

UNCLASSIFIED//FOUO

**SUMMARY OF ADMINISTRATIVE REVIEW BOARD
PROCEEDINGS FOR ISN 438.**

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

The Designated Military Officer 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 (Exhibit EC-A) to the Administrative Review Board.

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

It was noted by the Presiding Officer that from Exhibit EC-B, the Detainee had chosen not to be present for the Administrative Review Board proceedings.

The Presiding Officer confirmed that the Assisting Military Officer had met with the Detainee and informed him of his rights regarding the proceedings, that the Detainee appeared to understand the process, that the Unclassified Summary of Evidence was read to the Detainee, that a translator was used during the interview, and that the Assisting Military Officer confirmed that the translator spoke the same language as the Detainee.

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

The Presiding Officer confirmed that a copy had been previously distributed.

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

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

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

The Presiding Officer acknowledged the request.

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

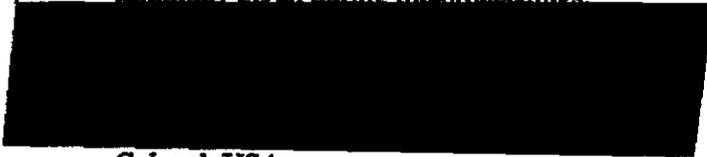
The Presiding Officer read the remainder of the unclassified portion of the Administrative Review Board proceedings, and then adjourned the proceedings.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, USA
Presiding Officer

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Summarized Administrative Review Board Proceedings

The Administrative Review Board was called to order.

The Designated Military Officer 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 ARB.

The Assisting Military Officer presented the Enemy Combatant Election Form (Exhibit EC-B) to the ARB.

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

The PO confirmed that the Assisting Military Officer had met with the Detainee and informed him of his rights regarding 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.

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.

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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 submitted Exhibit EC-C to the Administrative Review Board. The Detainee requested that the Exhibit be read to the board exactly as he wrote it. Exhibit EC-C was read to Administrative Review Board exactly as written. The Administrative Review Board Members then asked questions to the Assisting Military Officer.

Questions to the Assisting Military Officer

Presiding Officer: Okay. Do any of the Board Members have any questions in regards to the written statement that we have here, on what the Assisting Military Officer commented on? Take a minute to read what we have here. If you are putting them side by side with what the Unclassified Summary actually says, cause I was trying to follow at the same time. For 3-Charlie, Intent, number 2, he says here "My using a passport to travel, I don't think this is enough reason." Did you clarify that, I know it says there that he used a "fraudulent passport," that is what it says? The Detainee purchased a fraudulent Belgian passport, so does he realize that it wasn't just a normal passport?

Assisting Military Officer: Yes sir.

Presiding Officer: He just left that word "Fraudulent" out.

Assisting Military Officer: Yes, sir. I explained to him that it wasn't just that you had a passport, it's that you had a fraudulent passport. He said 'yes.' Under Accusation 3.b., 2nd paragraph in his written statement, Number 1 under Connections/Associations, he said he bought the ticket with his own money. I told him that if you read the English version of the Unclassified Summary of Evidence that we were not implying that someone else purchased it for him. If you read that, I could interpret that he used his own money, so I told him that I didn't think that there was an issue there. He wanted to make that statement that he used his own money.

Presiding Officer: And he provided an al Qaida facilitator with a Belgian passport and 6,000 Francs; sounds to me like he gave the facilitator the money and the passport.

Assisting Military Officer: Yes, sir. I made that clear to him that we were not accusing him of using someone else's money, but still he wanted to. I asked him to expand on Kritay, France. He stated that he used to go to that city in France, Kritay, France, for work. To find work, he was there to work often.

Presiding Officer: Okay. Did he seem to understand English?

Assisting Military Officer: He said he knew a little English, but he didn't speak any English at all.

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The Presiding Officer confirmed that the Designated Military Officer had no further unclassified information to present to the Administrative Review Board 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

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28 Mar 05

From: Sayab, Mutij Sadiz Ahmad (ISN 288)

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted by Sayab, Mutij Sadiz Ahmad (ISN 288) on 28 Mar 05 by OARDEC Linguist [REDACTED]

"Replay on the Summary of Evidence in the Case of Sayab Mutee Sadic Ahmed"

Accusation 3.a. "Training"

- This accusation is not correct and I have not received any training on the arms and I have never in my life heard of AK-47 rifle.

Accusation 3.b. "Connections/Associations"

1. Accusation is not correct and the conditions that when I bought the ticket to Pakistan were from my own money.
2. This accusation has no basis of the truth and I did not accompany anybody throughout my traveling and to the country of "Kritay, France" and I use to go frequently there for the reason of work only.
3. This accusation has no basis of the truth that "I am related or possibly a member of al Qaida" in which that I have ever never heard about something is called al Qaida only after the attack.

Accusation 3.c. "Intent"

1. My accusation that "I traveled" what I know that there is no such a law in the entire world prevent traveling.
2. My using a passport to travel, I don't think this is enough reason to be considered as a terrorist and I pose a threat to America.
3. My traveling by this passport has nothing to make me a terrorist and pose a threat on America in which there are thousands of humans using illegal and incorrect papers and they were not considered or pose a threat. And the reason they used these papers due to the bad circumstances that is existed in their country.

Answering or Replaying the Accusation 3.d. "Other Relevant Data"

1. My departure to Pakistan is not an accusation but most people need to get out from a war zone situation.
2. If the accusation imply "if I knew of the attacks of 9/11/2001 in advance before it happened" then this is a false accusation. It has no basis of the truth or, if it imply if I heard of the attacks after it happened then this is not an accusation because of the fact that the entire world heard of the attack after the fact.

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التهمة أ- التدريب: هذه التهمة ليست بصحة ولم أتلق أي تدريب على الأسلحة ولم أسمع في حياتي عن بندقيّة أك - ٤٧

التهمة ب - علاقات إجتماعية:

١- التهمة ليست بصحة والأحوال التي اشتريت بها التذكرة التي باعها لي هي أموال خاصة

٢- هذه التهمة كإسناد لواء من لواء ولم أكن مرافقا بأحد أثناء سفري والمنطقة «كريتي» في فرنسا هي منطقة كنت أتردد عليها بسبب العمل فقط

٣- التهمة لا أساس لها من الصحة وهي أنني مرتبط أو يمكن أن أكون من أعضاء القاعدة حيث أنني لم أسمع عن شيء يسمى القاعدة إلا بعد الأحداث

٤- أنا لا أعرف أي شخص باسم ~~عمر شهباني~~ عمر شهباني

التهمة ج - النية:

١- اتهامي بالسفر الذي أعرفه أنه لا يوجد قانون في ليبيا يمنع من السفر

٢- استخدامي لجواز سفر كونه سبب يدعو إلى اعتباري إرهابي

يشكل خطر على أمريكا

٣- سفري بهذا الجواز ليس فيه ما يجعلني اذهاني بشكل خطر على امرى كما حيت يوجد اهلرف البشر يستعملون اوراق غير صحية ولم يعتبرهم احد يشكون خطرا، واستعمال هذه الاوراق يرجع دائما الى الظروف السيئة التي في بلادهم

الرد على تهمة د- معلومات اخرى لها صلة:

١- خروجي الى باكستان ليس بتهمة بل تجب على كل احد ان يخرج من ارض فيها حرب

٢- ان كانت التهمة هذه تعني انني كنت اعرف بالاحداث ١١/٩/٢٠٠١ قبل وقوعها فهذه تهمة باطلة لا اساس لها من الصحة ~~واما~~ ان كانت تعني انني سمعت بها بعد وقوعها فهذا ليس بالقيام حيث ان كل الناس سمعوا بالاحداث بعد وقوعها •

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**SUMMARY OF ADMINISTRATIVE REVIEW BOARD
PROCEEDINGS FOR ISN 268.**

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The Designated Military Officer 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) to the Administrative Review Board.

The Presiding Officer confirmed that a copy had been previously distributed.

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

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

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

The Presiding Officer acknowledged the request.

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

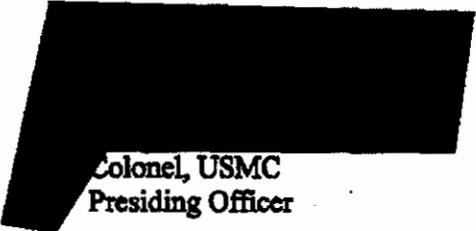
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The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, USMC
Presiding Officer

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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 Echo Charlie - Alpha, the Enemy Combatant Notification Form to the Administrative Review Board.

The Assisting Military Officer presented Exhibit Echo Charlie - Bravo, the Enemy Combatant Election Form to the Administrative Review Board.

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

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

The Administrative Review Board paused briefly to permit the Members to read the Unclassified Summary of Information.

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 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, the Detainee would like to make an oral statement; a written statement and I have some Assisting Military Officer's comments relating to the first interview that I had [with the detainee].

The Assisting Military Officer presented Exhibit Echo Charlie -Charlie, the Translation of Detainee's Written Statement into English.

Presiding Officer: Mohommad Zahir, do you want to make your statement under oath?

Detainee: Yes.

Presiding Officer: 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: Yes.

The Detainee takes the Muslim oath

Presiding Officer: We will first hear the written statements provided by... [Presiding Officer motioned in the directions of the Assisting Military Officer].

Assisting Military Officer: Okay, sir, in my first interview with the Detainee, he was provided a translated copy of the Unclassified Summary to prepare a written statement. He opted to do this because he stated that all the statements were untrue. He stated that many of his people like him were given a choice to pay ten million Afghanis or be conscripted. He could not pay so he was conscripted as a cook. Obviously, he didn't have the money. He further suggested to me that he was being punished for his choice to open a regular school opposed to a Madrassa. The written statement that the Detainee provided to me, it was first translated from Pashtu into English, I later put it on the computer and it is in a direct response to the unclassified summary. In response to commitment [listed under primary factor favoring detention] he wrote, "In the name of Allah, the Most Compassionate, the Most Merciful". I had no knowledge of weapon caches. I didn't do anything against the coalition forces that I'm aware of. I'm not [a] Talib and had no affiliation with Taliban. I was a schoolteacher and I graduated from school. Taliban and Mulas used to call schoolteachers the son of English man. In clarification of this sir, it's basically, where he was from the community wanted him to open up a Muslim school. He decided to open up just a regular school where he could teach science and math and those types of things as opposed to purely religious content. In response to connections and associations [listed under primary factor favoring detention] he wrote, I never dealt with intelligence and I have never been a spy. God kept me away from it. Prior to Taliban occupation, I was a civil servant in the Province of Gazni, working for the police department. During the Taliban occupation, I left my job and when Karzai took power I resumed my old job. I was arrested in my home. It was early morning and my poor family was sleeping when they arrested me. The entire family was scared, but I knew that I was a teacher and not a criminal. I was the only one arrested at my home. No Chief of Logistics was living at my house. Since there was a severe civil war in Afghanistan and people were hurting and killing each other, I escaped to Iran and lived there for six months. When Karzai took power and his government was established, I returned back to my country and resumed the position I was holding prior to the Taliban. I did not have any faxed paper and still do not know what a fax is. This is the first time that I heard this name, "fax". Also, I do not know Qari Ahmadullah and I [have] never met this person. God is my witness that I'm not aware of these accusations. What happen was when I was living in Iran and the Taliban were defeated, a Taliban vehicle broke down from near my home and that was my home in Afghanistan, they packed up some of their belongings and ran away. However, they left some of their belongings next to my house and told my wife to hold onto them and they would come tomorrow to pick them up. It rained and got muddy and they never returned at all. When I came back to Afghanistan, I turned the belongings into

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the Governor. Some of [their] the papers were included. Just out of clarification sir, these are the papers, the faxes and all that kind of stuff that he said he had never seen before. The Governor told me that the Taliban was finished and we don't need their papers anymore and so I left them there. In response to intent [listed under primary factor favoring detention] he wrote, I never saw any maps and I never heard the name of the places. I have no knowledge of what was included in the Taliban papers. [Detainee responded by stating, *[As] God [as] my witness, I don't know*]. So this is a further reference, sir, to the fact that all of these papers, these documents came out of that car and those folks gave those papers to his wife, I guess in a box. He never looked at the stuff he just gave it to the Governor. At this point he reiterates the fact that the Taliban told me [the detainee] to pay ten million Afghanis or they would conscribe me [the detainee] to work for them. Since I did not possess that much money, I worked for them as a cook for three months and I was treated very poorly. [Detainee interjected and said, *"They called me English man"*]. I am very proud that I never started hostilities against [the] Coalition Forces in the Afghanistan government. [Detainee responded by stating, *"God as my witness"*]. I opened an elementary school and faced criticism from the people. They called me, 'Son of Americans' and asked why I [had] opened up this type of school. They said I should have opened up a Madrassa, an Islamic School. I received many warnings from the community on this but I believed that I'm a teacher and my job is to teach and educate children. That concludes his written statement, sir.

Presiding Officer: Mohommad, did the Assisting Military Officers' statement provide the information [that] you wanted us to hear?

Detainee: Yes.

Presiding Officer: Mohommad, you said you have an oral statement to make.

Detainee: Yes.

Presiding Officer: Okay, you may begin.

Detainee: Whatever he [Assisting Military Officer] said, I absolutely agree with him. I am a teacher. I am not a criminal. My job is to teach children. I am a teacher. My job is teach people, make them [an] engineer, [a] doctor, [a] governor and this and that. I am a poor man. [The Detainee emotionally continues his statement]. I have ten children and two wives. I tell you [that] if [you have] anything [that] is proof against me, I give you permission to assassinate me, to kill me. I am a poor man, this was my house [pointing to his right] and that was my school [pointing to his left]. I [have] never went anywhere. I have no animosity with anybody. I am a poor person. I was minding my own business. I was sold for one hundred dollars. Somebody sold me. Somebody sold me to make one hundred dollars and they called me 'American Son'. I am surprised, they called me American Son, but American's arrested me. Yes, I was teaching but the income was not enough to feed my children. I was making [growing fruit] something to sell, fruit or something in the market or working on my own farm. Karzai always helped me and [ever] since Karzai came to the power I was in a great/good position. Americans helped me

[because] they give me some tapes to show [to] the children. They were always helping me. God as my witness, I don't know Qari [that was] mentioned in the paper. I don't know him, I [have] never seen him. I don't know [if] he [is] old, [or] young [or if] he had a beard [or] what kind of person he is. Also, I didn't know anything about Cuba, about Cuba's map or anything like that. You people [may] know about Cuba's map, but I don't know anything about this [Cuba's map]. I have pictures and I have a brother and my brother died recently. My children, I don't know if they are begging and how they are living. I don't know. Do you gentlemen know about human rights? I don't know...[he hung is head]...

Presiding Officer: Mohommad does that conclude your statement?

Detainee: This will help you with whatever you want to do, but I don't know anything about anything. God as my witness, the only thing they took from me, they took a student attendance book, some magazines and some books that belonged to the school, that's all.

Presiding Officer: Good, do you have anything else?

Detainee: No.

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: Yes sir. You mentioned that you started an elementary school, do you have the name of the school and how many students did you teach?

Detainee: Mirzakhil [is the name of the school]. [He taught] four hundred students.

Designated Military Officer: Were there any other teachers teaching with him?

Detainee: [There were] another seven.

Designated Military Officer: Do you know their names?

Detainee: Yes.

Designated Military Officer: Can you name them?

Detainee: Abdul Ghani, Ghulam Sidik, Sadudin, Mohammad, the first name is Yasin, Yarkhan, Bakht Mohammad, Mohammad Younos, he was the head of teachers. I don't know if they are still there or not. Four of them were permanent teachers. The other three [teachers], they were contractors.

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Designated Military Officer: Thank you. Just a couple more [questions], when you worked for the police, what did you do for the police department?

Detainee: I was sending the file[s] to the court for the criminals, like thieves or some other criminals. I was the coordinator, between [the] court and [the] police department.

Designated Military Officer: So did you make any copies, any of the fax copies of those files to send to [the] court?

Detainee: There is nothing like that in Afghanistan. At that time we didn't have those things. We didn't even have paper. What is fax? Is it [a] car, is it [a] plane, what is it?

Designated Military Officer: ...documents that he copied.

Detainee: The carbon paper. They used carbon paper in the middle. They put carbon paper...

The linguist demonstrated by placing one of his hands above the other to show how the detainee made carbon copies of documents.

Designated Military Officer: The governor, do you know his name? [The individual] that you handed all the documents over to?

Detainee: Qari Baba. I don't know if he is still there or not. I don't know who is the governor right now, but at that time, he was the governor. His name is Qari Baba. Thank you.

Designated Military Officer: Thank you Mr. Mohommad.

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

Board Members: Yes sir, I do, I have a couple of questions.

Questions for the Detainee:

Board Member: Mohommad Zahir, what is the name of the person that you worked for that was the Director of Intelligence for the Taliban?

Detainee: I never worked with them.

Board Member: When you went to Iran, when the Taliban was exiled, why did you go to Iran and did you take your family with you?

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Detainee: Yes, that was wartime and every ethnic group [was] fighting against each other and killing each other for no reason. I went to Iran alone until everything is settled down.

Board Member: Okay, one more question, what were items that you returned to the governor?

Detainee: There were two guns, one vehicle and [some] papers. I don't know anything about the papers, they brought it to my wife and my wife brought it inside the house, but I didn't open it.

Board Member: Early the Assisting Military Officer mentioned something about a box. Was there a box?

Detainee: Yes, there was a box and some other things were wrapped. They wrapped it with something and the police came and he took everything. I reported it to the Governor and the Governor said the police took everything to the Governor's office.

Board Member: So it was in an enclosed package of some sort where you couldn't see what the contents were?

Detainee: No, I didn't see it. I didn't see anything. That wasn't my business at all to see things. Yes, I was in the house.

Board Member: Okay, and one more, what items were left behind that were not returned, that had been left by the people with the vehicle?

Detainee: I didn't keep anything. Yes, I didn't take anything. I gave everything to the Governor.

Board Member: Thank you Mr. Zahir.

Board Member: Mr. Zahir, I was a teacher too, how old were the children that you taught?

Detainee: Eight, ten, twelve.

Board Member: What subjects did you teach?

Detainee: Farsi, Pashtu, Arithmetic, English and Algebra.

Board Member: Thank you.

Presiding Officer: Mohommad, [I] understand [that] you speak English?

Detainee: Very little. For the last twenty-five years, I never dealt with English. Before that, I was an interpreter.

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Presiding Officer: Interpreter of English?

Detainee: Whenever I was in school [I learned some English], I was in the school myself [a student]. When the Russians [invaded Afghanistan] they put me in jail, they tortured me [Therefore, he was unable to practice English because he was in jail]

Presiding Officer: When you went to Iran, why didn't you take your family?

Detainee: My financial situation wasn't good. I could not afford to take them.

Presiding Officer: Weren't they in danger also?

Detainee: Nobody had anything to do with the ladies or the children.

Assisting Military Officer: In a minute sir, I can clarify it. It looks like you may have a couple of questions there...the men were the ones that were in danger over there, not the women and children. That's why he left.

Presiding Officer: Okay, the people who dropped off the papers at your house, did your wife know any of them?

Detainee: No, [it is] customary that [when] somebody comes to your door and knock [on] your door, it doesn't matter who he is and he ask for some [type of] favor, you'll do it.

Presiding Officer: [You'll do it] for anyone?

Detainee: Yes, it was rain[ing] and they [the weather] were so bad. When somebody comes and knocks [on] your door and say please keep it [their belongings] until tomorrow, yes this is human nature. All Afghans, they will help.

Presiding Officer: So it was raining when they brought the papers there?

Detainee: Yes, it was rain[ing] because the car was stuck in the mud.

Presiding Officer: I thought it started raining afterwards?

Detainee: Yes, it was rain[ing]. When they came it was very bad. They knocked [on] the door and said, "Sister, please keep these until tomorrow because we can not take it, my car can not move, please help me".

Presiding Officer: You said one of them...one more question ...you said your teachers...you have some contractor[s] and some...who are the other four that...where are they from? Where were the contractors from?

Detainee: Yeah, they were from that area.

Presiding Officer: All from the area?

Detainee: Yes, same area.

Assisting Military Officer: Were they part-time teachers?

Detainee: No, full time.

Presiding Officer: You owned the school, correct?

Detainee: In the Mujahidin time, the school was bombed. They build a school there, the school was bombed and the building and everything was destroyed. When we reopened it, some of the students were sitting under the tree and some of the students under the tent. The government promised to help.

Presiding Officer: How was the school financed?

Detainee: The Ministry of Education.

Presiding Officer: And you had a salary?

Detainee: Yes, the Karzai government.

Presiding Officer: Are there any other questions [looking in both directions of the Board Members]?

There was a negative response.

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

The Presiding Officer reading the post-Administrative Board instructions to the Detainee and the Detainee interjected by stating the following:

Detainee: What do you mean by third country?

Presiding Officer: If your country does not want you back, the United States will make arrangements with another country that may be willing to take you.

Detainee: He will transfer me too?

Presiding Officer: I do not know the answer to that.

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

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The open session of the Administrative Review Board was 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

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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: Yes, sir. The Detainee has elected to present an oral statement to the board.

Presiding Officer: (To the Detainee) Do you want to make your statement under oath? 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.

Detainee: I do not have a problem [taking the oath].

The Detainee takes the Muslim oath.

Presiding Officer: (To the Detainee) You may begin.

Detainee: Regarding number one, the time period that I spend [in Afghanistan] was not from June to December. It was from...and I don't know exactly the dates in English but as

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I have asked...it appears to be from August to December. Meaning [that] the period of time was three months not six months as it is written in the paper. And I [had] clarified this in the first hearing. Number two, yes, it is true, I traveled to Afghanistan with my own personal funds. That point is true. I didn't need any help and I didn't turn to anyone for help. Number three, my travel to Pakistan after Afghanistan was [to] turn myself in and return to my country. And that proves that I did not want any problems. Number four, correct; this was my path of travel. B.1. Correct; I was trained by the Saudi Arabian General Security service and I did not need training. And that proves that the second point is not correct. The previous point indicates that. C.1. I was in one of the interrogations and he informed me about this point. And he brought with him a list of these names and telephone numbers. He showed me my name and my telephone number and it was not my name and not even my telephone number. I also clarified this in the first hearing. The second point I also clarified...that it was not my name and not my telephone number. Number three, if my uncle really did cause problems in Saudi Arabia, this is something that I do not see as right and this is something wrong and I wish that the Saudi Arabian government would arrest him and give him what he deserves. Number four, it's true, I was in a house in Kandahar for a short period of time. I don't know the name of the house. And as I indicated in point B.1, I did not need training. The 'intent'...this doesn't have a number, D...it's true but it was humanitarian help only. In 'other information', E...

Presiding Officer: On the intent you are saying that it was humanitarian...he helped for the Taliban?

Detainee: Yes.

Presiding Officer: Thank you

Detainee: Yes it was services, for example, humanitarian...like any humanitarian help. The intent was not to go and kill. I do not wish to be reckless...to go and have myself get killed. Good. E...what number is the last one?

Presiding Officer: E is 'other relevant data'...the next number is four.

Detainee: I am coming to it...E, but the problem here is 4.C...how is this? I clarified this to the Assisting Military Officer.

Assisting Military Officer: Oh the watch?

Detainee: Four.

Assisting Military Officer: We'll get to it when we get to that [number].

Detainee: OK, E, I bought the watch a long time before I left for Afghanistan. And it is cheap and practical. And I see many, many, many people with this watch. And the AMO can disclose to you what he disclosed to me later on. He told me during the interview that I had a point. Number 4.A., it's true I did say this that I would make up for the

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disappointment and that is correct...and help my brothers and sisters...and get married...and get a good job with the government or some other kind of job. And these are my [goals] for the future and that is what I am looking at. And that is what I wish to do. B, it is true I did say this about my point of view about the Americans. As in every place...and I have friends who are Americans...soldiers, guards that we have here...a lot of them really. Almost all of the ones that work with me in the camp. And I wish to have friends that are Americans. I don't have any problems. I think that is almost all...no there is still the last one. Yes, it is true C., [long] before I left for Afghanistan I bought the watch. That is it. This answers other relevant data. That is what I have. The following primary factors that favor release or transfer...I am willing to sign or affirm on anything that you want so that you could know that I do not pose any threat or anything. That is what I have.

Presiding Officer: Thank you.

Presiding Officer: (To the Detainee) Does that conclude your statement?

Detainee: Yes.

Presiding Officer: AMO, please provide the information from EC-Bravo that the Detainee had provided to you.

Assisting Military Officer: 3.a.1, the Detainee said that he was in [Afghanistan] for four months between June and December of 2001. Regarding 3.c.3, Detainee asked, "Which uncle?" [During the interview] the linguist explained to me that Arabic has two words that translate to 'uncle.' One is mother's brother and the other is father's brother. The wrong word was used in the Arabic version of the summary. On 4.c, Detainee said that he bought [the] watch years before he left *for* Afghanistan. [The unclassified] summary said he bought the watch "years before he left Afghanistan."

Presiding Officer: [For] clarification, they left out the word '*for*.' He (the AMO) is including it and we understand what it is you want us to be able to understand...that you bought it before you left *for* Afghanistan.

Assisting Military Officer: Detainee cannot recall the name of the store in Saudi Arabia where he bought the watch.

Detainee: Because its [from] years before but I know that it is from the same city that I live in...because [they] are plentiful in every place. I have a slight addition...you can investigate, I'm sure, that the soldiers, the guards have papers regarding my behavior...whether I was cooperative and I don't have any problem with any soldier as the AMO told me, I have a score of one in terms of cooperation and this is what proves that I don't have any problems (the Detainee grabs his white scrub top). And you can also ask the soldiers about me...so that is what I wish to clarify so that it would be more helpful.

Presiding Officer: OK, anything else?

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Detainee: Until now, no, nothing else.

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

Detainee: When?

Presiding Officer: Well, after reading that and what you had, is everything provided to us that you wanted us to be able to hear?

Detainee: Yes, yes.

Presiding Officer: Did you want to present that (the paper the Detainee read from) or is that just for your notes?

Detainee: No, this was so that I could remember what I wanted to say.

Presiding Officer: That's fine.

Detainee: Thank you.

Presiding Officer: Just so I have it correct (reading from the Enemy Combatant Election Form 3.a.1)...the Detainee stated he was in Afghanistan for four months in between...it says here June and December but I think you said August to December.

Detainee: Yes, four months approximately (in Afghanistan).

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

Assigned Military Officer: If I could ask one question. What kind of job would you have if you were released?

Detainee: First, I will go back to the job I was doing before. I wish to return to my old [job] and if I didn't have the chance then I will look for any other job. That is what I will do. I will not sit and not work.

Assisting Military Officer: I do not have any more questions.

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

Designated Military Officer: Yes, sir. I have one question. I need some clarification on statement 3.A.1. It states "Detainee stated he traveled to Afghanistan for Jihad." Is this true?

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Detainee: Jihad includes many different meanings and that is what is in Islam...there is the fighting...there is helping your parents...helping yourself...personal Jihad...Jihad as in helping other people. That is it.

Designated Military Officer: And you were doing Jihad to help other people?

Detainee: Yes.

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

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

Board Members: Yes, sir.

Questions for the Detainee:

Board Member: With statement 3.A.1, it goes on to say, after Jihad that you fought with the Taliban.

Detainee: That is not correct and that is what I wrote over here (referring to the notes he brought with him) that I did not fight with the Taliban.

Board Member: I understand. Here it says that you fought with the Taliban. That isn't true?

Detainee: Yes. That is true, what I wrote is true.

Board Member: Did you ever have a weapon in your hand when you were in Afghanistan?

Detainee: Yes.

Board Member: When?

Detainee: In Kabul for a period of approximately four days.

Board Member: Did you have ammunition for that weapon?

Detainee: [It was a] complete weapon with a magazine and everything.

Board Member: Could you tell us some of the detail surrounding your capture on the border?

Detainee: I was going to Pakistan to turn myself over to the embassy or any place through which I could go to my country, like the Pakistani government or something like that. So

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the day I got to Pakistan, I met some people from the Pakistani government. They captured me. I told them I wished to go to Saudi Arabia. They took me to a prison in Pakistan and I told them I wish[ed] to go to Saudi Arabia in the prison. So one night they took me to Kandahar.

Board Member: Were you alone?

Detainee: No I [was with] a big group. I met them on the border. There were four of them with me but on the border, when they captured me...the Pakistanis...they had also captured a big group of people at this time.

Board Member: Were they Pakistani police or Army? Could you tell?

Detainee: No, I don't know if it was police or what.

Board Member: Do you have any other family members that are members of al Qaida?

Detainee: You told me my uncle was.

Board Member: Any others, besides your uncle?

Detainee: My mother's brothers' son...he went to Afghanistan and I stayed with his mother. My intent was also to bring him from Afghanistan back to Saudi Arabia. And I didn't find him.

Board Member: That is all? Any other al Qaida member in your family?

Detainee: I don't know that they are member of al Qaida.

Board Member: Do you remember how much the Casio watch cost you?

Detainee: Yes, approximately forty-five riyal. That [has been the] price for years. It hasn't changed.

Board Member: OK. What job did you have before?

Detainee: I was a traffic policeman in Saudi Arabia for approximately nine months.

Board Member: You have a good English accent.

Detainee: (Laughing) I know that Americans have a lot compliments. I know your compliments.

Board Member: When was the last time you saw your uncle?

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Detainee: In Saudi Arabia.

Board Member: When?

Detainee: Ramadan. Approximately.

Board Member: What year?

Detainee: 1420, (Islamic calendar) [9 December 1999, Ramadan] approximately.

Board Member: Was that right before you went to Afghanistan?

Detainee: A long time before.

Board Member: Did you have a close relationship with your uncle?

Detainee: No, not close and I talked about this...not close. First of all, I lived far away from him and really it was rare that I saw him.

Board Member: So your uncle did not have a great influence in your life?

Detainee: No, not at all.

Board Member: I know you were trained as a police officer. Do you have any other skills ...any other training?

Detainee: No, not at all. I have athletic skills.

Board Member: I know you have already been asked what you want to do when you go back to Saudi Arabia...I am interested in the skills that you have to help you find a job. What type of job do you want to do using the skills that you already have?

Detainee: My service with the Saudi Arabian General Security Service, that can help me be a security guard...if I was not accepted to return to my old job.

Presiding Officer: Following up on that, your old job was as a traffic policeman for approximately nine months?

Detainee: Traffic police, not an officer. There is officer and enlisted. I was not an officer, soldier, not officer.

Presiding Officer: In the U.S. you have military and you have local policeman. Were you a policeman or a military [member]?

Detainee: No, I was a traffic policeman.

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Presiding Officer: That's fine. The Saudi Arabian General Security Service, is that the police force you are talking about because I am getting confused or is that a military organization?

Detainee: No, the Saudi Arabian General Security Service is the police. The military is different from that.

Presiding Officer: OK...and you have no military training?

Detainee: No, just a policeman from the security service.

Presiding Officer: Can you give a brief description of what types of 'unit tactics' [training you received]?

Detainee: I asked him (the AMO) before "What are unit tactics?"

Assisting Military Officer: I told him it was methods about how we do things.

Detainee: He (the AMO) tactics like for example, how to hold your weapon...how to use your weapon and I told him, yes, things like that?

Presiding Officer: That is not the kind of unit tactics I was thinking about when they used that terminology.

Detainee: I want you to clarify to [me the] mean[ing] what unit tactics are. I don't understand what tactics are. For example, I learned how to ride a motorcycle, is that considered tactics?

Presiding Officer: (Laughing) Not really.

Detainee: (Laughing) I am sorry really.

Presiding Officer: Self defense...how to enter or exit a building to protect yourself or to get somebody out. Those kinds of things.

Detainee: No, no...never those things.

Presiding Officer: You were a traffic cop?

Detainee: Yes.

Presiding Officer: Yes, I know what that is. That I understand.

Detainee: (Laughing) The only tactics [I learned were] pull over to the side driver...

