes on detonating mines?

Detainee: It is not full, just a few pages.

Administrative Review Board Member's questions:

Board Member: Why would you keep that notebook with the mine detonating notes in it?

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Detainee: [The mine information] were not the only notes in the book. It had my shop account and a lot of account numbers in it. I never thought that book would put me in danger. I had some people that owed me money and I wrote it down [in the book].

Board Member: How many years were the mines in you house?

Detainee: They were not in our house they were [buried] on our land. [The mines were buried] for maybe five years more or less.

Board Member: You said they were originally in your home and then you moved them to your land.

Detainee: We have no idea when they were buried in our house it had been left from other people.

Board Member: How much is 50,000 Rupees worth?

Detainee: When I was in Pakistan 60 Pakistani Rupees were worth \$1 USD.

Board Member: They are worth a little less than \$1000 USD. You said when you were captured you were taken to a facility and you were forced to say things. Who forced you to say things?

Detainee: Americans.

Board Member: How did they force you?

Detainee: The first time when they captured me and brought me to Khowst they put a knife to my throat and said if you don't tell us the truth and you lie to us we are going to slaughter you.

Board Member: Were they wearing uniforms?

Detainee: Yes.

Board Member: They threatened you, but did they harm you?

Detainee: They did not hurt me, but I was thinking that they would slaughter me. They tied my hands and put a heavy bag of sand on my hands and made me walk all night in the Khowst airport. I became very tired and [let the sand] rest on my belly. In Bagram they gave me more trouble and would not let me sleep. They were standing me on the wall and my hands were hanging above my head. There were a lot of things that they made me say.

Board Member: Did the Americans or the Afghanis arrest you?

Detainee: They were both there, but Americans captured me.

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Board Member: How did those Americans find the mines if they were buried?

Detainee: I don't know, but in Bagram I told them we had the mines.

Board Member: Was this your house or your parent's house?

Detainee: I was living in my father and mother's house, but the mines were in the farming land. [The mines] were not in the road or on someone else's land, they were on our land.

Board Member: Was you father arrested also?

Detainee: No. They captured my two cousins.

Board Member: Were they living in your house?

Detainee: No, they had their own house and it is close to our house. They got released in Bagram.

Board Member: How old are you?

Detainee: I am 23 or maybe a little [older].

Board Member: If we return you to Afghanistan as a free man what will you do?

Detainee: I want to go to school. I have heard there are very good schools open in Khowst.

Board Member: How did you get in debt to Karim for 50,000 Rupees?

Detainee: Karim was my partner in the shop and he was partner with the money. When Karzai came the volume of Afghan money went up and I bought Afghanis. Then after a while the volume went down and that is how I lost money and became in debt.

Board Member: Who is the person that turned you in? Do you have his name?

Detainee: Anwhar and Midwis. They are personally my enemies.

Board Member: How do you know them?

Detainee: They live in the same village.

Board Member: Are they related to you in anyway?

Detainee: They were just [my fellow] villagers.

Presiding Officer: Were you at your home when you were arrested?

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Detainee: We have a guesthouse and that is where I was. I came out of the guesthouse and was on the way to my uncle's house and an American went to my uncle's house and they searched me and captured me. Americans went to my uncle's house and I went there to see what was going on and they captured me and made me a prisoner.

Presiding Officer: Is that the same uncle's house that your two cousins were arrested?

Detainee: I have two uncles living in the same house. Each one of their sons was captured.

Presiding Officer: The three of you were in your uncle's house and that is where you were captured.

Detainee: Yes.

Presiding Officer: You said you would not attack the United States, but you did say the bombs were to be used against the Northern Alliance.

Detainee: That was the teaching that the Taliban was giving us. It was for the mines to be used against Masoud. The mines were on our land and we did not use them against anyone.

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

(The Detainee interrupts with the following statement.)

Detainee: One American General told to a Detainee that they were going to send all Afghan Detainees back to Afghanistan. Is that correct? And if it is correct, why is the board seeing us or talking to us?

Presiding Officer: You have the right to an Administrative Review Board session and that is what you were just given and we will provide a recommendation to the Designated Civilian Official. As far as the rumor that you heard from another Detainee I cannot comment on that. If it was from an American General, I don't know what he told you and I cannot comment on that. Our recommendation will be going to the individual in Washington D.C. and he will make a decision one way or another.

The Presiding Officer opened the classified portion of the session.

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

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AUTHENTICATION

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


Colonel, USMC
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 798

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee accepted taking the oath.

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

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

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 9 November 2005, and lasted 95 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee said he would like to attend and speak openly to the Board Members. The Detainee was very polite, attentive, and would like to respond to the Unclassified Summary of Evidence after each point is read. A copy of the translated Unclassified Summary of Evidence was given to the Detainee for his review.

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Presiding Officer: Haji Rohullah, was that statement [referring to the AMOs comments] accurate?

Detainee: Yes.

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

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

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

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 is a member of the Jamaat al Dawa al Quran.

Detainee: Yes. I accept that I am a member of Jamaat al Dawa al Quran.

Board Member: Can you tell the Review Board about the organization?

Detainee: Yes. Jamaat al Dawa was organized 20 years ago to fight against the Soviet Union. When the Russians left Konar Province in 1988, Konar Province became free of invaders and was free. The organizational leader was Jalilurrahman. There is another organization in Konar. When this other organization formed, there was an election [in Konar]. After the election, Jalilurrahman became the leader [religious leader] of the Konar Organization. In all of Afghanistan, the Government was there. The only free province in Afghanistan was Konar. 1990: For three years Jalilurrahman was the leader of the Konar Province....

Board Member: I think we are going past the original question [in regards to the organization of Jamaat al Dawa].

Detainee: I will give you information regarding Jamaat al Dawa. You should know what Jamaat al Dawa is. Because you asked me if I was a member of Jamaat al Dawa, I have the right to explain to you what Jamaat al Dawa is. Your question to me was this, "Can you tell us about the Jamaat al Dawa organization". That is what I am trying to explain to you.

Board Member: I know what my question was.

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Detainee: Make me understand.

Board Member: Please just keep your answers short and specific.

