

UNCLASSIFIED//~~FOUO~~

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood and had no questions.

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

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

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

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

The Designated Military Officer confirmed that he had no additional unclassified information to present.

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

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

Assisting Military Officer: Yes, the Detainee would like to make an oral statement.

The Presiding Officer gestured to the Assisting Military Officer for the submission of any written documentation on behalf of the Detainee.

Assisting Military Officer: I don't have anything to hand [to] you. I have already handed...[referring to the Enemy Combatant Election Form]

Presiding Officer: Okay, here is what I'd like [for] you to do. [Say] yes, he wants to present an oral statement and whatever else he'll have to say. Then [say that] the detainee provided me these comments and then read those comments. [Read] the stuff that you have here and then that way it's captured on the tape and he can affirm or deny if you've got stuff mistakenly on here [referring to the Enemy Combatant Election Form]

Assisting Military Officer: Okay...All right.

UNCLASSIFIED//~~FOUO~~

ISN 339
Enclosure (5)
Page 1 of 19

000769

UNCLASSIFIED//~~FOUO~~

The Presiding Officer requested the linguist to recap the conversation between the Assisting Military Officer and himself.

Presiding Officer: The Assisting Military Officer will cover [the] comments you made during the interview. If anything is incorrect you are more than welcome to correct him. Okay?

Detainee: Yes.

Presiding Officer: Proceed.

Assisting Military Officer: Okay. Reference 3.A.1. Where it states that the detainee was AWOL from the Royal Saudi Air Defense Forces. He stated that he was on a leave of absence for one month and that he is not in the military, but he's [a] civilian that works for the Air Defense.

Presiding Officer: One moment...and at the end of that sentence you have in parentheses a clerk. Correct.

Assisting Military Officer: A clerk...yes sir.

Detainee: I have my passport...my passport has my profession. [It is] on my passport.

Presiding Officer: Speak up.

Detainee: I have a...[The] U.S. Force[s] has my passport and on my passport it is written [that] I am an employee, [a] clerk...not a...[military personnel].

Presiding Officer: OK! Thank you.

Assisting Military Officer: Statement 3.A.2. The detainee went to Afghanistan to support the fatwa issued by Sheik Hamoud Al Shi'Ibi. He stated that was not the main reason [he went to Afghanistan], he also went there to help the poor and with religion.

Detainee: Also in the media....

The Presiding Officer requested a brief pause to eliminate the noise in the room coming from the air conditioner.

Presiding Officer: Thank you, please continue...a recap of 3.A.2. The response was, it was not your main reason for going [there], he went to help the poor and with religion. Go ahead....

Detainee: Also the notification [ads on television, radio and newspaper] played a role in my presence there, which is to help the poor, to help [what he saw in] the media and [on] the TV. In the media I saw the disaster of Afghanistan and it shocked me.

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Presiding Officer: If I may, Khalid, what I would like to do is let the Assisting Military Officer go through what he's typed here. If there does need to be any correcting, since it seems like you may have something to add to each one. We will be more than happy to hear that right after he reads this. We can go back over each one of them and add your comments. That might make it...that might represent your [comments]. Because I have some questions just from what you [have] said in response to him...so...let's do it that way and then we can wrap it all up in maybe a little more orderly fashion.

Detainee: Okay.

The linguist began to translate the Presiding Officer's statement and the linguist stated that the detainee informed him that he understood everything.

Presiding Officer: That's fine. If he understood, he could just tell you that or acknowledge in English and then the record will reflect that you've acknowledged what I have told you.

Detainee: Okay.

Presiding Officer: The only thing that I'll ask you [referring to the detainee] is that you'll just...I know that you may be a little nervous, but if you could speak up then the reporter will be able to capture it.

Detainee: Okay.

Presiding Officer: Thank you.

Assisting Military Officer: 3.B.4. The man that is a member of Harakat Al-Mujahidin has knowledge of moving al Qaida fighters, he believes the man is a smuggler and he dealt with Black Market stuff that the Taliban didn't want, like television[s] and I guess radios and things like that.

Detainee: Yes.

Assisting Military Officer: 3.B.5. The same individual, he said he doesn't know anything about this guy being a Jihadist, with a Jihadist group. 3.D. is not true. 3.D, excuse me 3.E.1, he...

Board Member: I think that should be D.

Assisting Military Officer: D? Okay, I got to read through this...

Board Member: There is no E.

Presiding Officer: There is no E, so let's see, Three Delta One; the detainee initially lied...

UNCLASSIFIED//~~FOUO~~

ISN 339
Enclosure (5)
Page 3 of 19

000771

UNCLASSIFIED//~~FOUO~~

Assisting Military Officer: Okay.

Presiding Officer: Okay so ...I believe....

Assisting Military Officer: I'll leave D. out...3.D.1, he was concerned with his safety. He thought he was going to be killed, so he made those statements. Now once he realized that he was pretty much in safe hands, he decided to tell them what he needed to tell them.
3.D.2.

Presiding Officer: Hold on, you [referring to the linguist] need to be translating this to him [the detainee] and you [referring to the Assisting Military Officer] need to pause so he has time to translate. Are you [referring to the detainee] understanding what he [referring to the Assisting Military Officer] said?

Detainee: Yes, yes, I understood.

Presiding Officer: Okay, please just acknowledge for me on the record that you understood what he said up to this point.

Detainee: Okay.

Presiding Officer: Just say, "Yes, I do".

Detainee: Yes, yes [*smiling*] I do.

Presiding Officer: Do you really understand him?

Detainee: Yeah, yeah.

Presiding Officer: Okay, continue.

Assisting Military Officer: 3.D.2. The detainee was apprehended by Pakistani authorities while crossing into Pakistan. [He] said that's not true. He was already inside the country in one of the small towns and that's where he was apprehended.

Detainee: Yes sir.

Presiding Officer: OK!

Assisting Military Officer: 4.A & B. are true statements.

The Presiding Officer asks the Detainee if he wishes to make a statement and if so will he take the Muslim oath.

The Detainee takes the Muslim oath.

UNCLASSIFIED//~~FOUO~~

ISN 339
Enclosure (5)
Page 4 of 19

000772

UNCLASSIFIED//FOUO

Presiding Officer: Khalid, you may begin. Now, I understand [that] you have something written that you are going to either read from or is it a prepared statement?

Detainee: Yes, it is a prepared statement.

Presiding Officer: Okay, then Khalid you may begin in whatever [way you wish]...either reading from your statement [or something] that is a reminder to you or ...

The linguist explained to the Detainee to follow the points [referring to the allegation on the unclassified summary].

Presiding Officer: I think you guys went over point by point what you want to say.

Detainee: Okay. Point by point.

Presiding Officer: Is that how you want to do it?

Detainee: Yes, yes.

Presiding Officer: That's fine, whatever way you want to present your comments, your statement, take your time...the only thing that I'll ask is that you speak up and that you'll give the interpreter time to...if it's a lengthy statement...that you two break it up however he needs to so he can retain it.

Detainee: Okay.

Presiding Officer: Now if you already have it written out, as long as you don't deviate from that...but I understand that you don't so...so just take your time.

Detainee: Okay. Some words and some sentences, I can translate it directly and if I can't, I will ask.

The linguist interjected and said he will translate whatever the Detainee had a problem translating into English.

Presiding Officer: Whatever way you wish, that's fine.

Detainee: The first point, I think is A.1. Yes, I am a clerk for Saudi Air Defense Force. The U.S. Force, they have my passport and it's written on my passport that I am an employee for the government. I took leave for one month from my job. I mentioned this many times to the interrogators, the U.S. interrogators. The fatwa, it's not the main reason for [me] leaving Afghanistan, there were some [other] influences. The media and what was happening in Afghanistan, from seeing the disaster by the TV and the newspaper, influenced me. I was

UNCLASSIFIED//FOUO

UNCLASSIFIED//~~FOUO~~

Presiding Officer: The disaster you are referencing is September 11th, the Towers?

Detainee: No...no...not the [referring to the Towers]... the disaster in Afghanistan.....

Presiding Officer: Afghanistan...OK!

Detainee:the refugees and the poor people in Afghanistan. They [referring to the media] said [the] Islamic country it's in danger to be invaded by Northern Alliance.

Presiding Officer: OK!

Detainee: I was also influenced by my religious faith and mission.

Presiding Officer: OK! continue.

Detainee: When I was small, I always liked to help poor people, needy people. This point, it should be in my favor, not against me. Because this fatwa mentioned, is to help the people by peaceful ways.

Presiding Officer: Continue.

Detainee: Okay. Contrary to this fatwa, I am convinced that I don't believe [in] any fatwa. I am [totally] convinced by myself [my belief]. This Sheik, I never knew him personally. I never had a relation[ship] with this Sheik. I just read this fatwa on the Internet.

Presiding Officer: OK!

The linguist read: The detainee traveled to Afghanistan to join the Taliban.

Detainee: It's not joined the Taliban, to be a member of Taliban. [It's] just to help this country [referring to Afghanistan]. My leave for one month, that proves my intentions. Second point...

The linguist read: The detainee stayed in a Taliban safe house while in Herat, Afghanistan.

Detainee: This safe house, the taxi man, he took me to this safe house and it was free. I didn't pay any money. I stayed there for twenty-five days because [of] the situation, it was very bad during my stay there. They said we had to stay inside the house. It was very dangerous outside the house because of the problem that was going on outside. From the Afghan's themselves, between them.

Presiding Officer: In the middle there you said something about it being very bad. I didn't catch the word before that.

Detainee: Situation...

UNCLASSIFIED//~~FOUO~~

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Situation was very bad... OK...continue.

Detainee: Well, my stay in this house is not proof that I am a member of al Qaida or a member of Taliban. If I stayed in this house, it's not ...the fact that I stayed in that house is not proof of [the] allegation that I am [a] member of al Qaida or a member of the Taliban. I [just] stayed there.

Presiding Officer: OK!

Detainee: Third point.....

The linguist read: The detainee paid a man [one] thousand U.S. dollars to take him to Pakistan.

Detainee: It's normal ...this point is in my favor...it's normal because I don't like the war, I don't like to fight. I tried to get out of Afghanistan by any way. The proof [is that] I paid this very high salary for this man. I didn't want to stay there.

The Detainee looked at the reporter and said, "Good".

Presiding Officer: See...you're catching on now; make sure she [referring to the reporter] understands.

(Laughter....linguist stated, "Because if I have to repeat for her, I can, I am sitting close to him."

Presiding Officer: Yes, yes, thank you...that's very good.

The linguist stated, "Do you [referring to the detainee] still want to continue on point three or what to move to..."

Detainee: Okay...four and five, they are the same.

The linguist read: Four, the man is [a] member of Harakat Al-Mujahidin, and has knowledge of moving al Qaida fighter[s]. Five, Haraka Al-Mujahideen is [a] Kashmiri jihadist group.

Detainee: I [would like to] ask from the Presiding Officer to investigate on this information. I ask [the] Presiding Officer to investigate, please [investigate] about the Harakat Al-Mujahideen and this information. This is not true. I don't have any knowledge about it. This man, he hasn't knowledge about moving al Qaida members. Because this man, is in fact, he's a simple smuggler. He was Afghani, he didn't...he's not really this man. I saw him, I was with him many days when I [was] moving through Pakistan.

Presiding Officer: You are referring to the taxi man.

UNCLASSIFIED//~~FOUO~~

ISN 339
Enclosure (5)
Page 7 of 19

000775

UNCLASSIFIED//~~FOUO~~

Detainee: I'm referring to... Yeah...yeah...this man, the smuggler man.

Assisting Military Officer: No, not the taxi, sir, the...

Detainee: Four and Five.

Presiding Officer: Oh, the man you paid.

Detainee: Yeah.

Presiding Officer: OK! so you are referring to that man even though I don't believe there's a name.

Detainee: Yeah.

Presiding Officer: OK!

Detainee: How [does] this information get to here? I ask [that] if they arrested this man [then] ask them about this...*(the linguist said that the detainee said)* if this is true, they should capture this man and if this man is captured ask him if he knows about this moving [of] al Qaida fighters or just this. Is [there] doubt that you have about his man? I don't know. Even [if] this information is correct, I don't have any relations with this man. I just paid him to get me out of Afghanistan.

Presiding Officer: OK!

Detainee: Okay. Intention.

The linguist read: The detainee, [a] Saudi Arabian citizen, traveled to Herat, Afghanistan on 29 September 2001 to join the Jihad.

Detainee: Not for [a] Jihad. I went to help.

The linguist read: The detainee initially lied to American interviewers about his activities in Afghanistan.

Detainee: It was in the first interview in Pakistan, I was afraid of [them] kill[ing] me because I know myself I don't have any relations with September 11th and any terrorist act in the world. I was afraid that they [would] take me like a member of al Qaida or [a] member of any terrorist group [just] to get me in Afghanistan and kill me. I was very afraid of this. After that, when I went to the camp in Kandahar I told the interrogators by myself, voluntarily, I didn't have any pressure. I told them my story. Okay.

The linguist read: The detainee was apprehended by Pakistani authorities while trying to cross into Pakistan.

UNCLASSIFIED//~~FOUO~~

ISN 339
Enclosure (5)
Page 8 of 19

000776

UNCLASSIFIED//FOUO

Detainee: I was arrested inside Pakistan. This proves my intention to get out of this. If I want[ed] to fight or get to [a] jihad, why did I get myself outside? It's a point in my favor. When I was arrested in Pakistan, I was alone. I didn't carry any weapon and I was cooperative with the Pakistani government. When they arrested me, I didn't resist. [The] most important thing that the Pakistani wrote about us, it was a lie. Because all they want[ed] is the money. The Pakistani authority lies to us and lied to American Forces in order to get money. This is not good. I have some other things that show that I do not pose [a] threat for the Administrative Review Board.

Presiding Officer: Continue.

Detainee: First I don't hold any information [that is] important to America. Any intelligence value, I don't have any intelligence value for [the] American government. I [have] never been a member of any group, Islamic group or any other groups in my life. The period I was in the safe house, it was twenty-five days and I told the interrogator all what I saw in the safe house. The other period was with the families when I was moving through Pakistan. Now, it has been three years since our capture, it's a long time to remember details. Fourth, many details I saw, I told it to the interrogators. Now I forget many things because [of] my life here in the prison. Many things happened in my life during these three years. It makes me forget many things. I mentioned that I am not a member of al Qaida or any other group, terrorist group or anything. Lastly, some times here in the jail it takes sometimes five, six [or] seven months without interrogating me or asking me any question[s]. That's proof that I have no value or no information. That's it. I do not cause any threat on [the] United States of America or it's interest. [Consider] my good behavior during my presence here [and that I have] never had any problem[s] with the guard. The opposite is that I have [had] good relations with the guard. One time I found [a] saw that some worker left. I let the guard know about it. That prove[s] that I don't want to hurt anybody. Second, the American[s] helped us in the Gulf War and we are grateful to them. That [is how] my father raised me up or taught me. In the past [I] never [have been] arrested or had any problem with the law in my country, in Saudi. I was very cooperative with the interrogator until the border. I was cooperative with the interrogator through every point. Contrary, we had great respect, mutual respect. I feel sorry for what happened to America in nine eleven and we understand your mission against terrorism. I let the interrogator know many times that I am ready and I promised myself I will sign on some document that I am willing to answer any question they have, even though if I am free and I am in my country. I [will] sign a commitment to you. This is of course through the authorities, Saudis' authority. Also, I am ready [to] sign. I'll be like a resident surveillance...surveillance resident.

Presiding Officer: A civilian?

Detainee: Surveillance.

Presiding Officer: Surveillance? All right, could you repeat that [be]cause I could not put this sentence together?

UNCLASSIFIED//FOUO

ISN 339
Enclosure (5)
Page 9 of 19

000777

UNCLASSIFIED//~~FOUO~~

Detainee: Okay. I am ready. I mean to be at the disposition of the America. Even though I am in my country they will know where I am living. Surveillance residence, until they get all the information they need between the Saudi and the American government.

The linguist said, "He is willing to sign [a] paper even if he is free and they need him.

Presiding Officer: ...Surveillance on his residence.

Detainee: Yes sir!

Presiding Officer: Is that what you are trying to say?

Detainee: Yes sir!

Presiding Officer: OK! thank you.

Detainee: I am ready also, willing not to travel outside Saudi Arabia. This is all [to] show that I don't pose [a] threat or any threats. I am [the] father of five kids and I am the only son to my father. I know the value of fatherhood and the affection of the family. My father is sick and he has Cancer...no...[a] Stroke.

The linguist and the detainee were discussing the interpretation of the illness.

Presiding Officer: What's that? [referring to the linguist and detainee's conversation]

The linguist explained to the Administrative Review Board the similarities between the Arabic pronunciation of the word Cancer and Stroke.

Presiding Officer: OK! Just keep me informed [of the conversation].

The linguist agreed to keep the Presiding Officer informed.

Detainee: My father needs somebody to help him take care of him. Also my mother is sick and she has Diabetes. Also my son, Abdu Arrahman is sick and he has [a] sickness of the kidney. Nephrotic Syndrome.

Presiding Officer: OK!

Detainee: Also my daughter has no hips, her hips is displacing.

Presiding Officer: Replacement hip?

Detainee: Yeah.

Presiding Officer: Replacement hip!

UNCLASSIFIED//~~FOUO~~

ISN 339
Enclosure (5)
Page 10 of 19

000778

UNCLASSIFIED//~~FOUO~~

Detainee: Yes, replacement hip. This information is on all [the] letters that I receive[d]. They send me letters to let me know about their condition[s]. How they are doing. If you would like to confirm [this], you are welcomed to go back to the letters that [I] received. The letters, there are some letters from my family and there are some points here on the letters that my family says, we need you. [We are] in need for you and we miss you. This is [a] letter from my little daughter, her name [is] Asmaa that says, "I have the best Dad, very good, very good. I have the best Dad in the world. He's [the] sweetest Dad in the world". Another letter from my son, Abdu Arrahman, I always dreamed that you are here with us in the home...at home, and you will come back home soon. Also his Mother said [that] he saved some money, [so] if when my father comes I will have [a] big party. They always said, "I saw my Dad in my dream and I am thankful to God, thankful to God that at least he let me see my Dad in my dreams". Some letters for example, this letter from my little cousin, he said that your Aunt is missing you a lot and [that when] you went to Afghanistan you didn't go to [fight] ...even the young kids they say you went to Afghanistan for [a] Daawah, which means like a Fatwa (The linguist explained that a Fatwa means relief; to help with relief) and that shows that you are a good person not [a bad person]...even the young kids, they know. Even the young kids, they know that I am very, very peaceful...very peaceful. Also during my presence in Cuba, in the camp here, I didn't raise anything, any slogan against America or problems against Americans. Also, now I know the meaning of prisoner, of [a] human being in prison and the value of freedom. I don't want to have this experience in the future. Also my country observed that I am [a] good citizen and I don't pose [a] threat on America. Also, I don't have any relation with nine eleven from the past or from now. Now, I would like to talk about my future. I would like to recompose my family about what they lost while I was away from them and also to apologize to my father and my family and my wife for what I did. I will promise them [that] I will not go back to that. Also, I will be looking for [a] job. I want [a] new life and I want to change the place, the home. I dream about a big house with [a] big yard and I will be very busy with raising up my kids. I mean education, giving education to my kids, taking good care of them. To pay back my father, my mother, the sick ones [and] to be there for them, to help them. Also, I am trying to finish my university study in Poetry and Art. I have my Bachelor Degree in Sociology and I tried to finish my school in Poetry and Art. Also, I tried to get married again. In reality, I was captured in [a] place [that was] very dangerous. The purpose of prison in the world is to discipline. During my presence here in the prison, I [have] learned a lot, however, I was not grateful to the right[s] of my parents, also my wife and my kids. I am also victim to the media, what they were...propaganda of the media on the TV and newspaper. They say something and they are not true...propaganda. The extremist, religious extremist and that's the primary factor in the world that exist now. Unfortunately, those extremists are the one[s] who will represent religion. Most of the world is result[s] of those groups and problem[s] [with] the civilian[s], the innocent civilian[s], they are the victim[s]. If there were not those extremist groups, religious extremist groups [like] the Jewish, the Muslim[s] and the Christian[s] will live in peace. One thing that I [have] learned is [that it is] not [a] mistake to make [a] mistake but it's [a] mistake if [you] keep doing that mistake. My hope from the Board is to look at my case with a justice and [as a] human and [be] just. That I am [a] father to five kids and my presence here far away from my kids and my family and my wife, that makes them live day and night in pain of being away from each

UNCLASSIFIED//~~FOUO~~

ISN 339
Enclosure (5)
Page 11 of 19

000779

UNCLASSIFIED//FOUO

other and deprived. When they look at the other kids that they are with, their families, their parents and when they look for him [the detainee], he's not there. Imagine this traumatic situation, painful. When little kids ask, "Where is my father?" and "When is he coming back?", this is for sure [that] it did happen and happened a lot in the last two years. I ask the Board to promote freedom and [a] make smile on the face of those kids. No doubt, God, [a] grateful God, likes that and he encourage[s] people to do that. I ask the Board to take into consideration the fact that I have been here three years and five months. This period would be enough, even if I were wrong. With the knowledge that I didn't know [that] going to travel to Afghanistan that [it] will result [in] all this. At the end, the most important things, the most important proof [is] that I do not pose a threat. [There is a] witness of the Saudi government about that. I ask the Board [to] please review those two things. The allegation that request my continuous detention, they are not...they are little and doesn't prove that I am a real threat to America. [In] fact if you decide that I pose [a] threat on United States that will cost me [a]nother three years of my life. This is from experience, I say that from experience of the previous Administration (referring to CSRT). It took three years to have this one here. I thank the Presiding Officer, the member, the recorder, the translator and the gentlemen for listening to me and for their patience.

The linguist stated to the Detainee, "Did you mention to the Administrative Review Board what you mentioned to us about your father working with the...?"

Detainee: My father in [the] Gulf War...he, my father he's a General in...retired... he worked in [the] U.S...in Saudi's Army during the Gulf War. The Saudi's Army and the U.S. Army, they worked together.

The linguist stated, "His father is [a] General [in the] Army with Saudi's Forces and he worked with the U.S. Forces during the Gulf War when the United States helped in nineteen ninety-one in the Gulf War. They worked side by side.

Detainee: That's proves the good relations that we had with America and my family...

Presiding Officer: That wasn't mentioned anywhere.

The linguist stated, "He mentioned [it] to us in the interview, not today, [but the] last time when we had the interview".

Presiding Officer: No...I am glad [that] you brought that [up]. That's not anywhere in front of us...so...

The linguist stated, "Yeah, it was...this is how I know it...in the interview".

Presiding Officer: Khalid, does that conclude your statement?

Detainee: Yes, yes.

UNCLASSIFIED//FOUO

ISN 339
Enclosure (5)
Page 12 of 19

000780

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Did the Assisting Military Officer's statement provide the information [that] you wanted us to hear, the information that he earlier mentioned?

Detainee: Yes sir!

Presiding Officer: ...with the corrections that you provided.

Detainee: Yeah, okay.

Presiding Officer: OK! Assisting Military Officer, do you have any questions for the Detainee?

Assigned Military Officer: No, sir.

Presiding Officer: Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer: Yes sir. Khalid, in regards to 3.A.1. the detainee went AWOL from the Royal Saudi Air Defense Forces, you stated that you were a civilian, yet we normally associate the term A-W-O-L with [the] military. Khalid, at any time have you ever worn a uniform or held military rank or rate in Saudi Forces?

Detainee: No. I didn't wear any [uniform]...I didn't have a service...military service...we didn't have any service.

Designated Military Officer: Okay. My other question, in regards to 3.B.3. You paid a man one thousand dollars to take you to Pakistan. Okay, how did you come to meet this man?

Detainee: When I was in [the] safe house, it was an Afghani guy who speak[s] Arabic very good. He came three or four times and I asked this Afghan, I told him [that] I want[ed] to get out of Afghanistan. He went to search and he came back to me with this man.

Designated Military Officer: Okay, thank you. Sir, that's all I have.

Presiding Officer: Do any of the Administrative Review Board Members have any questions for the Detainee?

Board Members: Yes sir!

Administrative Review Board Member's questions:

Board Member: What type of clerk were you, as a civilian worker, what did you do daily?

Detainee: Secretary, like secretarial.

UNCLASSIFIED//~~FOUO~~

ISN 339
Enclosure (5)
Page 13 of 19

000781

UNCLASSIFIED//FOUO

Board Member: For who?

Detainee: In [the] office of training [for the] Air Force Defense. The way it works, [is] we get the names of the people who want to go to get trained and [I] take care of the schedule and planning for them. According to the condition we sent them.

Board Member: Did your degree in Sociology help you with that job?

Detainee: No this job, my father was the intermediate. I mean the mediator for [them] to give my Dad this job because he was [a] General in the Army.

Board Member: Okay, that saves me one question then. Do you intend to get a similar type [of] job again, if released?

Detainee: I don't think now my job is still available for me. But, I will do any job, I mean to survive.

Board Member: Has your father written you while you have been detained here?

Detainee: Yes, I have [a] letter here.

The Detainee points towards a pile of papers on the floor.

Board Member: I don't need to see them. I just wanted to know. Is your father still connected with the government and able to help you get a job?

Detainee: I swear [that] my Dad now, his health condition [is] very, very poor. But he can still help me, with the laws help.

Board Member: Who is taking care of your family financially while you are here?

Detainee: My father.

Board Member: Thank you, I don't have any more questions.

Board Member: Khalid, did you know about the September 11th attacks against the United States when you went to Afghanistan?

Detainee: Yes, of course. Everybody knew about it.

Board Member: And your family knew about them?

Detainee: Yes, my family knew.

Board Member: Did your family support you going to Afghanistan?

UNCLASSIFIED//FOUO

ISN 339
Enclosure (5)
Page 14 of 19

000782

UNCLASSIFIED//FOUO

Detainee: I didn't tell them.

Board Member: You didn't tell them. What did you do for twenty-five days in that guesthouse?

Detainee: First days I went to see how to help the people there. Next week it becomes trouble. I was obligated and everybody in the safe house [was] obligated to be inside this house.

The linguist interjected and said, "to stay inside".

Board Member: Did you meet any people in the guesthouse?

Detainee: Yes, I met [some people].

Board Member: Can you tell us their names?

Detainee: There's one that is in charge there.

Board Member: What was his name?

Detainee: His name [is] Amir.

Presiding Officer: Spell that please.

Detainee: A-M-I-R !

Presiding Officer: Amir... OK!

Detainee: The other guy, A-B-D-E-L, M-A-G-I-D.

Presiding Officer: Magid.

Board Member: Do you remember the name of the person [that] you paid the thousand dollars to, to take you to Pakistan?

Detainee: Yeah.

Board Member: What was his name?

Detainee: His name is F-A-D-E-L, A-R-R-A-H-M-A-N.

Board Member: Did he take you all the way to Pakistan?

Detainee: Yes, yes all the way.

UNCLASSIFIED//FOUO

UNCLASSIFIED//~~FOUO~~

Board Member: Do you know what region you passed through between Afghanistan and Pakistan?

Detainee: Yeah, yeah.

Board Member: What region was that?

Detainee: I spent... he put me in a house with a family in Khost for seventeen days. He went to get me a Visa for Pakistan and after that he, I understood that he couldn't have a Visa from there and he took me to another place, in a small town on the frontier, it's called Boldeq and he put me there for ten days and he got me my passport and I crossed the border.

Presiding Officer: Boldeq, could you spell that?

Detainee: B-O-L-D-E-Q.

Presiding Officer: Boldeq, OK. Something like that, thank you.

Board Member: So you had a passport when you entered Pakistan?

Detainee: Yes...yes, I have...

Board Member: So why were you arrested?

Detainee: I don't know, I think I was arrested for the money.

Board Member: For the money?

Detainee: ...by the Pakistani people, they did it..

Board Member: Why does the Saudi Arabia Air Force say you were AWOL, absent without leave?

Detainee: I left with permission.

Board Member: Did you stay longer than thirty days, could that be the reason?

Detainee: Yeah, maybe it is because of this reason.

Board Member: All right. Did you ever see any weapons or did you ever carry any weapons when you were in Afghanistan?

Detainee: No, I didn't carry any weapons.

Board Member: Did you see any weapons in the safe house?

UNCLASSIFIED//~~FOUO~~

ISN 339
Enclosure (5)
Page 16 of 19

000784

UNCLASSIFIED//~~FOUO~~

Detainee: I saw [weapons]...no not in the safe house [but] when I was on the road.

Board Members: On the road?

Detainee: ...on the road, yes I saw some gangs.

Board Member: Okay, I think that is all the questions.

Presiding Officer: I'm sorry did you say some gangs?

Detainee: Yeah, the situation was like this, disorder. It was very chaotic.

Board Member: Finally, I thought Daawah was missionary work, not welfare work.

Detainee: Yes, it's missionary work.

Board Member: You didn't go there to do missionary work, did you, no?

Detainee: No...no...the small man in the letter he wrote Daawah.

Board Member: Okay, that's all the questions I have sir.

Presiding Officer: So in the letter, someone referred to missionary work.

Board Member: Missionary work and it wasn't missionary work.

Detainee: Is wasn't missionary work, yeah. This prove[s] that I didn't have any jihadist work.

Board Member: Okay, they're all converted.

Presiding Officer: OK. Question, you had mentioned something about or I believe you said something along the lines of you had made a...you realize you [had] made a mistake and that you wouldn't do this again. But, I also think you said that you went, your jihad or fatwa was to do...to help the poor. So I am not sure how that's a mistake, please explain if I am misunderstanding something?

Detainee: In regard to help[ing] the poor, it's not [a] mistake. Mistake is first, I went there without letting my family know. For the Afghan it is forbidden for the Saudi to go to Afghan and that was not a mistake for my country I did. Also, I was wrong because I didn't understand [the] situation. The situation that was around Afghanistan, especially I left after the events of nine-eleven. The period in which when I was in Saudi after nine eleven, they were saying and talking about the people who were in charge of this event, nine-eleven is the Red Army, Japanese Red Army and after that they said al Qaida, and after this they said some terrorist group in America and also they said some fanatic

UNCLASSIFIED//~~FOUO~~

ISN 339
Enclosure (5)
Page 17 of 19

000785

UNCLASSIFIED//FOUO

Catholic in America, they're the one's who did that and the picture wasn't clear. To me, I didn't expect America will go to Afghanistan and will fight over there. This is where I was wrong. I put myself in [a] delicate situation and trouble without knowing it, mislead. The poor people are everywhere, they are in other countries [but] the propaganda was only on that region, which is Afghanistan. The media was forced on Afghanistan. You understand [referring to the Presiding Officer]?

Presiding Officer: If he's saying what you're saying, I understand what he's saying. At the safe house, you said it was free. Who do you think was paying for this if you didn't have to pay for it, so that you could stay there free?

Detainee: Yeah, I think it was paid by the Taliban government.

Presiding Officer: OK. But...and again in Connection [referring to the Unclassified Summary] it said the detainee travel to Afghanistan to join the Taliban and now you're saying that the Taliban paid for you to stay at a house [for] free, but you're also saying you're not a member of the Taliban.

Detainee: Yes, I'm not a member but I am a guest.

Presiding Officer: A guest, okay. And you did provide the name of the man that you paid [the one] thousand dollars too?

Detainee: Fadel Arrahman.

Presiding Officer: Right.

Detainee: ...without the 'e', Fadll

Presiding Officer: Okay and you're not sure what job you would go back to. You also mentioned that you're not a threat to the United States, but how about...are there any countries you are a threat to because that's not our only concern here?

Detainee: I don't even pose a threat on my neighbor. I mean...of my nature I respect people and I respect their opinion. There is no problem, I mean.

Presiding Officer: Okay, thank you. Assisting Military Officer do you have any other information the Detainee wants to present?

Assisting Military Officer: No sir.

Presiding Officer: I'm adlibbing...[directs the linguist to the correct place on the script]. [Do] you [referring to the detainee] understand me...Do you understand?

Detainee: Yes.

UNCLASSIFIED//FOUO

UNCLASSIFIED//~~FOUO~~

The Presiding Officer reads the post-Administrative Board instructions to the Detainee and adjourns the open session of the Board.

AUTHENTICATION

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


Colonel, USMC
Administrative Review Board Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN 339
Enclosure (5)
Page 19 of 19

000787

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 335

The Administrative Review Board (ARB) 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 ARB 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 had been previously distributed to the AMO and Detainee.

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

The Presiding Officer asked the Designated Military Officer for any further unclassified information.

ISN 335
Enclosure (5)
Page 1 of 2

UNCLASSIFIED//~~FOUO~~

000788

UNCLASSIFIED//~~FOUO~~

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he previously submitted a summary of the interview.

The Presiding Officer read the remainder of the unclassified portion of the Administrative Review Board proceedings, and then adjourned the proceedings.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Colonel, U.S. Marine Corps
Presiding Officer

ISN 335
Enclosure (5)
Page 2 of 2

UNCLASSIFIED//~~FOUO~~

000789

UNCLASSIFIED//~~FOUO~~

Summarized Administrative Review Board Detainee Statement

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

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

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

The Designated Military Officer presented Exhibit DMO-1, the Unclassified Summary of Information to the Administrative Review Board. He then provided a brief description of its contents.

The Designated Military Officer confirmed that he had no additional unclassified information to present but requested a closed session to present classified information.

The Presiding Officer opened the Administrative Review Board for 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 written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Yes sir. My understanding is that the Detainee desires to address the board when he is presented that opportunity. I'd like to make some comments also concerning the notes I took during my initial interview. During the initial interview, the Detainee stated he would provide oral explanations regarding the information contained in the Unclassified Summary during this particular hearing. Also sir, when I explained to him my duties and responsibilities as the Assisting Military Officer during my interview, he did not provide me with any explanations, comments, or requested any assistance from myself during that interview session. That concludes my statement sir.

Presiding Officer: Assisting Military Officer, I understand. I will request that you assist the Detainee in his statement by repeating the various portions of the Unclassified Summary for his assistance.

Assisting Military Officer: Very good sir.

Presiding Officer: Abd Al Aziz Muhammad Al Nasir, I understand you wish to make a statement. Is that true?

Detainee: Yes.

UNCLASSIFIED//~~FOUO~~

ISN 273
Enclosure (5)
Page 1 of 8

000790

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Do you want to make your statement under oath? An oath is a promise to tell the truth and we have prepared a Muslim oath if you wish to use it. We do not require an oath. It is your choice.

Detainee: I don't have a problem. I came here with the intention of telling the truth so why should I swear? I do not have a problem, if you wish me to swear, I will.

