

UNCLASSIFIED//FOUO

Summarized Administrative Review Board Detainee Statement

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

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

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

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

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

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

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

Assisting Military Officer: Sir, there are two items that we wish to present before the hearing. First I have notes that I have taken during my interview with the Detainee, which I will present momentarily. The Detainee has prepared for himself a statement that he will read and we will translate after he reads.

Presiding Officer: Assisting Military Officer please continue with your comments.

Assisting Military Officer: Before I read his comments in regard to the Unclassified Summary of Evidence, I would like to point out two things. First, I would like to point out the Detainee's youthfulness when he was brought to Guantanamo he was 16 years old. I would like to also point out that his physical appearance is greatly different then three years ago since he is now almost a grown man and was much more youthful when he was captured. The Detainee provided the following comments in response to the information in the unclassified summary:

The Assisting Military Officer on behalf of the Detainee made the following comments:

Detainee: I am a Talib of the Koran and God and not a warrior Talib. I have not read any other Taliban related books except the Koran.

ISN 591
Enclosure (6)
Page 1 of 7

UNCLASSIFIED//FOUO

00385

UNCLASSIFIED//~~FOUO~~

Assisting Military Officer: He provided the following explanation regarding his capture and statements contained in the unclassified summary that he had previously made regarding his association with the Taliban and participation in jihad.

The Assisting Military Officer on behalf of the Detainee made the following comments:

Detainee: After staying overnight at a religious shrine in Afghanistan, where I visited annually and prayed, I was making the six hour walk toward my house along the route that was in the vicinity of Fort Mulgull (ph). Although there were three routes I could have taken to arrive home, I had been told that two of the routes were closed and therefore I took the path nearest Fort Mulgull (ph). Apparently the route near Fort Mulgull (ph) was under surveillance and Afghani forces arrested me and accused me of returning from a fight even though I was unarmed and had never been in any fight. They ordered me to admit that I had come from Shahi-Kwowl and not from the Shrine. I denied having come from that area two or three times and they started to beat me. After being beaten I admitted the things that were not true only to make them stop beating me. I heard my captors talk about receiving a bounty from American forces for people they captured. They placed a grenade near me so they could have an explanation for arresting me. I know nothing about how to operate a radio or use hand grenades. After being arrested I was beaten and suffered a head injury that my captors told the Americans I had received during the war. My head injury occurred as a result of being beaten by Afghani guards and not as a result of the war. When captured, the only items I had in my possession were a perfume bottle, 2,500 Rupees, and a letter from the Taliban Ministry of Finance. The perfume was simply body oil and the document advised me to keep studying the Koran, be a good Talib, and not to waste time being idle or walking around. I never agreed to join the Taliban military, participate in jihad, attack or maliciously engage U.S. or allied forces, and that statements suggesting that I did were obtained after my Afghani captors tortured me. I felt that if I admitted the things that weren't true I would receive better treatment. The Taliban demanded payment of 300,000 Afghans (Afghani currency) from family members that were old enough to join the Taliban but did not do so. My family did not have enough money and my brother was forced to join the Taliban even though he did not want to. He had no choice. It was a proven matter that the Taliban was taking people to war by force. In spite of the fact that my brother died, I do not view my brother as a martyr. I was never a member of the Taliban. I did not have the facial hair that all members of the Taliban wear and if you look at my picture when I was captured it will be apparent. I never joined the war, never engaged in any military training, and never traveled to Shahi-Kwowl to join the Taliban Military. The only reason I ever admitted this to the Afghani soldiers was because I was being beaten.

Assisting Military Officer: Sir, that concludes my notes, statement and again I want to remind you that the Detainee also has a letter that he is going to read.

Presiding Officer: Assisting Military Officer, does that conclude your statements on behalf of Qari Esmhatulla?

Assisting Military Officer: It does sir.

ISN 591
Enclosure (6)
Page 2 of 7

UNCLASSIFIED//~~FOUO~~

000386

UNCLASSIFIED//FOUO

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

Detainee: Thank you very much, he did yes.

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

Detainee: Yes, I will take oath for one reason.

Presiding Officer: Which oath? The oath or the one we prepared in Muslim?

Detainee: I want to say that I will do it under one condition.

Presiding Officer: What's that?

Detainee: Whatever I am presenting to the Administrative Review Board that is written here, I will swear on it.

Presiding Officer: Designated Military Officer, please administer the appropriate oath.

The Designated Military Officer administered the Muslim oath to the Detainee.

Detainee: I swear that everything I say here in front of everyone is all fact.

Presiding Officer: Thank you. You may proceed.

The Detainee began to read his written statement.

Detainee: The answer to question number one of category A.

3.a.1. The Detainee admitted he agreed to join the Taliban and to participate in the jihad in Afghanistan.

Detainee: Whatever I have admitted to in response to question number one... when I was captured in the hands of the Afghani soldiers I was searched and they found nothing. Except for a bottle of perfume, 2, 500 Rupees and one letter. The letter stated, read your Koran and do not just walk around and waste your time. You can see the letter for yourself. Then they asked where I had come from and I told them I came from Rhohaniesha (ph) the shrine. They replied with rage and force and ordered me to say that I had come from Shahi-Kwowt. I don't know it nor did I come from there. When I repeated that two or three times, the beatings started and after receiving a few hard kicks and punches I told them it was fine. When the first group put me in the hands of the second group of Afghani soldiers, and the second group heard about Shahi-Kwowt, they delivered

ISN 591
Enclosure (6)
Page 3 of 7

UNCLASSIFIED//FOUO

000387

UNCLASSIFIED//~~FOUO~~

me a couple of butt strokes and demanded that I say that I carried this and that (the grenade and radio)

3.d.2. The Detainee admitted he was carrying a radio and grenades while he was traveling to Taliban forces to support them.

Assisting Military Officer: Sir, I'd like interject one thing. The term butt stroke means that 'he was hit by the butt of a rifle.'

Detainee: Thank you so much. When I saw my head cracked and I started to faint, I could not tolerate a beating for a second time so I admitted to all they asked. You have my fingerprints please look at them and see if I ever touched them.

Assisting Military Officer: Sir, I would also like to interject, touching them refers to the grenades and the radio.

Presiding Officer: Okay.

Detainee: Thank you so much.

3.a.2. The Detainee was aware that he would be joining with and supporting the Taliban forces, albeit for both religious reasons and in responding to a challenge as to why the Detainee was remaining at home while others were fighting the United States and the Northern Alliance forces.

Detainee: The answer to question number two. I am saying this, ask anybody anywhere, has the Taliban ever let beardless people join them? Everybody whether they were civilians or government people knew that the Taliban would not allow beardless people with them. When I was first captured I did not have a beard. About this matter, you have my first pictures please look at them and see if I had a beard or not. If you think I joined them because it was a big shame if I did not, I would have joined them a long time ago. You can also inquire about this, if I was ever a member of them or not. It is impossible that I am isolated here with my condition and if what they are asking does not match my condition how could I be a part of it? In category B, the answer to question number one:

3.b.1. The Detainee admitted he traveled to Shahi-Kwout to join the Taliban military.

Detainee: This is not true at all. I never did any training and during war no one has time to train, there is no time.

3.d.1. The Detainee demonstrated his intent to attack or maliciously engage the United States or its allied interests by admitting he went to help the Taliban in their fight against the Northern Alliance.

ISN 591
Enclosure (6)
Page 4 of 7

UNCLASSIFIED//~~FOUO~~

000388

UNCLASSIFIED//FOUO

Detainee: Whoever participates in war, must have prior association in military training. They have to have the training. I never did anything like that and did not have any association with any senior officers. The answer to question number two:

3.d.2. The Detainee admitted he was carrying a radio and grenades while he was traveling to the Taliban forces to support them.

Detainee: This does not hold any legitimacy. I have never seen them before or had any training in it so what would I do with a communication radio or a grenade? When I admitted to them what I answered it was because I was forced to by the beatings.

The following Detainee comments relate to allegations of his involvement with and support for the Taliban.

Detainee: It is a proven matter that the Taliban was taking people to war by force. If they are taking you by force how could you have a relationship and association with them? The mind does not believe. I am done.

Presiding Officer: Qari Esmhatulla, does that conclude your statement?

Detainee: Yes.

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

Assisting Military Officer's questions

- Q. If you were returned to your homeland how would you employ yourself with an occupation?
- A. I have completed my Koran. I want to go join my father, I do not have another brother and I want to help him with getting things done. It is a very noble thing if when I went there and the kids wanted to read the Koran and I could teach them.

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

Designated Military Officer's questions

- Q. Qari Esmhatulla, were you ever mistreated by interrogators here at Guantanamo?
- A. In Cuba?
- Q. Here.
- A. I have been shackled for long periods of time once in awhile but I have not been beaten here.

ISN 591
Enclosure (6)
Page 5 of 7

UNCLASSIFIED//FOUO

000389

- Q. The charges presented here are based upon statements you made to American interrogators, not Afghans.
- A. When I was taken from Gurdes (ph), the initial stop after I was captured, I was taken to Bagram. There, it was an American interrogator; the Afghani translator told me that they had my statement so make sure that I did not change my mind. Even when I was taken to Kandahar from Bagram, I continued because I was told to.

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

Administrative Review Board members' questions

- Q. Qari, in previous testimony you made before the Enemy Combatant Tribunal, you indicated that you found the grenade and the radio. Now you say that you didn't find it and that they planted the grenade on you.
- A. Yes, I admitted to the Afghan soldiers. I had to make a story. They say where did you get these and I said I found them. They put it on me anyway.
- Q. At one time you said that you were going to go home to help your father on the farm. Do you have a farm in Afghanistan?
- A. I have not said anything about having a farm. We do not have a farm or any land.
- Q. I must have misunderstood him as well (*Presiding Officer is now speaking*), because I thought he was going to return home, since he finished the Koran, to help his father and possibly teach the Koran. Help his father, I thought he had said...
- A. I said help my father with things to do around the house. I can go get things for him and go get groceries for him. That is what I said earlier. We do not have any land.
- Q. You mentioned that you have a head injury. How does that affect you now?
- A. When it is really hot I feel it a little bit. I read the Koran for a continuous time I feel the effects of it.
- Q. What are those effects?
- A. I get dizzy and the room starts spinning once in awhile. When I read the Koran a lot or when it is too hot. It really bled a lot at that time. I lost a lot of blood.
- Q. Qari Esmhatulla, if what you said was not true to the Afghani soldiers; why not tell the truth once you were with the Americans?
- A. In Zarmout (ph) where I was captured?
- Q. The two groups that beat you up. The two different groups of soldiers.
- A. When they took me there it took about five minutes until I saw the Americans. I was really afraid because the Afghan were right there and the Americans right there as well and I was so scared that something bad might happen again.

UNCLASSIFIED//FOUO

Q. Once you came to Guantanamo, why didn't you start telling the truth?

A. That fear and those difficulties echoed in my head at all times. I stayed with the same story.

Q. If you are killed during jihad, are you a martyr in your belief?

A. I have read the Koran by heart. I know I can read it and say it but truthfully I do not know what the Koran says about this because I do not know the meaning of it, it's in Arabic. I just read it by heart and I do not know what the Koran says about that.

Q. Are you interested in being a martyr?

A. I do not have the knowledge of this question at all. Somebody has to explain to me what the Koran says and then I can answer according to that. If the translation of that question is such as this, then I have not seen it yet, I have not read it yet, I have not understood that question yet so I do not know right now.

Presiding Officer: The board would also like to express our condolences on the loss of your brother.

Detainee: Death is something that is given to us but hurts so much because he was taken away by force.

Presiding Officer: Assisting Military Officer, do you have any other information that the Detainee would like to present?

Assisting Military Officer: I do not sir.

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

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

AUTHENTICATION

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


Colonel, U.S. Marine Corps
Presiding Officer

UNCLASSIFIED//FOUO

ISN 591
Enclosure (6)
Page 7 of 7

000391

Summarized Administrative Review Board Detainee Statement

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

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

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

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

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

Assisting Military Officer: Yes Sir, the Detainee would like for me to read a statement for him. He also has a statement that he would like to read, and he would be willing to answer the bullet points individually.

Detainee: Yes, and I also want to answer to each allegation one by one.

Presiding Officer: Assisting Military Officer, please continue.

Assisting Military Officer: Thank you sir. The Detainee never had a direct connection to any Governor at all. The Detainee was sent to Sheberghan to serve as a mediator or peacemaker for the water irrigation system. There were many different tribes in the Sheberghan area and the different tribes were fighting each other over control of the water. The Detainee was sent there to help schedule times for the different tribes to use the water for irrigation and to settle water disputes. The Detainee's job was as a security guard, but he volunteered to go and keep the peace at the Water Irrigation Center. The Detainee only wanted there to be peace among the people of the area.

Also, during the Taliban every single person had to go for duty for three months and then serve two or three months out of each year. He was ordered by the Taliban to do this, it was not his choice. He knew an important person and was able to perform guard duty during his two months of service each year. He did this for two months each year for two years and then three months for the third year before the Taliban fell. While serving as a guard he would work one-one hour shift per night at which time he would carry an AK-47. All the guards would trade one AK-47 between themselves; he never fired it while on duty as a guard. The Detainee never received any formal training on the AK-47, but his uncle always had an AK-47 and the Detainee did fire it sometimes during celebrations.

UNCLASSIFIED//FOUO

ISN 546
Enclosure (5)
Page 1 of 12
000392

UNCLASSIFIED//~~FOUO~~

The Detainee was not captured but after the Taliban fell he was staying with his nomad friends and they suggested he go to speak to a local Commander, a fair and just man named Kamal. The Detainee went to see Kamal and was treated like a guest the first night, then the next morning he was taken prisoner and kept for twenty days. The Detainee was then turned over to Ismail Khan where all of his possessions were taken from him and he continued to be held prisoner. After about two months he was sold to the Americans in Herat and then transferred to Kandahar. He believes he was sold to the Americans because there was no other reason for him to be given to the Americans. The Detainee was never in combat and never fought against the United States or the Northern Alliance. Sir, that concludes the written statement the Detainee asked me to present for him.

The Presiding Officer asks the Detainee if he wishes to make a statement and if so will he take the Muslim oath. The Detainee is uncertain about what he would be swearing to. The Presiding Officer explains exactly what he would be swearing too. The Detainee takes the Muslim oath.

Presiding Officer: Muhibullah, You may begin.

Detainee: I'm going to start with the allegation that I did work for the Taliban for two years. I want to deny that. I only worked for two months out of the year for two years because of my duties since I was conscripted. If anybody has any more evidence that I did anything other than that, then I would like to be presented with that evidence. I could have easily presented evidence and witnesses to support that statement at my Tribunal before. No one asked me to do that. Spending two years in a row being a security guard at Kabul, go ahead and take my picture and show it to anyone there. Then I'm blamed for everything. I can show you the alley, I can show little street and I can tell you where I worked, I know it all.

Referring to the allegation about going as a mediator to Sheberghan. I hope you do not take it that I was a Judge from the Taliban. A Judge has to have a lot of competence and knowledge about the rules and law. If you knew about how I was brought up, when I was in my own state then people will tell you that this is amazing that a guy who didn't have any education at all, is all of a sudden a mediator or he is a Judge today. If I was there as a Judge there had to be a case, there had to be papers involved, there had to be a person involved. For example here, if somebody is a judge, there is a case and there is an allegation, there are papers and there are accusations. I've never faced that situation I was not a Judge. Even though in that area I went to, to make peace among the people they were all Uzbeks, Tajiks that were against Pashtuns. And if I did they would be the first one to say something against me since they were against the Pashtuns. Ask them if I did anything like that. That would be the biggest evidence you can have.

I never worked directly for the Governor of Sheberghan, it's not like he was not there and I was working for him. I have given you the name of the Governor and I have given you his brother's name. Why don't you go and ask this Governor if I ever worked such duties that I'm accused of. You have all the information. I never surrendered to Ismail Khan Forces. When the Taliban conscripted me and after they fell, I went and met my nomad friends and I was spending nights with them. I didn't go to Kandahar because they might have caught me there. I didn't go back to Sheberghan because there are big cities they might have caught me there. So what I did, I went to the deserts where my nomad friends were and I refuge with them. Even Kamal would testify to that. That I surrendered to him on the first day of the Ramadan. I did not have any

UNCLASSIFIED//~~FOUO~~

ISN 546
Enclosure (5)
Page 2 of 12

000393

UNCLASSIFIED//~~FOUO~~

need to surrender to Ismail Khan Forces. At the time when I left there was no fighting or anything like that at all. Eventually, I will be explaining and talking about that a little bit more.

The people that I stayed with were approximately 10 or 15km from the area where I went to see the Kamal. They are all there you can ask them, how I joined them, why I joined them and what my main intentions were. A person who was there among the nomads, his name was Shahbaz; he was the head of the Nomads there. You can ask him how things went with my trip to see my nomad friends. They're the Nomads that are there at one particular time of the year. In the wintertime if you look for them over there you can find them, they are all there, they are my witnesses. I did not need to surrender I did not have a need for that. I am not saying that Ismail Khan sold me and I am not saying that the Americans caught me, because there are thousands of people like me walking around. What I think in order for Ismail Khan to get some credit with Americans is that he was working for them and that is why he took all these people and gave them to the Americans to see that he was working hard. He did it to cover all the atrocities and the animosities he showed against Afghanistan Government and also against America to overcome all the bad things that he did. People like me that were taken away in the same manner they will tell you the same things.

I want to talk about the training allegation, that I took some training, I want to talk about that just a little bit. In my entire time here, I have denied even training for five minutes. Then you would be asking me then how come you were carrying a Kalashnikov? During the thirty years of revolutions in Afghanistan even the women have a Kalashnikov. They would actually cover themselves as a woman, but still carry a Kalashnikov. I don't think you could run into a lot of houses in Afghanistan that don't have a gun. All of them were like that including my uncle, you know gathering guns. I admitted to the statement that I cannot hit a target with a gun, but I can fire it. I would like to see the accusations that someone can tell me, where did I fire, who did I fire at, who did I fire with? If there is someone who can testify to that, that I actually carried a gun and then did some operations with it. For example, today we are here and there is evidence and accusations and twenty years later I will remember this I will not forget. Somebody will ask me, and I will have evidence and talk about it.

I want to speak a little bit about when I was in Sheberghan as a mediator. My AMO said just about everything, but there are a couple of problems, things that I must explain myself. I would like to talk about the scheduling situation. I did not have any power over them. For example there is a pen over there and a lot people say hey it's mine-it's mine! I would say something like, "Hey just give it to him", the same thing with the water. I never forced anybody; I never supervised people or commanded people. I went there for a peaceful situation; if you let me I will handle it for you. So go ahead today, it's yours next day this guy so you can use the water. Again, all I can say is the name of the district over there was Kirkeen District. You can ask those people how did I do my duties. That is all I have to say about that. If I remember anything else I will tell you.

Presiding Officer: Is he going to continue with the written statement now?

Detainee: What I have written in this written statement is that I am asking the American Government to please let me go home and I will tell you why. I was never an enemy of America before or right now. If I have committed any false or words against the Americans you can keep me as long as you want. Please I have kids there, they are waiting for me. I don't have anything,

UNCLASSIFIED//~~FOUO~~

ISN 546
Enclosure (5)
Page 3 of 12

000394

UNCLASSIFIED//FOUO

I don't have land, and I don't have a shop. I have to do something to get them going, to be there for them. I don't think my family has anything to eat right now. I don't think anyone will even hand or lend anything to my family right now. They will not help my family because they don't have faith they will get it back in return, because I am a detainee here. I cannot provide it back to them. As far as my release goes if there is anything, a method or conditions that you can provide for me I would like to see that. If I can go based upon conditions. Are you going to tell me what those situations are, you going to talk about that? Are you going to tell? Are there conditions that I can go or not based upon those conditions?

Presiding Officer: I will review some documents later after you have finished with your presentation.

Detainee: I can assure the American Government as such. I will tell you about a memory, something that I remembered and I would like to tell you about that. I see a lot of benefits coming from Americans being in my country of Afghanistan. What they did, we had twenty different Kingdoms in Afghanistan. They brought it all together into one. The days that we lost hundreds of people a day from Tribal Wars, Civil Wars it is all finished right now. Those broken cities, those broken roads are going to be rebuilt today. Americans are helping us in that category. I know the Americans are going to build our country and that doesn't mean they are going to put it behind them or take it away they are doing it for us. I know the Americans are not against the Muslims. If they were going to do anything bad to the Muslims there is a lot of Muslims in America. I know they have good intentions; they are not there to harm Muslims. Americans are involved with my tribe in my country. How could I go to my own tribe in my own country where the Americans are involved and be the one to be against them?

I want to say two or three things that will convince this board. First of all please try to believe what I say. I can assure you, that in Afghanistan they will know about me. All I will be doing are positive things for my country and for the Government of Afghanistan I can assure you that. There will be no harm at all. You can even send me as a refugee to Afghanistan and keep an eye on me. I want to go and see my family and see how things are being done and what I'm going to be doing, and then you can decide about me. You can send me to an environment anywhere you want and see how I behave and who I am and what kind of person I am. I am a very honest person; I have been very honest about every single thing I have said to you. I have spent three years with you guys. I have said all of these things to you and if you still think I am harmful then I am here in a cage. I will stay there. Please listen to me, all I want to do is go run my life in Afghanistan. I just want to continue my life in Afghanistan and nothing else. And that is all I wanted to say. If you have any questions then I will talk about it. If I have your permission, one thing I forgot that I just remembered. There were a lot of bad things in Afghanistan. We were listening to the Red Cross radio, on how many people he was killing all the time.

Presiding Officer: I'm sorry, whom?

Detainee: Ismail Khan. There was so much pressure from Ismail Khan Forces put upon us; they were putting so much pressure on us. Four people were beating one person. If you had told me Hey are you Osama? I would have said, "Fine I am Osama". If they had asked me, are you Muhammad I would have said, "fine I am Muhammad". What ever you want me to be I would be. They were saying I might end up being with the Americans and that is what I wanted anyway. Because now I can see that during my interrogations and the way I was treated I was

UNCLASSIFIED//FOUO

ISN 546
Enclosure (5)
Page 4 of 12

000395

UNCLASSIFIED//~~FOUO~~

right. What ever I said because of fear, because of pressure, then you can judge that yourself. People that go through beatings will say things. When I came here and when I saw the interrogator, I was looking around for the beating to start right away because that is what I was used to with the Ismail Khan Forces. People told me that nobody is going to beat you here, so don't be scared.

Presiding Officer: Let me clarify. He was not mistreated once he was in U.S. hands?

Detainee: Yes. They were talking to me on a very serious basis and I was scared. After a whole year, I realized they are not going to hurt you, they are just interrogating and they want to get to the bottom of things. You can look at the footage of the interrogations where I look so scared during those interrogations I thought the beatings might start. After a year I realized, no that is not the case. I'm sorry that I tired you out with all my talking.

Presiding Officer: Muhibullah, does that conclude your statement?

Detainee: My statement is over. If you wanted to ask me something or you wanted me to say something I will answer it.

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

Detainee: Yes. Whatever I had down on the statements of the AMO, I had clarified it; I had followed up on it. For example, I had spoke about the scheduling situation. I never forced people as a supervisor to do this or to do that. For example, I clarified that. That I was making a schedule, it's not like I was assigned to make them obey me I did it out of peace. My AMO presented everything fine.

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

Assisting Military Officer: No sir, I do not.

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

Designated Military Officers Questions to the Detainee.

Designated Military Officer: Yes sir. Muhibullah, in your testimony you just provided there are two points I did not hear addressed and I would like to ask you about them specifically. When you turned yourself in initially how many rifles did you have in your possession?

Detainee: Those Kalashnikov that you are talking about. When I came with my nomad friends to meet Kamal (the guy I turned myself into) those rifles belonged to my friends that I refuged with in the desert, they brought me to this guy.

Designated Military Officer: I want you to think back. At any time have you told Americans that you were the Acting Governor of Sheberghan?

Detainee: I do not think so but I told you before that I was under interrogation. I even told them if you think I'm Osama, then I'm Osama, if you think I'm Muhammad, then I'm Muhammad. If you're the Governor, yeah then I'm the Governor. I do not think so. I do not remember it.

UNCLASSIFIED//~~FOUO~~

ISN 546
Enclosure (5)
Page 5 of 12

000396

UNCLASSIFIED//FOUO

Designated Military Officer: Sir, that is all.

Detainee: I mentioned the name Shairbaz I wish you knew him, because he would tell you more about the Kalashnikovs and who's they were. There is a hill called Torghondey, means Black Hill and he is about 10km away from that. Shairbaz is in that area 10km from the Black Hill, Torghondey and ask him "Whose Kalashnikovs are those"?

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

Board Member: Yes sir, I do. Thank you.

Board Members Questions to the Detainee.

Board Member: Do you know how much water you scheduled as the mediator of water?

Detainee: I have also mentioned this throughout my interrogation. During the revolutions, during the wars in Afghanistan people got relocated from areas to areas. This is an area people had gone there and there were no rules and laws about the water. So a lot of people went from one place to another so they were confused on how to deliver the water and about the amount of the water. There was a well and someone would say "I want to have it for three hours and somebody would say I want to have it for four hours". So that is why I went there to help, it was not just about the water, but also to bring peace with them because they were newly refuted to that area.

Board Member: You said the water was used to irrigate land?

Detainee: Yes, exactly. There were a lot of issues. People had just gone there and the water was coming. The guys up on top he would just take advantage of the water and confiscate the usage of the water. The guys that were down there and he would have camels and land. There were so many different issues. I was not so competent and so educated to solve every single problem. But I did my share as a peacemaker too, at least to say, "It's okay! It's your turn" or "it's your turn" or "it's your turn", that is all I did there.

Board Member: Do you know about how much land was irrigated?

Detainee: It is really difficult for me to pinpoint the acreage. There was a huge area it was a District.

Board Member: What do you plan to do when you go home, if you go home?

Detainee: I do not know really what is available for me in Afghanistan; I do not know how things are going. I have this little interest, if I had some money I want to open up a shop.

Board Member: A shop? What kind of shop?

Detainee: Tea, sugar, cheese and bread.

Board Member: A store.

UNCLASSIFIED//FOUO

ISN 546
Enclosure (5)
Page 6 of 12

000397

UNCLASSIFIED//~~FOUO~~

Detainee: I can also perform as a farmer to grow crops there as well, if I do not get to open my store.

Board Member: That is all I have sir.

Board Member: Do you have a farm in Afghanistan?

Detainee: I just have a measly little; it is not even as big as the building. I do have some, but it is not much that I can grow there.

Board Member: How are you going to get money for the shop if you have such a small farm?

Detainee: I said that it was my wishful thinking. I said if I had, I wish I had some money; my interest would be to open up a store. It's not like I have it and I'm going to do that but I wish I did. I give you my opinion. I don't even have like rooms or a shop, I own nothing. Before when people had stores, during the bad times in Afghanistan they couldn't do business because the Russians had put stops and check points and nobody could go get stuff. Now I am so hopeful that everything is open. The business might be good. People will go back and forth between cities and they can shop around and buy things, and they can bring it back and sell it. Being in the Sahara away from the city it is so tough. But I am very hopeful that things have opened up right now and easy to go get stuff from the main city and bring it and sell it and make some money.

Board Member: If you return to Afghanistan and you don't have enough land to farm or a shop to run, what type of work will you do?

Detainee: What are my choices? All I am doing is looking forward. If I did not do that, I would be asking someone "could I grow something on your land", or "can I grow something on your land"? Get this guy and this guy. I'll just see how things are going there and what is available there.

Board Member: What other kinds of work have you done other than being a watchman?

Detainee: I do not have any profession in anything else. Not in any other work.

Board Member: So you have only been a watchman?

Detainee: Bring peace to these people was my duty and being a security guard is all that I have done as official governmental work goes.

Board Member: How many years have you done this work?

Detainee: I told you when I was conscripted by the Taliban I did it for two years. Two months out of each year.

Board Member: How old are you now?

Detainee: We do not keep track of time. I thought when I was caught I was thirty-one at that time. Add another three to it, so thirty-four.

UNCLASSIFIED//~~FOUO~~

ISN 546
Enclosure (5)
Page 7 of 12

000398

UNCLASSIFIED//FOUO

Board Member: What did you do for the five years or so before you are watchman? You would have been in your mid twenties.

Detainee: Mainly farming. I told you before my uncle from my Mothers side, my mother's brother, he was in better shape than me he had some land. Sometimes I would work for him, I would grow potatoes and other vegetables. Sometimes when we needed more work we would go to another guy with more land and both of us worked for him. That was what I was doing was farming.

Board Member: Why were you carrying those Kalashnikov rifles for your friends when you went to Kamal's residence? You had six in the vehicle, why were you carrying those?

Detainee: The people that accompanied me, my friends, there was one guy that was probably the main guy who said his name was Shahbaz. You can ask him he can tell you about the Kalashnikovs. I did not carry those Kalashnikovs.

Board Members: There were other people in the vehicle who had the Kalashnikovs, is that correct?

Detainee: They were my friends and they suggested to me "come on I will take you to this guy we know." The vehicle and Kalashnikovs were theirs, the Nomad people. At the same time there was another guy by the name of Ahmadullah, I think he will tell you just like the other guy whose vehicle and whose guns, whose Kalashnikovs were those. I already told you they belonged to those guys.

Board Member: Just to clarify. You were in a vehicle with several other people who had guns and for what ever reason those guns were attributed to being yours.

Detainee: I want to clarify the situation since you have asked the question in that area. When people were trying to turn themselves in they were not treated right. They were taking all the money from them, they were being robbed, and they were being beaten. When my friends found out that our people were being robbed and beaten. They said if you want to listen to me I want to introduce you to this one guy, his name is Kamal. Let me take you to him maybe he will give you a reference letter. He is a very nice guy he will not rob you. Lets go see him and get some suggestions from him and maybe he'll show us what to do. I trusted Kamal, and later on I found out that he even robbed another senior of that tribe for a thousand, about a million Afghani as well. If I had known I wouldn't have even gone to him. It was not just me. Who ever had money; the people that were money exchangers they were caught, they were robbed and a lot of high-ranking people, a lot of people went through what I went through.

Board Member: My question though, I just wanted clarification that he was in a vehicle with several other people with a bunch of guns, they all had guns apparently. How many people were there? Did they all have guns and for some reason they attributed him. I just want to get clarification.

Detainee: I do not know the number of the people, I went with them, they were the nomads I knew some of them as friends. I cannot remember how many people were there. The vehicle

UNCLASSIFIED//FOUO

ISN 546
Enclosure (5)
Page 8 of 12

000399

UNCLASSIFIED//FOUO

was coming to the Bazaar area, like a little downtown area in Torghonday. I don't know how many got out of the car, it was a big car. The people asked me to go and I went.

Board Member: Did your friends leave the rifles in the car or did they have their rifles with them? How did these six rifles get attached solely to you?

Detainee: I had a whole list of things on me. I do not know how I ended up being accused of carrying six Kalashnikov. There are so many more things that I don't agree with. The court people there released a lot of people at that time but somehow they didn't release me. They said we don't have anything against you but somehow they didn't release me. When I was in Kandahar the Americans would bring thirty people and interrogate them and release them the next day. There is always a reason for something. You have your enemies, you have people that decide whatever they want to do and they do it. For one reason or another they will catch you.

Board Member: You have made several statements about if we contact these people it would help clarify your case. Have you tried to get statements from anyone back in Afghanistan?

Detainee: No I did not. They have nothing against me; I have no issues with them. You can go ahead and ask them. I did not inquire.

Board Member: Have you gotten any letters from friends or family since you have been here?

Detainee: Yes, I have gotten letters from my family. I have received letters. The Americans have seen it, they have read it before they have given it to me they have to check it out.

Board Member: Why didn't you ask for someone to get some of this information that you think would be useful for your case?

Detainee: I never thought about this situation. My previous personal representative emphasized so much on me. The situation the way I did orally I never thought about acquiring such information as like that. He talked about the difficulty on how to find people like that back and forth from two different states. When my AMO told me about the situation I realized how important it is to get something like that done, getting a letter from them, I didn't realize it until later on.

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

Detainee: At no time did I see myself in danger. At no time did I think I was responsible for all these accusations because I always thought I was innocent. I thought I could just tell them that. I didn't think it was this serious. There is no legitimacy; there are no allegations. I didn't think I was in any type of danger at all. The way things are going, I don't even know if my friends that I talked about earlier are alive anymore.

Presiding Officer: Just two things, in regards to these weapons and your nomad friends. Did they only detain you or did they detain your four, five or six nomad friends that accompanied you?

UNCLASSIFIED//FOUO

ISN 546
Enclosure (5)
Page 9 of 12

000400

UNCLASSIFIED//~~FOUO~~

Detainee: When I went with them I prayed and when I was done praying I did not see them anymore. When I went with my friends to see Kamal I was in my room, I did my prayers and when I was done, I did not see them again.

Presiding Officer: You didn't see them, and the weapons I assume they kept and attributed the weapons to you.

Detainee: Actually there was nothing there; I didn't carry anything with me. When they were gone everything was gone, there were no guns or anything.

Presiding Officer: Okay. One other thing Muhibullah, I just want to reemphasize something the Commander had brought up and you had mentioned to us, asking people for evidence or statements on your behalf. Should you be detained here for any length of time, remember you can include written statements any oral statements or witness statements you have prepared on your behalf. You can request these friends of yours to provide statements on your behalf and you can present them to the board.

