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Summary of Administrative Review Board Proceedings for ISN 003

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee accepted taking the (Muslim) oath.

The Designated Military Officer gave the Muslim oath to Detainee.

Presiding Officer: Gholam Ruhani before we start I want to make sure that you feel well enough to proceed; I've been told that you did not feel well earlier.

Detainee (through translator): It's not a one day thing, I'm in prison, I'm detained and it's an ongoing thing.

Presiding Officer: I understand. Also is the room warm enough for you?

Detainee (through translator): No, that's fine.

Presiding Officer: What name would you like us to use when we ask you or address you in this board?

Detainee (through translator): I have only one name and it's Gholam Ruhani. If you want to call me Detainee that is fine too.

Presiding Officer: We will call you Gholam Ruhani, your name.

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

Detainee (through translator): I just gave my Assisting Military Officer a statement; have you translated that already?

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Presiding Officer: We have not translated this statement but the translator has read this statement and is ready to make a translation of this statement to the board from the version you gave her.

Detainee (through translator): I'm not sure about my handwriting, it might not be very good, so may have to help her.

Presiding Officer: I will instruct the translator to let me know if she is having trouble reading your handwriting.

Detainee (through translator): That is fine.

The Presiding Officer asks the Detainee to speak up so that recording equipment can hear voice for the record.

Presiding Officer: Gholam Ruhani do you understand this process?

Detainee (through translator): Yes.

Presiding Officer: Thank you.

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

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 26 March 2007. After reviewing the ARB's purpose and procedures, the Farsi translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee said that he would like to attend the ARB. The Detainee was extremely cooperative, calm, and polite during the entire interview. The Detainee wanted a copy of the Farsi translated Unclassified Summary of Evidence, which was provided to the Detainee IAW DOC SOP.

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

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

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

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

Designated Military Officer (3.a.1): The Detainee stated when the Taliban captured Kabul, Afghanistan, they conscripted many people. The Detainee took a job with the Ministry of Intelligence in Kabul, and was part of a security detail responsible for patrolling the streets of a section of Kabul.

Detainee (through translator): Do you want me to respond now?

Presiding Officer: Yes, please, you have the opportunity to that.

Detainee (through translator): After the Taliban captured Kabul, they were forcing young men to serve in their army, and since I didn't want to go to the war and fight, I gave my name to work in administrative work because I didn't want to go and fight. I put my name on the list of people who volunteered to work for them because to avoid going to the war and fighting. In the beginning, I was working as a driver, since I wasn't a good driver and I never drove in the streets of Kabul before so they asked me not to drive. The way I was working there I wouldn't attend the office, that security office, or intelligence office. Once in awhile I would have to go there and show my face. That's it.

Designated Military Officer: Two.

Presiding Officer: Wait one.

Board Member: Gholam Ruhani, so you did work for a security office in Kabul?

Detainee (through translator): Actually, they were not very organized, I did not work for them, I just put my name there on the list of people who are willing work because I didn't want them to send me to fight. My name was there and I did that because every time they would ask me from Ministry to take me to the army, I would tell them no I'm working for that security office; that is the only reason I put my name there, but I wasn't working there.

Board Member: This was a Taliban security office?

Detainee (through translator): That was the government at that time; you have to work for that government.

Board member: Thank you.

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Presiding Officer: Were you paid for this work?

Detainee (through translator): I didn't care about salary, I had my own business and it was running good and that was the only reason. I already explained to you why I went and put my name in that office. I didn't care about money.

Presiding Officer: I understand. But was the government paying you for being on this job?

Detainee (through translator): Of course the government pays everybody doesn't matter what you do, you're a garbage man, or you're a teacher, or you work in the office, they will pay everyone for the work they are doing.

Presiding Officer: Why would the government pay somebody who wasn't working?

Detainee (through translator): In Afghanistan its normal, there was a chaos, there the government wasn't like a solid government, they were not organized, so it's normal. I mean they don't follow up with their procedures, I mean they don't have a human resources department who follow up with the new people and it's normal in our country, Afghanistan.

Presiding Officer: Okay, I understand, thank you.

Board Member: One question sir.

Presiding Officer: Go ahead.

Board Member: How is it possible for you to have a job that's so easy when the war is going on and all the young men are going to the fight, how are you able to get a job that didn't require hardly any work at all?

Detainee (through translator): It might surprising to you but this is not a new thing in our country during Najibullah's government, communist government, or any government who forces young people to go to war. These things happen: people will do anything to avoid going to fight and they're not very organized. This is not a new thing; I'm not the first person.

Designated Military Officer (3.a.2): The Detainee spent the four years before his capture working in the Operations Department of the Ministry of Intelligence in Kabul, Afghanistan for the Taliban. The Detainee was in charge of crime scenes and small case investigations.

Detainee (through translator): Is it my turn?

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Presiding Officer: Yes, it is.

Detainee (through translator): The term to serve the army was for two years and I haven't finished the term of serving the army when the United States started bombing Afghanistan. When the new war broke out and the United States started bombing Afghanistan, immediately I went to my house and I got busy with my own business. I never worked for the government, I don't know how to do administrative work and I wasn't working in that security office. I haven't heard anything of Ministry of Intelligence in Afghanistan at that time.

Board Member: Gholam Ruhani, when you say that term to serve the army you have not completed, is that equivalent to serving the government for the agency for which you signed up?

Detainee (through translator): Yeah, this is how it works in Afghanistan, like if you're a teacher and you don't want to go and physically serve the army the term that you have to spend in the army you can do your teaching work and they have a term for that. For instance, if you're a teacher they will say okay you have to work three years as teacher and that will count as if you served the army.

Board Member: Okay, thank you.

Designated Military Officer (3:a.3): The Detainee stated he was the Officer in Charge of the Operations Department in the Ministry of Intelligence. The Detainee noted that the Operations Department had fifteen associates.

Detainee (through translator): I never said such a thing, that I was a somebody in that Ministry of Intelligence. I never said I was head of that security department or operational department in that intelligence ministry. But I don't know during the interrogations sometimes they didn't treat me real bad and they would accuse me of stuff I did not do and that would make me very angry and upset and whatever comes out of my mouth I would just say it and I don't remember saying such a thing. So many times I told them why didn't you write my name down as Mullah Ahmed or Usama Bin Laden? Just write it down and don't interrogate me, I'm just tired of being questioned all the time. So during interrogations I would say whatever comes out of my mouth. There are so many times I asked the interrogators to write whatever they want to write down and I ask me to sign it and I ask them I will sign whatever you want me to sign, just leave me alone. Because I have faith that the truth wouldn't disappear and one day they will find out that I'm innocent and I haven't done anything wrong. The answer to this allegation would be—the short answer to this allegation would be that I wasn't anybody in that security department; I was just working there or putting my name just to avoid serving the army.

Presiding Officer: Okay, I understand. Are you saying that number three, this statement, is not true because you were felt forced to say this?

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Detainee (through translator): Yes, they were treating me very bad during interrogations and I'm the kind of person once I go crazy I don't know what I'm doing, I don't know what I'm saying. But the truth is that I was not the Officer-in-Charge.

Presiding Officer: Okay. I'll tell you what we are going to do; we'll strike that statement from this list of factors.

Detainee (through translator): That's totally up to you, I can't tell you what to do what or not to do, I'm not going to ask you to take things out of my file or add things, all I'm asking you is to look at the truth, find the truth and serve justice.

Presiding Officer: I understand and that's what we're here for and that's why we're going to take this statement out and we will not consider it when we make our decision.

Detainee (through translator): Thank you very much, I understood.

Designated Military Officer (3.a.4): The Detainee stated that a Director in the Ministry of Intelligence quickly promoted him. The Detainee did not receive any formal training for his new position.

Detainee (through translator): I didn't get any promotion, I didn't have any legal authority there, I just put my name there to save my life and that's all that is, and it's not true, I never got any promotion there.

Presiding Officer: Okay, I understand and we will take that answer into consideration when we make our decision.

Detainee (through translator): That's good.

Designated Military Officer (3.a.5): The Detainee left Kabul, Afghanistan, on the last day that the Taliban still had control. The Detainee was able to get a ride from a person who worked for the Minister of Interior, Criminal Division. This person was traveling in a Toyota pick up truck with fourteen associates who were armed with two RPG-7s, twenty AK 47s, and two PK machine guns.

Detainee (through translator): I already mentioned that after American attacks I left Kabul and went to my own house and to take care of my shop. A few days prior to the fall of Kabul I went to travel to Kabul to buy some stuff for my store. When I was trying to go back to my province, which is Ghazni, I couldn't find any other truck or taxi. There was government pick up truck and I just ask them a favor if they could give me a ride back to my province. The only reason is I just want to travel with them was because I wanted to go back to my city and my house.

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Board Member: Gholam Ruhani, don't you think it was—did you think it would be safer to travel with these men because they were armed, or were you worried about traveling with armed men?

Detainee (through translator): I had to go back to my house and to my family because they were bombing Kabul and had no choice but to take anything that comes out of my way. My family was worried about me.

Board Member: Thank you.

Presiding Officer: When you went to Kabul to buy things, what did you buy in Kabul?

Detainee (through translator): I had electronics shop in my province so I was trying to get electronic things, like cable socket and light bulbs.

Presiding Officer: You were able to buy things in Kabul?

Detainee (through translator): Yeah, Kabul is basically like the center of trading, so yes, I did purchase.

Presiding Officer: Did you take the things with you on the truck?

Detainee (through translator): No those are big trucks you ship them out. I shipped them with huge big trucks that are designed, and that's their job they do. You buy everything and you give it to them and they will take it for you.

Presiding Officer: So you were you able to do that, to have things shipped from Kabul on this time, the time you were captured?

Detainee (through translator): I didn't get your point. I was arrested two month after the fall of Kabul. Or one and half or two months after fall of Taliban and I didn't understand your question.

Presiding Officer: Let me put that another way, why didn't you just go home with the goods that you were shipping home?

Detainee (through translator): They're not going to move the truck just because of my stuff, they wait there until they get truck full of goods, so they have to wait and find other people who are trying to ship things, they can't wait for me.

Presiding Officer: Okay, I understand. Thank you.

Designated Military Officer (3.b.1): A source described the Detainee as being the Deputy to the Director of the Counter Terrorism Operations and Terrorism Department of the Taliban Intelligence Service in Kabul, Afghanistan.

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Detainee (through translator): The source your talking about, they're lying; this is not true. I entered the security office and repeating again for only one reason to avoid going to the war or serving the army. Even when there is a security office usually their purpose is to serve the security, serve the people, how can they be terrorists? I'm confused; Americans are talking about terrorism all the time and I don't know what is the definition for this, for that word. Which people are you calling terrorists? If working as a business man or a shopkeeper is a terrorist, or you call that terrorist activity or refusing going to fight, refusing to join the army, and refusing going to the war, if you call that terrorist activity and security office of government a terrorist organization then I'm just confused about the meaning of that word. I think whoever gave this kind of baseless information and allegations to the government, those people just humiliate themselves. I'm certain that if United States continues to listen to all this baseless and wrongful allegations then you have to detain, you have to put into prison at least 50% of the whole population of Afghanistan. The people, those plotters, people who are giving this wrong information to the United States and Americans, they are enemies of United States, not their friends, and their goal is for Americans to torture, to capture, to give hard time to innocent people, and this way they can hurt American reputation all over the world. There are people and sources that they are just trying to make money and they're trying to get some money from Americans, or their goal is to get a good position or nice position in current government. What they do, they make all these false allegations and lies and they're so good that within minute they can make, they can say one truth and 99% of everything they say is a lie and they can make a monster of an innocent person by their lies.

Translator: He mentioned a name that's not familiar to Americans; I translated that as a monster. That's actually a very cultural name that's a long story, so I just translated that as a monster or somebody that from nothing they make a big deal. He asked why I didn't hear that name that I used.

Presiding Officer: We understand.

Detainee (through translator): I'm done.

Presiding Officer: We understand that you are saying that this statement is a lie and we will take that under consideration when we make our decision.

Detainee (through translator): That's good.

Designated Military Officer (3.b.2): The Detainee's sister is married to a Taliban intelligence officer.

Detainee (through translator): My sister is not married to Taliban. Even if she was a wife of a Taliban, you can't take that against me as a crime; you can't put me in prison and keep me in prison because my sister is married to a Taliban. Because crime or committing crime is a personal thing and the human laws you can't accuse or punish a

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father because of a crime that his son committed. You can't accuse or punish a brother because of whatever the other brother did. This is just extra stuff that I wanted to say, but I gave the answer earlier that she wasn't married to a Taliban.

Presiding Officer: We understand.

Designated Military Officer (3.b.3): The Detainee stated he is very close with a senior leader in the Taliban intelligence service.

Detainee (through translator): That's not true; I didn't have any connection, any ties or any friendship to any leaders of that office or Taliban.

Presiding Officer: Okay we understand your answer and we'll take that into consideration when we make our decision.

Designated Military Officer (3.b.4): The Detainee couriered a letter between the Taliban Chief of Intelligence and a Taliban Military Commander.

Detainee (through translator): I don't remember such thing, to take a letter for the Deputy of Taliban and give it to somebody else.

Presiding Officer: Thank you.

Designated Military Officer (3.b.5): The Detainee attended a meeting with a Military Commander, a senior Taliban intelligence member, two Americans, and the Americans' translator. Shortly after the meeting, the Taliban intelligence member and the Detainee were arrested.

Detainee (through translator): I was introduced by Gughulam Mohammed Hootek. I was introduced by this man, Gughulam Mohammed Hootek, to a baker. Actually I was introduced by that baker, there was a bakery shop, I was introduced by that baker to Gughulam Mohammed Hootek. Also this man ask me through that baker that sends a message, through that baker that he wanted to see me. When we arrived there I was arrested by Americans without telling me what I did wrong. It has been more than 65 months that I'm in prison here in Cuba. Without a calendar it will be more than 65 months from the day I've been arrested. During all this time I couldn't do anything, I couldn't go to school, I couldn't run my business, I can't see my family. During that 65 months if I were free and I was in my country and if I attended medical school I would have been a doctor by now, and during that 65 months if I would be, I would run my business, I would have been rich man by now. Unfortunately, I spent all this time in prison and I have so many health problems right now. The people who owe money to us they wouldn't return our money to my dad, and the people that we owe money they took their money from my dad. I forgot, I forgot all my work, I forgot about my paperwork, I forgot who I owe money, who owe me money. After my release I will be forced to work very hard to pay people's money back and my wife, my kids they have borrowed money

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from other people in order to survive because I am here and I have to work very hard to take care of them.

Presiding Officer: Why did Gughulam Mohammed Hootek ask you to come see him?

Detainee (through translator): I don't know why, he just sent that baker and the baker gave me his message that he wants to see me, and as soon as I went there I was arrested.

Board Member: Had you heard of Gughulam Mohammed Hootek prior to this meeting?

Detainee (through translator): I was just introduced by that baker. They used to serve together, that baker use to serve with him.

Board Member: Serve how?

Detainee (through translator): They were serving in the army.

Board Member: So did you believe him to be member of the Taliban?

Detainee (through translator): He's the commander for his area for the past 20 years. He's one of the powerful warlords, he's in all government, with Taliban, with Karzai, and even if Lenin would come back he will work for this government.

Board Member: Thank you.

Designated Military Officer: C, other relevant data.

Designated Military Officer (3.c.1): The Detainee worked with thirteen to fourteen men. The Detainee did not have an official title, wore ordinary civilian clothes, and carried a Russian made pistol.

Detainee (through translator): Yeah, my pistol was actually personal, it wasn't given by the government, it was personal, and yes I didn't have any title, I was nobody in that office and I was wearing my ordinary clothes.

Presiding Officer: We understand. Thank you.

Board Member: Can you tell me what type of pistol it was?

Detainee (through translator): Makarov.

Board Member: Was it an automatic or revolver?

Detainee (through translator): I don't know much about weapons but I don't think it was automatic.

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Board Member: How did you learn to operate it?

Detainee (through translator): Well, shooting a pistol is not a hard thing but I wasn't like a sniper or anybody, I couldn't shoot at anybody; even children know how to shoot a gun, its an easy thing.

Board Member: Did somebody show you how to shoot the gun or did you just learn on your own?

Detainee (through translator): I didn't have professional training but in Afghanistan every single person knows how to shoot.

Board Member: Thank you.

Designated Military Officer (3.c.2): There was no specialized training given to civilian intelligence officers. It was assumed that officers already knew how to use pistols.

Detainee (through translator): I didn't want to work with government so I wasn't interested in their training and I wasn't getting training and I wasn't giving any training, and I'm repeating again that the only reason I joined them is to avoid serving in the army.

Presiding Officer: We understand, thank you.

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

Detainee (through translator): It's been so long since my arrest I don't remember.

Board Member: But do you remember having an issued concealed carry permit?

Detainee (through translator): There is no need for permit to have weapon in Afghanistan, everybody has a gun; nobody needs a permit in Afghanistan.

Board Member: Thank you.

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

Detainee (through translator): I'm not sure about it because every time I'm asking about them, the interrogators, why am I here, they're telling me we don't have anything against you, you're free, you're going to be released soon, you're an innocent man, so what else do you want me to think? I probably did. I think my capture, my arrest, my detention is huge mistake, it's a big mistake and keeping me for this long it's not fair. Even people

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who have done something bad, who have committed crimes, they don't deserve to be this long in a prison but for an innocent man it's an awfully long time.

Board Member: So do you believe that you were arrested simply because you were wearing a gun?

Detainee (through translator): That's the question that I have to ask you, I don't know why I was arrested.

Board Member: Thank you.

Designated Military Officer states the following factors favor release or transfer.

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

Detainee (through translator): Yes, I never knew, I never heard about al Qaida, and of course when you didn't hear their name, how can you know about their activities.

Presiding Officer: Thank you.

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

Detainee (through translator): Yeah, that's true that I never heard about al Qaida before, but who brought the war in Afghanistan, why it is started, I don't know, I don't the reason beyond all that.

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

Detainee (through translator): There's no doubt that I was a shopkeeper.

Board Member: I would like to know how specifically you've helped Americans?

Detainee (through translator): Well, that Gughulam Mohammed Hootok, he works with Americans. He is American ally and he asked me to come; I went there, so I was cooperating, I was hoping I was doing something for them, some work.

Board Member: Thank you.

Presiding Officer: Thank you.

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Designated Military Officer (4.d.): The Detainee stated that his only wish was to return to Afghanistan and assist his father, who is sick, in operating the family appliance store in Kabul.

Detainee (through translator): Yeah, since I am here my dad has to ask other people's help and all the revenue, all the money that we make in that store we have to share it with somebody else, if I was there the whole money would come to the family.

Board Member: Where is your family store?

Detainee (through translator): It's in our province, Ghanzi.

Board Member: So it's not in Kabul?

Detainee (through translator): No.

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

Detainee (through translator): This is not true. My sister is not married to a Taliban.

Presiding Officer: The question was...so you never said that your sister was married to a member of the Taliban intelligence?

Detainee (through translator): I don't remember sir, earlier I mentioned once I get sharp in my head and things go wrong with me, I can curse myself, I can curse other people, and I can say whatever I feel like, so I don't remember. It will be out of my control.

Presiding Officer: We understand and we'll take that into consideration.

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

Detainee (through translator): Yeah, I told you in the beginning the first few days I was driving them around and since I wasn't a good driver, I didn't know how to drive in Kabul, then they took that position from me, that job.

Presiding Officer: We understand, thank you.

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

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Detainee (through translator): Yes that's true.

Designated Military Officer (4.i.): The Detainee claims that his involvement with the Taliban should not be viewed as synonymous to the Taliban's ideology. It became a matter of political and survival necessity.

Detainee (through translator): Yes, that's true, that was a matter of survival because I did not want to go to war and serve the army.

Presiding Officer: We understand and thank you.

Designated Military Officer: I must back up; I missed note H as in hotel.

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

Detainee (through translator): Yeah, I was, I just put my name in security office and when you work for security office you serve the people but in my case I wasn't even working there, I just had my name there so they would leave me alone and wouldn't take me to army.

Presiding Officer: We understand that.

Detainee (through translator): What about the other statement that needs to be translated?

Presiding Officer: You'll have an opportunity to say more in a few minutes. We just wanted to go through the unclassified summary first.

Detainee (through translator): Why are you hiding information from me, extra allegations of classified allegations, why are you hiding the information of the sources who talk behind me, because you will be able to do your job if you don't tell me what I am accused of and if you don't give me a chance defend myself you're going to just keep me for another year here.

Presiding Officer: Well, the sources are classified for reasons having to do with security.

Detainee (through translator): I'm not asking you to give me the names or addresses or phone numbers of people who talk behind me; just tell me the allegations or the stuff that they said behind me so I can defend myself and tell you the truth.

Presiding Officer: Today we have presented in the unclassified summary all the information that I am allowed to share with you in this proceeding.

Detainee (through translator): Now if you have the translator, if you have a problem translating my statement, now I feel a little bit better, I'm able to read.

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Presiding Officer: Okay, you will have that opportunity to make that statement in just a few minutes.

Detainee (through translator): That's fine.

Presiding Officer: Okay, do either of the members' desire more time to review the unclassified summary?

Board members: No sir.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee had a written statement he would like to make orally.

Detainee (through translator): I, Rubani, son of Jealani, resident of Province of Ghazni, Afghanistan, was arrested by the Americans in year of 2001, close to my house and without any apparent reason. During my detention I have repeatedly asked interrogators about alleged accusations and an explanation of why I am being detained, and the answer was that they don't have anything against me and I will be released shortly. I was very happy to hear that there will be an Administrative Board which will review our cases and release the innocent detainees. I thought finally the justice will be served and I will be the first detainee leaving this prison. We were also told that the purpose of the Board is to make determination of our status and won't punish anybody. I have attended the CSRT and ARB sessions three times showing respect and honesty towards Board members and took the oath swearing to tell the truth. I have also witnessed board members and other officers taking the oath promising that they will perform their duty truthfully and fairly. I thought the board will respect and value our beliefs and trust our words when we take the oath, since in our country even if someone is charged with murder the court will believe in everything they say after they take the oath. So my expectation increased for being released, and goes to my homeland county and joins my family, but unexpectedly I was notified that I am an enemy combatant. I can't understand how can be an enemy combatant when, first, I wasn't arrested in battle field, second, I never had any problems with the Americans, and third, I have never participated in any act of war and always tried to stay away from fighting. The second Board determined that I am a threat which shocked me, thinking that how can a powerful government be threatened by an ordinary man. I consider the previous decision a mistake

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and misunderstanding. We were told that the Board will not punish us, but keeping an innocent man like me in this prison is a punishment. I think the officers working on my case were too busy doing other things, therefore they didn't review my case thoroughly and their decision about me was unjust. Had they done their job properly I wouldn't have been here for the past 65 months in a very subhuman conditions. Had they done their job fairly, I would have been a free man busy with my family business and may be busy with my education. I hope this time officers in charge in Washington will take their time while analyzing my case and make the correct and right decision.

Presiding Officer: Gholam Ruhani does that conclude your statement?

Detainee (through translator): Yes.

Board Member: I wanted to clarify, you said you were arrested in 2000, is that correct?

Detainee (through translator): 2001.

Board Member: Thank you. You also said if you could go back you would continue your education, what type of education would you pursue?

Detainee (through translator): I actually, what I told you was that, if you wouldn't keep me here I would have continued my education in the past 65 months but other than that I have heard that there are many schools and universities being opened in Afghanistan and if I feel like I can do that I will of course I will go and try something, try to learn something.

Board Member: Okay, thank you.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had questions:

Presiding Officer: I just have a few things to say before we conclude this proceeding. The first is that, these officers and I have spent hours already on your case, reading your file.

Detainee (through translator): That's very good.

Presiding Officer: And we will spend hours more as we make our decision and make our report.

Detainee (through translator): Thank you.

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Presiding Officer: We are sworn by our oath to read this evidence fairly and to make a good decision.

Detainee (through translator): I hope so.

Presiding Officer: I have one final question for you: if you go home what will you do?

Detainee (through translator): I will try to work with the business that I have and feed my family of course.

Presiding Officer: Do you have any details of that, that you could share with us?

Detainee (through translator): I've worked with my father since my childhood in all these trading business in Afghanistan, the things that are very normal in Afghanistan; we have China store, buying/selling cars, other goods, so I'm very good at it, since my childhood, I always try to travel with my dad and I can find a way to work that way and survive. Especially right now so many doors are open in Afghanistan and there's so much progress there, and I with the talent that I have I'm sure that I will make good money, God willing, if I go back there with my business.

Presiding Officer: Finally, I wanted to say that your behavior today to this board has been very respectful.

Detainee (through translator): Thank you.

Presiding Officer: You have shown that you still have a belief in this system and it is a good thing that you're here.

Detainee (through translator): Thank you and I'm waiting for justice.

Presiding Officer: I thank you for coming today and I hope you will tell your fellows that it makes a big difference for the board to see you and to talk to you and to hear your story.

Detainee (through translator): Yes, sure, I will tell everyone I can, and I will tell them the way you treated me which was very nice and respectful.

Presiding Officer: Thank you.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



COLONEL, USMC
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 029

The Administrative Review Board was called to order. 1325 hours.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee declined the oath.

Presiding Officer: Before we start, just a couple of administrative things. If the room becomes too hot or too cold please let us know.

Detainee (through translator): Thank you.

Presiding Officer: If you need a bathroom break please let us know.

Detainee (through translator): Yes.

Presiding Officer: I respect your decision to attend today's board, and making it a live board, your input will be very helpful to us in making our final decision, and finally to make sure that I am pronouncing your name correctly, is it Mohammed AL Ansi(a)?

Detainee (through translator): AL Ansi.

Presiding Officer: How would you like for me to address you?

Detainee (through translator): Mohammed.

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

Presiding Officer: Mohammed AL Ansi do you understand this process?

Detainee (through translator): Yes.

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

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

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

The detainee's ARB interview was conducted on 6 November 2007. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the board. A copy of both the English and Arabic translated Unclassified Summary of Evidence, were delivered to the JDG liaison for delivery to the detainee according to the JDG Standard Operating Procedures.

Additional Comments:

The detainee appeared at his interview wearing a tan uniform.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3) to the Administrative Review Board.

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

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

Detainee (through translator): Yes.

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

Designated Military Officer (3.a.1): The detainee stated he decided to go to Afghanistan to assist in Koranic education of Afghans after hearing a local Imam's sermon. The detainee stated he made arrangements with two other individuals to fly to Pakistan then make their way to Afghanistan to teach Islam.

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

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Designated Military Officer (3.a.2): The Imam in the previous statement expressed support for Usama bin Laden and jihad. He was known to deliver personal, verbal fatwas to those desiring to fight in the jihad.

Detainee (through translator): That is not right. This Imam is known he is against these things. All this Fatwa is known by government on his tape is recorded that has been selling in the markets is against the jihad, and against all these things.

Designated Military Officer (3.a.3): The detainee stated that he received about 35,000 Yemeni Ryals from the Imam in the previous statements and took a bus from Sanaa, Yemen to Dubai, United Arab Emirates with two other acquaintances. The detainee stated he and the two other men then flew to Karachi, Pakistan.

Detainee (through translator): All the trip is by airplane. I didn't take a bus, there is no bus.

Designated Military Officer (3.a.4): A source stated he personally facilitated the detainee's travel from Yemen through Karachi, Pakistan to Afghanistan in late 1999. The source fought in Bosnia and traveled to jihads in East Africa and Southeast Asia. The source was an important facilitator responsible for moving money and fighters to and from Afghanistan.

Detainee (through translator): That is not right. I didn't meet that person and I didn't know him.

Presiding Officer: Proceed.

Designated Military Officer (3.a.5): The detainee stated he traveled via Yemenia Airlines from Sanaa, Yemen to Dubai, United Arab Emirates, then to Karachi, Pakistan. The detainee then flew to Quetta, Pakistan, where the detainee went to the Taliban office to join up with the Taliban. After two and a half days in Quetta, the detainee headed to Khowst Province, Afghanistan.

Detainee (through translator): I went to Taliban not to join with Taliban, but just to take organization so I can enter Afghanistan for a job. I had my passport and I had everything.

Presiding Officer: Did you take these flights mentioned here, are they correct?

Detainee (through translator): Yes.

Presiding Officer: Proceed.

Designated Military Officer (3.a.6): The detainee stated he and his friends met with the Imam of Khowst, Afghanistan, who collected their passports and sent them to a village to

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instruct the local population in reading the Koran. The detainee stated he desired to return to Yemen after approximately eight months. The detainee stated he returned to Khowst, Afghanistan to retrieve his passport and visa, but the Imam was away. After waiting several days, the detainee hired a guide and headed for the Pakistani border without his documents.

Detainee (through translator): Yes.

Presiding Officer: Proceed.

Designated Military Officer (3.a.7): A source stated the warden in a prison in Pakistan told jihadists to say they were in Afghanistan to teach the Koran or for religious studies. The source was captured among thirty individuals thought to be Usama bin Laden bodyguards crossing into Pakistan.

Detainee (through translator): No. I did never talk to anyone from Pakistan because, I don't speak even Pakistan and I don't know even English, I know only Arabic.

Presiding Officer: Were you in a prison in Pakistan?

Detainee (through translator): Yes. Five days, I don't know it's an area in Pakistan, didn't tell us where, but I spent five days in prison in Pakistan, I don't know where. And after that they moved us to Kandahar.

Presiding Officer: Were you with approximately 30 individuals when you was captured?

Detainee (through translator): No, just by myself with the guide that I hired to translate for me.

Presiding Officer: Proceed.

Designated Military Officer (3.a.8): A source was taken into custody when he crossed the Pakistan border with twenty-nine to thirty-one individuals including the detainee. When members of the group were asked what they were doing in Afghanistan they replied they were there to teach the Koran. The source stated that his cover story of going to Afghanistan to teach the Koran was false and he believed the other stories were false as well.

Detainee (through translator): These things are not correct.

Presiding Officer: What part is not correct?

Detainee (through translator): The whole part of it is not correct.

Presiding Officer: Please proceed.

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Designated Military Officer (3.a.9): Individuals who attended the close combat course at Mes Aynak training camp were identified as not having to swear bayyat to Usama bin Laden or al Qaida. If an individual was going on an operation, that individual was identified as swearing his willingness to be killed for Allah. The detainee was identified as swearing bayyat.

Detainee (through translator): That is not correct.

Presiding Officer: Any questions? (negative response) Proceed.

Designated Military Officer (3.a.10): The detainee was identified as one of the Martyrs who had been readied for the Southeast Asia part of the 11 September 2001 operation. Usama bin Laden was identified as targeting United States' airlines, citizens, and military installations in Seoul, South Korea and Singapore.

Detainee (through translator): That is not correct, and I do not know nothing about these things.

Presiding Officer: Don't know anything? Is it the part with your association with Usama bin Laden?

Detainee (through translator): I have never seen him in my life.

Presiding Officer: Alright, let's proceed.

Designated Military Officer (3.b.1): The detainee was identified as participating in an elite training course at Mes Aynak Camp.

Detainee (through translator): That is not correct.

Designated Military Officer (3.b.2): The detainee was identified as being trained by the instructor at Mes Aynak who trained Usama bin Laden's bodyguards.

Detainee (through translator): That is not correct.

Designated Military Officer (3.b.3): A source stated basic trainees at the Mes Aynak training camp received weapons training on Kalashnikov rifles, PK machine guns, rocket propelled grenades, and hand grenades.

Detainee (through translator): That is not correct. I never received any training.

Presiding Officer: Mohammed, do you know how to use a machine gun?

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Detainee (through translator): I don't know, I never received any training in Yemen or in Pakistan. I didn't join the military in Yemen and so I don't know how to use it, the same thing in Afghanistan so I don't know how to use it.

Presiding Officer: Proceed.

Designated Military Officer (3.c.1): The detainee was identified as being a guard for Usama bin Laden. The detainee was identified as being at a guest house where Usama bin Laden was staying in 2001.

Detainee (through translator): Why am I'm not gonna be the—if this things is right I would be with Usama bin Laden right now, this things is not correct because if I was there with Usama bin Laden I would be with him now.

Presiding Officer: This was 2001.

Detainee (through translator): That's not correct, everything is not correct.

Presiding Officer: Proceed.

Designated Military Officer (3.c.2): The detainee was identified as being on the front lines in Kabul, Afghanistan during the fighting against the Northern Alliance. The detainee was identified as receiving training at a camp called Aynak and the detainee was a bodyguard for Usama bin Laden.

Detainee (through translator): The same thing, is not correct, this is not true.

Presiding Officer: Proceed.

Designated Military Officer (3.c.3): A source stated the detainee became a bodyguard for Usama bin Laden in late 1999 or early 2000 and remained in that position for approximately one year.

Detainee (through translator): That is not correct.

Designated Military Officer (3.c.4): A source stated he saw the detainee guarding Usama bin Laden at the Kandahar, Afghanistan Airport in July of 2000.

Detainee (through translator): Kandahar Airport, I never saw it except with the American, when I was with the American.

Presiding Officer: So, you have been to Kandahar Airport?

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Detainee (through translator): I was arrested, when they arrest me—when the American arrest me I was arrested by the American the they take me to Kandahar Airport that was the only time and it is not correct.

Presiding Officer: Proceed.

Designated Military Officer (3.c.5): The detainee was identified as being one of Usama bin Laden's bodyguards.

Detainee (through translator): The same thing, it is not correct.

Presiding Officer: Proceed.

Designated Military Officer (3.c.6): The source from the previous statement stated he saw the detainee many times at Usama bin Laden's house.

Detainee (through translator): That is not correct.

Presiding Officer: Proceed.

Designated Military Officer (3.c.7): A source stated the detainee was a guard for Usama bin Laden. The source stated he saw the detainee in Tora Bora, Afghanistan with a handgun and a Beka.

Detainee (through translator): That is not correct.

Designated Military Officer (3.c.8): The detainee's name was found on a document issued by The Office of Mujahedin Affairs listing over 150 al Qaida members scheduled for various forms of training. The detainee's name was on the list for the tactics course.

Detainee (through translator): That is not correct.

Presiding Officer: Have you ever attended a tactics course?

Detainee (through translator): Never.

Presiding Officer: Alright.

Designated Military Officer (3.d.1): The detainee stated he was arrested by Pakistani authorities shortly after crossing the border.

Detainee (through translator): Yes.

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Designated Military Officer (3.d.2): A source stated the detainee was among thirty individuals captured crossing into Pakistan. Several of these individuals are thought to have been bodyguards for Usama bin Laden.

Detainee (through translator): That is not true, correct; I was just arrested by myself.

Presiding Officer: Mohammed, why were you arrested?

Detainee (through translator): I am the one who go to them and talk to them, because I didn't have a official document with me so I went to the guard—the Pakistani guard and I talk to him so he can take me to the Yemeni Embassy and talk to them so they can arrange my documents so I can go to Yemen for a legal procedure with the Embassy.

Presiding Officer: I understand.

Designated Military Officer (3.d.3): A source stated the detainee was a fighter against the Northern Alliance north of Kabul, Afghanistan.

Detainee (through translator): That is not correct. I never fight. That is not correct.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer (4.a.): The detainee steadfastly denied any involvement in or knowledge of al Qaida activities in Afghanistan or Pakistan. The detainee stated he never saw Usama bin Laden. The detainee stated he has never received any formal or informal military training. The detainee stated he was never issued or carried a weapon while in Afghanistan or Pakistan. The detainee stated he had no enmity towards the United States.

Detainee (through translator): Correct.

Designated Military Officer (4.b.): The detainee stated he did not know of the terrorist acts against the United States in New York. The detainee stated he had merely been homesick and wanted to return to Yemen. The detainee stated he had no formal military training and the only weapon he had ever handled was the family AK-47 which he shot during a wedding celebration in Yemen. The detainee stated no one had attempted to recruit him for the jihad or for any sort of training in Afghanistan.

Detainee (through translator): All this is correct, but this weapon did not belong to the family. That belongs to one guy who lives with us in the village, he was in the same wedding party and he gave it to me and I shot.

Presiding Officer: So you have shot a weapon before?

Detainee (through translator): Yes. I shot just one or two and I gave it back to him.

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Presiding Officer: So you have shot a weapon before, because earlier you stated that you never fired a weapon.

Detainee (through translator): I was waiting. I read that one I was waiting this point, I read this one before and I was waiting until you reach this point, and I did have comments on this point, I was waiting until you reach this point and am I am comment because the AMO told me before I enter just like to be short and firm, and he told me to don't repeat the answers so I didn't like to discuss it before, I was waiting.

Presiding Officer: Just clarified. Thank you very much.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee had an oral statement he would like to make.

Detainee (through translator): There is a lot of people who need to leave this place, so they came up with anything and they came up with something that is not right and they accuse other people just to make the integrator happy or the board happy so he can leave this place so he came up with anything so I want you to know about this point that there is other people that they lie when they give statement, because they just want to make the board happy so they can leave this place. That is it, that's all I have.

Board Member: Mohammed, when you were in Afghanistan, did you go by any other names than your given name?

Detainee (through translator): Mohammed, just Mohammed.

Board Member: The other question I have is that I understand that you never were trained to be a soldier? There was a lot of fighting that was going on during the time that you were there. Were you near any of the fighting?

Detainee (through translator): No I was in Khowst; there was no fight, no nothing in Khowst.

Board Member: Thank you.

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Presiding Officer: I made a couple of mistakes in the procedure here, so I am going to correct myself as we go, they are minor ones but I want to get us back into the right position, just procedures.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had questions:

Board Member: No other questions but thank you for your participation.

Presiding Officer: First of all, Mohammed; thank you for your behavior today. I respect you showing up. When we make our decisions it is based on a lot of different factors for the administrative review board, but I want to thank you for your behavior and that is an important consideration.

Help me in making my decision. What has changed from the last year's board to this one that would want to make the board members here recommend to either transfer you or to release you from custody?

Detainee (through translator): First of all, the member board this time is different then the other one and they are more respectful more then the other one, and the second one that's for you—for me, the interpreter is better a thousand times then the other who was last time. The other interpreter his Arabic was very weak, very, very weak it was hard to understand him, and I told him I don't want to go, because I saw the way how the translator translates so I say I want to leave, because—and I saw the translator the way how you translates today, it was very comfortable, so I was very comfortable and I listen, and I did talk, I felt very comfortable.

Presiding Officer: I appreciate the comments particularly on the translator. To go back to my question; has there been anything in the last year that the board should take note of that would help favor you being transferred or released from custody?

Detainee (through translator): My reputation within the camp, the way how I deal with the military people, with the integrator, I have a good reputation. I respect them and I have nothing against them. I never cause any problem to them. I have very good reputation in the camp. This is how we deal with American military, American soldier. That is all I have, I have nothing else.

Presiding Officer: One more question Mohammed, if you were released from custody and returned to your home country, what would you do?

Detainee (through translator): First of all get married, that is number one. I need to settle down. I've been here seven years in the detention center; I need to relax, to settle

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down. Go back to the family, go back to the people. That is all, and study, finishing my school that is all.

Presiding Officer: Thank you for your behavior.

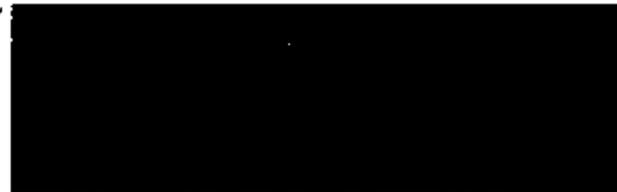
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



CAPTAIN, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 031

The Administrative Review Board was called to order on 30 November 2007.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee declined taking the oath.

Presiding Officer: Is the room comfortable? If it is too warm or too cold please let me know.

Detainee (through translator): No problem.

Presiding Officer: How would you like the board to address you?

Detainee (through translator): Mahmud Al-Mujahid if fine.

Presiding Officer: We appreciate your attendance, and conduct for this board; it shows that you take this process as serious as we do the panel board members. As we continue the process you will see that this is very important and it will help us in making a complete or better decision as a board.

Detainee (through translator): Yes.

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

Detainee (through translator): Yes.

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 28 November 2007. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee was initially non committal, however later stated that he would attend the ARB. The detainee was polite and attentive through out the interview. A copies of both the English and Arabic translated Unclassified Summary of Evidence was provided to the detainee in accordance with JDG Operating Procedures.

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

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

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

Presiding Officer: Mahmud Al-Mujahid, I note that you have chosen to respond to the information from the Unclassified Summary of Evidence, is this correct?

Detainee (Through Translator): Not exactly.

Presiding Officer: What do you mean by not exactly?

Detainee (Through Translator): If I chose to make comments about all the points I will, but if I chose not to, I have that choice as well.

Presiding Officer: I understand. The Designated Military Officer will read each factor from the Unclassified Summary and we will then give you an opportunity to respond if you desire to respond to that particular section. Please understand that Board Members may ask you questions based on your response.

Detainee (Through Translator): Yes.

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.

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Designated Military Officer states commitment.

Designated Military Officer (3.a.1): The detainee was identified as the emir of a guesthouse at the airport village in Kandahar, Afghanistan.

Detainee (through translator): That is a lie.

Presiding Officer: Continue.

Designated Military Officer (3.a.2): An individual who has sat with Usama bin Laden more than ten times stated the detainee was a bodyguard and stated that the bodyguards were given specialized training at al Farouq.

Detainee (through translator): I don't have any comments regarding that.

Presiding Officer: Continue.

Designated Military Officer (3.a.3): The detainee was identified as becoming a bodyguard shortly after the USS Cole bombing and remained a guard for one year until they all withdrew to Tora Bora, Afghanistan. The detainee's older brother, who was a veteran bodyguard, was identified as bringing the detainee to the Usama bin Laden guard force.

Detainee (through translator): Also I don't have any comments on that.

Presiding Officer: Continue.

Designated Military Officer (3.a.4): A source identified the detainee as a member of Usama bin Laden's guard force

Detainee (through translator): No comments.

Presiding Officer: Continue.

Designated Military Officer (3.a.5): A source stated he saw the detainee several times with Usama bin Laden between October 2001 and November 2001 in Kabul, Khowst, and Jalalabad, Afghanistan.

Detainee (through translator): No comments.

Presiding Officer: Continue.

Designated Military Officer (3.a.6): An al Qaida facilitator stated the detainee followed his brother into al Qaida. The al Qaida facilitator stated the detainee's brother facilitated his recruitment as a bodyguard for Usama bin Laden.

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Detainee (through translator): I would like to know who has given this information.

Presiding Officer: The names will not be given who provided the information; however, if you disagree with this information this is your opportunity to provide a response as to why you disagree with this information.

Detainee (through translator): I would just like to know all these points, all these allegations against me, is that someone that knows me personally, I would like to know if that person who is given this information is a personal friend of mine.

Presiding Officer: I am not going to reveal the identity. There is potentially more than one source, but there are people that have been identified as well as their names and that information will not be mentioned in the Unclassified Summary of Evidence. Regardless of the names, I encourage you that if you have a response or if you think this is wrong, provide me with the right information.

Detainee (through translator): It's good to have these points on paper. The thing is; is this person a considerable person, is this person trustworthy that is giving this information about me.

Presiding Officer: Again, I am not going to reveal the sources and as I said previously; you have a chance to respond back as to why you think these points are wrong. This is your chance to tell if the story is wrong and to tell me the correct story and the Board does want to hear your side.

Detainee (through translator): If you would sir, please explain to me the difference between a facilitator and also a source. I would like to know the difference. For example in these points, one point will say a source stated and in another point it will say a facilitator stated, and in another point an operative said or stated and I want to know the difference between those three.

Presiding Officer: Designated Military Officer, do you have the difference or the definitions?

Designated Military Officer: A facilitator is somebody who teaches somebody who observes somebody teaching a subject. A source may be somebody who is close by who observes somebody doing something.

Detainee (through translator): Also there is a point; I would like to know the meaning of identified.

Presiding Officer: I appreciate your questions and they are very good, but I don't want to get caught up in words semantics all day long if we can avoid this.

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Detainee (through translator): I would just like to know the difference between a/the facilitator and an operative?

Presiding Officer: Can we continue with the rest of them and we can come back to any of the other words for the definitions at the end when we have a chance to talk further.

Detainee (through translator): That's a good time, thank you.

Presiding Officer: Continue.

Designated Military Officer (3.a.7): A source stated he saw the detainee with Usama bin Laden on three different occasions between April 2001 and November 2001. The source believes the detainee was one of Usama bin Laden's closest bodyguards due to the fact every time he saw Usama bin Laden the detainee was close by

Detainee (through translator): No comments.

Presiding Officer: Continue.

Designated Military Officer (3.a.8): The detainee stated he studied religion under a Sheikh from Yemen for a period of three months.

Detainee (through translator): What is the meaning of this point? Is it an allegation?

Presiding Officer: It is a statement of fact.

Detainee (through translator): If we can continue I will have some comments after all this.

Presiding Officer: Continue.

Designated Military Officer (3.a.9): According to a Yemeni national, the Sheikh from Yemen was recruiting Yemeni youth from small villages. The Yemeni youth were being indoctrinated into the radical Salafi sect of Islam, and instilled with a profound hatred toward the west.

Detainee (through translator): After we finish with all.

Presiding Officer: You can ask the question now. We are changing the flow process. Do you desire for us to read all of these and when we come to a break in a subject area then you can come back and respond to that particular area?

Detainee (through translator): My comments will be a little bit longer; if you want me to make a comment now that's no problem, if it's not a problem with you.

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Presiding Officer: That's fine with me but I am getting a mixed signal and I want to make sure that we don't slow the process down. I can break between areas, the first area is commitment and then the second area is training, after we talk about all the facts in commitment and then make a statement; we can do that.

Detainee (through translator): That's good talk, I like that talk.

Presiding Officer: Okay, let's do it this way then. Let's continue with the points all the way to 13.

Detainee (through translator): Go ahead.

Designated Military Officer (3.a.10): The detainee was identified as being facilitated to Afghanistan in late 1999 or early 2000. The detainee's brother was also identified as having his trip facilitated to Afghanistan circa 1997 to 1998.

Designated Military Officer (3.a.11): A driver for Usama bin Laden identified the detainee as one of the individuals from the group that was apprehended at the Pakistan border. The driver stated the detainee was a bodyguard for Usama bin Laden.

Designated Military Officer (3.a.12): The detainee stated he then attended the Islamic institute in Ma'reb, Yemen where the detainee had been told he should go to Afghanistan to teach the Koran.

Designated Military Officer (3.a.13): The detainee stated he and another individual arrived in Karachi, Pakistan. After five days the detainee boarded a bus and traveled to Quetta, Pakistan. After arriving in Pakistan, the detainee was driven in a public car to the border of Afghanistan and Pakistan. The detainee stated he crossed the border on foot, and then 5 days later the detainee traveled to Kandahar.

Presiding Officer: Mahmud Al-Mujahid these are all the factors under the first area of commitment. Do you desire to make any statement on the factors of commitment or would you desire for me to continue into the factors on training?

Detainee (through translator): Did we finish with 'A' which is commitment sir?

Presiding Officer: Yes.

Detainee (through translator): Like I mentioned to the Assistant Military Officer, my story that I mentioned before, there is someone named Mukhtar Al-Kadasi that was mentioned in my story I met him in Ma'reb, I told him that the story was a lie; it was wrong. From the beginning all the way to the end so anywhere you find the name Mukhtar it should be erased and the reason why I lied there were some reasons why I lied. And I couldn't make any comments or make any points regarding that story.

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because there were other reasons. One of the reasons why I couldn't comment or make my points across was because of the bad treatment of the interrogators.

Presiding Officer: I don't want to get too much into it but that is a very general word, can you be a little more specific as on why?

Detainee (through translator): Yes I will.

Presiding Officer: You will. Okay.

Detainee (through translator): For example; some of the young people that are here, when they were telling their story tell their story they are telling the truth about their story for example after a year here. Regarding the interrogators, if it's a female interrogator or a male interrogator; after they think in their mind that they believe that after a year of being here in GTMO that they are defeated and that they are weak so they are probably just telling that story and I didn't invent this story this is the truth what happened here because I know some of the people that are here and not because I was afraid of being in an individual cell or bad treatment, and I am not a respected person and I would like people to treat me with respect. I am not you know a Watchdog. The Watchdog that sometimes they throw a rock at him and sometimes they bring him over.

Presiding Officer: Who is the Watchdog?

Detainee (through translator): I am talking about myself that I am not a Watchdog. I don't want to think that when the interrogator treat me like that that the detainee is going to come out and give all the information out, if the interrogators were treating me with respect and being polite with me, we would have been done with this story a long time ago and we wouldn't need all these points on paper; and after six years here now I am making my comments regarding these points that are in the paper here I guess; and if I knew after six years this would be the end and all the events taking place I would have spoken way earlier and I would have been a lot more comfortable talking about these things.

Presiding Officer: I want to ensure you that this is not an interrogation; this is an administrative process so as we continue on during this period; help us, if certain facts are wrong and what factors are correct and please point them out to us.

Detainee (through translator): Go ahead sir.

Presiding Officer: Do any Board Members have questions?

Board Member: You asked about a facilitator; a facilitator in the context that we are talking about would be a person who is a recruiter, an administrator, or somebody who would provide financial support to move people from their home to say to Afghanistan.

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Detainee (through translator): What else? A recruiter or---

Board Member: ---an administrator or somebody that would provide financial support.

Presiding Officer: We will continue with the Training section.

Detainee (through translator): I have a comment regarding the Sheik I studied with for about three months if that is okay. If you would; I am really cold, I apologize, please turn off the air condition.

Presiding Officer: That is no problem; we will turn it down a little bit.

Translator: He said his feet are freezing.

Presiding Officer: Is that better?

Board Member: Thank you.

Presiding Officer: He was cold too.

Detainee (through translator): Yes I did study for three months his name was Abdula Al-Ahdel in Hadermouat in Yemen. I would like to explain something before I go ahead and clarify everything; if I am for example; I went into a supermarket to buy a product and the product wasn't a good product, for example it has drugs in it like cocaine and I didn't know when I went in to buy this product I thought this product was a good product so didn't have any idea what it was like why would the government come in and capture me and say you bought an illegal product from this person and this person Abdula Al-Ahdel everybody told me that he was a good person and everything he does is properly so that is what I knew about him. Why am I being considered guilty that after I left this person Abdula Al-Ahdel they found out that he profound and he pushes for the hatred towards the west, why am I guilty; when I went there I went to learn the right thing from him. If after I left this person there was some information or sources said that this person is pushing for hatred towards the west or for terrorism why would I be considered guilty after I left, for as long as I was in that institute I never learned anything like that or heard anything like that, how could that be a charge against me, and all I know about this person Abdula Al-Ahdel is that he is an innocent person from all these allegations against him, and I do defend him strongly, that is all my comments regarding this Sheik.

Board Member: I have a question. Why did you decide to go to Afghanistan? This Sheik did not convince you who helped you decide you sold go there?

Detainee (through translator): So there will be no misunderstanding about this story, I will explain why. I went into three institutes in Yemen that was the first institute that I went to with Sheik Abdula Al-Ahdel; I stayed for three months and in left at my free will. At the same time I was being pressured--per pressured by the students there because they

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thought I had a terrorist thinking; and one of the reasons they think that why is because of my name Al-Mujahid that is my last name, and they thought I was into these terrorist ideas and through some of the anthems and some of the songs that I used to repeat while I was there it has some words regarding jihad and all that. So that is why the students they have objected to these things and they mentioned that and that is why I had problems with them, and I left the institute that was my will and I wanted to leave that institution.

The second institute that I went to was in Marvic and the Sheik's name was Abdula Al-Shedrie this institute I mentioned that during interrogation that I went there for about three months and that what I said was not true I only stayed there for nine days and I left there, they kicked me out of there, and the reason was because they thought I was encouraging a jihad and that is why they kicked me out of the second institute.

So the owner of the institute he kicked me out on the ninth day after I arrived there and that was on a Friday when I was kicked out and on Friday, what I meant it was on Friday that I was kicked out of the institute and on Friday you have less transportation to get so I was having a hard time finding transportation and because I was kicked out on the ninth day I ran into the assistant of the Sheik of that institute of the same institute—I ran into the assistant of the Sheik, and that assistant he had mentioned to me that it wasn't right thing what the Sheik did kicking me out and he was willing to help me; his name was Mufeed, that was the assistant to the Sheik he helped me by saying go to the market in the town and you will find someone by the name of "X" and he will be at a certain mosque.

He told me that that person will be at the mosque and he will be the one talking at the mosque and after that speech at the mosque he introduced me to that person and after the speech that person told me about a car to was going to help me take me somewhere else and that also at the end of our conversation and I caught that car that I was told to get into and I went back to my town; and that was all I knew and that all my relationship; my association with Sheik Mufeed. Half of my story talks about these two people Mukhtar and Mufeed and all of this talk is all a lie, because all this people did was that person just help me find away to go back to my town; and the story about Mufeed, that he encouraged me and he pushed me to go to Afghanistan that is just a story that was invented it has no truth to it

Presiding Officer: Who invented the story?

Detainee (through translator): I did. I invented that story in Pakistan when they took me for interrogation at the American Embassy. I made up that story. This person named Mukhtar, I never knew anyone by that name of Mukhtar, so in order for me to complete the story I added this name Mukhtar to the story so I can make it look like its a good story, so what I am suggestion; from the beginning all the way to the end of this story regarding Mukhtar and Mufeed, I would like you to erase that part from my unclass. Nobody pushed me, nobody told me to go and do anything.

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Presiding Officer: Your request is noted. We will move on to Training.

Board Member: What was your reason to go to Afghanistan?

Detainee (through translator): I don't want to talk about it. My comments belong to the interrogation doesn't belong to me.

Presiding Officer: Lets move on to Training.

Designated Military Officer states Training.

Designated Military Officer (3.b.1): A source stated he first saw the detainee at al Farouq in May or June of 2000, and later heard the detainee became a guard for Usama bin Laden.

Designated Military Officer (3.b.2): The detainee was identified as not being convinced of fighting against the Northern Alliance while he was training at al Farouq, was hesitant, and did not know whether to go to the Islamic Institute in Kandahar, Afghanistan or to go to the front lines to fight.

Designated Military Officer (3.b.3): A senior al Qaida operative stated al Farouq training camp took 45 days and was a basic training course that covered all types of topics, such as weapons, topography, field guns, first aid, and explosives.

Designated Military Officer (3.b.4): The detainee's name was listed on a roster recovered from the military committee of the al-Mujahedin office. The detainee was included on list that contained sixteen students that had graduated on September 10, 2000 from al Qaida basics course.

Presiding Officer: I encourage you Mahmud Al-Mujahid to respond as you did on the last section. This concludes the section on Training.

Detainee (through translator): I don't have any comments regarding this but I do have some comments about the previous one. I would like to make a comment regarding point number 10 in commitment. I traveled to Afghanistan in the year 2000, around July 2000, and I am thinking that I stayed in Afghanistan for about a year and a half until I was captured, in my file it says I stayed in Afghanistan for six months and that is a lie, I did lie about that.

Presiding Officer: So you stayed in Afghanistan for approximately 18 months?

Detainee (through translator): I am not very precise with the dates but I did travel to Afghanistan around July of 2000, and I think I was captured around December 2001. Is that a year and a half?

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Presiding Officer: That is close.

Detainee (through translator): That is the true date that I was in Afghanistan.

Presiding Officer: Are there any other points from the first section that you would like to make or would you like to move onto Connections and Associations?

Detainee (through translator): I do have some comments but I will wait until we are done with everything.

Presiding Officer: Let's proceed on with Connections and Associations.

Designated Military Officer states Connections and Associations.

Designated Military Officer (3.c.1): The detainee was identified as being at the Nibras guesthouse, Kabul, Afghanistan, Tora Bora, Afghanistan and in the al Farouq training camp. The detainee was identified as moving with Usama bin Laden when he departed.

Designated Military Officer (3.c.2): Two guesthouses were identified in Kandahar, Afghanistan. One was for the common people and other one was called the al Nibras guesthouse which was for the special people, that included those en-route to the al Farouq training camp and Usama bin Laden.

Designated Military Officer (3.c.3): An individual who has sat with Usama bin Laden more than ten times stated the detainee was always with Usama bin Laden in Kabul, Afghanistan, Kandahar, Afghanistan, and al Farouq and described him as a good fighter. The individual also stated the detainee carried a Kalashnikov rifle.

Detainee (through translator): Sir, again what is the difference between an individual and a source that said ten times, I would just like to know----

Board Member: ---It's an interchangeable term.

Detainee (through translator): Is it so you can differentiate between a person and another between the sources.

Board Member: Could be, yes.

Presiding Officer: Do you want to make a comment?

Detainee (through translator): No sir, I have no comments.

Presiding Officer: Before we go on the section Relevant Data, I want to go back to point number four. I was wondering Mahmud Al-Mujahid if you have any thoughts or comments as why your name may have been on a roster that was found in the Al-

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Mujahedn's office? This is point number four in Training. Why could have your name been on this roster? You don't have to answer if you don't want too.

Detainee (through translator): God knows.

Presiding Officer: Let's proceed with other Relevant Data.

Designated Military Officer states Other Relevant Data.

Designated Military Officer (3.d.1): A source stated he saw Usama bin Laden in the Tora Bora region of Afghanistan. After Usama bin Laden left Tora Bora, the source left with 30 individuals who attempted to cross the border into Pakistan. The source identified the detainee as one of the 30 individuals he was captured with while attempting to cross the border into Pakistan. Several of these individuals are thought to have been bodyguards for Usama bin Laden.

Designated Military Officer (3.d.2): A source who was part of the thirty individuals captured near Parachinar, Pakistan while fleeing Afghanistan, stated the Pakistani warden told the group the best thing they could tell the United States forces when interrogated was they were in Afghanistan to teach the Koran and for religious studies

Designated Military Officer (3.d.3): The detainee was identified as knowing about future operations

Designated Military Officer (3.d.4): The detainee was identified as using a cover story that he was a religious teacher in Afghanistan.

Presiding Officer: Do you have any comments about Other Relevant Data?

Detainee (through translator): I would like an explanation about the third point. What is the word "identified". Clarify that.

Board Member: Knowledge of potential targets by al-Qaida in the near future.

Detainee (through translator): Is that an allegation or somebody claim that I knew about these operations?

Board Member: Yes a source indicated that he knew.

Detainee (through translator): Do you believe that talk, do you believe this?

Presiding Officer: I will come back to that with a question after we are done.

Detainee (through translator): I don't have any comment regarding this but nobody has pushed me or told me to go and teach Koran.

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Presiding Officer: Let's proceed with number four.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer (4.a.): The detainee stated he heard from various Yemeni religious leaders of the religious ignorance in Afghanistan and was motivated to travel to Afghanistan to teach the Koran.

Detainee (through translator): Nobody pushed me, or told me to go and teach Koran in Afghanistan. Nobody has told me, nobody has mentioned that to me, nobody in the whole world has mentioned anything like that to me. Stay away from this point if you would.

Designated Military Officer (4.b.): The detainee denied participating in any fighting or receiving any weapons training either before or during his trip to Afghanistan. The detainee denied knowing the locations of any terrorist training camps.

Detainee (through translator): Continue.

Designated Military Officer (4.c.): The detainee stated his brother, Riyadh, had never been to Afghanistan, and was not affiliated with al Qaida or the Taliban.

Designated Military Officer (4.d.): The detainee denied attending al Farouq training camp and denied ever participating in any military training while in Afghanistan. The detainee denied being an Usama bin Laden body guard and denied swearing bayat to Usama bin Laden.

Designated Military Officer (4.e.): The detainee denies any prior knowledge of the September 11 terrorist attacks in the United States and also denies hearing any rumors concerning such attacks.

Detainee (through translator): And very strongly.

Administrative Review Board Member's had questions on the unclassified summary:

Board Member: I do have one question, first thank you for your honesty and being forth right with us today.

Detainee (through translator): You are welcome.

Board Member: I do understand that as you mentioned earlier that during some of the discussion, some of our questions belong in interrogation and I was wondering if you are willing to speak to interrogators conserving these issues.

Detainee (through translator): No.

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Board Member: My only other question concerning interrogations and lying as you said you had in the past; will you be honest with the interrogators here on out?

Detainee (through translator): The interrogation with me is finish and I don't have an interrogator right now and I don't want one.

Board Member: Thank you.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated the following.

Assisting Military Officer: Sir, the detainee appeared at his interview wearing a tan uniform, when asked why he did not want to attend the Administrative Review Board the detainee stated the unclassified summary is the same as last years.

The detainee stated that there was no use to attend the Administrative Review Board because the decision was already made; the detainee stated further everything in the unclassified summary was built around him knowing the Sheik, the detainee stated that the Sheik was a good man who had good ideas. The detainee stated he never heard the Sheik say bad things in his time he attended the institute.

The detainee stated that during the time traveling with a friend or anything associated with Mufeed was fake, he just made that up to appease the interrogators. The detainee further stated that he only attended the Islamic Institute for nine days before he was kicked out, the institute didn't except radical Islam ideas and the detainee said he made the three months up because he was too embarrassed to tell the truth.

The detainee stated that he was helped by the Sheiks assistant to travel to Kuwait. The detainee is only telling the truth know because the interrogators treated him badly, the detainee said he would give the interrogators information but they became greedy, the detainee finished his statement by saying that everything associated with Mufeed and everything from the interrogators was a lie and may Allah forgive him for lying.

Sir, a follow up interview was conducted on 29 November 2007 to give the detainee his documents and the detainee stated that he would attend his Administrative Review Board.

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Presiding Officer: Mahmud Al-Mujahid, you may begin your statement or you may have the Assistant Military Officer read a statement on your behalf if you desire to make any additional comments.

Detainee (through translator): I would like to speak myself.

The Detainee would like to make an oral statement.

Presiding Officer: Proceed.

Detainee (through translator): I would like to mention one line or two to you. The reason why I am confessing here, or a day or two before with the Assistant Military Officer; I was determined before I meet with—before the interview that I wasn't going to speak and I wasn't going to talk but I felt like I should when I went to the interview.

Religiously speaking; that the Sheik Mufeed that he pushed me encouraged me to go to Afghanistan that was a lie I wanted to have a chance in the last—past five years; I wanted to talk about this in the past five years but the interrogators they never made me comfortable to speak about these things.

I continued to lie about Sheik Mufeed but there is something called judgment day, and because there is a judgment day I would like to say that I have lied about Sheik Mufeed and I had made up all the story about him pushing me and telling me to go and teach religion and Koran; my only relationship with him is he helped me find transportation to leave at that time.

There is no one in the whole entire world, in the whole globe that has pushed me or ask me to go and teach in Afghanistan; I went and traveled on my own and I don't feel being pressured right now for me to speak here in front of you. Not the bad treatment that I have had that has pushed me to talk about these things after six years I am coming out to talk here and the stupid interrogators couldn't figure it out, and I am speaking here because there is absolutely no pressure on me and its not that I am physically or mentally weak and its also another reason cause I have been away from my home for six years and I haven't been back to my home, but the last five years I have had something like itching me in my chest to come out and say something.

Every time; I have asked the interrogators to bring me somebody that is polite and good interrogator, they have given me worse and worse interrogators and that is why I kept that talk all inside of me. I told the interrogation that if you give me somebody that is good, I can continue and I can bring out the truth, and I can tell you the truth, and until know they still treat me—still have bad treatment from them.

The last couple of years I haven't had—don't have an interrogator and I don't want to have an interrogator, so if I was physiologically being pressured then I would have called

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an interrogator to him to get me out of this hell and I am not being pressured here in this ward today. I don't want to go back to my home country.

Presiding Officer: You don't want to return to Yemen?

Detainee (through translator): No, I don't want too. There are no tools over there that can help me to survive and that is the reason.

Board Member: If you have a choice where would you like to go too?

Detainee (through translator): I would prefer to be a refugee somewhere then to go back to Yemen. Please if I am a refugee somewhere if I go somewhere as—on asylum I can start my life there but if I go back to my home country I would be starting from zero. If I went back to Yemen it would be very tiring for me to start over but being a refugee somewhere it would make a lot more sense to me and I would prefer that.

Presiding Officer: Thank you.

Board Member: Thank you.

Detainee (through translator): If you can give me a moment I would like to make a couple of more comments.

Presiding Officer: Sure, please go ahead.

Detainee (through translator): Some of the things that I lied about was my birth date; I told the interrogators about my age that I was born in 1977 and that was a lie my true birth date is—I was born in 1980. It's not coming to my mind in order so I might be going out of order a little bit, because I can't remember all the points in order so bare with me a moment.

The third point—other relevant data number three; its for someone who has a level head and has common sense should believe that—how could they believe that I could do things like that; for example a personal body guard, he would never know what's going to happen in the future, even the people that belong to the al Qaida they wouldn't know this information; how could they believe this thing that has been mentioned about me from whoever are your sources and I'm not making this comment because I am afraid at this point, and the person that mention this he lied about this but he is just trying to bring some kind of talk, how do you consider him as a source?

Presiding Officer: Lets see if we can clarify it this way. If I ask you a "yes" or "no" question. Did you know about future operations? "Yes" or "no"? What you are saying today is you are telling me the truth; we can make it very simple.

Detainee (through translator): Sir, it's impossible to answer.

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Presiding Officer: Thank you. You said today that you wanted to tell the truth and get everything out; but if it's impossible to answer I understand.

Detainee (through translator): No sir it's not impossible to answer but impossible to know, the answer on your question is no.

Presiding Officer: But he is telling me the truth?

Translator: Correct. Sir, let me go back and clarify this again, you asked if he knew about any future operations; his answer is strongly no, it's impossible to know.

Presiding Officer: I understand. Are there any additional points that you want to address?

Detainee (through translator): I just want to make sure that I emphasize on—that I am not being pressured physiologically, and I would talk to officers that understand me and they know that I can understand them too. I spoke to an interrogator and I know that the interrogator is stupid sitting in front of me; just the fact that they treat me—they deal with me and give me bad treatment and they just think that I am weak and just give them information; and I repeat one more time that my interrogation has finished and I don't have an interrogator and I don't want an interrogator and I thank god that I had the opportunity today to emphasize and let you know that Sheik Mufeed, he never encouraged me or pushed me to teach in Afghanistan; and I want god to know that I did lie about Sheik Mufeed and that I lied about what I said.

Presiding Officer: We will proceed on. Does that conclude your statements?

Detainee (through translator): If there is an opportunity for me to talk later on I would. That's okay.

Presiding Officer: Mahmud Al-Mujahid is there anything else you want to say or any further additional comments; this is the time that you can provide those comments.

Detainee (through translator): I would like to talk about many things that I have lied about. Basically—originally why I lied about these things. One of the reasons is obviously being afraid, being scared, and the bad treatment and the behavior that I was treated the last six years; despite the nature of the interrogators that I had, I told them that I wanted a respected interrogator and they went and the opposite way.

Presiding Officer: You are starting to repeat you're self. We have discussed this before, I respect you sharing this with me, but is there anything else you want to bring out during this period?

Detainee (through translator): I stayed at Pakistan for five days, and then I went by car to the boarder of Afghanistan, and after I entered Afghanistan I continued in a car to go to

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where I wanted to go to in Afghanistan; because it says here that after I entered in Afghanistan I stayed five days and then I continued; that is not what I lied about, but that is what has been said about me. I just want to clarify that. I said that during the interrogation about Mukhtar, he collected the money for them to facilitate for them to travel there is not such thing as the name Mukhtar, anything that has the name Mukhtar on it you might as well just throw it in the Ocean and anything with the name Mufeed just throw it in the water. Also I lied about a person named Yousef that he had encouraged me to go to Qatar because there is Dewar and religious studies that is a lie too. I never had any intentions to go to Qatar, but the only reason I went was just to complete that story to make it sound like it's a good story.

This is the last of my talking—the last of my statement because this is my chance to talk to the government since I don't have an interrogator right now, I can not clarify this kind of talk during an interrogation because I don't have an interrogator and I don't want to have an interrogator, and if I would clarify what I am saying today during interrogation I would be treated bad and also they think I am defeated mentally. I am not too glad that I had stupid interrogators but I am happy that I was patient enough with them and that is it.

Presiding Officer: I will ask one more time, Mahmud Al-Mujahid does this conclude your statements?

Detainee (through translator): Just about.

Presiding Officer: Alright.

The Assisting Military Officer had a question for the Detainee.

Assisting Military Officer: I have just one question. I would like for you to explain if you are released or transferred what are your future goals or plans for your future?

Detainee (through translator): I start a new life, opposite of the life I have been living that's just to summarize that.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had questions:

Board Member: No questions, but I thank you for attending and how you conducted yourself here.

Board Member: No, but thank you for coming and your honesty.

Detainee (through translator): You are welcome.

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Presiding Officer: I have a couple of comments and questions. First of all Mahmud Al-Mujahid, I sincerely thank you for coming here today your participation is important to the board and your comments will have a lot of weight with the boards decision. My first question is; I have looked at your record for this year and I have looked at the past years, help me to understand from your perspective besides what you have said today what would be the other factors that would want this board to make a recommendation to either transfer you or release you that did not occur last year, what has changed?

Detainee (through translator): Sir, for one thing is I can't get in touch with my family or my friends, and there is nothing I can help myself with from outside this facility around here. I don't have anybody that can help me, whether send me a paper, or send me a document or anything. All I hope for is that me being here today and speaking honestly in front of you that will hopefully help the decision. It's not that I want to lie before but it was because of what happened in the past five years and that is why it was time for me to talk today.

Presiding Officer: Do you have any animosity towards the United States?

Detainee (through translator): Today?

Presiding Officer: Today.

Detainee (through translator): Honestly I am not an enemy of the United States; but we do study that it's in our religion that anybody that is not a Muslim we don't like.

Translator: (Clarifies the answer with the Detainee).

Detainee (through translator): Just because I am here in this facility it doesn't push me to hate or to have animosity towards the United States. That's all I want to say.

Presiding Officer: I thank you for your participation today and for your sincerity in doing this and again it does bring a lot and means a lot to the board.

Detainee (through translator): You are welcome sir.

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

The Presiding Officer opened the classified portion of the session.

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

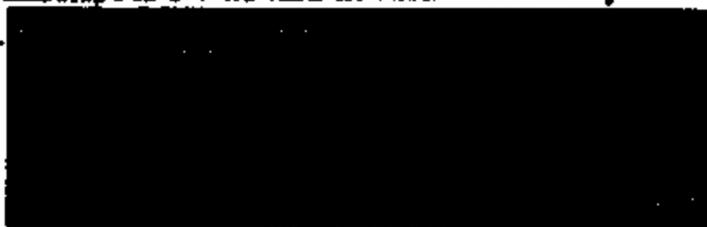
AUTHENTICATION

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



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Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 036

The Administrative Review Board was called to order on 21 December, 2007

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee declined taking the (Muslim) oath.

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

Presiding Officer: I would like to know if it is comfortable or too cold in here for you at this time?

Detainee (through translator): It is fine.

Presiding Officer: Are you feeling well enough to be at this hearing?

Detainee (through translator): I'm fine.

Presiding Officer: This is your opportunity to present facts and information, whether it pertains to new or old information, to three new board members, who will hear this information for the first time.

Presiding Officer: I would like to know what name would you like this board to address you by during these proceedings?

Detainee (through translator): My given name is Ibrahem Mahmuda Idris. I would like to be called Ibrahem.

Presiding Officer: Fine, during this process this board will address you as Ibrahem.

Presiding Officer: Do you understand these instructions?

Detainee (through translator): Yes.

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 19 December 2007. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee was initially noncommittal, however later stated he would attend the ARB. The detainee was extremely polite, cordial, and attentive throughout the interview. A copy of the Arabic translated Unclassified Summary of Evidence, were delivered to the detainee according to the JDG Standard Operating Procedures.

Additional Comments:

The detainee appeared at his interview wearing a white uniform. Detainee stated that he had not attended the ARB in the past due to his advice from his lawyer.

Detainee stated that interrogators did not quote him properly. Detainee claimed that he was just a missionary. Detainee asserted that he knew of 9/11 and the war from the radio only. Detainee also stated that he told interrogators he was innocent.

Detainee said that allegations that he persuaded other detainees not to cooperate are false. Detainee stated he had little contact with any other detainees and also encouraged fellow detainees to respect guards.

Detainee stated that interrogator claims that he is a doctor are false. Detainee said that he can't read English to understand prescriptions.

Detainee stated that he has a copy of a letter from his family telling everyone that the detainee is not a member of Al Qaeda. Detainee concluded by thanking everyone for the humane treatment he has received while in detention here.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-2-3, to the Administrative Review Board.

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

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

Detainee (through translator): Yes.

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

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

Designated Military Officer: (3.a.1) The detainee stated his motive to go to Afghanistan was Dawra and to teach the Koran to the Afghani children. The detainee stated he studied the Koran at a mosque in Yemen.

Detainee (through translator): No comment. This is not true.

Board Member: What motivated you to go to Afghanistan?

Detainee (through translator): First before I start speaking I would like to greet everyone, and thank them. Secondly, I would like to apologize to everyone for not attending my past boards. I was relying on my lawyer to represent me at these boards. I didn't know how these boards would be that's why I didn't show up before. The Officers were respectable and trustworthy so they represented me on my behalf at the previous boards. It is important for me to tell you that. I was raise in a simple and poor family in Sudan, and teaching the Koran was the biggest thing that we had. My family and my tribe were very peaceful and we taught our kids to be the same. We order them not to have anything to do with the government.

Presiding Officer: Ibrahim, I thank you for introducing yourself to the board, but without seeming rude, you will be given a chance to make an oral statement at the end of these proceeding. I would like to move on with the process at this time.

Detainee (through translator): I went to Pakistan not Afghanistan.

Board Member: So, you were never in Afghanistan?

Detainee (through translator): No.

Presiding Officer: How did you support yourself in Pakistan? Where you paid to read the Koran?

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Detainee (through translator): Let me explain. There were only a few people teaching. You don't get paid a lot for teaching the Koran. You have to have another source of income beside the Koran. I was into buying and selling. Missionary is a volunteer job and you spend money out of your own pocket to do your mission. They don't give us money for this.

Board Member: How long were you in Pakistan?

Detainee (through translator): I don't remember, but I think I was there forty days. I was very careful about the people I was meeting, but I had to do my job. This was a big meeting place and people would come from all over the world. They have a lot of branches all over the world, England and the United States. I was one of seven missionaries captured in Pakistan and then brought here.

Board member: Did you travel from Sudan to Pakistan? Were you there forty days before you were captured?

Detainee (through translator): I can't recall the time; I only remember being there for only forty days. That is the time limit they gave us to do our missionary work.

Presiding Officer: Okay.

Designated Military Officer: (3.a.2) The detainee stated he traveled with his Sudanese passport and obtained a visa in Khartoum, Sudan, in order to travel into Afghanistan. The detainee stated he traveled to Karachi, Pakistan, via Qatar Airlines with 1,000 United States Dollars. The detainee stated he then took a bus to Quetta, Pakistan, and then used his Sudanese passport to gain entry into Afghanistan. The detainee stated he made his way to Kandahar, Afghanistan, and spent five days in a government guest house. The detainee stated he asked where the frontline of fighting was taking place and was told the frontline was in Bagram, Afghanistan.

Detainee (through translator): I will not answer this one.

Board Member: They said that you had a thousand United States Dollars in your pocket when you arrived in Pakistan is that true?

Detainee (through translator): No, I had two thousand. One thousand was for the airplane ticket and the second thousand was for me and personal things that I needed.

Presiding Officer: Ibrahim, where were you captured?

Detainee (through translator): I was captured in the Suburb of Diwar.

Presiding Officer: Is Diwar located in Pakistan or Afghanistan?

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Detainee (through translator): It is located in Pakistan.

Presiding Officer: Okay, thank you.

Designated Military Officer: (3.a.3) The detainee stated an individual who worked as a senior member of the al Wafa relief organization sent him to the villages in Khowst, Afghanistan, where he taught. The detainee stated he stayed in Khowst for approximately four months.

Detainee (through translator): I will not answer this one.

Board Member: Are you saying that this is not true? Now you are saying something different, so we need to know if this is true or not?

Detainee (through translator): I need to explain this, no disrespect to the interrogators. I said what I had to say, and they made me say things that weren't true. I should have greeted you before speaking about this topic. A few things need to be corrected that was said to the Interrogators. I went to Pakistan not Afghanistan and I didn't have anything to do with any company or organization like al Wafa. I'm a spiritual person and I believe in peacefulness and that has been my whole tasked every since I was a little kid. For six years I have seen some interrogators that were trying to make me say things that I don't want to say.

Presiding Officer: Okay, thank you.

Designated Military Officer: (3.a.4) The detainee was at a guest house for Arabs in Afghanistan circa 1999. The detainee was a very experienced doctor. The detainee was on the Taliban front. The detainee oversaw all the wounded who returned from the fighting with the Northern Alliance Forces.

Detainee (through translator): I need to say something about me being a doctor. One of the interrogators asked me if I was a doctor and I said something back funny to him. He said I'm a doctor and you are a patient and I'm going to give you a prescription. The prescription is written in English and I can't read English. I asked him if he wanted me to inject him with medicine that is written in English. I told him that I can't even read English. He laughed and said I don't want to be injected with any medicine from you. It was just a joke between us.

Presiding Officer: Okay.

Designated Military Officer: (3.a.5) The detainee stated he fought with the Taliban against the Northern Alliance prior to the start of the United States bombing of Afghanistan. The detainee stated he has killed people in battle while attacking or being attacked by the Northern Alliance.

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Detainee (through translator): Missionary people don't witness or take part in any war or fighting.

Presiding Officer: Okay.

Designated Military Officer: (3.a.6) The detainee was on the front lines of Kandahar or Kabul, Afghanistan.

Detainee (through translator): No comment.

Presiding Officer: Okay.

Designated Military Officer: (3.a.7) The detainee was a field doctor who served on the front lines while fighting in Tora Bora, Afghanistan.

Detainee (through translator): No comment.

Presiding Officer: Okay, thank you.

Training

Designated Military Officer: (3.b.1) The detainee stated he trained on the Kalashnikov, Beka machine gun, and mortars at the al Farouq Camp.

Detainee (through translator): No comment.

Designated Military Officer: (3.b.2) The detainee stated he was the clinical doctor at al Farouq Camp in Afghanistan.

Detainee (through translator): No comment.

Designated Military Officer: (3.b.3) The detainee was identified as having been at al Farouq at the clinic treating people.

Detainee (through translator): No comment.

Designated Military Officer: (3.b.4) The detainee was identified as a respected camp leader who had his own weapon. The detainee had the authority to attend meetings with the camp leadership.

Detainee (through translator): No comment.

Designated Military Officer: (3.b.5) The detainee was identified as a doctor and a fighter in Afghanistan. The detainee provided medical care to trainees who were injured at al Farouq.

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Detainee (through translator): No comment.

Designated Military Officer: (3.b.6) The detainee was identified as the doctor at the al Farouq Camp. The detainee was seen carrying around an AK-47 at al Farouq Camp.

Detainee (through translator): No comment.

Designated Military Officer: (3.b.7) The detainee stated his treatment of patients consisted of treating mostly cold and flu symptoms and minor injuries sustained during training.

Detainee (through translator): No comment.

Designated Military Officer: (3.b.8) The detainee stated he could not remember the year, but spent six months at al Farouq Camp. The detainee stated he lived in a house which was also the clinic near the mosque at al Farouq.

Detainee (through translator): No comment.

Designated Military Officer: (3.b.9) The detainee was identified as having worked at al Farouq as a pharmacist and medic. The detainee also dispensed first aid to students.

Detainee (through translator): No comment.

Designated Military Officer: (3.b.10) The detainee was identified as having been in charge of the medical clinic at the al Farouq Training Camp.

Detainee (through translator): No comment.

Presiding Officer: Okay, thank you.

Connections and Associations.

Designated Military Officer: (3.c.1) The detainee was a member of al Qaida since the early 1990's and was known to have some medical expertise.

Detainee (through translator): I would like to strongly express that al Qaida is hated by me and my family. I didn't know anything about al Qaida until I arrived here.

Presiding Officer: Okay.

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Designated Military Officer: (3.c.2) The detainee worked for al Qaida as a doctor. The detainee was both on the front lines in Afghanistan and in an al Qaida Camp in 1993 attending to the injured.

Detainee (through translator): No comment.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (3.c.3) The detainee was a very experienced doctor on the Taliban front. The detainee was overseeing all wounded from the fighting with Northern Alliance Forces.

Detainee (through translator): No comment.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (3.c.4) The detainee was a Sudanese who taught first aid at al Farouq.

Detainee (through translator): No comment.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.5) The detainee stated Usama bin Laden visited al Farouq camp on one or two occasions. The detainee stated he spoke to Usama bin Laden and shook his hand inside the clinic.

Detainee (through translator): No comment.

Board Member: When did you first learn about Usama bin Laden?

Detainee (through translator): The day I don't remember, but I remember hearing his name on the radio. I heard his name a lot on the radio. When you listen to the radio you hear so many things all over the world. I learned more about him when I arrived here from interrogators and the people at the camp.

Designated Military Officer: (3.c.6) The detainee was on the front lines in Kabul, Afghanistan, during battles with the Northern Alliance. The detainee trained in the camps in Kandahar, Afghanistan, and was with Usama bin Laden during Tora Bora, Afghanistan in late 2001.

Detainee (through translator): No comment.

Presiding Officer: Thank you.

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Designated Military Officer: (3.c.7) The detainee was identified as an interrogator who worked for the Taliban and for al Qaida in Afghanistan.

Detainee (through translator): No comment.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.8) The detainee was identified as having been on the Taliban front lines. The detainee was a doctor on the Taliban front lines and was also in charge of a house there.

Detainee (through translator): No comment.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.9) The detainee was identified as having been known as the doctor for the Arabs.

Detainee (through translator): No comment.

Presiding Officer: Thank you.

Designated Military Officer States Other Relevant Data

1. The detainee stated he arrived in Afghanistan in October 2001 carrying 5,000 United States Dollars.

Detainee (through translator): No comment.

Presiding Officer: Thank you.

2. The detainee claimed Yemeni citizenship but later stated he was in fact Sudanese.

Detainee (through translator): May I comment on this one? I was asked once by an interrogator if I was Yemeni. I told him I was not Yemeni. He said a witness told him that I was Yemeni. I told him that I will prove that I'm not Yemeni. I wrote a letter to Yemen without an address and it came back to me. Then the interrogator asked me was that the letter that I wrote; and, I said yes? Then I wrote a letter to Sudan to my family with an address on it. I received a letter back from my family. The interrogator said that I was a very patience man to wait that long for a letter to come back so that I could answer one question and prove to him that I was Sudanese not Yemeni. Thank you!