Detainee: The short answer is this: Jamaat al Dawa is a group that was formed when Afghanistan became a free country. Jamaat al Dawa was [is] protected by the Northern Alliance. Since Jamaat al Dawa formed, they have always wanted peace and security in Afghanistan. I can provide you documents and relevant data about this. I told the interrogators about this matter. If you would like, I will tell you in detail.

Board Member: This statement is good enough.

Designated Military Officer: (3.a.2) The Detainee was actively involved in two Jamaat al Dawa al Quran training camps.

Detainee: Jamaat al Dawa does not have any training camps. In Afghanistan, there is the Government, people, and nothing is hidden. So, if they find it [al Dawa training camps] and prove it, I am here.

Designated Military Officer: (3.a.3) The Detainee attended a meeting with a Foreign Government Agency to develop a plan to conduct double agent operations against the United States.

Detainee: I did not make any plans with a Foreign Agency. The only thing I have done is to make plans with the Northern Alliance and the Eastern Assembly Members to fight against the Taliban and al Qaida. I worked with the Coalition Forces for six months....

Presiding Officer: Please stop for a moment. At this time, the Review Board would just like to know if the allegation/statement is true or false.

Detainee: No. Never. God willing, nobody can say that [I was a double agent].

Designated Military Officer: (3.a.4) A Foreign Government Agency provided the Detainee money to hire a group of men to fire a rocket from the Marawara region of Konar into a U.S compound near Asadabad.

Detainee: Regarding this matter I will give you a very short answer. Twenty-two hours before my arrest an Eastern Military responsible person, whose name is Hazrat Ali, was a guest in my home. Hazrat Ali was the Eastern Military individual in charge of four provinces: (1) Konar, (2) Ningalam, (3) Managai, and (4) Mengehar. We [Hazrat and the Detainee] had already talked about and made the decision that we will be very cooperative with the Coalition Forces and the current Government. We decided we would defend them [Coalition Forces and current Government].

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Presiding Officer: Please wait a moment. The Review Board needs a *yes* or *no* answer to the allegation/statement [referring to allegation/statement 3.a.4]. The Review Board needs this answer first and then you may proceed with your explanation.

Detainee: No.

Presiding Officer: Thank you. Please proceed.

Detainee: I would like to tell you all the facts.

Presiding Officer: The Review Board is very interested in what you have to say. However, we first need to know where you are going with your answers and explanations. Please answer *yes* or *no* first. Then proceed with your story. It is much easier to follow that way.

Detainee: Very good.

Presiding Officer: Do you have any additional comments in regards to allegation/statement 3.a.4?

Detainee: You told me to give a short answer. I told you the answer to the questions is "No". If you want me to answer your questions "yes" or "no", I will do that.

Presiding Officer: The Board would like a "yes" or "no" answer first, and then you may provide a short explanation.

Detainee: Correct.

Designated Military Officer: (3.a.5) In December 2001, small groups of Arabs escaped from the Tora Bora and were initially resettled to the Konar Province village of Marah Warrah. The Detainee moved the Arabs for their safety.

Detainee: I am not aware of this. I did not do this. If you want more detailed information, I will give it to you.

Presiding Officer: Please do so.

Detainee: I just said my answer because you [referring to the Presiding Officer] told me I could talk later.

Presiding Officer: I believe you are misunderstanding what I am saying. First, the Board would like you to give a "*yes*" or "*no*" in regards to the allegation/statement. After you have answered "*yes*" or "*no*" you may then proceed to give the Board a short explanation in regards to your answer.

Detainee: In that case, I missed that in the last allegation/statement.

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Presiding Officer: You may go back and pick up wherever you would like.

Detainee: I will give you a short explanation in regards to the other one as well [referring to allegation/statement 3.a.4].

Presiding Officer: Very well.

Detainee: When we made the decision on that night [referring to the Detainee and Hazrat Ali to help the Coalition Forces fight the Taliban and al Qaida] Hazrat Ali went to talk with the Americans to tell them we wanted to help. I was the leader of my Tribe. I too made an appointment to talk with the Americans. I met with the Americans. When I was supposed to meet the Americans, I could not get to the meeting because I was in Kabul. I came back from Kabul and I got an appointment [to meet with the Americans]. I talked with the Americans. The Americans said they would come to my guesthouse and that they would meet me at my guesthouse. Around 11:00 or 12:00, the Americans sent a person to my guesthouse and told me to come to *their* guesthouse.

I went to the [American] guesthouse. When I got there, I met the American that was responsible [in charge]. I met with the big officer that was there. I told the officer I was unable to get to the first meeting because I had been in Kabul. I told him that I was now back and that I am here. I told the American he was welcome here and welcome to my province of Konar.

Were you [speaking to the Board] told about my meeting with the High Responsible American? Did the Commanders tell you about our meeting? I told the American I was the leader of my Tribe. I told the American I talked to my people and that we [the people of Konar] were ready to cooperate with them and help them. The American told me, "Yes, thank you very much". We [the Detainee and the American] had a meeting on Thursday and Saturday and told them I would be a guest in his house. When I went to see the Americans, they captured me and brought me here [to Guantanamo Bay, Cuba].

I am wondering. I went there to give them [the Americans] my support and cooperation. Why would I throw rockets at them or pay someone to throw rockets at them [the Americans].

Presiding Officer: The Review Board would like to give you as much latitude as possible to tell your story. However, you went way beyond the scope of the last question, allegation/statement.

Detainee: I have been here [Guantanamo Bay] for three years and two months. I just want to give you as much evidence as I can.

Presiding Officer: This Review Board is a two-part process. In the first part of the process we are going to go over the Unclassified Summary of Evidence. What the Review Board needs you to do is to give a "yes" or "no" answer to the allegation/statement along with a *short* explanation. In the second part of the process,

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you will be given an opportunity to make a personal statement. Following your personal statement, the Review Board will have some questions for you. Does that make sense?

Detainee: Yes.

Board Member: I would like to go back to allegation/statement 3.a.5. There were Arabs leaving Tora Bora and they were re-settling in your province [Konar].

Detainee: At that time, when Afghanistan became free from the Taliban, I was not in that province [Konar].

Board Member: In December of 2001, what was your position in the Konar Province?

Detainee: I was in Pakistan as a refugee.

Board Member: So you were not in Afghanistan in 2001?