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Presiding Officer: (Laughing) Thank you...OK, Detainee was at al Farouq training camp and you said that that was a lie and your previous point indicates that. I am not sure how that indicates anything. Were you or weren't you at al Farouq training camp?

Detainee: No, I was not.

Presiding Officer: Thank you. You said [that] in previous reports you pointed out to the interrogators that it was not your name on their list nor was it your phone number.

Detainee: Yes, that is true. He brought me a paper with a list of names and phone numbers and he pointed and said, "this is your name and this is your phone number" so I said "no." And then the interrogator told me "thank God, thank God that you clarified this point!"

Presiding Officer: Do you remember when that interrogation might have taken place? [Do you recall] the approximate year?

Detainee: I've been here three years...this is very difficult but...lets say a year or more ago.

Presiding Officer: It will make it easier for me if I go back to look for it.

Detainee: I hope that you do return to this particular interrogation and I also clarified this in the first hearing. If you go to the cameras and the recordings you might find it.

Presiding Officer: Are you referring to the Tribunals?

Detainee: Yes.

Presiding Officer: OK, thank you. The mother's brothers' son...is that the uncle we are referring to [as] the terrorist?

Detainee: My mother's sisters' son.

Presiding Officer: Is that your uncle that we are referring to as the terrorist?

Detainee: No, no. That is not her husband.

Presiding Officer: And in 3.C. 4, it mentions that you were in a guest house in Kandahar that was used by fighters heading to al Farouq training camp and by Usama bin Laden. Did you meet Usama bin Laden?

Detainee: I wasn't there in the first place. I don't know what this name is. I was in a house in Kandahar but I don't know the name. I didn't see Usama bin Laden or anything.

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Presiding Officer: You mentioned you are going to try and go back to the job you had before.

Detainee: I wish to do so.

Presiding Officer: Did you leave that in good terms that you will be able to go back to it?

Detainee: Yes. I have a question. When am I going to get the results?

Presiding Officer: I will go over that (when the Administrative Review Board instructions are read).

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 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.



Colwell, USMC

Administrative Review Board Presiding Officer

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Summarized Administrative Review Board Proceedings

The Administrative Review Board was called to order.

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 had chosen 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 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 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 Presiding Officer confirmed that a copy had been previously distributed.

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.

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

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he had no information to present on behalf of the Detainee.

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 unclassified portion of the session.

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

AUTHENTICATION

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


Captain, USN
Administrative Review Board Presiding Officer

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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 understood this process, the Detainee stated the following:

Detainee: I am not Jumma Jan, but I understand everything.

Presiding Officer: OK! Thank you.

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 and DMO-3, the Department of Homeland Security Terrorist Reference Guide.

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 to 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 witness statements prepared on his behalf?

Assisting Military Officer: Yes sir.

The Assisting Military Officer presented Exhibit EC-C, five letters addressed to Zainulabudi.

The Presiding Officer accepted Exhibit EC-C as letters to the Detainee, but from the Detainee as evidence.

Presiding Officer: Are these statements on your behalf?

Detainee: Yes. He can talk [referring to the Assisting Military Officer].

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The Assisting Military Officer read the comments from Exhibit EC-B.

The Presiding Officer asks the Detainee if he wishes to make a statement.

Detainee: If you have any questions, I am willing to answer [them]. Then I want to briefly talk to you guys.

The Presiding Officer asked the Detainee if he will he take the Muslim oath.

The Detainee took the Muslim oath as Zainulabudin and not Jumma Jan.

Detainee: Under Allah's name, I [will] swear under [the name of] Zainulabudini. [I] can answer any questions that you [may] have. I promise to tell the truth.

Presiding Officer: I am going to refer to you as Jumma Jan. Jumma Jan you may begin with any statement you [may] have.

Detainee: If you have any question[s] I will answer your question[s] and I will talk to him [referring to the Assisting Military Officer].

Presiding Officer: I will come back to that comment towards the end and we'll proceed. Did the Assisting Military Officer provide the information [that] you wanted us to hear in his comments?

Detainee: Yes.

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?

Board Members: Yes sir.

Administrative Review Board Member's questions:

Board Member: Jumma Jan, you said you were a driver for a Taliban leader, who did you drive for?

Detainee: Can I talk?

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Presiding Officer: Yes, you may.

Detainee: I was driving for [a] person [by the] name [of] Guli. He had ten people.

Board Member: Do you know what this [person] Guli did? What was his position in the Taliban?

Detainee: He was in the city all the time, from one police station to another police station. His job was security.

Presiding Officer: Are you referring to the double amputee that you drove around?

Detainee: Yes.

Board Member: Are you really referring to the double amputee?

Detainee: Yes, yes that's who it was.

Board Member: Yes?

Presiding Officer: Thank you.

Board Member: When were you a driver for this Taliban leader?

Detainee: I was driving for this man for ten months because I need[ed] [the] money for my treatment. It was before [they occupied the country, the] Coalition Forces.

Board Member: What city was this in?

Detainee: Mazar-e-Sharif.

Board Member: Do you know where your passport, ID and your driver's license are right now?

Detainee: The people who arrested me, they got it.

Board Member: I thought most people in Tajikistan spoke some Russian, is that wrong, is that not true?

Detainee: I want to go back to your first question and then I will answer you.

Board Member: Okay.

Detainee: Before I was arrested, I was arrested two times by the Afghani government. I was detained for twenty days, eighteen [or] sixteen days, whatever. They got my passport. I had my driving license and ID card on me.

Board Member: Where was your passport from, what country?

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Detainee: Tajikistan.

Board Member: Okay, now my next question, don't most Tajikistani speak some Russian, is that not true?

Detainee: Yeah. I [was] born in 1978. Yes, I moved to Afghanistan [at] the end of 1991 and close to 1992. After grade seven, when you enter into grade eight, the Russian language and [the] English language become[s] part of the school curriculum. [I am referring to] the last two years. After that we have to go to [the] military service [by force]. I didn't go to [a] University or [receive] higher education to speak those languages.

Board Member: So you had moved to Afghanistan by the time [that] you were in the eighth grade?

Detainee: Yes, I was thirteen years old [when] I moved to Afghanistan. You could understand [that a] thirteen-year-old boy is not that smart to learn [a] foreign language. You can calculate it. [Do] you have a calculator with you? [If] you calculate it from 1991 to 2005 [you can figure out how old I am].

Board Member: How old were you when you had tuberculosis?

Detainee: Prior to com[ing] to Afghanistan I went to Pakistan. When I wanted to return back to Tajikistan there was no Tajikistan embassy near Afghanistan because [of the] government, so I couldn't go back to my country. I stayed in Afghanistan.

Board Member: And that's where you had tuberculosis?

Detainee: Pakistan.

Board Member: In Pakistan.

Detainee: Well, you will be my witness because [for the] four months [that] I was in Bagram, Afghanistan I had tuberculosis. I was under treatment. I vomited some blood and [for] six [or] seven months I [have] been under treatment here and taking medicine.

Board Member: What was the name [of] the Swedish company that you worked for?

Detainee: It is Swedish.

Board Member: Swedish only?

Detainee: They call it Swedish Committee and they provide medicine for Afghanis, free medicine.

Presiding Officer: They call it Swedish what?

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Detainee: Swedish Committee. Swedish Office.

Presiding Officer: Okay, Swedish Office, that's fine.

Board Member: The last written statement you made, you said my wife is Afghan, did you mean to say my fiancée is Afghan?

Detainee: Yes.

Board Member: It [was for] clarification, okay. [Speaking to the other Board Members].

Board Member: Jumma, did you say you received medical treatment here for tuberculosis?

Detainee: Yes, when I [was] transferred from Bagram to here, they took me to the clinic and when they diagnosed my disease they directly [took] me to the hospital. I was [kept for] forty-eight days in the hospital. I was in a private room and [a] mask was [placed on] my face. I couldn't go out.

Board Member: How long did they continue treating you after your release from the hospital?

Detainee: Approximately all together six months.

Board Member: Are you also a citizen of Afghanistan?

Detainee: Yes, I have an ID [card] from the country. Yes, I am a citizen of the county.

Board Member: Do you also have a passport from Afghanistan?

Detainee: No.

Board Member: So is an ID card from Afghanistan proof of citizenship?

Detainee: Yes.

Presiding Officer: Jumma Jan, in your comments that the Assisting Military Officer made for you, you asked, "How do they find these things out, they're killing you with extra questions and what not, they do not ask me." So I am going to ask you a couple [of questions] here. The commitment [referring to the unclassified summary of information] [the] detainee has fought with the Taliban under several commanders. Can you explain...why the detainee has also resided with several HIG commanders, Hezb-e-Islami commanders, could you explain that?

Detainee: This is unfair. For the last three years [that] I have been here they [have] called me Jumma Jan, but I am not Jumma Jan. Jumma Jan can answer your question because I am not Jumma Jan. Maybe he committed this problem, but I don't know.

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Presiding Officer: OK. Who is...it also said that you are associated with Qarim Boy. Do you know a Qarim Boy?

Detainee: No.

Presiding Officer: OK. Were you captured in Mazar-e Sharif?

Detainee: Yes.

Presiding Officer: Thank you. It says here [that] you were involved in training operatives and in the use of explosives and improvised explosive devices. Can you comment on that?

Detainee: I don't know anything about it because I am not that person.

Presiding Officer: OK. If you could just one more time clarify the languages that you do speak.

Detainee: Farsi and Pashtu. My fiancée speak[s] Pashtu that's why I speak Pashtu. [During] the time [that] I was in Pakistan I went to [a] Madrassa. Madrassa means [a] religious school. There I learned some Pashtu and also I learned some Urdu.

Presiding Officer: What was your last one [referring to the language he spoke]?

Detainee: Urdu, [it's a] Pakistani language.

Presiding Officer: Urdu yes, okay. Any English?

Detainee: I learned a few words here and [in] Bagram.

Presiding Officer: Thank you. One last thing, you had mentioned the Swedish company and again your fiancée and family and the delegation. Do any of these letters that have been presented to us, are they from any of those people?

Detainee: What delegation?

Presiding Officer: The Tajik.

Detainee: No, [the] Tajik delegation, they just asked me some questions. They didn't give me any papers, any letters or anything.

Presiding Officer: And how about the Swedish company [that] you worked for?

Detainee: I have only [a] fiancée. I don't have anybody in Afghanistan to send me that kind of document and I don't have a lawyer. So how can I obtain that document?

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Presiding Officer: OK. Since you referenced the company, the delegation from Tajik and of course your fiancée, I would encourage you [that] should you be detained here any longer that you [would] try to get the delegation and that company you worked for to provide letters of support.

Detainee: How do I obtain papers from the Tajik delegation?

Presiding Officer: You...the ICRC can help you in putting together a letter.

Detainee: Well, I don't know what kind of document [that] I should provide. What I have in my letters are my parent's letter, my brother's letter and my fiancée father's letter, my father-in-law. What type of paper [do] you need from the Tajik delegation to prove my innocence and help my release?

Presiding Officer: Okay, now it's just a suggestion...if they would be able to help you, then I am just...I am just making that suggestion. You do not have to do anything.

Detainee: Yes, I understand. I want to know what type of document [will] help my release. That is why I will try to find that kind of document. The delegation met with your people not with me. They just met with the military.

Presiding Officer: Thank you. Can I ask you one more question in regards to this letter here? Do you know why any of it is blackened out?

Detainee: I should ask you guys why they scratched this paper.

Presiding Officer: So it was provided to you that way?

Detainee: Yes.

Presiding Officer: Thank you.

Detainee: We have no right to put a line in our letters. If you do it, it's a criminal offense. This is a Red Cross paper. If it comes to us, we can't touch it.

Presiding Officer: So that's how you received it.

Detainee: Yeah, whatever is there, I didn't touch it.

Presiding Officer: Thank you. [Are there] any other questions?

Board Members: No sir.

Presiding Officer: We have no further questions for you. You had mentioned that you wanted to make a comment.

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Detainee: For the last two years I have been detained under the name of Jumma Jan. I wanted to know what is the reason and what is the proof of people calling me Jumma Jan. First they called me Uzbek and if I am from Uzbekistan. Why [are] the letters coming for me from Tajikistan? Since I [have been here] in Cuba, they [have] just interrogated me for less than twenty minutes, once, only once. I don't know how these accusations [have] come about. I [have been] here for one and a-half years and [only] one time [have] they interrogated me. [On] a weekly basis, I always insist for [an] interrogation, but nobody [will] take me. Well, the world and everybody [is] hoping [that] America is a great country and [that] they are helping to vanish the terrorist and provide justice. I don't know why they [keep] call[ing] me a different name and [why] they are putting [so many] accusation[s] against me. They should have proof. Tajikistan people, they are hoping [that the] Coalition Force[s] or Americans should come and control them because they need stability. But this kind of stability, I don't know. Well when I moved from Pakistan to Afghanistan there was not [an] embassy from Tajikistan there. Also, my parents or my family were not there, so I needed money for treatment. I was vomiting blood and I was in a very bad shape so what was I suppose to do? The Taliban government was not a recognized government, so anyway I worked in order to get some money to buy the treatment for myself. Well thank you very much for listening to me. This is all I have.

Presiding Officer: Thank you. Jumma Jan does that conclude your statement?

Detainee: Yes.

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

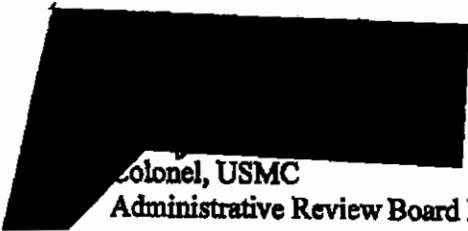
Presiding Officer: Jumma Jan, just so you'll know, for the record, Zainulabudin, it will be recorded that you are telling us that is your name and not Jumma Jan. But I referred to you [by] that [name, Jumma Jan] because that is what we are given.

The Detainee nodded.

The Presiding Officer adjourns the open session of the Board.

AUTHENTICATION

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



Colonel, USMC
Administrative Review Board Presiding Officer

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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 Exhibit DMO-2, the FBI Redaction Certificate 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: The Detainee has some comments I gathered during the interview he would like for me to read.

Presiding Officer: Fahed Nasser Mohamed, would you like to make your statement under oath?

Detainee: I don't need the oath; I will tell the truth.

Presiding Officer: An oath is a promise to tell the truth; we've prepared a Muslim oath if you wish to use it. We do not require an oath.

Detainee: I don't need the oath.

The Assisting Military Officer then read from Exhibit EC-B, the Enemy Combatant Election Form, in which the Detainee made the following comments in response to the Unclassified Summary.

Assisting Military Officer: (on behalf of the Detainee) I never attended al-Farouq or any other training camp; I know nothing of supporting Palestinians; I never met Usama bin-Laden; He does not believe in the CSRT or the ARB processes, it is "all a film;" The USA is sure that I am innocent, [I'm] just being held for a political cause; We (ARB Members)

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are all in official uniforms, but we are all like a mafia gang; a polygraph test proved that I'm not al-Qaida, and never at a training camp.

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

Detainee: There is more information.

Presiding Officer: You can continue.

Detainee: Everything that this soldier (referring to the Designated Military Officer) mentioned before is not true; only some parts [are true]. That's all I have.

Presiding Officer: Which points were true?

Detainee: The first part about traveling from Saudi Arabia to Afghanistan, and then to Aljanki that was true; that's all I remember.

Presiding Officer: In a minute, we may be asking you questions.

Detainee: I don't have a problem.

Questions for the Detainee:

Designated Military Officer: Just one question about your travel that you say is true; what was your travel for?

Detainee: It doesn't have anything to do with you.

Presiding Officer: It does have to do with us.

Detainee: It doesn't have anything to do with America. If it has something to do with this issue, I don't have any problem [talking about it].

Presiding Officer: It does.

Detainee: About what?

Presiding Officer: The reason for traveling from Saudi Arabia to Afghanistan.

Detainee: I went for jihad to Afghanistan, but when I got there, I changed my mind.

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

Board Member: I do, sir; a follow-up question on what he just said. You said that you went to Afghanistan you changed your mind; what made you change your mind?

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Detainee: I saw some things that were against my religion, so I changed my mind.

Presiding Officer: What things were against your religion that caused you to change your mind?

Detainee: Things like worshipping a cemetery where people have died; that has nothing to do with our religion; worshipping graves.

Presiding Officer: Where did the fighting fit in to that religion?

Detainee: Everything goes back to the religion such as fighting jihad.

Presiding Officer: In the Unclassified Summary of Information it says that you were shot.

Detainee: Yes.

Presiding Officer: Where were you shot?

Detainee: When I was leaving Aljanki, that's when I was shot. I went to turn myself in. In the market, when they saw me they directly started shooting at me; that's the story.

Presiding Officer: But you escaped from the Aljanki castle.

Detainee: I just left early.

Presiding Officer: Where on your body were you shot?

Detainee: My arm.

Presiding Officer: OK; you're right shoulder, is that right?

Detainee: Yes.

Presiding Officer: Were you fighting then on the front lines in Konduz, or how did you end up at Mazar-e-Sharif?

Detainee: You know the answer to that question, why would you ask that?

Presiding Officer: Because I get to ask the questions.

Detainee: We weren't there to fight; we were there in prison.

Presiding Officer: How did you get to Mazar-e-Sharif?

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Detainee: We were in vehicles; trucks and buses. We were in big trucks to move from Konduz to Kandahar, we were in back. There was an agreement between the Taliban government and Konduz to return us to Kandahar. Dostum betrayed us and turned us in to the United States.

President Officer: Dostum was the commander of the Northern Alliance?

Detainee: In Mazar-e-Sharif only.

Presiding Officer: What was he doing at Konduz?

Detainee: Who?

Presiding Officer: Mr. Mohamed.

Detainee: I was sitting there. I wasn't fighting at all. I only was looking for a group of people.

Presiding Officer: And they swept you up off the street and took you to Mazar-e-Sharif?

Detainee: No, I wasn't on the street; I was in a house that had Arabs in it.

Presiding Officer: Here's the main question; were you fighting against the Northern Alliance?

Detainee: No.

Designated Military Officer: Were you guarding and watching for troops? You weren't fighting?

Detainee: No.

Presiding Officer: Mr. Mohamed, do you think you are a threat to the United States?

Detainee: My name is Fahed.

Presiding Officer: OK, Fahed, same question.

Detainee: Am I a threat?

Presiding Officer: The question is, do you consider yourself a threat to the United States or its allies?

Detainee: I don't consider myself a threat; how could I be a threat at all?

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Presiding Officer: Is there any other relevant information you would like us to consider?

Detainee: I don't have any [other] information; I've said everything.

Designated Military Officer: Who traded you to the Americans?

Detainee: Dostum.

Designated Military Officer: Do you know why?

Detainee: For money.

Designated Military Officer: Why would he sell prisoners?

Detainee: The Americans kidnapped us and changed Dostum's mind for no reason.

Designated Military Officer: Do you have a scar on your right arm? Can you show it?

Detainee: Yes (the Assisting Military Officer motioned that the Detainee would be unable to show the wound).

Designated Military Officer: (addressing the Presiding Officer) That's it, sir.

Presiding Officer: Are there any other questions (looking in both directions of the Board Members)?

There was a negative response.

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

The Presiding Officer began reading the post-Administrative Board instructions to the Detainee.

The open session of the Administrative Review Board was adjourned.

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AUTHENTICATION

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


Colonel, USA
Presiding Officer

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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 indicated that he understood the Administrative Review Board 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, with comments being made at the appropriate time for this exhibit.

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 to the Detainee to present information with the assistance of the Assisting Military Officer.

Assisting Military Officer: In response to the allegation that he traveled to Afghanistan, the Detainee stated he was only there a short period before going to Pakistan. His travels were to meet with an aid worker not to fight or train.

Regarding the statement that he had trained at Al Farouq training camp. The Detainee stated that he was a very ill person and that he only traveled to Afghanistan for medical treatment for major health problems.

In response to the allegation that Ibrahim Aliwee is a probable member of al Qaida, the Detainee stated Ibrahim only provided humanitarian aid and did not know of any of his affiliations.

Regarding the statement that he went to the front lines in Kabul. The Detainee stated he traveled to Kabul to meet with Ibrahim and arranged for travel to Pakistan for medical treatment. He also stated that he was away from Yemen for 5 months, and turned himself into Pakistani Government Officials who in turn arrested him.

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In response to the allegation that he is behaving poorly, he stated that he has never hurt anybody and that it is a large injustice not being allowed to talk to fellow inmates between cells. I have nothing further from the interview sir.

Presiding Officer: Thank you.

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

Detainee: Usually an oath is taken in front of an official judge in a civilian court, but this I will just promise that I will just tell you the truth.

Presiding Officer: You can take the Muslim oath or you can refuse to take either one of the oaths. Do you decline to take the oath?

Detainee: An oath is usually taken in front of an official judge.

Presiding Officer: For the record, we will take that as a no. So he will not take the oath.

The Detainee begins his statement.

Detainee: An additional clarifying of my case I know that he (Assisting Military Officer) clarified some thing's, but I would like to clarify it more. Responding to the part where I traveled to Afghanistan, I never went there to Afghanistan. I went to Pakistan and not to Afghanistan to get treatment. The reason for me going to Afghanistan in 2001 was to meet with Ibrahim so that we could arrange going to Pakistan to get me medical treatment, after that I was returning back to Yemen. The reason it took 5 months for me to stay in Afghanistan because Ibrahim he was a busy man. He was busy so he told me to stay longer to get the treatment. I am known to be a very ill person. I have severe headaches, arthritis in my neck, my back and all over my body and I take strong painkillers for that.

[In] response to the training, How would I be trained...going to training when I am a sick person I had a letter from the amendithis (inaudible) that I needed treatment. I wasn't capable of getting training. In addition I did not know Ibrahim I went to him as a Humanitarian Aid Person to get humanitarian aid from him. He was the person that who helped me there. I did not say I went to the front lines in Kabul. I said I went Kabul to wait for Ibrahim when he was finished so he could take care of me. In addition the time that I spent there was 5 months which is very limited time, very short period of time. How is it possible for someone to go to training, to the front lines, when we all know very well that it takes at least 7 months or longer to get training. I am known in Yemen to be a very simple person; I have no connection to or activity with any group of people even with my neighbors. I isolate myself from a lot of people.

Responding to my behavior in prison about talking. Any normal prison environment you will always have the people talk[ing] to each other, it is a normal thing. We already

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received the punishment for doing that. I have never hurt anyone in prison, the only thing I have done was talk, I never hurt any person in prison. In addition I am ill person, sick person I have paperwork to prove it in Jordan, in Yemen, I am physically ill. In addition [I want to be] very clear those accusations do not apply to me. Too many of them, they do not apply to me. Plus the question that I'm a threat or not a threat, when was I ever a threat to be a threat. What makes me...I want to ask what makes me to be a threat? That is what I am capable of saying.

Presiding Officer: Aljallil does that conclude your statement?

Detainee: I just have a question about release and transfer. The transfer is it release also or is it something else?

Presiding Officer: I will cover that later on in the proceedings. If I don't you can ask again. Did the Assisting Military Officer provide the information you wanted us to hear?

Detainee: It was good information he gave. I would like to add that piece of paper, to my statement also.

Presiding Officer: Okay, may I take a look at it please? I would ask that you sign and date it and we will appropriately mark it and accept it as a written statement.

The Presiding Officer explains he will take the written statement and the process that will take place with his statement and the type of classification that will be applied to it.

Detainee: To me the most important thing, issue in this case is my medical records. I told the first Tribunal to take a look at my (my lawyer advised me to tell them) take a look at my medical records they are there, they are very important in my case and they never did.

Presiding Officer: You mentioned a lawyer. Do you have a lawyer here in the States or back in your country?

Detainee: Here.

Presiding Officer: The reason I asked is so that we should or could anticipate receiving something from him or not, that is the only reason I asked. Thank you.

Assisting Military Officer questions to the Detainee.

Assisting Military Officer: Is there anything on this page that we have not talked about already?

Detainee: I think everything about everything. About the name issue, using an alias name, I have no idea what that is, I have never used an alias name. I have no idea who Bin Laden is. I still don't know what Bin Laden's issues are up to today.

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Presiding Officer: Aljallil, let me ask you to do this. If you could just read what you've written there and we will translate it and take it sentence by sentence. This way I will have it for the record. If you read what you have written there I still have it translated, but it will be on the record.

Detainee: I [am] just completing what he mentioned before about my statement. I only told you the point that he didn't mention. I feel very strange how I have never heard these accusations before. How come this is the first time I'm hearing about it, very strange.

Presiding Officer: On the Unclassified Summary?

Detainee: Sure those are the main points.

Presiding Officer: Okay, but what I'm asking....do you want to read that in it's entirety to us and we'll capture it for the record?

Detainee: The one side is the accusations of the unclassified summary; the other side to it is my response.

Presiding Officer: Okay.

Presiding Officer tells the linguist to take the time now to understand the document so when it is translated the linguist understands what is being translated. This statement was entered as EC-C.

Designated Military Officer questions to the Detainee.

Designated Military Officer: I have just one question. You mentioned that you have a lawyer. I would suggest that you talk with your lawyer to obtain your medical records from your country to present it to the board. That would help very much.

Detainee: I mentioned it before that my lawyer does have some of the medical records already. But because of the time period [in which] I was told such a short time that I would be here in this board I didn't have time. My lawyer is far away to get in contact with him to arrange things I didn't have time.

Administrative Review Board Member's questions to the Detainee:

Board Member: Aljallil, what kind of treatment were you trying to receive in Pakistan?

Detainee: My ears, surgery on my ears and severe weakness of left eye vision. I have a fracture in my skull, which has internal bleeding which is causing me severe headaches a big pain in the head. I had a report to go back to Jordan to get treatment from there.

Board Member: Are you in pain right now?

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Detainee: My ears always rings I have voice ringing in my ears. I also have partial headaches, severe headaches on one side of my face.

Board Member: Have you asked to receive some treatment here to fix these problems?

Detainee: For my ears they told me I need a big surgery to have done, and that it was a major problem. For my eyes they gave me glasses and I take painkillers for my severe headaches sometimes.

Board Member: Is it just ringing in your ears that is the only problem?

Detainee: There are two bones that are fractured they are very far from each other in my ears, that causes pain.

Board Member: How did that happen?

Detainee: I was in a car accident in Yemen, my car turned over and that is how I received that injury. I went to Jordan, but I had to go back to Jordan because I was out of money I didn't have money to complete my treatment there. So when I met Ibrahim he told me to come to Pakistan/Afghanistan and he was able to help me there, to get cheaper treatment[s].

Board Member: But you don't need treatment you need specific surgery.

Detainee: Surgery.

Board Member: You couldn't get the surgery in Jordan?

Detainee: While I [was] in Jordan they tried to treat me medically, by giving me medicine. Because I have a fracture in my skull they wanted that to heal, the bleeding to clear up, and the infection to clear up before I went back to Yemen.

Board Member: Do you know if your lawyer is going to submit a statement on your behalf for this board process?

Detainee: I told him to go to Jordan [and] to Yemen to get my medical records and turn them in. He has acknowledged that he should be getting my medical records and turning them in.

Board Member: But is he going to make a statement for this board?

Detainee: He is a lawyer, if he knows, of course he will write the statement.

Board Member: You spent 5 months with Ibrahim in Kabul?

Detainee: 4 to 5 months, approximately. Limited time.

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Administrative Review Board Member: You did not know that he was possibly affiliated with al Qaida?

Detainee: When you go to the Red Cross you don't know who will give you help you just want help. You go to someone that is capable of giving you help.

Presiding Officer: Did you meet him at the Red Cross is that where you met him?

Detainee: I said that as an example being the Red Cross. I didn't know who or what kind of organization he belonged to. I know he was an Arab I gave him \$10 dollars for humanitarian aid. I went to him to get the help. I didn't know what [who] he was, where did he belong to or where did he come from.

Board Member: So did you get any treatment while you were in Afghanistan?

Detainee: The place for me to get treatment was in Pakistan not Afghanistan. I was waiting there because the man was busy but I was still getting medical treatment for my arthritis and other medications. Take for example you meet someone who can give you help, medical treatment in another country that's not this country. So you go to him and ask and he tells you this is where you can get treatment and he knows where its at. That is the person you usually go to because you don't know what else to do. Other than follow what that person tells you to get that treatment. I personally, voluntarily went to the Pakistani Government and they kept me for a short time but I wanted to go to the Embassy to go back to my country to Yemen. I don't know what happened afterwards what the Pakistani Government did and here I am.

Board Member: What do you plan to do if we release you back to Yemen?

Detainee: I will go back to my house with my normal life.

Board Member: Do you have any plans for work for employment?

Detainee: For sure. In Yemen, you have to go to work or school, get married, normal natural life. See my brothers, my sisters met them; it has been a long time since I have seen my brothers and sisters. Now I really want to work especially being here I want to work harder, work more and so on.

Board Member: Do you have any specific ideas about what you want to do for work in Yemen?

Detainee: I need available work any chance of working. Maybe with my Father, my Dad, I don't know where my brothers are working now but maybe with my brothers. Maybe I'll go to Jordan or maybe a chance to work in Saudi Arabia. Any chance of work I'll get, I will take it.

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Presiding Officer: Is there a particular skill? What kind of work does your Father do or brothers? I see your only 23, 24 years old so you may not have had other jobs prior to this so what type – are you a carpenter, put down rugs, do you have a skill?

Detainee: My skill was, I worked in trade, buying, selling, salesperson.

Board Member: I understand that you first met Ibrahim Aliwee in Afghanistan, but where did you first hear of him?

Detainee: I didn't say I met him in Afghanistan. In Yemen when I used to go to Humanitarian Aid Organizations there to ask for help, I met him there and there he said I would help you. He traveled to Pakistan before me. When I spoke to him he didn't mention anything about the country of Afghanistan. Everything he said to me was about Pakistan, Pakistan. He left an address on a book an address for me to get in contact with to go to Pakistan.

Board Member: Have you ever seen or been in the Al Farouq training camp?

Detainee: I even have official paperwork from Yemen that says I'm disabled; I'm a handicapped person. So why would I a disabled handicapped person go there.

Board Member: Have you ever seen the Al Farouq training camp?

Detainee: Never.

Presiding Officer: It says in the Unclassified Summary that you traveled to Afghanistan to help Ibrahim. Now you mentioned you were on your way to Pakistan. Did you finance this? Did somebody else give you the money to get there? Who paid for your expenses?

Detainee: Him to help me, not me helping him. I went there for him to help me.

Presiding Officer: Okay, right, I stand corrected. Who financed you getting there? Did you pay your own way? Did Ibrahim?

Detainee: Of course when I was in Yemen I went to Ibrahim and he told me to come and get treatment. Of course he is the one who helped me and gave me the help to get there.

Presiding Officer: You also mentioned... "we all know it takes 7 months to get trained". I don't know that. How would you know if you didn't have any training anywhere? How would you know that it takes 7 months to get training?

Detainee: I didn't say I stayed there that long. I said 5 months if you count I went there to get treatment from one place to another how would I be capable of getting training when I went there to get treatment. I am going from one place to another looking for treatment in only 5 months there.

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Presiding Officer: That wasn't the question. The question was "you said we all know it takes 7 months to get training". The question is I don't know that, how do you know it takes 7 months to get training?

Detainee: When did I say that?

Presiding Officer: Today.

Detainee: No it's in the paper. It's written on the paper. I didn't add anything to it.

Presiding Officer: All right, thank you. Assisting Military Officer do you have anything further to present on behalf of the Detainee?

Detainee: No I want to clarify it to you. In the paper it mentioned, I went to the front lines. When did I go to training? When did I go to the front lines? In addition with all the medical and health problems that I have how was I capable of doing all that?

Linguist: Correction. When he said 6, 7 he was saying 5, 6, 7, 8 months he mentioned a lot of numbers he didn't exactly say 7, he said 5, 4, 5, 6, 7.

Board Member: I heard him say 7 months to be trained.

Presiding Officer: It is in the transcript.

Detainee: How would I know 7 months, when I read it off the paper. It was 5 months I said that I stayed there.