Detainee: The flow of the letters started so late. It did not start for a long long time. It did not start until recently. The people that I talked about with you, it is not like they are my everyday friends they are tribal people. We go from tribe to tribe and meet them so I don't know how to get in contact with them.

Presiding Officer: That is exactly my point. You are asking us to contact them; if you cannot contact them we would even have a harder time. If they can provide something, if you are going to be here any length of time it is in your best interest to get anything you can.

Detainee: The procedures are so slow that it takes eight to nine months. I write a letter and eight months later I get a response from it. How am I going to do that? Even after they read me my Enemy Combatant Status results, my Tribunal results, it was not very clear to me that I had so many choices up until now.

Presiding Officer: Is it clear to you now?

Detainee: Yes it is clear to me right now. You tell me, what you want me to provide to you. Which one do you want me to write about, so I can present it to you.

Presiding Officer: My recommendation is that you request from these friends to provide anything they can. Because whether you are released tomorrow or in a hundred tomorrows it's best that you have these documents in your possession, then to be wishing you had asked for it.

Detainee: There is no one I can think of right now especially my family. They are not aware of the incidents how I got from Sheberghan to Herat then getting captured. They could not help with that because they were not present there. They cannot write about anything that would not be true. It's not just the one thing; the situation from me going to Kamal there are six more allegations. Which one should I inquire about? Even if I ask my family today, where my family is they will probably not have any information about my duty in Kabul as a watchman. They don't even know anything about that. They have never been to the North side of the country at all.

UNCLASSIFIED//~~FOUO~~

ISN 546
Enclosure (5)
Page 10 of 12

000401

UNCLASSIFIED//~~FOUO~~

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

Detainee: I do not have any more evidence. I do not have anything else.

Assisting Military Officer: No sir I do not.

Detainee: I did say to the other trial procedure that I can provide some witness, and here there are no witnesses. Before the Tribunal took place, I was very very sick. I tried talking with my Personal Representative three times, but I was so sick I could not talk with them. I tired to speak with him a couple of times but I did not get an answer from him.

Presiding Officer: Okay.

The Presiding Officer starts reading the post-Administrative Board instructions during the translation the Detainee ask specific question relating to dentition

Detainee: As a Detainee or I'll be released. Transferred as a Detainee or transferred as a free man. (Referring to if the DCO determines to transfer or release him).

Presiding Officer: Released or transferred to your own country.

Detainee: I am ready for the decision. Please pay a lot of attention to it who ever is making the decision.

Presiding Officer: The Designated Civilian Official.

Detainee: Yes exactly, or who ever is making the decision. Right now as far as I know my case is in your hands. If the decision is for you to detain me here longer; is it my preference, is it my decision to say if I am going to be detained where I'm going to be detained. It is my decision?

Presiding Officer: No.

Detainee: So what is the good of that?

Presiding Officer: I'm going to reemphasis here because you have been so outspoken. You mentioned the Governor for us to contact him for proof that you were not the Governor. Those are the kind of things if you were detained for another year here, that those are the kind of things you would want to get and compile as testimony on your behalf to defend the fact that you were never a Governor.

Detainee: How do I find the Governor of Sheberghan or anybody?

Presiding Officer: Write to them. We know that it is difficult but you need to do your best.

Detainee: I appreciate your suggestion, but it is not that easy. It took me three nights to travel here, how? In an airplane. How long will it take for a letter to get there?

UNCLASSIFIED//~~FOUO~~

ISN 546
Enclosure (5)
Page 11 of 12

000402

UNCLASSIFIED//~~FOUO~~

The Presiding Officer adjourns the open session of the Board.

AUTHENTICATION

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

[REDACTED]

(Colonel, U.S. Marine Corps
Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN 546
Enclosure (5)
Page 12 of 12
000403

Summarized Administrative Review Board Detainee Statement

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

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

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

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

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

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

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

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

Assisting Military Officer: Yes, sir. During the initial interview with the Detainee I took notes regarding the information contained on the unclassified summary and I would like to present those notes to the hearing now. Also, upon the conclusion of my briefing I believe the Detainee desires to speak with the board as well. Sir, the Detainee made the following comments in response to evidence in the unclassified summary; first he stated that all allegations against him being an enemy combatant are false. He stated that the United States knows that they are false but they are going to go through it anyway. In response to Paragraph 3.A.1, the "Detainee admitted he traveled from Palestine to Afghanistan in the summer of 2001;" he replied he went from Pakistan to Saudi Arabia not Afghanistan in 2001. In response to Paragraph 3.A.2, "the purpose of the Detainee's travel to Afghanistan was to participate in Jihad," he stated he did not travel to Afghanistan to participate in Jihad and that he already has told this information to previous interrogators and investigators. He stated also that he never went to fight Americans, does not dislike Americans and that Americans live amongst Palestinians in Palestine and everyone gets along. He also stated that if he wanted to fight Americans he could have done so in his

ISN 049
Enclosure (5)
Page 1 of 6

home country and would not have to travel to Afghanistan to do so. In response to Paragraph 3.A.3 "the Detainee admitted that he was convinced to go to Afghanistan by an individual who might be a recruiter for Al Qaida," he stated he did not think the person who convinced him to go to Afghanistan was a member of Al Qaida. In response to Paragraph 3.B.1 and 3.B.2, "when the Detainee traveled to Afghanistan he attended the Al Faruq training camp and received training on Kalashnikov rifle, RPG and another type of rifle," he admits he spent two weeks at the Al Faruq training camp, received weapons training on the Kalashnikov and RPG but he did not receive any training on the rifle and handguns.

In response to Paragraph 3.C.1, "the Detainee admits that he supports the actions of Usama Bin Laden and others who commit acts of terrorism," he states the entire sentence is untrue. In response to Paragraph 3.C.2, "the Detainee admits that he moderately supports the beliefs and actions of the Taliban," the Detainee states that this entire sentence is untrue. In response to Paragraph 3.C.3, "the Detainee admitted that he has lied on previous interviews with interrogators," the Detainee agreed he lied but only about his citizenship because he was worried he would be surrendered to the Israelis. In response to Paragraph 4, under primary factors favoring his release or transfer, the Detainee stated during the CSRT that he was not an Enemy Combatant to Americans and that he never went from Pakistan to Saudi Arabia to Afghanistan for Jihad. His intentions were not for fighting. He went on to say that his faith does not allow me to go all the way to Afghanistan to do Jihad before doing my in duty in my home country. The Detainee stated that he agreed with the entire paragraph. Sir, that concludes my briefing regarding the interview notes.

Presiding Officer: Thank you Assisting Military Officer.

Detainee: I want to thank the Assisting Military Officer very much for addressing these issues.

Assisting Military Officer: You are welcome.

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

Detainee: Whether I go under oath or I don't it is the same thing to me because I am sincere with my statements. Frankly, I could lie to you even if I went under oath but my religion does not allow me to so it doesn't matter to whether I am under oath or not under oath, but I will tell you that even without the oath I am sincere but if you want me to be under oath I will do so but the oath is not going to force me to be sincere or not sincere, to tell the truth or not.

Presiding Officer: The oath is entirely voluntary. If you choose not to do it you may begin with discussing any information you wish to present to this court.

Detainee: It is up to you sir, if you want me to be under oath or not. To me it does not matter either way.

UNCLASSIFIED//~~FOUO~~

Assisting Military Officer: Sir, may I interject something, please? *(The AMO speaks to the Translator and says the following statement)* Tell him (the Detainee) that it is not up to the President of the ARB whether he takes an oath or not but that his AMO suggests that he does so. I recommend that he does.

Detainee: I will take the oath.

As the oath is being read to him the Detainee states that his name is not really Al Aasmi but Wa-llid Bra-him Mus-ta-fa Abud-Jasi (ph). The Presiding Officer states that for the purpose of the ARB, the name Al Aasmi will be used.

The Detainee repeats the Muslim oath.

Presiding Officer: OK, Al Aasmi, you may begin.

Detainee: I did not go to a training center in Afghanistan and I proved that to the interrogators. And if my intentions were to get trained to fight the Americans, I would have one so in my own country which was much more stronger and powerful than the training center in Afghanistan. The training that I received in Al Faruq is much-much less powerful than the one we have in our own country. I didn't choose training in my own country so I can go from Palestine to Saudi Arabia to Afghanistan so I can get training. I didn't get training in my own country so I could go from one country to another to receive another training and lose time or waste time. If my intentions were to fight the Americans I would have done so in my own country and you know very well how many Americans are living right now in my own country. I could've fought with them there. That is all I could tell you really. That is all I could tell you. I am not an enemy combatant to the Americans. I have no intentions to fight the Americans and if you have any questions for me I am ready to answer you.

Presiding Officer: Thank you. Al Aasmi, does that conclude your statement?

Detainee: As far as I am concerned, I am not an enemy combatant. I never had any intentions to fight the Americans and if you have any questions of me, I am willing to answer.

Presiding: Did the statements made by your Assisting Military Officer provide the information you wanted us to hear during his presentation?

Detainee: Yes, he did.

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

Assigned Military Officer: No, sir.

ISN 049
Enclosure (5)
Page 3 of 6

UNCLASSIFIED//~~FOUO~~

000406

UNCLASSIFIED//~~FOUO~~

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

Designated Military Officer: No sir.

Presiding Officer begins with the Questions for the Detainee.

Presiding Officer: What type of training did you receive in your home country?

Detainee: I did not receive any training in my own town. I said that if I was to get training in Al Faruq to fight the Americans, I would've done so in my own country with the military in my own country. I did not receive any training in my own country.

Presiding Officer: And your country is Palestine?

Detainee: Yes, Sir.

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

Board Members: Yes, sir.

Board Member: In the unclassified summary you said you did not go to Al Faruq but you went to Saudi Arabia in the summer of 2001.

Detainee: I went from Palestine to Saudi Arabia.

Board Member: When the information was presented you did not dispute being at Al Faruq. When were you at Al Faruq?

Detainee: At the beginning of the investigation I did say so.

Board Member: Were you or were you not at Al Faruq?

Detainee: Yes, I did go to Faruq.

Board Member: In your testimony you said that you proved to your interrogators that you did not go to train at Al Faruq, how did you prove that to the interrogators?

Detainee: What I meant by that was that I was the one that told the investigators that I was at Al Faruq camp. I am the one that informed the investigators of all the trips I took from one town to another until I was captured by the Pakistani. Ever since I left the Saudis group and I was scared that the Americans would surrender me to the Israelis that is why I lied about my immigrant status. I met someone named Raed, he came to me in Kandahar and he warned me. He said that if you are scared of the Americans I will be the coordinator between you and the Americans so I admitted that I was from Palestine and I

ISN 049
Enclosure (5)
Page 4 of 6

UNCLASSIFIED//~~FOUO~~

000407

UNCLASSIFIED//~~FOUO~~

explained everything. I told them or I explained everything, that my only fear was that the Americans would surrender me to the Israelis. If my intentions were to lie, I would have lied from the beginning. I told the investigators everything. All the Red Cross people know my story from the beginning. If my intentions were to lie, I would not have told the investigators what I wanted to say before they started the investigation.

Presiding Officer: So, you were at Al Faruq?

Detainee: Yes, but I didn't know it was Al Faruq training.

Presiding Officer: What did you do there?

Detainee: My intentions weren't really to train for Jihad. It wasn't on top of my list or my head totally.

Presiding Officer: Can you describe to me what you did at Al Faruq?

Detainee: Program or what? Did I have a program or what?

Presiding Officer: What were your daily tasks?

Detainee: I had breakfast in the morning then I got some training. Then I got a little training on the Kalashnikov which that I chose. I told the investigators that I got that type of training for a little while and my intentions were to leave but I didn't have money to leave. I left Palestine, my own country, seeking a job because we have no jobs in Palestine. That is the reason I left Palestine to Saudi Arabia to seek work. I am ready to answer any further questions you have of me.

Presiding Officer: Right now we have no further questions.

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

The Presiding Officer reads the post-Administrative Board instructions to the Detainee. The Detainee interrupts stating the following:

Detainee: Is this the last session that I will be entitled to? Is this the session that is going to decide whether I am an enemy combatant or not?

Presiding Officer: No, this board is to decide whether you should be further retained or released. Allow me to continue and hopefully as I read I will answer some of your questions.

Detainee: And now what are you going to decide?

Presiding Officer: Please allow me to continue reading.

ISN 049
Enclosure (5)
Page 5 of 6

UNCLASSIFIED//~~FOUO~~

000408

UNCLASSIFIED//~~FOUO~~

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

Detainee: But this session that is convened right now is to decide whether I am an enemy combatant or not?

Presiding Officer: No, this session is here to decide if you shall be released or retained here. You have already been determined to be an enemy combatant and were notified so by the Assisting Military Officer.

Assisting Military Officer: Sir, if I may interject one thing? I believe there is some confusion on his part on the reason of this hearing. This hearing is to determine whether he remains a threat to the United States and its allies.

Presiding Officer: If we determine you to be a threat, you will be detained if not you will be released or transferred. That is why it was important for you to present what you wanted to present to us. We will consider it.

Detainee: All right.

The Presiding Officer adjourns the open session of the Board.

AUTHENTICATION

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



Captain, USN
Administrative Review Board Presiding Officer

ISN 049
Enclosure (5)
Page 6 of 6

UNCLASSIFIED//~~FOUO~~

000409

UNCLASSIFIED//~~FOUO~~

Summarized Administrative Review Board Detainee Statement

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

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

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

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

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

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

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

Assisting Military Officer: Yes. The documents, the detainee would like to make an oral and a written statement.

The Assisting Military Officer presented Exhibit EC-c, the Detainee's written statement to the Administrative Review Board.

The Designated Military Officer read the Muslim oath to the Detainee and the Detainee swore to the oath.

Presiding Officer: You may begin.

Detainee: Should I read my written statement or answer each allegation first?

Presiding Officer: Which ever, if you are going to read the written statement first that is fine or answer each allegation. Either way.

Detainee: I prefer to answer the allegations one by one first and at the end I will finish with my statement.

Presiding Officer: Fine.

UNCLASSIFIED//~~FOUO~~

ISN 006
Enclosure (6)
Page 1 of 7

000410

UNCLASSIFIED//FOUO

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

3.a.1. The detainee worked as a security guard for the governor of Jalalabad carrying a Kalashnikov rifle.

Detainee: Yes, I did work where the governor worked. I was not a security guard. I was helping everybody with the amount of work, whether it was writing something but I was not a security guard and I never had a gun.

3.a.2. In 2000 the detainee moved to Mazar-E-Sharif where he was a member of a 10-12 man team who provided security to the Governor.

Detainee: Yes, it is mostly true. I did work there for the governor of the Mazar-E-Sharif. I was not somebody who was loaded with weapons or armed. I was not an armed person. I was just doing like a servant working for him here and there and take this and bring this back but I was working for him. That is true but I was never armed. As I said before, I was never given a gun where I carried a gun around but I did work there as a servant or somebody who was helping the government - duties here and there. It was totally a civilian environment there, it was not like government related. It was strictly like a civilian organization. Civilian people were working there and the entire atmosphere was like a place where civilians would work.

3.a.3. The detainee served as the acting governor in Mazar-E-Sharif for 8 or 9 months prior to his capture.

Detainee: I never worked as a representative of the government or an assistant of the government. This is not true; I did not complete any duties or did not work as acting governor at all. Yes when he was gone for long periods of time, people would come to visit him, people would come to see him and he had told us if somebody came just tell them that I am not here. If they have any problem talk to them and tell them that I am not here. When he was gone it was like 10 to 12 of us so we opened the door for the people and they had problems here and there, we would talk to them about it. At times, if there was a situation like somebody was coming who was important and wanted to talk to the governor about something political or major, we had nothing to do with that type of situation. We would tell them that the governor was not here. But if somebody had a problem in the bazaar or the market or they wanted to do simple things and they needed help we would go ahead and tell them what to do in situations like that. It says here for eight, nine to 10 months. That is not how it was. I worked there for eight to 10 months as a person who was helping the firm but it was not like the governor was gone for the entire eight to 10 months and we were doing everything for him. During the eight to nine months, he would be there for a month and one-half and be there for two months and then go to the capitol. But when he was gone for a short period of time at that time we would come into the picture and kind of open the door for people and do the things he told us to do. When the people come, tell them this or tell them that. It was not like he was gone for eight months and we were all just doing this. I guess the way this would have been started was maybe there were a lot of errors in the way that everything was written and brought to the head of intelligence and all of that. Maybe at that time when they came there, the governor was probably not there on that particular

UNCLASSIFIED//FOUO

ISN 006
Enclosure (6)
Page 2 of 7
000411

UNCLASSIFIED//FOUO

day when they came to capture us or something like that and I hope that's not the way everybody has taken it. Maybe when the intelligence guys were there, the governor was not there at all and they got this idea that I was the governor.

You tell me! Do you think a governor would be gone for 10 months sometimes and not show up at all and leave all his duties behind? That is not how it happened. He had to come there to work and talk to people and do his duties so he could not have been gone for that period of time from his duties or he would not have been governor, you know!

3.b. The detainee traveled to Kabul to serve as a security guard for a Taliban official.

Detainee: I did not have a direct position as a security guard. There was an area in alleys that was like a police station. I knew the head of that station and I would go there and spend some time there and I knew him. I was spending time with him as a guest. I also went to work with him and I did go to the place where he was working but it was just helping him out.

3.c. The detainee participated in a meeting where Taliban leaders decided to surrender to the Northern Alliance.

Detainee: I was never in a meeting. I never had a meeting with anybody. But when everybody was leaving together, I joined in the group as they were leaving. Like I said before, this never happened. I knew of a person called Ahbard Rashim, I think he was in charge. He knew what was going on and somebody told me to go and talk to him and ask him what should we do now and I asked the guy and I wanted someone to guide me in what to do. So they were all just sitting there and I went there and talked to them and we all went together. I did not have any interest or I did not have any need or any purpose to go into the meeting at all. It's just that they told me to go and I went there and talked to someone. That is my explanation for that.

Assisting Military Officer: Does the detainee wish to comment on the factors favoring release?

Detainee: When the allegations are done I just want to add something at the end.

Presiding Officer: Do you want him to read factors favoring your release or transfer?

Detainee: If you think it is necessary, I'll do it, but if not, I want to pass on it.

Presiding Officer: We read them once. So it's not necessary if you don't want to.

Detainee: Can I say something at the end right now?

Presiding Officer: Yes, if you are ready to give your prepared statement now, that's fine.

Detainee: I just want to add something at the end of the allegations.

Presiding Officer: Please. Begin.

UNCLASSIFIED//EQUO

ISN 006
Enclosure (6)
Page 3 of 7

000412

Detainee: There are a lot of discrepancies in these allegations. They are not legitimate at all. I just want to say an example about all of them and I want to pick one. If you are a security guard somewhere for a governor somewhere and first of all they said that I was a security guard and at the same token I became a governor. You have to see the way that all these accusations are put together. It is not very legitimate. I'm a security guard and then I'm promoted to governor or acting as one. I just wanted to add to that at the end. I do not accept most of these allegations. Yes, as I said, I did work there and I was apart of that particular organization whatever if you work for Jalalabad governor, but if you guys think that is a very big sin, then I don't have anything further to say. If you don't mind when I finish with this, I would like to read what I have prepared for everyone.

Presiding Officer: Continue. If you could tell him to read one or two sentences at a time and that way it will be easier for you (the translator).

The Detainee reads the prepared statement that was presented by the Assisting Military Officer into evidence as Exhibit EC-c.

The Detainee's adds the following verbal statement to the end of his written statement.

Detainee: I'd like to tell you a few things that I don't think that there is any reason for my detention over here and I will tell you why. I shouldn't be detained any longer because I have never caused any problems for you (America). I voluntarily came to you people, how could I be a problem for you? I did not fight with anybody nor did I use a gun against anybody. Why should I be detained? Personally myself, I have never caused any kind of interruptions or make any wrong move against the Americans or their allies and I have not made that wrong move at all why should I be detained? If this is a crime because I am a Muslim or an Afghan or if I spent a few nights with the Taliban due to my obligations and necessities so a lot of Afghans had to go through that. That should not be considered a sin and for that I shouldn't be detained.

On top of everything, I am a very poor man I don't have anybody. If I stay here as a detainee, I don't have anybody to come here to visit me, see me or to watch out for me. That's why there's no reason for this detention or for me to be detained here nor have I committed any crime. On top of all above and I'm still detained here, then I will leave everything in your hands and leave everything up to your judgment for you to be the judge of this. These are some of the explanations that I wanted to tell you about why I shouldn't be detained or that I'm not a threat. There is so much in my heart that I want to say right now but I don't want to take a lot of your time. And there is one little thing that I want to say. There is a new government there and I want to go there and these are all of my promises. That is what I have in my mind and if something goes wrong you know there is a government and they can take care of the problem. So please, I am unable to do anything here and take care of my business.

I would like to ask a couple of questions of the board.

Presiding Officer: There will be a time. (Pause) If you have some questions we will entertain them at this time.

Detainee: I have gone through the same situation before with my Tribunal where the allegations were read to me. I told them everything truthfully and was just wondering this board will decide about me. How will this go?

Presiding Officer: The information provided for us today, we will make a recommendation as to whether to release, detain or transfer you and that information that you are aware of on the unclassified side is going to be used as well as some classified information in which you will not have access to. But this board will make a recommendation today.

Detainee: One more question. It's a question that I ask. The board, that if they want further explanation, if they want a different method and a different way that I can answer these questions or something else against me, I have to have an opportunity to explain if there is something else in a different way. That's all.

Presiding Officer: I want to go through the remainder of the proceedings and if you have any questions later on in the proceedings, if we have an answer to those questions.

Designated Military Questions:

Q: Did I understand you to say that you are a tailor?

A: Yes, I am.

Q: Can you explain how it came to pass that you worked on the staffs of the governor of Jalalabad and Mazar-E-Sharif?

A: There are a couple of factors in that situation. It was an obligation through the government and also I went there because I had to survive and I had to make a living for myself. It was a combination of both of them.

Q: In what district does your family live?

A: The district of Shahjoy, in the province of Zabul.

Q: Do you have any brothers that live in any other district?

A: I do not have any brothers that live in any other districts but I do have brothers in my village.

Administrative Review Board members' questions:

Q: What did your friend in Kabul, what was his type of work that you went to work with him, a Taliban official in Kabul?

A: His job was like a head of the police station that was creating security for that division.

Q: And you indicated that you don't have any properties but your father does. Is that true?

A: No, as I said in my statement between all of us, it's not my father's it's like everybody's. My whole family has about four jareeds, which is a unit I think two jareeds in an acre. I got like two acres. That's all we have between all of us combined.

UNCLASSIFIED//FOUO

- Q: Were you a tailor before you became a servant at the governor's house?
A: I did not have a shop but I was doing the tailoring within my residence within my own house I was living in for people and combined with some farming on this land.
- Q: So again, why did you leave that work and go to work for the Taliban party?
A: I kind of answered that earlier and it was a combination of I had to go with the government, I was obligated to go with the government because they wanted me to work for him and at the same time I was very poor as well and did not have a lot and could not afford my living so easily. The two factors had to be combined for my decisions.
- Q: I understand that only Taliban members could enter the governor's house. Were you a servant in the governor's house? Do you understand it that way?
A: There were a lot of people going through the Taliban system. I was just like a servant and also like a security guard. I never heard of that situation before. They told us to come and work here so we went there and that's how it went.
- Q: Do you believe that a pure Islamic state needs to be established?
A: You are speaking about something political. I am not knowledgeable enough or an advanced person or an educated person enough to decide what a government should look like. That is not my duty.
- Q: What kind of wheat do you grow in Afghanistan?
A: Corn, barley, grass for the animals, beans and different things.
- Q: But what kind of wheat, there's lots of different kinds of wheat? Do you know what kind of wheat you grow? What kind of wheat, land-winter wheat, summer wheat?
A: (Translator) I want to know the exact terminology of wheat that you have.
- Q: OK, forget the question, too difficult to translate.
Q: (Too translator) Did you ask him if he grew wheat?

Translator: Yes, he said he grew wheat. My personal experience is that there is dark flour and white flour, which comes from wheat. And then he said he did not know the difference but he did grow wheat.

Detainee: When I am transferred to my country or to a third country will I be transferred as a detainee or will I be free?

Presiding Officer: That depends on what the designated civilian official decides in his release conditions.

Detainee: Does that mean that if I am released I may be going to a third country or my country? Is that what it means?

Presiding Officer: He will be released or transferred to his home country, or another country as soon as arrangements can be made if that is the condition that is decided. Retained here,

UNCLASSIFIED//FOUO

ISN 006
Enclosure (6)
Page 6 of 7
000415

UNCLASSIFIED//~~FOUO~~

transferred or released, those are the three options. There is one last question from a member for the board.

Q: Would you like to live in a pure Islamic state or a pure Islamic government?

A: The government that is in Afghanistan right now, I am totally fine with the government. That's the kind of government I want.

Detainee: If it is a very educated and sophisticated question, I cannot answer those types of questions.

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

The Presiding Officer read the remainder of the Administrative Review Board process to the Detainee.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

UNCLASSIFIED//~~FOUO~~

ISN 006
Enclosure (6)
Page 7 of 7
000416

①

This is my speech

[006]

- ① I did not get captured. I voluntarily came to Americans & its allies & turned my self in. There were other people as well that were turning themselves in and I was among them.
- ② I will be providing living for my family. I will be in service of my father and my family. We have some land and I will be farming in it. And my goal is, that I'm a tailor and I would like to share a shop in the Bazaar of the District with someone else and continue my tailoring profession, so I can survive and provide living.
- ③ My behavior & conduct is known to everyone here in the camp, that I've not even once had any problems with the guards and did not act in a rude way. Actually I'm totally against having a bad attitude or being rude, and I've always obeyed camp's rules & regulations.
- ④ I'm not a threat. a) I'm a member of a poor family. I do not own any properties and derive from nature's goodness. b) Neither I, nor my father have ever been a Khan, or a Sheriff, or any seniors of the village. I still do not have any
- c) All my life, I did not work with any parties or groups and never had relations with them or ever knew them.
- d) Never carried a gun in my life, nor I received one from any body. e) I've never intimidated any body and never had any enmity with anyone. f) The government can monitor my everyday activities, whether I stay at home or work somewhere in my country. They can see for themselves to realize who I am, what, will I be doing and to find out everything.

(2)

- I said, ^{were} was a fact or not? So the above are six different different explanations to you that I am not a fact (THREAT) DB
- ⑤ I ~~shouldn't~~ be detained any longer, because I've never caused any problem for you (America) or created one. I voluntarily came to you people. ⑥ I did not fight with anybody nor I ever used a gun against anybody. ⑦ And with Americans & its allies, I've never caused any ^{kind of} interruption or made any wrong move. ⑧ If this is a crime because I'm a Muslim or an Afghan or if I spent a few nights with Taliban due to my obligations and necessities, so allots of Afghans had to go through that, that shouldn't be considered a sin.
- ⑨ Another thing I'm a poor person, no body is out there to look for me.
- ⑩ Thus far, there is no reason for this, that I should be detained here, nor I have committed any crime. If on top of all of this I'm still detained here, then I leave everything in your hands, so you can fairly judge into the matter.
- ⑪ Whether I am not a threat, I have written 6 sections (sentences) and ^{also} about my further detention, I have also written 6 sentences.

نور الله

د. ا. ا. ا. ا. ا. ا.

EC-C

Page 2 of 2

000418

UNCLASSIFIED//~~FOUO~~

Summarized Administrative Review Board Detainee Statement

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

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

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

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

The Designated Military Officer gave a brief description of the contents of Exhibit DMO-1 the Unclassified Summary of Evidence to the Administrative Review Board. After Designated Military Officer read paragraph 3.a.6, which states that the Detainee was apprehended after crossing the Pakistan border, just east of Jalalabad, the Detainee asked the following question:

Detainee: I believe that was translated wrong. Can he (the translator) repeat?

Presiding Officer: Could you please repeat?

Designated Military Officer: The Detainee was apprehended after crossing the Pakistan border, just east of Jalalabad.

Detainee: Listen to him and translate (to the translator).

Translator: I translated this wrong.

Presiding Officer: Could you please correct him (directed to the Detainee)?

Detainee: Can you repeat?

Designated Military Officer: The Detainee was apprehended after crossing the Pakistan border, just east of Jalalabad.

Detainee: What is your mistake (directed to the translator)?

Translator: Please correct me (directed to the Detainee).

Detainee: What means east?

Presiding Officer: What means east?

ISN 270
Enclosure (5)
Page 1 of 5

UNCLASSIFIED//~~FOUO~~

000419

Detainee: Yes.

Presiding Officer: In the direction of China.

Translator: Okay, that was my fault. I put west instead of east. My fault.

Presiding Officer: Okay, continue.

Detainee: I don't know what it was. It was the translator's translation.

Presiding Officer: Thank you.

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

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

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

Assisting Military Officer: Yesterday morning when I had my initial interview with the Detainee, he provided me with a few comments; I will read those now. Also he chose to appear today before this hearing, my understanding is he may elect to speak with you after I finish making my comments. Sir, the Detainee provided the following comments in response to information in the unclassified summary. The Detainee stated he has responded to these questions before and has nothing additional to add. However, regarding the statement that he processed a letter (*paragraph 3.a.5 of Exhibit DMO-1*) from a known member of al Qaida that contained a hand written quote from Usama Bin Laden, the Detainee stated he was not in possession of any letter or document of any kind when he was captured. Sir, that summarizes the information the Detainee provided me during our interview.

Presiding Officer: Does the Detainee wish to make an oral statement at this time?

Detainee: About what?

Presiding Officer: In addition to what the Assisting Military Officer provided.

Assisting Military Officer: May I interject one thing sir? I request we tell the Detainee this is his opportunity to provide explanations or discuss any of the issues that have been brought forth to this point with you. Does he choose to make any comments at all?

The Detainee paused for several moments without speaking.

Presiding Officer: I'll take that as a no.

Detainee: I am still thinking. I didn't answer.

Presiding Officer: Pardon me.

The Detainee paused for several more moments.

Detainee: When will the results of this Administrative Review Board be released? What kind of time frame.

Presiding Officer: We will make a decision probably sometime today or tomorrow with the information that is provided to us.

Assisting Military Officer: May I add something sir?

Presiding Officer: Sure.

Assisting Military Officer: It was explained to the Detainee that your decision today is a recommendation that is provided to a senior official in Washington and the time period between your recommendation and his final approval could be indeterminate, could be weeks or several months.

Presiding Officer: Ours is simply a recommendation today which will be sent up to the Designated Civilian Official and he will then take time to deliberate over what we've given him along with other information and that could be, I don't want to put a timeline on it but, it could be as few as two or three months or possibly longer.

Detainee: Fine.

Presiding Officer: I'll ask you one more time. Do you wish to make any further statement on your behalf or not?

Detainee: I did not understand the question.

Translator: Should I try again in other words sir?

Presiding Officer: Do you wish to make any additional oral statement at this time?

Detainee: About what?

Presiding Officer: Is there any reason why the United States government should not continue to detain you here at Guantanamo Bay?

Detainee: First thing is that the United States knows that I am innocent and I have no relation with all those allegations.

ISN 270
Enclosure (5)
Page 3 of 5

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Mosa Zemmori, does that conclude your statement?

Detainee: I told you before. Even if you found me Enemy Combatant, I am not Enemy Combatant and I don't care about what you have found. I don't care. You are free. Do what you wish.

Presiding Officer: Mosa Zemmori, did the Assisting Military Officer statement provide the information you wanted us to hear?

Detainee: The information that I gave the Assisting Military Officer, I told him that it's wrong and I asked him to make sure of it. I don't know if he did make sure of it or not. I believe he did not make sure of that information. I said to him yesterday, you are misinformed. That is what I said.

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

Assisting Military Officer: No sir.

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

Designated Military Officer: No sir.

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

Administrative Review Board questions

Q. Mosa, how did you travel from Iran to Afghanistan?

A. I answered this question. I have answered this question before and I answered clearly with reason why I went before. I also said what made me go to Afghanistan.

Q. Mosa, are there reasons right now that you would fight against the United States?

A. Repeat please.

Q. Is there any reason that you would take up arms and fight against the United States right now?

A. Is there a reason to ask me this question?

Q. Yes there is.

A. Can you explain why?

Q. I want to understand your motivation and what you will do if you are released from detention here.

A. Are you going to release me?

Q. The decision has not been made. I'm asking questions to make that decision.

A. I am not a combatant.

ISN 270
Enclosure (5)
Page 4 of 5

UNCLASSIFIED//~~FOUO~~

000422

UNCLASSIFIED//FOUO

- Q. In reference to the Unclassified Summary, item 4.a.2, The Detainee insists that the letter containing the hand-written quote from Usama Bin Laden, that was in his possession during capture, was not intended for him, but was an advertisement from a newspaper. My question is, if it was not intended for you why would you carry this advertisement around with you?
- A. I answered this question. There are some mistakes in this question.
- Q. Correct me then.
- A. I didn't have any hand-written letter. If that is so, then the whole question is wrong.

Presiding Officer: Assisting Military Officer, do you have any further information the Detainee wants to present?