Presiding Officer: We don't require it, it's your choice. I would like to ask the Designated Military Officer to read the Muslim oath for the Detainee's information.

The Designated Military Officer read the Muslim oath for the Detainee's information as instructed.

Detainee: Should I swear?

Presiding Officer: If you would like to use that oath, that would be perfectly fine. It is your choice.

Detainee: In the name of Allah, the most compassionate the most merciful; I swear that what I say before this Administrative Review Board will be the truth. God willing, it will be the truth.

Presiding Officer: Thank you. Abd Al Aziz Muhammad Al Nasir, you may provide any statement you wish for us to consider in this matter.

Detainee: You (the Assisting Military Officer) can say the first point and then I will speak and then the second point and then I will speak and so on.

Assisting Military Officer: Very good.

The Assisting Military Officer read the unclassified summary items identified below in italics.

3.a.1. The Detainee voluntarily traveled from Saudi Arabia to Kabul, Afghanistan immediately following the September 11, 2001 attacks.

Detainee: That is correct. It is exactly true that I did leave Saudi Arabia to Afghanistan after the events. When I saw what happened on the world news and I saw the American bombing in Afghanistan and I saw the refugees, that is what inspired to me to go and travel there.

3.a.2. Detainee traveled to Afghanistan through an indirect route from Saudi Arabia to Syria, Syria to Iran, and then walked across the border from Iran to Afghanistan then on to Kabul, Afghanistan.

Detainee: As far as I know, to my knowledge, there is no way to get from Saudi Arabia to Afghanistan by plane. The only way was the way that was indicated. As far as I know I traveled from Saudi Arabia to Syria on a plane. I left from an international airport and I also went to Iran and to Syria as far as I know they are also known airports or international airports, so where is

UNCLASSIFIED//~~FOUO~~

ISN 273
Enclosure (5)
Page 2 of 8

000791

UNCLASSIFIED//~~FOUO~~

the indirect route? I traveled from Saudi Arabia to Syria, Syria to Iran and as far as I know the airports were all international airports.

3.a.3. Detainee arrived in Kabul, Afghanistan 55 days after September 11, 2001.

Detainee: I don't remember exactly but approximately yes that's true.

3.a.4. Detainee stayed in Kabul, and then after it was attacked by the Northern Alliance fled to Pakistan.

Detainee: It wasn't fleeing. I told the board before this and I told all of the interrogators my exact route. I went from Kabul to Pakistan and I'm the one who turned myself in. I went to the Pakistani police and I turned myself in. This information is present in the files from the previous board and with the interrogators. I told them that I went to Pakistan and I went to the Pakistani police and I told them that I wish to be taken to the Saudi Embassy and they agreed to take me there but then they arrested me.

3.a.5. Detainee fought in Tora Bora.

Detainee: My explanation of the previous points, I have made this point irrelevant. It's not true, I did not fight in Tora Bora.

3.b.1. Detainee admits to working with al Wafa while in Afghanistan.

Detainee: I did not admit that I was working with al Wafa. I was staying with al Wafa. However, when I left Saudi Arabia and I went to Afghanistan, I did not know that I was going to work specifically with al Wafa. I didn't have that plan in my mind. I was going there with the intention of performing charity work but not with any specific organization.

3.b.2. Al Wafa is a known terrorist support organization.

Detainee: Honestly, it is something that is not known to me. It may be known to you; you are the American government and you might have information that I do not have but as far as I'm concerned it's not known to me.

3.b.3. Detainee's name was found on a hard drive file of a known al Qaida operative.

Detainee: I don't know how my name got on that computer file. As far as I know I did not meet anyone from al Qaida. I told the interrogators of all the people I met in Afghanistan. However, when I was in the Pakistani prison, the Pakistani authorities came to the prison and photographed us. They photographed many of us including my brother and maybe they released our names to some member of al Qaida but I don't know how my name ended up on the hard drive.

Assisting Military Officer: That was the complete summary of evidence that are being used favoring continued detention. Do you want to address the summary of information that favor your release or transfer?

UNCLASSIFIED//~~FOUO~~

ISN 273
Enclosure (5)
Page 3 of 8

000792

Detainee: Yes

4.a. Detainee's overall behavior has been non-aggressive.

Detainee: This is true. You have that all reported in the file as well that the guards in the cellblock report all kinds of behavior. I don't have any problems with the guards or anything. If I want something from the guards I ask them but there's not any relationship or any kind of talking or going back and forth between me and the guards. The relationship between me and the guards is a relationship of respect. The guard works there and I'm housed here as a Detainee. That's it.

4.a.1. Detainee has only one case of harassment of the guard force. His actions mostly involve failure to comply with the rules of the guard force or the cellblock by performing physical training in his cell and speaking with detainees in other cellblocks.

Detainee: It's true that I had only one piece of harassment and I remember it very well. The fact is that I had one piece of harassment, I was punished for it and I was stopped from doing it again. This is all recorded in the file and my file is clean otherwise. Does it make sense that you would punish me for the same offense twice? You are putting it against me right now. You said that you have one case of harassment against you but I did once and I got punished for it and that's it.

Presiding Officer: I understand.

Assisting Military Officer: Sir, I'd like to also add that I have conferred with the commander of the guard force and for clarification; the rules regarding physical training only apply to martial arts. Therefore, if the Detainee was not conducting martial arts training, he was not in violation of any physical training rules.

Presiding Officer: For the Detainee, I recognize from this document that this was a one time event. It is not really a major factor in continued detention. It is actually listed as a favorable factor for your release, that it was a one time thing.

Detainee: I understand what you are saying and I would also like to point out to you that I am complying with the rules. They brought us a long list of rules and regulations that they even posted on the cellblocks in the back and brought over to Camp 4. One point on the rules and regulations said that you cannot perform any physical activity that pertains to fighting or something like that. I did not perform that kind of physical activity. If they had told me to stop doing any other physical activity I would have done so.

Presiding Officer: On behalf of the detention facility, I do appreciate your cooperation while in detention.

Detainee: You are welcome.

4.a.2. Detainee doesn't know how his name ended up on a file on a computer hard drive.

Detainee: Correct.

4.a.3. Detainee states he only went Afghanistan for charity work.

Detainee: Correct.

4.a.4. Detainee stated he believed al Wafa was only a charity organization.

Detainee: Correct.

4.a.5. Detainee stated he did not use the alias Abu Khalid.

Detainee: Correct.

4.a.6. Detainee stated he did not know of the turmoil in Afghanistan until after he was there.

Detainee: This is true and I want to speak regarding this point and another point. It is true that when are going somewhere for the first time, you don't know what is going to be happening or what the situation or the circumstances might be. In my case I was going to do charity work but when I got there I saw that it was war, real war; you don't know anyone, it's just a war. When I went to Afghanistan I saw the war first hand and what was happening in front of you. When I saw the reality of war and I saw the bombings and so on, is one of the main reasons that made me go back to Pakistan. I wanted to go back to my country.

4.a.7. Detainee stated he used his own money for the trip to Afghanistan.

Detainee: Correct.

4.a.8. Detainee denies ever being in Tora Bora.

Detainee: Correct.

4.a.9. Detainee admitted he "turned himself in" when he fled Afghanistan and crossed into Pakistan.

Detainee: Correct.

Assisting Military Officer: That concludes the primary factors favoring his release or transfer.

Presiding Officer: Abd Al Aziz Muhammad Al Nasir, does that conclude your statement?

Detainee: No, there is something that I wish to present to you.

Presiding Officer: Please.

UNCLASSIFIED//~~FOUO~~

Detainee: The Assisting Military Officer previously informed me that one of the questions that I might be asked was what do you intend to do if you leave here. I would like to present what I would do if I left here. I have been talking with the interrogators and have talked to them previously about what I intend to do if and when I am released from here. The first point is three years here in this place is enough discipline for me. I have learned that I will not undertake any kind of action without looking at its pros, its cons, its consequences. So these three years here have been good for me in a way and they have not been good for me in a way, as I have been here for the past three years. The first thing that I would do when I leave here, God willing, is to fulfill my religious obligations and get married and start a family, God willing. Also, God willing, to take care of my mother; my father has passed away and she doesn't have a male figure in her life, so I would like to take care of my mother, God willing. The interrogators have informed me that the Saudi government has decided or advertised that the Detainees here when they return, the young Detainees will be able to complete their studies. So, if you are high school age you will go to high school and if you are college age you will go to college. I am of college age so I would like to go to college and complete it. If that did not occur for some reason, if I was not able to go to college, I would like to get a job; a lawful job. If that kind of job was not possible then I would like to find another kind job that would be profitable and bring in an income that will support me, my family, and my mother.

Presiding Officer: Thank you for your statement. That was very helpful. Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer: No sir.

Presiding Officer: Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer: This is in two parts. Did you approach al Wafa or a member of al Wafa while you were in Saudi Arabia and why did you chose to associate with al Wafa?

Detainee: The first part of the answer is that I did not present myself or introduce myself to any member of al Wafa. I did not know anyone who belonged to al Wafa. Please repeat the second part.

Designated Military Officer: Why did you chose to associate with al Wafa?

Detainee: First of all I was not associated with al Wafa. I did not know of al Wafa and I didn't plan to work with al Wafa. I did not know of them until I went to Kabul. That was the first time that I learned of them. The third point I would like to make and I also made this point to the previous board, is that I never worked with al Wafa. I stayed with them and the extent of my stay was approximately eight days. I only stayed with them until I went to Pakistan.

Presiding Officer: Do any Administrative Review Board members have any questions for the Detainee?

UNCLASSIFIED//~~FOUO~~

ISN 273
Enclosure (5)
Page 6 of 8

000795

Administrative Review Board members' questions:

- A. Can you explain how [somebody] might have come up with the alias that is listed in your reply for 4.a.5. where you stated you did not use the alias Abu Khalid? Can you explain or do you have any sort of explanation why somebody might have identified you with that alias?
- A. God only knows that there are a lot of Detainees here and they come from all different areas in the world and a lot people say oh I know this guy by this name or this person by this name. It could have been a mix up. It could have been a mistake in translation. It could have been a mistake in the interrogation. As far as I know, from the moment I was detained in Pakistan, I told them that I never used any alias and that the only name I have ever used is my name Abd Al Aziz Muhammad Al Nasir and that's it. There is a point I would like to address. It has occurred from time to time, the interrogators have informed us that there were some errors in translation always when you speak to a person as opposed to me speaking as the Detainee. The Detainee speaking to you for example as a member of the board and speaking to you directly we would understand each other a lot better and a lot errors and misunderstandings would be fixed. If you have someone who is mediating the discussion like a translator, the translator might relay something to you that is not correct or relay something to the Detainee that is not correct. This is something that has been a problem. This is something that we suffer from and something that the interrogators suffer from. The interrogators have talked to us about this.
- A. From the time that you were captured in Pakistan going back from the time you were arrived in Afghanistan, can you explain where you were as you denied that you were in Tora Bora in your report, can you explain just in general what you did from the time you arrived to the time you were picked up?
- A. Yes, I have no problem doing that. When I went to Afghanistan I went to Kabul. That's where I went in Afghanistan. I stayed with al Wafa for about eight days. After I was there for eight days the events happened that I discussed before in the previous board and the interrogations. Kabul fell and it was just chaos and I didn't want to be there at that time. I wanted to go back to my home country and so I left Kabul and went to Khost and from Khost I went to Pakistan.
- A. During that entire time you never fought?
- A. I was not fighting. I told you this before. I told the interrogators this before. I went there for charity work. I don't know how to make you believe that I was not fighting.
- A. Were you by yourself or were you with other people? Did you have compatriots that were with you?
- A. As I have told the previous board, I was with my brother, my cousin, and another man. We went from Kabul to Khost and then Khost to Pakistan with my brother, my cousin, and the third man was name was Abdullah (ph), who is here.
- A. I understand that you are from Saudi Arabia is that correct? May I ask where you lived and where you grew up in Saudi Arabia?

UNCLASSIFIED//FOUO

A. My childhood was in Mecca. My father was a teacher in Mecca. When my father passed away, we went from Mecca to Riyadh because we had cousins and relatives there and since we were young they could have taken care of us. When we grew up a little we went back Mecca. Then one of my brothers registered for college in Riyadh and so we were obligated to go back to Riyadh because my brother had registered for college so we went there again and that's where we stayed.

A. My condolences for the lost of you father. Am I to understand that your father was lost before you left Saudi Arabia for this journey of yours?

A. My father passed away a very long time ago.

Presiding Officer: Abd Al Aziz Muhammad Al Nasir, do you have any further information you would like to provide us? What you have given us so far has been very helpful.

Detainee: That is all that I have but is there going to be another hearing?

Presiding Officer: That actually will come up in the following instructions. If that doesn't answer it, please ask your question one more time before we conclude.

Detainee: When am I going to get the answer regarding this hearing?


Presiding Officer: I understand that is a common question and unfortunately I don't have an exact date. I would appreciate the Detainee's understanding that we like to be thorough and to take our time in providing a complete review of your case. It could be a matter of months. And as I said before, we do appreciate your cooperation while you are in detention. That only favors your favorable consideration in this matter.

The Presiding Officer confirmed that all unclassified information had been presented to the Administrative Review Board and concluded the open session.

The Presiding Officer read the reminder of the Administrative Review Board process to the Detainee and confirmed that the Detainee's question regarding another hearing was answered adequately. The Detainee indicated that it did answer his question and that he had no further questions.

AUTHENTICATION

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


Presiding Officer

UNCLASSIFIED//FOUO

ISN 273
Enclosure (5)
Page 8 of 8

000797

Summarized Administrative Review Board Detainee Statement

The Administrative Review Board was recessed on 16 February 2005 at 1244 hours and reconvened on 19 February 2005 at 0831 hours.

The Presiding Officer read the Hearing Instructions to the Detainee. The Detainee was unsure of the proceedings concerning providing a written statement, oral statement and classified portion of the Administrative Review Board. The Presiding Officer answered the following questions put to the Board by the Detainee.

Detainee: What kind of information?

Presiding Officer: Relevant information to give us reason not to detain you here any longer in Guantanamo Bay. Adil, do you understand this process?

Detainee: Generally, I don't understand the proceeding of this court, regarding the information that is secret or classified. I don't understand that doesn't give me the opportunity to defend myself, because there is secret information. You are from a lawful country or a law-abiding country. And as a law-abiding country you should afford me the opportunity to be represented by someone, I should have someone here who will speak on my behalf according to the laws that you are going by. That's regarding the question; do you understand these proceedings?

Presiding Officer: Okay, but do you understand that you are allowed to present written statements, oral statements and statements of persons who can provide information relevant to your case.

Detainee: Yes, I understand and I know that I have the opportunity to present information, but the picture is not clear. There is information that is hidden because its secret or classified information. So if I am not able to address all the points that would make my story very clear because there maybe something's that I do not know of, or are hidden that I cannot address and so I cannot make that clear to you.

Presiding Officer: I will make all the unclassified information as clear as I can during these proceedings.

Detainee: That is very well, from what I understand of the information that you present I will address that to the best of my ability.

Presiding Officer: That is all we can ask.

Detainee: That is very well, but what about the information that is classified? How am I going to be able to defend myself against information that is classified, if I cannot be there and I cannot speak about it?

Presiding Officer: Information that the owning government agency has decided could cause damage to our National Security if released. This board does not have the authority to change that decision and allow you to view it.

Detainee: I understand, but if this information has something to do with me or has something to do with my case, then I should be able to view it, so I can properly address it.

UNCLASSIFIED//~~FOUO~~

ISN 060
Enclosure (6)
Page 1 of 12

000798

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Okay, I'm going to repeat the last sentence again. This board does not have the authority to change that classification, so we cannot divulge it to you.

Detainee: According to your procedures you say that you cannot change that information. So I will also say that I will not be able to defend myself completely, because of my lack of ability to view the information that is classified.

Presiding Officer: Okay, I understand, I think as we go on some of the questions we ask may help clear up information.

Detainee: Very well if the information is clear to me then I will be able to answer.

Presiding Officer: Thank you.

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

The Designated Military Officer presented Exhibits DMO-1, the Unclassified Summary of Information and DMO-2, the FBI Redaction Certification to the Administrative Review Board. He then gave a brief description of the contents of Exhibit DMO-1. The Designated Military Officer confirmed that he had no additional unclassified information to present and requested a closed session to present classified information relevant to the disposition of the Detainee.

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

Presiding Officer: The Detainee may now present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Sir, the Detainee would like to answer each of these points on the unclassified summary and then he'll be prepared to answer any questions from the board.

Detainee: As the questions pertain to the information that I am aware of that I have entered into.

The Presiding Officer asks the Detainee if he wishes to make a statement and if so will he take the Muslim oath. The Detainee has questions concerning the oath and the Presiding Officer explains to the Detainee about the Muslim Oath. The Detainee wishes to hear the oath prior to taking it, the oath is read by the Designated Military Officer. The Detainee declines to take the oath.

Presiding Officer: Adil, you may begin.

Assisting Military Officer: The Detainee traveled to Afghanistan via Iran in late September or early October 2001.

UNCLASSIFIED//~~FOUO~~

ISN 060
Enclosure (6)
Page 2 of 12

000799

Detainee: Before that it has the word intent. Is that part of the same question or what is that?

Assisting Military Officer: Yes, that would be the reason; intent means the reason you went.

Detainee: I did travel to Afghanistan through Iran, to administer help to the refugees and the poor in Afghanistan. That is the reason in general why I traveled.

Assisting Military Officer: The Detainee was a fighter at Tora Bora.

Detainee: I have never heard of Tora Bora until I came here. I was never a fighter in the first place and if I was a fighter then I would have admitted to being so.

Assisting Military Officer: The Detainee has been disruptive and aggressive while in detention.

Detainee: I'm not sure exactly what this question is talking about, I'm not sure what it is referring to. What is disruptive behavior?

Assisting Military Officer: That would mean you were causing problems.

Detainee: I never had any problems during my entire detention, except when it came to the Koran. The administration and the guards were disrespectful to the Koran. One of the Interrogators was disrespectful to the Koran and insulted it by stepping on it with his foot. Also, one of the guards not sure who it was, but we found a copy of the Koran with one of the pages that had an outline of a shoe on it. The problem that occurred between me and the administration or the guards, was that I tried to return the Koran, I didn't want this Koran in my cell. The Chaplain, he said his name was Yosef he said he was the one responsible for our religious affairs. I talked to him about taking the Koran from me, because I didn't want that one. He told me he could not accept the Koran from me, they had an order from the General not to accept any Korans from anyone. So I told him that I would return it to you by force, I don't want the Koran here if you will not receive it. The Chaplain said to me if it comes down to it, then we'd put ten Korans in your cell, if it came to that. So I did give away the Koran, one of the other Detainees who did not have a copy. I gave my Koran to one of the Interpreter's who was Muslim, I told him that "that Detainee doesn't have a Koran he could have that one". So he took it. Some of the other Detainees did return the Korans and some of the Interpreters took them from the Detainees. A problem occurred with the Administration, because they wanted to place a Koran in every cell by force, so we refused. Then there was trouble and they came in like the riot police, like they perform guard duties to quell the uproar.

Presiding Officer: Let me interrupt. Is that your perception of what he said, "I guess" or is that what he said. Did he say, "to quell the interruption" or is that what your surmising.

The Interpreter asks the Detainee to repeat the last part of his statement.

Detainee: No, it was like a military operation to bring the Koran into the cells by force. They were spraying bottles at us and we had to spray them with water, because they were spraying us. They turned off all the fans and closed the doors and they sprayed that spray so that we were being suffocated. After this happened they came into us and said, "You will take this Koran or I will give it to you by force." So I refused. The guards came in and they hit me on my nose and

UNCLASSIFIED//~~FOUO~~

they hit my mouth and they injured my leg, because I refused. After that they put the Koran in my cell and they left. They took all the furnishings as well; they didn't leave me with anything but the bare floor. That was the problem I had regarding the Koran. And when it comes to problems with the guards. I don't have any problem with the guards, because I don't talk to them very often except when I am asking them for requests. Sometimes the guard may say something or his behavior, like a curse word and then I say something as well. Regarding the bad behavior with the guards or the other things like that, there was none. Most of the guards were well behaved towards us. They were understanding towards us and they would talk to us with respect and good behavior. Some of the guards were bad with us, if we saw some that were bad we wouldn't talk with those guards.

Assisting Military Officer: The Detainee was captured by the Pakistani Military after leaving Afghanistan.

Detainee: I have answered this question before. I said that I was not arrested by the Pakistani Authorities, but when I was walking I saw the point in front of me and I knew I didn't have anything to hide. I had all my papers in order, all of my documentation and so if I thought that I would be arrested, then I wouldn't have kept going towards it. But I walked towards it cause I knew I didn't have anything to hide. That is it, regarding this question.

Assisting Military Officer: Those were the only points?

Detainee: I gave you the general idea, but I don't know if you want any details or what you want exactly. Because it has been three or three and half years since what happened to me some of the information may not be recalled easily. I have been here for three, three and half years in the prison and the psychological pressure and the emotional state because of what happened, the events that have happened may cause me not to be able to recall everything. So if there is any question that you would like to ask, I am prepared to answer based on the information and the question.

Presiding Officer: Adil, does that conclude your statement? Did the AMO statement provide the information you wanted us to hear?

Detainee: I don't know what you mean by that question.

Presiding Officer: Basically, your response to each of the questions that the AMO asked you.

Detainee: Based on the points we had mentioned now? Like I told you this was general idea or story. But if you want more details based on the questions you might ask or need more information, you tell me so that I may give more details.

Assisting Military Officer: That is all the information I have as far as questions to ask you. If you have any further comments you want to make on your story you can do that.

Detainee: For example my travel from Bahrain to Iran and then from Iran to Afghanistan. The purpose was because of the refugees and the poor people in Afghanistan because of the war. There were advertisements on the Satellite TV, because of the war and the great number of people that were there. That was the reason for the advertisement, they said that winter was

UNCLASSIFIED//~~FOUO~~

ISN 060
Enclosure (6)
Page 4 of 12

000801

UNCLASSIFIED//FOUO

coming and that was the reason for the poor, so on and so on. And there would be difficulties and hunger because of the cold and so on. That is what prompted me to go and it also coincided with my vacation time. Because my vacation was I believe before September. Yes before the events. I was on vacation and I worked in Bahrain and that period was before Ramadan. That is the time to give charity or money during the year. That is the time to give it and it coincided with Ramadan. So I took the opportunity to present this charity to the poor and the needy. So I preferred to go myself to Afghanistan and to present it. That is in general a summary of the reason that I went to Afghanistan.

Presiding Officer: Adil. Does that conclude your statement?

Detainee: Approximately, I don't know what you need exactly. What I remembered, I talked about.

Presiding Officer: Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer Questions to the Detainee.

Assisting Military Officer: Just one. Is it true that charity, giving to the poor is one of the Pillars of Islam?

Detainee: Yes.

Assisting Military Officer: And many people from your country travel to other poorer countries in order to fulfill that Pillar of Islam.

Detainee: Yes, not just my country, but most of the countries in the Gulf. Some of them pay this charity through organizations and some of them go themselves as part of a group to extend or present their help to people.

Presiding Officer: Thank you. Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer Questions to the Detainee.

Designated Military Officer: Yes sir. Adil, did you take food to Afghanistan?

Detainee: What do you mean, I don't understand. What do you mean I took food to Afghanistan?

Designated Military Officer: You stated your reason for going to Afghanistan was that people did not have food, they would be cold and you were going to help them.

Detainee: Do you mean I was going there with materials in hand, like rice and food and so on?

Designated Military Officer: Yes, and coats.

Detainee: No! I can't as one person take all that stuff.

UNCLASSIFIED//FOUO

ISN 060
Enclosure (6)
Page 5 of 12

000802

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: What did he take?

Detainee: I took the money my charity money. I talked about this; I also stated the amount of money that I took with me.

Designated Military Officer: Let me understand. You see an advertisement, where people are going hungry and you take them money.

Detainee: Yes.

Designated Military Officer: Were you ever in a place where airplanes dropped bombs upon you?

Detainee: No, I didn't see any bombing on my trip.

Designated Military Officer: Did you see any acts of war in your journeys in Afghanistan?

Detainee: No, no. If I had seen anything like military affairs or fighting or anything like that I would have left or bombing I wouldn't have gone in.

Designated Military Officer: Do you understand English?

Detainee: Yes, I understand a little.

Designated Military Officer: If you had permission to enter Pakistan then why did you enter Afghanistan through Iran? You stated that your papers were in order to go into Pakistan why did you enter Afghanistan through Iran?

Detainee: I didn't say I had paper to go into Pakistan.

Designated Military Officer: You said your papers were in order and....

Detainee: Yes but they were fine. The papers were official, I had vacation from work, and I had my Passport.

Designated Military Officer: Did he have a Visa for Pakistan?

Detainee: Pakistan doesn't require a Visa. From the Gulf from Bahrain to Pakistan we don't need a visa.

Designated Military Officer: Sir, that is all I have.

Presiding Officer: Thank you. Do any Administrative Review Board Members have any questions for the Detainee?

Board Member: Yes sir I have.

Board Members Questions to the Detainee.

UNCLASSIFIED//~~FOUO~~

ISN 060
Enclosure (6)
Page 6 of 12

000803

UNCLASSIFIED//~~FOUO~~

Board Member: What did you do in Bahrain before you went to Afghanistan?

Detainee: I was an employee in the Ministry of Defense, a civilian employee. I had been working for sixteen approximately seventeen years in that ministry. I had other work, freelance work; construction light construction, small not large. That was approximately the scope of my work.

Board Member: So what did you do at the Defense Ministry? What was your job?

Detainee: A clerk.

Board Member: Clerk. Where were you in Afghanistan?

Detainee: I told you before; the last place I was in before I left was Kabul, before Kabul fell.

Board Member: Can you tell us more specifically, the timeline? When did you actually travel to Afghanistan? Was it before or after September 2001?

Detainee: I told you before I think you have it. I traveled after the events of September. I didn't have any other reason for traveling to Afghanistan other than the agenda that I had regarding the charity and the help, because of the advertisement that I saw.

Board Member: How much money did you take to Afghanistan?

Detainee: I don't remember exactly. I think you have it in the file the exact amount I took. I don't remember exactly, I think approximately more than a thousand denars from Bahrain. Exactly, I really cannot remember.

Board Member: I believe you said in your testimony, that when a guard says something you don't like you become disruptive. What does the guard say that you don't like? And how do you respond when he says that?

Detainee: I didn't do anything disruptive but I would answer him with words.

Board Member: In English?

Detainee: Yes, yes. Do you want the words they said for example?

Board Member: Sure.

Detainee: They would say for example. Terrorists, you don't have any rights here. Sometimes they would tell us you are going to be here forever and your never going to leave. Sometimes they would tell us you are beasts you don't have any manners. Things like that, so we would respond with the appropriate responses to them.

Board Member: When you surrendered, what point did you go to, was it a Police Station a Military Unit?

UNCLASSIFIED//~~FOUO~~

ISN 060
Enclosure (6)
Page 7 of 12

000804

UNCLASSIFIED//~~FOUO~~

Detainee: Really I don't know because the military and the police dressed the same. I saw both of them and they had the uniforms. I don't know if they were really military or police, but I do know that it was a point in one of the villages that was in the middle of the road. It was inside in the village on the way.

Board Member: Finally, if you don't know and you never heard of Tora Bora. Is it possible you were there and didn't know it?

Detainee: I went from Kabul to Pakistan directly. So I don't know if I passed that village or that place. We did have a guide with us because I did not know Afghanistan so we had an Afghani guide. He took us from village to village; I don't know exactly even the villages and their names I don't know.

Board Member: If you return to Bahrain will you return to that employment you had before?

Detainee: Without a doubt, if they will accept me, without a doubt.

Board Member: That is all the questions I have sir.

Presiding Officer: I have one question. Do you have a lawyer now?

Detainee: Yes.

Presiding Officer: I am in receipt of something that has your name on it. The only question about it is, that it references your security number we have assigned to you. But he has Adil Kamil Abdullah Hajee, and Hajee I don't see anywhere else on our paperwork.

Detainee: That is my second Grandfather.

Presiding Officer: Thank you. Second Grandfather? I'm not sure what a second Grandfather is.

Detainee: My Fathers Grandfather. Fathers Grandfather.

Presiding Officer: Great Grandfather. Thank you.

Board Member: Did you ever go and do charity work before?

Detainee: I didn't travel. But I did work in a Humanitarian Committee in Bahrain as a volunteer. I work for approximately a year that was approximately in the beginning of the 90s.

Board Member: Why did you choose to go to Afghanistan to do your charity work?

Detainee: It was the most appropriate place at that time for what I wanted to do, because of the situation there, because of the events that happened there and because of the news that I saw. Almost all of the international media was talking about the situation.

Board Member: Were you concerned for your safety going into Afghanistan with the conflict that was ongoing there?

UNCLASSIFIED//~~FOUO~~

ISN 060
Enclosure (6)
Page 8 of 12

000805

Detainee: I was aware of the situation and the problems, but the media or the news advertisements were making it out to be that the cities or the villages were relatively safe. That there were committees and organizations going there and working there, the Red Cross was there as were other organizations. It appeared that life was going on in these places. Some of the reports that were issued by the Red Cross Organization were talking about the charity and the help that they had given there because of the war. They were talking about their accomplishments and they were asking the rest of the world to present help to Afghanistan.

Board Member: When you went into the Pakistan town and approached the guards, did you voluntarily go up to them or did they come and require you to meet with them?

Detainee: No, I'm the one that went to them. It was far, I don't know how far ahead it was but in the village they told us that there was a point up ahead. So we asked to be taken to it, so that we could leave.

Board Member: What did you ask them when you went there?

Detainee: I didn't ask them, I told them I coming from Afghanistan and that I was administering help. So they asked me so what is your story where did you come from things like that. That's it, I told them everything and they took from me information about it. At this same point I believe there was a military officer and he took all my papers from me I gave it to him. I gave him my Passport, and my paper that said I had vacation from work, my Drivers Licenses and my personal identification and I gave him the money that I had with me. All of these things I gave to him, and he gave me a paper and asked me to sign the paper and so I signed it.

Board Member: What did you expect to happen, that you would walk through the checkpoint, or that they would bring you somewhere? What was your expectation?

Detainee: I expected they would take me to a Police Station, interrogate me. I thought maybe our entrance into Pakistan was illegal or not lawful and that they would just give us a verbal admonishment.

Board Member: What was illegal about it if you had a Passport and you didn't need a Visa?

Detainee: Because it wasn't through a Passport check, we didn't go in through a port whether it was aerial or by sea or by land. So of course it would be natural that there would be questioning.

Board Member: Why didn't you go through a port since you had a Passport?

Detainee: I don't know where it was in Afghanistan, I didn't even know where I was going. We just had this guide this Afghani guide that brought into Pakistan.

Board Member: Why do you think you ended up here after showing up with the proper papers?

Detainee: I don't know what happened exactly. But it became clear to us later that the Pakistani Government, I wouldn't say the Pakistani Government but the Pakistani Police Force, was selling people for money. Because it became clear to us later that the price for Arabs was a large sum of dollars. I think you have documentation to show that many of the people here had

UNCLASSIFIED//FOUO

nothing to do with fighting or killing. They were just living in Pakistan and working as Teachers or as Ex-patriots living there, and they were brought here as member of al Quida. I think you have become certain that these people did not have anything to do with this affair. One of the interrogators told me that a lot of the Pakistanis were selling people for money. You had a lot of people mixed together and some of them were saying "I'm from al Qaida", and some to them were say "I'm not from al Qaida", I'm Pakistani you had them mixed all together. They said these people are all from al Qaida and they turned them in. That is what happened, I don't know what happened and I talked to them when we sat in the Police Station over there. I wanted to meet the Bahraini Embassy so that I could find out what was going on. They told us everything will happen, the Ambassador or the people for the Embassy will come and they will sit and talk with you in some time. We didn't know that they were turning us over to the Americans at the Airport, we didn't know where we were going and that is what happened in Pakistan.

Board Member: Thank you. That is all I have sir.

Board Member: How many people were in your party when you were captured? How many in the group when you surrendered?

Detainee: There were three.

Board Member: Was the Afghani guide still with you?

Detainee: No, no, no, he had left. He went to the village with us and we told him "You can go back", we told him we were going to go on our way.

Presiding Officer will make note of the alleged abuse to the Detainee from the guards to the proper authority.

Presiding Officer: A couple more questions from me. In regards in what you mentioned about the guards. Did that all take place here or before you came to Guantanamo Bay?

Detainee: No. Here, in this prison and in the old prison.

Detainee: You are talking about the problems that happened?

Presiding Officer: Right. Which you described about the disrespect to the Koran the interrogators and apparently some of the guards were disrespectful, and that is what caused you to be disruptive.

Detainee: Yes, and I didn't cause any problems they are the ones that came in and hit me. I'm inside the cell I don't have the ability to get out of my cell and do anything. So they are the ones that came in and hit me. Five or seven approximately came in.

Presiding Officer: Okay, I wrote down it was face and legs is where you were hit.

Detainee: Yes, I was bleeding from my mouth and my nose and my leg was injured. I asked for medical treatment and they didn't treat me.

UNCLASSIFIED//FOUO

ISN 060
Enclosure (6)
Page 10 of 12

000807

Presiding Officer: Even for the bleeding?

Detainee: No.

Presiding Officer: Thank you. Do you remember when this happened, approximately, two years ago or more recently?

Detainee: It happened approximately in the year 2003, approximately a year and a half ago. I don't remember what month, but it was in the middle.

Presiding Officer: A year and half ago, that's good enough.

Presiding Officer: Thank you. I will make note of that I just want to clear up whether it was before he got to GTMO or here in Guantanamo Bay. Assisting Military Officer, do you have any other information the Detainee wants to present?

Assisting Military Officer: Not that I know of sir. No sir.

Detainee: They had presented me with some questions I believe I may have answered. But what are going to do when you return.

Assisting Military Officer: That is correct. You had an opportunity to answer all those that I asked you to think about.

Detainee: May I ask some questions?

Presiding Officer: Sure, go ahead.

Detainee: In regarding this proceeding. Is this a Court or is this an Administrative proceeding?

Presiding Officer: This is an Administrative Review Board.

Detainee: Is it legal?

Presiding Officer: It is not a legal board, no.

Detainee: Does it speak in the name of the law?

Presiding Officer: We are reviewing your Enemy Combatant Status, which was previously determined. We make a recommendation to the Designated Civilian Official, who will then determine what your status will be.

Detainee: Administrative Board from the U.S. Military. I believe that it probably speaking in the name of some law to an extent either American or Military.

Presiding Officer: Again, we are just reviewing your status and making a recommendation to the Civilian Authority who will make a final decision at the time. I am going to cover that shortly once we conclude.