Presiding Officer: Thank you.

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3. The detainee stated he was in Bagram, Afghanistan when the United States started bombing.

Detainee (through translator): No comment.

Presiding Officer: Okay.

4. The detainee was identified in the Tora Bora, Afghanistan area. The detainee arrived with nine trucks full of fighters.

Detainee (through translator): No comment.

Presiding Officer: Okay.

5. The detainee was identified as part of a group of thirty individuals who were captured crossing the border into Pakistan.

Detainee (through translator): No comment.

Presiding Officer: Okay.

6. A source stated the detainee tells other detainees not to talk and/or collaborate with the interrogators.

Detainee (through translator): May I answer this one?

Presiding Officer: Yes.

Detainee (through translator): There is two ways to answer this question; first, when I was asked to attend a meeting with an Interrogator or Officer I did my best to make sure that I attended the meeting. I gave my full cooperation to all the Interrogators and Officers to make sure that I knew what was going on with my case. How could I tell them not to talk to them when I was doing all I could to make sure that I was cooperating with the Interrogator and Officers.

Presiding Officer: Okay.

7. The detainee expressed how he did not know how bad al Farouq training camp was until now because he is detained for having been there.

Detainee (through translator): No comment.

Presiding Officer: Okay.

4. The following primary factors favor release or transfer:

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a. The detainee denied knowledge of any rumors or plans of future attacks on the United States or United States interests.

Detainee (through translator): As a missionary this is something that I would never do or asked anyone to do. This is against what a missionary is supposed to do.

b. The detainee stated that he never traveled to Afghanistan and that any and all information from other persons indicating that he was in Afghanistan are lies.

Detainee (through translator): I'm against using the word lying. I always told the Interrogators that I went to Pakistan not Afghanistan.

c. The detainee denied being at Camp al Farouq, Afghanistan and serving as the camp doctor.

Detainee (through translator): No comment.

Presiding Officer: Okay.

d. The detainee denied ever meeting Usama bin Laden and membership in al Qaida.

Detainee (through translator): No comment.

Presiding Officer: Okay.

e. The detainee denied his involvement in the Mujahedin and its fight with the Soviet Union in Afghanistan.

Detainee (through translator): No comment.

Presiding Officer: Okay.

f. The detainee insisted that he was never any sort of doctor and knew nothing about medicine.

Detainee (through translator): This is a true statement.

Presiding Officer: Okay.

g. The detainee denied being a member of al Qaida and having any nicknames.

Detainee (through translator): No comment.

Presiding Officer: Okay.

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

Detainee (through translator): We the family of Ibrahim Mahmuda Idris would like to greet you and thank his lawyer for representing him during this time. We would like to know why he was captured and turn over to the American government. He has a family that loves him very much and misses him. He has a mother that cries daily wondering when her son will be coming home. We are losing so much time as he continues to be jailed in a foreign country when his family is here. He is a good man that is beloved by his tribe and country. He went to Pakistan to teach people not to be violent and to help them to get on the right path. The book teaches us to stay on the right path and that is what he was doing in Pakistan. As a Muslim his duty is to help others find the right path. We have found out that others are being arrested for teaching people to be non violent and helping others. We don't know anything about al Qaida and al Qaida has never been part of our family. We started hating that name because that is the reason that our son is locked up. Our son is innocent and needs to be free. I hope that this letter help Ibrahim to be able to get his freedom. So he will be able to come home to his family. Thank you!

Detainee (through translator): Regarding my capture, I don't blame anybody because when war breaks out a lot of things will happen. The innocent is innocent and eventually the good will prevail. All that I learned about the war came from me listening to the radio. I learned a lot of things that goes on in the world from listening to the radio. In a place were war goes on, I knew a lot of people that were being captured and released. When I was captured the first thing that I asked them was, why was I captured and they told me that a war is going on and people are being captured and asked questioned. This is what happened to me and the group of people that I was with. I don't know how to defend myself or knew what to say to them when I was captured. I was not afraid when I was capture because I knew something good would happen to me. The trip in the plane over here gave me the confidence that I would be okay. The distance over here which is twelve thousand and two hundred and seventy two kilometer from were I was taken from to the destination were I'm at now would have taken a long time if we had taken a ship. There is a lot of water around us so ships must come here a lot. I'm glad that we were able to fly here. I'm happy that the people here have treated me very well. What I have learned from the Koran about people and the way they treat you I have seen it here. This is my first time being in prison and every country has a different prison. The treatment here has been very respectfully. The word prison can be very scary to many people. My job as a missionary is to help people get on the right path. Not being able to speak

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the English language didn't help. The only word that I knew was excuses me. This concludes my statement, sir. Thank you.

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

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

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

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

Administrative Review Board Member's questions: Have no questions for the Detainee.

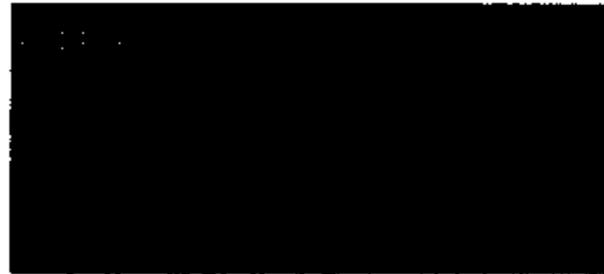
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



*Colonel, United States Army
Presiding Officer*

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Summary of Administrative Review Board Proceedings for ISN 049

The Administrative Review Board was called to order on 6 August 2007.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

Detainee (through translator): I do not want to do it because I know I am telling the truth.

The Detainee did not want to accept the (Muslim) oath.

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

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

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

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

The detainee's Administrative Review Board interview was conducted on 31 July 2007. After reviewing the Administrative Review Board's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, the detainee stated he would attend the Administrative Review Board. The detainee affirmatively declined to make written statements or have the Assisting Military Officer speak on his behalf. A copy of both the English and Arabic translated Unclassified Summary of Evidence, were delivered to the detainee according to the Joint Detention Group Standard Operating Procedures.

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

The detainee appeared at his interview wearing a tan uniform. Though confirmed as ISN 049, the detainee used the alias WALED. The detainee was attentive and talkative throughout the interview.

Presiding Officer: Asim M al AAsmi, what would you like to be called during this process?

Detainee (through translator): I don't know why they wrote that. My name is Waled Ibrahim Abo Hijazi.

Presiding Officer: Okay, so for this process what do you want to be called?

Detainee (through translator): Waled, my normal name.

Presiding Officer: Is it too cold in here for you at this time?

Detainee (through translator): It's normal.

Presiding Officer: You're feeling okay?

Detainee (through translator): It's good.

Presiding Officer: Okay Waled, we will be calling you Waled throughout the process.

Detainee (through translator): Good.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3) to the Administrative Review Board.

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

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to information from the Unclassified Summary after it was presented

The Detainee (through translator): Do you want me to reply to them now?

Presiding Officer: Well as we get into the proceedings, I want to know if you are going to reply?

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

Presiding Officer: It is important that you speak up so that we can capture what you have to say during these proceedings.

Detainee (through translator): Good.

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

Designated Military Officer states commitment.

Designated Military Officer: (3.a.1) The detainee stated that in the summer of 2001, at the al Safa district mosque in Saudi Arabia, an individual spoke to the detainee about a fatwa supporting jihad in Kashmir. The detainee thought he could do a good deed by helping other Muslims fight the jihad

Detainee (through translator): Do you want me to answer right now?

Presiding Officer: First we will have the Designated Military Officer [Assisting Military Officer] read what he has, then after that you can respond.

Detainee (through translator): Good.

Assisting Military Officer: The detainee denies making this statement. The detainee doubts the record and stated the entire item is false.

Presiding Officer: Okay, at this time, if you have any further comments.

Detainee (through translator): I just want to say that this is not true. I never left to fight jihad. I never wanted to fight anyone. Nobody encouraged or told me to fight jihad. I mentioned this to the previous board that this is not true.

Board Member: Waled, why did you go to Afghanistan?

Detainee (through translator): I didn't go to jihad or to fight.

Board Member: So why did you go then?

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Detainee (through translator): I went with someone to work, not for jihad. I went there to work.

Board Member: What kind of work were you going to do?

Detainee (through translator): It's a long story. I went with someone. That one person's job was to recruit people to work. I went with him as help. The main point here is that I never left for jihad; I never left for a war or fight. If I wanted to fight or jihad I would have stayed in my own country. I don't want to fight in my own country. I wouldn't want to have a war in my country. I responded to this accusation before. I responded to the other accusation that I loved my country and I want to fight for my country. That is not true. I've never mentioned this before. I never said I wanted to fight or get in a war in my country or any other country. I love my religion. I love my country. I don't know why they said that.

Presiding Officer: Waled, we appreciate you answering that. Hopefully we can ensure that the clarification of this is entered into the record as we look at making a decision that we need to make.

Detainee (through translator): You wrote down that I am an enemy combatant against the United States. I am not an enemy combatant against the United States. Not in any way. We have Americans in our country. I've dealt with Americans before in my country. We never hurt any Americans in my country. We think it's normal to have Americans around. I've never thought of harming any Americans or any other people. I never wanted to harm any person in my country or any other place. There are Americans there but I've never harmed any American. No Americans were harmed on my country's land. I never grew up hating Americans or others, like Jews. I don't have a problem with them. You are the one who is writing this down. If you want to pull everything from my file to re-comment on, it will go on for a long time. I am telling you right now that I didn't want to fight. This is up to you, if you continue to detain to me or if you want to release me. This is up to you. I told you what is inside me, it's clear.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.2) The detainee traveled from Saudi Arabia to Yemen, to the United Arab Emirates, and then to Iran. From Iran, the detainee traveled to Herat, Afghanistan, and then to an Arab Guest House in Kandahar, Afghanistan. The detainee stated everyone at the guest house in Kandahar had a Kalashnikov rifle.

Detainee (through translator): I've never gone to this guest house.

Assisting Military Officer: The detainee states that he has never been to the United Arab Emirates and that this is just an example of fabrications in his record.

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Detainee (through translator): I don't want to fight anyone. I don't want to get in a war with anyone. It's going to take a long time for me to explain everything in my file. I know they will continue to repeat this accusation against me over and over again; that I am an enemy combatant and went to war. I just want to clarify that I am not an enemy combatant; I didn't go there for war. I can't comment on everything because it will take a long time to explain it. You want to know who I will be when I leave this place, is that clear? You want to know what I will do, what I will be when I leave this place. I don't want to prolong this conversation but I've mentioned this many times to the interrogators. I clarified that for interrogators many times. Many people were trainers at al Farouq Camp and they left this place. They had more accusations against them, they trained there in Afghanistan at al Farouq Camp but they were released from here. People who were accused and they left this place. What do you want from me? You want to know what I will be if I leave this place? Am I going to be an enemy? A combatant against Americans? No. This is the truth. Don't get yourself tired with everything in the file.

Presiding Officer: Waled, I have a process that I have to follow. You chose to come here today to speak to three new board members to explain why these allegations against you are false. If you feel that this is a waste of your time then we can end the process here and continue to drive on with out you. If you feel the allegations against you are untrue then a simple "This is not true" will suffice.

Detainee (through translator): I'm not saying that you are wasting your time. I'm just saying I cannot respond to everything in my file.

Presiding Officer: Yes. As I said, when I read the allegation a simple "Yes" or "No" will suffice and we can move on.

Detainee (through translator): I don't have a problem.

Designated Military Officer: (3.a.3) The detainee stated that he left his passport at an Arab guest house in Kandahar, Afghanistan and then he left for training.

Assisting Military Officer: The detainee provided no response.

Designated Military Officer: (3.a.4) The detainee stated that after two weeks at the al Farouq training camp, the 11 September 2001 attacks occurred, so the leaders at al Farouq dispersed the camp. The detainee stated that he went to Khowst, Afghanistan, where he slept in a tent.

Assisting Military Officer: The detainee provided no response.

Detainee (through translator): I do not want any war with Americans. I do not want to participate in anything that has to do with war or fighting.

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Designated Military Officer: (3.a.5) The detainee stated that those who stayed in the tent in Khowst, Afghanistan included Taliban fighters coming back and forth from the front lines and people like him waiting for further instructions. The detainee stated that he and the others in the tent were armed with Kalashnikov rifles.

Assisting Military Officer: The detainee states that he could neither confirm nor deny the item.

Detainee (through translator): If I am released I won't have any problems with Americans. I don't want to participate in any wars or any fighting.

Designated Military Officer: (3.a.6) The detainee stated that he was convinced to go to Afghanistan by a possible al Qaida recruiter and that he did attend an al Qaida training camp.

Assisting Military Officer: The detainee provided no response.

Presiding Officer: Thank you

Designated Military Officer states Training.

Designated Military Officer: (3.b.1) The detainee stated that while at al Farouq training camp, he trained on the Kalashnikov rifle, rocket-propelled grenade, a handgun, and the Bika rifle.

Assisting Military Officer: The detainee provided no response.

Detainee (through translator): This is all up to you, if you want to deny or confirm it. I already said what I had to say. This is not the time that I deny or confirm.

Presiding Officer: Alright, thank you.

Board Member: I understand from what you have said that you don't want to fight; you have nothing against the Americans. I understand your point of view.

Detainee (through translator): You don't need to use everything in the file. Just listen to me and this is what I'll say.

Board Member: Did you do any kind of military training in Afghanistan?

Detainee (through translator): No, I didn't.

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Designated Military Officer states Connections and Associations.

Designated Military Officer: (3.c) The detainee's name and alias, along with his possession of a Saudi Arabian passport and important papers, are listed on a document recovered from safe house raids associated with suspected al Qaida in Karachi, Pakistan.

Assisting Military Officer: The detainee provided no response.

Board Member: Waled, can you explain, since you didn't go to Afghanistan to fight, why your name and passport information was found on a list of al Qaida members?

Detainee (through translator): I don't think so. I've never said this before.

Board Member: No, it wasn't said. Your name was found on a list.

Detainee (through translator): I don't think so. I strongly disagree that this information is correct.

Presiding Officer: Thank you.

Designated Military Officer states Intent.

Designated Military Officer: (3.d) The detainee stated that he supports the actions of Usama bin Laden and others who carry out acts of terrorism. The detainee stated that he moderately supports the beliefs and actions of the Taliban.

Detainee (through translator): Believe me, I've never mentioned this before. This point was never brought up during interrogations. They never mentioned this subject to me. They never asked me if I loved bin Laden or if I support bin Laden. They never asked me about it. How can they write something that I've said if I've never said it? They have never discussed bin Laden. They asked me one question. Did you see bin Laden? I said no, I did not see bin Laden. That is the only subject they asked me about. They never asked my opinion of bin Laden or anything else about bin Laden.

Assisting Military Officer: Sir, in the interview the detainee stated that he does not support the Taliban or Usama bin Laden. The detainee first stated that he did not want to fight Americans and that he never wanted to be in a war with anyone.

Detainee (through translator): Good.

Presiding Officer: Thank you.

Designated Military Officer states Other Relevant Data.

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Designated Military Officer: (3.e.1) The detainee stated that his homeland is a sacred land and people there felt an adamant duty to defend Palestine. The detainee stated that this duty was both religious and patriotic in nature, and that his soul was in his homeland of Palestine.

Detainee (through translator): This is what I told you about loving the country. The only thing they asked me is "do you love your family?" I love my family. I want to go back to my family. They never mentioned this before. Even in the previous board, they never asked me about this subject. They never asked me if I wanted to fight, or if I loved my country. This is a bigger issue, especially when they say that I have a problem with the Jewish people. In my country we have Jewish people. We deal with them all the time. This would cause me a big problem once I leave this place and go back to my country, when they have things like that written down against me that are not true.

Assisting Military Officer: In the detainee's interview he stated he never wanted war with anyone and he further stated that he loved his country just like anyone would.

Presiding Officer: Thank you.

Designated Military Officer: (3.e.2) The detainee stated he was raised to hate the Jewish people, and because the United States openly supports Israel, they have attracted the hate most Muslims feel towards the Jews and Israel.

Assisting Military Officer: The detainee denied making the statement saying the statement was illogical so why would he say it?

Detainee (through translator): Why did they write these things about me? I have no idea. I would never say things like that. It would cause a lot of problems with the Jewish people when I go back to my country.

Board Member: So what is your opinion of the Jewish people?

Detainee (through translator): Normal. I don't want to get into the subject. I don't want to get deeper into the subject but it's normal. I don't want any problem with the Jewish people.

Board Member: So you would return peaceful with the Jewish people if you return to Palestine?

Detainee (through translator): It's not what you think. If I go back it's normal. Maybe I'll be working for them. It will be a normal life. I might not go back to my work as a carpenter because of the injury to my leg. I can't do hard labor. I can't do my old job. My leg causes me a lot of pain and problems. Maybe I won't have to get a job with the Jews. I won't have to work because of my leg. If my leg was well I would have worked there normally with them.

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Designated Military Officer: (3.e.3) The detainee stated that after approximately three months in Khowst, Afghanistan, he was injured in a hand grenade accident, taken to a clinic in Khowst, and then smuggled across the border to a hospital in Pakistan where a pin was placed in his leg. The detainee stated that he was captured by Pakistani authorities and was eventually taken into United States custody.

Assisting Military Officer: The detainee provided no response.

Detainee (through translator): They made it sound like it happened during the war. The hand grenade was a mistake and I was injured. It was not during the war. There was no war. It was a mistake that happened. It sounded like it was a war and I was smuggled or running away. That is not true, it was a mistake.

Board Member: Can you explain in your words what happened?

Detainee (through translator): It was during Ramadan. One of the guys was playing with a hand grenade. I didn't know it was a hand grenade. This is the truth. I don't want to fight anyone. Its not because I hate Americans, I don't fear you. I'm not scared of you I am just telling you the truth. My intent is not to get in a war or to fight anyone. That is the most important thing. I don't want to be apart of any war or fight. When I leave I'll go live with my family and live a normal life. I might not be able to work my old job, but that will be the only change about my life. This is who I am and this is my personality. I want to live a normal life when I leave this place and live with my family. A lot of the allegations against me are nonsense. It has nothing to do with American Forces. If I really wanted to fight the Americans I would have stayed in my country and been trained by the authority in my country to fight. I never wanted to fight in my country or anywhere. I never went to jihad. Nobody convinced me to go to Afghanistan for jihad. It is up to you whether you believe me or not. You want to know who I am. You want to know if I am going to be a threat or not. Anyone who reads my file will know right away that I have nothing in my file against American Forces or anything that would make me stay here for six more years. Maybe your point of view is that I should be detained here, if you really read my file you know I should no longer be here. A lot of people were released who were trained, who were your enemies. They were trained on al Qaida weapons and they got released. There is nothing against me like that to make me stay here for six more years. Why are those accusations keeping me here for six more years, there is nothing in there against you?

Detainee (through translator): I've told you the truth. Everything in my heart I've told you. Tell me why I am staying here.

Presiding officer: We appreciate that, and the reason that we are here today is to try and look at the allegations against you and make a determination that we recommend to a higher authority. We do not have the authority here to say why you are not released or

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when you are going to be released. We will take what you have told us today and provide this information to higher authorities and they will make the decision.

Detainee (through translator): You can still decide to keep me here. I want to know, if they keep me here, why? What is the reason? I don't have a problem with anybody. Why am I staying here if there is not a reason? Why am I being kept here? I never hurt Americans; I don't have a problem with the Jewish people or any other country. My question is why am I being detained here?

Presiding Officer: Well as I said earlier, part of my goal here along with this board is to look at the facts and then make a recommendation to the higher authorities who will make the final decision. That decision is not made by this board here, but by higher authority.

Detainee (through translator): If they continue to detain me, they are wrong. They are wrong because there is no reason why I should be detained here.

Presiding Officer: Thank you.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer: (4.a) The detainee stated that he never engaged in combat while in Afghanistan.

Assisting Military Officer: The detainee provided no response.

Presiding Officer: Thank you.

Designated Military Officer: (4.b) The detainee stated that if released, he would go back to Palestine and live with his family. The detainee would get a job and live a normal life with his family.

Assisting Military Officer: The detainee provided no response.

Detainee (through translator): Do you want me to respond to those points?

Presiding Officer: If you say that this is what you're going to do then that's fine.

Designated Military Officer: (4.c) The detainee stated that if released, he would go to Saudi Arabia, work for two years, and then return to Gaza and raise a family. The detainee stated that he does not intend to be involved in terrorism.

Detainee (through translator): The decision of going to Saudi Arabia to work was made before I received my injury. Now I can't do that kind of work. I wouldn't be able to go

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back to Saudi Arabia because I won't be able to work. I thought that instead of working in my country I could go back to Saudi Arabia to work. Now with my injuries I cannot.

Assisting Military Officer: The detainee stated that he no longer wants to work in Saudi Arabia and emphasized that with his injured leg it would be unlikely that he would be hired.

Presiding Officer: We appreciate you coming here and answering the questions. We will take everything into consideration that you told us today and forward it to the higher authorities who will make the decision. Thank you for answering the questions.

Detainee (through translator): I'll let you know that staying on this island is really long. I should not stay here any longer.

Presiding Officer: Thank you.

The Board Members did not request any further time to review the unclassified summary.

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

The detainee (through translator): I want to speak about this subject. There is no secret file. I know there is no secret file. There is nothing else that is secret. In my opinion the secret information is not true. I know for a fact, any kind of information concerning me does not cause any security issues. They are probably lies. If they say that I am a continuous threat, I am an enemy, I should stay here, it is not true.

Presiding Officer: We will continue with the process.

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee would like to make a statement.

Presiding Officer: Waled, you may begin your statement.

Detainee (through translator): I'm not a problem to anybody. I want to leave this place. I want to be released. I am not a threat or a problem. If I leave this place I will live a normal life. I am not going to tell you something now and once I leave do something else. I am telling you the truth. I will live a normal life if I am released. Honestly, I can't work but I will live with my family. I'm thinking about going to live with my

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mother and my father. I love my family a lot. I see that I am being detained on this island for no reason at all. It is unjust. If I ask why I am being detained I am told nothing. I don't see why for so many years I have been detained here for no reason. I have never had a problem with any authorities, any government, or any country before. I've never been in prison. There are no factors that would make you continue to detain me. Americans want to know if they release me, will I go and fight with against them. That is not true. This will never happen again. It will never happen. What I am saying now is what is going to happen when I get out of this place. I'm not going to change my mind. I will not fight the Jews or others. I'm not saying this because I fear you or I am scared of you. I am not scared at all. This is unjust. Why am I being detained here? Give me one reason. If I get released from here I will not do anything against Americans. I want to leave this place. You are the ones who are detaining me. My life is wasting here for no reason. I am being detained on this island for no reason. I am wasting my life. It is very difficult to be detained for no reason. I know I am innocent. I know I will be released soon. I see my detention here as unjust.

Presiding Officer: Thank you, we appreciate you coming today and explaining this to us. We will look at all the comments and forward them to higher authority.

Detainee (through translator): Good.

The Assisting Military Officer had no additional information to present.

Detainee (through translator): Bush does things. He acts before thinking for his own interest, not for the interest of America.

Presiding Officer: We are not here to talk about President Bush. If you are finished with comments pertaining to your case, then that is all I need to know at this point.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Members did not ask questions of the Detainee.

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

The Presiding Officer opened the classified portion of the session.

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

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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, United States Army
Presiding Officer

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16 February 2007

From: Allal Ab Aljallil Abd Al Rahman Abd

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted by Allal Ab Aljallil Abd Al Rahman Abd (ISN 156) on 16 FEB 2007 by OARDEC Linguist OL-25.

1 For whoever explores the facts, stands by the truth, works in a sincere manner, and cares for justice, there isn't a single proof you may present based on your genuine investigation. It has been five years and you remain bringing forth false and fake accusations, intolerable by the ignorant mind and that of a child or even an insane individual. The numerous contradictions amid those that seem to be, if nothing else, futile are thrown at any person for the sole principle of realizing a personal interest or managing a program even of the account of innocents and victims, and this act itself is void of any feelings or emotions or humaneness towards those prisoners who endure harsh treatment inside the prison in the absence of justice.

Based on what I have learned from these accusations intended for me, it made me laugh and cry in the mean time: I laughed on the extent of the absurdity of these allegations and their falsehood and distance from the truth, and these have made me cry in the mean while about the scope of lies, injustice, and defamation of my character. The truth that I want to convey to you, if you are seeking the truth, is that I am a man who traveled for medical treatment, a disabled man who is registered with the association of handicaps/disabled in Yemen. I went to Jordan and Yemen for the purpose of medical treatment and my last trip was to Pakistan to conclude such therapy. I have no relation to

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Subj: TRANSLATION OF DETAINEE'S WRITTEN STATEMENT SUBMITTED BY,
ALLAL AB ALJALLIL ABD AL RAHMAN ABD, ISN #156, ON 16 FEB 07 BY OARDEC
LINGUIST OL-25

what you have reported about me in these accusations and have not stated or affirmed during interrogations, as you've alleged me to have. And if you review these records, you will find this truth, which also indicates the falsehood of these allegations.

You rendered my travel claim an accusation and you have also alleged me spending time with the Taliban until the end of their fall, and you also rendered a member of the security guards that belongs to U.B.L. and you have turned me into the Mujahedeens' accountant for their bank accounts. And all that, I affirm that I have no connection to all that was said about me, but it proves your contradictions and the extent of your lies in such false accusations directed towards me. You are not able to substantiate this with any evidence except reviewing my statements and diary. I am an ill individual who sought treatment for my illness from many countries and the medical records, as far as I know you have in your possession, could testify for such fact. As to what was mentioned of these accusations, I deny them in their entire details and I have absolutely no connection to them whatsoever. And this is what I would like to enlighten you with if you are looking for the truth. However, if you don't believe in justice (for example, based on previous experiences and procedures, I had no right in choosing the right translator that I could trust or the personal representative who would perform his duty faithfully or the board members who would carry out the wrong procedures and unfamiliar measurements in presenting evidence and righteously defending them in accordance with common justified regulations carried out in any place or a right of an

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Subj: TRANSLATION OF DETAINEE'S WRITTEN STATEMENT SUBMITTED BY,
ALLAL AB ALJALLIL ABD AL RAHMAN ABD, ISN #156, ON 16 FEB 07 BY OARDEC
LINGUIST OL-25

attorney who would answer to such allegations), a man has no hope or choice in defending
himself against such unfair procedures and in the absence of their reinforcement, and this I am
witnessing with you. I have no hope but in the justice of the mighty god and his destiny and fate
in such situation where a man would not find honesty and justice from people with lack of
humanity and self-respect.

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والى كل من يتحرى الحقائق ويتقف عند الحق ويعمل بالصدق ويجب العدل
ليس هناك دليل واحد تقدموه على تحريك الصادق فاهي خمس
سنوات وماز التهم في العيكم وتهامتكم الكاذبة والزيفة التي لا يقبلها
محفل جاهل او طفل او حتى معنونا والتناقضات الكثيرة بين تلك
الادعاءات التي تتشرع على انفا مجرد اباطيل ترمى على أي شخص
لغرض تحقيق مصلحة وتفسير برنامج ولو على حساب الأبرياء
والمظلومين دون شعور أو احساس أو انسانية لما يعانينه هؤلاء
المسجونين من مساواة المعاملة داخل هذا السجن وغياب العدالة عنهم
ومن خلال ما طلعت عليه من هذه الادعاءات الموجهة الي
جعلني اضحك و ابكي في نفس الوقت اضحك على مدى
سخافت هذه الادعاءات ومدى كذبها وبعدها عن الحقيقة وجعلني
ابكي في نفس الوقت على مدى الكذب والظلم والافتراء على
الادعاءات الباطلة والحقيقة التي اريد ان اقولها لكم ان كنت
تبحثون عن الحقيقة فأنا رجل ذاهب للعلاج ورجل معاق ومسنن
في جمعية المعاقين في اليمن وذهبت للعلاج في الأردن واليمن ثم كان ذهابي
الأخير الى باكستان لإتمام العلاج ولا علاقة لي بكل ما ذكر من هذه الادعاءات
ولم يحصل أي صرح أو أفدت في التحقيق كما زعمتم وراجعوه هذه
الملفات تجدون صدق هذا وكذلك يدل على كذب هذه الادعاءات
و بطلا لها - جعلتم قضية السفر تهامة وكذلك جعلتم في نفس

156
Detainee's Signature

156
Date

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for whomever explores the facts, stands by the truth, works in a sincere manner, and cares for justice, there isn't a single proof you may present based on your genuine investigation. It has been five years and you remain bringing forth false and fake accusations, intolerable by the ignorant mind and that of a child or even an insane individual. The numerous contradictions amid those that seem to be, if nothing else, futile are thrown at any person for the sole principle of realizing a personal interest or managing a program even at the account of innocents and victims, and this act itself is void of any feelings or emotions or humaneness towards those prisoners who endure harsh treatment inside the prison in the absence of justice. Based on what I have learned from these accusations intended for me, it made me laugh and cry in the mean time: I laughed at the extent of the absurdity of these allegations and their falsehood and distance from the truth, and these have made me cry in the mean while about the scope of lies, injustice, and defamations of my character. The truth that I want to convey to you, if you are seeking the truth, is that Jam a nam

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Summary of Administrative Review Board Proceedings for ISN 200

The Administrative Review Board was called to order on 15 January 2008.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

Presiding Officer: I want to make sure that I am pronouncing your name correctly; is it Said Muhammad Husyan Qahtani?

Detainee: It is Saad.

Presiding Officer: Okay. I understand that you know English very well. We have a translator available for you; do you want the process translated or do you want it in English, it is up to you.

Detainee: English is fine; if I need I will ask him (translator) for help.

Presiding Officer: I just want to make sure. I looked at last year's transcript and I noticed that you did most of it in English; however, I want to do what is comfortable for you. If at anytime you think that you don't understand what is said in English, I will have the translator translate it for you.

Detainee: Okay, fine.

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

The Detainee accepted taking the (Muslim) oath.

The Designated Military Officer gave the Muslim oath to Detainee.

Presiding Officer: We will proceed in English. Are you comfortable is the room too warm or too cold in here. If it does we will adjust the temperature for you accordingly.

Detainee (through translator): It is fine. Sure.

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Presiding Officer: I appreciate you attending this process. It is important for us as Board Members to hear your thoughts and your comments on the process; you do have a very important part. Please bare in mind that anything that you say we may have questions about it to help us make a better informed recommendation.

Detainee (through translator): Okay.

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

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

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

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

The detainee's ARB interview was conducted on 11 January 2008. After reviewing the ARB's purpose and procedures, the Urdu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB. The detainee was extremely polite, cordial, and attentive throughout the interview. A copy of the Arabic translated and English Unclassified Summary of Evidence was offered to the detainee, who accepted both copies.

Additional Comments:

The detainee appeared at his interview wearing a white uniform. The detainee spoke fluent English during the interview.

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

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

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to each item of information from the Unclassified Summary during the time of the reading.

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.

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Designated Military Officer states commitment.

Designated Military Officer (3.a.1): The detainee joined al Qaida after the detainee pledged bayat to Usama bin Laden.

Detainee: I heard that before and they had asked about this thing when I ask the interrogators about who said this or how do you know that I did this thing. I have been told that the only information he knows the guy who spoke—he is here in Cuba and the only information he knows is that I gave bayat to Usama bin Laden like I don't know why there are no details like how did he—he didn't know my name and he just said I gave bayat to Usama bin Laden and there is no other information and he doesn't know anything about me and think about it its not something like how can somebody know only that thing about me, that is something that never happened. If it happened, he is supposed to know more information then just knowing I gave bayat to Usama bin Laden, this wasn't true I told the interrogators and the Board reporter that it wasn't true.

Presiding Officer: Okay, so as I understand this information is false and incorrect?

Detainee: True.

Presiding Officer: I want to make sure that you understand that throughout the unclassified summary of evidence you will see "a person may have mentioned this" or "a source may have mentioned this", for security reasons we will not mention that persons name. I want to make sure that you understand and I want to make it clear we will not mention those names. I think this came up at last years Board. I want to make sure that you are clear that I will not reveal their names.

Detainee: I understand. As you know I have for a long time since they told me this. I found out some information who told on me and has been provided to me by either by the interrogator or by someone else, some of them but not all of them I can tell you who said and I can tell you what I know.

Presiding Officer: This is your second time that you attended the Board or have you attended it more then twice?

Detainee: The first time one was the CSRT and the first ARB I did not attend and the second I did, and now here.

Presiding Officer: You may hear some of the same information again and one of the purposes is that each year you will notice that there is an entirely different panel sitting up here and this is an administrative process where we evaluate not only the information that is presented here but we will take into consideration classified material and other factors such as your behavior and any relevant information that you may want to present later on; so if you feel that you are seeing or think you have seen some of this before it is just part of the process so you may hear some of the same things as last years Board, and

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this is a whole new Board making an assessment or an evaluation and a recommendation on what we observed. Continue.

Designated Military Officer (3.a.2): The detainee volunteered to be a suicide bomber who was ready to martyr himself for jihad.

Detainee: I heard that also before and it is false; and one thing I ask my interrogator I knew the one who said that they told me he was one of the members of al Qaida and they now he is here on this Island, and I ask my interrogator if he can talk with him and asked if he discussed with somebody else about me; that is different and discuss it with me and that is also different but I never discuss this with anybody, especially with the guy who's name is the one who told me to go to the camp, he is the one told me—who sent me to the camp that will be shown in the next paragraph and even if there is a chance to ask him, if he discussed it with me personally that's a case and if he just discussed it with somebody else about me that is another case.

Presiding Officer: Why do you think that he made up this information or made these false statements if the statements are false?

Detainee: I don't know. Personally I didn't have any problem with him. I went to his house when I first get to the camp. I don't remember personal things between me and him and they don't know why he say that; I think maybe you have the power to ask or find out why he say that and if he discuss with somebody else or he discuss it with me. That is all I can say.

Board Member: You say you never spoke with Abu Zubetah about this. Was this your level of commitment to Jihad?

Detainee: When I went to the training camp I wanted to join him, he's the one who helped me to go to the camp, at that time even his name wasn't Abu Zubetah time and I didn't now who he was or what he was doing and I came to him and he tell me to go to that camp I didn't now who is he, what is the organizations and my purpose was to go the camp.

Board Member: He was kind of like a middle man?

Detainee: Yeah.

Board Member: I understand how you mean that as far as Abu Zubetah, my question is your feeling in your heart, is this something that you wanted to do to be a suicide bomber?

Detainee: No. I don't ever think about that. The problem is like I can't—people that I spoke with a suicide bomber—we have something in our religion there is Jihad, you can't kill yourself for any reason, you can not just bomb yourself and kill because—I don't agree with it.

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Presiding Officer: You made a comment about the camp; did you have an understanding of what would be completed at these camps, or what type of actions, or training at these camps. You said that you wanted to go to these camps and I want to hear from you what you thought these camps were about.

Detainee: I only was for training but that's one thing that—I don't know if you can understand me but one thing in our religion we have to be trained. It doesn't have to be for military training you can train to protect yourself, your family, your house, anything can be protected like me protection for yourself and when I went there my reason was to do my duty something I have too and they didn't want to join the Saudi Arabian military and in Saudi Arabia its not like America you can be free, and you can go outside; in Saudi Arabia its going to be your job be military for as much as you can.

Presiding Officer: If I hear you correctly. You thought that you hoped to receive from this camp was to on how to better protect yourself and your family and not to aggressively go after other people.

Detainee: No. that's all. I don't know how to say. I didn't mean like the wrong way. I went to the training but I didn't like for example, like to one who train in martial arts he didn't train to go and fight people. He trained to help self protect. My goal was not to go and fight people of kill people, or anything like that.

Board Member: Was the training to help the Taliban?

Detainee: In the beginning no. My training was not for Taliban. I didn't—I went to the compound for Taliban, I went to more then one training camp; but my purpose was not for the Taliban it's self; it was something for myself.

Presiding Officer: What did you do on the front lines?

Detainee: I was going—it will show here, it is a thing I stated. When I first got here I wasn't worried about anything I wasn't afraid like being in trouble I knew I didn't have any problems with the Americans or with anybody else, I was honest about everything when they asked who I meet, where did I go, what I was training on. I was extremely honest. I didn't have anything with Americans and I didn't think I was going to be here for more then six years.

Presiding Officer: Continue.

Designated Military Officer (3.a.3): The detainee stated he wanted to go to Chechnya to lend relief support or fight on behalf of his Muslim counterparts. The detainee planned to enter Chechnya, whose borders were closed at the time, by joining a relief organization. Once there, the detainee planned to leave the relief organization and join the fighting.

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Detainee: It wasn't like I was going to fight. It was in 2000 in Chechnya, so my plan was to go there to do anything. When I had been asked if fighting or something like that but my plan was going to help in Chechnya.

Presiding Officer: Proceed.

Designated Military Officer (3.a.4): The detainee stated that after he was told it would be difficult to enter Chechnya, he traveled to Pakistan instead. The detainee stayed several nights at the Raywan Center in Lahore, Pakistan.

Detainee: After they told me that there is no way to go there, I was told to go to Kashmir, Pakistan. They offer you amnesty training.

Presiding Officer: Who are they?

Detainee: One of my friends.

Presiding Officer: Continue.

Designated Military Officer (3.a.5): The Raiwand Mosque near Lahore, Pakistan was identified as the most important mosque to the Jamat-al-Tabligh, and serves as the organization's headquarters.

Detainee: I don't—I do now that is something famous for Jamat, I know now.

Board Member: A lot of these statements support a previous statement. In this case it explains something that was mentioned previously. You said you are not sure the way it is worded but it supports a previous statement.

Presiding Officer: It leads into the next statement.

Board Member: It's a causation per say.

Translator: (Translates the question to the Detainee).

Detainee: Some of them when they explaining for example, I went to that mosque; in the following paragraphs it say for example, Lashkar-e-Tayyiba (LT), they have been involved in killing people. Worry if they have been doing that, I was there but it doesn't something---

Board Member: ---and that's what I meant to explain. That statement doesn't say that you did it; it tells or explains what Jamat-al-Tabligh is accused of doing.

Detainee: Yeah, okay. I understand.

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Presiding Officer: Continue.

Designated Military Officer (3.a.6): Jamat-al-Tabligh has reportedly been supporting Islamic terrorist groups in South and Southeast Asia under the cover of religious activities. The organization is closely aligned with other Pakistani terrorist organizations and al Qaida.

Presiding Officer: This leads to my question. Did you know that this is what Jamat-al-Tabligh did?

Detainee: I didn't know—but the thing I know about Jamat-al-Tabligh is they are a big organization and their goal is to help the Muslim people to understand their religion and to help non-Muslims to understand Islam. That's what I know about and if you ask any detainees here they would maybe tell you the same thing.

Presiding Officer: Continue.

Designated Military Officer (3.a.7): The detainee stated he stayed at the Quba Training Camp in Pakistan for approximately a week waiting for fighting. After the detainee realized there was not fighting there, he traveled to Afghanistan to join the fight.

Detainee: I went to Quba Training Camp for about—over two months and I had been trained here, it wasn't for fighting or like that; goal was to have military training.

Presiding Officer: Why after two months did you leave Quba Training Camp?

Detainee: Because I finished my training.

Presiding Officer: Continue.

Designated Military Officer (3.a.8): The detainee stated he spent several months at the front lines near Kabul, Afghanistan. The detainee performed security work behind the lines and was armed with a Kalashnikov rifle that was issued by the line commander.

Detainee: When I was in Afghanistan I went to the front line for more than one time and I don't know exactly how long but I was going back and fourth. Exactly how long I don't know.

Presiding Officer: Were you armed with a rifle or a Kalashnikov?

Detainee: I had my Kalashnikov with me but I never had fighting or shooting anybody.

Board Member: You mentioned in the previous paragraph that when you finished training you wanted to return to Saudi Arabia how did you end up in Kabul, Afghanistan?

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Detainee: I came to Saudi Arabia and I stayed there for about two months and then I went to back to Kashmir—I think I went back to Afghanistan.

Board Member: So you did go to Saudi Arabia for two months and then you came back; why did you go back?

Detainee: Good question. My stupid.

Board Member: To fight?

Detainee: That wasn't my goal. I was worried from the Saudi government, honestly.

Presiding Officer: Can you repeat that for me.

Detainee: I was worried from the Saudi government because in that time if they know that you were training with other organizations or something like that; so I was worried.

Presiding Officer: Were you worried about the Saudi government or wanted by the Saudi government?

Detainee: No, not wanted but I was worried. It stayed in my mind.

Presiding Officer: Continue.

Designated Military Officer (3.a.9): The detainee stated he traveled a second time to Afghanistan to fight on behalf of the Taliban.

Detainee: I didn't say that I would fight but I had a fatwa from Saudi Arabia, we can support Taliban because they are trying to help their country. I didn't say fight I had support for them.

Presiding Officer: Who gave you this support or tell you to go back and fight.

Detainee: There is more then one Sheik, his name is—it doesn't say the name but it says a Sheik---

Presiding Officer:----there is a Sheik that wanted you---

Detainee: There is another one who is a biggest one in Saudi Arabia and people respect him

Presiding Officer: If the Sheik told you to go back, can you say no?

Detainee: He can tell you that it's right to do but he can not force you to do it.

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Presiding Officer: It was still your decision to go back.

Detainee: Yeah.

Board Member: What year was this when you went back the second time?

Detainee: The first time----

Board Member: ----the second time.

Detainee: 2000.

Board Member: 2000.

Detainee: I don't know exactly because we have a different calendar.

Board Member: Right I understand that.

Detainee: So I can't exactly say.

Board Member: Thank you.

Detainee: No problem.

Presiding Officer: Continue.

Designated Military Officer (3.a.10): The detainee stated he traveled to the front line near Karabagh, Afghanistan and was issued a Kalashnikov rifle and ammunition.

Detainee: That's fine.

Presiding Officer: Continue.

Designated Military Officer (3.a.11): The detainee stated that after his group retreated to Pakistan, they were helped by villagers who demanded the group surrender their weapons. The detainee surrendered his Kalashnikov rifle, but kept a hand grenade. The group eventually reached the Tora Bora Mountains in Afghanistan.

Detainee: That's true; but about Tora Bora I didn't know it was Tora Bora----

Presiding Officer: ----you turned in your rifle but you kept a hand grenade?

Detainee: Because, the hand grenade, being honest with you, like had grenade no would know what would happen to us in the end, some come and take you to give to somebody like the Northern Alliance or to anybody else for money. I was worried.

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Presiding Officer: So you kept the hand grenade for self defense?

Detainee: Kind of.

Presiding Officer: Continue.

Detainee: Excuse me. There is a lot of information. If I didn't say it you would never know about it. I was trying to be honest and truthful. In the beginning there was nothing to be worried about but know it is all reflecting on me.

Presiding Officer: I am really glad that you are talking. This is a chance for both sides to provide the information and we have a lot of the information and I have read a lot of the information. This helps us to better understand and make better decisions, as we said earlier on I am glad that you are here because this helps us make a better recommendation.

Translator: (explaining that the Detainee has more information).

Detainee: I didn't know that it was Tora Bora. We were trying to go to Pakistan and after awhile I knew it was Tora Bora.

Presiding Officer: Continue.

Designated Military Officer (3.a.12): The detainee stated that in Tora Bora, Afghanistan, he was issued a Kalashnikov rifle and was assigned to a trench near a SAM 7 Missile site.

Detainee: I had went to an Afghani and he put us with someone there and there was an opening and I found someone there and he gave me a Kalashnikov, and I asked what is that place and he called it a trench, and asked him what was the thing in it and it was a SAM 7 in it.

Presiding Officer: Do you know what a SAM 7 missile is?

Detainee: All I know is what he said, famous word.

Board Member: Did you ever train on the SAM 7 or fire one?

Detainee: No. I didn't know if it was working but it was there.

Presiding Officer: Continue.

Designated Military Officer states training.

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Designated Military Officer (3.b.1): The detainee stated that at Quba Camp, he received training in physical exercise, weapons, land navigation, celestial navigation, and religion. The weapons training included instruction on Kalashnikov rifles, PK Machine Guns, hand grenades, and RPGs

Detainee: That's true.

Presiding Officer: Continue.

Designated Military Officer (3.b.2): The detainee was reported to have trained at al Farouq Camp.

Detainee: That's not true. I asked my interrogator who said that. They told me that one of the guys that was here who was transferred to Saudi Arabia, he has been arrested. I told him why he would say that and he say I was using a camcorder as a cover for going to camp Farouq. If you think about it I already told I went to this camp and this camp and had this training, why would I be going to that camp. Second thing don't forget he told me that I stated before that I went to that al Farouq camp which is not true I said the one who was running the al Farouq camp is Farouq and I think that this is what is confusing.

Presiding Officer: Were you aware of al Farouq camp?

Detainee: I heard about it but not on my first day in Afghanistan but I heard about it later but I never attend it.

Board Member: Where is al Farouq camp located at?

Detainee: In Kashmir, Pakistan.

Presiding Officer: Continue.

Designated Military Officer (3.b.3): The al Farouq training camp was reportedly run by al Qaida and provided a general program that consisted of a fundamental or basic course lasting 40 days. This course consisted of a basic review of relevant military topics. A different topic was covered each week, providing the trainee with fundamental military skills in light and heavy weaponry, field guns, warheads, topography, and explosives.

Detainee: What do you want me to say?

Presiding Officer: If you say that you never attend al Farouq camp then you never received this training?

Detainee: Yeah, I never.

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Presiding Officer: Continue.

Designated Military Officer (3.b.4): The detainee stated he attended the Khalden Camp, where he received weapons training on the Kalashnikov rifle, RPK rifle, RPG-7 and Makarov pistol. The detainee received artillery training on the DSHK-38, 38 AGS-17 and ZPU-2. The detainee also received tactics training, which included simulated attacks and instruction on regrouping, patrols, hand signals and ambushes.

Detainee: That is true.

Presiding Officer: That is true?

Detainee: True.

Board Member: Did you volunteer for this extra training?

Detainee: Yes. I am the one who asked to have that training. I wanted to get more training.

Presiding Officer: Why did you want to get training on these particular weapons?

Detainee: I don't know what to say but at that time I was encouraged. Wanted to see it, but know I don't have an answer.

Presiding Officer: Continue.

Designated Military Officer (3.b.5): The detainee stated he was trained to operate T-54 and T-55 Soviet tanks at a Taliban armory in Khowst, Afghanistan.

Detainee: It wasn't a camp it was like a center, they had those tanks there and I asked them get on it and see how it works and see how I can use it, and they say okay.

Presiding Officer: Training implies that you learned how to use the equipment on the tank and observing implies that you saw the turret.

Detainee: No, I get inside of it, I saw it when it was shooting at the mountain there. They showed me how it works and all these things.

Board Member: How much time did you spend with the tanks?

Detainee: Not long time. I was in Khowst at that time for about six or seven days. It was like going today and not going tomorrow.

Board Member: Off and on.

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Detainee: Yes. Something like a training camp I have to be there everyday, somebody telling me you do this and this.

Board Member: It was not structured training?

Presiding Officer: How old were you when you saw this equipment?

Detainee: 20, about 21.

Presiding Officer: Doesn't have to be exact.

Detainee: 21.

Presiding Officer: Continue.

Designated Military Officer (3.b.6): The detainee stated he visited a training camp in Shakardarah, Afghanistan which was run by an offshoot of the Egyptian Islamic Jihad. The camp provided specialized training in urban warfare

Detainee: I went there with one of my friends, he wanted to see somebody there and I didn't know that there was a camp there but when I went there and I had been asked if I had seen another camp I said yeah I went with somebody and his name was Atta from Saudi Arabia and I saw him in the camp and if I didn't say it nobody would now I was trying to be honest because honestly its something frustrating for us when you first get here they tell us to be honest its all going to help but we see know its not going to help us, it puts us in a more complicated situation.

Board Member: You are correct but being honest is better then being deceptive.

Detainee: I don't know in this place.

Board Member: That is true. How long were you at this camp?

Detainee: It was a night or two.

Board Member: Excuse me.

Detainee: A night or two, not for a long time.

Presiding Officer: About two days?

Detainee: We slept that night there but I think the first time we get there then I went to the front line and we come back, I don't know what they were talking about but the guy who was with me he has something with them, the people in the camp.

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Board Member: You did not train with them there?

Detainee: No, never.

Board Member: Just stayed there.

Detainee: Not stay.

Board Member: Over night?

Detainee: Yes.

Board Member: Okay.

Presiding Officer: Continue.

Designated Military Officer states connections and associations

Designated Military Officer (3.c.1): The detainee stated he was strongly influenced to fight in Afghanistan after being issued a fatwa by a Saudi Sheikh.

Detainee: Yeah. Not fighting, I said I support the Taliban.

Presiding Officer: How old were you when you made this fatwa?

Detainee: Same age.

Presiding Officer: Continue.

Designated Military Officer (3.c.2): The Sheikh reportedly condoned the 11 September 2001 attacks against the United States and helped raise money for Usama bin Laden.

Detainee: I don't know about this one and I meet that Sheik only one time, that's all. I didn't know about what he was doing or his activities or his association.

Presiding Officer: Continue.

Designated Military Officer (3.c.3): The detainee stated Camp Quba was affiliated with and run by a group known as Ashkar Taybah.

Detainee: That's what I know.

Presiding Officer: Continue.

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Designated Military Officer (3.c.4): Lashkar-e-Tayyiba (LT) has been identified as a designated foreign terrorist organization. LT is the armed wing of a Pakistan-based Sunni anti-United States missionary organization. The group has claimed or been implicated in a number of operations against Indian troops and civilian targets that have left dozens of people dead. LT may be facilitating the movement of al Qaida members in Pakistan.

Detainee: When I first hear this I worried. That was something that they didn't tell me. The only thing I had with them was that I went to their training camp. I didn't know what their activities were or what they were doing.

Presiding Officer: Did you know it was a Lashkar-e-Tayyiba training camp, al Qaida training camp?

Detainee: No. When I asked they told me it was.

Presiding Officer: Once you knew that it was an al Qaida training camp could you stop your training or did you have to continue?

Detainee: No. I will tell you something. There are some things that you know or different then things that we know. We look at them like a Sunni organization but we didn't hear about them being interstate missionaries we didn't hear that they had killed dozens of Indians, I didn't hear that they were an isolated movement of an al Qaida member, maybe you knew it but we didn't know it.

Presiding Officer: When did you know it was this type of organization?

Detainee: When the AMO told me.

Presiding Officer: Was it this year or last year?

Detainee: I didn't hear about it last year. This is the first time I hear it in this paragraph when he (AMO) told me.

Presiding Officer: Continue.

Designated Military Officer (3.c.5): The detainee stated he contacted a senior al Qaida lieutenant to receive additional training. The detainee stayed at the al Qaida lieutenant's guest house for approximately one week.

Detainee: That's the one that I was talking about.

Presiding Officer: Continue.

Designated Military Officer (3.c.6): The detainee stated that while on the front lines, he was tasked by an Egyptian to distribute money to other fighters.

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Detainee: When I came here they show me a picture and they told me do you know this guy and I told them that I saw that guy and he came to the front line and he talked to us and he gave me 500 dollars. They show me a picture and they didn't know anything about him at all, and I didn't know who he was or belong too. I don't know if he was a front line commander; I know he was nice to us and that's all I know. When they ask that's—if I say I didn't see him or I didn't know him; no one would know that he meet me and he gave me 500 dollars.

Presiding Officer: What did he tell you to do with the 500 dollars?

Detainee: He told me to help—he gave it to me because I speak Arabic and I was with them and he told me to take this and try to get food for your brothers.

Presiding Officer: Is that what you did with the 500 dollars?

Detainee: I gave it to the one who was the leader. I gave it to him and I think he gets food and all these things.

Presiding Officer: Did you just carry out your assignment given to take the 500 dollars to buy food and supplies for people on the front lines?

Detainee: If you were in my shoes at that time, I don't think you would think it was something wrong.

Presiding Officer: That is what I am trying to imply is that you were just carrying out what someone above you was telling you to do.

Detainee: Yeah, but not above me he was not my leader or commander or something like that. If someone comes to you in a place like Afghanistan and tell that this is not for you but the people you are with to get food.

Board Member: You were asked to do something?

Detainee: Yeah. I don't think you would say no I'm not going to take it because I don't know you I am not going to take that money. I had been asked and I told them all that information because I didn't want to lie, but if I said I don't know and I didn't see that guy who would know that I saw him.

Presiding Officer: When you said you told them that information, who was them?

Detainee: The interrogators.

Presiding Officer: Continue.

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Designated Military Officer (3.c.7): The detainee identified an Egyptian who traveled with four body guards gave the detainee \$500 in US currency.

Detainee: That's what we just talked about.

Presiding Officer: Continue.

Designated Military Officer (3.c.8): The detainee identified another individual who accompanied the Egyptian to the front lines. That individual was a well known al Qaida operative.

Detainee: I didn't know he was al Qaida or not but when they show his picture and they say did you see this guy I told them I remember I saw him that day. Sometime you regret being honest.

Presiding Officer: I understand. Proceed.

Designated Military Officer (3.c.9): The detainee regularly assisted a senior al Qaida military member while on the front lines.

Detainee: They told me that there is an Egyptian guy he name is Al Bohbetta and somebody reported that I was his assistant and that's not what happened I saw Al Bohbetta when we were on the front line and after—so I meet him there and they asked I told them before they told me that I meet with somebody and his name is that and I told them this thing and I was that frank.

Presiding Officer: Continue.

Designated Military Officer (3.c.10): The detainee's name was on a list of al Qaida Mujahedin. The list indicates that the detainee's passport, credit card, and discharge identification card were held in an al Qaida account.

Detainee: I know my passports, paper I gave to one of the Pakistanis to take it to Raman to a guy in Mat ally in Afghanistan who he gave it too I don't know. That's information I don't know. If they gave it to them or do something with it, change it, or anything, I don't know.

Board Member: Who did you give it too?

Detainee: One of the Pakistanis with us, his name is Jataff, I asked him to take it to Raman to Mat ally because I have been there before. Biggest house, I told him to give it to him when he goes to Pakistan.

Presiding Officer: Continue.

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Designated Military Officer (3.c.11): The detainee stated he knew Said al Ghamdi and Ahmed Alnami, two of the hijackers who were on United Flight 93 during the 11 September 2001 attacks.

Detainee: Said al Ghamdi he studied with me and Ahmed Alnami he was a neighbor of one of my uncles. Everything I know is a student with somebody and being in neighborhood with somebody, in a village. I didn't know about what they were doing or planning or anything like that, but I knew them. When they show me their picture and say do you know these people and I say yeah, he was studying at this place and I was telling them all the truth.

Presiding Officer: When was the last time you saw them, approximately what year?

Detainee: Ahmed Alnami maybe before 97 or something like that.

Board Member: What about Ghamdi?

Detainee: Ghamdi I remember is saw him in 99 or 98 during that time.

Board Member: Where did you study with him?

Detainee: Early study usually in a Mosque. We study, not just me and him like a lot of people in a Mosque with a Sheik named Saad.

Board Member: In Saudi Arabia?

Detainee: In Saudi Arabia, yeah.

Board Member: Thank you.

Presiding Officer: What did you think when you heard these two men were involved in the 9-11 airplane hijacks?

Detainee: I don't know what to tell you. If you knew them before, I think maybe, my opinion, they were brainwashed because if you know them in real life they were very nice, very good I don't remember anyone say anything bad about them. I didn't hear that they hurt anybody or mean to anybody and their family are very good family, we didn't know what happened.

Presiding Officer: Continue.

Designated Military Officer (3.c.12): The detainee stated he knew Ahmed al Ghamdi, another 11 September 2001 hijacker. The detainee had known Ahmed al Ghamdi a long time.

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Detainee: If I would say that I know those two guys, I don't think there would be a problem to say that I know that guy Ahmed al Ghamdi I don't think there would be a problem to say that I know him but I don't know that Ahmed al Ghamdi. I don't know him honestly and they don't know who say that I know him. They say that I stated, I don't remember that I say that to anybody. If I know him I would say I know him, what he did is not something belong to me.

Presiding Officer: Continue.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer (4.a.): The detainee stated he did not go to Afghanistan with the intention of joining the Taliban. The detainee's main purpose was to see the accomplishments of the Taliban.

Detainee: That was the first time.

Presiding Officer: Alright.

Designated Military Officer (4.b.): The detainee stated he was never an al Qaida member and does not know if he ever met or fought with al Qaida force.

Detainee: As I told you. I didn't know them at that time or join al Qaida or agree with them, or help them, or support them, and that's all that I can say.

Presiding Officer: You fought on the front lines and you told me earlier today that you did fight on the front lines a couple of times.

Detainee: There was no fighting. I was on the front lines but there was no fighting at that time—there was none.

Presiding Officer: When you were on the front lines did you know that they were potential al Qaida?

Detainee: I know that they were Taliban. The view for us about Taliban is different then the view that you see the Taliban. For us this how you look at the Taliban they had their mistakes or wrong thing but if you think about their country in a war for thirty years form the communist time, the Russia war, all of these things. When you think about it, there were all of these mistakes but it was much better then the situation it was before. If you sit with people who are older in Afghanistan you can figure out how was the difference between the Taliban time and time that was before. My main thing is to support these people who trying to make their people and Musliim nation much safer. I don't know if they have connections with al Qaida or not, that is something—maybe people are looking at all these things but things we don't know but usually a person reach

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his decision from what he has seen and I wasn't trying to collect information to find out what was going on.

Presiding Officer: At them time when you were with those folks did you feel in your heart that these were folks fighting or supporting a cause that you believed in correct; which was to better the life for the people in Afghanistan?

Detainee: I think that they were doing something right even if there were mistakes from both sides but it was much better then what was before.

Presiding Officer: For the people of Afghanistan?

Detainee: Right.

Board Member: What was your opinion or feeling about the Northern Alliance at that time?

Detainee: For example when they were in Kabul, hear in the news, Kabul fight between commanders, go from place to place in Kabul you need someone to help you go there you can not just go safe and peace and they had an opportunity and a chance to make country good and they lost that chance and they were fighting among each other I think that they were on their own side. That is my opinion.

Presiding Officer: Continue.

Designated Military Officer (4.c.): The detainee stated he did not swear bayat to Usama bin Laden or any terrorist organization.

Detainee: That never happened.

Presiding Officer: Continue.

Designated Military Officer (4.d.): The detainee stated he would never be involved with an organization or militia whose purpose was to commit terrorist acts. The detainee also stated he would not involve himself with a group that would act as the aggressor in a military campaign.

Detainee: That's right.

Presiding Officer: Continue.

Designated Military Officer (4.e.): The detainee denied having prior knowledge of the 11 September 2001 attacks on the United States. The detainee denied knowledge of any rumors or plans of future attacks on the United States or its interests.

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Detainee: That's right.

Presiding Officer: Continue.

Designated Military Officer (4.f.): The detainee stated that if released, he would like to return home to see his family and complete his studies. The detainee stated he would not return to Afghanistan, Pakistan, or any other country for the purpose of taking up arms against the United States or its allies.

Board Member: I understand your last statement. You stated earlier today that you went home to Saudi Arabia but were worried about the government and left. Why is it safer for you now?

Detainee: Because there are all sorts of things changed in Saudi Arabia from what we hear. At that time I wasn't scared, but the worse thing they can do is take my passport and not be able to travel. They will not let me travel for five years, maybe prison because when we had that passport we sign paper that we say we will not go to Afghanistan or certain place like Thailand, there are some countries we can not go to. The worse case is like six or seven months but still scary to go to prison.

Board Member: Okay.

Board Member: You don't have a problem if we transfer you to Saudi Arabia?

Detainee: I know Saudi Arabians released here have been treated very well, I know they have been provided for things that can help them with their life and I know that lay out of the land and amnesty. That's what I hear. Saudis released treated very well, some get married and start their life over.

Board Member: Thank you.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee did not have a written statement but would like to make an oral statement at an appropriate time.

Detainee: I thought that the decision has been taken before and that's my feeling. I don't know what to tell you, but I want to tell you that I have never been bad to anybody, I

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never been an enemy combatant or anything like that. I never planned or help anybody to do anything bad to Americans or anybody else. I don't know what to say. I have nothing left to present here. I want to say that I have a bad situation but It's not all that bad, I still feel people still like me, last Monday not this Monday but the Monday before; I request to be moved from the camp and I was surprised that everyone come up to me and the detainees and the guards trying to persuade me to stay, and when I was thinking about that it was something good to me, the feeling that I still like people and people still like me and don't want me to leave, not everything bad for me here. I hope I go home now.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had questions:

Board Member: I just want to thank you for coming to this review board, I appreciate your honesty, and I appreciate your respect for the group here, and I do respect your opinion. Being honest sometimes gets you into trouble but its better then lying and deception because that will always come around and get you into trouble later. I do appreciate your feelings and the way that you conducted yourself.

Board Member: Why did you request to change camps?

Detainee: I have been with people since I came here, I have never been in privacy. I want to be by myself. I think being with people who like you is better then being by yourself.

Board Member: Okay. You carried a Kalashnikov rifle did you ever fire that at anyone?

Detainee: No.

Board Member: Why did you also carry a grenade?

Detainee: Not always. It was at that time. Like I told you I was worried that something might happen, they can see the Kalashnikov but they can't see the grenade, it was in my pocket. I don't know but that's my opinion know but at that time I don't know, it was a long time ago.

Board Member: I also want to thank you for coming to this Board.

Detainee: You're welcome.

Presiding Officer: I also want to thank you for your attendance today. I sincerely appreciate your attendance and more importantly your manner in which you conducted yourself at this Board. It shows to me that you take this process very serious as do we and I want to ensure you that there are a lot of things that will go into the consideration

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by the Board members but your attendance today is a very important part of it. Help me to understand what has changed in the last year that would persuade this Board to reach a different recommendation then last year.

Detainee: I don't know. I am the same person. Same thing I said before is the same thing that I am saying now. If something changes it would be on your side sir, from my side I have none.

Presiding Officer: You were approximately 20, 21 when the original fighting and everything happened; and how old are you now?

Detainee: 29.

Presiding Officer: If you could turn the clock back to when you were 21 again would you do things differently?

Detainee: Much, much.

Presiding Officer: What would you do differently?

Detainee: Continue my studies and being with my family and think about things very good before doing it.

Presiding Officer: If the Board makes a recommendation to transfer or release you, what would you do when you return to Saudi Arabia? I want to know what your aspirations are and what you want to do with your life if we made that recommendation.

Detainee: My family has changed now. I lost my mother about a month and a half ago. I think I will continue studying. I will be—I don't know how to answer or what to say. A normal life, make my family and something about my life, things that anyone will do.

Presiding Officer: Thank you for your attendance today.

Detainee: You're welcome.

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

The Presiding Officer opened the classified portion of the session.

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

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AUTHENTICATION

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



**CAPTAIN, USN
Presiding Officer**

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Summary of Administrative Review Board Proceedings for ISN 222

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee did not want to accept the (Muslim) oath.

Presiding Officer: Before we start this morning, I want to make sure you feel well to talk this morning?

Detainee (through translator): He is comfortable, sir.

Presiding Officer: Is the air conditioner in here okay for you?

Detainee (through translator): Yes.

Presiding Officer: And how would you like us to call you, how would you like for us to name you in these proceedings?

Detainee (through translator): Omar is fine, sir.

Presiding Officer: Very well.

Detainee (through translator): That is his true name.

Presiding Officer: Thank you.

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

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

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 08 May 2007. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee indicated that he would attend and speak on his own behalf. The Detainee was calm, polite and respectful during the interview. In accordance with the Standard Operating Procedures, the Joint Detention Group (JDG) liaison hand-carried a copy of the English and Arabic translated Unclassified Summary of Evidence to the JDG point of contact for delivery to the detainee. The AMO received written confirmation of delivery to the detainee from the JDG. The detainee appeared for his interview in a tan uniform.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3) to the Administrative Review Board.

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

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

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

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

Designated Military Officer states commitment.

Designated Military Officer: (3.a.1) The Detainee stated he traveled to Afghanistan from his home in Saudi Arabia a few weeks after the terrorist attacks of September 2001.

Detainee (through translator): That is not true because I went to Afghanistan before the events of September 11th. Prior to that for about three months, prior to the events.

Presiding Officer: Omar, may I ask you to please speak a little louder because we can't hear you over the air conditioner?

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Detainee (through translator): Yes, I will.

Presiding Officer: So you say you went before September 11th?

Detainee (through translator): Of course this kind of statement I have made as soon as I got here. Then after that I changed my statement under the interrogation. I admitted everything honestly. I said I went to Afghanistan three months prior to the events of September 11th and six months prior to that I also went to Afghanistan but I went back to Saudi Arabia.

Presiding Officer: What was the purpose of these trips?

Detainee (through translator): I am a human being that wanted to do the jihad. I wanted to go to either Chechnya or Kashmir. Then I went to Afghanistan for training. I participated with the Taliban. I don't have any ties to al Qaida or terrorism. That is the summary of my statement. I was there when the Americans came and I was involved. I didn't go there to fight the Americans.

Presiding Officer: Thank you for telling us the truth on the matter. DMO please read the next point.

Designated Military Officer: (3.a.2) The Detainee's travel route was from Jeddah, Saudi Arabia to Bahrain. The Detainee flew from Bahrain to Doha, Qatar and from Qatar he flew to Karachi, Pakistan.

Translator: Sir, I asked if he wanted me to open his paper so he can follow along with us and he said no.

Presiding Officer: Okay.

Detainee (through translator): Sir, the second point here is it an allegation or is it a question?

Presiding Officer: It's an allegation that was written before Omar told us about going to Afghanistan for training and for Jihad.

Detainee (through translator): The route he took that is a normal route to go from Saudi Arabia to Afghanistan. You have to go to Bahrain and then another country to get to Afghanistan.

Presiding Officer: Does this mean that this is the same route you took on both the trips that you just told us about?

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Detainee (through translator): No, the first trip was from Jeddah, Saudi Arabia to Dubai to Karachi. That was the first trip and that was the route he took and what is written here is the second trip he took to Pakistan.

Presiding Officer: Okay, thank you. DMO please proceed.

Designated Military Officer: (3.a.3) A source identified the Detainee fighting for the Taliban against the Northern Alliance.

Detainee (through translator): Yes, I did say that and I was on the frontlines a few months.

Presiding Officer: On the frontlines in what area?

Detainee (through translator): A town close to Bagram named Kharabaugh.

Presiding Officer: Okay, thank you. DMO please proceed.

Designated Military Officer: (3.a.4) The Detainee left Jalalabad, Afghanistan and traveled to Tora Bora, Afghanistan after Jalalabad fell to the Northern Alliance. The Detainee sought refuge in a cave with five other Arabs for approximately one month; everyone in the cave was armed with a Kalashnikov rifle.

Detainee (through translator): That is true.

Presiding Officer: Is that your watch? [Translator's wrist watch was beeping.]

Translator: Yes. [Translator stops watch's beeping.]

Presiding Officer: Thank you.

Detainee (through translator): Sir, he said that is true. I was there because the Taliban fell at the time. Jalalabad fell after Kabul and there was no way to get out of those mountain ways to go to Pakistan. So I stayed in the mountain area for about a month. From the beginning of Ramadan to the late time of Ramadan and then I retreated.

Board Member: Omar, were you involved in any combat during this period?

Detainee (through translator): To be honest there was no fighting, there was no combat, there was only bombing that was going on. Later on the Northern Alliance came and I was there. That was the later days but it was basically self defense.

Board Member: Omar, did you have a rifle?

Detainee (through translator): Yes, I was carrying RPG-7 and I also had a pistol.

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Presiding Officer: Where did you learn to use the RPG-7?

Detainee (through translator): In al Farouq Camp.

Presiding Officer: Okay.

Detainee (through translator): He said I am very honest. I am telling you honestly.

Presiding Officer: Okay. Thank you for that.

Designated Military Officer: (3.a.5) The Detainee stated the order to leave the cave came approximately ten days after the start of the American bombing. The Detainee also stated some people left their weapons behind as they were fleeing Tora Bora, Afghanistan. The Detainee chose to carry his weapon along with three additional magazines.

Detainee (through translator): That was at the end. That is true because when we were pulling out there was a lot of snow in the mountains at the time. We walked through the mountains with ice on the mountain for about three days and some of the people died because of freezing. It was a heavy weight on them so some people threw their weapons away. I chose not to throw the weapon away. I chose to keep the weapon, because I don't know what is going to happen on the way.

Presiding Officer: We understand. Thank you.

Designated Military Officer: (3.a.6) A source stated the Detainee was in Afghanistan since 1997 fighting with the Taliban and Arab fighters aligned with Usama bin Laden. The source also stated the detainee openly admitted to being part of a group that would torture suspected spies among them.

Detainee (through translator): This statement is not true; it is false. I do have a passport and you can look at the computer and find out what kind of trips I have made and you can confirm how many trips I have taken and when did I take these trips. I was just a normal person and I don't think I would be torturing spies or anything like that. This document is not true.

Presiding Officer: Okay. We will take that answer into consideration when we make our decision.

Detainee (through translator): Very good.

Designated Military Officer: (3.a.7.) A source stated the Detainee would travel to Saudi Arabia on average once every three months and return with new recruits and about 4,000 United States dollars.

Detainee (through translator): That is not true.

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Presiding Officer: You told us about two trips to Afghanistan.

Detainee (through translator): Yes, by myself.

Presiding Officer: That was my question.

Detainee (through translator): There was the first trip and the second trip and that is true I was by myself. Those trips were spread out about 6 months apart.

Presiding Officer: Did anybody help you to go on these trips?

Detainee (through translator): He chooses not to answer this question. I am here by myself and I will be taking that responsibility by myself. He doesn't want to get anyone involved with him.

Presiding Officer: I understand.

Detainee (through translator): My senses and my integrity don't allow me to get somebody else involved in this.

Presiding Officer: I understand.

Designated Military Officer: (3.a.8.) A source stated the Detainee was part of one of the last groups that retreated to a cave in the Tora Bora Mountains in late 2001, after the United States began bombing. The source also stated the Detainee carried a rocket propelled grenade launcher and the Detainee was an expert in mortars and as such was responsible for preparing mortars.

Detainee (through translator): Yes, I did leave. I was one of the last groups to leave Tora Bora and I used to carry a RPG weapon, but towards the end I replaced that with Kalashnikov. But the wording saying that I was an expert, that's not true.

Board Member: Omar, do you know how to operate mortars?

Detainee (through translator): Yes.

Board Member: Thank you.

Presiding Officer: Where did you learn to operate a mortar?

Detainee (through translator): At the camp.

Presiding Officer: Which camp?

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Detainee (through translator): Al Farouq.

Presiding Officer: Thank you.

Designated Military Officer states connections and associations

Designated Military Officer: (3.b.) The Detainee escaped Tora Bora, Afghanistan with the Khalden Training Camp leader who is directly linked to several other senior al Qaida operatives, including Usama bin Laden.

Translator: He wants me to repeat it.

Detainee (through translator): Yes, that is true somebody called the son of al Sheikh. He was pulling out with us and he is under our custody.

Presiding Officer: Thank you.

Designated Military Officer states Intent

Designated Military Officer: (3.c.) The Detainee expressed a desire to kill a Military Police guard and also stated he really wanted to be let free so he could kill Americans.

Detainee (through translator): This is not true.

Presiding Officer: Okay.

Detainee (through translator): I don't know where this statement came from because it is not true. In the past there used to be some problems that happened in the camp but these are normal things that happen in any camp.

Board Member: Omar, what is your attitude about Americans today?

Detainee (through translator): I don't want to talk or say anything because I don't want to look like a liar.

Presiding Officer: Okay, it is important to tell the truth, but we understand that you don't want to answer this question.

Detainee (through translator): I would be a liar if I say I love the Americans, but that is something that is not true.

Board Member: Omar, I guess where we are coming from is that we are trying to understand the threat you may pose if you were released. So understanding if you hate America or if you are willing to go and fight against America is important.

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Detainee (through translator): From the beginning I stated I did not go to Afghanistan to fight Americans. I didn't have any problems with the Americans in the past. Of course, if I was released I have been away from my home for a long, long time. Away from my family and I would like to get married as well. I would like just to relax. That is my intent. My intent is to get out and go and look for a job and maybe even go back and get some education. That is it.

Board Member: Omar, if you had the opportunity to get an education do you have any special interest?

Detainee (through translator): I would like to learn about history. I read before about history.

Board Member: Thank you.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer: (4.a.) When the Detainee was questioned about the names and phone numbers of al Qaida in his possession during capture he stated the reason he had the names and phone numbers of al Qaida members was because they were his brothers and friends, not because they were al Qaida.

Detainee (through translator): How can you tell these people were al Qaida? Those phone numbers and information that you got they were all about my cousins, my family, and relatives. That is true. These people used to live in my town and during interrogation I did tell them these are my friends. But you decided they were from al Qaida and they were not.

Presiding Officer: Okay, thank you.

Designated Military Officer: (4.b.) The Detainee stated he never fought with the Taliban or al Qaida, and no one attempted to actively recruit him during his travels from Saudi Arabia to Pakistan.

Detainee (through translator): That is an old talk.

Presiding Officer: Yes, we understand that's been replaced by your answer here this morning. Thank you.

Designated Military Officer: (4.c.) The Detainee denies any knowledge of or association with the Taliban, al Qaida or any terrorist organization.

Detainee (through translator): That is true I was with the Taliban, but I was never with al Qaida.

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Presiding Officer: We understand that's the same situation as the answer before.

Designated Military Officer: (4.d.) The Detainee stated he did not go to Afghanistan to fight, but instead to visit his family.

[Detainee looked up and smiled]

Presiding Officer: Same thing.

Detainee (through translator): Same as before no reason to really comment on this.

Presiding Officer: Okay.

Designated Military Officer: (4.e.) The Detainee stated he does not look up to Usama bin Laden.

Detainee (through translator): I never said that.

Board Member: Omar, have you ever met Usama bin Laden?

Detainee (through translator): I refuse to answer that question.

Presiding Officer: Okay.

Board Member: Omar, do you look up to Usama bin Laden?

Detainee (through translator): No, I don't look up to him.

Presiding Officer: Why not?

Detainee (through translator): He is just a normal person. He is just the Commander with the Muslims so he is just a normal Muslim person. He has his own opinions and his own thoughts and not necessarily should everyone back up his thoughts. I may agree with some of the things that he talks about, but I also object to other things that he believes in.

Presiding Officer: What do you object to?

Detainee (through translator): I can not talk about it here in this setting because all of this is recorded and it might count against me.

Presiding Officer: Okay, we won't insist...

Detainee (through translator): Like I said he is just a normal person I don't have too believe in what he says and I don't want to talk against him either. It is all recorded and

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if I do talk against him maybe that is not true. He is a normal human being and I don't hate him. He is just a normal person, but I don't have to believe what he believes or his thoughts and I don't back up his thoughts or opinions.

Presiding Officer: Okay, thank you for your answer.

Detainee (through translator): Including the isolated incidents of killing women and killing kids, I don't believe in that, civilians for example. He has his own problems with the Muslims that are back there. Some people see him as an enemy combatant, some people want to fight him, and other people want to back him up.

Presiding Officer: Okay, thank you for your answer.

Designated Military Officer: (4.f.) The Detainee stated he has an uncle who is a friend of General Dostum and is a supporter of the Northern Alliance.

Detainee (through translator): I did say that my uncle he knew of him, but he wasn't his friend. He wasn't General Dostum's friend. What happened was when Dostum used to come to our town my uncle used to be one of the greeters to Dostum. But he doesn't back anything or any of that. I said this before thinking it might help me to get released. That is why I said that. To be honest when I was caught I was afraid of the Northern Alliance and I said that in Kandahar when I was first caught. I did say that. Do you understand that, sir?

Presiding Officer: Yes, I do understand, thank you.

Designated Military Officer (4.g.): The Detainee stated if he were released he would simply return home and would not harm anyone unless they were the aggressor.

Detainee (through translator): Yes that is true. If I am living in my house and sitting in my house and somebody wants to come and kill me, obviously, I am going to defend myself. Even an animal would protect himself.

Presiding Officer: We understand.

Board Member: Omar, is there any other statement you would like us to consider in regards to your release?

Detainee (through translator): This is all the statement that I mentioned to you. I just mention to you that I would really like to get released I am tired of this and fed up with it. I just want to go and get married and go about my business.

Presiding Officer: We understand.

Board Member: Omar, where do you consider home?

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Detainee (through translator): Of course originally I am a Muslim from Uzbekistan. We migrated about 80 years ago. When the revolution of Stalin and Lenin, during that time. My grandfather migrated and we entered Afghanistan. We lived there for a few years then after that we left and traveled to Saudi Arabia. All our life we spent in Saudi Arabia. All my immediate family and my relatives are in Saudi Arabia. I do still have some tribes that are still living in Afghanistan. Our relationship with Uzbekistan has been terminated so we don't know anything about our relatives that are still back in Uzbekistan. The government of Uzbekistan, they don't want us and we don't want them, either.

Board Member: If you were released you would go back to Saudi Arabia?

Detainee (through translator): Yes my wish is to go back to Saudi Arabia because I want to go back to my family. The most important thing is I get released from here. Any place would be fine with me. It is not important where I go but of course everybody wishes to go back to their family.

Translator: Sir, I just mentioned to him that if you have anything else that you want to mention.

Presiding Officer: He will have another opportunity in just a minute.

The Board Members did not request any further time to review the unclassified summary.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee did not have anything to present.

The Presiding Officer asks Assisting Military Officer to read the comments from the Enemy Combatant Election.

The Assisting Military Officer reiterated the detainee's comments section from the Enemy Combatant Election Form which was essentially no comment.

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Presiding Officer: Omar, if you wish to make a statement at this time you may begin to do that.

Detainee (through translator): All I have, I have mentioned to you.

Presiding Officer: Okay. Omar, has the Assisting Military Officer presented everything that you wanted him to present to us?

Detainee (through translator): Yes.

The Assisting Military Officer had no additional information to present.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Members had questions:

Board Member: Omar, do you believe it is your religious duty to fight America if released?

Detainee (through translator): This matter belongs to the scholars. I don't know if I would or not.

Board Member: Omar, you have been here over five years. Can you describe how it has affected you?

Detainee (through translator): I thank God I have been here five years and I haven't gotten any disease or anything. I don't think too much. I am a man that can live anywhere. Whether it is tough or easy I will be able to manage and I will be patient. If a person is patient enough then the result will be good. I fully comprehend things, you know, my mind.... I operate fully with my mental status and psychologically I feel good, and any Detainee, his wish is to get out of here. So you can obtain your freedom whether it is living or the type of food you eat or the money you earn or the family that you chose to be with.

Board Member: One last question, Omar. How old are you?

Detainee (through translator): I just entered 28.

Board Member: Thank you for your answers.

Presiding Officer: If you went back to Saudi Arabia what town would you live in?

Detainee (through translator): I grew up in Medina and I prefer to go back there.

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Presiding Officer: If you were walking down the street in Medina one day and you bumped into me what would you say?

Detainee (through translator): I would say hi.

Presiding Officer: I would say hi back. After that what would you say?

Detainee (through translator): You are a normal person. I would treat you like a normal person. I don't think I would be an enemy of yours and I don't think you would be an enemy of mine. I deal with people individually. It is not necessary.... the responsibility of President Bush that he brought and the problems that he brought doesn't mean that you carry that on your shoulder, so I would not treat you like an enemy.

Presiding Officer: The Board Members, all of us, also believe in treating people like individuals.

Detainee (through translator): I told you that I am a person that has a heart. I have mercy and I would not fight a crazy fight or be a combatant just to be one. My goal or our goal is not to kill people. Our goal is to recruit people to the Muslim religion. That is the primary reason and we will not fight anybody unless they are the aggressors. I don't have any hard feelings or consider you as an enemy of mine because you are just a normal person. When I used to go to Jeddah I used to see westerners and also Americans, and some of them were military people, so I don't have any problems with them. I never had any problems with them, they are normal people. You guys consider everyone here is like a wild animal and you think that all they want to do is kill people. That is the mentality that is considered about everybody here. That is true, I used to want to go to Chechnya and Kashmir because I used to see in the movies and on television how the Russians used to oppress the females and I have a mind and also soft heart that I felt for these people so that is why I wanted to go and help. I wanted to go and when I went I offered my soul and that is probably the most precious thing a human being can have. I wanted to offer it because of the females and the kids. That was my intent. I wanted to help the people even if it takes my soul to help the women and kids I used to see. Not for the loving of oppression.

Presiding Officer: That is an important thing you just said; thank you. You have spoken to this board very plainly today. You have behaved to this board with much respect and that is important for us to see. What is more important for us to see, is you the man, otherwise all we would see is words on paper.

[Detainee continually nods]

Presiding Officer: There is just no comparison. So I want to thank you for coming to speak to the board today; it was important.

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Detainee (through translator): If I may add one more last thing.

Presiding Officer: Yes.

Detainee (through translator): Before when I was caught at first I did hide some personal information because my family lives in Saudi Arabia. The government of Saudi Arabia treats the people, other than Saudis, they treat them badly. Therefore, that is why I did not want to pose any harm to my family because of my doings. I hid a lot of things because I used to send them letters with the wrong addresses. It has been five years and I don't know anything about them. Then I decided whatever happens, happens. God is the one that is going to help and defend me. That is why I wanted to change because in the beginning I did hide some things. I have six sisters and two brothers, and I have my grandmother and also my mother and father. We all live in one house under one roof. Our life is a happy life. My father owns a restaurant; my brother owns, in partnership with someone else, a woman's clothing store; my older sister has a tailor shop. That is why I don't want to cause any problems for them or any harm because they are living a normal life and the government of Saudi Arabia, their treatment to non Saudis is not a good treatment. I was afraid they would deport them from Saudi Arabia, that was the purpose.

Presiding Officer: Thank you for explaining that. I hope that when you go back to camp today that you will tell your brothers how you were treated here. I hope you will tell them we listened carefully to what you had to say and that it is very important to us to see and hear the man that we are deciding about.

Detainee (through translator): I would like to add on that if I may?

Presiding Officer: Please.