Presiding Officer: That is fine Aljallil. I wrote down one of the comments that... wait. I was just reading back one of the comments that were translated to us, where you said, "we all know it takes 7 months to get training." I was just questioning that, that's all.

Detainee: Number 7, Number 7 I said. Maybe when I was reading the number 7.

Presiding Officer: Okay. Thank you. Assisting Military Officer is there any other information the Detainee wants to present?

Detainee: It has been 4 months since they have been working on my case. When will it ever be finished? 4 years.

Presiding Officer: 4 years? I will be covering that once we're finished.

Assisting Military Officer: Sir, I have nothing further to present.

The Presiding Officer reads the post-Administrative Board instructions to the Detainee. The Presiding Officer asked if that answered his question concerning release and or transfer.

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Detainee: When you say release or transfer, I want to know what you mean by a transfer.

Presiding Officer: Transfer means you may be transferred to your home country with possible conditions.

The Presiding Officer adjourns the open session of the Board.

During the Closed Classified session of the Board the following was recorded with all members being present except the Detainee. The linguist provided what the Detainee wanted clarified to the Administrative Review Board after adjournment of the open session.

Presiding Officer: Linguist could you please clarify the question that I kept asking the Detainee in regards to [statement] "we all know that it takes 7 months to get training and how he would know that? Please clarify.

Linguist: The Detainee [stated] I was only there for a 5-month period. But we all know that it takes a long time to get training, 7, 5, 6 months. He mentioned a couple number of months and 7 months and I said 7 months cause that is what he said last. I forgot to mention 5, 6, he was just giving out a number of months to get training.

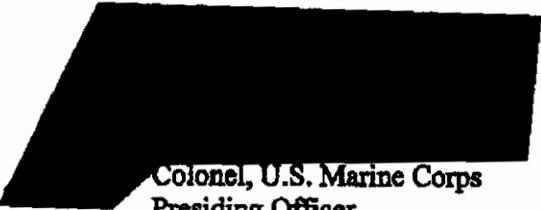
Presiding Officer: Okay. Is that a little clearer to everyone?

Board Member: Yes. That makes sense. It just came out as a specific amount of time verse an estimate or range of times. The range of times would make more sense with what he was trying say in response to your question.

The Presiding Officer excuses the linguist and proceeded with the close 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

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30 March 2005

From: Abd Al Rahman Abd, Allal Ab Aljallil

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted by Allal Ab Aljallil Abd Al Rahman, ISN #156 on 30 March 2005 by OARDEC Linguist [REDACTED]

Replying to the accusations regarding me, which are entirely incorrect.

1. I did not travel from Yemen to Afghanistan but to Pakistan for treatment and purpose of going to Afghanistan was to get help from Ibrahim who handled humanitarian aid through him. By his knowledge, I would be able to go to Pakistan and get treatment and return to Yemen again.
2. I was delayed in Afghanistan for five months because Ibrahim was busy with some aid work and he requested me to stay until he finished his work so I can go back with him to Pakistan to get treatment and return back to Yemen.
3. I'm known to have many illnesses, including severe headaches, and in my semicircular ear canal, arthritis in my neck, in my joints, and other places, and I was having injections (shots), taking treatments there at that same stage.
4. I did not have any connection to Osama Bin Laden because I did not know the truth about Osama Bin Laden and who he is.
5. I did not get any training and that's the injustice in the matter. How does a sick person get military training, and why military training and I'm disabled (handicapped) and I have reports on that from Yemen.
6. I do not know anything about Ibrahim Aliwee other than that he gives humanitarian aid only and I was sick, and I was going to the humanitarian societies to ask for help for treatment and he was the person that gave me help.
7. I did not go to the front lines in Kabul but like I said I was waiting in Kabul until Ibrahim finishes his humanitarian work.
8. My travel time period was very limited and the number of my accusations are many, from training and living at the center, and going to the front lines, proves clearly that it's not true because all this will take a long time. Time to train, living at the center, going to the front lines with all the illness that I suffer which would not allow me to do these matters.

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9. Stating that I'm know since I was in Yemen, I'm an ordinary person and simple and I wasn't active with any group but I was living with my family and I did not even have any contact with my neighbors and the reason was the illness that I suffered very much.

10. As to my conduct in jail which was described as hostile which is not true because I have not hurt any detainees and as for talking and some simple disobedience its normal matter that I talk in jail and the reason is the bad treatment of soldiers and disrespect to us and the wrong doing was from them not me.

Allal Ab Aljallil Abd Al Rahman

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مكتبة هيئة مراجعة حيز الامعاء المقاتلين في القاعدة البحرية الامريكى بكونا بتمو يار كوبا

بن الضابط المشرف

لى الاول اب الجليل عبد الرحمان عبد

UNCLASS SUMMARY

ISN 156

30 MAR 05

ووضع مختصر الأدلة الغير السريه المقدمه الى الهيئه الاداريه للمراجعه في قضيه طالعه
ستقتد هيئه اداريه للمراجعه لتراجع قضيتك لتقرر هل هذا الضرورى استمرار احتجازك
لهيئه الاداريه ستقوم بمراجعه شاملة لكل المعلومات المتعلقة بقضيتك ومن المقبول تراجعها
ختام للمراجعه الهيئه ستقترح على أحد هذا التالي ① الطلاق سراحي الى وطنك او الى بلدنا لت
تقلك الى وطنك ليعر الى بلدنا لت مع الشروط المتفق عليها من قبل الولايات المتده ووطنك والمليد الثالث
استمرار احتجازك تحت سيطرة الولايات المتده
العوامل الرئيسيه التاليه تفضل استمراريه الاحتجاز
أ ارتكاب / تعهد علم

في سنه... المعتقل سافر من اليمن الى افغانستان
في نيسان ابريل... المعتقل رجع الى افغانستان
عرف المعتقل بواسطة اسمه المستعار كوجود في فرزة حراس لاسامه بن الاذن
تدريب
حصل المعتقل تدريبات في معسكر الفاروق للتدريب

ن - ارتباط / انضمام
سافر المعتقل الى افغانستان لكي يساعده ابراهيم عليوى ليمسن مركز التعليم الاسلامي في كابول
ابراهيم هو متوقع [معتقل] عضو في تنظيم القاعدة
الهدف / الهدف
ذهب المعتقل الى العظوظ الاماميه في كابول

ي - معلومات اخذ ذات صلة
سلوك المعتقل عامتا كان غير مطيع وعود الى المعتقل لا يبيع ارشادات الحراس - المعتقل مستمر بالتحدث بين
عرف الحرس والمعتقل له حوادث عديده يسبب آذى ضروري الرزنا انشا العنبر فظهر المعتقل بواسطة اعمال بان
عنده قلت الاحترام لقوانين السجن ولا يحترم اصدقائه .

الموضوع مختصر الأدلة الغير السريه المقدمه الى الهيئة الادارية للمراجعة في قضية المعتقل

- ١- ستعقد هيئة إدارية للمراجعة لتراجع قضيتك لتقرر هل هذا الضروري استمرار احتجازك
- ٢- الهيئة الإدارية ستقوم بمراجعة شاملة لكل المعلومات المتعلقة بقضيتك وهذا المعقول تراجعها في ختام المراجعة الهيئة ستقترح على أحد هذا التالي ① إطلاق سراحك الى وطنك او الى بلد ثالث
- ② تملك الى وطنك او الى بلد ثالث مع الشروط المتفق عليها من قبل الولايات المتحدة ووطنك والبلد الثالث
- ③ استمرار احتجازك تحت سيطرة الولايات المتحدة
- ④ العوامل الرئيسية التالية تفضل استمرارية الاحتجاز

أ ارتكاب / تعهد علم

- ١- في سنة ١٩٥٠ المعتقل سافر من اليمن الى افغانستان
- ٢- في نيسان ابريل ١٩٥١ المعتقل رجع الى افغانستان
- ٣- عرف المعتقل بواسطة اسمه المستعار كوجود في مفرزة حراس لاسامه بن الأذن
- ب- تدريب
- حصل المعتقل تدريبات في معسكر الفاروق للتدريب

س- ارتباط / بانضمام

- ١- سافر المعتقل الى افغانستان لكي يساعده ابراهيم عليوي ليعسن مركز التعليم الاسلامي في كابول
- ٢- ابراهيم هو متوقع [محمّل] عضواً في تنظيم القاعدة
- د السيه / الهدف
- ذهب المعتقل الى الخطوط الاماميه في كابول

ي - معلومات اخذت صلة

سلوك المعتقل عامتاً كان غير مطيع وعوداني المعتقل لا يليق اذ شادت العراس - المعتقل مستمر بالتحدث بين غرف الحبس والمعتقل له حوادث عديدة يسبب آذى فريقي الرنزانة العنبر فظهر المعتقل بواسطة اعماله بان عنده قلة الاحترام لقوانين السجن ولا يحتمل احد قائله .

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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 indicated 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 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 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.

The Assisting Military Officer read comments made by the Detainee to allegations on the unclassified summary. These comments are listed on Exhibit EC-B.

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

The Detainee took the Muslim oath.

Presiding Officer: Mohammed I understand the Assisting Military Officer went over [your responses and] how we could cover some of the answers you had to some of his comments. Mohammed you may begin at this time.

Linguist read response 1 of EC-B to the Detainee. The Detainee gave the following response.

Detainee: All with the help they gave me [at] Tablique, somebody had to accompany me to let me know...to lead me where [I needed] to go and [to] find the headquarters of Tablique. I stayed there at their center. That is all that I have to add.

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Presiding Officer: Could you clear up... what was that in response to?

Assisting Military Officer: Sir, that was in response to the statement – “In response to the statement that an Imam at the Mosque in Taiz, Yemen, the leader of the local Jammāt Tablique...”

Detainee: That is all I have to say, I don't have anything to add on this one. I have another one on another item.

Assisting Military Officer: The other item sir is “In response to the allegation that a senior al Qaida Lieutenant identified him in a photo as having possibly seen him in Afghanistan.”

The Detainee requested the response be read to him again. The linguist read response 8 of EC-B to the Detainee. The Detainee gave the following response.

Detainee: I don't know anyone from al Qaida. [I'm] not sure of the one who said he saw me in the photo. I'm not sure my picture was in that photo. The interrogator that showed me that photo.... that picture that we are talking about here.... that picture was taken of me in the prison in Afghanistan, Bagram Prison. They didn't find that picture in his house, the senior of al Qaida. I remember that picture, because I remember what I was wearing at that prison, it is a uniform prison. After I said that to the interrogator they didn't show me that picture anymore.

Linguist: He has something to say about another....

Presiding Officer: Just let us know what he is responding too.

Linguist and Detainee discussing which response he wants to present to the Administrative Review Board.

Linguist: It is in two, three things here; let me find which one he is... exactly when they captured him.

Presiding Officer: If you just translate what he gave you then, hopefully it will be self-explanatory.

Detainee: I don't know the name of the house of where [I was] arrested. [I was] just given the number of the house and I went to visit a friend at that house. That is all that I have.

Presiding Officer: Mohammad does that conclude your statement?

Detainee: Yes.

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Presiding Officer: Did the Assisting Military Officers statements provide the information you wanted us to hear?

Detainee: Yes.

Presiding Officer asked the Assisting Military Officer and the Designated Military Officer if they had any questions for the Detainee. They both state they had no questions for the Detainee.

The Administrative Review Board Members state they have questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: Mohammed, who was the friend you visited at the house you just mentioned?

Detainee: When I was completing my studies at the Salafeia University there were some Yemeni students there too. One of them gave me the name of a friend living in that house.

Board Member: What was the name of the friend living in the house?

Detainee: All I know is his first name. His name is Emad, E - M - A - D.

Board Member: Have you ever heard of Afghanistan?

Detainee: Like what?

Board Member: Do you know [that] Afghanistan is a country? Do you know what was going on there?

Detainee: No.

Board Member: Have you ever had any weapons training of any kind?

Detainee: Never.

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

Detainee: No.

Board Member: In one of your statements, you said that if you are released you want to go on to teach elementary school kids. Are you trained as a teacher?

Detainee: What I learned from studying [the] Koran that makes me.... I can teach kids.

Board Member: Do you have any skills?

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Detainee: I know how to play Soccer.

Board Member: I have no further questions. Thank you.

Board Member: Mohammed how long have you been here in GTMO?

Detainee: Maybe 2 years and 4 months.

Board Member: "2 years." Have you heard from any of your family? Have you received any correspondence from your family in the time you've been here?

Detainee: Yes a lot. I receive less than [what] I send. I send a lot [but] I get less.

Board Member: Did you know about Afghanistan when you lived in Yemen? *Now there is a difficulty here in translation. Did he know about it? Didn't know it, but did he know about Afghanistan?*

Detainee: What I know about Afghanistan is [that it is] a name of a country, as I know Europe, United States, [and] Egypt.

Board Member: Did you know about the conflict in Afghanistan when you went to Pakistan?

Detainee: No. I didn't know.

Board Member: It wasn't in the newspapers in Yemen? It wasn't on the radio in Yemen? It wasn't on the TV in Yemen?

Detainee: [I] never heard anything about Afghanistan.

Board Member: Okay. You said you went to Pakistan to study the Koran, can't you do that in Yemen?

Detainee: I went to Pakistan because my Father advised [me to because] there it's better. Maybe [it's] the same thing we have in Yemen but I don't know. That's what my Dad want[ed].

Board Member: "It's what your Dad wanted." Did it turn out to be better?

Detainee: It was better, but I don't want to go back there. I want to go to Yemen.

Board Member: In Yemen where is the Tablique Jammal Organization in relationship to the Tablique Jammal Mosque?

Linguist: You mean the location sir?

Board Member: Yes the location, the physical location.

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Detainee: Maybe there is one or two Mosque belong[ing] to the Jammal Tablique in any city in Yemen. Where I lived in Taiz we have one.

Board Member: So the Tablique Jammal Organization and the Mosque were all one building?

Detainee: Yes.

Board Member: So when you and your Father were praying in the Mosque, there were Tablique Jammal members in the Mosque with you.

Detainee: Yes sir that's right.

Board Member: The picture of you that the interrogator showed you, it was taken when you were in the prison in Bagram?

Detainee: Yes sir.

Board Member: Was that a picture of you?

Detainee: Yes, it was.

Board Member: You said you remembered the number of the house you stayed at [but] you didn't remember the name. Can you tell us what the number was?

Detainee: I forgot the number, it [has] been two years.

Board Member: "[He] forgot the number."

Detainee: I went one time. Do you want me to remember just one time visiting that house?

Board Member: So the night you were arrested you were just with your friend, so there were just two of you arrested?

Detainee: There were a lot of people in that house.

Board Member: "Lot of people in the house." Okay. Do you think there are a lot of people in Afghanistan that look like you?

Detainee: Maybe, maybe not.

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

Presiding Officer: I have just a few questions. You mentioned that you stayed at the Mosque for roughly five months and that you learned enough so that you can teach elementary school.

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Detainee: That five months plus I [also] went to Salafeia University. I can teach [the] Koran to somebody else.

Presiding Officer: Can you also tell me about your daily routine at the Mosque when you were there for those five months.

Detainee: When I [would] wakeup I [would] pray. [After praying] I would sit in a circle to read [the] Koran, after one or two hours I [would then] go for breakfast and then there [would be] a break and [then] another circle. [In the] afternoon I [would] pray one more time then [have] lunch and another study [time]. At Four O'clock I would have to pray another time. I [would then] go [to the] lobby and drink tea, [it is in] the same place [where] I lived, [and then I] walk around the place. It is a huge place. After sunset [I would] pray [and then have] supper. There is pray[er] after supper [then a] little class and then [I would] go to bed.

Presiding Officer: The training that takes place... any kind of organized training?

Detainee: I don't know. I didn't see any.

Presiding Officer: As far as going to Pakistan for your training, you said that it was what your Dad wanted. Was that for the training of the Koran because it's... where did your brothers attend school?

Detainee: Some of them [went] to Egypt, some in Iraq [and] some [in] European countries.

Presiding Officer: But he wanted you to go to Pakistan for your training?

Detainee: Yes.

Presiding Officer: One last question. Have you ever carried or been given a Kalashnikov Rifle?

Detainee: No.

Presiding Officer: Okay. Thank you.

Board Member: Sir, can I ask one more question?

Presiding Officer: Yes.

Board Member: You still don't remember the number of the house?

Detainee: I went one time, I can't remember. Before I tried [to remember but] I couldn't.

Board Member: Thank you.

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Presiding Officer: No other questions?

Board Member: I do have one more. Who paid for the training in Pakistan?

Detainee: We don't say training we say study.

Board Member: Okay. Who paid for the study?

Detainee: There is no tuition at this place where I went [to] study [the] Koran. It [was] free.

Board Member: So the food and the place to live is free too?

Detainee: Everything. [It] was like a charity.

Board Member: How long does this training normally last.... or the schooling there... the studying normally last?

Detainee: It depends on the individuals.

Board Member: Okay, thank you.

Presiding Officer: One more question. Your Father had provided you with a visa for three months but you stayed for five. What did your family think was going on for that extra two months? Weren't they expecting you home after three months?

Detainee: I found out that three months wasn't enough and I thought after I finished my studies I would go back my family.

Presiding Officer: Your Dad who gave you a visa for three months... there's just no communication there to let him know your staying. I'm wondering... you are gone for three months or he understands you are gone for three months but then for you not to show up for an extra two months.

Detainee: I called them all the time on [the] telephone.

Presiding Officer: All right, thank you. Assisting Military Officer is there any other information the Detainee wants to present?

Assisting Military Officer: No sir.

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

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AUTHENTICATION

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



Colonel, USMC
Presiding Officer

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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 Echo Charlie - Alpha, the Enemy Combatant Notification Form to the Administrative Review Board.

The Assisting Military Officer presented Exhibit Echo Charlie - Bravo, the Enemy Combatant Election Form to the Administrative Review Board.

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

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

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

The Administrative Review Board paused briefly to permit the Members to read the Unclassified Summary of Information.

Presiding Officer: I have one question about the Unclassified Summary. Is the pronunciation for [Basij] is it [Bah-seeg (ph) or Bah-gee (ph)]?

Detainee: [Bah-seeg (ph).]

Presiding Officer: [Bah-seeg (ph).]

Detainee: I have already given some information about that party to my Assisting Military Officer but later he is going to tell you.

Presiding Officer: Okay, I needed to have it pronounced correctly.

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 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: Sir, the Detainee has not provided me any written statements. He has indicated he may make an oral statement but first he would like me to read the comments he made relevant to the Unclassified Summary of Evidence. He may then comment on each of those items.

Presiding Officer: Okay. Aminullah Baryalai Tukhi, do you want to make a statement under oath?

Detainee: Yes.

Presiding Officer: An oath is a promise to tell the truth and we have prepared a Muslim oath if you wish to use it.

Detainee: There is no problem. I am ready to take the oath because I am telling the truth.

The Detainee takes the Muslim oath

Presiding Officer: Aminullah Baryalai Tukhi you may begin. If that involves the Assisting Military Officer and Mr. Tukhi, then let us proceed.

Detainee: I would like for my Assisting Military Officer to read my answers to answer those allegations and if anything is missing I am going to add.

Assisting Military Officer: In response to the allegation he forged documents to facilitate the escape of al Qaida members, the detainee stated he had done no such thing. He said he stated in his tribunal that he had not forged documents, and if someone reviewed the tribunal notes they would have an understanding of why that is true. He also said he had an Iranian translator during his tribunal that he had problems with, and he felt that may have affected the tribunal's understanding of his case.

There was a brief pause to correct the malfunction of the recording equipment.

Detainee: I have nothing to add. That's fine, please read the second one [factor favoring detention].

Assisting Military Officer: In response to the allegation he facilitated the travel of individuals, in 2001, from Meshad, Iran to Tayyebat, Iran, a town near the Afghan border, the detainee said if he were going to help people to travel, and forge documents, the most important person who would have asked for that help would have been Abdul Aziz. Since Aziz knew he was not forging documents, or capable of helping people to travel, he did not come to him for help. The detainee said Aziz is here at Guantanamo, and was captured in

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Pakistan not Afghanistan. He said this is just one example of why this allegation is not true. He also said he is not familiar with the alleged type of work because, as a Muslim, he is against any illegal thing.

Detainee: Did you say that I did travel with Aziz once or are you going to tell that later?

Assisting Military Officer: That comes later.

The Assisting Military Officer continued with the Detainee's responses.

Assisting Military Officer: In response to the allegation that he associated with Abdul Aziz, the leader of al Wafa, and received payments for arranging the travel of individuals to and from Afghanistan, the detainee was a taxi driver in Meshad, Iran. Because he is Sunni and Aziz is Sunni, when friends of Aziz would travel to Meshad, Aziz would give them the detainee's phone number so that he could deliver food from Sunni restaurants. Aziz and his friends did not like to eat Shi'ite food. The detainee said he did this to make money and, as far as he knew, all the individuals were legal. One time he did accompany Aziz on a taxi trip from Meshad to Tayyebat. As an Afghani, he was not allowed to take his own cab to Tayyebat, so he traveled with Aziz in order to earn a commission. Aziz had all required legal documents and went through customs at Tayyebat by himself. The detainee said there was no way he could tell that Aziz belonged to al Qaida or al Wafa, and that the United States should separate in their mind people who intentionally help al Qaida from those who do not know al Qaida and are just trying to make a living.

Detainee: That's perfect because the only thing that I want you to know is that the money I was getting from Aziz, it wasn't because I was smuggling people or I was helping them to cross the border. I was just making an earning by providing Sunni food and stuff like that, which you already see. When the first person introduced me to Aziz, he [Aziz] was a fine gentleman and he was a very descent person. I didn't know at that time that Aziz belonged to al Qaida or al Wafa, there was no way that I would know that. I was just making a living when I was traveling with Aziz. I have kids, I have a wife and I have house rent to pay. I was just making a living and I didn't know. I had no idea. I never had the intention to help al Qaida or al Wafa or any terrorist organization like that.

Assisting Military Officer: In response to the statement that al Wafa is a known terrorist organization, the detainee said he had nothing to do with them.

Detainee: I am not a member of al Wafa. [The] United States probably knows a lot about al Wafa [more] than I do. I've never been their member and I have nothing to do with them. Let them be terrorist, it has nothing to do with me. The first time [that] I heard the name of al Wafa [was] here during the interrogation. When the interrogators, they showed me the pictures and I showed them the picture of Aziz, that yes, I know this man. The interrogators told me that this man belonged to al Wafa, before that I didn't know such [an] organization exist. The interrogators in Afghanistan, [the] American interrogators in Afghanistan told me that. Because I told them the truth, when I told them the truth and everything that I was doing in Iran and how I was helping people travel, they showed me

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١- لم أفسر من اليمن إلى العراق بالأساس لأن دخول اليمن إلى العراق
بعض من أخذ المساعدة من إبراهيم صاحب الأعمال الخيرية ليتم بواسطة الذهاب إلى باكستان حسب معرفته
تأخذ العلاج والعودة إلى اليمن مرة أخرى

٢- كان تأخرى في أفغانستان لمدة شهرين بسبب إنشغال إبراهيم ببعض أعمال الخيرية مرطبه من
البقاء حتى يكمل تلك الأعمال ثم أذهب معي إلى باكستان لتلقي العلاج والعودة إلى اليمن

٣- أنا معروف بأمرنا كثير من الألام السيد في الراس ولذلك لقناه السهية والرماتيزم الركب والمفاصل
وغيرها وكنت أضررت وأمر - برأخذ علاج ودواء من ذلك في تلك المرحلة بالذات

٤- لم يكن لي رأي صلبة في أمارة بين الأذن والي لأن لا أعرف حقيقة بن لادن ومن هو
لم أحصل على أي تدريب وإنما هذا هو الظلم بعينه كونه الإنسان مريض يتلقى تدريب عسكري
ولماذا التدريب العسكري وإنما معاق ولدي تقرير بذلك من اليمن

٥- إبراهيم عليوي لا أعرف عنه شيء إلا أنه يقدم مساعدات خيرية فقط وكنت مريضاً أذهب إلى الجيانات
الخيرية لطب المساعدة في علاجى فكان هذا الشخص الذي قدم المساعدة
لم أذهب إلى الخطوط الامامية في كابل وإنما كنت كما قلت منتظر في كابل حتى يستقر إبراهيم من عمله في

٦- كانت فترة سفرى محدودة جداً ونسبت هذه للوجع الكثير من التدريب وإقامة مركز - ولإصابة إلى الخطوط الامامية
يدل دلاله واضحة أنها غير صحيحة لستفراق فترة طويل كمال وقت من قبله لأن التدريب من كابل إقامه المركز
وتم كان الذهاب إلى الخطوط الامامية مع ما أعانيه من الامراض التي لا تسمح لي بهذه الأمور والقيام بها

٧- أقول أني معروف منذ اليمن إلى الإنسان عادى وبسيط ولم يكن لي أي نشاط مع راي جماعه وإنما كنت
أعيش مع أسرتي ولم يكن لي احتكاك حتى مع الجيران والسبب هو المرض الذي عانيت منه كثيراً

٨- أما سلوك السجن فوصفه بالعدواني غير صحيح لأن لم أفسد في أي شيء من أذيه في حد المسجونين أم الكلام
والتمهت ببعض المخالفات البسيطة فأمر عادى أن يحدث في السجن والسبب معروف صوال التعامل
السيء من العساكر وهذا يعتبر فهم بأخطائهم أمام المسؤولين لهم عند أخضارنا لهم حل المشكلة
وغير احترامهم لنا فالخطأ كان منهم وليس حتى في كابل نال فرحان عبد اللطيف

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some pictures and I took Aziz picture and told them I know this man. Then they gave me this information that that man belongs to al Wafa.

Assisting Military Officer: In response to the allegation he smuggled al Wafa members into Afghanistan, the detainee said he had not done this and had already explained everything he did.

Detainee: I haven't done such a thing. It [the allegation] doesn't belong to me.

Assisting Military Officer: In response to the statement that he was in a student political organization that was not popular in Afghanistan, and was against the Taliban, the detainee said it was not a political organization. He said that during the Taliban regime, when the Taliban were moving towards the city of Herat, Esmail Khan, who was then the governor of Herat, asked the people to gather and defend their city against the Taliban. The University of Herat also asked the students to defend the city and the detainee was one of the students that responded. He helped prepare items such as posters and newspaper articles that were against the Taliban.

Detainee: When Esmail Khan, the governor of Herat made a speech, actually in his speech he used the word Basij. That word [Basij] means "movement". He used that word to encourage people to fight against Taliban. I was a student and I was against [the] Taliban. I was against their [the Taliban] thoughts. I was against their [the Taliban] ideology and concepts and that's why I did my share and I participated in that movement against [the] Taliban.

Assisting Military Officer: Finally, the detainee agreed that he has previously stated that he is not al Qaida or Taliban. He said when the Taliban took over Herat he continued to live in the city for one and one-half years, and then left for Iran. Although he only needed three months to finish his education when the Taliban took over Herat, he protested against them and then left the city.

Detainee: I just want to add that I am not al Wafa either. I am not Taliban, not al Qaida and not al Wafa. Esmail Khan actually he is working in the current cabinet of President Karzai, the government. Esmail Khan, the governor of Herat, would encourage people to fight against Taliban. He is working in [the] current government of Afghanistan.

Presiding Officer: Aminullah Baryalai Tukhi, does that conclude your statement?

Detainee: So far yes. The answer to all these allegations, yes, I am done with that part.

Presiding Officer: Did the Administrative [Assisting] Military Officers' statement provide the information [that] you wanted us to hear?

Detainee: I want to repeat one point that my Assisting Military Officer already stated. I think that during the Tribunal there was a misunderstanding. I want to make sure that you understand why I am not capable of making or forging documents or smuggling people. I

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want to repeat that part. If you have time, I would like to repeat that, if not, then that's okay and we can continue.

Presiding Officer: You can repeat it.

Detainee: The first thing that I would like to tell you, is that nobody actually knew about what I was doing. This information, during interrogation, I volunteered. I told [the] interrogators who I was and what I was doing. Unfortunately, I believe that the interrogators, they kind of added things or twisted things around and they made a story and allegation against me. I want to tell you, repeat one point, that actually the people that I was helping or providing food [for], Abdul Aziz was the one who was introducing them to me. Actually he was giving my phone number to them. Now when Americans came to Afghanistan, they defeated the Taliban and they captured Arabs. When Arabs were running away and al Qaida and [the] Taliban they were on the run, now if I were capable of transferring or smuggling people from Afghanistan to Iran, then Abdul Aziz, he should have come to me first instead of introducing anybody to me. Of course everybody would think about their ride first. He should have come to me and asked me to take him and help him and take him to Iran. But instead he runs away to Pakistan and the reason for that [is] because he knew I [am] not capable of doing such a thing. I was a simple person. I didn't know how to forge documents. I didn't know how to smuggle people. He knew I can't help him, that's why he ran away to Pakistan instead of Iran. As soon as the first time I heard about al Qaida and these things, after all those things happened in Afghanistan, as soon as I heard about the situation and events that were happening in Afghanistan, I turned off my cell phone and I stopped using it. Abdul Aziz didn't know me, he didn't know who I am, about my family or my address. The only thing that he had from me was my phone number that he was giving to his friends when they were coming and traveling to Iran. So, I just stopped and threw away my cell phone and after that I didn't see Abdul Aziz and I didn't have any connections with him. If you review these points and if you think twice about my story, you'll know that what I am telling you is truth. You'll probably find that those allegations are basically false. I am telling you the truth from [the] bottom of my heart and not making up stories. It's all true. 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: Yes sir. Did Aziz pay you a lot to work for him?

Detainee: No, he was paying me very little. I am not sure how to say how much [it] would be [in] American dollars. I am assuming that it's like ten dollars or twenty dollars. He wasn't paying me something like three thousand or five thousand American dollars. Just enough so I could survive. I am not sure if I can [explain]. He was not paying me with American dollars; he was paying me with Iranian toman. It was mostly like giving

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somebody a tip. [For example] like you [translator] if you would come there, I would give you food, I would serve you and you would just give me a ten dollar or twenty dollar, whatever was in you pocket. Mostly like they were tipping me.

Designated Military Officer: Did they pay you more than you earned as a taxi driver?

Detainee: *[he laughs]* That was a little bit extra than what I was making as a cab driver. But you need to know that if you count all my trips with them or all the help that [I gave to them] it wouldn't be more than twenty days. What was happening [was] that somebody would come to me every two months or every three months. Aziz would send somebody and then I was [helping them] on top of being a cab driver. I was just serving them or helping them as a Sunni and making some extra money. If you [would] count the total help that I was doing to Aziz's friends, it wouldn't be more than twenty days, I would say. It wasn't like every day and all the time I was with them and serving them while I was in Iran. It was [just a] once in awhile thing. At that time, I was thinking about making some money and earnings and I thought that it's was a normal thing to do. I thought of the work, but now I realize that no, it wasn't a good thing to do. I am an educated man and I never noticed any unusual behavior from them to make me suspicious of them. I thought they were ordinary people. I wasn't aware of their business.

Designated Military Officer: Why did you turn off your cell phone after the United States invaded Afghanistan?

Detainee: When [the] United States actually advertised through the radio and I was hearing news that the United States came to Afghanistan and they were talking about al Qaida and they were talking about these Arabs and everything they did to Afghanistan, I didn't know, just to be...I just thought for my own safety...I thought that the situation was not good with me. [I thought that I should] just stop doing this job for a while because [I] just [wanted] to be on the safe side.

Designated Military Officer: So were you a little bit suspicious of Aziz?

Detainee: When I heard about Arabs creating problems in Afghanistan through the news, since Abdul Aziz is an Arab, I just didn't want to deal with him any more. I didn't want him to call me or find me.

Designated Military Officer: Regarding the Basij ruler or leader, I would like to ask if he could speak on his [detainee's] behalf today? For his previous position on the Taliban?

The linguist repeated the word Basij, as if asking for clarification of the question.

Designated Military Officer: Let me back up, he said that the man who lead the movement before was now in current government, so my question is, if he were sent here today, could he speak on his behalf?