Assisting Military Officer: I do not sir.

Detainee: You said something?

Presiding Officer: Assisting Military Officer, do you have any other information the Detainee wants to present? Are you satisfied?

Translator: He was asking probably about that it was not in there. That is what he was asking because he saw me looking for that. (He was looking for PO comments NOT in the translated script).

Presiding Officer: Yes, that is nowhere in the script for him.

The Presiding Officer explained the remainder of the Administrative Review Board process and adjourned the open session of the Administrative Review Board.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

ISN 270
Enclosure (5)
Page 5 of 5

UNCLASSIFIED//FOUO

000423

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 575

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

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

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to the Administrative Review Board.

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

ISN 575
Enclosure (5)
Page 1 of 2

UNCLASSIFIED//~~FOUO~~

000424

UNCLASSIFIED//FOUO

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

The Presiding Officer acknowledged the request.

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

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the Administrative Review Board proceedings.



Colonel, USA
Presiding Officer

ISN 575
Enclosure (5)
Page 2 of 2

UNCLASSIFIED//FOUO

000425

UNCLASSIFIED//FOUO

Summary of Administrative Review Board Proceedings (IA)

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

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

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

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

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

UNCLASSIFIED//~~FOUO~~

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

The Presiding Officer acknowledged the request.

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

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Captain USN
Presiding Officer

ISN 510
Enclosure (5)
Page 2 of 2

UNCLASSIFIED//~~FOUO~~

000427

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 507

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

The Designated Military Officer stated that a copy had been previously distributed to the AMO and detainee.

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

The 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.

ISN 507
Enclosure (6)
Page 1 of 7

UNCLASSIFIED//~~FOUO~~

- 000428

UNCLASSIFIED//FOUO

The Assisting Military Officer read the allegations on the unclassified summary to assist the Detainee in answering the allegations.

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

The Detainee accepted taking the (Muslim) oath.

The detainee read the following statement to the Board, which was submitted as Exhibit EC-C:

Detainee: In the name of God the most Compassionate the most Merciful. Praise be to God, and peace and prayers be upon the noblest of the prophets and messengers. Our master Mohammed, May God's peace and prayers be upon him and I bear witness that there is no god but God and that Mohammed is God's prophet.

And here now:

Peace be upon those who follow the right path to the Review Board for Detainees. I am writing these words for you from the deepest part of me and from my feeling that God, the Great and Almighty, will bring me out of this captivity because I am a person who is innocent of these groundless/false accusations that have no truth to them. And I tell you that I have endured torture and humiliation in every aspect, in my religion and myself, and other matters of torture and humiliations. So I am telling you that I am innocent of these baseless/false accusations and they have been put forth against me by persons that I do not know who may want to get out of this prison by lying and by spreading false accusations and if I had said anything other than these words, it is a lie and there is not truth to it or if I said that I had entered Afghanistan or if I had been accused of having committed a terrorist act, then this is false and has no truth to it, and it is a result of the torture and hardship that I endured from American interrogators in the American base in Afghanistan. And I am telling you after I had made sure that this Administrative Review Board for Detainees was genuine and that there would be a restoration of human rights and that the injustice will be lifted from the wronged in this captivity because of the detention without reason for a period of close to three years and a half in this island of Cuba, Guantanamo Bay.

And now I am cooperating with this board and I am writing my statement and I am clarifying to you the right from the wrong and perhaps it will bring freedom from God, the Great and Almighty. And I am telling you and the whole world that I am innocent of these accusations and that this period in which I was imprisoned by the Americans, they did not have the right to detain me in this prison. And I was kidnapped by an Afghani or Pakistani gang, as was made clear to you by the Assisting Officer. And these false accusations that have no truth to them, the Americans have put them forth maybe so that I would drown or become implicated in this case or matter that I have nothing to do with. And I am saying to the Administrative Review Board that the interrogators that

ISN 507
Enclosure (6)
Page 2 of 7

UNCLASSIFIED//FOUO

000429

UNCLASSIFIED//FOUO

interrogated me in the American bases in Afghanistan, they dealt with me in the most horrid ways and the most horrid methods of torture and I endured torture in these American bases. And I am repeating to you and telling you that I am innocent of these accusations and I say it once and twice and three times so that any person on the outside will hear me and will feel what I have suffered in these prisons and the persecutions against us in every matter of digesting human rights. And when I was sold by the Afghani or Pakistani gangs who sold me for close to \$5000 American Dollars and when we were handed over to the American Forces and interrogated, they could not find any accusations against me and I don't have any relationship or association with al Qaida or the Taliban. So for this reason they put forth these accusations that are in your hands and also the dealings of the American forces with people who are detained with us and who want to get out of here on our shoulders and use us as a doorstep to get out of this captivity. And I don't think that a matter like this could get past American intelligence and that they would not know who the real criminal is. And that is a simple explanation for my predicament and I am not good with words or with pleading my defense. But this is what I was capable of in these simple words. And I implore God, the Great and Almighty, to break my chains and the chains of all those who are innocent and there is no power or strength except through God, the Great and Almighty.

Now regarding the Americans, I do not hold in my heart or my soul or my thoughts any hostility against them or any one of them. On the contrary, they are a nation that wants peace and wishes for peace and security on this earth. And the Americans do not like to be unjust towards anyone, it is a misunderstanding with the interrogators who were in Afghanistan and perhaps it was an independent action by some individuals and this was all a misunderstanding with the American Forces. Because what happened to the United States of America was not easy on the mind or the soul and this action we do not agree with at all because this action wronged women and children and older people and innocent people. And if there is hostility between al Qaida and the United States of America, then they should not kill women and children and the elderly. And this is unacceptable to any person or any human being with compassion and mercy. And regarding, God willing, if I was released from this captivity, I will get a job first of all in my country and get married to a woman with whom there is compatibility, and serving my dear mother, because I love her dearly and she loves me, and I will tend to her needs and take care of my sisters until they get married because they don't have anyone after God but me because all my brothers are married, and I will live without any problems for us or others and I will not leave my country after this affair. And that is in very brief summary. Because as I said I am not good with words but that is what is in my mind and my soul.

And we will close this statement with praise to God, the Great and Almighty, and thanks to him and for his blessings upon us, for he does not forsake his faithful servants. This and Praise be to God, and peace and prayers be upon the noblest of the prophets and messengers, our master Mohammed, May God's peace and prayers be upon him.

And thank you. Presented by/Sultan Sari Sayel Al Anazi.

ISN 507
Enclosure (6)
Page 3 of 7

UNCLASSIFIED//FOUO

000430

UNCLASSIFIED//FOUO

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Does the Assisting Military Officer have any further information to present?

Assisting Military Officer: No sir.

The AMO had no further questions for the Detainee.

The DMO had the following questions:

Designated Military Officer: Where did you live in Saudi Arabia?

Detainee: The city of Sakakah in the north.

Designated Military Officer: How far is that from Bahrain?

Detainee: Approximately 1,200 Kilometers.

Designated Military Officer: Did you fly to Bahrain?

Detainee: No, by car.

Designated Military Officer: By car okay, I guess my question is; is there no more direct route to Pakistan? Did you have to go to Bahrain and UAE to get to Pakistan, was there no direct route from Saudi Arabia to Pakistan?

Detainee: The way of traveling was from Bahrain because the ticket is cheaper from Saudi Arabia. So when I purchased my ticket from Bahrain to Abu Dhabi to Karachi it was cheaper that way.

Designated Military Officer: Thank you. That is all the questions I have sir.

Administrative Review Board Member's questions:

Board Member: If the bombing in Afghanistan had not occurred and you had not been captured what would you have done there and how long would have stayed before you returned to Saudi Arabia?

Detainee: It was no bombing in Pakistan and I stayed there for [a] couple of days. When the campaign started about the Arabs to be sold by the Afghan to the Americans. That [is] what happened to me I got caught.

UNCLASSIFIED//~~FOUO~~

Board Member: No my questions was, what if the bombing had not occurred and you had not been captured, if you had stayed there to do what you were going to do how long would you have stayed and what would you have done?

Detainee: I understand now. It depends on the persons... if [they] stay one month [or] two months until he gets some rest physiology and then go back, I mean internally.

Board Member: So there was no set time period?

Detainee: There was no set time; it depends on the comfort of myself.

Board Member: Another questions is, what was the nature of the injuries that you received in your automobile accident in Saudi Arabia?

Detainee: On my feet, that's all; I got hurt on my feet.

Board Member: Feet?

Detainee: Yes.

Board Member: Thank you.

Board Member: What language do you speak besides Arabic?

Detainee: Only Arabic.

Board Member: Okay thank you.

Presiding Officer: That's it?

Board Member: That was it sir.

Presiding Officer: You stated... I am trying to understand the traveling. I know that it's not like it has not been asked before but there is several areas that you traveled through. Primarily saying that you just want to... just to rest were you staying with family or friends in these different areas or were you traveling aimlessly?

Detainee: I was in Saudi Arabia, Saudi it's a country that is very conservative. Young people of Saudi... fact that it is a very conservative country the young people they travel to Jordan, Abu Dhabi, Bahrain to have fun.

Presiding Officer: May I ask what kind of fun?

Detainee: Everybody who goes on travel and have fun will have like a girlfriend or... and this is very forbidden in Saudi. Forbidden.

Presiding Officer: I understand. Why do you feel there should be a jihad in America?

ISN 507
Enclosure (6)
Page 5 of 7

UNCLASSIFIED//~~FOUO~~

000432

UNCLASSIFIED//~~FOUO~~

Detainee: I don't think that way.

Presiding Officer: You stated that if you were released you would return to Saudi Arabia to join the Army just for the training and then quit.

Detainee: I did not say that to go to the military because I don't like the military from the beginning to be in the military.

Presiding Officer: So that's an incorrect statement in the Unclassified Summary?

Detainee: Yes.

Presiding Officer: Other than... okay, what do you plan to do with your life if you were to be released? Do you have a trade, a job to go back to?

Detainee: I swear now I don't have anything in mind right now. But once I get there I will get with [the] Government [and] work with [the] communication [the] Telephone Ministry.

Presiding Officer: Do you have a particular skill?

Detainee: I was employed with the Agriculture Company and then I left it. After [that] I was Bus Driver for school.

Presiding Officer: I have one last question for you. What are your thoughts today of the atrocities that took place on September 11th in America?

Detainee: As I stated before, I do not support [or] agree with this event at all. The one who did that doesn't have the right to do this because they were innocent, they were children, they were elderly and they don't have a reason to do it. That's all.

Presiding Officer: Okay.

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

The Presiding Officer opened the classified portion of the session.

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

ISN 507
Enclosure (6)
Page 6 of 7

UNCLASSIFIED//~~FOUO~~

000433

UNCLASSIFIED//FOUO

AUTHENTICATION

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



Captain, USN
Presiding Officer

UNCLASSIFIED//FOUO

ISN 507
Enclosure (6)
Page 7 of 7

000434

~~FOR OFFICIAL USE ONLY~~

16 May 2005

From: Sultan Sari Sayel Al Anazi

To: [REDACTED]

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted by Sultan Sari Sayel Al Anazi (ISN 507) on (16 May 2005) by OARDEC Linguist [REDACTED].

1. Typed translated copy of the detainee's statement by the translator is submitted as EC-C along with the detainee's Arabic statement..

~~FOR OFFICIAL USE ONLY~~

Enclosure (4)

EC-C

Page 1 of 7

000435A

[27]

Detainee Statement

In the name of God, the most Compassionate, the most Merciful

Praise be to God, and peace and prayers be upon the noblest of the prophets and messengers, our master Mohammed, May God's peace and prayers be upon him and I bear witness that there is no god but God and that Mohammed is God's prophet.

And here now:

Peace be upon those who follow the right path to the Review Board for Detainees. I am writing these words for you from the deepest part of me and from my feeling that God, the Great and Almighty, will bring me out of this captivity because I am a person who is innocent of these groundless/false accusations that have no truth to them. And I tell you that I have endured torture and humiliation in every aspect, in my religion and my self, and other matters of torture and humiliations. So I am telling you that I am innocent of these baseless/false accusations and they have been put forth against me by persons that I do not know who may want to get out of this prison by lying and by spreading false accusations and if I had said anything other than these words, it is a lie and there is not truth to it, or if I said that I had entered Afghanistan or if I had been accused of having committed a terrorist act, then this is false and has no truth to it, and it is a result of the torture and hardship that I endured from American interrogators in the American base in Afghanistan. And I am telling you after I had made sure that this Administrative Review Board for Detainees was genuine and that there would be a restoration of human rights and that the injustice will be lifted from the wronged in this captivity because of the detention without reason for a period of close to three years and a half in this island of Cuba, Guantanamo Bay.

And now I am cooperating with this board and I am writing my statement and I am clarifying to you the right from the wrong and perhaps it will bring freedom from God, the Great and Almighty. And I am telling you and the whole world that I am innocent of these accusations and that this period in which I was imprisoned by the Americans, they did not have the right to detain me in this prison. And I was kidnapped by an Afghani or Pakistani gang, as was made clear to you by the Assisting Officer. And these false accusations that have no truth to them, the Americans have put them forth maybe so that I would drown/become implicated in this case/matter that I have nothing to do with. And I am saying to the Administrative Review Board that the interrogators that interrogated me in the American bases in Afghanistan, they dealt with me in the most horrid ways and the most horrid methods of torture and I endured torture in these American bases. And I am repeating to you and telling you that I am innocent of these accusations and I say it once and twice and three times so that any person on the outside will hear me and will feel what I have suffered in these prisons and the persecutions against us in every matter of digesting human rights. And when I was sold by the Afghani or Pakistani gangs who sold me for close to 5000 American Dollars and when we were handed over to the American Forces and interrogated, they could not find any accusations against me and I don't have any relationship or association with Al Qaeda or the Taliban. So for this reason they put

Enclosure (4)
EC-C
Page 2 of 7

000436

forth these accusations that are in your hands and also the dealings of the American Forces with people who are detained with us and who want to get out of here on our shoulders¹ and use us as a doorstep to get out of this captivity. And I don't think that a matter like this could get past American intelligence and that they would not know who the real criminal is. And that is a simple explanation for my predicament and I am not good with words or with pleading my defense. But this is what I was capable of, in these simple words. And I implore God, the Great and Almighty, to break my chains² and the chains of all those who are innocent and there is no power or strength except through God, the Great and Almighty.

Now regarding the Americans, I do not hold in my heart or my soul or my thoughts any hostility against them or any one of them. On the contrary, they are a nation that wants peace and wishes for peace and security on this earth. And the Americans do not like to be unjust towards anyone, it is a misunderstanding with the interrogators who were in Afghanistan and perhaps it was an independent action by some individuals and this was all a misunderstanding with the American Forces. Because what happened to the United States of America was not easy on the mind or the soul and this action we do not agree with at all because this action wronged women and children and older people and innocent people. And if there is hostility between Al Qaeda and the United States of America, then they should not kill women and children and the elderly. And this is unacceptable to any person or any human being with compassion and mercy. And regarding, God willing, if I was released from this captivity, I will get a job first of all in my country and get married to a woman with whom there is compatibility, and serving my dear mother, because I love her dearly and she loves me, and I will tend to her needs and take care of my sisters until they get married because they don't have anyone after God but me because all my brothers are married, and I will live without any problems for us or others and I will not leave my country after this affair. And that is in very brief summary. Because as I said I am not good with words but that is what is in my mind and my soul.

And we will close this statement with praise to God, the Great and Almighty, and thanks to him and for his blessings upon us, for he does not forsake his faithful servants. This and Praise be to God, and peace and prayers be upon the noblest of the prophets and messengers, our master Mohammed, May God's peace and prayers be upon him.

And thank you.

Presented by/Sultan Sari Sayel Al Anazi

¹ Expression meaning "at our expense".

² Expression meaning "set me free".

وزارة الدفاع

مكتب هيئة مراجعة حوز الأعداد المعاملين بالعامدة البحرية الأمريكية

بجوانا نامس بكي، كيا

من: الضابط المشرف

إلى: النازي، سلطان ساري صايل.

بواسطة: الضابط العسكري المساعد

الموضوع: مُعْطَس الأزالة الغير سريّة المُقَدِّمة إلى الهيئة الإدارية للمراجعة في قضية النازي،

سلطان ساري صايل

١- سَمْعِد هيئة إدارية للمراجعة تُراجع قضيتك تُقرر هل من الضروري إستمرار إحتجازك.

٢- الهيئة الإدارية للمراجعة ستقوم بمراجعة شاملة لكل المعلومات المتعلقة بقضيتك و من المقول تواجدها. في نهاية هذه المراجعة، الهيئة ستقترح على: (١) إطلاق سراحك إلى وطنك أو إلى وطن ثالث، (٢) نقل إلى وطنك أو إلى وطن ثالث، مع الشروط المُتفق عليها من قبل الولايات المتحدة و وطنك أو الوطن الثالث، (٣) إستمرار إحتجازك تحت سيطرة الولايات المتحدة.

٣- الموامل الأساسية التالية تُفَعِّل إستمرارية الإحتجاز:

أ- الإلزام:

١- سافر المحقون من السوروية المريبة؛ باحرين، كرانشي؛ باكستان؛ كويتا، باكستان؛ كاندمل، أفغانستان؛ جلاباد، أفغانستان وأخيراً كابل، أفغانستان.

000438

Enclosure (٤)

EC-C

Page 4 of 7

٢- ألتقى المحتجز بعضو من منظمة أساسها إسلامي، جماعة التبليغ، الذين أقنعوه بالسفر إلى أفغانستان.

٣- جماعة التبليغ، منظمة إسلامية تبشيرية مقررة في باكستان التي كانت تستعمل كغطاء لإخفاء السفر والحركات الإرهابية بضمنها أعضاء من منظمة القاعدة.

٤- صرّح المحتجز أنه لم يكن له أي سبب محدّد للسفر من السعودية العربية إلى أفغانستان ولكن هو أحسّ بحاجة للتغيير في حياته. أخيراً قرّر أن يذهب إلى باكستان، شارحاً أنه كان سابقاً في أغلبية الدول التي تتكلّم بالعربية (مصر، سوريا ولبنان).

ب- العلاقات/ الإرتباطات:

- ١- وُجد إسم المحتجز في لائحة عن "حساب أئتمان" لمجاهدين القاعدة الذي وُجد في مدهامة على بيوت أمان للقاعدة في باكستان، ١١ سبتمبر ٢٠٠٢ و ١ مارس ٢٠٠٢.
- ٢- لسبب إرتباطات المحتجز مع عملاء معروفين للقاعدة كان إسم المحتجز مزوّد بسلطة مقدّماً للوضع في قائمة المراقبة للإدارات الحكومية للولايات المتحدة المخصصة.
- ٣- سمّ المحتجز ورقمه الهاتف كانوا في قائمة استرذّت في مدهامة بيت أمان مترابط مع متهمين القاعدة في باكستان.
- ٤- إسم قائد مجموعة المحتجز في تورابورا زوير. كان زوير عضو من جماعة التبليغ وقُتل في تورابورا بالقصف من قوأت الولايات المتحدة.

ت- اللية:

- ١- جاء المحتجز إلى أفغانستان للتدريب لكن جميع المدريّات كانت مغلوقة عندم وصل.
- ٢- قال المحتجز تعبيرات ضدّ أميركانطالباً أن يكون جهاد خصوصي في أمريكا حتى أن يموتون جميع الأميركيين أو يسلمون. هذا لأن أمريكا تنهّد اليهود والكفر. قال

كذلك أنَّ واجب كل رجل مسلم أن يذهب للقتال في الجهاد ويكون مجاهد. هدف المحتجز أن يذهب إلى العربية السعودية إذا أُطلق صراحه ويدخل مع الجيش إلا للترتيب ويتوقف .

ث- معلومات أخرى ذات صلة:

١- حرب المحتجز من مركز زلير في نندابورا في نوفمبر ٢٠٠١ وجرح في قصف جوي.

٢- قبض المحتجز بلقوات التحالف عندما كان يتماثل للشفاء في موقع غير معروف بعد القتال في ناحية تورابورا .

٣- عندما سُجن في سجن سراپورا في أفغانستان تعاون المحتجز مع مسجونين آخرين لحزن أحوال في فراشات ومباكل السريد في زرتة.

٤- المواصل الأساسية التالية تُفضل إطلاق السراح أو التحويل:

أ- ليع المحتجز بإصرار أنه لم يذهب أبدًا إلى أفغانستان لسبب الفتوة أو القتال في الجهاد. لم يكن مجتد ولم يستلم مساعدة مالية أو سوقية في السفر من المربية السمودي إلى أفغانستان، صرّح أنه لم يستلم أبدًا تدريب عسكري، لم يعرف أي طالبان أو أعضاء من القاعدة وليس له معرفة عن تدريب الطالبان أو القاعدة.

ب- عندما نُقل على هجمات ١١ سبتمبر، ٢٠٠١ صرّح المحتجز أنَّ قتل الأبرياء، وبالمخصوص النساء والأطفال، هو ضدّ تعليم الإسلام، وصرّح كذلك إذا كان لك عددٌ يقتل ذلك بالخطيئ. لا تعمل العرب ضدّ المدنيين.

ث- صرّح المحتجز أنه لم يعتبر أبدًا على الجهاد في أمريكا. يجب أن يكون هناك سوء الفهم لأنه لم يؤمن في قتل أحد بوضوح لأنه لم يكن مسلم.

ث- علق المحتجز محتجاً على واجب المسلم للجهاد ورغبته لقتال الغير مؤمنين والأمر بكان. قال المحتجز أي تعلقات فعلت من قبل كانت خاطئة في الترجمة.

هـ- سَتُمنَح لك فرصة مَعقولة لِتُسمِع و لِتُقَدِّم مَعْلومات للهِبَةِ؛ و هذه تَشتمَل فُرصة الحضور
شخصياً في الجلسة. الضابط العسكري المساعد ليس في صالح أو ضد إستراتيجية
الإحتجاز كما أن الضابط العسكري المساعد لا يُمكن أن يُشكِّل علاقة سِرِّية معك أو يُمَثِّلك
في أى شأنٍ آخر.

00044D

ENCLOSURE (4)
EAC
D. J. H. H.

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 310

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

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

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

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

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

The DMO stated that a copy of these exhibits had been previously distributed to the AMO and Detainee.

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

The Presiding Officer asked the DMO for any further unclassified information.

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

ISN 310
Enclosure (5)
Page 1 of 2

UNCLASSIFIED//~~FOUO~~

000441

UNCLASSIFIED//FOUO

The Presiding Officer acknowledged the request.

When asked if the AMO had any information to present on behalf of the Detainee to the Administrative Review Board, the AMO stated that he previously submitted a summary of the interview. The AMO then verbally summarized the Detainee's comments during the interview.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U.S. Army
Presiding Officer

UNCLASSIFIED//FOUO

ISN 310
Enclosure (5)
Page 2 of 2 000442

UNCLASSIFIED//FOUO

Summary of Administrative Review Board Proceedings for ISN 163

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

The Designated Military Officer stated that a copy had been previously distributed to the AMO and detainee.

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

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

ISN 163
Enclosure (5)
Page 1 of 2

UNCLASSIFIED//FOUO

000443

UNCLASSIFIED//FOUO

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he had nothing to submit.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, USMC
Presiding Officer

ISN 163
Enclosure (5)
Page 2 of 2

000444

UNCLASSIFIED//FOUO

UNCLASSIFIED//FOUO

Summary of Administrative Review Board Proceedings for ISN 565

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Certification, Exhibit DMO-2 and the Department of Homeland Security Terrorist Reference Guide, Exhibit 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 Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board.

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

ISN 565
Enclosure (5)
Page 1 of 2

UNCLASSIFIED//FOUO

000445

UNCLASSIFIED//FOUO

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he would like to read his comments from Exhibit EC-B that pertain to the Review Board interview.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



/Colonel, USMC
Presiding Officer

ISN 565
Enclosure (5)
Page 2 of 2

UNCLASSIFIED//FOUO

000446

UNCLASSIFIED//FOUO

Summary of Administrative Review Board Proceedings (with Detainee present)

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

The Designated Military Officer presented the Unclassified Summary of Information, Exhibit DMO-1, DMO-2, the FBI Redaction Memorandum and DMO-3, the Terrorist Organization Reference Guide to the Administrative Review Board.

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

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

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

The Presiding Officer acknowledged the request.

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

ISN 894
Enclosure (5)
Page 1 of 13

UNCLASSIFIED//FOUO

000447

UNCLASSIFIED//FOUO

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

The Detainee accepted taking the (Muslim) oath.

The detainee made the following statement:

Detainee: First thing, you have classified me as an Enemy Combatant and I hope [that] the board truly was fair. If you were mistaken in classifying me as an Enemy Combatant then I hope that you do not make a mistake again and classify me as a threat. That's all I have.

Presiding Officer: Do you have more to say?

Detainee: I don't have anything. All these accusations are lies and they are not true. That is it. That is all I have. I am a sick person. Is it possible for a person in my physical condition...you have my file. I am a person who cannot take prison life. I have a heart condition. I've been here for three years...it is unbelievable...three years in this place and they still haven't figured what is wrong [with me]. I've suffered from a lot of hardship in prison and I'll say this once again; if you were mistaken in classifying me as an Enemy Combatant before, I ask of you not to make a mistake again and classify me as a threat. I am a person who doesn't have anything that you have written about me. I am a person who is against killing civilians...who is against terrorism...who is against fighting...shouldn't it be that the United States that has a lot of rational people can differentiate between a terrorist and a non-terrorist? That's it. That is all I have.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Are you well enough to answer some questions from us?

Detainee: My health is not good.

The AMO had no further questions for the Detainee.

The DMO had no further questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: If this is not too difficult for you, I would appreciate for you to respond to my questions. Perhaps this won't be too tiresome to respond to. I am aware you may have answered these questions previously to interrogators but I would like to hear your answers today. First, when did you arrive in Pakistan?

Detainee: I do not remember.

ISN 894
Enclosure (5)
Page 2 of 13

UNCLASSIFIED//FOUO

000448

UNCLASSIFIED//FOUO

Board Member: [You do not remember] the year...the month...nothing at all?

Detainee: These are old things.

Board Member: These are old things in that you choose not to answer or you do not remember the answer?

Detainee: I do not remember but even if I did remember what is the problem if I don't answer?

Board Member: In my opinion, our duty today is to make an assessment [on] whether you remain a threat to America. If you choose not to answer, you complicate the ability of us to do that. Do you remember when you arrived in Jalalabad?

Detainee: Same thing.

Board Member: [You] don't remember?

Detainee: No.

Board Member: Have you ever heard of Khaldan Camp?

Detainee: I didn't hear [of it]. I only heard [of it] here in Cuba.

Board Member: You had never heard of the term 'Khaldan Camp' prior to coming to Guantanamo?

Detainee: [I] did not hear [of it].

Board Member: On the Unclassified Summary of Evidence it says that you admitted some time ago associating with various amounts of terrorists when you were in Jalalabad, is that true or are you denying that?

Detainee: Not true.

Board Member: Where were you when you got arrested and brought to Guantanamo?

Detainee: In Pakistan.

Board Member: Do you know why you were arrested?

Detainee: I do not know.

Board Member: In other words, the Pakistani authorities just arrested you without any reason?

UNCLASSIFIED//~~FOUO~~

Detainee: Without any reason...because I was [an] Arab and I was in Pakistan and there was a problem.

Board Member: What was the problem?

Detainee: In Pakistan there was a problem...they were arresting any Arab.

Board Member: How long were they arresting Arabs?

Detainee: I heard they were arresting Arabs since I entered Pakistan.

Board Member: How long had you been in Pakistan before you were arrested?

Detainee: I was living in Pakistan...(inaudible).

Board Member: You had been in Pakistan for a long period of time...a year perhaps...more?

Detainee: More.

Board Member: Did you have a Pakistani visa or passport that showed your credentials?

Detainee: Yes.

Board Member: If you knew [that] the Pakistanis were arresting Arabs why did you remain in Pakistan?

Detainee: I tried to leave but I could not.

Board Member: Why couldn't you leave? What stopped you from leaving?

Detainee: The situation was a little difficult.

Board Member: Can you please explain more?

Detainee: I don't have anything to explain...you know how the situation was in Pakistan.

Board Member: No, I don't know.

Detainee: The problem that happened.

Board Member: What problem?

Detainee: Capturing any Arab that they [saw].

Board Member: What can you tell us about the Tunisian Combatant Group?

ISN 894
Enclosure (5)
Page 4 of 13

UNCLASSIFIED//~~FOUO~~

000450

UNCLASSIFIED//FOUO

Detainee: I'm not aware of a Tunisian Combatant Group. I did not hear about this.

Board Member: So, you'd never heard of it before?

Detainee: I didn't hear about it and I do not think that there is such a thing.

Board Member: The report says that you used approximately fifty different names...is that true?

Detainee: These are problems that I had in Italy. Are you trying me for them? I've already dealt with them. You wish to try me because of that (inaudible). But this is not true that I used fifty names.

Board Member: How many names did you use?

Detainee: I don't know. These are small problems that I had in Italy. What brought this into this?

Board Member: Establishing a baseline of identity.

Detainee: My identity...I am a normal person...I don't have any problems and you know that yourselves.

Board Member: About your passport...you were listed as having an illegal passport.

Detainee: Not true.

Board Member: Where is your passport now?

Detainee: It was lost.

Board Member: Is it in the name of Mohammed Abdul Rahman?

Detainee: My passport?

Board Member: Yes.

Detainee: No.

Board Member: Do you recall what name it is in?

Detainee: My correct name.

Board Member: And that is?

Detainee: You have my real name. Why are you asking about these things?

ISN 894
Enclosure (5)
Page 5 of 13

UNCLASSIFIED//FOUO

000451

UNCLASSIFIED//~~FOUO~~

Board Member: The truth?

Detainee: The truth is [that] this is not my real name. I gave you my correct name [and] you gave me this name.

Board Member: You gave us Mohammed Abdul Rahman.

Detainee: I did not give you Mohammed Abdul Rahman.

Board Member: For the record, I asked you to pronounce your name when we first came here and you said Mohammed Abdul Rahman.

Detainee: That is the name I am known by with you.

Board Member: And you are unwilling to give us your other name?

Detainee: I'll give it to you...I don't have a problem. The problem is [that] here in the interrogations any information they get on you, they write it down as an accusation. This is not right!

Board Member: Mr. Rahman, we are not interrogators. This is an Administrative Review Process. We would like to have your true name.

Detainee: These accusations...all of them...where did you get them?

Board Member: From a compilation of interviews and interrogations and outside sources.

Detainee: What are these sources that brought these charges?

Board Member: I don't want to disclose those. I can't. We need to hear your true name.

Detainee: My name is Lutfi.

Board Member: Just Lutfi or...

Detainee: Lutfi Bin Ali.

Board Member: Mr. Lutfi or Mr. Bin Ali?

Detainee: Lutfi.

Board Member: Thank you. Lutfi, did you have a home in Jalalabad where Arab guests stayed overnight?

Detainee: Not true.

ISN 894
Enclosure (5)
Page 6 of 13

UNCLASSIFIED//~~FOUO~~

000452

UNCLASSIFIED//~~FOUO~~

Board Member: Lutfi, is the government of Italy interested in you for past crimes?

Detainee: What do you mean interested? I do not understand?

Board Member: Are law enforcement agencies interested in you...are they looking for you?

Detainee: Looking for me? For what? They are not looking for me!

Board Member: Lutfi, can you tell me about your behavior in Camp Delta?

Detainee: What camp?

Board Member: Here. Guantanamo.

Detainee: My behavior [is] normal.

Board Member: Have you been respectful towards the guards?

Detainee: Naturally.

Board Member: And they have been respectful to you?

Detainee: Of course there are small problems...that's normal.

Board Member: You mentioned that you are not healthy or well. Can you explain what the health issue is?

Detainee: I have heart disease. I had an operation done [to] my heart previously.

Board Member: You are a young man to have heart trouble.

Detainee: This is a matter for God.

Board Member: Is there anything in the summary of evidence that is true?

Detainee: I do not understand.

Board Member: The summary of evidence that was read to you; which the AMO gave you a copy of, is there anything in that at all that is true?

Detainee: I did not see anything [that was] true.

Board Member: Did the AMO give you a copy?

Detainee: He gave me a copy.

ISN 894
Enclosure (5)
Page 7 of 13

UNCLASSIFIED//~~FOUO~~

000453

UNCLASSIFIED//~~FOUO~~

Board Member: Did you read it?

Detainee: Yes.

Board Member: Is there anything in it that is truthful?

Detainee: I don't remember what was in it exactly.

Board Member: It was read to you a while ago...do you remember any statement that is true?

Detainee: No, I don't remember. If you repeat it I might listen more closely.

Board Member: The reason I am asking is because it seems like you are denying all these statements. I just want to figure out which one is accurate and which one is not.

Detainee: If you tell me again I will tell you.

Board Member: We would like [a] yes or no [answer].

Designated Military Officer: The following primary factors favor continued detention:
1. The Detainee left Italy for Pakistan in 1998.

Detainee: Yes. I don't remember the exact year but approximately...

Designated Military Officer: 2. The Detainee lived in and traveled back and forth between Pakistan and Afghanistan until his detention in Quetta, Pakistan.

Detainee: True. One time I traveled to Afghanistan, not fifty times.