UNCLASSIFIED//~~FOUO~~

Detainee: What do you mean by the Designated Civilian?

Presiding Officer: He's the individual that I mentioned at the beginning that is going to decide on the information that we provide him with from these proceedings.

Assisting Military Officer: Sir, may I qualify one thing that you said?

Presiding Officer: Sure.

Assisting Military Officer: We are not reevaluating your Enemy Combatant Status. The Tribunal you already had has determined you to be an Enemy Combatant. Our job is to determine if you are a continued threat and make a recommendation to the Designated Civilian Official as to whether release, detain or transfer you. I just want to make sure that he didn't get you confused on that.

Detainee: Yes, I understand but if you are saying that you are reviewing my status as to whether to be detained here or not. Then what you probably are going by in these Administrative proceedings is semi-lawful or going by a law that is military. According to the law I should know about the proceeding of this board and the law it is going by, so that I may operate with in those laws. Since I am ignorant of these rules or laws that are governing these proceedings then I should have been designated a lawyer who knew about these laws so that he may explain them to me. So that I may go by them and not do anything wrong. I may have subjected myself to danger by not knowing the rules or the laws of this proceeding and unknowingly I may have subjected myself to danger.

Presiding Officer: Let me assure you that you have not. We have only covered unclassified information. We have only asked you questions from that information which you are aware of.

Detainee: That is fine and I do not object to that. But from what I know of American laws is that a person does not speak in front of a board without someone representing him who knows about the laws of that board.

Presiding Officer: I'm going to get into why his lawyer is or is not here. We'll conduct the proceedings as it has been laid out for us and we have not deviated from that procedure.

The Presiding Officer reads the post-Administrative Board instructions to the Detainee and adjourns the open session of the Board.

AUTHENTICATION

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


Colonel, U.S. Marine Corps
Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN 060
Enclosure (6)
Page 12 of 12

000809

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions.

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

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

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

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

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

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

Presiding Officer: At this point in the hearing the Detainee may now present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Yes, the Detainee would like for me to present a written statement for me to read to you and I also have the Assisting Military Officer comments that I would like to read first. I am now handing the Administrative Review Board the following unclassified exhibits marked as Exhibit EC-C (*the Detainees translated written response to the Unclassified Summary*).

Presiding Officer: Assisting Military Officer you may proceed.

The Assisting Military Officer begins to read his comments from the interview process from the Enemy Combatant Election Form marked as Exhibit EC-B and follows that by reading from the Detainees' translated written response to the Unclassified Summary marked as Exhibit EC-C.

The Board takes a brief Administrative Break.

Administrative Review Board members' questions

Board Member: Haj, can you read and write Arabic?

Detainee: Yes.

Board Member: Do you speak any other language besides Arabic?

Detainee: No.

Board Member: Before you left for Pakistan, did you have any formal education in the Koran?

Detainee: There is no need for somebody to read Koran. Anybody can transfer the [knowledge of the] religion by [memorizing] the religion.

Board Member: How affective do you think you would be in teaching the Koran to people who do not speak Arabic if he went to Pakistan and Afghanistan?

Detainee: This we talked about in the interrogation three years [ago]. I want to explain something about religion. It was a Pakistani guy who spoke Arabic and he translated [for me].

Board Member: Thank you. I have just one more question. Did you ever swear Bayat or oath of allegiance to al Qaida or Usama bin Laden?

Detainee: How can you swear religion to al Qaida or Usama and you don't know al Qaida and you have never been with al Qaida?

Board Member: OK. Thank you. That is all I have.

Presiding Officer: Mr. Haj, the statement read by the Assisting Military Officer, was it true to the best of your knowledge?

Detainee: There is one point. The Assisting Military Officer stated that I went there to fight Russians. I said that General Dostum allied with Russia but not with the United States. That is the only point. Everything else is true except when the AMO says that. I am accused that I killed United States allies and the United States didn't have allies over there. They said that General Dostum is an ally with United States [but] he is an ally to Russia. Now, knowing that General Dostum is wanted by United States for war crimes, how come he is a United States ally and he is wanted by the United States? That is the only point I have that differs.

UNCLASSIFIED//~~FOUO~~

Presiding Officer: I don't have the answer to your question. *(The Presiding Officer takes a short pause)*. While you were in the North, did you fire weapons at members of the Northern Alliance?

Detainee: No. We were shot by weapons and we couldn't fire. Bullets were short and we were prohibited from firing.

Presiding Officer: A harsh way to fight with no ammo!

Detainee: I didn't say I was fighting but I said I was [a] guard. I had some bullets but it was forbidden to fire.

Presiding Officer: In Pakistan you stayed at an Islamic guesthouse?

Detainee: Yes.

Presiding Officer: And there were wounded Taliban or Islamic soldiers there?

Detainee: Islamis are Taliban and I said I went to Afghanistan. At that time it was known as an Islamic government. I went there with the purpose that they were an Islamic government and then once I got there they started saying they were Taliban. Their name is Taliban. Islamis and Taliban were the same.

Presiding Officer: But there were many injured people there?

Detainee: I don't recall.

Presiding Officer: Did you tend to the wounded people that were there?

Detainee: No, never. There were people in charge of taking care of them.

Presiding Officer: How long were you there?

Detainee: It's written. Twenty-five to thirty days.

Presiding Officer: In the prison at Al Janki castle, how long were you at the prison?

Detainee: At the castle or the prison? The prison is different from the castle.

Presiding Officer: Where were you injured in the prison or the castle?

Detainee: In the castle.

ISN 081
Enclosure (6)
Page 3 of 6

UNCLASSIFIED//~~FOUO~~

000812

Presiding Officer: How long were you in the castle?

Detainee: I was there approximately ten days, underground and we were wounded. Of course, they used all [kinds of] different weapons in order to kill us. They even used water and electricity. And they threw a bomb on us. And a lot of times they opened water on us to the point [that] we had water up to our necks. Of course, the wounded ones couldn't stand up and they were killed in the water. The ones that could stand up stood up and stayed two days in the water. After [that] we got out.

Presiding Officer: How did you get out? Who rescued you?

Detainee: They [told us to] give ourselves up and we were wounded and did not have any weapons. We [went] through a ladder that was broken and when we got out we found all different types of media were there outside. All international media and CNN were there and after we went to the prison, the prison of Dostum. And after we went to Kandahar. From Kandahar we came to Cuba.

Presiding Officer: When they told you to give up or to come out, who told you that? Was that U.S. forces or Dostum's forces?

Detainee: Dostum's forces.

Presiding Officer: Dostum's forces put you in there and Dostum forces got you out?

Detainee: Yes.

Presiding Officer: Do you believe that you are a threat to the United States or its' allies?

Detainee: To pose threat, do I know or do you know? *(The linguist explains that the words have been translated verbatim but that the meaning is not conveyed. The linguist explains that the Detainee is asking the question back to the Board.)*

The Detainee continues.

Detainee: I've spent three years here in your possession while you've been given information about me from Sudan and from everywhere [like] what I was doing. From this information that you got you can assess if I pose [a] threat or not.

Presiding Officer: The question is, do you now pose a threat to the United States or its' allies?

Detainee: I don't know the United States allies. I don't pose [a] threat.

Presiding Officer: Allies are countries associated economically and militarily with the United States.

Detainee: How do I know that?

The Assisting Military Officer interjects by stating: Sir, he is just saying that he doesn't know who the United States allies are because they change and I think he doesn't understand that you are asking him his opinion.

Presiding Officer (to the Detainee): Do you intend to bring harm or injury to the United States if you are released?

Detainee: Never, I want to get married and live in my house.

Presiding Officer: I am going to refer back to an early part of this proceeding. Item three from early instructions to you [states that] this session is your opportunity to be heard and to present information to the Administrative Review board. You can explain why you believe you are no longer a threat to the United States or its' allies and why it is otherwise appropriate for you to be released and any other relevant information you wish us to consider.

Detainee: I don't pose threat to the United States. From the beginning I didn't pose [a] threat to the United States. That is it. There is nothing else.

Board Member: What do you feel about your decision to leave Pakistan for Afghanistan?

Detainee: I do not understand your question.

The Assisting Military Officer interjects by stating: He (referring to the Board Member) just wants to know if he (the Detainee) had to do it all over again, would he have gone to Afghanistan.

The linguist translated the question and requested that he be able to ask the same question again because he believed the detainee didn't get the question.

Detainee: What you are saying is if it happened again now? I swear there is nothing I need to go to Afghanistan [for]. I do not need to go to Afghanistan.

The Board Member rephrases the question again as the Detainee still does not understand the question.

Board Member: Does he have any regrets about the decision to leave Pakistan for Afghanistan?

UNCLASSIFIED//~~FOUO~~

Detainee: When I went to Afghanistan I went to teach religion. Do you want us to stop teaching religion or what? I don't understand your words.

The Assisting Military Officer interjects by stating: I don't think he still understands that we are trying to ask him.

Board Member: OK, one more time then I will stop. He said he was going to go to...he flew to Pakistan to teach religion.

The linguist questions the word "flew."

Board Member: Yes, he said he left Saudi Arabia to Pakistan to teach the Koran.

The linguist interjects and states (to the Board Member): You said, "flew" but there is nothing about flying.

Board Member: Well your original intent was to go to Pakistan, correct?

Detainee: Yes.


The Board Member concludes his questioning.

The Presiding Officer confirmed that all unclassified information had been presented to the Administrative Review Board and closed the open session of the hearing.

The Presiding Officer explained the reminder of the Administrative Review Board process to the Detainee and adjourned the open session.

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

ISN 081
Enclosure (6)
Page 6 of 6

UNCLASSIFIED//~~FOUO~~

000815

UNCLASSIFIED

[001]

(U) ENEMY COMBATANT'S WRITTEN STATEMENT

The detainees translated written response to the Unclassified Summary.

1. The detainee traveled to Konduz, Afghanistan and then rode in a truck with other Taliban fighters to a bunker area on the second line, where he served as a guard for several months.

Detainee's Response: And what is in that, is it an accusation? I do not consider it an accusation. And the reason is that when I entered Afghanistan, I traveled to Konduz and worked as a guard on the second line. As far as I was concerned it was an Islamic government, not the Taliban. The Islamic government was never an enemy to the US. And the reason why the US entered Afghanistan is because of the falling of the buildings in the United States. And I was, after all, present in Afghanistan before this happened. So my trip to Konduz and my ride in truck with the other Islamic government fighter is not an accusation as you say it. (This all was stated to make the distinction that these men were there in response to the call to fight with the Islamic Government against Russia.)

2. The detainee also spent time in the North, fighting on the front line.

Detainee's Response: Also I do not consider this as an accusation for the fact that I fought in front or second line, or that I was a guard, or that I held a weapon, or I rode in a truck or I traveled. All these things happened before the US started thinking about entering Afghanistan. And I never thought that one day the US would enter Afghanistan. I decided to travel to Sudan so I can get married and live in my country, and on my way to Pakistan I was told that the roads were closed. When I asked why? They told me that the Americans entered Afghanistan and closed all the roads. Even though the roads were closed I tried to exit in order not to fight the Americans. And for that I tried and I tried but I could not. So then I returned to my place in the second line. Then the withdrawal happened and I walked out with them from the North. And after we were betrayed by General Dostum by telling us that we are going to our country, they put us in Al Janki Castle in Mazar-e-Sharif and fired at us when we were handcuffed and American airplanes fired at us also. And they killed a lot of us. We entered the castle and we were about 400 people and when we walked out we were about 60. They killed about 340 people by firing at us with bullets and American airplanes. And so this should not be considered an accusation against me.

3. The detainee participated in the Mazar-e-Sharif prison riot at the Al Janki Castle.

Detainee's Response: These words are not true and I do not consider them an accusation and the history of the castle is now known all over the world because of all the media that was there in the castle. Even you have the whole video about the history of what happened in the castle. I saw the video myself while I was in one of the interrogation rooms here and I told you the summary of the history. After the withdrawal from the lines and on our way to our country we were betrayed by General Dostum by saying to us that we are going to Kandahar through Mazar-e-Sharif under one condition

Enclosure (4)
EC-C
Page 1 of 7

000816

UNCLASSIFIED

which was to turn in our weapons. So as he requested we believed him and turned in our weapons. Then we rode in trucks and we were about 400 men and we entered Mazar-e-Sharif so we can go to Kandahar but the General betrayed us and we entered the big castle. They handcuffed us so tightly that the circulation was cut off. And I became unconscious. What happened after is all I know is they were firing bullets at us while we were handcuffed and American airplanes came and started firing at us and killed a lot of us. I was handcuffed and wounded in my back with a bullet and it went to my belly where it is now. And I feel the pain of it. I asked to see a doctor about it and as of now I have not seen him. While I was on the ground an American airplane fired a bomb and shrapnel hit my head and it is still there in my head. And then I went unconscious and I did not feel anything until I woke up in a room underground. I did not get out of that room until the men with General Dostum and the Americans took us from the prison and from there to Kandahar while we were wounded. How can you say that I participated when I was handcuffed and I had a bullet in my stomach and shrapnel in my head and I was unconscious? And if you don't believe me there are 2 films about the castle riot and on one film it shows everything about the handcuffing and the killing and airplanes firing. And on the other film it has been edited with the most important things out because of the public. And the government has both copies and CNN has only the edited one. Therefore, this is not an accusation because I did not participate in the fighting in the castle and this is how I defend myself for this allegation.

b. Training

The Detainee received training on the Kalashnikov rifle.

Detainee's Response: And what is in all that? Is this forbidden Internationally to learn weapon. Or should I have asked permission from the US? Have you ever seen anyone guard himself just with a stone or throwing a glass of water on someone who has been attacked? And you know that learning weapons is very, very natural. And the proof to that is in America there are many schools to train you about firing weapons if you are willing to pay the fee. Are you telling me that anybody who learned how to use the weapons is breaking the law? If the US made an international decree that no one can learn how to use a weapon except an American, this is something else. I do not consider this a charge against me.

c. Connection / Association

1. While in Quetta, Pakistan, the detainee stayed 25 to 30 days in a Taliban guesthouse that was also used by recovering, injured Taliban fighters.

Detainee's Response: This is also related to the other allegation as long as I am accused of belonging to military of Islamic government. The thing that is certain is that I stayed in one of their guesthouses. As if you are telling me, you are accused that you are human, accused also that you have eyes, or accused that you are wearing military uniform and you are accused also that the uniform has a pocket.

UNCLASSIFIED

2. The detainee was identified as a Sudanese who spent a long time in Afghanistan.

Detainee's Response: This is true that I am Sudanese and there is not doubt in that. The copy of the passport you have. And saying that I spent along time in Afghanistan is not true. You can check the passport dates when I entered Afghanistan and when I exit. In the end this allegation is related to the other allegation and I do not consider it an allegation.

3. The detainee was a special friend to a known Taliban leader.

Detainee's Response: I have never, never heard this charge during my stay here in Cuba for three years. And I have not heard from any interrogator that I was a friend of the leader of Islamic government. Where did you come up with these words? This is something very strange and I have not heard it until now. If you have any proof please tell me of this proof. I deny this allegation.

4. This Taliban leader was in charge of all the Arabs on the front lines in the northern area of Afghanistan near Konduz and Marzar e Sharif.

Detainee's Response: This allegation is related to the previous one and therefore I don't know this leader and I don't need to respond to this.

5. This Taliban leader reported directly to an al Qaida commander.

Detainee's Response: Here again I will not respond to this because I do not know this leader.

6. The al Qaida commander was in charge of al Qaida fighters in the Afghani northern front.

Detainee's Response: Again I will not respond because I have never heard of such thing.

d. Intent

1. The detainee traveled from Saudi Arabia, through Pakistan, then into Afghanistan.

Detainee's Response: My passport allows me to travel to any country except Israel. For example if you are an American and you traveled without permission to Cuba. In this case it would be an allegation. But I am not of American nationality and my passport allows me to travel anywhere except Israel.

Enclosure (4)
EC-C
Page 3 of 7

000818

UNCLASSIFIED

2. The detainee said that if he were in a combat situation, he would attack Americans to defend his country and/or family and he would fight again for the sake of his religion or his family.

Detainee's Response: This allegation was changed from it's meaning. I was asked if I fought the American's. I said no. He says to me, "never"? I said I would not lie to you. If any person attacked me no matter who it was, if they attacked my family and my house I will defend myself, and my family as best as I can. And this is the nature of humanity. I would like to ask you Mr. PO if somebody attacked you would you defend your family and what are you going to do?

The above translation is not an exact word for word translation.

وزارة الدفاع

مكتب هيئة مراجعة حجب الأعداء المقاتلين
بالقاعدة البحرية الأمريكية بحوانتانامو بيتي
كوبا

من: الضابط المشرف
إلى: علي محمد جابج / محمد
بواسطة: الضابط العسكري المساعد
الموضوع: مختصر الأدلة الغير السرية المقدمة إلى الهيئة
الإدارية للمراجعة في قضية علي محمد جابج / محمد

(1) ستعقد هيئة إدارية للمراجعة لتراجع قضيتك لتقررها
من الضروري استمرار احتجازك.

(2) الهيئة الإدارية للمراجعة ستقوم بمراجعة شاملة
لكل المعلومات المتعلقة بقضيتك ومن المقبول تواجد
في نهاية هذه المراجعة، ستقتصر على أحد من التالي:
(أ) الخلاق صراحتك إلى وطنك أو إلى وطن ثالث،
(ب) نقلك إلى وطنك أو إلى وطن ثالث، مع الشروط
المتفق عليها من قبل الولايات المتحدة ووطنك أو
الوطن الثالث،
(ج) استمرار احتجازك تحت سيطرة الولايات المتحدة.

(3) العوامل الرئيسية التالية تفضل استمرارية الاحتجاز

أ - تصد:

(1) المحتجز سافر إلى كوندوزا، أفغانستان، وبعد ركب

①

السامية مع مقاتلين طالبان إلى منطقة بنكر في
 الخوض الثانية، هناك عمل كجارسا لمدة الشهر.
 (٢) استغرق أيضاً المحتجز مدة زمنية في الشمال،
 ليقاتل على الخوض الامامية.
 (٣) شارك المحتجز في غزو السجن مزار الشريف في قلعة
 ايجانكي.

(ب) تدريب:

المحتجز أتمم تدريب على بندقية الاكلاشنيكوف

(ت) العلاقات / الاجتماعات.

- (١) بينما كان في كويتا، باكستان، المحتجز مكث كرهاله
 30 يوماً في بيت ضيافة للطالبان الذي كان مستعد
 له فناد الجرحى الطالبان المقاتلين.
- (٢) عُرف عن المحتجز بأنه سرداني وأنه قضى وقت
 طويل في أفغانستان.
- (٣) المحتجز كان صديق خاص للزعيم الطالباني معروف.
- (٤) هذا الزعيم الطالباني كان مسؤول على جميع العرب
 في الخوض الامامية في المنطقة الشمالية لأفغانستان
 قريبة من كندوز ومزار الشريف.
- (٥) هذا الزعيم الطالباني كان يبلغ مباشرة إلى
 قائد القاعدة.
- (٦) قائد القاعدة كان مسؤول عن مقاتلين القاعدة
 في الجهة الشمالية لأفغانستان.

UNCLASSIFIED

(1) سافر المحتجز من السعودية العربية عبر باكستان،
وبعد إلى أفغانستان.
(2) قال المحتجز إذا كان في موقع قتال، سيهاجم
الأمريكيين للدفاع عن وطنه و/أو عائلته وسيقاتل
كذلك لأجل دينه أو عائلته.

(3-ع) العوامل الأساسية التالية تؤيد إخلاف سلاح أو نقل:

أ- صرح المحتجز "أنا لم أقاتل ضد الولايات المتحدة
أو حلفائها."
ب- صرح المحتجز "أنا لم أرى أمريكي أوقلت ضد
أمريكي أو أي حلفاء أمريكيين."
ج- قال المحتجز بأن نيته كانت ليذهب إلى باكستان
للأربعة أشهر لتعليم الدين حسب الدعوة.
د- قال المحتجز بأنه كان ذاهبا إلى مسجد ربيوان في
لاهور باكستان للتعليم.

(4-0) ستمنع لك فرصة مقبولة لتسمع وتقديم معلومات
للهيئة؛ وهذه تشمل فرصة المحضور تكميلا في
الجلسة. الضابط العسكري المساعد ليس في صالح أو
ضد استمرارية حجرك إلاحتجاز كما أن الضابط
العسكري المساعد لا يمكن أن يشكل علاقة سرية
معك أو يملك في أي شأن آخر.

(3)

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions.

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

The Designated Military Officer presented Exhibits DMO-1, the Unclassified Summary of Information and DMO-2, the FBI Redaction Certification to the Administrative Review Board. He then gave a brief description of the contents of Exhibit DMO-1. The Designated Military Officer confirmed that he had no additional unclassified information to present and requested a closed session to present classified information relevant to the disposition of the Detainee.

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

Presiding Officer: The Detainee may now present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Sir, I believe that the Detainee will eventually want to make some comments regarding the summary of unclassified summary. However, before we ask him that I would like to read the comments I took during the initial notification that are also available on the official Enemy Combatant Election Form. The Detainee provided the following comments in response to information in the Unclassified Summary. The evidence statements say he carried a Rocket Propelled Grenade and was assigned responsibilities for preparing mortars for use as directed by the Cave Commander. And, his being lead out of the Tora Bora region by the leader of the Khalden Training Camp are allegations that he has never heard before and are not true. The evidence statement that he chose to carry a weapon and additional magazines when fleeing Tora Bora is not true. He also said that he was not captured, that he voluntarily surrendered to Pakistani Authorities. He also stated he was legally in Pakistan, had an Entry Visa and was simply returning to his home in Saudi Arabia by the same route he used to enter when he turned himself into the Pakistani Authorities. The only difference was his mode of transportation. He was traveling on foot during his return home instead of in a vehicle. The Detainee denied he ever expressed a desire to kill a Military Guard. That he has spent three years in detention and only want to leave the detention facility and return home. Regarding the allegation that he struck a guard while being unshackled. He stated this incident occurred a year and half ago. He was the one that was struck, which caused his face to bleed and that his finger was fractured during the incident. He stated that the guards hit him first and he was only protecting himself. He also stated sir; if he were released he would never retaliate against Americans or anyone else even if they stuck him first. Would you ask the Detainee if he does desire to make any oral statements to this panel?

Detainee: Yes I do, would like to make a statement.

UNCLASSIFIED//~~FOUO~~

ISN 222
Enclosure (5)
Page 1 of 5
000823

UNCLASSIFIED//~~FOUO~~

The Presiding Officer asks the Detainee if he wishes to make a statement and if so will he take the Muslim oath. The Detainee declines taking the Muslim oath.

Presiding Officer: You may begin and present any information that you would like this board to consider.

Detainee: First of all, all these allegations that are pointed at me, most of it, are not true. How it started, I left my country, which is Saudi Arabia to Afghanistan to visit some of my family. I came in a very legal route. I had my legal papers. I went to Jalalabad for three days only. I never went to Kabul. I did admit that I went from Jalalabad to Tora Bora with the intent that I wanted to go back to Pakistan. I did not really know or was aware that I was going to Tora Bora though all these mountains. I did not know where I was going and that the country I went to was Tora Bora. After the fact I learned that through these mountains this is the route for Tora Bora. I did not know the route or the way through these mountains, but the people I was with they told me or informed me to stay here for now till we find another way to get out. All this information that is stated that I had been through training and to fight, all this information are not true. I have no connection whatsoever with the Taliban or Al-Qaida. I never wanted to be in trouble. I never wanted to make any problems with anybody or with any country. Most of the people that were captured at this time were mistaken, they were captured by mistake, and I believe I am one of them. I was captured by mistake. That is all I have to say.

Presiding Officer: Okay, Thank you. I assume that concluded your statement, is that correct?

Detainee: If that is all you have against me some of the information it is true I said it. Some of the thing I said is true and most of it is wrong.

Presiding Officer: We will ask you some questions later. Did the Assisting Military Officer statement that he read provide the information that you wanted us to hear?

Detainee: Whatever I said he read it. Whatever I said now, I did not share with the Assisting Military Officer.

Presiding Officer: I understand. Assisting Military Officer do you have questions for the Detainee?

Assisting Military Officer: No sir.

Presiding Officer: Designated Military Officer, do you have any questions?

Designated Military Officer: No sir.

Presiding Officer: Do any Administrative Review Board Members have any questions for the Detainee?

Board Member: No sir,

Board Member: I have two questions.

UNCLASSIFIED//~~FOUO~~

ISN 222
Enclosure (5)
Page 2 of 5

000824

UNCLASSIFIED//~~FOUO~~

Board Members Questions to the Detainee.

Board Member: You stated that you went into Afghanistan to visit family. Prior to September of 2001, how often had you been back and forth to Afghanistan to visit family?

Detainee: First time I go to Afghanistan.

Board Member: Okay. May I ask who were the relatives you went to visit?

Detainee: I have a lot of relatives in Kardef and Kabul that are related to my Dad and to my Mother.

Presiding Officer: You practiced the Islamic faith, is that correct?

Detainee: Yes.

Presiding Officer: What concerns me in this report is the associations to Al Qaida and the reference to killing Americans. Do you consider yourself an extremist?

Detainee: No, I don't consider myself an extremist.

Presiding Officer: How would you practice your Islamic faith when you return to Saudi Arabia?

Detainee: My country is Afghanistan, but I live in Saudi Arabia. I want to go back to Afghanistan and live ordinary life, normal, simple, get a job. I have no problem with any other part; I just want to lead a normal life. Get work and maintain peace.

Presiding Officer: Okay. Do you have trade or do you have any special training for work?

Detainee: I use to work with my Dad in a restaurant in Saudi Arabia. That is how I have my training.

Presiding Officer: You mentioned you were with a group of people when they went through Tora Bora. Do you know who those people were?

Detainee: I never met them before.

Presiding Officer: So, you just hook up with a group of folks you don't know. And if I understand correctly, you traveled by foot.

Detainee: When I left from Pakistan to Afghanistan, I met one guy, one Arabic guy. He took me to his guesthouse or his house. It was really coincidence meeting with him. This Arabic guy or man, he knew Farsi and when he learned Farsi is my language and I speak it. So, we started talking to each other on the bus, this is how I met him.

Presiding Officer: Why didn't you just go home the same way you came, by car by plane? Why did you decide to return, as you say to go home on foot?

UNCLASSIFIED//~~FOUO~~

ISN 222
Enclosure (5)
Page 3 of 5

000825

UNCLASSIFIED//~~FOUO~~

Detainee: When Jalaid (inaudible) and I was captured by the Northern Alliance. I heard they were killing people, innocent people, so I got scared. I decided to flee anyway or in any means to get to my country, cause they were really going to kill innocent people. That is what I heard from the people.

Presiding Officer: You mean Al Qaida and Taliban were killing innocent people?

Detainee: Northern Alliance. Its normal that when I see people with all these artilleries and armed people like invading a country. It's normal that I get scared and think of a way to flee. Try to think of a way just to leave and escape.

Presiding Officer: Okay. I just have one last question. Is there anything you would like to tell this board on why we should no longer consider you a threat and let you go home? Any last final statement you would like make?

The linguist rephrases the question in order to convey the correct question to the Detainee. The Presiding Officer indicates approval.

Detainee: Because, I am innocent I never ever thought to have any relation with Al Qaida or Taliban. I never had any intentions to kill Americans. I never had any problems with Americans.

Presiding Officer: Thank you.

The Presiding Officer reads the post-Administrative Board instructions to the Detainee and adjourns the open session of the Board. The Detainee requests to ask one last question prior to leaving the room. The Presiding Officer gives approval.

Detainee: Sir, I still have one more question, I need to ask.

Presiding Officer: Go ahead.

Detainee: The Designated Military Officer said he had closed session; he will have a closed session with you. This closed session I won't be here and I wouldn't know about it. How could I defend myself against these closed sessions?

Presiding Officer: This closed session, classified material is presented and I cannot let you see that classified material.

Detainee: This is pertaining to me, to my case.

Presiding Officer: I cannot let you see classified material that has been classified by the United States Government. I cannot allow you to see this.

UNCLASSIFIED//~~FOUO~~

ISN 222
Enclosure (5)
Page 4 of 5

000826

UNCLASSIFIED//~~FOUO~~

AUTHENTICATION

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



Captain, USN
Administrative Review Board Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN 222
Enclosure (5)
Page 5 of 5

000827

UNCLASSIFIED//~~FOUO~~

Summarized Administrative Review Board Proceedings

The Administrative Review Board was called to order.

The Administrative Review Board took a brief recess to allow for the entrance of the Press.

The Administrative Review Board reconvened in the presence of the Press.

The Designated Military Officer 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 was uncooperative and unresponsive and choose not to be present for the Administrative Review Board proceedings.

The Presiding Officer confirmed the Assisting Military Officer had met with the Detainee and was informed of his rights in regards to the proceedings, that the Detainee appeared to understand the process, that the Unclassified Summary of the Information 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 Information (Exhibit DMO-1) to the Administrative Review Board.

The Designated Military Officer presented the FBI Redaction Certification (Exhibit DMO-2) to the Administrative Review Board.

The Designated Military Officer gave a brief description of the contents of Exhibit DMO-1.

UNCLASSIFIED//~~FOUO~~

ISN#214⁷
Enclosure (5)
Page 1 of 2

000828

UNCLASSIFIED//~~FOUO~~

The Presiding Officer confirmed that the Board Members did not need any further time to review the unclassified information.

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

The Presiding Officer confirmed that the Assisting Military Officer did not have any information to present on behalf of the Detainee to the Administrative Review Board.

The Presiding Officer confirmed that the Designated Military Officer had no further unclassified information to present to the ARB and concluded the unclassified session of the Administrative Review Board.

The Presiding Officer read the remainder of the Administrative Review Board process and adjourned the proceedings.

AUTHENTICATION

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



✓ Colonel, U.S. Marine Corps
Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN# 214
Enclosure (5)
Page 2 of 2

000829

Summarized Administrative Review Board Proceedings

The Administrative Review Board (ARB) was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Presiding Officer (PO) announced the convening authority and purpose of the ARB proceedings.

The ARB members were sworn.

The Assisting Military Officer (AMO) was sworn.

The AMO presented the Enemy Combatant Notification Form (Exhibit EC-a) to the ARB.

The AMO presented the Enemy Combatant Election Form (Exhibit EC-b) to the ARB.

It was noted by the PO that from Exhibit EC-b, the Detainee had chosen not to be present for the ARB proceedings.

The PO confirmed that the AMO 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 the Information was read to the Detainee, that a translator was used during the interview, and that the AMO confirmed that the translator spoke the same language as the Detainee.

The DMO presented the Unclassified Summary of Information (Exhibit DMO-1) to the ARB.

The DMO presented Exhibit DMO-2 to the ARB.

The DMO gave a brief description of the contents of Exhibit DMO-1.

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

When asked if the AMO had any information to present on behalf of the Detainee to the ARB, the AMO stated that he no information to present on behalf of the Detainee.


The PO confirmed that the DMO had no further unclassified information to present to the ARB and concluded the unclassified session of the ARB.

UNCLASSIFIED//~~FOUO~~

The PO read the remainder of the ARB process and adjourned the proceedings.

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

ISN# 321
Enclosure (5)
Page 2 of 2

UNCLASSIFIED//~~FOUO~~

000831

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the hearing instructions to the Detainee and asked if he understood the process.

Detainee did not fully understand the process.

Detainee: Some of it I do, some of it I don't.

Presiding Officer: Can you ask him which portion he does not understand?

Detainee: Some of it I really understood, some of it I didn't, but I don't have the experience to comprehend everything we've said in terms of the procedures.

Presiding Officer: Simply tell him that he can provide a written statement, he can give an oral statement by speaking to us right now today, or he can have statements provided through written letters from someone at home...such things.

Detainee: Very good.

Presiding Officer: Is that better? Okay, thank you.

The Presiding Officer confirmed that the Detainee understood the process.

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

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

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

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

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

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 has not brought with him any written statements, but he may elect to provide you an oral statement in a few moments. But first I

ISN 117

Enclosure (5)

Page 1 of 5

would like to present to the Board the comments the Detainee provided to me during our initial interview, Sir. Sir, these comments are in direct response to the information that was read to him from the unclassified summary. Sir, the Detainee stated he went on his own to Afghanistan but had nothing to do whatsoever with the Taliban. He stated that he went to Afghanistan only to help provide medical assistance to the poor and the public. He stated his lawyer is attempting to obtain documents from Yemen that prove he has received medical training, but his lawyer hasn't provided them as of yet. The Detainee also stated he studied medical procedures at a clinic in Hajjah, (ph) Yemen. The Detainee stated that he traveled from Yemen to Pakistan and then to Afghanistan. He stated that the plane he was traveling on landed in Dubai to refuel but that he never left the plane. He stated that he has never seen Dubai and does not know where you got this information.

The Assisting Military Officer clarified Detainees statement as such, "By stating he has never seen Dubai, it meant to me Sir, that he was expressing he had never traveled inside the city and remained on the plane."

Assisting Military Officer: Detainee stated he did not make any statement about "being the first to sign up for a jihad against Israel and would consider a jihad against America if the reasons were right". He did not make that statement. He also said he knew nothing about where this statement came from. The Detainee admitted, Sir that he did travel to Khoja Khar, Afghanistan, that he had an AK-47 for one week, but that he never went to the front lines to fight against the Northern Alliance. He said that he carried the rifle only for self-defense and that he had been provided the rifle as a gift from a Doctor he used to work with at the clinic in Afghanistan. Sir, the Detainee admitted he provided first aid at the Al-Ansar Clinic in Konduz, Afghanistan, but not for the Taliban. He stated he provided first aid to women, children and people of all types, no one specific. He stated that he did not provide first aid to wounded soldiers. Sir, the Detainee also denied he ever stated he went to Afghanistan to fight with the Taliban against the mistaken people, i.e., the Northern Alliance. He also stated that he denied he ever stated that America was not a good country and their support of Israel over the Palestinians was proof of that. Sir he denied he ever stated he had an opinion that the only solution to the Israeli/Palestinian conflict was "through the blood shed of the Jews." Stated he never knew any Jewish people, never sat with them and is neutral and has nothing against them. He has no problem with Americans and has no real opinion of them. And finally Sir, he stated that if released he wanted to go back to his home country, live his life, get married, work in the clinic and continue his education. He wants to work with his brothers who are doctors in a clinic they own in Taiz. Sir, that concludes my briefing from the notes during my interview.

Presiding Officer: Ask the Detainee does he wish to make a statement.

Detainee: Yes, I do Sir.