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Detainee: Yes of course, actually a few days ago there was an interrogator who just came from Afghanistan. He went to my house. I had a drug store and he's been there. I asked the interrogator to help me with this coming Administrative Review Board. But Basij, it wasn't something [like a] secret organization. It is very well known in that time and in that city. So not only in Herat but people who read [the] newspaper, I am sure that at least they [have] heard about it. It was popular in Iran not in the whole country.

Designated Military Officer: I guess I am not sure if he answered my question. I am really trying to see if that man would be an alibi for him in terms of how he felt about the Taliban. Do you understand what I am saying?

The linguist verified the Designated Military Officer's question by asking if he was talking about the government.

Detainee: I was just a kid, [a] college kid. I was a very little person and Esmail Khan was the governor and he is a minister in the current government. He was inviting the whole city to fight against Taliban, not personally me. I was a little man and of course he didn't know me. If you ask him, he wouldn't know my name and who I am. You can ask my college teachers or persons of the college. Yeah, they probably know me. They'll have my name if you ask them that.

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

Board Members: Yes, sir.

Questions for the Detainee:

Board Member: If you had a chance to drive a cab in New York would drive a cab in New York?

Detainee: I never thought about going to New York, but all I know [is] that if I... whenever, if I get released from here, I wouldn't leave my country Afghanistan, my city Herat, not even for one single night. I'll never leave my country and my city.

Board Member: Did you actually transport Abdul Aziz in your taxicab?

Detainee: No, I never did that. I never transported him in my own taxi.

Board Member: When you met him for the first time how much time did you spend with him?

Detainee: Okay, let me tell you this thing first and then I'll answer your questions. First of all Abdul Aziz was speaking Arabic language and I was speaking Farsi, so we had problems with communication. The first time, we were actually using kind of mostly sign language when we were talking. It was for five or ten minutes, first time when I met him,

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the manager of the hotel had to help us communicate with each other. It was like five or ten minutes. Actually in that five or ten minutes I was asking him if he had [a] passport, if he goes to Afghanistan and if he is legal and the manager of the hotel was translating. The distance from Meshad to Tayyebat is approximately three hours and I was sitting on the passenger side and there was a driver and Abdul Aziz with another person was sitting in the back. Once in awhile I would look at them and ask them if they were okay and they would say yes and whenever they were hungry they would just tell me food and we would just stop and I would find a Sunni restaurant to provide food and stuff. So basically, we didn't have any conversations. I could speak a few English words but Abdul Aziz couldn't speak English. Thank you.

Presiding Officer: Mr. Tukhi, when they showed you photos of Mr. Aziz, were there other photos that you recognized?

Detainee: Well, I was arrested in Iran and then they transferred me to Afghanistan. The Afghan authorities turned me over to [the] Americans. My first night, I told my story to [the] American interrogators. After two or three days the interrogator came back to me with some pictures and Abdul Aziz's photo was among those photos, so I just pointed at him and said I know him.

Presiding Officer: And no others? He [the detainee] recognized no other photos?

Detainee: No, sir. They brought in [a] few pictures for me but the only person that I could recognize was Abdul Aziz. I told the interrogators that it is because of this Abdul Aziz, I'm sitting in prison right now.

Presiding Officer: Was Aziz or any others armed when you talked to them?

Detainee: I already mentioned that I haven't seen anything illegal or abnormal. Of course I didn't see any weapons, I didn't or I wasn't suspicious of them doing any illegal things. So, no I didn't see it.

Presiding Officer: You mentioned that you help publish articles against the Taliban. Did you write those articles or publish them or both?

Detainee: No, we wouldn't publish [the articles], the government would publish [the articles]. What we would do, is the students would write articles, they would be given to the President of the University and they would choose the best one and give it to the publisher, I mean to the minister of information and they would just publish it through the local newspaper. I want to give you an example, one day there was a big demonstration against Taliban and all the people of Iraq, they were demonstrating and they were gathering together and they went to protest against [the] Pakistan Embassy. One of the other stuff that I was doing while I was a member of that Basij, during that demonstration, we as students, members of the Basij movement, we were trying to organize those [demonstrations]. To make sure that they are organized and they go the right way and follow them and those things, not anything serious. At that time the Basij was very strong

and popular in Herat against the Taliban and that gave us a lot of opportunity and different ways we could fight against [the] Taliban. Some people would go and take the weapon and actually fight against the Taliban and defend the city but we as students, we were college students, and we were trying to participate and be a part of those moments. It wasn't [a] very organized political party. It's something that was created just to fight against [the] Taliban, to defend the city. It wasn't organized; we were regrouping the students and making Basij with the other side of the city. Some people would get together and fight against Taliban.

Presiding Officer: Can you describe what life was like around the Taliban?

Detainee: As I mentioned before that when Taliban took over the city, I had three months to finish my college education. I protested and stopped going to the college because when Taliban came, they were trying to implement the laws that our people, we were not use to that. They were beating women. They were forcing men to grow beards. Their laws were so strict that we [were] not even sure if it was Islam's law or just [a] creation of the Taliban. So that's why the life was miserable and horrible and that's why I protested and stopped going to college and then left the country.

Presiding Officer: Mr. Tukhi are you hostile towards the United States now?

Detainee: [Could you] clarify the question?

Presiding Officer: Would you take up arms against the United States?

Detainee: I never fought against the United States then and I [have] never been against the United States. I want to tell you something, please don't take it wrong. I know you might think that I am saying [this] because I want to be released but that's not the case. I am telling you the truth, when I was in Meshad, Iran and we heard that Americans came and they defeated Taliban, me and my friends, we made a party. We celebrated the defeat of Taliban. We were so happy that finally somebody came [Americans] and they got rid of [the] Taliban and now our country is free and we could go back. So I've never been against the United States and I never fight against the United States. So far everything that the United States have done and I have heard through the newspaper, through the media or through my friends, everything I like it. The United States trying to bring democracy, United States want to go to elect their own President, United States helping in many areas [of] our country and why should I be against that. I was a college student and I was studying Economics. Of course, I would love to go back to my country and actually help my people and help Americans in rebuilding my country. I never fought against [the] United States, I never fought against anybody and I don't want to fight against the United States, never ever.

Presiding Officer: Does any of the Administrative Review Board Members have any more questions?

Board Members: No, sir.

The Designated Military Officer motioned to get the attention of the Presiding Officer.

Presiding Officer: Designated Military Officer, do you have an additional question?

Designated Military Officer: Yes, sir. If you were transferred or released where would you want to go?

Detainee: I would like to go to my own city, Herat. I have some plans. I have some work. I would like to go [to] my city, to my own city. One of my dreams is to finish my education and when I get my Bachelors [Degree], I am sure it will be needed. They need lots of people to help them. Like I can find a job in [the] banking areas or customs. I am trying to participate in rebuilding my country, that way I can make some money and make a living. Of course when the government would pay me for working in the bank or any of those areas, usually they work half days. After that [job] I would like to work in the drug store or somewhere, just [an] extra job to make some extra money and have a living. If I ever, maybe God [will] help me and if I ever will be released, I don't want to leave my wife and my kids, not even for one single day. When they take me for interrogation, they always leave my hands open. They never handcuff me and I'm a very friendly person. I always talk with them, we chat and I tell them the truth and they are very friendly with me. Approximately like two months ago there was an interrogator that came from my city, from Herat. He is an American interrogator. That interrogator, he went to my drug store where I use to work and he asked and make some interrogations about me. He brought some pictures from my drug store, some pictures of my city. *[The detainee interrupted the linguist]* I am sorry not of the drug store, [but] from the city of Herat. I was so happy to see those pictures of my city. I was requesting, I asked the interrogator, that please write something for me to either prove or that I am not a threat to the United States because I knew that my Administrative Review Board would be coming soon. He told me that as far as the law, our law, American law would allow me, I would do everything to help you and I will write something [of] my opinion about you. I actually wrote a letter through the Red Cross, I wrote a letter back to my family so they could arrange, they could make some inquiries about me and they could arrange some kind of a written statement from lots of witnesses that people would tell he [the detainee] is a harmless man and he [has] never been armed and he is not a threat to [the] United States, but I haven't gotten responses yet. I have sent three letters through [the] Red Cross and I have sent one letter through the MP's, through the guards and I haven't got a response yet. As soon as I found out that the Tribunal decision found me [to be an] enemy combatant, I immediately wrote those letters and sent them. I haven't received any response, I have nothing in writing to give it to you to prove it. To make it short for you, I have a wife, I have kids and they need somebody to take care of them. I am a harmless person but my family needs me. If you keep me here, I mean....I am not a threat anyway if you release me. So by keeping me here it's not going to do any good for you but if you release me, my wife and my kids will need my help. I would like you to review this point carefully again, I understand that I have been dealing with Arabs but please review my case and I am telling the truth that when I was doing things for them [it was] not because I was with them or my ideology or thoughts were with them. All I was trying to do is make some money. I swear to God at that time I didn't

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even know that they were al Qaida. All these things happened, that they were [a] terrorist organization, that they were al Qaida or al Wafa.

Presiding Officer: Okay.

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

The Presiding Officer began reading the post Administrative Board instructions to the Detainee and the Detainee interrupts by stating the following:

Detainee: What do you mean by being the third country?

Presiding Officer: Should your country not accept you, the United States' Department of State would find another country that will host your presence.

Detainee: Oh with Gods help my country wouldn't do that to me. Afghanistan would want me.

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

The Detainee made the following comment.

Detainee: [in response to another Administrative Review Board in one year] Hopefully that is not going to happen, hopefully I will be released after this one.

The open session of the Administrative Review Board was adjourned.

AUTHENTICATION

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



Colonel, USA
Administrative Review Board Presiding Officer

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Summarized Administrative Review Board Proceedings

The Administrative Review Board was called to order.

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 chose not to be present for the Administrative Review Board proceedings.

The Presiding Officer confirmed the Assisting Military Officer met with the Detainee and informed him of his rights regarding the proceedings, that the Detainee appeared to understand the process, and that the Unclassified Summary of the Information was read. The Assisting Military Officer also confirmed 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 Presiding Officer confirmed that a copy of the Unclassified Summary of Information had been previously distributed to Board Members.

The Designated Military Officer presented the FBI Redaction Certification (Exhibit DMO-2) and (Exhibit DMO-3) to the Administrative Review Board.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Information (Exhibit DMO-1).

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

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he had no information to present.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Captain, USN
Administrative Review Board Presiding Officer

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Summarized Administrative Review Board Proceedings

The Administrative Review Board was called to order.

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 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 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.

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.

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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 no information to present on behalf of the Detainee.

The Presiding Officer confirmed that the Designated Military Officer had no further unclassified information to present to the Administrative Review Board 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.

The Presiding Officer confirmed that the Designated Military Officer had no further unclassified information to present to the Administrative Review Board 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.


Captain, U.S. Navy
Presiding Officer

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**SUMMARY OF ADMINISTRATIVE REVIEW BOARD
PROCEEDINGS FOR ISN 343.**

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

The Designated Military Officer 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) to the Administrative Review Board.

The Designated Military Officer presented the FBI Redaction Certification (Exhibit DMO-2) and the Department of Homeland Security Terrorist Organization Reference Guide (Exhibit DMO-3) to the Administrative Review Board.

The Presiding Officer confirmed that a copy of Exhibit DMO-1 through DMO-3 had been previously provided to the Assisting Military Officer.

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

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

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that the Detainee requested that he provide a written statement.

The Assistant Military Officer presented the translation of Detainee's Written Statement (Exhibit EC-C) to the Administrative Review Board.

The Assistant Military Officer gave a brief description of the contents of Exhibit EC-C.

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. Army
Presiding Officer

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19 April 2005

From: AL RUSHAYDAN, ABDALLAH// IBRAHIM

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted by AL RUSHAYDAN, ABDALLAH// IBRAHIM (ISN 343) on 18 April 2005 by OARDEC Linguist [REDACTED]

1. A. Commitment:

1. Yes, I took a vacation from work for one month and I visited Damascus and Tehran and an Afghan refugee camp, and what is the basis of the accusation in this?
2. It was a short vacation, there was no need to tell anyone about it, and it was for tourism, why should I tell anyone.
3. I traveled to the Pakistani region of Chamand to find the refugee camp and it is not on the border, on the contrary, it is far from the border.
4. I was captured by the Pakistani force in the Chamand region and it is not on the border.

2.B. Connections/Associations:

1. I was an employee of the International Aid Organization (Al Hayaa Al Ighathiya) and it is not a terrorist organization under the Ministry of the Interior.
2. The International Islamic Relief Organization (IIRO) (Monathama Al Islamiya Al Aalamiya L' Al Isaaf). I never worked for it, and never heard of it, and it does not exist in Saudi Arabia.
- 3,4. I also did not work for IIRO but I worked for Hayaat Al Ighatha Al Islamiya Al Aalamiya (International Islamic Aid Organization) in Saudi Arabia and it is a government organization managed by Dr. Adnan Basha who holds the rank of Minister. And Al Hayaa Al Ighathiya Al Islamiya Al Aalamiya is a government organization under the Islamic World League and all charity organizations are under the Senior Director for charity organizations, Ameer Nayef (King Nayef), who is the Saudi Minister of Interior. As for being under the management of Usama Bin Laden's brother, this is not true and it also has no relation with any terrorist organization or group because it is official and governmental.
5. The information in this question is wrong. The correct answer is that I traveled to Damascus by plane and I met a man whose name was Abd Al

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Malik and he was Saudi, not Afghani, nor was he a member of the Taliban government. I met him in Damascus in the same hotel. I did not meet him in Tehran.

6. This question is wrong because he is not Afghani, he is Saudi and I have no relationship with him whatsoever.
7. I was jailed in the American prison in Kandahar. I was in the prisoner camp that belonged to American Forces in Kandahar and not the Afghani Kandahar prison.

C. Other Relevant Data:

1. I did not say these words and it is not true because I told the whole truth regarding my travels (the interrogations).

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Summary of Administrative Review Board Proceedings for ISN 228

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood. When asked if he had any questions concerning the Administrative Review Board process, the Detainee indicated he had no questions.

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

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

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

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

The Presiding Officer confirmed that a copy had been previously distributed.

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

The Presiding Officer acknowledged the request.

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

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The Presiding Officer asks the Detainee if he wishes to make a statement and whether he opts to take an oath (a Muslim oath).

Detainee: Before, I do the oath and I get more charges. I prefer now [that] I don't get the oath.

Presiding Officer: Could you repeat that again please?

Detainee: Before, I did the oath the Islamic oath, and I get more charges now. So I prefer that I don't get the oath now.

Assisting Military Officer: He is referring to the CSRT.

Detainee: Yea, yea. When I go, to [the] CSRT.

Presiding Officer: I understand.

The Detainee declined taking the (Muslim) oath.

The detainee made the following statement:

Detainee: First thing I want to tell you [is] what happened before [at] the CSRT. We thought it would be a real court [and] that there would be justice. And you will take our talk seriously but after that we discovered it was a fake or [like] a play. That everything [that] come before and they [would] do everything and they write everything that [we] told [them] and any convert and not any convert [but] it was like a play. We all know the Detainees, think that this new Review Board, we believe it's the same thing, believe it is fake or a play or anything. And [that] you decide everything before you listen to us. We all believe that. We all believe that.

I do it for my family and for my children and especial for my daughter, I didn't see her until now, and the most important for my Father and Mother. Because [of] that now I'm here to try to defend myself. Even I believe maybe 100 percent that [it's] real or that I'll go home. I will do my best for my family.

The oath at [the] Tribunal: I come there and I [tried] to defend myself as hard as I could. And there was have three charges only and I defend myself good and clear. Then and [in] this court I get 14 charges. [That's] not double, [that's] double the double. I afraid that now [after] I [have] defended myself I get 150 charges after [this board], I don't know [if] I [have] defend myself or not. I do it for my family

The commitment: I don't know what you mean with the commitment? Is it Islam or what exactly? Is it my beard or my shape or what? When I read it... what [do] you mean exactly? Could you tell me what you mean about commitment?

Presiding Officer: He's asking a question?

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I didn't go to Afghanistan. I go only the [one] time [and] I go to [help] the poor people [the] unprivileged and the kids. I didn't go first two times; they said I go two times, [but its] not true. I only go one time, this time [was] the first [time] in my life.

Connections and Associations: They say I have many connections with al Qaida members. That's not good in the mind because that's something not believe because [you] need evidence. How can I go [for] two months in Afghanistan only and I know the al Qaida members? You didn't catch them, America didn't catch al Qaida member. [If] I was see them, that's not true, not true. I don't know them; I don't know al Qaida. I don't know anyone from the terrorist or any from the organization, normal organization because I am not a politician, I not [a] sheik or someone big [or important] I am only a sports man, [a] player.

About [the] al Wafa organization: This thing is a really stupid thing. Excuse me but I tell you [about this] stupid thing. How can they say I'm [part of] al Wafa and all al Wafa, they are here and the many [are in] jails with me. Here. I saw them and they didn't tell me, I didn't tell them about al Wafa only after I came [to] Cuba, only [here] in Cuba. Not in Afghanistan, not in Kandahar, [only here] in Cuba. Then they say I'm al Wafa, where is the evidence? Who tell that? I challenge anyone that they [can] prove that I'm [an] al Wafa member or anyone of al Wafa [to say that]. They say I'm al Wafa. [You] ask them? Here you have them, take your time, I'm not going anywhere [you] ask them or it's more charges you give me or give that person and you must give the proof of that.

They say my friend, [of my] associates encourage me to go to Afghanistan two times. I didn't go to Afghanistan [two times] only one time. That's not true, that's a lie and if you say that there is someone [who] encouraged me or tell me that I [should] go to Afghanistan to fight and leave my children and leave my car and leave my home and leave my job and leave my wonderful life and say go. I'm children, I'm child, I'm not a child, I'm adult man. I'm thirty; I'm thirty years old, now twenty-three... thirty-two years old. I'm bigger than anyone [who could] carry me or tell me [to] go like the simple and I go. [I] Live my life. Anyone [who] tell about this and I tell you like before, I didn't have [an] arrangement to go to Afghanistan at all. But when I see what happened to the poor guys and the poor people and my emotions take me. I go there because the organizations say, "we don't go there it's a war place." I say "there is no war, but I will go there and give [the] money and come back", simple and easy. After that I didn't tell anyone, I didn't tell this guy [or] this guy I want to go [to] Afghanistan. No, no I say I'll go [and] I go. I'm tough guy I know what I do. No one tell me anything or encourage me to go to fight or to [help the] refugees. I want to go to [help] the poor guys.

They say that the associate is a leader of [the] Majahiden, Tabligh, in Kuwait and these make money for bin Laden. This legal advisor and friend of bin Laden, this guy is now bigger than bin Laden. Why [do] you search about [for] bin Laden? You have one bigger than bin Laden. The problem... and who is this guy? You know who is this guy. I want to know who, who is....

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Presiding Officer: I don't know personally.

Detainee: Could you give me a name or something... to know who encouraged me and to defend myself to say that's a liar... like to clarify the situation.

Presiding Officer: That information is classified.

Detainee: How can I defend myself [if] I don't know who this guy [is]. My shadow to defend myself, I don't have anything. I must know him... I must defend myself. And who [is] this guy he [must] have rank more than bin Laden. But [this] unknown guy and you charged me that [this] unknown guy, he encouraged me to go to Afghanistan [and] to go to fight and I don't know this guy. How [can] I protect myself. I don't know where they came from... from where they bring this talking. I don't know it's not true, I tell you it's not true.

They say the charge 'Intent': They say that I traveled to Afghanistan the second time. I go only one time, this time, there is no second time. After 11 September and the one [that] encouraged me to go to fight. I go to fight to Afghanistan. And I know that all world will after that long time when I thought that they would hit Afghanistan like Kuwait after 7 month, 8 month, 1 year and they didn't. But they say I go to fight. Who am I to fight all the world, who. [To go] from volleyball player to the Rambo, or Superman it [is] not go in the mind, it's unbelievable. From volleyball player to a fighter, I must be a... [Have] seen Rambo movie too much. And [as] for [my] stay in Kandahar I heard... that they say I heard bin Laden speech. What [is] that meaning. [Is] that meaning I saw him or I heard him only? I don't understand from this [statement]. Look for "intent", I ask you, what [does] that mean exactly?

Presiding Officer: You reading that from "Intent"?

Assisting Military Officer: He wants to know about d. [reference to para d. in the Unclassified Summary]. Was he accused of seeing him or just hearing a speech given by him on some media link or was it an actual sighting or just accused of hearing a speech?

Presiding Officer: As you have seen, where it says you stayed in a place where bin Laden was speaking and you heard his speech. The same thing you understand is the same thing I understand here.

Detainee: I don't understand! I'm not understand that mean. [Does] that mean I saw him or only heard him speak or something... I didn't understand.

Presiding Officer: The report said that you were at the place where he was speaking.

Detainee: He was there?

Presiding Officer: That's what I understand.

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Detainee: First thing. How can I [have] saw bin Laden after 11 September? And he twenty, twenty-five million dollars he is [like] a moving bank. How can he let anyone go to see him that [is] unbelievable, trust me. Second. A person like me saw bin Laden or heard bin Laden, [it would be] easier for you Americans to saw him and catch him. How can I see him and... America the biggest country in the world... [I] Didn't see him... that [is] not true, that [is] only a fake. Like I tell you, only if I was like McGuyver. You know McGuyver?

Assisting Military Officer: He's talking about the T.V. show.

Detainee: Yea, McGuyver or James Bond. That's not true, it's all [a] lie and not true. I didn't go to any home in Afghanistan and there is any of... I didn't see any of Arab in Afghanistan. [I] Only see Afghanis and I didn't see any like Arabic and I didn't see Usama bin Laden or any from al Qaida unless I have that Genie Lamp, only in that.

Assisting Military Officer: You may want to explain the significance of the Genie Lamp to the Board.

Detainee: You understand Genie Lamp? I make this (*makes rubbing motion*) and the Genie [goes] up and [asks] me where [would] you [like to] go? I say "bin Laden", exactly like this. Unbelievable. About the Casio watch...

Linguist indicates that the Detainee will be talking about e., Other Relevant Data [from Unclassified Summary].

They captured me with [a] Casio watch, for [an] explosive or something. They say that, not me. And there is many of [the] Detainees [and] they have different watches from Casio. I think... don't blame me if I wear it, don't blame me. Blame Casio watch or [the] Casio Company who makes this kind of watch. Or blame the government, they allowed the sell [of] this watch and [its] in [the] markets. All over the world, it's [a] normal watch it's [a] good watch. Strange [that] you blame me that I have this watch [and] you make me Enemy Combatant from this watch. And this same watch that four Chaplains [that] were here and they have the same watch. Chaplain. You make only me [an] Enemy Combatant. You leave them alone without any charges because they was, were wearing this watch. It's okay for them to wear [it, but] not okay for me wear it, they have the right and I don't have the right [to wear the watch]. The watch is in the market everywhere, everywhere. Go to my country and [you will see] Casio anywhere, anywhere you [go and you] will see the same watch. And after that they say I wear it because I'm al Qaida and I want to make explosives. That's not true. If I really want to make explosives [with] this watch I would throw it away before you capture me. That's reasonable or what [do] you think.

Presiding Officer: Let me explain so you understand something here. During the CSRT you were considered to be an Enemy Combatant. Our job here is to ascertain if you will continue to be an Enemy Combatant and to make a determination if you should be

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released or continue to be detained. So you're asking us a lot of questions that determination was already made. Our job is to see your status as of this time. Do you understand?

Detainee: I ask [because] I want [to] defend myself. You understand? I want [to] defend myself. [Should] I continue or what?

Presiding Officer: Please continue. I want to hear from you.

Assisting Military Officer: The thing on 2... the aliases on a captured hard drive from al Qaida member.

Detainee: 2 and 3 and 4 and 5 and 6; 2, 3, 4, 5, and 6 are [the] numbers. You know now I am more famous than bin Laden. Everyone have my name and picture and everything and even country! They say [I have] the nickname I don't know. Could you tell what the nickname is?

Linguist indicates that the Detainee is referring to his aliases.

Detainee: They say I [have a] nickname, I don't know until now what my nickname. Don't have it?

Presiding Officer: That is all classified information.

Detainee: My nickname and I don't know what the nickname [is]. I didn't see the picture they didn't show me, the interrogator [didn't show me] the picture. [is] that my picture [is] that not my picture. That's my nickname, and that's not my nickname. That's my name, and that's not my name. I cannot defend myself without this thing. It's unbelievable. What my name and what my picture, do they going to do with it? Ask them why they took my picture and my name, don't ask me; ask them, they have it. You must tell them why [do] you have it. Especially now I'm famous [more than] before [on] the National Team, now [I'm] more famous [as] that Volleyball Player Terrorist, Terrorist Volleyball Player. More famous now and it's easy to get my picture [and] my name they [could] gave me any nickname - easy, too much. Because I'm [in] Cuba, all over the world they think I'm a terrorist. I will make, I will make, I'll make... movie don't make this... Hollywood doesn't make this [kind of] movie. Like I tell you I cannot defend myself in this because I don't have the nickname, I don't have the name, I don't have the picture to see if it's my picture or not. So we'll leave it. Now we come to the point. The real point, I make with my Assisting Military Officer; we make good conversation me and my lawyer.

Assisting Military Officer: I told him that I wasn't his lawyer.

Detainee: He told me there is no lawyer, but I call him my lawyer, American lawyer. Of course you have everything about me in Cuba, and before Cuba in my country. You have in my file, everything about me. I'm [a] person that doesn't like any [kind of] trouble.

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[I] Don't like any problems with anyone or any kind [of] mess. If I see any problem or something I will go away from this problem. You know here (Cuba), I don't make any [kind of] problem; I never make any problem with anyone, any detainees or any MP's. I don't like this; I always stay away from the problem. I try to help anyone who needs help, from translating or anything from calling medical for my brother detainees. And like they love me and respect me and I love them and respect them and I have wonderful relationship with them. I don't have any problem with the MPs since I came here and they respect me. You have my file, if I see anything wrong or something (*gives example*) like I find a spoon or something, that [is] not legal here because they have rules. If I found any spoon or something I give [it] to them, anything sharp or something I give this thing [to them]. I don't like to break the rules I only want to leave, [to get] away from trouble. And this not only [in] Cuba or Kandabar, [or] even my country, when I was young boy in the school I like to be [a] good student [in] behavior you know. I like my teachers and I don't [like to] have any problems. I don't like [to] break the rules anywhere, even for cars. Traffic law or any laws in my country, I don't like to break it.

Detainee: Can I have some water?

Assisting Military Officer: He'd like to see if he could get a cup of water?

Presiding Officer: Sure we can get him some. We will take a short break.

Short break is taken.

Detainee: About making dangerous on America or Allies. Tell [me] how can I make any threaten [against] America or any country, that's weird. When I heard this, I laugh. Who am I to have a dangerous in [to be a danger to] America or anyone? You make me Tarzan. You know Tarzan? I am only a man who wants to live his life only. How can I... I'm only a man that wants to live my life and want to stay with my children and my family. I am only a player of volleyball; National Team; Kuwaiti Player. You say that I will be dangerous on America. Who am I to be dangerous on countries or biggest country in the world? That really unbelievable, I am only like I tell you, I am [a] sports man, not a sheik or politician or a thinking man. I'm a normal man; I want only [to] live my life. Don't look to me that I'm a giant or a... I'm a normal man. Don't make me bigger than what I am. I'm [a] normal human being, I no danger on a ship, make me danger on a human being? That real unbelievable, I am normal man like I tell you. I'm a sports man, I have wonderful life [and a] beautiful life. I want to live it. I have 4 children, beautiful children. The oldest one when I leave from Kuwait was 3 ½ years old. I love my children and I care about them and I think about them day and night. Especially my daughter, I didn't see her until now. That's enough to make her suffer for the biggest [and] worst criminal in the world. That really suffer that only this time this point. I want my children, I want [to] play with them, I want to hug them, [and] I want to raise them [and] I want to go back to them. I want to stay with my family and keep away from all the people, I don't want [any] trouble I don't want anything.

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But I have the best family in the world they are waiting for me. The most important thing I have [is] my Father and Mother. You don't know how much I love them and how much they love me. You know I care about them and they care about me. Now they need me more than before, I was [the] only [one] who served them and do what they want. I want to go back to serve them and too care about them. I want to get them on my head I want to carry them. I want to make them rest, they need me and I need them, we all need each other. I want to go and see what they need; they are old, too much old. My Father I think [is] in [his] eighties or nineties, he is very old and they need me really need me. They suffer, suffer about me and because they suffer about me I suffer too much about them especially when the letters [come]. When I see them and the TV I know [what] they face [and] they suffer [and] I really feel suffer about them. And this point another suffer for a human being, big suffer. You don't understand the feeling [that] we are here living, because you stay in your home [and] you have your children [and] you have your family. We feel what happened we feel the suffering. So big suffer to me away from [my] family and [my] children, big suffer. Much like if you stay in [a] prison near [your] home and they visit you. We stay 6 months until that, 2 months, 3 months or 6 months maybe or many times longer time, time to reach an end from the family. But another suffer.

About my sister's children: I am now before I got captured I was their Father, because they're Father is separated from them [and] they are living with me. I care about them; I go to many things [for them]. Like [I] do what they need and like I am now a Father for them. They [are] waiting for me to help them and the study and the raising and everything. Now they are from 10 to 14 years old. Now they need more, they need me more because they are being bigger and they [now becoming] adults. They need me to learn them and to stay with them. You know that [this is a] dangerous part of their life for them. There must be one [to] stay with them, a man, and they need me, they need me to stay with them.

You know I have [a] wonderful life. I have my brothers and we love each other and we stay with each other [during] happiness and sadness. We standing [by] each other and we care about each other. I don't think that [this happens] in the other families, I have wonderful family. My aunts and uncles we care about each other we love each other we help each other and have wonderful life, a wonderful life.

About my job: I have a wonderful job, I have my salary [which is] big enough for me and enough for my family, all [of] my family. Beautiful job, on the job we all love each other, care about each other on the job. Understand each other, I don't have any problems [with] my friend in the job. Even my neighbors and my friends, if you ask them they will tell you, how we care about each other. They respect me, I respect them, [and] I don't have any problem. Any problem, I will go away from it.

Even about the National Team, my team and the National Team. I am famous. I have my fans. I have my people, I have my supervisors [and] my friend the players and the team, the National Team. The same, we love each other, we care about each other and we understand each other. I don't have any problem with anyone, if you go and ask

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them. I like to serve my country through the play I like to raise my country name (it's an expression "to raise your country name" is to bring pride to your country). We bring championship [from] outside my country and inside my country. I like to serve my country. My pictures in the newspapers and the TV and my name everywhere you know. That mean I have a wonderful life, who have life like this only [a] few people. How can I destroy it? I have a beautiful house a beautiful car and everything I want, I get it. How after this life [can] I leave it like this and go to die or to fight or to anything. I tell you before it's only my emotion and I try to go out, and my emotion take me to the poor guys. Before what happened everywhere the war I wasn't see anything because I was only player. I don't care about the, I don't care about the politics I don't care about anything only to play and to make it.

Then 11 September, it been the biggest media, something [that] make you look [at] what happen. That take me... I heard that 8 million refugees and poor people they cannot go out from Iran and they cannot go inside from the war. That emotion takes me. How I can live this life and go to terrorists or make any danger about anyone. I cannot see anyone no matter who that person is. If I see him get pain, I get pain. Even one [who] insult me or something and he get pain, I get pain about it. I don't like [to see a] human being suffer. How I can destroy this man life or his family life or destroy his home or destroy everything. How can I destroy human beings they raised themselves and they suffer for the life to be in a good life. Then I can come like this and destroy everything. I don't agree with that. I don't like that. I don't like to [hurt] innocent people or anyone [to] die or [to] suffer or anything or destroy any place or home anything. How I can come and make a fear to anyone like he's in his business, I'm in my business [and] I come and attack him or something. That is really criminal and I don't like it, I don't agree with it and I don't like who carry it or support it or anything. What happen to innocent people in American or outside America or anywhere in the world I don't like this. We are human beings we [are] here to live a life we not here to destroy a life or anything.