Detainee: I was not in Konar [in 2001]. *After* the Tora Bora war I went to Konar.

Designated Military Officer: (3.a.6) The Detainee paid to have a radio antenna installed to facilitate the Arab's communication.

Detainee: I am not aware of this.

Designated Military Officer: (3.a.7) The Detainee was responsible for members of the Hezb-e-Islami Gulbuddin having access to a cache of light and heavy weapons in the Kamdesh district area.

Detainee: That is a lie. I am against the Hezb-e-Islami. I am not their friend. I am not aware of this [allegation/statement].

Designated Military Officer: (3.b) Training (3.b) The Detainee knows how to use an AK-47, pistols, and grenades.

Detainee: I know how to use a Kalashnikov and pistols. I do not know how to use the bomb [grenade].

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee provided another man with money and instructions to smuggle the Arabs into Pakistan.

Detainee: No. I don't know about this. This is not true.

Designated Military Officer: (3.c.2) The Detainee is a member of an alliance between the Taliban, Hezb-e-Islami Gulbuddin, and Wahhabi to coordinate efforts to drive U.S. Forces from Afghanistan.

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Detainee: I am a member of the Northern Alliance. I have not been in an Alliance with the Gulbuddin or Wahhabi. Right now I am saying no. I will tell you more in detail later.

Presiding Officer: Please take the time right now to give us your explanation.

Detainee: I am against the Taliban and Gulbuddin. My animosity towards them [Taliban and Gulbuddin] started in 1990 or 1992. I will tell you in detail. They did very brutal things in Konar Province. Against the Gulbuddin, we had connections with Ahmad Shah Masood and Ustad Rabani [the Northern Alliance Leaders]. Even if the Taliban appears, my connection was with the Northern Alliance and the Eastern Assembly. I don't know any Wahhabi or any organization in the name of Wahhabi in Konar Province. Later, I can explain it in detail with evidence.

Presiding Officer: We are talking about this issue right now.

Detainee: Yes.

Presiding Officer: Do you have any additional statements in regards to this issue?

Detainee: I explained that I was a member of the Northern Alliance and the Eastern Assembly. You can ask them [Northern Alliance and Eastern Assembly] how much of a struggle I have had against the Taliban and Gulbuddin. Before the attack in Afghanistan by the Americans there was a meeting in Peshawar, Pakistan. I was at the meeting. I was talking to them about how to get the Taliban out of Afghanistan. [I was talking to the Coalition Forces, British and American]. We [the people of Konar] had already made the decision to help the Coalition Forces to get rid of the brutality and corruption of the Taliban. I have documents that state we were having and attending meetings in regards to getting rid of the Taliban.

Designated Military Officer: (3.c.3) The Detainee received weapons and supplies from al Qaida through the Nawa Pass.

Detainee: I didn't have any weapons. I do not belong to al Qaida. I had nothing to do with that.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1.) The Detainee stated that the Jamaat al Dawat al Quran is a small organization interested in helping the Afghani people rebuild their lives. The original purpose of the Jamaat al Dawat al Quran was to repel the Russians from Afghanistan.

Detainee: As I told you before, Jamaat al Dawat was not an enforcing organization. Jamaat al Dawat did not have a military force. The organization formed at the time the Soviet Union was trying to invade. Jamaat al Dawat was against the Soviet Union. Now Jamaat al Dawat is trying to help the people of Afghanistan.

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Designated Military Officer: (3.d.2) The Detainee stated that he no longer fights and the Jamaat al Dawa al Quran does not represent his beliefs in any manner.

Detainee: I have told you before that I am not a fighter. I support the Northern Alliance and the Eastern Assembly. I have never fought. I was not a fighter before and I am not a fighter now, nor will I ever be a fighter. I am just a supporter of the Northern Alliance and the Eastern Assembly.

Presiding Officer: You were never a fighter?

Detainee: Twice when the Soviet Union invaded I went to fight, but I never fired or carried a weapon.

Presiding Officer: So you were not a fighter at this time [during the time of the Taliban and al Qaida].

Detainee: During this time I was *against* the Taliban, but I never carried or fired a weapon. During this time I was consulting the Coalition, but I did not *fight* for them/with them.

Board Member: Why were you arrested?

Detainee: That is my question to you. Why have I been arrested?

Board Member: I asked you first.

Detainee: That is why I have a document that states I have never fought. I have not done anything wrong. I was not captured in the war. I was invited to where the Americans were, I came in peace, and then they captured me. I am sorry for that. I met with the Americans six times, even at the Embassy. Then they captured me. You asked me why I was captured. In Afghanistan, I have political enemies. There are people there [Afghanistan] who don't like me, who don't like each other. Maybe my political enemies gave you the wrong information about me.

Presiding Officer: Are you saying that you believe false information was provided to the Americans?

Detainee: I can prove that they gave wrong information about me.

Presiding Officer: Enemies of yours.

Detainee: In Afghanistan, there are two kinds of animosity. One is political animosity and the other is personal animosity. I don't have personal enemies. I have political enemies.

Presiding Officer: Who is your political enemy?

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Detainee: I have enemies because I was the leader of my Tribe. Everyone wants to or was trying to get that job. I don't know *who* exactly because everyone was trying to get the leadership position.

Board Member: Was this in Konar Province?

Detainee: Yes.

Board Member: When was this? When were you the leader in the Konar Province?

Detainee: I have been a Representative of the Konar Province in the Eastern Assembly since 1993. When the Taliban came, I was still a Representative of Konar in the Eastern Assembly. When the Taliban was kicked out, I was still the Representative of the Konar Province in the National Assembly.

Board Member: Can you provide the Board with dates? When were you in a leadership role in the Konar Province?

Detainee: One position is a Tribe leader and one position is a Government leader. I was the Tribe leader of Konar. I am still the Tribe leader in Konar even though I am a prisoner here [at Guantanamo].

Presiding Officer: Please provide the Board with dates.

Board Member: Were you the Tribe leader in the Konar Province in 2001?

Detainee: In the time of the Taliban I was living in Pakistan. However, the people of Konar were against the Taliban and they made me their leader.

Board Member: Were you a leader in the Konar Province in 2001?

Detainee: After the fall of the Taliban I was a leader in Konar. In 2001, I was in Pakistan when the Taliban Government fell.