Presiding Officer: Do you want to make your statement under oath? An oath is a promise to tell the truth and we have prepared a Muslim oath if you wish to use it, we do not require an oath.

Detainee: Could you repeat what you just said?

The Detainee requested that the linguist repeat the interpretation of what the Presiding Officer stated.

Presiding Officer: Okay, do you need me to repeat it?

The linguist gave a negative reply.

Presiding Officer: Okay and when you do clarify if he says yes to which oath, the Muslim or the other.

The linguist gave a positive response and repeated the translation.

Detainee: I don't understand, I don't know how is the oath, is here, so I...I don't know for sure if the Islamic oath is legal here in this country, so I don't know what to say. I will check on it and I will think about it.

The linguist stated, "but, it doesn't look like he wants to take it, but he wants to tell you something."

Presiding Officer: Okay. We'll dispense with administering the oath. You may proceed.

Detainee: Sir, I would like you to make sure of all the allegations that is pointed against me today. Most of it is not true and it has a big difference between the allegations that was presented before with the CSRT and with the ARBs here. There are big differences between the allegations that is presented today and the allegations that was presented in the CSRT. So, I really pledge that you make sure these are true allegations and are... I mean there are big differences and they are not true.

Presiding Officer: Anything else?

Detainee: When my lawyer came and...

The linguist stated that the Detainee's statement must be rephrased.

Detainee: ...two, Sir, two, three months ago his lawyer came to Echo 5 and he brought him a copy of the first allegations with the CSRT, Enemy Combatant Review Board and it was different then the allegations that were brought on today. He would like you to make sure of that.

Presiding Officer: Okay. Muktar Yahya does that conclude your statement?

Detainee: That's all I want to tell you Sir.

Presiding Officer: Did the AMO statement provide the information you wanted us to hear?

ISN 117

Enclosure (5)

Page 3 of 5

Detainee: Yes, Sir.

Presiding Officer: Assisting Military Officer do you have any questions for the Detainee?

Assisting Military Officer: No, I do not, Sir.

Presiding Officer: Designated Military Officer do you have any questions for the Detainee?

Designated Military Officer: No, Sir.

Presiding Officer: Do any Administrative Review Board Members have any questions for the Detainee?

Administrative Review Board members' questions

Q. What kind of medical clinic do your brother's operate in Yemen?

A. It's a medical lab and part of it is to treat children.

Q. Does the medical lab make drugs?

A. No they don't do...they don't do drugs. They analyze test, blood test, they analyze cardiac test. Analysts....they analyze.

Q. How many doctors work at the clinic?

A. His brother and two others.

Q. Do you still have no opinion of Americans?

A. Yes, I don't have any opinion of them.

Q. What test...what did you do at the clinic? What specifically did you do at the clinic?

A. Yemen?

The Board Member confirmed Detainees reference to Yemen.

A. I use to give IV's for nutrition. That's all I did, I really gave the IV and make sure that they get enough nutrition and sugar and then whatever is need and that's it.

Q. How many people would you do that for on a typical day?

A. A lot, they used to come a lot, about fourteen to fifteen people in a day.

Presiding Officer: You have a lawyer. Is he Yemen or US?

Detainee: He is an American.

Presiding Officer: One of the allegations, would you consider a jihad against the US if the reasons were right?

The linguist asked the Presiding Officer, "What is the question, Sir, I mean..?"

Presiding Officer: Would he consider a jihad against the US if the reasons were right?

Detainee: I never said this Sir, it wasn't myuh....

Presiding Officer: Okay, I'll take that as a "No".

Detainee: Please make sure from the first accusations, Sir, and that it was pointed at me as an Enemy Combatant and compare it with these two allegations and then you'll see. And I would like you Sir to make sure of that by yourself.

Presiding Officer: We will look at the previous CSRT. I believe he said that he had not completed his medical training.

Detainee: Some of them I was done with, some of them I'm not finished. I wanted to finish my education and I didn't.

Presiding Officer: Is he studying to be a certified nurse or a doctor or a nurse practitioner?

Detainee: Planning on finishing to be a certified nurse and practitioner nurse.

Presiding Officer: Okay, thank you. Assisting Military Officer do you have any additional information that the Detainee wants to present?

Assisting Military Officer: I do not Sir.

The Presiding Officer confirmed that all unclassified information had been presented to the Administrative Review Board and closed the open session of the hearing.

The Presiding Officer explained the reminder of the Administrative Review Board process to the Detainee and adjourned the open session.

AUTHENTICATION

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


Colonel, U.S. Marine Corps
Presiding Officer

ISN 117
Enclosure (5)
Page 5 of 5

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions. The Presiding Officer confirms with the Detainee that he speaks and understands English well and therefore does not require a linguist.

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

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

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

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

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

Presiding Officer: The Detainee may now present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Yes, sir. The Detainee would like to take the opportunity to make an oral statement using his notes [which] he has prepared himself to do that. In addition, I would like to brief you on the notes that I took during the reading of the unclassified summary to the Detainee during the enemy combatant election form initial briefing. In summary, the Detainee was read the unclassified summary and he also read it himself [because] he speaks and reads English. The Detainee simply informed me that he had spoken to lawyer at that time and that his lawyer had ordered him not to answer any questions regarding this hearing and the statements that were read to him at that time, however, he has prepared himself now and is ready to answer and present his case. That is all I have to report.

The Presiding Officer asks the Detainee if he wishes to make a statement and if so will he take the Muslim oath. The Detainee declines taking the Muslim oath.

Presiding Officer: You may now begin your statement.

Detainee: Thank you for the opportunity you have given me to address you. Obviously, I would like to have my attorney here to help me put my case but since he is not allowed to be here; he has allowed me to say the following: My dream is to return to England and complete my education, to get a good job, to get married and raise a family. I am not a threat to the United States, Great Britain or anyone. I have been incarcerated for almost three years and I have had a great deal of time to think. I was young back then and now I have matured as I obviously

UNCLASSIFIED//~~FOUO~~

ISN 701
Enclosure (5)
Page 1 of 2

000837

UNCLASSIFIED//~~FOUO~~

(inaudible) by my record at the institution here. I do not feel that I have always been treated well by U. S. forces but I hold no grudge. I understand why some people over reacted towards prisoners in Pakistan and later in Afghanistan because America had suffered a great and inexcusable tragedy on September 11th, 2001. It is my belief that the overwhelming majority of Americans are kind and decent people and the slaughter of innocent people in New York and Washington was a terrible wrong. Islam properly understood cannot condone the killing of innocent people. Personally, I prefer to settle disputes with peaceful means and as such I kindly request you to allow me to return to my family and my life back in England. Thank you.

Presiding Officer: Anthony Kiyemba, does that conclude your statement?

Detainee: Yes it does.

Presiding Officer: Did the Assisting Military Officer's statement provide the information that you wanted us to hear?

Detainee: Yes, it did.

Presiding Officer: Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer: No, I do not sir.

Presiding Officer: Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer: Mr. Kiyemba, are you going to follow your attorney's advice and not answer questions?

Detainee: Yes, I will.

The Board Members conclude that the Detainee will not answer questions from either the Designated Military Officer or the Board Members.

The Presiding Officer reads the post-Administrative Board instructions to the Detainee and adjourns the open session of the Board.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN 701
Enclosure (5)
Page 2 of 2

000838

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions.

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

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

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

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

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

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

Presiding Officer: The Detainee may now present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Yes, Sir. I would like to present to the board members comments and explanations provided by the Detainee that I took during the initial interview. After I conclude my presentation I believe the Detainee would also desire to speak to the tribunal, sir. Sir, the following comments were provided by the Detainee in response to information contained in the unclassified summary. In response to paragraph 3.A.2, where the Detainee was told by the United States and the Afghanistan military forces to stop, the Detainee subsequently fired his whole magazine of ammunition at the United States and Afghanistan military forces, the Detainee explained and stated the following, sir. He stated while walking at night he was illuminated by a search light and ordered to halt. Thinking it might be personal enemies, he responded "who are you, identify yourself," suddenly many shots were fired at him and he does not remember firing back, but does remember throwing his gun down and attempting to run away but was wounded. In response to paragraph 3.B.1, wherein the Detainee was associated with a suspected member of Jama'at Tabligh, the Detainee stated that his uncle and a friend of his uncle's would frequently visit the place where he worked and knew that they were

UNCLASSIFIED//~~FOUO~~

associated with Jama'at Tabligh, but that he was not involved with the activities of that organization in any way. In response to paragraph 3.B.2, wherein Jama'at Tabligh, a Pakistan based Islamic missionary organization is being used as a cover to mask travel and activities of terrorists including members of Al-Qaida, the Detainee stated he was not aware Jama'at Tabligh was associated with any terrorist activities. In response to paragraph 3.B.3, wherein the Detainee is assessed as having familial ties to Al-Qaida, the Detainee stated that he was not aware that any members of his family were associated with Al-Qaida. In response to paragraph 3.B.4, wherein the Detainee is associated with a possible Al-Qaida cell leader, the Detainee stated that he does not know anyone from Al-Qaida. Sir, that concludes my presentation of the notes I took during my initial interview.

Presiding Officer: Shams Ullah, good afternoon. Do you wish to make an oral statement?

Detainee: I do not want to say anything.

Presiding Officer: This is your opportunity. If there is anything you wish to pass on to us, this is your opportunity to do so.

Detainee: As far as emptying the magazine or throwing it down or whatever, how do you know that? And I have no idea that actually has happened.

Presiding Officer: That is information presented here in the unclassified summary. This is the information I have. If you refute that please tell me.

Detainee: I am telling you that I did not do this, but if that is what your evidence says, that is fine. We will go with that.

Presiding Officer: Are there any other comments that you wish to make for this board to help us determine if you are a continued threat or if you should be released?

Detainee: I do not have anything to say.

Presiding Officer: Did the Assisting Military Officer present the information that you wanted us to hear?

Detainee: Yes, as far as my accusations go, the accusation about the Jama'at Tabligh and some type of Al-Qaida relationships of me and my uncles, I already told my representative so that is all I have to say.

Presiding Officer: OK, then we will continue. Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer: No, sir.

Presiding Officer: Designated Military Officer, do you have any questions for the Detainee?

ISN 783
Enclosure (5)
Page 2 of 4

UNCLASSIFIED//~~FOUO~~

000840

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: No, sir.

Presiding Officer: Do any Administrative Review Board members have any questions for the Detainee?

Board Members: Yes, sir.

Board Member: You said that when you were captured you were walking and you were illuminated by a spotlight. Can you tell me where you were walking?

Detainee: I was walking and I was told to stop and drop my weapon. I stopped and dropped my weapon but I ran away.

Board Member: Ok, the AMO related to us per your statement that you were afraid that it might be your enemies. I would like to know who you thought was trying to stop you.

Detainee: I thought they were my personal enemies.

Presiding Officer: Shams Ullah, can you tell this board why we should consider you no longer a threat to the United States and its allies if you were to be released?

Detainee: I am not a threat.

Presiding Officer: Can you further explain that comment?

Detainee: I own a store and I go to school and there is nothing else I can tell you.

Board Member: When you were captured, were you alone at the house? Were you alone in the building?

Detainee: I left my family. I also had some guests but when I came outside where I was captured, I was alone.

Board Member: I just want to qualify a question that was asked earlier, as far as the incident when you were captured again, you said that it was your enemies. Were they local enemies from the town?

Detainee: They are far from there.

The Administrative Review Board took a brief recess due to technical difficulties as the tape recording machine was malfunctioning.

Board Member: Are they U.S. enemies?

Detainee: No, they were other Pashtuns.

ISN 783
Enclosure (5)
Page 3 of 4

UNCLASSIFIED//~~FOUO~~

000841

UNCLASSIFIED//~~FOUO~~

Board Member: I would like to know what you plan to do if you were released from the custody of the United States?

Detainee: My work. I would be living in my place and I would be doing my own thing in my shop. I would be going to school. That is all I am going to be doing.

Presiding Officer: Shams Ullah, do you have any other final comments?

Detainee: No.

The Designated Military Officer and the Assisting Military Officer have no other information to present to this Administrative Review Board.

The Presiding Officer reads the post-Administrative Review Board instructions to the Detainee and attempts to adjourn the open session of the Board; the Detainee interrupts stating the following:

Detainee: How much time does it take for the decision?

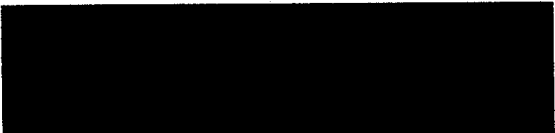
Presiding Officer: Right now, I do not have an exact time on how long it will take for you to get notification on the determination of your board.

Detainee: OK.

The Presiding Officer re-adjourned the open session of the Board.

AUTHENTICATION

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



Captain, USN
Administrative Review Board Presiding Officer

ISN 783
Enclosure (5)
Page 4 of 4

UNCLASSIFIED//~~FOUO~~

000842

Summarized Administrative Review Board Detainee Statement

This Administrative Review Board had been rescheduled from 2 March 2005 to permit health care personnel to address the Detainee's complaints of back pain.

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions.

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

The Designated Military Officer presented Exhibits DMO-1, the Unclassified Summary of Information. He then gave a brief description of the contents of Exhibit DMO-1. The Designated Military Officer confirmed that he had no additional unclassified information to present and requested a closed session to present classified information relevant to the disposition of the Detainee.

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

Assisting Military Officer: The Detainee has provided a written statement, and would later like to make an oral statement. Before that, I'd like to read his comments from the interview when he was shown the Unclassified Summary of Information.

The Assisting Military Officer then read the following comments from Exhibit EC-A, the Enemy Combatant Notification Form.

In response to the allegation he expressed interest in fighting the jihad in Palestine and would like to go there and fight the jihad when he is released, the Detainee stated he never said he would go and fight the jihad if released. All he said was that the Palestinian people are innocent and they have the right to defend their country.

Regarding the statement that he is a Yemen citizen who was recruited to travel to Afghanistan for jihad readiness military training, the Detainee stated he is a citizen of Yemen, but did not travel to Afghanistan for the purpose of fighting for jihad. His travel was for financial reasons. He was struggling financially, and was seeking employment. He had previously completed his third year of college with a major in Arabic literature, and was hoping to teach the Arabic language in an Afghan school. He chose to seek employment in Afghanistan because other Arab Muslim countries require diplomas or degrees, while Afghanistan does not. He went to the training camp because when he first entered Afghanistan, he was told it was a country with a great deal of fighting, and Afghan people he met suggested he get some training for purposes of self-defense.

In response to the allegation that he received training at the al Farouq Training Camp on the operation and maintenance of various weapons, and on tactics, geography and map symbols, the Detainee stated that it was true that he attended that camp. He received training on weapons and how to put up a tent, but did not receive any training regarding tactics, geography, or map symbols.

UNCLASSIFIED//~~FOUO~~

ISN 550
Enclosure (5)
Page 1 of 6

000843

UNCLASSIFIED//~~FOUO~~

Regarding the statement that while he was at al Farouq that Usama Bin Laden and a group of guards came to visit, the Detainee stated that Usama Bin Laden never visited him personally at that camp or any other place.

In response to the allegation that his name was on a document listing 324 Arabic names, aliases and nationalities recovered from a safehouse raid of suspected al Qaida in Karachi, Pakistan; the Detainee stated that he had nothing to add because he had no knowledge of that list.

Regarding the statement that he sustained injuries as a result of U.S. bombing near Jalalabad and was eventually detained by U.S. forces in a hospital in Jalalabad, the Detainee said that while walking he received injuries to his left foot from the bombing. He surrendered himself to Afghan people in civilian clothes, and they took him to a hospital in Jalalabad. Americans then came and told them they were going to take him to a place where he could receive better treatment. They took him to Bagram, then Kandahar, and then here to Guantanamo.

In response to the allegation that he attended training at al Farouq because he wanted to support the Taliban in their struggle against the Northern Alliance, the Detainee stated he attended training at al Farouq for reasons of self-defense. Although he went to Afghanistan for financial reasons, he wanted to be able to defend himself should the Northern Alliance attack the Taliban. He was in the country of the Taliban, and the Northern Alliance would not differentiate who was who if they attacked.

In response to the statement that he supported the Taliban because he thought they were good Muslims, the Detainee stated that he went to Afghanistan thinking it was a good Muslim country with good Muslim people. He did not know much about the Taliban.

He agreed with the statement that he had claimed training was only a prerequisite to obtaining employment in Afghanistan, and that he did not know the camp was affiliated with al Qaida or Usama Bin Laden.

He stated he has no animosity or hatred towards the American people or the United States, and feels that his treatment by Americans while he has been in detention has been fair and good. He believes America's entrance into Afghanistan is a good gesture as long as America is trying to help the Afghani people with their predicament with the Taliban.

He stated that if he were to be released, he would want to return to Taiz, Yemen, and seek employment. Since it is difficult to find a job related to Middle Eastern literature, his goal would be to find a profession related to agriculture or carpentry.

This concluded the Detainee statement as presented by the Assisting Military Officer.

The Presiding Officer then addressed the Detainee to ask if he wished to make a statement.

Detainee: What do you mean?

Presiding Officer: Do you wish to provide anything other than what was just given?

UNCLASSIFIED//~~FOUO~~

ISN 550
Enclosure (5)
Page 2 of 6

000844

UNCLASSIFIED//FOUO

Detainee: No, sir; I have nothing else to add.

Presiding Officer: Did the Assisting Military Officer's statement provide us with the information you wanted us to hear?

Detainee: Yes, sir.

Presiding Officer: Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer: No sir, I do not.

Presiding Officer: Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer: Yes, sir.

Designated Military Officer Questions to the Detainee.

Designated Military Officer: In what mode did you travel to Afghanistan in July 2001?

Detainee: I have mentioned previously before, and you have it in my file.

Designated Military Officer: That file is not in evidence here; did you fly?

Detainee: Yes, of course.

Designated Military Officer: How much did your travel cost?

Detainee: I don't remember exactly.

Designated Military Officer: Did it seem like a lot of money, or just a little bit of money?

Detainee: A little money.

Designated Military Officer: In 2001, how much would an Arabic teacher expect to earn in Afghanistan?

Detainee: I think probably around \$100 per month.

Designated Military Officer: Where did you learn that teachers could make that much money?

Detainee: Something I presumed myself; I really thought that's how much I'd make.

Designated Military Officer: So nobody told you that would be how much you could make in Afghanistan?

Detainee: I never heard it from anybody.

Designated Military Officer: So without knowing how much you'd make in Afghanistan as a teacher, you flew to Afghanistan? That's your story?

UNCLASSIFIED//FOUO

ISN 550
Enclosure (5)
Page 3 of 6

000845

UNCLASSIFIED//~~FOUO~~

Detainee: No, sir. That's correct.

Designated Military Officer: At any point in your detention while in U.S. custody, do you recall giving any other reason for military training in Afghanistan?

Detainee: No, sir. I do not understand.

Designated Military Officer: Have you ever told interrogators a different reason for training other than what you have told us today?

Detainee: I don't remember.

Board Members Questions to the Detainee.

Board Member: You have indicated that you believe the Palestinian country should be able to defend their country; what do you consider the Palestinian country?

Detainee: It's just a country that should fall under international law so they could have their humanitarian rights.

Board Member: But they don't have a country now, do they?

Detainee: They live in their land now.

Board Member: But there isn't a Palestinian country or nation; the land area is called Palestine, correct?

Detainee: I really don't have any political background.

Board Member: When you went to al Farouq Training Camp, did they ever suggest anywhere else to train besides there?

Detainee: Nobody told me of any other place.

Board Member: How long were you at al Farouq training?

Detainee: About a month and one week.

Board Member: Usama Bin Laden didn't visit you personally, but did you see him in the training camp?

Detainee: Yes, I did.

Board Member: When you went to Afghanistan to teach Arabic, did you speak Pashtu to be able to do that?

Detainee: I don't understand Pashtu, but most of them speak Arabic.

UNCLASSIFIED//~~FOUO~~

ISN 550
Enclosure (5)
Page 4 of 6

000846

UNCLASSIFIED//~~FOUO~~

Board Member: In three years of Arabic literature studies in college, did you ever learn anything about the Taliban?

Detainee: Never.

Board Member: Did you have a job in Yemen before you went to Afghanistan?

Detainee: I looked and looked, but I couldn't find a job.

Board Member: So you didn't have a job in Yemen?

Detainee: No.

Board Member: Where did you get the money to buy your plane ticket?

Detainee: The same person that gave me advice to go just loaned me some money.

Presiding Officer: Who was that? What was his name?

Detainee: His name was Mustapha Sharaby; he was a Yemeni.

Presiding Officer: I'd like to go back to your second or third question in regards to what state or country the Palestinians would defend. Iran is a country, but we're not sure what country Palestine is that you might be defending.

Detainee: I never said I'd go to any place in Palestine, or any country.

Presiding Officer: Okay; I'm not going to beat a dead horse there. Your trip to Afghanistan was for financial reasons; how much money did you take with you?

Detainee: One or two hundred dollars; I don't know.

Presiding Officer: The five weeks training in weapons you had was for defending yourself?

Detainee: Yes.

Presiding Officer: How much did it cost, if anything, for you to get that training?

Detainee: Nothing.

Presiding Officer: If it cost you nothing, then who did you think was paying for the bullets and weapons you were training on if it wasn't for the Taliban as a force?

Detainee: The Taliban.

Presiding Officer: So they were going to finance your training, just so you could defend yourself in Afghanistan?

Detainee: The people I met told me that the Taliban were the ones who forced this kind of thing.

UNCLASSIFIED//~~FOUO~~

ISN 550
Enclosure (5)
Page 5 of 6

000847

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Okay. How's your back today?

Detainee: Good.

Board Member: Do you still consider the Taliban good Muslims?

Detainee: No, sir; they're not.

Presiding Officer: I take it you're not playing much soccer since you got hurt?

Detainee: Not recently; because the last time I got hurt.

Presiding Officer: Okay; thank you.

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

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN 550
Enclosure (5)
Page 6 of 6

000848

UNCLASSIFIED//FOUO

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions.

The Detainee is asked to speak up in order to be heard, however, the Detainee stated that he was unable to do so. The Presiding Officer stated for the record that due to the Detainee's lack of ability to speak up, the translator, who was sitting next to him and could hear him, would answer verbally for him.

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

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

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

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

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

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

Presiding Officer: The Detainee may now present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: During my interview with the Detainee, he indicated he wanted to address several pieces of the information in the evidence statements that were listed in the unclassified summary during the Administrative Review Board. I transcribed some notes of our conversation as we ran through the unclassified summary. I would like to read those notes now for the board and at the conclusion of my briefing; I request we ask the Detainee if he wants to add anything to my comments. First the Detainee denies engaging in hostilities against the United States or its coalition partners. He also stated that the author of paragraph 3.d of the unclassified summary was trying to incriminate him. In regard to paragraph 3.c, he stated that he did go to Afghanistan but not to fight against the Jews or Christians, instead he went to fight against the Shiites. In relation to paragraph

ISN 207
Enclosure (5)
Page 1 of 3

UNCLASSIFIED//FOUO

000849

3.d, he admits spitting on the guards but denies hitting him. He stated he only refused to eat on one occasion and that was because he wasn't feeling well. He stated he stopped taking his medications after the medical personnel told him he was crazy. He stated that the medical personnel insist [that] he takes his medicine even when he doesn't want to. He stated he does not have any psychological problems. In relation to paragraph 4.2, he stated he does not require assisted living accommodations and only needs physical therapy training in a hospital. In response to paragraph 4.b he stated he did not fight against the United States, and that he was not wounded in Castle Jenki while fighting the United States but was wounded in a fight against General Dostum's forces. That concludes my summary of his statement to me.

Presiding Officer: Mishal Alhabiri, good morning.

Detainee: *(Detainee is inaudible, translator is the only one heard)* Good morning to you.

Presiding Officer: Would you like to make an oral statement?

Assisting Military Officer: I have nothing to say further.

Presiding Officer: Assigned Military Officer, do you have any questions for the Detainee?

Assigned Military Officer: No, sir.

Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer: No sir.

Presiding Officer: Do any Administrative Review Board members have any questions for the Detainee?

Board Members: Yes, sir.

Board Member: The Designated Military Officer stated that you said that you were incriminated by someone concerning some of the issues that were related by the Assigned Military Officer; specifically, paragraph 3b. [Which states] he denies engaging in hostilities against the United States or its coalition partners. You stated that the author of that was trying to incriminate you. Can you comment on who your incriminator was?

Detainee: Whoever wrote these allegations against me is the one trying to put me down.

Board Member: You don't know who that is?

Detainee: No I don't. [It is] whoever wrote these allegations. It is not true.

Board Member: You do not dispute your commitment to the Taliban and Jihad. I would like to know if he is released, what his intentions are with regard to returning to the fight.

UNCLASSIFIED//~~FOUO~~

Detainee: I don't know. I want to go to Saudi Arabia. I want to go to my parents.

The Designated Military Officer and the Assigned Military Officer have no other information to present to this Administrative Review Board.

After the Presiding Officer reads the posts Administrative Board instructions to the Detainee and attempts to adjourn the open session of the Board, the Detainee interrupts stating the following:

Detainee: You did not mention that I was hit and I suffered.

The Presiding Officer takes a moment to review his notes.

Presiding Officer: I don't have this information. When and where did this happen?

Detainee: It was in the hospital, [about] a month ago. They hit me in my mouth and my tooth flew. They really hit me hard on my mouth and I could not eat. They broke my tooth.

Presiding Officer: Assisting Military Officer, do you know of this?

Assisting Military Officer: No sir, during our initial interview there was no mention made of any maltreatment in the Detainees (inaudible).

Detainee: Yes, I did not mention this.

Presiding Officer: I will make a report of this and pass it up my chain of command.

Detainee: Yes.

The Presiding Officer re-adjourned the open session of the Board.

AUTHENTICATION

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


Captain, USN
Administrative Review Board Presiding Officer

ISN 207
Enclosure (5)
Page 3 of 3

UNCLASSIFIED//~~FOUO~~

000851

UNCLASSIFIED//FOUO

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions.

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

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

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

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

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

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

Presiding Officer: At this point in the hearing the Detainee may present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Sir, I have some written notes that I took regarding our interview in regards to the unclassified summary and I believe that he would like to make an oral statement as well.

Presiding Officer: Those comments are included on Enclosure (3), EC-B. You can make those comments now.

Assisting Military Officer: My comments are as follows; Detainee received a copy of [a] translated unclassified summary. Regarding his behavior he stated that, "there are some guards here who have provoked me. I am forty-four years old. Would I provoke them? I have been isolated for one year because of this. This happened in the past here and they provoked me so I reacted to them. Sometimes I spat on them and sometimes I spoke loud to them and stated that they had no manners or grew up in the streets". Regarding his

ISN 311
Enclosure (5)
Page 1 of 11

UNCLASSIFIED//FOUO

000852

UNCLASSIFIED//FOUO

weapons training at the Bagram front, he stated that he never trained in Afghanistan but he did train in Algeria when he was in the military from 80-82.

Detainee: It was between 81-83...in the early eighties.

Assisting Military Officer: Regarding the mosque he attended while in England, he stated that he was "new to England and went there to pray. There was no sign on the mosque that said extremist mosque. If I wanted to create trouble I would have gone from Italy to Afghanistan. I went to England for work and higher pay". Regarding the Algerian house in Jalalabad, the house was an Afghani's house but he lived with another Algerian. Regarding the funeral he attended in Kabul and saw Usama bin Laden, he stated that he did not see him himself but that his friend said that "maybe he is here because people were talking about it". Regarding why he was there he said they were driving by the cemetery and stopped because it is traditional in his religion to stop and pay your respects. Regarding the stolen French passport, he stated that he got in Rome and used it to go to England in 2001. He said he could go to France without one and did not need it for that but since you had to cross the water to go to England you had to have one to go there. Regarding his statement that Americans are tyrants he stated that he was referring to the guards and said, "I do not believe all Americans are tyrants." Regarding his being captured while crossing the border into Pakistan, he stated that this was not true. When 9/11 happened in America he heard that the Americans were coming and they wanted to leave the country. They crossed through the mountains and he was already living in Pakistan with a family in the mountains when he was turned over to Pakistani authorities for money. He said that family suggested to him to stay awhile until things cooled down and that this was when he was turned in. Regarding the bus accident he was asleep when the bus rolled and broke his arm. That is all I have sir.

Presiding Officer: Thank you. Farhi Saiid, I understand you wish to make a statement under oath?

Detainee: What do you mean?

Presiding Officer: An oath is a promise to tell the truth. We have prepared a Muslim [oath] if you wish to use it. We do not require an oath.

The Detainee takes the Muslim oath.

Presiding Officer: Farhi Saiid, you may begin.

Detainee: You mean I [can] talk?

Presiding Officer: I understand you have some comments you want to make yourself. If not, then I will proceed from there.

Detainee: I read (the unclassified summary) and I said that those allegations that they wrote [have] a lot of lies in it. I don't know if the interrogator wrote it on purpose or by

ISN 311
Enclosure (5)
Page 2 of 11

UNCLASSIFIED//FOUO

000853

UNCLASSIFIED//FOUO

mistake because, first of all, they knew the reason why I went to Afghanistan. I went to Afghanistan because of marriage. Because the lady I wanted to marry lived in Afghanistan and she is from Europe. I had to go there (Afghanistan) to get all the papers together because I lived in Europe. Before, I was living in Europe illegally so my marriage with this lady would make me legal to live in Europe. That is the reason why I went to Afghanistan. Secondly, [if I wanted] to go to Afghanistan, I would [have gone] from Italy to Afghanistan. If I wanted to fight or Jihad, I would [have done] that in my country, in Algeria because I received military training in Algeria and it was mandatory training. I don't like the military and the two years [of] training that we had to go [through] in Algeria, mandatory military service, for ten years after that I hated it. Since I touched a weapon in the military training in Algeria I haven't touched any weapon in my life, since then until now. How can you say I am [an] enemy combatant? And these allegations that they wrote have lots of lies. For example, the first point. What is the first point?

Presiding Officer: Detainee left England in June to travel to Afghanistan to look for a wife. You agreed with that.

Detainee: Second point.

Presiding Officer: I am not sure which one you are referring to because the next point that I look at that is of interest other than the arguing with the guards and he mentioned in his comments about being provoked [is that] in England the Detainee attended two different mosques, which are known for extremists attending them.

Detainee: I am referring to the second point about the guards. I was here for one year and I never had any problems with the guards before until this group, another rotation, with the logo of Pepsi or something like that...I don't know.

Presiding Officer: Pepsi?

Detainee: Yes, their name is like that but I don't know. That is when I started having trouble with them. They created problems with me and I talked back [to] him. For example, the passport was stolen in Rome in 2000. How can I travel with [that] passport in 1997 from France to Italy?

Presiding Officer: OK. Assisting Military Officer, did you wish to interject? It looked like you were going to say something.

Assisting Military Officer: Sir, all I was going to say is that when he was talking about the Pepsi patch, it was the "MP" (military police) patch. He said that they were wearing something on their arm but he didn't know what it meant.

Presiding Officer: OK. Under intent, using a stolen French passport, the Detainee traveled from France to Italy in 1997 and from Italy to England in January 2001. So a 1999 passport could be used to travel in 2001. What you used to get from France to Italy it doesn't say. It just says a stolen French passport.

ISN 311
Enclosure (5)
Page 3 of 11

UNCLASSIFIED//FOUO

000854

UNCLASSIFIED//FOUO

Detainee: I understood [it] that way. I didn't travel from France to Italy with a passport. I traveled to England with a passport because this passport [was] stolen in Rome in 2000.

Presiding Officer: Correct, and you admit to that. That you got it in Rome and what they are saying here is that you went from Rome/Italy to England in 2001. So a 2000 passport could be used in 2001.

Detainee: Yes, I did travel with it to England.

Presiding Officer: OK.

Assisting Military Officer: Sir, if I may, the only point I know that he brought up in the interview was that he didn't need a passport to travel between France and Italy because they are connected by land but he got a passport later on to travel over to England because he had to go across the water.

Presiding Officer: If you (the Detainee) have anything more, please continue.

Detainee: Something that I would like to talk about is that they said that I received training in [the] Bagram front. I don't know anything about that. How did they come up with this? Maybe I spoke once with my roommate in Kabul. We went to somebody [he knew] outside of Kabul, through Bagram. Maybe they understood it this way. I said I went with my roommate to see another person and we went through Bagram. Maybe when I told the interrogator that he understood that I received training in Bagram. That is the only thing I heard about Bagram and the first time I find out about Bagram. What is this about Bagram here in the allegations?

Presiding Officer: Please continue if there is anything else.

Detainee: They said that I lived in an Algerian house in Jalalabad. It is an Afghan house but I lived with an Algerian person, it is true but the house is an Afghans' house not an Algerians' house.

Presiding Officer: I think the point they are making here is that it was owned by an Algerian in Jalalabad.

Detainee: That is true. Very good. He is an Algerian. He owns that house.

Presiding Officer: OK. Please continue.

Detainee: They say [that] they captured me in the border. They didn't capture me or anything like that. When the United States invaded Afghanistan, I left Afghanistan. I stayed in Pakistan in a little village with tribe people before Ramadan. [I stayed] until after the end of Ramadan, two or three days, then they gave me to the police. From the police they took me to the *gendar* (French word meaning police station). From there they gave me to the military until they [took] me to Kandahar. I need to think because...yes, they wrote that I went to the (inaudible)...we were in the car with the person I live with until we

ISN 311
Enclosure (5)
Page 4 of 11

UNCLASSIFIED//FOUO

000855

UNCLASSIFIED//FOUO

saw people in cemetery. We went inside [the] cemetery. There were a lot of people there. They said [that] maybe Usama bin Laden is here. And even if you see him from far away, you don't recognize him. They wrote here that I went to [the] cemetery and I saw bin Laden. The point of the mosque...they said [that] this mosque is an extremist mosque in England. It [had a] sign of [a] mosque. I went and I prayed. If there was a sign that said extremist, it is true I would not go. And for [the] second mosque on Baker Street, I went there because they cooked over there and it is cheap to eat there and I do my prayer almost everyday around five o'clock and the one around eight o'clock [I do] sometimes. And the mosque at Finsbury Park, I prayed there probably five or six times when I was new in the area. In general, I swear I don't know any Jihad. I went there to (inaudible) my situation and I got captured and I have ended up spending years in the prison, in summary.

Presiding Officer: Where are you referring to when you say, "I went there?"

Detainee: To Afghanistan.

Presiding Officer: OK, continue.