Like I tell you I have a marvelous life. You know if anyone makes a bad thing God will punish him and [in] this life before the afterlife. If I do anything bad God will punish me. How can I destroy my life, he will punish if not now [then] after. How can I destroy my life? How can I destroy my children, my family, [and] my beautiful life. I don't agree. I don't like [to] destroy my life, I [don't] like to destroy anyone life. It doesn't matter American people or European people or Arab people or Asia or anyone in the world. I don't like, I don't agree. I hate the terrorist thing. Like I tell you I don't like to be a terrorist or something I only want to live my life, only that. And live with my family and leave all the people alone and stay with my family and I don't want God to punish me. If you think I go outside and make problem to anyone or something that not my type, I'm fear of God too much, make a bad thing, bring you bad thing. Good thing, bring you good thing. If you hurt people God will send people [to] hurt you. If you be a criminal and punish people or something or hate any people, God will bring people and do the same with you, that [is] what I believe.

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And about if they release me: Like I tell you I have a beautiful life, I want to live with my family away from anyone. I will stay alone and I want to rest, have a big rest. After that I want to find a job to live. If I lose my old job I want [to] find another job. And if I don't lose it, it will be good. I want to live my normal life. I want to [have a] normal life, I don't want to get to any organization to any terrorist people, not terrorist, to any criminal people not criminal I don't, I want to live my life only, only that. I want to go [back to] another time, back to my team [the] National Team, play again and bring championships. I like to serve my country, Kuwait. Try to make the name high through the championships. I want to go like I tell you [to] play with my children, see my children. Go to my family and see my family and my Father and Mother before they die. I [would] like to see them before they die [because] they both [are] old, too much old.

About the information they say about, I don't have any information more, now it [has been] four year, four years of interrogations. I think they take all what I have [in] my mind. They take it all. I don't have any more information to give. Even [after] four years, if a donkey with us here [even] he will talk after four years. Long time, long time to interrogate even you don't have anything it will go from your mind. Long time and they have everything and I don't have any information more to give. Four years not something easy, that what I have, that everything I have.

And about [the] US or American people: Why you think that we all hate Americans. What happen I don't have anything about this? I don't have any connection [I don't know] anything about what happen 11 September, after or before I don't have anything with it. We are human beings and I see the Americans here, the soldier American. They are normal human beings. They're [are] some of them bad, some of them good normal human beings. Not people come from Mars or aliens or something. We are human beings; we do not hate here in Cuba, we are in this life here to live. This must be love and care you know. The problem [is] that you all think we want to kill and want to do it. That's not true, that's not true. We are not [here] to destroy life; especially you Americans think that [and] for me that's not true. I don't have anything against you [and] you don't have anything against me. What happen [is] what happen we leave [it in] the past away. What happened, I don't have anything inside, I am here [for] four years without anything. What happen it's gone, now another life. We are here men of today; we want to make life; we want to continue life. I tell you, we want to make a life a good life. That technology anything else, cars, computers, we don't want to get to the past. We want to continue and make more beautiful life, better and better and better, and with the children to a good life. But I know that you don't believe me; you don't believe me that I don't have anything against Americans or anything else. You think I am a big terrorist, I tell you that [is] not true [and] I'm [a] normal human being. All my life [I'm a] sports guy, not a terrorist guy, all my life [I'm a] person who love [and] care about the human beings. You find it, you ask in Kuwait or anywhere in the world [where] I traveled [with] the National Team you ask the people about me. You [will] find [out] who I am.

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Like I tell you from beginning I do this only for my family and my Father and Mother especially and the daughter I didn't see her until now. Really I want to go back to my family. Even I don't believe that this fake or not, I don't know [if] this Tribunal, this Board fake or not. But like I tell you, I do my best. But I'm afraid that after we finish this Board you'll bring me a thousand and eight hundred charges. That you bring more and more and more. I tell you I'm not dangerous. I'm not criminal. I didn't fight American, [I] didn't fight anyone person in the world. I didn't carry a gun. I didn't support any of bad or terrorist organization. I didn't encourage, applaud, I didn't anything. I don't agree about the terrorist thing. I don't agree about any criminal thing. That what I have.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

The AMO had the following questions:

Assisting Military Officer: I would like to know if he could detail where he went in Afghanistan. What cities he went to, to clarify that question.

Detainee: They say I went to Kandahar. That's not true. I go like I tell you from Herat from Herat I go to Jalalabad. I didn't go to any home or something I didn't go to anywhere. I didn't go to Kandahar that's a lie.

Assisting Military Officer: I have no further questions.

The DMO had no further questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: Yes sir I do. The first question: All the time you spent between Herat and Jalalabad where did you stay if it wasn't in houses. Where there hotels or did you have acquaintances there that you would stay with?

Detainee: No, No. Move car. I'm not have my dissident to waste the driver. I rent driver like a moving... and he stay in restaurant or stay in place to sleep that his decide. I only from Herat go to Jalalabad travel, only travel. Not stay or hearing anything.

Board Member: During the time you that you were in Afghanistan where did you typically sleep at night?

Detainee: When I go, the person with me I [would] stay in his home. Afghani person, I stay in his home. When we went to Jalalabad I stay in another person's home. Home, home, Afghanis home only see Afghani I didn't see an Arab.

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Board Member: Was it people that you already knew or was it people you just happened upon?

Detainee: No, no, no. First time I see them in my life.

Board Member: My second question is, when exactly did you travel from Kuwait through Iran to Afghanistan? Do you know an exact date?

Detainee: No I don't know. I cannot remember. I know after what happened 11 September, after maybe 10 days, 9 days, 11, 12, I don't remember.

Board Member: What made you decide to go right after September 11th? Was it the events surrounding September 11th that motivated you to go?

Detainee: Because I heard about [the] refugees and about the poor people. Eight million, I heard about them in the newspaper and the radio and the TV. They cannot go outside Iran they shut the border for Afghani. And they cannot go back because they think it's going [to be a] war, they between Iraq and the border from Iran, between Iran and Herat. I go to [a] charity organization, I tell them take this hundred Dinar go to the refugees and they say, "We cannot go." [I] Say "why, they dying." They say "no war zone" or something. [I] Say "what war zone." Soon be like Desert Storm; soon be after 6, 7 months or 8 will not be. I heard that America will not hit Afghanistan [unless there] different talks.

Then I stay in my home I feel that I have everything. I feel what if [it was] my children [that] was the poor guys. What if it was my Father and Mother? What if I was there and shaking from the cold and no eating, staying [in a] place like that. Like I say I have marvelous life, everything I have. I say normal; my emotions get me I say I go to the poor people emotions take me. I go to Afghanistan I go from Iran to Afghanistan. That was happen.

Board Member: Did you not know about the refugee situation in Afghanistan until September 11th or did you know about it prior to that?

Detainee: Yea, yea, I didn't know about any refugees in Afghanistan. I don't know where the poor people [where at]. I don't know because I give [to] the charity organization. If I want to give... to God [to] forgive me or something I give money to or anything [like] food to [the] charity organization [and] they do their junk. But in this I know where the poor people [are at] and they say no. My emotion get me.

Board Member: Why did you choose to go to Afghanistan as opposed to other poor Muslim countries?

Detainee: Because no one go there to help them. I tell you the charity organization they refused to go there. Many of the charities refused to go there because [of] the war. I say, "There is no war. Don't be afraid, no war. Go and give them comfort." But they say

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"No." Because of that I go first time, I go to the charity organization I tell them this the money. Go to poor people give [to] them. I stay in my home and I stay in my job. The evidence that I want to go back to my country, [is that] I take a vacation because I don't want to lose my job. I don't lose for my job okay; I will go because if you go there to fight that mean you will never come back. I didn't do this I want to come back. I don't want to fight or give any organization, terrorist or not terrorist I only want to give [to the] poor people.

Board Member: How does the injury on your hand affect your ability to play volleyball?

Detainee: I get suffer too much for this. You know it's the only problem I have when I make the block. You know the block? When he hit, I make the block and it hit my hand I will feel dizzy, sometime I throw-up. Then what I do, I put bandage [on] my hand, and try to make it harder, harder. It's not coming normal until now, it's not normal. If its good spike, hard spike I feel really [a lot of] pain, but I be patient that only what I have, because I spike [with] my right hand, this left hand. That only that problem and I really suffer about this.

Board Member: I'm kind of an athlete too and I think your telling the truth.

Detainee: What you play?

Board Member: Karate, Martial Arts.

Detainee: No, no I'm away from martial arts.

Board Member: One of the things that were in the Unclassified Summary it said in 2000 you traveled to Afghanistan and attended a training course at a Libyan training camp. Did you do that? Do you know anything about that?

Detainee: I don't know from where they bring this story.

Board Member: Did you run into any Libyans while you were in Afghanistan?

Detainee: No, no. I didn't go to Afghanistan this year, I go to Pakistan something... my personal issue. I didn't go to Afghanistan. I didn't go there.

Board Member: Okay, you didn't go in 2000, but you went later?

Detainee: Afghanistan I didn't go. I go only one time, this time only.

Board Member: Okay, all right, thank you.

Detainee: Because I tell you, what happened to me [it is] hard [for me] to carry a gun or [if I] see like a bomb, what happened this to me (*shows left hand*) I have many nightmares and it [really] affected me a lot and hurt me a lot?

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Board Member: I understand, thank you.

Presiding Officer: Lets go back a little bit. You said you had \$15,000 dollars in your possession right after September 11th. Why so much money in cash?

Detainee: I have sometimes you are human being you see something, if you have like \$20,000 dollars in your pocket or you have \$20,000 dollars. I challenge you if you are really [a] human being not a good human or something. Anyone [may] come to you and they cry [even] if you don't know him [and they] come to you and cry and beg you like this (*makes begging motion*) and you have the ability to give him, you will give him that immediately. Think. God will give me another, especially [when you] do [a] good thing, that [is] what happened to me. It's a big money for me; it's a big money for me. I keep it in my home and I keep some in the bank. This when I feel it, I say I go and I give them. Because I know God give me this money, God give me this life and he can take it away from me like this (*snaps fingers*). What God give me that I don't give the [to] people, why? He can take it away from me. Like now you are Colonel, God can make you a poor, beggar, all of us. He can make [you] like this (*makes begging motion*), anyone, anyone. God give, God take. If you have this belief, and if you give, God will give more. This come, God didn't give me more but Thank God.

Presiding Officer: Did someone come and ask for help?

Detainee: No.

Presiding Officer: Why in US currency?

Detainee: Every time I go, everywhere I go through the National Team, I go to Asia, to Europe, to Arab countries, anywhere we only take US. Because US everywhere in the world so we go. I cannot take Kuwaiti. I don't know if they have Afghani [or] what they take, but I know US go. Because I'm National Team I go all over the world. Even I go to Korea, Thailand, Bulgaria, Hungary, Lebanon, [and] Egypt everywhere, even Iran, everywhere US. So I take only US.

Presiding Officer: Do you normally keep that kind of cash on hand all the time?

Detainee: US or normal?

Linguist: Do you mean the amount sir?

Presiding Officer: Normal. The amount.

Detainee: Like I tell you [in] my country because what happen when Saddam Hussein when he come. Because when he invades Kuwait all the Banks shut down and we don't have anything to live [on]. Now I make for the future. I put some money in the home and some in the bank. If any thief, come [into] my home and steal my money, I have some in the bank. If anything shut down in the bank or Saddam Hussein come or

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something, I have [money in] my home. Before I [got] married, I don't have children [and] I don't care. But now I have a family. I care about them, I must think about them.

Presiding Officer: What was your salary? How much of that \$15,000 that you had how long did it take you to acquire it?

Detainee: My salary [is] about \$3,200, \$300, I don't know exactly.

Presiding Officer: A month, a week, what?

Detainee: A month, [I made in] a month \$3,000 [and] \$200 dollars like this, without taxes.

Presiding Officer: Doing what specifically?

Detainee: I'm like a supervisor, a supervisor of the water. I see the pipes, I see the engineers making the pipe or something. I see [if] it's good or not. I write it's good or not. That's my job, for all of Kuwait, because we are small country.

Presiding Officer: When you took that money and you left. What about your family? What did they think about you...?

Detainee: Of course, I didn't tell my Father and Mother. Because they know it's dangerous for me but I didn't know that it's not dangerous for me. I'm adult man, I go where I [want] go. I have my money, normal. [If] I want to go to Eskimo, I go, [if] I want to [go] there anywhere, [if] I want go to anywhere I go. If it's not legal I will go. In Kuwait in the passport, they didn't say don't go in this country [or] this country, [or] this country. I have many countries to go, everywhere.

Presiding Officer: When you took that amount of money with you, what did your family survive on?

Detainee: I have other money in the bank.

Presiding Officer: So they know to go to the bank and get it.

Detainee: Yea, I give them my card, they have everything. Because [during the] short time when I go [with] the National Team, 2 month, normal, I give them everything. Short time only I think 5 or 6 days, take 12 maybe 13 days, short time. But the problem I stuck there that the problem only. Or 100 Dinar, 200 Dinar able to fix their life that time, normal, they don't need anything, cause I have everything in my home from food, everything.

Presiding Officer: So other than your Mother and Father, your wife and your children knew you were going?

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Detainee: My children not talking.

Presiding Officer: But your wife knew you were going?

Detainee: Yea, yea, yea... I tell them I would go, normal.

Presiding Officer: What was her reaction?

Detainee: She afraid. So I tell her no, no... not afraid, normal, because I go to and come back.

Presiding Officer: Where you concerned about them, their well being while you were gone?

Detainee: They have everything. Of course I concerned about them but they have everything and I [am] concerned about them, yea, of course. That is not big deal, like big deal, because I try before for 2 month, many times and nothing happen then. They have my brothers; my Father and Mother care about them and the family. She has her brother and Mother and Father, we have family, beautiful family we care about each other we care. Problem in this situation I concerned, too much concerned now because I'm [in] Cuba. Always I think about them.

Presiding Officer: Tell me a little bit more about the Casio watch you talked about before. Is that type of watch the most common where you're from or what? Is that the only type of watch you could get?

Detainee: I was before I take the normal watch, like this (*points to Assisting Military Officers watch*). I like this type of watch, *analog*. I like this analog; I have many of this [type of] watch. When I see one from the people [that] wear the Casio watch, I like it. Where you from get it? From the Casio, okay I go out and buy it, normal. I don't know about it before, but when I see someone from where I visit what to do during the playtime bring like this a good thing I say normal thing. No big deal. In Kuwait, famous, it's famous, anyone to get from this type, from this type, from this type, from this type.

Presiding Officer: Okay, thanks. What do you plan to do in the event you are released from here? What are your plans for the future?

Detainee: Like I tell you, I want first thing to get with my family and see my family and stay with my family. If I get there I will stay with them and care about them and raise them. After that if I get [a] little bit [of a] rest I will find a job. If I have the old job I will continue the job. If I don't have it [and] I lose my job I [will] find another job. To continue my life and I like to go back to my player, to my team, my National Team. Like I tell you to play another time to bring championships like this. I really want to go to back [to] my family, to stay with them, to raise them, to care about them, my sister's children, even the same. They don't have a Father; I'm their Father, to raise them, to stay with them, to look [for] what they need. They need me.

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Presiding Officer: You think your still a good player?

Detainee: Yea, I think so. Because we don't have... now here I'm in Cuba... very famous. Maybe don't... I don't [know if you] hear about me or not, but I am very famous. No one play against me because only I spike hard. Like I tell him (*indicating the Assisting Military Officer*) don't have a good setter [here], because of that I want to go back to have a good setter to spike good. That really....

Presiding Officer: I have one last question for you. What do you think about Usama bin Laden?

Detainee: This guy he brings for you and for me the trouble. You are here and I am here from Usama bin Laden. I don't agree [with] what he [is] doing. I don't... I hate what he [is] doing. Innocent people or something or not innocent people killing, I hate killing. He's now like Saddam Hussein, he brings only trouble [to] people. [What] I think about him [is] that he's not good person.

The Presiding Officer reads the post-Administrative Board instruction to the Detainee the Detainee has additional questions.

Detainee: There is question, when you give me the answer?

Presiding Officer: What we will do is, we will make a recommendation to the Designated Civilian Official in Washington D.C. At this point, I cannot tell you how long it will take. It is an administrative process it could take a week, a month, a year, I don't know. I hope it wouldn't be a year but the time it would take is uncertain.

Detainee: I hope that it will be everything good. I hope that another time... and I hope that would be, that there wouldn't be another time. Another time, don't bring me more charges, and don't make me friend of bin Laden, after that you make me friend of Saddam Hussein, Hitler and Mussolini. Then you say I the friend, the closer friend of the Devil. I hope that everything will be good and we finish this and everyone go to his home.

Presiding Officer: You through?

Detainee: Yea.

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

The Presiding Officer opened the classified portion of the session.

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

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AUTHENTICATION

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



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Summary of Administrative Review Board Proceedings for ISN 232

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

The Designated Military Officer 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 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, and DMO-2 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 Information, Exhibit DMO-1, to the Administrative Review Board.

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

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer also submitted a document from the Detainee's lawyer and multiple letters from the detainee's family and friends (Exhibit EC-C) to the Administrative Review Board.

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.



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**SUMMARY OF ADMINISTRATIVE REVIEW BOARD
PROCEEDINGS FOR ISN 217**

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

The Designated Military Officer 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) to the Administrative Review Board.

The Presiding Officer confirmed that a copy had been previously distributed.

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

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

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he previously submitted a summary of the interview. The AMO verbally summarized comments made by the detainee during the detainee's interview and then read the detainee's written statement.

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. Army
Presiding Officer

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29 Apr 05

From: [REDACTED]

To: Presiding Officer

Via: [REDACTED]

Subject: Translation of Detainee's Verbal Statement regarding Torture made by Abd Al Aziz Sayer Al Shammeri, ISN #217, on 28 Apr 05 to OARDEC Linguist [REDACTED]

During the follow-up interview, the detainee was explaining to the AMO why he was not as proactive and detailed in his responses to the allegations in the ARB process, as he was in the CSRT process. The detainee started explaining his faith in God's will. He stated that God protected him from torture, fear, chaos and uncertainty and so far God has been with him, so therefore he will leave his fate in God's hands.

The detainee had previously stated that he did not wish to answer any more questions about the allegations, and the topic he was talking about was unrelated to the unclassified summary. When the detainee saw that the AMO was taking notes periodically while he was talking, he stopped and asked what the AMO was writing down and why he was doing so. When the AMO read back the line that he had written down, "God protected me from torture", the detainee said, "Don't misunderstand me. That does not mean there was no torture. We went through some very rough things and a lot of things were done to us."

He asked the AMO twice to immediately scratch out that line. When the AMO suggested that he should read that statement on the detainee's behalf and that the detainee could elaborate and explain it, the detainee declined, saying that he preferred for the AMO to scratch out that sentence.

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Addendum to EC-B
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Summary of Administrative Review Board Proceedings For ISN 213

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood. When asked if he had any questions concerning the Administrative Review Board process, the Detainee asked the following question:

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

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

The Designated Military Officer presented the Unclassified Summary of Information, Exhibit DMO-1, DMO-2, The FBI Redaction Memorandum and DMO-3, Patterns of Global Terrorism 2003 to the Administrative Review Board.

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

The Presiding Officer confirmed that a copy had been previously distributed.

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

The Presiding Officer acknowledged the request.

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The Assisting Military Officer presented Exhibit EC-C, Correspondence Submitted On Behalf Of Enemy Combatant, to the Administrative Review Board.

The Presiding Officer asked the Detainee if he wishes to make a statement and whether he opts to take an oath (a Muslim oath).

The Detainee accepted taking the (Muslim) oath.

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

Assisting Military Officer: The Detainee's initial ARB interview occurred on 10 May 2005 and lasted two and a half hours. A follow-up interview was held on 11 May 2005 and lasted one and a half hours. After a review of the Unclassified Summary of Evidence, during the initial interview, the Detainee stated that he would like to attend the ARB. He said he would like the AMO to speak on his behalf but would like to make comments to the Unclassified Summary. He was provided English and Arabic translations of the Unclassified Summary of Evidence during the initial interview to assist in his preparation of his oral comments. The Detainee was very cooperative and well behaved. I would like to make one more statement in reference to the Unclassified Summary of Evidence. He (the Detainee) was given a copy the night of the first interview [but] he was never given that copy to sit down and make notes and [he said that] last night due to his moves, he didn't have an opportunity to sit down and make notes [either].

Board Member: Are you trying to say that the Detainee up to this point has never been given a copy of the Unclassified Summary in which he can make notes with or what?

Assisting Military Officer: No. He was given both copies, English and Arabic but he was given the opportunity on his time to sit down and write down any comments.

Board Member: In other words, he did not have the...the Detainee Operations Group did provide him a pen [or] a paper and you confirmed that with the Detainee operations control group?

Board Member: Yes.

Presiding Officer: However, there's the documents provided in enclosure EC-B. It looks like there has been a response to all of these. These were obtained in the oral interview is that correct?

Board Member: Yes, sir.

Presiding Officer: So has responded to that. We will go ahead and continue. Your words are noted.

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Assisting Military Officer: Yes, sir. Thank you. The Detainee provided the following comments in response to information in the Unclassified Summary of Evidence: In response to the allegation that the Detainee was assessed by a foreign government service to be a hardcore extremist, the Detainee stated that he doesn't have a relationship with any foreign government. He stated [that] if this information is correct, the name of this country should be brought to this board. In response to the allegation that the Detainee decided to go to Afghanistan to build a mosque, he made arrangements to travel to Afghanistan after September 11 attacks, leaving the return flight date open. The Detainee left Kuwait on either 21 or 22 September carrying \$15,000 in U.S. currency to build his mosque, he stated [that] yes, he went to Afghanistan to assist in the building of a Mosque. Then he made the statement that if there are criminals in an Arab country and I go there, does it mean that I'm one of them? He also stated that his return flight was an open date, but up to a certain date and you must confirm [by] 72 hours. This is a requirement from Kuwait Airlines. The Detainee answered that he had \$15,000 to assist in the building of a mosque. In response to the allegation that the Detainee traveled to Afghanistan from Kuwait City by plane to Meshat, Iran where he hired a car to the Iran/Afghanistan border, spent one night in Taibot, Iran, before crossing the border into Afghanistan, traveled to Namruz, Afghanistan and from there to Kabul, Afghanistan where he worked with Al Wafa repairing homes and schools for the poor, the Detainee stated this is true with the exception of his work with Al Wafa repairing homes and schools for the poor. He said that he donated \$1,000 for aid in the construction of a school. In response to the allegation to that the Detainee donated \$1,000 U.S. [dollars] to Al Wafa in Kabul to build a school, he gave an Afghani \$2,000 to assist refugees on the border and \$9,000 to build a mosque and his remaining \$3,000 and his passport were stolen from a house he was staying at outside of Kabul, the Detainee stated again, as he said in the previous allegation, he did give he did give \$1,000 to Al Wafa for the construction of a school. He said [that] yes, he gave an Afghani (Ali Faheem) \$2,000 U.S. dollars to assist refugees at the border and \$9,000 to help build a mosque. The Detainee also stated that his remaining \$3,000 and his passport were stolen from the house that he was staying at outside of Kabul.

The Administrative Review Board took an administrative pause to confirm the wording of the allegation stated prior.

Detainee: Would you like for me to clarify how I gave my money to Al Wafa or [the] other organizations?

Presiding Officer: Sure.

Detainee: When I donated money to Al Wafa I didn't know anything about Al Wafa, not in Kuwait. It is written [as] an organization [that] helps refugees. Why I am accused of it? I don't know anything about Al Wafa. There were no witnesses there that saw me donating the money. I volunteered this information myself. This is proof that I don't have anything to fear.

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Presiding Officer: All right, thank you.

Assisting Military Officer: In response to the allegation that the non-governmental organization "Wafa," officially named Al Wafa Al Igatha Al Islamia or Wafa Humanitarian Organization and headquartered in Saudi Arabia is believed to have connections to Usama Bin Laden and Afghan mujahidin, he stated that he doesn't have any knowledge of this. In response to the statement that the Detainee received training about Lashkar E-Taiba and that the first time he ever he heard of this organization was during the CSRT. He also stated that he has never been to Pakistan and the Kuwait government can verify this. In response to the allegation that the detainee's name appears on a computer file used by suspected Al Qaida members listing the names of Detainees incarcerated in Pakistan and this file was recovered in a suspected Al Qaida house in Islamabad, Pakistan, the Detainee stated that after he turned himself over to the military and police near the border, they took him to a hospital in Pakistan where he was treated for very bad stomach pains and exhaustion. He also said that he was transferred from the hospital to a prison where a Pakistani soldier took pictures, fingerprints and the names of the Detainees. The Detainee stated that one evening a Pakistani officer with three stars on his shoulder came and took pictures of them with a camera while another soldier was on the other side of the bars. In response to the statement that the Detainee's name and telephone number were on a list of captured mujahidin members that was discovered on a computer hard drive associated with a senior Al Qaida member, the Detainee stated that he has no knowledge of this and that this point was discussed with a female interrogator prior to the CSRT. He stated that in Pakistan, an individual who identified himself as a Saudi government official said that he was there to help the Saudi detainees and I gave my number to one of the detainees to contact his family and then his family would contact the Kuwaiti authorities about his detainment. In response to the allegation that the Detainee's name, home country and phone number appear on a document containing information regarding the capture of Al Qaida and Taliban fighters by Pakistani officials in Nangahar Province, Pakistan who crossed the border after the 11 September 2001 retaliation, he said that he does not know anything about this and if it were true, he would like to see the document. In response to the allegation that the information listing a safety deposit box and passport for the Detainee appears on a floppy disk recovered from a suspected Al Qaida safe house in Karachi, Pakistan, he stated this is not true, as I stated earlier that [my] money and passport were stolen. In response to the statement that according to a foreign government service the Detainee may be an associate of Abu Gaith, the Detainee said who is this foreign government service that is making this allegation and who is Abu Gaith? In response to the statement that Abu Gaith was the Imam of a mosque in Kuwait and later became a spokesman for Bin Laden, the Detainee said I will swear to an oath that I do not know where this man prays and that the Kuwaiti delegation has visited him twice and they never asked him about Abu Gaith. In response to the allegation that the Detainee was captured with no identification papers, he said he was not captured, but went to a place where the military and police worked together and turned himself in near the border. He also said that he had no identification papers because his passport was stolen. In response to the allegation that the Detainee's name has been pre-authorized for placement in appropriate government agency watch

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lists, he stated that he has never had any problems with the Kuwaiti or any other government, not even a traffic violation. In response to the allegation that the Detainee is linked to the Takfir Wa'al Hijra (TWH), he stated that he doesn't know anything about this.

Presiding Officer: Does this conclude your statement?

Detainee: Yes, but if you [would] excuse me, I would like to say something.

Presiding Officer: Go ahead.

Detainee: I have no problems with [the] American government or any other government or any other person. The FBI and [the] CIA [have] interrogated me during [the past] three and a half years. None of them [have] said that they have seen me somewhere or that [I] have done something. I didn't [commit] any crime and I do not support any crime, not only in America but anywhere else. I don't know why I've spent all this time here. Outside, my family needs me more. I have a younger brother who studies in the United States. On the contrary, he got a scholarship from the Kuwaiti Embassy because of his good behavior. I have other brothers [who are] older than me. One of them is in the Army and the other one is a police officer. I don't have [any] problems with any other person or government...not even in Kuwait or out side Kuwait. I attend[ed] this ARB with the confidence that you are going to take my case [into] serious consideration. Because of that, I feel that you are doing a lot in order to help me. [That] there is importance [in] my case. I ask you [to] please take a look at my case seriously. This [time] that I've spent here is not easy. That is all I have. Thank you.

Presiding Officer: In a moment we will ask you some questions.

Detainee: Very good.

The AMO had no further questions for the Detainee.

The DMO had the following questions:

Designated Military Officer: I have one question. In reference to EC-B page 2, the third paragraph down. The Detainee basically agrees with this statement with the exception of [his] work with Al Wafa repairing homes and schools for the poor...

Detainee: I did not work with Al Wafa. I wasn't [in] their employment. And I didn't rent a car. I took a taxi. I didn't rent a car and drove by myself. I wanted a driver with a taxi.

Designated Military Officer: My question is, were you helping the people in Afghanistan to build homes and repair schools? Was that what you were doing there or did you just donate the money?

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Detainee: I gave the money to build the mosque and I gave Al Wafa organization the money [too] but they had their own project, which means that I didn't work with them.

Designated Military Officer: What did you do on a daily basis? Did you work?

Detainee: No, no, no. I visited only once and I only gave them the money.

Designated Military Officer: What were you doing on a daily basis? Were you working? Were you helping to build schools?

Detainee: No, no, no. There is an organization...they have an office. You go to them and [they] say 'we have this project and this project.' You give them the money that you want to donate and you go. That's all.

Designated Military Officer: Besides from Al Wafa, what were you doing on a daily basis?

Detainee: I stayed for a little while in Ali Faheem's home. After I donated the money to build the mosques and all the other donations, I wanted to go back but they told me that the borders were closed.

Administrative Review Board Member's questions:

Board Member: Thank you for taking the trouble to come here today. We are not going to interrogate you here; other people have done that already. We are going to ask you some questions about events in your past and your role in those events. In your answers, I want you to tell us the whole truth so that when you leave we know you were truthful with us.

Board Member: I have one question. [In your statement] you mention this gentleman called Ali Faheem. Who is Ali Faheem?

Detainee: This guy was working in Kuwait. I knew him from Kuwait.

Board Member: You said you were staying in Ali Faheem's house? Is that what you said?

Detainee: I stayed with him in a house that belongs to his family. It is outside of Kabul.

Board Member: What was Ali Faheem doing in Afghanistan?

Detainee: It's his country.

Board Member: Oh, he is from Afghanistan?

Detainee: Yes, yes. He was working in Kuwait.

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Board Member: OK, so he is from Kuwait and he is working in Kuwait but what was he doing in Afghanistan? What was Ali Faheem doing in Afghanistan?

Detainee: Ali Faheem was a carpenter in Kuwait and after he went to Afghanistan.

Board Member: Thank you.

Board Member: I have some questions. Prior to September of 2001 had you ever traveled previously to Afghanistan?

Detainee: No, this time [was my] first time.

Board Member: Not even to visit your friend Ali Faheem previously?

Detainee: No.

Board Member: How long had you known Mr. Faheem prior to traveling to Afghanistan to visit him?

Detainee: He built a house for me approximately two years before he left.

Board Member: Prior to leaving for Afghanistan, were you employed? Did you have an occupation?

Detainee: Yes.

Board Member: What was your occupation?

Detainee: I was an employee at the Ministry of [the] Interior.

Board Member: And you were employed there just before you went into Afghanistan?

Detainee: No, no. I left the job [approximately] ten months to one year [before].

Board Member: You resigned from that job a year earlier roughly?

Detainee: Yes.

Board Member: Why did you quit from that job?

Detainee: The Ministry of the Interior was very demanding. I spent a lot of time [there]. And I preferred to be close to my family to take care of my parents.

Board Member: After you quit your job at the Ministry, how did you earn a living?

Detainee: I had a little commerce.

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Board Member: What type of commerce did you engage in to earn a living?

Detainee: I sold watches and cell phones [in] a little store. And I sold used cars [too].

Board Member: After you resigned from your job at the Ministry, during that nine or ten months when you were not working there prior to traveling to Afghanistan, did you travel to any foreign countries in that period?

Detainee: No.

Board Member: Were you aware of the events of September 11th, 2001 that happened in the United States?

Detainee: Yes, the TV and the news in Kuwait stopped all of their programs and talked only about that.

Board Member: So the television programs revealed that there could be a growing conflict and animosity between [the] Afghanistan Taliban government and the United States, correct?

Detainee: I didn't hear [about] that.

Board Member: You didn't expect or anticipate [that] there could be some growing conflict between Afghanistan and America based on these attacks and what the media showed you on television...that there could be troubles in Afghanistan?