Designated Military Officer: (3.d.3) The Detainee traveled to the United Arab Emirates ten times from 1996 to 2002.

Detainee: Yes.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee fought Jihad against the Russians and fought against the Taliban and al Qaida at Tora Bora.

Detainee: Yes. I said that I was against the Soviet Union, the Russians. Like I said before I never fought. I never picked up or fired a weapon. I never personally fought. I was against them though. I was against the Taliban and I am still against the Taliban. In regards to the Tora Bora war: I talked with and had a meeting with the Americans and

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told them I was making a plan for Tora Bora [to fight against the Taliban] but I was not *personally* going to fight.

Designated Military Officer: (4.b) The Detainee supported the Northern Alliance in their efforts to defeat the Taliban, al Qaida, and Usama Bin Ladin.

Detainee: Yes. I say it now and I have said it before.

Designated Military Officer: (4.c) In 1997 or 1998, the Detainee traveled to Mazar-e-Sharif to visit with Massoud.

Detainee: Yes. I met with Masood and Rabani.

Designated Military Officer: (4.d) The Detainee traveled twice to Tajikistan in 1998 in connection with Masood and the Northern Alliance.

Detainee: Yes. I went to Tajikistan twice.

Designated Military Officer: (4.e) The Detainee traveled to Cyprus three times in 1999 to attend international conferences organized by influential expatriate Afghans to increase resistance to the Taliban.

Detainee: I have been to Cyprus three times.

Designated Military Officer: (4.f) The Detainee states that he never worked with the Arabs or against the Americans.

Detainee: Yes. I cooperated with the Americans. I have a document that proves I have worked with and cooperated with the Americans. I have never worked with or for the Arabs.

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

The Presiding Officer acknowledged the request.

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

Assisting Military Officer: Sir, the Detainee wishes to make an oral statement. In addition, I have some Detainee comments from the ARB interview I would like to present.

Presiding Officer: Assisting Military Officer, please read your additional Detainee comments.

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Assisting Military Officer: The Detainee stated that he is concerned about important information that is not being presented at his ARB interview. The Detainee will tell the Review Board Members about this information when he gives his oral statement at the ARB. The Detainee stated that the information is important regarding his future. The Detainee stated that it was important for the Review Board to know that twenty-eight representatives (people) voted for him to be the senator of Konar Province and that the document that proves this fact was given to the members at his last board. The Detainee also said that Karzai told them to go home and that he would call them back. When they got home, that is when they were arrested.

The Detainee made the following statement:

Detainee: May I have permission to talk now?

Presiding Officer: The floor is yours.

Detainee: Thank you very much. I Haji Rohullah, son of Muhammad Wakil, from the Konar Province, in the name of the District Government of Peech, and the district of Marangi, of the villages Ningalam, in 1998 I became a refugee because of the Russians. I was a refugee in Pakistan. My family is still there [in Pakistan]. When I was in Pakistan, my business was trading and that kind of thing. I was working in the Jewel business. I was serving other refugees from my own country.

Presiding Officers: What kind of jewels were you working with?

Detainee: Beruge.

Presiding Officer: What kind of jewel is that?

Detainee: It is like a rock. We call it Beruge.

Presiding Officer: What does it look like?

Detainee: It had three kinds of color. They are red, green, and yellow. Another name for the jewel is Konzet. I was doing business with these rocks [jewels].

Presiding Officer: Do you find these rocks [jewels] in Afghanistan and then export them?

Detainee: People were bringing these rocks [jewels] from Afghanistan. I bought these jewels and sold them in Pakistan. These rocks [jewels] actually came from the Konar Province.

Presiding Officer: How much money would you get for these rocks? How much money would you make in a year?

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Detainee: It would depend on the year. Some years I would make big money. Some years I would not make big money.

Presiding Officer: Please give me an example of how much money you would make.

Detainee: The last year I worked in this business I made ten to fifteen hundred thousand Rupees. That was not a lot of money, but it was good enough to provide for my family.

Presiding Officer: Did you deal in rough stones or polished stones?

Detainee: Rough stones.

Board Member: Did you have another job aside from dealing in jewels?

Detainee: I am getting to that point if you will let me continue.

Presiding Officer: Please continue.

Detainee: Back to what I was saying earlier. I was doing business and serving other refugees while I was in Pakistan. Arabs killed my uncle in 1990. My uncle was the leader of Jamaat al Dawa. A terrorist killed my uncle. After the death of my uncle, I joined Jamaat al Dawa. I joined, talked with, and met with Ustad Rabani about fighting against Gulbuddin because he [the Gulbuddin] was doing bad things in Konar.

In 1992, the Kabul Régime fell and Rabani went for the Government. He became the President [of Afghanistan]. I went with Rabani to Afghanistan. At that time, the leader of Jamaat al Dawa was named Maulawi-Samiullah. He [Samiullah] was the Minister for the current Government. I became a representative of the Konar Province in 1993.

There were four provinces that made up an Assembly. At that time I was doing my own business, my trade. Additionally, I was, according to the rules of the Government; I was helping my own people. I was keeping connections with other companies to help the Konar people. Based on that, I contacted the United Nations and other organizations. With the guidance of our leadership, we were going to build up some schools in the Konar Province. About twenty to twenty-five schools have already been built in the Konar Province. We got an order from Rabani to build one hundred and fifty schools for girls and boys.

Presiding Officer: Please stop for a moment. The Review Board is interested in factors pertaining to why this Review Board should release you or transfer you. The building of schools is a wonderful thing. However, it is not going to help the Review Board decide to release you. The Review Board would like to hear reasons and factors as to why you feel you should be released or transferred. Tell the Review Board why you [the Detainee] do not belong here [Guantanamo Bay, Cuba]. Focus on that point.

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Detainee: I should let you know all the factors about my life. I keep trying to tell you who I am and what I am doing.

Presiding Officer: You are really digressing.

Detainee: I will make it short.

Presiding Officer: The Review Board does not want a short answer. The Review Board would like for you to tell us or give us reasons as to why you should be released or transferred. The Review Board just wants to know about *you*. We will sit here all day long, so long as we are talking about *you*.