Detainee: That is [it] in summary. I am not an enemy to anybody. I didn't hurt anybody. I lived in Europe, in France, Italy, [and] in England [for] five months. I've been in Algeria, [the rest of] my life. If you can find the least thing about me, I defy you. Try to find the least thing about me [saying] that I am [an] enemy combatant. That is all [of] my summary.

Presiding Officer: Farhid Saaid, does that conclude your statement?

Detainee: That is all I have.

Presiding Officer: Did the Assisting Military Officers' statement provide the information that you wanted us to hear?

Detainee: Yes, he did give the information that I want[ed] but in translation maybe [to some] point by word-by-word, no, but the meaning is there.

Presiding Officer: OK. If there is something you would like (the Assisting Military Officer) to clarify, we can do that but...

Detainee: I mean about my behavior in the prison with the guard...I am saying that when you talk about the guards, they are the ones that provoked me. They were looking for trouble with me.

Presiding Officer: OK, that is the way I understood what you passed on.

Detainee: Very good.

Presiding Officer: So the Assisting Military Officers' statement did provide the information that you wanted us to hear?

ISN 311
Enclosure (5)
Page 5 of 11

UNCLASSIFIED//FOUO

000856

UNCLASSIFIED//FOUO

Detainee: Yes. Very good.

Detainee: Thank you.

Presiding Officer: Assigned Military Officer, do you have any questions for the Detainee?

Assigned Military Officer: No, sir.

Presiding Officer: Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer: No sir.

Presiding Officer: Do any Administrative Review Board members have any questions for the Detainee?

Board Members: Yes, sir.

Questions for the Detainee:

Board Member: When you traveled from Afghanistan to look for a wife, did you know this lady ahead of time?

Detainee: No. Is it possible for me to say how I knew [that] that woman exist[ed] over there?

Board Member: Yes, it's possible.

Detainee: It was a Moroccan guy who worked washing cars. We met at the mosque in England. He is the one who told me about a lady in Afghanistan.

Presiding Officer: So, you were going to meet a known person?

Detainee: Yes. I asked him how would I meet her and he said not to worry that there were Arab people there that would introduce me to her.

Presiding Officer: Now, I had gotten the impression from something he said earlier that he was marrying this woman because she was European and that would make him legal.

Detainee: If I were married to her why would I go to Afghanistan before? He told me that she was married and she got divorced and I said I would go get married with her and come back to Europe.

Board Member: OK, my next question is, why couldn't he just get an Algerian passport?

ISN 311
Enclosure (5)
Page 6 of 11

UNCLASSIFIED//FOUO

000857

UNCLASSIFIED//FOUO

Detainee: I used to have an Algerian passport until when I went from Algeria to France, Europe; I threw by passport away...in 1989. And the reason why I threw it away [was] because if they capture you and you are illegal there they will send you back if you have an Algerian passport. If you don't have [a] passport, they can't send you back.

Board Member: OK, I understand.

Presiding Officer: Is that 1989?

Detainee: That is the first time I left Algeria going to France.

Board Member: The next question is a clarification type question. Do you think any Americans are tyrants?

Detainee: I don't think that. It is impossible. I never knew Americans. The only American I knew is that soldier, the guard I met in the prison.

Board Member: So you don't think any Americans are tyrants at all?

Detainee: No, I don't think about Americans and I don't speak about them. The only one was that soldier. And even before this group, I never had any problems with them. You can look at my file. I had no problems with anyone before.

Board Member: Thank you, that is all my questions.

Board Member: Said, how many languages do you speak?

Detainee: I speak Bur-bur (ph), Arabic, and French and a little Italian. When I got to Italy I was old and it is hard to learn. And English a little bit [which] I learned here.

Board Member: Let me make sure I understand, you have gone to isolation twelve times in three years?

Detainee: What do you mean? I don't understand your question?

Board Member: You said you were in isolation one year. That would be twelve twenty-nine day periods. Is that correct? You were sent to isolation twelve different times for misbehaving in the prison.

Detainee: I went many times but I don't know...

Board Member: Many times...

ISN 311
Enclosure (5)
Page 7 of 11

UNCLASSIFIED//FOUO

000858

UNCLASSIFIED//FOUO

Detainee: When this group started (referring to a new rotation of soldiers/sailors), the problems started. They started provoking me or creating problems and naturally, I couldn't control myself and I responded. [It went] from one problem to another.

Board Member: Who did you meet in the mosques in England?

Detainee: I met this Moroccan and I met lots of people but the person that I kept in touch with was this Moroccan.

Board Member: Do you remember any names?

Detainee: Of course, the one I worked with, the Algerian.

Board Member: No names, OK.

Detainee: Yes, I do, for example this guy...his name is A-beth Ha-tif (ph). If I remembered his phone number I would get in touch with him to help me out...

Board Member: I am not worried about phone numbers, I just want names.

Detainee: I understand. The reason why I am saying if I remembered his phone number, I would give [it to you] so that you can contact him to have more information about me.

Board Member: Do you remember the name of the family you stayed with in Pakistan?

Detainee: No, you can't know their last name because they just introduced [themselves] with their first names and that is it.

Board Member: What happened on the bus after you broke your arm?

Detainee: When the bus rolled over, I was lying like that on the chair (on his side) and I felt like my arm [was] broken. When the Pakistani police came in he took me out and took me to a room close by and he gave me first aid and then they took me.

Board Member: How do you plan to work in Europe? How do you plan to get a legal visa to work in Europe?

Detainee: Now I don't know. God knows! When I get out ...if I can ask any country in Europe to allow me to live legally there I will go and do that because I [have] always want[ed] to live in Europe from [a] long time [ago].

Board Member: Those are all the questions I have, sir.

Presiding Officer: Let me get back to your reasons for going to Afghanistan to get married. You mentioned you were living in Europe illegally. So my question is, by

ISN 311
Enclosure (5)
Page 8 of 11

UNCLASSIFIED//FOUO

000859

UNCLASSIFIED//FOUO

marrying somebody in Afghanistan, how would that make it legal for you to go back to Europe?

Detainee: It is easy! It is easy because if she decides [to] marry me I would return to England and she comes to England. We would get married in England. After she is my wife, (because) she is European; I will [have the] right to be legal. They would give me the residency and after that the passport.

Presiding Officer: OK, then let me ask you officially, then the woman is European not Afghani?

Detainee: Yes, she is European. She is Swedish.

Presiding Officer: Again, [it states] here that you received weapons training in Bagram. My question is, what weapons were you trained on?

Detainee: How can you ask me a question like that? I told you already [that] I haven't touched a weapon since I left the military in Algeria!

Presiding Officer: OK, I just wanted to hear you say it again!

Detainee: I'll say it to you...I'll say it to you!

Presiding Officer: The Algerian house you stayed at in Jalalabad, did you know the owners of that house?

Detainee: What owners? It was only one person by himself?

Presiding Officer: Did you know him?

Detainee: What do you mean do I know him? Before?

Presiding Officer: Do you know his name? How did you know to go there?

Detainee: Yes, I know his name. Adbel Hafid, [is] his name. After the invasion happened I don't know whether he lived. From the beginning of the invasion I told him I wanted to leave and he told me [to] wait a little bit. After one week he didn't show up [and] I [didn't] see him. After that I left.

Presiding Officer: So he wasn't there when you stayed at the house?

Detainee: Before, he was there before but when the invasion started I [told] him that I wanted to leave...he said, "just wait...wait a little" and after that he left for a week. I haven't seen him.

ISN 311
Enclosure (5)
Page 9 of 11

UNCLASSIFIED//FOUO

000860

UNCLASSIFIED//~~FOUO~~

Presiding Officer: And you said the name was Abdel...and I missed the last name.

Detainee: A-B-D-E-L H-A-F-I-D

Presiding Officer: You made mention of...you brought up Jihad and nowhere in the unclassified summary did we mention you [had] been involved in any Jihad, so I am curious why you brought that up.

Detainee: They said from the beginning even in the interrogation room, they told us that we came here [because of] Jihad. And they said we were lying and making [up] stories.

Presiding Officer: OK, that is good enough. And just for clarification, you threw away your Algerian passport? So, you were in France and Italy illegally that is why you needed to get a stolen passport.

Detainee: Yes.

Presiding Officer: And the family you stayed with in this little village, they turned you in?

Detainee: Yes. In this village, they don't put you in with one family [only] they move you from one family to another. Everyone takes turns taking care of you. They don't speak your language only some may speak a little Arabic. And they let me stay for the month of Ramadan and then we will see.

Presiding Officer: Who is 'they' that puts them from house to house?

Detainee: [The] people that live in that little village.

Presiding Officer: And you described al Qaida as a platform or foundation. What do you mean by that?

Detainee: Al Qaida in Arabic is the base of a house or a foundation.

Presiding Officer: OK, I understand. You say you want to live a good life and get a job and live in Europe. Where specifically in Europe do you wish to do this?

Detainee: Italy, France or Britain. That (Britain) would be my last choice because I know a little...Italy, France...anywhere in Europe. If I had [a] choice I would chose Italy or France.

Presiding: So, Italy, France or Great Britain.

The linguist reiterates "Italy, France or Great Britain."

ISN 311
Enclosure (5)
Page 10 of 11

UNCLASSIFIED//~~FOUO~~

000861

UNCLASSIFIED//FOUO

Presiding Officer: The reason I ask is because I think you have already expressed an interest not to go back to Algeria and if released to your home country Algeria is what I have down as your home country.

Detainee: I mean yes, I didn't want to live in Algeria from the beginning, this is why I went to Europe but if I had to live in prison or [I had a choice] to live in Algeria free...I would go to Algeria...but I prefer to go live in Europe.

Presiding Officer: So you have no objection if we were to release you to your home country of Algeria.

Detainee: No objections.

The Designated Military Officer and the Assigned Military Officer have no other information to present to this Administrative Review Board.

The Presiding Officer reads the post Administrative Review Board instructions to the Detainee and attempts to adjourn the open session of the Board; the Detainee interrupts stating the following:

Detainee: I have a question. The fact that I have been in Afghanistan and if you decide to release me and they transfer me to Algeria, will Algeria put me in jail? Because we don't know about the situation in Algeria.

Presiding Officer: I cannot honestly answer that.

Detainee: Thank you. That is all I have.

The Presiding Officer re-adjourned the open session of the Board.

AUTHENTICATION

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


Colonel, USMC
Administrative Review Board Presiding Officer

ISN 311
Enclosure (5)
Page 11 of 11

UNCLASSIFIED//FOUO

000862

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions.

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

The Detainee interrupted stating that he did not understand what EC-B was. The Presiding Officer explained to the Detainee that it was the Exhibit classification, a name given to that form.

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

The Detainee interrupted again saying that he did not understand. The Presiding Officer explained that the Exhibit they were referring to was the Unclassified Summary that was read to him by the Assisting Military Officer. The Assisting Military Officer interjected to further explain that the Exhibit in question had been read to the Detainee the week before. The Detainee concurred that he had read the Unclassified Summary, however, the Detainee stated that some of the information was incorrect on that statement. The Presiding Officer explained to the Detainee that he would be allowed to explain that today.

The Designated Military Officer then gave a brief description of the contents of Exhibit DMO-1. The Detainee interrupted once again while the first allegation was read. The Presiding Officer asked the Detainee if he could wait until the Assisting Military Officer presented his information to the Board. The Detainee stated that he had met with the Assisting Military Officer before and that he did not need him there. The Presiding Officer explained to the Detainee that he would be given the opportunity to speak after he allowed the Designated Military Officer to finish his summary. The Detainee agreed. The Designated Military officer continued reading the Unclassified Summary. The Designated Military Officer confirmed that he had no additional unclassified information to present and requested a closed session to present classified information relevant to the disposition of the Detainee.

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

Presiding Officer: The Detainee may now present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Sir, I am not aware of any written statements or witness statements that the Detainee has brought with him today, however, I believe it is useful if I read to the Board the comments that the Detainee gave me during our interview. The Detainee provided the following comments in response to the Unclassified Summary of Evidence: Regarding the allegation that he was called to fight Jihad in 1997 and traveled to Kabul to join the Taliban, the Detainee replied that this statement is totally out of context and false. He said that he, like many

UNCLASSIFIED//~~FOUO~~

ISN 008

Enclosure (5)

Page 1 of 6

000863

other people, went to Kabul the capital of Afghanistan simply to visit the city. He stated that if he wanted to join the Taliban it would not have been necessary to travel to Kabul because the center of the Taliban was located in Kandahar which is much closer to his home state of Helmand. He stated also that he was not called to fight Jihad and was not aware that any Jihad was declared in 1997. In response to the allegation [that] he stated it would be fine to wage Jihad against Americans, Jews or Israelis if they were invading his country, the Detainee stated [that] he knows nothing about Israelis or Jews and that he has never made any statement regarding Jihad against Americans, Jews or anyone else. He emphasized that during his numerous interrogations people come and go all the time asking questions and make up things he did not say. Regarding his injuries, he explained [that] his injuries occurred in Kabul during the period he visited there with friends and that he was not engaged in any fighting when the bombing occurred. He stated also that he did not go home after being injured in the bombing but went directly to a hospital in Kandahar to receive medical treatment and went home to Helmand after recuperating. He stated that although he traveled through Kandahar on his way to Kabul, he did not go to Kandahar to rejoin the Taliban [and] that Kandahar is simply a city he must pass through on the way to Kabul. Regarding visiting Konduz in September of 2001, he stated that the purpose of his visit was to receive financial recovery so that he can continue his medical treatment and not to join the Taliban. He stated [that] he did, however, ask the Taliban to provide him some money but he received no assistance from them. He stated also [that] he did receive a Kalashnikov rifle in Konduz from the Taliban and accepted the weapon but that he did not have any intention of using it. Sir, he also denied knowing [that] Americans were bombing Afghanistan when he traveled to Konduz. And regarding his capture he stated [that] he was not captured but rather [he] turned himself in to the Northern Alliance because he did not want to fight anyone. Sir, that summarizes the notes I took during my initial interview.

The Presiding Officer asks the Detainee if he wishes to make a statement and if so will he take the Muslim oath. The Detainee accepts and takes the Muslim oath.

Detainee: I told this officer before and they blame me [for going] to Kabul to participate in Jihad. If I wanted to join the Jihad, why didn't I go to Kandahar, or Helmand or other places where the Taliban was fighting? Why did I go to Kabul? The reason I went to Kabul with my friends was because I heard a lot of things about Kabul and I wanted to see Kabul with my own eyes. I am a Muslim; I don't fear anything except Allah, except God. They blame me [for fighting] against the Jewish, against Americans, against this and that but that is not true. I just said I don't have anything against Americans. That is all I said even Americans were helping Dostum but Americans were not directly involved. The animosity and the fighting was between Uzbek and Pashtu from centuries and centuries. We don't like each other. Americans had spoken with Dostum and the Taliban decided and I decided to surrender to Americans because Americans had the Red Cross and we respect it and we wanted to surrender ourselves to Americans. They call me Enemy Combatant, I don't understand why. I went and I turned in my weapon and myself on my own. No one forced me to do that. All the persons who want peace they call them Enemy Combatant (inaudible). As you know, when the Taliban was in power in Afghanistan, all of Afghanistan was with them even Pashtu, Uzbek, everybody was with Taliban but it is not right [that] whoever worked there at that time you called them Taliban and enemies. I tell you the truth (Afghani) war commanders sold people for dollars (to Americans) and (labeled) them different names, like he is (Taliban), he is (Al Qaida). That was not true. That was their purpose, to get money. They sold innocent people. I [have] never been America's

enemy and I never intend to be. If I was America's enemy, why did I go on my own and surrender my weapon? I am not stupid, [the] Americans came to my country and they built our country before. They made a company that built roofs and they helped us in any conceivable way. They helped Afghanis. I am not stupid to become the enemy of someone who is helping us. That is not true because [in] the place I lived Americans did a lot of work in a long long time and we are very pleased with Americans. I am not stupid; they did not interfere with my religion. They didn't interfere with my belief. [While in prison now] they even gave me a Koran and we are free to pray and do everything. They [re]built our country. I am not stupid to be their enemy. I have already said these kinds of things. What should I say now? I [have nothing else to say]. This is enough of a good explanation. Whoever was captured in Afghanistan was marked as Taliban and enemies. That is not true. I heard in the prison that a lot of Taliban stayed in Konduz and they didn't surrender themselves and they are living there with no problems. If I was thinking like that why did I surrender myself? I could've stayed with the Taliban there. Why did I surrender myself? That is it. I have nothing [else] to say.

Presiding Officer: Abdullah, does that conclude your statement?

Detainee: Yes

Board Members Questions to the Detainee.

Board Member: Abdullah, did you surrender to the Northern Alliance or to the United States?

Detainee: Well at the time I went to Dostum to surrender myself they were all together.

Board Member: How did you know that the Americans and Dostum had met prior to your surrender?

Detainee: I really don't know much about it but [the] Taliban surrendered themselves to Dostum because they said [that] Dostum and Americans all fought together and the Red Cross was with them.

Board Member: Did somebody tell you to surrender?

Detainee: The leader of Taliban. They talked to him previously.

Board Member: Did the leader of Taliban tell you to surrender?

Detainee: Yes, they told us not to fight or do anything and just surrender.

Board Member: What did you do for school or work prior to 1997?

Detainee: I was very young and I went to school. Then the school system was disrupted in Afghanistan so I was working and doing things in my house in Helmand.

Board Member: What do you plan to do if you are released back to Afghanistan for work?

Detainee: I want to go back home and join my family and work in my land and help my family.

UNCLASSIFIED//~~FOUO~~

Board Member: When you went to visit Kabul, was that the first time you had ever gone to the city?

Detainee: That was the first time.

Board Member: Can you tell us what injury exactly you sustained because of the bombing that occurred?

Detainee: I was close to Kabul and there was a place where everybody would gather to play and do things. I was playing an Afghani game and there were a lot of Taliban there. An airplane came and bombed that area.

Board Member: What injuries did you sustain?

Detainee: My hands, my legs and my upper body.

Board Member: In 2001 when you went to the city of Konduz, whom did you think was doing the bombing? You said you didn't think it was the United States.

Detainee: At the time I went to Konduz there was no bombing. I had never heard of a bomb. The last three or two months before surrendering people to the Northern Alliance, there was some bombing in Konduz, not before.

Board Member: Do you like what the United States is doing in Afghanistan now?

Detainee: Yes, I am very happy. I am very pleased like I told you before. They are [re]building my country.

Board Member: Have you ever tried to get your friends back in Afghanistan to write statements of support for you saying that you are just like all of them that are back there?

Detainee: I wrote so many letters and I asked them to pray for me and I told them to try to send children to school system. And I didn't write anything and they didn't write me anything. If I am a criminal I would be proved criminal in Afghanistan because they know me and they know criminals over there. Except some educated people, the war leaders have no interest in [re]building Afghanistan. They have no interest in helping people. They are only interested in dollars. That is all. I know those people that worked in the current government of Afghanistan they are still in (inaudible).

Board Member: What kind of medical attention did you think you could get with the Taliban that you weren't getting previously?

Detainee: I was in Kandahar in [a] Chinese hospital. It is a very big hospital and I was there for several months.

Assisting Military Officer: Can I interject one thing sir? I believe that when he spoke to me he said that he went to the Taliban to get financial aid after he had been released from the hospital. He was seeking financial assistance so he could use that money to receive additional treatment.

UNCLASSIFIED//~~FOUO~~

ISN 008
Enclosure (5)
Page 4 of 6

000866

UNCLASSIFIED//~~FOUO~~

Detainee: When I was in the Chinese hospital, definitely the Taliban brought me some medicine.

Board Member: Are you Taliban or not? Initially you stated that you weren't Taliban, because "why did you go all the way to Kabul if you were just going to join the Taliban" but on the other hand when the Taliban was told to surrender, you surrendered with them so are you Taliban or not?

Detainee: That was the government of Taliban at that time. It didn't matter. It doesn't mean that you are a Talib or not but if you are in school and you get aid from the government, they call you Taliban. I went to school for two years then the school system was disrupted and I my father was helping me [by] teaching me [from] books. [He would] read me books and religious things.

Board Member: It sounds like if you surrendered with the rest of the Taliban then you thought you were affiliated with the Taliban. Is that correct?

Detainee: While everybody was there in the other side, not the Northern Alliance, they were obeying [the] Taliban's rules. So they said surrender [and] everybody surrendered. It doesn't matter who you were Talib or not. You were under the Taliban government.

Board Member: So everyone in the government surrendered?

Detainee: I don't know about the entire country but when I was in Konduz, I heard [that] some people didn't. Some people stayed there under [the] Taliban's rules but the majority of people did (surrender). A few people didn't surrender but the majority did. Maybe at the most a hundred people didn't surrender.

Board Member: Why did you accept the Kalashnikov rifle?

Detainee: We were not permitted to walk around without a gun so when I went there [and] they gave me a Kalashnikov and I accepted it.

Board Member: What was in your possession when you surrendered?

Detainee: The Kalashnikov.

Board Member: Nothing else?

Detainee: No.

Board Member: I noticed you are wearing orange. Orange is usually reserved for people who are having some problems in the detention center. Why do you think you are wearing orange?

Detainee: I have nothing to do with the guards and anybody else but I was trying to get permission to take a shower daily. Right now I am taking one within every three days. Sometimes when I verbally argued with guard because they disrespected my Koran. I am in confinement and the people that interrogated me asked me why I was there and I said that I was happy here because I don't want to hear anybody's voice and I don't want anybody to harass me. I don't want anybody to talk to me. I am happy here.

UNCLASSIFIED//~~FOUO~~

ISN 008
Enclosure (5)
Page 5 of 6

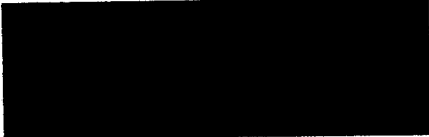
000867

UNCLASSIFIED//~~FOUO~~

The Presiding Officer reads the post-Administrative Board instructions to the Detainee and adjourns the open session of the Board.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN 008
Enclosure (5)
Page 6 of 6
000868

This page intentionally
left blank

00869

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions.

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

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

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

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

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

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

Presiding Officer: The Detainee may now present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Yes sir. On the initial interview conducted on 15 December the Detainee requested the Assisting Military Officer assist him in preparing a written statement. I met with the Detainee again on 23 December to assist in preparing his written statement, which I have here now. What I want to do Mr. President is using the unclassified summary in the paragraphs as I state, I'm going to make a response that the Detainee gave me in relation to each one these paragraphs, which I will also provide the written statement at the end of my statement sir. I will begin my Assisting Military Officer assisted statement now:

When informed by the Assisting Military Officer, the U.S. had requested Saudi Arabia to notify the Detainee's relatives of the Administrative Review Board and inform them their opportunity to submit any relevant information, the Detainee stated that he had previously requested the U.S. not to contact the Algerian government or give them information since this action could place certain members of his family and friends in jeopardy.

UNCLASSIFIED//~~FOUO~~

The Assisting Military Officer began to address the points made in the Unclassified Summary of information on behalf of the Detainee.

3.a. The Detainee was a member of al Qaida.

Detainee: I didn't know the al Qaida organization and I am not a member.

3.a.1. The Detainee's travels from France to Afghanistan were facilitated by al Qaida members.

Detainee: I traveled from London, not France directly to Pakistan and from there to Afghanistan. My transportation was facilitated by a Pakistani youth mosque and not al Qaida. I used my own funds to pay for my travel expenses.

3.a.2. The Detainee trained at the Malik training camp in Afghanistan.

Detainee: I trained at a guesthouse in Bakram vice Malik.

3.a.3. The Detainee received training in small arms, RPGs and combat tactics.

Detainee: I received training on the Kalashnikov rifle and did not receive RPG training or combat tactics training.

3.b. The Detainee engaged in hostilities against US Forces.

Detainee: I did not engage in hostilities against the United States.

3.b.1. The Detainee was captured on his way to the hospital after being injured when a comrade accidentally detonated a grenade.

Detainee: I was injured while I was sleeping and when I awoke I was in a vehicle near a hospital and was then taken to the hospital.

3.b.2. The Detainee stated he would kill Americans if released.

Detainee: I did not say that I would kill Americans if I were released.

3.b.3. The Detainee sustained significant combat related injuries.

Detainee: My injuries were not combat related but occurred while I was sleeping.

3.b.4. Based upon a review of recommendations from US Government agencies and classified and unclassified documents, Detainee is regarded as continued threat to the United States and its Allies.

Detainee: I never had any intention of being a threat then or now.

ISN 070
Enclosure (6)
Page 2 of 4

UNCLASSIFIED//~~FOUO~~

000871

UNCLASSIFIED//~~FOUO~~

3.b.5. Detainee's conduct: Overall behavior has been generally non-compliant and aggressive. Detainee has failed to comply with guards' instructions on a number of occasions. He has been informed to keep his clothes on and has repeatedly disregarded those orders and has stood in his cell naked.

Detainee: I have never misbehaved while being a Detainee. I am under medication for my head injury and I removed my clothes because I had a headache.

3.b.6. Detainee states that he supported the Taliban belief in a true and complete Islamic state that enforces Islamic law. Detainee adds that his incarceration has not deterred him and should he be released, and given the opportunity, he would still fight jihad with the Taliban. He believes that America is an enemy of Islam.

Detainee: I deny this entire statement.

4.b. In his own oral testimony, Detainee has repeatedly denied membership to any terrorist group and claimed he did not participate in any fighting and would not kill Americans.

Detainee: I agree with this entire statement.

Assisting Military Officer: That concludes my Assisting Military Officer assisted statement for this Detainee sir. I am passing a copy of this assisted statement to the Administrative Review Board and will designate it as Exhibit EC-C. I am not aware if the Detainee desires to make an oral statement. I believe we should ask if he chooses to do that sir.

Presiding Officer: Do you desire to make an oral statement at this time?

Detainee: No, I do not wish to.

Presiding Officer: Assisting Military Officer, do you have any other questions for the Detainee?

Assisting Military Officer: No sir.

Presiding Officer: Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer: No sir.

Presiding Officer: Do any Administrative Review Board members have any questions for the Detainee?

Board Members: No sir.

ISN 070
Enclosure (6)
Page 3 of 4

UNCLASSIFIED//~~FOUO~~

000872

UNCLASSIFIED//~~FOUO~~

Presiding Officer: I have one question for you. Why should this board determine that you are not a threat and release you?

Detainee: I did not intend to commit any crimes. I did not intend any harm or crimes.

Presiding Officer: Do you have any further comments or statements to make?

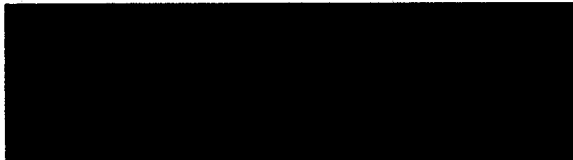
Detainee: I would like to thank you for the Administrative Review Board and hearing me.

Presiding Officer: You're welcome. Does the Designated Military Officer or Assigned Military Officer have any other information to present to this Administrative Review Board?

After confirming the correct pronunciation of the Detainee's name, the Presiding Officer read the post Administrative Review Board instructions to the Detainee and adjourned the open session of the Board.

AUTHENTICATION

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



Captain, USN
Administrative Review Board Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN 070
Enclosure (6)
Page 4 of 4

000873

UNCLASSIFIED

AMO Assisted Statement ICO ISN 070

When informed by the AMO the U.S. had requested Saudi Arabia to notify ISN 070's relatives of the ARB and inform them of their opportunity to submit any relevant information, ISN 070 stated he had previously requested the US not to contact the Algerian government or give them any information since this action could place certain friends and family members in danger.

Para 3.a. Stated he did not know the Al-Qaida organization and is not a member.

Para 3.a.1. Stated he traveled from London (vice France) directly to Pakistan and from there to Afghanistan. Stated his transportation was facilitated by a Pakistani youth mosque and not Al-Qaida. Also stated that he used his own funds to pay for his travel expenses.

Para 3.a.2. Stated he trained at a guesthouse in Bakram (vice Malik).

Para 3.a.3. Stated he received training on the Kalashnikov rifle and did not receive RPG training or combat tactics training.

Para 3.b. Denied engaging in hostilities against the U.S.

Para 3.b.1. Stated he was injured while sleeping and when he awoke he was in a vehicle near a hospital. Stated he was then taken to the hospital.

Para 3.b.2. Denied stating he would kill Americans if released.

Para 3.b.3. Stated his injuries were not 'combat related' but occurred while he was sleeping.

Para 3.b.4. When asked by the AMO if he regarded himself as a threat to the U.S. or its allies he stated "I never had any intention of being a threat, then or now."

Para 3.b.5. Stated he has never misbehaved while a detainee. Stated he is under medication for his head injury and he removed his clothes because he had a headache.

Para 3.b.6. Denied the entire statement.

Para 4.b. Agrees with the entire statement.



Summarized Administrative Review Board Detainee Statement

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

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

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

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

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

The Designated Military Officer confirmed that he had no additional unclassified information to present.

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

Assisting Military Officer: I would like to submit to the board members comments provided by the Detainee during our initial interview, wherein he was read the Unclassified Summary. It also appears evident he wishes to speak to the board upon conclusion of my briefing sir. The following comments were provided by the Detainee in response to the Unclassified Summary:

3.a.1. In Kabul, the Detainee stayed at a Taliban guesthouse for an unknown length of time.

Assisting Military Officer: The Detainee stated that he was conscripted by the Taliban against his will and that he really had no choice but to stay at the guesthouse involuntarily. He stated that he was at the guesthouse for about six weeks and that he had provided this information to authorities on previous occasions.

3.a.2. The Detainee, along with other Taliban soldiers, traveled to Yonganack where they surrendered to Dostum's Northern Alliance troops.

Assisting Military Officer: The Detainee stated that Dostum received money for each Taliban that was turned into his forces and that members of Dostum's militia received a reward for their surrender whether they were fighters or not.

UNCLASSIFIED//~~FOUO~~

3.b. The Detainee spent about one month in Kandahar where he received basic informal courses on the Kalashnikov rifle.

Assisting Military Officer: The Detainee denies receiving training on the Kalashnikov rifle or any other weapons.

3.c.1. The Detainee was identified as Mullah Abdul Rauf, a Taliban troop commander.

Assisting Military Officer: The Detainee denied he was ever a Taliban leader or troop commander.

3.c.2. The Detainee stated that he was one of about 12 other conscripted people who were guarding the communication building called Sadarat in Konduz.

Assisting Military Officer: The Detainee denies he was guarding this communications building and that his duties only included serving food to the Taliban who were present in the building.

3.c.3. The Detainee and other Taliban soldiers would monitor the radio and receive updates on various fighting ongoing in the area by local Taliban soldiers.

Assisting Military Officer: The Detainee stated that while he was in the room serving food to the Taliban there was in fact a radio that they were listening to and he overheard what was being said. However, he stated that his duties never included monitoring radio transmissions or receiving updates and stated that he also never received any training in radio operations.

Assisting Military Officer: Sir, those complete the replies that the Detainee provided me during our initial briefing.

Presiding Officer: Thank you Assisting Military Officer. Abdul Rauf, would you like to make a statement at this time?

Detainee: Yes, sure. I will go ahead and say a few things.

Presiding Officer: Do you want to make your statement under oath? An oath is a promise to tell the truth and we have prepared a Muslim oath if you wish to use it. We do not require an oath and it is entirely up to you. It is voluntary.

Detainee: I was going to talk about two or three things that you guys mentioned. It is up to you guys if you want me to swear.

Presiding Officer: It is entirely up to you. We will continue if you don't.

Detainee: That's fine.

ISN 108
Enclosure (5)
Page 2 of 7

UNCLASSIFIED//~~FOUO~~

000875

UNCLASSIFIED//FOUO

Presiding Officer: Abdul Rauf, you may begin.

Detainee: About the allegation that I was caught among the other Taliban, I've already told you that Dostum was getting a reward for turning in anybody. He was getting paid for it and that's what happened to us over there.

Presiding Officer: Okay.

Detainee: About the radios or communication devices, even at that particular time the interrogator brought me that piece of equipment and showed it to me. I looked at the radio and said that I had never that thing before. He told me that they were going to do a finger print check on it. They did it and came back to me and told me that I was right and my fingerprints were not on the radio. Now all of a sudden I'm here in Cuba and they are telling me the same allegation. I thought I already told them that it was done.

Presiding Officer: Okay.

Detainee: About the allegation that you said that I did some kind of training on the Kalashnikov, I have no idea what you are talking about. I have never done this training at all. I already told them this before. Things just keep on appearing the longer I stay here. I explained very clearly about some of these allegations with the interrogator. They never existed back when I was captured. I don't know where these things come from and did not cause all of these allegations that are on me right now. I had no choice. I do not know if you guys know how the government used to operate in Afghanistan. I had some land and the Taliban came up to me and told me that they were going to give me a job. They told me that if I did not cooperate with them they were going to confiscate my land and I would be nobody. That's why I had to go and do the duties that were assigned to me, guarding the building. That's why I was with the Taliban. If I go back right now and there is Karzia's government, all I want to do is go there and work on my land. I know they are probably a little upset but I had no choice. If they do not mind, I'd love to go there and help them out with the new government and work for them.

Presiding Officer: Okay, anything else?

Detainee: I don't have much more to say.

Presiding Officer: Abdul Rauf, does that conclude your statement?

Detainee: Yes sir.

Presiding Officer: Did the Assisting Military Officer in the statements that he presented, did he provide the information that you wanted to hear?

Detainee: Yes, he stated whatever I told him before.

ISN 108
Enclosure (5)
Page 3 of 7

UNCLASSIFIED//FOUO

000876

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Okay good. Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer: No sir.

Presiding Officer: Designated Military Officer, do you have any questions?

Designated Military Officer: No sir.

Presiding Officer: Do any Administrative Review Board members have any questions for the Detainee?

Administrative Review Board members' questions

- Q. You mentioned in your statement that you have land. I would like to know what you do for a living on your land.
- A. I had two bulls that were pulling the plow to soften the soil and we grew vegetables and rice and corn and that's how I survived from my own land. That's what I'm planning on doing. To go there and feed my family and myself.
- Q. I would like to know because you mentioned that you have never been through training, do you know how to use a Kalashnikov rifle?
- A. Everybody knows how to use a Kalashnikov in Afghanistan. I have seen them. They are there and it shouldn't be hard. I have never taken any training to use it somewhere. No specific training on how to use a Kalashnikov. There are all over Afghanistan and yeah I can fire a Kalashnikov.
- Q. How did you sustain your injury?
- A. I walked over a mine.
- Q. When did this occur?
- A. During the time of Russia.
- Q. You say that you performed as a guard and one of the charges was that you worked as a guard. Were in charge of men when you worked as a guard?
- A. The only thing I did there was bring food when they would come into the building. That is all I have done. I have not done any security guard duties.
- Q. How did you deliver the food? Were you a driver?
- A. I was bringing the food from the bakery. They had a chariot with a horse. I would take one of those, load it up, and bring the food for different meals.
- Q. Where did you do this? Where were you serving food, what towns what of the country?
- A. In the province of Konduz.