Detainee (through translator): Most of the people will probably not like to attend. I refused the last board; I refused to show up, because the people really lost trust in this board. They were saying that all the decisions go back to Bush and the Administrator of Defense. So the people used to think, what is the use of showing up to this board if they can't have anything to their benefit. People they tried once or twice before but they felt like there is no use to showing up to the board. That is the majority opinion of the people about this board and this commission. Some people see that as something organized something official. Some people think they have nothing to lose to show up so they show up. This is some of the reasons why they don't show up because they lost the trust in the process. Most of the people that have left here they have left for other reasons it seems like it is treaties and connections between Bush and other countries. That is why some of these people that were here left. The Military Commissions have decided on some of the people to leave, but they are still here and it has been almost a year or year and a half and they are still around here. They haven't been released or transferred. That is why most of the prisoners don't want to attend this process for that reason when they see people who have been released but they are still around. I was very hesitant whether

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to attend or not to attend. In the end I decided to attend because I have changed my story and I wanted to give you the full story. That is why I attended and I hope God will bring good results for me. I attended just for the cause and I believe in the cause and that is all that I would like to say.

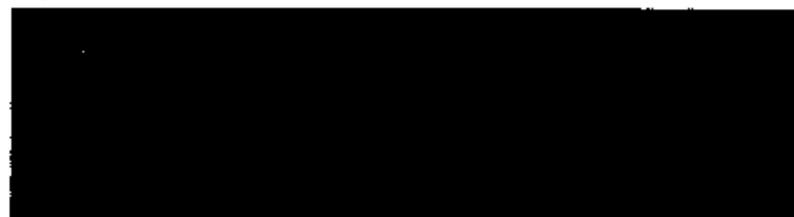
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 329

The Administrative Review Board was called to order 29 August 2007.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee declined taking the (Muslim) oath.

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

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

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

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

Presiding Officer: Abd al Hadi Omar Mahmoud Faraj, before we get started, are you feeling okay?

Detainee (through translator): Yes sir, I'm feeling fine.

Presiding Officer: Is it too cold?

Detainee (through translator): I'm good.

Presiding Officer: What would you like to be called throughout the remainder of this process?

Detainee (through translator): My name is Abd al Hadi Omar Mahmoud Faraj, this is my full name, Abd al Hadi is my first name.

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Presiding Officer: Understood, do you want us to pronounce your whole name or just call you something else?

Detainee (through translator): My name is Ahd al Hadi, you may call me Abd al Hadi.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3) to the Administrative Review Board.

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

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

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

Designated Military Officer (3.a.1): The detainee was able to escape from a dismantled terror cell and is believed to have fled to Afghanistan where he joined al Qaida's military training camps.

Assisting Military Officer: In response to the statement that the detainee was able to escape from a dismantled terror cell and is believed to have fled to Afghanistan where he joined al Qaida's military training camps, *the detainee disagreed. The detainee stated there was no dismantled terrorist cell in Syria. The detainee further stated he had never carried a weapon and had not received military training in Syria or elsewhere. The detainee stated he left Syria for Iran to work for 2 months in order to pay for travel to Saudi Arabia. (3.a.1)*

Detainee (through translator): This is what I said, I'm happy with this reply.

Board Member: Why did you go to Afghanistan, especially during a war?

Detainee (through translator): I did not go to Afghanistan right away, I went to Iran. My intentions were to go to Saudi Arabia. I was out of money, I had no money, I had no work, I could not go back to Syria, so I choose to stay in Iran, to go to Saudi Arabi looking for work, my intentions was not to go to Afghanistan.

Board Member: Now you say you went to Iran, but eventually you ended up in Afghanistan.

Detainee (through translator): Yes.

Board Member: Why did you go to Afghanistan?

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Detainee (through translator): I had no money at that time and, I was told by this person that there were jobs in Afghanistan, you would be offered a job if you go to Afghanistan right now. That's why I decided to go to Afghanistan at that time. My intentions was to go to Afghanistan in order for me to go to Pakistan, so Afghanistan was a station for me to go to Pakistan, and that's why I stay in Afghanistan that long, because I was attempting to go to Pakistan from there until the war was over.

Presiding Officer: Okay, thank you.

Designated Military Officer (3.a.2): The detainee stated he traveled to Afghanistan where he stayed in a Syrian guest house for approximately 12 to 18 months.

Assisting Military Officer: In response to the statement that the detainee stated he traveled to Afghanistan where he stayed in a Syrian guest house for approximately 12 to 18 months, *the detainee disagreed. The detainee stated the house was a private residence, not a guest house. The detainee further stated he stayed at the house with seven other Syrians. The detainee stated he stayed in Afghanistan only 11 months.* (3.a.2)

Detainee (through translator): Yes.

Designated Military Officer (3.a.3): The Syrian house was located in the al Qaida enclave area of Wazir Akhbar Khan in Kabul, Afghanistan.

Assisting Military Officer: In response to the statement that the Syrian house was located in the al Qaida enclave area of Wazir Akhbar Khan in Kabul, Afghanistan, *the detainee disagreed. The detainee stated he was unaware the house was in an al Qaida area and that it was interrogators who told him the area was Taliban and then later became al Qaida.* (3.a.3)

Detainee (through translator): Yes. The capital Kabul, big capital, big city and the first interrogation session, I was told the city belong to the Taliban and then later on, they told me it belong to al Qaida. Just because someone resides in that city does not necessarily mean that it does not belong to him (referring to al Qaida and Taliban). I know even the Red Cross is in that city, does that make the Red Cross belong to Taliban or al Qaida? The Red Cross is in that city.

Presiding Officer: We're not necessarily talking about the city itself; we're talking about the Syrian house that was located in Kabul.

Detainee (through translator): There's a lot of houses, there's so many houses in there, a lot of Arabic nationalities, a lot of Syrians, not all the houses in there belong to al Qaida or was affiliated with al Qaida. The owner of that house had nothing to do with Taliban or al Qaida, no affiliation with them what so ever with neither of them.

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Designated Military Officer (3.b.1): The detainee stated he stayed at the Syrian house and received lessons from a Sheikh.

Assisting Military Officer: In response to the statement that the detainee stated he stayed at the Syrian house and received lessons from a Sheikh, *the detainee agreed. The detainee further explained he had no knowledge about the Sheikh other than he spoke Arabic. The detainee stated he did not know the Sheikh's nationality. The lessons were about living as an Islamic with topics on purity, ablution, jurisprudence, and reading the Koran. The lessons were given every week, but the detainee did not attend every one of them.* (3.b.1)

Detainee (through translator): Yes.

Board Member: What was the Sheikh's name?

Detainee (through translator): They call him Issa, Sheikh Issa.

Board Member: What did he teach?

Detainee (through translator): Anything to do with religious teachings, things like purity, jurisprudence, Arabic literature, and how to read Koran, whatever to do with Islamic teachings and reading the Koran.

Board Member: Did he talk about Jihad?

Detainee (through translator): He did not mention anything about Jihad and I have not heard him talk about anything like that. He was an elderly man and he did not talk about Jihad. I wasn't attending all of his lessons, I just went there whenever I could or when I had free time to attend his lessons. I did not stay there for more than 15 to 20 minutes at a time. Through all this time, I did not notice anything that would indicate that he was anything but a religious teacher.

Board Member: How long did he teach or how long did you go to the class?

Detainee (through translator): I have no idea how long he was teaching for, however, I was there for 3 months and for all that time I was there, he was teaching. I really don't know if he was teaching before I was there or if he was teaching after I left and all that, but for the three to four month period that I was there, he was teaching.

Designated Military Officer (3.b.2): An individual with access to a senior al Qaida official stated the Sheikh was a scholar for the Arabs, was part of the al Qaida network, and that he would provide approximately two weeks of training to students from the al Qaida training camps before they went to fight. Topics included taking weapons from enemy dead, killing non-believers such as Americans, and dealing with Muslims fighting in a non-believer's army.

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Assisting Military Officer: In response to the statement that an individual with access to a senior al Qaida official stated the Sheikh was a scholar for the Arabs, was part of the al Qaida network, and that he would provide approximately two weeks of training to students from the al Qaida training camps before they went to fight. Topics included taking weapons from enemy dead, killing non-believers such as Americans, and dealing with Muslims fighting in a non-believer's army, *the detainee disagreed. The detainee stated he had no knowledge of any of this and that there was no indication that the Sheikh was anything other than a religious teacher. (3.b.2)*

Detainee (through translator): Yes.

Designated Military Officer (3.b.3): The Sheikh provided final approval for students to begin the year long al Qaida suicide mission training program which included training in explosives, poisons, document forgery, currency counterfeiting, disguises, and western lifestyle topics. Student progress reports were sent to the Sheikh and Usama bin Laden. Upon completion of the training, each student spent two weeks with the Sheikh, gave bayat to Usama bin Laden, and then was deployed on his mission.

Assisting Military Officer: In response to the statement that the Sheikh provided final approval for students to begin the year long al Qaida suicide mission training program which included training in explosives, poisons, document forgery, currency counterfeiting, disguises, and western lifestyle topics. Student progress reports were sent to the Sheikh and Usama bin Laden. Upon completion of the training, each student spent two weeks with the Sheikh, gave bayat to Usama bin Laden, and then was deployed on his mission, *the detainee disagreed. The detainee stated the item is false and that he had never heard of any of this before. (3.b.3)*

Detainee (through translator): Yes.

Presiding Officer: Do you know what a bayat is?

Detainee (through translator): I had not heard of the bayat until I came to the camp here. I don't know exactly what the bayat is, I've heard people talking about it but I'm not quite sure what it is. I have not given a pledge to anybody, a bayat to anybody.

Designated Military Officer (3.b.4): The detainee was identified as a Syrian who was trained in al Qaida camps in Afghanistan and was believed to be fighting with or on behalf of Usama bin Laden as of early December 2001.

Assisting Military Officer: In response to the statement that the detainee was identified as a Syrian who was trained in al Qaida camps in Afghanistan and was believed to be fighting with or on behalf of Usama bin Laden as of early December 2001, *the detainee disagreed. The detainee stated he had never carried a weapon or received any military training; therefore, it is impossible that he had fought with Usama bin Laden. (3.b.4)*

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Detainee (through translator): Yes.

Designated Military Officer (3.c): The detainee's name or alias appears on a document recovered from safe house raids on suspected al Qaida.

Assisting Military Officer: In response to the statement that the detainee's name or alias appears on a document recovered from safe house raids on suspected al Qaida, *the detainee disagreed. The detainee stated the name ABO OMER MOHAMMED that was found in a document was not the detainee's name. The detainee stated he had heard the interrogators call him that name at the beginning. The detainee stated his real name was ABU OMAR AL HAMAWI.*

Detainee (through translator): Yes.

Designated Military Officer (3.d): The detainee was captured on 03 January 2002 in a Pakistan border town.

Detainee (through translator): I have no clue or knowledge of that. The exact date of when he was captured.

Presiding Officer: Okay, you may not have the exact date but what were the circumstances surrounding your capture?

Detainee (through translator): In one of my attempts to go to Pakistan, like I mentioned earlier, I wanted to go to Pakistan. I was captured because I was trying to go through to Pakistan, the Pakistani authorities stopped me check my papers and everything and I was captured?

Presiding Officer: Why did the Pakistani authorities turn him over to the US?

Detainee (through translator): My understanding there was a secret treaty between Pakistan and the US, to surrender all of the Arabs and sell them for \$5000 a piece and I guess I was a part of that bargain until it was over and done, some people discovered the whole plot and it just paid for the politicians and their games.

Designated Military Officer (4.a): The detainee denied having any knowledge of the attacks in the United States prior to their execution on 11 September 2001, and also denied knowledge of any rumors or plans of future attacks on the United States or United States interests.

Detainee (through translator): No response.

Designated Military Officer (4.b.): The detainee stated he had no knowledge of al Qaida, Usama bin Laden, or the Taliban outside of information he heard on radio broadcasts.

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Detainee (through translator): Yes, no response.

Presiding Officer: Abd Al Hadi, going back to your response about going to Afghanistan because you wanted to get a job and make money, knowing the problems with the war and all going on, why did you take such a chance?

Detainee (through translator): Like I mentioned earlier, my first intentions were to go to Saudi Arabia but since I couldn't afford to go to Saudi Arabia, I choose to go to Iran and work there for a couple of months and then when I was out of money, I was told by this person to go to Afghanistan to get a job and work there for a while, then eventually make my way to Saudi Arabia. I was forced to stay in Afghanistan for that long because I was out of money and no job and I wanted to work there to make some money in order for me to be able to afford the travel expenses to go to Saudi Arabia since I couldn't go back to Iran. I did not plan this trip this way at all, I was not intending on going to Afghanistan and be there for that long or stay with that Sheikh. The things that I faced in Afghanistan were like in my way and I couldn't say no, because that's the person who helped me stay with him and those are the people who try to get me a job or try to help me find a job, but I did not want it this way. My intention was to go to Saudi Arabia and work there. I had to stay there for that long because I was out of money and those were the people that I met in Afghanistan.

Presiding Officer: How did you, make money in Afghanistan which led you then to leave Afghanistan and travel to Pakistan?

Detainee (through translator): I did not make money in Afghanistan, there was war and there were no jobs so I did not make any money. If I had the money, I would have left Afghanistan a long time ago or as soon as I got it.

Presiding Officer: So you left Afghanistan to go to Pakistan and with no money, what were your intentions once you got to Pakistan?

Detainee (through translator): I did not leave my country to go to Afghanistan. I wanted to go to Pakistan. I was told that Pakistan had a better economy situation than Afghanistan, the country wasn't in war so you can find a job easy, and that's what I was told at least. My intention was to go to Pakistan and work there?

Board Member: You've been to Iran for work, you've went to Afghanistan to look for work and you also attempted to go into Pakistan, you were able to move into those countries pretty well, the question I have is why was it so expensive to move to Saudi Arabia?

Detainee (through translator): It's much more complicated to go to Saudi Arabia than any other country, especially from Syria. First, you, you need a sponsor to go to Saudi Arabia, not anybody can go to Saudi Arabia. It was much more expensive to go to Saudi

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Arabia. On top of that, I needed a visa, a travel visa to enter Saudi Arabia, where in Iran or Afghanistan, it is not required for the passport in this area to have a visa to enter those countries. So those three things made it much easier for me to travel to those countries and not Saudi Arabia.

Designated Military Officer (4.c): The detainee stated he was not a member of the Taliban or al Qaida.

Detainee (through translator): No response.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee would like to make an oral statement.

The Detainee (through the translator) stated that he did not wish to make an oral statement.

Presiding Officer: Abd Al Hadi, did the Assisting Military Officer statements provide the information that you wanted us to hear?

Detainee (through translator): Yes.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had no questions for the Detainee.

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

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

The Presiding Officer opened the classified portion of the session.

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

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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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Summary of Administrative Review Board Proceedings for ISN 433

The Administrative Review Board was called to order on 19 November, 2007

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee accepted taking the (Muslim) oath. Yes.

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

Presiding Officer: I would like to know if it is comfortable or too cold in here for you at this time?

Detainee (through translator): Yes, it is a little cold.

Presiding Officer: Are you feeling well enough to be here at this hearing?

Detainee (through translator): I'm fine.

Presiding Officer: This is your opportunity to present facts and information, whether it pertains to new or old information, to three new board members, who will hear this information for the first time.

Presiding Officer: Do you understand these instructions?

Detainee (through translator): Yes.

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

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

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The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B 433[2].

Assisting Military Officer: The detainee's ARB interview was conducted on 14 November 2007. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB and submit letters. A follow-up interview was conducted on 15 November 2007 to obtain the letters to be submitted. Copies of both the English and Arabic translated Unclassified Summary of Evidence were provided to the detainee at the end of the first interview according to the JDG Standard Operating Procedures.

Additional Comments:

The detainee appeared at his interviews wearing a tan uniform.

The detainee stated he has appeared before several ARB's before and the boards are not fair. He stated the unclassified summary of evidence contains matters that the detainee has answered many times before. He further stated that he was still a detainee because he was not a Saudi. Still further, the detainee stated the unclassified summary insists that the detainee was the Director of Intelligence, but the detainee stated that everybody knows the actual Director of Intelligence was transferred from Guantanamo Bay two months ago.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1-3, to the Administrative Review Board.

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

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

Detainee (through translator): Yes.

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

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

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Designated Military Officer: (3.a.1) The detainee stated that in 1997 he broke into a box car, which was considered a serious offense by the Iraqi government. The detainee stated he felt he had to flee to Iran. The detainee stayed in Iran for fourteen months. The detainee stated life in Iran became difficult and he was afraid of being discovered. The detainee stated he met an Iraqi smuggler who acted as a guide and took the detainee and his family to a town near the border of Quetta, Pakistan. The detainee stated he contacted the United Nations for the purpose of requesting political asylum there but he did not complete the paperwork. Over a period of three months he and his family lived in Karachi, Quetta and Islamabad, Pakistan.

Detainee (through translator): There are some mistakes in the information. I left in the end of 1996, not 1997. It is a train not a car. I was afraid to be caught. My life was tough, I didn't have legal document in Iran. This is my story.

Presiding Officer: Why did you break into the box car, what were you after?

Detainee (through translator): There were agricultural items in the box car for Saddam government not for the poor people so we broke in to take these items. We were going to use it or sell it.

Presiding Officer: So that was your reason for fleeing Iraq?

Detainee (through translator): Yes, they arrested my mother-in-law for that case. She was arrested for five years for that case. She also paid a penalty. This is my story, you have my document for this.

Designated Military Officer: (3.a.2) The detainee stated that in 1998 he went from Islamabad to Peshawar, Pakistan then to Afghanistan. The detainee stated he did not tell the Taliban he was a Shiite. The detainee stated the Taliban let him move into a house, by coincidence, with another Shiite family near Kabul, Afghanistan.

Detainee (through translator): I didn't have any money and my government didn't give any money that is why I left Pakistan. I and my family were hungry and I didn't have any money. The second point, they were using the Shiite house to put the people in. They didn't know that I was Shiite. When you came there they would put you in a Shiite home.

Board Member: They would put Shiite with Shiite?

Detainee (through translator): Yes

Presiding Officer: This is what the Taliban did all the time?

Detainee (through translator): Yes.

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Board Member: The Taliban didn't care about the Shiites, is this correct?

Detainee (*through translator*): Yes.

Board Member: Why did they take you in and give you somewhere to live? They didn't know that you were Shiite is that correct?

Detainee (*through translator*): Yes, they didn't know that. If they knew they would have put me in jail.

Board Member: Did you speak their language, how did you communicate with them?

Detainee (*through translator*): I spoke a little bit of their language. I learn a little Farsi when I was in Pakistan. When I went to the police station they had someone there that spoke Arabic.

Board Member: Why did they give you a house?

Detainee (*through translator*): They didn't give me a house, I was an immigrant. It wasn't only me. There were people from all over the Middle East, people even from Iraq. You don't need a passport to get into Afghanistan. The border was open.

Board Member: What did they expect of you for giving you a house?

Detainee (*through translator*): Nothing, they thought I had a family but I had nothing. The Minister of Immigration used to help people over there, people with nothing, just help. You can find this in most of the Middle East countries. I used to live in Iraq with eleven families. They didn't give people asylum over there.

Board Member: Was it you your wife and children?

Detainee (*through translator*): Yes.

Board Member: How many children?

Detainee (*through translator*): At that time I only had one girl.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.3) A source stated the detainee told the source that the detainee worked with the Taliban and operated as a conduit between the Taliban in Mazar-e-Sharif, Afghanistan and the former president of Iraq, Saddam Hussein. The detainee told the source that the detainee traveled via a secret vehicular route between Iraq and Mazar-e-Sharif, Afghanistan. The detainee talked about one specific trip that he made to get supplies from Iraq. Upon return, the detainee distributed the supplies to members of the Taliban.

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

Board Member: Did you travel at all during that time period?

Detainee (*through translator*): No. I would not leave my family.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.4) A source stated the detainee talked about one specific trip that he made to get supplies from Iraq. Upon return, the detainee distributed the supplies to members of the Taliban. In return the Taliban gave the detainee two black Toyota military specific vehicles.

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

Board Member: Did you own a vehicle?

Detainee (*through translator*): I owned two cars but they didn't belong to me. They belonged to the company. The values of the two cars were eight hundred dollars. When I fix them I would sale them and buy another car. I would use them for transportation like a taxi. I never own my own car.

Board Member: Normally to receive food and assistance you would have to do something to receive this, are you saying that you never did anything?

Detainee (*through translator*): The Taliban wanted me to leave my family and go and fight. I would not leave my family to fight. They would want to give you a weapon to go and fight and leave your family. They assistant of Police would say why don't you go and fight you aren't doing anything but eating. So everyone would get mad because I would not go and fight. I would just take their food from them. I had to feed my family three times a day. I met a Mullah in Kabul in 1999. He later died.

Board Member: Were other Shiites living in the house fighting?

Detainee (*through translator*): The other Shiite family only stayed there for three months and then left. There was another guy at the house. He worked at the police station. He stayed for one day and then would go back to his family. They used to live with me. He stayed for three months and then he left. It was too rough for him.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.5) A source stated the detainee decided to create a fighting unit comprised predominantly of Iraqis and ethnic Arabs from within Afghanistan. The detainee intended to sell the unit's services to the highest bidding warlord. The detainee would promise them food, clothing, housing, transportation

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and documentation if they would join his unit. If they refused, the detainee turned them over to the Taliban as a spy and subsequent imprisonment and torture.

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

Board member: Why would you think that someone would say something like that about you?

Detainee (*through translator*): There was a problem between us in camp four. There were two sources. Both of them were Iraqis. The original sources were two Iraqis. They are the ones that talked about me from Kabul. One of them admits that the information is not correct. He was willing to be present at this court today to tell you that the information is not correct. He knows me very well. This is a question of revenge. They are both here.

Board Member: Are both of them here?

Detainee (*through translator*): Yes.

Board Member: Did this happen here or over in Afghanistan?

Detainee (*through translator*): No, it happened here.

Presiding Officer: Are the two Iraqis that made the original statement here in the camp?

Detainee (*through translator*): One of them made a statement and the other didn't. Yes, they both are here.

Board Member: What are their numbers?

Detainee (*through translator*): 758, 111. The 111 just heard 758 talking about me. 111 would be willing to come to the board for me. 758 came to Afghanistan several times and asked me for help. I found out that he smoked drugs and told him not to come to my house any more. That is why he doesn't like me. This problem was between five Iraqis.

Presiding Officer: Was this the first year that you were able to get them to make statements on your behalf?

Detainee (*through translator*): Last year, the papers were taken because someone died. When we came to the board and asked the AMO for the statement, they couldn't bring them because they were in some office.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.6) A source stated the detainee attempted to recruit individuals into the detainee's fighting unit. A couple of these individuals went to Uzbekistan where they were captured and returned to Afghanistan. The

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source stated the Taliban put the individuals in jail in Mazar-e-Sharif, Afghanistan, where they were interrogated by the detainee.

Detainee (through translator): This is not correct. 435 is here, he thinks I'm the one that handed him to the military in Mazar-e-Sharif, Afghanistan. He was in Mazar-e-Sharif for six months. How come I didn't bother him then. He called me and said I was arrested in Mazar-e-Sharif and asked me to come and visit him. I took him some cigarettes to smoke and that is it. They contacted the Assistant Minister of Defense to ask him for help. He then sent a letter to the police station to release him. Then one day the Assistant Minister of Defense took him in for seven days. I didn't know any of these things. He later came to my house and told me these things. He then left and went to Iraq and came back in about a month. He wanted me to help him and I told him I couldn't help him. I have nothing to give you. I gave him Two Hundred Thousand Afghanistan money which is about one dollar and fifty cents. After two days he came back. He said I have nothing, I told him I couldn't help him. So he asked me where do you want me to go? I told him whatever food that I get I will give him some, so he stayed with me until the Taliban came. When I got arrested I told them he was in the village when they asked me about him. I didn't hand him to them. Please read his file, he can lie.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.7) A source stated he went to the detainee's residence, which was owned by the Taliban police. The source stated the detainee asked the source to join a group of fighters the detainee had recruited but the source declined. The source stated that the detainee later took the detainee's group of fighters to the front lines to fight against the Northern Alliance.

Detainee (through translator): This is not correct. My statement is there.

Designated Military Officer: (3.a.8) A source stated the detainee was an interrogator with the Taliban Security. The source also stated the detainee was affiliated with the non-government organization, al Wafa. The source also stated the detainee said al Wafa gave money to the Taliban.

Detainee (through translator): This is not correct.

Board Member: Where you ever an interrogator?

Detainee (through translator): Never.

Board Members: Did you ever work where there were interrogations going on?

Detainee (through translator): 435 and 758 have spread this rumor about me. I did have a friendship with the Assistant of Interrogation, he would help me out. When I would go to

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get food I would speak to him and wave at him. I had to keep my friendship with him because they would help me out with things.

Board Member: Have you ever worked at a jail?

Detainee (through translator): No. In Iraq we use to work with the Police, but not in Afghanistan.

Presiding Officer: What do you know about the al Wafa organization?

Detainee (through translator): There is a village in Mazar-e-Sharif, and the al Wafa organization was making a well for drinking. The person that is responsible for the water is in Camp four. He had admitted he used to work for al Wafa. He had admitted and I don't know why he put my name in. I have no relationship with them. I don't know them at all. The leader of the al Wafa organization is here.

Board Member: Did you ever take any money from them?

Detainee (through translator): I never have taken any money from them, not even a dollar. One time a member from al Wafa came to my house and they wanted me to give them a ride to the village. In my way I was planning to put gas in my car but they put the gas in. This is the only money that I ever have taken from them, which I didn't as they paid half for the gas and I paid the other half. The members are here also, and they can tell you that this has happened.

Presiding Officer: Okay, thank you.

Designated Military Officer: (3.a.9) Another source stated that the detainee was an interrogator for the Taliban and had a relationship with the al Wafa organization. The source stated the detainee had a cell phone, which in Afghanistan a person must have permission from the Minister of Defense and the Taliban to have a cell phone.

Detainee (through translator): I have never worked as an interrogator, or worked for al Wafa. I did have a phone center shop were the people could come and make phone calls. You already have that information. The Minister of Defense does not have anything to do with this. The authorization is not from the Minister of Defense, it is from the governor.

Board Member: Did you have a cell phone or a shop?

Detainee (through translator): No I had a phone center shop, not a cell phone. I had this shop for no more than three months. This shop is in the middle of Mazar and everyone knew about this shop. The company that owned the phone is in Islamabad. It was only one phone that was in the shop.

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Presiding Officer: Did you own the shop or worked there?

Detainee (through translator): Yes I own the shop.

Presiding Officer: Okay, thank you.

Designated Military Officer: (3.a.10) Al Wafa is identified in Executive Order 13224. Executive Order 13224 was created to block property and prohibit transactions with persons who commit, threaten to commit, or support terrorism.

Detainee (through translator): I was not with al Wafa or any other terrorist organization.

Presiding Officer: Okay.

Designated Military Officer: (3.a.11) A source stated that the detainee was the Director of Intelligence for the Taliban at Mazar-e-Sharif, Afghanistan.

Detainee (through translator): He was released from here August 7 at night; his ISN is 532. Everyone knows who's the Director of Intelligence is. That one controlled half of Afghanistan. He tried to give me the positions so I would get in trouble instead of him.

Board Member: What is his number?

Detainee (through translator): His number is 532.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (3.a.12) A source stated that the detainee was the Chief of the Taliban's interrogation office at Mazar, Afghanistan. The detainee was responsible for overseeing and conducting interrogations. The detainee had approximately 10 to 15 interrogators working for him. Afghans that were interrogated were mostly just questioned, sometimes beaten. Uzbeks were often beaten or tortured. Shiites were almost always tortured.

Detainee (through translator): That is not correct.

Board Member: Is he here?

Detainee (through translator): He was arrested and paid money and was released.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (3.a.13) A source stated the detainee told the source that he worked as a recruiter for the Taliban and as an interrogator for the Taliban police in Mazar-e-Sharif, Afghanistan.

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Detainee (through translator): That is not correct.

Presiding Officer: Did you have any relations with the Taliban Police in Mazar-e-Sharif?

Detainee (through translator): Yes, everyday. I would go get food three times a day. I used to visit and speak to them. I needed to do this because I needed medical, food and their help. I took food from their kitchen.

Board Member: How long did you live like this, taking food from them?

Detainee (through translator): I did this for about two and a half years.

Presiding Officer: Okay.

Training

Designated Military Officer: (3.b.1) A source stated the detainee was a low ranking member of the Iraqi Interior Ministry Police from approximately 1982 to 1986. In 1986, the detainee transferred to the Fourth Corps of the Iraqi Army and fought in the war against Iran.

Detainee (through translator): That is not correct. In 1967 I was under the age.

Board Member: So when did you join the Iraqi Interior Ministry Police?

Detainee (through translator): I joined in 1985.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (3.b.2) The detainee stated that in 1985 he joined the Iraqi Military's 702nd brigade, a light infantry brigade, which relied mainly on the Kalashnikov rifle and the Russian PK machine gun.

Detainee (through translator): This is not correct. In 1985 I joined the Iraqi Military Police. In 22 February 1987 I was transferred to the army and I worked for the police for two years.

Presiding Officer: So in 1985 you joined the Iraqi Military Police and then in February 1987 you joined the army, and you worked for the Military Police for two years?

Detainee (through translator): Yes.

Board Member: Here it says that they Detainee stated he did this, so is he now saying that he didn't state these things?

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Detainee (through translator): Yes.

Presiding Officer: Okay.

Designated Military Officer: (3.b.3) The detainee admits to knowing how to interrogate in Arabic.

Detainee (through translator): That is not correct. One week before, I told her the interrogator that as long as they have been interrogating me I would have experience now. This was a long time ago.

Presiding Officer: Okay, thank you.

Designated Military Officer States Connections and Associations.

1. A source stated that while in Iraq, the detainee was a member of the Amin Emergency Response Group. This group was responsible for tracking down people opposed to Saddam Hussein and torturing and/or killing them.

Detainee (through translator): This is not correct. The Amin Emergency Group is under the police, the police control this. Our job is like security. We didn't even have a prison, we were a small group. The source didn't like Iraqis or me. I love Iraqis, I'm an Iraqi. Why would I kill or torture my own people. I love Iraq very much. [Most of the people that are against Saddam are my people.] Saddam tortured my people.

Board Member: Is he saying that he worked for them?

Detainee (through translator): Yes. He worked for a small security group. We didn't kill people.

Board Member: Security of what? Did you carrier a gun?

Detainee (through translator): We control the area, and yes I carried a gun?

Board Member: What time frame was this?

Detainee (through translator): In 1985 and 1986. After that they transferred me to the army. I have brought official documents for my country that you should have.

Presiding Officer: Okay.

2. A source said that a few months prior to 11 September 2001 the detainee sent an associate to Usama bin Laden's house in Kandahar, Afghanistan for money. At the

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meeting with Usama bin Laden, the associate received 11,000 United States Dollars. The detainee used this money to dig wells in the Mazar, Afghanistan. The associate also received 100,000 American dollars from al Wafa for the detainee to build a bridge, repair roads and buy a car.

Detainee (through translator): That is not correct. Even when they came to dig a well in Mazar they dug their own wells. They did not give us any money. The amount is not correct.

Board Member: Were you involved in the digging of the wells at all?

Detainee (through translator): No. they are accusing me here and now they are changing their statements. The men from al Wafa were digging the wells in the village.

Presiding Officer: Okay. Thank you.

3. The detainee stated that the Governor of Mazar-e-Sharif, provided him with a permit to get his telephone turned on. The detainee explained that satellite telephone service required a permit and a setup fee of 300 United States Dollars. The detainee said he asked and received assistance from the Taliban because he had to feed his family.

Detainee (through translator): This is not true. Regarding the phone I received it in 2000, and I asked the Taliban for help in 1998 and they helped me and they continued the help. Regarding the 300 United States Dollars I did use the phone for three months, because, I didn't have the money to pay it. After I sold the phone I paid them there money. All this information is in the communication paperwork. There is no need for me to lie because this is a business.

Board Member: Did he have to pay a 300 dollars set up fee for the phone?

Detainee (through translator): Every shop had to pay a fee of 300 dollars to be able to use the phone. There are about 60 shops in Mazar that used the same phone.

Board Member: Was it a satellite phone?

Detainee (through translator): Yes.

Presiding Officer: Jowad, My I call you Jowad?

Detainee (through translator): Yes.

Presiding Officer: In one of your earlier statements you said, you worked for a phone center. Now you are saying that you got permission from the governor of Mazar to get

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this phone. Was that used as a business phone for the phone center or was it used for your personal use?

Detainee (through translator): It was only one phone that I had and it was used for the phone center.

4. A source stated that after the US bombing commenced, the detainee moved to Khoshilabad, Afghanistan and lived under the protection of the two commanders of Khoshilabad, Afghanistan. The detainee hid in Khoshilabad, Afghanistan until he was captured by the US.

Detainee (through translator): This is not correct. Thank god that you didn't say that I fought against Americans. I went to the village but it was after September 11, 2001. I went with my family. We needed some stuff. My daughter was sick so I had to take care of her. All of our items were in the village. I didn't even go to the police station that day. I cut all connections with the police.

Board Member: So you and your family went back to Islamabad?

Detainee (through translator): Yes.

Board Member: How far is it from Mazar to Islamabad?

Detainee (through translator): It's about one hour. It is far because the roads are bad. It is about two hours. I used to work and do transportation for the people so it will take me two hours.

5. A source stated that the detainee was in Afghanistan for four years and that the detainee met with a senior al Qaida member to obtain money.

Detainee (through translator): That is not correct. No one during my interrogation asked me that question.

Presiding Officer: Thank you.

6. The detainee stated he met a Mullah in Kabul who was a Taliban leader. The Mullah assisted his family to stay in the house with a Shiite family. He stated that he continued to receive financial assistance from the Taliban and that a commander gave him a piece of land.

Detainee (through translator): I told you that I knew a Mullah in Kabul and he helped me. I did live with a Shiite family. The piece of land after September 11, one of the people from the village said you can use it because you don't receive any more help from the Taliban. It will help you to feed your family and some where to live. Mullah died in

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1999. The piece of land after 1999 I didn't even use it because I stayed in the village. The person that told me to use it was from the Northern Alliances.

Board Members: You were given the land after September 11?

Detainee (through translator): Yes.

Presiding Officer: Thank you.

Designated Military Officer States Other Relevant Data

1. A letter recovered from a former al Qaida training camp that was addressed to a senior al Qaida official identified the detainee as a former Iraqi Intelligence Officer that deserted his post and fled to Afghanistan. The letter also identifies the detainee as a member of the al Qaida Security Command assigned as an investigator despite being unable to speak Farsi or Pashtu.

Detainee (through translator): Do you want my opinion or what?

Presiding Officer: They are saying that they found a letter identifying you as an Iraqi Intelligence Officer, is this true or not?

Detainee (through translator): No, this is not true. This is only information that someone said I was an Iraqi Intelligence Officer.

Board Member: Could you tell us why your name would be on a letter?

Detainee (through translator): You have an official statement from my government that I work for the police in Iraq. I resigned in 1989 and my rank was lower than a specialist. You have official paperwork that says this. You must have to finish high school but I only finish grade school. I wrote to my family in October 1998. Telling them I'm in danger in this country and asking them to tell my cousin to send me some help so I could leave this place.

Presiding Officer: Thank you.

Detainee (through translator): Please make sure that you read the statement that I submitted with my hand writing and the dates on it. I also submitted a statement last year that showed that I worked for the police. I think my attorney submitted them last year.

2. A source stated that the detainee was an important military commander with the Taliban in Mazar-e-Sbarif and because of his prominence, a bodyguard frequently accompanied him.

Detainee (through translator): He wasn't a bodyguard; he use to pick up the money from

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the people in the village, his name is Salam. There were two people a driver and another person in the vehicle with him. He was picking people up.

Board Member: Money for what?

Detainee (through translator): Transportation that he provided to the people in the village. Salam had nothing to do with Taliban.

Board Member: Was that your job?

Detainee (through translator): Yes. The car belongs to the company, I used to use it.

Board Member: What was the name of the company?

Detainee (through translator): Rafidaen.

Board Member: Did they own the phone company?

Detainee (through translator): Yes.

Board Member: Who owned that company?

Detainee (through translator): As I know his name is Shafi Al Shami.

Board Member: Where did he live?

Detainee (through translator): He lived in UZBEKISTAN.

Board Member: Did you ever meet them?

Detainee (through translator): Yes.

Presiding Officer: Thank you.

3. A source stated a North Alliance Commander sent soldiers to capture the detainee. The commander's forces took into possession two vehicles, and the military house that was given to the detainee by the Taliban members who were working with the detainee at the time of the capture.

Detainee (through translator): I already told you that no one took my house I left after September 11. One of the Northern Alliance Commanders took the car, the people from the village reported him and they put him in jail and gave the car back to the village. I told him that we didn't need any problems.

Presiding Officer: Were you captured by the Northern Alliance?

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Detainee (through translator): Yes. The answer is yes.

Presiding Officer: What reason did the Northern Alliance single you out?

Detainee (through translator): They wanted money that I didn't have. Everyone knew me, I couldn't help them out. Everyone in the village knew me, and that I didn't want any problems.

Presiding Officer: Is that because everyone in the village knew that you were associated with the Taliban Police?

Detainee (through translator): I use to help them do things for them like driving them places. What-ever they asked I did for them. I lived with them. Even after the Taliban left, the people in the village feed me and my family. They did this for two years until my family went back to Iraq.

Presiding Officer: Thank you.

4. A source stated the detainee said a senior al Qaida member was in charge of all Arabs in Afghanistan and reported directly to Usama bin Laden, and the next person under this senior al Qaida member in the chain of command was the detainee.

Detainee (through translator): That is not correct. All the interrogators asked all the Arabs about me and no one knew me. I didn't want to have anything to do with them.

Presiding Officer: Thank you.

4. The following primary factors favor release or transfer:

The detainee stated he was a good friend with an individual who was the leader of a Taliban tribe in Afghanistan. The detainee stated he could not be in charge of anything with the Taliban because he was a foreigner, but instead served as a type of advisor to the individual. The detainee stated there was no real structure to the Taliban and people were in positions based on how intelligent they were.

Detainee (through translator): The leader of the tribe was a young guy. The guy we are talking about here is not the leader, he is a younger guy. He was the assistant of the interrogator and I told you that. I was not an advisor for anyone. My education would not allow that, plus I didn't understand too many peoples religion which you would have needed. I didn't understand the last part.

Presiding Officer: Thank you.

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b. The detainee stated he knew nothing about the planned attack on the United States before 11 September 2001.

Detainee (through translator): Yes.

Presiding Officer: Okay.

c. The detainee stated that he helped the Northern Alliance against the Taliban.

Detainee (through translator): I only used my car for transportation for them. That was the only things that I did for them.

Presiding Officer: Thank you.

d. The detainee said that he had never used a weapon against the United States or the Northern Alliance.

Detainee (through translator): Yes.

Presiding Officer: Thank you.

e. The detainee said that even though the Taliban provided him with a house and food for himself and his family every day; they did not require him to work for them.

Detainee (through translator): Yes.

Presiding Officer: Okay.

f. The detainee said that he never worked for the Taliban, but that members of the Taliban provided food and shelter for him and his family.

Detainee (through translator): Yes.

Presiding Officer: Okay.

g. The detainee later denied sending money through his cousin in Sweden.

Detainee (through translator): I don't know what you mean by detainee later denied sending money to my cousin. I never sent money to my cousin. No

Presiding Officer: Okay.

h. The detainee said he assisted a commander in the Northern Alliance, and a member of the Northern Alliance. The detainee also stated he assisted a person who

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worked for the new Afghanistan state intelligence who was sentenced to death by the Taliban.

Detainee (through translator): Yes. He use to work for the Americans. He gave them information.

Presiding Officer: Okay.

i. The detainee stated that in his opinion the other Iraqi detainees were fabricating stories about the detainee.

Detainee (through translator): Yes, he admitted it.

Presiding Officer: Okay. Thank you.

j. The detainee stated that he was not the Director of Intelligence for the Taliban, and other detainees are saying he is because they do not like him.

Detainee (through translator): Yes.

Presiding Officer: You seem to be a likeable guy, why wouldn't they like you?

Detainee (through translator): Because I'm Shiite. They are not my blood, they are not Shiite.

Presiding Officer: Okay. Thank you.

k. The detainee stated in order to become a Taliban interrogator a person must be an Afghan citizen, have a degree and then be appointed by the Minister of the Interior. The detainee stated interrogators earned three dollars a month. The detainee knew this because he was friends with all the interrogators.

Detainee (through translator): I use to know them by face. There wasn't any friendship between us. I only took food to the interrogators.

Presiding Officer: Okay.

l. The detainee stated his charity was one reason he was respected in the village. He provided transportation for the villagers who would only pay what they could afford.

Detainee (through translator): Yes. It was not free.

Presiding Officer: Okay. Thanks

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m. The detainee stated he provided two individuals with money and food back in Afghanistan. The individuals thought the detainee had money because he had a car in his driveway. The detainee stated the car was an older car provided by the company for which he worked.

Detainee (through translator): Yes, correct. They knew that the car belong to the company. Everyone in the village knew that the car belonged to the village.

Presiding Officer: Okay. Thank you.

n. The detainee stated he never received funds from al Wafa.

Detainee (through translator): Yes.

Presiding Officer: Okay. Thank you.

o. The detainee stated the biggest reason he was liked in his village was he successfully negotiated with the Taliban, preventing them from recruiting fighters from each family.

Detainee (through translator): Yes. Who am I to be able to talk to the Taliban and to be able to negotiate with the Taliban about anything? I was trying to prevent the Taliban from taking people from the village and sending them to fight for them.

Presiding Officer: Okay. Thank you.

p. The detainee also stated that a reason for his association with prominent people was he had a satellite phone for rent. This caused people to think he was more important than he actually was so they invited him to be a part of things.

Detainee (through translator): Yes. The people in the village thought I was wealthy. They thought I was part of them.

Presiding Officer: Okay. Thank you.

q. The detainee stated that he assisted the Northern Alliance by providing transportation to the Northern Alliance Soldiers and housing their top spy. The detainee stated he did this even though this put him and his family in danger and that the Taliban would have put him to death if they found out.

Detainee (through translator): Yes. I was gambling with my life when I took that guy in my car. The Taliban was looking for him.

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Presiding Officer: Okay. Thank you.

Board Member: I have a few more questions that I would like to ask you. If you could just give short answers to the questions, that would be fine.

Board Member: You left Iraq with your wife and one daughter to flee Saddam Hussein regimen, is that correct?

Detainee (through translator): I left with just me and my wife. My daughter was born in Iran.

Board Member: Where did you intend to go when you left Iraq?

Detainee (through translator): Just escape from Iraq and go anywhere. If I would stay in Iraq I would end up in jail. They would have destroyed me there.

Board Member: When you arrived in Afghanistan did you want to stay in Afghanistan?

Detainee (through translator): I was planning on going from Pakistan to Afghanistan back to Iran. Two Iraqi took me to Kabul and left me there. I didn't know Farsi or Pashtu the spoken language there. I couldn't go back to Iran to be with my family. My wife was pregnant at the time so that's how I ended up going to the police station.

Board Member: Could you have left Afghanistan after you had made some money from the car business and the phone center?

Detainee (through translator): I didn't have anything in Afghanistan. People thought that I had things. Everything belonged to the people there. I was planning on leaving, I had contacted my cousin. I was always in contact with my cousins about leaving here.

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

The Presiding Officer acknowledged the request.

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

Detainee (through translator): Why, I have been here for six years. I have four kids; also I have a mother and father back home. I had never fought against the Americans. My enemies are telling you these things about me. I haven't even seen my daughter; she was born while I was here. I haven't done anything to the Americans. Tell me what can I do to get out of here? Do you want me to lie and say that I'm part of al Qaida for you to let me go? I don't know anything about al Qaida; I never worked for al Wafa. I never

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took anything from the Taliban; they never gave me any money. I have been honest with you. Six years have been long enough. I was a friend to the guy that did the interrogations, is that a crime? That is not a crime knowing someone. Even if I had killed someone six years here is long enough. Even if I had killed over a hundred people I would get some kind of sympathy from the government, six years is enough. I'm asking you what did I do, can you tell me? I want to be able to read to my kids. My mother and father are close to dying. My father is Seventy Five years old. I have escaped from Saddam so be fair with me. The people from Saudi Arabia you let them leave and go home. Now they are able to get married and be with their family and plus they gave them money. Why can't I do that? Like I said my father is old he can't feed my kids. I need to be home with my family. If you have a heart, I need your sympathy. I hate al Qaida and they hate me. Please, think about it, people are saying that I'm the Director of Intelligence and that I have escape from Iraq. They also are saying that I went to Iraq and brought back supplies. How could I do this?

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

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

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

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

Administrative Review Board Member's questions: Have no questions for the Detainee.

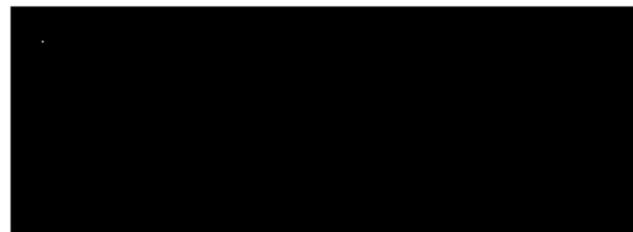
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



*Colonel, United States Army
Presiding Officer*

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Summary of Administrative Review Board Proceedings for ISN 522

The Administrative Review Board was called to order 22 August 2007.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

Detainee (through translator): There's two kinds of oath. There's Islamic and then there's your oath. I don't depend on your oath. But about Islamic oath. I don't swear to anybody unless the one he knows what's great is Allah. When I take the oath, that means the judge -- when I swear in front of the judge, that means he will take my word. I'm not going to take the oath because when I'm going to use the word Allah, you don't know what that means. I'm not going to take the oath.

Presiding Officer: I understand and it's not required.

Presiding Officer: First of all, how would you like for us to address you here today?

Detainee (through translator): By my first name.

Presiding Officer: Yasin?

Detainee (through translator): Yes.

Presiding Officer: Okay, and are you feeling well, okay to go on with the board?

Detainee (through translator): Yes.

Presiding Officer: I also want to say I respect your decision to attend the board today and I want you to know that your input to us today will help make a better decision.

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

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

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

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

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3) to the Administrative Review Board.

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

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

Detainee (through translator): Yes but not all of them.

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

Designated Military Officer (3.a.1): The detainee stated he met an individual at a mosque who supported al Qaida and the jihad against America. After speaking to the individual, the detainee decided to go to Afghanistan to train to go fight in Chechnya.

Detainee (through translator): I'm not going to respond to this. If I don't say something or I don't respond on one of them, that doesn't mean that I agree with it. The reason behind that, this is not a court and I don't have rights, I don't have a lawyer. If I don't respond to one of them, that does not mean that I agree, unless I'll be in a civil court. Civil court has nothing to do with administration, which all my rights will be. I don't want to respond on this one.

Presiding Officer: How did your family feel about your decision to go to Afghanistan?

Detainee (through translator): They don't know.

Designated Military Officer (3.a.2): The detainee stated that he traveled by airplane from Sana, Yemen to Karachi, Pakistan where he stayed in a hotel for four or five days, and then he was taken to a guest house in Kandahar, Afghanistan.

Detainee (through translator): I don't want to respond.

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Presiding Officer: Can you tell us if you paid for the trip yourself, or if someone else paid for you?

Detainee (through translator): I paid.

Designated Military Officer (3.a.3): The detainee stated that he stayed in guest houses in Kabul, Kandahar and Jalalabad, Afghanistan.

Detainee (through translator): I don't want to say anything.

Designated Military Officer (3.a.4): The detainee stated he went to the Azzam guest house in Kabul in the late spring of 2000.

Detainee (through translator): Pass.

Designated Military Officer (3.a.5): An individual stated the Azzam guest house in Kabul was one of Usama bin Laden's private safe houses.

Detainee (through translator): If it was a special house or belong to Usama Bin Laden, Usama Bin Laden never been there, everybody knows that this house is not especially for al Qaida. Anybody can go there and sleep and two people there would never doubt what I say. Staying in that house doesn't mean anything. There is nothing against me about it.

Presiding Officer: So anybody can stay at those houses?

Detainee (through translator): Yes. It is like a public house, it's open to everybody.

Designated Military Officer (3.a.6): An individual identified the detainee as the Emir of the Bagram front in July 2001 and as being proficient with mines.

Detainee (through translator): This is very funny. I have never fought with Taliban for one day. If I didn't fight with Taliban for one day, how did I become an Emir? That's what I have to say about this and I have nothing to add to this.

Designated Military Officer (3.a.7): An individual stated the detainee was a commander of a military group.

Detainee (through translator): Same thing, I never participated in fighting. While I didn't fight, how they put me as an Emir? Who is this man that says that? Why don't he come meet me face to face? If he's telling the truth, let him come in front of me. If you talk to him and you will find out through the conversation between me and him, you will find the truth. If he said this or he didn't, for me it doesn't make a difference.

Designated Military Officer (3.a.8): An individual identified the detainee as having fought with the Taliban on the front lines in Bagram, Afghanistan.

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Detainee (through translator): Same what I said before goes to this statement.

Designated Military Officer (3.a.9): As of December 2001, the detainee was identified as a Yemeni jihadist believed to be in Afghanistan and holding a Yemeni passport.

Detainee (through translator): What do you want me to say about this, and that's right, I have a Yemeni passport, and yes I was in Afghanistan, but to call me Mujahed, how do you know that I'm Mujahed? People know like everybody that went to Afghanistan was Mujahed but there is 90 percent of the Arabs, the ones that were inside of Afghanistan, they never fight. Not everybody who went to Afghanistan participated in fighting. To call me a Mujahed, it looks like what I said: everybody that went to Afghanistan supposed to be Mujahed. I don't have a problem with this but if you meant I fight with Taliban, no I didn't.

Presiding Officer: Can you tell us why you did go to Afghanistan?

Detainee (through translator): I don't want to say anything about it.

Designated Military Officer (3.b.1): The detainee stated that he went to Kabul, Afghanistan to train at Camp Farouq where he trained on the Kalashnikov rifle, the PK machine gun, rocket propelled grenades, explosives, topography, and mountain fighting and tactics. The detainee stated that he was at Camp Farouq for four months.

Detainee (through translator): I don't want to say anything.

Designated Military Officer (3.b.2): The detainee stated that he went to the Malek Training Camp north of Kabul, Afghanistan where he trained on anti-aircraft weapons, heavy artillery and surface-to-air missiles. The detainee stated that he was at Malek Training Camp for three weeks to one month.

Detainee (through translator): I want to say something about this. Do you think somebody in three weeks to a month can be trained on all of these weapons and the heavy artillery and surface-to-air missiles? I never trained on these. And the other thing about going to Malek Camp, I don't want to say anything about it.

Designated Military Officer (3.b.3): The Malek Center, located in Kabul, Afghanistan, is used to support Taliban fighters by training foreign fighters in basic rifleman ship. The Malek Center also has a motor pool, used to repair and maintain transport vehicles utilized by Taliban forces, and a barracks designated for front line fighters to stay in.

Detainee (through translator): This is not true. Not everybody went to Malek who went to fight with Taliban. This is one. Second, there was no carpool at the time that I was there but they built it later on, it wasn't there when I was there and I don't have any relation with the Taliban.

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Designated Military Officer (3.b.4): The detainee stated that he returned to Malik Training Camp for training in 82 and 75 millimeter mortars, the SPG-9, and the recoilless rifle. The detainee fired one 82 millimeter round.

Detainee (through translator): I don't want to say anything.

Designated Military Officer (3.b.5): The detainee stated that he returned to Camp Farouq for a two-week course on the PK machine gun.

Detainee (through translator): I don't want to say anything.

Designated Military Officer (3.b.6): The detainee stated he received training on the following mines while on the front lines in Bagram, Afghanistan: Claymore, SB-33, TM-89, TS-50, P3-MK2, an Israeli mine, and a mine that looked similar to the V69. The training lasted two weeks, and consisted of the placement, camouflage, and extraction of anti-tank and anti-personnel mines.

Detainee (through translator): I don't want to say anything.

Designated Military Officer (3.b.7): Detainee's name appears on a training camp form with the information that he completed a Basic course and mountain tactics training. The Battlefield Supervisor report stated the detainee has put great effort at the frontline.

Detainee (through translator): First this form, I don't know what you mean about it. When I went to Afghanistan, I didn't use my real name, so how do you know my name? My name in Afghanistan was Abdulrahem. How that supervisor wrote my name on that form, why he didn't know my real name.

Presiding Officer: Why would you go under a different name in Afghanistan?

Detainee (through translator): Everybody entered Afghanistan change his name, my real name is on the passport and then I changed my name.

Presiding Officer: But you don't have an explanation why you changed it?

Detainee (through translator): I was with the rush of the people, they changed their name, I changed my name. But on my passport my real name is there and I have an ID from Yemen has the same name. It was with me. That's what I want to say about this.

Designated Military Officer (3.c.): The detainee stated he knew two senior al Qaida members and openly affiliated himself with al Qaida.

Detainee (through translator): This is not right, first I never said that like I am a member of Al Qaida. If I was with al Qaida, I'm not scared or fear from anybody, but I'm not

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going to talk about something that I didn't say. Who's those two senior members of al Qaida? I don't know who you mean by two members and I don't believe I said this.

Presiding Officer: So you're saying that you weren't affiliated with al Qaida?

Detainee (through translator): I don't have any connections with al Qaida.

Designated Military Officer (3.c.2): The detainee stated he saw Usama bin Laden three times. The first time, at the Kandahar, Afghanistan guest house where Usama bin Laden met for fifteen-minutes with twenty listeners. The second time was at a guest house in Kabul, Afghanistan, and Usama bin Laden stayed for approximately five minutes and left without speaking. The third time was at a guest house in Jalalabad, Afghanistan before the detainee left for Tora Bora.

Detainee (through translator): First, hypothetically if this is right, what's the problem to see anybody? If I watch or if I see all the criminals in the world, what's the problem, what's that mean? I'm not with him, I don't agree with his philosophy, just to see him, not like I'm shaking hand with him and introduce myself to him and sitting with him, I don't think there is any problem with that. If this was right!

Presiding Officer: No statement whether this is correct or not?

Detainee (through translator): No.

Designated Military Officer (3.c.3): The detainee's name is on a list of captured Mujahedin found on a computer hard drive connected with a senior al Qaida operative.

Detainee (through translator): You are not supposed to put this here as an allegation against me. The reason why, this name, you found it on that computer after they arrest me and after everybody all over the world knows the names of all Mujahedin, and after what they call, everybody went to the prison as a Mujahedin. You can ask him how he put my name or all the names in his computer. I don't have any relation with that.

Designated Military Officer (3.d): The detainee stated he went to Tora Bora where he was eventually captured.

Detainee (through translator): I don't want to say anything.

Designated Military Officer (4.a): The detainee stated he does not belong to al Qaida. He stated he has never been asked to join al Qaida, and, if he had been asked, he would have refused.

Detainee (through translator): I don't want to say anything.

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Designated Military Officer (4.b): The detainee stated that he was in Tora Bora to hide, and denied he was fighting.

Detainee (through translator): I don't want to say anything.

Designated Military Officer (4.c): The detainee stated he received weapons training for the purpose of fighting in Chechnya. He stated the instructors at al Farouq training camp did not talk about fighting Americans. The detainee stated he did not know he had joined a Taliban unit and only found out afterwards.

Detainee (through translator): The training on weapons for the purpose to go and fight in Chechnya, I don't want to say anything about it and I'm not going to respond about the teachers or instructors of the al Farouq training center, they didn't say anything about fighting Americans, I'm not going to say anything about that. I'm going to respond to the end of the paragraph. If you read this to any regular person, it's not going to make sense to him, this is the way that crazy people talk, not regular people. As I've said before, I never fight with Taliban. I cannot understand how or why saying I was with Taliban and fight with them and I do not know them. This kind of talk, it is not mine and it's not regular man to say and it's not supposed to be written here.

Designated Military Officer (4.d): The detainee stated if he were released he would like to go to college and earn a degree.

Detainee (through translator): Yes.

Designated Military Officer (4.e): The detainee stated he did not believe in the fighting that was going on in Afghanistan because it was between Muslims and other Muslims, and he believes that the Taliban and the Northern Alliance were wrong. He stated he joined the jihad and trained for fighting in Chechnya, not Afghanistan. The detainee stated he never fought in Afghanistan.

Detainee (through translator): I'm going to respond to the end of that statement. I didn't fight in Afghanistan but before that, I don't have anything to do with.

Board Member: Did you ever attempt to travel to Chechnya?

Detainee (through translator): I don't want to say anything.

Presiding Officer: You don't have to answer any of these questions, but it will help us to make a decision if you're able to give us an idea of what your intent was.

Detainee (through translator): My case, we are discussing my problems with you, my problems with Americans, I am here in the prison. If we solve this problem, we don't have to go to other problems. I want to discuss my problem with you only. If there is any problem before between me and you or it's going to happen in the future, that's what

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any problem before between me and you or it's going to happen in the future, that's what concerns me. You ask me a question, I don't want to answer this question because that question has nothing to do with my case. The problem we have to solve is between me, my problem with you. I am here in this prison because I have a problem with you or you would think the possibility that I will do something against you. Before I was detained, I had no problems with the Americans and I will have no problem with you after you release me.

Presiding Officer: My point was, this is your opportunity to tell your side of the story if you disagree with these statements.

Detainee (through translator): If I was sitting in front of independent judge, I would say a lot.

Presiding Officer: It's your choice to comment but from our point, we're wondering why you would leave Yemen to go to Afghanistan, it's up to you whether you answer.

Detainee (through translator): I don't want to say anything.

Designated Military Officer (4.f): The detainee stated if he were released, he would not join the jihad in Chechnya because he does not want to return to prison. The detainee believes he has fulfilled his commitment to jihad, and he wants to return home to start a family and live a quiet life.

Detainee (through translator): Read that one again.

[Translator repeats 4.f]

Detainee (through translator): I don't know from where you come up with this. It's not my words, I've never made this statement before and I don't know what they mean by this statement.

Presiding Officer: And this was statement 4.f?

Translator: Yes, the last one.

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 Assisting Military Officer stated that the Detainee wished to make an oral statement.

Detainee (through translator): As I said before in my oral statement, there are some of the allegations I am not going to include it in my statement. While I am in detention here for six years, because you think I pose threat to United States and I don't know why they think that way and I don't know what you need from me to give you for you to be sure that I'm not against you. The state [United States] has half of the world under her hands, how they scare from me, I am just one person. But I can give you an idea, you will buy it or not. First if you release me, I will go back to my state as a person, one of the population of my country, continue my education. I graduated from high school but didn't go to University. By the name of Allah, by the name of mighty God, I want to get married and start a family. I want to go back to the village where I used to live to join my family. In that village, I have father, mother, and brothers. My brothers, some of them are studying, some of them are working. They work as a clerk at the state and one of my brothers, he works at the University and I can add one thing. I think I should do it because this thing he cannot go against Islamic law. I will give you my promise, that I will never harm or hurt you and the allies. When I say you, I mean the United States and its allies. I will not do anything against you or the allies. I don't have something bigger than this to give you because if I promise, I have to do it.

Presiding Officer: Yasin, does that conclude your statement?

Detainee (through translator): Yes.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had no questions for the Detainee.

Presiding Officer: Are you in contact with your family?

Detainee (through translator): Yes.

Presiding Officer: How do they feel about your situation here?

Detainee (through translator): Which direction you going? What do you mean by my family feelings?

Presiding Officer: Are they looking to have you back or do they feel like you deserve to be held.

Detainee (through translator): One hundred percent, they are waiting for me today, not tomorrow!

Presiding Officer: Are they upset that you left for Afghanistan without talking to them?

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Detainee (through translator): Yes, according to one of the letters that I received from my family, my mom is crying from the day I left to now.

Presiding Officer: Yasin, we appreciate your attendance and conduct in today's board. It shows you take this process seriously as do we. I appreciate your composure and the way you handled yourself today and I thank you for coming and I hope you encourage others to do the same.

Detainee (through translator): Good, in the name of the God.

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

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

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Captain, U.S. Navy
Presiding Officer

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[REDACTED]

Summary of Administrative Review Board Proceedings for ISN 556

The Administrative Review Board was called to order on 25 October, 2007

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee accepted taking the (Muslim) oath.

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

Detainee (through translator): Are we going to speak about classified material?

Presiding Officer: No we are not going to speak about classified material.

Detainee (through translator): Yes, I understand.

Presiding Officer: Translator you are not going to find this on your transcript, but repeat after me and relay this to the detainee. I would like to know if the detainee wants to be continually called by his complete name throughout this ARB process.

Detainee (through translator): Yes.

Presiding Officer: Also I would like to know if it is comfortable or too cold in here for him at this time?

Detainee (through translator): No it's fine.

Presiding Officer: And if he's feeling well enough to be here at this hearing?

Detainee (through translator): I'm fine.

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

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[REDACTED]

[REDACTED]

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 19 October 2007. After reviewing the ARB's purpose and procedures, the Uzbek translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB. The detainee was polite and attentive throughout the interview. A copy of the English, Uzbek and Farsi translated Unclassified Summary of Evidence, was provided to the detainee.

Additional Comments:

The detainee appeared at his interview wearing a tan uniform.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3, to the Administrative Review Board.

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

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

Detainee (through translator): If there is some type of accusation, how do I answer?

Presiding Officer: You answer it as long and truthful as you know or a no or yes answer would be sufficient.

Detainee (through translator): If I must speak I will speak. If there is past accusations you have all the information from the past. If new information is presented I would be happy to speak about it. There is no need to go over old information.

Presiding Officer: Abdullah Mohannad Khan, this is your opportunity to present facts and information whether it pertains to new or old information to three new board members.

Presiding Officer: It is your choice as to whether you want to response to the old information as I stated earlier keep in mind you are talking to three new members who will

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[REDACTED]

[REDACTED]

hear this information for the first time from your point of view.

Detainee (*through translator*): I will answer. That why I've been brought here.

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

Designated Military Officer: (3.a.1) The detainee identified himself as a born Afghan of Uzbek descent, but does not speak fluent Uzbek. The detainee will say something in Uzbek and not be able to continue on in that language and will change to Tajik, and when he can not go on in Tajik the detainee will change to Turkish.

Presiding Officer: Abdullah Mohammad Khan you have an opportunity to speak on that.

Detainee (*through translator*): Sir the detainee is addressing me, saying what is my language you are Uzbek right, and what language do I speak with you and don't I speak with you in Uzbek, he said to me.

Presiding Officer: Basically what he's saying is that he agrees or disagrees with the first statement that was read to him?

Detainee (*through translator*): He's says it is not true. He says obviously when I speak to you, I speak in Uzbek and you understand me. So I don't see how that first accusation could be true.

Board member: What is your primary language?

Detainee (*through translator*): He said my mother tongue is Uzbek.

Board member: What other language do you speak?

Detainee (*through translator*): I speak Farsi and I understand it and I speak it. He said not as well as Farsi in other words he speaks Uzbek, but I can speak it. This is an old accusation that is still hanging around. They had said to me that you were from Pakistan; they had said that you might be from Russia, or English or Turkish. Those are past accusation that's been presented by the Pakistani government to Afghanistan authorities. He didn't use that word; he is saying that is not right. He said who are they and by an obvious fact, that I'm Uzbek. How can I provide something that is an obvious fact, why do we need to go over and over this again? It is not going to bring any more truth. You are Uzbek I speak in Uzbek with you. What language do I speak with you? I'm not speaking in Farsi.

Presiding Officer: I understood, I think we got the gist of it. He's Uzbek but he speaks the other languages and we understand what he is saying.

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[REDACTED]

[REDACTED]

Detainee (through translator): There are people in each country that don't speak their own languages that is possible he says such as Afghanistan, there are people who don't speak the language that they are born into.

Presiding Officer: We fully understand that and will move on with this. We understand that Mr. Khan will continue to speak Uzbek we don't have an issue with this question at this time.

Designated Military Officer: (3.a.2) The detainee stated he spent approximately two years fighting the Soviet invasion as a cook prior to 1989.

Detainee (through translator): That is correct. Why does this have to be brought up? This is an accusation, what does this prove. So what's the deal if I was a cook how was that even a fault?

Presiding Officer: Abdullah Mohammad Khan, what was your occupation before you became a cook?

Detainee (through translator): I done what ever there was to do. I worked in a kitchen. I sold vegetables in the market. I was very young at the time. I did what came my way. This was not 1989; it was before 1989, perhaps around 1986. This has been stated previously. I have not said 1989.

Board Member: Did you ever carry or use any weapons during the time you were fighting the Soviet?

Detainee (through translator): I've seen them. But I have not practice with them.

Presiding Officer: Thank you.

Detainee (through translator): But my question is why is this a valid accusation? What is so important about this?

Presiding Officer: The key here is to tie everything together to determine what his occupation was, what time frame this happen. So that we can tie everything together, to not only prove or maybe disprove that he was not in Afghanistan for Jihad or for what other reasons. It's for the board to tie everything together.

Detainee (through translator): He said something very long; I'll explain the gist of it. He said the accusation is false, he said it is an accusation only. The thing that I have been accuses of in the past they are just accusations, they are false. I don't know how they would be used as a fact.

Presiding Officer: I want him to understand that we are not using anything here as a fact. However, we are looking at what is presented to us and base upon the information that is presented to this panel we would than make a recommendation to the Designated Civilian

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Official as to whether you should be transferred, released or be detained. So what we are trying to do is gather all information or facts so we can present a logical and reasonable recommendation to the Designated Civilian Official.

Detainee (through translator): He says in my country where there has been war for thirty sum odd years, weapons are a normal ordinary things, and the majority of people have them and see them even the young people. Why would that be something to use suddenly. He said I'm proud of it, this is not an act this is not false, and a time like that everyone has used the weapon to defend them self.

Presiding Officer: Abdullah Mohammad Khan, again I want to explain to you that you have the right to say yes or no, I am following the process here. You can answer the questions or you can choose not to answer the questions. I'm stating what is presented to me, to ask you if you have anything to say about that. That is fine but I'm doing what I've been tasked to do, to try and get information so I can make a recommendation.

Detainee (through translator): If I'm not given the opportunity to speak on each one of these point how would you know if this is a fact?

Presiding Officer: I'm not denying him the opportunity to speak on these facts, what I'm relating to is his comments concerning why we are asking for this information so that he can comment on these facts. He should not become upset because the same information is being asked again, as I explain to him this is a new board. He can choice to provide an answer or not provide an answer, but do not keep challenging the board as to why we are asking these questions.

Detainee (through translator): The reason I asked questions is to also understand better what the motivation is so I can answer better.

Presiding Officer: Understood, because we could spend all day on this one question. I think we have a mutual understanding here: we want you to answer the question the best that you can but also realize that were trying to get the best information that we can.

Detainee (through translator): He says these things have been gone over in the past. They have been answer before and I don't like being here for five years. I want to leave as soon as possible, and I don't want to go through it if they have already been answer and they have already been gone over.

Presiding Officer: Then Abdullah, why are you here?

Detainee (through translator): Why did you bring me here? But most of these are accusation and lies and they have been answered.

Presiding Officer: Abdullah, I made this cleared to you before we started this process. I made it clear that you have an opportunity to present these fact to new board members if

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you don't want to then that's fine. If we ask you a question and you don't want to response to it then just say: I have nothing to say.

Detainee (through translator): But I do want to answer, that is the reason why I came here because I want to answer.

Presiding Officer: And that's why we wanted him here and let's move on to the next question.

Designated Military Officer: (3.a.3) The detainee stated he attended part time study at a Madrasa in Pakistan. The detainee stated he became acquainted with an Arab while attending the Madrasa. The Arab introduced him to a Turk who offered to provide the detainee with a counterfeit Turkish passport for 500 United States Dollars.

Detainee (through translator): That's true. If you need more information about this I will give it. It's true.

Board Member: Why did you need a passport?

Detainee (through translator): To go to work.

Board Member: Where did you get the five hundred dollars?

Detainee (through translator): I borrowed it.

Board Member: From whom?

Detainee (through translator): A friend, three hundred from my father. And seven hundred from my friend, so I had one thousand. My friend name is Ne mat- Ullha.

Board Member: Who is the friend you borrow it from?

Detainee (through translator): Hayaat - Ullha.

Presiding Officer: Why did you feel it was necessary to get a counterfeit passport? Why not get a legal passport?

Detainee (through translator): With an Afghanistan passport you were not able to go too many places, if you were able to go to Turkey you would have to give a deposit of three to five thousand dollars and I didn't have that money. For example you would not be able to go Britain if you wanted to. Only a few countries allow you with an Afghanistan passport to visit. Those that did ask for a very large deposited. Even Pakistan gives a hard time to people who don't have a respectful passport. Even with an Afghanistan passport you are mistreated in Pakistan. I never though about this it didn't originate in my mind that this one was from Turkey.

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[REDACTED]

Board Members: So the passport was from which country?

Detainee (*through translator*): Turkey.

Board Members: Where were you planning on traveling from and to originally?

Detainee (*through translator*): From Pakistan, at this juncture I was in Pakistan.

Board Member: Pakistan going to Turkey?

Detainee (*through translator*): Yes.

Board Member: What did you plan on doing in Turkey?

Detainee (*through translator*): What ever work came my way so I could take care of my life. He had relative in Turkey. He had his father friends that lived there. Someone named Mulha who had migrated to the region back in the time of the Soviets. I spoke to him and asked him about the possibility and he said yes come and I will help you.

Board Member: What year?

Detainee (*through translator*): He is expressing, he is not sure about the year perhaps the year he was arrested 2001. Everything happens the year I was brought into custody. When I wanted to leave, go outside that when everything happened.

Designated Military Officer: (3.a.4) The Madrasa in the previous statement is controlled and used by a group to recruit and encourage students to participate in the resistance movements in Kashmir and Afghanistan.

Detainee (*through translator*): This is a lie. I have not had any part in any organization. It is a lie, it is an accusation.

Presiding Officer: Abdullah do you admit that you attended the Madrasa in Pakistan?

Detainee (*through translator*): Yes. To study the Koran.

Presiding Officer: Thank you.

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Designated Military Officer: (3.a.5) The detainee stated he purchased a Turkish passport with the name Ali or Urqhan for 500 United States Dollars.

Detainee (through translator): Correct that is a correct statement.

Board member: Why didn't you use your real name?

Detainee (through translator): I had no part on how the passport was going to be prepared. The preparer did whatever he wanted.

Designated Military Officer: (3.a.6) The detainee stated that the authorities who arrested him may have claimed he was Abdul Latif al Turki because that was the name printed on his fake Turkish passport.

Detainee (through translator): He asked me to repeat. He asked me for a better interpretation of this paragraph.

Presiding Officer: What we want to know is at the time of his arrest, he had in his possession a passport with the name Addul Latif al Turki.

Detainee (through translator): Yes. That person was there at the same place. The person who prepared the passport with the name Addul Latif al Turk was present at the place when I was arrested.

Board Member: The name on the passport is Addul Latif al Turki. That's the name on the passport that the detainee had in his possession when he was arrested by the Pakistan authority.

Detainee (through translator): To the best of my memory either that or the other name, was said. He said that the people that arrested him have the passport and that's the gist of it. You should know the name on the passport is, because you have the passport.

Board Member: The passport said on it, his name was Addul Latif al Turki. So the question is, is that what it said on the passport?

Detainee (through translator): He said the passport they prepared for me didn't have the name Addul Latif al Turki. There might have been a second passport with that name there. Obviously there may have been, I have witness I have seen that they had more than one passport and they showed me which one was mine and they said this one. It is possible there was another passport with that name on it.

Board Member: But your picture is on the passport right, so it's hard to have one specific name on there Addul Latif al Turki with your picture on it, right, unless it's you?

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[REDACTED]

[REDACTED]

Detainee (through translator): He said if that's the case I don't know about it. He said they made a picture of me. Who knows, and then he said but I know the passport that they made for me either had the name Ail or Uhun on it.

Board Member: So the bottom line questions is are you Addul Latif al Turki?

Detainee (through translator): No.

Board Member: Earlier in an answer he mentioned a Turk who provided the passport name was Addul Latif al Turki, is that the same Addul Latif al Turki we are talking about?

Detainee (through translator): That is correct, his name was Addul Latif al-Turki and he was introduced by someone name Mus.

Board Member: Give me a quick physical description of this Addul Latif al Turki?

Detainee (through translator): It been five years I've forgotten.

Board Member: That's all right take your time.

Detainee (through translator): I don't want to confuse it and then get someone else in trouble.

Board Member: Was he dark skin or light skin?

Detainee (through translator): Lighter.

Board Member: Light skin. Color of his eyes?

Detainee (through translator): Lighter.

Board Member: What color were his eyes?

Detainee (through translator): You have to excuse me I don't remember.

Board Member: Beard or no beard?

Detainee (through translator): He had a short beard.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.7) The detainee stated he did not read the passport. The detainee stated he was coached on what to say in case officials questioned the detainee during his travels. The detainee could not recall what he was told about the

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[REDACTED]

passport.

Detainee (through translator): That's correct.

Presiding Officer: Abdullah you said you did not read what was on the passport, so how do you know what name was on the passport?

Detainee (through translator): He said the information that was on the passport was put on a piece of paper. I needed to memorize what was given to me that's how I know. I have not read that passport. It is a Turkish passport with Turkish lettering. I'm not able to read them.

Presiding Officer: So Abdullah you allow Al Turki to use his name on a passport for you? You had no idea that this guy might be wanted? He might be a criminal you just wanted a passport without looking at it and reading it? I think you are intelligent enough to know that you had to be somewhat concern by receiving a passport and not knowing what was in that passport.

Detainee (through translator): Sir, the answer didn't address why. He repeated I requested it and what ever he wrote in there. I don't know he give it to me and what.

Presiding Officer: So Abdullah, as far as any body was concern in your travels, weather it was from Pakistan to Turkey, you were at that time Al Turki?

Detainee (through translator): This is only an accusation by the Pakistan authority because they gave up to five thousand dollars per person and there were these people, who would give there own mother and father.

Presiding Officer: Abdullah help me understand this okay, you paid someone five hundred U S dollars for a passport. You were issued a passport which you never looked at or read?

Detainee (through translator): He said he had looked at it. But if you don't speak English and someone give you an English document can you read it. You can't read it. I have looked at it. I didn't read it.

Presiding Officer: Abdullah, I am in no way calling you a liar, but what I am suggesting is like I said earlier you are an intelligent man and if I'm going to give someone five hundred dollars for a passport I would make sure that I understand the name that on that passport and all the other information, because when I go to another country thru the boarder or where ever. I have to be able to talk to that passport. Are you staying this didn't happen throughout your travels?

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[REDACTED]

Detainee (through translator): The people who fixed the passport for me, what he can remember, he wrote it for me. I tried to memorize the things he wrote down for me. When I was arrested the authorities were looking at the passport they thought I was Turkish. They found the passport were I was. And I actually told them that I was Turkish, because I thought together with this passport they would let me go. They asked me what my name is, what my father name is and I couldn't remember my father name and last name that was written in the passport. Because I didn't remember that information, they thought it was a forgery. Then everything happen afterwards, because I couldn't remember the last name in the passport, then they started questioning me more and figured out I was from Afghanistan. One day after I received the passport I was arrested.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.8) The detainee was identified from a photograph as Abdul Latif al-Turki who was at a guest house in Peshwar, Pakistan in approximately 1995 or 1996.

Detainee (through translator): It's not correct, it's not true. Well because if there was such a picture it wouldn't be my picture with the name Abdul Latif on it. Perhaps the person in the picture looks somewhat like me.

Presiding Officer: The guy who sold you the passport did he looks like you?

Detainee (through translator): No.

Board Member: Were you in Peshwar, Pakistan in 1995 or 1996?

Detainee (through translator): I believe that I was in Afghanistan at the time. He said some type of expression. I was in Afghanistan. But it is also possible he could have been in Pakistan. It is an Arab expression that means "God knows."

Presiding Officer: Okay, thank you.

Designated Military Officer: (3.a.9) The detainee stated the Pakistani authorities accused him of being an explosives expert who smuggled explosives from Tora Bora. The detainee's hands were tested for explosive residue and the test result was positive.

Detainee (through translator): It is a lie. They have accused me. During the times of difficulties they have said I was in Tora Bora Mountain. At this time I was in prison. How can I be in two places at the same time, I was in jail. How can I be in the mountain?

Board Member: The question is, when he was arrested did you have a test, were your hands tested? Did they take a swab or something?

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[REDACTED]

Detainee (through translator): They did something. What they did exactly I didn't understand.

Board member: Where were you at?

Detainee (through translator): Islamabad Pakistan.

Board member: In what year?

Detainee (through translator): The year that I was arrested.

Board member: What year was that?

Detainee (through translator): 2001 possible.

Board member: So what was the test like that they did on your hands. What did they use?

Detainee (through translator): I don't understand this, this is a lie. How is it possible I never touched anything? How would they find any residue? Where would they find it from? This is an untrue accusation. I was in jail at the time. This accusation is a lie. If I was in jail at the time how would that end up on my hand?

Board member: Now the question is when you were arrested were you tested?

Detainee (through translator): I don't know, they did something they took my hand they pressed it some where, I don't know what it was. They have said something about this is the residue, but it is untrue and it is incorrect. Who did the test to begin with; I don't know was it Pakistan or the U S?

Presiding Officer: Okay, thank you.

Detainee (through translator): Who did the test to begin with, I don't know was it Pakistan or was it the U S?

Presiding Officer: The Pakistan authorities did the test.

Detainee (through translator): He believes it was the influence of the United States, he doesn't think that Pakistan has the authority to do anything. I don't think Pakistan has done it. He thinks it was all the United States people did it. If they Pakistan people did this I don't believe it.

Presiding Officer: Okay. Thank you.

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Designated Military Officer: (3.a.10) Indications are that the detainee was at the Nebras guest house.

Detainee (through translator): What guess house, who worked there, I have never heard of it.

Presiding Officer: Okay.

Designated Military Officer: (3.a.11) The Nibras guest house is an al Qaida guest house where new students gathered before deploying via bus to a camp for basic training.

Detainee (through translator): I don't think it's true.

Presiding Officer: Okay.

Detainee (through translator): But I don't know. If such a place exists I had know ties to it.

Presiding Officer: Okay. Thank you.

Training

Designated Military Officer: (3.b.1) The detainee may be Abu Abdallah al-Turki, reportedly an explosives expert and the commander of Margun al Qaida camp.

Detainee (through translator): I'm not Abu Abdallah al-Turki. I have not gone to those places. Before I was arrested I was a normal ordinary person and I work in the markets. I have no ties to al Qaida or the Taliban. I have nothing to do with them or any organization.

Presiding Officer: Okay.

Designated Military Officer: (3.b.2) The Margun Training Camp in Afghanistan was operated by Usama bin Laden. The trainees at this camp were instructed in various aspects of terrorism, including the production of Improvised Explosive Devices.

Detainee (through translator): I don't know. I never heard of these things or know about them. If these places exist I don't know anything about them.

Presiding Officer: Okay.

Designated Military Officer: (3.b.3) An al Qaida detainee identified the detainee and said he took basic training at the Khalden Camp in Afghanistan in 1998.

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[REDACTED]

[REDACTED]

Detainee (through translator): That is a lie. I have never heard of these places that you are saying. I have heard about it, after being here. But before I never heard about it.

Board Member: What were you doing in 1998?

Detainee (through translator): Possible I was in Pakistan. I have work in odd jobs, what ever work that was available, in a bakery as a cook, vegetable seller. During these years, possible I was in Pakistan.

Presiding Officer: Okay, thank you.

Designated Military Officer: (3.b.4) Khalden Camp was co-managed by a senior al Qaida Lieutenant. An entire six-month program at Khalden consisted of light weapons, heavy weapons, explosives, topography, and a tactical course.

Detainee (through translator): I already stated that I don't know these places. I haven't heard about them, so if they exists I don't know about them.

Presiding Officer: Okay.

Designated Military Officer: (3.b.5) The detainee stated that while in Afghanistan fighting for the Northern Alliance against the Russians, he used a Kalashnikov, but had only witnessed explosives others had used. The detainee stated explosives were only used by specially trained groups of individuals.

Detainee (through translator): That's true not everyone knows everything.

Presiding Officer: Okay, thank you.

Designated Military Officer States Connections and Associations.

1. The detainee was a Mujahedin travel facilitator who brought individuals for training from approximately 1993 to 2001.

Detainee (through translator): He asked me to repeat it. It is a lie.

Board Member: Were you a facilitator, have you ever help somebody join the Mujahedin?

Detainee (through translator): I never had anything to do with training for al Qaida or with the Taliban.

Presiding Officer: Okay.

[REDACTED]

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[REDACTED]

2. The detainee was a Mujahedin, but it was not known what group, if any, he belonged to.

Detainee (through translator): I have expressed before also, during the time of the Soviet invasion possible around 1985 or 86 in the city of Kashmir in Afghanistan there was a gathering of sorts under Mullha Sofi - Ullha. For some period of time I was with them. Then I had been with them for some period of time. That's it.

Board Member: What do, some period of time mean? How long approximately?

Detainee (through translator): Two years approximately or two and a half years.

Board Member: What was their purpose?

Detainee (through translator): There were many organizations at the time gathering of sorts. They have fought. They have done all it takes to defend their country. What ever activities to defend their home and land. I was a very young kid at the time.

Presiding Officer: Thank you.

Designated Military Officer States Other Relevant Data.

1. During the raid of the detainee's location, 19 English-language manuals were discovered. The manuals covered the manufacture of improvised explosives and detailed explanations of the manufacture of poisons.

Detainee (through translator): He said, the houses were I was arrested was not my home. If they have found such items from that house I have not witness them myself. And someone name Mus had testified that those things belonged to Abdul Latif al-Turki. This is what I heard from Mus. These things have been found in the home of Mus.

Board Member: So they were found in the home of Mus, but they belong to Abdul Latif al-Turki?

Detainee (through translator): According to Mus they belonged to Abdul Latif al-Turki.

Board Member: Did the items that were found in the house of Mus belong to Abdual Latif?

Detainee (through translator): I haven't seen it, I heard from Mus that's the case. The interrogators in Pakistan had asked them about the items, that is how he learned about them and they had told him that they were found in Mus place. So that's how he knows. And then after the interrogations he saw Mus and he asked Mus was there any such things and he said yes and that they belonged to me.

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[REDACTED]

[REDACTED]

Presiding Officer: Thank you.