Detainee: Ok, I will tell you short. I am very very sorry and disappointed that the Military Tribunal called me an Enemy Combatant. I am a member of the Northern Alliance. The Northern Alliance is a friend of the United States. I am a member of the Eastern Assembly. The Eastern Assembly along with the Coalition Forces wanted to help fight al Qaida. I am a member of a National Unity, which is located in Peshawar, Pakistan. I was a friend of Pir-Said-Ahmed-Gilani and Sebghatullah-Mujadidi.

The leadership of these mentioned people [Gilani and Mujadidi] were meeting at the United Nations. The meeting was about fighting against al Qaida and the Taliban. I have been a friend with these people since 1990. I am a friend of the Afghan University with the men and the women who attend the University. I was serving them. I was a member of the Cyprus meeting, who wanted a peaceful and good Government in Afghanistan. I was in the Cyprus meeting. In this meeting we were talking about fighting against the Taliban. I was talking to one of the Coalition Forces members. He was a British Coalition member. His name was Jim. I was a member of one of the Committees who were talking to Coalition Forces against narcotics. You have the evidence to these facts.

Board Member: When was this all happening?

Detainee: This was happening in 2002. The Coalition Forces were talking about narcotics and I joined them in their efforts against narcotics. I am a friend of Kaown Kakar, who is a United Nations representative.

Presiding Officer: Is that a place or a person [referring to Kaown Kakar]?

Detainee: A person. Kaown Kakar lives in the United States.

Board Member: Did you say earlier you were dealing with someone from the British Forces? Someone named Jim.

Detainee: Yes.

Board Member: What kind of position were you holding at this time?

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Detainee: I was a member of the Eastern Assembly.

Board Member: This was in 2002?

Detainee: The Assembly was formed against the Taliban in the Eastern Province [of Afghanistan].

Board Member: Did you receive money/pay for doing all these things you have been talking about?

Detainee: Nobody had a salary or money. Nobody paid me.

Presiding Officer: Let me see if I understand all of what you have been saying. You [the Detainee] were a representative.

Detainee: Yes.

Presiding Officer: You were a member of the Assembly.

Detainee: Yes.

Presiding Officer: You support Karzai.

Detainee: Yes.

Presiding Officer: You do not like the Taliban or al Qaida.

Detainee: That is correct.

Presiding Officer: You believe your political enemies set you up to get rid of you.

Detainee: Yes. I am sure my political enemies set me up.

Presiding Officer: I understand your position.

Detainee: I need to tell you the rest of my story. After I became a representative of my area [Konar Province] I went to Kabul. I gave a statement at the National Assembly as a representative of Konar Province. In front of fifteen hundred people at the National Assembly I gave a statement and was speaking against al Qaida, against the Taliban, and against narcotics. I spoke to them[members of the Assembly] about smugglers [of narcotics] who were in Afghanistan, hurting Afghani people. They were hurting the economy and hurting the trees. I told them they should elect Karzai as the President. This Assembly was made up of the first 158 people who told Karzai that we accept him as our President.

Presiding Officer: I am going to ask one more time. You are digressing from what the Review Board needs to know. You need to focus on reasons as to why the Review Board

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should release you. The Review Board is very impressed with your history. The Review Board has been provided with a complete history of your background. The Review Board already knows all of what you are saying. The Review Board knows that you were a very distinguished politician. We can understand why a political attack would be made against you. However, the history you are relaying to the Review Board does not help or aide in our decision to release or transfer you. That is what the Review Board must decide: to (1) release you, (2) transfer you, or (3) detain you. Do you have any other specific facts that directly pertain to release, detain, or transfer that the Review Board should know about?

Detainee: I do not have anything else. Those are my people; my Government, my friends, and those who are in power in Afghanistan are my friends.

Presiding Officer: Ok. I would like to compliment you on making a very eloquent statement this afternoon. Thank you.

Detainee: Thank you very much.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee

Administrative Review Board Member's questions:

Board Member: You said you became a refugee in Pakistan in 1998.

Detainee: No, it was 1980.

Board Member: Were you a refugee in Pakistan in 2001?

Detainee: Yes.

Board Member: Have you ever heard of or known of any movement of people across the Afghan/Pakistani border in Konar Province?

Detainee: What kind of people? People of Konar?

Board Member: Arabs leaving Afghanistan in December in 2001, due mostly to the American bombings. Do you know anything about the movement of those people across the border [in Konar Province]?

Detainee: I am not aware of that.

Board Member: Could people be moved across the border without the knowledge or assistance of the Tribal leaders of that province?

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Detainee: Before the Taliban, when I was there [in Konar Province] people were moving back and forth across the border. After the Taliban, I am not aware.

Presiding Officer: [To the Translator] What question did you just ask the Detainee?

Translator: I am asking the Detainee, during the time of Tora Bora, when the bombing was occurring, were there people going back and forth across the border.

Board Member: The people were mostly traveling in one direction. It was the Arabs fleeing Afghanistan to Pakistan.

Detainee: I am not aware of anything like this.

Board Member: But if someone wanted to cross the border, they could not do it without the knowledge and assistance of the Tribal leaders of the provinces.

Detainee: The border is a very long border.

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

Detainee: The whole world knows that he is a terrorist. I am against him. I was never on his side. We are all against him.

Board Member: Is your family still in Afghanistan or are they in Pakistan?

Detainee: My family is still in Pakistan.

Board Member: So, if you were released or transferred, would you go back to Afghanistan? Do you have family to return to?

Detainee: If I am released, I will go to my home country.

Board Member: Do you still have a family business? Do you have a way to support yourself?

Detainee: My job is very clear. I will do my own job. In my village, my Government, and my people. If I leave right now, I will be a representative of my people.

Board Member: In the Karzai Government?

Detainee: Yes. We built that Government. I put a lot of effort into building that Government.

Board Member: I just cannot help but ask. Why are you here?

Detainee: I will trust in my God and one day the truth will come out.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Colonel, U.S. Army
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 801

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee declined taking the (Muslim) oath.