ISN 108
Enclosure (5)
Page 4 of 7

UNCLASSIFIED//~~FOUO~~

000877

UNCLASSIFIED//~~FOUO~~

- Q. You state that you were conscripted. Did you receive any training as a result of being conscripted?
- A. No, they just gave me this job being in charge of feeding the Taliban who were coming there.
- Q. Can you tell me why they chose you? Why they conscripted you specifically?
- A. I was not the only one. Throughout the whole district they were acquiring people for service duties. Through the district manager I was called up on duty.
- Q. You said that you want to go back and farm. Were you a farmer prior to being conscripted?
- A. Yes, I was farming on my own land before they took me away.
- Q. You mentioned that you grew corn and rice, is that correct?
- A. Corn, Barley, watermelon, and melons, we couldn't get the rice going. We tried to in our area but it didn't do good.
- Q. How do you grow rice? Do you know how to grow rice?
- A. In our area we do not have a lot of water to grow rice. Rice needs a lot of water.
- Q. Can you tell me how the conscription process works? Do they knock on your door and then what happens next?
- A. I had my own house where my whole family lived right near my land and there no papers or any type of warning sign. They just came and knocked on my door and said you are being called up to join the duty.
- Q. The Assisting Military Officer in his comments stated from 3.c.1 that you denied you were a Taliban leader or a troop commander. Do you have any idea or can you explain why somebody may have identified you as a troop commander by mistake?
- A. First of all I think there are a lot of Mullah Abduls there and I may have been picked up by that name because I happen to be Abdul Rauf. I was never a commander and at that time the Farsi speaking people or the Northern Alliance had a huge grudge against the Pashtuns and they just took people in and made up stories to get revenge. That is a big part of it and why I never heard of part of my allegations.
- Q. Can you tell this board why should consider you no longer a threat to the United States?
- A. I wish there was a way that I could physically show to you what you are really for to see in me, so I could prove to you that I will not be a danger anymore. I never was. I've already told you the answer to all of these allegations. If there is anything else I can do to make you believe I would do it but my strength was what I explained in terms of my allegations and about myself. That is all I can do at this time.

Q. When I asked you about your injury you said that you stepped on a mine while fighting the Russians. Can you tell me what your role was in your organization when you were fighting the Russians?

A. I don't think I said that I was fighting. I was not fighting against the Russians. I just stepped over it and was not a soldier against the Russians. I said it was during the time of the Russians.

Presiding Officer: Assisting Military Officer, do you have any other information you would like to present?

Assisting Military Officer: No sir.

Presiding Officer: Abdul Rauf, is there any other information you would like to present to this board?

Detainee: No, I don't have anything else to say. The only request that I have for the board is that when I was taken or captured; my accusations are way different from what they were there. I have explained to them that somehow things are being added and added and I don't have any idea where they are coming from. Please check this and give some attention to it to find where these things came from if you can.

Presiding Officer: We will consider all of the information that you have presented to us and what we have written down.

The Presiding Officer confirmed that all unclassified information had been presented to the Administrative Review Board and concluded the open session.

The Presiding Officer read the remainder of the Administrative Review Board script to the Detainee. When informed that he (Detainee) would be notified of his status upon completion of the review of the proceedings and a decision by the Designated Civilian Official in Washington D.C., the Detainee asked the following question:

Detainee: How long does that take?

Presiding Officer: I do not have an answer. I do not know how long it will take.

The Presiding Officer continued to explain the remainder of the Administrative Review Board process and adjourned the Administrative Review Board.

UNCLASSIFIED//~~FOUO~~

AUTHENTICATION

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



Captain, USN
Administrative Review Board Presiding Officer

ISN 108
Enclosure (5)
Page 7 of 7

UNCLASSIFIED//~~FOUO~~

000880

UNCLASSIFIED//~~FOUO~~

Summarized Administrative Review Board Detainee Statement

The Presiding Officer addresses the Detainee by stating his name, Habib Rasool, and asked if that was correct.

Detainee: Can I speak?

Presiding Officer: Not yet, you will have ample opportunity to speak later.

Detainee: Okay.

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood.

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

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

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

The Designated Military Officer began giving the brief description of the contents of Exhibit DMO-1, the Unclassified Summary of Information to the Administrative Review Board. He read 3.a.1. The detainee voluntarily traveled from Pakistan to Afghanistan in October 2001. The Detainee interrupted.

Detainee: Can I tell you something, which will make it better?

Presiding Officer: You'll have ample opportunity, let us get through The Designated Military Officer's presentation of the Unclassified Material and then you'll have the opportunity to respond to every one of these statements.

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

The Presiding Officer asked if The Designated Military Officer had any additional unclassified information to present and the Detainee interjected a question.

Detainee: Can I talk?

Presiding Officer: Not yet, we're getting there.

ISN 120
Enclosure (5)
Page 1 of 10

UNCLASSIFIED//~~FOUO~~

000881

UNCLASSIFIED//~~FOUO~~

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

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

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

Assisting Military Officer: Yes sir, I would like to report the information that I received from the Detainee during my initial interview. I believe the Detainee is also anxious to speak to the Board when I finish. The Detainee, Sir, provided the following comments and response of information in the unclassified summary. The Detainee stated he is not a threat to America and that nothing in the evidence states that indicates that he ever fought against the Americans, not even for one day. In response to his travel between Pakistan and Afghanistan, he responded that his house was in Khost, Afghanistan and that he frequently traveled between Afghanistan and Pakistan because his family was in the logging business. He stated that he does not know anything about New York City and was unaware of what occurred there in September 2001. In response to being conscripted by the Taliban, he responded that the Taliban came to his house in Khost and told him that he was being called to duty (conscripted). He did not volunteer for the Taliban and did not want to travel with them, but had no choice. He stated that when he arrived in Konduz, Taliban members guarded the house he stayed in but that he and other conscripts were not armed and that he never performed guard duty or carried a weapon of any kind, ever. Regarding his capture, he stated that when the Russians came to Afghanistan, the United States helped the Afghani people and he had a positive view of Americans. When the Taliban leaders decided they should not fight the Americans because of their positive opinions of Americans, they willingly turned themselves into General Dustum. After turning themselves in, they expected to be turned over to the Americans in Kandahar, but instead they were taken to the jail in Sherberghan. In regards to the incident with the military policeman, he stated the guards provided him water, food, and takes him from place to place; he has no animosity towards the guards. However, over a year and a half ago there was an occasions where he had not been fed for a long time and he asked for food and was punished. He was forced to stand for a lengthy time and when he tried to sit down and rest he was forcibly drew to his feet. He did not resist because he was being pulled up from behind and could not have resisted in any event. He has no idea how the guard's arm might have become bruised. He stated that if he were released, although he is much weaker than when he was a logger, he would like to go back to the logging business as a machine operator. Also if he were released, he simply wanted to go home to his house and family. Sir, those conclude the notes I took during our initial interview.

Presiding Officer: Habib, before we begin, I'll allow you to speak, would you like to make your statement under oath or not.

ISN 120
Enclosure (5)
Page 2 of 10

UNCLASSIFIED//~~FOUO~~

000882

UNCLASSIFIED//~~FOUO~~

Detainee: If you tell me to take it under oath, I will do it.

Presiding Officer: It's purely voluntary; it's up to you. Otherwise we will continue.

Detainee: If you tell me to take it under oath, I will do it. If you tell me don't do it under oath, I won't.

Presiding Officer: Okay, we will continue. Habib, you may begin presenting any information that you would like to this Board.

Detainee: Yes.

Presiding Officer: Okay, continue....proceed.

Detainee began making his statement and the Presiding Officer interjected by requesting that the Detainee slow down so that the translator could translate what he was saying.

Detainee: Between the tenth month, I came from Pakistan to Afghanistan, but I was conscripted by the Taliban. You want to listen to my statement or listen to the people who talk about me.

Presiding Officer: You can give me your statement. We are here to listen.

Detainee: Well, I don't know what....

Presiding Officer: Habib, please allow the linguist to translate to me every couple of sentences.

Detainee:you are fair people, I know you are fair people, you are sitting here to bring the fairness, so I wanted to know if people said something about me, you wanted to listen to them or whatever I say? If I say something and you are going to listen to them; what good will it do for me?

Presiding Officer: Well, what was presented to us is in this unclassified summary everything you've seen and this is your chance to support the statements that were made here or to support the ones that you feel aren't true or the ones that you feel are true.

Detainee: There is a discrepancy between tenth month, October month and my calendar, we say in seventh month...

Presiding Officer: Okay

Detainee: We start from March, March is the first month, so that's the seventh month.

ISN 120
Enclosure (5)
Page 3 of 10

UNCLASSIFIED//~~FOUO~~

000883

UNCLASSIFIED//~~FOUO~~

Assisting Military Officer: May I interject one thing, Sir? I believe what he is referring to is the day of the travel in October of 2001. He is disputing that October....

Presiding Officer: Okay

Assisting Military Officer: is the date that he traveled, he is saying that perhaps it might have been July, he did not mention that to me.

Detainee: October is the seventh month of our calendar. According to my calendar, my country calendar, it is the seventh month because the New Year started in March.

Presiding Officer: Understand. We'll take that into consideration, thank you.

Detainee: I came from Pakistan to Afghanistan according to our calendar on the seventh month. I built my house and then I went back to Pakistan for logging business and then I came back on the tenth month, which is not October, maybe December. I came back the tenth month and I spent three days in my house and then I was conscripted by Taliban.

Presiding Officer: Okay

Detainee: You understand?

Presiding Officer: I understand, yes.

Detainee: I selected to say my name was Habib Rasool in Yerghanek, because I know that the Uzbek military people are not our allies, they do not like Pakistanis. If they understand that I am a Pakistani, they would kill me because they did it before. They killed a lot of Pakistanis there.

Presiding Officer: I used that name. What is your name?

Detainee: I'm coming on that.

Presiding Officer: Okay.

Detainee: I had a Pakistani I.D. card with me, so when I realized they are killing Pakistanis, I just dropped that one and I started to call myself Habib Rasool.

Presiding Officer: Okay

Detainee: When I heard they are taking me to Cuba, I was very happy. I realized, I am in the hands of Americans now, so I have no problem with Americans, so then I put my name....when I came to America, I told them my name is Rabel Kahn and my father's name is Mohammad Yosuf.

Presiding Officer: Okay.

ISN 120
Enclosure (5)
Page 4 of 10

UNCLASSIFIED//~~FOUO~~

000884

UNCLASSIFIED//~~FOUO~~

Detainee: For the last three years nobody changed anything, I called the same name that I am calling right now. If you ask people from Pakistan, I served there, I was in service in Pakistan, they know my real name and everything.

Presiding Officer: Okay

Detainee: Did you, did they inquire about my name, about my identity or anything for the last three years. I told them, my name is Rabel Kahn, my father's name, I told them everything.

Presiding Officer: Okay. We'll look at that information.

Detainee: For the last three years nobody changed my name.

Presiding Officer: Okay.

Detainee: I am not worried about the Americans, that's why I told them my real name. I was worried about the Afghanis. So for the last three years they didn't bother to change my name.

Presiding Officer: That's fine, I mean just, I...Okay, I accept that, what you're saying about your name. So I mean...if you just want to...you can also tell me why you're....why we shouldn't consider you a threat and let you go. I mean....

Detainee: Well, I'm asking you, what is the evidence against me?

Presiding Officer: The evidence that I can discuss with you is presented to you in the unclassified summary. That's what I have here.

Detainee: I heard this is a law, when somebody surrenders, nobody will arrest them. But for the last...I surrendered myself, but for the last three years I've been in jail. Why?

Presiding Officer: Well the...you had a tribunal and I don't know the exact date but you had a tribunal that determined you to be an enemy combatant. Now we're going to have a board to determine whether you should be released or not and whether you're a threat to the United States.

Detainee: Well for the last three years, I told them my name is Rabel, nobody bothered to change my name and nobody bothered to ask about my identity, about my past, about my record in Pakistan. So anyway, I don't know what's going to happen right now.

Presiding Officer: This Board will....

Detainee: Why should I be enemy of the Americans?

ISN 120
Enclosure (5)
Page 5 of 10

UNCLASSIFIED//~~FOUO~~

000885

UNCLASSIFIED//~~FOUO~~

Presiding Officer: That's a good question and this Board will...

Detainee: There's no reason.

Presiding Officer: Okay, well this Board will consider that. We'll consider your statement and consider the facts in the unclassified summary.

Detainee: Well, you're telling me you're considering if I'm an enemy combatant, but what proof America have against me. I never fight about or against America, I never do anything against America. I just surrender myself to America. That's all I did.

Presiding Officer: Okay. Again, we need to continue with this, but...and your Assisting Military Officer presented all these facts in the Unclassified Summary. And there is a classified portion of this but I cannot discuss that with you because of the national security requirements. But....

Detainee: Well, if you don't tell me what is the classified, I cannot tell you if it is right or wrong.

Presiding Officer: Okay. It's national security. I am not allowed to discuss classified information with anybody outside, who is not cleared. I mean that's the facts, and so we need to continue. I just...I can't do it. Is there anything else you'll like to say? I mean we have some questions for you? But...is there anything else?

Detainee: Well, if I don't know anything, how should I answer? If you tell me what is written or what they said about me before, I can answer that, if it is right or wrong. But if I don't know you talking about classified, so I cannot answer it.

Presiding Officer: Well, there'll be an opportunity for us to ask you questions later on and hopefully you'll answer those to the best of your ability and as truthful as you wish. That's all I can say. Well anyway, is there anything else you wish to say?

Detainee: Okay when Americans came to Afghanistan, the Taliban leaders, they came together and they said well, when the Russians attacked Afghanistan, Americans helped us, so we have no reason to fight against American and we should surrender ourselves to America because they are very peaceful people.

Presiding Officer: Okay. Habib, does that conclude your statement? And did your Assistant Military Officer provide the information in his statement that he read, did he provide the information that you wanted us to hear in that statement?

Detainee: Oh yes, yes.

Presiding Officer: Okay. Assisting Military Officer do you have any questions for the Detainee?

ISN 120
Enclosure (5)
Page 6 of 10

UNCLASSIFIED//~~FOUO~~

000886

UNCLASSIFIED//~~FOUO~~

Assisting Military Officer: No, Sir.

Presiding Officer: Designated Military Officer, do you have any questions?

Designated Military Officer: No, Sir.

Presiding Officer: Do any Administrative Review Board Members have any questions for Habib?

Administrative Review Board members' questions

Q: I have one question. Habib, you referred to your time in Afghanistan as being afraid of Afghans. Are you referring specifically to the Taliban or any Afghani?

A: I was conscripted by Taliban, no I don't have anything against Taliban. But, I was worried about Uzbeks. If they find out that I am Pakistani, they will kill me immediately.

Q: A few questions. The timeline, I am still a little confused about Habib, you traveled in the seventh month to Afghanistan, returned to Pakistan and traveled in the tenth month. Is that correct?

A: No. I was going back and forth to Pakistan. I came on the seventh month to Afghanistan, I start building my house. When my house was finished, I built it back. So when I came back on the tenth month to Afghanistan, the third day, the Taliban conscripted me.

Q: Okay. Throughout the travels back and forth, were you not aware that the United States was involved in this conflict?

A: On the seventh month, I don't believe the Americans were in Afghanistan.

Q: Okay, okay and after?

A: I was in my house in Khost, so I didn't do anything I had no business.

Q: Okay. Next question, how has your opinion of the United States changed since your incarceration here?

A: You mean since I came here?

A: Yes.

A: Well, I didn't know anything about Americans appearing in Afghanistan, until Taliban conscripted me. When I went with the Taliban, we surrendered and then they brought me to Sheberghan and then to here. I don't know.

Q: I'll ask again, because of...because we've held...the United States has held you here for three years, does he have bad feelings for the United States now?

A: No, I have no problems with Americans because they helped me, help us against the Russians and now I know America is building my country. So I have no problem with America.

ISN 120
Enclosure (5)
Page 7 of 10

UNCLASSIFIED//~~FOUO~~

000887

UNCLASSIFIED//FOUO

Board Member: Thank you. I have nothing further.

Presiding Officer: So if you were to be released back to your home country, you wouldn't take up arms against the United States and it's allies over there?

Detainee: (laughs)...No. I never fought against American. They should prove it.

Presiding Officer: You say you want to go back into the logging business when you get home. Did you process the trees for lumber or what exactly do you mean by the logging business?

Detainee: I do two different things. One, I do work for the people, they bring their logging to my company, I process them and charge them money. The other one, I do it for myself and bring it and sell it to the market.

Presiding Officer: Okay.

Detainee: Currently, I am not workable because all of my body is...trouble, trouble

Presiding Officer: Bad knees.

Detainee: I have trouble with my knees and my everything so I am not workable right now.

Presiding Officer: But you said you wanted to go back to the logging business if released.

Detainee: I'm going to supervise my family, my children and my brother. I just watch them, I just supervise them.

Presiding Officer: What did you think of the Taliban when they were in power or when they were the government in Afghanistan?

Detainee: I don't know much about them but they conscripted me forcefully.

Presiding Officer: What do you know about al Qaida?

Detainee: Nothing. I have no information about them.

Presiding Officer: Did you know who Osama bin Laden was prior to 9-11?

Detainee: No. I don't know.

Presiding Officer: Okay, thank you, I have no further questions. Do any board members have any further questions?

Board Members: No.

UNCLASSIFIED//FOUO

ISN 120
Enclosure (5)
Page 8 of 10

000888

UNCLASSIFIED//FOUO

All unclassified information having been provided to the Administrative Review Board, this concludes this unclassified Administrative Review Board sessions.

Detainee: Can I say another thing?

Presiding Officer: Yes.

Detainee: Well, I just wanted to know if I go back to Afghanistan, so I lost my business and everything, so I want to know if America help me for some return because when I go there I don't think I will get any help for anyone but I just want to know if there is any help.

Presiding Officer: I don't have an answer for you on that. All this Board does is make a recommendation to the folks in Washington D.C. on your disposition and that's all we can do. We don't any involvement in...on what goes on after that. I'm sorry, I just can't answer that, I don't have a crystal ball.

Detainee: Well, my brother wrote me a letter and he said that the Karzi and my people want me back. So if I go back what should I do there?

Presiding Officer: I don't know. Again, I guess you need to contact the Karzi government if you were to get back there.

Detainee: Well, I don't think that the Karzi care about the poor people like me and you people, command them, if you want to help me with something.

Presiding Officer: I am not authorized to do that, this Board is not, that's not the purpose of this Board. This Board is to determine whether you are a threat or not and whether you should be released or transferred as I previously said. You know, I can't help you with that. It is just outside my responsibility and even my ability.

Detainee: You're the Command; you can command this kind of things for me.

Presiding Officer: I can't help you, I'm sorry. So anyway, we'll continue here. I'll read the following statement over again.

With all unclassified information having been provided to the Administrative Review Board, this concludes this unclassified Administrative Review Board sessions.

Presiding Officer: Habib, you shall be notified of whether you'll be detained further, transferred or released upon completion of the review of these proceedings and a decision by the Designated Civilian Official in Washington, D.C. If the Designated Civilian Official determines that you should no longer be detained by the United States, you will be released or transferred to your home country or another country as soon as arrangements can be made. If the Designated Civilian Official determines in Washington D.C.,

ISN 120
Enclosure (5)
Page 9 of 10

UNCLASSIFIED//FOUO

000889

UNCLASSIFIED//~~FOUO~~

determines that you should be continued to be detained you may be eligible for another Administrative Review Board in one year.

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

AUTHENTICATION

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



Captain, USN
Administrative Review Board Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN 120
Enclosure (5)
Page 10 of 10

000890

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions.

The Assisting Military Officer presented Exhibit EC-a, the Enemy Combatant Notification Form to the Administrative Review Board. The AMO then presented Exhibit EC-b, the Enemy Combatant Election Form to the ARB.

The Designated Military Officer presented Exhibit DMO-1, the Unclassified Summary of Information to the Administrative Review Board. He then gave a brief description of the contents of Exhibit DMO-1. The Designated Military Officer confirmed that he had no additional unclassified information to present and requested a closed session to present classified information relevant to the disposition of the Detainee.

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

Presiding Officer: The Detainee may now present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Yes, sir. First, however, I would like to brief the panel on the information or notes I transcribed during my initial interview with the Detainee in which he responded to several of the summary comments. Also, during my initial interview he related to me that he did desire the opportunity to speak to the panel. And prior to this meeting he again indicated that, when given the opportunity, he would like to speak to the panel. Regarding the notes that I took during my initial interview, the comment wherein it states that the Detainee went to fight guaranteed [that] he would go to paradise after watching a video featuring two sheiks discussing Chechnya, he stated that he watched the Sheiks discuss Chechnya on TV vice a video. His point there, sir, was to indicate that he did not possess a video and thereby received recurring training propoganda. He just happened to be watching a television program and saw these two Sheiks discussing Chechnya and made a decision based on that one-time event. Also, under the primary factors favoring release or transfer, in response to the paragraph that talked about him receiving training on weapons in a training camp and in a bunker, he said he was never in a bunker. Also, in general the information in paragraph four, he agrees it is accurate in general [and] that he has made mistakes and will not repeat them in the future. However, sir, during our meeting he was very polite, listened with a lot of interest but generally did not give me a lot of verbal response to the information contained in the summary, therefore I believe he wants to speak with you as I mentioned earlier. That concludes my comments, sir.

The Presiding Officer asks the Detainee if he wishes to make his statements under oath. The Detainee takes the Muslim oath.

Presiding Officer: [To the Detainee] I would like to ask if the Assisting Military Officer's comments about your earlier interview were accurate?

Detainee: Some of the information that I would like to touch on was accurate but I would like to say some more. It is not really clarified due to the proper translation. I just want to clarify it.

UNCLASSIFIED//~~FOUO~~

Presiding Officer: We would appreciate your clarification. You may continue your statement in any way you wish. The Assisting Military Officer can repeat any part of the unclassified document that you may wish.

Detainee: First of all, as to the Sheiks on the videotape, I would like to clarify that it is not a videotape it was in my house where I was watching a regular program on TV. Secondly, in regards to the bunker training camp, basically I do not know what "bunker" means or where a bunker is. The training camp that I trained at is the I-Aseem (ph) in Farouq in the Northern line and the Kabul line. This is the first time I hear the word bunker. Next, as to the chemical weapons, the statement that says that I was advised about chemical weapons were very dangerous; I was not advised and all along I believed that the chemical weapons were dangerous. No one advised me.

Presiding Officer: Well, that may be an issue in translation where for us it is that you believe they were too dangerous and no one was telling you this.

Detainee: That is very good.

Presiding Officer: Do you have any other statements you would like to make to this Administrative Review Board?

Detainee: Is it a specific point or in general?

Presiding Officer: It is really your opportunity to provide us any information, particularly about what was addressed in the unclassified summary. The statements you have made so far have been very helpful to us. Thank you.

Detainee: I'd like to stress the point that in the statement made that I participated in fighting the Americans is not true. Basically, I had never seen any Americans until I was captured in Kandahar. What about the classified information? How can I defend myself against this classified information?

Presiding Officer: Classified information is information that you may not be able to see. This board cannot change that ruling. As you know, we will consider such information in your case. You also heard us promise that we will consider all information provided to us including what you tell us here today. Your Assisting Military Officer has also reviewed the classified information and he will also be present during any closed sessions. He (the Assisting Military Officer) will also identify any information that we would need to review regarding your particular case. Your interviews with the Assisting Military Officer have provided some understanding of what you believe is applicable to your case. I would appreciate that you would respect that some classified information is kept from you for national security reasons. We cannot address classified information further in this session. Is there any other statement or question you would like to ask?

Detainee: I have nothing further to say but what puzzles me is this classified information again. If they have something against me, I'd like to defend myself. I'd like to know what it is so I can defend myself.

UNCLASSIFIED//~~FOUO~~

ISN 182
Enclosure (5)
Page 2 of 3

000892

UNCLASSIFIED//~~FOUO~~

Presiding Officer: As you have already been informed, the unclassified summary is the best that we can provide you and it is very appropriate for you to comment on what was given here today.

Detainee: Very good.

Presiding Officer: Al Jabri Bandar Ahmad Mubarak, does that conclude your statement?

Detainee: Yes, that is all I have.

Presiding Officer: At this point in the hearing we move to questions and answers. I remind the Detainee it is your option to answer these questions but if you do it will be helpful to us.

Presiding Officer: Assigned Military Officer, do you have any questions for the Detainee?

Assigned Military Officer: No, sir.

Presiding Officer: Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer: No, sir.

Presiding Officer: Do any Administrative Review Board members have questions for the Detainee?

Board Members: No, sir.

Presiding Officer questions the Detainee.

Presiding Officer: You clarified about seeing the two Sheiks on the television. I understand clearly it was not a tape, it was a national broadcast program. Just for the record, I'd like to know country or station this was? I assumed it was Saudi Arabia.

Detainee: It is a Saudi Arabian program about the misery and poverty in Chechnya. It was a regular program in Saudi Arabia.

Presiding Officer: I understand. Thank you very much.

The Presiding Officer reads the post-Administrative Board instructions to the Detainee and adjourns the open session of the Board.

AUTHENTICATION

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


Administrative Review Board Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN 182
Enclosure (5)
Page 3 of 3

000893

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood. When asked if he had any questions concerning the Administrative Review Board process, the Detainee asked the following question:

Detainee: How many sessions do we have?

Presiding Officer: This will be the only session.

Detainee: Is there a classified session?

Presiding Officer: There is a classified portion, but you will not be allowed participate.

Detainee: I don't have anything else.

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

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

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

The Designated Military Officer gave a brief description of the contents of Exhibit DMO-1, the Unclassified Summary of Information to the ARB.

The Designated Military Officer confirmed that he had no additional unclassified information to present.

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: For the record, I want to note that during my initial interview with the Detainee, he informed me that he would not make his decision until the morning of the Administrative Review Board to attend. It is evident that he has chosen to attend this morning. I am not aware of any written statements that he has prepared, it is evident, however, that he does wish to address the board orally and shortly. I also took notes during our initial interview and I would like to make some responses to the unclassified summary evidence.

3.a.2. Arbaysh trained at al Farouq; a known al Qaida training camp.

UNCLASSIFIED//~~FOUO~~

Assisting Military Officer: The Detainee stated that he previously told his CSRT Personal Representative that he did train at al Farouq, but did not realize that it was an al Qaida training camp.

3.b.1. Arbaysh traveled the front lines in Tora Bora in order to fight the Northern Alliance.

Assisting Military Officer: The Detainee denies he traveled to the front lines, but agrees he was in Tora Bora during the time the fighting occurred. His reason for being in Tora Bora was that he was simply passing through on his way to Pakistan.

3.c. Arbaysh is an al Qaida/Taliban member.

Assisting Military Officer: The Detainee denied being a member of al Qaida or the Taliban. I have nothing else to report on our interview, sir.

Presiding Officer: Thank you. Ibrahimj Arbaysh, would you like to make an oral statement?

Detainee: I would like to ask if traveling to fight jihad is an accusation?

Presiding Officer: It is a statement. Also, if you would like to make an oral statement, would you like to do so under oath?

Detainee: I do not understand.

Presiding Officer: What do you not understand? Would you like to take an oath?

Detainee: Is it going to benefit me?

Presiding Officer: It is up to you if you desire to take an oath. If not, we will proceed.

Assisting Military Officer: Sir, may I interject something?

Detainee: I do not want.

Assisting Military Officer: If I may, sir. During my interview, the phrase that I used was he would be asked whether he wanted to make an oath, and that his answers were truthful. That might be a better way to phrase it so that he is aware of what you are asking.

Detainee: My answer is no. I do not want to take an oath. Is that an accusation against me?

Presiding Officer: Ibrahimj Arbaysh, you may begin.

Detainee: Is training to fight for jihad an accusation against me?

UNCLASSIFIED//~~FOUO~~

Presiding Officer: It is a statement that was determined from your Tribunal.

Detainee: Is that a statement that a person will be prosecuted for?

Presiding Officer: I don't know the answer to that.

Detainee: Who would know the answer?

Presiding Officer: I don't know the answer. The purpose of this proceeding is to determine if you should be released or remain in custody. It has previously been determined that you are an Enemy Combatant. Those facts have already been discussed.

Detainee: But that statement is mentioned as one of the points against me. Is that one of the points against me or not?

Presiding Officer: It is a point against you.

Detainee: It's against me?

Presiding Officer: It's against you.

Detainee: Based on that point I am a threat to the United States?

Presiding Officer: That decision has not been made yet. That is what this board is for, to decide if you are a continued threat.

Detainee: Why mention that point with the points that are supporting continuing to detain me?

Presiding Officer: This is information that was used to determine if you were an Enemy Combatant in your previous Tribunal.

Detainee: Whoever trains for jihad is considered to be a threat against the United States and its allies?

Presiding Officer: I cannot say that. I need to hear from you if you consider yourself a threat.

Detainee: For sure [I am] not.

Presiding Officer: Tell this board why we should consider your release.

Detainee: I would like to ask the members why continue to detain me? Why should I be detained?

ISN 192
Enclosure (5)
Page 3 of 9

UNCLASSIFIED//~~FOUO~~

000896

UNCLASSIFIED//~~FOUO~~

Presiding Officer: If you are considered to be a continued threat, you will be detained. If you are not considered a threat, we will recommend release. But I need to know from you why we should consider you being released.

Detainee: In the world international courts the person is innocent until he is proven guilty. Why here is the person guilty until he is proven innocent?

Presiding Officer: This is not a legal proceeding. This is not a court. This an administrative review to determine whether you should be released or detained.

Detainee: How can this board decide that I am a continuous threat if they don't have evidence that I am a continuous threat against the United States?

Presiding Officer: The evidence that I have was presented to me, and you saw it, it was the unclassified summary.

Detainee: Like I said before, if a jihad, for God is willing, is considered to be a threat to the United States, then all Muslims are a threat to the United States. The jihad for one million four hundred years is considered to be a message from Islam to all the Muslims. It is a duty to all Muslims. When I entered al Farouq training camp, I did not know al Farouq training camp belonged to al Qaida. If I entered a suspected house, and I did not know the house was suspected of something, is that a crime against me?

Presiding Officer: Why were you at al Farouq?

Detainee: To train for the jihad for God.

Presiding Officer: Who did you train to fight?

Detainee: Whoever fights Muslims.

Presiding Officer: Do you have any further comments that you wish to make?

3.c.1. Arbaysh's name was found listed on a document found on the ALNEDA-internet site on 20 July 2002. It contained information regarding the capture of Taliban and al Qaida fighters who had crossed the border in Nangarhar province after the 11 September 2001 retaliation.

Detainee: My name being found on the ALNEDA website; is that proof against me?

Presiding Officer: It is a factor for your continued detention, yes.

Detainee: Who put my name in that place?

Presiding Officer: I don't have that answer. I do not know.

ISN 192
Enclosure (5)
Page 4 of 9

UNCLASSIFIED//~~FOUO~~

000897

UNCLASSIFIED//~~FOUO~~

Detainee: Someone should have asked before they put my name there.

Presiding Officer: You mean the name on the website?

Detainee: Yes. Maybe it was someone who wanted me to be accused of something, someone who wanted to get me into trouble.

Presiding Officer: Thank you for telling us. We will use that in our consideration.

Detainee: Who put my name on that computer?

Presiding Officer: I do not know.

Detainee: Maybe the person got my name off the internet or somewhere else, and put my name in there.

Presiding Officer: Do you know who might put your name in there?

Detainee: How would I know?

Presiding Officer: Do you have any other comments or statements you would like to make that we can use in consideration of your release?

Detainee: About my conduct; I did not understand some of the information that was mentioned previously in the meeting.

Presiding Officer: Assisting Military Officer, do you need to explain or re-read some of those statements to him?

Assisting Military Officer: No sir. However, I will provide some information that occurred after our initial interview with the Detainee. During the initial interview, the Unclassified Summary contained some information regarding his leading prayers and cross talking among the trailers in the camp in addition to his performing physical exercise in his cell block. I verified with the camp Detainee group that his conduct in relation to those activities was permitted. I edited those negative comments out of the Unclassified Summary, briefed the Designated Military Officer that those charges were not valid, and discussed those comments with the commander of the Detainee Operations Group who also concurred that the comments were not applicable. These are probably the comments that he is referring to that we initially briefed him on.

Presiding Officer: Are those the comments that you are referring to?

Detainee: Yes.

Assisting Military Officer: My point simply is, sir, regarding those comments we briefed him on, was that he was concerned that those were not accurate. He was correct, they were

ISN 192
Enclosure (5)
Page 5 of 9

UNCLASSIFIED//~~FOUO~~

000898

UNCLASSIFIED//FOUO

not accurate, and they were deleted as entries from the Unclassified Summary. Therefore, they are not pending against him in any way.

Presiding Officer: The board will take that into consideration.

Detainee: The rest of the points dealing with conduct of the Detainee; can you repeat that for me?

Assisting Military Officer: Yes sir. May I interject? He is referring to the Unclassified Summary of Evidence that refers to his resisting being moved from the cellblock. That would be paragraph 3.D.

Presiding Officer: Can you read that for the record so he knows what you are talking about?

3.d. Detainee's Conduct: Arbaysh has a past history of passive aggressive behavior. The Detainee has failed to comply with requirements to exit the cell and mild force was required. Other than the two forced cell extractions the Detainee has only assaulted guards on two other occasions.

The Assisting Military Officer read paragraph 3.d.

Detainee: The incident with the two guards was an assault; they assaulted me. Any person who gets assaulted would do something back. There will be a reaction.

Presiding Officer: So you are denying that this happened?

Detainee: It did happen?

Administrative Review Board Member: It did happen?

Detainee: Yes, it happened. I threw water at them.

Presiding Officer: Do you have any other comments?

Detainee: Honestly, I didn't think of making a statement to defend myself. I wasn't prepared.

Presiding Officer: You don't need to defend yourself. You need to tell us why you are no longer a threat; if released, and what guarantees can you give this board that you won't do harm to the United States or any of its allies?