Board Member: Why did you go to Afghanistan?

Detainee: There was a campaign against Arabs so I went to Afghanistan out of fear that they would capture me.

Designated Military Officer: 3. The Detainee met Pakistanis from the ICI Mosque in Milan who were trying to recruit people to go to Pakistan and Afghanistan.

Detainee: Not true.

Designated Military Officer: 4. The Islamic Cultural Institute was known as the ICI. This mosque was shut down by Italian authorities for housing the Sami Essid Ben Khemais network, which is the core for the Tunisian Combat Group (TCG) in Italy.

Detainee: Not true.

ISN 894
Enclosure (5)
Page 8 of 13

UNCLASSIFIED//~~FOUO~~

000454

UNCLASSIFIED//FOUO

Designated Military Officer: 5. The Detainee frequented a Tunisian guesthouse while living in Jalalabad, Afghanistan.

Detainee: Not true.

Designated Military Officer: 6. The Tunisian guesthouse was operated by a Tunisian cell with possible ties to al Qaida.

Detainee: I do not know.

Designated Military Officer: 7. The Detainee stayed at a guesthouse, which is associated with individuals who have trained in al Qaida camps.

Detainee: Not true.

Designated Military Officer: Association, 1. The Detainee admitted associating with various known terrorists in Jalalabad and Kabul, Afghanistan.

Detainee: Not true.

Designated Military Officer: 2. The Detainee participated in establishing the Tunisian Combatant Group (TCG).

Detainee: Not true.

Designated Military Officer: 3. The Detainee was a member of the Tunisian Combatant Group (TCG) Advisory Council.

Detainee: Not true.

Designated Military Officer: 4. The Department of Homeland Security lists the Tunisian Combatant Group as a terrorist organization.

Board Member: He wouldn't have a way of knowing that...you can go on.

Designated Military Officer: Intent, The Detainee admitted to having an illegal passport.

Board Member: Not true.

Designated Military Officer: 2. The Detainee has an extensive criminal record with the Italian authorities.

Detainee: I have a few small problems...they like to make everything bigger...what is this extensive criminal record? I never killed anyone...or did anything.

Board Member: Did you serve time in jail or prison?

ISN 894
Enclosure (5)
Page 9 of 13

UNCLASSIFIED//FOUO

000455

UNCLASSIFIED//~~FOUO~~

Detainee: A short time, yes. [Does this mean that] anyone that goes to prison is a criminal?

Board Member: Depends on the nature of the charge.

Detainee: How many innocent people are in prison?

Board Member: I cannot answer. I don't know. It depends on whom you ask. Let's go back to...

Designated Military Officer: 3. The Detainee admits he has used over 50 aliases between 1988 and 1998.

Detainee: My file, my Italian file is with you. You can look at it and see.

Designated Military Officer: Intent, 4. The Detainee is reportedly a member of the Armed Islamic Group (GIA).

Detainee: According to you, you have placed me now in this Armed Islamic Group and the Tunisian group and another group. Is that possible...so many groups?

Designated Military Officer: Do you belong to any group?

Detainee: You're asking me this question? What is this group? I want to know what it is.

Designated Military Officer: It's a terrorist organization.

Detainee: Which organization? You have several organizations listed here...you are telling me that I am a member of all these organizations...how many organizations do you have listed here?

Board Member: Two.

Detainee: How can I be recruiting people here...a member of al Qaida there...and a member of this (inaudible)...just tell me I'm Usama bin Laden and that's it!

Designated Military Officer: Anything is possible with God.

Detainee: Some things are possible that can be comprehended by the mind and some things cannot be comprehended by the mind.

Board Member: Yes or no.

Detainee: Not true

ISN 894
Enclosure (5)
Page 10 of 13

UNCLASSIFIED//~~FOUO~~

000456

UNCLASSIFIED//FOUO

Designated Military Officer: Training, The Detainee was conscripted into the Tunisian military at around the age of 20; and served one-year mandatory service in Tunis, Tunisia. The Detainee learned to fire a rifle while in the Tunisian military but did not receive any other type of formal military training.

Detainee: I have a question. Is this an accusation?

Board Member: It's a statement about your time in the Tunisian military.

Detainee: Yes, true.

Board Member: He already answered the questions about Khaldan camp...that he didn't hear about it until he got here to Guantanamo.

Detainee: True. I heard of camps but I hadn't heard of this camp.

Board Member: Which camps had you heard of?

Detainee: Just general information...that people used to train at camps...

Board Member: Can you name them?

Detainee: No names.

Designated Military Officer: 4. The following primary factors favor release or transfer:
A. The Detainee says he was not in Pakistan for jihad and no one he associated with was involved in jihad.

Detainee: True words.

Designated Military Officer: B. The Detainee denied knowing any terrorists in Italy and denied being a terrorist.

Detainee: True.

Designated Military Officer: C. The Detainee states that he went to Afghanistan because the Pakistani government started a campaign against Arabs.

Detainee: Correct.

Board Member: OK, again, you only went to Afghanistan once?

Detainee: Yes.

Board Member: So why did you go back to Pakistan?

Detainee: I went back...I wanted to return and get out...to get out of Pakistan.

ISN 894
Enclosure (5)
Page 11 of 13

UNCLASSIFIED//FOUO

000457

UNCLASSIFIED//FOUO

Board Member: OK, you went from Pakistan to Afghanistan because Arabs were being arrested in Pakistan.

Detainee: Yes.

Board Member: OK, but then you went from Afghanistan back in to Pakistan?

Detainee: Yes.

Board Member: I thought you were getting out of Pakistan...I thought you wanted to be out of Pakistan...why did you go back?

Detainee: What is the question? I don't understand.

Board Member: You fled Pakistan because you wanted to get out of Pakistan because Arabs were being arrested so you went to Afghanistan...

Detainee: Yes.

Board Member: Now, the question is why did you go back to Pakistan?

Detainee: I went back because I wanted to leave Pakistan...to leave Pakistan you had to leave Afghanistan and go through Pakistan.

Board Member: But you never answered the question. There appears to be some confusion in answering the question because...we understand that you were originally in Pakistan and because of some conflicts you moved into Afghanistan...but you were arrested in Pakistan which means that you moved back to Pakistan...why did you go back into Pakistan if there problems with Arabs being arrested in Pakistan?

Detainee: It was a long time that I spent in Afghanistan. The campaign was over and I tried to go back to Pakistan to put all my affairs in order so that I could leave. You could leave from Pakistan but you cannot leave from Afghanistan. That's it. In Pakistan, for a while there was a campaign against Arabs and then that was it.

Board Member: Mr. Lutfi, can you present any more information to convince us [that] you are no longer a threat to the United States?

Detainee? I do not present a threat...I am a poor person...I am a sick person...only maybe my presence was a mistake in Pakistan and that I admit to but people make mistakes. I tried to get out of Pakistan but luck wasn't on my side. And that's it...I do not pose a threat. I am against terrorism...I am against the killing of innocent people...I live a normal life. I do not like problems. That's it.

Board Member: So if you were released or transferred, what would you do? Where would you go?

ISN 894
Enclosure (5)
Page 12 of 13

UNCLASSIFIED//FOUO

000458

UNCLASSIFIED//~~FOUO~~

Detainee: I will find a job...open something...find something...lead a normal life.

Board Member: Mr. Lutfi, you have spent more time being confined and now we need to consider what to recommend in your situation. What do you want us to remember?

Detainee: To remember?

Board Member: Yes.

Detainee: I don't understand.

Board Member: Mr. Lutfi, what should we remember about you?

Detainee: What do you mean 'remember about me'? I don't understand.

Board Member: You are going to be taken out of this room when we finish the unclassified part of this hearing. We should remember certain things about you. What should they be?

Detainee: You have everything that I gave you. I am a normal person. I want to live a normal life. I don't have a problem against the United States. I don't have a problem with any other country. I am a normal person just like any of you people. I think my time as a Detainee here has been enough. It should do.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Colonel, USA
Presiding Officer

ISN 894
Enclosure (5)
Page 13 of 13

UNCLASSIFIED//~~FOUO~~

000459

UNCLASSIFIED//FOUO

Summary of Administrative Review Board Proceedings for ISN 193

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

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

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

The Presiding Officer acknowledged the request.

ISN 193
Enclosure (5)
Page 1 of 9

UNCLASSIFIED//FOUO

000460

UNCLASSIFIED//EQUO

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

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

Assisting Military Officer: Sir, the Detainee has asked me to read his comments regarding the unclassified summary of evidence and he may wish to add additional oral comments.

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

The Detainee accepted taking the Muslim oath.

Presiding Officer: Assisting Military Officer please read the Assisting Military Officer's comments and [the] Detainee comments from the Enemy Combatant Election Form. If he wishes to add to that, that will be fine.

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

Presiding Officer: Muhsin Muhammad Musheen Moqbill did the Assisting Military Officer's statement provide the information [that] you wanted us to hear?

Detainee: He did not add or take [away] anything. Whatever I said he represented perfectly.

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

The Designated Military Officer requested clarification of a comment made by the Assisting Military Officer.

Designated Military Officer: You (referring to the Assisting Military Officer) said he may have a statement to make?

Assisting Military Officer: No, I said he may wish to add comments to what I [present].

Designated Military Officer: Oh, okay. I just want to be clear that his (referring to the Detainee) comment that he (referring to the Assisting Military Officer) just said was the only oral statement he (referring to the Detainee) wanted to make.

Assisting Military Officer: That is everything unless he has something he would like to add now about those comments.

ISN 193
Enclosure (5)
Page 2 of 9

UNCLASSIFIED//EQUO

000461

UNCLASSIFIED//~~FOUO~~

Detainee: I have nothing further to add.

The Designated Military Officer had the following question:

Designated Military Officer: Can you explain a little bit [about] your relationship with Ibrihim Baalawi?

Detainee: I first met him at [a] mosque and my relationship with him was about religion. After I met him at the mosque, he started talking to me about fatwa and about me going to Afghanistan. He started explaining to me [that] this is an Islamic country [and] if [I had] any means of help[ing] [I] can go to Afghanistan and help the people there. Fatwa means [from my] understanding [to give] anything that you can give from your knowledge, money [or] anything [that] you can [give to] help. Any kind [or] means of help [or] by going to Afghanistan that's what [I] mean by fatwa and jihad.

Designated Military Officer: Thank you.

Presiding Officer: Mr. Moqbill, thank you for appearing before this board today. Your appearance here is a sign to us that you are as interested in your own freedom as we are in finding out whether or not you still pose a threat to the United States. We are not going to interrogate you but we do have some questions that need to be answered.

Detainee: Very good.

Presiding Officer: The overriding factor here is the truth and when you leave here we want to know that you told us the truth.

Detainee: I have given you the truth and I will give you the truth, nothing else.

Presiding Officer: Okay.

Administrative Review Board Member's questions:

Board Member: Based on your comments to the Assisting Military Officer, I understand that while you were at Al Farouq, you were not trained by the head of the camp [but] instead you were trained by the head trainer. Were you personally trained by the head trainer?

Detainee: All I know [is that] he is an ordinary person who trains people. I have no idea or I had no idea [that] he was [the] head of [the] training camp or anything else for that matter. All I know [is that] he is somebody that trains people. [He trains] who ever gets into that camp.

Board Member: So it was standard for the head trainer to personally train individuals?

ISN 193
Enclosure (5)
Page 3 of 9

UNCLASSIFIED//~~FOUO~~

000462

UNCLASSIFIED//~~FOUO~~

Detainee: I was told by him that [he was] an ordinary person, a regular person, [and he] train[ed] people. [He trained] whoever [came to the camp].

The Linguist stated that the head trainer personally told this to the Detainee.

Board Member: Okay. All right. Mr. Moqbill, one of the options that we are going to consider is to potentially release you to your home country or a third country. Okay, let's assume that you are released and upon your release you are approached by a recruiter for a terrorist organization, how are you going to handle that?

Detainee: As far as I am concerned, if I found out that this person is related to any terrorism organization or any other organization I would not talk to him. I would not have any connection with him. I [have] already made [a] mistake and I [have] already [served] my time here. I would never get involved with anybody like that.

Board Member: Thank you. No further questions.

Board Member: I have some questions. First like my colleague, the Presiding Officer, I truly appreciate you being here today with us. I understand that this is a stressful situation for you and perhaps my questions won't upset you too much. What is your current age?

Detainee: Twenty-four years old.

Board Member: What is the highest education level you've completed?

Detainee: High school.

Board Member: High school?

Detainee: My highest education is high school.

Board Member: Prior to leaving for Afghanistan did you live at home with your parents?

Detainee: Yes, I resided with my family.

Board Member: Is your father...what is the occupation of your father?

Detainee: My father works in [a] general construction company. [A] construction and development [company].

Board Member: Do you respect the religious beliefs of other people and nationalities?

Detainee: Yes, I do.

Board Member: You were in Yemen when you heard about the fatwa issued by Baalawi encouraging people to participate in jihad, is that correct?

ISN 193
Enclosure (5)
Page 4 of 9

UNCLASSIFIED//~~FOUO~~

000463

UNCLASSIFIED//~~FOUO~~

Detainee: Yes, I was in Yemen.

Board Member: You were living with your father and your family at that time?

Detainee: Yes, sir.

Board Member: Did you discuss your intentions to travel to Afghanistan for jihad with your father prior to leaving Yemen?

Detainee: Never. I never told anybody anything.

Board Member: You were nineteen at this time, nineteen [or] twenty?

Detainee: Yes, sir.

Board Member: Your father is a Muslim also?

Detainee: Yes, sir.

Board Member: Your father is a wise man and an intelligent and educated man?

Detainee: He was an ordinary man. He's not the smartest.

Board Member: But you respect your father.

Detainee: Yes, I do.

Board Member: Why would you not speak to him regarding a decision that is so profound, to travel [and] leave your homeland and participate in jihad in a foreign country? Why would you not talk to your father about that, seek his guidance and his opinion?

Detainee: I know [that] if I [had] discuss[ed] this matter with him [about] me going to Afghanistan he [would] not have allow[ed] me to go, so I did not discuss it with him.

Board Member: Perhaps in hindsight that was not a very good decision.

Detainee: That's true.

Board Member: A moment ago you stated that obeying a fatwa or jihad means only giving what you can. If that's so, why did you immediately attend training at Al Farouq as soon as you got into Afghanistan? Why did you seek training as a warrior instead of trying to give what you could as an intellectual or as a charitable person?

Detainee: I never said I wanted to help intellectually, the fatwa stated so. Fatwa will tell people, if you want to go to Afghanistan....when somebody issue[s] [a] fatwa, [it] means

ISN 193
Enclosure (5)
Page 5 of 9

UNCLASSIFIED//~~FOUO~~

000464

UNCLASSIFIED//~~FOUO~~

[that] you can go and help in any means [that] you want. I did not say I want[ed] to go help intellectually.

Board Member: I understand; therefore, your intention was to become a fighter all along?

Detainee: Yes, I went to fight for a while and then go back to my country.

Board Member: Fight for a while? What is the definition "of a while"? I don't understand.

Detainee: Yeah, my intention was to just go and fight for a few months and then go back to my country, eleven to twelve months.

Board Member: I'm confused. The fatwa called for jihad - and your friend, Abu Khloud, explained to you that this jihad was intended to form a true Muslim state, and moments ago you said you respect the beliefs of other people and their religious beliefs. And you said that you intended to go fight as a warrior as soon as you traveled to Afghanistan. What has changed to make you no longer think that is appropriate?

Detainee: First of all, the fatwa for [my] understanding calls for [a] jihad. A jihad means in [my] understanding, in fatwa's understanding, that either you can help if you have money [or] you [can] help within yourself. [You can help] with yourself like sacrificing yourself for fatwa or anything else you have. So [I] decided to go to the front line to fight. Money, I don't have, so I decided to go and fight.

Board Member: When did you become remorseful regarding your choice to participate in jihad?

Detainee: After I finished my high school graduation and I talked to Abu Khloud. He discussed fatwa with me and then I decided to go.

Board Member: No, my question was when did [you] start regretting [your] decision to participate in jihad?

Detainee: First, I was thrown in jail and as human nature, it's just normal human nature [for] you [to] get enthusiastic at first. After I was thrown in jail I started regretting it...like why did I do this?

Board Member: Thank you very much. I have no other questions, sir.

Designated Military Officer: Sir, I have one more question when you think it is appropriate.

Presiding Officer: Why don't you go ahead.

ISN 193
Enclosure (5)
Page 6 of 9

UNCLASSIFIED//~~FOUO~~

000465

UNCLASSIFIED//FOUO

Designated Military Officer: Okay. This Board Member asked you if you were released how you would react if you were approached by a member of a terrorist organization. If you are in that situation and a new Sheikh or religious leader called for a fatwa, how are you going to react to that? Is it going to be differently than you did previous[ly]?

Detainee: I will never go along or agree with any other fatwa anymore. There are so many Sheiks now from Saudi Arabia and they recalled all their fatwas.

The Linguist explained that the Detainee meant that all of the Sheiks have changed their opinions about the rules of fatwa, it's obsolete [and] it doesn't work anymore.

Detainee: If you want [to have] proof of that, there is a video right now, [a] videotape on the island [and I] can provide it for you and [you can] listen to it. [I am] not going to answer to a fatwa anymore.

Presiding Officer: [You] can provide us a video?

The Linguist stated, "A videotape, it's here on the island [presented] by all the Sheikhs, Saudi Sheikhs, they [have] recalled all fatwas, [stating] that [it] was wrong to do".

Designated Military Officer: Okay, but that's not my question. Let's say a year from now [that] they decide they [could] issue fatwa's again. So now a fatwa is issued, calling for people to go on jihad, now what are you going to do?

Detainee: Well, I speak for myself, I will not answer any fatwa. I don't care what fatwa comes up, when [or] where, I will not answer any fatwa anymore. I've had [a] bad experience and that is the lesson. My being here in prison, that is the lesson [that] I [have] learned. I will not answer to any fatwa whatsoever.

Designated Military Officer: Thank you sir...thank you.

Presiding Officer: Mr. Moqbill, thanks for being patient with us. Your situation is different now then it was five years ago when you answered the first call to jihad. You are older and wiser, but you are also highly trained in weapons of war and have been in a situation of conflict, that makes you one to be reckoned with...

The Linguist wanted the statement "one to be reckoned with" explained to her.

Presiding Officer: ...that gives you elevated status.

The Linguist requested the Presiding Officer to repeat his statement.

Presiding Officer: [You are] older and wiser. [You are] now highly trained on weapons of war. [You have] been to a conflict; a war [and] others are going to come to [you] for advice. What advice would you give?

ISN[193]
Enclosure (5)
Page 7 of 9

UNCLASSIFIED//FOUO

000466

UNCLASSIFIED//FOUO

Detainee: [For] my advice to them, I would say stay in your country, stay with your family [and] stick with the right thing[s]. Because I have tried so, I've been through it and there's a saying, it says, [don't] ask a doctor [but] ask somebody who [has] been through it [by] experience. Don't go for a doctor [it is] like if you have a pain and I went through the same pain, I [have] walked through [that] same path. The saying says, okay, you can come and ask this patient and don't ask the doctor because the patient knows...he knows more than the doctor as far as this is here. So my advice to them [would be to] stick with your parents, stick with your country and do the normal thing[s].

Presiding Officer: Do you have any advice for other detainees here regarding their future or freedom?

Detainee: Normally we chat amongst each other, we see each other in the camp and we chat. Everybody has something different on his mind, but according to the fatwa that [was] issued lately, the recall, some of them regretted [their actions] and some of them, they said, okay, well they are the ones that issued the fatwa, so we went by what the fatwa said. It's up to every individual, but my advice to them is not to answer [any] fatwa.

Presiding Officer: Here's the last question. Can you assure this Administrative Review Board that you are no longer a threat to the United States and its allies?

Detainee: I have been in this prison for the last three and a half years. I have good conduct with everybody, all [of the] soldiers, all [of] the interrogators [and] all [of] the investigators. I have never carried a weapon against any American or any other human being and I have no problems whatsoever with anybody here or anywhere else. That's all I have to say.

Board Member: Sir, I've got one more question.

Presiding Officer: Okay.

Board Member: You said you would never answer [to] a fatwa again but in your mind is there anything worth fighting for?

Detainee: I realize that there is nothing whatsoever that would call for fighting.

Board Member: Not even protecting your family or defending your family?

Detainee: This is a different story, when somebody is going to intrude on you, you have to defend yourself. This is a different, totally different cause.

Board Member: 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.

ISN 193
Enclosure (5)
Page 8 of 9

UNCLASSIFIED//FOUO

000467


UNCLASSIFIED//~~FOUO~~

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U. S. Army
Presiding Officer

ISN 193
Enclosure (5)
Page 9 of 9

UNCLASSIFIED//~~FOUO~~

000468

UNCLASSIFIED//FOUO

**SUMMARY OF ADMINISTRATIVE REVIEW BOARD
PROCEEDINGS FOR ISN 240.**

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

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

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

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

UNCLASSIFIED//FOUO

Enclosure (5)
Page 1 of 2

000469

UNCLASSIFIED//~~FOUO~~

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

The Presiding Officer acknowledged the request.

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


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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U. S. Army
Presiding Officer

UNCLASSIFIED//~~FOUO~~

Enclosure (5)
Page 2 of 2

000470

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings (with Detainee present)

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

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

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

The Presiding Officer acknowledged the request.

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

ISN 368
Enclosure (5)
Page 1 of 10

UNCLASSIFIED//~~FOUO~~

000471

UNCLASSIFIED//FOUO

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

Assisting Military Officer: Sir, the Detainee has made comments in response to the Unclassified Summary of Evidence.

Presiding Officer: Proceed.

The Assisting Military Officer gave a brief description of the contents of Exhibit EC-B, the Enemy Combatant Election Form to the Administrative Review Board.

The Presiding Officer asked the Detainee if he wishes to make or present a statement.

Detainee: No.

Presiding Officer: No? Okay. Umran, did the Assisting Military Officer's statement provide us with the information that you wanted us to hear?

Detainee: Can you (referring to the linguist) repeat that?

The linguist once again repeated the Presiding Officer's question to the Detainee.

Detainee: No.

Presiding Officer: If his statement didn't provide the information [that] you wanted us to hear, do you have something that you would like to clarify?

Detainee: No.

The linguist requested to clarify the question to the Detainee.

Presiding Officer: Yes, try to clarify it for him because he might have misunderstood.

The linguist clarified the question for the Detainee.

Detainee: [I] want to talk about the training at the al Farouq camp.

Presiding Officer: If you would like to give us a statement that will be fine. I will just have one other question then if you are going to give us a comment on something you have said.

Detainee: Go ahead.

UNCLASSIFIED//FOUO

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

Detainee: [I] want to take the Islamic oath.

The Detainee accepted the Muslim oath.

Presiding Officer: Umran, you may begin.

The detainee made the following statement:

Detainee: [I] have just one thing that [I] want to talk about. [I want to talk about my] training at [the] al Farouq camp. [I am] ready to answer any question [that] you [may] want to ask.

Presiding Officer: Okay.

The linguist asked the Presiding Officer if the Detainee should begin.

Presiding Officer: If you have more that you would want to say to us, then say it now. We will have some questions for you once you are done with your comment.

Detainee: They are right when they said I left Saudi Arabia after nine-eleven, 11 September, [when] the United States start[ed] their bombardment. So how could I be there for training while the war [was] going on? That's all [I] want to say.

Presiding Officer: Thank you. Umran, does that conclude your statement?

Detainee: If I want[ed] to go for training I [would have] go[ne] before the war start[ed], not while the war [was]going on.

Presiding Officer: Thank you. Besides your comments, did the Assisting Military Officer's statement provide the information that you wanted us to hear?

Detainee: [Yes, for] all that I [can] remember because I don't have a good memory.

Presiding Officer: Thank you.

The AMO had no further questions for the Detainee.

The DMO had no further questions for the Detainee.

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

Board Members: Yes sir.

ISN 368
Enclosure (5)
Page 3 of 10

UNCLASSIFIED//FOUO

000473

UNCLASSIFIED//~~FOUO~~

Administrative Review Board Member's questions:

Board Member: Umran, what did you go to Afghanistan for?

Detainee: Teaching.

Board Member: Teaching what?

Detainee: [The] Koran.

Board Member: What qualified you to teach the Koran?

Detainee: [I] teach the Koran in Saudi Arabia. [I am] a teacher [that] teach[es] [the] Koran in Saudi Arabia.

Board Member: In the Assisting Military Officer's statement that he read, he said that no one told you about the CSRT.

Detainee: [I] don't remember.

Board Member: Okay. Did a U.S. military officer meet with you on 11 October of [20]04?

Detainee: [I] don't remember what I ate yesterday but I [do] remember [that] they brought me [here] one time.

Presiding Officer: That's a no!

Board Member: That means no.

Detainee: [I have] been in a meeting here one time before. [I] met with an Assisting Military Officer.

Board Member: With a different Military Officer (referring to the Assisting Military Officer currently sitting in the room)?

Detainee: Yes.

Board Member: [Was the individual] wearing this color (referring to the United States Air Force uniform), this color (referring to the United States Marine uniform) or that color (referring to the United States Army uniform)?

Detainee: Same (pointing to the United States Air Force uniform).

Board Member: Same as this (referring to the United States Air Force uniform) but [a] different person. Okay, so somebody did meet [with you].

ISN 368
Enclosure (5)
Page 4 of 10

UNCLASSIFIED//~~FOUO~~

000474

UNCLASSIFIED//FOUO

Detainee: Yes.

Board Member: But [you don't] know the purpose of that meeting.

Detainee: They told me [that] I [was an] enemy combatant.

Board Member: Okay, thank you. I don't have any other questions.

Board Member: Umran, when and where were you captured or arrested?

Detainee: In Pakistan.

Board Member: In the hospital in Pakistan?

Detainee: In a Saudi Red Crescent, Saudi hospital.

Board Member: So you were well enough that the Pakistanis took you out of the hospital at that time?

Detainee: No, [not] at all. Even the doctor he refused but they took [me] by force. He (referring to the doctor) said you can release anybody but not this one.

Board Member: When you taught the Koran back in Saudi Arabia was that in a public school or [a] private school?

Detainee: [I] teach the Koran in [a] Mosque and the Mosque has an authority from the government.

Presiding Officer: To teach you mean?

The linguist requested to have a dialogue with the Detainee to get a better understanding of what the Detainee wanted to convey.

The Presiding Officer informed the linguist that there could be a dialogue; however, the Administrative Review Board must be informed of the conversation that took place.

Detainee: There is a special organization which [is a] charity organization, [in] which they teach [the] Koran just for the Saudi people inside Saudi Arabia. They teach [the] Koran in the Mosque. Every Mosque has one or two teachers.

Board Member: So the charity pays you to teach?

Detainee: [I] don't get any pay. They don't pay [me] for this [because] what [I am] doing is [for] charity too. But they [do] pay for the teachers that come from outside [of] Saudi Arabia to teach [the] Koran in[side] Saudi Arabia.

Board Member: So what kind of work did you do so that you could support your family?

ISN 368
Enclosure (5)
Page 5 of 10

UNCLASSIFIED//FOUO

000475

UNCLASSIFIED//FOUO

Detainee: [I] was an imam in a Mosque and [I had] another job.

Board Member: What's the other job?

Detainee: When foreign companies [had] a contract inside Saudi Arabia [I] would go and make a follow-up with the employees. [I would] prepare official papers for the government.

Board Member: So you worked for the government doing that?

Detainee: [I] worked for the companies but [I] prepared all these things for the government.

Board Member: All right. Were there other teachers of the Koran in the refugee camp or were you the only one?

Detainee: I left Saudi Arabia by myself. I didn't see anybody in the camp or hear about...

Board Member: ...anybody else teaching?

Detainee: [I] didn't hear [or] see anybody.

Board Member: Was there a shortage of food and water in the refugee camp?

Detainee: There wasn't enough.

Board Member: There wasn't enough? [What about] shelter?

Detainee: No, because it was on the boarder with Iran.

Board Member: That's all the questions I have sir.

The Designated Military Officer made a motion to get the attention of the Presiding Officer.

Designated Military Officer: I have one question. He (referring to the Detainee) made mention of some things. Can I follow up with a question?

Presiding Officer: Sure, go ahead.

Designated Military Officer: You made mention of a charity organization that kind of funds the Mosque [where you] worked. Do you remember the name of the charity organization?

The linguist stated that the Detainee wanted it to be called an Association and not an Organization.

ISN 368
Enclosure (5)
Page 6 of 10

UNCLASSIFIED//FOUO

000476

UNCLASSIFIED//FOUO

Detainee: It's [an] Association of Teaching the Koran in Saudi Arabia and they have branches in every province in Saudi Arabia.

Board Member: Okay.

Board Member: But does it have a name?

The linguist confirmed the name (referring to The Association of Teaching the Koran).

Board Member: That's the name?

Presiding Officer: Just say it one more time (speaking to the linguist), Association....

The linguist confirmed the name of the association as "The Association of Teaching (the) Koran in Saudi Arabia."

Presiding Officer: (speaking to the linguist) So it would be like what we would call a State Teaching Association. That's the title?

The linguist gave confirmation that the Presiding Officer was correct.

Presiding Officer: (speaking to the linguist) That's what I am to assume, right?

The linguist confirmed once again.

Presiding Officer: Okay.

The Presiding Officer requested the linguist to translate their conversation to the Detainee.

Detainee: The main office was in Riyadh and they have branches in other provinces.

Presiding Officer: You mentioned that while you were in the camp after the bombardment you sustained shrapnel injuries. What injuries did you sustain; to what part of your body?

The linguist stood and turned his back to the Board Members, pointing just below his waistline towards the upper right side of his buttocks.

Presiding Officer: Your back? Your rear end?

The linguist confirmed that it was the Detainee's rear end.

Presiding Officer: Buttocks? Okay, that's all I am asking. You (referring to the linguist) can say it.

ISN 368
Enclosure (5)
Page 7 of 10

UNCLASSIFIED//FOUO

000477

UNCLASSIFIED//FOUO

Presiding Officer: You are identified as going to a training camp in al Farouq. You asked us to identify who what, when and where...good question, but isn't it true that you must train to fulfill your religious principles and duties?

Detainee: It's not.

Presiding Officer: It's not true? So, you do not have to train?

Detainee: According to [my] information, it is not [a] part of the religion [that I must] go and be trained.

Presiding Officer: Okay, thank you. You had mentioned you were helped to get across the border and you were turned back by Iranian officials. Can you identify who the individual was that helped you?

Detainee: A brother Afghani, I mentioned his name to the interrogator, but I forgot his name right now.

Presiding Officer: Do you remember when we mentioned your passport had altered stamps on it? How do you explain that the passport was altered with changes?

Detainee: I am sure [that] there [are] no altered stamps on my passport. You can bring my passport from Saudi Arabia and you can check it.

Presiding Officer: Is that where its at now?

Detainee: [I] handed it to the Saudi ambassador in Pakistan. In Quetta.

Presiding Officer: I'm sorry.

Detainee: [I gave my passport to a] Saudi ambassador to Pakistan.

Presiding Officer: That is whom you gave it to or that's where it was...?

Detainee: One of the ambassadors' assistant, he came to [me] and [I] gave him my passport. [I] found out later that the ambassador got [my] passport. There was a representative [or it was a] delegation and one of the representative[s] from that delegation, he told [me that] they [had] my passport.

Presiding Officer: Now this delegation, where was that delegation? Where was it that they told you about your passport? Was it here or was it in Pakistan?

Detainee: Yes, [it was] here.

Presiding Officer: Here?

Detainee: Yes.

ISN 368
Enclosure (5)
Page 8 of 10

UNCLASSIFIED//FOUO

000478

UNCLASSIFIED//FOUO

Presiding Officer: So that's where they told you that.

Detainee: Yes they said we received it.

Presiding Officer: Okay. Could you please explain to me about the assaults on the guards?

The linguist stated that he had to remind the Detainee of the allegation because he does not remember. The linguist asked for permission to help the Detainee remember.

Presiding Officer: Yes (answering the linguist request). It's in the Unclassified Summary where it talks about the assaults that he had on the guards.

The linguist read the allegation from the Unclassified Summary and the Detainee stated that he now remembers.

Presiding Officer: (speaking to the linguist) Could you please have him explain his comments, as to him saying how could he do that since he was in the hospital; although the guards keep records. There are records that the guards have told us about assaults that he has made and verbal assaults that he has made.

Detainee: My question is when? When [did] I assault them? If there were such a thing, they would write it down, the date [and] the time. I didn't get any punishment.

Presiding Officer: Well, they don't necessarily punish you for everything that they document. So...your question....go ahead...

Detainee: If you have [an] extra cup where you [are] stay[ing], you will get [a] punishment for that.

Presiding Officer: Extra cup?

Detainee: Yes. How about if I spread it on somebody?

Presiding Officer: (speaking to the linguist) Is he asking me, "how about if I spread it on somebody"?

Detainee: I will be punished if I have an extra cup where I live.

Presiding Officer: Okay.

Detainee: How about the allegation say[ing] [that] I spread something from that cup?

Presiding Officer: I am not sure why you are asking that question. That may be one of the charges that they have against you. I'm asking you to please explain why they are telling me that you throw food, milk, tea, water and body fluids on the MPs. You say that you can't do it because you are in the hospital, but that's not a good answer for me.