Detainee: No, I didn't. I didn't expect [an] invasion and a war and this...I used to work in the Ministry of [the] Interior and if a person was wanted he would be delivered to the Interpol (International Police). Do you think that if I knew that there was going to be a war there, even a civil war just between them, you think I would go there?

Board Member: That is what I was wondering about. I was wondering if perhaps you had checked with the Kuwaiti embassy if traveling to Afghanistan would be safe at that time considering the state of affairs in America and Afghanistan?

Detainee: I didn't talk to the people responsible for traveling.

Board Member: Why didn't you fly directly into Kabul when you went to Afghanistan? Why did you decide to travel to Iran beforehand and then take a car to Kabul?

Detainee: There were no direct flights from Kuwait to Kabul.

Board Member: Was there a direct flight to Peshawar, Pakistan, perhaps?

Detainee: I don't know if there is. Maybe [there is] with Pakistan Airlines but I went to Iran.

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Board Member: I understand you traveled to Afghanistan with \$15,000 U. S. dollars. What was the denomination of that money? Was it hundred-dollar bills, fifty-dollar bills [or] a mixture of money?

Detainee: Hundred dollar bills.

Board Member: All hundred-dollar bills?

Detainee: I changed like a hundred or two hundred dollars just to have change [in case] I went to the restaurant or for personal expenses. I changed it in Iran.

Board Member: But the bulk of the money was hundred-dollar bills?

Detainee: Yes.

Board Member: Did you carry any luggage?

Detainee: I had a little bag like a sports bag.

Board Member: Just one sports bag?

Detainee: It has a little bag...a handbag that had [my] money and [my] passport.

Board Member: The \$15,000 in hundred-dollar bills, did you keep it in your handbag?

Detainee: Where would you like me to put it? I [didn't] have [another] place to put it.

Board Member: I was just wondering how you carried this amount of money. Whether you had it in your suitcase, your handbag, like you explained. It's an awful lot of money to carry into a country that is not very affluent.

Detainee: Well you see, they are not that sophisticated in Afghanistan [to] have offices for exchanges. You will see people changing money on the streets. He sits and exchanges the money and when he is finished he takes his chair and he leaves.

Board Member: I understand.

Detainee: Even in the Iran airport I wasn't searched or asked why...it was a simple inspection...they asked me what I had and I said I had my clothes and that is it. You open it (the bag) and you put it through the scanner and he gives it back.

Board Member: I understand.

Detainee: Even when I went to Iran and I talked to the interrogator about that it was no problem. Nothing happened.

Board Member: I understand.

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Detainee: [They asked me] a question or two...simple questions.

Board Member: I understand.

Detainee: Prior to your arrest, had you been to Pakistan?

Board Member: I didn't enter Pakistan and I wasn't captured. I delivered myself. I went to them myself. I wasn't captured. This point about Pakistan and [them] capturing me, it is very important that you do understand it. The soldiers in Pakistan know and it is known now all over the world [that] when they capture somebody they get a reward. What people do is [that] they capture somebody and they say that [he] is from Al Qaida and he is from so and so and he is from so and so...those people that [do the catching] they take people and deliver them...believe me...even if they have to deliver their nephews for money, they will do it. And there is a place there...the reception of [the] delegation, one guy met me there and told me that he was from the FBI. I am not sure. When we talked about this point here he confirmed that this is true. And to prove [it] there are some people that have been delivered (to the U.S. soldiers) from the United Nations [delegations that were] assigned to [work in] Pakistan. They said that they were from Al Qaida and [really] they were from the United Nations delegations. I am giving you a small example but there are a lot of things that happen.

Board Member: I understand it seems that you don't like Pakistani people very much. Is that true or is that not true?

Detainee: No, no, no, no! Iraq invaded us and took our country. We don't have hatred [towards] people...we don't. My brother was captured by Iraqi people during the Gulf war.

Board Member: Did your father ever ask you to travel to Pakistan to follow up on a mosque that he had invested in?

Detainee: My father didn't have a mosque in Afghanistan. My mother is the one who has a mosque in Pakistan...long time ago...long time ago. The money that I had and everything I did was in the name of my father or my mom.

Board Member: My question is did your father ever ask you to go to Pakistan to check up on this mosque?

Detainee: The mosque is my mothers' mosque. It is not my fathers' mosque. It is an old mosque.

Board Member: Did your father ever ask you to go visit your mothers' mosque in Pakistan?

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Detainee: Yes, yes.

Board Member: Did you obey your fathers' orders or did you disregard them?

Detainee: He said 'this is your moms' mosque, take the address with you and if you need something go there and visit. That is your moms' mosque and it has been there for a long time.'

Board Member: And your father told you this before you went to Afghanistan to visit your friend Ali Faheem?

Detainee: No...he talked to me before I traveled. He told me that if I went to Pakistan to visit my moms' mosque. He didn't precise any time. He said [to do it] when I got a chance...you know? He was advising me that if I went there and I stay there (Pakistan) [to] visit the mosque and see if they need anything.

Board Member: Did your father know that you had traveled to Afghanistan when you left to go there?

Detainee: I mean...I lived with my parents and I did things with them but they don't impose on me what to do or order me around but I do things to help them because we live together.

Board Member: I understand but my question was did you tell your father that you were going to Afghanistan before you traveled there?

Detainee: Yes, I told him I was going to travel by plane next week but he didn't know the exact time. I didn't talk to him about the exact time. I used to travel in the Gulf but I've never been out of the house more than thirty days.

Board Member: And the \$15,000 that you took with you, was that your money or your families money?

Detainee: Of course, my mother and my father gave me some money but I was the one in charge of the money. I lived with them in the house. I didn't have any expenses.

Board Member: So it was your money or it was your families' money? I don't understand which.

Detainee: My father or my mother, for example, would give me a thousand dollars and I accumulated my money aside. I didn't have any expenses so I saved it. If they needed it a certain amount of money they could use it too. Talking about this amount...I volunteered myself to the interrogator. I am the one that told them [I had] \$15,000 without being pressured from anybody.

Board Member: I understand. I appreciate your answers.

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Detainee: I am (inaudible)...\$15,000 or \$30,000 cannot finance a country. How can I be part of [this] organization?

Board Member: Do you help support your mother or your father or are they on a pension? Do you contribute to their support in any way?

Detainee: Yes. They have a good retirement and I live with them. Our money is all together but I help them a lot when they need to go to the doctor. I am always in the house with them. I am in charge of them. My mother and my father have an average families retirement from the Kuwaiti government. My father has a big house from the Kuwaiti government as part of his retirement.

Board Member: Did you discuss with your father your intentions to travel to Afghanistan and this large amount of money you were going to [take] with you before you left to Afghanistan?

Detainee: I don't have to tell him how much money I am taking or [anything]. My father is a simple man. [I told him] I am going to take care of [a] mosque and that's it.

Board Member: I only have a few more questions.

Detainee: You are not writing or you are not even reading.

Board Member: I am listening very carefully. I understand that you lost your passport prior to leaving Afghanistan, correct?

Detainee: Yes.

Board Member: Do you have any idea why the thief would put your passport in a safe deposit box that is associated with Al Qaida operatives?

Detainee: I don't know the purpose. I would lie to you if I say. They stole my passport. I don't know.

Board Member: I appreciate your answers.

Detainee: I am the one in charge in the house. [I take] care of my father and my mother. I mean...there is a great deal of confidence between [us]. They don't even ask me what to do I just do it for them. There is trust between us. I have my brothers. They are all well. They have their projects. We all get along well. I don't have any problems with them. For that reason I am the closest one to my father and mother, because they are all married with their kids and everybody is out of the house. I am the only one in the house with my father and my mother.

Board Member: I am sure your parents miss you very much.

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Detainee: In general, yes.

Board Member: Is \$15,000 a lot of money to you?

Detainee: I am going to build a mosque. You have to have at least \$15,000. If I can build the mosque for less it is in my benefit and I would do it but the least amount you need to have is \$15,000.

Board Member: But would you agree that \$15,000 is a lot of money?

Detainee: A lot of money from one point. For example, if you are a tourist, yes it is a lot of money but if you are building a mosque it is not.

Board Member: I imagine you must have safeguarded it very well during your travels.

Detainee: I had it in my bag with me.

Board Member: So you kept it with you at all times?

Detainee: It was in the bag and when I had the bag it was with me...

Board Member: But was it in your possession at all times?

Detainee: At all times except when I am in the house. [Then] it is probably sitting in a place. The room in which I was, I left it there but I went outside or went to wash myself, it was there. The money [was] in the room.

Board Member: OK, now, you stated that \$3,000 were stolen that you left in the house. Why would you leave \$3,000 behind in the house?

Detainee: It was in a little handbag with the passport and it was in the sports bag and I had a little [bit of] money with me to go out.

Board Member: Why did you leave it behind? That is a lot of money to leave behind.

Detainee: Where would you like me to leave it because when you go to the grocery store or you go somewhere on the street people are looking at you, so I took [only] a little [bit of] money with me. And I [thought that] it was safer in the room. In my opinion that was the safest place. In Kuwait when [you are in the car with a friend] and he goes out of the car and you stay in the car where there is a lot of money and they don't worry about it. The people in Kuwait will even come and ask you to count their money for [them]. If I found the exchange offices I would use them and this country is a little behind.

Board Member: OK. I have a question along those lines... about a country being behind. Was there any way to mail a check to these charitable organizations? Did you have to hand deliver the money?

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Detainee: I didn't know the organization before I left Kuwait. When I [got] to Afghanistan I found this charitable organization.

Board Member: Al Wafa, is that who you are referring to?

Detainee: Yes. When I [got there] I gave them...

Board Member: Thank you.

Board Member: What other countries have you traveled to?

Detainee: In the Gulf to Bahrain, United Arab Emerits, Saudia (ph), Arab countries...other Arab countries...Jordan...in Jordan I didn't stay a long time there...one, two or three days and then we went to Syria. I traveled to Thailand. There were some countries in which I went two or three times.

Board Member: How many times to Thailand?

Detainee: Three or four...I am not sure.

Board Member: [You went] on holidays or vacation?

Detainee: I don't mean what is vacation to you...I was going there on business.

Board Member: Your name appears on several lists and one agency lists you as an extremist.

Detainee: Extremist...this word is not true.

Board Member: Extremist as it relates to a terrorist.

Detainee: If you tell my neighbors and my family this word, they will laugh.

Board Member: But your family and your neighbors aren't on the list, you are.

Detainee: They know me better. This is impossible. My country knows me very well.

Board Member: One more thing here. How would you describe your behavior towards people at Guantanamo?

Detainee: People here means Detainees or soldiers (guards)?

Board Member: Soldiers...the guards.

Detainee: The ones that follow the rules you are at ease with. The rules don't allow them to insult you or hurt you. The ones that [break] the rules make you suffer.

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Board Member: And then you react to them out of your rules?

Detainee: What do you mean [by] 'my rules?' I don't understand.

Board Member: That means [that] if they act inappropriately towards you, you act inappropriately towards them.

Detainee: I mean...I have no power. The simplest thing to do is to ask for the linguist and talk to them. [A] linguist told me once that I create problems and I told him that I don't create problems and I don't have anything [against] soldiers. I have never hurt any soldiers and [you can even] look in my file. If a person is preoccupied thinking about their home, their mother or father, [he] doesn't have time to have problems with the soldiers.

Board Member: In our considerations we look at what happened with you in the past as well as what is going on with you now at Guantanamo [Bay, Naval] Base with the soldiers. It is all a bigger picture. There is a picture here...a picture here. I would encourage you to be very cooperative with all of the people here...Detainees and soldiers.

Detainee: Very good.

Board Member: Last question. I want you to explain why you believe you are no longer a threat to the United States or its allies.

Detainee: I don't pose [a] threat on the United States or its allies or not even the ones that are not allies [of] the United States. I don't pose a threat on anybody. Thank God that in all of my life I have never had a problem with anyone in school, at work or with my neighbor. They taught us how to forgive because when you forgive your parents are proud of you. They taught us how to be affectionate. I do not pose a threat...not in the past...not in the future. In my situation now my parents are most important. I was late to get married and the reason for that [was that] I was so busy with my parents because they are a little old and tired.

Board Member: I know about old and tired.

Detainee: You are a father and you know the relation[ship] between [a] father and [a] son.

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

Detainee: This means if they continue to detain me?

Presiding Officer: Yes.

Detainee: I am optimistic for good things.

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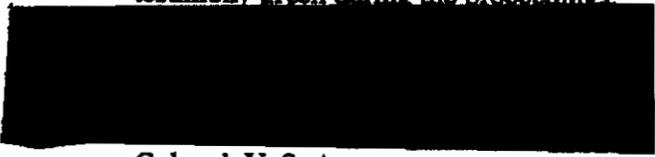
The Presiding Officer adjourned the open session of the Board.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U. S. Army
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 065

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

It was noted by the Presiding Officer that from Exhibit EC-B, the Detainee had chosen not to be present for the Administrative Review Board proceedings.

The Presiding Officer confirmed that the Assisting Military Officer had met with the Detainee and informed him of his rights regarding the proceedings, that the Detainee appeared to understand the process, that the Unclassified Summary of Evidence was read to the Detainee, that a translator was used during the interview, and that the Assisting Military Officer confirmed that the translator spoke the same language as the Detainee.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-5, to the Administrative Review Board.

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

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

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

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

The Presiding Officer acknowledged the request.

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

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, USA
Presiding Officer

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UNCLASSIFIED//~~FOUO~~

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SUMMARY OF ADMINISTRATIVE REVIEW BOARD
PROCEEDINGS FOR ISN 229

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

The Designated Military Officer 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) to the Administrative Review Board.

The Designated Military Officer presented the FBI Redaction Certification (Exhibit DMO-2), the Department of Homeland Security Terrorist Reference Guide (Exhibit DMO-3) and the Habeas Attorney's Inputs (Exhibit DMO-4) to the Administrative Review Board.

The Presiding Officer confirmed that copies had been previously distributed.

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Enclosure (5)

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

The Administrative Review Board Members paused briefly to read the Unclassified Summary of Information.

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

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that the Detainee did not provide any written statements but the Detainee did ask the Assisting Military Officer to present his comments related to the Unclassified Summary of the Evidence to the Administrative Review Board.

The Assisting Military Officer made comments relating to the Review Board interviews.

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

The Presiding Officer opened the classified section of the session.

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

AUTHENTICATION

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


Captain, USN
Presiding Officer

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Enclosure (5)
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000716

Summarized Administrative Review Board Proceedings

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

The Administrative Review Board took a brief recess for the entrance of the Media.

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

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 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 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 the FBI Redaction Certification (Exhibit DMO-2) to the ARB.

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

The PO confirmed that the Administrative Board Members did not need any further time to review the Unclassified Information.

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 made the following statement:

AMO: Yes sir, he did, the Detainee requested that I provide a written statement on his behalf.

PO: Okay, do I have a copy of that? Is that it? Okay, this will do. [*referring to a copy of the written statement*]

AMO: Sir, may I read it at this time?

PO: Please, continue.

AMO: This is a translated statement from Khawaj (ph)...for three years I have been here, I have been giving the same statement for why I have been in Afghanistan but they keep adding things that I did not admit. I did travel from Azerbaijan to Afghanistan and I knew about the war in Afghanistan but I did not look for the Taliban. I did not admit to fighting the Americans. I was in Afghanistan to study the Koran and the Arabic language. I was issued an AKM-7.62 rifle but it was for the purpose of guarding a Pakistani Food Warehouse and I did guard food supplies. While guarding food supplies I was wounded during artillery attacks by Northern Alliance Forces. This attack happened before the Americans came. I surrendered to Northern Alliance Forces near Mazar-e Sharif in November of 2001. I did not train at the al Farouq training camp. Upon arriving Herat, Afghanistan I did meet with a Taliban officer who sent me to Kandahar to meet an owner of a Taliban safe house. I do not know Abd Al Araqi, but I do know Abdul Kareem who is just an ordinary civilian. I had no knowledge of the attacks in the US prior to their execution on September the 11th and I have no knowledge of any rumors or plans of future attacks on the U.S. or U.S. interest. If I am released than I will work, perhaps with my brother. It is signed Poolad Tsiradzho.

PO: 15 March, that's the date he gave this [*referring to the written statement*]?

AMO: Yes, sir.

PO: Okay.

The PO asked if the DMO had any further unclassified information to present to the ARB.

DMO: No, sir.

AMO: Sir, if I might break in, I'd like to hand the exhibit EC-Charlie.

PO: Yes, please do.

The AMO presented (Exhibit EC-C) to the ARB.

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PO: Okay and this is his signature? Poolad?

AMO: That is his signature. Yes sir, that is an original transcription and his signature on the bottom of that page sir.

PO: Okay. I take it that is how you spell March, the way that it is up here?

AMO: I am assuming that's the way it is spelled.

PO: Okay. Thank you.

AMO: Sure.

PO: Does either of the Board members have any question for the either the Assistant Military Officer or the Designated Military Officer?

One Board Member gave a negative reply and the other Board Member requested to ask one question.

Administrative Review Board member question

Q: Is that all he said about what he'll do when he got home was work for his brother? He wasn't any more specific then that, in terms of what his brother did ?

A: (*AMO responded*) No sir, he did not.

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

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, U.S. Marine Corps
Presiding Officer

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000719

UNCLASSIFIED

15 March 2005

From: Tsiradzho, Poolad T

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee Statement; Tsiradzho, Poolad T. for the Administrative Review Board

1. For three years I have been here, and I have been giving the same statements about why I was in Afghanistan, but they keep adding things I did not admit.
2. I did travel from Azerbaijan to Afghanistan, and I knew about the war in Afghanistan. But I did not look for the Taliban, and I did not admit to fighting the Americans. I was in Afghanistan to study the Koran and the Arabic language.
3. I was issued an AKM-7.62 rifle, but it was for the purpose of guarding a Pakistani food warehouse, and I did guard food supplies. While guarding food supplies, I was wounded during an artillery attack by Northern Alliance Forces. This attack happened before the Americans came.
4. I surrendered to Northern Alliance Forces near Mazar-e-Sharif in November 2001.
5. I did not train at the al Farouq training camp.
6. Upon arriving in Herat, Afghanistan, I did meet with a Taliban officer who sent me to Kandahar to meet an owner of a Taliban safe house.
7. I do not know Abd Al Iraqi, but I do know Abdul Karim, who is just an ordinary civilian.
8. I had no knowledge of the attacks in the U.S. prior to their execution on September 11th, and I have no knowledge of any rumors or plans of future attacks on the U.S. or U.S. interests.
9. If I am released then I will work, perhaps with my brother.

Poolad T. Tsiradzho

UNCLASSIFIED

Enclosure (4)
EC-C
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719A

15 Март 2005

От: Цираджо, Полад Т

К: Председательствующему Офицеру

Через: Помощника Военного Офицера

Предмет: Показания Цираджо, Полад Т для Административного Заседания.

1. Я нахожусь здесь три года, и уже давал много показаний о том почему Я был в Афганистане, но они приписывают мне другие обвинения, в которых Я не признавался.
2. Я путешествовал из Азербайджана в Афганистан и Я знал про войну в Афганистане. Но Я не искал Талибан и Я не признавался что воевал против Американцев. Я был в Афганистане для того чтобы изучать Арабский Язык и Коран.
3. Мне был вручен автомат АКМ-7.62, только для того чтобы охранять Пакистанский продовольственный амбар, и Я охранял продовольственные припасы. Когда Я охранял продовольственные припасы Я был ранен во время артиллерийской атаки со стороны сил Северных Алиансов. Эта атака была до того как пришли Американцы.
4. Я сдался в плен силам Северных Алиансов около Мазар-И-Шариф в Ноябре 2001 года.
5. Я не проходил обучение в тренировочном лагере Ал Фарук.
6. Когда Я приехал в Херат, Афганистан Я встретился с офицером Талибана который отправил меня в Кандахар встретиться с хозяином дома безопасности Талибана.
7. Я не знаю Абд Ал Ираки, но Я знаю человека под именем Абдул Карим который был простым гражданским человеком.
8. Мне не было известно о нападении на США до их исполнения 11 го Сентября 2001 года и также Я не знаю о никаких слухах или планов будущих нападений на США и их интересы.
9. Если меня выпустят Я возможно буду работать с моим братом.

Полад Т. Цираджо

dad

Enclosure (4)
EC-C
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719B

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: Mr. President, in December of 2004 during my initial interview with the Detainee he stated to me that he desired to address the factors listed on the unclassified summary one by one during this proceeding. He also stated that he did not require any additional assistance from myself in order to prepare for this hearing, therefore I believe he desires to make only an oral statement.

Detainee: Yes, it is true.

Presiding Officer: Ali Said, before we begin, would you like to make your statement under oath?

Detainee: No. I will swear under one condition, [that is] if you let me go home.

Presiding Officer: I can't promise anything. I cannot allow that, no.

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Detainee: Swearing in my belief is something big. I will not swear and that will make me stay longer, detained.

Presiding Officer: You can either take the oath or not.

Detainee: I do not want to. If you let me go, I will swear if not I will not swear.

Presiding Officer: OK, Ali Said, you may begin.

Assisting Military Officer: May I interject one thing, sir?

Presiding Officer: Yes.

Assisting Military Officer: I would just like for the sake of clarity make certain that the Detainee understands that the oath that we would ask him to swear is simply that his answers are truthful.

Detainee: Before I leave I will swear. If you promise me that you will let me go home after we finish.

Presiding Officer: Do you mean go back to where you are being detained or go back to your country?

Detainee: My country.

Presiding Officer: I can't make that promise.

Detainee: I will swear [but] not here. When they are ready to release I will swear [that] whatever I am going to say will be the truth.

Presiding Officer: OK, Ali Said, you may begin your presentation.

The Detainee requests to look at the unclassified summary.

Presiding Officer: Assisting Military Officer, is there a copy for him to look at?

Assisting Military Officer: Yes, sir. The translator has a copy, sir.

The Detainee requests that the translator read the items one-by-one.

Assisting Military Officer: The Detainee is a Taliban fighter.

Detainee: I am not a Taliban fighter. I have never shot one bullet in my life.

Assisting Military Officer: The Detainee participated in military operations against the coalition.

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000721

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Detainee: I have never fought the United States or the coalition. I spent all my time in the kitchen or guarding behind (inaudible). I was not in the front line. I was behind that, far away from the fighting.

Assisting Military Officer: Based upon a review of recommendations from U.S. government agencies and classified and unclassified documents this enemy combatant is regarded as a threat to the United States and its allies.

Detainee: On what basis are you accusing me of this?

Presiding Officer: You are considered a threat based on these pieces of information on the unclassified summary.

Detainee: What kind of information to the agencies have?

The Administrative Review Board takes a recess in order to ensure that the Detainee will be given an opportunity to discuss each point on the unclassified summary. The Detainee is explained that the questions read to him earlier were a summary version of the unclassified summary. The Detainee will now be read the detailed sub-questions of the unclassified summary, which were the questions, discussed during his interview.

Assisting Military Officer: The first question is under the heading of "the Detainee is a Taliban fighter." We would like his explanation on "the Detainee admitted he affiliated himself with the Taliban."

Detainee: I went to Afghanistan to look around to see how the people were doing. I have never been in any fights. All the times I spent there I was working in the kitchen or as a guard behind the frontline. I never fought any enemy.

Assisting Military Officer: The Detainee voluntarily traveled from Yemen to Afghanistan in 2001.

Detainee: Yes, it was voluntarily that I went to Afghanistan but I am not sure about the year 2001.

Assisting Military Officer: When the Detainee arrived at Afghanistan he stayed at a house used by Taliban fighters.

Detainee: When I got to Afghanistan I went right away to the kitchen in Bagram. I was not in a house. Then I went behind the front lines in the same place in Bagram.

Assisting Military Officer: Please respond to [the allegation] under the heading regarding his participating in military operations against the coalition, you served on frontlines and as a rear guard in Afghanistan where he carried an AK 47.

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000722

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Detainee: I have never been in the frontline. Yes I was a guard in the back. For a short time, I used to have a Kalashnikov. What is 47? I know Kalashnikov but I do not know what you mean by 47.

Presiding Officer: It is a type of rifle.

Detainee: No, I didn't touch a Kalashnikov and I do not know 47. The number 47 doesn't matter to me but how do you know it was a 47?

Presiding Officer: Because that is what I am reading in the unclassified summary. [Did] you carry a rifle?

Detainee: Yes, I had a Kalashnikov for a short time. That doesn't matter, why do you mention 47?

Presiding Officer: OK, we will continue with the next statement.

Assisting Military Officer: Please respond to the statement following the U.S. bombing campaign in Afghanistan, that he fled to the Tora Bora region.

Detainee: Tora Bora was in the way in which I had to go to get to my country. I didn't know the name of Tora Bora. I heard it in the prison.

Assisting Military Officer: Please respond to the statement "Detainee escaped into Pakistan where he was captured by Pakistani guards.

Detainee: I was on my way going back home to my country and Pakistan is the only place [where] they have an embassy. That was where I was going. I wasn't escaping. I wasn't escaping. The way I went to Pakistan was through Tora Bora and the other villages there. The Pakistani guards didn't arrest me. I went to them. When I went to the Pakistani guards I needed help. I asked them for help to let me know where the embassy was.

Assisting Military Officer: Please respond to based upon a review of recommendations from U.S. government agencies, and classified and unclassified documents the Enemy Combatant is regarded as a threat to the United States and its allies.

Detainee: I know myself. I have never been a threat to any country, the United States or any other country.

Assisting Military Officer: Please respond to the Detainee's overall behavior has been generally compliant and non-aggressive; however on 30 July 2004 the Detainee and several others were singing songs that encouraged resistance to the Joint Task Force mission and praised Usama Bin Laden for his actions. On 27 February 2003, the Detainee threw water on the guards.

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000723

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Detainee: That is not right. I never sang. You can find out in your way. [You can] ask. I never did it. I don't have the voice to sing or to say anything in a melody. You can ask the people around me, like the guards. I never sang.

Presiding Officer: OK, Ali Said, did you praise Usama Bin Laden for his actions?

Detainee: What Usama Bin Laden did is all against my religion. What he did and his name is bigger than what I know. The only thing I heard [is that] he did something against my religion.

Presiding Officer: OK, and finally, on 27 February 2003 as the assistant military officer mentioned, did you throw water on guards?

Detainee: In all the time I have spent here, I have never been punished. There are degrees and I am in the first degree. I have never had a problem with anybody. If I throw water, the guard would punish me. I never have gotten punished.

Assisting Military Officer: Please respond to the Detainee stated that during his initial interview the Detainee lied about attending a training camp because he was not sure who else had trained at the camp and he did not want to be labeled as a terrorist. He now admits that he attended the training for approximately 40-45 days.

Detainee: Yes I have been to a training center for about 40-45 days. I know I didn't mention it before (about the 45 days) because the Pakistani guards told me and the others that if we mention that you have been in a training camp it is going to be very bad for you. The Pakistani guards also said that I would be in a prison if I just said it. I was scared to say it. When they transferred me here to this camp and I found out I could say what had happened to me, I said it.

Assisting Military Officer: Please respond to the factor favoring your release, which is that the enemy combatant in his own his oral testimony denied knowledge that the Taliban was fighting the United States. He admitted traveling from Yemen to Afghanistan to just visit and to see what was going on with the brothers fighting the Northern Alliance there.

Detainee: That is right, I did not know that the United States and the Taliban were against each other. If I had known that I would never have left my country.

Assisting Military Officer: That concludes the complete unclassified summary statement of this Detainee.

Presiding Officer: Ali Said, is there anything else you would like to say?

Detainee: I want to say something. I wish the United States would speed up and take whatever action it needs for myself. I want to go back. I am still young. I want to my future. I want to finish my school. I want to get married. I want to change the way I am living here in the camp.

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Presiding Officer: Ali Said, does that conclude your statement?

Detainee: I don't have anything more [to say].

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.

Board Member: In 3.B.3 it says that the Detainee escaped into Pakistan where he was captured by the Pakistan guards, how many days were you in Pakistan when you were captured?

Detainee: I cannot recall [the amount of time]. I cannot remember but it was just days. Maybe [it was] three or four days.

Board Member: So it was soon after you crossed the border?

Detainee: Approximately.

Board Member: You said you went to the Pakistani guards and then they took you into custody?

Detainee: I meant to go and ask for help. To let me know where the embassy was located but they arrested me.

Board Member: In 3.A.3 you reference working in the kitchen. It reads, "When the Detainee arrived in Afghanistan he stayed at a house used by Taliban fighters. You said you went to work in the kitchen. Did you actually live in a kitchen or where were your quarters?"

Detainee: The kitchen belongs to the house.

Board Member: What was your role in the kitchen?

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Detainee: Helping the chef. While you are young and there are a lot of people in the frontlines, they can't take you now. You just help in the kitchen. That is a good thing to cook for our brothers.

Board Member: Did you live with other fighters or did you live with the kitchen staff?

Detainee: In the kitchen I worked, there are three small rooms to worship at. They are like little mosques. When I was done working I went to sleep in one of those rooms. The kitchen was used to cook for the fighters in the front.

Presiding Officer: You stated that you went to Afghanistan to visit to see what was going on. What were you expecting to find?

Detainee: Before I leave or when I leave? When?

Presiding Officer: In the unclassified summary you said you wanted to visit to see what was going on with the brothers fighting the Northern Alliance.

Detainee: In my imagination I thought I was going to see many centers with a lot of guards in them and I would see a lot of Muslims. I would find out how the Muslims were worshipping and what they do.

Presiding Officer: Do you remember the approximate date that you went to Afghanistan?

Detainee: I do not recall.

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 Board instructions to the Detainee and attempts to adjourn the open session of the Board; the Detainee interrupts stating the following:

Detainee: When will I know the answer?

Presiding Officer: I cannot tell you how long this will take. I do not know.

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

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AUTHENTICATION

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



Captain, USN
Administrative Review Board Presiding Officer

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Summary of Administrative Review Board Proceedings (with Detainee present)

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

The Designated Military Officer presented the Unclassified Summary of Information, Exhibit DMO-1, the FBI Redaction Certification, Exhibit DMO-2 and the Habeas Attorney's Inputs, Exhibit DMO-3 to the Administrative Review Board.

The Presiding Officer confirmed that a copy had been previously distributed.

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

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

The Presiding Officer acknowledged the request.

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

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Presiding Officer: At this point in the hearing the Detainee will be able to present information to the Administrative Review Board. 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 make an oral statement.

The Presiding Officer asked the Detainee if he wishes to make his statement under oath and whether he opts to take a Muslim oath.

The Detainee accepted taking the Muslim oath.

Presiding Officer: Faiz Muhammad you may begin.

The Linguist stated that the Detainee asked if he [could] get some explanation[s] to certain points before he begins.

Presiding Officer: Sure, we'll try. We'll try to explain.

The Detainee made the following statement:

Detainee: [I] understood the hearing and what [you all have] just read to [me]. But if [I] need some clarification then [I] want to use the Unclassified Summary (referring to the linguist's copy of the Unclassified Summary) because [I have] forgotten [my copy].

Presiding Officer: (speaking to the linguist) No problem. It's all unclassified, correct?

The Linguist confirmed that his copy of the Unclassified Summary of Information was unclassified.

Presiding Officer: Yes, not a problem. Please assist him in anyway that you can. Just make sure that you get back everything that you give to him.

The Linguist handed his copy of the Unclassified Summary of Information to the Detainee.

Presiding Officer: If I may before you begin, Faiz, if you have them (referring to the Detainee's responses to the unclassified summary of information) numbered and/or lettered, such as 3.A. 1. and you want to refer to that allegation just say, "I am responding to 3. A.1." and then we'll know where you're at and you don't have to read the whole thing.

Detainee: 3. A. 1. I requested a long time ago to [show] my time [that] I attended the college and the time [that] the two students attended the same college. Was that [ever] done? Do you have the answer to that?

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Presiding Officer: I don't think we have that in front of us. No. You're asking us to verify the time that you were there and the time that these two students were there, correct?