Detainee: I think if an angel comes down from Heaven and tells that I'm not a threat to the United States or its allies, you would still think that I am a threat based on the secret information in your files. When I asked what is the classified information in the files, it could be anything. It could be a tissue that someone wiped their nose with and threw in the

ISN 192
Enclosure (5)
Page 6 of 9

UNCLASSIFIED//FOUO

000899

UNCLASSIFIED//~~FOUO~~

garbage. It could be anything. Those accusations on that piece of paper (referring to the Unclassified Summary of Evidence) are not enough to accuse anyone. If the United States thinks that those accusations are enough to make someone a threat against them, they should arrest millions of human beings all over the world. It appears to be that whoever wrote those accusations had to make some unlawful accusations and untrue to legalize my detention. He did not find anything else but those accusations, so anything that he found or made up he wrote it down. I think that those accusations mean that if we arrest a person because he is tall or short it's based on height. This session in my view is just an act. It's not going to benefit me one way or the other. The result is going to be that I am a continuous threat against the United States and its allies.

Presiding Officer: That decision has not been made yet by this board.

Detainee: This is just like it was in the Tribunals when they decided I was an Enemy Combatant. It's the same thing. When I read the accusations from the Assisting Officer, I went back to my brothers in the detention facility and told them about the accusations, it was a very fun evening. We laughed a lot at those accusations until one of them said when heard those points that this how they hook anyone up, and when will they decide? When will the report come?

Presiding Officer: I do not have an answer for you on when the decision will be made. The recommendation goes up the chain of command and that's all I can tell you. I do not know the time.

Detainee: About when will the answer come back?

Presiding Officer: I don't have an answer. Ibrahimj Arbaysh, does that conclude your statement?

Detainee: Will there be a court after this?

Presiding Officer: Not that I am aware of.

Detainee: I don't have anything else.

Presiding Officer: Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer: No, sir.

Presiding Officer: Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer: No, sir.

Presiding Officer: Do any Administrative Review Board Members have any questions for the Detainee?

ISN 192
Enclosure (5)
Page 7 of 9

UNCLASSIFIED//~~FOUO~~

000900

Administrative Review Board Members' questions

- Q. To your best recollection how long of a period were you in Afghanistan?
A. I don't remember, but it was close to or about three months.
- Q. You stated that you went to al Farouq to train to fight whoever fights Muslims; I would like to know if you think that the United States fights Muslims?
A. Before I mentioned that the United States is a partner with Saudi Arabia, so how could I consider it an enemy of Islam if it's a friend of Saudi Arabia?
- Q. If you were released would you fight against the United States in jihad?
A. No.

Presiding Officer: Does the Designated Military Officer or Assisting Military Officer have any other information to present to this Administrative Review Board?

Assisting Military Officer: No, sir.

Designated Military Officer: No, sir. Sir, I think you explained the point that there will be a classified session following. For the record, I would like to make that request. I have no further unclassified information, but would like to request a closed session for the presentation of classified information.

The Presiding Officer determined that all unclassified had been presented and closed the open session of the Administrative Review Board.

Presiding Officer: Ibrahimj Arbaysh, you shall be notified of whether you will be detained further, transferred, or released upon completion of the review of these proceedings, and a decision by the Designated Civilian Official in Washington D.C.

Detainee: Transfer me where?

Presiding Officer: If the Designated Civilian Official determines that you should no longer be detained by the United States, you will be released or transferred to your home country or another country as soon as arrangements can be made. If the Designated Civilian Official determines that you should be continue to be detained, you may be eligible another Administrative Review Board in one year.

Detainee: To review what?

Presiding Officer: Another Administrative Review Board like what we had here today.

Detainee: It's going to look at if I'm a continuous threat or not?

Presiding Officer: Correct.

UNCLASSIFIED//~~FOUO~~

Detainee: Is it possible that I am not a threat this year, and be considered a threat next year?

Presiding Officer: If you are considered not a threat there will be no board next year. You won't be here. But if you are considered to be a continued threat, then you will have a board in one year.

Detainee: Is it possible that if they consider me to be a threat this year, that next they might think I'm no longer a threat?

Presiding Officer: That is possible. I cannot predict the future. I cannot speculate.

Detainee: Today, if you decide that I am a threat based on my name being on the internet, and based on me going to Afghanistan, and so on, and next year you review the same information, are you going to say my name was not found on the internet, and I was not in Afghanistan? Will the information reverse?

Presiding Officer: I can't say what will happen. If you were to be detained, I can't say what's going to happen next year. I can't say if information will change. I can't if they will use the same information. I don't know the answer for that. I can't speculate.

Detainee: Like I said before, this is a funny act.

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

AUTHENTICATION

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


Captain, USN
Administrative Review Board Presiding Officer

ISN 192
Enclosure (5)
Page 9 of 9

UNCLASSIFIED//~~FOUO~~

000902

UNCLASSIFIED//~~FOUO~~

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the purpose of the Administrative Review Board and addressed the Detainee by the name listed on the Unclassified Summary.

Detainee: I am not Abdul Hafiz, please speak to me as myself or bring Abdul Hafiz.

Presiding Officer: All right, give us the name that he would like to be referred to as and then we will continue.

Detainee: I told him (*referring to the AMO*) the other day....

Assisting Military Officer: (*looking in the direction of the Detainee and linguist*).....we haven't read his statement yet.

Presiding Officer: Please tell me now.

Detainee: My name is Abdul Qawi

Presiding Officer: Abdul Qawi, fine.

The Presiding Officer stated that the members of the Administrative Review Board would be sworn.

The detainee commented after the members were given the oath.

Detainee: There is no need for this. I thought that I was going to take the oath. It is not very important to me. They took the oath last time and they still came up with the wrong decision.

Presiding Officer: We will continue, please bear with us.

The members of the Administrative Review Board were sworn.

The detainee interrupted the linguist during his translation of the advisement given by the Presiding Officer.

Presiding Officer: May I, interrupt? Please ask him not to speak when you speak. Otherwise the reporter is going to have a hard time with the translation.

Assisting Military Officer: May I, sir?

Presiding Officer: Yes.

ISN 1030
Enclosure (6)
Page 1 of 10

UNCLASSIFIED//~~FOUO~~

000903

UNCLASSIFIED//~~FOUO~~

Assisting Military Officer: (*looking at the linguist*) Tell him that he will be given his opportunity to speak.

The Presiding Officer read the hearing instructions to the Detainee and asked if the Detainee understood the process.

Detainee: Even if you would repeat it ten times my mind is not working good. It circles [a]round and I could hardly...I'll know it one time and then I forget about it.

Presiding Officer: Do you know it right now? Do you understand us right now?

Detainee: Yes. Yes, sir, if you are talking about the process of this committee. I understood.

Presiding Officer: Thank you.

The Presiding Officer confirmed that the Detainee understood the process.

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

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

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

The Designated Military Officer presented Exhibit DMO-2, the FBI Redaction Certification to the Administrative Review Board and DMO-3.

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

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

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 would like to address the board in regards to the Unclassified Summary and also he has brought some letters along with him. He would like to read some excerpts from those letters. But first, I have a statement that he asked me to read in reference to who he is and also in reference to some of the charges on the Unclassified Summary.

ISN 1030
Enclosure (6)
Page 2 of 10

UNCLASSIFIED//~~FOUO~~

000904

Presiding Officer: Continue.

Assisting Military Officer: Okay. The Detainee states again that he is not Abdul Hafiz. He was a servant for Mr. Hafiz. His name is Abdul Qawi, son of Allahdah. His country is Afghanistan. Kandahar is the state and his district is Maruf. Regarding statements in the Unclassified Summary, he stated that he was not with the Taliban. He was a poor man living in his own house without a leg. He did not have anything to do with the deaths of the two individuals. He first heard of these deaths while here in Cuba. He knows nothing about the Red Cross murder. He was given the personal phonebook and satellite phone by Mr. Hafiz to hold for him, not for his use. Regarding his capture, he stated he was asleep in a room when planes came, when he woke up, he thought in his mind that he did not have a permit for the satellite phone that he was keeping for Hafiz, so he took the satellite phone, the phonebook and other papers out of his pocket and threw them across the room.

During the linguist translation of the Assisting Military Officer's statement on behalf of the Detainee, the Detainee added the following comment.

Detainee: Including the phonebook and whatever papers (*Abdul Hafiz's identification papers*) that were in my possession that Hafiz had given me.

Assisting Military Officer: Correct (*response to Detainees comment*). He was not using the phone or attempting to use the phone. Again he stated that he had the phone because Abdul Hafiz gave it to him because he also had no permit. Regarding him being present at the Taliban Military Headquarters, he stated that he saw Taliban police surround Kandahar but he has never been to their Headquarters and he does not know where it is located. Regarding his participation in the paramilitary band related to the Taliban Hezb-e-Islami, he stated that he did not have a relationship with these people. He said and I quote, "These are the people who have destroyed Afghanistan, so I despises these people." Regarding the statement that he knew the phone in his possession contained numbers of individuals who are enemies of the US, he stated that he did not admit to this. He further stated that he did not know what was in the phone or the phonebook and that he did not know how to use the phone. That is all that I have at this time sir.

Presiding Officer: Thank you.

Detainee: I did not know what was inside the phonebook. I never opened it. I do not know the contents... what it contains at all. I never made a phone call and I do not even know how to operate it.

Presiding Officer: If I could interrupt him, I am going to ask him now if he is ready to give his statements. So if he could just wait one moment. Thank you. Abdul Qawi, do you want to make your statement under oath?

Detainee: I went through the same thing last time and I have provided witnesses. I am a poor man. You can keep me for one year or ten years, there is nothing I can do. You have the power to do whatever you want to do.

ISN 1030
Enclosure (6)
Page 3 of 10

UNCLASSIFIED//FOUO

Presiding Officer: My question again, do you want to make your statement to follow under oath? An oath is a promise to tell the truth and we have prepared a Muslim oath if you wish to use it. We do not require an oath.

Detainee: When I say it.....didn't I say it was the truth. I don't have any problem saying that and I will say it again.

Presiding Officer: So does that mean he does not want to take the oath?

Detainee: Is there a need for taking the oath?

Presiding Officer: No.

Detainee: Thank you. If there is no need, then thank you.

Presiding Officer: So, then the Detainee does not want to take the oath. You want to begin with your statement?

Detainee: It is not that I did not want to. If there is a need for it, I'll take it. If there is no need for it, I will not take it.

Presiding Officer: He is not required to take the oath. Okay, Abdul, I understand that you have some letters you want to read from and then you also have some...a statement maybe to make. Could you please read to us the information from your letters?

Detainee: Yes, I want to present.

Presiding Officer: I also understand you are going to present them as evidence at the conclusion.

Detainee: Yes, please, yes.

Presiding Officer: You may begin.

Detainee: First of all, may I say again that I am not Abdul Hafiz. I am Abdul Qawi; I am the son of Allahdad. I have these letters that have been sent to me and I am going to read them for you. See how they are addressed. In accordance to my statement that I have made, where I was captured, I was going there because my brother was getting married in that district. In order to follow up with that situation, I want to read to you this letter that has been sent to me...a portion of it. Because you were going due to the marriage, because Mohammad was getting married, that marriage is still...hasn't happened. It is still outstanding. It still hasn't happened. I told you (*referring to the AMO*) the other day about the letter. It was delivered by your people (*referring to the guards*). When I told them about my mother, that she was so sick, that she couldn't walk along this property, he says, (*translation should be that she couldn't walk long*). *The linguist stated the detainee*

ISN 1030
Enclosure (6)
Page 4 of 10

UNCLASSIFIED//FOUO

000906

UNCLASSIFIED//~~FOUO~~

wants to read about that (his mother). This is my son's letter to me: Your respectful Mom that was not doing very well at that time is doing a lot better now. Do not worry. And at the same time, that when my Mom was sick so was my Dad. From the previous Ramadan up 'til then he could not eat or drink anything, but tea. He could not eat any food, so this is something to follow up on. Grandma and Grandpa, they are both doing fine and they are no longer sick.

Presiding Officer: That was from his son?

Detainee: (holding another letter) This is from my brother. His name is Mohammad. Look at the way I am being addressed, (his brother addresses him by the name that he stated his name to be). (holding another letter) This is from my son. This letter is from my son and also from my brother. When I say that I did not have any relationship with these people or groups: My respectful brother, you didn't have any relationship with any political people. We were hoping that you would get released very, very soon. We do not understand why you're still detained there without a crime. The rest of them (the letters) are talking about the same, this political thing, they are addressed to me. Even one of them is from my wife. It has my name on it. It is addressed to me as the name that I am claiming here, so that is all I have.

The linguist began collecting all the letters for submission to the Administrative Review Board.

Presiding Officer: Well only the ones that we read from will we need for evidence, otherwise, you'll have to interpret the others for us.

Detainee: The only thing that I want to show you, is that it is addressed to me and one of them is from my wife.

Presiding Officer: I'm sorry, we'll accept...we'll take them all and then we'll get you (the linguist) to translate them later.

Detainee: It is a big shame in our culture to read my wife's letter for you, but now I am in a very tough situation with the letter from my wife. Do you want it as evidence?

Presiding Officer: It's up to him if he wants to present it.

Detainee: Can you respect that?

The linguist confirmed that it would be respected if the Detainee did not want to turn in his wife's letter.

Presiding Officer: It is entirely up to him. He doesn't have to, no.

Detainee begins to whisper to the linguist

ISN 1030
Enclosure (6)
Page 5 of 10

UNCLASSIFIED//~~FOUO~~

000907

UNCLASSIFIED//FOUO

Presiding Officer: Give us a brief description of what he said.

Detainee: Remember when I was telling you (*the linguist*) that I wasn't feeling my kidneys, sir. I need to go to the bathroom.

Presiding Officer: Okay. We can take a brief recess. This Administrative Review Board will now recess so that the Detainee can use the men's room. Designated Military Officer, please note the date and time of this recess.

Designated Military Officer: It is 1351 hours, 01 March 2005.

Presiding Officer reopens the hearing.

Presiding Officer: Please be seated. The Administrative Review Board for Abdul Qawi, is now reconvened. Designated Military Officer please note the current time and date.

Designated Military Officer: It is 1420 hours. Today is 01 March 2005.

Presiding Officer: Abdul, please continue with your letters that you were presenting and then I will have some additional comments.

Detainee: What questions?

Presiding Officer: He was commenting on his letters. If he has anything else he'd like to present or I believe, his AMO said that he had a statement.

Detainee: I have been kept here for the past two, three years now; I have nothing new to say. The only thing that I could tell you is that I have not committed any crime. I am innocent. The rest, I do not know. What else would you like for me to say?

Presiding Officer: Okay. DMO do you have anything?

Designated Military Officer: No sir.

Presiding Officer: Okay. Assisting Military Officer do you have any questions for the Detainee?

Assisting Military Officer: (*directing his statement to the linguist*). Just tell him that if he has anything that he would like to say to the Board, this would be the time to do it.

Detainee: I said that I do not have anything new to say from the last time. (*He directed the following statement to the DMO*). They said that they did not have anything further to accuse me of. Whatever I was accused of, I told them that I knew that I couldn't do anything against it. I am in your power, you can put me in jail, whatever you want to do. I told them before that I do not know any [of] these charges and I am saying the same thing now.

ISN 1030
Enclosure (6)
Page 6 of 10

UNCLASSIFIED//FOUO

000908

Presiding Officer: Okay. Thank you. Designated Military Officer do you have any questions for the Detainee.

Designated Military Officer: No sir.

Presiding Officer: Do any Administrative Review Board Members have any questions for the Detainee?

Administrative Review Board members' questions

Q. Abdul, do you know where Abdul Hafiz is today?

A. I would give it...I do not know where he is at. Maybe he's in Afghanistan in his home.

Q. What did Abdul Hafiz do when you worked for him?

A. He was working...he said that he was working for peace.

Q. Did he work for any organization? What did he do to bring about peace? What was he doing?

The linguist translated the question and requested that he be able to ask the same question again because he believed the detainee didn't get the question.

A. I never asked him who he worked for, which group he worked for. He said he worked for bringing peace that is what he was telling me he was doing.

Q. Abdul what did you do as a servant for Abdul Hafiz?

A. I was complaining with the people. Telling the people not to create atrocity and criminal activities against the government. *(He mentioned that he was an example of fighting and they see what happened to him...he lost part of his leg).*

Q. When you talk to the people, where did you talk to the people, in the street, in mosque, or where did you talk to the people about peace?

A. Whatever speech was made, it was made by Hafiz. I did not say anything. He was the one that went to the villages or to the mosque. He was the one to say things.

Q. Do you know how to use a regular cell phone?

A. No, I do not know how a telephone, a satellite telephone works. The only communication system that I had seen before is when the Russians came and just like the soldiers here, the guards here have radios. That's all I have seen before with people communicating with each other. I do not know how to work it.

Q. So he can't work a radiophone either?

A. My house, we do not have a regular telephone. I come from the mountains. I'm a poor guy.

Q. Do you have any other names besides Abdul? Abdul Qawi?

A. God willing by now, I might even have twenty. Every single room I enter, I get a new name.

Linguist could not decipher what numbers the Detainee was quoting. He believed that the Detainee was referring to his numbers in Afghanistan and numbers he received here.

A.....I was called this and in a different room I was called this...by now, I was called by different numbers.

Q. Was Abdul Hafiz a member of the Taliban?

A. What do I know about him? I do not know if he worked for Taliban or not. He came to me and said he was working for the peace with the people. I said I want to work with him.

The Detainee was fidgeting in his chair and seemed to be uncomfortable.

Q. You seem to be uncomfortable, are they (*handcuffs*) too tight?

A. They are a little bit tight, but it's okay.

Presiding Officer: I have one question, I believed you mentioned that Mr. Hafiz gave you the phone book that was found on you.

Detainee: Phonebook?

Presiding Officer: Phone book, is that correct?

Detainee: Yes.

Presiding Officer: When did he give it to you?

Detainee: That morning when we were coming from Kandahar.

Presiding Officer: From Kandahar to where?

Detainee: A place called Khakraiz. An area called Khakraiz where I was suppose to go there, as I said before because my brother was getting married in that area.

Presiding Officer: Okay, so that morning, he gave you that stuff. Is that the day that you were captured or turned yourself in?

Detainee: Yes, that day I got

Presiding Officer: Thank you.

Presiding Officer: Assisting Military Officer, do you have any other information that the Detainee wants to present?

Assisting Military Officer: No sir.

Presiding Officer: Abdul, do you wish to present the letters as evidence to the Board?

Detainee: The eight...All the eight letters are testifying to the fact that I said they all are addressed to me and my name is Abdul Qawi. It just says that I was supposed to go to my brother's wedding and not amongst these beast and these people.

Presiding Officer: We have the originals here to give back to you. We've made copies. So we are going to give you back the originals but I must apologize, the one they fed through the machine...and it ate it up. We did our best to tape it back together again, accept....please accept my apologies for that. We should not have tried feeding it through the machine.

The Presiding Officer requested that the original letters be returned to the Detainee.

Presiding Officer: Again, I'm sorry.

The linguist explained how the letter was copied and put back together.

Detainee: That's okay.

The Presiding Officer confirmed that all unclassified information had been presented to the Administrative Review Board and closed the open session of the hearing.

The Presiding Officer began to explain the remaining Administrative Review Board process to the Detainee.

Detainee: You are not deciding here? You are not the judges or is this going somewhere else?

Presiding Officer: We will pass on a recommendation to the Designated Civilian Official.

The Presiding Officer continued to further explain the remaining process of the Administrative Review Board.

Detainee: So that means I am here for another year?

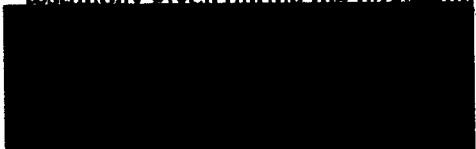
Presiding Officer: No, not necessarily.

The Presiding Officer adjourned the open session.

UNCLASSIFIED//~~FOUO~~

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

ISN 1030
Enclosure (6)
Page 10 of 10

UNCLASSIFIED//~~FOUO~~

000912

UNCLASSIFIED

AMO Assisted Statement ICO ISN 070

When informed by the AMO the U.S. had requested Saudi Arabia to notify ISN 070's relatives of the ARB and inform them of their opportunity to submit any relevant information, ISN 070 stated he had previously requested the US not to contact the Algerian government or give them any information since this action could place certain friends and family members in danger.

Para 3.a. Stated he did not know the Al-Qaida organization and is not a member.

Para 3.a.1. Stated he traveled from London (vice France) directly to Pakistan and from there to Afghanistan. Stated his transportation was facilitated by a Pakistani youth mosque and not Al-Qaida. Also stated that he used his own funds to pay for his travel expenses.

Para 3.a.2. Stated he trained at a guesthouse in Bakram (vice Malik).

Para 3.a.3. Stated he received training on the Kalashnikov rifle and did not receive RPG training or combat tactics training.

Para 3.b. Denied engaging in hostilities against the U.S.

Para 3.b.1. Stated he was injured while sleeping and when he awoke he was in a vehicle near a hospital. Stated he was then taken to the hospital.

Para 3.b.2. Denied stating he would kill Americans if released.


Para 3.b.3. Stated his injuries were not 'combat related' but occurred while he was sleeping.

Para 3.b.4. When asked by the AMO if he regarded himself as a threat to the U.S. or its allies he stated "I never had any intention of being a threat, then or now."

Para 3.b.5. Stated he has never misbehaved while a detainee. Stated he is under medication for his head injury and he removed his clothes because he had a headache.

Para 3.b.6. Denied the entire statement.

Para 4.b. Agrees with the entire statement.

Ed Day CDR, USN 

873A

Encl (4) EC-c'

Summarized Administrative Review Board Detainee Statement

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

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

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

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

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

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

Detainee: Why am I not able to attend that session if it deals with me?

Presiding Officer: We will get to that point momentarily but right now let us continue with the point of order here and I'll address that separately.

Detainee: Good.

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

Assisting Military Officer: The Detainee will request an opportunity to speak with the board in just a moment, but during my interview with him several weeks ago he stated that although he does not have any physical evidence to present he disagrees with many of the statements of evidence in the unclassified summary and will provide explanations to the Administrative Review Board. His reason for wanting to provide explanations directly to you and this panel is because his interrogators are not sworn to ensure what they write about him is truthful.

Detainee: Do the interrogators take an oath or not? If they take an oath why do they lie?

Presiding Officer: I don't know the answer whether interrogators take an oath or not. That's irrelevant to this board.

UNCLASSIFIED//FOUO

Assisting Military Officer: In any event sir, my point was basically as he described. It was apparent to me when we were going through our interview that he was concerned because it's not evident to him that his interrogators are swearing an oath that what they write about him is truthful. He wanted the opportunity to speak to you and this panel personally.

Presiding Officer: We will take that under consideration. Assisting Military Officer continue.

Assisting Military Officer: That concludes all I have sir.

Presiding Officer: Okay. You mentioned about the classified session of this board (speaking to the Detainee). There are documents presented that are classified and I cannot tell you any of that information because of the nature of the information and the fact that it could affect national security. I cannot discuss it with you at all.

Detainee: I just wanted to know if the information is true about me or not so I can defend myself against them. If they are true I will say it's true. If they were false at least I would be able to defend myself against that information.

Presiding Officer: Again, I cannot discuss that with you because of the classification. However, at the appropriate time you address issues in the unclassified summary. Rafiq, do you want to make your statement under oath? It is completely voluntary. You can take a Muslim oath or a non-Muslim oath if you wish.

Detainee: So if I need it or not I can do that?

Presiding Officer: It's completely up to you? If you would like to take the oath, the Designated Military Officer will administer it. It's up to you.

Detainee: I will do it without the oath.

Presiding Officer: Okay, we will continue.

Detainee: The oath has nothing to do with what I going to say. It's not going to prove I'm innocent and it's not going to prove that I'm not a threat. So we can just continue with the evidence and allocations.

Assisting Military Officer: Sir, I'd like to have the translator point out that what you are asking him in regard to this oath is that his answers to you or his statement to you; that his answers are truthful. That is the purpose of the oath. Understanding that, does he still elect not to take an oath?

Detainee: You gave me a choice and I chose to not take it.

Presiding Officer: Okay, very good.

UNCLASSIFIED//FOUO

ISN 892
Enclosure (5)
Page 2 of 15

000914

Detainee: If I didn't have a choice I would have.

Presiding Officer: Okay, Rafiq you may begin presenting any information you would like for this board to hear and for this board to consider on rather you are a continued threat or rather we should release you, transfer you, or keep you here. You may address items in the unclassified summary or whatever.

Detainee: For a fact I am not threat to the United States or any other country. I never thought of hurting or bringing hurt toward any other country. My whole life I have never been accused of things like that in my whole life.

Presiding Officer: How old are you?

Detainee: I am 35.

Presiding Officer: Is there anything else you wish to tell us?

Detainee: The accusations that were said about me, I would like address them one by one if it's possible. I will give you my opinion about them.

Presiding Officer: Okay.

Assisting Military Officer: I will begin to read the summary of evidence one by one. These come under factors that favor continued detention.

The Assisting Military Officer began to read the items from Exhibit DMO-1.

3.a.1. Detainee sees jihad as necessary only when non-Muslims attack Muslims, and/or for defending a Muslim country from assault on their religion.

Detainee: I answered the question three years ago. They asked me how I saw jihad so this is how I answered them. Three years ago when I was asked about jihad I replied to them when a country invades another country it also insults their religion; the country who is being invaded have the right to defend themselves and declare jihad. In my view that is what jihad is. Maybe some other words were added to it but I don't know.

The Assisting Military Officer began to read paragraph 3.a.2. of Unclassified Summary of Evidence when the Detainee asked the following question:

Detainee: I have a question before the second point. Do you consider that evidence or an accusation against me? Someone is asked about their opinion and the opinion is given, can their opinion be used as an accusation against them?

Presiding Officer: It's a statement. It says here that you are noncompliant and routinely troublesome (referring to paragraph 3.a.2.).

UNCLASSIFIED//~~FOUO~~

Assisting Military Officer: Sir, I believe he is going back to the first statement.

Presiding Officer: You mean the first one? I look at it as you defined it; the definition of jihad.

Detainee: What is jihad according to you?

Presiding Officer: It's really what you stated in that first statement. What is more important is for you to tell me whether you agree with those statements or what problems you have with those statements.

Detainee: Of course that's what's important but does that make me a threat or not?

Presiding Officer: If you want to do harm to the United States and its allies, yes.

Detainee: I'm not talking about the United States. I'm just giving you an example; a general example. When the French invaded Tunisia, they raped and killed the people that was an example, what Americans have to do with that? How are they connected?

Presiding Officer: I don't know. I don't think that really has any bearing on you being here and us considering whether you should be released or detained further. I understand what you are talking about when you defined to me what jihad is. Let's go to the second bullet.

3.a.2. The Detainee continues to be noncompliant and routinely troublesome to JTF-GTMO camp guards.

Detainee: I had a lot of problems with the MPs but not without a reason, there was a reason. They start with the problem and all the pressure from that makes us react that way.

Presiding Officer: Okay.

Detainee: Being detained for so many years and not having all of your rights, in addition to that the MPs come and cause us problems. If we say anything, whatever we say is used as some accusation against.

Presiding Officer: Okay, I understand.

Detainee: I would like you to talk to me about this and not just say you understand.

Presiding Officer: I understand what you are telling me. Do I agree with it 100%, that is a different story. There'll be an opportunity for this board to ask you questions following your statements.

Detainee: How can we discuss it point after point with the board?

UNCLASSIFIED//~~FOUO~~

ISN 892
Enclosure (5)
Page 4 of 15

000916

UNCLASSIFIED//~~FOUO~~

Presiding Officer: You told me why you have problems with the guards. I understand and I hear what you are telling me and I will take that into consideration.

3.a.3. The Detainee acquired and traveled on a false Italian passport with a Pakistani Visa, for the sum of 200 Deutsche Marks.

Detainee: What does that have to do with me? That is my personal mission. America doesn't have anything to do with fake passports. What does that have to do with the United States? If there is a punishment then my own country should be punishing me.

Presiding Officer: Okay, so you disagree with that statement?

Detainee: It's true, I did. But, it's like I said before.

Presiding Officer: Well, to me it's a statement in the unclassified summary that's presented to me. You have a chance to argue it or rebut it and that's fine. I don't know if I will use that in deliberation. It's just something that's given to me. I don't have anything to do with what's put in this unclassified summary. Were you in Italy?

Detainee: I wasn't in Italy. The last interrogation I went to I was asked how did you go to Italy, how were you arrested by Italy, I was very shocked by these questions they were asking me.

Presiding Officer: Okay.

3.b.1. Detainee admitted he voluntarily attended the Khalden training camp in Afghanistan.

3.b.2 At the Khalden training camp, Detainee was trained on the Kalashnikov, heavy artillery and antiaircraft weapons.

3.b.3. When the Detainee entered the Khalden Camp in December 2000, it was under the command of an Usama Bin Ladin Lieutenant.

Detainee: There are two points to this. The first point is I never attended that training camp. When I mentioned to them before that I'm trained on the Siminov and the Kalashnikov but the other weapons that are mentioned I never trained on them.

Assisting Military Officer: Sir, he is also referring second bullet on training regarding training on the Kalashnikov, heavy artillery, and antiaircraft weapons.

Presiding Officer: The second bullet. Where did you train on those? You admit to training on not the Kalashnikov but the other... What was the other weapon? Where did you train on those if it wasn't the Khalden training camp?

ISN 892
Enclosure (5)
Page 5 of 15

UNCLASSIFIED//~~FOUO~~

000917

UNCLASSIFIED//~~FOUO~~

Detainee: I mentioned it but honestly I never trained on them. I said it during an interrogation before.

Presiding Officer: It says that you admitted that you voluntarily attended the Khalden training camp. Are you denying that you attended that camp?

Detainee: Yes.

Assisting Military Officer: Sir, I'd like to point out under the following factors favoring release that he stated that in previous testimony on attending he said he was tortured and beaten and the translator told that he would be killed if he did not confess to attending that camp. That is listed under the factors favoring release. Again, he only confessed to attending that camp in an effort to save his life and stop the beatings, which indicates sir that he disputes attending that camp at any time. Is that correct?

Detainee: Yes.

Presiding Officer: Okay, so these statements here, we can tie them all together and you deny all three of those because of what he just said?

Detainee: Which three were they?

The Presiding Officer read bullets 3.b.1, 3.b.2, and 3.b.3 to the Detainee and confirmed that the Detainee denied all three.

Detainee: I Only mentioned before, that I trained on Kalashnikov and Siminov but then I took my words back when I said that. I never said the other points about the lieutenant or anything else.

Presiding Officer: Right, I understand. I'll have a question later but let's continue with these statements.

Assisting Military Officer: Let me go ahead and read the third statement sir. When the Detainee entered the Khalden Camp in December 2000, it was under the command of an Usama Bin Ladin Lieutenant. Do you have any comments on the third statement?

Detainee: I never mentioned that before.

Presiding Officer: Okay, and that goes with that one statement.

Assisting Military Officer: I'd like to summarize if I can just to make sure that this point is clear. What the Detainee is stating is that he never attended the Khalden Training Camp, never received weapons training while at Khalden of any type; the Kalashnikov, heavy artillery and has not made the statement that he entered there in 2000 at that camp that supposedly was under the command of an Usama Bin Ladin Lieutenant. Is what I have summarized accurate?

ISN 892
Enclosure (5)
Page 6 of 15

UNCLASSIFIED//~~FOUO~~

000918

Detainee: Yes. The evidence supports that also.

3.c.1. Detainee admits to being affiliated/friends with Izz Al Din, a known al Qaida member.

Detainee: Where is your evidence that Izz Al Din is an al Qaida member?

Presiding Officer: I think that's not important. The important thing is, do you... if you don't agree with this statement you can tell me. If this statement is true you can tell me.

Detainee: It's important to know if you mentioned that someone is an al Qaida member, where is the proof that this guy is with al Qaida?

Presiding Officer: I have to go with what it says there. I can't tell you anymore or any less. Are you telling me that he is not an al Qaida member?

Detainee: For sure, for a fact.

Presiding Officer: He is an al Qaida member?

Detainee: For sure he is not an al Qaida member.

Presiding Officer: Okay.

3.c.2. The Detainee was recruited by Izz Al Din, who convinced him to travel to Pakistan and onward to Afghanistan to join the jihad.

Detainee: That is not true. The first part is true but the other part is not true. True I went to Pakistan but not with the intent to fight jihad. I went to Afghanistan but not to fight the jihad.

Presiding Officer: Why did you go there?

Detainee: I mentioned it in the interrogation and you have the files and you will know why.

Presiding Officer: You said you went to Afghanistan not for jihad. I guess I'd like to know for what reason did you go? I don't have that in front of me.

Detainee: To Pakistan not to Afghanistan.

Presiding Officer: What did you do in Pakistan?

Detainee: You can take the files out and you will know why. In the closed session you will read and you will know. That's my answer.

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Okay.

3.c.3. Detainee traveled to Lahor Pakistan, around November 2001, where he joined Lashkar-Al-Tayibah (LT).

Detainee: In November?

Assisting Military Officer: Yes.

Detainee: I didn't say I went to Lashkar-Al-Tayibah. I did go to Lahor and I went to a school named the La Madhori (ph) Academy.

Presiding Officer: What type of school was that?

Detainee: Religious studies.

Presiding Officer: Okay.

Detainee: It's true it was in November but not in 2001. November is the 11th month?

Presiding Officer: That's correct.

Detainee: You said 2001?

Presiding Officer: November 2001.

Detainee: It wasn't 2001.

Presiding Officer: Was it sooner?

Detainee: I left Germany at the end of 1999. I went from Germany to Pakistan. Three months after that I went to Lahore. That's how I remember it.

Presiding Officer: In 1999 you left Germany?

Detainee: At the end of 1999.

Presiding Officer: Three months later you were in Pakistan?

Detainee: Yes.

Presiding Officer: So the year 2000, early the year 2000?

Detainee: In the beginning of 2000 I was in Lahore.

UNCLASSIFIED//~~FOUO~~

ISN 892
Enclosure (5)
Page 8 of 15

000920

Presiding Officer: Okay.

3.c.4. U.S. Department of Homeland Security designated LT as a "Foreign Terrorist Organization" for its association with al Qaida and Usama bin Ladin.

Detainee: What does that have to do with me? If it's a terrorist organization and tied to al Qaida, what does that have to do with me?

Assisting Military Officer: Sir, I'd like to let the Detainee know that the previous statement indicated that he joined *Lashkar-Al-Tayibah*, therefore the connection is that by joining this organization, it was associated with known terrorist.

Detainee: I understood it then.

Presiding Officer: Did you belong to *Lashkar-Al-Tayibah*? Are you a member of that organization?

Detainee: No I didn't.

Presiding Officer: Do you agree that it is a terrorist organization?

Detainee: I don't know.