2. A source stated the detainee used to pray to encourage murder of Americans and say that they would be successful.

Detainee (through translator): It is a lie.

Presiding Officer: Thank you.

4. The following primary factors favor release or transfer:

a. The detainee stated he never served in the military and never attended any military style training camps, but did attend a physical fitness camp in Afghanistan for six months. The detainee advised he knows how to operate a Kalashnikov rifle, but never received formal training in how to use it.

Detainee (through translator): He said supposedly I did six months at a physical training camp, were would the training camp be in Afghanistan?

Presiding Officer: The statement says Afghanistan, is he denying that he attended this camp?

Detainee (through translator): No. He said, I did some physical training it was a gym, shower in Pakistan and it was just weightlifting and it had nothing to do with Afghanistan or any kind of training camp.

Presiding Officer: Abdullah, the comments were taken from you. During your interrogation you stated that you never served in any military also that you never attended any military style training camps. But you stated that you did attend a physical fitness camp in Afghanistan for six months, that's not true?

Detainee (through translator): The training was not with the Taliban or al Qaida. It is in Pakistan and it is a general place were anyone goes to. It was just for sports.

Presiding Officer: So again Abdullah, are you saying that this is not a true statement?

Detainee (through translator): Just a portion about the physical training is true but not the location. It is not in Afghanistan. It's not with the Taliban or al Qaida it just a normal ordinary gym in the city.

Presiding Officer: Okay.

Detainee (through translator): Who ever want to go there anybody can go there. It's not a special al Qaida training camp it just a normal ordinary gym in the city. What I have

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[REDACTED]

[REDACTED]

said, I have gone to a gym and my words have been changed to sound like some type of training.

Presiding Officer: Okay.

b. The detainee stated that he was not Abdul Latif al-Turki and maybe they were looking for Abdul Latif the passport maker, whom he believed was Turkish. The detainee also argued that he was not at Tora Bora. The detainee stated he had remained in Pakistan at the Islamic school throughout this time period and only entered Afghanistan once after being released from the Pakistani officials an earlier time he was arrested.

Detainee (through translator): Is all true. He said do you have the information on how much time exactly that I have spent in the Islamic school, because it gets repeated all the time. He is offering his own information, he said only six months was the duration of time that I have been in Madrasa. To study the Koran. Five or six months what ever it was no more have been spent on the Koran.

Presiding Officer: Thank you.

c. The detainee said if he were released he would like to be released to a country where there is peace and he would have the ability to obtain a job to make ends meet such as Canada, Turkey, Germany and America.

Detainee (through translator): Yes.

Presiding Officer: Thank you.

d. The detainee stated he did not know a senior al Qaida Lieutenant. The detainee stated he was traditionally opposed to the Taliban government and had never heard of al Qaida until interned in Kandahar.

Detainee (through translator): He said the reason I went to Kandahar was not on his own doing. I was taken there after being arrested.

Presiding Officer: Thank you.

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

The Presiding Officer acknowledged the request.

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

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[REDACTED]

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

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

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

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

Administrative Review Board Member's questions: Have no questions for the Detainee.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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

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Cblonef, United States Army
Presiding Officer

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UNCLASSIFIED

Summary of Administrative Review Board Proceedings for ISN 560

The Administrative Review Board was called to order on 26 November 2007.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee declined taking the oath.

Presiding Officer: Before we proceed onward, I want to get a couple of administrative things completed. First of all Hajawali Mohmad is that the correct pronunciation?

Detainee: Yes sir.

Presiding Officer: If the room becomes too warm or too cold please tell me and I will adjust the temperature.

Detainee (through translator): Yes.

Presiding Officer: If you need a restroom break I will recess the board and allow such a break to take place. I appreciate your attendance for this board. It is important for the board members in their final considerations of this administrative hearing, and I do appreciate and respect your decision to attend this board.

Detainee (through translator): Okay.

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

Detainee (through translator): Yes.

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 21 November 2007. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB and submit letters. A follow-up interview was conducted on 23 November 2007. Copies of both the English and Pashtu translated Unclassified Summary of Evidence were provided to the detainee in accordance with JDG Operating Procedures.

Additional Comments:

Assisting Military Officer: The detainee appeared at his interviews wearing a tan uniform.

Assisting Military Officer: The detainee expressed great concern that he had not received mail that his family insists has been sent to the detainee. The detainee also questioned the need for his hands to be cuffed during the entire board. The detainee stated the cuffs were very uncomfortable and that two or three or four hours are too much to endure while cuffed. The detainee stated this is the reason many detainees do not attend the ARB's. It is cruel to sit so long in so much discomfort. Why would people trust a board if they would be treated this way? The detainee went on to say he would understand being cuffed if he were dangerous to anybody at the board. He asked who has he hurt at Guantanamo?

Presiding Officer: Before we go on I will address the comment regarding the cuffs. Because this is an administrative process there are no guards. All detainees attending the Administrative Review Boards are restrained in this manner. If your restraints are hurting you please tell me and we will take a brief recess to either adjust them or do something to correct the matter, but the process will not continue until you are returned back cuffed.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3) to the Administrative Review Board.

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

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

Detainee (Through Translator): I don't know about unclassified things?

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Presiding Officer: This is the unclassified summary. The Designated Military Officer will read each factor from the unclassified summary we will then provide you with a chance to respond, board members may ask questions based upon your response. Do you understand that?

Detainee (Through Translator): Okay, yes.

Presiding Officer: Hajawali Mohamad, I note that you have chosen to respond to information in the unclassified summary, is this correct?

Detainee (Through Translator): If you ask me, I will answer.

Presiding Officer: The answer is that is correct. The answer is yes.

Detainee (Through Translator): Yes.

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

Designated Military Officer states commitment.

Designated Military Officer (3.a.1): The detainee was a moneyman for Usama bin Laden from 1996 to 1997. The detainee conducted most of his money transactions at three money exchangers with offices in Dubai, United Arab Emirates.

Detainee (through translator): The answer to this question is that during 1996 and 1997, I did go to Dubai and you can answer, Dubai was I there at that time or not. I didn't work at three places I only worked at Dubai, not Pakistan or Afghanistan.

Presiding Officer: At that time did you know or were you an acquaintance of Usama bin Laden?

Detainee (through translator): Can you please not ask me about him. I didn't see him, what can I tell you about. Never ask about this because I didn't see him or know about him.

Presiding Officer: Proceed.

Designated Military Officer (3.a.2): In March 2000, the detainee facilitated transfers from Usama bin Laden's accounts to purchase shoulder-launched Surface-to-Air Missiles for al Qaida. The detainee and the detainee's business partner worked with an associate of Usama bin Laden who often purchased weapons for Usama bin Laden's organization.

Detainee (through translator): I don't know rocket, missiles or Usama bin Laden.

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Presiding Officer: Proceed.

Designated Military Officer (3.a.3): As of April 2000, the detainee, who was Usama bin Laden's financier, had an office in Peshawar, Pakistan and was facilitating the movement of funds associated with the purchase of weapons by the bin Laden organization.

Detainee (through translator): First of all, do not mention about Usama bin Laden. Peshawar I was working in 1998--1988, not 2000.

Presiding Officer: Please repeat that again please, what you just translated.

Detainee (through translator): Do not ask about----

Presiding Officer: The next part.

Detainee (through translator): I was not working in 2000 in Peshawar Pakistan I was working in 1988 in Pakistan.

Board Member: 1988 or 98?

Presiding Officer: Where were you working again?

Detainee (through translator): I was working as a money exchanger.

Presiding Officer: Money exchanger?

Detainee (through translator): Yes.

Presiding Officer: What country were you working in?

Detainee (through translator): In Peshawar Pakistan.

Presiding Officer: Pakistan?

Detainee (through translator): Yes.

Presiding Officer: Okay.

Detainee (through translator): In Peshawar in 1988----1998. (Detainee states 1998).

Presiding Officer: (To Board Member), do you have a question?

Board Member: No.

Presiding Officer: Proceed.

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Designated Military Officer (3.a.4): The detainee received one million United States Dollars to manage in April 2000, from Taliban Supreme Leader Mullah Mohammad Omar.

Detainee (through translator): This is a very big lie. I didn't see with the Taliban I only did business with the bank. In 1998, I take the money from the bank and I was working with the bank I didn't see any Taliban's and that partnership was only three months, not more than three months.

Presiding Officer: What was that last part, continued in what?

Detainee (through translator): That partnership with that bank was three months.

Presiding Officer: Three months. Any questions?

Board Member: How did you receive the one million dollars? Was it electronically or what type of currency?

Detainee (through translator): The record is in my file. You can go to my file. It's a long story.

Presiding Officer: Proceed.

Designated Military Officer (3.a.5): The detainee had a personal and professional relationship with a high-ranking official of the Taliban, and the detainee was instrumental in raising revenue for the Taliban.

Detainee (through translator): I just work with bank for three months. I do not know Taliban's and this is a lie, and also I'm not friendship with the Taliban. I was not Talib I was a money exchanger. I do not deal with Talib.

Board Member: So during your time as a money exchanger you didn't to business with the Afghanistan government?

Detainee (through translator): No. I was a money exchanger. I was working in 1998 at Peshawar after that I started my work at Dubai.

Board Member: So in 2000 you where in Dubai?

Detainee (through translator): No. My work was started from 1998 until I was arrested. I was going back and fourth from Pakistan and Dubai. All this dates 1999, 1998, 1999, 2000 are included in this procedure.

Presiding Officer: (to translator). I am going to ask you to speak up.

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Translator: Okay.

Presiding Officer: Proceed.

Designated Military Officer (3.a.6): The detainee was arrested by the Pakistan authorities at the detainee's residence on January 26, 2002.

Detainee (through translator): I think it was January the 24th not January the 26th.

Presiding Officer: Proceed.

Designated Military Officer states connections and associations.

Designated Military Officer (3.b.1): According to a source, the detainee paid for a high-ranking Taliban official's travel to Dubai, United Arab Emirates for cancer treatment and to Saudi Arabia for a religious festival. The detainee was a frequent visitor at the official's office and the detainee purchased numerous vehicles from Dubai for the Taliban.

Detainee (through translator): From 1995 to now I owe people. People want money from me. How can I support or buy vehicles for Taliban? Is there any crazy person to give his money to the people or to buy vehicles for the people? Also the leader does not need my money, he is a leader, he is like a king, and he does not need money from me. President Bush is sick and comes to you, do you give money to him or does he use his own money?

Presiding Officer: Did you purchase vehicles?

Detainee (through translator): If I bought any cars, with any governments, you will know it. You could look at dealers to be sure if I bought a car. If I bought a vehicle.

Presiding Officer: Any questions? Proceed--pardon?

Detainee (through translator): Again. I can do my--people I own money how can I buy these things. Did you see my file?

Presiding Officer: Yes. I read information on you.

Detainee (through translator): Why when you saw my file and other interrogators see that I have money to give to the people, this is a lie. Think about this. I have written each person that I owe to that person in my file.

Presiding Officer: This is your opportunity, the time of the year, were you have a chance to explain your side of the story, to help us to determine if we should continue to detain.

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transfer, or release from custody. That is the reason why I'm asking some of the questions, regardless if I read your file or not.

Detainee (through translator): Again, when a man is owed money from other persons from 1995 to now, and my life is destroyed to now, so how is it possible to buy the missiles, or buy the vehicles, for other people, so this is not possible. Find out that to every partner whom I want to deal with him, when he saw me, that he see deals with me, when that person make a partnership with someone, when he knew, when he got information about me, he suddenly stop his partnership with me because I have no money.

Presiding Officer: Alright I understand, please proceed.

Designated Military Officer (3.b.2): The detainee was identified as a wealthy Afghan "Sara", meaning moneychanger, who was affiliated with the Hezb-e-Islami Gulbuddin. The detainee was closely affiliated with Taliban and was considered to be very close to Taliban leaders Mullah Mohammad Rabbani and Mullah Mohammad Omar. From Dubai for the Taliban.

Detainee (through translator): Why do you say wealthy man?

Presiding Officer: Can you say that again?

Detainee (through translator): What do you think about wealthy man? What is wealthy? Man who has much money. Do you think I am a wealthy man?

Presiding Officer: Were you a wealthy man? Did you have money?

Detainee (through translator): Get information about me that I had money.

Presiding Officer: Alright let's proceed.

Designated Military Officer (3.b.3): The Hezb-e-Islami Gulbuddin (HIG) was founded by Gulbuddin Hikmatyar and was one of the major Mujahedin groups in the war against the Soviets. In the early 1990's, Gulbuddin Hikmatyar ran several terrorist training camps in Afghanistan and was a pioneer in sending mercenary fighters to other Islamic conflicts. Hikmatyar also offered to shelter Usama bin Laden after the latter fled Sudan in 1996. The HIG has long established ties with Usama bin Laden.

Detainee (through translator): Previously there was an answer about business with Gulbuddin (HIG) and Taliban's. I will give you answer about both questions, this and the previous.

Presiding Officer: Will you give me an answer or at a later point?

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Detainee (through translator): I want to give the answer. I want to answer and then he can proceed. If you want to blame me for this; that my brother has a friendship, relationship with him, so that is okay, otherwise--again, if you want to accuse me that my brother have a relationship with Gulbuddin's brother-in-law.

Presiding Officer: Brother in what?

Detainee (through translator): Brother-in-law. Gulbuddin's brother-in-law. That's okay otherwise, I don't know Gulbuddin. I don't know him; I'm not in his organization. I have no information about him. Regarding the Taliban's leaders, I don't know them; I just have a partnership for three months other than that I don't know them (I repented). I don't work with them, and you can ask anyone else you want. Regarding Gulbuddin, I don't know him; just his brother-in-law was my brother's friend.

Presiding Officer: Proceed.

Designated Military Officer (3.b.4): The preachers of Jamat-al-Tabligh organization have been supporting Islamic terrorist groups in south and Southeast Asia under the cover of conducting religious activities. The group is closely aligned with other Pakistani terrorist organizations and the al Qaida network.

Detainee (through translator): Why do you accuse me of this? It's not up to me.

Presiding Officer: I'm not accusing you I am reading the charges.

Detainee (through translator): It's the preacher's literature. There are preachers in Pakistan, preachers in the United States, so, bring those leaders of the preachers, why bring me I'm a poor person, why do you accuse me of this. Bring the leaders of the preachers, which is many in Pakistan and America.

Presiding Officer: Move on.

Designated Military Officer (3.b.5): The detainee maintained friendship and remained in contact with a head of the Afghan National Bank.

Detainee (through translator): Okay. The bank head I have know him before the Taliban; I had explained those things previously.

Presiding Officer: Move on.

Designated Military Officer states Intent

Designated Military Officer (3.c.1): The detainee stated that if released he would like to return to his former trade as a moneylender

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Detainee (through translator): If the gods help me get released from here; I will do my money exchange business because I have experience in this business, of course in this case if my previous partners give me a chance because I hope people want money from me.

Presiding Officer: Proceed.

Designated Military Officer states Other Relevant Data.

Designated Military Officer (3.d.1): The detainee insists he has not conducted business with the Taliban since 1996, which was about the time the Taliban started fighting with the Northern Alliance.

Detainee (through translator): This sentence is not correct. I did not see the Taliban in 1996, and I don't know. I did not have a relationship previously or after that. Just I had a relationship with a bank, I mentioned earlier the date. Previous relationship in 1998.

Presiding Officer: Alright.

Designated Military Officer (3.d.2): In 1996, the detainee obtained 1.5 million United States dollars from the Director of the Bank of Afghanistan to purchase gold in Dubai, United Arab Emirates. The detainee stated he lost 500,000 United States Dollars as a result of the exchange rate.

Detainee (through translator): That's okay, but the date is wrong, its 1998 not 1996.

Presiding Officer: Proceed.

Designated Military Officer (3.d.3): The detainee stated that he would sell the gold and the Taliban would receive 75% of the profits and he would take 25%.

Detainee (through translator): This is wrong. I did not give 75% to Taliban I gave percentage to bank. Bank and Taliban are different; bank belongs to Afghanistan, to the people of Afghanistan not to the Taliban. Because the Taliban is not in Afghanistan but the bank is still there. From bank during President Najib and Daud Khan, and the other presidencies people dealt with the bank and I did the same. Business was done with the bank.

Presiding Officer: Alright.

Designated Military Officer (3.d.4): The detainee admitted he was in business with Taliban and worked with the Taliban because of the money. The detainee stated that his business relationship with Taliban lasted approximately three months.

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Detainee (through translator): Again the name of Taliban is mentioned here, I didn't deal with the Taliban I dealt with the bank. Its not more then three months. Which of the Taliban whom did I deal with? Please mention the name of that Taliban to me?

Presiding Officer: I am not going to mention names. Proceed.

Designated Military Officer (3.d.5): According to a source, the detainee was the most important person of the detainee's business partnership, and he believed that the detainee will still share in the partnership's profits when released from Guantanamo Bay, Cuba.

Detainee (through translator): This is a lie I didn't say this.

Presiding Officer: Okay.

Designated Military Officer (3.d.6): A source stated that he fought with the detainee and other Afghan Taliban members against the Northern Alliance.

Detainee (through translator): If anyone--first of all I don't know which person has lied. Secondly, if anyone says that in my whole life I took a rifle in my hand that is okay. I was in Pakistan. If anyone said that I took a rifle and I shot it, then okay I did fight, but since from childhood to now. In the whole process in Afghanistan in Jihad times I didn't fight.

Presiding Officer: I am a little confused. I understand I have had a gun too. I think what you are trying to say is that as a person raised in Pakistan you have fired a weapon but its not associated with any affiliation with the Taliban.

Detainee (through translator): Yes. I was raised in Pakistan. My first job as a child I was selling clothes, then the next job was as a money exchanger since I was arrested until now, that was my job, a money exchanger. It is impossible that a man as a money exchanger goes to fight. If you have any technique you can observe my hands and my shoulders.

Presiding Officer: You answered my question. Please proceed.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer (4.a.): The detainee adamantly stressed that his relationship with the Taliban was simply business and he never agreed with the manner in which they treated people.

Detainee (through translator): Again, I didn't do any business with the Taliban; just my work was with the bank.

Presiding Officer: Okay.

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Designated Military Officer (4.b.): The detainee stated he didn't have close connections with other Taliban officials and did not attempt other business deals with individuals or entities associated with Taliban

Detainee (through translator): <nod> Yes.

Presiding Officer: Proceed.

Designated Military Officer (4.c.): The detainee claims that he had no knowledge of al Qaida prior to his arrest and never heard of Taliban converting cash to gold or other commodities to earn a profit.

Detainee (through translator): I don't know.

Designated Military Officer (4.d.): The detainee claims to have never conducted any currency exchanges or other financial transactions for Hikmatyar or any known associates of Hekmatyar.

Detainee (through translator): <nod> Yes.

Designated Military Officer (4.e.): The detainee denied any association with al Qaida and stated that he was a simple businessman.

Detainee (through translator): You are talking about denied; I don't know him at all. I am just a business man.

Designated Military Officer (4.f.): The detainee stated that he never heard of al Qaida or the Taliban shipping gold out of Pakistan. The detainee stated he never heard of Ariana Airlines flights being used in gold smuggling operations.

Detainee (through translator): I don't know.

Designated Military Officer (4.g.): The detainee stated he is unaware of anyone that used Jamat-al-Tabiligh as a cover for illicit purposes or travel.

Detainee (through translator): Okay.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee did not have a written statement but would like to make an oral statement at an appropriate time. Additionally the detainee would like to submit EC-C to the board. EC-C is entered into the record.

Detainee (through translator): First of all I want to thank you very much. Secondly you accept your words and the words of your sources, but you do not accept me the detainee's words. You have to me innocent—listen to me an innocent person. Since six years I have been sitting here detained right here and my family and my children are strive there.

All those accusations that were written before is a collection with Taliban's, collection with Al Qaida if you prove then yes I will be accused. So therefore please release me to go. I became old, and also god will not accept me because I owe people money from me, take care of people's money. If any words was odd, untrue within those poor people owning monies from me then okay you are right.

Please let me go to my country. First of all to undo those peoples trust with money and then I have members of the family and my children are now young, so old enough they need to marry them to help me. I have three sons and seven daughters: they are now young so they need to be married. I am writing to them that do your marriage ceremony, they say no we are going to wait for you to, why are you sitting here for nothing.

I would like to tell that if in my family, and in my family there was a Tali, and my brothers, and my uncles, and my cousins, if you find anyone tali in my family then okay. Of course if you find I will be accountable. You could ask regarding my nation, my family, my tribe. I would like to insist that I was not a threat before to the United States, and I was not a threat after that and I will not be a threat in the future. If I leave I will not be a traitor to the United States of America because I have my own—too many problems I am thinking about something else and you are thinking about something else.

I have no other answers. Those documents from which—some documents that my nation prepare for me and said that he was not a Taliban he was not a traitor. If you want any other kind of sponsorship regarding me, tell me and I will prepare that for you. Ask about me, what kind of person am I, and you accuse me of many accusations and sit me here for nothing. I have—the family has sent many notifications, documents from nations, from Pakistan, from Afghanistan, and the family said we sent those documents by the Red Cross but I didn't receive it. I don't know.

Presiding Officer: I understand your concern, but that is something that is separate from this administrative hearing and it can't be particularly addressed here.

Detainee (through translator): I don't know what kind of sponsorship you want from me. I swear to god I was not thinking about those things in Pakistan, sold me to you. If I had

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the money, if I had a million and if I was a wealthy person, I would be given money to those Pakistani people and I would not be here, and that is why they sold me to you. I didn't have enough money, they said sell your house, and give us half of the money to me and to us and keep half the money for you he said. When I told bad words to them, then they said okay now you will be having a very bad future and now you will be going to al Qaida, that why they brought me and gave me to you.

They said if you ask if I was fighting, if there was any person fighting in my family, or if any person traitor to you, then okay I am a businessman. I don't know other than that what kind of sponsorship what kind of documents to prepare for you.

Presiding Officer: Is there anything else that you desire to say to the board?

Detainee (through translator): What can I tell you, I am here. If you have any questions ask me.

Presiding Officer: Hajawali Mohmad does this conclude your statement?

Detainee (through translator): Yes.

Presiding Officer: Does the Assisting Military Officer statement provide the information you wanted us to hear?

Assisting Military Officer: Made comments earlier. The only thing that I will point out at this point is that the detainee is extremely sincere in his desire to go home.

The Assisting Military Officer had no question for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had questions:

Board Member: Thank you for appearing.

Board Member: No, sir.

Presiding Officer: I have a couple of questions. First of all I want to thank you again for being present at this board. It does help us to better understand your situation. I understand that this is not your first board. Help me to understand what has changed since the last board to this board that will help me to make a decision to transfer or release you from the custody of the United States?

Detainee (through translator): The previous board, I observed that they were not looking at me kindly, like you, I observed that you are looking kindly. I ask you to send me home please. Those things written there, they are not true.

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Presiding Officer: If you are released from U.S. custody I understand that you will go back into the money exchange business. What other actions will you take if you are released from custody?

Detainee (through translator): If I find a chance in time I will do my money exchanging. If I didn't find the time I wouldn't think about it. My main concern is if released from here I would like to marry my three daughters off and my older sons who are grown enough, one or two of my sons are old enough maybe I will sit at home he will work for us. If I do those money and give those peoples money, I will sit and I will do nothing sit at home because I stay here for six years, I will stay with my children and grandchildren and retire. This is the custom of our society, that when the children become grown enough so the parents especially the father sit at home and the children work for the family.

Presiding Officer: Hajawali Mohmad, again thank you for attending this board. Attending the board is one factor that we take a look at.

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

Detainee (through translator): I have a question. When I will receive an answer on this decision?

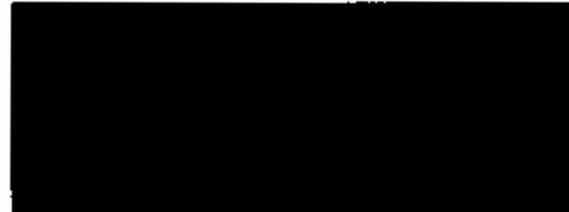
Presiding Officer: It will be up to the designated civilian official. We will make a recommendation but we will not be notified until there is a final decision made by the designated civilian official. I can't give an exact number of days.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



CAPTAIN, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 659

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee did accept the (Muslim) oath.

Presiding Officer: Very well. Before we start how do you prefer to be named in this proceeding?

Detainee (through translator): Call me Abdenour.

Presiding Officer: Abdenour. Do you feel well enough to proceed this morning?

Detainee (through translator): Yes.

Presiding Officer: Is the room warm enough for you?

Detainee (through translator): Yes.

Presiding Officer: Then we will proceed with the script then. Thank you.

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

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

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

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

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Assisting Military Officer: The Detainee's ARB interview was conducted on 10 July 2007. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated that he would attend the ARB. The Detainee was polite and attentive throughout the interview. A copy of the both the English and Arabic translated Unclassified Summary of Evidence, were delivered to the Detainee according to the JDG Standard Operating Procedures. The AMO received written confirmation from the JDG that the documents were delivered.

Additional comments the detainee appeared at his interview wearing a tan uniform.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3) to the Administrative Review Board.

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

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

Presiding Officer: In that case, we will proceed with the Designated Military Officer reading a point and then the answer. Board members may ask you questions based on your answers.

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

Designated Military Officer states commitment.

Designated Military Officer: (3.a.1) The Detainee fought in Bosnia in 1995.

Assisting Military Officer: In response to the statement that the detainee fought in Bosnia in 1995, the detainee disagreed. The detainee stated he has never been to Bosnia.

Detainee (through translator): Yes, and I didn't even say that during the interrogation.

Presiding Officer: Very well. DMO, please proceed.

Designated Military Officer: (3.a.2) The detainee stated that he attended Fishbury Park Mosque after he had been in London, England for six months. The detainee gave money to the Fishbury Park Mosque and he later found out this money went partially to fund individuals going to Afghanistan and other areas of the world where the jihad was being fought.

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Presiding Officer: For the record, that would be Finsbury Park Mosque.

Assisting Military Officer: In response to the statement that the detainee attended the Finsbury Park Mosque after he had been in London, England for six months. The detainee gave money to the Finsbury Park Mosque and he later found out this money went partially to fund individuals going to Afghanistan and other areas of the world where jihad was being fought, the detainee disagreed. The detainee stated he did attend the mosque, but did not have any money to donate.

Detainee (through translator): Good.

Presiding Officer: When the DMO reads his comments, please use the alpha numeric designator, and then AMO, you don't need to read the whole of the line--you can just refer to them by their alpha numeric designator as you read yours.

Assisting Military Officer: Yes, sir.

Presiding Officer: Okay, DMO.

Designated Military Officer: (3.a.3) A source stated the Finsbury Park Mosque in London, England is a place where Mujahedin meet to go to the fight.

Assisting Military Officer: In response to 3.a.3, the detainee could neither confirm nor deny.

Detainee (through translator): For what, I am just trying to repeat the same point.

Presiding Officer: I am sorry I don't understand that response.

Translator: His question is like, the AMO said he couldn't agree or disagree so he said he wanted to ask for what.

Presiding Officer: About whether Finsbury Park was a place where Mujahedin met to go to fight.

Detainee (through translator): I don't know.

Presiding Officer: Did you ever here about anybody trying to recruit people to go to different jihads in Finsbury Park.

Detainee (through translator): I don't know; they don't trust me. They don't give me any chance, so that I can know these things? I don't know them and they don't know me, so how are they going to come over to me and tell me something?

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Presiding Officer: I can understand that it might be true that they might not trust you when they first met you, but you were in London for over a year.

Detainee (through translator): I don't know these people. I know only one person who helped me to go to Afghanistan, and I don't know him very well. I just know him so that he can help me. That's all I have.

Presiding Officer: Thank you. DMO.

Designated Military Officer: (3.a.4) The detainee stated an individual helped him get to Afghanistan

Assisting Military Officer: In response to 3.a.4, the detainee stated that this was the normal way to travel to Afghanistan.

Detainee (through translator): Good.

Designated Military Officer: (3.a.5) The detainee stated he paid about 400 British Pounds for a false French passport and gave the individual an additional 600 British Pounds to make arrangements for travel to Pakistan.

Assisting Military Officer: In response to 3.a.5, the detainee agreed. However, the detainee clarified that he only paid about 200 British Pounds for the false French passport.

Detainee (through translator): Good.

Presiding Officer: Now, that statement also included the 600 pound payment for the individual to help you go to Pakistan. Did you also make that payment?

Detainee (through translator): Yes.

Presiding Officer: Okay. So 200 pounds for the false French passport and 600 for the travel, 800 pounds total.

Detainee (through translator): Yes.

Presiding Officer: Where did it come from?

Detainee (through translator): My brother, he bought a new house and I helped him to fix it. I fixed the garden. I painted the house, and he gave me money. He paid me.

Presiding Officer: Was your brother well off?

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Detainee (through translator): His job is good and he gets a good income. He is not well off but he gets a good income.

Presiding Officer: Did your brother know that you were going to Afghanistan?

Detainee (through translator): No one know until I reached Afghanistan, no one.

Presiding Officer: So what did your brother think you were going to use the money for?

Detainee (through translator): I told him that I wanted to move to another house and I need extra money, so he give it to me.

Presiding Officer: Thank you. DMO.

Designated Military Officer: (3.a.6) The individual who obtained the detainee's passport and travel arrangements is a well known Salafist Group for Combat and Preaching recruiter who handled large amounts of Mujahedin transiting to Afghanistan.

Assisting Military Officer: In response to 3.a.6, the detainee disagreed. He did not have knowledge of the person's activities.

Detainee (through translator): Good.

Presiding Officer: How did you know this person could help you go to Afghanistan?

Detainee (through translator): When I used to go to the mosque for prayer, they had a small shop in the mosque. It is not inside the mosque, but the shop is near to the mosque. In that shop they sale like Islamic tapes and books. I meet him there. He goes sometimes to this shop and he sits sometimes in this shop. So I meet him there.

Presiding Officer: Thank you. DMO.

Designated Military Officer: (3.a.7.) The Salafist Group for Call and Combat is a foreign terrorist organization.

Assisting Military Officer: In response to 3.a.7, the detainee agreed.

Detainee (through translator): Yes.

Designated Military Officer: (3.a.8.) The detainee stated he traveled from England to Pakistan.

Assisting Military Officer: In response to 3.a.8, the detainee agreed.

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Designated Military Officer: (3.a.9) The detainee stated he traveled from Islamabad, Pakistan to Jalalabad, Afghanistan.

Assisting Military Officer: In response to 3.a.9, the detainee agreed.

Detainee (through translator): Yes.

Designated Military Officer: (3.a.10) The detainee stated, when he heard the Taliban was fleeing, he fled with about 150 others to the caves in the area of Tora Bora, Afghanistan. The detainee then fled to cross the border into Pakistan, where he was captured by the Pakistan Army.

Assisting Military Officer: In response to 3.a.10, the detainee agreed. He just escaped with the people around him.

Detainee (through translator): Good.

Designated Military Officer states training

Designated Military Officer: (3.b.1) The detainee received training on the Kalashnikov and the Makarov handgun in the Algerian Military.

Assisting Military Officer: In response to 3.b.1, the detainee agreed.

Detainee (through translator): Yes.

Presiding Officer: Okay.

Designated Military Officer: (3.b.2) The detainee stated he attended the al Farouq Training Camp and received training on firing the AK-47 rifle.

Assisting Military Officer: In response to 3.b.2, the detainee disagreed. The detainee stated that he never attended al Farouq training camp.

Detainee (through translator): Good.

Presiding Officer: Just to clear this up: when you say that you didn't attend al Farouq training camp, have you been to al Farouq?

Detainee (through translator): I never go to al Farouq.

Presiding Officer: You never went at all?

Detainee (through translator): Never.

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Board Member: Sir, may I ask a question?

Presiding Officer: Yes.

Board Member: Did you attend any training while you were there?

Detainee (through translator): Where?

Board Member: In Afghanistan.

Detainee (through translator): I didn't have a chance or time to receive any training because the camp was full. The training camp was full because in the summer they receive a lot of people. I didn't go to receive training. If I needed to receive training I can receive training in Algeria, because there is a lot of mujahedin in Algeria and there is a lot of camps in Algeria.

Board Member: I have a question. How did you know the training camp was full?

Detainee (through translator): I heard people talking because there are a lot of people who want to go. Because there is a lot of people they need to travel from city to city and when they get tired they stop to rest in safe house. I just heard him talking, and the guest house is open for everybody. They stay there only twenty-four hours up to three days. No more than that. That is for the people who is traveling.

Board Member: Abdenour, just one more question on the issue of training. Did you receive any training in a terrorist camp in Algeria or any other location?

Detainee (through translator): No, I never received any training.

Designated Military Officer: (3.b.3) The detainee stated the purpose of the al Farouq Camp was to train mujahedin for jihad.

Assisting Military Officer: In response to 3.b.3, the detainee disagreed. The detainee stated that he has been asked the same question for five years.

Detainee (through translator): Yes.

Designated Military Officer states other relevant data.

Designated Military Officer:(3.c.1) The detainee acknowledged having been told something would happen to the United States within one week of the 11 September 2001 attacks.

Assisting Military Officer: In response to 3.c.1, the detainee disagreed. The detainee said this is false.

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Detainee (through translator): Good.

Presiding Officer: DMO.

Designated Military Officer: (3.c.2) The detainee stated he got a fraudulent French passport for which he paid 200 British Pounds. He also had a British, Algerian and a fourth passport he stole while attempting to flee Afghanistan.

Assisting Military Officer: In response to 3.c.2, the detainee agreed.

Detainee (through translator): That is not true; I didn't have four. Two of the passports was in England. The British and the Algerian passport was in England and I traveled with the fake French passport. I lost it in Tora Bora. This is how I get the fourth one.

Presiding Officer: Would you say it was easy to get a fake passport?

Detainee (through translator): It is easy every where in the world.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer: (4.a.) The detainee denied ever having been to Bosnia and admitted lying about this in the past.

Assisting Military officer: In response to 4.a., the detainee agreed.

Detainee (through translator): Does that mean I say no? I didn't lie, and I never talked about Bosnia. I don't know from where we get this information. I never lied and I never talked about Bosnia before.

Presiding Officer: You never mentioned Bosnia to anybody?

Detainee (through translator): No.

Presiding Officer: Thank you.

Designated Military Officer: (4.b.) The detainee stated he never attended any training camps, never fought against the Northern Alliance or the United States, and never carried a weapon. The detainee stated he does not want to fight jihad. The detainee wants to get married and have a family and a job.

Assisting Military officer: In response to 4.b., the detainee agreed.

Detainee (through translator): Good.

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Designated Military Officer: (4.c.) The detainee stated he never went to al Farouq Camp and this information was provided to interrogators so the detainee could obtain medical attention for his legs.

Assisting Military officer: In response to 4.c., the detainee agreed.

Detainee (through translator): Good.

The Board Members did not request any further time to review the unclassified summary.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee did not have anything to present.

Presiding Officer: Abdenour, do you wish to make a statement at this time?

Detainee (through translator): From the beginning you name me like I am enemy combatant, so did you arrest him like fighting or?

Presiding Officer: The reason we address you as an enemy combatant is because at your Combatant Status Review Tribunal, you were found by that tribunal to be an enemy combatant.

Detainee (through translator): Good.

Presiding Officer: The purpose of this board is not to determine whether you are an enemy combatant. Do you have any other statements that you wish to make at this time?

Detainee (through translator): No.

The Assisting Military Officer had no additional information to present.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

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Administrative Review Board Member's had questions:

Board Member: Yes, sir. Abdenour, when did you arrive in Afghanistan?

Detainee (through translator): In the summer of 2001.

Board Member: Have you had any combat experience in your life?

Detainee (through translator): No.

Board Member: Have you maintained any contact with terrorist or those involved in extremism since you have been here?

Detainee (through translator): Where?

Board Member: Anywhere, through mail.

Detainee (through translator): No further questions, thank you.

Board Member: You stated previously that you did not travel to Afghanistan to study religion, nor to go there to be mujahedin. Was there something about Afghanistan that appealed to you to make this travel?

Detainee (through translator): I live in Algeria and there was a lot of fights in Algeria. I do have my friend who was killed in Algeria. I did need to know how these people think. I am a normal person I didn't even know my religion well. I needed to know and I did receive this chance and I didn't want to waste it. I did go to Afghanistan and I did see, that's all.

Board Member: Would you want to return to Afghanistan?

Detainee (through translator): I don't want to go back.

Board Member: You stated that once you get released you wanted to get married and start a family. I know from previous statements about how you feel about being kept here, which is understandable. Will that influence what you do once you are released, the negative feelings towards the United States?

Detainee (through translator): Do you mean if I hate America or no?

Board Member: Say you have a family and you have a job, if someone approaches you to get back at the United States, what would be your feeling?

Detainee (through translator): You mean I go back to my family and I go back to America?

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Board Member: Go back to your family but if someone approaches you to fight mujabedin or join a terrorist group.

Detainee (through translator): Of course, I am going to fight with my family.

Board Member: Defend your family?

Detainee (through translator): Yes.

Board Member: Thank you, that is all.

Presiding Officer: If you were released what country would you like to live in?

Detainee (through translator): I love Algeria, but I do have a lot of problems in Algeria. I was in the Army and I escaped from the Army. If I go back, they are going to put me in jail. I don't want to go back to jail. I want to go back anywhere that there is another country. If they are not going to put me in jail in Algeria, I will go back there. I am innocent; five years is enough.

Presiding Officer: You have been to many countries. Of the countries you have been to, which country would you like to go back to?

Detainee (through translator): Algerians, we love a lot France, Spain, Italy because it is very close to our country. That's all. I don't want to go somewhere far away from Algeria. I want to be close to Algeria especially in the summer because on vacation we need to go back to the country.

Presiding Officer: Do you have any people or any connections in Spain, Italy, or France who would take responsibility for you?

Detainee (through translator): What do you mean by responsible for me?

Presiding Officer: Is there somebody who would say, "I know Abdenour and I will make sure that he is a good peaceful man?"

Detainee (through translator): During this five years you didn't know that I am peaceful person or not?

Presiding Officer: It is one thing to be peaceful in detention, but it is another thing to have somebody say, "I will make sure this person is peaceful if they come to live in my country."

Detainee (through translator): I do have a lot of friends and I do have my brothers in Europe.

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Presiding Officer: Would your brothers accept you back and say, "We will make sure that Abdenour stays out of trouble?"

Detainee (through translator): For sure.

Presiding Officer: So your brothers wouldn't hold it against you that you have been to Afghanistan on jihad?

Detainee (through translator): I can't know what is inside my brother or what is his feelings, you know, because this thing has never happened before. I can't tell.

Presiding Officer: Have you heard from your brothers since you have been here?

Detainee (through translator): Yes, every day they send me letters.

Presiding Officer: Thank you for coming and talking to us today. It is very important for us to see you to make this decision. It is also important that you see that we treat you seriously and with respect. I hope that if any of your friends in camp ask how you were treated that you tell them.

Detainee (through translator): My friends, they know the way. They don't want to know how you are going to treat them. They just want to go back home.

Presiding Officer: But as you know many people have gone home.

Detainee (through translator): Most of the people are here.

Presiding Officer: No, most of the people have actually gone home.

Detainee (through translator): I hope so, me too, that I will be released too.

Presiding Officer: Thank you for your answers today.

Detainee (through translator): No problem.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 692

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee did not want to accept the (Muslim) oath.

Presiding Officer: I want to make sure I'm pronouncing your name correct, Hala Bin Ali?

Detainee (through translator): Hala Bin

Presiding Officer: Okay, thank you. Also I want to make sure you're feeling well today and that the room is not too cold for you.

Detainee (through translator): It's good.

Presiding Officer: Understand you're okay.

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

Detainee (through translator): What you explained to him?

Presiding Officer: Yes.

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

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

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

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Assisting Military Officer: The Detainee's ARB interview was conducted on 24 April 2007. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee said that he wanted to attend the ARB and answer questions and make an oral statement. The Detainee was extremely cooperative, polite, and calm during the interview. The Detainee did not want any copies of the Unclassified Summary of Evidence.

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

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

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

The Presiding Officer asks the Detainee to speak up so that recording equipment can hear voice for the record.

Detainee (through translator): Do you want me to answer them right now?

Presiding Officer: No after each statement.

Detainee (through translator): You will say it and then I will reply against each point?

Presiding Officer: Yes, yes. We will go through each statement one at a time and if you have a response after that you can make that then. Do you understand that?

Detainee (through translator): Yes.

Presiding Officer: Okay.

The Presiding Officer asks the Detainee to speak up so that recording equipment can hear voice for the record

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

Designated Military Officer (3.a.1): The Detainee's decision to travel to Pakistan was driven by his desire to see Pakistan and pursue higher education. The Detainee desired to study Salafiah.

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Designated Military Officer (3.a.2): The Detainee admitted he wanted to go to Pakistan to learn the Koran so he could be a teacher.

Board Member: I have a question for you. I'm interest to understand why you chose to go to Pakistan to study? What was wrong with or what were the schools in Yemen not offering you, that you chose to go to Pakistan?

Detainee (through translator): Pakistan is known very well that it has a lot of Muslim, Islamic universities. It has the most Islamic schools, Pakistan has.

Board Member: I have another question for you based on that answer. Are you familiar with Husayn al-Huthi?

Detainee (through translator): It's not in these reports.

Board Member: I am curious because he's very well known member of the parliament in Yemen and he's also a faculty member at very well known university who teaches Salafiah and he's also the founder of the Al-Shabab al-Mumin.

Detainee (through translator): It's not in here and I have no knowledge of this.

Board Member: Okay. I'm interested in these points of information because you chose to go to Pakistan based on many of the schools there being very well known and I'm trying to understand your knowledge of the very well known schools that you had in your own country of Yemen?

Detainee (through translator): I just want, I know Yemen has a good universities but I wanted to go to Pakistan to see how the situation there, how if I studied there how the situation would be. There's a lot of Muslims, it has a lot of Islamic schools there, much more there to offer.

Board Member: Okay, thank you.

Designated Military Officer (3.a.3): The Detainee applied for a tourist visa from the Pakistan embassy in Aden, Yemen and left for Pakistan in October 2001.

Presiding Officer: I would like to ask when the visa was issued and how long it was good for?

Detainee (through translator): I don't exactly when it was...days before I traveled, days.

Presiding Officer: And do you know how long it was good for when it was issued?

Detainee (through translator): About over a month, month plus, about, approximate.

Presiding Officer: Okay, thank you.

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Designated Military Officer (3.a.4): The Detainee stated he stayed at Issa's Guest House in Faisalabad, Pakistan for approximately four and a half months.

Detainee (through translator): Approximately that amount of that time.

Board Member: Hala Ali Bin Ali, who led daily prayers at the house and what did you do at the house?

Detainee (through translator): The house belongs to Issa.

Board Member: Did Issa lead prayers?

Detainee (through translator): No, it was normally, there wasn't anybody leading the prayers, everyone prayed to whatever they wanted to do. It's not a mosque it was just a regular house.

Board Member: Did you attend local mosque in Faisalabad?

Detainee (through translator): No.

Board Member: Okay. What did you do in the house for four and half months?

Detainee (through translator): We were just sitting in the house because the situation at that time was they were arresting any Arab that was found there in Pakistan so we were just sitting and waiting in that house.

Board Member: In October 2001?

Detainee (through translator): After the incidents, after the attack.

Board Member: What happened?

Detainee (through translator): September 11th.

Board Member: But those incidents were in Afghanistan they were not in Pakistan.

Detainee (through translator): But the buildings and what happened to the buildings in America.

Board Member: Correct. But the retaliation by America was in Afghanistan not in Pakistan.

Detainee (through translator): But they were telling us they were arresting the Arabs in Pakistan.

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Board Member: Just the Arabs who were visiting, you know minding their own business?

Detainee (through translator): I wasn't even able to go, I wanted to go to Yemenese Embassy and I wasn't able to go there. I was waiting for the situation to calm down before I go to the embassy.

Board Member: But you had legal visa?

Detainee (through translator): But it finished, it expired.

Board Member: Okay, so your there longer then...your there four and half months, your visa expires, why are you afraid to go out and go to the embassy?

Detainee (through translator): I was worried that they arrest me. That was the first time I traveled there and I heard that they were arresting anybody, any Arab person, so I was afraid that they would arrest me. So I was waiting in that house for the situation to come and get better, then I would leave.

Board Member: Was everyone in the house Arab?

Detainee (through translator): Most of them were Arabs.

Board Member: Who provided the food and water for everyone in the house while you avoided the Pakistani authorities?

Detainee (through translator): The house owner, Issa.

Board Member: Is Issa a Pakistani?

Detainee (through translator): Yes.

Board Member: Hala Bin Ali, I have some questions based on your responses and I'm curious to what your route was to Faisalabad, Pakistan starting when you left Yemen?

Detainee (through translator): Sanaa airport Yemen to United Arab Emirates.

Board Member: Dubai?

Detainee (through translator): Yes. It was the same plane, I just stayed for a half hour, just for a half hour and we left same airplane. Some people were coming on the airplane and some got off the airplane.

Board Member: Continue.

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Detainee (through translator): After that the airplane went over to Karachi.

Board Member: To Karachi? Then from Karachi...

Detainee (through translator): To Lahore.

Board Member: To Lahore.

Detainee (through translator): Karachi/Lahore by bus not airplane. He says by plane but it was by bus.

Board Member: Thank you for that clarification, I understand. Who paid for your flight from Yemen to Pakistan?

Detainee (through translator): I purchased it from airport office.

Board Member: And how did come by the money to purchase that ticket?

Detainee (through translator): My family.

Board Member: Okay, thank you. Who paid for your bus from Karachi to Lahore?

Detainee (through translator): The two men and the Pakistani man I met at the airport. Two Arabs and one Pakistani help me.

Board Member: How long did you stay in Karachi before you went to Lahore?

Detainee (through translator): I don't know exactly maybe one month or less than a month.

Board Member: And how long did you stay in Lahore before you went to Faisalabad?

Detainee (through translator): It was direct as soon as I got to Lahore, I sat on a bus. I changed the bus only.

Board Member: Okay, so when you left Karachi you should have been aware that your visa was about to expire?

Detainee (through translator): Yes I was.

Board Member: And you did nothing about it in Karachi?

Detainee (through translator): The two men that were with me, they advised me to go to there to this house, for there were a lot of university students who come to register in the university or they know information about universities in that area so they told me to go

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ask them about how the situation is and when the situation gets better then you can leave and go where ever you want.

Board Member: Okay, do you know if there is a Yemeni Consulate in Karachi?

Detainee (through translator): I didn't know but I was looking, I wanted to ask someone too. For sure there is a Yemeni Embassy or Consulate in Pakistan.

Board Member: Okay. The...Do you know the capital city of Pakistan?

Detainee (through translator): Karachi.

Board Member: I do not understand why you would go from the capital city farther into the country side when you needed to contact your embassy?

Detainee (through translator): Because the university that I was looking for was in that area, in Faisalabad, and that house also was in Faisalabad so I wanted to go to that house first.

Board Member: Then why did you stay so long in Karachi?

Detainee (through translator): Because they're the one who told me, they were the ones helping me, so when I...I wanted to find out how the universities, Islamic Universities were over there first. So one their friends, Pakistani friend, the two men in that house knows Issa, the house owner, and they told me that they have a lot of Yemeni students that were staying at that house. So I went to that house to ask, to ask, to find out how many.

Board Member: Thank you. Did you see any universities while you were in Karachi?

Detainee (through translator): I looked and they showed me that university in Faisalabad. They pointed the one out in Faisalabad.

Board Member: Thank you.

Board Member: Hala Bin Laden did you travel Pakistan with a plan on what universities you wanted to attend?

Detainee (through translator): I wanted to look for a university that teach the science of Koran and Koran and Koran signs.

Board Member: But I know, but no plan on where you wanted to go or what you wanted to do?

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Detainee (through translator): I only wanted to go see what was the situation, university situations there, then I would return back to Yemen. Only to find out how things were there, universities. I didn't decide that I was going to study there I was only looking and finding out how those universities were there.

Designated Military Officer (3.a.5): The Detainee claims he did not return to Yemen because his visa expired. The Detainee could not remember what date his visa expired.

Designated Military Officer states connections and associations.

Designated Military Officer (3.b.1): The Detainee stated he met an Arab male at the Sanaa, Yemen airport who suggested the Detainee go to Pakistan. The Detainee lived with that Arab male for two months in Karachi, Pakistan.

Detainee (through translator): The whole point is wrong.

Board Member: Please explain.

Detainee (through translator): I went from Sanaa to Pakistan. I went with those two men in Pakistan not in Sanaa. The two men they were the ones that pointed out to me where to go and they are the ones that told me to go Faisalabad; pointed out Faisalabad. But here it says Sanaa Airport but I did not meet anyone at Sanaa Airport, I met in Karachi.

Board Member: Well, thank you for clearing that up.

Presiding Officer: The board understands we'll take that into consideration.

Designated Military Officer (3.b.2): The Detainee claimed he met two individuals at the airport in Karachi, Pakistan and stayed at the two individuals' house for one and a half months. The Detainee then moved to Issa's Guest House in Faisalabad, Pakistan.

Detainee (through translator): Yes.

Board Member: Hala Bin Ali, I have a question regarding this statement. You decided to stay with these gentlemen in Karachi, Pakistan and I curious as to whether you, what you did while you were there in Karachi with these two men? Did you look at religious universities in Karachi?

Detainee (through translator): They were university students too; they were students, the two men. I don't remember the name of the university they were study in exactly but I wanted an Islamic university, study in an Islamic university. Our friend, our Pakistani friend would know better, knows someone who has a house in Faisalabad.

Board Member: Okay, thank you. But however you stayed in Karachi for four and half months or so and yet you did not look at any Islamic universities in Karachi?

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Detainee (through translator): I wanted, they told me that the university I was interested in going to or they told me I should go to was in Faisalabad but they were trying to arrange for Issa so Issa can help me or when I get there help me so he was trying to arrange with Issa a way to do with me when I get there.

Board Member: So to understand then, these men that you did not know until you met them in Karachi, you trusted them to pick your university for you and decided to do no other exploration on your own for six weeks in Karachi?

Detainee (through translator): Because they told me there were a lot of Yemenese studying in that particular school. So I thought since there were that many Yemenese there maybe it would be easier or I wanted to go see it because there were Yemenese there.

Board Member: So for six weeks in Karachi you did nothing?

Detainee (through translator): I was waiting at that house for the arrangements to finish.

Board Member: Thank you.

Designated Military Officer (3.b.3): While the Detainee was in Karachi, Pakistan, an individual paid for the Detainee's airline ticket to Lahore, Pakistan.

Detainee (through translator): This point has mistakes in it. It says airplane but I took a bus.

Presiding Officer: Understand.

Board Member: Who paid for you're, did you pay for your bus ticket?

Detainee (through translator): They're the one who paid for it.

Board Member: Why would they pay for your bus ticket?

Detainee (through translator): Because I was a visitor and they were trying to help me.

Board Member: Just for no reason, just the goodness of their heart?

Detainee (through translator): It was a very small amount of money they gave. Even I was ashamed to even pay them back or offer, so it was a very small amount of money it wasn't that much at all. They were the ones who decided to pay for it.

Designated Military Officer (3.b.4): Five to seven days prior to the Pakistani raid on Issa's house in Faisalabad, Pakistan the Detainee received 300 United States Dollars from

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Mohammed Abdul Rahman. Rahman asked the Detainee to hold the money until Rahman returned from Karachi, Pakistan.

Detainee (through translator): I do not know this name or anything about this point.

Presiding Officer: Do you know who gave you \$300 then?

Detainee (through translator): No.

Presiding Officer: You know nothing about that, understand?

Detainee (through translator): I do not know anything about it.

Designated Military Officer (3.b.5): The Detainee's alias was found on a listing of captured Mujahedin. This information was found on a hard drive associated with Khalid Shaykh Muhammad.

Detainee (through translator): First of all, this is the first time I hear about, heard about this thing only from your papers. I never seen this name before only on your papers.

Board Member: Which name?

Detainee (through translator): That name. What does that have to do with me if someone has put my name into a computer or if my name was found in computer, what does that have to do with me? Why is it my problem? Only know this because it mentions it on your papers.

Presiding Officer: So you have no idea why your name would be on that list?

Detainee (through translator): No.

Designated Military Officer (3.b.6): An individual identified the Detainee as Bilal, a Yemeni whom the individual saw when he was being smuggled from Zurmat, Afghanistan to Banu, Pakistan.

Detainee (through translator): The name Bilal, I heard it in the interrogations only. The first time I hear it was from the interrogators. I know my name is Hala that is what I know, my name is Hala. That name, I've only heard it from the interrogators. This is the first time I hear of this serious, I never heard them, heard of them before.

Designated Military Officer (3.b.7): An individual reported that the Detainee was part of a group that traveled from Zurmat, Afghanistan to Barmal, Afghanistan. The group spent two days at a Madrasa used by foreign fighters fleeing Afghanistan and operated by Jamiat Ulema e Islami.

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Detainee (through translator): I do not know anything about that point. This is the first time I hear of this thing, this group name, first time I hear of this group.

Presiding Officer: Board understands.

Designated Military Officer (3.b.8): The Jeamiat Ulema e Islami or Assembly of the Scholars of Islam is a radical Sunni deobandi religio political party best known for its anti United States threats and vocal support of Usama bin Laden. Their stated goal is the Talibanization of Pakistan.

Detainee (through translator): What does Ali have to do with this point?

Presiding Officer: Well, this is just a description of the organization stated in the previous statement.

Designated Military Officer states other relevant data

Designated Military Officer (3.c.1): In Faisalabad, Pakistan the Detainee was arrested at Issa's Guest House.

Detainee (through translator): Yes.

Presiding Officer: Can you tell us why you were arrested?

Detainee (through translator): I learned about why after I was arrested. They told me that this house is for the al Qaida or for the Taliban; it was for the al Qaida or for the Taliban. They told us after we were arrested in the house and in the interrogations.

Presiding Officer: Do you have any idea why they would think that?

Detainee (through translator): I do not know.

Designated Military Officer (3.c.2): The Detainee identified 12 other Detainees that were captured with him by the Pakistan police at Issa's house in March 2002.

Detainee (through translator): Yes, they're here with me in Cuba too.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer (4.a.): The Detainee claims, if he were to leave Cuba, he will most likely not stay in touch with other Detainees that the Detainee has met here.

Detainee (through translator): Of course everyone's going to go back to their country.

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Designated Military Officer (4.b.): The Detainee denied ever going to Afghanistan.

Detainee (through translator): Only in these papers. In the papers it says I went.

Designated Military Officer (4.c.): The Detainee claims he did not receive any military training while living in Pakistan.

Detainee (through translator): True.

Designated Military Officer (4.d.): The Detainee denies being a member of the Taliban or al Qaida.

Detainee (through translator): Only in your papers.

The Board Members did not request any further time to review the unclassified summary.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee did not have anything to present.

Detainee (through translator): This is all I have (shows papers to board).

Presiding Officer: Okay.

The Presiding Officer asks Assisting Military Officer to read the comments from the Enemy Combatant Election.

The Assisting Military Officer stated there were no additional comments.

Presiding Officer: I understand you may have an oral statement? If so, would you like to make it yourself or have it read for you?

Detainee (through translator): One question I have.

Presiding Officer: Sure.

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Detainee (through translator): What is the main accusation against me that kept me here for five years? What is the main accusation? Is it my travel to Pakistan? Is that that an accusation? True I went during a very difficult situation, but is that an accusation that would keep me here five years?

Presiding Officer: The purpose of this board is for an administrative review. To determine whether you should be released, transferred, or continued to be detained. Your status of an Enemy Combatant has already been determined.

Detainee (through translator): I don't even know why they made that decision when I don't have a problem with Americans, I've never fought Americans, I've never fought anybody. I've never ever participated in any wars, any, anything else. Why would I be an Enemy Combatant?

Presiding Officer: We understand and take your statements on board and we will consider those in our decision.

Detainee (through translator): I know an Enemy Combatant is someone who participate in the war and helps the war, or someone who is a threat and dangerous to the United States, but I was 17 years old, I've never done anything. But what makes me dangerous to the United States at that time?

Presiding Officer: Again I understand the decision of classifying you as an Enemy Combatant has already been made; we will take these statements into consideration for our decision.

Detainee (through translator): I don't have anything else.

Presiding Officer: Understand, thank you. Does that conclude your statement?

Detainee (through translator): Yes.

The Assisting Military Officer had questions for the Detainee.

Assisting Military Officer: If released what do you plan on doing?

Detainee (through translator): Right now I cannot decide anything because I am still detained and I have to idea what to do but once I am free then I will decide what to do.

Board Member: I have a follow up question to that...where would you expect you would first go if you could decide where to go?

Detainee (through translator): I would go to my country.

Board Member: Where specifically in your country?

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Detainee (through translator): In Aden city, my city, my town.

Board Member: And this is home where you grew up?

Detainee (through translator): Yes.

Board Member: Thank you.

Assisting Military Officer: Can you provide the board with any reasons why should no longer be detained?

Detainee (through translator): Doesn't need explanation.

Assisting Military Officer: While you've been a Detainee can you tell the board if you have you caused any problems or issues?

Detainee (through translator): You can ask the military here or you can look in my files, my files here, the people here will explain to you how my behavior, how I act.

Assisting Military Officer: But would he, would you classify it as being good?

Detainee (through translator): I can tell you the answer but its better for you to ask.

Assisting Military Officer: I've seen your record but I just wonder if he could convey it to the board for him?

Detainee (through translator): I can't answer this question.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had questions:

Board Member: I have one other question...Hala Bin Ali, when you were in school in Aden what sort of subjects interested you?

Detainee (through translator): I studied up to high school, through most of high school. We cannot specialize or study something. Religion and science I want to study, religion and science.

Board Member: And I'm curious as to what drew you to study religion and science?

Detainee (through translator): Your GPA usually religious school ask for lower GPA other schools all were asking for higher GPA and I have low one so I was looking for what I could go to and that was one of the subjects.

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Board Member: Okay, thank you. Do you consider when you were growing up that your family was very religious?

Detainee (through translator): They were normal people.

Board Member: Normal for Yemeni, meaning what?

Detainee (through translator): They were regular family, they prayed just like all Muslims but they were just normal, regular family.

Board Member: So you did not Koran at home you were in?

Detainee (through translator): Only in government schools, public schools.

Board Member: When you decided to look for religion instruction why did you become interested in going to Pakistan?

Detainee (through translator): I answer this question previously but I can repeat what I said before.

Board Member: I would appreciate that.

Detainee (through translator): They hundreds, they have a lot of schools, Islam schools. There is more Muslim population in that country then any where else. That's the reason why Pakistan.

Board Member: And you had heard nothing about very popular famous schools in Yemen that people from all over the world would attend?

Detainee (through translator): I didn't want to study in Yemen. I wanted to go to Pakistan.

Board Member: Okay, thank you.

Board Member: You stated you didn't want to study in Yemen but yet when you went to Pakistan you sought out schools were Yemenese were studying? Can you explain that?

Detainee (through translator): But the house I went to have Yemenese.

Board Member: But you said you went to Faisalabad because there were Yemenese studying there?

Detainee (through translator): There were some Yemenese students in that house but the school was mixture, it was different, all different all mixture of students but the house

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had Yemenese students living there. But I'm thinking the school had probably all different kind people from different countries or not just Yemenese.

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

Presiding Officer: Hala Bin Ali, I want you to know that we appreciate your attendance and your good conduct in today's hearing. It shows you take this process seriously as do we. Your presence and responses to our questions will help us to make an informed decision, and I ask that you please encourage other Detainee's to attend their boards also.

Detainee (through translator): I cannot tell anyone to go to these procedures.

Presiding Officer: Understand. Do you have anything further to say Hala Bin Ali?

Detainee (through translator): No.

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, U.S. Navy
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 694

The Administrative Review Board was called to order. 0850 hours.

The Detainee entered the proceedings.

Presiding Officer: Good Morning Sir, I want to welcome you here today.

Presiding Officer: I want to make sure I pronounce your name correctly, Barghomni Sufyian.

Detainee (through translator): Yes, Barghomni Sufyian.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee declined the oath.

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

Presiding Officer: Mr. Sufyian, do you understand this process?

Detainee (through translator): Yes.

Presiding Officer: Exhibit EC-A, Notification of the CSRT Decision, dated 7 January 2008 constitutes constructive notice of Enemy Combatant Notification of ISN 850.

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

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

The detainee's Administrative Review Board (ARB) interview was conducted on 17 January 2008 at 1000 hrs with a follow-up interview at 1400 hrs on 18 January 2008. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the

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ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee was initially noncommittal, however later stated he would attend the ARB. The detainee was attentive throughout the interview. Copies of both the English and Arabic translated Unclassified Summaries of Evidence, were handed to the detainee according to the Joint Detention Group (JDG) Standard Operating Procedures. Written confirmation of the delivery of the documents was provided from the AMO to the JDG.

Additional Comments:

The detainee appeared at his interview wearing a tan uniform.

Detainee Comments:

- In response to the statement that in approximately 1994, while in London, United Kingdom, the detainee heard about the jihad in Afghanistan through the preaching of the imam Umar 'Uthman Mahmud, alias Abu Qatada, the detainee stated that this information is incorrect. He was in Algeria until 1995. (3a1)
- In response to the statement that the detainee was most likely connected to the Four Feathers Mosque in London, the detainee stated that he has never heard of this mosque, and that he attended a large mosque on Baker Street in London. (3a2)
- In response to the statement that the detainee stated while attending a mosque in London, he saw films about atrocities in Bosnia. The detainee wanted to help the Chechnya people win their freedom and stop the cruel treatment of Muslims in that area, the detainee stated that the film was about the atrocities in Chechnya, not Bosnia. (3a3)
- In response to the statement that the detainee stated in March 1999 he traveled with a false French passport and an airline ticket to Karachi, Pakistan, using an alias. Upon arriving in Karachi, Pakistan, the detainee purchased another ticket to Peshawar, Pakistan where he stayed at a guest house for three days and then took a bus to Jalalabad, Afghanistan, via Towrkham, Pakistan, the detainee agreed. (3a4)
- In response to the statement that the detainee stated that in March 2000 he stayed at a guest house in Kabul, Afghanistan and a guest house in Kandahar, Afghanistan. The detainee wanted to travel to Chechnya, but did not because the borders were too dangerous, the detainee agreed. (3a5)
- In response to the statement that the detainee stated that in August 2000 he traveled to a guest house in Jalalabad, Afghanistan. While at the guest house the

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detainee exchanged his expired passport for an original document with someone else's name, changing the photo, the detainee stated that this is not true. (3a6)

- In response to the statement that the detainee stated that in November 2000 he returned to the guest house in Kabul, Afghanistan for approximately two weeks, the detainee agreed. (3a7)
- In response to the statement that the detainee stated that from June to September 2001 he again traveled between guest houses in Kabul, Kandahar and Jalalabad, Afghanistan. The detainee again intended to fight in Chechnya but the borders were still too dangerous, the detainee agreed. (3a8)
- In response to the statement that the detainee stated that in fall 2001 he crossed the mountains into Pakistan on foot and stayed at a safe house in Waziristan, Pakistan, the detainee agreed. (3a9)
- In response to the statement that the detainee stated that in November 2001 he traveled to Peshawar, Pakistan and stayed at a guest house for slightly less than one month, the detainee agreed. (3a10)
- In response to the statement that the detainee stated that in November 2001 he traveled to Peshawar, Pakistan and stayed at numerous places, the detainee agreed. (3a11)
- In response to the statement that when the detainee heard about the terrorist attacks in the United States on 11 September 2001, the detainee immediately celebrated, the detainee stated this is untrue. (3a12)
- In response to the statement that the detainee fought with other Mujahedin against Coalition forces during the latter part of 2001 in Afghanistan, including Tora Bora in December 2001, the detainee stated that he had never been to Tora Bora (3a13)
- In response to the statement that the detainee stated in 1999 he trained at a small training camp between Jalalabad, Afghanistan and Kabul, Afghanistan. The detainee received training on the AK-47 assault rifle and other small arms as well as Russian and Chinese made mines. While practicing mine diffusion the detainee lost four fingers on his left hand, the detainee agreed. (3b1)
- In response to the statement that the detainee stated that from September or October 1999 until March 2000 he trained at the Khalden Camp located outside of Khowst, Afghanistan. The detainee received training on light arms, tactical movement, land navigation, artillery, mortars, and radio communication. The detainee also took an informal indoctrination class. The detainee watched movies

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about the struggle and tactics used in Chechnya, the detainee agreed. He also stated that regarding the land navigation, it was about how to get to Chechnya, and even tourists need to learn how to read maps. (3b2)

- In response to the statement that the detainee stated that in June 2000 he returned to the guest house in Kabul, Afghanistan for approximately two months, where he was introduced to three Afghans. The detainee trained the Afghans on tactics and training the he learned at the Khalden Camp, the detainee stated this was untrue and that he was teaching the Koran. (3b3)
- In response to the statement that the detainee stated that in winter 2000 he went to a camp at Khowst, Afghanistan, where he was a trainer for approximately six or seven months, the detainee stated that this doesn't make sense and it is untrue. (3b4)
- In response to the statement that the detainee was identified as an al Qaida networks electronics and explosives trainer who used email to communicate with other al Qaida operatives, the detainee stated that he is not and never has been a member of al Qaida. (3b5)
- In response to the statement that the detainee was a trained remote controlled device specialist who also had training in car bombs, explosives, and small arms, the detainee stated this is untrue. (3b6)
- In response to the statement that the detainee was identified as an Algerian who used to be an explosives trainer in Afghanistan, the detainee stated this was untrue. (3b7)
- In response to the statement that the detainee was identified as the top battlefield tactics trainer in Tora Bora, teaching woodland and mountain tactics, small explosives, hand grenades, land mines, and first aid, the detainee stated he was only in Afghanistan for two years and much of that time he was recovering from the injury to his hand. How would it be possible he could be the top trainer? Furthermore, he was never in Tora Bora. (3b8)
- In response to the statement that the detainee provided remote control explosives training in preparation for attacks against the forces of Afghanistan's Interim Prime Minister Hamid Karzai, the detainee stated this is untrue. (3b9)
- In response to the statement that the detainee was identified as an Algerian in charge of the explosives and electronic detonator training, the detainee stated this is untrue. (3b10)

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- In response to the statement that the detainee was identified as the instructor of a remote controlled explosives course, the detainee stated that this is the same accusation repeated many times and it is untrue. (3b11)
- In response to the statement that the detainee's alias was included on an al-Qaida membership list recovered from a computer disk. The disk was found at a home of deceased al-Qaida chief military commander Muhammad Atif, also known as, Abu Hafis al Masri, the detainee responded that this was the first time he has ever heard of this. He denied knowledge of this saying that many people have similar names or aliases. (3c1)
- In response to the statement that an Islamic extremist group, the Armed Islamic Group aims to overthrow the secular Algerian regime and replace it with an Islamic state. The Armed Islamic Group began its violent activity in 1992 after Algiers voided the victory of the Islamic Salvation Front, the largest Islamic opposition party, in the first round of legislative elections in December 1991. The group uses assassinations and bombings, including car bombs, and it is known to favor kidnapping victims and slitting their throats, the detainee asked what does this have to do with him or with anything against American or coalition forces. (3c2)
- In response to the statement that the detainee was identified as having a relationship with Usama bin Laden, the detainee stated that everyone is accused of this and it is untrue. (3c3)
- In response to the statement that the detainee, a known explosives trainer, was tasked to provide explosives detonator training at a safe house in Faisalabad, Pakistan in 2002. The detainee was given a sum of money, possibly 400 United States Dollars, to purchase the remote control device parts used in the training, the detainee stated this was untrue. (3c4)
- In response to the statement that the detainee was seen with al Qaida's second most senior explosives specialist in early 2001 in Kabul, Afghanistan, who sought the detainee's expertise in the development of remote control devices, the detainee stated this was untrue. (3c5)
- In response to the statement that the detainee traveled with Arab fighters during their escape from Afghanistan to Faisalabad, Pakistan, the detainee stated he traveled with a lot of people who were trying to escape from the bombing in Afghanistan and he never asked the people if they were fighters. (3c6)
- In response to the statement that in summer 2001, the detainee was asked if the detainee could construct a remote control device that would detonate an explosive in the United States using a mobile phone in Afghanistan, the detainee stated that

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his interrogator had asked him the same thing and he stated that this never occurred. (3c7)

- In response to the statement that the detainee stated that in February 2002 he traveled to a safe house in Faisalabad, Pakistan, where he stayed for a period of time before his capture, the detainee agreed. (3d)
- In response to the statement that detainee denied providing explosives training to anyone at the safe house and denied being asked to provide this training. The detainee stated he was never considered a teacher to anyone, despite previous admissions of conducting training in Afghanistan. When confronted with information from other detainees about him, the detainee called them liars. The detainee claimed to have passed the time eating and drinking at the safe house and he did not consider anyone at the house to be violent or dangerous, the detainee stated this is true, but he only went to the training to go to Chechnya and that he stated he didn't know anything about the people at the safe house. (4)

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3) to the Administrative Review Board.

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

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

Presiding Officer: Mr. Sufyian, the Designated Military Officer will read each allegation from the Unclassified Summary; following the allegation the Assisting Military Officer will read your comments; you will be able to make comments as well, during this process and we (board members) may ask you questions during the reading of the Unclassified Summary of Evidence.

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

Designated Military Officer (3.a.1): In approximately 1994, while in London, United Kingdom, the detainee heard about the jihad in Afghanistan through the preaching of the imam Umar 'Uthman Mahmud, alias Abu Qatada.

Assisting Military Officer: Sir, the detainee stated that this information is incorrect. He was in Algeria until 1995.

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Presiding Officer: Is the date the only thing incorrect? Is the other information true?

Detainee (through translator): I told him (Assisting Military Officer) from the beginning, I never said that, I do not know Umar. I never said that in the interrogation; this is not true.

Designated Military Officer (3.a.2): The detainee was most likely connected to the Four Feathers Mosque in London.

Assisting Military Officer: Sir, the detainee stated that he has never heard of this mosque, and that he attended a large mosque on Baker Street in London.

Detainee (through translator): No comment was made.

Designated Military Officer (3.a.3): The detainee stated while attending a mosque in London, he saw films about atrocities in Bosnia. The detainee wanted to help the Chechnya people win their freedom and stop the cruel treatment of Muslims in that area.

Assisting Military Officer: Sir, the detainee stated that the film was about the atrocities in Chechnya, not Bosnia.

Detainee (through translator): No comment was made.

Designated Military Officer (3.a.4): The detainee stated in March 1999 he traveled with a false French passport and an airline ticket to Karachi, Pakistan, using an alias. Upon arriving in Karachi, Pakistan, the detainee purchased another ticket to Peshawar, Pakistan where he stayed at a guest house for three days and then took a bus to Jalalabad, Afghanistan, via Torkham, Pakistan.

Assisting Military Officer: Sir, the detainee agreed.

Detainee (through translator): Regarding the alias, I did not have any alias.

Designated Military Officer (3.a.5): The detainee stated that in March 2000 he stayed at a guest house in Kahul, Afghanistan and a guest house in Kandahar, Afghanistan. The detainee wanted to travel to Chechnya, but did not because the borders were too dangerous.

Assisting Military Officer: Sir, the detainee agreed.

Detainee (through translator): No comment was made.

Designated Military Officer (3.a.6): The detainee stated that in August 2000 he traveled to a guest house in Jalalabad, Afghanistan. While at the guest house the detainee exchanged his expired passport for an original document with someone else's name,

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changing the photo.

Assisting Military Officer: Sir, the detainee stated that this is not true.

Detainee (through translator): No comment was made.

Designated Military Officer (3.a.7): The detainee stated that in November 2000 he returned to the guest house in Kabul, Afghanistan for approximately two weeks.

Assisting Military Officer: Sir, the detainee agreed.

Detainee (through translator): No comments was made.

Designated Military Officer (3.a.8): The detainee stated that from June to September 2001 he again traveled between guest houses in Kabul, Kandahar and Jalalabad, Afghanistan. The detainee again intended to fight in Chechnya but the borders were still too dangerous.

Assisting Military Officer: Sir, the detainee agreed.

Detainee (through translator): No comment was made.

Presiding Officer: Were any of these guest houses affiliated with any organizations?

Detainee (through translator): No, it was a normal house.

Presiding Officer: Thank you.

Designated Military Officer (3.a.9): The detainee stated that in fall 2001 he crossed the mountains into Pakistan on foot and stayed at a safe house in Waziristan, Pakistan.

Assisting Military Officer: Sir, the detainee agreed.

Presiding Officer: Why were you walking across the mountain?

Detainee (through translator): The only route was through the mountain, you have to go that way, and it was not my choice.

Presiding Officer: Were you fleeing?

Detainee (through translator): The situation was not normal, so I left through the mountains.

Presiding Officer: Thank you.

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Designated Military Officer (3.a.10): The detainee stated that in November 2001 he traveled to Peshawar, Pakistan and stayed at a guest house for slightly less than one month.

Assisting Military Officer: Sir, the detainee agreed.

Detainee (through translator): No comment was made.

Designated Military Officer (3.a.11): The detainee stated that in December 2001 he went to Lahore, Pakistan and stayed at numerous places.

Assisting Military Officer: Sir, the detainee agreed.

Detainee (through translator): No comment was made.

Designated Military Officer (3.a.12): When the detainee heard about the terrorist attacks in the United States on 11 September 2001, the detainee immediately celebrated.

Assisting Military Officer: Sir, the detainee stated this is untrue.

Presiding Officer: Do you consider the 9-11 hijacker murders or martyrs?

Detainee (through translator): As I have told them in the interrogation, if you killed innocence people like kids, this is not good for Islam, my religion does not allow this; Islam is Islam and those who make the mistake should be responsible for their mistake.

Presiding Officer: Thank you.

Designated Military Officer (3.a.13): The detainee fought with other Mujahedin against Coalition forces during the latter part of 2001 in Afghanistan, including Tora Bora in December 2001.

Assisting Military Officer: Sir, the detainee stated that he had never been to Tora Bora.

Presiding Officer: Did you fight anywhere in Afghanistan, against the Coalition Forces?

Detainee (through translator): A short time after September 11, I left Afghanistan.

Presiding Officer: So did you fight against Coalition Forces or not?

Detainee (through translator): No.

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Training

Designated Military Officer (3.b.1): The detainee stated in 1999 he trained at a small training camp between Jalalabad, Afghanistan and Kabul, Afghanistan. The detainee received training on the AK-47 assault rifle and other small arms as well as Russian and Chinese made mines. While practicing mine defusion the detainee lost four fingers on his left hand.

Assisting Military Officer: Sir, the detainee agreed.

Detainee (through translator): No comment was made.

Designated Military Officer (3.b.2): The detainee stated that from September or October 1999 until March 2000 he trained at the Khalden Camp located outside of Khowst, Afghanistan. The detainee received training on light arms, tactical movement, land navigation, artillery, mortars, and radio communication. The detainee also took an informal indoctrination class. The detainee watched movies about the struggle and tactics used in Chechnya.

Assisting Military Officer: Sir, the detainee agreed. He also stated that regarding the land navigation, it was about how to get to Chechnya, and even tourists need to learn how to read maps.

Detainee (through translator): I did not take a course on how to read maps.

Presiding Officer: That's fine.

Designated Military Officer (3.b.3): The detainee stated that in June 2000 he returned to the guest house in Kabul, Afghanistan for approximately two months, where he was introduced to three Afghans. The detainee trained the Afghans on tactics and training he learned at the Khalden Camp.

Assisting Military Officer: Sir, the detainee stated this was untrue and that he was teaching the Koran.

Detainee (through translator): Yes, this is correct.

Presiding Officer: Other than diffusing mines were you trained in explosives?

Detainee (through translator): No, only the mines.

Designated Military Officer (3.b.4): The detainee stated that in winter 2000 he went to a camp at Khowst, Afghanistan, where he was a trainer for approximately six or seven months.

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Assisting Military Officer: Sir, the detainee stated that this doesn't make sense and it is untrue.

Board Member: Was he a trainer?

Detainee (through translator): No, I went there to receive training, not to be a trainer.

Board Member: What kind of training?

Detainee (through translator): The same information you have, the training you just read.

Board Members: Mine training?

Detainee (through translator): Light weapons, whatever you just read.

Designated Military Officer (3.b.5): The detainee was identified as an al Qaida networks electronics and explosives trainer who used email to communicate with other al Qaida operatives.

Assisting Military Officer: Sir, the detainee stated that he is not and never has been a member of al Qaida.

Presiding Officer: Do you have experience with electronics?

Detainee (through translator): No.

Designated Military Officer (3.b.6): The detainee was a trained remote controlled device specialist who also had training in car bombs, explosives, and small arms.

Assisting Military Officer: Sir, the detainee stated this is untrue.

Detainee (through translator): No comment was made.

Designated Military Officer (3.b.7): The detainee was identified as an Algerian who used to be an explosives trainer in Afghanistan.

Assisting Military Officer: Sir, the detainee stated this was untrue.

Detainee (through translator): All of this information is the same, you just keep repeating it, just in a different way.

Presiding Officer: Please be patience.

Designated Military Officer (3.b.8): The detainee was identified as the top battlefield tactics trainer in Tora Bora, teaching woodland and mountain tactics, small explosives,

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hand grenades, land mines, and first aid.

Assisting Military Officer: Sir, the detainee stated he was only in Afghanistan for two years and much of that time he was recovering from the injury to his hand. How would it be possible he could be the top trainer? Furthermore, he was never in Tora Bora.

Detainee (through translator): No comment was made.

Designated Military Officer (3.b.9): The detainee provided remote control explosives training in preparation for attacks against the forces of Afghanistan's Interim Prime Minister Hamid Karzai.

Assisting Military Officer: Sir, the detainee stated this is untrue.

Detainee (through translator): No comment was made.

Designated Military Officer (3.b.10): The detainee was identified as an Algerian in charge of the explosives and electronic detonator training.

Assisting Military Officer: Sir, the detainee stated this is untrue.

Detainee (through translator): No comment was made.

Designated Military Officer (3.b.11): The detainee was identified as the instructor of a remote controlled explosives course.

Assisting Military Officer: Sir, the detainee stated; that this is the same accusation repeated many times and it is untrue.

Presiding Officer: Please repeat that we appreciate his patience.

Detainee (through translator):

Connections and Associations

Designated Military Officer (3.c.1): The detainee's alias was included on an al-Qaida membership list recovered from a computer disk. The disk was found at a home of deceased al-Qaida chief military commander Muhammad Atif, also known as, Abu Hafis al Masri.

Assisting Military Officer: Sir, the detainee responded that this was the first time he has ever heard of this. He denied knowledge of this saying that many people have similar names or aliases.

Detainee (through translator): No comment was made.

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Designated Military Officer (3.c.2): An Islamic extremist group, the Armed Islamic Group aims to overthrow the secular Algerian regime and replace it with an Islamic state. The Armed Islamic Group began its violent activity in 1992 after Algiers voided the victory of the Islamic Salvation Front, the largest Islamic opposition party, in the first round of legislative elections in December 1991. The group uses assassinations and bombings, including car bombs, and it is known to favor kidnapping victims and slitting their throats.

Assisting Military Officer: Sir, the detainee asked what does this have to do with him or with anything against American or coalition forces.

Detainee (through translator): No comment was made.

Designated Military Officer (3.c.3): The detainee was identified as having had a relationship with Usama bin Laden.

Assisting Military Officer: Sir, the detainee stated that everyone is accused of this and it is untrue.

Presiding Officer: What are your feelings concerning Usama bin Laden, is he a good person or bad person?

Detainee (through translator): He is a Muslim man, if he makes mistakes he is responsible for his mistakes I have nothing to do with it. If I am with al Qaida, then I would say I am with al Qaida, but I am innocent. I don't care, everyone has their own view and I have mine, I am a normal Muslim.

Presiding Officer: Thank you.

Designated Military Officer (3.c.4): The detainee, a known explosives trainer, was tasked to provide explosives detonator training at a safe house in Faisalabad, Pakistan in 2002. The detainee was given a sum of money, possibly 400 United States Dollars, to purchase the remote control device parts used in the training.

Assisting Military Officer: Sir, the detainee stated this was untrue.

Detainee (through translator): No comment was made.

Designated Military Officer (3.c.5): The detainee was seen with al Qaida's second most senior explosives specialist in early 2001 in Kabul, Afghanistan, who sought the detainee's expertise in the development of remote control devices.

Assisting Military Officer: Sir, the detainee stated this was untrue.

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Detainee (through translator): No comment was made.

Designated Military Officer (3.c.6): The detainee traveled with Arab fighters during their escape from Afghanistan to Faisalabad, Pakistan.

Assisting Military Officer: Sir, the detainee stated he traveled with a lot of people who were trying to escape from the bombing in Afghanistan and he never asked the people if they were fighters.

Detainee (through translator): No comment was made.

Designated Military Officer (3.c.7): In summer 2001, the detainee was asked if the detainee could construct a remote control device that would detonate an explosive in the United States using a mobile phone in Afghanistan.

Assisting Military Officer: Sir, the detainee stated that his interrogator had asked him the same thing and he stated that this never occurred.

Presiding Officer: Did you ever hear of plans to conduct attacks on the United States?

Detainee (through translator): No, they ask me many times, but I have not heard of any attacks.

Other Relevant Data

Designated Military Officer (3.d): The detainee stated that in February 2002 he traveled to a safe house in Faisalabad, Pakistan, where he stayed for a period of time before his capture.

Assisting Military Officer: Sir, the detainee agreed.

Detainee (through translator): No comments were made.

Presiding officer: How many people were at this house?

Detainee (through translator): People come in and out; it was a general house for everyone. The Pakistanis was responsible so they bring people in and out.

Presiding Officer: Did you ever see any weapons or explosives at this house?

Detainee (through translator): No, I did not see.

Designated Military Officer states the following factors favor release or transfer.

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Designated Military Officer (4.a.): The detainee denied providing explosives training to anyone at the safe house and denied being asked to provide this training. The detainee stated he was never considered a teacher to anyone, despite previous admissions of conducting training in Afghanistan. When confronted with information from other detainees about him, the detainee called them liars. The detainee claimed to have passed the time eating and drinking at the safe house and he did not consider anyone at the house to be violent or dangerous.

Assisting Military Officer: Sir, the detainee stated this is true, but he only went to the training to go to Chechnya and that he stated he didn't know anything about the people at the safe house.