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

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

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

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

Assisting Military Officer: The detainee's initial Administrative Review Board (ARB) interview occurred on 29 August 2005 and lasted 80 minutes. After a review of the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the detainee. When the detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the Assisting Military Officer (AMO) speak on his behalf, the detainee stated he wanted to attend and address the allegations. When asked how he wanted to address the allegations or statements, the detainee indicated that he wanted to answer each allegation or statement in the Unclassified Summary after it is presented. The detainee was given a copy of the translated Unclassified Summary of

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Evidence for his record. The detainee was polite and cooperative during the interview. The detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and, DMO-2 through 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: The detainee is a Brigadier General in the Afghan military. He is suspected of assisting al Qaeda members to escape from Tora Bora into Pakistan. He was a commander of 600 border security troops in Konar, Afghanistan.

Detainee: Yes, but I have not been to Tora Bora.

Designated Military Officer: The detainee is a member of Jamiat-e-Dawa-el-al Qurani Wasouna (JDQ).

Detainee: I am a member of Jamiat-e-Islamic, the original name before name before Jamiat-e-Dawa.

Designated Military Officer: The detainee has met with Haji Rohullah, leader of Jamiat-e-Dawa-el-al Qurani Wasouna, and Loya Jirga, representative for the Konar region, on numerous occasions.

Detainee: Yes, because he is from my village and of my people.

Designated Military Officer: Next, --

Board Member: How about the Loya Jirga?

Detainee: Representatives from each area gather to solve problems and discuss establishing a new government.

Board Member: The representative is the same person?

Detainee: Each area has a representative.

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Presiding Officer: Please, continue.

Designated Military Officer: Yes, sir. Jamiat-ul-Dawa-ul-Qurani, an Islamic extremist group with ties to the Pakistani Inter-Service Intelligence Directorate, consisted of Afghan refugees from camps in the Peshawar area. This organization supported the continued war in Kashmir.

Detainee: I am not aware.

Board Member: One clarification. Did he meet with his representative?

Detainee: Yes, because he's from my village!

Board Member: The representative from Loya Jirga?

Detainee: Me and Haji Rohullah would have been captured at the same time. Yes, I have seen and talked to him.

Board Member: Is Haji the same guy as the representative from the Loya Jirga?

Detainee: Yes.

Board Member: Thank you. That clarifies it for me.

Designated Military Officer: Continuing. The detainee's military service includes being appointed the title of Brigadier General due to his experience fighting against the Soviet Union and the Taliban.

Detainee: Yes, I fought the Soviet Union, and Taliban.

Presiding Officer: Please, continue.

Designated Military Officer: During the fight against the Taliban, the detainee was Nasruldeen's commander. Nasruldeen was allegedly responsible for attacks on government and coalition entities.

Detainee: How can I serve you?

Presiding Officer: What are his comments concerning that statement?

Detainee: Yes, I fought the Taliban for my commander.

Presiding Officer: Do you disavow, directing him to attack coalition forces?

Detainee: I don't think he attacked America.

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Board Member: I need clarification on 4.c.1. 'responsible for attacks on Taliban government and coalition entities?'

Designated Military Officer: I believe it's the current government, sir.

Board Member: Okay.

Presiding Officer: Nasruldeen, in your opinion, is a good guy?

Detainee: I do not know what he has done, but he was a good guy.

Presiding Officer: Please, continue.

Designated Military Officer: The detainee knew Faquirullah. He knew Faquirullah was possibly involved with the Jam' at Islami, was a high level commander for the Hezb-e Islami Gulbuddin (HIG), and a dedicated Mujahideen.

Detainee: Yes, I knew him.

Designated Military Officer: HIG has long-established ties with Osama bin Ladin. In the early 1990s, it ran several terrorist training camps in Afghanistan and pioneered sending mercenary fighters to other Islamic conflicts. It offered shelter to Osama bin Ladin after the latter fled Sudan in 1996.

Detainee: Non responsive.

Designated Military Officer: The detainee met Ali (NFI) twice in the Konar region, and twice in Jalalabad, Afghanistan. The detainee confirmed Ali was a member of the Hezb-e-Islami Khalis under Yunis Khalis.

Detainee: Yes, he was a member.

Designated Military Officer: Around 15-16 November 2001, nine Arabs, two of whom were wounded, fled Tora Bora for Konar Province, Afghanistan. The detainee assigned one of his leaders to personally handle the security for the Arabs.

Detainee: Non responsive.

Designated Military Officer: The detainee arranged for the nine men to be transferred to his fort, where they awaited the arrival of Haji Rohullah. When he arrived, Rohullah provided the detainee with an unspecified amount of money and instructions to smuggle the Arabs into Pakistan. The Arabs' weapons and the truck were given to the detainee as a reward.

Detainee: Yes, that is true.

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

Detainee: I have answered this question before.

Presiding Officer: Sir, the Board *also* takes notice of your prior statements, in addition to your lengthy military service and high rank held fighting the al Qaeda as a Mujahideen, earlier.

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

The Presiding Officer acknowledged the request.

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

The Detainee made the following statement:

Detainee: Sir, the main question is, whether I am a future threat to America. I was not a threat in the past. Eventhough I have fought against the Soviet Union, I do not have a grudge against them, nor you. If somebody is doing something wrong, to you, and you are a very poor guy, I still feel this way. I had a job to serve my government, so what crime did I commit? I worked for them. I never did anything against America. When at war with the Soviet Union, the people said things against me, and the Taliban members. Do not believe them. For 20 or 25 years there was a civil war in Afghanistan. Because of that, people have animosity and hostility against each other. These people want to use America to get back at their enemy. As a result, America has been given a bad name. Therefore, we request that the Americans think before they act. You are aware of things that have happened. For example, they say this place is al Qaeda. America bombed this and later found out children and women were killed. I have no hostility against America. I am not unhappy, and I am not upset with them, because somebody else gave the America the wrong information. Please use justice on us. For three years, I have been no problem to your soldiers. I miss my family. I do not know what happened to them.

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

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

Designated Military Officer: Sir. How far is Tora Bora from Konar Province?

Detainee: I haven't been there, but it is in a very small county of Mindahar Province.

Designated Military Officer: May I interject? Can we have a map brought in?

Hearing recessed @ 0935 hours to allow for an unclassified map to be brought into hearing room.

Hearing re-opened @ 0945 hours.

Presiding Officer: Mr. DMO, please indicate, for the Board Members, the areas that are being referenced, and the approximate distances between them.