Detainee: Yes, because there is going to be a conflict with the time.

Presiding Officer: Understood.

Detainee: I also requested [information] again [a] long time ago [about the] al Farouq [training] camp. [The al Farouq training camp] was closed September 2001 [because] one of the Detainees told me. He was in training [at] that camp. I asked the interrogator to find [out] information for me. That was [a] long time ago and I have [not] heard [anything] about that [again]. Is there an answer?

Presiding Officer: No.

Detainee: (referring to the allegation listed on the Unclassified Summary of Information under) Connections, that [is] C. 4.

Presiding Officer: C. 4. Okay!

Detainee: They're referring to the Saudi Nationals, is there anyway I can find out who they are?

Presiding Officer: Not today.

Detainee: Maybe after twenty years...(detainee laughed).

Presiding Officer: Not from me today, I'm sorry. I don't have that in front of me either, but it's a good question.

Detainee: You said this is a good question. You could provide me with anything. What about the other two questions I asked [about] that you could provide me [with answers]. Weren't they good questions either?

Presiding Officer: They were good too. They were good.

Detainee: In the name of God, give thanks to God and [let] there be peace upon all the prophets of God. I want to thank you for offering me the opportunity so I can explain my situation with all the freedom that you are giving me without any pressure, physically or emotionally. I say that because they (referring to the guards) have removed the shackles and the handcuffs from me. They [have given] me all my rights, my human rights, even the attorney (referring to the Assisting Military Officer) who is with me in this hearing. That indicates that the United States still believes in democracy and [is] still the best country for human rights. I hope [it] continue[s] that way. In the beginning, I left my country Kuwait as it [is] indicated [on] my passport at the end of June 2001. I stayed in

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Pakistan for two months and then I went to Afghanistan at the end of August in that year. I looked at all the unclassified accusations [against me and] I was laughing so hard. I was accused [of being] with the Taliban, [at] another time I was accused [of being] with the al Qaida and third, I was train[ing] [at the] Khaldan camp. I took training on different weapons was [also] mentioned in the unclassified summary. Fourth, I trained at the al Farouq camp on all the explosives as [it] was explained in the unclassified summary. Fifth, I taught at the [al] Farouq camp and another [accusation is that] I gave lessons or I taught the al Qaida fighters. Another [accusation is that] I taught and gave lessons to the Taliban fighters and another [accusation was] that I fought [on] the front lines against the [Northern] Alliance. [Yet] another [accusation is that] I was with Usama Bin Laden in Tora Bora. Another time I was a religious leader for al Qaida and [the] Taliban and also a solider and a leader. I was there at the training camp near the airport close to Qandahar with Abu Ghayth and another time that I was associated with the Wafa. At the end of this exciting story and after all [of] these various accusations they accused me [of], I spent most of my time along side Bin Laden as his advisor and his religious leader. What [is] so hard to believe? All this happened in a period of three months, which is [the] period of time [that] I stayed in Afghanistan? I ask, are these accusations against Faiz or against Superman? It seems to me that whoever wrote these accusations he must [have] been drinking and he must have been drunk when he wrote it. I remember a story [a] very lovely story (detainee laughs). [There were] three men, [a] Russian [man], [a] French [man], and an American [man]. They decided to go into a forest and the condition [was] for everybody to bring in a tiger to show that they are really very strong [men] and [had a lot of courage]. So the Russian brought in [a] tiger, the French man he brought [in] a tiger [and] the American didn't bring anything. The American himself didn't even show up (everyone laughed). They waited for him for [a] long time. He was very late. They were worried about him. They went to the forest again to look for that American. After spending a great deal of time looking for him, they [became] very tired. They found him behind [a] tree. He was grabbing a cat and he [was] hitting that cat and saying, "Cat, why don't you say, I am a tiger?" (there is laughter). The other thing [is that] you want me to apologize for my coming to Afghanistan. I did not commit a crime; for I did not do anything wrong to apologize. [I will not apologize] even if you said, "You will not leave Guantanamo until you apologize and you will beg us to release you." In truth, I tell you I would like to stay as a detainee with my respect and dignity and walk out of here with all my apologies and feel good about myself. Why should I apologize? What did I do wrong? I request [for] you to prove that I did something wrong in a court of law. What I did in Afghanistan was my duty. I believe this. I am very proud to [have] do[ne] what I went there to do. The scale of justice that you use, it does not reflect justice.

The Detainee requested that the Linguist tell the Administrative Review Board that they are not using the scales of justice right.

Detainee: Therefore, I will not say anything [if using] this kind of scales of justice.

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The Detainee requested that the Linguist try once again to explain why he doesn't want to say anything. The Detainee expressed that he wanted the Linguist to explain the best way he knew how to the Administrative Review Board his description of the justice system being used in these proceedings.

Detainee: [I] am not going to say [my] words. [I am] not going to tell you [my] words. [I am] not going to put them [on] that scale of justice. I will put it in the hands of God. He will be very fair and he is the one who will be defending all the believers. In truth, I tell you I do not wish your mercy. I am not afraid of your laws. The only one [that] I fear is God. You can judge me anyway you want. That's my life. The judgment is in my life here in this world. What [ever] your decision [is] against me, it is in this life. There is [a] time when we [will] die and we [will] go meet the maker. That is going to be [my] judge and that is where there is going to be justice. God is going to be the judge and he is not going to be taking sides.

The Detainee recited something from the Koran.

Presiding Officer: (referring to the linguist) Just say what he said.

Detainee: It cannot be translated.

Presiding Officer: Okay, it was untranslatable for our linguist, but apparently he (referring to the Detainee) repeated something. He cited something from the Koran.

The Linguist confirmed that the Detainee's words were recited from the Koran.

Detainee: Can we maybe get the verse from [the] Koran and then we can just add that in there? (referring to the transcript of the proceedings)

Presiding Officer: That won't be necessary.

The Detainee tried to translate the verse from the Koran.

Detainee: Gather all your strength and do with me what you wish now and do not delay. My God is the one who is going to make me victorious and he will make all the believers victorious as well. I have answers to all [of] these allegations but the scale of justice is not in my favor. So therefore I will not say anything.

The Linguist explained that the Detainee repeated that he is going to put it on the scales with God.

Detainee: Not with God, but in this scale (referring to the Administrative Review Board proceedings). If there is a justice scale I will put my statement in it [with] no problem. But not on the scales of [injustice], I cannot.

Presiding Officer: Faiz Muhammad does that conclude your statement?

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Detainee: Yes and thank you very much for your justice.

Presiding Officer: Thank you for your patience.

Detainee: (laughs) [For] three years I [have been] patient (laughs again).

Presiding Officer: I understand. Did the Assisting Military Officer's comments he provided earlier provide [the] information you wanted us to hear? I know they were limited, but...

Assisting Military Officer: Did you (referring to the Detainee) want to mention anything about wanting to read a written statement?

Detainee: I [thought] about that but (the detainee paused)... the scale...is [injustice]. I will not put myself in it.

Presiding Officer: Okay.

Detainee: I have prepared a reply. I have answers for all [of these] points, but I give you one example, before two years [ago] I asked about something [stated] in [these] accusation[s]... for example like what I asked you before...

Presiding Officer: ...the students!

Detainee: ...yes, for example, one example...and two years...no answer. [Injustice]. They don't want you to defend yourself. They didn't give you the details of [these] accusations because if they give me the details I will defend myself. It's easy to me. Look to the delay. When I joined this college, it is before these two students. Do you understand what I am saying?...

The Detainee asked if the Administrative Review Board members understood what he was saying because he was speaking English. The Board members confirmed that they understood.

Detainee:before them. They accused them [of] go[ing] to Afghanistan with me. If they look at this situation they will find that there is a conflict when I went there [and] when they were there. There are many others like that (referring to the allegations). The scale of justice is tipping against me.

Presiding Officer: I understand your point. I'll ask again, Faiz, does that conclude your statement?

Detainee: Yes.

Presiding Officer: Thank you.

Detainee: You're welcome.

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The AMO had no further questions for the Detainee.

The DMO had no further questions for the Detainee.

Administrative Review Board Member's questions:

Board Members: Faiz Kandari, what year did you attend the Islamic Institute in the United Arab Emirates?

Detainee: Is the scale going to be tipping in my favor or what?

Board Member: No...I just want to know when you attended that Institute. What year...and what time? Can you tell me?

Detainee: Thank you for your justice (the detainee nodded)... for your justice (with his hands symbolizing the scales of justice, the detainee repeatedly motioned with his hands in an upward and downward motion, indicating the scales were off balance).

Presiding Officer: If I may, we're trying to determine whether or not it's reasonable for us to transfer you back to your home country or release you and that's the reason we're trying to get clarification on some of the issues that we're looking at, so you can answer however you'd like but that's the reasons for his questions.

Board Member: I think I have gotten my answer. I'll go to my next question.

Detainee: (laughs)

Board Member: Do you know when the two students attended the Islamic Institute?

Detainee: Back to [the] scale of justice.

Board Member: Scale of Justice!

It should be noted here that whenever the phrase 'Scale of Justice' appears in this transcript it refers to the Detainee motioning with his hands in an up and down motion to infer the scales of justice are not balanced.

Designated Military Officer: Sir (referring to the Presiding Officer), can I just ask, I want to make sure he understood your point that you made because you (referring to the linguist) did not translate it.

The Linguist stated that the Detainee understood.

Detainee: I understood.

Designated Military Officer: Okay, I wanted to make sure you understood, okay.

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Presiding Officer: The point being the transfer or release?

Designated Military Officer: Yes sir.

The Linguist and the Detainee gave confirmation of understanding.

Presiding Officer: Okay, and you are acknowledging that you understood me?

Detainee: [I] understood this thing here (referring to the proceedings) but the results [have] already been decided.

Presiding Officer: Okay. I'll go along with that and we'll continue with our questions. I am going to believe that answered the Designated Military Officer's concern.

Designated Military Officer: Yes, thank you.

Detainee: I want to extend something. I have answers. [For] three years I [have] defend[ed] myself [without a] lawyer no[r] anything. I defend myself and God defend me but the scale [is] still...(with his hands symbolizing the scales of justice, the detainee repeatedly motioned with his hands in an upward and downward motion, indicating the scales were off balance)...[do] you understand what I am saying? I would not put my answers [on] this scale. I [am] sorry.

Board Member: Well, I am going to ask the questions even though you're not going to answer, okay? Just so that the record shows that we [have] asked you questions and you [have] refused to answer. You refuse to participate in this justice system.

Detainee: (laughs) But [are] you sure its [a] justice system?

Board Member: I am sure its justice.

Detainee: Just explain.

Board Member: Do you know when you attended the Islamic Institute? Do you know the timeframe?

Detainee: ...(with his hands symbolizing the scales of justice, the detainee repeatedly motioned with his hands in an upward and downward motion, indicating the scales were off balance)...

Board Member: You're not going to tell it? Were you imprisoned in the [UAE] for encouraging people to go to jihad?

The Linguist began to translate and the detainee was already physically responding with his hands.

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Detainee: ... (with his hands symbolizing the scales of justice, the detainee repeatedly motioned with his hands in an upward and downward motion, indicating the scales were off balance)...

Board Member: That's either a yes or no [answer]. It's easy.

Presiding Officer: Give him (referring to the linguist) a chance to translate.

Detainee: I understand what he is saying. Thank you very much.

Board Member: That's an easy yes or no answer.

Detainee: Thank you for [the] justice.

The Linguist asked the Presiding Officer when he should translate because the Detainee understood English.

Presiding Officer: Okay.

Assisting Military Officer: Sir, let me add as well that part of the instructions to the detainee is [that] they have the choice [as to] whether or not they answer any questions.

Board Member: Yes, I understand that.

Presiding Officer: Yes, we understand that.

Board Member: The accusation that you have been hard on the guards, was that recent that you have given the guards a hard time or [was] that a long time ago?

Detainee: The same answer.

It should be noted here that when Detainee says 'The same answer' he is referring to the 'Scales of Justice' again.

Board Member: The same answer. What was the name of the charitable organization you worked for in Afghanistan?

Detainee: The same answer!

Board Member: Same answer. I think that is all the questions I have sir. (there is laughter).

Presiding Officer: Okay. (turning towards the other Board Member) Your turn.

Board Member: Faiz, I have some questions for you. What fighting was going on in Tunisia?

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Detainee: (hard laughter) The same answer.

Board Member: What inspired you to encourage others to pursue jihad?

The Linguist requested the Board Member to repeat the question.

Detainee: The same answer (laughing). Sorry (laughing).

Board Member: Did you personally know Usama Bin Laden?

Detainee: The same answer. All your questions, I [have] answered [them] before. Three years [ago] I answered them.

Board Member: Just a couple more. Who arranged your travel to Peshawar, Pakistan?

Detainee: The same answer.

Board Member: What type of training did you receive at the airport training camp?

Detainee: The same answer.

Board Member: Did you ever study law?

Detainee: The same answer (laughing).

Board Member: Thank you very much. [I have] no further questions.

Presiding Officer: Okay, I am going to be short. I won't have as many questions as the rest of them (referring to the Board Member) because I may get the same answer. It appears to me for a couple of the questions that you responded to in the unclassified summary, I think 3.A.3. and 3.A.5, you are not denying comments that were made. You are just questioning us as to what period of time you went to that school and what period of times the other individuals [went to that school]. You're not necessarily denying that you worked strongly for funding the jihad through flyers and pamphlets nor that you traveled with two other students and another friend to participate in jihad. You're not denying that, you're just asking us questions to look into it. So again, I'll ask you, either you continue by denying these allegations or give me an answer as to...I understand that you may have had very good reasons for going to Afghanistan with these other individuals. But if you could explain to me why [you went to Afghanistan]? And if it was to work with a charitable organization then I would just simply ask you to give us/me a name, any name, of a charitable organization. I mean if you worked for them then you obviously would remember their name.

Detainee: The same answer.

Presiding Officer: Okay. Thank you. I appreciate your honesty...

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Detainee: (laughing)

Presiding Officer: ...your attempt to help us out and the humor you provided us in your little scenario.

Detainee: That you for your justice.

Presiding Officer: You're welcome. For the record make a note that the Detainee, during his statement mentioned that he thanked us for him not being shackled or handcuffed. For the record, note that he is shackled here and handcuffed, but I think he may have been referring to the freedom to speak as he wishes.

Detainee: (hard laughter).

Presiding Officer: Assisting Military Officer is there any other information that the Detainee wants to present?

Assisting Military Officer: No sir.

The Detainee requested to say something about the handcuffs and shackles.

Detainee: When you [said] that to her (referring to the Presiding Officer requesting the Reporter to capture that the Detainee was still in handcuffs and shackles) I remembered that I sent one letter to my family and the Army skipped (referring to redacting information from the letter) words. I saw it (referring to his letter) with my lawyer in [the] newspaper. They put it (referring to his letter) [in the newspaper]. They left one or two lines [where] I said that the Americans were the best people and between parentheses I put an exclamation mark. [I] wrote after that, "This is the way they want us to send our mail." That is a false praise to them. They crossed everything [out] and the only thing that they left on that page [was about the Americans]...

There is laughter!

Detainee: I remembered this when you [told] her that (referring to the Presiding Officer requesting the Reporter to capture that the Detainee was still in handcuffs and shackled). Everybody that works in this thing here, everybody is on the same page. They know what they wanted to do [and] what they wanted to cross out.

Presiding Officer: Trust me, I don't cross anything out and we will provide everything that was said here today. It will be captured. The only explanation that I could give you is "for security reasons" they do blacken out some things.

Detainee: (laughing)

Presiding Officer: I didn't see your letter so I can't comment.

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Detainee: (laughing)

Presiding Officer: Anything else?

Detainee: Thank you.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Colonel, USMC
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 571

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

It was noted by the Presiding Officer that from Exhibit EC-B, the Detainee had chosen not to be present for the Administrative Review Board proceedings.

The Presiding Officer confirmed that the Assisting Military Officer had met with the Detainee and informed him of his rights regarding the proceedings, that the Detainee appeared to understand the process, that the Unclassified Summary of Evidence was read to the Detainee, that a translator was used during the interview, and that the Assisting Military Officer confirmed that the translator spoke the same language as the Detainee.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, DMO-2, the FBI Redaction Memorandum and DMO-3, Executive Order 13224 to the Administrative Review Board.

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

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

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

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

The Presiding Officer acknowledged the request.

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

Assisting Military Officer: The Detainee was extremely polite but unrelenting his refusal to participate in the ARB. He stated he told the truth in the CSRT and he was still declared an Enemy Combatant. He stated if released, he would like to return home and take care of his elderly parents and become a firefighter. The Detainee denied being an enemy of the U.S. and went on to state [that] he has never even insulted the U.S. He asked for and received a copy of the Unclassified Summary of Evidence. A follow-up interview was conducted to verify whether the Detainee had seen the materials dated 31 January 2005 from his lawyer, Mr. Neil H. Koslowe of the Shearman and Sterling, Limited Liability Partnership. The Detainee said he [had] already seen this material. When asked if he wanted a translated copy of the materials from his lawyer he declined. When asked if he would appear at the ARB, the Detainee once again refused. The Detainee provided the following comments in response to the information contained in the Unclassified Summary of Evidence; in response to the allegation the Detainee attended the al Faruq training camp, the Detainee denied receiving military training in any country. The Detainee denied the allegation he was a member of the Takfir Wa Al Hijra. In response to the allegation the Detainee lived with and is associated with known members of al Qaida, the Detainee denied being a member of or supporting any terrorist organizations. That concludes my statement.

Presiding Officer: Do you have any other materials to provide to the Board?

Assisting Military Officer: Yes, sir. I am handing the Board a copy of the letters from the Detainees' attorney, previously marked as exhibit EC-C. Copies of these exhibits have been previously provided to the Designated Military Officer.

Questions to the Designated Military Officer and the Assisting Military Officer.

Presiding Officer: On the primary factors favoring release or transfer on the Unclassified Summary, I don't see anywhere where it even talks about 'A'. So why does he even...is there any reason why...he had no comments about the [cell phone]. Because they bring it out that the Detainee denied he ever saw, possessed or knew of any cell phones. These cell phones and explosive parts aren't even mentioned in the Unclassified Summary so I'm just wondering where that comes from? Why the Detainee makes that comment?

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Board Member: That comment is part of the unclassified summary, isn't it sir?

Presiding Officer: Where is it?

(The Board Member points to a section of the Unclassified Summary)

Presiding Officer: Yes but that's in...a comment that he made. I am just wondering. Nobody ever said anything to him in the Unclassified Summary referencing those cell phones...it just confused me that's all. But I guess possibly in one of the interrogations it might have been pointed out to him. It is just not pointed out anywhere [that] he is not being charged with anything in the Unclassified Summary that talks about cell phones or explosives. I am not sure where that is...I see it favors his release and what not but I am [unclear] not sure where it came up in talking to him. And Designated Military Officer, could you clarify also the use of honey as a disguise for some other product?

Designated Military Officer: OK.

Presiding Officer: Isn't honey [used] a key word for something else?

Designated Military Officer: Yes, it's a common[ly] used cover for business outside of...

Presiding Officer: OK. So it is...and he uses that there.

Designated Military Officer: Yes.

Presiding Officer: And [a] question for the Assisting Military Officer in regards to the [contract]... this supposed contract of some type presented by Iza Almuzah (ph), General Trading and Contracting Company. I'm not sure why it has no classification yet it is provided in the slice. Do we know what classification it gets? Why wasn't it classified?

Assisting Military Officer: No, I have no idea why it isn't.

Presiding Officer: Did you contact the Tiger Team and ask them what the deal was?

Assisting Military Officer: No, sir.

Presiding Officer: OK, so we need to do that. We need to find out what is going on with [a classification for the contract].

Assisting Military Officer: I would like to comment on that contract at a later time.

Presiding Officer: OK.

Assisting Military Officer: Would you like me to do so now?

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Presiding Officer: Not if it's classified. If it is unclassified, yes we can cover it in the unclassified section.

Assisting Military Officer: It's unclassified.

Presiding Officer: Then yes, please do. If you have any other information present it now.

Assisting Military Officer: My comments about the supposed contract is that it is very curious why that would be in there. A global law firm of the stature of Shearman and Sterling represented by Mr. Koslowe a Harvard Law School graduate...seems pretty interesting to me that three copies of that would be submitted with the package. If you look closely at it, it is page 21 of 31, there's nothing in there that is really a contract. There is no date on it. There's no reference to who is going to do the paint job [and] when it's going to be painted. It doesn't talk about the price of the paint job. It talks about how much the guy pays in rent...it's around \$1,750 a month. It talks about how the insurance is going to expire in three months. What relevance that has to do with a painter or painting company...I have no idea. I can't imagine. Plus it is confusing too because it talks about paint the inside of office number six and paint the outside as well...this building has at least six offices and it's curious that they would ask him to paint...to specify paint the outside of the building and paint the inside of the building. The bottom line for me is [that] this is not a contract; this may be an attempt at some kind of communication with the Detainee.

Presiding Officer: OK.

Assisting Military Officer: That it was submitted three times...exact duplicates...[there] may be some significance to that. But it is not a contract; it is a collection of words that have no apparent connection. That concludes my observation.

Presiding Officer: Thank you.

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.

The unclassified portion of the Administrative Review Board was reconvened without deliberation and voting due to unclassified information/materials brought to the Boards' attention during the classified portion.

Presiding Officer: At 1033 hours on 23 May 2005, this Administrative Review Board went into the classified portion of our session and materials were brought up there that

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were of an unclassified nature, therefore we are reconvening the unclassified portion of this Administrative Review Board for Detainee 571. Assisting Military Officer, please present the information in regards to [the contract]...that you brought up during the classified portion for this unclassified section.

Assisting Military Officer: After reviewing the package submitted by the Detainee's law firm's lawyer, Shearman and Sterling, LLP, Mr. Koslowe, I talked to the JTF-[GTMO] JAG officer trying to verify whether the Detainee had seen the package of materials that was mailed [and] he could not confirm that. He could confirm that they had met five times since late December with the fifth time the Detainee refusing to leave the cell to speak to his attorney. One of the things that got my attention was the fact that the JAG mentioned that this particular attorney had been admonished for providing unauthorized news clips and other information to the Detainee [by] slipping them in the package.

Presiding Officer: Can I interrupt, please?

Assisting Military Officer: Yes, sir.

Presiding Officer: Was this a phone conversation or is this [via] email?

Assisting Military Officer: The email just talked about the dates they had met. The follow-up phone call to clarify...during the phone discussion [it was brought up] that...

Presiding Officer: So to the best of your knowledge, it is unclassified information?

Assisting Military Officer: Yes, sir. The JAG mentioned nothing about the level of classification and this was not in response to a question. He brought this up on his own. So with that, I noted that the inclusion of a, what I would refer to as a quasi-contractual document, three times in the back of the attorneys' package of letters from the Detainee's family, there was something to do with painting the inside and the outside of an office somewhere in Kuwait but upon further review of a document listed as page 21 of 31, you will notice there's no date on it. There is no particular date to start the job. There is no mention about when the job should be finished. There is no mention of the price of the job. There is mention of how much this person pays monthly [for] rent...about \$1,750 a month...why that is in there is unknown. And why the painter, if it's going to a painter, why he needs to know when the insurance runs out. To me there was a lot of... when I put the comment about the surreptitious information being put in the lawyers' package, I looked at that and I thought it was something...over the weekend I thought that this might be something...indeed a communication that is somewhat coded. It is not clear what it is and I think it deserves further attention. It seems...at first glance it seems rather innocuous but upon further review I am concerned about what kind of information is being given to the Detainee.

Presiding Officer: Is that all?

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Assisting Military Officer: Yes, sir.

Questions to the Assisting Military Officer.

Board Member: I just want to make sure. So those three pieces of paper were part of the packet given to the Detainee.

Assisting Military Officer: Yes, sir. They were.

Presiding Officer: OK, well let me clear up that question because you don't know that those...that that contract was given...we did not present it to the Detainee, did we? *We* [meaning the AMO] did not present it [the unmarked contract to the detainee]!

Assisting Military Officer: When we met Saturday morning we had all the information including the documents we are talking about in the back. We showed him everything. He had no response.

Presiding Officer: OK, so he was not given a copy of this [translated contract]. You [only] showed [it to] him...[correct]!

Assisting Military Officer: We showed him and he did not want a copy. We asked him if he wanted a copy and he said no.

Presiding Officer: We cannot confirm that he was given this by JDOG? From what he said...from what you are assuming he did get a copy previously from JDOG because he said he saw it.

Assisting Military Officer: Yes, sir.

Presiding Officer: But just for the record, we did not provide him with a copy because the document is not classified in any way. Whether it's classified, FOUO or secret, it is not marked in any way so if nothing else, we shouldn't be handing it to him anyhow until it gets classified. I guess one other question is, did JDOG...did anybody from JDOG see this when we went to see him on Saturday? Did JDOG see what we were trying to hand him? Did they run it through their security folks?

Assisting Military Officer: No, sir that was printed off the...

Presiding Officer: OK, in the future and again, ask our local rep here with the folks that handle the Detainees and see if this kind of [information] stuff needs to be ran by their security folks because if it has no classification. It has to be ran by somebody for classification purposes before it's even handed to the [detainee] guy...if nothing else there is probably a protocol in taking 'stuff' to [information we] deliver to the Detainee and I am not so sure [that protocol was followed here]...and hopefully we didn't step on our toes on this one.

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

AUTHENTICATION

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



Colonel, USMC
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 551

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

The Designated Military Officer 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 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), the FBI Redaction Memorandum (Exhibit DMO-2) and the Department of Homeland Security Terrorist Reference Guide (Exhibit DMO-3) to the Administrative Review Board.

The Presiding Officer confirmed that a copy had been previously distributed.

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

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

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

The Presiding Officer acknowledged the request.

The Assisting Military Officer made comments relating to the Review Board interviews. 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 the Detainee asked him to speak on his behalf and read from the Detainee's written statement (Exhibit EC-C) to the Administrative Review Board.

The Assisting Military Officer also submitted a document from the Detainee's lawyer, which included multiple letters from the Detainee's family and friends (Exhibit EC-D) to the Administrative Review Board.

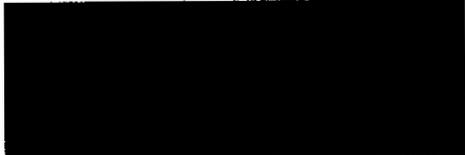
The Presiding Officer read the remainder of the unclassified portion of the Administrative Review Board proceedings, and then adjourned the proceedings.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Captain, USN
Presiding Officer

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Statement for the ARB

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Greetings

I would like thank you for the opportunity to present my statements to your panel and to offer my apologies for not being able to attend the ARB personally that are because I suffer from intense pain in my lower back and I am not able to sit on the chair with my cuff on for a long time. I suffered a great deal while sitting during my last Military Tribunal, which increased the intensity of the back pain and caused numbness in my left foot for months. Therefore I hope that you would accept my excuse.

I would like to introduce myself to you. I am Fouad Mahmoud Al Rabiah a Kuwaiti national. I am 46 years old, married and have 4 children I work as an Engineer for Kuwait airways for 24 years. I have a Master Degree from Embry Riddle University and also have an honorary citizenship from Haulifax county in Florida. I also have a private business , and that is managing a health club and I am also a partner of another club. I also do relief work at my free time and during my short vacation. I volunteered in many relief activities in the past years. I am a businessman. I have a complete and happy life. I have no problems with the law and never wore any restraints before this ordeal. I am not a member of any political or religious or extremist organization. I can simply say that I am a successful and happy person in his home, business and life just like any person.

Medical Condition:

In Kuwait I used to weigh 240 lbs since my capture. I have lost about 80 lbs. I suffer from lower back, neck, knees pain, high blood pressure and also the night blindness.

I WOULD LIKE TO CLARIFY A FUNDAMENTAL MATTER. I TOTALLY OPPOSE ANYONE WHO SUPPORTS OR CONDONES THE KILLING OF INNOCENT CIVILIANS. KILLING INNOCENT CIVILIANS IS AGAINST MY MOST FUNDAMENTAL BELIEVES AND THE FUNDAMENTAL VALUES OF ISLAM. I AM NOT A TERRORIST NEVER WAS, NEVER WILL.

ENCLOSURE (2)
EC-C
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49 As I understood your decision will be based on 2 criteria:

50

51 1) Does the detainee still pose a threat to America?

52 2) Does the detainee still have an intelligence value?

53 **Regarding your first criterion**

54 Does the detainee still pose a threat to America?

55 I am not a terrorist never was never will be. I am not a fighter I don't think its disgrace for a man
56 not to be a fighter. It is worthy to note that I was in Kuwait during the Iraqi invasion and I didn't fight
57 there would I go to a foreign country to fight?

58 My capture was not a result of capturing me at the front line or the battlefield. I was captured because the
59 Afghan villagers who said they would help me to exit from Afghanistan and hand delivered me to the
60 Northern Alliance forces because I am an Arab, and they received a large sum of money for turning me
61 over. Also It is worthy to note my work history in Kuwait indicates that I am not an enemy. I helped
62 awarding a 100 million dollar contract to an American company (AGES), instead of giving that business
63 to the European competitors. This piece of information was available with the interrogators even since I
64 was arrested and no one have disputed it (I am not an enemy). Also my history in the camp here and for
65 the past 3 years shows that I am not an offensive person to any one of the Guards, the interrogators or the
66 detainees, but it shows that I was cooperating with interrogators and the Guards. Also I hope that the
67 letters from my family and friends, which is submitted to you, will testify to my peaceful nature and my
68 behavior for the past 40 years. I hope that what I have stated in the introduction will show that I am not a
69 threat to America, never was never will be or any other country or person.

70

71 **Regarding your second criterion**

72 Does the detainee still have an intelligence value?

73 I wonder after more than 3 years in Cuba and hundreds of interrogations from all intelligence agencies
74 even though I was always cooperating with interrogators and I never refused to answer any questions not
75 even one, no matter what the question was. I was even asked about my hobby when I was 10 years old and
76 what is my favorite food. And no doubt the important questions I was asked about them tens of times and

77 I answered them tens of times. **I AM WONDERING IS IT LOGICAL THAT I STILL
78 HAVE INTELLIGENCE VALUE? YOU KNOW EVERYTHING I KNOW AND
79 NOTHING MORE FOR ME TO GIVE.**

80 For your information I have asked the interrogators if they think that I have an intelligence value and have
81 other questions to give them to me to answer them before the ARB so this point would not be an obstacle
82 for my release from here. That was few months ago, the interrogator told me that the questions would
83 never end and there would always be questions even after 10 years and of course you wouldn't be here so
84 we can ask all the question. We need to benefit from your presence here, and want to ask you about
85 everything and anything before the ARB and he reasoned that by saying here we work on the principal of
86 "Placement and Access". He said that I was a well known person in Kuwait and have a social status in
87 my community therefore there must be some information we can benefit from. He said you volunteered
88 to do relief work for years, you may have heard or seen something we can benefit from. Also you went to
89 Afghanistan, you may have heard or seen something we may benefit from. there may be some
90 information that might benefit us.

91

92

93

94 Regarding myself personally I believe that my situation can be summarized with the following points:

95

96 **THE NICK NAME PROBLEM:**

97 The existence of intelligence information about people who have the same nick name, (Abu
98 Abdullah Al Kuwaiti). One of the interrogators said that we know that there were many people with
99 the same nick name (Abu Abdullah Al Kuwaiti) who were in Afghanistan but you are the only one
100 present here with me, naturally I am asking you about every piece of information that comes to us
101 with that nick name (Abu Abdullah Al Kuwaiti).

102 I was asked about allegations since the early nineties and later it was obviously clear that they
103 involved other people. I wonder if I am going to remain here until they finish searching for every
104 Kuwaiti that have the same nick name (Abu Abdullah Al Kuwaiti) who went to Afghanistan in the last
105 fifteen years? That could take years, because

106 Abu Abdullah is the most popular nick name in Kuwait and for your information
107 that President George Bush senior, after the Gulf war was nick named (Abu Abdullah Bush). Will my
108 nick name be the cause of detention?