ISN 368
Enclosure (5)
Page 9 of 10

UNCLASSIFIED//FOUO

000479

UNCLASSIFIED//FOUO

Detainee: If that happened in the first two years and a half [that] I [have] been here, I was in the hospital. Six months after that I was in Camp Four. After that they punished me for one year. Why [did] they transfer me? [I] asked the interrogator and he said, "I don't know." [I] don't have anything between the guards and me. Why [would] I spread something on them? I don't have any problems with the guards.

Presiding Officer: So you never told them to die or you made threatening gestures towards them? You never did that?

Detainee: Never, never, never.

Presiding Officer: My last question, what refugee camp did you travel to?

Detainee: People move[d] from inside [of] Afghanistan and they came to the border in Tiback (ph), the border with Iran.

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

Assisting Military Officer: No sir.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Colonel, USMC
Presiding Officer

ISN 368
Enclosure (5)
Page 10 of 10

UNCLASSIFIED//FOUO

000480

UNCLASSIFIED//FOUO

SUMMARY OF ADMINISTRATIVE REVIEW BOARD PROCEEDINGS FOR ISN 434

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

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

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

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

UNCLASSIFIED//FOUO

Enclosure (5)
Page 1 of 2

000481

UNCLASSIFIED//~~FOUO~~

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he previously submitted a summary of the interview. The AMO then proceeded to summarize the detainee's comments during the interview.


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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U. S. Army
Presiding Officer

UNCLASSIFIED//~~FOUO~~

Enclosure (5)
Page 2 of 2

000482

Summarized Administrative Review Board Detainee Statement

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

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

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

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

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

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

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 began to read the items from Exhibit DMO-1. The following statements were made by the Assisting Military Officer on behalf of the Detainee taken from notes made by the Assisting Military Officer during the Administrative Review Board interview with the Detainee:

3.a.1. While in Afghanistan, the Detainee engaged in jihad in the Tora Bora region.

Detainee: These allegations are not true and were brought about by Moroccan interrogators. I was actually fleeing from death and riots in Kandahar. I was fleeing to escape Afghanistan to Pakistan in an effort to return to my own country.

3.b.1. The Detainee participated in weapons training in the mountains north of Kandahar, Afghanistan, where he learned how to operate and clean an AK-47.

Detainee: I did receive training on how to clean and use an AK-47 but it was in the mountain area I was in immediately prior to leaving Afghanistan for Pakistan and not when I was in the mountains north of Kandahar. I never fired my weapon at anyone, not even for hunting. I received the AK-47 from an Arab that I was traveling with who gave it to me so I could defend myself. The same Arab also taught me how to operate it and clean it.

ISN 160
Enclosure (6)
Page 1 of 7

3.b.2. The Detainee attended training at a terrorist training camp.

Detainee: I never attended training at a terrorist training camp.

3.c.1. The Detainee affiliated himself with Muslim fighters in Afghanistan.

Detainee: This is not true. During my attempt to flee Afghanistan into Pakistan, Afghans who were looking to kill Arabs blocked the road that I was traveling on and so I had to take another route through the mountains. I coincidentally found myself with other Arabs who were also fleeing Kandahar to Pakistan and they provided me with food and water. I had no other means of surviving without them. I was not aware that these people might have been Muslim fighters. They were not carrying any weapons and I did not know any of them personally.

3.c.2. The Detainee admitted he tried to join with other Arab fighters prior to the commencement of the Coalition air raids.

Detainee: I never admitted that I tried to join with other Arab fighters prior to the commencement of the Coalition air raids. This allegation is a lie.

3.c.3. The Detainee was captured while attempting to escape to Pakistan with other Arab fighters.

Detainee: The people that I was traveling with while fleeing Afghanistan were Arabs and Afghans traveling through the mountains seeking a village near a mountaintop in Afghanistan but near the Pakistan border. One of the people that I was traveling with had connections with people in that village who knew people in Pakistan who could provide us passports to our country. However, after traveling on foot with them for seven or eight days, I became tired and stayed behind in the mountains while the remainder of the group traveled on. Not long afterward I was captured by Pakistani authorities. I was alone when I was captured.

3.c.4.a.4. The Detainee stated his training at the mountain camp was for self-protection.

Detainee: I deny stating that I trained in a mountain camp. I never attended any type of training camp. If I am released I would like to return to Morocco to live with my parents and look for an industrial type of job.

Assisting Military Officer: Sir, that concludes the notes I took from our interview.

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

Detainee: What do you want me to take the oath for?

ISN 160
Enclosure (6)
Page 2 of 7

UNCLASSIFIED//FOUO

Presiding Officer: He does not have to take one if does not want to.

Assisting Military Officer: Sir may I interject, I would ask the Detainee that we are asking him to take the oath in that the answers he gives the board, he would be swearing that they are truthful.

Presiding Officer: Yes, that is a good explanation. The oath is so that we know that you are telling us the truth.

Detainee: I have nothing further to say sir. Everything I wanted to say I told you guys.

Translator: I guess he doesn't want to take the oath.

Presiding Officer: Okay! Do you still have a statement that he wishes to make or comments that you would like to say whether you take the oath or not?

Detainee: I have nothing else to say.

Presiding Officer: Okay! Did the Assisting Military Officer statement provide the information you wanted us to hear?

Detainee: Everything I have, I gave to you and I said it to the Assisting Military Officer.

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

Assisting Military Officer: No sir.

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

Designated Military Officer: No sir.

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

Administrative Review Board members' questions to the Detainee

Q. Muhammad, did you have a passport when you traveled from Morocco to Afghanistan?

A. Yes I did.

Q. What happened to that passport?

A. It stayed with my brother in law in the house in Kandahar.

Q. Why did you travel to Afghanistan?

ISN 160
Enclosure (6)
Page 3 of 7

UNCLASSIFIED//FOUO

000485

UNCLASSIFIED//FOUO

- A. I went to visit my sister there.
- Q. Do you speak English?
- A. Seldom. Very seldom.
- Q. Can you speak English? I'm not asking how often you speak English. Can you speak English?
- A. I can't.
- Q. How did you travel to Afghanistan? What route did you take?
- A. I took the plane to Syria. From Syria to Afghanistan I went by buses. I took a plane from Morocco to Syria.
- Q. Have you ever been in an area where planes have been dropping bombs?
- A. Never. Through my route from Morocco to Syria or what?
- Q. Anywhere.
- A. Yes, there was aircraft riot in Afghanistan and I was there.
- Q. In Afghanistan? In the mountains?
- A. Even in the city. In the city of Kandahar itself there was...
- Q. Where did you encounter Moroccan interrogators?
- A. When the Moroccan group came. A group came from Morocco and they interrogated me here in the camp.
- Q. Why were Afghans trying to kill Arabs when you were trying to go from Afghanistan to Pakistan?
- A. I really don't have a clear picture of why they want to kill Arabs but we were trying to flee and escape with our lives from the aircraft bombing.
- Q. How many jobs have you had in the past?
- A. This question is not called for because it was in the past and really I don't... (Detainee began to smile).
- Q. So you don't want to tell me what jobs you've had?
- A. The last occupation I had was doing metal doors, metal windows with types industrial windows and doors.
- Q. Is that the kind of job you're going to try and get if you return to Morocco?
- A. No.
- Q. What kind of job do you mean when you say industrial jobs?
- A. Some kind of industrial repair like housing developing or anything. It doesn't have to be only housing.

ISN 160
Enclosure (6)
Page 4 of 7

UNCLASSIFIED//FOUO

000486

Q. Do you have any training to do those jobs?

A. Somewhat.

Q. What kind of training?

A. Sir, this has nothing to do with this trial or this board. My only problem when I entered Afghanistan is that they captured me and that was my only problem with them or you guys.

Q. You don't need to be worried of what you think we should be doing, you just decide to answer to the questions or not.

A. Very good sir.

Q. So you have no other training that would be applicable to getting a job? You didn't answer the question. You said that you would be looking for jobs in housing, and I asked if you had any in that, and you never fully answered that question.

A. I might work in this mission or I may not. I may find something else. It doesn't necessarily in industrial with the doors and the windows.

Q. Okay, I'm going to assume that you have no other training in the jobs he's looking for then.

A. True.

Q. When you said the Moroccan interrogators brought that information, I forget exactly what it was; it was about his training camp? Is that correct sir? Or being in Tora Bora?

Presiding Officer: The allegation is that he engaged in jihad near Tora Bora were not true and was brought by Moroccan investigators.

Assisting Military Officer: Let me go ahead and clarify that just a little bit. The word brought, when explained it to me was explained to me that the allegation was untrue and it was the Moroccans that suggested that he was in Tora Bora. They fabricated the story.

Detainee: When one of the Moroccan investigators came here and interrogated me, I did not know the name of Tora Bora. I was describing the mountains that I went through or the route that I took. The investigators suggested that it was Tora Bora and I said yes maybe and he put down Tora Bora. I did not even know that the city was Tora Bora.

Q. Okay, so maybe you were in Tora Bora, but you don't know one way or the other, is that correct?

A. I was somewhere in the mountains and when I mentioned to my interrogator he said it could be Tora Bora.

Q. Okay, I think I understand. You are laughing a lot and you look kind of amused, why is that?

UNCLASSIFIED//FOUO

A. What do you want me to do? Do you want me to cry?

Q. That's not what I asked you. I asked why you were laughing.

A. This is my nature sir when I talk I smile.

Q. When the Assisting Military Officer was reading the points and comments you wanted to make it seemed like you wanted to clarify something at one point. If you remember that, you can do that now if not then I just mistook when you looked like you were making a motion like there was something you didn't agree with.

A. Some of the things weren't like one hundred percent accurate and it wasn't one hundred percent of how I tried to say it.

Q. If he'd like to clear it up now that's fine. If not, we will leave it the way it was read.

A. Very good. I don't remember exactly. It could be the third allegation or the fourth allegation sir.

Q. The allegation that you affiliated himself with Muslim fighters?

A. I want to know what my reply was sir. I don't remember what I said.

Q. You said it was not true.

A. I never considered myself as being affiliated with any group in first place. That is the truth.

Q. The other one just said that you never attended training at terrorist training camps.

A. This is true. I never attended any terrorist training camp.

Q. Muhammad, do you want to be released?

A. I really don't know. Why am I captured here in the first place and want to release me? Why did you capture me?

Q. I didn't and I'm asking the questions.

A. I answered you. What was your motivation for me? You captured me and put me here so you can release me?

Q. Will Morocco take you back? Will your country take you back do you think?

A. First of all, I don't know what is going on in Morocco right now. We don't have T.V., we don't have radio, and I don't watch the media so I don't know if they would take me or not.

Presiding Officer: Assisting Military Officer, is there any other information the Detainee wants to present?

Assisting Military Officer: Not that I am aware of sir.

ISN 160
Enclosure (6)
Page 6 of 7

UNCLASSIFIED//FOUO

000488

UNCLASSIFIED//~~FOUO~~

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

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

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Presiding Officer

ISN 160
Enclosure (6)
Page 7 of 7

UNCLASSIFIED//~~FOUO~~

000489

UNCLASSIFIED//FOUO

Summary of Administrative Review Board Proceedings for ISN 115

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Certification, Exhibit DMO-2 and the Unclassified Treasury Department Executive Order 13224, Exhibit 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 Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1 to the Administrative Review Board.

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

ISN 115
Enclosure (5)
Page 1 of 2

UNCLASSIFIED//FOUO

000490

UNCLASSIFIED//~~FOUO~~

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he would like to read his comments from Exhibit EC-B pertaining to the Detainee's Review Board interview.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



(b)(6)
Captain, USN
Presiding Officer

ISN 115
Enclosure (5)
Page 2 of 2

UNCLASSIFIED//~~FOUO~~

000491

UNCLASSIFIED//FOUO

Summary of Administrative Review Board Proceedings for ISN 272

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, DMO-2, the FBI Redaction Memorandum, and DMO-3, Executive Order 13224 to the Administrative Review Board.

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

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

The 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.

Enclosure (6)
Page 1 of 11

UNCLASSIFIED//FOUO

000492

UNCLASSIFIED//~~FOUO~~

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 a copy of the Detainee's written statement, Exhibit EC-C to the Administrative Review Board.

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 Assisting Military Officer read the Assisting Military Officer's comments from EC-B and then read the allegations on the unclassified summary to assist the Detainee in answering the allegations.

The Assisting Military Officer's comments are as follows:

Assisting Military Officer: The Detainee's initial ARB interview occurred on 20 May 2005 and lasted for two hours. A follow-up interview was held on 23 May 2005 and lasted two hours. After a review of the ARB purpose and procedures, the Unclassified Summary of Evidence was read to the Detainee. Afterwards, he stated he would like to attend the ARB and requested the help of the Assisting Military Officer in presenting his comments regarding the Unclassified Summary of Evidence. The Detainee was polite and very cooperative throughout the interview and expressed a desire to speak openly and provide a written statement to the Review Board. He also stated that the interrogators presented information about him that was not the truth. At the conclusion of the interview, he was provided an Arabic translation of the Unclassified Summary [of Evidence] for further review. During the follow-up interview, the Detainee stated he had concerns about how the Classified Summary will affect the outcome of this board.

Assisting Military Officer: The Detainee provided the following comments in response to information in the Unclassified Summary of Evidence. In response to the allegation that he traveled from Riyadh, Saudi Arabia to Kabul, Afghanistan with 90,000 Saudi Riyals, approximately \$24,000 USD, and claimed to do so to help the poor and needy, the Detainee said it is true.

Detainee: Yes. True.

Assisting Military Officer: In response to the allegation that he took a bus from Riyadh, Saudi Arabia to Damascus, Syria, then traveled by plane to Tehran, Iran from which he took a bus to Meshad, Afghanistan, then boarded a bus that traveled to Harat, Afghanistan and finally to Kabul, Afghanistan, the Detainee said this is a true statement.

Detainee: Yes.

Enclosure (6)
Page 2 of 11

UNCLASSIFIED//~~FOUO~~

000493

UNCLASSIFIED//FOUO

Assisting Military Officer: In response to the allegation that he spent one and a half months at a Taliban training center located outside Kabul, Afghanistan, where he received one week of training with an AK-47 rifle, the Detainee said that this is not true. He stated he was at the training center for only one week and received training on a long rifle.

Detainee: Yes.

Assisting Military Officer: In response to the allegation that he spent his time in Kabul with a known Taliban member, the Detainee said that this statement is true.

Detainee: Yes.

Assisting Military Officer: In response to the allegation that he thinks the Taliban member gave the Detainee weapons training on order to get him to join al Qaida, the Detainee said this is incorrect. He stated he believes he received this training in order to join the Taliban.

Detainee: Yes.

Assisting Military Officer: In response to the allegation that the weapons' training was given to the Detainee by the Taliban member in an attempt to recruit the Detainee for the Taliban, he said this statement is true.

Detainee: Yes.

Assisting Military Officer: In response to the allegation that one of his known aliases was on a list of captured al Qaida members that was discovered on a computer hard drive associated with a senior al Qaida member, the Detainee stated that this is not true. He also stated that he has no aliases.

Detainee: Yes.

Assisting Military Officer: In response to the allegation that his name was found on a floppy disk recovered from raids of a suspected al Qaida safehouse, the Detainee said this is not true. He also stated that he does not have any relations to with al Qaida.

Detainee: Yes.

Assisting Military Officer: In response to the allegation that his name was found on a computer file seized during joints raids conducted with the Pakistani Inter-Services Intelligence Directorate (ISID) against al Qaida-associated safehouses in Rawalpindi in March 2003, the Detainee said this statement is not true. He stated again that he doesn't have a relationship with al Qaida.

Detainee: Yes.

Enclosure (6)
Page 3 of 11

UNCLASSIFIED//FOUO

000494

UNCLASSIFIED//FOUO

Assisting Military Officer: In response to the allegation that his name was found on a computer hard drive seized from members of a suspected al Qaida terrorist cell involved in an attack on U.S. Marines on Faylaka Island on October 2002, he said his answer was the same as the last two statements.

Detainee: Yes.

Assisting Military Officer: In response to the allegation that his name, nationality and his possession of a Saudi passport were found on a document recovered from the raid of a suspected al Qaida safehouse in Karachi, Pakistan, he said again this statement is not true because he has no relationship to al Qaida.

Detainee: Yes.

Assisting Military Officer: In response to the allegation that an al Qaida associate identified the Detainee as arriving in Afghanistan in 2000 and fighting in the Omar Sa'if Center north of Kabul, the Detainee said that this statement is not true. He stated that he went to an area north of Kabul, to a center that was behind the battlelines, and he did not fight against anyone.

Detainee: Yes.

Assisting Military Officer: In response to the allegation that he was captured by the Pakistani government after crossing the border in the Nangahar Province in December of 2001, the Detainee said this is true, but he is not familiar with this area.

Detainee: Yes.

Assisting Military Officer: The Detainee agreed with the statement that he said he did not join the Taliban, al Qaida, or any relief organization.

Detainee: Yes.

Assisting Military Officer: The Detainee agreed that he said he would not sacrifice anything for Usama bin Laden, al Qaida, the Taliban, or any relief organization.

Detainee: Yes.

Assisting Military Officer: The Detainee agreed that he said Usama bin Laden is wrong for the terrorist acts for which he is responsible.

Detainee: Yes.

Assisting Military Officer: Finally, the Detainee agrees with the statement that he denied having any knowledge of the attacks on the United States prior to their execution on

UNCLASSIFIED//~~FOUO~~

September 11th, and also denied knowledge of any rumors of plans of future attacks on the United States or United States interests.

Detainee: Yes.

Assisting Military Officer: This concludes his answers to the Unclassified Summary [of Evidence].

Presiding Officer: OK. It is his turn now.

Detainee: First question: How is your behavior? **Answer:** My behavior with the soldiers is without problems. Second question: If you get released, what will be your future and what's your goal? **Answer:** My goal for the future is like most people's goals who love and adore security and peace in life and who enjoy eating and drinking because they are free. And I would like to work the same work as my father, [who is] an employee. Third question: Why do you not pose a threat to the U.S. and its allies? **Third Answer:** First of all, I am free of the charges that allege that I pose a threat. I am not like Usama bin Laden or one of his followers to know how to pose a threat against you or to know and to plan how to hurt you in any way possible. Fourth question: Reason why we should release you? **Answer:** The reason for my release is your knowledge of me and your conviction that I do not pose a threat.

Presiding Officer: Is there more?

Detainee: No, sir.

Presiding Officer: Thank you for appearing today in front of the board.

Detainee: Your welcome.

Presiding Officer: It is good to know that you are as interested in your freedom as we are in determining whether or not you are a threat to the United States and its allies.

Detainee: Thank you.

Presiding Officer: We don't intend to interrogate you but we do have some questions that we like to have answers for.

Detainee: Ask.

Presiding Officer: Our questions need to be answered completely and truthfully.

Detainee: Yes.

Administrative Review Board Member's questions:

Enclosure (6)
Page 5 of 11

UNCLASSIFIED//~~FOUO~~

000496

UNCLASSIFIED//FOUO

Board Member: I understand the situation is difficult. Perhaps you will not find my questions too stressful. What is the highest education level you have obtained?

Detainee: First of high school.

Board Member: First year of high school?

The linguist explains that high school is divided into two parts, the first part is three years and the second part is four years. The total for high school is seven years.

Detainee: First [part] of high school.

Board Member: What was your primary field of academic study?

Detainee: Religious subjects, mathematics, English, [and] literature.

Board Member: What was the reason you stopped attending high school?

Detainee: Hatred [towards] education.

Board Member: Prior to traveling to Afghanistan in 2000, did you live at home with your parents?

Detainee: Yes, I lived with them in the house.

Board Member: What is your father's occupation?

Detainee: An employee in [the] administration of education.

Board Member: Does that mean that he works for the Saudi government as an educator?

Detainee: He is not [an] educator. He is only a secretary.

Board Member: Very good. Do you have any relatives that live in Afghanistan or Pakistan?

Detainee: No, I don't have any relatives [that live in Afghanistan or Pakistan].

Board Member: When you left your homeland to travel to Afghanistan, did you travel alone or were you with a colleague?

Detainee: Alone.

Board Member: Had you ever previously visited Afghanistan or Pakistan?

Detainee: No.

Enclosure (6)
Page 6 of 11

UNCLASSIFIED//FOUO

000497

UNCLASSIFIED//~~FOUO~~

Board Member: Did you contact anyone in Afghanistan to let them know you were planning on visiting that country before you went there?

Detainee: No, I didn't.

Board Member: Do you speak Pashto?

Detainee: No.

Board Member: Did you seek your father's approval or his guidance prior to traveling to Afghanistan?

Detainee: Yes, I did.

Board Member: Did he advise that this was a worthwhile thing to do or did he encourage you not to do that?

Detainee: He told me [to] work inside Saudi Arabia.

Board Member: Your father suggested that you provide your charitable services into Saudi instead of going to Afghanistan?

Detainee: They are poor in Saudi.

Board Member: I understand. I believe I understand that your father wanted you to stay in Saudi and perform your charity vice going to Afghanistan?

Detainee: Yes, sir.

Board Member: Why did you disobey your father and go to Afghanistan or why did you not listen to his advice?

Detainee: People of Saudi have a materialistic appearance but Afghani people are [the] opposite [way].

Board Member: When you traveled to Afghanistan you had 90,000 riyals, why did you not exchange that money for Afghani money before you visited Afghanistan?

Detainee: I exchanged [it] in Afghanistan.

Board Member: Considering Afghanistan was a country that had internal conflicts, that you would be carrying a large amount of money with you, that you were [a] relatively youthful man, that you don't speak the native language, did you contact the Saudi embassy, the Red Cross or any other relief organizations and ask for their advice regarding your travels to Afghanistan?

Detainee: No, I did not.

Enclosure (6)
Page 7 of 11

UNCLASSIFIED//~~FOUO~~

000498

UNCLASSIFIED//FOUO

Board Member: It did not occur to you or [did you] just not consider doing that?

Detainee: [From] what we [knew] the country of Taliban was free of stealing and attacking people on the streets to take their money.

Board Member: I only have a few more questions. How long did you expect to remain in Afghanistan when you first traveled there?

Detainee: That depended on the distribution of my money...my charity.

Board Member: But you must have had some idea that you would be there for a week, a month, longer?

Detainee: Approximately a [few] months...from six months and up.

Board Member: Therefore you must have taken some luggage and personal belongings with you.

Detainee: Sure.

Board Member: How much luggage did you take with you?

Detainee: One.

Board Member: One suitcase?

Detainee: Yes.

Board Member: Your name appears on various computer media that associates you with al Qaida. Do you know why anyone would put information identifying you on these computers? Do you have enemies?

Detainee: It might be a name that is similar to my name and I don't believe my name was there.

Board Member: One last question, if you could change one decision you've made in the past five years, what would it be?

Detainee: What decision do you mean?

Board Member: When you look back over the past five years of your life, you've made decisions. Some have turned out good and some of have turned out perhaps not so good. If you could change one of those decisions you made, what would it be?

Detainee: In the past years my work was to help.

The question was rephrased in order for the Detainee to fully understand its meaning.

Enclosure (6)
Page 8 of 11

UNCLASSIFIED//FOUO

000499

UNCLASSIFIED//~~FOUO~~

Detainee: I, if I go to Saudia now, I would decide not to leave Saudia at all [out of] fear of problems.

Board Member: I have a few questions. Again, thank you for being here.

Detainee: Your welcome.

Board Member: I am just curious. Do you think that 90,000 riyals would be a lot of money in Afghanistan?. Correct?

Detainee: Yes.

Board Member: What was you...how would you...now you would become fairly popular pretty quickly if they knew you were going to give out 90,000 riyals...what was your...what would be your method of deciding who was needy and who to give the money to? How would you ascertain that?

Detainee: The donation was from [an] Afghani person named Muhammed Khan. He was in charge of distributing the money [amongst] the needy people. I am responsible to God about this money. If I make a donation I want to make sure [about] where it is going. [Because of the] fact that it was with Muhammed Khan, I wanted to make sure that I saw where it went when I donated it.

Board Member: So Mr. Khan would suggest where and to whom and how much...the money...or was that your decision...how much to give?

Detainee: That was the decision of the Taliban government. They are the ones who knew the poor people.

Board Member: So I guess my question is...did you just give them the 90,000 riyals all at one time or did you distribute them over a period of time?

Detainee: I gave them 90,000 riyals all at one time. I took a little bit out of it...what I needed to live with.

Board Member: And you decided to stay just to watch them distribute the money or...

Detainee: Yes.

Board Member: My next question is, can you describe what happened when you were across the border into Pakistan and you were captured? Can you describe what happened during that time?

Detainee: At that time I was sick and I didn't know what happened exactly.

Board Member: Were you unconscious or did you walk across...

Enclosure (6)
Page 9 of 11

UNCLASSIFIED//~~FOUO~~

000500

UNCLASSIFIED//~~FOUO~~

Detainee: One thing that I know [is] that there were some civilians that belonged to the government. They captured me and then I went to Pakistan and then I went to the prison in Pakistan.

Board Member: So it was a relatively peaceful, unordinary capture? Just like a...

Detainee: Yes, I [turned] myself [in]...I surrendered.

Board Member: Thank you.

Detainee: Your welcome.

Presiding Officer: When you were captured were you alone or were other people with you?

Detainee: People were with me.

Presiding Officer: Did you know them from [before] or...

Detainee: No, I didn't know them. Even at that time I didn't know them because I was sick.

Presiding Officer: You mentioned Muhammed Khan. Was he a member of the Taliban?

Detainee: I know that he works for the Taliban.

Presiding Officer: You were in Afghanistan for approximately one year. What happened for an entire year? What did you mainly do for a year?

Detainee: I worked rescuing needy people.

Presiding Officer: Were you alone most of this time or with other people?

Detainee: [I was] with people.

Presiding Officer: What happened to your passport?

Detainee: [It is] in Kabul.

Presiding Officer: Was it with friends or family in Kabul or where in Kabul?

Detainee: [It is] in the house.

Presiding Officer: What is the status of your family now?

Detainee: From what I know in the letters they are doing well.

Enclosure (6)

Page 10 of 11

UNCLASSIFIED//~~FOUO~~

000501

UNCLASSIFIED//~~FOUO~~

Presiding Officer: [Do] they know where you are?

Detainee: Yes.

Presiding Officer: Do they know why you are here?

Detainee: I don't know.

Presiding Officer: How can you assure us that you are no longer a threat to the United States?

Detainee: From your knowledge and if you are convinced...my behavior here for example. It depends on your knowledge and your convictions.

Presiding Officer: Let me see if I understand what you have told us so far. When you were around eighteen years old, you raised ninety thousand riyals; Saudi Arabian money, to take to a country you had never been to before to give the money to the needy and the poor people. Is that right?

Detainee: Yes.

Presiding Officer: That is remarkable. Does this conclude your statement and answers?

Detainee: Yes.

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

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

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

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.


(b)(6) Colonel, USA
Presiding Officer

Enclosure (6)
Page 11 of 11

UNCLASSIFIED//~~FOUO~~

000502

UNCLASSIFIED

23 May 2005

From: Ziyad Salih Muhammad Al Bahuth,

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainees' Written Statement Submitted by Ziyad Salih Muhammad Al Bahuth, (ISN 272) on 23 May 2005 by OARDEC Linguist [REDACTED]

1. Completed Copy of Detainees' Statement in Arabic and English translated version.

UNCLASSIFIED

Enclosure (4)

EC-C

Page 1 of 3

000503

The detainee provided the following comments in response to information in the Unclassified Summary of Evidence:

- *In response to the allegation that he traveled from Riyadh, Saudi Arabia to Kabul, Afghanistan with 90,000 Saudi Riyals (~\$24,000 USD) and claimed to do so to help the poor and needy, the detainee said it is true. (3.a.1)*
- *In response to the allegation that he took a bus from Riyadh, Saudi Arabia to Damascus, Syria, then traveled by plane to Tehran, Iran from which he took a bus to Meshad, Afghanistan, then boarded a bus that traveled to Herat, Afghanistan and finally to Kabul, Afghanistan, the detainee said this is a true statement. (3.a.2)*
- *In response to the allegation that he spent one and a half months at a Taliban training center located outside Kabul, Afghanistan, where he received one week of training with an AK-47 rifle, the detainee said that this is not true. He stated that he was at the training center for only one week and received training on a long rifle. (3.b)*
- *In response to the allegation that he spent his time in Kabul with a known Taliban member, the detainee said that this statement is true. (3.c.1)*
- *In response to the allegation that he thinks the Taliban member gave the detainee weapons training in order to get him to join al Qaida, the detainee said this is incorrect. He stated he believes he received this training to in order join the Taliban. (3.c.2)*
- *In response to the allegation that the weapons training was given to the detainee by the Taliban member in an attempt to recruit the detainee for the Taliban, he said this statement is true. (3.c.3)*
- *In response to the allegation that one of his known aliases was on a list of captured al Qaida members that was discovered on a computer hard drive associated with a senior al Qaida member, the detainee stated that this is not true. He also stated he has no aliases. (3.c.4)*
- *In response to the allegation that his name was found on a floppy disk recovered from raids of a suspected al Qaida safehouse, the detainee said this is not true. He also stated that he does not have any relations with al Qaida. (3.c.5)*
- *In response to the allegation that his name was found on a computer file seized during joint raids conducted with the Pakistani Inter-Services Intelligence Directorate (ISID) against al Qaida-associated safehouses in Rawalpindi in March 2003, the detainee said this statement is not true. He stated again that he doesn't have a relationship with al Qaida. (3.c.6)*
- *In response to the allegation that his name was found on a computer hard drive seized*

Enclosure (3)

EC-B

Page 2 of 3

000504

from members of a suspected al Qaida terrorist cell involved in an attack on U.S Marines on Faylaka Island in October 2002, he said his answer is the same as the last two statements. (3.c.7)

- In response to the allegation that his name, nationality and his possession of a Saudi passport were found on a document recovered from the raid of a suspected al Qaida safehouse in Karachi, Pakistan, he said again this statement is not true because he has no relationship the al Qaida. (3c.8)*
- In response to the allegation that an al Qaida associate identified the detainee as arriving in Afghanistan in 2000 and fighting in the Omar Sa'if Center north of Kabul, the detainee said that this statement is not true. He stated that he went to an area north of Kabul, to a center that was behind the battlelines, and he did not fight against anyone. (3.c.9)*
- In response to the allegation that he was captured by the Pakistani government after crossing the border in the Nangahar Province in December of 2001, the detainee said this is true, but he is not familiar with this area. (3.d)*
- The detainee agreed with the statement that he said he did not join the Taliban, al Qaida, or any relief organization. (4.a.)*
- The detainee agreed that he said he would not sacrifice anything for Usama Bin Laden, al Qaida, the Taliban, or any relief organization. (4.b)*
- The detainee agreed that he said Usama Bin Laden is wrong for the terrorist acts for which he is responsible. (4.c)*
- Finally, the detainee agrees with the statement that he denied having any knowledge of the attacks on the United States prior to their execution on September 11th, and also denied knowledge of any rumors or plans of future attacks on the United States or United States interests. (4.d)*

Signature of Officer Conducting Interview:

Typed Name of Officer Conducting Interview:

Detainee Statement
(ISN 272)

- 1- My behavior with the soldiers is without problems.
- 2- My goal for the future is like most people's goals who love and adore security and peace in their life and who enjoy eating and drinking because they are free. And I would like to work the same work as my father, an employee.
- 3-
 - a. First of all, I am free of the charges that allege that I pose a threat.
 - b. I am not like Osama Bin Laden or one of his followers to know how to pose a threat against you, or to know and to plan how to hurt you in any way possible.
- 4- The reason for my release is your knowledge of me and your conviction that I do not pose a threat.

(Signed by detainee)
Dated 23/05/2005

Enclosure (4)
EC-C

Page 2 of 3

000506

UNCLASSIFIED

۱) کیف سے اسو کا کیا؟

فأما ما ذكره من أن المصنف قد أتى به في كتابه

(3) لم اذا لا تشك ان خطر الحرائق الى ايات المطمئنة او سرور الممها؟

(4) أريد أن أرى إذا كان من الممكن أن نحل هذه المسألة.

۱۔ اے لوگو! تمہارے لیے اللہ کی طرف سے ایک نیا نیا نیک عمل کی بات ہے۔

ع. ر. م. في المستقبل كرهني أكثر الناس الذين يحبونهم ويحبونهم
والله أعلم فيهم إنهم يكرهون الشرط والشرط أن يكون لهم أمهات وأمهات
أنهم كرهوا عمل والديهم في إدارة التعلم

لا أدري ما في هذا الرأى من الله تعالى على أن يكون خط
ثانياً به أنا لم نكن كأسماعيل بن أبي أساه من أن يكون خطاً لغيره أعرف وأخط
كيف أحييتكم يارب البرية كانت
لا بد من جود والبر والبر في كل شيء ولا بد من أن يكون خطاً لغيره

Detainee's Signature

Date _____

Enclosure (4)

EC-C

Page 3 of 3

000507

UNCLASSIFIED

Detainee Statement
(ISN 272)

- 1- My behavior with the soldiers is without problems.
- 2- My goal for the future is like most people's goals who love and adore security and peace in their life and who enjoy eating and drinking because they are free. And I would like to work the same work as my father, an employee.
- 3-
 - a. First of all, I am free of the charges that allege that I pose a threat.
 - b. I am not like Osama Bin Laden or one of his followers to know how to pose a threat against you, or to know and to plan how to hurt you in any way possible.
- 4- The reason for my release is your knowledge of me and your conviction that I do not pose a threat.