Designated Military Officer: Sir, I referenced a different map, because this map does not state Tora Bora on it. But, we reviewed, and we saw, that, if you were to draw a line between Kabul and Jalalabad, and split the line in half, and travel south, you would come to Tora Bora, somewhere in the Pahtia Province.

Designated Military Officer: The detainee is referencing Konar Province which is North of Jalalabad. The distance seems to be a little over 100 miles. I would also like to point out, that, the Khyber Pass is located near the non-Konar Province, which is half way between Konar and Tora Bora.

Presiding Officer: I would like for the detainee to indicate his area of operation on the map.

Detainee: I don't know the map.

Presiding Officer: Very well. We will proceed.

Designated Military Officer: Sir. Is the area between Konar and Tora Bora a mountainous area?

Detainee: Very much.

Designated Military Officer: It takes somebody with some knowledge of the area to transverse those mountains?

Detainee: There are two roads to Tora Bora. You can take one, or the other.

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Designated Military Officer: My final question. You had 600 men working for you. Were they familiar with the area?

Detainee: Yes, they are familiar with the area.

Designated Military Officer: No further questions, sir.

Administrative Review Board Member's questions:

Board Member: What is your opinion of Osama bin Ladin?

Detainee: What about him?

Board Member: What do you think about his mission?

Detainee: I was against his activities then, and now.

Board Member: What years were you in charge of the border security at Konar, Afghanistan?

Detainee: The year that the Taliban left, your country came.

Board Member: What year did he start?

Detainee: The year Reagan became President.

Board Member: To whom did you report?

Detainee: My superior was Shamir Ul la Kadraq.

Board Member: What position does he hold?

Detainee: He was Minister of Border Security.

Board Member: Do you have a working relationship with Hasheem Uwalah?

Detainee: No.

Board Member: Could someone leave your sector, at the border, without your knowledge, or any of your people's knowledge?

Detainee: I didn't control the whole area.

Board Member: How many miles of the border was he responsible for?

Detainee: Between 350 - 400 miles.

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Board Member: Would you say it would be difficult for a group to leave your area of responsibility without your cooperation?

Detainee: It is mountainous, but a person could go by himself without my knowledge.

Board Member: What about vehicles?

Detainee: There's no way.

Board Member: Does he know of any al Qaeda that has ever left Afghanistan through his area of responsibility?

Detainee: I'm not aware. I was not responsible when al Qaeda was here.

Board Member: Were you ever paid or compensated to help someone, or any group leave Afghanistan?

Detainee: No.

Board Member: Do you support the current Afghanistan government under President Karzai?

Detainee: Yes, now, and before.

Board Member: Do you know where your family is located now?

Detainee: My village.

Board Member: What will you do to support your family if released?

Detainee: I will be a driver, work in a shop, or my own business.

Board Member: Do you have position?

Detainee: Yes, while working for them. If given a job, I will do it. I've had my own business as a merchant.

Board Member: You hold no grudge against the United States; even though, you believe we bombed women and children in Afghanistan?

Detainee: No. I am unhappy with those who gave you the wrong reports.

Board Member: Thank you for your answers.

Board Member: What motivated you to fight the Soviet Union, or the Taliban?

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Detainee: Sir, the Soviets burned our houses, religious places, and mosques. They were destroying our country, and us.

Board Member: Do you consider yourself a very religious man?

Detainee: I'm Muslim.

Board Member: You have a pretty high rank. Can you tell us why they chose to promote you to Brigadier General?

Detainee: I was very active in fighting the Taliban. I was only a soldier against the Soviet Union.

Board Member: You moved up through the ranks, and you were successful in fighting both the Soviet Union, Taliban---

Detainee: Yes, I received the rank fighting the Taliban; against the Soviet Union, I was a soldier.

Board Member: Would you say, it is easy to bribe people to get things done, in your country, because of the poverty?

Detainee: I am not aware.

Board Member: So, you've never seen anyone in the government, in the military, or village take bribes for anything?

Detainee: No.

Board Member: Would you say the 600 men that worked for you were very poor?

Detainee: All people are very poor in our country.

Board Member: Would you be surprised if any of your men took a bribe?

Detainee: I don't know anyone who took bribes.

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Board Member: Is it true, that, people made up statements that certain Afghanistan people were against the U.S. forces so that they could get money from the government?

Linguist asked to repeat the question.

Detainee: Yes.

Board Member: You don't consider that taking a bribe, or being compensated for not telling the truth?

Detainee: It's not a good thing to do.

Board Member: Have you taken the opportunity to request, through a letter or through an organization, to receive documents from the government that would basically corroborate your statements about helping U.S. forces and helping the government fight against the Taliban, or acquit you from these allegations that are against you?

Detainee: I haven't sent any request.

Board Member: Have you ever been asked to take a polygraph or lie detector test, or have you requested a polygraph or lie detector test?

Detainee: Two times.

Board Member: Two times you were asked, or two times you requested?

Detainee: No. I have been through a polygraph, two times.

Board Member: Can you tell me, by whom?

Detainee: It was an investigator named of [REDACTED]

Board Member: Do you know the organization?

Detainee: No. [REDACTED] was my investigator.

Board Member: Do you speak any English?

Detainee: No.

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(Revised 10 Aug 05)


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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Colonel, USA
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 826

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

The Detainee accepted taking the Muslim oath.

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

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

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

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

Assisting Military Officer: The Detainee's initial ARB interview occurred on 06 September 2005 and lasted 5 minutes. According to the language database, the detainee speaks Persian and Pashtu equally well at the basic understanding level. When the translator attempted to communicate with the Detainee, the Detainee gave us a puzzled look signaling that he did not understand Persian and repeated the word Pashtu several times. A follow-up interview was scheduled with a Pashtu linguist on 06 September 2005 and lasted 55 minutes. After a review of the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated, "I want to talk by my mouth

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orally to the board." When asked how he wanted to address the allegations or statements, the Detainee indicated that he wanted to address statements in the Unclassified Summary of Evidence as each point is presented. The Detainee requested a copy of the translated copy of the Unclassified Summary of Evidence for his record. A copy of the translated Unclassified Summary of Evidence was provided to the Joint Detention Group on 07 September 2005 for delivery to the Detainee and confirmation of delivery was received on 07 September 2005 at 1253 hours. A follow up interview was held on 08 September 2005 and lasted 10 minutes. The Detainee was polite and cooperative during the interviews. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

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

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Detainee Actions and Statements (3.a.1) The Detainee's family owned hawallas (Money Exchange/Forwarding Business) in Bermal, Afghanistan; Miram Shah, Pakistan; an Al Amin, United Arab Emirates. The Detainee worked in the Afghanistan and Pakistan locations.