Assisting Military Officer: So in summary sir, I'd like to point out again regarding the previous statements; he is disputing that he traveled to Lahore Pakistan in November of 2001 and he is also denying that he joined *Lashkar-Al-Tayibah*. Additionally, he was not aware that *Lashkar-Al-Tayibah* was a terrorist organization or associated with al Qaida or Usama Bin Ladin.

Presiding Officer: Okay, I'll have some questions for you but let's continue with the other factors favoring release or transfer.

Detainee: Did the accusation end?

Presiding Officer: Those factors favoring further detention, yes. Now we are in to the release factors or transfer.

4.a. Detainee stated he did not fight or train on weapons in Afghanistan.

Detainee: Yes.

4.b. Detainee stated he is not a member of al Qaida or the Taliban.

Detainee: Yes.

4.c. Detainee has never thought about harming the United States or its citizens, and stated that he never would.

Detainee: Yes.

4.d. Detainee recanted attendance/training at Khalden camp. Detainee stated he was tortured and beaten daily, and that the translator told the Detainee that he would be killed if he did not confess to attendance at the camp. Detainee stated he confessed to stop the beatings and save his life.

Detainee: Yes.

4.e. Detainee stated his hand is only 35% functional and that he could not have trained.

Detainee: They changed the wording a little. Like I mentioned before in 2000 there wasn't a training camp there. The Taliban government closed the training camp. I told them that I couldn't train because of my arm.

Presiding Officer: Which arm, left or right?

Detainee: Left.

Presiding Officer: Are you right handed or left handed?

Detainee: I write with my left hand.

Presiding Officer: Okay.

Detainee: For that reason I didn't have any intent to train.

Presiding Officer: The capability to train?

Detainee: That is another issue but I never had the intent.

4.f. Detainee does not believe in the sixth pillar of Islam and does not believe that jihad is a 6th pillar of Islam.

Detainee: Islam only has five. Whoever says that Islam has six is not Muslim or he doesn't have a religion. He has no idea about religion because Islam has only five pillars.

Assisting Military Officer: That concludes the statement. Do you have anything else you want to add?

Presiding Officer: What's important is did the Assisting Military Officer provide the information, pretty sure he did, that you wanted us to hear as far as going over this unclassified summary? Did he do what you wanted him to do?

UNCLASSIFIED//EQUO

Detainee: He brought his own information from his own files.

Presiding Officer: He went over this unclassified summary and you have seen this before. I'm assuming that he has told us everything and it's correct. You had a chance to respond to everything.

Detainee: The information that we went over today?

Presiding Officer: I understand that you contest the factors for retention. I understand that you have done that and you agree with the statements for release and he presented them to you and I think he has stayed within those boundaries and has not made anything up that's not on this unclassified summary.

Detainee: I understand.

Assisting Military Officer: Sir, may I interject for the record, my understanding about what the Detainee just said is that he was under the impression that I perhaps had provided you some information outside of what I have presented to you this morning. Officially, I want to clarify that I have not provided you any additional information in what has been presented today.

Presiding Officer: He gave me the notification from and the election form and he discussed that earlier. Nothing else. Having said that, Assisting Military Officer do you have any questions for Rafiq?

Assisting Military Officer: No sir, I do not.

Presiding Officer: Designated Military Officer do you have any questions?

Designated Military Officer: No sir.

Presiding Officer: Do any members of the board have any questions for Rafiq?

Administrative Review Board members' questions

Q. Rafiq, you mentioned torture and daily beating, I need to know if that happened here or somewhere else?

A. Somewhere else.

Q. Please do not assume that we have information in our files that you want us to know about. I don't know what you did in Pakistan or Afghanistan and I'd like to hear from you.

A. How is the Administrative Review Board going to decide my destiny without knowing what type of threat I am?

Q. That's why I'm asking.

ISN 892
Enclosure (5)
Page 11 of 15

UNCLASSIFIED//FOUO

000923

UNCLASSIFIED//FOUO

Assisting Military Officer: I think this is reference to the question regarding traveling to Pakistan with the false Italian passport?

- Q. Okay, I understand. You have never been to Afghanistan; did I miss that?
A. I went to Afghanistan.

Presiding Officer: You've been to Pakistan and Afghanistan?

Administrative Review Board member: Okay, I understand school...

Detainee: School in Pakistan.

Presiding Officer: La Madhori (ph) Academy.

- Q. Right. Okay, activities in Afghanistan, I'd like to hear some more about that if there is more that you can offer.
A. I went to Kandahar in the south of Afghanistan to study Koran for eight months and then I went back to Pakistan to Lahore. So I went twice, the first time (inaudible).

- Q. What did you do in Afghanistan specifically?
A. (inaudible) I told you.

- Q. You just traveled through there?
A. To study and not travel, study Islamic Religious studies.

- Q. But that was in Lahore Pakistan correct? At the La Madhori (ph) Academy?
A. I went to La Madhori (ph) Academy when leaving Germany; three months after Leaving Germany in 2000. I studied for eight months in Afghanistan in Kandahar.

Q. What did you do in Germany?

A. I did a lot of things.

Q. For instance?

A. I worked in restaurants and in a Turkish company cleaning and I worked in drugs.

Q. You mean pharmaceutical drugs like a pharmacy? Illegal drugs or legal drugs?

A. There are no legal drugs.

Administrative Review Board member: He means narcotics.

Q. Did you have family in Germany?

A. No.

Q. You left Germany in 1999, when did you arrive there?

A. Beginning of 1996.

UNCLASSIFIED//FOUO

ISN 892
Enclosure (5)
Page 12 of 15

000924

UNCLASSIFIED//~~FOUO~~

- Q. Do you know who beat you when you were made to confess about the incidents around the Khalden Camp?
- A. Which camp?
- Q. I'm trying to reference when you recanted attending the Khalden Camp. It states that you were tortured and beaten daily and you were told that you would be killed if you did not confess attendance at the Khalden Camp I presume.

Assisting Military Officer: Are you asking where the torture occurred? I don't understand the question myself.

- Q. Who tortured you and where was it?
- A. I don't understand can you repeat the question?
- Q. Where was the torture? You said it wasn't here.
- A. In Arganza (ph).
- Q. By who?
- A. I was in an Afghan prison but the interrogation was done by Americans. I was there for about a one-year period transferring from one place to another. I was tortured for about three months in a prison called the Prison of Darkness or the Dark Prison.
- Q. You stated that you were tortured to confess that you were actually at this camp?
- A. Yes.
- Q. If it's okay with you Rafiq, can you hold up your hand so we can see it? You don't have to.
- A. Oh you want to see it?
- Q. If you would.

The Detainee lifted his hand to show its current condition.

- Q. Why do you not believe that jihad is the sixth pillar of Islam?
- A. Who believes that it is the sixth pillar? I would like to ask you that question?
- Q. Define jihad.
- A. (inaudible).
- Q. I've heard that it was one of the tenants of Islam. That's why I'm asking.
- A. You heard it from scientists or books or how did you hear this?
- Q. Just historically in a book and other literature.
- A. I don't believe it.
- Q. Okay, so you deny it?
- A. There is no book that would say that.
- Q. Can you define jihad for me, your definition?
- A. My opinion is the first accusation, that's what I think about it... you consider it to be an accusation.
- Q. You said you received weapons training, is that correct?

ISN 892
Enclosure (5)
Page 13 of 15

UNCLASSIFIED//~~FOUO~~

000925

UNCLASSIFIED//~~FOUO~~

A. No, that is not true.

Q. No weapons training at all. You mentioned the Kalashnikov and you mentioned another type of weapon.

A. The Siminov.

Q. You never had any training on that? What type of weapon is that?

A. (inaudible).

Detainee: I want to know what an Enemy Combatant is. What does it mean?

Presiding Officer: It's a definition that was given following the tribunal that you had when it was determined that you were an Enemy Combatant. I'll read you the definition.

The Presiding Officer read the definition of an Enemy Combatant as follows:

Presiding Officer: An individual who was part of or supporting al Qaida or Taliban forces or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who has committed a belligerent act or has directly hostilities in aid of enemy armed forces. That is the definition for an Enemy Combatant.

Detainee: So if I didn't participate in any combat or any of that, I'm not an Enemy Combatant?

Presiding Officer: That has already been determined by the Tribunal. I had nothing to do with that and they came back with the decision that you are an Enemy combatant. This board is to determine whether you should be retained, released or transferred to your home country or another country as mentioned previously. Is there anything else?

No verbal reply was given from the Detainee.

ISN 892
Enclosure (5)
Page 14 of 15

UNCLASSIFIED//~~FOUO~~

000926

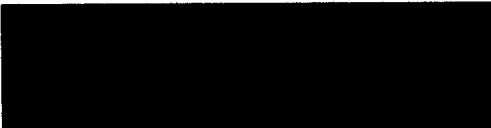
UNCLASSIFIED//~~FOUO~~

The Presiding Officer confirmed that all unclassified information had been presented to the Administrative Review Board and closed the open session of the hearing.

The Presiding Officer explained the reminder of the Administrative Review Board process to the Detainee and adjourned the open session.

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

UNCLASSIFIED//~~FOUO~~

ISN 892
Enclosure (5)
Page 15 of 15

000927

UNCLASSIFIED//~~FOUO~~

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions.

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

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

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

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

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

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

Presiding Officer: The Detainee may now present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Yes, sir. I request permission to provide the Administrative Review Board panel with explanations and comments that I took during the initial interview with the Detainee and after which I request that you ask him if he desires to make any oral statements on his own behalf. The following comments and explanations were provided by the Detainee in response to the unclassified summary; in response to paragraph 3.A.1, "the Detainee traveled from Algeria to Saudi Arabia and then to Pakistan to fight the Jihad", he responded the information is generally correct but that his Jihad is against India and not against America or Americans. He stated he could have fought against America in the first Gulf War but did not. He stated that he understood that the first Gulf War was not against Islam because other Gulf nations participated with America. In response to paragraph 3.A.2, "while in Mecca, Saudi Arabia the Detainee confided in one individual his desire to fight a Jihad," he stated again that his Jihad at that time was against India not America. In response to paragraph 3.B, the Detainee received light weapons training to include the Kalashnikov and de-mining training at a Lashgar-E-Taiba (LET) training camp," the Detainee denied receiving training on light weapons or de-

ISN 744
Enclosure (5)
Page 1 of 6

UNCLASSIFIED//~~FOUO~~

000928

UNCLASSIFIED//~~FOUO~~

mining and also stated that while he was a prisoner in Bagram he was coerced by force and tortured to admit he had received de-mining training. In response to paragraph 3.C.1, "the Detainee advised he was a member of Lashgar-E-Taiba (LET) for a total of one year and seven months," the Detainee stated the LET was a large group and he was not aware it was affiliated with al Qaida and that his only association with it was to receive physical therapy for his injuries. In response to paragraph 3.D "the Detainee said, "that America and Cuba are 'No Good' and that shooting Americans is good. He then raised his arms and pretended to shoot the MPs working the block," the Detainee remarked that he had made the statement out of frustration from the treatment he had received while being detained. He said that the guards treated him disrespectfully, insulted him and would not let him practice his religion - for example, read the Koran and pray. He stated it occurred only on one occasion and that his behavior has always been good since that isolated incident. Sir that completes the information I wanted to present to the board based on our interview.

Presiding Officer: Thank you, Assisting Military Officer. Good morning Aziz Abdul Naji. Do you wish to make an oral statement at this time?

Detainee: About what?

Presiding Officer: About anything that you would like this board to know that would convey to us why you are no longer a threat and why we should release you.

The translator asks the Detainee if he needed time to think.

Detainee: During the first session I explained everything about the training and the de-mining. I've explained everything. I do not have anything to add to it.

Presiding Officer: I will give you a few minutes to think if you would like to add anything otherwise we will continue and possibly ask you some questions later on.

Detainee: I don't have anything to say.

Presiding Officer: OK. Please make note that the Detainee did not have anything to present at the time.

Presiding Officer: Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer: No, sir. Sir, may I interject one thing?

Presiding Officer: Go ahead.

Assisting Military Officer: I'd like us to go back and ask the Detainee if the statement that I provided was the information that he wanted you to hear.

ISN 744
Enclosure (5)
Page 2 of 6

UNCLASSIFIED//~~FOUO~~

000929

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Aziz Abdul Naji, did your Assisting Military Officer's statement provide the information that you wanted us to hear?

Detainee: One thing I do not understand is about me being a member in Lashgar-E-Taiba. I was a new person coming into the group. For this group you had to be in for at least two years to become a member. I was new to the area. I wasn't there long enough to be a member with them. I stayed with them for only four months in the mountain area until I was hurt. I have never gotten any training in de-mining. If I had received training in de-mining I would not have gotten injured.

Presiding Officer: Thank you. Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer: No, sir.

Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer: No, sir.

Presiding Officer: Do any Administrative Review Board members have any questions for the Detainee?

Board Members: Yes, sir.

Board Member: I would like for you to explain to me what you were doing when you sustained your injury and how did your injury happen?

Detainee: Good. I was staying there for four months in the wintertime; in the summer I wanted to enter the occupied Kashmir. We entered at nighttime. The way was very narrow and there were a lot of mines everywhere. The person that helped us enter was from Kashmir and he knew the roads very well. He told us to follow the path, do not turn right and do not turn left. I wasn't aware of whether I was going to the left or right but that is how I got injured. I went to the hospital to get treatment. That is what happened. We were only able to go to that area at nighttime. In the daytime there were a lot of military personnel in that area. So, if I had knowledge of de-mining or of mines, in general, I would not have gotten injured. I have worked as an ironsmith, with metal all of my life and I have never gotten injured operating any equipment. If I really knew about mines as well as I knew my job, I would not have gotten injured. I've seen that in the Algerian military, people have to get training for at least a year or a year and a half to learn about mines and de-mining. That is all I have.

Board Member: I would like to clarify, did you step on the mine or were you trying to disarm the mine?

ISN 744
Enclosure (5)
Page 3 of 6

UNCLASSIFIED//~~FOUO~~

000930

UNCLASSIFIED//~~FOUO~~

Detainee: I was walking and the force of the explosion threw me in the air. I flew in the air and when I landed on the ground I looked at my leg and my leg was missing. Because of all the smoke and dust in the air I could not find my leg.

Board Member: I would also like to clarify that you said you were staying somewhere for four months before you tried to enter Kashmir, where were you staying? What town or country? Who were you with as you tried to enter Kashmir?

Detainee: I do not know what the area was called but we were in a mountain that had four camps. I was there for four months. Some people there were training on light weapons like the Kalashnikov and other weapons. I did not train on them myself because I had trained in Algeria. I did not have to train on anything because I had trained in Algeria. Good. That is it.

Board Member: Whom were you traveling with when you tried to enter Kashmir?

Detainee: I was with about forty other Muslim people. We wanted to help our brothers in Kashmir. Our brothers were mistreated. We heard that in Kashmir they had killed hundreds of people a day almost. Even in Christianity and Judaism, your religion requests from you to help your brothers and sister. Our religion is the same way.

Board Member: So all of you were going for Jihad in Kashmir?

Detainee: I know why I was there. I do not know what the other people's purpose or goals were for going there. The Jihad does not have to be a Jihad where you fight. Jihad can be carrying food or helping others. It does not have to be fighting.

Board Member: Were all of you traveling with weapons to fight?

Detainee: The group I was with was very weak. They had weapons but not all of them. There were not enough for all of us. About my training in Algeria, I trained on very light weapons and maybe when I was talking to my interrogators the translator misunderstood and the interrogators wrote down all the other weapons. In Algeria I only trained in very light weapons. So those bullets or those kinds of weapons are very hard to shoot with, and there weren't enough bullets for that type of weapon

Presiding Officer: In the unclassified summary there is a statement where you make a comment that it seems that United States is fighting against Islam and not terrorism. Can you explain that comment further?

Detainee: When I first said that I was new to this prison, to this area and I didn't know the soldiers. I didn't know where I was. I have been here three years and I find that most of the soldiers here they come to this area to drink alcohol. After mixing with other soldiers I found that only a few of the soldiers didn't know how to hold the Koran. They held it (the Koran) in an insulting way. That is why I was thinking that maybe they were against Islam. The way a few of the soldiers were holding the Koran gave me that idea but besides

ISN 744
Enclosure (5)
Page 4 of 6

UNCLASSIFIED//~~FOUO~~

000931

UNCLASSIFIED//~~FOUO~~

that there were other soldiers that were more respectful and that made me think that all the soldiers weren't the same, just a few of the stupid ones were acting that way.

Presiding Officer: If you were to be released, what is it that you would do in the future?

Detainee: I don't know if you will believe me or not but before I was arrested all I wanted to do was to get married. I don't know if you will believe me or not but as soon as you release me I would get married right away. I am almost thirty now. Us Muslims have to get married. For that reason I just wanted to get married and have a better life. Now that I am missing a leg it will be kind of difficult for me to move around.

Presiding Officer: What type of occupation will you pursue?

Detainee: I am an ironsmith. I work with metals so when I get released I will look for the same kind of job but I don't know if I will be able to find that kind of work in Algeria.

Presiding Officer: Are you a threat to the United States?

Detainee: Even when I had a leg I never thought or intended to fight Americans. Now, I don't have a leg and I still do not have any intentions to fight Americans.

Presiding Officer: I have no further questions. Is there anything you would like the board to know before we continue?

Detainee: I have been detained here for three years now and I thank God I don't have any hate or any intent of hurting any soldiers or anyone else for that matter. I was given a lot of chances to get revenge or to hurt someone but I didn't because I don't have that intent. I don't like hurting others.

Presiding Officer: Thank you.

The Designated Military Officer and the Assisting Military Officer have no other information to present to this Administrative Review Board.

The Presiding Officer reads the post-Administrative Board instructions to the Detainee and adjourns the open session of the Board.

UNCLASSIFIED//~~FOUO~~

ISN 744
Enclosure (5)
Page 5 of 6

000932

UNCLASSIFIED//~~FOUO~~

AUTHENTICATION

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



Captain, USN
Administrative Review Board Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN 744
Enclosure (5)
Page 6 of 6

000933

UNCLASSIFIED//~~FOUO~~

Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions.

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

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

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

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

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

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

Note: The Detainee appears to understand English and answered a few questions in English without the assistance of the translator.

Presiding Officer: The Detainee may now present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Sir, I am not aware of any written statements that the Detainee has brought with him and perhaps he will want to address the board in a few moments. However, I have taken notes during our interview and I would like to read those notes in response to the unclassified summary now. Sir, the Detainee provided the following comments in response to the unclassified summary of evidence; he stated he [had] already provided an explanation for his traveling from Yemen to Pakistan during the Tribunal (CSRT) and that his purpose for leaving Yemen to Pakistan was so that he could trade in buying and selling fabrics. He stayed in Pakistan for approximately two years and five months. Shortly after arriving in Karachi he met a Pakistani man named Hussein Bashir in one of the markets. Bashir took him to his home and mentored and advised him in the buying and selling of cloth while he lived with him for about six months.

ISN 688
Enclosure (5)
Page 1 of 10

UNCLASSIFIED//~~FOUO~~

000934

UNCLASSIFIED//~~FOUO~~

Detainee: No, that is not correct. There is a mistake in translation just in this point. He did not teach me how to buy and sell fabrics. He said come with me and we will buy fabrics. I stayed with him for six months and we would go out and come back leisurely.

Presiding Officer: Did he just helped you buy the fabrics, he didn't teach you about buying fabrics? Is the six-month time frame correct?

Detainee: No, I didn't even buy fabrics to begin with. He said come with me to my home so I can tell you about a place where you can buy fabrics.

Presiding Officer. I understand.

Assisting Military Officer: Continuing, the Detainee stated that his purpose for traveling to Faisalabad was to obtain temporary residency in Pakistan and that he had a legal visa to be in Pakistan. He was employed for about sixteen months as a handyman, gardener and security guard for someone who owned a villa and his salary was \$2,000 rupees a month. After that period of time he moved to Lahore, Pakistan where he stayed for three months trying to establish residency, which would permit him to stay in Pakistan longer. He was not able to get residency in Lahore so he moved to Faisalabad, where he stayed for 2 months, again trying to obtain residency. In response to the allegation he was identified by a senior al Qaida planner as having been a resident at a safe house located in Kandahar, the Detainee stated he has never entered Afghanistan and that whoever made this allegation is a liar and the statement is completely untrue. Regarding the statement he was identified by a senior al Qaida facilitator as being a resident at a safe house located in Kandahar, again, he restated he has never been in Afghanistan. Regarding the allegation that this same individual also saw him at a safe house located in Faisalabad, the Detainee explained that when trying to obtain residency in Faisalabad he was staying with a Pakistani man named Ezzat Nasser and stayed with him and his family for about two months. He stated that one day when he went to a building where telephone calls were made and he met a man named Emad Abdullah and he explained [to Emad] what his situation was in Pakistan and why he was in Faisalabad. Abdullah explained that he and others were students at a university of religious studies and invited him to stay with them. The Detainee explained [that] he accepted the offer to stay in Abdullah's house because the Pakistani family he was currently living with had a small house and Abdullah's residents were Arabs, they spoke the same language, and understood each other. He stated his housemates appeared to be only students. Regarding the allegation he was present and helping to transport equipment and wounded on or near the front lines in Bagram, Afghanistan, the Detainee stated this cannot be true because he has never been in Afghanistan. In response to the statement under 'primary factors favoring release' that he received \$3,500.00 from his mother to travel to Pakistan and open a fabric store, he stated he did receive money from his mother but it was a much smaller amount and doesn't remember the precise quantity. He stated he has no animosity toward Americans and, quite the contrary, believes Americans are a peaceful people. However, he believes the American government has wronged him by keeping him in detention. He stated that he has never thought about harming any person at any time, American or otherwise, and that he has never thought about doing anything hostile against the U.S. government. He stated it serves no purpose to be hostile or angry.

ISN 688
Enclosure (5)
Page 2 of 10

UNCLASSIFIED//~~FOUO~~

000935

UNCLASSIFIED//~~FOUO~~

[He] stated that in the event he were released the first thing he would do is to get a job, then get married, and then continue his education. He stated that the U.S. could contact his home country and inquire regarding his being a participant in illegal activities or being a terrorist. Sir, this concludes the notes I took in our interview.

Presiding Officer: Fahmi, with the exception of the corrections about Hussein Bashir, is what the Assisting Military Officer said basically correct?

Detainee: Yes.

Presiding Officer: At this time, [although] we do not require an oath and it is completely voluntary, do you want to make your statement under oath? An oath is a promise to tell the truth. We have prepared a Muslim and a non-Muslim oath if you wish to use.

Detainee: No.

Presiding Officer: Fahmi, is there anything you wish to tell the board?

Detainee: I don't have anything but I wish to clarify the subject of the people that he mentioned. Up until now, I haven't seen any of these people that you said [had] accused me of certain things.

Presiding Officer: OK, please proceed and give us as much information as you care for us to have.

Detainee: Never in my life have I committed any terrorists' acts against the United States or any other country. You can call my country and make sure of that. My country can tell you if I have any record of any terrorist acts or if I was a terrorist. Up until now, honestly, I never thought and I don't think of harming any person.

Presiding Officer: You said up until now, are you saying that your attitude has changed presently or do you wish to harm people in the future? You said up until now.

Detainee: I don't wish to harm [anyone] now or in the future. I am not prepared to come back to Cuba another time.

Presiding Officer: I understand.

Detainee: I've spent three years here in a cell that is one meter by one meter in the presence of a bathroom as well. This I think is enough.

Presiding Officer: Can you tell me anymore? We will have some questions for you later on but is there anything you wish to tell us as to why we should no longer consider you a threat?

Detainee: In the future?

UNCLASSIFIED//~~FOUO~~

ISN 688
Enclosure (5)
Page 3 of 10

000936

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Yes.

Detainee: I am not willing to come back here again. I am not prepared for any country to turn me over to the United States. I want to buy my life and not sell my life.

Presiding Officer: Well put. Is there anything else you wish to say?

Detainee: Nothing that is it.

Presiding Officer: Fahmi, does that conclude your statement to the board?

Detainee: Truthfully I don't have anything.

Presiding Officer: Thank you. Assisting Military Officer, do you have any questions for the Detainee?

Detainee: May I clarify another point?

Presiding Officer: Sure.

Detainee: Regarding the money.

Presiding Officer: I was going to ask you a question about that later. Do you want to wait until then?

Detainee: All right.

Presiding Officer: Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer: No, sir.

Presiding Officer: Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer: No, I don't, sir.

Presiding Officer: Do any Administrative Review Board members have any questions for the Detainee?

Board Members: Yes, sir.

Board Member: Fahmi, your English appears [to be] good. [Do] you deny being in Afghanistan, is that correct?

Detainee: Yes.

UNCLASSIFIED//~~FOUO~~

ISN 688
Enclosure (5)
Page 4 of 10

000937

UNCLASSIFIED//FOUO

Board Member: Do you have enemies here at the camp?

Detainee: Do you mean from the Detainees or from the guards?

Board Member: Yes, the from the Detainees.

Detainee: Yes.

Board Member: Perhaps that answers my next question. Do you know why anybody would lie when they said that they saw you in Afghanistan?

Detainee: There is a big possibility that someone has mistaken me for someone else.

Board Member: I see. Perhaps it could be those enemies we spoke of.

Detainee: Some of the Detainees here, about four of them, I have messed with them before.

Board Member: Do you feel you were arrested by mistake? How did that happen? How were you mistakenly picked up?

Detainee: The Pakistani government arrested me when I was in that house. That house was under surveillance by the Pakistani government so when I went to the house I stayed with them with two weeks, nothing more and they took me.

Board Member: Any idea why it was under surveillance?

Detainee: I didn't know why then but now that I came here I heard that those people were terrorists. I heard from the supervisors here, from the people responsible that those people were terrorists not from other Detainees.

Presiding Officer: This was Emad Abdullah's house where you were arrested?

Detainee: The house didn't belong to Emad Abdullah. It was called the house of Eissa but the person that took me into that house was Emad Abdullah.

Presiding Officer: Right. And these were the students at the university?

Detainee: Most of them.

Presiding Officer: Right. The Assisting Military Officer made the comment that you stated that your housemates appeared to be only students. Did you have a feeling otherwise that they were more than students? That they might have been al Qaida operatives?

ISN 688
Enclosure (5)
Page 5 of 10

UNCLASSIFIED//FOUO

000938

UNCLASSIFIED//~~FOUO~~

Detainee: What I was told about them and what I understood from them [was] that they were students only. I didn't have any other idea about them besides the idea that they were students.

Presiding Officer: Regarding the \$3,500, do you want to make a statement about that?

Detainee: My mother did give me a small amount. It was a very small amount, maybe approximately \$500. The money that I had was more than \$2,000. I was working before and I stated that.

Presiding Officer: I understand. The \$3,500 was not from your mother. Approximately \$500 was but you had some of your own money that you had earned in wages.

Detainee: Yes.

Presiding Officer: And that was from being a security guard when you worked for that one family that owned a villa. You were paid \$2,000 rupees per month. Is that where you got that money? Or did you travel to Pakistan with \$2,000 of your own money?

Detainee: No. I had my money. I traveled there with my money. I had the \$3,500 from Yemen.

Presiding Officer: Your initial intentions to travel to Pakistan were to open a fabric store or have some type of fabric store?

Detainee: I didn't want to open a store. When I went to Pakistan I wanted to buy the fabric in Pakistan and then go back and sell it in Yemen.

Presiding Officer: Why did you stay in Pakistan for two years and five months and work as a security guard? Why didn't you just go to Pakistan [and] buy the fabric and go back to Yemen and do whatever you needed to do with it?

Detainee: Do you want me to clarify why?

Presiding Officer: Yes, please.

Detainee: It will take time.

Presiding Officer: I would like an answer to the question. If you could just explain it to me however you'd like.

Detainee: I went to Pakistan. I traveled there to buy the fabric. I stayed for three days in a hotel. When I went out to the market, it was a big market with a lot of fabric. I went into several stores. [At] one of the stores that I went to I talked to the owner of the store. Hussein Bashir was present at that store. As I had mentioned before, Hussein Bashir used to live in Mecca for twelve years. He was about twenty-eight years old. He knew that I

ISN 688
Enclosure (5)
Page 6 of 10

UNCLASSIFIED//~~FOUO~~

000939

UNCLASSIFIED//FOUO

was an Arab. He spoke to me in Arabic. I told him that I [had come] to buy fabric to sell in Yemen. He knew I was staying in a hotel so he invited me to come over and stay at his house. He said, "I have a house. Why don't you come stay with me? I have knowledge about these markets." On the basis that he would help me because he spoke Arabic very well. So I went and I stayed with him at his house and we would go out and come back. We would go to the market place. We would go to the movies. We would go to the beach. I liked Pakistan very much. We would smoke hashish. We would drink alcohol. So his friendship with was because of money. Did you understand that point?

Presiding Officer: His friendship for you or your friendship for him?

Detainee: He was my friend because I had money and I paid for everything. He would pay too sometimes but very little.

Presiding Officer: Is he the one that you worked for and you were paid \$2,000 rupees for a month? Did he pay you that?

Detainee: No, no. After that I stayed with him for six months. Half the amount that I had was gone. So I started to think [about] how I was going to get back to Yemen. How am I going to buy all the fabric that I wanted to buy and go back to Yemen? My mom had hopes of me being a merchant. So I would talk to my mother. [I would] call her and tell her that I was doing well in the fabric business. Truthfully, I was like a wild man in Pakistan. After that I started to think about work. I needed a job. I had a visa for three months that had expired. So he came to me after I had been bugging him for a while and told that [he] had found a job for me with one of his friends called Iz Alden. He was a man in his fifties or sixties. He took me to his villa and I worked for him.

Presiding Officer: So it was this Iz Alden that you were paid \$2,000 rupees per month?

Detainee: So I stayed with him for a year and three months. After there was a problem in the house and I was forced to leave the house. I went to Hussein and stayed with him for three weeks and I saw that I was returning to the way that I was before. I told him that I really needed residency now [and to] please help me get the residency. He gave me an address in Lahore. I went to Lahore to one of his friends over there and I stayed with him for three months. I will give you the address of that place. Do you want the address?

Presiding Officer: No that is fine. That is not relevant.

Detainee: So I stayed with him for three months. He didn't do anything for me. Last time I was bugging him about it he gave me the address to one of his friends in Faisalabad. He said [that] from there you can get a visa. So I went to Faisalabad and I stayed there for two months. [I stayed at] one of his friends' places. His name was Ezzat Nasser. I stayed with Ezzat Nasser for two months and after that I met Emad (Abdullah). I met Abdullah at one of the phones booths. I told him about the situation and he said come stay with him. I didn't know him from before. We just met and got introduced. So he took me to his house and after two weeks we were arrested.

ISN 688
Enclosure (5)
Page 7 of 10

UNCLASSIFIED//FOUO

000940

UNCLASSIFIED//FOUO

Presiding Officer: Why didn't you just go home? It sounded like to me [that] you were getting deeper into whatever you were getting into. Why didn't you just go home?

Detainee: In the last period I was trying to get residency. I was thinking that I liked Pakistan and I liked it a lot. I thought that maybe I would get a better job than the one I was working. [And that] once I got the residency I could leave and come back very easily.

Presiding Officer: You mentioned Iz Alden. Did you leave in less than agreeable terms? Were there differences between you two?

Detainee: The problem was a family problem. There was a relationship of love between and his daughter. He found out and got upset.

Presiding Officer: That can be understandable at times. [I have] one other question. You met with a lot of people over at Pakistan. Were any of them associated with al Qaida or with [the] Taliban at the time or any other terrorist organization? Did you have a feeling if any of them were?

Detainee: No. If I knew I would've told you about them.

Board Member: Did you have an occasion to meet lots of Yemenis in Pakistan while you were there?

Detainee: No, never. I never met any Yemeni except in Faisalabad when they took me to the house that I lived in.

Presiding Officer: Fahmi, is there anything else you wish to tell this board before we proceed?

Detainee: I don't see any reason why I am detained here by the Americans. There is no reason. I want an accusation to be directed against me but there is nothing.

Presiding Officer: You know there was a tribunal and your Assisting Military Officer mentioned that you were declared an enemy combatant with that tribunal. That is why we are having a board [because of] what was previously determined. Whether you agree with it or not I am sure there is room for argument there on your side.

Detainee: I want to know why I am an enemy combatant. On what basis did they find me an enemy combatant?

Presiding Officer: Well because of the definition that you are considered to be a threat to the United States and its' allies.

Detainee: I told you that I [have] never thought of hurting any person, or any American or America.

ISN 688
Enclosure (5)
Page 8 of 10

UNCLASSIFIED//FOUO

000941

UNCLASSIFIED//FOUO

Presiding Officer: We are not going to consider any of those statements that were made (during the Tribunal). What I want to hear from you now is whether we should consider you to be a threat or not and whether you should be released or as I mentioned earlier, transferred to another country, [sent] back to Yemen or further detained here. That is what this board is about, to gather information to determine one of those three factors.

Detainee: Are you asking me what you should do?

Presiding Officer: Well, you can tell me what I should do. I will take your input.

Detainee. All right. Just release me so I can go get married. That is the first thing I am going to do really. The second is finding a job and [then] think about studying again. I stopped in the first part of my studies and I want to continue. I have been here three years [and] I don't have any feelings against the United States I just consider it to be a misunderstanding. What I can express is that maybe it was a mistake. I don't believe that I will have any hostility in the future against Americans because as I said before I am not prepared to sacrifice my life [to] come back to Cuba or go to America and be imprisoned there. I've been here for three years without a real accusation being directed against me. I [have] never killed any person or blew up any building. Three years! So what would happen if I really did something in the future? Obviously my life would be gone.

Presiding Officer: Well, only the future knows that. I can't answer that for you.

Detainee: Life is very dear.

Presiding Officer: I understand. Is there anything else?

Detainee: No.

The Designated Military Officer and the Assisting Military Officer have no other information to present to this Administrative Review Board.

The Presiding Officer reads the post-Administrative Review Board instructions to the Detainee and attempts to adjourn the open session of the Board; the Detainee interrupts stating the following:

Detainee: When do I get an answer?

Presiding Officer: I do not have the answer to that. I don't know how long it would take.

Detainee: One year more?

Presiding Officer: I don't know. I don't think it would take another year but you will be notified as soon as the designated civilian official makes a determination. I don't know the time on that. I wish I could tell you but I don't know.

UNCLASSIFIED//FOUO

ISN 688
Enclosure (5)
Page 9 of 10

000942

UNCLASSIFIED//FOUO

The Presiding Officer re-adjourned the open session of the Board.

AUTHENTICATION

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



Captain, USN
Administrative Review Board Presiding Officer

UNCLASSIFIED//FOUO

ISN 688
Enclosure (5)
Page 10 of 10

000943