(Signed by detainee)
Dated 23/05/2005

Enclosure (4)
EC-C
Page 2 of 3
000508

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 337

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

The Designated Military Officer presented the Unclassified Summary of Information, Exhibit DMO-1, DMO-2, the FBI Redaction Memorandum and DMO-3, Executive Order 13224 to the Administrative Review Board.

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

The Designated Military Officer stated that a copy had been previously distributed to the AMO and detainee.

The Designated Military Officer added the following comment:

Designated Military Officer: The statement where the Detainee admitted to being a terrorist, the only reference for the statement is the following statement where it reads 'the Detainee was very frustrated, extremely mad and being sarcastic.' There is no other reference for the statement where he admitted to being a terrorist.

UNCLASSIFIED//~~FOUO~~

ISN 337
Enclosure (5)
Page 1 of 9

000510

UNCLASSIFIED//FOUO

Detainee: What do you mean?

Designated Military Officer: I think that statement is misleading. I am just trying to clarify for the Board that there is no other reference to the Detainee actually stating [that] he was a terrorist, except during that interview where he was being sarcastic. That's all I have.

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

The Presiding Officer acknowledged the request.

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

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

The Detainee declined taking the (Muslim) oath.

The detainee made the following statement:

Detainee: In number A.1, where it says: 'the Detainee traveled from Saudi Arabia to Iran via Syria during the summer of 2001'...I clarified this point to you during the first hearing and I will tell you once again, no one has ever had a hand in my traveling anywhere. My country has permitted me to travel anywhere so this is a normal thing. So you cannot compel me to not travel to any place. I traveled in an official way. A.2, 'Pakistani officials arrested the Detainee late November or early December'...of course this is a normal thing...that the Pakistanis arrested me. I entered in [an] illegal way so this is a natural thing for them to arrest me. What do you have to do with this? This is something between me and the Pakistanis. A.3, regarding harassing the guards...in this camp there are many psychological pressures. We cannot sleep. [We get harassed] during meal times. Sometimes when we are sleeping they use the cleaning chemicals to bother [us]. Some people [have] fainted because it is so strong. Other reasons [are] that I take psychological medications. If you were in my place you would be even more bothered by this. I come from a respectable family so it is normal for a person to become angry. Don't forget that I am a person. B.1, you say that I am associated with a person providing relief; this is not true. I am not associated with this person. I clarified this in the previous hearing and also in the interrogations. I [was] only introduced to this person and [I] do not have any relationship with this person. B.2, 'the same Saudi facilitated the Detainee's illegal entry into Pakistan'...that is correct. But I did not know that it was in an illegal way. B.3, 'The Saudi is a known operative for al Wafa'...you say that it is known but who it is known [by] so I can clarify this picture for you. If it is known to you, you are saying it is known to us...it is not known to me. You say this person is known. Did you distribute this person's picture on the radio or TV? So, if you are saying

ISN 337

Enclosure (5)

Page 2 of 9

UNCLASSIFIED//FOUO

000511

UNCLASSIFIED//FOUO

this person is known to you...he is not known to me. B.4, 'blocks property and prohibits transactions and designates al Wafa as a global terrorist entity'...of course this is something that...blocks property and prohibits transactions...I did not pay anything or supply anything. If you know this person you should deal with him for making payments or [making] transactions in an illegal way. Because, for example, if this person does something wrong then this person cannot be held accountable for it...the first person has to take responsibility for his own actions. The second part of that same point...four...if al Wafa is designated as a global terrorist entity, what do I have to do with this? I don't have any connection to al Wafa. I've never heard of this name before I came here. Also, they never asked me in the interrogations about this 'al Wafa.' Because of that, don't tie me to al Wafa. If that person has anything to do with al Wafa, that is his business. Did I tell you that I know al Wafa or that I went with this person to al Wafa? So, because of that do not associate me with al Wafa. C, Intent...'the Detainee admitted to being a terrorist'...yes, I said that because of pressure and also I told you that I take medication for psychological reasons so I was always thinking of my family and so on and I was bothered. I am a person who is very volatile. If I said that I was a terrorist it is because they would take me during the day, during that night [and] put me in a room and tell me to say that I [was] a terrorist. They would take me for long hours, under pressure, swearing against my family. They talked about my family in ways that were not good. So I told them [that] if they would like me to say that I [was] a terrorist, and this is not true, then I will say that I am a terrorist but this is not true. Paragraph 4, number A...it is true when I said that I was a terrorist I threw my hands up. I was very angry. It is a natural thing seeing as how there were pressures like I told you. Paragraph 4 number B...'the Detainee denied having any knowledge of the attacks in the United States'...that is true. I did not have any knowledge. And do you think in your mind that people who did something like this would just tell other people? This is not like stealing chocolate. You saw, this was an operation; which was not normal. So for that reason it is true...I did not know anything. And also I denied knowledge of any rumors or future attacks, yes, this is true. I do not know anything. Bring me any proof that might say that I know something about this and I'm sure that you cannot bring any proof because I know myself and because I really do not know anything. Paragraph 4, C; 'Representatives of a foreign government believe that the Detainee has low intelligence or law enforcement value and is unlikely to pose a terrorist threat to the United States or it's interests'...this is something that is true. I don't have any problems with you or with any person in the world. I also do not have any problems in my country. I think that my government has come here twice and they have provided you with information that I do not have any problems whether it is in my country or in any other place...whether it is with my government or with any other government. I think that is everything. Thank you for listening.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

The AMO had no further questions for the Detainee.

ISN 337
Enclosure (5)
Page 3 of 9

UNCLASSIFIED//FOUO

000512

UNCLASSIFIED//FOUO

The DMO had the following questions for the Detainee.

Designated Military Officer: In your own words, should we consider you to be a threat or not a threat against the United States and its allies?

Detainee: In a natural way...in a truthful way...I do not pose a threat and there is nothing that shows that I pose a threat. Why would I pose a threat against you? I don't have any problems against you or with any person. Even my presence here...you did not bring me here. The Pakistanis brought me here so this is their mistake.

Designated Military Officer: If you are released where would you go and what would you do for employment?

Detainee: Naturally, I would return to my country and spend my life with my family. I would like to start a family. Of course, get married and start a family and help my father in his work. Just live my life normally.

Designated Military Officer: Have you had jobs in the past or training that would enable you to go and get a job?

Detainee: No, I was studying.

Administrative Review Board Member's questions:

Board Member: Would you describe your trip from Iran to Pakistan? What was the route and how long did it take to get from Iran to Pakistan?

Detainee: Of course, previously and many times before...four years...same questions. I clarified to you several times before what I [had] found on the road...what happened to me on the road. Secondly, this is not an interrogation session. Most importantly, there is nothing about this question here that would make me [answer] you. I am willing to tell you but there is nothing here that would cause me to talk to you about this issue.

Board Member: The members of this board have not reviewed all the information. I would like for you to answer that question so I can give an impartial view.

Detainee: This is not my responsibility. I don't think that a board like this that is going to make a final decision does not know anything about me. That is not true. You wish to make a decision on me without knowing...you don't know anything about me? So...under what law is this?

Board Member: Information that we have read we would like to hear from you...so we can make a decision.

ISN 337
Enclosure (5)
Page 4 of 9

UNCLASSIFIED//FOUO

000513

UNCLASSIFIED//~~FOUO~~

Detainee: You asked it before and I answered it and I will not answer it [again]. Anything that is here, I will talk about. So...I will go to the interrogations...it's better...talk to them about the story.

Presiding Officer: You are [saying] that we have asked this question before. We have not asked these questions before. If you prefer not to answer the questions we are asking, how do you expect us to make a determination on this board?

Detainee: You are all one. I did not tell you particularly that you asked me this question before. I am not willing to sit here for four years and everyday say the same story. Lets not make it a hearing...lets just make it an interrogation session. We will start the story from the beginning with the details and everything. I have no problem with that. I'll give you the story down to the seconds but I do not think that this is an interrogation session. I'll tell you once again, anything that is written here, I am prepared to answer. Other than that, I apologize.

Designated Military Officer: Sir, I think it might benefit if you (the Presiding Officer) told him [that] the folks that he told that information to, which are interrogators, are not the ones who are going to make a recommendation.

Presiding Officer: I know. That is where I am heading.

Detainee: It does not concern me. Why did you not read my file? How can you try me and not read my file in detail? For example, in the previous hearing you told me that I had traveled from Saudi Arabia to Iran to Syria, so I asked the Personal Representative; 'Did you read my file in detail?' He said, 'Yes!' So I asked him 'How did you read my file in detail and these words are not true?' So what do you call this? Is it ignorance or playing games? For that reason I will not answer any questions outside of this.

Presiding Officer: First of all, this is not a trial. This is an Administrative Review Board. We have read your record. Now you are here in front of us for us to ask you questions so we can ascertain and make a determination at the end of this board. If you do not wish to cooperate it is your choice.

Detainee: This is not because of cooperation or not cooperation. That is just to hear words that are here. All that I have is this.

Board Member: You traveled to Pakistan to help out refugees. Why didn't you choose to stay in Saudi Arabia and donate funds to the right charitable organizations?

Detainee: First of all, a minute ago you said that you had read my file, so who told you that I went to give the refugees money. If you had read my file you would not have asked me this question because I did not go to Pakistan to give anybody any money. If you would read my file honestly without games so that you can prepare the correct question. That is why I did not wish to answer your question because I knew that you did not read my file.

ISN 337
Enclosure (5)
Page 5 of 9

UNCLASSIFIED//~~FOUO~~

000514

UNCLASSIFIED//~~FOUO~~

Board Member: One of the things you can do to show that you are not a threat to the United States, [since] you told us you were not a threat to the United States, is to provide some information. You said that someone helped you enter Pakistan illegally. Yes?

Detainee: Yes, but I did not know that it was an illegal way.

Board Member: OK, I believe that. Could you tell us who this person is?

Detainee: I told you, you have the name.

Board Member: Did we read it today?

Detainee: No. It's in the file

Board Member: I don't have it in here. Do you know his name?

Detainee: I know the name, yes. So then, why did you not read my file to gather all the necessary information? Just tell me, did you come here to really listen to me and to get information or is this a game? If this is a game, tell me and I'll be quiet and I'll go. Do what you want and say anything [that] you wish but don't bring me here and ask me a question just to say some words.

Board Member: It is a way to determine if what you say is true, that you are not a threat to the United States but you are not willing to help bring these people to justice or find out who they are. How do we know you are not hiding something?

Detainee: So you said, according to your words, how do I help you find these people? It appears to me now that you are interrogating me and also you said, 'if you would like to help us'...I said his name. You know it. [I said] the whole story in boring detail so how can you say that I don't want to help you and you have all the information? Are you bringing questions from the air or what?

Board Member: We are checking truthfulness.

Detainee: Read my file. Read it well and then talk to me about my honesty. Leave my honesty to the side right now.

Board Member: No, your honesty is right up front. It is on display. Your honesty is being assessed.

Detainee: How can you ask me about my honesty when you don't know anything about me? Are you a magician? You said you have not read my files so how will you believe me if I tell you this persons name and so and so? Are you a magician...if I tell you the name then you'll know that is the name?

Board Member: You'll have to trust me.

ISN 337
Enclosure (5)
Page 6 of 9

UNCLASSIFIED//~~FOUO~~

000515

UNCLASSIFIED//FOUO

Detainee: I am not talking to you about trust. I'm telling you...if I tell you the name of this person, are you going to know if that is truly the name of that person or not? If you haven't read anything about me how do you know if that is true or not true?

Presiding Officer: We are going to see if we can trust you.

Detainee: As my special request, read my file well and then ask me any question and I will answer [them]. But don't ask me about something that you don't know.

Presiding Officer: Did you understand at the beginning of this board what this process meant?

Detainee: Yes.

Presiding Officer: You do? Do you know what information we are here to gather?

Detainee: No.

Presiding Officer: You acknowledged that you understood earlier...

Detainee: I understood but I don't know what information you want. I thought that you needed this information and I was going to answer it and that is what he told me, this person (*pointing to the Assisting Military Officer*) and that is what I thought. He talked to me only about these things.

Presiding Officer: The questions that are being asked are asked from the Unclassified Summary but you are choosing not to respond to any of them.

Detainee: How can I answer him when he hasn't read anything about me? He doesn't know anything about me. He doesn't know everything about me. How can I answer? Yes, I will answer him but if doesn't know everything about me then I won't answer him.

Presiding Officer: We are asking [for] information from the Unclassified Summary that you have in your hand.

Detainee: I don't have anything except the answers that are here that I told you.

Presiding Officer: And questions we choose to ask you personally after seeing your behavior.

Detainee: I don't have any answers except for these answer except in one case if you read my file very well, in detail then I am willing to answer other than that I cannot.

Presiding Officer: I've read your file enough to gather the information I needed to ask you the questions I am asking you so if you prefer not to respond that is also your choice.

Detainee: Did you read it or did everyone read it?

ISN 337
Enclosure (5)
Page 7 of 9

UNCLASSIFIED//FOUO

000516

UNCLASSIFIED//FOUO

Presiding Officer: Will that help you with your decision?

Detainee: Yes.

Presiding Officer: Everyone read what [was] provided to us.

Detainee: I don't want "provided to you," did you read my file in detail or just specific points?

Presiding Officer: Maybe it would help if you knew that everything you said in an interrogation board [or at] the previous proceeding isn't always in the file.

Detainee: That does not concern me but I am asking you if you read my file in detail or just specific points? Why aren't you answering?

Presiding Officer: I read your file and the questions that I asked you, I asked you because that information was not in your file so if you choose not to answer my questions, I don't know how to fill those information gaps with.

Detainee: First of all, this is not true. If you say that you read my file and this information was not there that is not true. I said my story many times...four years...and I was always saying this story. Now you are telling that this information is not there? Not true. Everything is there.

Presiding Officer: [This is] something from your files. You have harassed the guards while [you've been] here. You have committed hostile acts while [you've been] here. Is there a reason for your failure to follow the rules?

Detainee: Yes, I told you a little while ago.

Presiding Officer: You also told us that you are a very volatile individual.

Detainee: Yes.

Presiding Officer: OK, so I could consider that the reason why you harassed the guards.

Detainee: Yes, it's true. I told you before that I am facing many psychological pressures. Maybe if you were in my place you could've done even more than that.

Presiding Officer: I am not in your place.

Detainee: If you were. I did not say you were.

Presiding Officer: I know what you said.

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

ISN 337
Enclosure (5)
Page 8 of 9

UNCLASSIFIED//FOUO

000517

UNCLASSIFIED//FOUO

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

G:\ARB Templates\With Detainee Summary of Proceedings Template.doc

ISN 337
Enclosure (5)
Page 9 of 9

UNCLASSIFIED//FOUO

000518

UNCLASSIFIED//~~FOUO~~

SUMMARY OF ADMINISTRATIVE REVIEW BOARD PROCEEDINGS FOR ISN 521

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

The Designated Military Officer stated that a copy had been previously distributed to the AMO and detainee.

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

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

ISN 521
Enclosure (5)
Page 1 of 2

UNCLASSIFIED//~~FOUO~~

000519

UNCLASSIFIED//~~FOUO~~

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

The Presiding Officer acknowledged the request.

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

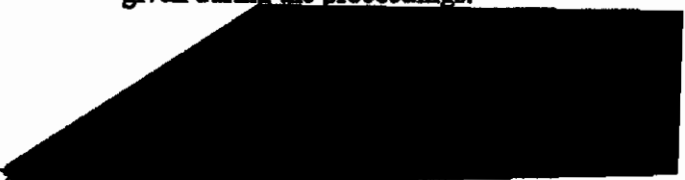
The Presiding Officer read the remainder of the unclassified portion of the Administrative Review Board proceedings, and then adjourned the proceedings.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, USA
Presiding Officer

ISN 521
Enclosure (5)
Page 2 of 2

UNCLASSIFIED//~~FOUO~~

000520

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 660

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

The Designated Military Officer presented the Unclassified Summary of Information, Exhibit DMO-1, and DMO-2 to DMO-5, to the Administrative Review Board.

The Designated Military Officer stated that a copy had been previously distributed to the AMO and detainee.

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

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

ISN 660
Enclosure (5)
Page 1 of 2

UNCLASSIFIED//~~FOUO~~

000521

UNCLASSIFIED//~~FOUO~~

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

The Presiding Officer acknowledged the request.

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


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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, USMC
(b)(6) Presiding Officer

ISN 660
Enclosure (5)
Page 2 of 2

UNCLASSIFIED//~~FOUO~~

000522

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings (with Detainee present)

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

The Designated Military Officer presented the Unclassified Summary of Information, Exhibit DMO-1, and, DMO-2, the FBI Redaction Certification and DMO-3, the DHS Terrorist Organization Reference Guide to the Administrative Review Board.

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

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

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

The Presiding Officer acknowledged the request.

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

ISN 502
Enclosure (5)
Page 1 of 10

UNCLASSIFIED//~~FOUO~~

000523

UNCLASSIFIED//~~FOUO~~

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

The Detainee accepted taking the (Muslim) oath.

Presiding Officer: I understand you have an oral statement. You may begin.

The detainee made the following statement:

The Detainee replies to the Unclassified Summary of Information.

Detainee: About being a Tunisian Muslim, this is not right. When I was in Tunisia I was not trained. From 1991-1995, while I was in Italy I was a drug dealer. Fanatic Muslims do not do these things. They do not sell or [use] drugs. That is what I want to say about this. I am not an Islamic fanatic. While I was in Milan with Abu-Abdullah, yes I stayed with him. While I was [using] drugs he asked me to go to his house and he taught me how to pray and after that he showed me those movies. That is right, Abu-Abdullah gave me the money and the ticket and he advised me to go to Afghanistan. That's right, I went to [the] Duranta camp for military training. Duranta is not a camp for al Qaida training. That camp [had] been there before Usama bin Laden [got] to Afghanistan. It belonged to the Islamic party. When the Taliban took over Afghanistan, the Islamic party [fell apart]. Some of the Arab people [that fought with the Islamic party] stayed there. Those people fought the Russians in Afghanistan and [got] military experience. It is a small camp. It has just two rooms. You can [only] train six or seven people there. The training is on light weapons like guns, Kalashnikov [and] grenades. [You can only] look at the RPGs (rocket propelled grenades) because the camp is so small and there are a lot of houses around it. This camp [did] not belong to al Qaida so they closed it. The people had to go to Kandahar and train at Usama bin Laden's camp.

The linguist states for the record that there is a correction to be made in his own written notes stating twenty-eight days instead of twenty-nine days.

Detainee: It is [correct] that I stayed [for] twenty-eight days in the camp and I trained on the Kalashnikov but not the RPG. I only looked at the RPG. (*Reading from the Unclassified Summary of Information*) Connections and Associations; I don't know who that guy is that they said I sat with. I don't know anything about it. I want to know about "the Detainee may have supported terrorists plots using poison gas," how? Did I support them by myself? By money? This is a lie. This is a bigger lie than the former one. I don't know if financing means [that] I paid money from my pocket or I [went] and begged people from Pakistan to bring some money. To finance a group like the Tunisian combat group takes knowledge...[you have] to know people outside of Afghanistan and Pakistan to solicit money. [A person would have to be able to go] to Europe or Saudi Arabia or Kuwait to the people that have money...but not by [soliciting money] in Pakistan. The [person] who does this has to have [the] freedom to travel and have the ability to talk in the Mosques. That was not my job. I don't know...I heard of a group of

ISN 502
Enclosure (5)
Page 2 of 10

UNCLASSIFIED//~~FOUO~~

000524

UNCLASSIFIED//FOUO

Tunisians but not under this specific name. There was a group and it [was] demolished before I [went] to Afghanistan. Most of [the people that belonged to this group] went to Britain. When I was in Tunisia there was a group I knew named Rashad Al-Gumoshie. It is not here. I knew those people but I do not know about...Tunisian Intelligence members came here and they met with me and they did not mention this name...that there was a group of Tunisian fighters training to have an Islamic regime in Tunisia. Yes, it is right that Abu-Abdullah prepared my travel to Islamabad and I met with Saif and stayed in Peshawar. I stayed for one month with the Islamic Gulbuddin party fighters in Pakistan. Those people left Afghanistan when the Taliban [took over]. The Islamic party left to Peshawar because they were against Taliban and al Qaida. That is right, when I finished my training in Duranta, Saif took me to Pakistan and two Libyans asked me not to go back to Italy. They advised me not to go back to Italy. They [said that] if I go back to Italy it meant that I would [be going] back to deal drugs. [They said that] it was better for me not to go back to Italy. I don't know if the two Libyans fought the Russians in Afghanistan. I don't know Abu-Dajana (ph) al Tunisian. This is the first [time that] I [have] hear[d] of this name. When I was in Peshawar I heard of the prince [or the] Amir Tunisian named Abo-Ayath. *(Reading from the Unclassified Summary of Information)* The Detainee identified the location of Najem al jihad, an al Qaida house and compound owned by Usama bin Laden; this is a big lie. All the people know that [Usama bin Laden] has never been in Kandahar. I've never been in Kandahar.

Presiding Officer: When you said, "all the people know he has never been in Kandahar" are you referring to [yourself] or Usama bin Laden?

Detainee: Exactly, everybody knew he (Usama bin Laden) had been in Kandahar but me. He was in Jalalabad. *(Reading from the Unclassified Summary of Information)* The Detainee fought with al Qaida in the mountains of Tora Bora; Tora Bora is just a village I passed. I mentioned that during the investigation. The only way to [get] to Pakistan [is by going] through Tora Bora. I never stayed there. I was arrested on the border of Afghanistan and Pakistan. *(Reading from the Unclassified Summary of Information)* The Detainee was identified as Adel the Tunisian an explosive trainer for al Qaida; do you believe if I was an explosive trainer I would [have given] my real name? Impossible! The [person] who said this, he knows me from here by my name. Everybody knows me. My name is Abdul the Tunisian. He just wanted to lie and [say] that he knew Abdul the Tunisian as an explosive trainer or the American intelligence wrote it down this way. You, as a military man, know that a [person] training in this field or [other fields does not] give his real name. This is unbelievable! How [could I have been] trained for [only] twenty-eight days and [then] become a trainer? *(Reading from the Unclassified Summary of Information)* Other Relevant Data, the Detainee has assaulted the guards...the guards are not angels. They make mistakes like I make mistakes. The guard didn't spit at me but he said something, for example, I don't eat meat and they put the meat on the top of [the] vegetables and rice. When you see this, you take it and you throw it. This is something very regular between us and the guards. It doesn't have anything to do...this is a regular problem. I've been in prison in Italy and in Tunisia and I know these things happen between the guards and the Detainees. I was never involved in the assassination

ISN 502

Enclosure (5)

Page 3 of 10

UNCLASSIFIED//FOUO

000525

UNCLASSIFIED//~~FOUO~~

of Commander Masood. What did I have to do with it? I would [not have] benefit[ed] [from] killing him. *(Reading from the Unclassified Summary of Information)* About Detainee claims that he traveled to Afghanistan to have military training so he can go to Bosnia and Chechnya for jihad...this is another lie. I went to Afghanistan in 1997 and the war in Bosnia ended in 1994. Bosnia became a new state. Why would I [go there] for jihad? Why did I have had to wait until 2001? I could've gone between 1997 and 2001. For four years I was there...if I had been intending to go I would have gone. [Why] would I have stayed [from] 2001 until they arrested me? Obviously that is a lie. *(Reading from the Unclassified Summary of Information)* The Detainee claims that he did not attend a meeting between the Tunisian group and Usama bin Laden, that's right. The Detainee denies that he trained at the Khalden training camp...I [have] never heard about it and I have never trained there. That is all I have to say.

Presiding Officer: Thank you. Does that conclude your statement?

Detainee: Yes, that is all I have.

The AMO had no further questions for the Detainee.

The DMO had the following questions for the Detainee:

Designated Military Officer: In 1997 you said you went to Afghanistan, [what was the] purpose?

Detainee: For training.

Designated Military Officer: What kind of training?

Detainee: Kalashnikov and military training.

Designated Military Officer: What was the Kalashnikov and military training for? To fight against what group?

Detainee: Not everyone [that] goes for training has to fight. It is from the Koran. Not everybody trains to go fight. For example, in Tunisia if you want to go and be a member of the military that doesn't mean [that] you have to go fight.

Designated Military Officer: [Which] group did you train with?

Detainee: There is no group. I was with a party that fought Russians. They made that training center and trained the people that wanted to be trained but I wasn't a member of that group. That's all.

Designated Military Officer: What group was that?

ISN 502
Enclosure (5)
Page 4 of 10

UNCLASSIFIED//~~FOUO~~

000526

UNCLASSIFIED//FOUO

Detainee: [The] Islamic party. This party was holding the regime in Afghanistan. Hekamat Yar was the Prime Minister of Afghanistan. When the Afghanis left...when the Arabs [were] fighting with Hekamat Yar against [the] Russians...the Taliban came [and] they left the Arabs alone. Those Arabs didn't fight with Taliban or against them...they just sat there. They gave them a camp to train people.

Designated Military Officer: Who is 'they'?

Detainee: The Arabs that were fighting with the Islamic party. I remember Abo-Mihjen...he trained me.

Designated Military Officer: Have you ever dealt or handled explosives like grenades?

Detainee: Yes.

Designated Military Officer: What happened to your right thumb?

Detainee: That is from the fuse of one of the bombs.

Designated Military Officer: Was it burning?

Detainee: They gave me the fuse [separately from the] grenade. (Inaudible) I pulled the nail [on the fuse] and when I opened it, it exploded in my hand. *(The Detainee repeats the explanation again as he visually describes the action).*

An Administrative Review Board member clarifies that when the Detainee uses the word 'bomb' he means 'grenade'.

Designated Military Officer: You mentioned that some of the Hezbe-Islami Gulbuddin (HIG) fighters went over to Britain?

Detainee: I said that most of the Tunisian group went to Britain not the Gulbuddin. Hekamat Yar is an Afghani not a Tunisian [and] the members of the Gulbuddin are mostly Afghanis not Arabs. I was talking about the Tunisian group members that went to Britain.

Designated Military Officer: Do you know what their purpose was [in going] to Britain?

Detainee: Ask the Tunisian Intelligence Service because they are the ones that told me. There was a problem between the members of this group [about] money so they spread [out]. Most of them went to Britain and some stayed in Pakistan...in Peshawar.

Designated Military Officer: What [type] of problem [did they have] with money?

Detainee: They had [a] disagreement on money. The Afghanistan people were fighting for money.

ISN 502
Enclosure (5)
Page 5 of 10

UNCLASSIFIED//FOUO

000527

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: Over gold or was there cash that the (inaudible) in the towns?

Detainee: I will give you an example. There is a group and then there is an Amir (prince or leader) on the top of that group. That Amir might be friendlier to [some people over] the others. He might have given a car to one of them and not the other...so that makes the others upset and leave the group. They leave because he is not [just] with the others.

Designated Military Officer: What kind of movies were you watching with Abo-Abdullah?

Detainee: [Movies] about Bosnia.

Administrative Review Board Member's questions:

Administrative Review Board Member's questions:

Board Member: You went to Afghanistan and you were captured in 2001...and you spent thirty days in training and thirty days in a guesthouse.

Detainee: Yes.

Board Member: What did you do the rest of the time you were in Afghanistan?

Detainee: I wasn't in Afghanistan the rest of the time. When I hurt my finger in Afghanistan I left the training and I wanted to go to Italy. I had a round trip ticket for three or four months. I was willing to go back to Italy [but] Saif took me to the Libyans house and they advised me not to go back to Italy. Saif came back to me and asked me for the ticket to prepare a new reservation [for me] to go back to Italy. I gave him the ticket and I said I wasn't going back. Saif asked me why I didn't want to go back to Italy after I had promised my friends that after I finished my training I would go back. He promised me that if I went back to Italy he would send me to Sudan to study the Koran and the Islamic religion. I didn't go back. I stayed there until I got married. I got married in [the year] 2000. Pervez, the Prime Minister of Pakistan, started capturing the Arabs and sending them back to their countries. In Afghanistan they have [different rules] on sending Arabs back to their countries. I stayed in Afghanistan about one year and then I was arrested.

Board Member: You got married in Afghanistan?

Detainee: Yes. I got married in Pakistan and they brought my wife to Afghanistan. This is the Arabic way to [get] married. I arranged the [marriage] in Pakistan and they brought her to Afghanistan.

Board Member: How did you know about the Usama bin Laden training camp near Kandahar?

ISN 502
Enclosure (5)
Page 6 of 10

UNCLASSIFIED//~~FOUO~~

000528

UNCLASSIFIED//~~FOUO~~

Detainee: Everybody knows [that] Usama bin Laden has training camps. It's on the news. If someone tells you that Usama bin Laden does not have a training center, tell him he is a liar!

Board Member: Did you have any other kind of employment in Italy while you were there for four years?

Detainee: I had many jobs but not for a long time. Most of the time I was on dope or I [was selling drugs].

Board Member: Can you give us an example of the kind of jobs you had?

Detainee: The first time I went to Italy in 1989...

Board Member: I'm not worried about 1989...[tell me about] 1991-95...

Detainee: I never worked from 1991-95 [except] at the very end when they released me from prison in Italy...I went to my brother and he asked me not to deal drugs [anymore]...my brother found me a job in construction.

Board Member: Construction, OK.

Designated Military Officer: So, you have a brother in Italy?

Detainee: Yes.

Board Member: How many languages do you speak?

Detainee: I speak Arabic and a little Italian.

Board Member: Did you train at any other camp beside the Duranta camp?

Detainee: No.

Board Member: Have you ever served in the military service at all?

Detainee: No.

Board Member: Did you ever fight in combat?

Detainee: No.

Board Member: When you lived in Tunisia and went to school, did you have training in any type of trade?

Detainee: Yes.

ISN 502
Enclosure (5)
Page 7 of 10

UNCLASSIFIED//~~FOUO~~

000529

UNCLASSIFIED//FOUO

Board Member: What did you learn?

Detainee: What I meant is that I learned about dealing but not through school. I know how to buy stuff and sell it to somebody else. I didn't finish school.

Presiding Officer: Why did Abo-Abdullah ask you to go to Afghanistan?

Detainee: To be trained and come back...to go back to Italy and then to Sudan.

Presiding Officer: Get training; go back to Italy then to Sudan and what was the training going to be for? I am still confused as to what this training is for.

Detainee: Our religion says that we have to be trained. This is something very [common]. This is [part of] the basic [beliefs] of my religion like you fast or like you pray. That was the [purpose].

Presiding Officer: Duranta, the al Qaida training camp...I wont call it [a] military camp...if it's not [a] military training camp, what kind of camp is it?

Detainee: It is a military training camp but it is a small one.

Presiding Officer: And you mentioned [that there are] a lot of houses around it.

Detainee: Do you mean residential area?

Presiding Officer: You mention that it is a small camp [with] two rooms, six to seven people are trained there [with] lots of houses around it.

Detainee: Yes, you are right. You cannot bring tanks there. It is very hard to get tanks or big equipment through there. You can shoot [with] Kalashnikovs or (inaudible). It's OK to shoot that there but not with a tank.

Presiding Officer: So my question is, [all these] houses that are around the camp, what kind of houses are they? Who lives there?

Detainees: Most of them are members of Taliban.

Presiding Officer: So the Taliban members live in the houses surrounding the camp. Did you have dealings with the local residents? What were their views on what was going on at that time?

Detainee: No, I was just there for twenty-nine days. I don't speak their language.

Presiding Officer: You mention 'the Detainee was identified as Adel al Tunisian an explosive trainer' and you said that the individual who identified you is here. Do you know his name?

ISN 502
Enclosure (5)
Page 8 of 10

UNCLASSIFIED//FOUO

000530

UNCLASSIFIED//FOUO

Detainee: [I said it's] possibly somebody from here.

Presiding Officer: You said you know he is here.

Detainee: Because the interrogator told me it was somebody from here that said that I was Adel the Tunisian, the explosive trainer. The guy who said that about me doesn't know me or it's a lie from the intelligence service.

Presiding Officer: So you personally don't know whether he is or isn't here?

Detainee: One Egyptian said [to me] that I [was] the explosive trainer. If that was right, that man is a liar. He doesn't know me. He knows my name from here. [He] knows me as a trainer and he knows I am a trainer in Afghanistan. [If this was true] it [would be] very difficult for me to say [that] my name [is] Adel al Tunisian. I would have another name. Whoever said this is either a liar or this is from the interrogators. He knows people here...one of them heard him say that he talked about two hundred and seventy Detainees because the interrogators bring him food and benefits. He is crazy. Anyone he saw he [would say that] he saw him in [such-and-such] places. If the interrogators believe him or not, that is something else. That is a problem. If I was a trainer I would never [use] my real name. The one who trained...his name is Abo-Mihjen and Abo-Abdullah he is the one who sent him to Afghanistan. When I went to Afghanistan, Saif al Tunisian asked him not to use his name as Adel al Tunisian and he changed it to Abo-Basayer the Tunisian. You never give your real name and [you] don't ask people what their real name is.