Detainee: That is true. I was responsible for Afghanistan and Pakistan stores.

Designated Military Officer: (3.a.2) The Detainee traveled between Afghanistan and Pakistan along routes where he was never asked for any identification or passport by either the Pakistanis or Afghans.

Detainee: Yes.

Designated Military Officer: (3.a.3) The Detainee traveled to Miram Shah, Pakistan to purchase a Kalashnikov weapon.

Detainee: Yes, I bought the Kalashnikov.

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Designated Military Officer: (3.b) Other Relevant Data: The Detainee was arrested in his shop by Afghan and United States soldiers.

Detainee: Yes.

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee stated he is an honest businessman and has never received money on behalf of the Taliban or al Qaida or any other groups. He stated that the money received was from families from outside that country trying to get money to support their families in Afghanistan.

Detainee: Yes.

Designated Military Officer: (4.b) The Detainee has no knowledge of money transfers outside the three hawallas owned by his family in the United Arab Emirates, Miram Shah, Pakistan, and Bermal, Afghanistan.

Detainee: Only in Bermal. That is the only three shops or businesses that money comes in. There are no other hawalla stores. If there are some other stores in...there is another hawalla store which a guy named Gulzar [runs] and another store that a guy named Jaho [runs]. I have not given [money] to any one except from the hawallas in Miram Shah and Bermal.

Designated Military Officer: (4.c) The Detainee claims all he and his brothers were trying to accomplish was to make an honest living and provide for their families.

Detainee: Yes.

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

The Presiding Officer acknowledged the request.

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

Presiding Officer: Assisting Military Officer does the Detainee want to present any information to this Administrative Review Board including a written statement, oral statement, witness statements prepared on his behalf, or for you to speak on his behalf?

Assisting Military Officer: Yes sir. The Detainee would like to make an oral statement.

Presiding Officer: You may begin your statement now.

The Detainee made the following statement:

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Detainee: What kind of statement?

Presiding Officer: You said that you would like to make a statement to the board. If there is anything that you would like to elaborate on in regards to the statements that were brought up or something else that you would like to present as a reason for your release or transfer this is the time to explain that to the board.

Detainee: Do you ask me any questions about these allegations?

Presiding Officer: There will be a moment when the five of us can ask questions. That will be right after your statement. If you don't have anything to say that is fine and we can continue.

Detainee: I am an innocent man and I have not committed any crime. That is all that they captured me by.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Thank you.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: These business transactions in your hawallas, does most of the money flow from Pakistan to Afghanistan?

Detainee: If people were living in Miram Shah I was giving them a little of the money. Most of the money was going to Bermal, Afghanistan.

Board Member: How did the money move from Pakistan to Afghanistan?

Detainee: People that we knew would [transport] to our store. They would carry the money and give it to our store in Bermal, Afghanistan.

Board Member: Did you have to hand carry the money from Pakistan to Afghanistan?

Detainee: Yes. We would hand it to them and tell them to give it to our store in Bermal.

Board Member: When somebody gave you money in Pakistan to take to Afghanistan did you give that person some kind of receipt for the money or was a record kept of what money was given to you?

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Detainee: The money coming from Al-Amin was coming to Miram Shah and it was private going to the people.

Board Member: Does that person get a receipt when you give the money to them? Does he get some kind of record?

Detainee: We call our store by telephone and tell them that this man from our village, we know the village people; we gave him this much money to [transport].

Board Member: Were you alone when you were captured or arrested?

Detainee: Yes, I was alone in my store.

Presiding Officer: When you traveled between Afghanistan and Pakistan did you travel alone?

Detainee: Yes, I was alone. The vehicle was going back and forth and other people were on it.

Presiding Officer: But you traveled alone.

Detainee: Yes. Nobody was with us so we would go by ourselves. I had a cousin and he was going to Bermal and I was going to Miram Shah. We would switch back and forth. In one year we switched place two times.

Board Member: Have any of your family members or business associates been arrested by the United States?

Detainee: Yes, they captured my older brother. My older brother was with me.

Presiding Officer: Was he at the store?

Detainee: He was at home.

Board Member: Was it at the same time?

Detainee: Yes.

Board Member: Was he captured for the same reason?

Detainee: Yes. He was released and went back home.

Board Member: Released from here or Bagram?

Detainee: My cousin was with me and he was released from Cuba.

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Presiding Officer: Did you only make transfers between your three hawallas and no others?

Detainee: One was in Sorobi and one was in Orgoon. Their money was coming from other places. We were giving them our own money. They had their own store. They have their own hawallas, but they have to go through our store.

Board Member: Do you have a name for your business?

Detainee: We don't have a special kind of name, but outside the store it just has my brother's name, which was Osman Haji. Hawalla is the store, we don't write anything.

Presiding Officer: You mentioned that you have never received money on behalf of the Taliban or al Qaida. Do you know all of your customers as a member of the village, by name, or some kind of identification? If I came over to give you money to take over to another county, how do you know that I am not al Qaida?

Detainee: When money comes in we write down the village name, the person's name, their father's name, and the Waziri tribe. We were all Waziri tribe people and we would take their numbers.

Designated Military Officer: Do you know where your brother and cousin are now and what they are doing?

Detainee: They are in the village.

Designated Military Officer: Have you heard from them?

Detainee: Yes, I received a letter from them. My brother and my cousin are in my village.

Designated Military Officer: What do you think of the United States and Afghanistan and the Karzai government?

Detainee: I am happy about the government and the Americans. They bring peace and we need peace for our businesses.

Presiding Officer: Upon your return, should you be released or transferred, what are your intentions when you return to Afghanistan?

Detainee: I have had the shop in Miram Shah for 30 years. We have been doing this business for 15-16 years. I don't know any other thing. I will do the same business.

Presiding Officer: Thank you for your honest answers.

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

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The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

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