Detainee (through translator): Can you please repeat. I did not understand what he meant by correct.

Presiding Officer: AMO can you repeat your last statement?

Detainee (through translator): I did say before, I did have training with mines not explosives; just because they have combined the training with explosives; this is incorrect I did not have explosive training.

Presiding Officer: The board understands.

Board Member: How long were you in the guest house in Faisalabad?

Detainee (through translator): A little more than one week.

Board Member: While you were there did you pray with the others?

Detainee (through translator): Yes, I did pray.

Presiding Officer: Mr. Sufyian, we will give you an opportunity to make a statement before we conclude. Do you have any further comments concerning the allegations from the Unclassified Summary?

Detainee (through translator): I want to say something, do not be mad or upset; I just want to say the truth, my presence here is not going to change anything, but there is one point I would like to make, since you arrested me until now, I have been telling the truth, it has not changed; and it is up to you whether you believe me or don't believe me I do not care. I just tell the truth, this is all I have; I do not have anything else.

Presiding Officer: Thank you.

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

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The Presiding Officer acknowledged the request.

Detainee (through translator): I have one more point please before you close. I have faced the interrogator and asked him to bring me evidence, I told him to come over I am ready, but they could never face me (the interrogator). This is proof that this is only talk, I asked him to come over here; you are accusing me of something, you bring your evidence and I will bring mine and we will see whose evidence is stronger. They could never face me with their evidence, this is only he said, she said. If I ask you to bring me evidence you would say it is classified.

Presiding Officer: We are not interrogators, the only thing we can discuss here is the unclassified summary of evidence.

Detainee (through translator): Why do you hide classified information, face me with this classified information I can answer on it.

Presiding Officer: For security reasons we cannot talk about classified information; we can only talk about the unclassified summary of evidence.

Detainee (through translator): It is up to you, what is important is that I am here, I can face you, I am not afraid of anything. I can face you.

Presiding Officer: As stated earlier, we appreciate you being here.

Detainee (through translator): No problem that is all I have.

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

Presiding Officer: Mr. Sufyian, would you like to make a statement, if you do you can make your statement at this time.

Detainee (through translator): That's all I have. I have other comments but you would not like them.

Presiding Officer: Thank you.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had no questions for the Detainee.

Presiding Officer: What is your education?

Detainee (through translator): High School.

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Presiding Officer: What would you do to support yourself if you were released or transferred?

Detainee (through translator): It is up to God, I will find whatever is convenient for me.

Presiding Officer: Thank you. Again the board appreciates you being here today.

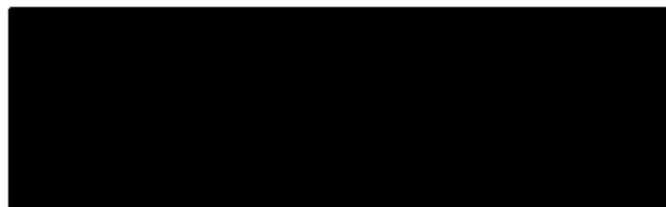
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, United States Air Force
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 696

The Administrative Review Board was called to order. 1418 hours.

The Detainee entered the proceedings.

Presiding Officer: Good Afternoon Sir, I want to welcome you here today.

Detainee (through translator): No comment was made.

Presiding Officer: I want to make sure I pronounce your name correctly. Jabran Said Bin Wazar Al Qahtani.

Detainee (through translator): Refused to answer.

Presiding Officer: Are you going to respond today?

Detainee (through translator): I said it yesterday to him (translator)

Presiding Officer: But you have not said it to me, am I pronouncing your name correctly?

Detainee (through translator): Refused to answer.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee declined the oath.

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

Presiding Officer: Jabran Said Bin Wazar Al Qahtani, do you understand this process?

Detainee (through translator): Refused to answer.

Presiding Officer: Exhibit EC-A, Notification of the CSRT Decision, dated 7 January 2008 constitutes constructive notice of Enemy Combatant Notification of ISN 850.

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Detainee (through translator): I am here only to listen; I will not open my mouth.

Presiding Officer: That's fine.

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

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

The detainee's ARB interview was conducted on 17 January 2008. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB. A copy of the Arabic translated and English Unclassified Summary of Evidence was provided to the detainee according to Joint Detention Group Standard Operating Procedures. The detainee refused both documents.

Additional Comments:

The detainee appeared at his interview wearing an orange uniform. The detainee stated that the unclassified summary was true. The detainee also stated that King Fahad was an infidel. Detainee boasted that he knows how to make explosives without training. The detainee said that he wrote manuals on the use of explosives.

Detainee Comments:

None

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

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

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee did not want to respond to each item of information from the Unclassified Summary after it was presented.

Presiding Officer: The Designated Military officer will read each factor, from the unclassified summary; you will be provided a chance to respond. You're not going to respond to any of the allegations?

Detainee (through translator): Detainee nods his head no.

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Presiding Officer: If we ask you any questions, you are not going to respond to any questions?

Detainee (through translator): Detainee nods his head no.

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

Designated Military Officer (3.a.1): The detainee stated he originally planned on joining the Mujahedin in Chechnya to fight the Russians, but changed his mind following the events of 11 September 2001.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.a.2): The detainee stated he was already interested in jihad when he approached a recruiter, who he saw in an internet café viewing a site concerned with jihad in Chechnya.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.a.3): The detainee stated he decided in October 2001 to help his Muslim brothers fight against the Americans after learning of the September 11 terrorist attacks. The detainee stated he believed the Americans were coming to Afghanistan on a crusade of Christianity against the Taliban and Muslims. The detainee stated he met Abu Abdallah, who gave the detainee the phone number of a contact in Iran who could assist the detainee in joining al Qaida.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.a.4): The detainee stated he flew from Riyadh, Saudi Arabia to Damascus, Syria. The detainee stated he then flew to Tehran, Iran then drove to Mashhad, Iran. The detainee stated he then contacted the person at the phone number provided by Abu Abdallah. The contact took the detainee to a guest house in Mashhad, Iran.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.a.5): The detainee stated the safe house in Mashhad, Iran, was used by al Qaida members.

Detainee (through translator): Refused to comment.

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Designated Military Officer (3.a.6): The detainee stated he then took a taxi to the Afghanistan border, where he was arrested by Iranian authorities because they thought he was in the country illegally. After he was released, the detainee convinced an Iranian soldier to assist him in crossing the border into Afghanistan. Once in Afghanistan, the detainee was given a ride by the Taliban to Kandahar, Afghanistan. The detainee stated he then went on to Kabul, Afghanistan.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.a.7): The detainee stated he went to the battlefield to help fight the Northern Alliance forces. The detainee stated he was on the battlefield a few days before retreating to the mountains. The detainee stated he left the mountains and traveled to Kabul, Afghanistan. The detainee stated he then traveled to Khost, Pakistan then Lahore, Pakistan.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.a.8): The detainee stated he learned that the Saudi Arabian government had been informed the detainee had been in Afghanistan. The detainee stated he remained in Lahore, Pakistan for two months trying to get his passport fixed, fearing he would be arrested in Saudi Arabia for having an Afghanistan stamp in his passport. The detainee stated it was during this time he met Zubayda. The detainee stated he went to Zubayda's house in Faisalabad, Pakistan and stayed there waiting for Zubayda to fix the detainee's passport.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.a.9): The detainee was identified as having gone to Afghanistan after September 11, 2001 to train and support the jihad. The detainee was seen at a safe house in Faisalabad, Pakistan.

Detainee (through translator): Refused to comment.

Training.

Designated Military Officer (3.b.1): The detainee stated he attended a training camp outside of Kabul, Afghanistan where he learned to shoot Kalashnikov and PK rifles, and how to use hand grenades.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.b.2): The detainee stated he trained at a camp in Faisalabad, Pakistan. The detainee stated this training focused on the use and manufacture of electronic detonation devices. The detainee stated his ultimate goal was to

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go with a senior al Qaida lieutenant to train others on the manufacture and use of electronic bomb detonators. The detainee stated the electronic bombs were to be used against the American soldiers.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.b.3): The detainee stated he was tasked by a senior al Qaida operative to receive electronics and explosives training with another senior al Qaida lieutenant in Pakistan and then return to Afghanistan to act as a trainer in the same fields.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.b.4): The detainee understood he was to receive electronics training in remote controlled improvised explosives and then return to Afghanistan to train Afghans how to build and/or use the devices.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.b.5): The detainee was taken to Pakistan to receive training on making and using remote control devices for use in explosives. The goal of this training was for the detainee to return to Afghanistan in order to use the remote control devices to detonate car bombs and the like against the forces of Afghan interim Prime Minister Hamid Karzai.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.b.6): The detainee was taken from Birmel, Afghanistan to a safe house in Faisalabad, Pakistan. Arrangements were made for a trainer to teach the detainee how to make and use the remote controls at the safe house.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.b.7): The detainee was identified as being present during English language classes at the safe house in Faisalabad, Pakistan.

Detainee (through translator): Refused to comment.

Intent

Designated Military Officer (3.c.1): The detainee stated he is a terrorist.

Detainee (through translator): Refused to comment.

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Designated Military Officer (3.c.2): The detainee stated he wanted to fight on the frontlines against the Northern Alliance, so he could die a martyr faster. The detainee stated if an individual killed oneself along with an enemy, then this was acceptable in Islam.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.c.3): The detainee expressed a desire to kill the president of Afghanistan and King Fahad of Saudi Arabia. The detainee stated this was duty because they were Americans.

Detainee (through translator): Refused to comment.

Designated Military Officer (3.c.4): The detainee stated participating in jihad was his holy duty as a Muslim. The detainee stated he felt his personal Jihad would be successful if he could walk up to his enemy with a hand grenade, pull the pin and kill both himself and his enemy.

Detainee (through translator): Refused to comment.

Other Relevant Data

Designated Military Officer (3.d.1): The detainee stated he was captured at a safe house in Faisalabad, Pakistan with other electrical engineers, explosives specialists, electronics equipment, and handwritten training manuals. The detainee stated he had written one of the training books in the house.

Detainee (through translator): Refused to comment.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer (4.a.): The detainee denied any involvement with al Qaida, other terrorist organizations, or bomb making.

Detainee (through translator): Refused to comment.

Designated Military Officer (4.b.): The detainee recanted his statement that he wrote one of the training manuals found in the house in which he was captured.

Detainee (through translator): Refused to comment.

Designated Military Officer (4.c.): The detainee denied going to Afghanistan to obtain training. The detainee denied any knowledge of explosive devices in the safe house in which he was captured.

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Detainee (through translator): Refused to comment.

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

The Presiding Officer acknowledged the request.

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

Presiding Officer: I note from the EC-B, there are no detainee comments to be read.

Presiding Officer: Mr. Al Qahtani, you may make a statement if you like, at this time.

Detainee (through translator): Refused to comment.

Presiding Officer: The detainee indicated no.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had a question for the Detainee.

Board Member: Why did the detainee show up if he was not going to respond to questioning?

Detainee (through translator): I do not know.

Presiding Officer: Anything else?

Board Members: No sir.

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

The Presiding Officer opened the classified portion of the session.

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

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AUTHENTICATION

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



**Colonel, United States Air Force
Presiding Officer**

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Summary of Administrative Review Board Proceedings for ISN 703

The Administrative Review Board was called to order on 2 August 2007.

The Detainee entered the proceedings.

Translator: The detainee said I didn't understand exactly what you said.

Presiding Officer: Could you retranslate it for him?

The Detainee (through translator): I wasn't paying attention he understands now.

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

The Designated Military Officer (DMO) was sworn.

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

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

Detainee (through translator): I didn't understand exactly what you mean by that.

Translator: Sir, he asked me to repeat that again, may I?

Presiding Officer: Yes.

[Translator is re-translating]

Detainee (through translator): Sir, I have no problem with that.

Presiding Officer: Does he want to make it under oath or not?

Detainee (through translator): I am an honest guy and I am going to be saying the truth. I don't think that an oath is needed. Why would I have to take the oath if I am telling the truth?

Presiding Officer: He doesn't have to take the oath that is fine we will proceed.

Translator: I guess the oath is not needed, sir.

Presiding Officer: At this time, Abdullah Hussein, I'd like to know what you would like to be called from here on out during this proceeding.

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The Detainee (through translator): I would like to say a word if I may.

Presiding Officer: He'll get an opportunity to say a word in minute as soon as we get into the proceedings.

Translator: It's regarding the name. He mentioned that this is not his name.

Presiding Officer: Well yes, that's what I'm asking, what would he like to be called.

The Detainee (through translator): My real name?

Presiding Officer: Yes, what would you like to be called?

The Detainee (through translator): This is not my name, Abdullah Hussein. Ahmad is my name. Ahmad would be just fine.

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

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 30 July 2007. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he wanted to attend the board and would make any oral statements directly to the board. A copy of both the English and Arabic translated Unclassified Summary of Evidence, was provided to the detainee according to Joint Detention Group Standard Operating Procedures.

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

The detainee appeared at his interview wearing a white uniform. Though the detainee was correctly identified as ISN 703, he used the alias "AHMAD AL-ABID". The detainee specifically requested English and Arabic copies of the unclassified summary of evidence, stating the English copy would be for his attorney. The detainee's demeanor was quiet and attentive.

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The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3) to the Administrative Review Board.

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

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

The Detainee (through translator): My Arabic is a little bit rusty so if you don't mind explaining that to me a little bit more. We have three languages in Algeria; French is the number one language. Arabic is not the language that is spoken in there. So you might have to explain that. The official Arabic language is not a language that is being used in Algeria.

Translator: Sir, he asked me to explain some of the points that we are reading right now. If you will allow me I will take my time and read that to him slowly?

Presiding Officer: Go ahead. We want to make sure he understands before we proceed.

The Detainee (through translator): I hope that doesn't offend you or insult you.

Presiding Officer: No, we want to make sure he understands what it is that's happening here today so explain it to him again.

The Detainee (through translator): I would like that very much, sir.

Presiding officer: Okay.

Translator: I just explained to him what exactly was read earlier.

Presiding Officer: Okay.

The Detainee (through translator): Thank you.

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

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

Designated Military Officer states commitment.

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Designated Military Officer: (3.a.1) The detainee stated he attended the al Nur Mosque in Germany.

Detainee (through translator): Yes, that was a mosque that I go to in order to pray. I always go there. This is a mosque and I go there to pray.

Presiding Officer: Understood. Do either of the board members have any questions?

Board Members: No, sir.

Designated Military Officer: (3.a.2) The al Nur Mosque in Hamburg, Germany belongs to Jamat-al-Tabligh.

Detainee (through translator): Yes.

Designated Military Officer: (3.a.3) Jamat-al-Tabligh is a Pakistan based Islamic missionary organization used as a cover to mask travel and activities of terrorists, including members of al Qaida.

Detainee (through translator): God knows, I have no knowledge of this. I don't know their secrets, their meetings, the places that they meet in Pakistan. I'm sure they have some meetings places that they go to and all that. I really have no idea if that was the place that they meet. I am referring to the al Qaida members. I can only speak for what I see or if I see something I will talk about it, but if I have not seen something there is no way for me to say whether that was the place for the meetings or not. I saw them in Europe and Germany. I am referring to the Jamat-al-Tabligh organization. I saw them in Germany and Europe visiting patients and visiting prisoners in prisons. Trying to help out people that is all that I saw of them. After I was released from prison I did meet with them. I witnessed for myself how they treat people. How they try to help out people. That's all I saw. A lot of people are being helped out by them. They do humanitarian things. They try to do the right thing by visiting patients and giving the poor money and all that. That's all I know there is nothing for me to add.

Board Member: Ahmad, you mentioned that you were in prison. Where were you in prison?

The Detainee (through translator): Yes, in Germany.

Board Member: Why were you in prison in Germany?

Detainee (through translator): I was charged with theft and drugs and some other problems.

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Designated Military Officer: (3.a.4) The detainee stated an individual gave him fundamentalist tapes to listen to and persuaded the detainee to go to Afghanistan and participate in jihad. The detainee stated he decided to go and fight jihad.

Detainee (through translator): As far as the tapes go, yeah. I had no intention of fighting for the jihad. I did listen to a few tapes, but I had no intention of fighting for the jihad. The man or the person that you have mentioned was a guide for me. I was on my way to Afghanistan and I did not know my way and he was the man who showed me the way. He did give me tapes but I did not have any intention whatsoever of fighting for the jihad. That was not the reason why I went to Afghanistan.

Board Member: So why did you go to Afghanistan?

Detainee (through translator): My main reason for going to Afghanistan was because I wanted to buy drugs. My first time going to Afghanistan was because I heard that there was a lot of drug trafficking there. It is a big drug market. I wanted to go to Afghanistan because I wanted to see what the market was like. I'm in the drugs business and I was intending on bringing my girlfriend back to Afghanistan to do some business. Unfortunately I was captured, first time that I was in Afghanistan. That is the only reason I was there.

Board Member: So jihad had no meaning for you?

Detainee (through translator): I have absolutely nothing to do with jihad.

Presiding Officer: So where did you get the money from to go to Afghanistan?

Detainee (through translator): The travel expenses were out of my pocket. I had to pay for everything except for the ticket. The airplane ticket was paid for by the mentioned man who is a recruiter also. This is his job. He greets people and recruits them to fight for the jihad. My intention was not to go to Afghanistan and fight for the jihad. I wanted to use that, take advantage of the ticket to go to Afghanistan for the drugs. I don't remember everything right now, but I will tell you everything I can remember before going to jail about the trip.

Board Member: Ahmad, were you concerned at all about going to Afghanistan with the hostilities that were going on between the Taliban and the Northern Alliance and you talked about bringing your girlfriend as well?

Detainee (through translator): My girlfriend was not with me at that time. I was by myself. I wanted to go by myself first to see what it's like. Whether it's easier for me or easier for me to smuggle drugs out of the country. To see what the prices and the market was for the drugs. To make sure it's safe enough for me and my girlfriend to come back and again to Afghanistan. She was in Germany, I was by myself.

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Board Member: Did you have any contacts in Afghanistan at the time?

Detainee (through translator): No, I had no contacts. The only person that I knew was the recruiter, the guy with the tapes. He asked us to meet him in Pakistan, somewhere. That is the only person that I knew.

Board Member: Thank you.

Designated Military Officer: (3.a.5) The detainee stated the individual in previous statement recruited for jihad for Afghanistan and members of Jamat-al-Tabligh at the al Nur Mosque in Germany.

Detainee (through translator): Who is that? Who are you referring to, sir?

Designated Military Officer: The guy in the previous statement and in fact, he mentioned it just a minute ago but, just because I was listening, he was answering the next question.

Presiding Officer: We are talking about the guy who gave you the tapes and who you said was a recruiter.

Detainee (through translator): He does not visit the mosque constantly. Maybe three or four times a year. He goes everywhere. I'm not exactly sure if he does that when he goes to other places and that's all I know about him. The al-Tabligh organization is not affiliated with this person. He is by himself, in his civilian clothes and he works on his own for himself.

Board Member: Ahmad, who provided the money for the airline ticket if he works for himself, what organization was he recruiting people to go to Afghanistan for?

Detainee (through translator): The mentioned person meets people and gives them the option of listening to tapes either about Afghanistan or Chechnya. He asked them if they have enough money to go to either country. If a person says, I'd like to go to this country then they provide them with the money. If you bring me the Pakistani Visa then I will buy you the ticket. That's when I went to the Embassy, got a Visa that was good for 30 or 90 days. That's how I got the ticket. All the members of the Jamat-al-Tabligh organization have their own cellular phone numbers and contacts. This is the only person that said give me your phone number. I wasn't allowed to call him, the person called.

Board Member: So he is associated with Jamat-al-Tabligh? The recruiter is associated with Jamat-al-Tabligh then?

Detainee (through translator): No.

Board Member: You just said----

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Detainee (through translator): ---He comes on Fridays and he meets with people because it's a prayer day. A lot of people go to the mosque on Friday, but he has nothing to do with Jimat-al-Tabligh. He works on his own. He does not provide his phone number although he will call the person himself.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.6) The detainee stated, in September 2001, he left Germany with approximately 3,000 United States Dollars. The detainee traveled with two individuals from Germany to Afghanistan via Turkey and Pakistan.

Detainee (through translator): I traveled with 6000 German marks it was not American dollars. I traveled with only one person not two people and we met on the way. We did not plan the trip. Actually, the person that he traveled with was his long time friend they went to prison together and they lived together. The other person, I don't know anything about. We met one person on the way but he was not our friend. He was just someone we met and from what I understand he did live in Hamburg, Germany. I met him once in a mosque on a Friday. We weren't socializing. Only that Friday I saw him, only once. When we changed planes in Turkey he saw us in the airport and he approached us and talked to us. He said he was going to Afghanistan and when we got to Afghanistan we went our separate ways and I have not seen him since. He went with his Moroccan friends. He was Moroccan so he went to a Moroccan community.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.7) The detainee stated, when asked to fight against the Northern Alliance, he volunteered to go with the Taliban and was placed on a defensive line.

Detainee (through translator): I asked and I volunteered to fight. Due to some health problems that I had, talking about my leg, I could not train but I was told that if I said I would go with the Taliban I would not have to go through all that training. I would just go with them and serve them. That is the only reason I volunteered to go with the Taliban. I actually volunteered to go because I was told if I went with the Taliban we wouldn't have to go to training. My friend and I decided to go with the Taliban at that time. When we arrived with the Taliban there were three lines. The front lines, the back lines, and the middle lines. The front lines were between the Taliban and the Northern Alliance. The second line was for the Pakistanis, and the third line was for the Arabs. The third line was for the people who didn't want to fight. So all the people who didn't was the back line. I stayed there for about a month and a half. Two months after that the Taliban said we had to leave this place.

Board Member: What were your responsibilities during that month and a half on the back line?

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Detainee (through translator): My job was to go to Kabul which was about 45 minutes away from where I was by car and come back. I was very comfortable I had the freedom of doing whatever I wanted. All I had to do was drive to Kabul and come back.

Board Member: What did you bring back from Kabul to the line?

Detainee (through translator): I go back to Kabul to check out the drugs and all that. There was a safe house in Kabul that I frequently visited. So every time I went to the safe house and stay a couple of days and then check out more ways of smuggling to find out more about the business.

Board Member: So did the Taliban give you a vehicle?

Detainee (through translator): No I was not provided with a car but there were a lot of Arabs who had cars.

Presiding Officer: So what was your plan of breaking away from the Taliban and not getting involved in fighting so that you could go and do your drug thing and then get back to Pakistan or wherever he was going? How were you going to do all of this?

Detainee (through translator): There were a lot of Arabs there and people do not pay attention to every single person's behavior. So I was free to do whatever I want or plan to do. I could get away with that. At first I was in Kandahar, then I was brought up to Kabul. There were a lot of people and there was no system or no rules that they go by. You can actually just buy a car and start driving. You don't actually have to have a driver license or insurance nothing. You just buy the car and start driving it.

Board Member: Thank you.

Designated Military Officer states Training.

Designated Military Officer: (3.b.1) The detainee stated he received training on the AK-47, Semenov and Dictaroff single shot rifle in the Algerian Army.

Translator: He asked me, is this the AK-47 you are referring to, and I said yes. Do I have permission to repeat this to him?

Presiding Officer: yes.

[Translator is re-translating]

Detainee (through translator): I am not sure exactly what you are talking about. I mentioned the Kalashnikov and the Dictaroff and a RPG. I didn't mention, the AK-47.

Presiding Officer: Thank you.

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Designated Military Officer: (3.b.2) The detainee stated he was taken into the mountains outside the al Farouq Training Camp where the detainee received training on the Kalashnikov rifle, rocket propelled grenade and physical training.

Detainee (through translator): This is what I said during interrogation. I only said that but I didn't do it. I said that during interrogation, but I didn't actually do it. I did not receive all that training. I only had to say it during the interrogations. What I said was that the rifles and all the weapons that you are mentioning right now that I received training on them a long time ago because the conscription was a compulsory in Algerian and I had to get all the trainings on these in Algeria. I did not receive training on these in Afghanistan. All the weapons in Afghanistan are made in Russia. All the weapons we have in Algeria were made in Russia also. So, I was very familiar with those weapons.

Designated Military Officer: (3.b.3) The detainee was taken to Camp Nine Training Camp, outside Kabul, Afghanistan where he received training on camouflage techniques, weapons and physical fitness.

Detainee (through translator): That was what happened when the Taliban came over and asked me to go with them and all that. This is where they offered to train me, but I did not receive any training although I saw them training at those camps. During interrogations I told them that I saw training but I was not referring to myself and that was one of the reason I left the Taliban and that is the Camp Nine you are referring too I think.

Designated Military Officer states Connections and Associations.

Designated Military Officer: (3.c.1) The detainee stated that while on the defensive line, there was an individual in charge of the defensive lines.

Detainee (through translator): I am not exactly sure what you mean by defensive line. Mountains, is that what you mean?

Presiding Officer: I am not sure what mountains is, but a defensive line is where you set up a perimeter as a defense to block the enemy or the Northern Alliance from moving forward.

Detainee (through translator): I have no knowledge, this is the first time I have heard of this.

Board Member: When you were with the Taliban on that third line that is what they are referring too.

Detainee (through translator): Do you know where that front line is?

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Presiding Officer: It didn't say a front line it said a defensive line. You stated that when you were with the Taliban there were three different lines and that the Arabs were in the third defensive line where they did not have to fight. That is what we are talking about. Who was in charge of that third defensive line?

Detainee (through translator): There were a lot of people in charge of that back defensive line. There was one in charge of food and one person who was in charge of the weapons and people in charge of travel and movement.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.2) A source stated that the individual in the preceding statement was a major al Qaida associate that was ordered by Usama bin Laden to be the line commander in Kabul, Afghanistan.

Detainee (through translator): I have no knowledge of that.

Presiding officer: Thank you.

Designated Military Officer: (3.c.3) The detainee stated he and Abu Zubaydah were captured by Pakistan authorities in Pakistan.

Detainee (through translator): Yes.

Designated Military Officer: (3.c.4) Abu Zubaydah stated he met the detainee while smuggling Mujahedin into Birmal, Pakistan and later in Faisalabad, Pakistan.

Detainee (through translator): Who was smuggling Mujahedin?

Presiding Officer: Abu Zubaydah was.

Detainee (through translator): I swear to God I had not met this person in my life before and the only time was when we were actually captured and the interrogators told me that was him and what he did. I have not met him before I have not done anything with him before. After I was captured they brought me a picture of him and he was bleeding because he was stabbed by a knife he was dying. Later on I learned that he was Abu Zubaydah but before that I did not know who that was.

Designated Military Officer: (3.c.5) Abu Zubaydah is a senior al Qaida lieutenant.

Detainee (through translator): Yes, that was what I have been told at least.

Designated Military Officer states Other Relevant Data.

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Designated Military Officer: (3.d) The detainee states he was issued a Kalashnikov rifle and hand grenades while positioned on the defensive lines.

Detainee (through translator): Yes sir, I was given a Kalashnikov rifle and a couple of grenades at that time.

Presiding Officer: I thought that third defensive line, as stated by Ahmad, was for guys who did not want to fight?

Detainee (through translator): Even though the back line was more like a civilian line you were to have those weapons with you at all times to defend yourself. When we left Pakistan we had to return the weapons to them. I had to return all the stuff to them.

Presiding Officer: Thank you.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer: (4.a.) The detainee stated his dream is to one day have his own coffee shop in Germany.

Detainee (through translator): Yes.

Presiding Officer: How does he intend to purchase this coffee shop or get the funding for it?

Detainee (through translator): My plan was to get enough money from the drug business I was intending on doing in Afghanistan and then go back home and open my coffee shop. My intention was to open that business and to bring my kids and family from Algeria to Germany after I opened that coffee shop. That was my goal.

Board Member: If you were to be released from here what would you do now? What would you do to try and get funds for the coffee shop?

Detainee (through translator): If I was sent back to Germany I would do this, but if not I will go back to my country Algeria.

Board Member: What would you do to get the money to be able to open the shop?

Detainee (through translator): I know a lot of people in Germany and I would buy and sell anything to try and raise the money. I have a lot of friends there so I might even borrow some money from them.

Board Member: Would you get back into the drug dealing business?

Detainee (through translator): You mean in Afghanistan, sir?

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Board Member: No, in Germany or to raise the funds for the coffee shop.

Detainee (through translator): No I have quite a few friends in Germany. It may take me a lot of time and I may have to work harder but I will raise the funds. I chose the shortcut going to Afghanistan because I thought I would only have to do that once because I would have been able to raise 60,000 to 70,000 dollars and that would have been enough to open this business. The plan didn't go exactly as I had planned.

Designated Military Officer: (4.b) The detainee stated it was not his intention to fight with the Taliban and hoped his truthfulness would allow him to be released so he could return to Germany.

Detainee (through translator): Yes.

The Board Members did not request any further time to review the unclassified summary.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee would like to make a statement.

Presiding Officer: Ahmad, you may begin your statement.

Detainee (through translator): I don't have so much to add except that I would appreciate it so much if you help me go back to Germany to start a new life. I would like to go back to my original plans. It has been almost 18 years since that I have been outside my country Algeria. My whole intention was to bring all of my family to Europe, Germany in particular. That was the whole reason why I made this trip to Afghanistan. If I am not able to go back to Germany then I will just go back to Algeria with my family. I don't have any problems in Algeria, whatsoever. I left with my own passport, my real passport. I am not wanted by the authorities or anything like that. I have no problem going back to Algeria. The time that I decided to go back to Algeria in 1990, 1991, and 1992 all the fighting was going on in my country so I couldn't go back. If I was given a choice I would go back now. I followed the news and that is how I knew about the fighting. I love Europe and I would like to go back to Germany and bring my family. I have a real green card and residency in Italy. That concludes my oral statement. Your help will be appreciated. I am pledging and promising that I will do the right thing which

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is go back to Europe and bring my family. Try to find a job to support my family. That is all I have to say.

Presiding Officer: Okay, I have a question. Ahmad, you tried to support your family and your habits by joining the Taliban to get to Afghanistan to purchase drugs. Which you knew was a terrorist organization. How can you guarantee us, if you are released if you're still looking at trying to get drug money that you will not be tempted again by terrorist organizations to commit hostilities against the U.S. or its allies?

Detainee (through translator): My first priority right now is my family and my kids. I will not do anything else that will hurt anybody. My whole intention was to bring my family to Germany. The only thing that I would do is to work so hard to bring my family together.

Presiding Officer: Ahmad, does that conclude your statement?

Detainee (through translator): I have nothing else to add I thank you for this board and hearing. I thank you for giving me a chance to talk to you.

Presiding Officer: Thank you for coming.

The Assisting Military Officer had no additional information to present.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Members did not ask questions of the Detainee.

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

The Presiding Officer opened the classified portion of the session.

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

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AUTHENTICATION

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



Colonel, U.S. Army
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 762

The Administrative Review Board was called to order. 18 October, 2007.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

Detainee (through translator): The last three or four times that I was in front of the boards, I was sworn and I didn't receive any results, so it is useless to swear so what difference does it make.

The Detainee did not accept taking the (Muslim) oath.

Detainee (through translator): I will tell you the truth.

The Designated Military Officer did not give the Muslim oath to Detainee.

Presiding Officer: Before we start is the room temperature satisfactory to you is it to cold or hot.

Detainee (through translator): I'm only one and you guy are more so any way that is fine with you.

Presiding Officer: If it gets too cold or too warm please let me know.

Detainee (through translator): That's fine.

Presiding Officer: The second thing I would like to say is, I respect your decision to attend the board, I think it is very important that you do. It is not just important to me but my fellow board members helping us better understand what you want to present and helping up to make the appropriate decisions.

Detainee (through translator): No answer.

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

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Detainee (through translator): Yes.

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

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

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

The detainee's ARB interview was conducted on 18 October 2007. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the board. A copy of both the English and Arabic translated Unclassified Summary of Evidence, were delivered to the JDG liaison for delivery to the detainee according to the JDG Standard Operating Procedures.

Additional Comments:

The detainee appeared at his interview wearing a tan uniform. The detainee was polite and cooperative throughout the interview.

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

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

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

Presiding Officer: I note that you chosen to response to information from the Unclassified Summary, is this correct?

Detainee (through translator): Yes.

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

Designated Military Officer (3.a.1): The detainee stated he joined Jamat-al-Tabiligh when eight to ten men who belonged to Jamat-al-Tabiligh came to his village of Mulani, located near Khowst, Afghanistan. The detainee stated the Jamat-al-Tabiligh members

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stayed in the detainee's village for approximately three days and discussed prayer and the Koran.

Detainee (through translator): Yes, that is true that I went to Jamat-al-Tabligh for a few days. That group is a religious group, it doesn't have a political and military side. It has nothing to do with the politic. Afghanistan government has demarcated *legislation* or constitution. Each religious freedom is there. It can not be any crime for me. Even in America there is some freedom of religious.

Designated Military Officer (3.a.2): Jamat-al-Tabligh is a Pakistan based Islamic missionary organization believed to be used as a cover for action by Islamic extremists.

Detainee (through translator): I have no information about the Jamat-at-Tabligh organizations. I have no information about the Jamat-at-Tabligh administration. I was appromately 18 years old when I became involved with them.

Designated Military Officer (3.a.3): A source stated the detainee was a coordinator for al Qaida. During the time of Taliban rule, the detainee helped coordinate the movement and activities of various foreign al Qaida members.

Detainee (through translator): At the time of the Taliban government after there collapse. I never had any connection with any military or political group. I have no engagement or involvement, and this is a fact and the truth.

Designated Military Officer (3.a.4): A source stated the detainee actually emplaced two Soviet anti-tank mines on a road. The mines were to be command detonated, but the detainee had difficulties emplacing the devices. The detainee subsequently removed the mines after no United States forces passed by on the road and then a rain shower washed the dirt covering off the devices.

Detainee (through translator): I never for anybody placed any land mines. I don't know how to do it. I have no interest in this kind of activity. If they prove it even ten years later after this about this activity that they are accusing me of. I will be waiting for any punishment or any law that you are applying on me. I would sign up for you, I would be waiting for any punishment from the law. And this is brutality or cruel that the America or accusing me of this kind of activity.

Presiding Officer: Other than the last statement, you have no knowledge of mines and how to use mines, what they look like or how to operator mines?

Detainee (through translator): I haven't been trained on mines and I don't how to place them.

Presiding Officer: Thank you.

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Designated Military Officer (3.a.5): A source stated the detainee continued to experiment in order to devise a means to detonate the mines. As of mid-July 2002, the detainee had at least 18 anti-tank mines hidden inside his compound.

Detainee (through translator): This is a lie and nobody has found any land mine in my compound or in my house. America forces search my house. I'm very truthful that they haven't found anything.

Designated Military Officer (3.a.6): The detainee was captured with over twenty anti-tank mines in his home and was personally carrying a notebook containing electronic and explosives schematics.

Detainee (through translator): American haven't caught except with my notebook with nothing else.

Presiding Officer: So if I understand correctly at the time of your capture the only possession you had was your notebook?

Detainee (through translator): Yes.

Designated Military Officer (3.a.7): The detainee described the contents of the notebook as directions on how to use the anti-tank mines, not as electronic or explosive schematics.

Detainee (through translator): At the time of the Taliban government, I was forced to be trained by the military, and that training was anti-tanking. I was only there for two days. After that I hide and ran away. I haven't been trained on that part. I was not interested in this kind of training. That was the time of Taliban government. That was before the September 11.

Board member: I have a question? How long ago was your Taliban training before you were captured?

Detainee (through translator): I don't know the exact date but it was two months before September 11. I was constrict.

Board member: Thank you.

Detainee (through translator): Two and a half months.

Designated Military Officer (3.b.1): The detainee stated he was drafted by the Taliban and attended Taliban anti-tank mine school for two days then left to go into hiding from the Taliban.

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Detainee (through translator): Yes, I have been constrict taken there by force but that was not my wish. I haven't done any training. For the purpose I have been constrict and I haven't done that training.

Presiding Officer: Did you go into the Taliban?

Detainee (through translator): Yes.

Designated Military Officer (3.b.2): The detainee stated the Taliban forced him to attend a mechanical school, whose purpose was to provide explosives and firearms training. The detainee stated he left the school after two days.

Detainee (through translator): I already mention earlier why I have been force to constrict. That was only to learn about anti-tank land mines.

Designated Military Officer (3.c.1): A source stated that following the beginning of the allied forces campaign against al Qaida and the Taliban, the detainee used his compound to hide and subsequently relocate about 18 Arab al Qaida members to Pakistan.

Detainee (through translator): I did have any connect or associations with any foreigner. I didn't get a safe house or keep any body in my house. I don't have any internal political connection with any political party in Afghanistan.

Designated Military Officer (3.c.2): A source stated the detainee hid six additional al Qaida members in his residence subsequent to the Shahi Kot campaign.

Detainee (through translator): This is a lie I have no connection with Al Qaida. I haven't held any Al Qaida member in my home. My age was not required to do this kind of activity.

Presiding Officer: Was there any other people living with you in your resident at this time?

Detainee (through translator): Except my family nobody else was living in that house.

Designated Military Officer (3.c.3): A source stated the detainee received orders from an Arab in Pakistan, approximately one month after the conclusion of the Shahi Kot fighting, to begin preparing command detonated mines to use against United States forces.

Detainee (through translator): I was only a shop keeper. I have no connections with nobody. And nobody has given me instruction or directions. I haven't been involved with American forces in any activities

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Designated Military Officer (3.c.4): A source stated the detainee also had received cash and additional explosives at his residence, and traveled fairly frequently to Pakistan to receive instructions or to carry messages between Arab al Qaida members in Pakistan and their Afghan subordinates.

Detainee (through translator): This is a lie actually American can not provide any legal proof of this accusations. I haven't received any money against any body foreign or domestic people. Not the American or any body else and I have not received any money. And know one give me any explosives. I have no connection in Pakistan with on body. And this is a fact that that I Lived in Pakistan for nine years. We still have some family members still living in Pakistan.

Board Member: How often did you make trips back and forth from Afghanistan and Pakistan?

Detainee (through translator): I living in the host that's the board town, everyone knows that Afghanistan is a very poor county and we were doing shopping back and forth. Mostly often I was bringing goods or shopping things form Pakistan. Our family member was living in Pakistan which I would go back and forth to see my family members.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer (4.a.): The detainee denied having any knowledge of the attacks in the United States prior to their execution on 11 September 2001, and also denied knowledge of any rumors or plans of future attacks on the United States or United States interests.

Detainee (through translator): Yes.

Designated Military Officer (4.b.): The detainee stated he never attended training camps related to Jamat-al-Tabligh, jihadists, or the military.

Detainee (through translator): Yes.

Designated Military Officer (4.c.): The detainee stated he would not have placed and detonated mines that an individual had given him.

Detainee (through translator): I never said that anybody give me any mines. And this is a false accusation no one gave me any land mines.

Detainee (through translator): Yes.

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Designated Military Officer (4.d.): The detainee stated the information contained in the notebook was obtained when he attended a mechanical school in Khowst, Afghanistan, that the Taliban forced him to attend.

Presiding Officer: If you were forced to put this information into a notebook and the notebook was in your position why did you keep the notebook?

Detainee (through translator): This is the truth I haven't kept it for nobody. It can't be a crime to have this notebook. And the important part is that have I done anything against the American, this is important.

Designated Military Officer (4.e.): The detainee stated he took the training course to learn how to dispose of the mines, and he left the class after two days because his mother was afraid he would be sent to fight if he completed the training.

Detainee (through translator): Could you read it again.

Presiding Officer: Do you want the Designated Military Officer to read it in English or do you need the translation?

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

The Presiding Officer acknowledged the request.

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

Detainee (through translator): Yes. I'm very sorry forgive me. I never came to a board or gathering first of all we do greeting, so now I would like to do the greeting. When you came here I ask you how you are sir, I'm fine.

Presiding Officer: Yes we did have a greeting I ask you in the beginning if everything was acceptable there and comfortable I wanted to correct your name and if I still mispronounced your name I apologize.

The Assisting Military Officer stated that the Detainee has a written statement he would like to make orally.

Detainee (through translator): I didn't understand when I'm supposed to have the opportunity to talk to you. Are you okay I wish you the best health? So when ask me the reason, why I should be release. I have not committed any crimes or anything that is the reason why I should be free. That is the fact some people give you some information about me but that there has been for year three but not for five year that you haven't

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given any truth that the people are saying that. When someone gets captures or detained then the interrogations should start to prove if he is guilty or not. I am wondering it has been 5 to 6 years and I didn't understand it no one has found anything so what is my crime. So no one has proven anything on me. I know that these questions have been made up on me, because they want me to talk about it. So they ask me question so the can listen to my explanation so what they will think about me. I'm not accepting this why I'm I an enemy combatant. I will sleep at home. They woke me up from my home and took me to Bagram from Bagram they brought me here. I never had any connection with any group against American; I explain all my live in detail to the interrogators. I was a young boy got captured and brought her, my youth has been spent here in jail. I beg you if there is anything against me according to your law regulation and proof against me if not you can keep me there if not please let me go. And sometime the guards kind of treating us very bad so we have to answer and not talk back. I'm trying to be patient as I can, I been patient. Sometime we grow up of patient. We have been introduced to them as terrorist. They are treating us very very wrong. So the guards sometimes it the small things that they write down and they write it down and he is a very big enemy. So I beg you for that time and someone can treat me like a human being. I'm not a trouble maker and I don't make trouble for no body. I going to say I'm not a terrorist. The way they are treating us is not justice or to any human being.

The Assisting Military Officer has questions for the Detainee.

Detainee (through translator): The time I was captured I was shot. Due to the family difficulty I left my education halfway. If there was a condition was suitable for me, I would try to complete my education. If the condition was not right I would do my business.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had questions:

1. Detainee (through translator): My father has been deceased and we have been living with our uncles and we are living together. One year before I got captured we was living together the uncles was responsible for the house holder and after that we separated the families and the house was belong to mother.
2. One time communist government commander was living in our house. When they drafting him at the time of Soviet Union, took over host the people ran away. From that time some weapon had been left from that government guy. After that our family elders they got weapons from our compound and put it far away in some land some agricultural land, they put it there. The American didn't find anything in our compound. It has nothing to do with me if it doesn't belong to me, but any information I have about this I already shared it with American.

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Detainee (through translator): Sir I just want to say I haven't done anything against American and I don't have any plan against American and my position wasn't that high to do anything. I'm a business man or working person. And that was a time for my education. I was an eleven class student. I had no involvement with the military or the political groups I was not engaged with them parties.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



CAPTAIN, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 798

The Administrative Review Board was called to order on 6 December 2007.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

Presiding Officer: Mullah Haji Rohullah, do you want to make your statement under oath, we have prepared a Muslim oath if you wish to use it; however, we do not require an oath.

The Detainee declined taking the oath.

Detainee (through translator): I have several times mentioned that I am not a Mullah, my name is Haji Rohullah Mullah; and I already took the oath three times, so there is no need for this time, I will speak truthfully.

Presiding Officer: I understand. Before we get started I want to go over a couple of administrative items. First, am I pronouncing your name correctly, Mullah Haji Rohullah?

Detainee (through translator): My name is Haji Mullah Rohullah.

Presiding Officer: How would you like the board to address you?

Detainee (through translator): In the previous three times, at the board and I mentioned and I complained why they call me Mullah, my name is not Mullah it's Haji Mullah Rohullah.

Presiding Officer: Haji Mullah Rohullah; it is so noted and if we make that mistake I apologize, we will make sure that it is noted in the record that it is not Mullah.

Detainee (through translator): I appreciate you, and I thank you, I say that before about my name too.

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Presiding Officer: Noted. The second thing I want to mention is that before we proceed. On behalf of the board; I respect your decision to address the board in a live session and I want you to know that it is very important to us as board members. While each of us have read material on you; today it your opportunity to provide your side of the story, so when the time comes I encourage your to present your side. Also, for the record it is noted that you have recently taken some medications, and therefore your mouth may become dry and for this reason you have the bottled water and please use it.

Detainee (through translator): I am very sorry that I didn't want to present this time myself but for showing me, and the AMO, for respect for you guys so I present myself to the board, but for after three months they ran tests on me, the medical tests, and they gave me some medication which will make me kind of sleepy.

Presiding Officer: So noted.

Detainee (through translator): I will be more than happy to not have the medication and I will present myself that would be better, and I am very sorry. I am since this morning; I keep crying out to please send me a translator or a doctor to let me know if I am supposed to go to the ARB's today or not because if I knew, I would not take the medication but nobody help me; complaining, so immediately the guard came and say there is an ARB and they brought me here.

Presiding Officer: Haji Mullah Rohullah I understand the situation and what we will do is proceed.

Presiding Officer: In the judgment that the medications become such that we can not complete the board I will recess the board and we will try to reconvene it at another time when the medications may not have an effect. Let us proceed and see how things continue and if I see that it is not going to work then I will recess the board.

Detainee (through translator): I will try to do my best and I am not worried.

Presiding Officer: I understand. A couple of other items real quick before I start reading the formal process; I expect everyone in this room to show courtesy and respect at all times. I will not hesitate to stop the board if I find that anyone is other than courteous and respectful to each other and that includes the board members and the Enemy Combatant and everybody else participating in this Board. At all times I expect everyone to show the utmost in courtesy and respect and to minimize any arrogance. If I find that is not happening I will give one warning and the second time I will probably recess the board.

Detainee (through translator): Don't worry about me. I assure you from my side.

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

Detainee (through translator): Yes I understood.

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Presiding Officer: One moment, we are going to go off the record.

The Board takes a brief recess.

The Board reconvenes.

Presiding Officer: The purpose of the short recess was to get clarification regarding the Enemy Combatant and his having taking medication; for the record it is noted that the Detainee is taking medication and we have been assured by the medical authorities that this medication will not effect the Enemy Combatants judgment during this proceeding. Haji Rohullah if you feel this will effect your ability to understand the process or your judgment I will recess the Board at that time.

Detainee (through translator): I think sir, somebody has some objection on the doctor because the doctor gave me medication, the medication I took was making my mouth dry and the doctor gave it to me and I took it.

Presiding Officer: Do you feel that you understand everything that is happening right now?

Detainee (through translator): If I was not and didn't understand it, I don't understand it; I will ask you again to make me understand but I am understanding now.

Presiding Officer: Do any of the Board Members have any objections of the way we are going to proceed?

Board Members: No sir.

Presiding Officer: Okay, we are going to proceed.

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

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

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

The detainee's ARB interview was conducted on 04 December 2007. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee was initially noncommittal, however later stated he would attend the ARB. The detainee was polite and attentive throughout the interview. A copy of both the English and Pashtu

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translated Unclassified Summary of Evidence, was provided to the detainee according to Joint Detention Group Standard Operating Procedures.

Presiding Officer: For the record; there are additional comments and we will address those later.

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

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

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to each item of information from the Unclassified Summary after it was presented including AMO Exhibit EC-B.

Presiding Officer: Haji Mullah Rohullah I note that you have chosen to respond to the unclassified summary, is this correct?

Detainee (Through Translator): Yes, I already answered.

Presiding Officer: For the record when I said I would refer back to the additional comments on the Enemy Combatant Election Form; the Enemy Combatant has provided written responses to several of the specific items noted in the Unclassified Summary of Evidence; when those particular items come up then there will be a chance to provide the written response and additionally it is my understanding that at certain times the Enemy Combatant will want to address a specific item with an oral statement. Is that correct?

Detainee (Through Translator): If I have any answer I will answer, and if I don't I will keep quiet.

Presiding Officer: I understand. The Designated Military Officer will read each factor from the Unclassified Summary and we will then give you a chance to respond, the Board Members may ask you questions based on your response.

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

Designated Military Officer states commitment.

Designated Military Officer (3.a.1): Hezb-e-Islami Gulbuddin had several weapons caches in an area that was under the detainee's control. The detainee was responsible for the establishment of the caches. Hezb-e-Islami Gulbuddin members were planning to attach time-detonated magnetic mines to vehicles of local government officials, United Nations officials, and Coalition forces.

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Assistant Military Officer: In response. *The detainee said this is all lies. He did not belong to Hezb-e-Islami Gulbuddin and detailed information was previously presented to his interrogator. (3.a.1).*

Detainee (through translator): Two times to the—all the time they call it a court, and two times I answered the court; I mean the Board—the last two Boards. You have it in your file in the court I answered this question twice.

Presiding Officer: Just to clarify, this is not a court proceeding this is an Administrative Board.

Detainee (through translator): The name is as we know it court. We think that court and we present ourselves to court.

Presiding Officer: Again, Haji Mullah Rohullah I want you to understand that this is not a court.

Detainee (through translator): Relax, I understood.

Presiding Officer: Was the last time that you presented this evidence in 2006?

Detainee (through translator): Both, yes in 2006 when they asked me this question I answered them; this board and before that the Board I present myself and I was asked the same question, the same thing and I answered twice. In Konar Province everybody knows that I am against this Islamic and I have no affiliation or connection with Hezb-e-Islami. I am my tribe leader and I was not a government official to have control on anything. I was just with my own tribe.

Presiding Officer: Do any Board Members have any questions?

Board Members: No, sir.

Presiding Officer: Continue.

Designated Military Officer (3.a.2): The detainee was identified as receiving weapons and supplies from al Qaida through the Nawa Pass on trucks returning from Pakistan.

Assistant Military Officer: In response. *The detainee stated that he had no connections with al Qaida or the Taliban that he was in Pakistan during the time of the Taliban. (3.a.2).*

Detainee (through translator): Before: they asked me at the last two Boards the same question and I answered the same thing, and you can look in my file.

Presiding Officer: Do any Board Members have any questions?

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Board Member: No, sir.

Board Member: I have a question. Haji you said you were not in Afghanistan during the time of the Taliban; that you were in Pakistan.

Detainee (through translator): Yes.

Board Member: Do you recall what year you returned to your tribe?

Detainee (through translator): Yes. After the fall of the Taliban; forty days later I went to my tribe or my Province, to Konar Province.

Board Member: Thank you.

Presiding Officer: Continue.

Designated Military Officer (3.a.3): The detainee was provided money to hire a group of men to fire a rocket into a United States compound near Asadabad, Afghanistan.

Detainee (through translator): Also I don't have any comments on that.

Assistant Military Officer: In response. *The detainee stated this is a lie and detailed information is in his previous board file. (3.a.3).*

Detainee (through translator): Also, mentioned twice in the last Boards in detail. We all the time reject this kind of activity and actions. You look at my file, god willing I have detailed information about this question.

Presiding Officer: Any questions.

Board Members: No, sir.

Presiding Officer: Continue.

Designated Military Officer (3.a.4): A source stated the detainee was involved in various illegal activities including weapon smuggling, prostitution, and bribery.

Assistant Military Officer: In response. *The detainee stated this is all lies and has been answered previously. (3.a.4).*

Presiding Officer: I am assuming by your comment that it was answered previously, and your reference to the previous Boards that it was addressed in the past.

Detainee (through translator): Yes, I am talking about the Boards—the previous Boards.

Presiding Officer: I understand.

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Detainee (through translator): When the interrogator asked me a question I will mention his name and I will say interrogator: when I say Board it means the last previous two Boards. In this question one of the allegations is very important and we can talk about it, and it's very---kind of sarcastic and very bad things that I am accused of.

Presiding Officer: I don't want it to be sarcastic.

Detainee (through translator): I said the question is sarcastic----

Presiding Officer: ----You mentioned it was one of the items that you wanted to talk about.

Detainee (through translator): I am just giving an example. I explained in my last previous Boards; and I just feeling so bad and sorry I was scared that you will ask me again this question.

Presiding Officer: I understand.

Detainee (through translator): I just wanted to mention that and talk about it; it is very kind of insulting accusation.

Presiding Officer: I understand. I have read the documentation from last year and as I said; as a matter of respect for each of us here. I will not bring up things from last years Board that may have been very questionable or can be debatable, and I will not bring them up again at this time and that is the reason why you will see us continue on some items and come back to others.

Detainee (through translator): Thank you very much.

Presiding Officer: Let's continue.

Designated Military Officer states Training.

Designated Military Officer (3.b.1): The detainee stated he knows how to use an AK-47, pistols, and grenades.

Assistant Military Officer: In response. *The detainee stated he knows how to use the AK-47 and hand guns, no grenades.* (3b.1).

Presiding Officer: I know how to use guns too. I like to hunt. What did you use these weapons for?

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Detainee (through translator): This is obvious and this gun is my buddy, got to have a gun for my protection. So you are better aware of what had happened: 14 years when Russia had invaded Afghanistan and the last 22 years----

Presiding Officer: ---- I understand----

Detainee (through translator): ----What was going on was that everybody was carrying a Kalashnikov, and if anybody say no I didn't have it was lying.

Presiding Officer: Understood. Let's continue.

Designated Military Officer (3.b.2): A source stated the detainee was actively involved in two Jamaat Ud Dawa Il Al Quran Training Camps.

Assistant Military Officer: In response. *The detainee stated this is all lies. If you can find the camp, show me.* (3.b.2).

Detainee (through translator): In the previous time in the last two ARB's; I mentioned that nothing can be hidden there. this is a very big things and you can not hide it: so I mentioned that there where no camps, so you can show me in Afghanistan that camp was at a certain place in that village, anywhere and you can tell me where it was: so give me some proof or evidence about it.

Presiding Officer: Do you have any questions.

Board Member: You didn't know of these camps; did you know of others?

Detainee (through translator): Jamiat Ul-Dawa doesn't have any camps, there are no camps belonging to Jamiat Ul-Dawa; there was only the government compounds, and forts, and these things was for the security and these kind of things was for the government and the military after the Taliban I didn't see anything—there was nothing there.

Board Member: Thank you.

Presiding Officer: Continue.

Designated Military Officer states Connections and Associations.

Designated Military Officer (3.c.1): The detainee stated he is a member of the Jamiat al-Dawa al Quran.

Assistant Military Officer: In response. *The detainee stated that yes he is a member.* (3.c.1).

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Detainee (through translator): Yes.

Presiding Officer: Continue.

Designated Military Officer (3.c.2): The detainee stated he knew Najeebee, the leader of Jamiat Ul-Dawa, for approximately 12 years.

Assistant Military Officer: In response. *The detainee stated yes, I have been a member since 1990.* (3.c.2).

Detainee (through translator): Yes, I know since 1990.

Presiding Officer: Any questions.

Board Members: No, sir.

Presiding Officer: Continue.

Designated Military Officer (3.c.3): Malawi Sami Ullah Najeebee was the leader of Jamiat Ul-Dawa Islamic extremist group operating in Pakistan. Najeebee believes in promoting Islamic values worldwide through armed struggle and condoned the worldwide jihad declared on the United States.

Assistant Military Officer: In response. *The detainee stated this not an extremist group, they just want peace and tranquility. The detainee stated the second half is all lies. Najeebee approved the UN and US to come to Afghanistan for a meeting.* (3.c.3).

Detainee (through translator): I recognize and rectify American invasion of Afghanistan. I want to explain a lot better---

Presiding Officer: Please repeat what you just said, I didn't quite understand what you just said.

Translator: Restates comments. Najeebee the leader of that group he approved of the U.S. invasion in Afghanistan. He agreed with that (Detainee).

Presiding Officer: How did you know he approved of the invasion?

Detainee (through translator): I visited him and I was present at the meeting that he was talking. When the meeting he contacted me in Peshwar, National Unity Association meeting Sebghatullah, Mojjaddi, and Gulbuddin and leadership, and approximately a thousand—ten thousand or more Afghani was gathered and they all ask from Taliban—from that meeting ask the Taliban to give up Osama bin Laden to the United Nations and at this meeting Najeebee by himself; he talked and gave a speech and he talked to the Taliban and told them to give up Osama; Afghanistan don't have the ability and can not

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fight anymore; and we approved the United Nations coming to the country; and on the 16th day of Rabbani when he became our President first, this guy the leader and Najeebee went to congratulate me in Kabul, and when Taliban left Kabul I already give in detail answer about this question at the last Board. I give in detail information about Najeebee at the last Board, total and complete information; and about Jamiat Ul-Dawa also, and to say it why they establish that and what Jamiat Ul-Dawa was doing, I gave all information and I had mentioned.

I don't understand why you don't satisfy by these detail answering and I am responding. I present very strong documents, I present people, affidavit, and why you do not believe it or not satisfied; this is very small thing I say and has got more detail in it and that Najeebee was united with Rabbani and at the time of Rabbani was a president; Najeebee was minister because during the Taliban time I couldn't stay in Afghanistan so I moved to Pakistan; all the time I was against the war and conflicts and I was against it and I didn't like the war; as far as I was there that was my understanding and after I came here I don't know if he changed his mind or what.

Presiding Officer: This all occurred at about the same time that you were arrested, correct?

Detainee (through translator): These things happened before my arrest.

Presiding Officer: Shortly afterwards you were arrested, correct?

Detainee (through translator): I just got arrested later on. The meetings that happened were before the American invasion and after I got arrested it was eight months after the Afghanistan freedom. In 2002 in the eighth month, October or something. (takes a drink of water).

Presiding Officer: I have read the records, and one thing I want to hear from you; is why were you arrested? Why do you think you were arrested?

Detainee (through translator): I don't know why I got captured. I will ask you this question, why did you capture me? My question is towards you, what I am saying is, I was your friend, I cooperate with you, and I was being your friend, why? I ask my government I said I served you and I was your friend why did you capture me. I am not the Taliban, I am not Al Qaida, and I am not against, I am not enemy, I am on your side; why did you capture me and I don't understand it. I am sure it is nothing in my government and it is nothing to you or any evidence against me. I have been a kind of a victim of personal rival or hostility. I promise you if one of these accusations has been proved I am ready for any punishment. That would be wrong, that would be treachery if I cry out to tell you I want peace, I want security, and then I betray you; that would not be acceptable and that would be wrong.

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Presiding Officer: I may come back to this question a little bit later. We are going to continue on this.

Designated Military Officer (3.c.4): The detainee was part of an alliance between the Taliban, Hezb-e-Islami Gulbuddin, and Wahhabi groups in the Konar valley of Afghanistan. The purpose of the alliance was to coordinate efforts to drive out the United States presence in Afghanistan, reverse Afghanistan Transitional Administration, and to return Afghanistan to an Islamic fundamentalist state.

Assistant Military Officer: In response. *The detainee stated this is a lie. The detainee stated he was the tribal leader in Konar and against al Qaida and the Taliban.* (3.c.4).

Detainee (through translator): Two times, at the previous times on the Boards that question has been asked and I answered it and I want to say again; we built up that transition government and we are members of this transition government, and I can prove it according to affidavit of my tribe to show that I am a member of the new transitional government. Those groups that they call it, Taliban and HIG; I all the time have been against them and I will be against them. There is no group in the name of Wahhabi, and I don't know them.

Presiding Officer: This affidavit that you have there, are you presenting it to the Board as additional evidence?

Detainee (through translator): I already presented it the previous time, the last time. Right now I will just read it to you. That's my intent to read it.

Presiding Officer: We will wait until later on to get to that section, I just want to clarify that. Continue.

Designated Military Officer (3.c.5): The Hezb-e-Islami Gulbuddin has long-established ties with Osama bin Laden and has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration, and establish a fundamentalist state.

Assistant Military Officer: In response. *The detainee stated what does this have to do with him?* (3.c.5).

Detainee (through translator): I don't have anything to do with Gulbuddin.

Board Member: This is a statement of fact and not an accusation.

Detainee (through translator): Yes, I agree with you. Even if Osama and him, if they are against the government, they are against I myself if Gulbuddin or Osama, if they do anything against the government and trying to do something I am against them. If they

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are against the government, they are against my countries constitutions; of course I am against them.

Board Member: Thank you.

Detainee (through translator): You are welcome.

Presiding Officer: Continue.

Designated Military Officer (3.c.6): The detainee was identified as having close ties to fundamentalist Arab groups and receives financial aid and support from such organizations.

Assistant Military Officer: In response. *The detainee stated this is a lie; he had no connections, no help and no support. (3.c.6).*

Detainee (through translator): Yes.

Presiding Officer: Continue.

Designated Military Officer states Other Relevant Data.

Designated Military Officer (3.d.1): The detainee provided the commander of Afghan border forces in the Konar Province, Afghanistan, money and instructions to smuggle Arabs into Pakistan.

Assistant Military Officer: In response. *The detainee stated this is a lie, besides the commander was transferred home. (3.d.1).*

Detainee (through translator): I answered this question twice before in my ARB's. That Commander that you are talking about in this accusation, he was detained here and he was home and I give you the whole information about myself, this allegation is wrong that I am being accused of.

Presiding Officer: So that I understand, the Commander was transferred home; he was an Enemy Combatant here at GTMO and then transferred back to Afghanistan.

Detainee (through translator): Yes. The last Board Member told me that Commander has been transferred back home.

Presiding Officer: I may come back to this. Continue.

Designated Military Officer (3.d.2): The detainee created a new division to destabilize the new Afghan government. The sub commanders of this new division included Hezb-e-Islami Gulbuddin leaders.

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Assistant Military Officer: In response. *The detainee stated this is a lie. There can be no division without knowledge, prove this to me. The detainee said yes there was a government division, not his in Konar. Malik Zareen was the commander. (3.d.2).*

Detainee (through translator): The commander of that division was Malik Mohammad Zareen; he was the military division Commander. There was no new division, and nobody has any division. From the government's side there is only one division in our area, and Malik Zareen is the Commander of that division; and when I was there he was the Commander and I don't know now who is the Commander, and it has nothing to do with me and I was not responsible for that division; I was only the leader of my tribe.

Presiding Officer: Continue.

Detainee (through translator): If there is any new division and anybody has any proof of it; please present that to me.

Designated Military Officer (3.d.3): An admitted al Qaida member stated the detainee was involved in the transfer of money between Saudi Arabia and the United Arab Emirates.

Assistant Military Officer: In response. *The detainee stated he has not done this money transfer. The detainee said he went to Saudi Arabia and United Emirates but that information was already presented to his interrogators. (3.d.3).*

Detainee (through translator): I don't know anybody that has been an Al Qaida member had been accepted as an Al Qaida member; I don't know about those things. When I went to Saudi Arabia, I already explained that in detail of why I went there. When I went to Saudi and Emirate I already explained that in detail.

Presiding Officer: This is a different Board; I would like you to explain briefly. Haji in your words why did you go----

Detainee (through translator): ----if you have any questions you can ask me, and I will tell you.

Presiding Officer: Why did you go to Saudi Arabia?

Detainee (through translator): I went for a pilgrimage for Hajj and that is why. I went for Hajj. There is another kind of Hajj they call it omra and I went for omra and I went for certain days; everybody is supposed to go to Hajj for pilgrimage, which I went there and with who I went there with I gave information already gave it in detail. When I went down Murat, why I went there and who I meet I already explained that; how many years I spent there, I already gave the whole information. I am ready again if you ask me and I will explain it to you.

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Board Member: Haji did you travel to Saudi Arabia or the United Arab Emirate for business?

Detainee (through translator): I haven't or didn't go for business.

Board Member: Did not?

Detainee (through translator):

Designated Military Officer (3.d.4): In July 2002, a group consisting of the detainee and two others, planned to assassinate both a General and the Vice President. The Vice President was assassinated on 6 July 2002.

Assistant Military Officer: In response. *The detainee stated he was unaware of this, it is not his kind of job and he is a peaceful person. (3.d.4).*

Detainee (through translator): I will mention about the question why I went to Emirate. I went for a tour and go around; I didn't go for business. I had a business visa but I haven't done any business. I already mentioned that to the interrogators. I said that the reason they give it to me (visa) they call it a kind of a visa, which you have, to go for business or firm to get the visa so all the time they give you a kind of business visa. You have my passport.

Presiding Officer: Any other questions?

Board Members: No, sir.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer (4.a.): The detainee stated he supported the Northern Alliance in their efforts to defeat the Taliban, al Qaida, and Usama bin Laden.

Assistant Military Officer: In response. *The detainee stated this is true. (4.a).*

Detainee (through translator): Yes, it is true I was a friend of the Northern Alliance.

Board Member: Were any members of your tribe a member of the Taliban or Al Qaida?

Detainee (through translator): Al Qaeda; we don't have it over there, but Taliban there was a man and his name was Matiullah he was not a member but he was a Commander of the Taliban. I was not with him, and I did not agree with him and I was against him.

Presiding Officer: Continue.

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Designated Military Officer (4.b.): The detainee stated he is a friend of the Americans and he was glad to see the Northern Alliance come and get rid of the Taliban.

Assistant Military Officer: In response. *The detainee stated this is true.* (4.b).

Detainee (through translator): I was part of the collation plan and I was with them, so I was asked to get ride of Taliban.

Board Member: Haji what did you not like about the Taliban?

Detainee (through translator): Because we wanted a free regime, free society, and a good government, and freedom which we didn't have. They were against a woman's education and we wanted women to be educated. We established a University in Pakistan against the Taliban.

The other thing was they kind of—the whole thing was a dictatorship but Afghanistan is peoples and everybody is supposed to have rights. We have a meeting in Cyprus, Greece against Taliban and there was a Nation Unity in Peshwar we had a meeting against them; in Rome we had a meeting, there were all these meetings connected together against them.

Board Member: Thank you.

Presiding Officer: Continue.

Designated Military Officer (4.c.): A source stated the detainee doesn't have an extreme Islam background and his knowledge about Islam is very limited.

Assistant Military Officer: In response. *The detainee stated this is true.* (4.c)

Detainee (through translator): I have no kind of extremist or hard-line things. I am a simple person, guy.

Presiding Officer: Continue.

Designated Military Officer (4.d.): The detainee states he never worked with the Arabs or against the Americans.

Assistant Military Officer: In response. *The detainee stated this is true.* (4.d).

Detainee (through translator): We were with the coalition forces against the Arabs.

Presiding Officer: Continue.

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Designated Military Officer (4.e.): The detainee stated he never smuggled drugs, was against drugs, and was destroying drugs with the coalition forces.

Assistant Military Officer: In response. *The detainee stated this is true.* (4.e).

Board Member: Did you take money from the coalition forces to help you in your drug eradication program?

Detainee (through translator): I didn't get by my own hands. It was a mission from the government and the coalition and some companies from the coalitions. I talked to my tribe and my tribe was trusting me, and I kind of mediated between the government and my tribe.

Board Member: So you never saw any money?

Detainee (through translator): I myself I didn't get it, there was people taking it, I was a kind of mediator the middle man who just goes.

Board Member: How did you know where the drugs were that you were going to destroy?

Detainee (through translator): I was not and I didn't know those things. It came from the coalition and the government; and I was the leader of my tribe and we would talk, then we would go to the villages and from there we were going around and then there was a meeting—a common meeting and a mission from Kabul; Fazil Hadi Shenwari, Hajji Abdul Quadeer, there was one of the British agent representative; his name was Jim, and the Ambassador of the tribe and the British Ambassador was there; and two drug professional people was there from the Kunar Province and the governor of Kunar was there. It was a common meeting.

The public of Kunar was trusting me to and I assure that I would get the money and give it to them. Then I took the British to my own area, and took him to several districts; and then there was the government's side and they were looking around.

When they were facing any problems then they would call me and I would make a kind of counsel and they would call me. There were two places that they had some kind of conflict, and I went there and deal with the tribe people and dealing with the government and I make peace between them. I didn't collect money the government was paying and directing money to the people. We conducted meetings and we were calling people from the districts and tell them this thing is not a good thing, it is hurting people, this will hurt you, it's a bad thing, religious, and the coalition for those people was with us and doing it.

Board Member: The money went to the farmers who were growing the poppies or what ever drug?

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Detainee (through translator): Yes pay to the farmers. They pay pretty good in Kunar province to the farmers. But in Kunar there was a kind of problem arise—a problem arise in Kunar a little bit in our mission representative from Kabul came to that area and everything and then they see how much land and saw the problem again. Coalition forces was very happy for me because Kunar Province cooperation.

Presiding Officer: Please continue.

Designated Military Officer (4.f): The detainee stated he never collected any money for the Jama'at Ul Dawa al Quarni. The detainee stated he collected money for wells and mosques.

Assistant Military Officer: In response. *The detainee stated he helped build the mosques and dig the wells, but never collected money.* (4.f).

Detainee (through translator): Concerning this statement; I have given in detail information. In a summary I want to say; in our providence we needed mosques and wells. The tribe brings paper and request or petition and I took it to the government. The people were applying or requesting mosques and wells and they have a kind of a petition so I just give the petition to those companies they was building mosques and digging the wells so that's helping them.

Those companies give the money too Jama'at Ul Dawa and they was doing the digging and building the mosques through the party. The money coming from those companies. Given to—I say Jama'at Ul Dawa al Quarni and it was a present given to the tribe given to them. I give the information in the previous Board and I haven't collected any money.

Presiding Officer: Continue.

Designated Military Officer (4.g): The detainee stated nobody influences the Jamiat al-Dawa al Quran and that they are not affiliated with the Taliban or al Qaida.

Assistant Military Officer: The In response. *The detainee stated the Jamiat al-Dawa al Quran is supported by the Northern Alliance.* (4.g).

Detainee (through translator): Jamiat al-Dawa al Quran can confirm or approve Northern Alliance but that group doesn't have any connection with Al Qaida or Taliban.

Presiding Officer: Continue.

Designated Military Officer (4.h): The detainee stated he denied having any association with the Hezb-e-Islami Gulbuddin.

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Assistant Military Officer: In response. *The detainee stated that Gulbuddin is his rival and enemy that he is against.* (4.g).

Detainee (through translator): I am against Gulbuddin and I have proof for that. In Afghanistan I can provide you with a lot of proof and evidence.

Administrative Review Board Member's had no questions on the unclassified summary:

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated the following.

Assisting Military Officer: Yes sir at the appropriate time the Detainee would like to make an oral statement.

Presiding Officer: Before we begin, are you okay do you need a drink of water?

Detainee (through translator): I don't need anything. Thank you very much.

Presiding Officer: I just wanted to make sure.

The Detainee would like to make an oral statement.

Detainee (through translator): (holding paperwork) I will make it very short. I will not waste your time anymore. The document in my hand, I present it to you last time. This is the document based on these allegations and why I am confined here. In Cuba the people detained here are accused of being against America, accused of being involved in drugs, or Al Qaida. In 15 May 2006, Afghanistan president went to Kunar Province and all tribal leaders of Kunar Province and the sub district leaders, and all of them was requesting to Mr. Kunar to say we want Haji Mullah to be released and come back to the providence so if you want me too I can say it word by word, or say a summary of it? I will say it very quickly.

Presiding Officer: I will like to have this admitted as evidence so we can have a copy to look at for consideration.

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Detainee (through translator): I know you will, I already gave it to the last Board; I will give it to you but I would like to read and make sure that you know about it.

Presiding Officer: I will allow you Haji Mullah Rohullah to say it. I also request it. It is your decision; give this to your Assistant Military Officer to give it to us for something we would like to take into consideration. The decision is yours.

Detainee (through translator): Okay I will not waste your time and I will say some other statement.

Presiding Officer: You can go ahead and read your comments.

Detainee (through translator): I will say a few short words. (Reads paper) Provisional Governor of Kunar Province about the Haji Rohullah, the counsel of Provisional Kunar Province they confirm and they ask for Haji Rohullah for release. They are waiting for the Honorable Karzai promises to them you will tell them to release me, and they are waiting for the promise to be fulfilled. We are talking about the meeting that Mr. Karzai speaks in the Kunar Province.

This is my tribes of peaceful request, and their signatures, and finger prints, and stamps, and everything is there. It is written that Haji Rohullah is against the terrorism, Al Qaida, and drugs and I have been fighting those things without being tired. All tribes gathered; I assure you the future activities of Haji Rohullah like previous times will be according to the Afghanistan Islamic government law, and constitution, and regulation.

I just say a summary and short statement; this is the sub-governor of my area and he writes the whole tribe certifies that the whole tribe is saying the truth and in my district or my area sub-governor says I am a very patriotic man and he loves his country and anything the public says or the tribe people say is true. Again they fill out another petition the tribe, the public, everybody from Kunar province, they say you promised us his release and we are waiting for you, I will leave that here.

There was an Afghan mission that came here twice and I visited him and I saw him twice. The first mission when they come; the leader was Abdul Jabbar Sabeth, when we were face to face I recognized him and I know him and I welcome him. He said "do you know me", and I said yes "I know you very well". He told me that here I found out that you are Haji Rohullah, here I saw you. I told him I am very sorry that you come from a mission from Afghanistan and you see me here, I asked "how come you came to see the Detainees", and you don't know me, that was the greeting and talking we had.

I asked him why did you come here, and he said I want to talk to you. I said okay and he said there was some allegation on your accusation on you and I say to him that there is no need for here, any accusation that they accuse me of and go there and find out who I am and if the allegation is true or not. Any accusation is go to Kunar Province, the Kunar people know me, and they all know me totally.

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The guards didn't give me enough time to talk to him longer and so they took him away from me and I told him to please tell Karzai about me and to the other leaders about me and he said no need to you will talk to them by yourself, and later on another mission came along and two people in the previous mission they came again for another mission and I talked to them and they say how did you come I want to take your name and find out about you so we write down your name, they say no we know your name.

I told them that there is papers about me, petitions from my village people, there are more papers about me there that I know about and the ministry of the interior we have all documents and they take copies of these documents with them.

I only want to say one thing I am an Afghan and the previous Boards I explained everything and I gave my statement and I show who I am. If I don't introduce myself who I am; I can not hide myself. I was one going the same way with the coalition forces or I was going the same way with the current government and with the northern alliance I went the same way with them. I was an Eastern counsel member. I was against the Taliban. It was the association of a national unity member. I have membership of a Kerberos meeting. I established an Afghan University in Peshwar and I was a member of it. Since 1352 (our calendar date) I gave information—complete information about myself to everybody here to the ARB and it's in my file.

Presiding Officer: 1352?

Detainee (through translator): 1352. No. 792. Since Afghanistan became a free country and the Soviet Union left in 1992. I give my information about myself for twenty years but since 1992 I give complete detailed information about myself.

I go to the integrator and I present myself; I go to court—they call court, who do I have to complain to sir. The lawyer came to me and say your father hired me and I say okay did you bring any documents with you, and I told him my family wrote to me and I say no two weeks before I come back here your cousin gave me a written kind of a paper—a message from the internet. When I receive that message and I will bring it to you. and I wait for it and it came late so now my time is over and I have to leave I will bring it two to three days later. and I said okay I will believe you.

Presiding Officer: Is there a point----

Detainee (through translator): ---Two and a half years later; he didn't even send me nothing. I wrote him two three times so he comes later after two of three years, I said bring me that message and he said there is no message and so I fired him, there was another guy who came and I just dismissed him and said I don't need any lawyer or anybody. Who do I have to go to which court which justice do I go to complain and open my case.

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I took the drug, now I am okay and I am feeling better. I keep asking for a translator that I am sick and they say nobody cares.

Presiding Officer: I understand that.

Detainee (through translator): All the time we have problems like this, this is a problem and America is a huge big country, and America claiming the whole world about the human rights and they are doing it. Cuba is a very small place. It's a very small place. So we now that you keep sending the detainees home and we know that I know you will not keep the detainees permanent, one day you will transfer to your local governments. There is a lot of problems with the detainees. In the night at 2'o'clock in the morning they get us out to shower; shower problems. I want to bring it to our boss, elder---

Presiding Officer: ---Okay, ask him (to translator) to be quiet for a moment, I have heard a lot and I want to keep it focused on this particular case. Slowly bring the items together to try to wrap up your statement and what I am hearing is not relevant to this case.

Detainee (through translator): This was not relevant.

Presiding Officer: No, it was and now it isn't.

Detainee (through translator): I am your prisoner, you are responsible and I am sick and because I am not going to accept Enemy Combatant. I will give you documents. I told him I have ---the first time; I have witness they said they couldn't find my witnesses. I showed them from my country the minister, governor, leaders, and all those government people; those are my witnesses and the ambassador, I showed them, and they couldn't find them.

I showed them about the British guy the English guy and all those coalition forces people, and then they call me Enemy Combatant; and then I came to the Board and I explain everything about myself and give them answers to any question that they ask and then later on they say we will stay one more year, and then the third time I came and they send me another letter and they say you will stay another year. I presented documents; evidence, everything and they say no you will stay another year, what ever you want.

Presiding Officer: Haji Mullah Rohullah does that conclude your statement?

Detainee (through translator): Yes I give up. For five years my heart is filled with the talk but right now it's not nice. You are the leader; you are the boss so that is why I complain to you.

The Assisting Military Officer had questions for the Detainee.

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Assistant Military Officer: Yes sir, at the appropriate time I will make copies of the Detainees documents and it will be marked EC-C.

Detainee (through translator): Please give them back when you are done.

Presiding Officer: (to the Assistant Military Officer) I want to make sure that Haji Mullah Rohullah gets the documents back when you are done.

Assistant Military Officer: Yes, sir.

Detainee (through translator): Yes.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had questions:

Board Member: I just want to thank you for appearing here, and the statements you provided.

Detainee (through translator): Thank you very much.

Board Member: No, just thank you for attending.

Detainee (through translator): Thank you very much.

Presiding Officer: I have a couple of questions. First I want to thank you for appearing in front of the Board and for the information that you presented to us, It was very important.

I also want to discuss what all is involved in the decision; not only is your behavior and the evidence that you presented here but there are some other factors that are considered when the Board makes their decision and I just want to make sure that you know that when we look at this case here what you did presented here today is important but there will be other factors to consider.

Detainee (through translator): Thank you very much.

Presiding Officer: Haji Mullah Rohullah, help me to understand what has changed over the last year specifically that would convince this Board to reach a decision different then the Board from last year?

Detainee (through translator): I don't see too much but since last year I started having hope, and we notice that you are transferring people to their local or to their own countries government and this is very good news and different; and we are sure that something is going on and we started to have hope and that is the only hope I have.

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I have one solution about Afghans: Afghanistan coalition forces are still there, and at very least an Afghan remains detained in Cuba, and I am sure the United States as a good deed in being very nice to us they will transfer all Afghans to Afghanistan, to the government of Afghanistan. I can assure you and make sure that among these Afghans, I am pretty sure that there is no Afghan in here that is against the United States, and I am sure that between the United States government and the Afghan government you have a very bitter relationship and this will help to build up a stronger relationship between the countries because five or six years I have been detained, and that will be proof to Afghans, and that the United States does not want to have any problems for Afghans, and that will prove also that the United States wants to help build up or reconstruct Afghanistan; because to show to the Taliban to break them down to make them not believe that the United States is against the Afghan for this purpose to break the Taliban and rivals to build up a very good relationship to send the Afghan back to their government.

The good thing is to do these things will be a political benefit and as an Afghan and as an old man I just say that and the rest is your decision and I want in my country peace tranquility and good life. If I was back there I will be a supporter of the government and from here I will pray for it.

Presiding Officer: Haji Mullah Rohullah I thank you for your attendance here today and your conduct. It has been a long Board and I am glad that you did appear and again I think your input was very important to us.

Detainee (through translator): I thank you very, very much.

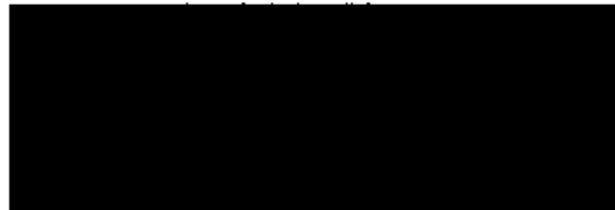
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



CAPTAIN, USN
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 850

The Administrative Review Board was called to order. 0843 hours.

The Detainee entered the proceedings.

Presiding Officer: Good Morning Sir, I want to welcome you here today.

Detainee (through translator): Thank you, very much.

Presiding Officer: I want to make sure I pronounce your name correctly.

Detainee (through translator): Mohammed Hashim, Mohammed Hashim

Presiding Officer: Will be alright if I just said, Mohammed Hashim.

Detainee (through translator): That is totally right.

Presiding Officer: Again, welcome and we appreciate you being here at this hearing.

Detainee (through translator): Thank you, too.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee declined the oath.

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

Presiding Officer: Mohammed Hashim do you understand this process?

Detainee (through translator): Yes, totally.

Presiding Officer: Exhibit EC-A, Notification of the CSRT Decision, dated 7 January 2008 constitutes constructive notice of Enemy Combatant Notification of ISN 850.

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

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

The detainee's Administrative Review Board (ARB) interview was conducted on 17 January 2008. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB. The detainee was polite and attentive throughout the interview. Copies of both the English and Pashtu translated Unclassified Summaries of Evidence were given to the detainee according to the JDG Standard Operating Procedures. The AMO provided the JDG with written conformation that the documents were delivered.

Presiding Officer: For the record JDG provided the AMO with written conformation of the documents.

Assisting Military Officer: No sir, I provided the JDG, telling them that I delivered the documents to the detainee.

Presiding Officer: So it is verified?

Assisting Military Officer: Yes, sir.

Additional Comments:

The detainee appeared at his interview wearing a tan uniform.

Detainee Comments:

None

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3) to the Administrative Review Board.

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

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

Detainee (through translator): Yes, sir.

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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.

Presiding Officer: The Designated Military Officer will read each factor from the unclassified summary, we then will provide you a chance to respond. You want to respond after the entire unclassified summary; members may ask you questions following the reading of each allegation.

Presiding Officer: Do you understand?

Detainee (through translator): Yes.

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

Designated Military Officer (3.a.1): The detainee stated he began fighting at the age of 16 during the jihad against the Russians.

Detainee (through translator): Yes, I started jihad when I was 16 years of age.

Presiding Officer: Do you want to respond after each allegation?

Detainee (through translator): No, sir.

Designated Military Officer (3.a.2): The detainee stated he was paid two and a half million Rupees in return for fulfilling another man's military service obligation with the Taliban. The detainee stated he was stationed at Takhir, Afghanistan for approximately five days before the Taliban regime fell.

Detainee (through translator): Correct.

Designated Military Officer (3.a.3): The detainee stated he was arrested and taken to a military prison in Punjsheer, Afghanistan. The detainee stated he was in prison for approximately one year and four months. The detainee stated he was released after another prisoner, who had known the detainee for many years, wrote a letter requesting the detainee's release. The detainee stated he then returned home to tend to his father's sheep and goats.

Detainee (through translator): Yes, this is correct.

Designated Military Officer (3.a.4): The detainee stated he was offered a job as a spy. The detainee stated he was initially paid 600,000 Rupees with a promise of more money at a later date. The detainee stated he was to observe American aircraft and troop

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movement, to assess the level of security at U.S. military sites, to identify any vulnerability and then report back to his superiors with his findings.