Board Member: If we decide to release you, we will probably send you back to Tunisia. Do you think that the Tunisian government would take you back?

Detainee: What do you mean by [take me back]?

Board Member: As a citizen.

Detainee: If you give me the choice, I would never go back to Tunisia.

Board Member: Where would you want to go?

Detainee: Anywhere else.

Board Member: Anywhere but Tunisia!

Presiding Officer: Why not Tunisia?

Detainee: You know Tunisia better than me.

Presiding Officer: I've never been there. I am just asking if there is a reason why you don't want to go there.

ISN 502
Enclosure (5)
Page 9 of 10

UNCLASSIFIED//FOUO

000531

UNCLASSIFIED//~~FOUO~~

Detainee: Some of the interrogators told me that I had a sentence waiting for me in Tunisia for ten years. There is no religious freedom in Tunisia. If I keep my beard it is a problem there. Tunisia is like Iraq, India and Syria.

Presiding Officer: Do you believe [that] there is a ten-year sentence waiting on you or on everybody that comes back?

Detainee: In Tunisia, if anyone goes to Afghanistan he is not accepted [back to Tunisia] because they [think he is] a terrorist.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Colonel, USMC
Presiding Officer

ISN 502
Enclosure (5)
Page 10 of 10

UNCLASSIFIED//~~FOUO~~

000532

UNCLASSIFIED//FOUO

Summary of Administrative Review Board Proceedings for ISN 038

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

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

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

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

ISN 038
Enclosure (5)
Page 1 of 2

UNCLASSIFIED//FOUO

000533

UNCLASSIFIED//~~FOUO~~

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

The Presiding Officer acknowledged the request.

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

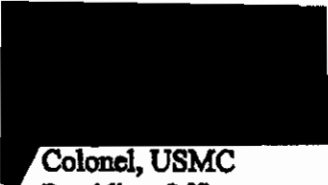
The Presiding Officer read the remainder of the unclassified portion of the Administrative Review Board proceedings, and then adjourned the proceedings.

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, USMC
Presiding Officer

ISN 038
Enclosure (5)
Page 2 of 2

UNCLASSIFIED//~~FOUO~~

000534

UNCLASSIFIED//FOUO

Summary of Administrative Review Board Proceedings for ISN 003

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

Presiding Officer: Please tell me how to pronounce your name.

Detainee: Ghulam Rohani, G-h-u-l-a-m R-o-h-a-n-i.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood. When asked if he had any questions concerning the Administrative Review Board process, the Detainee said he did not have any questions.

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

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

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

The DMO stated that a copy had been previously distributed to the AMO and the Detainee.

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

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

The Presiding Officer acknowledged the request.

ISN 003
Enclosure (5)
Page 1 of 12

UNCLASSIFIED//FOUO

000535

UNCLASSIFIED//FOUO

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

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

The Detainee accepted taking the (Muslim) oath.

Detainee: I have some things that I want to tell the board. Maybe I have told them to the DMO (AMO) but also I want to add some other things sometime if it is possible?

Presiding Officer: Okay, in time.

The AMO read the allegations on the unclassified summary to assist the Detainee in answering the allegations. Detainee interjected the following statement:

Detainee: This car that I sat in to go to Ghazni, this was not my co-workers car. This was just a car. This [car] didn't belong to our group. It is my turn to speak?

Presiding Officer: No, [we] still have two more (on Enclosure 3, EC-B).

The detainee made the following statement:

Presiding Officer: Do you have comments you wish to add?

Detainee: Yes I have.

Linguist: Am I going to translate and then [are] they going to write? *(Discussion between the Linguist and Detainee regarding how the translation and recording work during the Board.)*

Presiding Officer: You speak *(indicating to the Detainee)*, he translates and we'll listen.

Detainee: I have prepared a small written statement that I would like to read to the board.

Presiding Officer: Do you speak English?

Detainee: Yes.

Presiding Officer: Do you want to read it in English?

Detainee: I don't know too much.

Presiding Officer: Okay.

Detainee: I start with the name of God, I Ruhani, son of Haji Ghulam Gelani, a shopkeeper in Ghazni. In the year of 1355, in the city of Ghazni I was born. I went to school [for] 5 years [but] due to difficulties in Afghanistan I could not continue my education. In the year of 1973 I got

ISN 003
Enclosure (5)
Page 2 of 12

UNCLASSIFIED//FOUO

000535

UNCLASSIFIED//FOUO

married. I have two daughters and I was captured when I was a young person. From the time that I got captured... prior to that I was a businessman. That way I was just putting food on the table for my family. When the Taliban overtook Ghazni, according to Afghanistan's rules the young people were forced to join the military. There was heavy fighting in Afghanistan and most people lost their lives. Therefore, I was forced to join one of the Security Forces in Kabul, Afghanistan, so they wouldn't take me to the battlefield.

The Security Force had a small office in the Dayafghanan (D-a-y-a-f-g-h-a-n-a-n). At the same time I was attending my own business [so] I didn't have to go [and] fight in the field. And I wasn't obligated to be there all the times just a few times, I use to go [and] show myself. When I was in the office I use to mow the grass, I use to sweep the floors. And a few days after the American attacks I left Kabul and went to Ghazni back to my shop. In my shop I was working happily and I never thought I would be taken by force to join the military or go fight. I thought that the problems would be solved in my country and my country would prosper and green again.

The Americans have captured me without being at fault. I did not do anything against the Americans or their Allies. It's been about 34 years I have been detained without knowing about my future. On the first few days when I was captured I should have been put on trial. I wouldn't now be detained for 34 years without knowing my fault so I could have worked for my family and earn my living. From the first day [until] today, everyday I've been waiting for my release.

Detainee reads personal handwritten responses to the allegations listed in the Unclassified Summary of Evidence.

In response to the allegation a, b, a. 1.: According to the Government's rules the young people were forced to join the military. I was scared of fighting so I enrolled in one of the Security Forces so they wouldn't take me [to] the battlefield.

a. 2.: Like I said earlier, I was forced to join the military. After when I enrolled in one of the Security Keeping Forces for a while I drove. Since I didn't know the rules of driving I was fired from [that] driving job but my name was still there. Before my capture and after the American attacks I left the Government. In my shop I was working freely. And one day Haji Mohammad Hotak who was one of the American Allies and he was also [a] friend with them. He asked me [if] I could [act] as [an] interpreter for the English language with Mullah Mohammad who wanted me to go there... who was [going to have a] session with his American friends.

a. 3.: I went to see Mullah Mohammad near the school and after a few moments somebody by the name of Abdul Haq, who was from Mullah Mohammad who was asked by Mullah Mohammad to be there. He came there and he got in Mullah Mohammad's car [and] we went to a house that was under the control of Mullah Mohammad. Over there, there were 2 Americans who were friends with Haji Ghulan Mohammad they were there also. At the beginning I translated Mullah Mohammad's statement and my English was poor and the other person who was with the Americans in Farsi language between the Mullah Mohammad the Americans and Abdul Haq (*this person*) was translating. I sat in the corner [of] the room and I was drinking tea,

ISN 003
Enclosure (5)
Page 3 of 12

UNCLASSIFIED//FOUO

000537

UNCLASSIFIED//FOUO

after an hour or two I was detained by the Americans without any reason. The only personal weapon that I had which was a handgun I gave it myself to Americans. Because I never thought that Americans would arrest me. Because I went there by own will and I didn't have any problems with the Americans. And even until now during [the] interrogations they have been telling me that I'm not a fault. I will be released but I don't know when I would be released? And needless to say I don't have any connections or ties with Abdul Haq. I was asked to be there from Mullah Mohammad.

a. 4.: I have never threatened a soldier but I think there was a misunderstanding. That he didn't understand me fully or he didn't understand what I was trying to say.

b. 1.: As I previously stated I was forced to go fight therefore, I signed up in the Security Keeping Force. I did not have any obligations or responsibilities and I didn't know how to do office work because I did not have any prior education or training [in] that department. I have not heard [anything] about the Intelligence Agency.

b. 2.: In the security office where I was working, there were about 10 to 13 people working there and I did not see them carry weapons.

b. 3.: My sisters are married to a shopkeeper, a farmer and [a] driver and he has a car. About the people with the Intelligence Department, I don't know how many people they had.

b. 4.: In regards to the Intelligence Chief, I don't know how many people he had and where he had [them] or what they did. Since you have information about [me] the information is correct me that I was a shopkeeper and I was taken there by force. And at the same time I was attending my own business and sometime I use to go in that office so they wouldn't take me to the battlefield.

b. 5.: I have not deliver the letter from the Chief [of the] Taliban to the Taliban Commander. I don't know anything about it and I have no information about this. I wasn't close with him or I wasn't sitting with him or talking with him at any time. I was told by one of the integrators that, that person in question has been killed, the Taliban Chief [of] Intelligence by the American Forces.

b. 6.: I don't know anybody who was with the group (HIG) Hizb-I Islami Gulbuddin. The last time when I was going home from Kabul I got in a car that belonged to [the] Taliban and the car was going to Ghazni. Because they didn't charge me anything... so I would go to my home without paying for the ride I got in the car. People who were in the Security Forces I don't have any information about them. What happened to them? Needless to say the car that took me Ghazni... I don't have any ties or knowledge about the weapons that they had in the car or the driver of the car. I don't know what kind of guns or anything that they had to my knowledge. I don't have military education or training so I don't know much about weapons. I just got in the car so they could take me from Kabul to Ghazni without paying for the ride.

This is my speech so far and I am hopeful that you'll [have] paid close attention to my file or folder. God willing so I'll be free again so I could go back to my shop and my family and repay

ISN 003

Enclosure (5)

Page 4 of 12

UNCLASSIFIED//FOUO

000538

UNCLASSIFIED//FOUO

some of the debts that my family incurred while I was here. About my case I would like your deepest attention so I wouldn't be jail without being at fault. Thank you very much.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Does the Assisting Military Officer have any further information to present?

Assisting Military Officer: No sir.

The AMO had no further questions for the Detainee.

The DMO had no further questions for the Detainee.

Presiding Officer: Thank you for coming here today.

Detainee: And I also thank you for giving me the time and listening to my statement.

Presiding Officer: Your appearance here gives us the idea that your willing to talk to us honestly about your situation.

Detainee: It's true exactly.

Presiding Officer: We're not going to interrogate you but we do have some questions we would like to ask you.

Detainee: Please do so.

Presiding Officer: We want you to speak freely and honestly.

Detainee: Yes.

Presiding Officer: We do recognize your situation and we'll go ahead with some questions.

Detainee: Please.

Administrative Review Board Member's questions:

Board Member: You mentioned you speak a little English, where did you learn to speak English?

Detainee: In Ghazni they had an English Course and I went there for about 4 or 5 classes.

Linguist: 4 or 5 session or.... Or you mean how long? How long were you...

Detainee: About one year, five semesters.

ISN 003
Enclosure (5)
Page 5 of 12

UNCLASSIFIED//FOUO

000539

UNCLASSIFIED//~~FOUO~~

Board Member: Why were you interested in learning English?

Detainee: I do electronic work and most of the things in electronics [are] written in English, like parts and stuff like that. And also it's an International Language and it [would] help me with my business.

Board Member: How often did you perform translator duties for the Taliban?

Detainee: I didn't do it before I was asked to do it that one time by Haji Ghulan Mohammad he was helping the Americans. I didn't do it any prior to that.

Board Member: Being a member of the Intelligence Service sounds like that's a prestigious position?

Detainee: Yes that is but the department that I was working was not the same ones that you are talking about it's a Security Post. I was forced to enroll in that Security Post because I didn't want to go and fight.

Board Member: Okay and so there wasn't any military training required to get into that Security Service or the Intelligence Service?

Detainee: No because I just wanted to spend my time with them while I was in the military but I didn't want go be with the other military people, like the fighting people. So I stick with this department or this office to keep me away from fighting.

Board Member: There wasn't any training required?

Detainee: No, I have not received any training.

Board Member: Have you ever witnessed any torture performed on behalf of the Taliban?

Detainee: No.

Board Member: No further questions.

Board Member: I have some questions sir. What was the year again that you signed up for the Taliban Security Services?

Detainee: It was before 1380.

Board Member: How about using the Roman calendar, 1999, 1998, and 2000?

Detainee: Maybe late 99.

Board Member: In you statement you talked about a gentleman named Mohammad Hotak; Haji Ghulan Mohammed Hotak. What was your association with him?

ISN 003
Enclosure (5)
Page 6 of 12

UNCLASSIFIED//~~FOUO~~

000540

UNCLASSIFIED//~~FOUO~~

Detainee: Next to my shop there is a bakery. The guy who owns the bakery introduced me to this person in Kabul.

Board Member: And what is his business? What is Hotak? Is Hotak the correct way to say that?

Detainee: He is a close friend of the Americans and he is working with the Americans.

Board Member: In what capacity; is he an American intelligence agent or is he a businessman or what?

Detainee: I don't know his specific duties but he's with the Americans and whatever they ask him I guess he will do.

Board Member: I'm not sure, "Whatever he asks them"

Detainee: Whatever the Americans ask he will do.

Board Member: You were a friend and an associate of Hotak?

Detainee: No but his friend the baker next to my shop is a close friend of mine and that's how I know him, through him *(the baker)*.

Board Member: I see. This individual Abdul Haq Waiq, what was your association with him?

Detainee: He is the gentleman that the Americans wanted to talk with him and Haji Ghulan Mohammed asked me to go there to translate.

Board Member: Mr. Hotak asked him to accompany him and translate. But you had not seen according to your statement, you had not seen, you had seen Abdul Haq Waiq before but you did not know him personally.

Detainee: Yea I have seen him before but I didn't know him personally.

Board Member: And you didn't personally know Mr. Hotak very well either, he was just a friend of your friend the baker.

Detainee: Yes.

Board Member: Perhaps you can explain, it doesn't make sense to me why this individual Mr. Hotak who you didn't really know well would ask you, to accompany him to a very high level meeting between American intelligence agents and Mr. Wasiq, unless they knew you were very competent translator. Why would they choose to do that? Why would they ask you to accompany them of all the people that they had there?

ISN 003
Enclosure (5)
Page 7 of 12

UNCLASSIFIED//~~FOUO~~

000541

UNCLASSIFIED//FOUO

Detainee: That is a very good question. Haji Ghulan Mohammed is not from Ghazni. The Baker, his friend the Baker told him that I know a little English because I was taking English classes.

Board Member: I understand. You've explained that you know only a little bit of English but it does seem odd to me that this very high level meeting between American Field Officers and Mr. Wasiq who was working for them, that they would choose you a relative unknown. Why would they have such confidence and trust in you if they really hadn't known you very well and never met you before, really?

Detainee: They also had their own interpreter, the Americans and the English I learned was the British English and the Americans were talking too fast. I couldn't understand what they were saying so after a while they stopped using me. The interpreter who was sitting next to them he started interpreting.

Board Member: I understand your primary duties at the Security Service required you to occasionally serve as a chauffeur, as a gardener and as a janitor.

Detainee: They took the driving job away from me because I was a poor driver. I was doing just the sweeping and mowing the grass and I was just showing my face there every once and a while so they would know I there.

Board Member: I understand. Your primary duties as you said were being a sweeper or the janitor and the gardener those were your primary duties. Did you have any other duties?

Detainee: No.

Board Member: No other duties at all?

Detainee: No.

Board Member: I find it odd that a Janitor and the gardener would carry a pistol. Why would you carry a pistol? Why would carry a sidearm in those duties?

Detainee: It's a very good question but in Afghanistan almost everybody owns some form of weapon. You know either a handgun or a machinegun and it's a very common thing.

Board Member: It's common to perhaps to own a weapon but is it common to carry one with you when you're gardening or being a janitor?

Detainee: When I was going to work usually I did not have my weapon with me. I use to leave it at home.

Board Member: When you worked in your shop in Ghazni did you carry your weapon with you then?

ISN 003
Enclosure (5)
Page 8 of 12

UNCLASSIFIED//FOUO

000542

UNCLASSIFIED//FOUO

Detainee: Sometimes, not all the time, because I don't like to have it with me all the time. Because of the guns is why we have all these problems right now.

Board Member: Yet on the day you went to translate at this meeting with the American agents which seem to appear to have been relatively spontaneous [and] when your friend asked you to go with them outside your house one night you carried your weapon then too. Why would you carry your weapon then if you were going just to translate?

Detainee: I just had it with me you know. I wasn't planning to use or anything it was just with me at that time.

Board Member: Have you ever participated in any intelligence gathering or law enforcement duties?

Detainee: No.

Board Member: Did you ever receive training in any intelligence gathering or law enforcement related type duties?

Detainee: No, I joined them because I had to and it wasn't like I was interested in that area of work. So no.

Board Member: That's all I have sir.

Presiding Officer: Part of the Unclassified Summary says that you and 10 to 12 other people were part of a "quasi-police organization associated with Taliban Internal Affairs." Is that correct?

Detainee: Like I said earlier I joined that department, that security department because I didn't want to go to the battlefield. That is why I joined that.

Presiding Officer: What did that unit do? What were your duties with that unit?

Detainee: They were providing security for an area call Dayafghanan.

Presiding Officer: And you were looking out for trouble or you were finding people who committed crimes?

Detainee: Like I said earlier I wasn't totally with them. Like I wasn't there all the time. I just went there to show my face and I did not participate in their work.

Presiding Officer: But sometimes you did? Or you never did?

Detainee: No, I did not do it.

Presiding Officer: Can you describe the Hizb-I Islami Gulbuddin?

ISN 003
Enclosure (5)
Page 9 of 12

UNCLASSIFIED//FOUO

000543

UNCLASSIFIED//~~FOUO~~

Detainee: I don't know anything about that organization.

Presiding Officer: Okay. Was Mr. Wasiq a Mullah?

Detainee: I don't know him very well. He might be here, as a detainee and I don't know him very well. If you want maybe you can ask him.

Presiding Officer: You would know if he was a Mullah or not.

Detainee: I did not have a close relationship with him so therefore I don't know if he was a Mullah or not.

Presiding Officer: Have you ever had the occasion to see Mullah Omar or other high-ranking Taliban Government people?

Detainee: Like I said before I was just a lower-level worker and I did not have the opportunity to meet with higher-ranking people or somebody with power. Just for an example; if the soldiers here, they are getting paid to do their job but if somebody is brought here by force or maybe somebody force them to be here, would he be able to go see Mr. Bush, Mr. President Bush?

Presiding Officer: Over time there maybe an opportunity that he would be in a situation to see President Bush.

Detainee: No I did not have that opportunity.

Presiding Officer: Okay. We look at several different aspects before we make a recommendation as to one's future here. Part of those different views we have concerns the relationship and the behavior of detainees with the guards or the soldiers who are here. So when we hear reports that you have threatened the lives of the guards or the soldiers that gives us a different view of you.

Detainee: No I did not say anything like that or I did not make any allegations like that. The guards are wearing some kind of protective clothes when they go to some dangerous cells. In [the] 3, 4 years that I have been here, they [have] never worn protective clothes to come to my cell. They are called IRF Team?

Presiding Officer: IRFing.

Detainee: They have not come to me so that means I don't have any problems with them.

Presiding Officer: For the record, IRFing is I. R. F. it stands for Immediate Response Force.

Detainee: I did not have any opportunity that they would come to me but I have seen them going to other places about four or five times.

ISN 003
Enclosure (5)
Page 10 of 12

UNCLASSIFIED//~~FOUO~~

000544

UNCLASSIFIED//FOUO

Presiding Officer: Okay. Here is what I want you to remember about all of this, this piece. I want you to remain as cooperative as you can be with the guards and soldiers regardless of the situation, that is very important for you.

Detainee: I do cooperate with them [but] sometimes they... for example; they left the door unlocked and I pointed [it] out to them that "you forgot to lock the door." So I am cooperating you know.

Presiding Officer: Thank you.

Detainee: And if there was a misunderstanding please don't hold that against me.

Presiding Officer: If there is a misunderstanding with the guards you work that out with the guards.

Detainee: I try not to make any problems with them. I know they have a tough job being here [and] working with detainees and everything. For example; we have about maybe 30 minutes for walking or exercising sometimes they give us like 20 minutes but that's okay you know I try not to make any problems over small things like that.

Presiding Officer: You're going to be leaving here (*referring to the room*) real soon and we want to be sure that you had your chance to speak and what you said was the truth.

Detainee: My statement that I read to you, do you have some kind of written, did somebody write it down?

Presiding Officer: No. So you can sign it?

Detainee: My statement that I was just telling you guys. Did you hear what I was trying to say?

Presiding Officer: Yes we did.

Detainee: And you will make a judgment about my....

Presiding Officer: We'll make a recommendation. Yes.

Detainee: When will they let me know that I'll be released?

Presiding Officer: I don't have a timetable for how notifications are made, I know that it goes into the system but I really don't have a number of days or a specific date.

Detainee: Thank you.

Presiding Officer: Okay. Anything else?

Board Member: No sir.

ISN 003
Enclosure (5)
Page 11 of 12

UNCLASSIFIED//FOUO

000545

UNCLASSIFIED//FOUO

Board Member: No sir.

The Presiding Officer read the post-Administrative Review Board instruction to the Detainee. The Detainee had additional questions.

Detainee: When would they let me know?

Presiding Officer: I don't know.

Detainee: In 20 days; 30 days?

Presiding Officer: It is out of my control. I don't know.

Detainee: Thank you.

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

The Presiding Officer opened the classified portion of the session. During the classified portion of the session it was revealed by the AMO that the Detainee had hand shredded his written statement after adjournment of the Unclassified Session, rather than having it translated by the linguist for insertion into the record.

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.


(b)(6) Colonel, U.S. Army
Presiding Officer

ISN 003
Enclosure (5)
Page 12 of 12

UNCLASSIFIED//FOUO

000546

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 1004

The Presiding Officer began reading the hearing instructions to the Detainee and the Detainee interrupted for clarification of what may be the other factors bearing upon the need for continued detention.

The Presiding Officer repeated the instructions and confirmed that the Detainee understood.

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

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

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

Detainee: [Please] give me a few minutes. I want to talk about two matters.

Presiding Officer: You will have your time.

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

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

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

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

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

Detainee: If you prefer, I will take [the] Muslim oath. If you want me to take [a] different oath, I am ready to take [a] different oath, anything you wish. I am not an enemy combatant. I never [did] fight. I never [did] do anything. I went to get some money from [a] person. I went to Sheberghan and from there I was arrested.

Presiding Officer: Designated Military Office, please administer the appropriate oath.

ISN 1004
Enclosure (5)
Page 1 of 10

UNCLASSIFIED//~~FOUO~~

000547

UNCLASSIFIED//FOUO

Presiding Officer: Designated Military Office, please administer the appropriate oath.

Designated Military Officer: Sir, can I ask a question for clarification?

Presiding Officer: Yes, you can.

Designated Military Officer: I want to be sure that he is taking the oath because he wants to take it, not because he thinks we want him to take it. It's his decision.

Presiding Officer: That's right. That's been noted...it's...[his decision].

Detainee: Do you believe [it] if I take [an] oath? If I take [an] oath do you believe it?

Presiding Officer: Does he want to take the oath?

The linguist stated that the Detainee wants to take the oath.

Detainee: If I take [an] oath will you believe it?

Presiding Officer: We will understand. [We] want to hear if he desires to take the oath. We will administer it to him and we will make a determination as to...as we continue into this proceeding.

Detainee: Yes, I am ready.

The Detainee takes the Muslim oath.

Detainee: I [took the] oath [because] I [have] never had any relationship with al Qaida and I have nothing against America.

Designated Military Officer: Okay.

Presiding Officer: You will have an opportunity to say whatever you want as soon as he (referring to the Assisting Military Office) is through with that. At this time we will hear the statements from the Assisting Military Officer that he has received. Please provide the information, the statement for the Detainee.

Assisting Military Officer: The detainee was extremely cooperative, relaxed and responsive. He was skeptical at first of talking to me since he felt his Personal Representative during the CSRT let him down when he was told he was considered an Enemy Combatant. After I convinced him I would report exactly what he said, he agreed to talk. He said he would appear at any time before the ARB. Since he is illiterate, he did not want a copy of the Unclassified Summary of Evidence. He did state that he wants to see a doctor about his hemorrhoids and the poor fit of his new artificial leg. The detainee provided the following comments in response to information in the Unclassified Summary of Evidence. In response to the allegation that the detainee knew Mullah Abdul Rahman, the detainee denied ever hearing of his name much less meeting him. In

ISN 1004
Enclosure (5)
Page 2 of 10

UNCLASSIFIED//FOUO

000548

UNCLASSIFIED//FOUO

response to the allegation that he was the Head of Security in Baghlan province, the detainee denied having any leadership position with the Security Team. The detainee said he was only a foot soldier. He says he is illiterate and does not even know his date of birth or exact age; therefore, he could not have served in any position of authority. In response to the allegation that he heard about jihad against the Northern Alliance and traveled back to Kandahar, Afghanistan, to join the Taliban, the detainee said that was true. He stated that when his beard started to grow, the Taliban came to his house and told him he was going to report to Kabul for military training. Since he was having problems at home, he decided to join because he thought he would die and put an end to his meaningless life. While in training, he learned to shoot the AK-47 rifle. Soon after arriving in Kabul, he was told by a high-ranking Taliban officer named Mohammed Wali that he would be Wali's house servant in Kandahar. He spent three weeks in Wali's home. Wali introduced him to Mullah Satar. Wali told him he was going back to Kabul. He knew Wali had lied to him when instead of going back to Kabul, he wound up west of Murghab. A firefight broke out with the forces of Malik, one of Dostum's commanders. On the first day of the fight, the detainee was wounded in the left arm and sent to the hospital.

Detainee: I am sorry, it was the left arm.

Assisting Military Officer: I am sorry, I meant to say left arm.

Detainee: Okay.

Assisting Military Officer: After two weeks in the hospital, he was sent back to the front but did not engage in any more combat due to his injury. Six weeks later, he was sent back to Kandahar to rejoin Wali. When he arrived he discovered Wali had already departed. One week later, the detainee decided to leave Kandahar to rejoin Mullah Satar in Kabul. In response to the allegation that he was a guide for foreign fighters at a Taliban house in Kabul, the detainee denied this. The detainee stated he was only a guard at a Taliban house in Kabul where he was staying. He was not a guide for foreigners because he only spoke Pashtu. He lost part of his left leg during a Northern Alliance mortar attack on the house. After four months in the Charsad Bester hospital in Kabul, he was sent back to his home in Nahrin, in Baghlan province. The detainee was sent back to his home after the Taliban had recaptured Nahrin. The detainee stated the Northern Alliance captured him in Nahrin in December 2001. He was then taken to the Shegerghan prison. The detainee stated he was in a cell with about seventy-five other prisoners at Shegerghan. He stated the conditions in the Shegerghan prison were terrible. He and about twenty-five others were taken to Bagram Air Base for interrogation before coming to Guantanamo.

Detainee: Twenty-five people came with me to Bagram?

Assisting Military Officer: Yes, in his...

ISN 1004
Enclosure (5)
Page 3 of 10

UNCLASSIFIED//FOUO

000549

UNCLASSIFIED//FOUO

Detainee: No, the facts are a little bit mixed up. They took me and another two Afghanis and three Pakistanis and brought us to Bagram, six of us.

Assisting Military Officer: Okay. He said he never heard of al Qaida until the US interrogator at Bagram Air Base asked him about it. In response to the allegation that he was sponsored to the Jama'at al Tablighi missionary group when he was in Pakistan, the detainee agreed that he went to Quetta, Pakistan the first time in an unsuccessful attempt to get a job. Three months later a Jama'at al Tablighi representative approached me in Kandahar about my religious practices. After one week they asked me travel to Quetta, Pakistan because I did not understand their lessons. I went with them to...

Detainee: Rawuh (ph), not Quetta.

Assisting Military Officer: I went with them to Rawuh (ph) for four months to learn the proper way to pray and other religious practices. In response to the allegation that he harassed the guards, the detainee stated about one year ago he joked once or twice with guards about airplanes crashing into buildings. In response to the allegation he spat on the guards, the detainee stated that he spat on a guard about a year ago. He said that when he asked the guard to turn on the shower for him, the guard replied he could not hear him. When he repeated his request, the guard again said he could not hear him. When he asked the third time, the guard once again said he could not hear him. He motioned for the guard to come closer. When the guard came close, he spat in his ear. He says the guards are nice to him now and that he has no problems with them. In response to the allegation that Mullah Akhund Berader, the Taliban Corps Commander in Kabul, gave him two million Afghanis for his leg injury, the detainee agreed with that statement. The two million Afghanis, about five dollars US was intend to offset his travel expenses in going home. In response to the allegation that he received four million Afghanis from Mullah Satar for his leg injury, the detainee disagreed. He went to Sheberghan to find Mullah Satar to ask him for four million Afghanis more to offset the cost of his artificial leg. He did not find Mullah Satar in Sheberghan instead he was arrested by the Northern Alliance Forces and put into the Sheberghan prison. The detainee stated he originally joined the Taliban Army because he thought his life was meaningless and that he would end it by joining the Army. He stated instead of me dying, my leg died. In response to the allegation that if released he would return to fighting against the United States and coalition forces in Afghanistan, the detainee stated he does not wish to fight anymore. He says he never wants to hear the word "gun" ever again. He said he would work with the Americans to rebuild his country if asked. He does not wish to die. He says he feels his life has meaning now. He just wants to go home. The detainee stated he has never eaten so well as he has here in Guantanamo. He especially likes the honey, jam, butter and meat. The only thing he misses now is his family. That concludes his written statement.

Presiding Officer: Mohammed Yacoub, did the Assisting Military Officer's statement provide the information you wanted us to hear.

ISN 1004
Enclosure (5)
Page 4 of 10

UNCLASSIFIED//FOUO

000550

UNCLASSIFIED//FOUO

Detainee: Yes.

Presiding Officer: Mohammed, you may begin your statement.

Detainee: I just want two words, that's all.

Presiding Officer: Please.

Detainee: I went to Sheberghan to collect four million Afghanis because I was in debt from someone. I was going to get the money from Mullah Satar to give it to that person. Instead of taking the money, I was taken as a prisoner. I was arrested. That was [an] excuse. That was God's will [that] brought me here. I didn't go to fight. I didn't go for any [other] reason. [I] just went to get the money and this happened. I am very much pro-American. America is building my country. America [is] help[ing] to get rid of [im]polite or unwanted people from my country. I am very happy for Americans. I have no reason to be anti-American whatsoever. For the last few years [that] I have been here, I am not receiving any news from my family. If they send me some letters, I am illiterate, I cannot read it.

Presiding Officer: Anything else?

Detainee: That's it.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

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

Assisting Military Officer: I have no questions.

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

Designated Military Officer: Yes sir I do have one. Other than your Army training have you had any other vocational training or jobs or anything before you went into the Army?

Detainee: No.

Designated Military Officer: So if you are released and you return back home what are you going to do? What is your vocation? What job are you going to do?

Detainee: I cannot be a farmer because my physical condition [does] not permit me. If I have some money I will run a business or a small shop or something. If I can't, I will stay home and my brother will help me run my company.

Designated Military Officer: Thank you.

ISN 1004
Enclosure (5)
Page 5 of 10

UNCLASSIFIED//FOUO

000551

UNCLASSIFIED//FOUO

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

Board Member: I do.

Administrative Review Board Member's questions:

Board Member: Mr. Mohammed Yacoub, is it customary to be compensated for injuries sustained during battle in Afghanistan?

Detainee: Nobody compensate[s] [for] anything, except the Red Cross [gave] me the artificial leg, that's all. They fixed an artificial leg for me and then asked me to do some work for them.

Board Member: So the only expectation was to...for you to get a prosthesis and get you back to walking again.

Detainee: There is a Red Cross representative in Afghanistan. [There is an] Afghani Red Cross; they have offices all over Afghanistan. They are helping people with injuries with [their] legs, with [their] hands and other sicknesses.

Board Member: Okay, thank you.

Board Member: I have a question. Why did you join the so-called jihad against the Northern Alliance?

Detainee: There was so many powers fighting against each other in Afghanistan, Islamic powers. [There were] seven groups [or] five groups [and] they [were all] fighting against each other. You get tired of fighting. When [the] Taliban came, they wanted to establish one central government. We thought we would [be able to] get rid of those powers and there will be one government. After that the Americans came.

Board Member: Were you a security policeman for the Taliban?

Detainee: No, I [have] never been [a] security officer. I went as a solider with Wali and Wali introduced me to another guy [named] Mullah Satar. Mullah Satar took me to some battle and then I [got] injured. I received injuries and was [sent] home. I was in [the] hospital.

Board Member: Thank you.

Presiding Officer: I'll ask this question again...you have never been a security guard at all?

Detainee: No, no, no, no, I've never been with any authority... with any authority position. I was a solider until I had my leg...when my leg [was] cut off...I was sent

ISN 1004
Enclosure (5)
Page 6 of 10

UNCLASSIFIED//FOUO

000552

UNCLASSIFIED//FOUO

home. When I was working with [the] Taliban there was nothing in the news, [on] the radio or television or anything about Americans. There was no news about Americans. I went to Sheberghan to get the money, four million Afghanis then I was arrested.

Presiding Officer: What happened to that money? What did you do with it?