109

110 **Mv Education and Social status.**

111 Is it possible that a person with a good reputation in his country and has a high Educational level
112 and loves the relief work and helping the needy would cause his detention under the principle of
113 PLACEMENT AND ACCESS is that a reason for my continued detention?

114

115 **Work with the Kuwaiti NGO's**

116 The Kuwaiti relief organizations are a Kuwaiti tradition that was established more than fifty years
117 ago, they however are very closely monitored by the government administratively and financially due to the
118 fact that they represent the good reputation of the people of Kuwait and their love of helping the needy all
119 over the world. All the Kuwaiti (NGOs) are praised to be one of the most efficient and successful NGO's
120 in the Muslim world. Thus it's a great honor to any Kuwaiti to be working with them or supporting them,
121 as they are all approved by the government. The collection of money from Mosques and business are also
122 very well regulated and supervised by the government and you can't do it without a permit and receipts
123 from the government. I personally do not have a permit and never collected money. There are enough
124 people to do the job. I have never heard or seen anyone working in the NGOs who have been accused of
125 extremism or terrorism. If such a person is identified he will be investigated and fired.

126

127 The Health Clubs:

128

129 The 2 health clubs are very successful well-established business located in well known areas in
130 Kuwait with very good reputation. They are a 5 ~~star~~ level clubs with all the facilities of their level. They
131 both are targeted toward mid 30's customers. Our members are from the Kuwaiti royal family,
132 businessmen, government official and Europeans. Mr. Daniel, the former head of the ICRC in
133 Guantanamo Bay, Cuba was a member of one of the clubs. The membership fees are held relatively
134 high to maintain the social level of the members. With more than 1000 members each and hundreds
135 attending daily. If a couple of young men decided that they will come to the club to lose weight and get fit
136 and then go and do anything, it would be a rare isolated case that the club has nothing to do with. We will
137 not ruin the reputation of the clubs for a couple of kids, but we do not ask people of their intentions. We
138 certainly and do not train people for Jihad.

139

140 **My Visit to Afghanistan:**

141 You may be concerned because I did happen to see Usama Bin Ladin(UBL) when I traveled to
142 Kandhar in June of 2001 to investigate the refugee problems in Afghanistan. I never saw UBL before or
143 after that, I did not travel there to see him, I did not expect to see him, and I never spoke with him. After I
144 finished my meetings on the refugee problems, I accompanied the young scholar with whom I was
145 traveling "Abu Almonther" who wanted to talk with Bin Laden. You must remember that at this time
146 UBL was not the famous terrorist that he now is. I had heard of him basically as a Saudi billionaire who
147 lived like a monk. While there had been some rumors that he had been involved with bad actions, my
148 understanding was that he had denied them. And that he was most famous for his fighting the Russians.
149 I accompanied Abu Almonther who went for dinner and to speak with Bin Laden. The dinner invitation
150 was in his house in the town of Kandhar there was no armed guards or guns anywhere. The invitations
151 lasted 2 hours. For the next 2 days we were also invited to lunches and dinners by other people in town
152 also invited many other people including UBL. During those invitations I had nothing to say or discuss
153 with UBL as I was not there to see him in the first place. My job was with the refugees and nothing to do
154 with him or Al-Qaida. I certainly did not give Bin Ladin any money or anything else or any kind of
155 support. Those trips to Afghanistan have been explored and questioned by every interrogation team from
156 every intelligence agency for every single step tens of times. I had the polygraph and the (CVSA) test,
157 which will show you that I have nothing to do with Bin Ladin or Al-Qaida. For your information I have
158 offered the interrogators and I extend the offer to your panel (ARB) to put me on all types of polygraph
159 and (CVSA) and any other test available to you all in the same time and see if I am telling the truth or not.
160 I will even put the most important questions and my answers to them from now.

161 **The Test**

- 162
- | | | |
|-----|--|------|
| 163 | 1. Have you been to Afghanistan before June 2001? | No |
| 164 | 2. did you plan to see UBL? | No |
| 165 | 3. when you saw UBL did you speak with him? | No |
| 166 | 4. did you give UBL any support directly or indirectly | |
| 167 | Including money? | No |
| 168 | 5. in your second trip did you refuse to see UBL? | Yes |
| 169 | 6. Have you been to Al-Qaida Media House in Kandhar, Afghanistan? | No |
| 170 | 7. At the mountains of Tora Bora did you know anything about | |
| 171 | 8. Are you an operator for Al-Wafa or have any connection with them? | No |
| 172 | 9. Do you know any (NGO) or person in Kuwait that support | |
| 173 | UBL and Al-Qaida? | No |
| 174 | 10. are you a member of Al-Qaida? | No |
| 175 | 11. Are you a member of the Muslim Brotherhood Org?----- | -No? |
| 176 | 12. any any militant organization? | -No |
| 177 | 13. Do you know anything about a Libyan extremist in Europe?----- | No? |
| 178 | 14. While in Kuwait did you know that any member of the club is | |
| 179 | affiliated with Al-Qaida or any terrorist groups | No |
| 180 | 15. In the club do you train people for Jihad? | No |
| 181 | 16. Do you know any intelligence value? | No |
| 182 | 17. Do you support the killing of innocent civilians?----- | No |
| 183 | 18. Back in Kuwait where you regarded a pro American?----- | Yes |
- 184
- 185

186 Please feel free to add any question that I may have missed I have no problem. I know I am
187 innocent, I am not a terrorist and I am not a threat to anybody and I know I did not do anything wrong.
188

189 I would like to address the primary factors favoring my continued detention:
190

191 A. Commitment:
192

- 193 1 The individual "Abu Hafs" asked me if I wanted to go to Afghanistan. ^y To document the
194 condition of the refugees and the medical infrastructure on video tape not Jihad.
- 195 2 The individual "Abu Hafs" was killed with many other people as they were fleeing through
196 the mountains. I never saw him with a weapon.
- 197 3 There are no flights between Kuwait and Afghanistan and as I needed to document the
198 conditions of the refugees in Western Afghanistan. The route mentioned would be the only
199 route. If I was with the Taliban I would not need 2 months to flee the country they could
200 have given me a safe passage well in advance. And I was captured as mentioned earlier
201 because I was delivered hand to hand from the Afghanistan villagers to the N.A.F. for
202 money.
- 203 4 I have never been to Afghanistan prior to June 2001. I was working in Kuwait at Kuwait
204 airways where we have to punch in and out every working day; also the Kuwaiti
205 immigration authority will prove that I did not leave Kuwait during that time. "This is one
206 example of the nick name problem.
207

208
209 B. Training:
210

211 In 1988 I had 2 weeks attendance in the Kuwaiti compulsory service after which I was sent back to
212 my home in a cast when I fractured my knee and that is my "military training". 2 weeks 17 years ago.
213

214 C. Connections / Associations:

- 215 1 Correction, I am a business partner in Summits Health Institute and a manager of the Islah
216 Health Club from 2000 to 2001. The Muslim Brotherhood owns the building and we pay
217 monthly rent just like the restaurant next door.
- 218 2 I am not a member of either group.
- 219 3 The SHI doesn't train for Jihad as explained before.
220
- 221 4 As explained earlier working with the Kuwaiti NGOs is a great honor and none of them
222 support terrorism. (4,10,11)
223
- 224 5 This is a false statement the interrogators said that "Abu Sulaiman" recruits people not
225 me. I never knew that about him in Kuwait, or any other person in the club doing anything
226 that is related to jihad.
- 227 6 That is another assumptions made by the interrogators. In Kuwait I never knew anybody in
228 the club to be connected to Al-Qaida.
- 229 7 I never collected money and I have no idea who this man is or anything about Jama'at Al
230 Tabligh. This must be another example of the "nick name problem".
- 231 8 I am not a member Jama'at Al Tabligh.
- 232 9 This point has been explained earlier and many test points to cover it.
- 233 12 I have never been an operator to any non Kuwaiti (NGO)
- 234 ← 13-14 This is another example of the nick name problem; I have no idea what the
- 235 ← 13-15 Media House or * Committee is, its also cover with test point.
- 236 15 This point was explained in details with the interrogators and they no longer ask about it.
237 The numbers are either from Abu Sulaiman or from the Kandhar officials that I saw

238 regarding the refugees problems. I gave them my business cards. I do not know about
239 Khalid Shaykh Muhammad until I came to Cuba.
240 ← 16-17 I would give my business card to any person working with Islamic Relief Agencies,
241 but I would never have given him any card if I knew he is an extremist. But please keep in
242 mind that I do not recall giving any Libyan my card.

243
244 Intent:

245
246 1 On 12 October I was looking for Abu Sulaiman to help me get out of Afghanistan, I was
247 told that he will be in that house. I stayed one night waiting for him. I had nowhere else to
248 stay for that night. There were no gun here,

249
250 ← 2-3-4 These are completely false statements. I was a 240 lbs a person with ^{many} weight
251 related health issues, ~~also my~~ ^{my} night blindness and ~~my~~ ^{my} being complete stranger to the land
252 and the people and never been on a mountain before. Suddenly, I became a chief of supplies
253 for both Taliban and Al-Qaida and leading a group of fighters? Also holding meetings? I
254 don't think even Bin Laden can do all those things in the same time. I have added many
255 test points to clear these ridiculous accusations. & .

256
257
258
259 In conclusion: I went to Afghanistan to raise the name of my country Kuwait to help the needy and
260 refugees as I have done in many other countries for many years. This is a message of peace that Kuwait
261 sends all over the world help people in need, help them to live not die.

262
263 I hope that I was able to tell you who Fouad Al Rabiah is and that I am a man of peace not war. I am not a
264 terrorist and would never support those who kill innocent civilians, and I no longer have any intelligence
265 value and you know everything, I know, and I have nothing more to add.

266
267 I believe that 3 ~~and half~~ years are more than enough price to pay for 2 hours of an unexpected invitation.

268
269 Finally, I repeat my apology for not coming in person. I thank you for your time and hope that you will see
270 the truth and end this ordeal so I can go back to my family and work and my Kuwait.

271
272
273 **Thank you.**

274
275
276
277
278 Signature _____

Date: 5-9-2005

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Summary of Administrative Review Board Proceedings for ISN 568

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

It was noted by the Presiding Officer that from Exhibit EC-B, the Detainee had chosen not to be present for the Administrative Review Board proceedings.

The Presiding Officer confirmed that the Assisting Military Officer had met with the Detainee and informed him of his rights regarding the proceedings, that the Detainee appeared to understand the process, that the Unclassified Summary of Evidence was read to the Detainee, that a translator was used during the interview, and that the Assisting Military Officer confirmed that the translator spoke the same language as the Detainee.

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

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

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

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

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he previously submitted a summary of the interview but would read his comments listed on Exhibit EC-B.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Captain, USN
Presiding Officer

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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, the Detainee would like for me to speak on his behalf.

Presiding Officer: (To the Detainee) Would you like to make your statements under oath? An oath is a promise to tell truth. We have prepared a Muslim oath if you wish to use it.

Detainee: He is going to speak for me. I told him everything yesterday.

Presiding Officer: However, if you would like to add to what he says, would you like to take an oath?

Detainee: No, I [would] have to have washed myself and I haven't done that so I will just speak. It is not a problem because in these words I do not have any lies. I talked yesterday to the officer.

Presiding Officer: OK. (To the Detainee and the Assisting Military Officer) You may begin.

Assisting Military Officer: OK, in response to the unclassified summary of evidence, the Detainee made the following statements: under 3.a., Commitment: I know nothing about Maktab Al-Mukhabarat. I only worked in a relief organization. That is slander and a false accusation against me. Number 2 and number 4, Jamat Al Tabligh is based in Raiwand, Lahore, Pakistan. I was in JT in Pakistan. JT does not have any evil; it just does missionary work and calls people to Islam. Number 3, I don't know anything about this organization. Under 3.b., Training: Number 1, I never fired an AK-47. I don't know this weapon. I was never in Afghanistan, only on the Afghan/Pakistani border. Number 2, this is not true. This is slander and a false accusation against me. I was not a commander or trainer for al Qaida. Number 3, I was living in Pakistan in 1994 until approximately 1997/1998, then went to Jordan for approximately one year to one and one half years. Under 3.c., Connections and Associations: Number 1, this is not true. I was arrested in Peshawar, Pakistan, not in Kandahar. When I was arrested I did not have a letter on me. Number 2, this is not true. My father-in-law is a modest man. He is approximately eighty years old and lives in Pakistan. Number 3, my father-in-law did get me out of jail with a bail bond. This is a normal procedure. Number 4, I worked for this organization full-time (The International Islamic Relief Organization). This organization helps poor people, immigrants and orphans and feeds people during Ramadan and Eid Al-Adha. Number 5, I don't know anything about this. Number 6, yes, that's true, for Omra. Under 3.d., Other relevant data: I only spit at the guard after he spit at me and I never threw any water or fluids. This guard was spitting in front of detainees taking a shower and had many complaints about him. The guards record a lot of information about the detainees that is not true. It is personal revenge. I never slammed the door on the guard's arm. Under 4.a., Primary factors favoring release or transfer: Number 1, killing of innocent people and children is wrong. Our religion doesn't tell us to do that. Number 2, yes, for Omra. In summary, people accuse me of things I did not do. I'm a person who was living in Peshawar, Pakistan. I had my job and I had my kids and they grabbed me from Pakistan. Are all people terrorists to you? If America respects human rights, why are you killing innocent children and not the terrorists you are after? Our religion is truthful without a doubt, and Islam, the religion of Allah the Great the Almighty, is the one that truly wants human rights. And in closing the Detainee would like to make a request to the board. The Detainee requests books in his cell. And that summarizes the comments the Detainee said.

Detainee: And also put me with Jordanians, the people from my country.

Presiding Officer: (To the Detainee) Does that conclude your statement?

Detainee: Yes.

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

Detainee: Excuse me?

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

Detainee: Yes, he said everything but I do have some additions.

Presiding Officer: It is your turn.

Detainee: (Prays) In the name of Allah, the most gracious, the most merciful. First of all, in response to the statement that the Assisting Military Officer presented, it had everything that I said and I thank you. In response to the fact that the religion of Islam truly wants human rights, everyone knows this... the scientists, religious scholars of Islam, the religious scholars of Judaism and the religious scholars of Christianity all know that our religion truly does want human rights. The things that we do for people and the services that we present to people, that is part of human rights. So the things that I was doing in Peshawar, Pakistan, were part of human rights. And the things that I was doing, I was working for the relief organization that was extending help to orphans, poor people, people that had been struck by catastrophes like floods. So, all these things America wants them, so why... for example you say about all the Islamic relief organizations now that they are terrorists [like] Jamat Al Tabligh is a terrorist organization. And this is [a] hypocrisy on the part of the Americans, for example there are Christian relief organizations in Pakistan right now. And we all work together in these organizations. This is all Gods work. And regarding the training and you say that I am a senior trainer... I want to clarify this statement. I was in the Army. [I was] in the Jordanian Army. And this is something normal. They tell me [that] this is proof that I was a trainer [and] that I was in the Army. When I was in the Army, I was playing sports. I was playing soccer... and all these things. I was living in Pakistan... I had my children... I had my wife. They grabbed me from Pakistan, kidnapped me. They accused me of being a terrorist and I never killed anyone. I never killed any person. I never did anything with Jamat Al Tabligh. They tell me that I am a senior trainer and I have been here for the past four years. This is unfair and if you continue to detain me here and if you kill me, that does not make a difference because I know that Allah, in his eyes, I am being wronged. And the Americans are very sensitive. Everything, they make it bigger. Something that is small, they make it bigger. And this way is not beneficial to the American people. Because I know that in the Army there is always a lot of unfairness because it is all high ranks and so on. They wrong each other. For example, with normal people, with civilians in America, people are being wronged. We are not fighting people and we are not fighting the Army, the military either. I never fought the military. I didn't get involved in these things. So why do you force everyone to say that they are with Usama bin Laden and that they are with al Qaida? Why? A lot of people they could have taken me from Pakistan. They could have written something about me because of revenge that could be in correct or not true. So why are you (inaudible) me, I didn't do anything. It says here incorrectly... did I participate in killing any Americans? Did I participate in the attacks in the buildings in America? A lot of people here a wronged. And you are opening doors against yourselves this way. For example, I have a lot of relatives... a lot of people here have relatives. So if this is the way that you want peace in the world, this is not the way to do it. There is something else that I want to say. Can I keep talking? Is that a problem?

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Presiding Officer: (To the Detainee) I want to remind you of one item.

Detainee: Go ahead.

Presiding Officer: This session is your opportunity to be heard and present information to the Administrative Review Board. You can explain why you believe you are no longer a threat to the United States and its' allies and why it is important for you to be released or transferred or any other relevant information you wish us to consider. So I would reiterate why you believe you are no longer a threat.

Detainee: Are you done?

Presiding Officer: This is about your statement that pertains to your release not global politics.

Detainee: I talked about politics because this is part of my statement because I am trying to explain to you why my being here is unfair. You are telling me to talk on my behalf?

Presiding Officer: Talk on your behalf.

Detainee: Shall I speak?

Presiding Officer: Yes.

Detainee: So I am just giving advice to the American Armed Forces and you are saying "who is this to give advice to the Americans?" But I am giving you advice because I know the religion of God the all mighty and I read in the Koran that unfairness is going to be the end of the person who is being unfair. You don't want advice from people. Don't you want peace in the world? Why are you hitting people in Iraq? Why are you hitting people in Afghanistan? If you want Usama bin Laden...if you want Sadam Hussein, why are you hitting people and children? This is a policy that is not good for the Americans. Then problems arise for them and for the American people. And we want the good for people. We want good for every person. So I do not pose a threat against the Americans. If I wanted to pose a threat on the Americans...we have plenty of Americans that come to Jordan (to live) and tourists. I didn't grab anybody in Jordan...any of these tourists and do anything to them because the American military is doing something...if I was going to be a terrorist, there is no easier terrorism than...we respect people, [and] we respect human beings. If someone is being unfair to us...right now I am being wronged. I did not do anything and you took me away from my family and from my job all in the name of terrorism. So what have I done? I am a person that is forty-five years old. Do you have it recorded that I have ever killed anyone? I [have] never killed anyone. I [have] never participated in killing anyone and I don't want anything to do with it. And in Jamat Al Tabligh, it is missionary work. We explain to people and help them understand why they exist. Jamat Al Tabligh tells people to stay away from terrorism and things that are bad. In summary, I am a person. I am a Tablighi person. I help people. I do work that is helpful to people. If I go to Afghanistan, I help the poor people and the immigrants and I do the work of God. That is my religion. Excuse me, the last thing in summary, and I am

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sorry that I have been talking for long. I don't pose a threat to anyone or anything American or non-American. I just want to return and take care of my children and my wife and my job. I work in electricity. I am an electrician...so I want to take care of that. So if you are saying that you truly want human rights then you should release people that are here unfairly and I consider myself one of the people that are here unfairly and most of the people here are here unfairly. They did not do anything. So this is not good for the American people. It is not good for anyone else. You wish to contain terrorism and stop terrorism but you are doing just the opposite, you are spreading terrorism. And that is it...the last thing (the Detainee laughs)...the last thing...solve this thing and promote peace in the world. People who are killers...we do not help them. Our religion does not tell us to do this. If you kill me, it is not a problem...I will go to Allah as a person who was wronged. I am giving you an example using myself. If you kill anyone who is wronged, no one will accept this, you will not accept this, the American military will not accept this. Does anyone one accept the killing of his friend, his neighbor or his brother? So what you are doing, don't just say it in the public...in the media...to the world do it really. And here in prison unfairness is rampant, why don't you give us our rights here in prison? If you are not going to release us, then give us our rights here, whether we were terrorists, or fighters or innocent people or wronged people...give us our rights as prisoners. Now all of you are free and I am shackled and you are saying this is the law. Did I cause a problem? What have I done? I am shackled to the floor. I gave you a promise that I wasn't going to do anything...that is it...I am honest. Why are you scared like that? We are human beings like you. And you are the American military, is the American military scared of a person like this? We don't have anything. And threatening to kill someone or shutting the door on someone...writing that...what is this? Do I have a weapon to kill? But of these things...you have to investigate these things. If someone spits at me, I will spit at them. If someone is respectful to me...you talk to me with respect [and] I am talking to you with respect. We didn't do anything. That's it.

Presiding Officer: OK. We are going to move into a piece of this where we ask questions of you and you can continue to speak.

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?

Board Members: Yes, sir.

Questions for the Detainee:

Board Member: Some other Detainee's in the name of Allah, identified you as belonging to al Qaida. Can you explain that?

Detainee: You bring these people that said this about me, I don't know them. Are they Detainee's here?

Board Member: I can't answer that. I don't know.

Detainee: If it is someone you can bring and have them say this in front of me then OK.

Board Member: We know for certain that they were members of the Maktab Al-Kid-Mat (ph).

Detainee: I should know if they came and said this in front of me if this person is a member of this organization.

Board Member: OK. Thank you. How does spitting on the guards reflect his beliefs in human rights?

Detainee: I didn't spit on anyone. This is something that I did in spite of myself. If you had been there in my place and you had seen what happened, you would have spit as well. Because the guard taunted the entire cellblock. If you bring other people from the cellblock and ask them they will tell you the same thing. And he was a soldier in the Marines. Bring him here...bring the soldier here and investigate into this matter and you will know why I spat. Human rights...I do respect a person but if a person but if a person taunts you...the law that you have for you...he violates that. Before he spat at us, I told him, we were in the shower. There were three of us and there are four showers and we were in three of us and he came in and in front of us he made fun of us and I told him [to] bring the supervisor...bring the block sergeant and he didn't do it. And there are a lot of other soldiers that respect themselves and respect us and we respect them. And I have been here for three years and I am a human being and human beings make mistakes but I didn't spit until he spit at me. And these soldiers...I know that a lot of them sometimes they have problems [for] example with their girlfriends or with their wife or something is bothering them and they come and they take it out on us. I am sorry...I don't mean to say this but this is something that they did. This is something that the soldiers did. He spit at me and violated his own law so I told him to bring the block sergeant that is a higher rank than him and I told him 'is this what you law says to do?' So they told me 'did you spit at the soldier?' I told them 'yes I did spit at the soldier after he spit at me.' And then they punished me but they didn't punish the soldier. I didn't cause any problems...a lot of times they write stuff about us like threatening to kill someone or slamming the door on someone but that is not true. That is all lies. Ask the officer; you are saying that I threatened to kill them...how am I going to kill them? And what good would it do to kill? I could've hit them. I had the ability to hit them but they hit me. My hand is broken in four different places. See it's clear...and you see? And they punished me without treating me and they put the whole thing on me. A lot of things like this they do.

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Presiding Officer: When did the incident happen with your hand?

Detainee: This is old. This is maybe about two [or] two and a half years ago when we first came here.

Presiding Officer: And was it investigated at the time?

Detainee: I told them about my finger and they took me to the infirmary and they looked at it and the Doctor said [that] there wasn't anything in it.

Presiding Officer: For the record we have to note that there was an incident where he was injured.

Detainee: And there is another one here in my elbow. They hit me here and I stayed for one here.

Assisting Military Officer: Sir, I believe it is the Assisting Military Officer's job to report allegations of mistreatment or abuse or torture so I will take that on to report that. But I do have some questions about the situation here. Can I ask him some questions?

Presiding Officer: OK. We will go back in the procedure and allow the Assisting Military Officer to ask questions.

Assisting Military Officer: Ok, the situation with your hand...you are saying that the guards broke that here at this camp?

Detainee: Yes, in this camp.

Assisting Military Officer: OK. About two and a half years ago?

Detainee: Yes, approximately two and a half years ago.

Assisting Military Officer: OK and can you explain what happened?

Detainee: We were in cellblock India...the solitary one...and there was a problem...the soldiers violated the book of Allah...the Koran. And they hit someone and he got paralyzed...he is in the hospital.

Assisting Military Officer: OK. The guards hit another Detainee and he was sent to the hospital?

Detainee: First of all they violated the Koran. They took the book and they threw it down and they know that we respect all books of other religions...the Jewish and the Christian and we said that this was against Allah. So we started making a fuss when we saw this happen and then the guards that were with us at the time were not good. The ones that

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were in that shift were not good. And then the guards came in...they caused a problem in the cellblock. They took our brother, the one that went to the hospital. They said that he tried to kill himself for the sake of the Koran...God knows.

Assisting Military Officer: OK but I want to focus on the situation with your hand. What happened to you?

Detainee: The officers came in and they saw what was happening. They told the other soldiers that this was not right...this was against the law...to violate the holy book and so they took our brother to the hospital and they started coming in to all the cells and looking in all the cells. They started beating us and my hand got broke.

Assisting Military Officer: OK, what did they hit you with?

Detainee: They came in to solitary...the room is closed because it is a solitary room. They slammed me on the floor and my hand got broke.

Assisting Military Officer: And you said that it got broken in four places?

Detainee: I don't know what happened but I know that it got broken. Look at it now.

Assisting Military Officer: And you got sent to the clinic here at the hospital for medical help?

Detainee: Yes, they took me to the clinic. They took me and they photographed me and then they gave me a cast. And then when they investigated they said that 'you posed a resistance to them.' Maybe that is what they mean when they wrote that I had an incident where I tried to kill a guard. And I don't have strength and I don't want to fight and I didn't want to fight at the time but we were asking why they had violated the book of Allah?

Assisting Military Officer: And then you said that you were injured in other areas too? Shoulders...arm...?

Detainee: (The Detainee points) In the elbow and it was a year ago and I've been getting treated for a year.

Assisting Military Officer: So that is a separate incident?

Detainee: Yes, separate.

Assisting Military Officer: Can you explain what happened there?

Detainee: The second one? Also [the] same thing. It was a violation against the book of Allah. Another soldier violated the book of Allah.

Assisting Military Officer: And then what happened?

Detainee: They came in and they told us to get out of our cells and we told them that we did not want to get out of our cells until you bring in the supervisor. So we didn't get out and the soldier that had done this was the same soldier that had done this before so he was walking up and down the cellblock in a very arrogant way and he was trying to get a rise out of us. We said that we were not going to come out of our cells for anything...for them to look at it...or for showers or anything.

Assisting Military Officer: And then what happened?

Detainee: The soldiers came in with a plastic thing and they hit me with it. For two I was bleeding and things were coming out of it and they were trying to clean it.

Assisting Military Officer: OK and what was this plastic thing?

Detainee: They have this plastic thing and we kneel on the ground and we don't know.

Assisting Military Officer: Ok so it's to prevent fluids and water from hitting the guards. That's the plastic thing? Some kind of shield?

Detainee: No, when they come in we just kneel we don't resist. How could you resist when seven people come in and they spray this thing on you? I don't know what they use to spray but they spray us with something.

Assisting Military Officer: OK and this happened during the incident when his arm was cut?

Detainee: Yes and they sprayed us a lot.

Assisting Military Officer: With pepper spray or tear gas?

Detainee: Maybe. I don't know what the stuff is inside but when it comes on you when it comes in your eyes you don't see anything. So I didn't see anything...I just feel to the floor. I was kneeling and they came in and they pushed me to the floor and all of the sudden I saw the blood on my clothes...blood was coming out and they took me to the clinic. And that is what happened. They hit us and then they tell you and they write down that we were resisting or that we want to kill them and this is very unfair.

Presiding Officer: The first incident happened two and a half years ago and the last one was a year ago?

Detainee: The second incident happened more than a year ago but they have been treating it for a year.

Assisting Military Officer: OK and then just one last question. Why didn't you tell me about it before in the interview? I am just curious [as to] why you didn't mention it before.

Detainee: Now I remembered really. I had forgotten. It was two and a half years ago. If you ask me about something I will tell you that I forgot. My own children I have forgotten.

Assisting Military Officer: OK. Thank you.

Board Member: Do you feel the young soldiers disrespecting you're your rank?

Detainee: A lot of the soldiers are very good with us. I know that at the least with the law that they have for them, they don't do anything to us. Because I know about this law...I've served in the military and I know that is forbidden to do this...this hitting. Some of the soldiers are very bad, honestly. I am not saying that I am good and they are bad. I know that all people make mistakes but this is unfair. I am sorry. It is just that the way that we are living and the conditions...I don't mean to raise my voice. I think that when a soldier respects himself, I mean look here, this officer is asking me a question with respect, would I spit at him? He treats me with respect, I treat him with respect. Because you are treating me like another human being in front of you not as an enemy combatant or someone who is killing people...just a human being.

Presiding Officer: The question in front of you though...(to the Board Member) Do you want to rephrase your question?

Board Member: Let me try to ask it a different way. In day-to-day events at the prison, do you young soldiers treat you according to your rank?

Detainee: Do you mean like because of my age?

Board Member: Possibly.

Detainee: Because of age, yes, a lot of them look at you and they respect you and I give them back that respect. Some of the soldiers look at us and [believe] what they read from the media [that] we are coming here and we are beasts...that we are killers and they treat us like that. And they are coming to take revenge on us. They look at us as 'they are the people that killed all the people in the buildings' (referring to 9/11) and we didn't do anything. The problem is that when a soldier here wants to do something to us or take revenge on us, he does it through the law so he will write something like 'he did not cooperate...I told him to do it and he did not do it' and he records that that way. And so it appears as if we are all liars and the soldiers are telling the truth. There is no trust anymore because of things like these that are being written about us...he threw something, he did something. But the things I am telling you now are true.

Board Member: OK, thank you. I have no further questions.

Presiding Officer: Are you denying that you were at Khalden Training Camp?

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Detainee: Yes, I was not.

Presiding Officer: When you were arrested in Pakistan, what did you have on your person at the time?

Detainee: I had Pakistani money. I was going to buy some things for my children from the bazaar.

Designated Military Officer: Mr. Presiding Officer, clarification, (the Detainee) was arrested twice by Pakistani authorities.

Presiding Officer: Right.

Detainee: Are talking about the previous prison? Yes, I was captured by Pakistani's earlier, but are you talking about this place?

Presiding Officer: In the unclassified summary, item C.1., says [that] the Detainee was arrested carrying a letter with the name with a senior al Qaida member, an aide to Usama bin Laden, written at the top.

Detainee: When they arrested me in Pakistan I had Pakistani money and the market was called Southern bazaar. I did not have anything else.

Presiding Officer: Do you still sings songs of killing America?

Detainee: Really, we've been here for three years. We sit and we talk and the soldier comes and says we were talking about killing Americans. When a soldier comes and taunts us or does something against the Koran we start chanting and they think that we are chanting about killing Americans but we are just chanting [about] normal things. For example, someone who bothers you or taunts you or does something against you, you want to bother him so you start singing in front of him. These are just words. What are they saying [about] us talking or singing about killing Americans? What is this? We are singing but they are just normal songs these songs.

Presiding Officer:

Questions from the Designated Military Officer

Designated Military Officer: Could you tell us why Pakistan arrested you the first time?

Detainee: Yes, the first time they arrested me we were going to the border of Afghanistan for relief work and they arrested us. They caught me at he border of Afghanistan.

Designated Military Officer: Is it normal for Pakistan to arrest relief workers fro no reason?

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Detainee: Really, I don't really know what the Pakistanis government's nature is. Before, when we used to go to the border of Afghanistan and Pakistan to give food to the people who need it, the Pakistani soldiers used to salute us and say hello. Now they catch you when you are right at the border and they ask you 'why are you here without a visa?' 'Why are you at the border without a visa?' Before, [when] we used to go they didn't say anything. I don't know why their policy changed. When the Russians left they (the policies) started changing. Excuse me, just one observation. This is truly something that has changed in the policies of the Pakistani government because before when the Russians were in Afghanistan, the Pakistanis used to be so afraid that the Russians would come in to Pakistan so they used to beg or ask anyone from Pakistan to go and give food and things to the needy at the border but now it is changed. These are all government policies. Whenever they want to get rid of people, this is what happens for their own advantage.

Designated Military Officer: But the first time he was arrested was over a year before the attack on the twin towers, right?

Detainee: Yes before the attacks on the Americans.

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 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. Army
Administrative Review Board Presiding Officer

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