Detainee (through translator): Yes.

Presiding Officer: Was this the Taliban that offered you this job?

Detainee (through translator): Yes, the Taliban offered me this job.

Designated Military Officer (3.a.5): The detainee stated he joined the Taliban for monetary reasons. The detainee stated he was receiving between 200,000 and 300,000 Afghani dollars per year after joining the Taliban.

Detainee (through translator): Yes, this is a correct statement.

Designated Military Officer (3.a.6): The detainee stated he was typically paid between 5,000 and 20,000 Pakistani Rupees for each of the missions. The detainee stated that his payment came in the form of cash, clothing, and food. The detainee stated he supplemented his income from the Taliban by selling hashish and growing opium.

Detainee (through translator): Yes, sir this is a true statement.

Designated Military Officer (3.a.7): The detainee stated he was a member of the 40-man group, which was also known as Jihad Kandahar. The detainee stated Jihad Kandahar was formed in the month of Ramadan, approximately November 2001. Jihad Kandahar was an offshoot group of the Taliban that received financial support from Arab members of al Qaida and Taliban. The detainee stated Jihad Kandahar was composed of four branches, each of which operated in separate provinces.

Detainee (through translator): Yes, this is a correct statement.

Presiding Officer: Later, stated here, there was no such thing as Jihad Kandahar?

Detainee (through translator): Who wrote this?

Presiding Officer: When we get to that, we will bring it up again.

Designated Military Officer (3.a.8): The detainee stated the 40-man unit attempted to assassinate Afghanistan President Karzai, and that the leader of the 40-man unit had planned the attempted assassination.

Detainee (through translator): Yes, this is fact.

Presiding Officer: What role did you play in this assassination attempt?

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Detainee (through translator): My job was to spy on them and report the information.

Board Member: What was the purpose of trying to assassinate President Karzai?

Detainee (through translator): We took a beating and were determined to kill President Karzai, this was our only purpose.

Presiding Officer: Would you prefer a Taliban form of government?

Detainee (through translator): I will not have a friendship with the Taliban or with the Karzai either, I just did my own business and if anyone tried to help me I will include them.

Presiding Officer: Thank you.

Designated Military Officer (3.a.9): The detainee stated the Kandahar, Afghanistan Taliban Police Supervisor directed him to work on a new training camp South of Kandahar, towards the Pakistani border. The detainee stated they brought a welding generator with them in order to build shelters and perform other improvements on the compound. The detainee stated the purpose of the camp was to house and train many Arabs.

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

Designated Military Officer (3.a.10): The detainee stated the Kandahar, Afghanistan Police Supervisor paid him between 7,000 and 8,000 Pakistani Rupees for delivering the generator to the Arab compound outside of Kandahar. The detainee stated that the Arabs at the compound also paid him the equivalent of 2,000 to 3,000 Pakistani Rupees and fed the detainee dinner.

Detainee (through translator): Yes, this is correct.

Designated Military Officer (3.a.11): The detainee stated he attended a training camp located 45 minutes outside of Kandahar, Afghanistan, in approximately January 2001. The detainee stated only the best fighters were selected to attend the camp where they received training in the poisoning of water systems, suicide attacks, and the use of explosives.

Detainee (through translator): Yes, this is correct.

Designated Military Officer (3.a.12): The detainee stated he was shown a house located in Lashkar Gah, Afghanistan, used to store poison intended for being placed into water storage tanks.

Detainee (through translator): Yes, this is correct.

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Board Member: Do you know what kind of poison?

Detainee (through translator): A liquid poison; the label was written in yellow print, and since this was so long ago I can only remember a little bit, but the label on the bottle was written in yellow print.

Presiding Officer: Who were the specific targets for this poison?

Detainee (through translator): I was told to place the poison in American tankers, and water supply and also I was told to do the same to the German Soldiers water supply and other countries.

Presiding Officer: So the United States and Coalition Forces were the targets.

Detainee (through translator): Yes, I have already answer these questions five years ago.

Presiding Officer: We appreciate your patience.

Designated Military Officer (3.a.13): The detainee stated he knows the location of a school in Kandahar, Afghanistan, where training in the use of poisons is given.

Detainee (through translator): This was not a school but a camp called Kotal-I-Morcha.

Designated Military Officer (3.a.14): The detainee stated he served as a security escort during a visit by Usama bin Laden and members of his family circa January 2002.

Detainee (through translator): Yes, this is correct.

Presiding Officer: What are your feelings concerning Usama bin Laden, is he a good person or bad person?

Detainee (through translator): He has his own personal benefits to fight Americans, but we were laborers and we were doing it for the money, since they were paying us.

Presiding Officer: Thank you.

Designated Military Officer (3.a.15): The detainee stated he made two trips to Charykarkar City, Afghanistan, to distribute al Qaida funds circa spring of 2001. The detainee stated he delivered the equivalent of almost 7,000 United States dollars to a commander with ties to the Taliban and al Qaida. The detainee stated the commander had 10 to 15 soldiers at the meeting place armed with Kalashnikov rifles and rocket launchers. The detainee stated the commander informed him that there were 20 commandos that would be giving their lives for their cause in about eight months to a year.

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Detainee (through translator): Yes, this story is a true statement.

Designated Military Officer (3.a.16): The detainee stated his superiors sent him to Quetta, Pakistan, to see if there were any American forces present. The detainee stated he arrived at Quetta and saw American soldiers and fighter aircraft. The detainee stated he reported his findings to his superior.

Detainee (through translator): Yes, this statement is true.

Board Member: What kind of equipment did you use, when you made these observations?

Detainee (through translator): I was told to go to Quetta Airport, and look for American aircraft and report any information on American aircraft. By reporting the information, it can be used to shoot down the aircraft.

Board Member: How did you report the information?

Detainee (through translator): I would travel back and give my report.

Designated Military Officer (3.a.17): The detainee stated his commander sent him to Nimroz, Afghanistan, a province near the Iranian border, to see if there were any American forces present. The detainee stated he located the American base in Nimroz, and saw American soldiers driving in the city. The detainee stated he reported his findings back to his commander and was paid a total of 10,000 Kaldar, Pakistan rupees.

Detainee (through translator): Yes, this is a fact.

Designated Military Officer (3.a.18): The detainee stated he went on a mission to Sar Shela, a town on the border of Afghanistan and Iran that took four days to complete and began approximately 10 days prior to being captured by United States forces. Based on his findings, the detainee stated his recommendation to his commander was to carry out an attack on a government building that had a larger concentration of United States personnel.

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

Board Member: Can you tell us how you were going to carry out the attack; rifles, explosives, martyrs?

Detainee (through translator): We were instructed to use rockets.

Designated Military Officer (3.a.19): The detainee stated one of his assignments as a spy was to hide in the mountains near Kandahar Airfield, Afghanistan, and track the number and types of aircraft that would take off and land during day and night operations. The

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detainee stated the objective for this assignment was to provide Taliban forces with information to launch a surface to air attack on American planes. The detainee stated he was instructed to use white chalk to mark locations for Taliban forces to lay in wait and attack American soldiers. The detainee stated he completed this mission and reported back to his superiors.

Detainee (through translator): Yes, this news is correct.

Designated Military Officer (3.a.20): The detainee stated his commander paid him the equivalent of 500 Pakistani Rupees for the scouting and marking of positions to carry out the attacks against United States forces at the airfield in Kandahar, Afghanistan.

Detainee (through translator): Yes, this is a fact.

Designated Military Officer (3.a.21): The detainee stated he witnessed a member of his 40-man team, and now a fellow detainee, launch a rocket attack on a United States cargo aircraft taking off from Kandahar, Afghanistan airport with a number of detainees on board. The detainee stated his team member was paid by al Qaida to carry out the attack. Regardless of the presence of detainees on board the aircraft, the detainee stated the attack was executed because they would do anything for money.

Detainee (through translator): Yes.

Presiding Officer: What was the result of the attack?

Detainee (through translator): We knew there were some Taliban commanders in the aircraft, and we shot at the aircraft to bring it down.

Presiding Officer: Were you successful?

Detainee (through translator): No, we missed.

Designated Military Officer (3.a.22): The detainee stated he and another 40-man team member participated in a rocket attack on the airfield in Kandahar, Afghanistan. The detainee carried the battery and wires used to ignite the rocket. The detainee and the 40-man team member split up after the rocket was fired to evade capture.

Detainee (through translator): Yes, this is correct.

Designated Military Officer (3.a.23): The detainee stated he was paid 20,000 Pakistani Rupees to find a member of the 40-man team to assist him in conducting an attack on Kandahar airfield, Afghanistan. The detainee stated they targeted the Kandahar airfield because it had a lot of Americans and airplanes, and they wanted to kill the Americans, but wanted to hit the airport whether they killed Americans or not.

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Detainee (through translator): Yes, this is a true statement.

Presiding Officer: Do you still want to kill Americans?

Detainee (through translator): No, I do not want to kill Americans.

Presiding Officer: Thank you.

Designated Military Officer (3.a.24): The detainee stated one of his missions was to reconnoiter a residence being used as a base, named Fire Base Gecko, for American soldiers. The detainee stated he was to report the type and number of weapons at the base and to assess the security. The detainee stated the objective for this mission was to provide information to assist Taliban forces in attacking the base. The detainee stated he was spotted by a security guard while performing his surveillance of the base, and the security guard told the detainee he had no business near the base and warned the detainee not to return. The detainee stated he debriefed his findings and was instructed to return to the base and approach it from the other side of the compound. The detainee stated he arrived at the rear of the base the next day and observed American soldiers running in formation. The detainee stated he was spotted by security guards and attempted to flee but was quickly apprehended by three American and three Afghani soldiers. The detainee stated he was recognized by the security guard that saw him the day before and was taken into custody.

Detainee (through translator): Yes, this statement is fact.

Designated Military Officer (3.a.25): The detainee stated his efforts to collect information on Fire Base Gecko were in preparation for attack that was to be executed by 15-20 Taliban fighters.

Detainee (through translator): Yes, this is correct.

Designated Military Officer (3.a.26): The detainee stated he was paid the equivalent of 500 Pakistani Rupees for the first day of monitoring Fire Base Gecko and was to receive an additional payment after completing the mission.

Detainee (through translator): Yes, this is fact.

Designated Military Officer (3.a.27): After being taken into custody by United States forces at Fire Base Gecko, the detainee confessed that he was under a lot of pressure to attack the base and was continuously being asked to be a martyr. When asked how he would have carried out the attack, the detainee stated he would have hid a land mine under his jacket, depressed the pressure plate and run into the Range Entrance of Fire Base Gecko, which the detainee identified as being the easiest place to attack. The detainee stated after he made it into the compound, he would have released the pressure plate causing the mine to explode.

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

Designated Military Officer (3.a.28): The detainee stated his commander wanted the detainee to use an explosive vest to perform a suicide bombing mission against Karzai or American targets.

Detainee (through translator): Yes.

Presiding Officer: Would you still commit a suicide act?

Detainee (through translator): No.

Designated Military Officer (3.a.29): The detainee stated he was with the Taliban for four and one-half years. The detainee stated he initially worked for the Taliban police force in Kandahar, Afghanistan informing on people who watched television or smoked hashish. The detainee stated ambush attacks against military personnel and suicide attacks were the most favored by the Taliban. The detainee also stated the downing of United States helicopters with rockets or missiles was often discussed. The detainee stated that Mohammed Shah was able to strike a United States helicopter as it was trying to land at Kandahar Airport.

Detainee (through translator): Yes sir, this is correct.

Training.

Designated Military Officer (3.b.1): The detainee stated he received weapons training on the Kalashnikov rifle and rocket propelled grenade launcher.

Detainee (through translator): Yes.

Designated Military Officer (3.b.2): The detainee stated he was taught hand grenade techniques, use of plastic explosives with detonator cord, and how to blow up cars circa November 2001.

Detainee (through translator): Yes sir, this is correct.

Designated Military Officer (3.b.3): The detainee stated he attended a training camp near the Khotal-e-Morcha mountain pass, outside the city of Kandahar, Afghanistan, approximately three times. The detainee stated his visits normally took place at the end of the year and consisted of training with weapons, such as the AK-47, Kalacov, land mines, and plastic explosives. The detainee stated they would also discuss the use of rockets and missiles against vehicles and helicopters.

Detainee (through translator): Yes, this is correct.

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Presiding Officer: Would you say that you are highly trained in the use of explosives?

Detainee (through translator): Yes.

Designated Military Officer (3.b.4): The detainee stated he was trained on how to use an explosive vest.

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

Connections and Associations

Designated Military Officer (3.c.1): The detainee stated the individual who facilitated the detainee's release from prison was a member of the 40-man Taliban unit.

Detainee (through translator): Yes, this is fact.

Designated Military Officer (3.c.2): The detainee stated that he considered one of his superiors to be a weapons expert, including the use of the Kalashnikov rifle, rockets and heavy machine guns. The detainee stated that his former superior fought United States forces in Jalalabad, Afghanistan and attacking the first shipment of detainees out of Kandahar, Afghanistan by firing machine guns at the plane.

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

Designated Military Officer (3.c.3): The detainee stated a commander in the group Hezeb-E-Ilami is a language specialist that was working as a spy and saboteur in Karzai's government.

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

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer (4.a.): The detainee denied having any knowledge of the attacks on 11 September 2001, prior to them taking place. The detainee also denied any knowledge of information regarding future attacks against the United States or its interests. The detainee stated he has no knowledge of planned uprisings at Guantanamo Bay, Cuba.

Detainee (through translator): Yes, this is correct.

Designated Military Officer (4.b.): The detainee stated he never shot at an American soldier.

Detainee (through translator): Yes.

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Presiding Officer: Did you ever actually put poison in a water tank?

Detainee (through translator): No.

Detainee (through translator): These statements I have said were almost five and a half years ago, so most of the points that you are asking me, I have forgotten.

Presiding Officer: I understand.

Designated Military Officer (4.c.): A source stated there was no such thing as Jihad Kandahar.

Detainee (through translator): These people have lied to you, and you have release them and I am telling you the truth and I am being kept here. I have seen this with my own eyes and these people are lying to you and you release them. I have cooperated with you and I am still here.

Presiding Officer: Thank you.

Designated Military Officer (4.d.): The detainee stated only the most stupid people would agree to use an explosive vest.

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

Designated Military Officer (4.e.): The detainee was assured that his family would be cared for if the detainee conducted the suicide attack with an explosive vest, but the detainee did not accept.

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

Presiding Officer: Sir, do you want to make any more comments concerning these allegations?

Detainee (through translator): No, I do not have anymore statements.

Presiding Officer: Thank you.

Detainee (through translator): Thank you.

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

Presiding Officer: Mohammed Hashim would you like to make a final statement?

Detainee (through translator): I have no final statements, I have told you everything.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had questions :

Board Member: Did you fight more for money or religious belief?

Detainee (through translator): I did not fight for religion, I did it for money.

Board Member: If you were release and return to your country would you fight again for money?

Detainee (through translator): I will not associate with these terrorist anymore, I would not.

Board Member: Would you still fight for money?

Detainee (through translator): I was in trouble because of fighting for money, and now I am a prisoner for fighting money and I have seen the results and now I want a laboring job and have a better life.

Board Member: Thank you.

Presiding Officer: I want to thank you for appearing here today.

Detainee (through translator): Thank you.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, United States Air Force
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 889

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee accepted taking the (Muslim) oath.

The Designated Military Officer gave the Muslim oath to Detainee.

Presiding Officer: First of all Shawali Khan, how would you like to be addressed today. Is Shawali Khan appropriate?

Detainee (through translator): Khan is not my name; it's the name of the family and the area that we live in. When you want to respect somebody, you call them Kakur or Khan or this kind, you add the name Khan with it. Like John, Khan, these are added for respect.

Presiding Officer: Okay, so is Shawali Khan appropriate address for him today?

Detainee (through translator): Actually my name is Shawali; if you say Shawali Khan it doesn't make a difference.

Presiding Officer: Okay, Shawali, do you feel fine today, is the temperature fine in the room, do you feel comfortable?

Detainee (through translator): It's very comfortable.

Presiding Officer: Okay, thank you.

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

Detainee (through translator): How is it that the other person (AMO) give information?

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Presiding Officer: In any kind of written statement that you may want to bring would be appropriate.

Detainee (through translator): How statement from who?

Presiding Officer: In your interview with the AMO, it should have been explained to you that if you have other documents or any other information you would like to bring to the hearing, that opportunity was made available to you.

Detainee (through translator): The only one of those statements I have received, which right now I have it, the rest of them, I didn't get it, I haven't received.

Presiding Officer: You will have the opportunity to speak to those statements later on.

Presiding Officer: Shawali Khan, do you understand this process?

Detainee (through translator): Yes.

Presiding Officer: Thank you.

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

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 01 June 2007. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee was initially noncommittal, however later stated he would attend the ARB. The Detainee was polite and attentive throughout the interview. A copy of both the English and Pashtu translated Unclassified Summary of Evidence, which were delivered to the Detainee according to the JDG Standard Operating Procedures. The AMO received written conformation from the JDG that the documents were delivered.

Assisting Military Officer: Additional comments. The detainee appeared at his interview wearing a tan uniform. The detainee stated his documents were taken from him last year and he would like to have them returned so he could submit some letters from home to the board. A follow up interview was conducted on 07 June 2007 to inform the detainee the delay in scheduling his ARB was due to obtaining his documents for him. The detainee was again polite and attentive during this interview. An additional follow up interview was scheduled for 25 June 2007 to ensure the detainee had received those

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documents he requested. The detainee stated he received some documents that he requested and would respond verbally on items from the missing documents not in his possession.

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

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

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

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

Designated Military Officer (3.a.1): The Detainee stated he fought in the Mujahedin for seven years.

Detainee (through translator): That fight is for seven years with Soviet Union or Russians. That's nothing to do with you so if you want to bring people over this allegation, so you have to bring the whole country. I haven't fought and it's nothing to do with you about this and I don't want to talk about it. Before, ten years before that, you should not talk about it. Before the Taliban regime, talking the conversation before that should not be here. If you want to talk about it, so you are involved that too. And then I will tell you the reason, which is who was those people on that time. Well we are not talking about those times.

Designated Military Officer (3.a.2): The detainee claimed he was involved in one battle against the Northern Alliance, but stated his entire group of approximately 70 individuals retreated back to the Taliban facilities when the fighting started.

Detainee (through translator): This group, it belongs to me or it belongs to somebody else? Whose group was that?

Presiding Officer: That's the question we have for you Shawali Khan, what group were you with?

Detainee (through translator): When I'm staying right now in this block, this block is mine or somebody else? So when you got 21 or 22 rooms, so who belongs this block to? These people are every one of them separate or they are responsible for them or they only responsible, I'm responsible.

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Presiding Officer: Do you have a statement that applies to the bullet that was just written? A response to the statement that was just made?

Detainee (through translator): Yes, it's like this, now you brought me here by force with handcuffs, it's the same way they took me there.

Presiding Officer: To the battle, is that what I'm to understand?

Detainee (through translator): It's a conscript, each person or each family has its own land or garden or whatever, you have to pay them money or you have to give them manpower or person.

Presiding Officer: I understand.

Detainee (through translator): It's kind of like a tax, any regime that comes into power, it's like a tax, it was around \$50,000 our money, and one person supposed to give them or contribute. It's been running for last hundred years by force, they conscript people and these Taliban, they took me there by force as a soldier, which is I had no other choice. Like that Taliban group, that was the Taliban, that's their own leaders, like there's a lot of people here, that are sometimes here or some other guys are here, they don't have authority. The Taliban had the authority to do whatever they feel like.

Presiding Officer: I understand.

Designated Military Officer (3.a.3): The detainee delivered a radio-controlled binary detonation device and two blasting caps to an operative working within his organization. The devices were to be used in conjunction with two mines, possibly Chinese-made type-72 antitank mines. The intended use for the devices was to target American civilians or United States led coalition military patrols.

Detainee (through translator): Say the number four too. I will answer both of them at the same time.

Designated Military Officer (3.a.4): The detainee was identified trying to purchase two rockets through an intermediary source for an unknown reason.

Detainee (through translator): Two months before this in the allegations, instead of these mines and these things, it was written tanks, now they change it to mines. It was two tanks, one was 24 and 25, two months ago, the same allegations, instead of mines, it was tanks. Each tank dimension is from there all the way to here [points from one wall in the room to the other wall length wise]. For last four years, in my case, tanks are written and finally, recently, I talked to a person and said you think about it. Pakistani militants, which has been staying in Pakistan for a long time, but originally they were Afghan, they capture me and gave me to the Americans. Okay, I told them, I say, do you think that if there was tanks in my house, do I have to take Americans, I say, "come on to my home, I

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will show you". My home door is small like this door [points to door in room]. I'm 500 meter away from the main road, you see even two bikes cannot go side by side in my home. My whole house is the size of this room. So you think that with yourself, those tanks were not donkeys, you think that I have tanks and that I can hold them and then take them to my home.

Presiding Officer: The statement is referring to antitank mines; do you have any response to that or to the blasting caps?

Detainee (through translator): For last four or five years I have been here and you haven't given me any hard documents or any proof of this. I told them if you captured me with the tanks, then all allegations are true and only I would like to mention, brother is not responsible for another brother, father is not responsible, each person is responsible for his own. Any crime I have committed, tell me and give me the proof of it. Any proof, make sure it is true.

Presiding Officer: You'll have a chance to speak in generalities, for now, I'll ask that you respond specifically to the bullets that we're addressing right now.

Detainee (through translator): No, it was my home, I was going to tell you, but nothing was there. I took Americans to my home and I show them, look at my house.

Presiding Officer: I understand.

Designated Military Officer (3.b.1) The detainee claimed to work as a driver for his uncle from approximately December 2000 to March 2001.

Detainee (through translator): No I didn't drive for my uncle, my uncle was working for the Karzai government and I was working for Security Commander office and I was driving for them. I drove the security manager, drove their vehicle, they pay me, I had salary, so when the Commander was sending anybody any place, that was the car, that was the vehicle that I was using, I was driving to take them everywhere that they want.

Presiding Officer: Could you give us the name of the person you worked for with the Security Group?

Detainee (through translator): Yes, LT Akram, LT Muhammed Akram in Kandahar, Khakraze district, there is a sub-governor, he was the one working there.

Presiding Officer: Thank you.

Designated Military Officer (3.b.2): The detainee's uncle is the top official and commander of the Hezb-e-Islami Gulbuddin operations cell in Kandahar, Afghanistan. The detainee's uncle makes all decisions and appoints all positions for the Hezb-e-Islami Gulbuddin cell in Kandahar.

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Detainee (through translator): What time and point given the position and time, when?

Presiding Officer: That's a good question, what time was the uncle in that pos----

Translator: Yes, which period?

Presiding Officer: Could you tell us?

Detainee (through translator): I already mentioned, ten years--before ten years, I don't want to talk about when the Russians was—from the time of Taliban, Gulbuddin had no room in whole Afghanistan. My uncle, he was in the time of Soviet Union, he was Commander, since when the Russians went out, he just stay at home and he hasn't done anything.

Presiding Officer: So he was no longer affiliated with the Hezb-e-Islami Gulbuddin.

Detainee (through translator): He was in Pakistan, having come back to Afghanistan, except in this current government time. Thirty years, his house has been in Pakistan. So they misunderstood, I told them that the time of Soviet-- Russian time, don't mix it up with this time, they mix up the whole thing and I have nothing to do with him. Whether he has done anything or not, what is to do with me? I only gave them the information that he was the commander on that time and he has some enemies or some hostilities or something among people. So because for your information, to understand that I told you he was a Commander on that time.

Designated Military Officer (3.b.3) In September 2002, the detainee was directed by his uncle, to carry out a terrorist operation targeted at United States military personnel located at Gecko Base, Kandahar, Afghanistan.

Detainee (through translator): Can you tell me what is that Gecko? There is no Gecko in Kandahar. If somebody make up this name, that's their business.

Presiding Officer: I'm just asking that you expand on it, refute it, if that's the case or give us more information on it. It was a base used in Kandahar, he may not be familiar with the name.

Detainee (through translator): I am so aware which is inside the Kandahar that there is no American base, its only one is there which is the American base which is Mullah Mohommad Omer house, there residence beside there. I don't see any Gecko there. And beside that, my uncle, he is not obligated or why he's doing this has nothing to do with him, he didn't tell me to do these things. So can you show me the person that he says this thing, how he say it, can I see him or can I, does he have any----How did they find out that my uncle say this or that he did these terrorist acts, how?

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Presiding Officer: How we found out is not relevant, this is your opportunity to refute or elaborate on these statements.

Detainee (through translator): So if somebody don't have any documents, how they find out that when me and you we are talking, how he find out?

Presiding Officer: Okay, I'm going to ask you again to stay with the statements, either refute them, or say that they're not true. If they're not in your knowledge, give further information if you feel like it. Where the documents came from is not necessarily relevant in this case, but I do have one more question when you're done with that.

Detainee (through translator): A hundred percent, it is not true. It hasn't happened.

Presiding Officer: I just want to be clear on one part. Were you involved in any kind of terrorist operation targeting United States military personnel?

Translator: He's talking another story Sir. He says, this question in Kabul, that the translator didn't understand what he was translating.

Detainee (through translator): No I haven't committed any act against Americans. I told them I went to help Americans, he misunderstood me, I told him that I went with Americans, Americans was doing some operations. Now you say that you are the one to do operations against Americans.

Designated Military Officer (3.b.4): Hezb-e-Islami Gulbuddin has long established ties with Usama Bin Laden, and has staged small attacks in its attempt to force United States troops to withdraw from Afghanistan, overthrow the Afghan Transitional Administration, and establish a fundamentalist state.

Detainee (through translator): So what is this to do with me and Gulbuddin?

Presiding Officer: This is just a statement of information describing----

Detainee (through translator): So maybe Usama is friends with Gulbuddin or maybe not, but you guys are that weak that you are scared of Usama? So I have nothing to do with Gulbuddin, I am not aware of what he is doing or what his business is.

Presiding Officer: I understand.

Designated Military Officer (3.b.5): The detainee contacted Hezb-e-Islami Gulbuddin cell operatives and an individual who is the facilitator and command element of the cell. This individual brings supplies and explosives from Pakistan to Afghanistan. This individual also directs missions in Kandahar, Afghanistan, and employs surveillance teams.

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Detainee (through translator): Have you seen those things that he brought from Pakistan?

Presiding Officer: I don't understand the question.

Translator: It is written here that the person brought explosives and these kinds of things to Afghanistan and he says, have you seen that person that brought those things?

Presiding Officer: I just ask you to confirm or deny it or explain further if you like.

Detainee (through translator): No, totally, I haven't.

Board Member: After the Russian war, did he have a relationship with Gulbuddin Islami?

Detainee (through translator): Even at the time of Russian, I didn't have a----which is that the person that is my uncle, he was the one that had a connection with him, not me.

Designated Military Officer (3.b.6): In December 2002, a Hezb-e-Islami Gulbuddin terrorist cell entered Kandahar, Afghanistan, from Quetta, Pakistan. This cell intended to target Americans with grenade attacks at various choke points around Kandahar. The detainee was associated with the leader of this cell.

Detainee (through translator): Did they attack or not?

Presiding Officer: Again, I'm just asking for you to confirm or deny this statement or add more information.

Detainee (through translator): This statement is not possible, there's no way.

Designated Military Officer (3.c.1) The detainee was captured by United States forces from the Kandahar, Afghanistan area on 13 November 2002.

Detainee (through translator): I said that before, thieves captured me and they took my money, Americans did not take my money. Americans didn't capture me. I repeat it again, Americans didn't capture me, Americans didn't take my money. If Americans say, our forces captured you, it means they took my money too. I know those people were staying in Pakistan for a long time. I know they took documents and money from my pockets and then an American, he was shot through here [points to chest], he told me, your money has been \$500,000 Pakistani money, I know about it, I have received it. Afghanistan government was not so stable, so Pakistani currency was running in the country. I told them that Afghans took my money and motorcycle, I received them all, your motorcycle, money, and I know about it. And when I came to Cuba, I haven't heard from those the money and talking about it has disappeared. I went from Khandahar to Kabul and I stayed in Kabul for one month, they took me to Kandahar for one month and one month later, they took me to Bagram. The punishment they gave me at that time, I

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hadn't seen electricity for a whole month. So I didn't know what place, that place, so I talked to another prisoner, I say, "Where they brought me here" and he say, "This is that place." So there was a person from Khowst, he told me I have been in that place. An interrogator at that place told me, "We have received your money, your money is with us."

Presiding Officer: Can you explain who captured you and what you had in your possession at the time?

Detainee (through translator): Afghans captured me. I didn't even talk to Afghans, I said, I would like talk to Americans. I told the Americans this is my store and that is my home. The Afghans, they're all robbers and they're thieves. When I stand up, they point a gun on me and I took my watch and threw it at them and the watch was left there. They put me in a car. They took the documents, all the money is written there.

Presiding Officer: I understand.

Detainee (through translator): So I was going to exchange my money with Afghani money. We buy things with caldar and then sell it in Afghani so we are doing the exchange. But there was three to four kinds of currency was running in Afghanistan, nobody knows what Afghani. So when they captured me and transferred me to America, I was very happy. I told the Americans, this is my house, this is my store. The Americans, they searched the whole thing.

Designated Military Officer (3.c.2): The detainee was appointed by Hezb-e-Islami Gulbuddin propaganda group in the Chardehi district of Kabul, Afghanistan. The group planned to incite the local populace in the area to stage demonstrations and protests against the transitional Islamic state of Afghanistan.

Detainee (through translator): I cannot speak for Farsi, I asked another detainee what is that Chardehi? He said, Chardehi means, one meaning is fourteen and another meaning is four. Can you explain it to me, what is this?

Presiding Officer: So you're saying this is not true?

Detainee (through translator): The whole area speak Farsi, and I cannot speak a word of Farsi. How can I incite, which is I can't speak their language.

Presiding Officer: I understand.

Designated Military Officer (4.a.): The detainee claims that he is not a member of Hezb-e-Islami Gulbuddin and has no affiliations with the organization. The detainee claims his uncle is not a commander of the Hezb-e-Islami Gulbuddin.

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Detainee (through translator): I am not a member Gulbuddin of Hezb-e-Islami. Earlier, at the time of Russian his uncle was commander. Several times I told them, at the time of Russia, he was a commander.

Designated Military Officer (4.b.) The detainee denied serving in al Qaida, but knew of their existence and stated they would occupy all of the better homes and offices near his village in Kandahar, Afghanistan.

Detainee (through translator): That's very clear that I was going from home to store, I would see on my way houses and places and offices, which if anybody claims there was no Arab in Kandahar, they are lying, there was Arab in Kandahar. So if somebody tell you that the Americans are not residing right now in the Mullah Mohammed Omer house, they're lying. So when you in the morning when going from home to Arghandab, you'll see some houses that Americans are living there, everybody knows that Americans are living in that house. So coming from my home to my store, there was houses, everybody knew that the Arabs were living there.

Board Member: Does he know what the Arabs were doing in these houses?

Detainee (through translator): When you come to Afghanistan, what are you doing? Those Arabs came backing up Taliban, you came here backing up the current government. And it is a meeting or a conversation, I didn't have any conversation with them or even with you guys, I didn't know what they were saying, but it's obvious. If you're asking this question, what the Taliban or Arabs was doing in there, so ask them what they was doing.

Designated Military Officer (4.c.) The detainee stated that no one ever found anything on him or his brother that shows that they are guilty of anything.

Detainee (through translator): Yes.

Designated Military Officer (4.d.): The detainee denied having any knowledge of the attacks in the United States prior to their execution on 11 September 2001. The detainee denied having knowledge of any rumors or plans of future attacks on the United States or United States interests.

Detainee (through translator): This has nothing to do with the detainee, there's no connection with the detainee, this is kind of allegation or accusation?

Presiding Officer: No----

Detainee (through translator): So you spent five years on me here in Cuba over this kind of question?

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Presiding Officer: No, this was just a question to see if you had any information, you replied that you didn't and we understand that.

Detainee (through translator): It's not possible, this happen, this big attack. Look at my position and me, it's not connected.

Presiding Officer: We understand.

Detainee (through translator): We are not a political people and we are not educated people to know these things, these kind of political or these kinds of things. Only tell me this, have you done this or not, that's all I know.

Presiding Officer: I understand.

Presiding Officer: Okay, do either of the members' desire more time to review the unclassified summary?

Board members: No sir.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee had a written statement he would like to make orally.

Detainee (through translator): The matter is that, we were very cool and calm. First tell him, I am human being, I am not an animal. This four and a half years that I have been detained in Cuba, maybe more or less, hundred letters that I have sent home to my family through your postal system. When I send them, they come back and they don't assure me that we take your letter to the addressee. They just send me a photocopy and they say that is your letter. They say this is your answer to your letter, I tell them, "this is the Red Cross letter, not mine!" They send me this and say, that's your answer. They send me this, this is English [holds up letter from Post Office] and that's my letter answer? Instead of Pashtu, this is English page.

Presiding Officer: I believe I understand that you're having a problem being assured that your letters are getting to your family, is that correct?

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Detainee (through translator): Because all the time, they keep telling me that they receive your letters and that's not true. All your words are like this is not true. I say I give hundreds of letters to you not to the Red Cross.

Presiding Officer: The purpose of this board is to give you a chance to speak on your behalf to help us make a decision on whether you stay here, whether you're released or whether you're transferred. It sounds like you have an issue with mail and that can be handled separately, but if you do have information you would like to share with us regarding our decision on what should happen to you, I ask you to stay on that track please.

Detainee (through translator): These letters are not true letters, all things like this, they give you wrong information, they are not telling you the truth. My purpose is to tell you, you haven't heard any truth, it's all like this, they tell you one thing and it's something else.

Presiding Officer: Okay that is a matter that can be addressed separately from this board. Is there anything that you would like to relay to us regarding our decision on you?

Detainee (through translator): My brother wrote me and said, we give up the store because we don't have money, the money is lost.

Presiding Officer: I understand.

Detainee (through translator): The money is gone and we have to give up the store. What else is wrong about the money? Now I have a question for you. Are you really enemy of al Qaida or are you their friend?

Presiding Officer: That question is not relevant to this board.

Detainee (through translator): I'm just asking, you say no?

Presiding Officer: I'm asking you to provide statements that will help us to make a decision on whether you continue to be detained, you're released or transferred. I'm willing to take any of the statements you have along those lines and anything else that is relevant to this board.

Detainee (through translator): I just wanted to say that this person that you brought here, and he told you that, "I fight" you capture him with a weapon, you let him go and you keep the shopkeeper? If anybody has invaded Afghanistan, you, al Qaida, whatever, how they got to Afghanistan, who send them?

Presiding Officer: Does this conclude your statement?

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Detainee (through translator): Gulbuddin or anybody else, Pakistan keep them there. Pakistan send them, Pakistan took care of them for the last---- and then later on they made the Taliban and they send them to Afghanistan and then they send you there. Why you do not ask Pakistan, where is Gulbuddin? You ask shopkeeper where is Gulbuddin?

Presiding Officer: Okay, do you have any other statements to make on your behalf?

Detainee (through translator): I am saying that is my statement. So I am saying, I am saying, I am not a foreigner, I am a shopkeeper, you didn't catch me in another country, you didn't even catch me in another province, you didn't catch me in another village. You catch me in my own village, in my own place and you brought me here.

Presiding Officer: I understand.

Detainee (through translator): I am a very poor oppressed, underdog person. I was not American enemy and I am not an American enemy now.

Presiding Officer: I understand.

Detainee (through translator): You have no proof on me and you have nothing over me. The only thing that I am very concerned about is my money. I am going to claim that money to look for it. And doesn't matter how many years you detain me, 10 years to 20 years, but I will ask for my money.

Presiding Officer: I understand. Does that conclude your statement? I'll give you one more chance to say something on your behalf and then we'll wrap up your statement.

Detainee (through translator): If you have very small proof against me, I will agree.

Presiding Officer: Okay, thank you.

Detainee (through translator): One more thing, don't keep me here, don't detain me in the name of Gulbuddin, or my uncle and my brother, I don't want that. I'm so upset and resent because the Taliban by force took me for two months and you took me by force for five years and detain me here. If another regime comes to Afghanistan and say they would capture me and say, you have been in Cuba for five years, America took you there, they will keep me there for another ten years? Then I will tell them, did I go by my own choice to Cuba for Americans? I would tell them, they shackled me and took me there, same thing, Taliban did the same thing to me. I don't have any other statement, but I say it again, if you have any hard data or any proof or any documents against me. I'm not asking that you release me, that's your judgment and that's your business.

Presiding Officer: I understand.

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Detainee (through translator): Whatever you do, that's your business, I'm not asking you. If you have documents, come on.

Board Member: Okay.

Assistant Military Officer: What are your plans or goals if you are released or transferred?

Detainee (through translator): My plan is to do my own store or business and working in my store.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had no questions for the Detainee:

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

Detainee (through translator): When will I get informed?

Presiding Officer: When the decision is made, you will be informed shortly after that.

Detainee (through translator): The decision time is not clear?

Presiding Officer: No, it is not clear.

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

Presiding Officer: Shawali Khan, I want you to know that we appreciate your attendance and conduct in today's board.

Detainee (through translator): I appreciate you guys to listen to me and listen to what I say.

Presiding Officer: It shows that you take this process seriously as do we. Your presence and response to our questions will help us to make an informed decision.

Detainee (through translator): I am not asking you to release me. You can ask in my village or my hometown, ask people about me, if I am a danger or threat to Americans or not. You can find out.

Presiding Officer: Well, thank you for coming and I hope that you will encourage others to attend their board also.

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

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The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



CAPTAIN, U.S. Navy
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 954

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee did not want to accept the (Muslim) oath.

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

Presiding Officer: Before we proceed do you wish to be called by this board Abdul Ghafour or do you have some other name you would prefer the board to call you?

Detainee (through translator): Abdul Ghafour is okay but if they pronounce it good then mostly they pronounce it Abdul Ghafour.

Presiding Officer: Ghafour.

Detainee (through translator): Abdul Ghafour.

Presiding Officer: Abdul Ghafour.

Detainee (through translator): Yes.

Presiding Officer: Good. Is the room warm enough for you?

Detainee (through translator): It is appropriate.

Presiding Officer: Good. Do you feel well to talk to us today?

Detainee (through translator): I have come far to talk to you.

Presiding Officer: Very well.

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

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 04 June 2007. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he would attend the ARB. The Detainee was cooperative and skeptical of the ARB. In accordance with the Standard Operating Procedures, the Joint Detention Group (JDG) liaison hand-carried two copies of the Unclassified Summary of Evidence, English and Pashtu translated, to the JDG point of contact for delivery to the detainee. And the change there would be Pashtu translated was read to the detainee, sir.

Presiding Officer: Thank you. For the record, the Assisting Military Officer has corrected an error in the EC-B text that should read the "the Pashtu translated Unclassified Summary of Evidence was read to the detainee."

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

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

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

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

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

Designated Military Officer states commitment.

Designated Military Officer: [3.a.1] The Detainee was the commander of a group of 50 former Taliban in Neka, Paktika province, Afghanistan.

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Detainee (through translator): The first thing is there is no Neka in Afghanistan. In the previous statement that was written says that Neka is one of the villages in Paktia province. The previous says Neka in Paktia and that is my hand writing and this is written in Neka in Paktika. It is too much different about this question and which is not necessary to answer this question. Doesn't matter if Neka is in Paktika province or Paktia province, Neka is not existent in whole Afghanistan. The previous time maybe last year I mentioned that to them if there was any place in the name of Neka in Paktia province I would be the commander. So I would like to make it clear it is Neka that is in Paktika province. I just want to make clear of that for you.

Translator: It is written Neka, but in English it is written N-E-K-A, which is Neka.

Detainee (through translator): Neka is a very populated place in Paktika province and there are a lot of people living there. You can call them by telephone or ask them they will tell you. Ask them in the name of Abdul Ghafour if I have been in Neka even for a day or night. In the last 20 years if I have been one hour in that village then I would agree with you that I am the commander of that place.

Presiding Officer: I think the board understands that.

Detainee (through translator): Actually, if you want to find out the fact and the reality you can send one of your spies in that village and try to find out. Then that person can find out if in the whole Neka village if one person, one individual, says I have been a commander there, then I will agree with you.

Presiding Officer: I have a question for you. Have you ever been in Paktika Province?

Detainee (through translator): That Neka village is on our way going to Pakistan. In the time of the Soviet Union invasion when we were traveling--moving to Pakistan, we were with our families and children. About 26 to 27 years ago we were traveling to Pakistan and Neka was a village on our way. We went through it to Pakistan. At that time Neka village was the only way for us to go through to Pakistan.

Presiding Officer: I think I understand what you are saying. Let me make sure I understand what you are saying. What you are saying is you have never been a commander in Neka?

Detainee (through translator): Yes, I was not a commander at all, no where. I just want to mention that question that you have that is a very big mistake in it. I just want you to fix it.

Presiding Officer: Well, thank you for explaining to us the mistake, and we will take your answer into consideration when we decide your case.

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Detainee (through translator): The second thing that he said, have you lived in Paktika village, no I haven't lived in Paktika village. Paktika and Paktia is a neighboring state; they are close to us but I am not living there.

Presiding Officer: We understand and we will take your answer into consideration. Designated Military Officer please continue.

Designated Military Officer: [3.a.2] The detainee's group was part of Saifullah Rahman Mansour's troops. In late July 2002 the group attacked locations in Gardez and Zornat, Afghanistan, including the United States' compound in Gardez.

Detainee (through translator): I have no affiliation or any connection with Saifullah Rahman Mansour. I mentioned that previously to you all. He is not my friend, he is not from my village, and he is not my relative. I have no connection with him. It says this group has attacked places. They are talking about the Rahman group. They connect me with some group and then say you did it.

Presiding Officer: Have you ever met Rahman?

Detainee (through translator): I want you to complete this part for me and I will answer you. It says he has done some operation or attack or I have done some operation or attack, just clear number two up for me.

Presiding Officer: Number two says a group you were a part of who worked for Saifullah Rahaman Mansour made these attacks.

Translator: He didn't understand me. Sir, I would like to clear it out for him again.

Detainee (through translator): It says here you were the leader of the group, which is not true.

Presiding Officer: Okay, it does not say that you were the leader; it says the group you were in.

Detainee (through translator): Any attack that he has done, it belongs to him it is his problem. If you accuse me then you are telling me that I took a part in the attacks. Believe me, I would like to assure you that I didn't take part in any attack.

Presiding Officer: We understand that answer and we will take that into consideration when we make our decision.

Detainee (through translator): Beside that I never had any group and I was the only person in my family that was trying to solve my family problems. I haven't joined any group or taken part in anything against the Americans. I would like to emphasize and assure you again that I have never taken any part against Americans and their ally.

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Presiding Officer: We understand that.

Detainee (through translator): I would like to explain that I have a seizure sickness. For many years I was not permitted to get out of my home. I am not permitted to go near water, fire, or any tragedy things or sad things. My wife, my sisters, my whole family tried to never give me bad news because of my sickness. They are attempting or trying to keep me happy and to keep me away from sad or bad news or being upset. This brain specialist or nerve specialist knows about this disease or sickness that I have.

Presiding Officer: Yes, and the board are aware of this. Now the board, just to summarize for this part—let me summarize for this part. As I understand your answer you were never part of any sort of armed group, in part because of this seizure or the threat of seizure?

Detainee (through translator): Yes, I was not a member of any armed group. Why I was not a member of the armed group is another matter. There are a lot of reasons behind it. I told you my disease story because of this kind of allegation or accusation on a person like me is way out of justice and truth.

Presiding Officer: We understand and we will consider that when we make our decision. I have one more question. I understand you were never a part of Rahman's group, but my question is, have you ever met Rahman?

Detainee (through translator): I mentioned earlier I don't have any connection or relation with him. He is not from my village and he is not my relative. The tribe covers a lot of villages and he is not from my village. Relatively he is not my relative either. You can find out by asking people in my village if I have any connection with this man or not.

Translator: I asked him have you seen him or not, and he said would you listen to me, tell them what I say.

Detainee (through translator): So that they can find out or ask our people. If I had any connection with him like relative, tribe, village or these kind of relations. Then I will accept that I was a member of his group.

Presiding Officer: Okay, thank you for explaining that. DMO, please continue.

Designated Military Officer: [3.a.3] In the events leading to the detainee's capture the detainee initiated fire on what were clearly identified as United States forces while he was hiding behind women. The detainee was reported to have been firing well-aimed, very effective fire and was also throwing grenades at the United States forces.

Detainee (through translator): I haven't fired toward or against Americans at all. I have not hid behind the ladies. Forget about a hand grenade, I haven't done that at all. Before

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I told them with a strong reason about the grenade throwing I haven't done it. You will listen to them and what they are saying.

Presiding Officer: Okay, we understand your answer.

Designated Military Officer states connections and associations

Designated Military Officer: [3.b.1] The detainee was the former district officer for the Taliban in Zormat, Afghanistan, and was part of the leadership for the Zormat district Taliban network under Saifullah Rahman Mansur.

Detainee (through translator): It is too far away from the fact. I never worked with the Taliban. I spent all my time serving my mother, my family, and teaching the children of my village. I will tell you if you like to I will read this letter and it will let you know what I was doing in my village.

Presiding Officer: If it is agreeable to you, let's save that for a little later when we'll bring all of the written material in at one time.

Translator: He agrees.

Presiding Officer: Okay. DMO.

Designated Military Officer: [3.b.2] The detainee regularly met with Saifullah Rahman Mansur and protected him when he was in the Zormat area of Afghanistan. The detainee met with Mansur on 2 December 2002, and during the battle of Sahi Kot. The detainee and Mansur met to discuss United States tactics and how to defeat United States forces. The detainee ordered Ahmed Shah to place weapons caches in the Zormat district for use against United States forces.

Detainee (through translator): Before, I mentioned I had no relationship or any connection with him and I was not in that position to have a group to take his security or to keep him secure. So the letters that I have, when I read it to you, then you will find out whether I was a person that was helping him or was I busy with a lot of other things which was that which belong to me.

Presiding Officer: I understand.

Detainee (through translator): In a summary, I will say I didn't have any connections or associations with him. I didn't have any group to take care of his security. I was not connected with him so there was no need to take care of his security. Since I was not a leader or have a group and I was not a boss how can I order Rashad to get some weapons, cache weapons and put them somewhere. I was not in that position. I didn't order any person Ahmed Shah to put weapons somewhere to use against Americans. Not Ahmed Shah or any other person, I have not counseled them.

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Presiding Officer: Have you met with Ahmed Shah?

Detainee (through translator): I don't know any Ahmed Shah other than that he is doing things against Americans. I don't know that person or that name.

Presiding Officer: Thank you we understand your answer and we will take that into consideration.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer: [4.a.] The detainee stated he never had any weapons or military training and almost every one in Afghanistan has a rifle.

Detainee (through translator): Yes, this is correct.

Designated Military Officer: [4.b.] The detainee stated he fired his Kalashnikov on the night of his arrest to scare away what he thought were thieves and to alert his neighbors. It was far too dark to see anything at the time and the detainee would not have shot at American soldiers if he could have seen them.

Detainee (through translator): I said I haven't fired towards Americans.

Presiding Officer: This statement say you were firing to alert your neighbors. How close were the neighbors?

Detainee (through translator): In connection with these questions. I belong to me, and they are asking me if I fired toward Americans. That is all I can say: I have never taken a weapon and fired against Americans.

Presiding Officer: Did anyone else fire towards the Americans?

Detainee (through translator): As far as concerning me, I never fired against Americans. I never picked up any weapons against the Americans.

Presiding Officer: Thank you.

Detainee (through translator): That is not the subject of our conversation; if someone has fired some other place or some other direction. That has nothing to do with the Americans or any connection with this. As far as concerning this conversation and my detention, I am saying I never take any weapons against Americans or fire against Americans.

Presiding Officer: We understand.

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Detainee (through translator): Beside this, out of this matter, shooting at somebody else is not connected to this conversation that we are having.

Presiding Officer: You are correct.

Detainee (through translator): Do you understand what I said?

Presiding Officer: Yes and you are correct.

Detainee (through translator): If it is not trouble for you, can you tell me what I said, only the last part?

Presiding Officer: You said that it doesn't matter about other people, or whether other people shot at Americans. This hearing is just about you and what you did.

Detainee (through translator): No, I didn't say that.

Presiding Officer: Not in so many words, but I thought that is where your meaning goes. If not, then please explain.

Detainee (through translator): I said I didn't shoot towards Americans. I never picked up any weapons against Americans. I was not really interested to shoot or fire against Americans from my home. If I have fired against somebody else except Americans, or if sometimes I pick up any weapons against somebody or not, that is not the concern of this meeting.

Translator: Can I clarify it, sir?

Presiding Officer: Yes.

Translator: He means that maybe he has fired weapons but it was not against the Americans; maybe some other time, or somebody else.

Presiding Officer: I understand and the board understands that you never shot against Americans.

Detainee (through translator): I never. The misunderstanding as a detainee and as an accused person, I have not fired any weapons against Americans but towards somebody else maybe I have shot or not. This is the confusing point.

Translator: I said, well, tell him that maybe you have fired other places and he said no. He is accusing me of doing false translation.

Detainee (through translator): As a detainee, the question is not coming to me that did you fire at someone else. They did not ask me that so that is why I didn't answer it.

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Presiding Officer: That is correct. And let me state this is for the record, and this is one of the facts we will take into consideration to decide. All this board cares about is whether you shot at Americans and you said that you did not. This board is not asking whether you shot at anyone who is not an American, just Americans.

Detainee (through translator): He explained it very good and I understood. [To Translator:] You cheated me; don't repeat the cheating again.

Presiding Officer: We understand now.

Designated Military Officer: [4.e.]¹ When asked if he would follow a fatwa to fight given by a Mullah he respected, the detainee replied he would not fight for anyone and he did not believe in fighting.

Detainee (through translator): As time has been passed to long I don't remember if I said that or not. I don't remember what I have said.

Presiding Officer: Okay.

Designated Military Officer: [4.f.]² The stated he plans to resume teaching in his village if returned to Afghanistan. This concludes the Unclassified Summary.

Detainee (through translator): If my mental condition was okay and I was ready for it, yes, I would.

Presiding Officer: Thank you for your answers. We will come to your papers and other statements in just a minute.

The Board Members did not request any further time to review the unclassified summary.

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

The Presiding Officer acknowledged the request.

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

¹ This should be [4.c.]; the Unclassified Summary of Evidence was numbered incorrectly.

² This should be [4.d.]; the Unclassified Summary of Evidence was numbered incorrectly.

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The Presiding Officer asks Assisting Military Officer to read the comments from the Enemy Combatant Election.

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

The Assisting Military Officer stated that the Detainee would like to make a statement.

Presiding Officer: Abdul Ghafour, you may begin your statement.

Detainee (through translator): I wrote a letter to my family about my worries about my situation. They answer me about my worries. I was worried about my children, my family, and their schooling so they wrote me back.

[Detainee reads an excerpt from a letter from his family.]

Detainee (through translator): From the appearance of your family and your sick mother, they have been in one compound or home in the desert. They are living there. In appearance your worries is kind of--no need to be worried. Besides that, your mother is living in the desert with the children, and they have nobody to take care of them. Their lessons are from your friends. The sadness is including your friend. Why not, you should be worried. In fact, for your free life until the last moment your own people have hundreds of children for your village. For your village you were busy from your teaching and their training. Your children's lessons and training were so important to you. Even their lesson was so important to you that you wouldn't even let them irrigate the farm or these kinds of things. You didn't let those children to even go beside the river because there was a group of addicted people with hashish. You didn't let them get close to those people, because you were the one that was always irrigating your farm and your land. You were the person who was all the time irrigating your farm and your land. The summary of the whole statement is that my house is a very remote area in the desert. My mother was very old and sick and my family, my wife and my children, had no one to take care of them. I had a very good interest in training and listening and to teach the children of my village. To the end of my life over there, I was busy training and teaching the children of my village. To avoid my children to not being kind of vagrant or drifting around, to not go sit down and have some affiliation with a drug addict, so I was the one that was irrigating and taking care of the land. I would not let the children do it because I was worried about any bad behavior if they get that from those addicted hashish smoker.

This letter was written January 5, 2005. Actually the date of the letter is October 30, 2004. I received the letter January 5, 2005.

All the villagers are feeling compassion toward you. They bring anything we need to our house. We haven't borrowed money from people yet. All the people, they know us and the people that don't know us they are feeling sorry and feeling pain because of you.

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They are saying because you never take a part in doing wrong activities, you didn't take a part in any bad doing. .

[Detainee points out a redacted portion then continues.]

Detainee (through translator): So everybody keeps compassion and kindness relation with us, and don't worry about us. Pray for us and we will pray for you. That is it.

Presiding Officer: Okay. Abdul Ghafour, do you want to give this board a copy of that letter, a written copy, as well as having read it to the board?

Detainee (through translator): Yes, if they copy it in very calm times, sit down and translate it, and then give my paper back to me. That would be nice.

Presiding Officer: AMO, does that sound like something you could arrange?

Assisting Military Officer: Yes, sir.

Detainee (through translator): And you will give me back my papers?

Assisting Military Officer: Yes.

[As the detainee looked at the stack of letters he was holding.]

Detainee (through translator): The rest of them are personal family stuff. There are only a few words that are about this.

Presiding Officer: Okay. It is up to you whether you want to give us the whole letter. You read it, and we understand that your family misses you very much and it is hard for them. We understand that you were important in taking care of the children.

Detainee (through translator): Yes, I would like to say a very short statement. From that time my family came from Pakistan back to the homeland, ten years before my upper hand or capture. Since that time, I opened a private school for the village children and my children. That was very important job that I had and most of my life has been occupied by this job. So I was collecting fees from the children's parents. Another thing my mother was sick from long time. And all the time I was in her service and all the time I was taking care of her. I couldn't do to stay away from my family and my home. Sometimes her blood pressure goes up, sometimes it goes down, and asthma attacks her. That is why I was so afraid that I would not be at home, and when I come my mother would be dead and that is a shame for me. Sometime when a very strong attack would come to her I would take her as fast as I could to the doctor or bring the doctor to her. I wasn't sure even one day what would happen to her. The third one was my farming and my agriculture. Besides that I was so busy taking care of my land, irrigation, or cultivation, this kind of farming. This was my business.

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Presiding Officer: What did you grow?

Detainee (through translator): Mostly for our animals we grew, there is a kind of hay that we call rishqa. Rishqa is a hay for our animals. I keep 2, 3, even 4 cows at home. Besides that we plant some wheat and...

Translator: ...I forgot the name of it. It is something else that they give to the horses and cows. It is close to their wheat.

Detainee (through translator): Besides that there are some vegetables that we use daily like okra, onions, potatoes, and other veggies. Red radish, so will eat those with a soup.

Presiding Officer: Thank you. Does that complete your statement?

Detainee (through translator): Totally.

Presiding Officer: Did the Assisting Military Officer provide you with all the information that you wanted us to hear?

Detainee(through translator): Yes.

The Assisting Military Officer had no additional information to present.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had questions:

Board Member: I do, sir. What are your children's ages and genders?

Detainee(through translator): I have four boys and one girl.

Board Member: What are their ages?

Detainee (through translator): I mentioned that in my statements in previous times, but right now in my mind it is not very clear how old they are now. Mostly I remember the oldest one was around 9 o'clock—I mean 9 years old. Beside that in our hometown they do not record the age, it is very seldom. It is a very country place.

Board Member: Okay, thank you.

Detainee through translator): Sometimes I would teach forty children in my class. Sometimes it would go up.

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Board Member: Okay, thank you. You mentioned that you had not been through the Paktika region, except to pass through a long time ago. Were there other areas of Afghanistan you visited?

Detainee (through translator): Just only when our family was coming from Pakistan through Khowst to the vehicle or transportation. From the Neka village we couldn't go by transportation because up in the sky was planes, at that time, so we had to walk. I haven't seen any other provinces in Afghanistan. Other than taking my mother for treatment to Kabul, and I don't know any other place. We just went to the doctor and came back.

Board Member: One final question. How do you feel about there being U.S. troops in Afghanistan right now?

Detainee (through translator): I am old sick, detained, and I am in this prison so I can not even think about those things. I have been here for five years in the dark night-- the darkness, and I can not talk about what will happen or anticipate it. Now my eyes are open. I saw this officer and I heard him, what he said, and I talked to him. Now I know a little bit what kind of person he is. From his face and the way he was talking and from his youth I can see what kind of person he is now. I have a very good memory from you so don't get it in the wrong way. Compared to the other world, our people are ignorant, deaf, blind, and know nothing about the person.

Board Member: That is all I have.

Board Member: Abdul Ghafour, I only have a couple of questions...

Detainee (through translator): The meeting is almost over, but you still haven't learned how to pronounce my name.

Board Member: I apologize.

Detainee (through translator): I am joking with you. I am teasing you, so don't be sad or don't resent me.

Board Member: I will try it again. Abdul Ghafour.

Detainee (through translator): Abdul Ghafour.

Board Member: It is hard for the English tongue. Were you ever a member of the Taliban or al Qaida?

Detainee (through translator): I swear to God that I have not heard the al Qaida name before. When September 11th happened and Bush was talking on the radio I heard from

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Bush, he talked about al Qaida. I am telling you the truth; before that, I haven't heard the name before.

Board Member: Thank you. Did you ever receive any jihadist indoctrination training?

Translator: I said have you ever had jihadist training, and he said, I have never had military training. I said no, he is talking about jihadist, and he said no, don't argue with me, tell them what I said.

Board Member: I understand you told us before that you have never received military training. I am asking about religious training.

Detainee (through translator): Yes. I am a Muslim.

Board Member: Finally, can you tell us what you taught in school?

Detainee (through translator): In this school mostly up to the third class I was teaching. I was teaching Pashtu alphabet and the grammar. We teach them the Koran. It is mandatory in our country for the children to learn alphabet and Koran. The Koran is written in Arabic, that it is very hard for the Pashtus to pronounce. We teach our children, and try to teach them how to pronounce it. So writing and math, we teach them. The Pashtu grammar which is like alphabet, and that is a lot that we teach them.

Board Member: As a follow-up on a couple of things that you said. Were you a religious leader in your village?

Detainee (through translator): No. I am only a teacher. We are a Muslim country and the Koran is part of the school teaching. Anyway, in our country, man and woman at least they can read Koran, even if they don't know what is written, but they have to verbally recite it. These are mandatory for us before praying. Washing before praying and we teach them how to pray, and when they have to take a shower, washing themselves; these are kind of mandatory for us.

Board Member: Thank you. No further questions.

Presiding Officer: About how many students did you have?

Detainee(through translator): Sometimes more than 40; sometimes it goes down; it is not registered with the government; it is a villager school. In our country people are very, very poor, especially in the summer time when they have their animals and their cows, they can not afford to feed them. So what they do is, they take them into the mountain or desert to feed them. So that is why the students go down, because they are used for herding. Some children, their family is so poor they can not afford to hire anybody so they take the animals out for grazing. Some of them, they can afford to hire another little

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boy to do the job for them. In the summertime the students' attendance is very low, and in the winter, when the weather gets cold, the attendance goes up.

Presiding Officer: If you were sent back to Afghanistan would there be someone there who could say, "I will be responsible for your good behavior?"

Detainee (through translator): You can see from my letter how much people worry about me, and are sad because of me, and how much they need me for their children.

Presiding Officer: That is exactly what made me think of the question. The children that you once taught still have respect for you, and still look to you as a leader or as a person of authority. Someday when you see them again they will still look to you as a person of authority. You are somebody who told them to stay away from the hashish smokers. You told the children stay away from bad men, and the children listened to you because you are a man of authority.

Detainee (through translator): Me and these children--between me and the children, relationship it is student and teacher relationship. There is no boss and support relation. You are living in a very educated society; what is the relationship between a teacher and a student? When they grow up a little bit and get older, they know how to say, this is my teacher; after a few years they go to their own labor and start working. When they were going to provide for themselves and their family and start working, they forget about me being their teacher once. Especially, on the time we were in Afghanistan the schools and universities and systems were destroyed. The children was giving up the schooling, and going for their own business and working. The children forget about the interest between the teacher and student. They forget the relationship. Forgive me. Some of them remember through old ages.

Presiding Officer: My question really is, is there an elder who can tell you to stay away from those bad men if you go home? Is there an elder who can do for you what you do for the children?

Detainee (through translator): In this letter, even these people are so far from me, and they are not relatives, and they are so sorry and so sad and sharing the pain with the relatives because you haven't done anything wrong. In our society like this, if somebody diverts from the right path there are elders there sitting together, and they call them and tell them that these things that you are doing is not appropriate; go to the right path. Two areas are very important. One is the relatives' area and the other is the villager's connection. Relatives, if they are male or female, they feel pain for each other when something happens. These relatives don't like bad guy among themselves. They advise that the way that you are going is the wrong way, no to go. If he continue going to the wrong path, then they don't like to associate with this person. They will not let him get in their houses as his own relative. They get kind of like, away--don't want to visit him. This villager's life--the village people are kind of attached to each other. They have a community. They're kind of hooked or tied to each other, they can not get away from

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that ring or tie. Their land, their irrigation of the water, is shared between each other. They dig and clean the creeks for irrigation together. When the crops reach to a point, all together they go to harvest. Even if it is somebody's wedding the whole village is kind of a community or together. If there is a wedding there are a lot of gifts, so if anybody has extra pot or extra bed, they will bring it to take care of the guest. It is not like going to the market and getting the equipment, and rent it and bring it home. The day of the wedding, we fit hundreds of people as a guest. They are all together, but serving the guest and bringing the equipment. Common community system; one person by himself, he can't make it by himself; it has to be from the society. That was from the happy part. The sad and sorrow part is if a male or female dies. Hundreds of people take part in this ceremony for the dead person. The funeral, the shrouding, the washing, and praying for the deceased ceremony until they bury them. Hundreds of people take part in this ceremony. The person that his mother or father has been deceased, they all come to his house and advise him or praying for him the patience. For the children of the deceased they bring for two or three days food or breakfast. Five or six families they allocate and get a place, and we call it a mosque. We go there we pray there; we wash there. If from another village some people try to go and fight one of the society members, so the whole society will go and tell them not to invade the territory. If the member was not the good guy, they will tell him don't do any wrong doing. So it is villager area, kind of a build up that they are responsible for each other. They do their best, and according to their ability; they don't let any young or old or anybody divert from the path. So the village elder are attempting or trying their very best to not let the youngster to go out of the right way. Even if that person will not listen to the elder, then what the elder does is isolate him from the society, and will not help him anymore. So God forbid I am human, being only if I will do something wrong, because I have the villagers, leaders, and elders. It is very obvious that they will advise me and if I will not listen then they will punish me. I am not going to be arrogant and say oh, I will not make a mistake. I am not that proud to not listen to anyone else's advice. God give me good success.

Presiding Officer: Thank you for coming today. It is important for us to talk to the detainee of the cases we are considering. I am sure you know detainees who have been sent home.

Detainee (through translator): Whatever God wants that will happen.

Presiding Officer: Over half of the detainees who come to Guantanamo Bay have gone home. I think it is important for detainees to come and talk to us and I want to thank you for doing that today. You have shown this board very respectful behavior and I would hope if you were asked how you were treated you would be able to say the same to them. It is time for us to finish this proceeding. Do you have anything remaining to say?

Detainee (through translator): I am very happy to see you. As an officer, I became assured from your good treatment. I have a very good memory of you and the members of this meeting; it looks very nice to me. I have a good memory from this meeting.

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Decisions are with God. I believe and trust my God. I leave my future in the hand of God. My hope is toward God.

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

[The detainee made another comment after the Administrative Review Board was adjourned]

Detainee (through translator): In the end I request from God to give success to all of us. Me and you all, one day, will be standing in front of him. On that day, which he will be the judge and we will be asked for our actions and what we have done, and only he will be a judge and ours will be our action. It is a very hard moment and hard day. God help us and be kind to us.

Presiding Officer: God be with you.

[The open session of the Administrative Review Board adjourned.]

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 975

The Administrative Review Board was called to order on 7 December, 2007

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee declined taking the (Muslim) oath.

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

Presiding Officer: I would like to know if it is comfortable or too cold in here for you at this time?

Detainee (through translator): Yes, it is a little cold.

Presiding Officer: Are you feeling well enough to be here at this hearing?

Detainee (through translator): I'm fine.

Presiding Officer: This is your opportunity to present facts and information, whether it pertains to new or old information, to three new board members, who will hear this information for the first time.

Presiding Officer: Do you understand these instructions?

Detainee (through translator): Yes.

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 16 November 2007. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee was initially noncommittal, however later stated he would like to think about it. The detainee was polite and attentive throughout the interview. A copy of both the English and Pashtu translated Unclassified Summary of Evidence, was provided to the detainee according to Joint Detention Group Standard Operating Procedures.

Additional Comments:

The detainee appeared at his interview wearing a tan uniform. When asked if he wanted to attend the ARB, the detainee stated he wanted time to think about why he should attend.

On 19 November 2007 a follow up interview was conducted and the detainee stated he would attend his ARB. The detainee was polite and attentive throughout both interviews.

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

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

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

Detainee (through translator): Yes.

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

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

Designated Military Officer: (3.a.1) The detainee stated he departed Khowst, Afghanistan during the Russian invasion. The detainee stayed at a refugee camp in Miram Shah, Pakistan for approximately 10 to 13 years. While living in Miram Shah, Pakistan, the detainee aided the Mujahedin against the Russians and their

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supporters.

Detainee (through translator): At the time we were immigrating or moving as refugee to Pakistan; at the time, I was a little boy. This is a fact in our province most ninety percent of our people are refugees in Pakistan. I was a refugee but I didn't fight against the Russian's.

Board Member: Did you aid them in anyway?

Detainee (through translator): Yes I did. When I became a refugee I stayed with them for a few nights. Yes, I did help them. I went to the Miram Shah center to help them.

Presiding Officer: Okay.

Designated Military Officer: (3.a.2) The detainee stated he served with the Mujahedin during the Russian-Afghan War while he was a refugee in Miram Shah, Pakistan. The detainee stated he spent time at a Mujahedin command post known as Srobnai. The detainee stated his uncle was a very well known Mujahedin commander for an individual.

Detainee (through translator): Yes this is a fact; I did go there and help them. I don't have an uncle. In my host province you can ask about it. Americans are present there are people from my country are there; you can ask anyone and they will tell you I don't have an uncle that is a Mujahedin Commander.

Presiding Officer: So Bostan you are not familiar with anyone that is a Mujahedin Commander?

Detainee (through translator): Sir, I would like to verify to you. In our language we call our mother-brother Mama and our father-brother Caca, but in English they call him uncle. That is the misunderstanding. Yes, my mother-brother was a small Commander who had about ten people under him.

Presiding Officer: Okay, thank you.

Designated Military Officer: (3.a.3) A source, who was a Hezb-e-Islami commander, stated the individual the detainee's uncle worked for was the leader of Hezb-e-Islami, one of the seven al Qaida terrorist groups operating in Pakistan.

Detainee (through translator): There is a difference in mother-brother and father-brother in our culture. Father-brother lives with the family and mother-brother lives far away from the family. My mother-brother had nothing to do with Mujahedin he was faithful to the government. He was not a well known Mujahedin Commander. He was a sub governor. I was wondering why they are accusing me and my mother-brother. They have Americans that live there. My mother-brother works for Americans that live there.

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If my mother-brother was a Mujahedin Commander I would cut my hand off right now. You can get the detail information from my area right now.

Board Member: Are you saying that your mother-brother is in some type of position with the governor right now?

Detainee (*through translator*): When I was there he was a sub governor, right now I don't have any information about that. He was very faithful to the Miram Shah government.

Presiding Officer: Is he with the Hezb-e-Islami?

Detainee (*through translator*): He had nothing to do with them. When we were in Pakistan he was a very small Commander in Mujahedin party.

Designated Military Officer: (3.a.4) The detainee stated he went to a compound in Srobai near Tanai, Afghanistan in approximately 1988. The detainee stated he was there for guard duty and did not participate in any fighting. The detainee stated he attended this compound approximately four or five times for approximately ten days to two weeks at a time. After attending the compound each time, the detainee returned to his home in Pakistan.

Detainee (*through translator*): This has some contradiction with the first question that you ask me. It said you went and fought against the Russian and I said yes. I went to Srobai and stayed for a few nights.

Board Member: Is the answer no?

Detainee (*through translator*): I stayed a few nights in Srobai.

Board Member: So were it stated that he went four or five times for ten days to two weeks; is this false?

Detainee (*through translator*): Yes, I spent a couple of weeks each time going back and forth.

Presiding Officer: Okay.

Designated Military Officer: (3.a.5) The detainee stated he was recruited by Jamat-al-Tabiligh when he returned to Afghanistan after the Russians lost control.

Detainee (*through translator*): Yes, I'm not Jamat, and not a cleric, and not well educated in their religion. To learn how to pray and wash myself I spent four months with Jamat-al-Tabiligh, to learn their pillars of Islam.

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Presiding Officer: Are you saying that the Jamat-al-Tabligh organization was teaching you religious ways and also how to bath and prepare yourself or did you have a true understanding on what Jamat-al-Tabligh did?

Detainee (through translator): You can find them anywhere; they are all over the country. I was with them to learn properly on how to perform my religious duties correctly.

Presiding Officer: Okay.

Designated Military Officer: (3.a.6) The preachers of Jamat-al-Tabligh organization have been supporting Islamic terrorist groups in south and Southeast Asia under the cover of conducting religious activities. The group is closely aligned with other Pakistani terrorist organizations and the al Qaida network.

Detainee (through translator): That is not correct; I don't have any information on this. These people are not hidden. These people are all over the place, they have center all over.

Board Member: So you never seen any type of weapons, terrorist or arms at all?

Detainee (through translator): No.

Board Member: So, are you aware of any connections between Jamat-al-Tabligh and any terrorist activity?

Detainee (through translator): They were trying to preach in the Khost and then the Taliban came and destroyed their equipment and anything that they might have had. The Taliban was telling them that they were not any good for the people. You'll didn't take part in the Jihad with us. The Americans gave them a big center to Jamat-al-Tabligh. They also gave them freedom.

Presiding Officer: Okay.

Designated Military Officer: (3.a.7) The detainee stated he was a member of the organization Jamat-al-Tabligh for approximately seven years. The detainee attended the Markaz Tabligh for approximately four months to become a member of Jamat-al-Tabligh. The detainee explained Markaz Tablighi means "center of Tablighi" and is located in the Raiwind area of Lahore, Pakistan. An individual must attend a Markaz to learn how to teach in order to become a member of Jamat-al-Tabligh.

Detainee (through translator): This is a fact. I mentioned it earlier that I spent four months with them. I didn't work for them for seven years. I had my own store to take care of. If you need to see their leaders they are in Raiwind area of Lahore.

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Board Member: Did you have any other associations with Jamat-al-Tabligh other than the four months that you stayed with them?

Detainee (through translator): No.

Presiding Officer: Okay.

Designated Military Officer: (3.a.8) A source stated the detainee was a member of Jamat-al-Tabligh.

Detainee (through translator): No. Why are you asking me the same question? This is only one question. They are mixing them up.

Presiding Officer: We are not mixing them up. The first questions that we mentioned were questions that you mentioned early on. These are questions that someone stated that you did. Is that correct; yes or no?

Detainee (through translator): I spent four months with them.

Board Member: Were you a member?

Detainee (through translator): Yes I spent the four months with them and yes I was a member.

Presiding Officer: Okay.

Designated Military Officer: (3.a.9) A source observed the detainee trying to recruit men to join Jamat-al-Tabligh.

Detainee (through translator): There was a meeting in the Khost. There were thousands of Tabligh there and I took part in the meeting. The Taliban came and spread everyone out.

Presiding Officer: Okay, thank you.

Designated Military Officer: (3.a.10) A source stated it was common knowledge that Jamat-al-Tabligh was responsible for assisting foreigners to flee Afghanistan.

Detainee (through translator): I have no information about that.

Board Member: Did you help anyone flee Afghanistan?

Detainee (through translator): No.

Presiding Officer: Okay.

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Designated Military Officer: (3.a.11) A source stated that on 1 January 2001, Jamat-al-Tabligh members provided assistance to him and other unarmed Taliban Arab fighters. The Jamat-al-Tabligh members transported Taliban Arab fighters across the border from Zornat, Afghanistan to Lahore, Pakistan. Jamat-al-Tabligh also provided the source housing in Lahore, Pakistan.

Detainee (through translator): I have no information about this question. You can go and get the information from the leaders of the Jamat-al-Tabligh they can answer this for you.

Presiding Officer: Have you ever been to Zornat, Afghanistan?

Detainee (through translator): No, I have never been to Zornat. Why did the Americans give them freedom to preach over there, I don't understand that?

Board Member: Did you ever hear of any Jamat-al-Tabligh members transporting Arabs to Pakistan at any point; you are from Afghanistan, right?

Detainee (through translator): No, I was a shopkeeper, to busy with my business and at night I would just go home. I haven't heard anything.

Board Member: After spending four months with Jamat-al-Tabligh you figure you would have more knowledge about Jamat-al-Tabligh then what you have?

Detainee (through translator): I don't know you need to ask the leaders of Jamat-al-Tabligh, they have a center in Pakistan. The Taliban didn't want the Tabligh to do the preaching at the center.

Presiding Officer: How did you know that the Americans provided these centers for the organizations in Afghanistan and Pakistan?

Detainee (through translator): I don't know what the Americans did in Afghanistan. In the Khost which is Pakistan, the Taliban didn't let the Tabligh do anything. I heard it since I've been in Cuba. The Americans gave them the center and the freedom to do what they want to.

Presiding Officer: You said you heard it from a source that is here, which is a rumor that you heard from one or more of the detainees that is here; so you don't really know for a fact that this is true since you heard it from a source that is here?

Detainee (through translator): The detainee that came after me told me that the Americans gave them a center and the freedom over there. You can ask the detainee that told me this.

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Presiding Officer: I just want to make sure that you understand that this is not a fact since you heard it from one of the detainees that is here?

Detainee (through translator): Yes, I understand.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (3.a.12) The detainee stated that around November or December of 2001, he and other Tabilighis went to an al Qaida-run hospital and helped the wounded fighters. The detainee stated this was the only time the detainee has helped out al Qaida.

Detainee (through translator): That hospital was build by the Khost and the German. That hospital was build way before I was born. I don't know what kind of organization that the hospital became, but later it became an Arab organization. In the hospital it was doctors, guards and people that were working there. They were giving free medicine and help to people that would come there. The people were very poor so they would bring their family member to this hospital. My daughter was very sick so I took her to this hospital. My daughter also died in this hospital. So I serve the hospital after my daughter died. I was not and doctor, I wasn't even in control of anything. You can ask anyone about this hospital in the Khost. I can provide you with her documents that she died in this hospital. I can even show you her grave. Everyone was going to this hospital for treatment. They had Americans going to this hospital. People that worked for the government were using this hospital for treatment.

Board Member: Did you see any Al Qaida fighters?

Detainee (through translator): No.

Board Member: I'm sorry about your daughter, how old was she when she passed?

Detainee (through translator): She was about seven months. If you don't believe me I can show you her grave. When my daughter died there were sixty households that prayed for her.

Presiding Officer: Okay.

Training

Designated Military Officer: (3.b.1) The detainee stated he stayed a few nights at a compound call Sroobi. The detainee stated some people at the compound wanted to participate in jihad and others did not. The detainee further stated he participated in target practice and several men at the compound hunted with their AK-47s.

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Detainee (through translator): Yes this is only one question, yes I went to Sroobi and stayed there for a few nights. In Pakistan target practice is normal for the people in the country; it isn't anything out of the ordinary; everyone has one.

Presiding Officer: Okay, thank you.

Designated Military Officer States Connections and Associations:

Designated Military Officer: (3.c.1) The detainee admitted to meeting an individual during the time of the Taliban when all of the shops in the bazaar were closed for a meeting that the individual attended.

Detainee (through translator): That was a rule or regulation the Taliban had, everyone had to attend. Everyone went to and prayed for the rain to come. When they were calling for everyone to go you had to close your shop and attend. You had no choice but to attend the meeting. If you didn't attend the meeting the Taliban would beat you up. I hadn't met anyone during that time.

Presiding Officer: Okay.

Designated Military Officer: (3.c.2) The individual from the previous statements and a second individual were identified as forming an alliance with support, guidance, and funding provided by al Qaida and the Jamat Ulma Islami.

Detainee (through translator): I don't know who the person is. This is not true.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (3.c.3) The second individual from the previous statement founded Hezb-e-Islami Gulbuddin as a faction of the Hezb-e-Islami party in 1977. Hezb-e-Islami Gulbuddin was one of the major Mujahedin groups in the war against the Soviets. The Hezb-e-Islami Gulbuddin has long-established ties with Usama bin Laden.

Detainee (through translator): This has nothing to do with me.

Presiding Officer: You said you were a member or belonged to the Hezb-e-Islami party?

Detainee (through translator): I'm not. First of all, you said that my mother-brother is Hezb-e-Islami; he's not.

Presiding Officer: We are not accusing any of your family, we just want to know if this statement is true or not?

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Detainee (through translator): This information is not correct, you can asked any one over there if this information is correct or not. You can ask my mother-brother, his name is Mama. He can let you know that this is not true.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (3.c.4) A source stated the Jamiat-Ulmar-Islam political organization was a Pakhtoon tribe from Pakistan which regularly recruited from a mosque in Abdabot, Pakistan. After Friday prayers, members of the organization solicited for volunteers to fight in the jihad.

Detainee (through translator): This mosque is in Abdabot, Pakistan. I don't have any information about this.

Presiding Officer: Thank you.

Designated Military Officer States Other Relevant Data.

1. In August 2002, the detainee and another individual were detained at a checkpoint in Pakistan. The detainee and the other individual did not have identity papers. The detainee and the other individual had in their possession a Satellite Telephone, 2,700 United States Dollars, 3,600 Pakistani Rupees and 70,000 Afghan Rupees.

Detainee (through translator): Yes, this is true. The other person that was with me, his name is Abdullah Wazir he is in camp six. I wasn't even aware of what was going on five minutes before I was captured. The Satellite Telephone, and all of the money was all his. I was informed after we were captured by the Pakistani Police about the Satellite phone and money.

Board Member: Was this person your former partner?

Detainee (through translator): I had a shop and he had a shop. That is how we met each other. We prayed at the same center.

Board Member: Where were you traveling to?

Detainee (through translator): I was traveling to Pakistan. I was bringing goods to my shop.

Board Member: Why were you traveling with someone that you didn't know that well?

Detainee (through translator): We were at a bus station; it was a lot of people gathering there. Everyone was going to the same place. We were all talking to each other. He saw me and then he approached me.

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Board Member: Were you on a bus or in a large vehicle or in a car?

Detainee (through translator): It was a flying coach; a van that is what they called it. He was sitting beside me. When the police stop the vehicle and asked him to get down he gave me the satellite phone. You can ask him about this, he is a young and smart guy. This question has nothing to do with me. If you can prove that I did this I will stay here for ten years.

Board Member: Did he give you the Satellite phone and the money?

Detainee (through translator): He only gave me the Satellite phone. I didn't know it was a Satellite phone, I thought it was a camera. I didn't find out it was a phone until the police told me later. He is here in Cuba and you can ask him if this is correct. If he hasn't already been released he can tell you this is correct.

Board Member: Did he say why he was giving you the Satellite phone?

Detainee (through translator): He was scared and thought he would get into trouble by having the phone. It was only a telephone not a bomb.

Board Member: What did you have in your possession?

Detainee (through translator): I had three and a half thousand Pakistani money. I didn't have any dollars, Afghan Rupees or Satellite phone. You can ask Abdullah Wazir, he will tell you that this is true.

Board Member: What about paperwork to get back and forth across the boarder?

Detainee (through translator): It wasn't a big deal, Pakistan is full of refugees. You don't need paperwork to go back and forth.

Board Member: The statement here says Mr. Karim and the other person had 2,700 United States Dollars, 3,600 Pakistani Rupees and 70,000 Afgan Rupees?

Detainee (through translator): This is a fact; I have already told you that this is a fact. He had the money on him when we were captured. Why do they keep on asking this same question? You can ask him, and he will tell you that he had the money on him. I was capture with him, I wasn't aware that he had the money on him.

Presiding Officer: Okay

2. The detainee and another individual were identified as planning to carry out command-detonated mine attacks against American Forces.

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Detainee (through translator): This is not true, why are you'll asking me this question? Did they find this on me or in my house? This has nothing to do with me.

Presiding Officer: We are asking you this question, because it was information that was gather from other sources that was given to us in a report. We just need for you to answer the question as being true or false. Since you said it wasn't true then we will take it as not being correct.

Detainee (through translator): It is a lie.

Presiding Officer: Okay.

3. The detainee was identified as preparing to conduct command-detonated mine attacks against United State Forces in revenge for the detention of an individual and his other family members.

Detainee (through translator): What are they trying to say? The imitated family is close, the family and the relatives are far away from the family, so which one are they talking about?

Presiding Officer: They said that they had an individual, and he and his family was being detained. You and this individual was preparing to conduct command-detonated mine attacks against the United States forces in revenge for the detention of an individual and his other family members?

Detainee (through translator): If they are talking about another person, his name is Obaidullah he is detained here. He is my enemy. Maybe you found proof against him that he did this. Yes I know Obaidullah, seven months before I came here. He stayed with me at my store. For some reason he started to dislike me. He owed me money and didn't want to pay me so he left and went home. Then he was captured, the American found paperwork and bombs with him. Maybe he and his family were telling them I was with him. I think he was pissed-off with me so he told them I was with him. Now I'm here and he is here in Cuba. If this is true I would stay here in Cuba for ten years as a detainee. I hadn't seen the booklet that he had. He was doing the training.

Presiding Officer: Are you saying that this is not true?

Detainee (through translator): Yes this is not true. This is a lie; the man that did it is here in Cuba. You have the paperwork and documents that prove this. He also has a car at home. I thought he was a poor guy, and I found out he is not a poor guy. He had a booklet with him. He is not telling the truth, he is saying I'm the one doing this. He has caused all this trouble for me.

Presiding Officer: Okay

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4. A source stated the detainee, along with others, set up an ambush site for an American convoy somewhere in Khowst, Afghanistan consisting of 30 anti-tank mines that were constructed to detonate remotely.

Detainee (through translator): What does this question have to do with me? I know nothing about this?

Presiding Officer: The reason that we are asking this question is; a source stated that the detainee did this. A source said you and someone else did these things. We just want to know if this is true or not?

Detainee (through translator): This is not true, you can ask Obaidullah. He can tell you that this is not true. He has made all the problems for me.

Board Member: Was Obaidullah your friend or business partner or both?

Detainee (through translator): Yes. Seven months ago he was my business partner. At that time I didn't know that he had all those things with him. I found out later that he had them. When I saw him I told him that he needs to tell them the truth, that you had those things. I told him that if he knew were to get them things from tell them the truth. Then he said I wasn't his interrogator. Let them know that you had a car and where you got it from so they can capture the people and interrogator them. Tell them were the training is being held at. The Americans will believe him when he tells them that.

Presiding Officer: Understood. We will talk to him, after we find out when he goes in front of his panel. Then we will find out if this is true or not. We will find out if he is the source or not.

Detainee (through translator): He doesn't talk or represent himself. I told the interrogator to bring him in front of me and let him tell his story in front of me.

Presiding Officer: Did the interrogator tell you that Obaidullah was the source that put out this information out about you?

Detainee (through translator): I don't know if he told him or not, but when he got captured I had a case against me. He is not telling the truth. You can capture my brother and his brother in Khost and they will tell you the truth. If you capture his brother and put in jail the pressure would be on him to tell the truth.

Presiding Officer: We just wanted to know as a Board perceptive if this statement as given to us, whether Mr. Karim is saying that this is true or not. We can be here for many hours discussing this?

Detainee (through translator): He is lying about me. This is not true. You have the proof against him not me. You have all the information in the file. They say this is a

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court and I tell the same information all the time. I have been here for six years now. please make sure that you look at my paperwork. The interrogator asked him if I had anything to do with this. He is not telling the truth. He knows he isn't telling the truth.

5. The detainee's palms were significantly scarred. A doctor's examination stated the scars would be consistent with a blast injury that occurred when something burst or exploded while held by the hands.

Detainee (through translator): Yes this is a fact; this is my hands that have been burned thirty eight years ago. Nine months prior; a doctor came from America that did an exam and got my finger prints. When the results came the interrogator called me and told me that my hands were burned. Now you are telling me that my hands were blown up by explosives and the interrogator told me they were burned, which one is true? You can ask the interrogator, his name is Carlos. You can bring him here and he will tell you that. He told me that my hands were burned. My hands were not burned by explosives. Obaidullah told them that my hands were burned by explosives, he is lying. Obaidullah told the interrogator that my hands were burned during the Jihad time frame. This is nice of the Americans to do a search and find out what is going on.

Board Member: Was the examination done here, recently?

Detainee (through translator): Yes, it was done here.

Board Member: How long ago?

Detainee (through translator): When they gave me the result it was seven months ago. They said your hands were burned. They interrogator is saying one thing and the courts are saying something else. You can ask the interrogator his name is Carlos. He said my hands were burned, not done by explosives.

Presiding Officer: Thank you.

4. The following primary factors favor release or transfer:

a. The detainee stated that he had never been to a terrorist training camp, trained on weapons, participated in any fighting in Afghanistan, or knew anyone that was affiliated with the al Qaida or Taliban.

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

Presiding Officer: Okay.

b. The detainee denied having ever worked with explosives while at Sroobi compound near Tanai, Afghanistan.

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

Presiding Officer: Okay.

c. The detainee stated he knew nothing about Arab smuggling in Pakistan.

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

Presiding Officer: Okay.

d. The detainee stated he never saw the papers or notebook containing the bomb schematics, nor a car to transport a bomb.

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

Presiding Officer: Okay.

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

The Presiding Officer acknowledged the request.

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

Detainee (through translator): My statement is that I have been oppressed. I don't have any information about Wazir. I don't have any information about Abdullah Wazir Satellite Telephone. If Abdullah had any bombs I don't know anything about that. What ever he has, car or anything I don't have any information about that. My hands are not involved in that. I politely request that you consider my file very deeply. Please don't punish me for what Abdullah Wazir has done. Please investigate him. If you can't investigate us please send us back to Afghanistan they can investigate more deeply. Or please make me face Abdullah here. If we were in Afghanistan they would find out were he got the equipment, and bombs, and the car. If they are going to transfer us please let them transfer us together. Abdullah family is over there you could find out very quickly were he got those things from. He can't lie over there. They have a prison over there that would investigate this.

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

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

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

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

Administrative Review Board Member's questions: Have no questions for the Detainee.

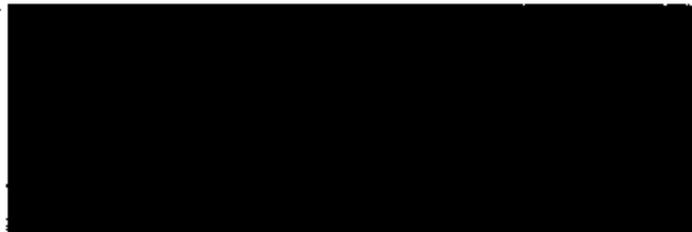
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, United States Army
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1001

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee did accept the (Muslim) oath.

Presiding Officer: Very well. Hafizullah Shabaz Khaul, how would you like us to name you or call you today?

Detainee (through translator): Whatever you want. You can call me Hafizullah or Shabaz Khaul, or pharmacist. Whatever pleases you.

Presiding Officer: Then we will call you Hafizullah.

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

Presiding Officer: Hafizullah, do you feel well to proceed today?

Detainee (through translator): Sir, I have been present for my last three courts and I am ready for this one too.

Presiding Officer: Thank you. I understand. Is the room warm enough for you?

Detainee (through translator): It is perfect.

Presiding Officer: Thank you.

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

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

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 10 July 2007. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the Detainee. When asked if the wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB. The detainee was polite and attentive through out the interview. A copy of Both the English and Pashtu translated Unclassified Summary of Evidence, were delivered to the detainee according to the JDG Standard Operating Procedures. The AMO received written confirmation from the JDG that the documents were delivered.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3) to the Administrative Review Board.

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

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

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

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

Designated Military Officer states commitment.

Designated Military Officer:(3.a.1) The detainee stated he fought for 22 years in jihad.

Assisting Military Officer: In response to 3.a.1, the detainee disagreed. The detainee said that was a lie.

Detainee (through translator): In the last five years in this prison, if I had said anywhere that I have fought for the jihad then I would be guilty as charged. I have worked for the wounded or sick people to patch them. I was working for Peer Sayed Ahmad Gailani. I was a member of his organization for one of two wars. I just went with them to patch some wounded, but fortunately there was no wounded to be patched. I was just helping

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as first aid. If I had said more than that in my dossier then I will spend the rest of--I spent five years in your jail and I will spend more years. So if I said in my dossier that I fought jihad and now I refuse it, it means I lied. I don't lie.

Presiding Officer: We understand your answer and we will take that into consideration when we make our decision.

Designated Military Officer: (3.a.2) A source stated that the detainee was directed to obtain a position in the Karzai government in order to call a meeting with high ranking officials and then kill all the attendees. The detainee provided the source with a plan to kill a key government official at the detainee's house.

Translator: He wants me to take his eyeglasses from his pocket and put them on his head.

Presiding Officer: Go ahead.

[Translator places eyeglasses on detainee's head]

Detainee (through translator): Now do I have to answer?

Presiding Officer: We will let the Assisting Military Officer answer first if that is acceptable to you.

Assisting Military Officer: In response to 3.a.2, the detainee disagreed. The detainee stated that was a lie.

Detainee (through translator): I will give some more explanation about this allegation or statement.

Presiding Officer: Please do.

Detainee (through translator): This statement is not an appropriate allegation or accusation. Strongly I reject to it. Nobody gave me any direction or instruction. I don't take orders from nobody. According to the villagers and that area of people and the appointment of Honorable Governor Taj Mohammad Wordak, I got appointed as a sub-governor of the district of Zornat. The governor also sent a copy to Kabul and then he sent another copy to the sub-governor's office. Because of the Karzai government and Americans coming to Afghanistan, we were all very happy. Since our country has been annihilated or destroyed by the wars, there was no security in the country. That is why we started working with the new government. During that time that I was working as a sub-governor, I was not getting any salary from the government. That allegation is a lie and the rest of them are up to you, sir. I am innocent.

Presiding Officer: Thank you for your answer. We will take that into consideration when we make our decision.

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Board Member: Hafizullah, I have a question.

Detainee (through translator): Please.

Board Member: Did you resent the government for not paying you for your services?

Detainee (through translator): The government was not standing on its feet and the whole thing was a plunder, there was nothing to give to us. All my life I have worked from my home and now for a few months, 5 or 6 months, I worked for the government.

Board Member: Thank you. DMO please proceed.

Designated Military Officer: (3.a.3) In February 2002, al Qaida fighters in the Paktia province of Afghanistan were providing payments of 3,000 United States Dollars to the detainee. The payments were intended to ensure that the detainee provided support to al Qaida and facilitate the departure of al Qaida family members from Afghanistan.

Assisting Military Officer: In response to 3.a.3, the detainee disagreed. The detainee stated that was a lie.

Detainee (through translator): I will present an explanation. I reject this statement very strongly. I don't know any al Qaida or any al Qaida fighters. I am not al Qaida and this is not an appropriate statement. It is a lie. The rest is your wish.

Presiding Officer: Thank you for your answer. DMO please proceed.

Designated Military Officer: (3.a.4) The detainee was identified as a military commander that led a 12-man unit of former Taliban and al Qaida members who were planning to attack United States and Afghan Transitional Administration facilities using guerilla warfare techniques in September 2002.

Assisting Military Officer: In response to 3.a.4, the detainee disagreed. The detainee stated that was a lie. The detainee said he was a pharmacist.

Detainee (through translator): I will explain a little bit more. I am a pharmacist. I am not a commander and I didn't have any group with me. I am not al Qaida or Taliban and I don't know them. I am not against Americans and I am not against my honorable President. I have not done anything against them. We all were so happy with the Karzai government and the Americans coming to Afghanistan. That is why we were cooperating with them and working for Karzai government. More explanation is too long, and I already mentioned that in my dossier or my case.

Presiding Officer: Thank you for your answer. We will take that into consideration when we make our decision.

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Designated Military Officer: (3.a.5) A source reported the detainee offered to double the salary of any man who killed an American. The detainee was a major supplier of weapons for an anti-coalition militia group.

Assisting Military Officer: In response to 3.a.5, the detainee disagreed. The detainee stated that was a lie. The detainee said that he protected Americans.

Detainee (through translator): It is not right or an appropriate allegation, and I reject it in a very strong way. During the time that I was sub-governor the Anaconda Campaign was started. When the American forces were doing the Anaconda operation they were passing through Zormat district. In that area if there were any reactions against the Americans or anybody else, then I would be responsible for it. I am innocent and these are not appropriate allegations. Don't believe people's statements or spy reports.

Presiding Officer: We understand and we will take that under consideration.

Designated Military Officer states connections and associations

Designated Military Officer: (3.b.1) The detainee's brother was identified as a senior lieutenant for a former Taliban Commander.

Assisting Military Officer: In response to 3.b.1, the detainee disagreed. The detainee stated that was a lie.

Detainee (through translator): My brother is not Taliban or a member. He is not a Taliban commander. He is a poor laborer or poor worker. He has a bargain in the district area and still he is doing his job. He has a car lot.

Presiding Officer: We understand that and we will use that when we make our decision.

Designated Military Officer: (3.b.2) The detainee's brother has a well known car dealership in Zormat, Afghanistan where he also keeps an arsenal including Kalashnikov rifles, rocket-propelled grenades and improvised explosive devices.

Assisting Military Officer: In response to 3.b.2, the detainee disagreed. The detainee stated his brother was respectable business man that owned a car dealership, but his brother did not have an arsenal.

Detainee (through translator): Yes, my brother has a car lot in the center of the Zormat district area. My brother is just a provider and a laborer and a worker. He is working so hard. That weapon that you honorable mention I don't know about it, and neither does my brother. If these weapons existed in that car lot, maybe these weapons belong to Afghanistan military forces or police or security forces would be captured by them. Or maybe American campaigns are responsible. Day and night they are checking out and doing patrol in that area. Maybe they will capture those weapons and give them to you.

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That would be a very big proof for you. So in the end I reject this allegation and I call it a lie.

Presiding Officer: Okay. Thank you for your answers.

Translator: May I clarify something.

Presiding Officer: Yes.

Translator: Actually, he was saying if those weapons were existent somebody will find it, so if they find it, it will be proof against me, but nobody found it.

Detainee (through translator): You're honorable, if you don't understand any word that I say you can ask me and I can explain it.

Presiding Officer: Your statement is very clear; you speak very clearly.

Detainee (through translator): Thank you very much. I appreciate that. If I ask you to please listen to what I say and then you can consider better.

Presiding Officer: We will and we are listening very carefully to what you say.

Detainee (through translator): I am ready for your questions all the time. Any time you ask me I will be glad to answer.

Designated Military Officer: (3.b.3) The detainee has been identified as an al Qaida and Taliban facilitator.

Assisting Military Officer: In response to 3.b.3, the detainee disagreed. The detainee stated that was a lie. He has never been al Qaida or Taliban.

Detainee (through translator): I don't know al Qaida and I am not Taliban. I haven't worked for Taliban during the time of their power or their government. I have no connections with them. I was against Taliban and I am still against them. They plan near my house and they put me in jail for one month. My pharmacy right now is at my home because I was scared of the Taliban I couldn't take my pharmacy outside to the bazaar or the market. Your honorables can see all of my stories in my dossier, which I already told you. I am an innocent man.

Designated Military Officer: (3.b.4) The detainee's telephone number and name were associated with a Taliban cell.

Assisting Military Officer: In response to 3.b.4, the detainee disagreed. The detainee stated that was a lie.

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Detainee (through translator): I didn't have a telephone and I didn't feel any need for it. This is an inappropriate statement and lie.

Presiding Officer: Just so that I can be clear then, have you ever had a telephone?

Detainee (through translator): Now they are claiming that an American telephone was with my brother and I used this telephone when Taj Mohammad Wordak was the governor and he became the interior minister. I used this telephone to call him and congratulate him for his new position. If that was my telephone when they captured me, that telephone should be with me and that will be a very good proof.

Presiding Officer: When you were the officer for the province did you have a telephone with your office?

Detainee (through translator): No, we did not. When I wanted to talk to the center I was going outside to the bazaar and talking on the bazaar telephone.

Presiding Officer: Thank you.

Designated Military Officer: (3.b.5) The detainee confirmed the names of individuals affiliated with al Qaida and the Taliban.

Assisting Military Officer: In response to statement 3.b.5, the detainee disagreed. The detainee stated that was a lie.

Detainee (through translator): This is a lie accusation. This is a lie and I call it a lie. It is your choice. It is up to you if you believe me or not.

Designated Military Officer: (3.b.6) The detainee held a meeting at his residence in Zormat, Afghanistan with an extremist cell leader.

Assisting Military Officer: In response to 3.b.6, the detainee disagreed. The detainee stated that was a lie.

Detainee (through translator): My home is in the district of Zormat and in the village of Minzo my home is there. I was responsible for the sub-governor job. I haven't conducted any meetings at my home and I am not aware of it. I don't know any extremist cell. This is an unjustified statement and this is a lie. I am innocent.

Presiding Officer: We understand. Thank you.

Designated Military Officer: (3.b.7) A source stated the detainee was a commander of approximately 120 to 130 men and worked for a Taliban commander.

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Assisting Military Officer: In response to 3.b.7, the detainee disagreed. The detainee stated that was a lie.

Detainee (through translator): I am a pharmacist and I didn't have any personnel or people. I am not a commander. I haven't worked for Taliban. I was against the Taliban. I am still against them. Honorables, forgive me for this statement. The source that gave you the report--ask those reporters to give you a small document, signature, or any proof to make you satisfied or make you happy that you have something. Then you can claim this. That will solve your problem if you have proof and we will not have any reason because the proof is there. I am innocent.

Presiding Officer: Thank you.

Designated Military Officer: (3.b.8) A source stated the detainee was actively involved in raising money and distributing Taliban funds to local anti-coalition commanders.

Assisting Military Officer: In response to 3.b.8, the detainee disagreed. The detainee stated that was a lie.

Detainee (through translator): This is an inappropriate allegation and accusation. I strongly reject it and I am not going to accept it. I am innocent.

Presiding Officer: Thank you.

Designated Military Officer: (3.b.9) A source stated the detainee was a well known Taliban associate who used to carry out Taliban punishments when the Taliban were in power.

Assisting Military Officer: In response to 3.b.9, the detainee disagreed. The detainee stated that was a lie.

Detainee (through translator): It is not an appropriate allegation. If I was a friend of Taliban then they would not have put me in jail because I was their friend. During the Taliban power time they would have gave me a very high position. Now for you it would be very good proof if I had a position that the Taliban was supposed to give me. This is a lie and I strongly reject it and I am not accepting it.

Translator: Can I clarify, sir. He said if I was a friend of the Taliban they should give me a very high position. That position would be your proof.

Presiding Officer: Right. We understand if you had been a friend of the Taliban they would have promoted you.

Detainee (through translator): Yes.

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Designated Military Officer states other relevant data.

Designated Military Officer: (3.c.) The detainee stated he was appointed as the District Manager of Zormat, Afghanistan for approximately six months and was responsible for maintaining the law in the area.

Assisting Military Officer: In response to 3.c, the detainee agreed. He stated that he was appointed because the leadership trusted him.

Detainee (through translator): This is the fact that I have been appointed as sub-governor of Zormat by Taj Mohammad Wordak, which he was the Governor. When he got transferred and became the minister of the interior. The second time I became the head of the council of that district. Then by Taj Mohammad Wordak I was appointed as the head of the council person. Raz Mohammad Dalili he was the governor of Paktia. He sent one copy to the Kabul government. It is in the government's office. The appointment letter is still in the sub district office which is still there. My job was to bring security to the district to sleep or to live comfortably and secure in that area. I have more detail in my dossier. You can review it.

Presiding Officer: We will review those details, but right now I have a question about the job. As a district manager did you have people working for you?

Detainee (through translator): Yes, fourteen people.

Presiding Officer: Fourteen people. Okay that was my next question.

Detainee (through translator): We are four tribes and from each tribe three or four people have been selected or appointed. Twice a week we went to the sub-governor's office. Each representative of the villages would ask what was going on in each other's village. That was the job I was appointed to. If any of those representatives of the village was saying there was a problem in my village or somebody is a criminal or doing something then we were going there and would let the sub-governor know about it. The whole tribe, people were going and saying that there are crooks and thieves in your village so you need to advise him and stop him from doing, or otherwise let us know and we will go after him and capture him and take him to the sub-governor's office. This is the Pashtu way of life; we don't give to much trouble to the government. We had an agreement with the government that said at night we couldn't go outside because of the shooting. Even if you wanted to go after them in the darkness of night you have to go to the elder or older person of that village. We were not bothering the government. We were going to the elder, that is the Pashtu way, and saying who it is and what he is doing and they go after him and capture him. There are some thieves wearing a police uniform going to peoples houses and they say that they were from the government and then they would loot their house.

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Fifteen days before my arrest there was an American operation in the area. We just discussed and talked with our own district government we had not talked to the Americans. The Americans came and they surrounded a house. The elders told them we can not open the door for you until the tribe leader comes. So the Americans misunderstood us and then the fights started. They went there and captured those people that they had already surrounded. Then we wanted to explain the situation so we went to the Americans and we let them know that we already agreed if you go in the night after anybody you have to discuss it with us. If you discuss it with us we will be aware and will cooperate with you. The Americans didn't believe us and they didn't agree with us, and said that they were not going to accept what we were saying and we can not give you our plans. The Americans said they are not going to give us their plans and they are not going to give it in the future because they don't trust us. We needed to support the government and we were doing this to capture the thieves and robbers and these people. So when we went there and heard shooting on that night then later we heard planes come and they surrendered those people to the Americans. When the planes came the people that have been surrounded in the house find out it is Americans they give themselves up. So, that is why we went to the Americans and said let us know when this kind of fighting happens. If you need anybody we will capture them without any problem and bring them to you. We already discussed with the government and said in the night do not send any soldiers to any houses. Even if you send them, you go to the elder or the leader of the village and talk to him. Then the leader will go with you and show the house of that guy who is supposed to be captured and this leader will tell them to open the door because they are government people, not bad guys.

Presiding Officer: I do have one question. Before the Americans came and surrounded the house, before that, had you ever met with and worked with Americans in your village?

Detainee (through translator): Yes, I was sub-governor, yes; I have seen them when Taj Mohammad Wordak was governor. I went to congratulate him on becoming Governor and there were Americans there, they took my picture, they took their pictures. I went with them, I worked with them in the campaign. Mike and Tony were Americans that I know. So when I was the sub-governor, I have seen these two guys. They introduce themselves, one would say, "I'm Tony," and the other one would say, "I'm Mike." So the last time when I was—the second time when I was head of the Tribe Counsel, I met another American, his name was Mike, too. He was not wearing the American uniform, he was wearing local clothes and had a hat like Afghans.

Presiding Officer: Okay, thank you. DMO.

Designated Military Officer: (4.a.) The following primary factors favor release or transfer: The detainee stated he does not know why Americans detained him and that he had helped them in the past by giving them information about al Qaida.

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Assisting Military Officer: In response to 4.a., the detainee agreed.

Detainee (through translator): I don't know why the Americans arrested me. I don't know any al Qaida and I don't have any information about them.

Presiding Officer: Thank you. DMO.

Designated Military Officer: (4.b.) The detainee stated he was a victim of revenge for reporting the corruption within the security forces.

Assisting Military Officer: In response to 4.b., the detainee agreed.

Detainee (through translator): I would like to explain a little bit more about this part.

Presiding Officer: Please.

Detainee (through translator): This is not the fact. I was attempting or trying to bring peace and security and fighting the corruption. I was working honestly to the government. One day before my arrest, the Italian embassy representative came to the district, our district. I was there, the District Counsel member was there, the judge was there; the Public Prosecutor was there. The representative of the Italian Ambassador said we brought some aid for you guys, some help. Tomorrow come to Gardez and we will give you some aid and supplies. Then the next day, me with the District Governor, judge, tribe leaders, counsels; we went there. They sent the sub-governor with a list of the supplies, if we were stealing something or doing something, they already knew. They have the list of supplies to make sure nobody was stealing anything. We brought the whole thing to the District Governor. The sub-governor knew what supplies were there, because we have a list. If something was missing, we would ask the sub-governor, "what happen, who took it?" So we went to the Gardez province and the Governor's office to ask them, "who do we have to deliver these supplies to?" The Governor was not there, he left for Kabul before. We were sitting in the Governor's office, with one of his deputies. The Governor's deputy come and starts talking to us. Then after him, people came from the security office and they captured us. So when my clothes got tore and my turban fell off, all these people saw that with their own eyes what happened to me. I'm going to explain why I got captured. Before my arrest, I was in the sub-governor's office. I have been sitting in sub-governor's office and the people came and filled out petitions. Khost people came, which was the traders or the merchants, so the merchants were going from Gazni to Kandahar to Herat buying cars. The merchants, the traders, they came to Khost to Gardez and from Gardez to Zormat and to Gazni, these traders. All of them were riding in their cars. When they reached an area, call it Sherbuz. It's a borderline between Gazni and Zormat So some robbers stopped their cars while they were wearing some kind of military uniforms, the robbers. When they stopped their car, they said, "we're government people," and they stopped and one of the Khost, he was a merchant and he had two hundred thousand kaldar and it was tied up on his right leg and two hundred thousand kaldar on his left leg and also here and here.

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[Pointing at arms and legs]

Detainee (through translator): Two hundred thousand was in his pocket. They said, we are going to search you and I said, what are you searching? So the robbers start physical kind of wrestling and the robber put his hand on the merchant's pocket and took the two hundred thousands rupees. They return back, they didn't go to Ghazni. They returned to the sub-governor's District Office. So the sub-governor sends for us and said there was a robbery in Sherbuz area so come over here. So we went there and those people, they return back and they told me they were from Khost, they took my money. So me and some tribe leaders with twelve people, we went to the robbery area. We went there, we ask the public people and shop keepers and from the sub-government office, we ask, "What happened?" So we went to Sherbuz, a few small shops, they sell small things. So I ask them what happened yesterday? They say, "There were a few people who came with military uniforms on and they bought some oranges and some peanuts from my store too." So when I asked those Khost people, "Do you know those people?" they say, "No, I don't know those people but I know the car, the vehicle. We found out that robbery had been done by the military or the police from the government side and then we went back to the sub-government office and we told them, "You have done the robbery!" So when they ask us what we find out, we say, "We believe it's the security office, we are suspicious of the security office." When we went to the security compound, and these people that had been robbed looked at the car, they said, that was the car that was used when we were robbed. Then we went there and looked at the car and the car had oranges and peanut shells in it. The sub-governor was there and we talked to the Commander and I said, "You have robbed these people." We took one hundred fifty thousand rupees back from the Commander and we got the receipt for another fifty thousand kadar and gave it to the owner of the money. So the reason I have been arrested is because of this story. So I told you the whole procedure, the whole thing, I don't have any animosity or any regrets against Americans.

Presiding Officer: Thank you for explaining the story of revenge, why these people took their revenge.

Detainee (through translator): Yes, only me. I was that one that got arrested. I was the only one for the first time, I was sub-governor and I didn't let any corruption, that's why. I will say something more at this point. They captured me in Gardez. I was in the security office for a while and they took me to the campaign place. Even on the same night Raz Mohammad Dalili came after me at the campaign. So the Governor came on the same night, he could ask from the government on that same night, is he a traitor or is he corrupted or bad guy? If the Governor tells him, "Yes he is," then it will be okay, too. The Governor said, "It is night now, but tomorrow morning, during the daytime, I will get you out of there." He couldn't do anything against the American soldiers, he couldn't do anything for me.

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Designated Military Officer: (4.c.) The detainee stated that he was not with al Qaida and was not anti-American.

Assisting Military Officer: In response to 4.c., the detainee agreed.

Detainee (through translator): I don't know al Qaida and I haven't done any actions or anything against Americans or my own government. In my case, if they find out, if they have anything that I have been betraying Americans or my own government, that much is proof, then anything they do, I will accept it. I mentioned in my dossier all the procedures, all the stories, and then you can day or night ask me questions and I will answer. I am just requesting from you leaders, first of all, I am innocent, second of all, I am an old man. I wish you consider my case very carefully, I'm innocent. If I was not innocent with myself, I would not suffocate that much for you. These are the district leaders of the [REDACTED] that they sent to me.

Presiding Officer: Yes, we will present those in just a moment, but if it's okay with you, let's wait just a minute for the [REDACTED] (b)(3), 10 USC §1306, (b)(6)

The Board Members did not request any further time to review the unclassified summary.

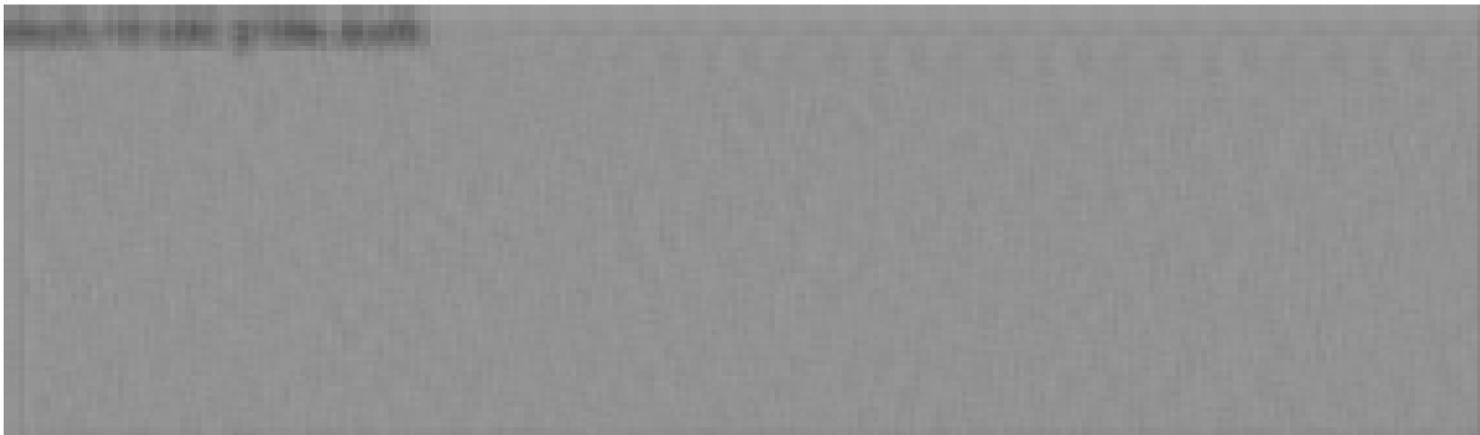
The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer presented [REDACTED] (b)(3) on behalf of the detainee, Exhibit EC-C to the Administrative Review Board.

Presiding Officer: Hafizullah, could you please read the [REDACTED] (b)(3), 10 USC



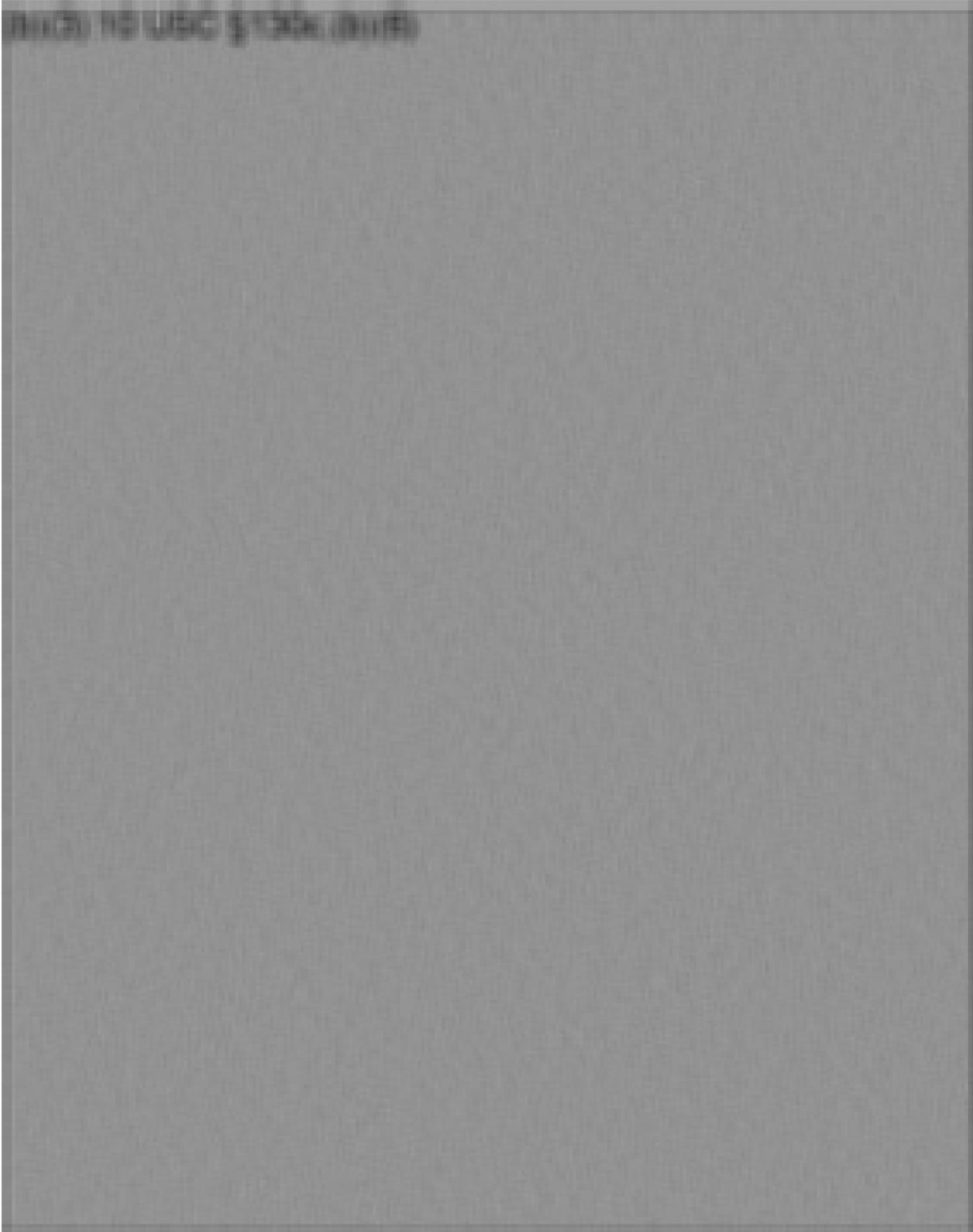
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(b)(3):10 USC §130c (b)(6)

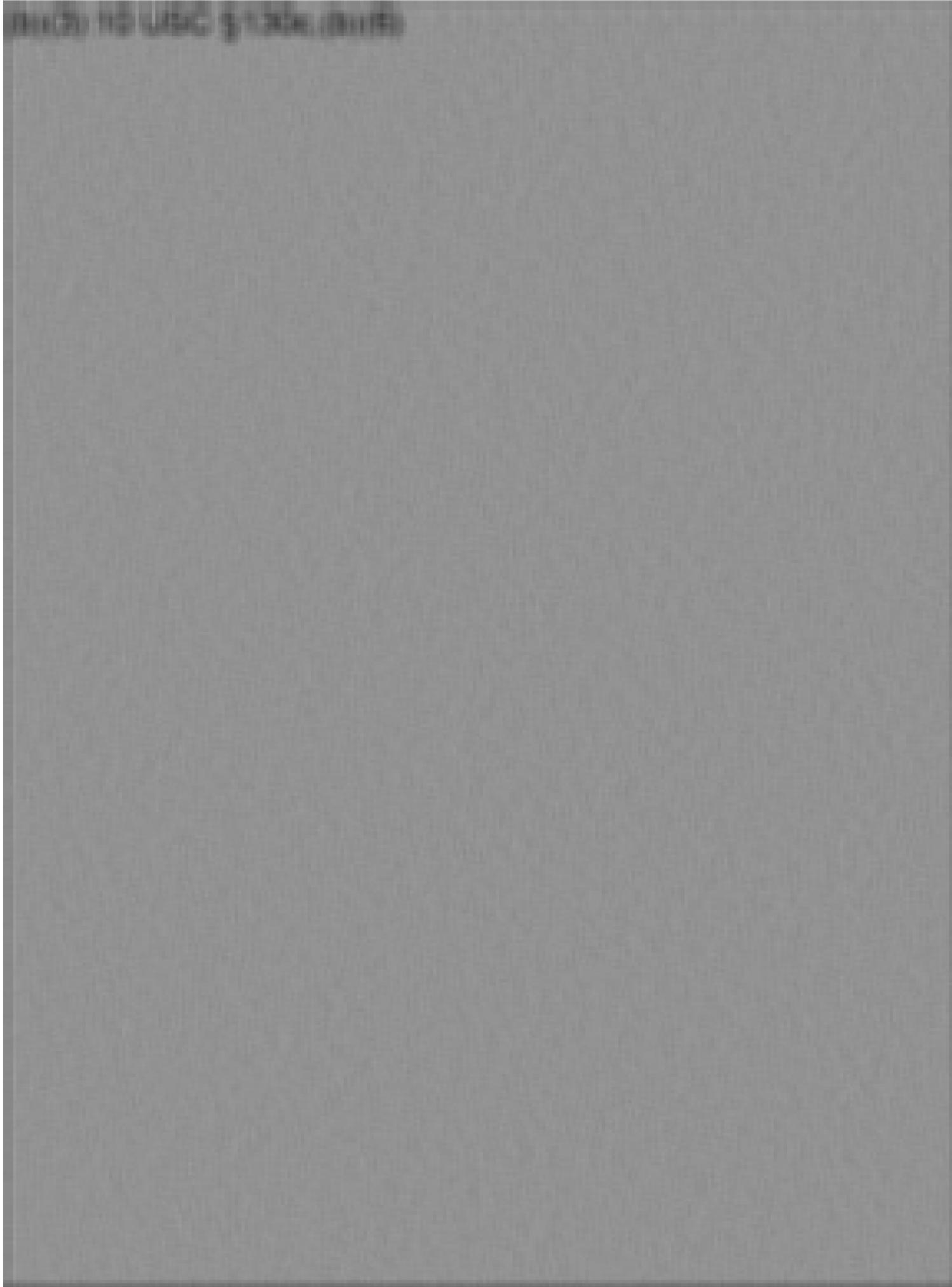
Presiding Officer: Okay. Assisting Military Officer, please.



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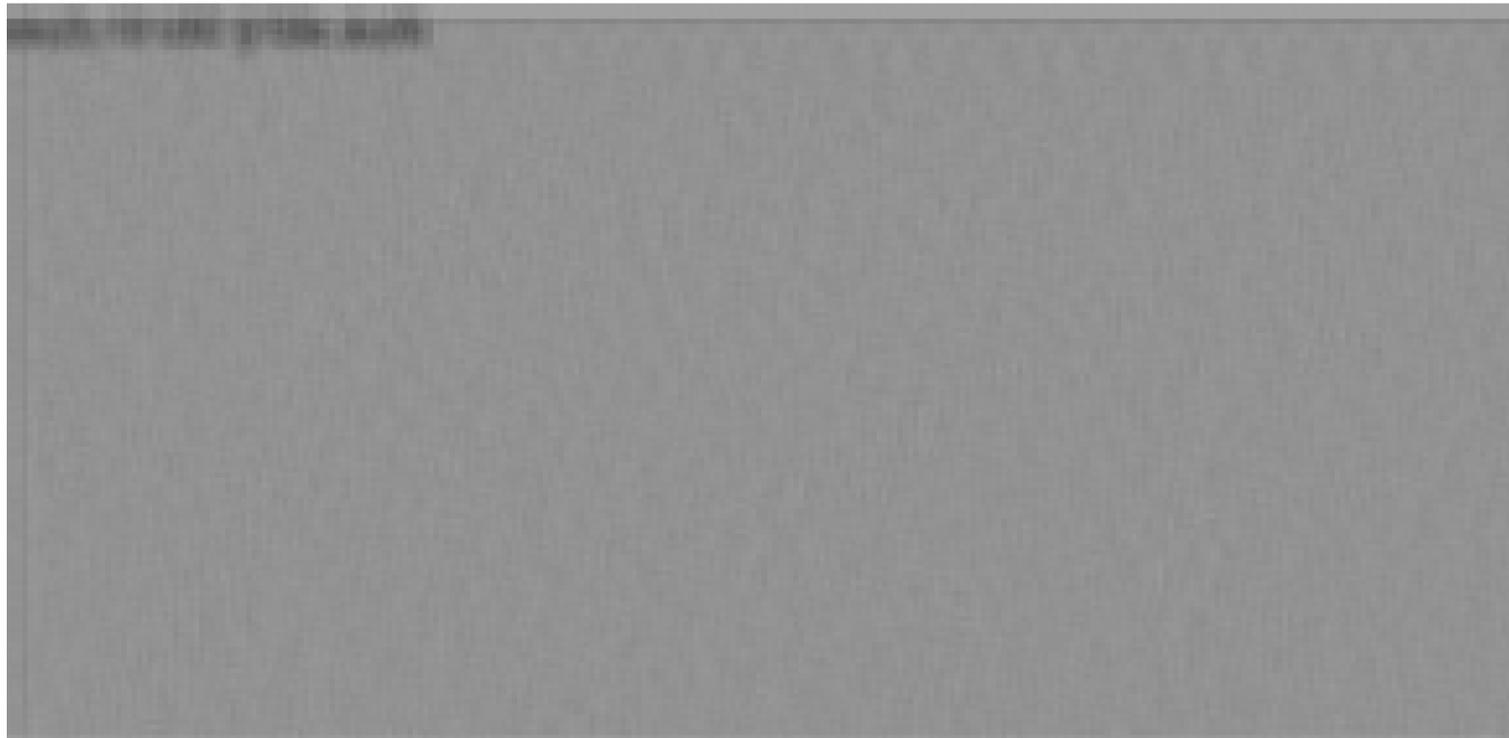
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Presiding Officer: I assure you that we will follow our own rules.

Detainee (through translator): We agree with you. We know that you do that. I just say one thing, even my own people will say look at this guy he was helping Americans and he was working with the Americans, he did a lot of things for the Americans and even the Americans take him and put him in prison. I wish that they would capture me with one bullet or any other document or any guard or anything. They don't have anything to show me as proof. I went there bravely and I couldn't see how the Americans can catch me because I was helping them and I was good to them and I didn't even imagine that they would arrest me. When they gave me to the Americans before that I was so happy that they were going to give me to the Americans, because I knew that the local people or our own people because I am an old man they will beat me or something. I was so happy when they gave me to Americans because I knew the Americans were not beating or doing anything.

The Presiding Officer asks Assisting Military Officer to read the additional comments from the Enemy Combatant Election Form.

Presiding Officer: Hafizullah, you have made a statement to us and you have presented your letters to us, does that conclude your statement?

Detainee (through translator): I don't have anything else.

The Assisting Military Officer had no additional information to present.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

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Administrative Review Board Member's had questions:

Board Member: If you return to Afghanistan do you feel like you are in any danger from the people who had you arrested and turned you in to the Americans?

Detainee (through translator): I am not sure but I believe that there is security now all over Afghanistan so it should be better. I am not aware of how the situation will be. Maybe the situation is more stable since there is military and police now. So things will be different.

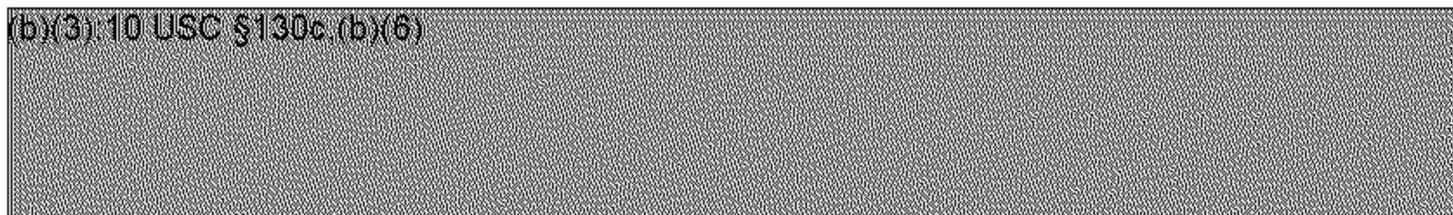
Board Member: Thank you.

Presiding Officer: Hafizullah, thank you for coming to talk to us today, it is important for the board to talk to the detainees and it makes an important difference in our deliberations. So thank you for coming and explaining to us your situation.

Detainee (through translator): For the last four years I always come and present myself to the ARB. I came to the ARB I have no problem talking to them and I explain anything to them. I answer the interrogator questions. I answer my lawyers. I talk to everybody and I am trying to be cooperative.

Presiding Officer: Thank you.

(b)(3) 10 USC §130c.(b)(6)



Presiding Officer: We understand, thank you.

Detainee (through translator): I give you too much trouble.

Presiding Officer: You have not given us any trouble at all; this is our job.

Detainee (through translator): I make you guys talk and I talk too much. So I make your brain going cuckoo.

Presiding Officer: No, but we are going to close now.

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

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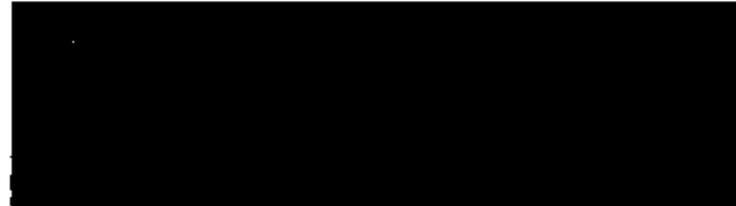
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The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT**

ISN 1012

Exhibit#	Date	Classification	Guantanamo#
EC-C	07/17/06	UNCLASSIFIED	

Enclosure (4)
EC-C
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1

Aminullah Tukht
ISN: 1012
ABZ: 015844

Dear Director of Herat University (greetings.....)

Mr. Aminullah, son of Habibullah, graduated in 1368 (Afghan calendar) from Jamee high school of Herat and succeeded the final examination (concourse) in 1369. He then started studying at the faculty of economy in Herat province.

I hope you can confirm the above mentioned statement.

Sincerely,

Habibullah

Answer of the university director

We found in the records of our archives (number 2) that Mr Aminullah, son a Habibullah, lived in Bodekerhon (village) and according to official letter number 24, he was a student in this faculty and he finished the first semester and in the second semester he failed second chance exams and did not continue his studies. Then according to the official letter number 297 of 1/8/1376, this student did not belong to this university anymore.

Signed by Fariha Amin, assistant to teachers of the Faculty.

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Enclosure (4)
EC-C
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2

To dear owners of companies, representatives of villages and owners of pharmacies,

Greetings

As you know, Mr Aminullah, known as Baryallay, son of Hadji Habibullah, Tukhi lived in Bomurghon (village). He was captured by international troops (ISAF) after the fall of the Taliban regime. I hope that you give your opinion about him and testify that in the future he will live in peace as his other fellow citizens under the flag of the Islamic republic of Afghanistan.

Answer:

The mentioned person (Aminullah) known as Baryallay, is resident of Abdullajohn's area (he is a representative his village).

We, representative of the area of Herat province confirm the personality of Aminullah. We hope that he will be pardoned. We also confirm that in future he will live in honesty under the flag of the Islamic republic of Afghanistan.

Signed by

- Abdul khazak (representative of the chicken seller street area)
- Saleh Mohammad Tukhi, (representative of Obaydahjohn area)
- Ghulam Rabani Nazari (representative of Pay day area)
- Company of Tukhi,

3 (second part of the same letter)

- The Company of the United Sons of Sadat guarantee
- Benazir Darnaltoun (pharmacy)
- company of Commercial and transportation, Heart, Asia al Sadat guarantee
- Akhtar Mohammad, representative of Atazadah
- Directory of Jamee high school
- Directory of education, according to the result of year 1368, Mr. Aminullah Tukhi, son of Habibullah, with number 6407, graduation from class 11 on 3rd position. Signed by the school's director

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Enclosure (4)
EC-C
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Enclosure (4)
EC-C
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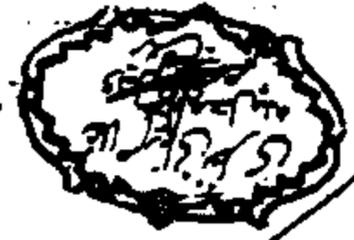
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11

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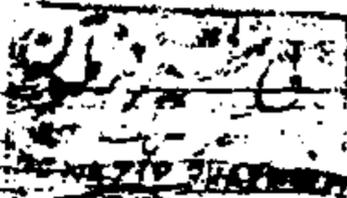
Enclosure (4)
EC-C
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US 1012

شرکت سوزان ساند

۲۴۸۵

SONS
CORP



شرکت سوزان ساند

رضین و تصفیه نفت

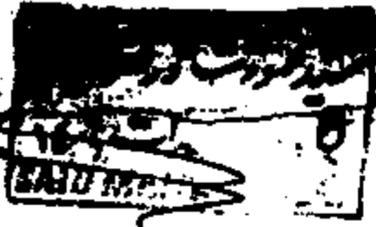


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شماره ۱۲۹۵

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۱۲۹۵

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برای قسم حاضر صورت

تقریباً در تاریخ سال ۱۳۹۸ قسم رضین و تصفیه نفت

کاملاً بر روی صورت سوزان ساند

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Summary of Administrative Review Board Proceedings for ISN 1012

The Administrative Review Board was called to order 16 August 2007.

The Detainee entered the proceedings.

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

Detainee (through translator): My first name is Aminullah and Baryalai Tukhi is my last name. You said it backwards.

PO: Okay, I understand, will do. Thanks for the correction.

The Designated Military Officer (DMO) was sworn.

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

Detainee (through translator): I would like to know who are those people?

Presiding Officer: It is not important at this time; they are just observers, observing the board.

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

The Detainee accepted taking the (Muslim) oath.

The Designated Military Officer gave the Muslim oath to Detainee.

Presiding Officer: Aminullah Baryalai Tukhi, before we get started in these proceedings, are you comfortable, is it too cold in here?

Detainee (through translator): Thank you for asking, but I'm okay.

Presiding Officer: As we go through the proceedings, is there any particular name that you want me to call you or will you prefer that I continue to use your whole entire name?

Detainee (through translator): No problem, whichever is easy, so call me Tukhi, it will be short and easy for you.

Presiding Officer: Alright, we appreciate that Tukhi. Again, thanks for coming to the board today to ensure that the board members understand what it is that you want to present to us. Ensure that you speak up so that we can capture everything.

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Detainee (through translator): My intentions wasn't to attend the board, I didn't want to come here, but just to show my respect to this board, since you're making decision on my faith and the respect that I have to my Assisting Military Officer, I decided at the last minute that I'm going to come and attend the board.

Presiding Officer: Okay, we appreciate that but fully understand that we will just be making a recommendation, we will not be making the final decision.

Detainee (through translator): We talk about it later because I already told it to my AMO that the person who's making the final decision according to my AMO is only one person and he already made the decision and he changed his mind. So we're going to talk about it later.

Presiding Officer: Okay, outstanding.

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

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 13 August 2007. After reviewing the ARB's purpose and procedures, the Farsi translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee was initially noncommittal, however later stated he would attend the ARB. The detainee was polite, attentive and respectful throughout the interview. A copy of both the English and Farsi translated Unclassified Summary of Evidence, were delivered to the detainee according to the JDG Standard Operating Procedures. The AMO received written confirmation from the JDG that the documents were delivered.

Assisting Military Officer: Additional comments. The detainee appeared at his interview wearing a tan uniform. The detainee stated that on 19 April 2007 he was informed that he was going to be transferred and then four days later he was informed by OARDEC that he was going to be detained for another year. The detainee wanted to know how many people were responsible for making the decisions on who is released

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and who is detained? The detainee also stated he had submitted documents from his friends and family during his previous boards, attesting to his not being a threat to the United States or anyone else. The detainee also stated he did not know anyone from al Wafa, he just knew some guy. Why has the Deputy Commander of al Wafa been released and he is still here, just a cab driver who has never forged any documents?

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3) to the Administrative Review Board.

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

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

Detainee (through translator): I'm not going to clarify the whole thing in detail; I've done it in the past. I might answer to some of them shortly. If I find it necessary, I will answer. If I don't, I won't answer.

Presiding Officer: That's fine, a yes or a no will be simple enough.

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

Designated Military Officer (3.a.1): While the detainee was living in Meshad, Iran, a friend asked the detainee to help two individuals enter Afghanistan. The detainee rented an automobile and drove the two men to the Iran-Afghan border town of Tiabet, Iran.

Detainee (through translator): Yes.

Board Member: Why did you move and why were you living in Meshad?

Detainee (through translator): To run from the Taliban because I was against the Taliban, I was against their ideology, and concepts that's why I had no choice but to leave my country and go to Iran, or immigrate to some other place.

Designated Military Officer (3.a.2): From the fall of 2000 through the fall of 2001, the National Director of al Wafa contracted the detainee to transport Arabs and Russians from the town of Meshad, Iran to the town of Zabol, Iran located on the Afghanistan border.

Detainee (through translator): That's not true. I don't know what al Wafa is. I never signed any contract to anybody and I don't know the organization named al Wafa. That's not true.

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Board Member: Tukhi, how is the rest of that statement true, were you transporting Arabs and Russians between those two cities in Iran?

Detainee (through translator): That's not true, I didn't take anybody, especially Russians to Zabol.

Designated Military Officer (3.a.3): The detainee stated that he transported a total of 16 Arabs and 14 Russians during the year he worked for the National Director of al Wafa. The detainee dropped the individuals off in Zabol, Iran where they met an Afghan who smuggled them across the border into Afghanistan.

Detainee (through translator): I've already answered to this question too, that this is not true. The story was totally different, they twisted things around, they changed it different, they made it totally something else out of it. This is not true.

Board Member: Okay, thank you.

Detainee (through translator): I already answered your question, it's the same thing as number two and that's not true.

Board Member: I do have a question though; you said that they twisted the story, what is the story, what is your story?

Detainee (through translator): I told the true story four times to the board in the past few years, hundred times to interrogators, I don't want to repeat that again, you have the whole story, the truth on my part. Four times--four times I told the truth, I told the truth to this board.

Board Member: Well if the story has been twisted, perhaps we don't have that--your version of the story and this is a different board than the previous boards.

Detainee (through translator): I apologize, I don't want to be rude but I'm so tired and sick of this. I don't want to repeat that.

Designated Military Officer (3.a.4): The detainee stated that he was arrested in Meshad, Iran by Iranian authorities at an Iranian security checkpoint one day after his Afghan refugee card expired.

Detainee (through translator): It wasn't like a security point. This is true, I was arrested in a market, in a bazaar and that was at a regular police checkpoint. I was driving my cab as usual when I was arrested. When that identification point in Iran, they give us papers, it was papers that said we are refugees, we can extend that every three months and they have absolutely no problem extending it. So I wasn't actually illegally living there, it's just that the day that the paper expired, just happened that the police stopped me and

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arrested me but I wasn't there living like illegally and if I would've gone, they would have extended it for me, stamped it for me for another three months. They usually do that four times a year for every single refugee.

Board Member: Okay, thank you.

Designated Military Officer (3.a.5): The detainee was forging documents to facilitate the escape of al Qaida members during the Taliban era.

Detainee (through translator): That's not true, I never done any forging of documents.

Designated Military Officer (3.b.1): The detainee knew the individuals he smuggled were al Wafa members.

Detainee (through translator): This is not true. I already told you, I don't know anything about al Wafa.

Board Member: I understand that at the time that you did not know that they were al Wafa members, but when did you learn that they actually were al Wafa members that you were assisting?

Detainee (through translator): I heard that name for the first time from you Americans here, I didn't know anything about al Wafa before.

Board Member: Okay, now that you've heard of al Wafa, what do you think the purpose of the al Wafa organization is?

Detainee (through translator): Well tell me, what is al Wafa? Is it clothing, food, is it store, I really don't know what it's all about.

Board Member: Thanks.

Designated Military Officer (3.b.2): The Non-Governmental Organization al Wafa was believed to have had connections to Usama bin Laden and Afghan Mujahedin.

Detainee (through translator): That's none of my business and I have no connections and ties with Bin Laden or anybody else. Logically if you think, I left Afghanistan, my own country to run away from these extremists, from Taliban. That was the reason that I left my country. Why would I go and work for the same people who brought, who force, their war, and their cause into my country, why would I go to work for them? I have nothing to do with them.

Designated Military Officer (3.b.3): At the University of Herat, the detainee was in a student political organization called Basij. The Basij group was created to fight against the Taliban.

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Detainee (through translator): Yes, this is true, and as you mentioned this organization was to fight against Taliban, because we were against their ideology, we were against their rules and laws; we had to do something about it. So now if you're supporting Taliban and according to Americans, if you think Taliban were good people, then yes, you can accuse me of fighting against Taliban or at least being a part of that organization, but just this evidence shows that I am against the Taliban, and anybody who shares their ideology or concept or cause or way of ruling country.

Board Member: Did you leave the University at the same time that you went to Iran, is that the time you left the University?

Detainee (through translator): No actually when Taliban came to Iran, to my city, I left the University and then I got married and then a year later with my wife, I left the country.

Board Member: Why did you leave the University?

Detainee (through translator): They had control everywhere, over University too, the Taliban. So if I was against them, I had to leave the University. And the second reason, most of our professors in our University, majority of them were women and the Taliban sent them home, they said you are not allowed to work and they brought people who didn't have good education as teachers and so the level of knowledge and studying was so down, we didn't find it necessary to go there.

Board Member: So it was your choice to leave, the Taliban didn't force you to leave?

Detainee (through translator): That was my choice since I couldn't take their rules and the way they were running the city, I couldn't take it.

Board Member: I understand that you joined the Basij group to fight the Taliban, you were against the Taliban. What exactly did you do as a member of the Basij group? What was your role?

Detainee (through translator): I was writing articles and stuff but I never picked up the gun, I never fight them or shoot at them or anything, I was a student; I was writing articles and things like that against Taliban.

Board Member: So if I could find these articles, if we dug for them, could we find these articles that you wrote with your byline on them or whatever? Would we find these articles?

Detainee (through translator): There is a newspaper, if you can find it, they call it Afghan Unity, that's the newspaper in our city, Herat, if you could find it, yeah, and I've wrote many articles in that newspaper.

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Board Member: About what year would I look for?

Detainee (through translator): I would give you the exact date; I think it was around 1996-97.

Presiding Officer: 95-96.

Detainee (through translator): I was writing articles against Taliban about the way they were treating women, that they are against women education, that they are against education overall, doesn't fall into their ideology and this era of the way their thinking is not acceptable and they're against the freedom, they're against democracy so stuff like that I was writing on.

Board Member: Thank you.

Designated Military Officer (3.c.) The detainee denied ever helping Arabs and Russians obtain false or fraudulent documents to cross the Afghanistan border. The detainee stated that every person sent to him had the necessary documents to cross the border.

Detainee (through translator): Yes, I have answered this evidence hundreds of times, so many times.

Designated Military Officer (4.a.): The detainee admitted that the smuggling was a mistake he committed only because of greed. The detainee stated that he is not al Qaida or Taliban, and in fact he fled his country to escape the Taliban.

Detainee (through translator): It wasn't like a greed for the money, it was actually just to feed my family, just to, I mean, it's not like I had money and I was greedy to have more and more, I just wanted to earn something to feed my family. I'm just a cabdriver, a regular normal cabdriver.

Board Member: The comment here says that you were smuggling, you had denied that before, it says that you made a mistake in smuggling to earn the money----

Detainee (through translator): I wasn't a smuggler or didn't do that. It was something personal. My personal private job, I've said that during interrogation, yes, I was a regular cabdriver, personal and private cabdriver----

Board Member: So you may have transported people between Meshad and Zabol as part of your regular job?

Detainee (through translator): No, I did not transport anybody from Meshad to Zabol.

Board Member: Not even as part of your regular taxi job?

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Detainee (through translator): My work was only inside the city of Meshad. I did not transfer anybody from Meshad to anywhere else. During the interrogation, I might've clarified this thing more than a thousand times. If somebody reported something false or untrue about me, that's not my fault.

Board Member: Thank you, I understand, thank you.

Designated Military Officer (4.b.): If released, the detainee claims he will return to Herat, Afghanistan to resume working in his pharmacy. The detainee plans on supporting his family financially by working at the family pharmacy in Herat.

Detainee (through translator): Yes, that's true. And also, there is only one semester left for me to finish my education at the university, I would like to do that too once I get released.

Presiding Officer: Okay, do either of the members desire more time to review the unclassified summary?

Board members: No sir.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee had a written statement he would like to make orally and presents Exhibit EC-C to the board.

Detainee (through translator): These documents show that my family, my friends and people from my town who know me, they attest, they guarantee in case of my release, I am not against United States or its allies and I will never fight or do anything against the United States, they guarantee, and you have their signature there. I'm not an Enemy Combatant and I'm not a fighter. I'm a regular person.

Presiding Officer: Tukhi, before you begin to make your statement, it is important that you understand that the members on this board sitting before you are new board members. We have not previously heard the comments that you have made in the past. So, keep that in mind as you go through this process that this will be the first time that these board members will have heard a lot of the questions or comments that you are

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making and we may ask questions on those, so just keep that in mind as you go through this process.

Detainee (through translator): You know, I really don't know what to say, there have been thousand of times, from interrogator to board members and every time they say well this is the first time that we are here. I don't know, is there anyone that will come and sit with me for the second time so that I don't have to repeat myself and clarify my story thousand times. Every time I hear this and every time they make me sit here.

Presiding Officer: The answer to that, is by having different people listen at your comments, it provides a different set of listeners as well as ideals to either support or not support what you are saying. I just want to make sure that is clear to you at this point. We will not ask you anymore questions than we have to, just for simple clarification.

Detainee (through translator): I have a question for you, when you are telling me to clarify that, the evidence you have against me, like al Wafa, that organization, when the other Arab detainees, they're asking me, why are you here, and I am telling them the allegations or the evidence that you're accusing me of being or helping al Wafa, things like that, they laugh at me and they say, well do you that many members of this organization has been released, they know who al Wafa is, I don't, and they are telling me that many members including the Deputy Commander or second person in charge, they have been released from this prison, and you don't even know them and why are you still here? I have a question for you, you're accusing me of helping al Wafa members but why are you releasing al Wafa members from this prison and keeping me here?

Presiding Officer: Tukhi, first of all, I want to say that we, the members of this board, do not make the final decision as to whether you are detained here or whether you are released as was explained to you by the AMO. We are looking at the information that was presented to us to try and make a determination or a recommendation to the deciding authority that will make the decision as to whether you will be detained here or released. All we're doing is trying to listen at what you have to say to us and looking at the facts so that we can intelligently make a recommendation, but our recommendation may not be the reason why you are detained or released.

Detainee (through translator): We are not going to get anywhere with this question, let's go on. I wrote a statement, I didn't mean to be disrespectful but I was very emotional when I wrote it, so I want to apologize if it's a little bit harsh the way I wrote. I would like to read it.

Presiding Officer: Well Tukhi, your attendance here today indicates that you realize that you are talking to new board members, that is why you are present here today. If you felt that the same questions were going to be asked over and over again, I am doubtful that you would be here today. I guarantee that this new board panel will listen to your comments and we will make the recommendations as we see appropriate to the Civilian Authorities. At this time, you may begin your statement.

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Detainee (through translator): I don't understand why the Designated Officer, interrogators and whoever is responsible in United States of America's government don't understand that I am an innocent person. I have a wife, a son, and I have a family. They want me to be with them and they need my presence with them, so why can't they release me from here. People who make decision on me, don't they have their own family and kids, don't they have a heart, don't they understand that I need to be with my wife and family, they don't understand that my son wants that? Don't they know that my son needs his father and my son needs his father to teach him how to live correctly? Don't Americans understand that kids need their father as a teacher, as a role model in their life? Kids, they need to be raised properly and they need fathers for that. Oh God, you know that I am only a cabdriver. God please help me and release me from this prison. Oh God, please make Americans understand that I am an innocent man. I work only to feed my family, only to survive. God you know that I am not a member of any political party or organization. I don't have any ties or connections with them and today I am in prison, I'm in jail because I was trying to feed my family. Whatever I did in my life, that was the only goal for me, to feed my family to survive. I have a question to American authority, is driving a taxi a crime? I'm repeating the same question, if somebody drives a cab in order to feed his family, is that a crime? I'm only a cabdriver. My job was to transfer people from point A to point B. On the forehead of my customer, it wasn't written that they were dangerous or they were criminal or they were extremist, that I shouldn't have picked them up. It's not written on their forehead that they were bad people, and that I shouldn't transport them. God, you know that I am not part of any group and any bands. This is the only sin that I have committed is to feed my family like thousands and thousands of other cabdrivers. God please guide me, God please make Americans authorities understand that I am not a threat and I am an innocent and harmless man. God please help me to leave this place. God, I'm so tired of this prison. God please help me get released here and join my family or God, please leave me dead. I wanna die. Why American authority on April 19, 2007, told me that you are being transferred based on the contract that they had with Afghan government and I signed all the papers in front of the witness, and the translator was my witness. Why they change their mind? They have investigated me for six years, after six years, they told me, you are being released, and what happened between that day and four days later? Six years of investigation wasn't enough that after giving me the notification of transfer and then four days later they changed their minds and they say no, you're being detained. I'm a hundred percent that they could not find anything more than what they already knew about me within four days. I'm an innocent man, and my crime is to feed my family by driving taxi. Aminullah Tukhi, detainee number 1012.

Detainee (through translator): Now I would like to read some of the letters that I received from my family. Some of them don't have the date but I think I got them on the same date, July 1, 2007. This is from my cousin. My cousin wrote to me: I can't believe that they are keeping you there just because you are trying to survive and you were the only man to bring food for your family, and anybody who ask about you, they're shocked, why an innocent and harmless man like you is still in prison?

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Detainee (through translator): Here's a letter from my wife who was informed by Red Cross that I'm being released. Red Cross actually went to my house and told informed them that I'm being released. My wife came to Kabul and she was waiting for me thinking that they would bring me there and she wrote a letter that we were waiting for you in Kabul for a long time, and then you never came, what happened? You were in Iran and you were busy with your family and with your job and trying to take care of us. What happened to you, what do they have against you?

Detainee (through translator): A letter from my dad. He's writing the same thing, why they're keeping you there, what do they have against you? As far as we know, you were in Iran and you were trying to take care of your family do whatever you were doing. What is your crime?

Detainee (through translator): I have nothing else to say, I know that you wouldn't believe me. I know that you wouldn't listen to me. I'm not a warlike person, I am not against democracy, and I'm not against freedom. I was a university student, I was an educated person, then I had to leave my country. I was a regular cabdriver, I'm not a warlike person, I'm very peaceful person. I never picked up a gun in my hand, never ever in life and it's very sad and sickening that I am still here in prison. May God help you to make the right decision.

Presiding Officer: Tukhi, does that conclude your statement?

Detainee (through translator): Yes.

Presiding Officer: Tukhi, I would like to comment on a few of your comments. The first thing I would say to you is that, as Americans, we are not inhuman. We fully understand the need for a father to be with his son, and with his family. We fully understand that driving a cab is not a crime. What I would ask you, why did your countrymen, once the Iranians gave you to your countrymen, the Afghans, why were you turned over by the Afghans to the Americans?

Detainee (through translator): First of all, I was exchanged between Iranian and American government. Afghan government wasn't involved in my case and the reason that Afghan airplane came to Iran and picked me up because American airplanes are not allowed to enter Iranian territory. I was exchanged, I believe that Iranian government, they took their prisoners from Americans and they exchanged, the Iranian government gave me to Americans. And the second, when a revolution or any changes come to a country, it's like a storm, it's like water, it's like flooding that comes and takes everything out of its way, the small trees, the big trees, the good ones, the bad ones. So anytime any changes, a revolution happens, major thing in a country, things go crazy, out of hand. We didn't have a good government in Afghanistan, a stable government and there were lots of mistakes being done, the innocent people, they couldn't differentiate the good people from bad people and I was the victim of that big change that happened in Afghanistan. These are the stuff even when I was in Afghanistan in the prison, and even

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the delegation, the Afghan delegation that visited us here, they apologized, they told me, it's all a mistake, majority of Afghans here were brought here just mistaken. That was it.

Presiding Officer: Thank you for the clarification on that, we appreciate it. One other question that I have is, I can't find anything that states that you were told back in April 2007 that you were going to be transferred. I don't know if AMO, if you might have some information on that, or Tukhi, if you could provide more light on that?

Detainee (through translator): They took me to the brown building.

Presiding Officer: AMO?

AMO: I don't have anything in our documents that said we notified him, so I don't know where it came from.

Detainee (through translator): Well I've been told that only one person makes that decision, and it's a civilian official that makes the decision, so it doesn't matter whether I was informed by your organization or somebody else's. The final decision was made by one civilian official----

Presiding Officer: Tukhi, the reason I asked the question, you're presenting me with something that says you were told on April 19, 2007, that you were going to be released. You asked me the question, why have you not been released and why was there a change. In order for me to answer you, to give you the proper answer that you're looking for, I need to first of all verify that this in fact did happen.

Detainee (through translator): There were four military officers, one guy was dressed in the uniform that my AMO had in the initial interview, and the other gentlemen were dressed up like the DMO, and there was four officers, there was video camera, there was Red Cross, they took my fingerprints and the translator was as the witness and they told me, it was me and another Afghan man and the other guy left, he was transferred but the Red Cross was there, the Red Cross came to me and the Red Cross also went to my house in Afghanistan and notified them over there but the other detainee was released and I'm still here. There was video camera, the doctor came and checked on me. There was an Afghan man that works for Red Cross, he said, I wasn't supposed to come to GITMO, I'm stationed at Germany but just because of your case and because of you, I came from Germany to Guantanamo Bay because you're being released, that Afghan man told me. As I told you earlier, my wife told me, they had been informed by Red Cross, that I'm being released and that's why they came from--my wife came from Herat to Kabul to meet me there. This letter was written or maybe received July 2007.

Presiding Officer: Okay, well Tukhi, I will say that I'm hoping that you understand that your presence here today has not been a waste of your time or our time. This is very important information that we will try to research to determine if this actually did happen and we will make sure that we include this in our report to the Designated Civilian

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Official who will make the determination as to your transfer or release, so I'm sure that the rest of the board members here today would say thanks for coming here today and providing this information to us and we will look into it and make our recommendation based upon that. Again, thanks for coming.

Detainee (through translator): Thank you.

The Assisting Military Officer had questions for the Detainee.

Assisting Military Officer: What are your plans or goals if you are released or transferred from here?

Detainee (through translator): The first thing that I would like to do in case of release is finish my education which will take about three or four months. My major at university was economics, after I finish my education, if the current government of Afghanistan would need my help or give me a job, whether it's bank or any other organization, I would like to work for them for half a day and the other half of the day I would work at my family drug store.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had no questions for the Detainee.

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

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

Detainee (through translator): I pray to God. Oh God forbid that they say to retain me. That's enough. You've been torturing a cabdriver for so long, that's enough. That's more than enough.

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

The Presiding Officer opened the classified portion of the session.

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

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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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Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1021

The Administrative Review Board was called to order on 31 August 2007.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

The Presiding Officer: Chaman, is that the correct pronunciation of your name?

Detainee (through translator): Yes.

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

The Detainee did take the Muslim oath.

The Presiding Officer: Is the room too hot or too cold? Are you comfortable?

The Detainee (through translator): It's perfect.

The Presiding Officer: Also, since this is a formal proceeding and we are recording, I need for you to speak up when we ask you questions.

The Detainee (through translator): Correct.

The Presiding Officer: I respect your decision to attend this board today, it provides me an input that will help us in the final consideration of what the board should do, so I want to thank you for attending this board today.

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

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 28 August 2007. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he wanted to attend the board. The detainee expressly requested the English and Pashtu translated copies of the Unclassified Summary of Evidence not be delivered to him or placed in his box.

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

The detainee appeared at his interview wearing a white uniform. The detainee presented to the AMO responses to some of the statements of information in the Unclassified Summary. The detainee was cooperative and attentive throughout the interview. The detainee expressly desired not to have any copies of the Unclassified Summary of Evidence forwarded to him.

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

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

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

The Detainee (through translator): Yes.

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

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

Designated Military Officer states commitment.

Designated Military Officer: (3.a.1) When the detainee was a teenager, the Russians invaded Afghanistan, destroyed his village and forced him to flee to Pakistan, where he

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lived in a refugee camp. While living in the camp, the detainee joined an Islamic party of a leader.

Assisting Military Officer: In response, the detainee agreed. The detainee elaborated saying he was a young boy and poor when he did this.

Presiding Officer: Chaman, how old were you?

Detainee (through translator): What I said, that I joined that, that's not my answer. I will say the answers later, I already wrote it down. It's not only me, when the Russians invaded Afghanistan, they bombed our village, it wasn't only me. The entire village, we migrated as refugees to Pakistan. It wasn't only me. It looks like it was only me that was moved to Pakistan as a refugee but the whole village did that, it's not only me.

Presiding Officer: Understood, we will proceed.

Designated Military Officer: (3.a.2) While the detainee was in the camp, the son of the leader of the Islamic party came to recruit young men to train and fight against the Russians. After training, the detainee went to Hazra, Afghanistan for one or two months at a time to fight the Russians.

Assisting Military Officer: In response, the detainee agreed. The detainee stated that at that time, everybody fought the Russians.

Detainee (through translator): Nobody came to recruit me for the training. That was the turn in each camp. Every person had a turn. This is your turn, you go fight Soviet Union. I went as a turn there.

Designated Military Officer: (3.a.3) For the first few years of the fighting, the detainee was a simple soldier, but after a few years, he became a commander of about fifteen fighters.

Assisting Military Officer: In response the detainee agreed. The detainee stated that at that time nearly everybody was a commander of something.

Designated Military Officer: (3.b.1) The detainee traveled to Afghanistan and learned to shoot a five-round bolt action rifle.

Assisting Military Officer: In response the detainee made no response.

Detainee (through translator): That five-round rifle everybody needed it, I needed it so I could fire it.

Designated Military Officer: (3.b.2) On 16 February 2003, an important Hezb-e-Islami Gulbuddin member gave explosives and instructions for their use to the detainee and

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another Hezb-e-Islami Gulbuddin member. The two planned to organize attacks on vehicles used by foreigners on the road from Kabul, Afghanistan to Jalalabad, Afghanistan.

Assisting Military Officer: In response, the detainee disagreed. The detainee stated that he was a Gulbuddin member for only six months, then broke all ties to them. He further stated that he did not know anybody in Hezh-e-Islami Gulbuddin before they had taken control of the area. The detainee stated he was against the Taliban because the Taliban had killed ten members of the detainee's family. The detainee stated he had escaped the Taliban by going to Pakistan. The detainee claims there is no evidence of a plan to attack vehicles used by foreigners on the road between Kabul and Jalalabad.

Detainee (through translator): I would like to talk. Thirty years ago when the Russians invaded, our people were coming by each turn. I fought as a commander with twelve people. When the Russians got out of Afghanistan I was staying in Pakistan and I was doing my own business, I had a store, a shop. A lot of years passed, which I don't remember, I came back to Afghanistan, to just now start my life again and build my house. At that time it was a war between Jimiaat (Northern Alliance) and Hezb-e-Islami Gulbuddin (HIG). My situation in Afghanistan was, if you were not belonging to any party you cannot survive. At that time my villagers and me, we were with Mawlawi Mohammad Nabi. I was his party member. When Mawlawi Mohammad Nabi sold his party, then I went with Hezb-e-Islami Gulbuddin, and at that time, an area, they call it Taggab, that was the battle of war between the northern alliance and Gulbuddin Hezb-e-Islami. I spent with that party (talking about the HIG party) six months, but I haven't seen him. That was the war between him and the Northern Alliance, then I didn't like it, I went to the Northern Alliance leader Massood, I talked to him, I didn't join him. I told him I am not going to fight anybody. I am going to my own village or district and building my own house and then after that, I came back to my village, I was trying to build my house. The Taliban came, and killed my family members and the people that were working there to build the house; around ten people were killed by Taliban. I was not in the village so I fled to Pakistan. This is a 15 year old story, at that time I spent six months with HIG. I was living in Pakistan. I couldn't come to Afghanistan because of the Taliban. When the Taliban government fell I was living in Pakistan. First the story I have was thirty years ago, the second story about Taliban was fifteen, now I am going to tell you the story about Karzai government. I was in Pakistan when Americans invaded Afghanistan and the Taliban was done and the Rabani took over the government, and later on Karzai became the president. When Karzai got in power I was living in Pakistan. Karzai's government intelligent minister, his name was Engineer Arif. He was from Pangsheer.

Presiding Officer: I think that you are providing some information that if we get a little further along it will give you a chance to respond and you can respond to specific points. Some of this is going to be discussed again.

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Detainee (through translator): I have had three or four ARB's over the last four years, and I know your stories. I know the statements. Now it's time for you to listen to what I have and he is going to translate.

Presiding Officer: I respect what you have, however, again, I will say that there are some of the things that you is talking about that we will discuss here very shortly and would like to proceed so they can be more reflected at the time they come up.

Detainee (through translator): Yes Sir.

Designated Military Officer: (3.c.1) The detainee stated his involvement with the Hezb-e-Islami Gulbuddin started in mid-1990 to early 1991. The detainee joined the Hezb-e-Islami Gulbuddin for six months as a commander. During this period, the Hezb-e-Islami Gulbuddin was fighting the Northern Alliance.

Assisting Military Officer: In response the detainee disagreed. The detainee stated that this was fifteen years ago. During that time, many many people in that area changed to Gulbuddin.

Detainee (through translator): Yes, that was a long time ago story.

Designated Military Officer: (3.c.2) Hezb-e-Islami Gulbuddin was founded as a faction of the Hezb-e-Islami party in 1977. Hezb-e-Islami Gulbuddin has long-established ties with Usama bin Laden. In the early 1990s Hezb-e-Islami Gulbuddin's founder ran several terrorist training camps in Afghanistan. He offered to shelter Usama bin Laden, who had fled Sudan in 1996.

Assisting Military Officer: In response the detainee disagreed. The detainee stated he had never met the founder and had never seen him, except in a picture. He further stated Gulbuddin disappeared after the Taliban arrived. The detainee noted that this is a big allegation. Furthermore, he only heard Usama bin Laden's name from Arabs detained at Guantanamo Bay. The detainee stated he felt the Americans were just and nice but that he could not understand why they would mistreat the detainee by this statement.

Detainee (through translator): I don't care what Gulbuddin has done. I have nothing to do with him. He's not my cousin or any friend or anything. The Usama name I just heard here in the camp. What does this have to do with me? Fifteen years ago I spent with Gulbuddin group for six months and I haven't seen him. I haven't seen his face. So what does this have to do with me?

Designated Military Officer: (3.c.3) The detainee and his cousin, both Hezb-e-Islami Gulbuddin commanders, escaped to Pakistan during the Taliban regime. While in Pakistan, the founder of Hezb-e-Islami Gulbuddin ordered them to join him in Iran.

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Assisting Military Officer: In response, the detainee disagreed. The detainee stated he did not have a cousin and then asked who had made the detainee a commander in the Hezb-e-Islami Gulbuddin?

Detainee (through translator): I don't have any cousin or any other people. I was by myself 15 years ago. I had the leadership of 12 men. Then 12 years ago I had the leadership of 15 men. That's it.

Designated Military Officer: (3.c.4) The detainee was a personal friend of Hezb-e-Islami Gulbuddin's founder.

Assisting Military Officer: In response the detainee disagreed. The detainee stated that he had never met that man.

Detainee (through translator): I don't know the founder, what they call founder.

Designated Military Officer: (3.c.5) The detainee stated the Hezb-e-Islami Gulbuddin founder's friendship ended when the founder became Vice President of Afghanistan and refused to allow the detainee to become the Governor of Logar Province, Afghanistan. As a result, the detainee stated that he secretly joined forces with the Northern Alliance while still maintaining membership within the Hezb-e-Islami Gulbuddin.

Assisting Military Officer: In response the detainee disagreed. The detainee stated he was illiterate and therefore could not be a governor. The detainee further stated that he did not join the Northern Alliance.

Detainee (through translator): In Afghanistan being a governor is a very very big deal. I learned how to read and write here and I cannot even write well. These allegations anybody is accusing me of, he should laugh at himself, the laugh is on him.

Designated Military Officer: (3.c.6) In December 2001, the founder of Hezb-e-Islami Gulbuddin offered an Islamic leader 100,000 United States Dollars to make sure his commanders, to include the detainee, were appointed to preferential positions to circumvent efforts to appoint United Nations peace keepers to Afghanistan.

Assisting Military Officer: In response the detainee disagreed. The detainee stated he could not work in the government because he was illiterate.

Detainee (through translator): I didn't come to Kabul by my own choice. I had been called by Engineer Arif. He was the minister for Karzai government, he called for me. I was not working for him in his office because I couldn't read or write. I haven't worked in the office, any office work. These allegations are much higher than my position. Who gives \$100,000 dollars? These people that report about me, these allegations, these people don't want Karzai government, they don't want stability in Afghanistan.

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Board Member: Why did they call you to Kabul?

Detainee (through translator): They called me because Taliban was my enemies. They killed ten members of my family. The whole Afghanistan knows about it, still these dead bodies are in one ditch, they haven't separated them to bury them, and they're still there. Engineer Arif knew that I am not good with HIG too because 10-15 years ago, I broke ties with him and he knew that I am not so good with HIG and am an enemy of the Taliban, that's why. They told me, Taliban is your enemy and help us fight them back. If you have any questions, just please ask me, it's no problem.

Presiding Officer: And we will.

Designated Military Officer: (3.c.7) The detainee was present at a meeting between members of al Qaida, the Taliban and the Hezb-e-Islami Gulbuddin in Peshawar, Pakistan.

Assisting Military Officer: In response the detainee disagreed. The detainee stated that Gulbuddin disappeared when the Taliban took over. The detainee further denied he was at that meeting.

Detainee (through translator): How can I participate in that meeting with my enemy? The Taliban was my enemy. There's no way for me to sit down with them in the same meeting.

Board Member: Do you have any enemies in the camp amongst the Afghani people here?

Detainee (through translator): Anybody who is eating Talib food is my enemy. Even the people who have eaten Talib's food, they are my enemy.

Designated Military Officer: (3.c.8) Al Qaida, Hizb-e-Islami Gulbuddin and the Taliban held a meeting in Peshawar, Pakistan during February 2003 to discuss future plans on how the three groups could regain power in Afghanistan. During the meeting, many anti-United States and anti-Karzai conversations took place.

Assisting Military Officer: In response the detainee disagreed. The detainee stated he was not an important person and that he was not in a high enough position to know about such meetings.

Detainee (through translator): First of all, I'm not that big or important guy. Second of all, they are not my friends. It has nothing to do with me.

Designated Military Officer: (3.c.9) The detainee was the assistant to the direct subordinate of Hezb-e-Islami Gulbuddin's founder. The Afghan Minister of Defense indirectly gave money to the detainee in exchange for information on Hezb-e-Islami

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Gulbuddin's founder. The direct subordinate of Hezb-e-Islami Gulbuddin's founder was not aware that the detainee was betraying the Hezb-e-Islami Gulbuddin.

Assisting Military Officer: In response the detainee disagreed. The detainee stated he did not have enough education to be such an assistant and there is no reason this person would trust me. The detainee further stated nobody gave him any money.

The detainee (through translator): Their assistants are very big, big people. There is no way for illiterate people to be their assistants and nobody gave me any money and I am not aware of it.

Designated Military Officer: (3.c.10) Hezb-e-Islami Gulbuddin and al Qaida were responsible for a suicide car bomb attack in Kabul, Afghanistan, on 7 June 2003 against the United States Embassy, International Security Assistance Forces, the United Nations headquarters, and a shopping area used heavily by foreigners. The leader of the group involved was a Hezb-e-Islami Gulbuddin commander.

Assisting Military Officer: In response the detainee disagreed. The detainee stated he had no connection with the car bomb attack in Kabul.

Detainee (through translator): These things, these kind of activities are higher than my ability. I don't have nothing to do with it. I don't have any connections.

Board Member: Were you in Kabul at the time? Can you remember?

Detainee (through translator): In my time, I haven't seen any car bombing. When I was living with the Karzi government in Kabul, I never saw these things.

Presiding Officer: Have you heard of car bombs in Kabul?

Detainee (through translator): When I was there, I haven't seen these kind of things. I believe I was away or in jail or some other place. It was very secure, Kabul was very secure, a lot of foreigners were there, it was very strong security that was established.

Designated Military Officer: (3.c.11) The Hezb-e-Islami Gulbuddin commander in the previous statement was the detainee's assistant.

Detainee (through translator): It's a very shame for the person who gave you the report on this. If somebody has no soldier, how can he have an assistant? It was usual in Afghanistan if somebody had 5 or 600 people and he had a deputy and an assistant and these kinds of things. I have been a commander twice, 30 years ago. I had twelve soldiers. Fifteen years ago, again I was a commander of fifteen people. It's been 15 years that has passed. I haven't had any leadership or been any commander.

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Designated Military Officer: (3.c.12) A source stated the detainee was a Hezb-e-Islami Gulbuddin field general.

Assisting Military Officer: In response the detainee disagreed. The detainee stated that he was not even a soldier for Gulbuddin.

Detainee (through translator): You agree with me that if anybody became a general, he had to have at least 15 or 18 years of education. Beside, I was not even with Gulbuddin, how can I be his General? I'm illiterate, I couldn't even read or write. This is not possible.

Designated Military Officer: (3.c.13) A source stated he fought with the detainee, an Afghan Taliban member, prior to 11 September 2001.

Assisting Military Officer: In response, the detainee disagreed. The detainee stated he was against the Taliban. The detainee stated the Taliban had killed ten of his family members and had confiscated his house, therefore, why would he help the Taliban?

Detainee (through translator): Talib destroyed my house, and took the windows and equipment and built a bigger home for them. Talib killed my family members. I ran away from the Taliban to Pakistan. I ran away, they was going to kill me. How can I cooperate with the Taliban?

Presiding Officer: You need to speak up.

Designated Military Officer: (3.d.1) The Hezb-e-Islami Gulbuddin had three of its members, the detainee and two others, working as intelligence collectors. They were operating in Kabul and collecting information about the Afghan government and possibly United States forces. They used vehicles with Kabul Police Department license plates for traveling.

Assisting Military Officer: In response, the detainee disagreed. The detainee stated he would not have done this because he would have been killed if he had been caught.

Detainee (through translator): So when the Karzai government took over, I was in Pakistan. I didn't come by my choice, they call for me. The Minister of Security for Afghanistan, he is a very key person. He is the one that called for me to come. He gave me the car for driving around, he gave me the telephone, he gave me the assistance, he did the whole thing. This is a very shame to be accused of this allegation. Karzai Minister of Security called for me, he gave me the car, the telephone and everything so why are they accusing me of something which is shameful?

Designated Military Officer: (3.d.2.) The Kabul Chief of Police had strong ties with weapons and drug smuggling activities. The detainee was also a major player in these operations.

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Assisting Military Officer: In response the detainee disagreed. The detainee stated he did not know anything about this.

Detainee (through translator): The Chief of Police, his name was Baseer and he was working for Karzai government. I knew him by name only. I don't have any other information. I was not associated with that Chief of Police. I knew he was working as Chief of Police.

Designated Military Officer: (3.d.3) The detainee and two other Hezb-e-Islami Gulbuddin members were all well known associates that were heavily involved in the drug trade and other illegal activity. One of these men is responsible for over 1,000 murders as a Hezb-e-Islami Gulbuddin leader.

Assisting Military Officer: In response, the detainee disagreed. The detainee stated he did not know who these two men are and that he had no knowledge of any of this.

Detainee (through translator): Drugs, names, I've heard it here, I've never heard it in Afghanistan. I have nothing to do with it and the person who's responsible for 1,000 murders, has nothing to do with me. I don't smoke, I don't put the snap or anything because I cannot eat if I use that.

Designated Military Officer: Makes mistake and goes back to reading 3.c.10.

Presiding Officer: Correction for the record, we are in Other Relevant Data, #4. Please translate the correction.

[Translator is re-translating]

Designated Military Officer: (3.d.4) The detainee intended to place a bomb at Site #1 or Site #3 during the grand opening ceremony for the radio network station at Camp Serenity. The main target for this attack was President Karzai, the United States ambassador to Afghanistan and other high-ranking Afghani officials.

Assisting Military Officer: In response the detainee disagreed. The detainee stated he did not do this.

Detainee (through translator): They accuse me of this allegation, bomb things, because I said we need Karzai to be re-elected again, I wanted Karzai to be elected. This is the biggest or the grand assembly, I was part of the assembly. I want Karzai to be re-elected, to be the president. I talk about this in this meeting or in this assembly that Karzai should be re-elected and come in power again. Since that day when I talk about this, Karzai come again, it's at that time, they start planning on me to capture Chaman and do this and do that. They just kinda plotted. Those people they don't want Karzai and stability in Afghanistan.

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Presiding Officer: I would like to stay focus toward the particular points. I can respect your desire for the gentlemen that was mentioned. I want to maintain our focus on the specific things that are talked about in the evidence that has been presented.

Detainee (through translator): I am not aware, when I talk about Karzai and his re-election to government, they start scheming these plans against me.

Board Member: Is there one person or two people that you know that planned against you on this?

Detainee (through translator): You know those people, everybody knows those people. Those are the ones that they don't want stability and tranquility in Afghanistan. They want their own government, they don't want security over there. I work for Karzai government for two years and I was very good guy, but since I speak about Karzai being re-elected, I turn to a bad guy.

Designated Military Officer: (3.d.5) Site #1 was the housing and office compound for the Karzai Protection Detail. Site #3 is the Afghanistan communications center.

Assisting Military Officer: The detainee provided no response.

Detainee (through translator): This kind of things are higher than my understanding.

Designated Military Officer: (3.d.6) The field commander for al Qaida terrorists located in Muzaffarabad, Pakistan personally showed the detainee bombs devised by al Qaida terrorists that use a white powdered explosive packed into Pepsi cans. The detainee visited the field commander on numerous occasions.

Assisting Military Officer: In response the detainee disagreed. The detainee stated the statement was not true.

Detainee (through translator): I will talk about this later on, because I already wrote it down.

Designated Military Officer: (3.d.7) A source stated an American contracting company in Kabul, Afghanistan hired the detainee and his men to guard shipments of equipment between Herat, Afghanistan and Kabul, Afghanistan.

Assisting Military Officer: In response, the detainee disagreed. The detainee stated he was not involved in security. The detainee added he did help one man find a truck for hire.

Detainee (through translator): I didn't take the security of the truck from there. I told them I found a person, that he is a truck owner and gave it to them and they brought their

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load. I told them the shipment would be okay and nothing would happen to it. I didn't take the security of it, I just found the person that owned a truck.

Board Member: Were you paid for that service?

Detainee (through translator): The translator gave me some money and I gave it to the truck owner. I didn't get anything.

Designated Military Officer: (3.d.8) Reports indicate that the detainee was one of the Hezb-e-Islami Gulbuddin commanders who terrorized, bombed and destroyed Kabul, Afghanistan during the Civil War.

Assisting Military Officer: In response the detainee disagreed. The detainee stated this is false. The detainee further stated that he is not important enough to be responsible for this big and unbelievable allegation.

Detainee (through translator): Fifteen years ago I stayed with him for six months. I haven't stayed with him, so if I'm not working for him, how can I do those things?

Designated Military Officer: (3.d.9)10:30 Indications are that the detainee was a Mujahedin commander against the Russians, a commander for the founder of Hezb-e-Islami Gulbuddin against the Northern Alliance leader, and also on the council of an individual who was a Taliban leader.

Assisting Military Officer: In response the detainee disagreed. The detainee stated that he had spent only the six months with Gulbuddin at the time when the Russians were in Afghanistan. The detainee further denied collaborating with the Taliban because he would not help those who had killed his family.

Detainee (through translator): At the time of the Russians in Afghanistan, I was with Harakat thirty years ago, Islami Party which his leader was Mawlawi Mohammed Nabi. And then after 15 years I spent six months to work for Gulbuddin. After that 16 years I haven't seen Gulbuddin or his group or his party or whatever. The whole world is aware about the Taliban.

Designated Military Officer: (3.d.10) The individual in the previous statement funded the detainee's activities and directed him from the United Kingdom. The individual funded him because the United States froze the financial assets directly belonging to the founder of Hezb-e-Islami Gulbuddin, but the individual was untouched.

Assisting Military Officer: In response the detainee disagreed. The detainee stated this item is not true.

Detainee (through translator): This is very higher than my standard. I don't know about it.

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Designated Military Officer: (3.d.11) A source stated he had heard that the United States Embassy and Afghanistan government were reluctant to detain the detainee for the fear of starting a civil war in Kabul, Afghanistan since the detainee was a known, high level Hezb-e-Islami Gulbuddin commander.

Assisting Military Officer: In response the detainee disagreed. The detainee stated that nobody knew who he was, so how then could a civil war start over his detention?

Detainee (through translator): So if I stay and be in prison for another 10 or 20 years, nobody even noticed, how can they start civil war over me?

Designated Military Officer: (4.a.) The detainee was accepted into the Northern Alliance in 1991 and was instructed to remain in the Hezb-e-Islami Gulbuddin in order to report on their activities, movements and operations. The detainee stated he remained loyal to the leader of the Northern Alliance until the leader's assassination in September 2001.

Detainee (through translator): I would like to say one thing. I was not faithful to the Northern Alliance and I have not promised them or join him in any case, and I was not with HIG also.

Designated Military Officer: (4.b) The detainee stated he commanded a unit of approximately 40 soldiers and held the rank of brigade general during a three-month campaign fought against Taliban and al Qaida forces in Afghanistan during the spring of 2002.

Translator: He's asking that I repeat the statement.

Presiding Officer: Tell him that the things that are being talked about now in favor of him being released or transferred.

Detainee (through translator): Yes Engineer Arif sent me with the current government, with Karzai, he send me and I fought the Taliban.

Designated Military Officer: (4.c) The detainee stated the Taliban and the Hezb-e-Islami Gulbuddin founder were his sworn enemies. The detainee stated he liked the United States and he fully supported the United States and Karzai government in Afghanistan.

Detainee (through translator): Yes I agree.

Designated Military Officer: (4.d) The detainee stated the United States was the reason why he moved back to Afghanistan after 20 years and he hopes the United States stays long enough to stop the tribal wars.

Detainee (through translator): Yes.

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Designated Military Officer: (4.c) The detainee stated he was working as a spy on behalf of the government because he opposed the Taliban, wanted peace in Afghanistan and wanted his children to be able to go to school.

Detainee (through translator): In Afghanistan, calling somebody spy is very bad. So what does this mean, spy?

Board Member: To provide information.

Detainee (through translator): Yes I have done these things but I am not a spy, I did that because they were my enemies.

Board Member: Poor wording, that's all that is.

Designated Military Officer: (4.f) The detainee stated he would not participate in any attacks against United States forces in Afghanistan. The detainee stated he had no anger toward the United States for being detained, but was angry toward the Afghans who put him in jail. The detainee stated he would be happy to work for the Americans in Afghanistan.

Detainee (through translator): Yes.

The Board Members did not request any further time to review the unclassified summary.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee would like to make a statement.

Presiding Officer: Chaman, you may begin your oral statement.

Detainee (through translator): I will tell you summary of my life story. When Russians came to Afghanistan, they bombed all our district villages, my district villagers all migrate to Pakistan. I was one of them to move to Pakistan with my family. In Pakistan a few years later, there was a group collecting people to fight against Russians. Our villagers, our part was each person supposed to serve and go to war two months a year. I had passed my two month turn fighting Russians. A few years later, I had become a twelve person's commander. From the district of our village, people were mostly members of Harakat's party, and I was one of the people who belong to Harakat's party. Since Russians left Afghanistan, I was not coming to Afghanistan to

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fight. That was my thirty years old story. Long time ago, for a lot of years, I had a fabric store in Pakistan doing business, and then I returned to Afghanistan after a few years to my village. My house was destroyed, I was rebuilding my house and at that time HIG and Jimiaat had war between each other, these two parties, they had war. This kind of condition or circumstances, anybody was living in Afghanistan at that time, got to be member of one side and I spend six months beside HIG in Taggab at that time, that was between these two groups was a battle or war. That's why I joined HIG because my previous party which was Harakat or movement, it was disintegrated, it was dissolved. I didn't like war. I didn't like to fight, and then I started talking with Ahmad Shah Massood, Northern Alliance leader. I talk to him, I'm not going to work for HIG and I don't like to fight. I want to go back to my village and build up my house. After awhile, Taliban came and conquered our village, our district. My family members and those people who were working with me to rebuild the house, ten people got killed by Taliban. I was not in the village at that time and I found out and then I run away to Pakistan. The villagers came to bury my family members, but the Taliban didn't allow them to bury them. All of them, they dig up a ditch and throw the whole body in there and cover with dirt. They took my house, which I was rebuilding, the widows and every other equipment that I was going to use, they took all that and they built up their own sub-government office there. If you right now go there and ask, you will see my house windows and these things have been installed in the sub-government building and two hundred meters away is the grave of my family.

That was my 15 year story, 15 years earlier, before. My third story. I have three stories, one was 30 years ago, one was 15 years ago, and this is the Karzai time story. Then after that, 15 years ago, I went back to Pakistan and I was living in my house and I was staying there. Taliban government fall and Americans came to Afghanistan and Karzai became king. I was in Pakistan at that time. Engineer Arif, which is he was Minister of security of Karzai government send Haji Shah Agha after me to come and get me. Haji Shah Agha was Engineer Arif's personal person or private person, one of his deputies, that's what he was. I came to Kabul with him. I met Engineer Sahib or Arif, he told me, come here, cooperate with us, the government. I told him, I cannot write, so what job I can handle, what can I do? And he said, I have heard and it is known to me that Taliban has done a lot of atrocity against you and I know that you are not a fighter, you don't have any group or any people so you cannot fight and the Taliban government is over. The Taliban wants to plan to fight us again. The Security Minister told me, I would send Haji Shah Agha with you to go around, he knows what to do, he will tell you what to do, so I was going around with him. He knows about all the information and things so any place that I send you, he will be with you. Now we need information about those people, they want to fight against the government. I told them, I cannot work in the office because I cannot write but I will help you get the information about those people that want to fight you. He told me you can stay in Kabul and do whatever you want to and do your business, and anytime that I need you I will send Haji Shah Agha after you and I agreed with him, I said, yes okay. And he gave me a telephone and he gave me a car and send me Haji Shah Agha and he was with me all the time.

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I was so happy my country was going to be rebuilt and my children would go to school and we would have a better life. I brought my family from Pakistan and I was working in Kabul in very good condition and happy. Anytime that the engineer need me, he would send Haji Shah Agha and we would do our business. Three, four times we went to Pakistan because Taliban was living there, their houses were there, so we went there and we was finding out about Taliban cross the border, where they are living, what they were doing, so we was bringing information regarding them back home. I went with Shah Agha to Muzafarabad, it is a place in Pakistan. There is a person who is friend of Shah Agha, he was a Pakistani guy, he was a commander and he was a close friend of Shah Agha which is the person who was a person with me. At that time, Shah Agha with that commander was sitting together and taking pictures and they ask me come and take picture and we sit down and we take pictures together and Shah Agha brought those pictures back to Kabul. I work with them; I was a very, very good guy. I did things against those insurgents Taliban. When the big assembly has been arranged in Afghanistan and a lot of people wanted Karzai to be re-elected again and I was trying so hard for Karzai to be elected again. I talk in the grand assembly. I talked there and I said Karzai should become president again. Since then, a scheme started about capturing me, or plotting against me, everything started that time.

Those people that didn't want security and tranquility, plan against me and they try to convince Americans to capture me. There was a person; his name was Mustafa working for Americans. They talked to that person, to Mustafa, those people that wanted to plan against me, they talked to Mustafa to steal from Americans some kind of document or anything and say Chaman wanted this document. They will capture Chaman but we will release you from Americans, we will not let Americans get you. Mustafa agreed with them, so before my capture, Engineer Arif told me to go with Gul Haidar, he's going to get this, because there is a war between Americans and Taliban so we want you to go with this person to Gardaze. Me and Gul Haidar, we went to Gardaze and there was war for three days. Gardaze has his personnel but I didn't have anybody with me. The war ended and we came back to Kabul. One day Engineer Araf called me and I went to see him and he told me, it is a person named Mustafa did you ask him to bring anything to you. I told him, I didn't ask nobody to bring me anything and I don't know him and he said, "I would face you with that guy," and I told him, "go ahead, do it." I talked already about the grand assembly, this plan, this scheme came later. Then Araf put me in jail for three-four days but he didn't face me with that person and later on they handed me to Americans. So right now I'm in this prison, any allegation that I am accused of is because of those planners and schemers that they did.

I'm accused of, in Muzafarabad Pakistan, you met a Taliban Terrorist commander, which is he was not that, he was Pakistani Commander, which is Kabul government sent me with that person, and I went with him. He was his friend, not mine. Even if anybody, that person in Muzafarabad, Engineer Arif send me with Shah Agha. Engineer was a minister, a big person which Shah Agha over there [Detainee is holding up a picture, pointing to Shah Agha] and that Commander was Shah Agha's friend, we took picture together. My picture, Shah Agha picture and the commander took picture in

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Muzafarabad, the interrogator showed me it here. Now Americans accusing me here, that commander, he is your friend. He's not my friend, he was Shah Agha friend which Shah Agha was with me sent by the Minister of Pakistan. If that was a picture with just me, that would be my friend. Shah Agha was there, so that's his friend. Before the grand assembly, that was six months before the grand assembly that that picture was taken. Since I said the Karzai government should be re-elected again, since that time, Mustafa come out and these pictures come out and every plot and scheme is against me for that purpose. So here they are accusing me that Chaman wanted to assassinate Karzai, this is opposite word, I wanted Karzai to be the president, not to be killed. So our country people are hunting those little bitty birds. I even haven't slaughtered a bird, or haven't killed a bird. There is a possibility that Arif, the big person can tell Americans, "well Chaman hasn't even worked with us," he can refuse me, he can deny me.

I have three kinds of witnesses that I work for the Karzai government and fought against the Taliban. I have cooperated with this current government. I have three proofs. The first proof is Engineer Arif sent for me from Pakistan and I went to Kabul and he give me a car, a telephone, and send Shah Agha with me any place I wanted to go, he can be like a helper or helping me to go anywhere that I want to. The second one, that's the picture taken, that's for me and that commander and Shah Agha - he was Shah Agha's friend, not me, yeah, we have picture. Now that the picture is kinda of accusing me that you have a picture with him. These are his pictures. I have no connection or no ties with that person that we took a picture with. That is Shah Agha friend and if they accuse me of any connection with HIG, that was 15 years ago, I stay with them for six months.

Presiding Officer: We understand, however we've heard the same comments before, so I want to try to minimize the repetition so we can move along in the proceedings. Please.

Detainee (through translator): I have one more word, it's very short. Americans keep me here, however many more years they keep me here, I'm not important as this paper. If I'm detained here, I want peace and tranquility in Afghanistan, if I'm released, I want peace and Tranquility back in Afghanistan. I have no quarrels with nobody. There are a lot of people that have been captured in the battlefield, they haven't captured me in any battlefield. Taliban oppressed me and killed my family, I'm not a part of HIG. I don't understand. I was so happy Americans came and the Taliban government ended and even then, I didn't come to Kabul by my own choice. The Minister of Security called for me. I'm saying I want Karzai government to bring stability to this country. Those political parties long time they were in power, they couldn't, everybody know that they can't do it, except this government.

And in the end, I ask Americans leaders and you leaders, what have I done, what crime I committed, why you guys are detaining me here? My desire was for peace to come, to live with my children and they go to school. Who am I, a leader, a fighter, I'm not. My children have no parent, they have nobody to take care of them in Kabul living and you keep me here for five years. What have I done to you? I'm not a leader, I'm not even a soldier, they make me a leader over this picture because of what? It has been proved to

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you. God forbid, have I shoot any Americans, or toward them? What cruelty I have committed? I spent five years here in the prison and have had no quarrel or any argument with any soldier or anybody else, so if I was a fighter or bad guy, I would have at least something here. I am asking you leaders or the authority people, I haven't done anything, don't oppress me longer, please let me go.

Presiding Officer: Does that conclude your statement?

Detainee (through translator): Yes, I have nothing else.

The Assisting Military Officer had no additional information to present.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had questions for the Detainee.

Designated Military Officer: You have stated that if you return back to Afghanistan, you care about your children going to school but what would you do if you go back to Afghanistan?

Detainee (through translator): I just want peace and for my children to go to school. I have land, I will cultivate or plant things, I will live there. I am getting old, so I can not do hard work anymore, I will be living very peacefully with my children. And one thing I would like to say to the person named Mustafa, he was the scheme part and he is here with you guys, he is detained here. You can ask him, he will tell you and if he says anything. You can ask him and if he says I have given him anything and then it be proved to you, then do whatever you feel like, the main allegation or accusation is on me is to accusing me for trying to place bomb to kill Karzai president, but you can ask him did he give me anything. If it's proven, then yes, I am a criminal; I have to pay for this. If it is proven that it is a conspiracy against me and you know bout it, then please let me go, it is a conspiracy.

Presiding Officer: Since last year's ARB, what has changed that would help me to make a decision to transfer you or to release you, has there been any additional facts or circumstances that would support a decision different from last year?

Detainee (through translator): The only thing is now, this is the new thing, they captured me over this[holding up picture]. This is the Karzai desk at the grand assembly where I was talking. The interrogator showed me this picture. So if that was not a conspiracy, who gave the pictures to the Americans. Now did you notice or did you understand who is Arif?

Presiding Officer: Yes we did, we've heard everything and we're going to move on. Chaman, first of all, I want to tell you that I appreciate your attendance here today. Your conduct in today's board shows that you take this process seriously as do we. Again, I

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want to tell you that we heard a lot from you today and it will help us to make an informed decision.

Detainee (through translator): Those people can not talk because they're hiding something. I talk and I haven't hid anything. I cannot talk on that time which is I have done anything against American or my government, then I will be quiet. But now I haven't done anything against those, so I will talk. Last 30 years, I have seen lots of governments starting from Naji, was the president on that communist. I have seen Islamic and every kind of government. I appreciate America; I respect America to give us a relief from those regimes. I'm sure if tonight America pulls out from Afghanistan, tomorrow it will be the same condition or the same thing it used to be.

Administrative Review Board Members did not ask questions of the Detainee.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Captain, U.S. Navy
Presiding Officer

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Letter From Dechert, LLP
Translated from Pashtu to English
Pashtu original attached

Mohammad Rahim
ISN # 1104

May 20th 2007

Honorable Mr. Mohammad Rahim.

Hello, I expect and hope you are well and healthy. I am very sorry; I wasn't able to see you during the month of March. On April one of our associates (Edrees Khatak) met with your honorable brother Karim and your honorable uncle Nasrullah. I am acquainted with previous defense minister, said Nasrullah to Edrees, and also mentioned he filled a petition in your absence which has been signed by local elders including Governor, district sub governor and police commissioner. The petition states that you are innocent and guaranties that when you are released you will not commit any violent act against United States and Kabul government. Your relatives presented the Petition to Mr. Mojadidi the head of peace and reconciliation commission.

With your brother's permission we gave the name and contact information to the peace and reconciliation commission for getting in touch in the future with your brother and uncle regarding your case. We gave comprehensive information about your case to the Afghan peace and reconciliation commission and reminded them to acknowledge the petition from your relatives. Our purpose is to content them to transfer you to Afghanistan, then you should be immediately released. We are working so hard to satisfy the American government to act suitable and transfer you back to Afghanistan, we also working with press and Afghan government. The world hasn't forgotten about you and you are in our mind and thoughts every day.

Respectfully,

Carolyn

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سري او خوندي
د وکیل او موکل مکالمه

د می د میاشتی شلمه د 2007 میلادي کال

بناغلی محترم محمد رحيم:

سلام، هیله منه یم څنگه چی توقع کیري جور او روغ واوسی. زه ډیره متأثره یم چی ما د خپل وروستی ملاقات د مارچ میاشت په اوږدو کی ونکولای شو چی له ستاسو سره وویښم. د اپریل په میاشت کی زموږ د ملګرو څخه یو کس (ادریس خټک) ستاسو د ورور محترم کریم او ستاسو اکا (تره) محترم نصرالله سره وکتل. بناغلی نصرالله ادریس ته وویل چی د دفاع پخوانی وزیر سره اشنا دی. هغه هم وویل چی ستاسو په غیاب کی یوه عریضه (درخواست) لیکلی چی د خای محلی د مشرانو له خوا په شمول د والي، د ولسوالی ولسوال د غزني د پولیسو د مشر له خوا دستخط شوی اوبیانوي چی تاسی بیګناه او هغوی ضمانت کوي کله چی تاسی خوشی شی هیڅ ناوړه کار به د امریکي متحده ایالاتو او د کابل حکومت پر ضد ونکړی. ستاسو خپلوان دغه عریضه (درخواست) د سولې او پخلاینی کمیسیون مشرتبه چی بناغلی مجددي دی، ورکړه.

موږ ستاسو د ورور په اجازه، د هغه نوم او د ارتباط نیولو معلومات د افغان سولې او پخلاینی کمیسیون ته ورکړ تر څو چی وکولی شي ستاسو د ورور او اکا سره ستاسو د نویسی په هکله ورسره تماس ونیسي. موږ د افغان سولې او پخلاینی کمیسیون ته

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MOHAMMAD RAHIM
ISAN 1104

ستاسو د دوسې جزئیات ورکړي او یادونه مو وکړه چې ستاسو د خپلوانو له خوا هغوی ته عربضه رسېدلې ده. زموږ هدف دا دی چې هغوی قانع کړو کله چې تاسو افغانستان ته ولېږدول شوی نو باید سمدستي خوشی شئ.

مونږ ډیر سخت کار کوو تر څو د امریکې دولت په دې قانع کړو چې مناسب کار ستاسې د لېږدوني په هکله بیرته افغانستان ته وکړي. مونږ هم د افغان حکومت او له مطبوعاتو سره کار کوو. نړۍ تاسې هیر کړي نه یاست او تاسې هر د ورځ زموږ په فکر او خیال کې یئ.

په درناوی

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Summary of Administrative Review Board Proceedings for ISN 1104

The Administrative Review Board was called to order on 12 September 2007.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

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

The Detainee did take the Muslim oath.

The Presiding Officer: Mohamed Rahim, is that the correct pronunciation of your name?

Detainee (through translator): Yes.

The Presiding Officer: Okay, how would you like to be address?

The Detainee (through translator): The way that you're saying it is correct.

The Presiding Officer: Mohamed Rahim, first of all, I want to say that I respect your decision to attend this board today, it provides us an input that will help us in the final consideration of what the board should do, so I want to thank you for attending this board today.

The Presiding Officer: I have been advised that you have a medical condition. It is my understanding that you have you may need to take a bathroom break. Please advise me if you need to take a bathroom break and we will recess the panel in order to accommodate your particular needs.

The Detainee (through translator): Right now, I just used the bathroom, in the future if it's not impolite, I will let you let you know.

The Presiding Officer: I would not consider it impolite at all. Is the room comfortable, is it too warm, too cold, is it okay?

The Detainee (through translator): It was, but they fixed it and now it's okay.

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

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 07 September 2007. After reviewing the ARB's purpose and procedures, the Pashtu translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he wanted to attend the board. In accordance with Standard Operating Procedures, two copies of the Unclassified Summary of Evidence, English and Pashtu translated, were provided to the JDG point of contact for delivery to the detainee.

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

Assisting Military Officer: The detainee appeared at his interview wearing a tan uniform. At the follow-up interview on 10 September 2007, the detainee provided one document for inclusion in the record. The detainee was polite and cooperative throughout both interviews.

Detainee (through translator): I haven't received my Unclassified Summary but most of the other detainees, they give this to the other detainees, but I have not received it. In your law, any detainee has the right to know what he is going to be questioned.

Presiding Officer: For the record, Assisting Military Officer, did you present the detainee with this particular form?

Assisting Military Officer: Yes sir, on 7 September, in our interview, the entire Unclassified Summary of evidence was read by the translator, Pashtu, the documents were submitted to the Joint Detention Group for delivery. I do not have a written confirmation that it was delivered. So we made sure the detainee understood what we were reading and he said that he would like to address the board. We have also given this morning, additional review time as well. I am confident that we have met all of our requirements and he'll also have the opportunity to address each item in a moment.

Presiding Officer: For the record, one more question. Translator, were you present when the forms were presented?

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Translator: I read the Unclassified to the detainee on the interview day, but I don't know if he received a copy because I left.

Assisting Military Officer: One point of clarification, just as a procedural clarification, we read this in our initial interview, we are not allowed to hand the papers to the detainee at that time, we have to return to this building and then route it to JDG and I think that is where the question is.

Detainee (through translator): In the follow up interview, I had not received the Unclassified Summary and the Assisting Military Officer stated that you will receive it today or tomorrow.

Presiding Officer: For the record, it has been noted that the detainee has said he didn't receive it. For the record, we have also heard that the Administrative Officer presented and followed the format, we will proceed onward.

Detainee (through translator): Honorable judge, I just want to know, do I have the right to know about the questions that is going to be asked, to know about it and understand it?

Presiding Officer: We will provide an opportunity today as noted in the Enemy Combatant Election form, where you can respond back to each of the positions, however, let me emphasize for the sake of time, let's refrain from our comments until its time to respond to each statement that is going to be presented by the Designated Military Officer.

Detainee (through translator): Yes sir.

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

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

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

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

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

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Designated Military Officer: (3.a.1) The detainee stated he helped the Taliban who coordinated the work of the Mujahedin resistance during the Soviet occupation.

Detainee (through translator): I haven't assisted the Taliban. Taliban forced me to go with them. Those people were conscript people by force for war or battle. I have been forced by the district sub-governor take me out of my home by force to go with the Taliban. At the time of Mujahedin I was delivering food for them and that was a kind of mandatory job for us. The village that I was living in, people was cooking food, and there was 15 houses and they were putting them in big piece of cloth and we would take them to the Mujahedin and we was giving them to the cooks to deliver food to the Mujahedin. In one month, my turn would come after six or seven days because there was a group, one group one week, one group the next week and one group another week, so my turn was after a month, so we was taking food to Mujahedin, that's it and the rest of the day we were doing our own business like farming or husbandry or these things.

Designated Military Officer: (3.a.2) The detainee worked at the cooperative logistics company in Kabul, Afghanistan, which was owned by the Taliban government and was closely associated with Taliban Intelligence. The company provided logistical support directly to the Taliban government. The detainee held the title of Chief of Logistics.

Detainee (through translator): I have worked in the cooperative office, yes. Nobody was bringing any kind of ammunition or any logistic in this office, that's a lie. In this organization, there was no logistics was provided. On behalf of this office, we were buying food supply from Kabul bazaar, me and two others were representatives of the mission, we was going to Kabul and over there we would buying soap, shampoo, toiletries, and we were purchasing these things and we were bring back to our office and food supplies too. And bringing them to store, selling these supplies to the government employees, which is they were working for the government for 10-12 years and we were selling to them these supplies and money and selling them the supplies that we brought in Kabul. We were selling the supplies to the government employees on discount; they were buying them for their home needs. We was buying a large quantity so we was selling them to the government employees for 2%, 3%, 4% discount, this is a very clear lie here that we were providing logistics.

Designated Military Officer: (3.a.3) The detainee worked with an employee of the company who had authority to write checks for the company. This employee also worked directly for the Taliban Intelligence in Kabul, Afghanistan.

Detainee (through translator): Writing a check was not my job, writing a check was duty of designated worker or officer, it has nothing to do with me, I told you about my job.

Designated Military Officer: (3.a.4) The detainee was responsible for purchasing items as directed by an individual. The individual would have a list of items to purchase and would present the list to the detainee.

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Detainee (through translator): Our office was from the department, there was some representatives who were bringing the list for me to buy these things and we were going to buy merchandise and supplies.

Designated Military Officer: (3.a.5) The individual in the previous statement was the Divisional Commander of the Logistics Division under the Taliban Ministry of Intelligence.

Detainee (through translator): The responsible person in that department that I was working, he was responsible for logistics and whatever.

Designated Military Officer: (3.b.1) The detainee stated an individual was his commander during the fight against the Soviet army.

Detainee (through translator): Which man responsible for the logistics guy that you are talking about?

Presiding Officer: It will be discussed in the next statement.

Detainee (through translator): This is a lie, I mentioned earlier that at the time of Russians, I was taking food supplies and the person that was in charge of us, a leader to tell us who was going to take the food and who was going to take the supplies to the Mujahedin, he died and he is not here anymore. Long time ago, he died, the person that I was following.

Designated Military Officer: (3.b.2) The individual in the previous statement was the Chief of Courts under the Taliban government who was reported to be stockpiling weapons and possibly distributing weapons to Taliban elements fighting in Afghanistan.

Detainee (through translator): It's the same person that you are talking about?

Designated Military Officer: I don't think the Chief of Courts and the Commander of the logistic division is the same person.

Detainee (through translator): What was this man head of the logistics department; he was not that kind of guy. I haven't said that in 3.b.1, the detainee stated that man was our commander at the time of Soviet Union; I didn't say that, I didn't state that.

Presiding Officer: So noted, it was also stated that he claimed that it was not truthful when he answered 3.b.1, so it is noted and it is on record.

Detainee (through translator): I didn't understand the question, can you please make me understand question.

Presiding Officer: I did not give him a question, let's restate number 3.b.2. again.

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The Designated Military Officer repeats 3.b.2.

Designated Military Officer: Sir, I would like to add, I don't think the Chief of Courts and the Commander of the logistic division is the same person.

Translator: That's what I mentioned to him.

Detainee (through translator): What does this have to do with me, I said he was head of logistics department, so what does this have to do with me? I'm not aware of this question and it has nothing to do with me.

Designated Military Officer: (3.b.3) The detainee stated he knew the location of the individual and the individual's caches.

Detainee (through translator): I didn't say that statement and I don't know about the place of this man and I don't know the weapons caches place. Three things I want to make sure that you understand: I haven't said that statement, I haven't told nobody that statement, and I don't know this person place or address and I don't know his weapons cache place, this is a very clear lie.

Designated Military Officer: (3.b.4) The detainee was a former companion of Usama bin Laden during the jihad against the Russians and was among a group protecting Usama bin Laden at his last meeting at Tora Bora.

Detainee (through translator): I don't know Usama bin Laden, I haven't seen Usama bin Laden, I haven't been in Tora Bora, and this is a very big lie and false allegation. Me and this allegation is too far away from each other. If you want, I can repeat this for you.

Presiding Officer: No, it's understood.

Detainee (through translator): It's a very clear lie that you guys are saying.

Presiding Officer: We're not saying it. That is what has been reported and that's the reason why we are presenting the unclassified information from the DMO.

Detainee (through translator): You know me, you capture me from my home, you've seen my condition. You should know that these words are not matching with my condition. I am a poor person and all my life I have spent poor, providing for my family, begging people, very miserable life. That's all I was doing was to take cows to shovel the ground or take donkeys to the city to bring some kind of load or something. All of my life has been past with.

Presiding Officer: For the sake of time, I understand what he is trying to say, he doesn't need to go further with the cattle. I understand what he is trying to say.

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Designated Military Officer: (3.b.5) The detainee was entrusted by Usama bin Laden to exfiltrate his guard forces from Afghanistan back to their countries of origin. Shortly before Usama bin Laden's departure from Tora Bora on 16 January 2002, Usama bin Laden and his companions spent the night in a house belonging to an Afghan, an acquaintance of the detainee.

Detainee (through translator): The first part I am going to answer. I don't know Usama bin Laden, I haven't seen him in all my whole life and I haven't been to Tora Bora and I haven't done these kinds of activities and it doesn't add up with me. I am too far away from these activities and I don't have that kind of acquaintance at home.

Designated Military Officer: (3.b.6) A source stated that near the end of February 2003, the detainee, referred to as Mullah Mohammad Rahim, and other Taliban leaders held a meeting at a nomad camp site in the mountains of Afghanistan. In the meeting, the detainee stated that leaders from Quetta, Pakistan gave him several satellite phones with long-range capabilities. Three new groups were formed and each group was assigned a commander during the meeting. One group was comprised of 13 Taliban soldiers and was commanded by the detainee. The detainee's group had an unknown number of rocket propelled grenades and AK-47 assault rifles.

Detainee (through translator): I would like to make sure that I understand the question. I haven't done any meeting anywhere and I didn't say the second part, and I haven't received any telephones, I haven't done any meetings and I haven't taken any steps against anybody. I'm not a commander, I don't have any personnel, and I don't have any workers for me and I didn't have any weapons with me, and I haven't been in the Nomad camp, I haven't been there. I haven't done any of this! I was at my own house and I was doing husbandry and working for my family, my wife. If any part of this question hasn't been answered by me, please let me know.

Presiding Officer: I acknowledge his response to 3.b.6 allegation.

Designated Military Officer: (3.b.7) A source stated the detainee was a former Taliban intelligence officer who was responsible for a large active weapons cache in Shela Habib district, Spin Buldak, Kandahar province, Afghanistan.

Detainee (through translator): I was not in charge of nothing, I didn't go to Kandahar. I haven't seen Spin Buldak and I was not responsible for any weapon cache. I haven't done these things; this is a very, very false allegation, a clear lie.

Designated Military Officer: (3.b.8) The detainee attempted to align himself with other Taliban to continue the anti-United States and Coalition and Islamic Transitional Government of Afghanistan campaign.

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Detainee (through translator): I'm not Americans enemy and I'm not against them, and I am not against my Islamic government. I haven't done any act or any movement against Americans or local government. I haven't done any act against Americans or my own Islamic government.

Designated Military Officer: (3.b.9) The detainee attempted to export gems from Afghanistan to Germany. The revenue was to be used to finance al Qaida.

Detainee (through translator): This is a very clear lie, I'm not al-Qaida, I haven't done this business. I don't know al-Qaida and that's it! I haven't done these gems business and this is a very clear lie.

Presiding Officer: Did the detainee ever own gems?

Detainee (through translator): I swear to God, I haven't. We are so desperate to provide for our own family, you're talking about gems.

Designated Military Officer: (3.b.10) An AK-47 was found at the detainee's home along with financial records indicating large money transactions with a group called the Afghan Islamic Movement.

Detainee (through translator): The exchange of money was not my job and I don't know anybody in the Islamic movement or group. Yes I have one Kalashnikov in my home and they took it, it belong to my brother and my brother was a soldier with the government of Kurzai and my brother had that weapon legally.

Designated Military Officer: (3.b.11) The detainee said the records found in his possession, which detailed purchases, acquisitions, distribution of food supplies, and warehouse information and distribution of money were records he kept when he worked for the Taliban as Chief of Cooperative Development. He said he was responsible for these records and took them home after the fall of the Taliban so that he would never be accused of embezzling or mispending money.

Detainee (through translator): The first part it says the documents about acquisitions, I don't have these documents. The second part which I mentioned earlier, me and two other representatives of the cooperative office, we was going to the bazaar or market buying stuff. We went to get food supplies and these things and besides that, we were protector of these supplies until they sell and we were taking security of these supplies, that was our job. We were guards of these supplies, so we were careful to not let somebody steal the food or something happen like embezzlement or anything, we were just being aware, kind of like a guard of these supplies, because we were responsible for them.

Board member: Is that what these records were for, those supplies?

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Detainee (through translator): Yes, like when you go to the market and you buy something, and bring it and place it somewhere and you sell it, yes of course there's some documents.

Designated Military Officer: (3.h.12) The detainee stated the documents obtained from his residence were his and that he kept them so that he might one day show the Afghani government what he did when he worked for the Taliban.

Detainee (through translator): It's very clear that I worked in the cooperative office, that's very clear.

Designated Military Officer: (3.c.1) The detainee was controlling a large cache located in a nearby school which included two types of rockets, anti-tank and high explosive rounds, artillery rounds, gun rounds, tank rounds, and mortar rounds.

Detainee (through translator): That was not in my control. That place belongs to the government. You found government stuff and you can ask this question from that government. It was not in my control, it doesn't belong to me and I am not aware of it. You haven't found this in my house and you haven't captured me in that place.

Designated Military Officer: (3.c.2) The detainee stated that during the time of the Taliban, a weapons cache was located at a local school across from his house and the head of the district had people guarding and living at the school during that time.

Detainee (through translator): I haven't said this.

Presiding Officer: So I understand, the detainee denies making this statement but yet he stated under the first statement under other relevant data (3.c.1), he acknowledge that there was a school and that there was weapons at that school.

Detainee (through translator): I said in the first allegation (3.c.1), it doesn't belong to me and it was not in my control and I'm not aware of it.

Designated Military Officer: (4.a) The detainee stated that he has lived his whole life in the same house. Other than one trip to Pakistan during the jihad against Russia, the year of travel unknown, the detainee stated that he has not traveled outside of his village. He stated that he went to Pakistan to have eye surgery.

Detainee (through translator): First allegation, I would like to know about this one more time because I don't want you guys to suspect me[referring to 3.c.1]

Presiding Officer: I'm not suspicious; I'm just going by what the facts are that's presented in this case.

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Detainee (through translator): I want to make sure that you understand my answers. I swear to God, I was not aware about weapons. I did not know about the cache and I am not aware of those things.

Presiding Officer: Designated Military Officer, please reread 4.a. Please make sure that the detainee understands that these are factors that favor his release or transfer.

Detainee (through translator): That's okay, but I want him to read it again.

Designated Military Officer re-reads 4.a.

Detainee (through translator): Yes this is correct.

Presiding Officer: And you understand what has been stated?

Detainee (through translator): Thank you very much. I believe this is my right to understand about the questions.

Presiding Officer: Absolutely.

Detainee (through translator): You did not give me the Unclassified Summary before, right now, I'm a sick person and I can not understand quicker and for the last four years I have been sick here, I have headaches all the time so just, sometimes I don't understand the first time.

Presiding Officer: I understand that's not a problem.

Designated Military Officer: (4.b) The detainee stated that he was forced to work for the Taliban government by a mayor from Kandahar, Afghanistan.

Detainee (through translator): This is not a mayor, I didn't say the mayor, I said the sub-governor. I did not say mayor, maybe the translator made a mistake and said mayor, it is a sub-governor, a small district because the sub-governor of that area by force pull me out from my house.

Designated Military Officer: (4.c) The detainee stated his assistance to the Taliban was limited to providing food and supplies.

Detainee (through translator): Logistics, what does it mean? Only food and supplies.

Presiding Officer: Again, this is on your behalf to support you. The statement is that you only provided food and supplies.

Detainee (through translator): I was working for the government and I was buying the stuff to the warehouse to give to the employees.

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Presiding Officer: We know that, meaning: we've heard this statement before.

Detainee (through translator): I just want to make sure that you understand what I am saying.

Designated Military Officer: (4.d) The detainee stated the building where the cooperative worked was only used for buying food at discount prices and selling it to their customers and that no other operations were conducted at this building.

Detainee (through translator): Yes correct.

Designated Military Officer: (4.e) The detainee stated that his office did not have access to telephone lines, and that he was not equipped with radios. The detainee stated that the Taliban used radios, but that his office did not have communications equipment.

Detainee (through translator): Yes correct.

Designated Military Officer: (4.f) The detainee denies ever working for any aspect of Taliban Intelligence.

Detainee (through translator): Yes correct.

Designated Military Officer: (4.g) The detainee denies both having served in the military and stockpiling weapons for the Taliban.

Detainee (through translator): Yes correct.

Designated Military Officer: (4.h) The detainee denied knowing any locations of weapons caches or Taliban or al Qaida personalities.

Detainee (through translator): Yes correct.

Designated Military Officer: (4.i) The detainee stated he never purchased any weapons for himself or anyone else and no one else has ever forced or ordered him to purchase any weapons.

Detainee (through translator): Yes correct.

Designated Military Officer: (4.j) The detainee denies having any weapons other than the one Kalashnikov that was seized from his house. The detainee claimed that the Kalashnikov was the property of the government and legally in the possession of his brother from whom it was seized. His brother had the weapon because of his service as a soldier for the city. The Kurzai government had said they would give 200 United States Dollars to those in Afghanistan who turned in their weapons to the government and the

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detainee's brother had planned to turn the Kalashnikov in and collect the 200 United States Dollars.

Detainee (through translator): Yes correct.

Designated Military Officer: (4.k) The detainee denies that he is a Mullah. The detainee further stated he was called a Mullah while in the Taliban because it was a nice title. The detainee also denies ever studying in a Madrasa to attain the title of Mullah.

Detainee (through translator): Yes correct.

Designated Military Officer: (4.l) The detainee stated that he does not know anything about al Qaida.

Detainee (through translator): Yes correct.

The Board Members did not request any further time to review the unclassified summary.

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

The Presiding Officer acknowledged the request.

Presiding Officer: Mohamed Rahim, are you okay, is the room still comfortable, do you need a break before we proceed on?

Detainee (through translator): Yes, right now I am comfortable and right now I do not need to go to the bathroom. I'm glad that I didn't eat breakfast this morning.

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

The Assisting Military Officer stated that the Detainee would like to make a statement.

The Assisting Military Officer presented Exhibit EC-C, to the Administrative Review Board.

Detainee (through translator): I would like to know about the paper that I gave to the Assisting Military Officer.

Presiding Officer: For the record, Exhibit EC-C has been acknowledged as being received by this board.

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Detainee (through translator): I'm a poor man, all of my life I have done labor jobs, farming just to provide for my family. I haven't committed any kind of crime and I haven't done any kind of sin or guilt. I have been detained all this time without any crime or any guilt. Because we are from Afghanistan, we are Afghan, if any government or any people take over and became the government and if they ask us to do something, then we do it, that is not the crime. For example, in the time of Mujahedin, I was taking food to them, that was forced, so it was kind of obligation, they were forcing me to do these things, this is not my crime, this is not my fault. I live there.

The time of Taliban, they conscript me and they brought me to work in the cooperative office, forced, that's not my crime, that's not my fault. You're very aware that Taliban was conscripting by force people from their home for their battle or their war. Because I was not qualified for war, that's why they put me in the office. My body sickness, my eye sickness, you see that my weakness, my ill health. I was very worst than now in that time, so I cannot leave my house, we have gardens, we have farms, that's our job, our business over there, we can't leave that. To be safe from them and to not be bothered by them, it's better to go and work for them.

I'm not your enemy and I am not against you and I am not against my Islamic government and I have not committed any act against you or my Islamic government. I can prove it. I have proof of it, you can see from my local people has already confirmed that even the sub-governor of the district, and the governor Ghazni province, police commissioner, all of my relatives petition has been presented and stated that this man is innocent. They all bond and guarantee that if this man comes back home, he will not commit any acts against Americans or his Islamic government; they already guarantee that for me. Because the whole government confirms or verifies that I am not a threat.

The mission came from Afghanistan here, I talked to them. I was not going to talk to them; they said we are not interrogation. I became so happy. They said, "I'm very happy to see you, I know about you." He had a note with him that was written that said, he is a good man and is not a threat. We don't ask you any questions or interrogate you because we know about you. You will go home, I told them why have I been detainee here for the last four or five years, what have I done that they kept me here, being innocent? He said, "it is our fault, we apologize to you. One of your associates was among them too." I told them that I worked in the cooperative office: he says that's true, cooperative office has no connections with military affairs. Please listen, my innocence, my poorness or my underdog condition, I'm very poor and I'm very oppressed.

Presiding Officer: I speak for my panel members, we are listening. We are not judges.

Detainee (through translator): I'm not a threat to you and to my own Islamic government, any kind of threat, I'm not. If you want to not oppress me anymore, I'm not any kind of threat to you or my Islamic government. I'm not any kind of threat to you and I haven't

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committed any kind of crime. That's all the lies that were written there against me. I'm a poor man, I want to go home, I have wife, and I have children. I have farmland, I have garden. I want to live. I provide, I cultivate, do farming. Now water too much, irrigation is pretty good. My brother sent me a letter, we plant a lot of different kinds of trees, there's a lot of water, a lot of berries, a lot of trees. I'm a poor man, I'm a innocent man, don't oppress me please. Let me go and live with my children. I swear to God that I am not any kind of threat to you guys. You can see my condition, my sickness. You can see my ability and strength. The last five years, I have spent here with this kind of condition, day and night sick. I obey all your rules and regulation in the camp with your guards and everything, I listen to all of them.

Presiding Officer: Does that conclude your statement?

Detainee (through translator): Yes, do you have a human feeling?

Presiding Officer: I'm not going to discuss that at this point. However, I will say as I've said in the beginning, I sincerely appreciate you coming before the panel today, it helps each of us up here to make a better informed decision on everything that has been presented to us.

Detainee (through translator): My purpose is that you have your wife and children and family too. We are the same way, we have children, we have wife. So you should be compassionate to us and be kind to us. I'm 50 years old; day and night I'm spending my life here in sickness and uncomfortable life. Besides that, in all my life, I haven't hurt anybody. Nobody has been hurt or damaged by me. Forget about the human being, even haven't hurt a small ant, so why am I spending this much time in jail being innocent? If a person hasn't even hurt even an ant in his whole life, how can he be punished in jail in this kind of condition? I am a human being, I am a person.

Presiding Officer: I want to again thank you, Mohamed Rahim for your statement.

Detainee (through translator): If you would be so kind, could you let me go to the bathroom? If it takes longer time, I need to go, if it takes shorter time, I can wait.

Presiding Officer: We are almost done.

Detainee (through translator): I'm very sorry of my impoliteness, I am a sick person.

Presiding Officer: There was no impoliteness at all.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had questions for the Detainee.

Presiding Officer: Since last year's ARB, what conditions or circumstances have changed that would help me to make a decision to transfer you or to release you?

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Detainee (through translator): From the beginning, when you guys come to my house and capture me and bring me here, I didn't have any kind of guilt or crime from the beginning. My own home, can I be a poor guy in my own house? From the beginning you guys detain me wrongly. I don't have any kind of crime, I'm crying out for you, I'm not threat for you, I'm not threat for my government, I'm not any threat to you or anybody. I am just a poor guy, doing husbandry and work, this kind of thing like labor work. What else do you want, I'm not a threat to your people at all, so what do you want?

Presiding Officer: I think you have answered my question.

Detainee (through translator): I cannot bear to stay here any more, if you make a decision to keep me here: it means you are signing my execution letter.

Administrative Review Board Members did not ask questions of the Detainee.

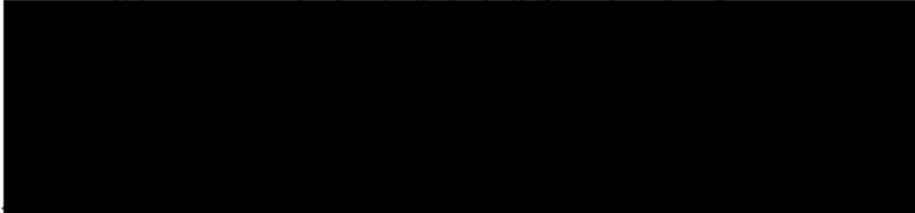
The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Captain, U.S. Navy
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 1463

The Administrative Review Board was called to order, 18 October 2007

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

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

Presiding Officer: Abdul Al-Salam, do you want to be called Abdul Al-Salam or Al Hilal?

Detainee (through translator): You are doing better than the translator, Al Hilal. You are doing good.

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

Presiding Officer: It is my understanding that you have chosen not to take an oath, is that correct?

Detainee (through translator): Swearing in Islam is something, a big thing. When somebody swears, that means he will never lie, and you will take my word. I don't have any problems to swear, because I am sure of what I am going to say, but my problem is, I am hear and the way you look at me; all I am going to say to you is a lie, and you don't trust me if I swear or take the oath or not.

For this reason, I need to respect the oath, I don't want to put into a position of not respect or take it as a swear.

Presiding Officer: I understand Abdul AL-Salam Al Hilal what you just said; however, I have respect just as much as when we have taken an oath, before we began the process. I will respect your decision. I will ask you one more time if you will like to take an oath.

Detainee (through translator): No, no.

Presiding Officer: Okay, fine.

The Detainee declined taking the (Muslim) oath.

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Presiding Officer: Couple of administrative things before we begin. AL Hilal is the room temperature fine with you? Is it too warm or too cold?

Detainee (through translator): Fine, its okay.

Presiding Officer: If you need to take a bathroom break please let me know or one of the members know, and I will recess the board.

Detainee (through translator): Good.

Presiding Officer: I respect your decision to attend the board today. Your comments are important to all three of us as board members. It will help us make a better informed decision. Again this it is very important to us. Thank you for coming.

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

Presiding Officer: Abdul Al-Salam Al Hilal do you understand this process?

Detainee (through translator): Yes.

Presiding Officer: Okay.

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

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

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

Detainee (through translator): The paper you are passing, is it about me, about something he said?

Assistant Military Officer: No, the first one is notification on last year's board that says last year they recommended detaining. The second paper which I will read in just a moment is the record of us meeting and talking about what we will talk about next, and I will read that in just the next section.

Detainee (through translator): I don't want you to say anything about me because I want to say.

Assistant Military Officer: I understand, just a record of the meeting that is all, it is not about what we discussed.

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Detainee (through translator): The reason why I came is I want to talk, say it myself, not someone else.

Presiding Officer: Abdul Al-Salam Al Hilal I assure you in the appropriate time I will give you an opportunity to talk. These documents are a matter of formality. Do you understand?

Detainee (through translator): Okay.

The detainee's ARB interview was conducted on 15 October 2007. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the board. A copy of both the English and Arabic translated Unclassified Summary of Evidence, were delivered to the JDG liaison for delivery to the detainee according to the JDG Standard Operating Procedures.

Additional Comments:

The detainee appeared at his interview wearing a tan uniform. The detainee was polite and cooperative throughout the interview.

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

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

Designated Military Officer (3.a.1): The detainee stated he was selected to join the Yemeni Political Security Organization in the mid nineties.

Presiding Officer: Does the detainee want to make a comment?

Detainee (through translator): Do you want to read it all, the whole thing and then go back one by one?

Presiding Officer: My understanding is that in the EC-A form is that once each item is read you want to respond. The choice is yours sir.

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Detainee (through translator): Okay, I want to read it all and respond at one time.

Designated Military Officer (3.a.2): The detainee stated he participated in a Yemeni government deportation operation from approximately 1995 to 1999.

Designated Military Officer (3.a.3): The detainee stated that since 1996, he was involved in aiding al Qaida and other extremists through the provision of false passports and by giving them safe haven out of the country under the guise of deportation.

Designated Military Officer (3.a.4): The detainee stated he traveled to Germany three times each year since 1996 to procure passports. On each trip the detainee received new and used Portuguese passports.

Designated Military Officer (3.a.5): The detainee stated he was directed to use the cover of deportation to facilitate the transfer of Yemeni extremists to Pakistan and Afghanistan. These deportees were to deploy with al Qaida networks to receive training and to prepare for onward assignments.

Designated Military Officer (3.a.6): In 1997 the detainee helped an al Qaida and Egyptian Islamic Jihad operative travel from Yemen to Sudan to meet with senior al Qaida members by giving the operative air tickets and money.

Designated Military Officer (3.a.7): Egyptian Islamic Jihad is an extremist group that has been active since the late 1970s. Egyptian Islamic Jihad merged with Usama bin Laden's al Qaida organization in June 2001, but may retain some capability to conduct independent operations. The primary goals of Egyptian Islamic Jihad are to overthrow the Egyptian Government and replace it with an Islamic state, and to attack United States and Israeli interests in Egypt and abroad.

Designated Military Officer (3.a.8): The detainee arranged to cancel the deportation of an individual who was arrested for counterfeiting documents and passports for the Mujahedin in Yemen. The detainee had provided the individual with a forged Iraqi passport. The individual was a terrorist facilitator and a known explosives specialist.

Designated Military Officer (3.a.9): The detainee was responsible for the confiscation of Libyan and Algerian students' passports as a member of the Yemen Political Security Organization. The extremist stated the detainee then provided the confiscated passports to certain persons whom he wanted to send to Europe from Yemen.

Designated Military Officer (3.a.10): The detainee stated that in approximately 1997 or 1998, he traveled to Milan, Italy, where he prayed at the Islamic Cultural Institute and met the director.

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Designated Military Officer (3.a.11): A source stated the Islamic Cultural Institute was shut down by Italian authorities for housing a network, which was the core for the Tunisian Combat Group in Italy.

Designated Military Officer (3.a.12): The Tunisian Combatant Group is seeking to establish an Islamic regime in Tunisia and targets United States and Western interests. The loosely organized Group has come to be associated with al Qaida and other North African extremist networks that have been implicated in terrorist plots.

Designated Military Officer (3.a.13): In July 1999, the detainee met with the director of the nongovernmental organization al Haramayn in Zenica, Bosnia.

Designated Military Officer (3.a.14): A source stated the al Haramain Saudi Arabian Foundation's main mission is to implement and teach true Wahhabism religious doctrine worldwide. Al Haramain has connections with al Qaida. A former head of the al Haramain has been accused of controlling the financial, material and logistic support to al Qaida and other terrorist organizations. Al Haramain is suspected of involvement in weapons smuggling to Algeria and the transfer of radical fundamentalists to Bosnia during the war in the former Yugoslavia.

Designated Military Officer (3.b.1): The detainee was an extremist facilitator in Yemen and was in contact with the chief document forger for the Egyptian Islamic Jihad.

Designated Military Officer (3.b.2): In August 2000, the detainee traveled from Yemen to Europe and met with an Attaché for the Islamic Cultural Institute who is also an alleged member of the Egyptian Islamic Jihad.

Designated Military Officer (3.b.3): The detainee met with the alleged chief of the Egyptian network, during the summer of 2000 when the Islamic Institute in Milan, Italy, organized a camp for Islamic fundamentalists. Wire taps by Italian Police link the alleged Milan al Qaida cell to the 11 September 2001 massacres in the United States. During the wiretaps the detainee said: "Well, I am studying airplanes! If it is God's will, I hope to bring you a window or a piece of a plane next time I see you... We are focusing on the air alone...It is something terrifying, something that moves from south to north and from east to west: the man who devised the program is a lunatic, but he is a genius. It will leave them stunned...we can fight any force using candles and planes. They will not be able to halt us, not even with their heaviest weapons. We just have to strike them, and hold our heads high. Remember, the danger at the airports. If it comes off, it will be reported in all the world's papers. The Americans have come into Europe to weaken us, but our target is now the sky."

Designated Military Officer (3.c.1): A source stated that the detainee's brother had been extremely close to the USS COLE bomber and the failed USS SULLIVANS bomber.

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Designated Military Officer (3.c.2): As of November 2001, the detainee was an al Qaida member who traveled from Yemen to Afghanistan.

Designated Military Officer (3.c.3): The detainee stated that in April or May 2002, he had received funds from families of extremists held in prison in Yemen in exchange for their release.

Designated Military Officer (3.c.4): Indications are that the detainee gave forged passports to foreign fighters that were in Yemen hiding after the Russian jihad in Afghanistan.

Designated Military Officer (3.c.5): The detainee provided security, protection and refuge to extremists. The detainee secured the release of some extremist elements from prison. The detainee facilitated the movement of some of the extremist elements outside of Yemen and provided them with passports. The detainee also traveled with some of these extremists to their destination countries in order to completely fulfill certain unspecified requirements.

Designated Military Officer states the following factors favor release or transfer.

Designated Military Officer (4.a.): The detainee stated he had no prior knowledge of the 11 September 2001 attacks and had no desire to participate in or plan any terrorist activity because one day he may be the victim.

Designated Military Officer (4.b.): The detainee stated he never acted in any capacity as a travel facilitator for al Qaida or Egyptian Islamic Jihad.

Designated Military Officer (4.c.): The detainee stated he did not work for the Yemeni Political Security Organization.

Designated Military Officer (4.d.): Detainee stated he never participated in any terrorist action and had nothing but loathing for terrorism as a whole.

Designated Military Officer (4.e.): The detainee was a Political Security Organization (PSO) agent under PSO orders to report on Egyptian Islamic Jihad and al Qaida activities in Yemen. The detainee was following Political Security Organization orders allowing the Political Security Organization to control the Egyptian Islamic Jihad and al Qaida networks in Yemen.

Designated Military Officer (4.f.): The detainee denied having any knowledge of extremist document forgery operations in Europe.

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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The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that the Detainee would like to make an oral statement.

Presiding Officer: AL-Salam Al Hilal, you may begin reading your statement.

Detainee (through translator): Good.

Presiding Officer: Before we begin, please allow the translator to have the opportunity to make a translation so we can understand everything that you say. Thank you.

Detainee (through translator): Okay. In the name of mighty god (translator states the detainee is reading verses from the Koran) I want to respond on what you call the summary of evidence, wrong unclassified.

Presiding Officer: Yes.

Detainee (through translator): First, my name was wrong, I don't know where you got this name, my real name is Abdul AL-Salam Al Hilal, Al Hilal is not my name. I don't know why to brought this name. Second, do you have any lies, any other evidence against me?

Presiding Officer: As stated to you earlier, only unclassified evidence is present to you. For security reasons.

Detainee (through translator): You don't have anything to add to those evidence.

Presiding Officer: Not at this unclassified hearing.

Detainee (through translator): In general, if you lie on me. I don't mean the people present here. I don't know you and you don't know me. I am talking about the officials, I don't know why they lie and keep us in prison unfairly. They lie, lying in my face.

Presiding Officer: I am not lying to your face. I am presenting the information that has been presented to us for this board.

Detainee (through translator): I mean the official. Not the people in this room.

Presiding Officer: I understand, but I want to make this point that we are presenting you the unclassified information that was given to us for giving you the right to hear in a live board.

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Detainee (through translator): I don't want to respond to you or anybody in this room. I am responding to the one who put those lies in this paper so that you will find what I have, the facts I have.

Presiding Officer: Lets proceed with the facts you want to give.

Detainee (through translator): Why I am talking this way you put something, you give it to me, it is a lie to me, how about the classified?

Presiding Officer: We will not discuss classified in here.

Detainee (through translator): Understand me, the one you are reading to me now, it is all lies, the unclassified, how about the classified, how much lies can there be. I want you to consider what I said right now.

Presiding Officer: I will consider that, but for the record, and this will be the final time that I will mention it. This board is an open board live right now in which we will only discuss the unclassified information.

Detainee (through translator): I understand that, and this is the part of my response.

Presiding Officer: Okay.

Detainee (through translator): Be patient with me and calm down, and listen to me, because I have been five years, I am suffering, unfair treatment, we are looking for some people to look for the truth and to finish this unjustly play.

Presiding Officer: As a matter of response, I think I am being very patient and I will try at the utmost to be courteous to allow you to present this information.

Detainee (through translator): Okay. In general, you are playing in the meaning of the words, and you put the words to put it in the way that you want. The unclassified, the evidence is all lies, all that because that's all because you don't want to admit that you made mistakes. When they decide to abducted me and I am a business man; very well know business man. I wasn't in one day an enemy, not to an American, not to Arabs.

I travel likes millions of people just because of my business, because of my private business, I don't have anything with others and you know I have been captured from Egypt, and I was--I have a program of business, and I have been transferring from prison to prison, and after hearing after hearing they say I am an enemy combatant, When I fight you? I never in my life carry a weapon, and you surprise me that you pose a threat, when was I posing a threat?

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So I will be continuingly to pose a threat here, what I mean here, you are the one who abducted me with no reason, and I am in misery with not seeing my kids, and I am far from my kids wife or my business, from everything and now you are saying who is the one who made the mistake, like I am not, are you the one who made mistake or myself?

In general I have never been a dangerous or pose a threat to anybody, and I will never be a threat to anybody and I wasn't an enemy of anybody, and I will never be enemy to any other people, and this is true, I hate terrorism and any kind of it, threat people, countries. threatening people, and countries is a terrorist, (translator states detainee repeats same thing) what they did the united states, is a terrorist, the way they brought us here, the way they treating us, the United States they did the same thing, what do you call this, they didn't give us flowers, roses, what do you call this, in general, first of all I wasn't a clerk, what I said at the beginning I want to be considered this is not just words I am saying, but we are suffering, the first point I wasn't a clerk or working for the Armani political Security Organization, I never been a clerk or working for any government department, I am just a very non-business man.

The second point, I never deport anybody, I am not a state, if there was any deportation, that is what the state does and not me, ask the government of Yemen, about this, and the third point I don't know Al Qaida, not others, and I will never provide any passports to anybody, fake or unfake.

Fourth point my traveling abroad outside Yemen, like me, like millions of people they travel and the traveling is for visit, because I have right to travel, I never did anything wrong to anybody, I traveled for my business, or going to see a doctor, or for a vacation trip, it is not right to say I am traveling because for those passports that you are talking about, as I mentioned before I don't have any relationship with anybody, and what is written in this evidence is just imagination, it is a network of imagination, people work for you, you gave them thousand of dollars, so they can give you information, not true, lies, and they make if fake so they can get more funds from you, because if they say the truth they will never get any money, and that's is why they lie and make it big, so they make the person they are talking about a very important one, so they keep watching it and writing reports about him, writing lying reports about him so they keep working and keep getting money, that is why they keep lying (asked to repeat) and also they are the lies the one, they buy this information from them so they can get some of those funds of monies, gangs, they don't have anything material, not behaving.

We are the ones in the prison, and the poor American people they pay the taxes from what they doing form the jobs, and the one get advantage of that, and the one they follow them, they follow their orders, and they are like the machines in orbit, like they don't know what they are doing, unfair for a lot of people, and what they are doing its not fair for the American people. Number five, it is just lying, form the network of integrators, it is a net of integrators, and the people working with them and I never heard this word?

Presiding Officer: What words did you never hear?

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Detainee (through translator): The detainees stated he was directed to use the cover of deportation facility, it is point number five.

Presiding Officer: Okay, move on.

Detainee (through translator): As I said before, this is a network of the interrogators, and the people work with them and around them. I never heard that until I read these papers, I never help anybody to travel to Afghanistan or Pakistan, or anywhere else, not radical, not others, same thing about point number six, no Yemenis' or others.

About point number seven here, this is something not concerned me the Islamic Jihadism it is something big and I don't have anything to do with, I don't know anything about his paragraph or from where is comes. Number nine, this, I never heard this before, I am not a state, I am not an official source to issue passports or take passports away from people and I don't know what you mean from this. Point number ten---

Presiding Officer: Do you not understand? Do we need to read point number nine to you again?

Detainee (through translator): I don't know why you brought this here

Presiding Officer: Okay, there is a difference between why and understand.

Detainee (through translator): I understand what is in number nine, it is just only you are making big points, so it appears to the people that hear it, how big is this point and there is nothing about, or about number nine, the whole thing it is just a lie.

Presiding Officer: Okay, let's proceed onward.

Detainee (through translator): Same thing about number ten. I answered about, and I mentioned why I traveled, and I don't know why and I don't know if it's prohibited for any Muslim to pray, and I don't now praying in the mosque it is an act of crime to some people. Or the need to pray for ten minutes at the most thirty minutes and they leave, why they make a story out of it, so that means they are looking for anything to make into evidence, that means you don't have anything, you don't have anything real, that's why they are looking for this to make sense to making evidence against me.

Presiding Officer: I am not looking for opinions. I am trying to gather facts, and if we are going to continue on opinions in your statement, I am going to bring your statement to an end.

Detainee (through translator): I just ask that is the response I have, that is why I make--I want you to take it into consideration. Because when you look on this allegation, somebody here went to pray, ten minutes, fifteen minutes, and he will turn it to be

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something against me, and it was something like passing words with the interrogator, and then they turn it to be something to be against me.

What I am saying here is very important for you to know how they create these allegations against me. Eleven, I don't have anything to do with this; also, number twelve something that is related to the missing combatant group, I don't have anything to do with it, to tell you the truth I never remember this, but I want to say to you and understand.

This organization at this year, it was an international organization, official offices all over the world and it was officially it was under the regime of Saudi Arabia, and you start talking about this after 9-11, something officially just to say--if you want to say like I went and visited them, it is like an international office and it was just a visit, it is open to everybody, its not hiding, its not in the mountains, when I emphasize on this and I am explaining it to you, its for the same reason, to let you know they don't have any truth any basis, for any allegation against me, they are looking for something, looking for little things to make allegation to accuse me.

Presiding Officer: Okay. I understand you point.

Detainee (through translator): Number fourteen, is talking about organization and I don't have anything to do with organization. What is after this?

Presiding Officer: Is he through with his statement?

Detainee (through translator): I want to know about connections and associations?

Presiding Officer: Do you want to continue making your statement?

Detainee (through translator): Yes.

Presiding Officer: Please proceed.

Detainee (through translator): Communications and associations number one, two, and three?

Presiding Officer: In general, I understand.

Detainee (through translator): I am very sure it is a lie, it is very obvious lies to put all these words together, its is just for getting some money out of it, this information they are talking about is a very dangerous matter, not a regular thing and what happened shocked the whole world.

Don't think about me, that I know about it before, this is very dangerous for me, perhaps I am when it is a lie, if it's a lie that means it is nothing. These words here, number one,

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the area were they tape this conversation I never visited in my life, in my entire life, second the date of that call, and this is very important when they said I was there I was in Yemen, and I never left Yemen, and I had a problem there in my business in a commercial court and I was--appeared in that court everyday, the same day, and this is something from god, good for me from god that is why I don't have any problem with anybody, but mighty god, and this problem happened so I will go there, and they will see my presence there, so that is for you to know this is lie, and you can verify what I am saying from the government, and you can check my passport, I wasn't in Italy or any other country at that time, I was in Yemen.

Presiding Officer: Okay.

Detainee (through translator): Want to complete my response on one, two, and three on communications and associations. What I am talking about the conversations on telephone, number three, connections and associations, it was in the newspaper. I read it in newspaper before they abducted me, about two or three months before they abducted me, imagine if I have any relation with this when the whole thing was in the newspaper, if I have anything to do with it, what is the natural thing for a human being to do, after he will know--they know about him, what do you think naturally I have to do, I said I will tell you what the natural thing is to hide so nobody can arrest him. Is that right?

But if I know this is a lie it is not true, and I know myself, what is the natural things to do, to go to the authority and tell them I am so and so and check me out, to find out if I am--

Presiding Officer: This is not a criminal court. This is an administrative hearing to be based on your behavior and other facts. If there is a need again, you will have a chance to present your evidence.

Detainee (through translator): I am talking and listen to me.

Presiding Officer: I want to make sure that you understand this is not a criminal court. What I am hearing is more towards criminal events, and again this is not a criminal court this is a hearing.

Detainee (through translator): That will help me, if I am living out of the prison and coming to the court, but in my case now while I am in the prison, you say that I pose a threat, and you keep me in prison; it doesn't make any difference to me if this is a criminal court or not.

Presiding Officer: Okay, let's move on and keep things brief.

Detainee (through translator): If you don't want to hear me I can quit.

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Presiding Officer: I am giving you an opportunity to speak. I would like to move onward.

Detainee (through translator): Okay. I am talking about this because it is very important. If you don't have the desire to listen to me I don't have to talk, it looks like I'm just throwing words.

Presiding Officer: You are not throwing words, but I want to move onward.

Detainee (through translator): When I read this in the newspaper, the conversation through the telephone, I went to the official authority and I told them what was in the newspaper, it looks like they are accusing me and what is in the paper was not true, and I was ready to face anybody, and I talked to the guy in charge of the CIA in the American embassy in Yemen by the help of one of the agents, or the help of somebody who worked for the CIA, and I said to them, if you have anything I don't have no problem to come sit if you want me to, this is a lie and I know myself.

The government of Yemen they contact the Italian Embassy in Yemen, and they told them by the foreign affairs ministry either you bring your evidence about this talk in here or you apologize to this person, the answer from the American embassy, they said we don't accuse this allegation and this comes from Italian and not from our side and now you put it as an allegation against me, because I am abducted and I am in federal custody, and I repeat that I want to tell you that you don't have anything against me, that is all that they want to keep me in the prison. (Where I am)—

Board Member: Other relevant data.

Detainee (through translator): First point, that is my brother, I don't have anything to do with that, that's me and that's my brother is my brother, and also, my brother is the one they are talking about in here, he is very far from those people they are talking more then five or six years before the incident, he is away from Yemen, and also I repeat so you will now that you don't have anything finding allegation. So you can find out from the Yemeni Government. Is that me in number two?

Board Member: Yes.

Presiding Officer: Yes.

Detainee (through translator): Same thing, this is the biggest lie. I have never been in my life been a member of Al Qaida or traveled to Afghanistan or Pakistan. Passports, you have my passport and you can check it and also you can check with the Yemeni government, its only when they abducted me from Egypt and took me to Afghanistan, when they took me to the prisons of Afghanistan, turn this allegation against me, why they are the one who abducted me, is that an allegation against me, it is hard to recall the date.

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Number three, I don't know from where they brought this, I never received any money from anybody and I never help anybody at all, number four, as I mentioned before I never had any passport real one or forged one. I am not the State I can't issue a passport, and I can not provide a safe haven for somebody.

Five I am not an official side or with the state, I am just a business man, I have very respectful relations with people, I respect people, people respect me, I don't want to involve my life in anybody and I don't want to involve my life, this is my response on all these lies which you call allegations.

Presiding Officer: Okay. AL-Salam Al Hilal. Does this conclude your statement?

Detainee (through translator): I have something in general to say and I want you hear it. Maybe it will have something related to what to what I said in general. If you want to listen to me its fine, if you don't.

Presiding Officer: I want you to proceed. If I feel its not appropriate then I will say something.

Detainee (through translator): Okay.

Presiding Officer: Please proceed.

Detainee (through translator): Give me just a minute, because I want to read something and I don't want to repeat what I said before.

Presiding Officer: Okay.

Detainee (through translator): The words are connected together. I talked about the tapes. I don't have any relation with that, and I mentioned that I talked to Yemeni's government and with American Embassy and the Italian Embassy, and I know myself that I don't have anything to do with 9-11 in New York.

Because that conversation on the telephone was talking about 9-11, no one came to me, but I went myself, I said I am the one you are talking about me, I am sorry to say unfair when they couldn't find to arrest the real people what they did this incident, they start looking for an agent, for anything. even if they know it's a lie, all that they want is something just to find out how to justify, how to justify what you have been doing to us, and the name of fighting terrorist you terrorize others and abduct them and you treat them miserable and this is bad because it is officially under the name of states, state or states.

I don't know who to talk to; I don't know who is doing this to us. All these things to appear in front of the world, they could and they arrest a lot of terrorist but the truth is not, they arrest just innocent people and they know now, by the time is passing, but your

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information isn't the truth, okay, so you don't appear in front of the world that your lies is not going to raise up especially in front of the American people, if the American people know the facts of what is happening in Guantanamo—

Presiding Officer: Okay, I am about on the edge of stopping it; I want to stay on the facts and the findings, and I want to keep away from the opinions. I want to keep this moving forward but if it continues down this road I am going to stop this session.

Detainee (through translator): What I am saying has a direct relation with my case, it is very important to hear.

Presiding Officer: I am just warning you.

Detainee (through translator): Look how much you have there, and all I have is just three papers.

Presiding Officer: Proceed.

Detainee (through translator): Okay. I have responded for five years here, it is taking time because there is translation.

Presiding Officer: I understand and I appreciate that. It was the words and the relationship to the case that is my concern.

Detainee (through translator): These things as I have mentioned, it has something to do with me, so I will be obvious, and a wise man--

Presiding Officer: I understand, and for that reason lets proceed. Just a warning.

Detainee (through translator): The subject is politic more then and it has something to do with relation between states; and you now, out of agreement between politicians, that is why what I am saying is very important it has something to do with--and I know this hearing doesn't have any direct relation with my story but it is a political and its an agreement between governments. In general just let me finish what I am going to say.

You said before that you know from this a long time that I am, and a lot of detainees in this place they are innocent they don't have anything, but it is very hard, hard for the people controlling this to admit the truth after they have announced to the world, that they captured a lot of terrorist, spend millions of dollars, hundreds millions of dollars, it is very hard to admit to the American people that there is a lot and a lot of innocent people in Guantanamo, and they don't have any relation with, and I am one of those innocents, and this is a fact and you know it, more then me, but you are not brave enough that to admit a mistake and made us going back to our houses to live a regular life as millions of peoples.

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We believe that the American people they don't except any harm doing to others and we know--we think that most of them they don't except these things, which is not true you know what is happening you bring around the laws and its against the constitution of the united states and the constitution of the united states its a huge big dam support, the support united states from falling apart, and the one who found this constitution as you know, American population is made out of many kind of peoples; immigrants people, nothing will put you together just the interest and the constitution of the united states its showed to you in a light way and you in this doing and this committees you are not working with the constitution you are working against it and doing something indirectly and I don't know if you know that or don't that you are breaking this dam the one support the states and maybe not effect what is going to effect tomorrow, and you will know the effects of what I am saying now, such as this working against the law and the constitution this crack is getting bigger and bigger in the dam if the people lost their trust in the law and the constitution this dam will destroy and then you will separate from each other.

Maybe you don't care what I am saying now but you will remember what I am saying and I want you to listen to what I am saying, through the recorder and you will hear it with your brain and your heart, even if I am a prisoner, even if I am an enemy but I am saying the truth as an advantage for you and us, we don't want to harm you and you don't want to harm me. By doing this, what I mean the ARB's I don't mean the members or the ARB's but I will say you think by doing this you are accepted peoples and the truth is you are like laughing on yourself. The unfair is unfair and it is never the unfair will change to fair, if you change the name of it.

I will give you an example. If you brought a beautiful can of honey and you put number two in it, and you will say this is a honey, is this will change the fact, is number two changed to honey because you put it in a honey jar can and you say this is honey, number two will stay as it is number two. you are here treating us unfairly and you treating us like in unfair way and you said we never did that and we are just going with the law, when was the unfair a law, the unfair is unfair, never changed, by changing the name, you are the only one who made the unfair law and this is the most dangerous things you did and to make a/to change the term to an unfair law and that's going to effect on the civil courts in the future and you will remember my transcript on of the days. but by the name of god we will get released from you. Because you now I mean it is just a political and not—

Presiding Officer: We are repeating ourselves. I want to wrap this up.

Detainee (through translator): Why?

Presiding Officer: You have said the same thing before.

Detainee (through translator): Can I have a second; always the truth is bitter, and I respect you because you are an old man and we learned to respect those people, and I don't want you to get mad at me.

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Presiding Officer: No, my age is not important. I am just trying to move this in accordance with procedures.

Detainee (through translator): In general I will end up with words; give me a little time, about five minutes to finish it. I summarized a lot of it because you don't want to hear. That is why I am going to give you a summary. If you spend weeks or days as we have spent you will write books on it.

Presiding Officer: Just proceed.

Detainee (through translator): That example of the honey so you know what is an unfair change to a law. And as I mentioned by doing this you will hurt yourself more than others, you will get the result inside your civil courts but me I am sure that I am innocent, and I will never hurt nobody not Americans not others, and I will never involved in innocent Americans or others and all will be mentioned about allegations and all that you wrote which you call it allegations it is just lie and it is better.

The classified evidence is more lies, because I can not respond to it and it is also again a network of imagination of the integrators and the people who work around them, if you are presenter of the law, working with the law and if I am in front of a court a real court, justice we have rights now to everybody internationally like hearing all the allegations and I will have the right to have a lawyer and to have communication with the outside world so I can collect evidence so I can find out the lies the one you call it unclassified and classified evidence and other known rights that anybody has a little bit of a law, but sorry, there is nothing like this available if that was available, I will never stay in prison for five minutes because I am sure that I am innocent and its not like the case today, five years in a prison and treating me unfair and torturing me day and night.

Presiding Officer: Are you saying you are being tortured day and night? Or is it a play on words?

Detainee (through translator): Yes, I mean it.

Presiding Officer: Just one moment. Your statement that you just made has been noted and I will report it to authorities for appropriate review and actions as required. Do you want me to repeat this again?

Detainee (through translator): What is the time? Yes.

Presiding Officer: Your statement regarding that matter is noted. It will be reported to authorities for appropriate review and action as required.

Detainee (through translator): Thank you.

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Presiding Officer: Let's move on.

Detainee (through translator): If you want to know what kind of torture?

Presiding Officer: No, I want to move on. As I said it will be made to the appropriate authorities and I will make the report.

Detainee (through translator): The point is if you come for a certain time and live with us so then you will know what kind of suffering we are suffering and all of that we don't know what you did to the American or the others so you continue treating us unfair but what can we say, and we are under a government or a state which they declare they respect the law, and international laws, and other laws, and their principles never went down, but in fact we find out exactly the opposite, we don't know where is the principles, where is the law, if you don't execute it in this case when are you going to execute it, on a TV or in a cinema, theater, general the word of the talking will continue continuously and don't blame us if one of you has one of thousand percent of what happened to us or what is happening now.

As I mentioned before you will write books, but we are asking the mighty god to take this unfair from us and to take the rights of the one who is treating us unfair, before I finish my words, please don't forget what I said before, I hope what I said it is recorded there, and I hope that it is clear and don't change my words, and redacted what you don't know, and then you will say the voice is not clear. I am clear I am sure that the sound is clear and that the recording is clear, and I hope my words will reach as it is not adding or subtracting it, and I thank you despite of what I am, you didn't let me say the whole thing and but still I thank you. Finished.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's had questions:

Board Member: I just have a statement to make. It is obvious that you put a lot of time and effort into your statements and I want to thank you for presenting them here.

Presiding Officer: I want to make a statement and then I have one question. Again, I too want to thank you for the time that you put into-- you did put a lot of time and effort with what you wanted to say, and it has been noted. My question is; help me to understand what has changed from last year to this year, that I should make a decision to either transfer you or release you. Is there any new circumstances or things that the board should be made aware of in helping us make a decision.

Detainee (through translator): What do you mean by the circumstance changed from last ARB?

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Presiding Officer: What has changed from the last ARB to this ARB that would help the board to make a different decision from the last ARB?

Detainee (through translator): I want to say first, I have been just to CSRT, this is my first time, I was visitation to come here, let him go, it is true that when I sit with you with the members and specially with the president, I don't feel sorry to come over, but to tell me what is different between the old and now, I want to go back to my family and kids.

Presiding Officer: He answered my question, thank you very much.

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

The Presiding Officer opened the classified portion of the session.

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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