Detainee: He wasn't there, he didn't give me any money.

Presiding Officer: So you never got any of that money [that] we talked about.

Detainee: No, I didn't get any money. I talked to Mullah Satar's friend. He told me [to] wait for a while [and he said that] when Mullah Satar come[s] [back], he will help me. A few days later, the Taliban was defeated and I didn't know [that]. It was [at] night. [It was] during the night [that] the Northern [Alliance] took the power. In the morning I went to [a] restaurant to have some food and somebody told me, "Go and see those people on the street [because] they are asking for you". So I went there [and] they said do you know that the Taliban just vanished/finished. I said no, I don't know. They said Taliban is finished. They took all of my new clothes and my shoes and everything out and they tied up my hands. They took my wristwatch. They threw me in an underground somewhere. I was approximately seven days in [the] underground there. The people came and they maintained the security in Sheberghan. I know Farsi. I can speak Farsi. So the soldiers told me don't worry [and that] when the Dostum people come, they will release me. For twelve days I was there underground and after that they took me [to] some other place. They took me to another place. I was there for the month of Ramadan and after that for another fifteen days. After that the Red Cross came. The Red Cross people came there [and] they gave us a small card. The Red Cross people told me don't worry about them; nobody will kill you now [because] we are in power. Then they carried me to the central jail. There were a lot of Taliban, so many Taliban in the central jail. [If] we had money and [gave] them [a] bribe, we could have freedom, be released. The rich people [were] released and the poor people stayed there. They sent their people in a couple of times to ask [me] for the money. I said [that] I don't have [the] money [but] I [will] call my brother. My brother came and he said [that] they are asking for ten thousand Pakistani Rubies. He said we can't come up with ten thousand Pakistani rubies, what [are] we suppose to do? I said, well leave it [up] to God. Maybe [if] other people [are] released, I will be released too. I didn't have [any] money and I don't have [any] property or anything in Afghanistan, except one house in Nahrin, Bagram. I told my brother [to] wait [and] don't worry about it. When everybody [is] released, I will be released. Eventually, I end[ed] up here. I was so poor, I had a fiancée, and I don't have money to bring [her] to my house to marry me. They blindfolded me and took me to Bagram Air Base. When I was in Bagram I didn't know what [was] my charge... what did I do. I end[ed] up in Cuba.

Presiding Officer: Okay, let's back up for awhile. First of all you said you were arrested and put in the underground. You said you were taken to the underground.

ISN 1004
Enclosure (5)
Page 7 of 10

UNCLASSIFIED//FOUO

000553

UNCLASSIFIED//~~FOUO~~

Detainee: Yes, before [the] month of Ramadan, I was brought to the underground. [For] seven days of [the] Ramadan I was there [underground]. Then they took me to another place and I was there for one and a half months.

Presiding Officer: Was it dark? Could you see outside?

Detainee: Yes it was dark, very dark. They had one bulb. Sometimes there was power; electricity [and] sometimes there was no electricity. They took us out at night, not in the day time.

Presiding Officer: You said they took your watch.

Detainee: The first day they only let me have pajamas. Everything was taken. Thank God they (referring to the Guantanamo Bay, Cuba guards) [are] giving us clothing, they [are] giving us [a] shower and everything here.

Presiding Officer: I am trying to ascertain the times. You said that you were underground for seven days, you said you were underground for twelve days [and] then you said that you were underground for fifteen days, which was it?

Detainee: The first one?

Presiding Officer: When you were arrested and taken underground.

Detainee: I am sorry. I was [there] seven days before [the] month of Ramadan and eight days in the month of Ramadan. Then they carried me to another place. They asked me some questions and they said when you are processed in the other place you will be released from there. When they sent me there we were there for one half month.

Presiding Officer: How did you keep track of time?

Detainee: [It was] not only me there, there was a lot of people. The people who had money, they bribed them and they bought their release. They usually brought people from villages, not city people.

Presiding Officer: Yeah, but that did not answer the question I asked. How did he keep track of time?

Detainee: [We asked about the time] when the people [would] come from outside. There is always people coming and going. [When] people were coming from outside we [would] ask them "What date is this"?

Presiding Officer: Okay.

Detainee: People were coming from outside and [they would] stay there. [They would] stay with us for ten days [or] fifteen days and then they [would] release them.

ISN 1004
Enclosure (5)
Page 8 of 10

UNCLASSIFIED//~~FOUO~~

000554

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Okay. Mohammed your behavior here at the camp has been less than appropriate. Could you expound on some of the reasons why? Especially if you said you are enjoying the accommodations, why would you do some of the things that was described that you did here?

Detainee: Well, the thing is that, I believe I am innocent. When people come here they loose their temper. [Since I have been here, I've seen people do stupid things].

Presiding Officer: The gestures of airplanes flying in the building, why did you think that was funny?

Detainee: Yes, somebody else did it and I was copy[ing] from him. I was thinking it was [a] joke. Somebody else did it and I copied from him. I was taking it as a joke.

Presiding Officer: But why did you take it as a joke?

Detainee: Well the other person did it and nobody told him anything, so I said it.

Presiding Officer: Spitting in the guards ear was also a joke?

Detainee: Not only me, there are a lot of people [that] did the same thing because we are detainees. Sometimes we get bad treatment and poor treatment and then we would do the same thing. Sometimes people fight with their own brother and swear at their own brother and do something else to their brother. It doesn't mean anything. When I say something to [the] guards, it doesn't mean I have something in my heart. My heart is very clean.

Presiding Officer: By those actions, that indicates that your heart is clean to the guards?

Detainee: Maybe in my actions sometimes I threw water on the guard or I spit on the guard or things like that, but my...I know my heart is very clean.

Presiding Officer: Okay. Are there any other questions?

Board Members: No sir.

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

The Detainee interjected with a question concerning his eligibility of another Administrative Review Board in one year.

Detainee: It's going to be after one year?

Presiding Officer: In one year. [Does] he understand?

ISN 1004
Enclosure (5)
Page 9 of 10

UNCLASSIFIED//~~FOUO~~

000555

UNCLASSIFIED//~~FOUO~~

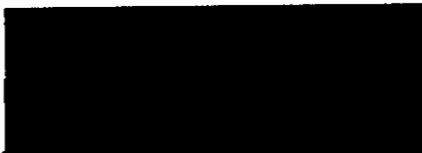
Detainee: First, I am going to be released or I am going to be transferred or I will be keep here for another year.

Presiding Officer: Let me repeat this.

The Presiding Officer continued reading the post-Administrative Board instructions to the Detainee, made sure he understood and adjourned the open session of the Board.

AUTHENTICATION

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



(S) [Redacted]
Captain, USN
Presiding Officer

ISN 1004
Enclosure (5)
Page 10 of 10

UNCLASSIFIED//~~FOUO~~

000556

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings (with Detainee present)

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

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

The Designated Military Officer read the first allegation annotated on the Unclassified Summary of Information and the Detainee made the following comment:

Detainee: Did I do it?

The linguist explained to the Detainee that he would have time to speak.

Detainee: Should I do it right now?

ISN 961
Enclosure (5)
Page 1 of 12

UNCLASSIFIED//~~FOUO~~

000557

UNCLASSIFIED//~~FOUO~~

Presiding Officer: No, we will give you the opportunity a little bit later.

Detainee: Okay.

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

The Detainee made the following statement upon the conclusion of the Designated Military Officer reading the Unclassified Summary of Information.

Detainee: I don't know what should I say. Everything [that was] mentioned was [a] lie.

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

The Presiding Officer acknowledged the request.

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

Assisting Military Officer: Sir, the Detainee provided some comments to the Unclassified Summary of Evidence that he will want me to read to the Board.

The Assisting Military Officer provided comments on behalf of the Detainee from Exhibit EC-B, the Enemy Combatant Election Form.

The Presiding Officer asked the Detainee if he wishes to make a statement and whether he opts to take a Muslim oath.

Detainee: In our religion, in our belief, [by a person] taking [the] oath it means that is the end of it and [the person] will be free.

Presiding Officer: You mean be released?

The linguist gave confirmation that the Presiding Officer interpreted the Detainee correctly.

Presiding Officer: That is not the intent of the oath here. By taking the oath you are telling us that you are going to tell the truth about everything you say. Again, we do not require an oath. You do not have to take one.

Detainee: Yes, I promise [to tell the truth] and I [will] take [the] oath. I [have] never lied in any of my statements.

ISN 961
Enclosure (5)
Page 2 of 12

UNCLASSIFIED//~~FOUO~~

000558

UNCLASSIFIED//FOUO

Presiding Officer: I am going to ask the Designated Military Officer to administer the appropriate Muslim oath.

The Detainee accepted taking the Muslim oath.

Detainee: Everything they said against me, everything is [a] lie. They didn't say a word of truth.

Presiding Officer: Okay. Abdul Wahab, you may begin your statement.

Detainee: Everything they said about me is [a] lie. The first one is [that] they accused me of not accepting the law and principle and things in the detention. Everything is lie. I didn't do anything wrong.

Presiding Officer: Do you want to be more specific on some of the things? I know we are going to ask some questions; but if [you would] like to be more specific on certain things in the Unclassified Summary then that's fine with us.

The detainee made the following statement:

Detainee: I am a poor man. The second lie is that [when] I was going to [the] market, I was in [a] car [when] they stopped me. [When] they stopped me, there was no Usama, there [were] no Usama people, there was no Commander, [there was no] Chief of Commander or anybody with me. I don't know anybody. I was going to the market. I never touched [a] Kalashnikov. I never hit anybody with [a] Kalashnikov. Again this is a lie. There was a person, he was a very poor man, and he borrowed money from [somebody in] the market. He sold his donkeys and gave me the money to give it to that person. I just took his money from the village. I took it to [the] person [that] he owed money. That's all I did. My brother is a poor man and he cannot earn his daily expenses. He never did anything [such as a] Jihad or anything against the people. He never [has] been a member of [an] Islamic group. I am not aware of it. I was a very poor man. I was a farmer. I don't know anything about these accusations. I was busy earn[ing] my livelihood for my children. I [would] appreciate if you [would] consider me as a poor man. I [am] not [a] threat to America or America's allies. I am not anybody's enemy. Just send me home to help my children and my family. They said [that] I was in the car or [on] a bus or whatever with [some] people and [that] they belong[ed] to the Taliban. [That] there were Commanders [and that] there were Chiefs, but I don't know anything about it. I paid [a] fare [for me] to [be] take[n] to the market. I don't know about other passengers. I was one of the passengers [and] I paid my fare, so they took me to the market. I don't know anything about [the] other people. The other thing is [about] the polygraph test. When I passed [the test] the guy told me, "You [have passed the test by one] hundred percent and you are going home." I don't know [if] the machine is lying or [if] the guy who told me [that] I passed everything [is] lying to me; I don't know. I have nothing [more] to say. I am a poor man. I am innocent. I have nothing to do with [the] Taliban [and] I have nothing to do with the al Qaida. I don't know those people. I have

ISN 961
Enclosure (5)
Page 3 of 12

UNCLASSIFIED//FOUO

000559

UNCLASSIFIED//FOUO

no relationship [and] I have no affiliation with those people. I need your help to send me home. I want to help my children, my family and I want to earn the livelihood of my family. Everything is said and done. I [am] finished. I have nothing [more] to say.

Presiding Officer: Abdul Wahab, does that conclude your statement?

Detainee: Yes.

Presiding Officer: Did the Assisting Military Officer.....

Detainee: Whoever said [that] I used [a] Kalashnikov, I want him to come here and tell me how did I use [the] Kalashnikov. I never touched [a] Kalashnikov. Do you believe that? If somebody [is] fight[ing] with [the] Americans, then [why would they] come to [the] Americans and ask for help? What do you want to say about this?

Presiding Officer: I don't want to say anything. I am not here to answer your questions. We'll ask you some in a few minutes.

Detainee: Well, I have only one point to make. They say I am an enemy of America. If somebody were [an] enemy of somebody would they go [to them] by a car or a bus? No. I am not your enemy.

Presiding Officer: Abdul, does that conclude your statement?

Detainee: Yes, I wish [that] you [would] help me go home. I am not an enemy of America. I am not [a] threat to Americans or American's allies. I am a poor man. I was a farmer. There is nobody to feed my children. They are dying from hunger. I am done with my statement.

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

Detainee: Yes.

The AMO had no further questions for the Detainee.

The DMO had the following questions:

Designated Military Officer: Abdul, were you driving the taxi or were you a passenger in the taxi?

Detainee: No, I was a passenger.

Designated Military Officer: If you were going to go back to your village, what would you be doing as far as work?

ISN 961
Enclosure (5)
Page 4 of 12

UNCLASSIFIED//FOUO

000560

UNCLASSIFIED//~~FOUO~~

Detainee: It was the night of [a] Muslim religious [meal] and I was going to the market to buy some things for my family.

Designated Military Officer: No, I mean what would [you] do, if [you] would go back to the village? Will [you] be a farmer or what will [you] do?

Detainee: When I go home I will make some money to buy food for my children if they are alive. If they [have not] died already.

Designated Military Officer: Okay, one last question...

Detainee: I have no animosity. I have nothing with anybody.

Designated Military Officer: One last question, you made mention [that] you received some money for some donkeys, how much money was that?

Detainee: Fifty thousand Pakistani Rupee[s].

Designated Military Officer: That's all the questions I have sir.

Administrative Review Board Member's questions:

Board Member: Abdul, you have indicated that there are a lot of people in Afghanistan that sell poor people like you to the United States, who sold you to the United States?

Detainee: I don't have that information, but there were so many Afghanis with Americans. Americans were paying money for the people to show [them] who is al Qaida and who is [the] Taliban. They paid money. I don't want to accuse anybody but I know somebody from that crowd [sold me].

Board Member: Okay. You also indicated that you went to the Americans. You couldn't be an enemy of America because you went to the Americans. Explain to us how you voluntarily went to the Americans?

Detainee: At the checkpoint there were Americans. If I was a threat to Americans [or] if I [were] guilty I would [have] never go[ne] to the checkpoint [where] the Americans [were located].

Board Members: How many people were in the car when you entered the checkpoint?

Detainee: Seven.

Board Member: Seven. How long had you been in the taxi before you got to the checkpoint?

ISN 961
Enclosure (5)
Page 5 of 12

UNCLASSIFIED//~~FOUO~~

000561

UNCLASSIFIED//~~FOUO~~

Detainee: I don't have that [time], but I think it [was] twenty minutes or something like that. Initially when we [were in] the taxi, it was six people but we [picked up] one [person] along the way.

Board Member: Where did you enter the taxi?

Detainee: It was a line taxi [going] from one place to another place.

Presiding Officer: It accepted people along the way?

The linguist confirmed that is what the Detainee said.

Board Member: Where did you get in the taxi?

Presiding Officer: At Lejay or where?

Detainee: Clanji (ph).

Board Member: Is that a city?

Detainee: No, that is a village.

Board Member: It's a village.

The linguist confirmed that it was a village.

Board Member: How do you spell it?

The linguist stated C-L-A-N-J-I (ph).

Board Member: What did you have in your possession when you were captured?

Detainee: Nothing. [I had] nothing with me.

Board Member: You didn't have the fifty thousand Pakistani Rupees on you when you were captured?

Detainee: Yes, if you ask me like that, yes I had approximately ten thousand rupees of my own too. I had my clothing and I [had] my shoes and everything on me.

Board Member: Do you remember what kind of clothing you had on you?

Detainee: Two years has gone [by], but it was Kaki (ph) pajamas.

Board Member: What color were the pajamas?

Detainee: Three years [have] past and I don't remember.

ISN 961
Enclosure (5)
Page 6 of 12

UNCLASSIFIED//~~FOUO~~

000562

UNCLASSIFIED//FOUO

Board Member: You don't remember the color.

The linguist confirmed that he didn't remember the color.

Board Member: Specifically what do you plan to do if you go back to Afghanistan? What will be your job [or] your employment? I know you want to make money for your family. What will you do to get [the] money for your family?

Detainee: I was a farmer and I am going to be a farmer.

Board Member: You are going back to be a farmer. How many children to you have?

Detainee: I have a mother. I have a wife [and] five children. There are four boys and one girl.

Board Member: Okay. Sir that's all I have.

Board Member: Abdul, I have a few questions for you. What was your taxicab fare?

Detainee: Fifty Rupees. In the middle of [the] way we paid fifty. Some paid fifty, [for those] that [went] a shorter distance [they] pay ten [or] twenty [rupees].

Board Member: Okay, thank you. In your statement to the Assisting Military Officer, you said [that] you didn't know anything about the Taliban.

Detainee: Yes.

Board Member: Isn't the Taliban the people that were running your country?

Detainee: Yes. The government included [the] Taliban, but we [were] living in a mountainous area, a very remote area. There were approximately ten people running the government.

Board Member: Okay. Thank you. You also stated that you haven't seen the war. Wasn't there shooting going on around the country or wasn't the country being bombed. You didn't feel it [or] you didn't see it?

Detainee: No one threw [a] bomb in our area and no one [was] fight[ing] in our area. The day [that] I was arrested, I heard some noise, but I [didn't] know what [it] was. I don't know if it was a bomb. The day [that] the airplane came I didn't see anything.

Board Member: Were you aware that Americans were attacking your country?

Detainee: No.

Board Member: Okay. Also in your statement to the Assisting Military Officer, you stated either the machine was lying or the interrogator was lying, this is in reference to

ISN 961
Enclosure (5)
Page 7 of 12

UNCLASSIFIED//FOUO

000563

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings (with Detainee present)

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

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

The Designated Military Officer read the first allegation annotated on the Unclassified Summary of Information and the Detainee made the following comment:

Detainee: Did I do it?

The linguist explained to the Detainee that he would have time to speak.

Detainee: Should I do it right now?

UNCLASSIFIED//~~FOUO~~

the polygraph test, what did you mean by this? [That] the machine was lying or the interrogator was lying?

Detainee: I told everything [as] the truth. The interrogator told me, "You passed the test." So if the machine or the polygraph machine is not lying [then] I passed the test according to him or maybe I didn't passed the test [and] he's lying. This is my point.

Board Member: Did you tell the truth?

Detainee: Yes.

Board Member: Okay, thank you. I have no further questions.

Presiding Officer: There are a couple of individuals in the unclassified summary that are referenced as being captured during the sweep of Lejay and that was a check point just north of where you were captured. Did you know these individuals, are they friends of yours?

Detainee: What's their name? I don't know it.

Presiding Officer: I don't have their names here.

Detainee: They arrested approximately [one] hundred people. There were people coming from [the] north, from [the] south [and] from [every]where. They [would] stop them and they arrested them. I don't know if they are the (inaudible) people. I didn't know any of them.

Presiding Officer: One of the individuals that was captured with you is an intelligence supporter of the former Taliban Chief of Intelligence. Do you know his name? It was one of the individuals with you.

Detainee: Well I [have] told you several times repeatedly [that] I don't know anybody, except one person, he was a poor man [just] like me. His name was Jamadar (ph). He was a very poor man. That's all [and] I don't know any [of the other] passengers.

Presiding Officer: And the other individual that was captured with you was a Taliban Commander who was attending a meeting with other senior Taliban officials. What was that individual's relation to you?

Detainee: I don't know them.

Presiding Officer: A friend, an acquaintance or just another passenger?

Detainee: No, I [didn't have any] acquaintances [or] nothing with them. They are just passengers.

ISN 961
Enclosure (5)
Page 8 of 12

UNCLASSIFIED//~~FOUO~~

000564

UNCLASSIFIED//~~FOUO~~

Presiding Officer: It is also mentioned your brother fought for Jamaat-I-Islami in a Jihad. Was your brother ever hurt injured?

Detainee: Yeah eighteen years ago he was hurt.

Presiding Officer: How?

Detainee: One day I was with him in the village and he was running away from me and he was hit by a mine.

Presiding Officer: Did he step on a mine?

Detainee: Yeah, his leg detached. (the detainee demonstrated a cutting motion by taking his finger and sliding it across his leg just below the knee).

Presiding Officer: Did he lose the leg or just hurt it?

Detainee: Yes, it was cut from here (the detainee showed where his brother's leg was cut).

Presiding Officer: Was it from the knee down?

Detainee: Yes. Sixteen or Eighteen years ago [this] happened. [Now] he is in his house and he is helping his children.

Presiding Officer: Left or right, was it his right leg or was it his left leg and how old was he?

Detainee: [It was his] left [leg].

Presiding Officer: How old was he? About how old was he?

Detainee: He was eight years old.

Presiding Officer: Eight years old.

The linguist confirmed the correct age.

Detainee: Illiterate people, we don't take much note[s] or record[s] of everything.

Presiding Officer: Just approximately.

Detainee: I don't know my age.

Presiding Officer: That's fine, thank you. I [would] just like to clarify [an] intent comment. The Detainee stated he used klash-n-krons against US personnel. Is that word suppose to mean Kalashnikov?

ISN 961
Enclosure (5)
Page 9 of 12

UNCLASSIFIED//~~FOUO~~

000565

UNCLASSIFIED//FOUO

The linguist stated that it was in fact Kalashnikov.

Presiding Officer: I want you (referring to the linguist) to ask him (referring to the Detainee).

Detainee: I have nothing to do with the Kalashnikov. I never had one.

Presiding Officer: In the Unclassified Summary there's a portion in here that its (referring to klash-n-kroors) spelled differently then the spelling of Kalashnikov. I just want to clarify that's what they are referring to and he understands that.

Detainee: Kalashnikov (the Detainee gave a positive response).

Presiding Officer: Okay.

Board Member: I have one other questions sir.

Presiding Officer: Well, and again here it says...it states that he used the Kalashnikov against the U.S. Can he explain to me why at one time an interrogator said he said that? Now he's saying [that] he [has] never touched one or used one.

Detainee: I never said that.

The Presiding Officer conversed with a Board Member.

Presiding Officer: Thank you. I just asked the other board member if he had asked you about what crops you grew as a farmer. He said no, so what crops do you farm as a farmer?

Detainee: Wheat and corn.

Presiding Officer: Wheat and corn?

The linguist gave confirmation of the wheat and corn.

Presiding Officer: Thank you. I think he (referring to the Board Member) has one more question.

Board Member: Just one more question, Abdul. You are in the taxi for twenty minutes with six other men, was there a conversation in the taxi for that twenty minutes?

Detainee: No, we had nothing to do with each other. The taxi was so old and was making so much noise, we couldn't hear each other. I didn't know any of them. If you don't know anybody, how [could] you open a conversation with [him or her]? The only thing [that] I said [was when] the driver asked me, "Where [are] you going?" I said I was going to [the] market. He said I need [some] money. I want to charge you money. I said, "Okay, I'll pay you money." That's all I said.

ISN 961
Enclosure (5)
Page 10 of 12

UNCLASSIFIED//FOUO

000566

UNCLASSIFIED//~~FOUO~~

Board Member: Okay. Thank you. That's all I have sir.

Presiding Officer: Thanks for your comments and coming today. We do appreciate you coming. We will do our best to grant you your request to reunite you with your family.

Detainee: When I go home my main purpose is to arrange some food, some livelihood for my children, that's all.

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

Assisting Military Officer: No sir.

Presiding Officer: Do you (referring to the Detainee) have any final comments [be]cause I am getting ready to wrap it up.

Detainee: I am ready to answer any of your questions because [in] the first tribunal they called me an enemy combatant. I don't want to repeat it again so if you have any questions to clarify this is the time you [can] ask me any questions [that] you [may] have. I don't have anything [more to say].

Presiding Officer: Thank you.

Detainee: I am a poor man. Whenever I eat here in the detention center, I am thinking about my children, what they have to eat. I wish you consider me as a normal person and send me home, please.

Presiding Officer: Thank you.

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

The Administrative Review Board Members stood to exit the room and the Detainee made a comment.

Detainee: If you keep me for another year, my children, I believe they will die and I am an innocent person [so] why should I stay for another year?

Presiding Officer: Thank you.

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.

ISN 961
Enclosure (5)
Page 11 of 12


UNCLASSIFIED//~~FOUO~~

000567

UNCLASSIFIED//~~FOUO~~

AUTHENTICATION

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


Colonel, USMC
Presiding Officer
(b)(6)

UNCLASSIFIED//~~FOUO~~

ISN 961
Enclosure (5)
Page 12 of 12

000568

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 091

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

The Designated Military Officer stated that a copy had been previously distributed to the AMO and detainee.

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

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

ISN 091
Enclosure (5)
Page 1 of 2

UNCLASSIFIED//~~FOUO~~

000569

UNCLASSIFIED//~~FOUO~~

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

The Presiding Officer acknowledged the request.

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

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, USMC
Presiding Officer

ISN 091
Enclosure (5)
Page 2 of 2

UNCLASSIFIED//~~FOUO~~

000570

UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 1050

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood. When asked if he had any questions concerning the Administrative Review Board process, the Detainee responded he did not.

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

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

The Designated Military Officer presented the Unclassified Summary of Information, Exhibit DMO-1, and DMO-2 to DMO-5, to the Administrative Review Board.

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

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

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

The Presiding Officer acknowledged the request.

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

ISN 1050
Enclosure (5)
Page 1 of 6

UNCLASSIFIED//~~FOUO~~

000571

UNCLASSIFIED//FOUO

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

The Detainee declined taking the (Muslim) oath.

The Assisting Military Officer read the responses to the allegations on the unclassified summary to assist the Detainee in answering the allegations.

The AMO had no further questions for the Detainee.

The DMO had no further questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: When you were captured, who was with you?

Detainee: I was with Salim.

Board Member: Who is Salim?

Detainee: What do you mean by who is Salim from? Where, from where [where is he] from?

Board Member: Yes. Is he a friend or a teacher or...?

Detainee: No nothing. Not a friend, not a teacher.

Board Member: Were you captured with a group?

Detainee: No only with Salim.

Board Member: What were you doing when you were captured?

Detainee: I don't know anything. I came [went] with Salim. I am not aware of anything but I [was] captured with Salim [we were captured] together. When [they] captured him they captured me too.

Board Member: Okay, I have one more question. Do you hold any ill feelings toward the American people or the current government of Afghanistan?

Detainee: No, I have nothing...I have no hard feelings about [the] American [people]. I have no hard feelings about my own government. No nothing.

Presiding Officer: You were acting as a guide for this group that had weapons, surveillance equipment and radios. Did you become suspicious of what they were planning and doing with that equipment?

ISN 1050
Enclosure (5)
Page 2 of 6

UNCLASSIFIED//FOUO

000572

UNCLASSIFIED//FOUO

Detainee: I [had] never seen these things, if I [had] saw those things with them I would [have] become suspicious. (Asking question) What are you doing with these kinds of things?

Presiding Officer: So going with that group, you did not see anything on the other folks that were with you?

Detainee: No, I didn't see anything besides [an] assault rifle with Salim.

Presiding Officer: Did you have a weapon?

Detainee: No.

Presiding Officer: You were a Madrassa student for quite some time at Lakan Madrassa. What kind of student were you; average, above average, top of the class, what kind of student were you?

Detainee: There is no degree in [the] Madrassa, Madarassa [the] people [are] reading different books, everybody. And they have their own merit.

Presiding Officer: So there's no standard as to how well you were doing in the Madrassa?

Detainee: Nobody told me anything, if I'm [at] the top or at the bottom. No they didn't tell me anything.

Presiding Officer: What were the main topics taught at the Madrassa?

Detainee: The Koran.

Presiding Officer: That's it?

Detainee: The Koran, and the Koran other parts like that ... (inaudible).

Presiding Officer: If you were to be released, what plans do you have for the future?

Detainee: I want to go and I will look too [for] work and find [work] and make [a] livelihood for my family.

Presiding Officer: What kind of work do you do?

Detainee: I am a landlord. I have land. I would like to work in [on] my land and do some farming.

Presiding Officer: How old were you when you first enrolled in the Madrassa?

ISN 1050
Enclosure (5)
Page 3 of 6

UNCLASSIFIED//FOUO

000573

UNCLASSIFIED//FOUO

Detainee: I don't remember how old I was, just approximately. I was very minor [young] when I went to Madrassa to read [the] Koran. At the last Madrassa when [where] I was arrested, I don't remember how old I was.

Presiding Officer: Did you have a job before attending the Madrassa?

Detainee: No.

Presiding Officer: Were you allowed to work while you were in the Madrassa?

Detainee: Yes, I was [working on] my own farm... [a] farming job.

Presiding Officer: One last question, I understand you attended more than one Madrassa. What is the difference with the different Madrassas?

Detainee: I attended two Madrassas. When I was [a] minor small boy. I was [in one] in my Kalice (sic) my village Madrassa. It was in my village, it was [within] walking distance. Then [When] I become [became] older I went to another Madrassa. That is two Madrassas.

Board Member: What exactly were you doing at the time you were captured? Were you walking somewhere, were you sitting, were you about ready to have a meal?

Detainee: I was with Salim. Salim tell [told] me to buy him some foodstuff from the store. So when I went [to] buy him [the] foodstuff when I returned back [from the store] Salim wasn't there. So when he came [back] he said let's go. When we start[ed] moving the police... military people came and arrested us. I don't know what was the reason.

Presiding Officer: I need to go back. This person Salim, how well did you know him and from where did you know him?

Detainee: I never met this man before until the day I was arrested. I don't know this man, I never met this man that was the first day I met him and I was arrested. That's all.

Presiding Officer: Do you normally hang out with total strangers? Especially with the results of what happened, you didn't know this person; you just hang out with some one you don't know?

Detainee: No normally I don't do that. He came to my Madrassa and he was just like our guest. [And] to respect him; entertain him; [I] take him [to] places he said he [had] never been there [before] I was just there to accompany [him]. That was all I did.

Assisting Military Officer: Sir may I ask a couple of questions?

Presiding Officer: Certainly.

ISN 1050
Enclosure (5)
Page 4 of 6

UNCLASSIFIED//FOUO

000574

UNCLASSIFIED//FOUO

Assisting Military Officer: Could you describe your routine at the Madrassa on a daily and weekly basis?

Detainee: I [would] study, nothing else except study.

Assisting Military Officer: Did you go out on any field trips?

Detainee: I [have] never done [any] military training. No I never went somewhere [anywhere] I [went] to school.

Assisting Military Officer: So what is your school? Do you go to school at eight o'clock, study the Koran till what time or, or...?

Detainee: Yes I can tell you precisely what time. Between nine and eight in the morning. We [would] start between nine and eight and [then] we close at noontime. Noontime is for lunch. After lunch we have a rest time, after rest time the school [would] start again until evening.

Assisting Military Officer: Just going back to your response to the allegation: "The Detainee along with other members of the group, were ordered by an known al Qaida to the burial ground". You stated that your friend, Mahbuburrahman asked you to take a Pashtu Afghani named Salim to the burial ground. So you did have a friend that came along with you?

Detainee: Yes.

Assisting Military Officer: What was he carrying?

Detainee: Nothing.

Assisting Military Officer: How long was your trip to the burial ground?

Detainee: I don't remember... two hours [maybe] three hours.

Assisting Military Officer: How long did you plan to stay there?

Detainee: No we didn't spend much time there. When we go [went] there, then we returned back.

Assisting Military Officer: That is all I have sir, thank you.

The Presiding Officer read the post-Administrative Board instructions to the Detainee and the Detainee asked the following questions concerning the decision process:

Detainee: How long does it take?

ISN 1050
Enclosure (5)
Page 5 of 6

UNCLASSIFIED//FOUO

000575

UNCLASSIFIED//~~FOUO~~

Presiding Officer: Uncertain. It is an administrative procedure that could take a while but we don't know. But we'll know within a reasonable amount of time.

Detainee: Two months, three months how long?

Presiding Officer: I can't specify a time but it takes a while for the procedures. For them to go through the records and once a decision is made we will be notified.

Detainee: If the decision [is] made against me, how long after that [will] I be able to come back to this proceedings?

Presiding Officer: I'll get to that.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Captain, USN
Presiding Officer

ISN 1050
Enclosure (5)
Page 6 of 6

UNCLASSIFIED//~~FOUO~~

000576

UNCLASSIFIED//FOUO

Summarized Administrative Review Board Proceedings

The Administrative Review Board was called to order.

The Designated Military Officer was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

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

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

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

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

ISN# 196
Enclosure (5)
Page 1 of 2

UNCLASSIFIED//FOUO

000577

UNCLASSIFIED//FOUO

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he previously submitted a summary of the interview as a continuation of EC-B and would read it into evidence for the Administrative Review Board.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Captain, USN
Administrative Review Board Presiding Officer

ISN# 196
Enclosure (5)
Page 2 of 2

UNCLASSIFIED//FOUO

000578

UNCLASSIFIED//~~FOUO~~

**SUMMARY OF ADMINISTRATIVE REVIEW BOARD PROCEEDINGS
FOR ISN 223**

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Assisting Military Officer incorrectly stated the exhibit marking for the Enemy Combatant Election Form. The Presiding Officer corrected the discrepancy.

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

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

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

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

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

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

UNCLASSIFIED//~~FOUO~~

Enclosure (5)
Page 1 of 2

000579

UNCLASSIFIED//~~FOUO~~

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

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

The Presiding Officer acknowledged the request.

When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he previously submitted a summary of the interview. The Assisting Military Officer then verbally summarized the Detainees' comments during the interview.


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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, U.S. Army
Presiding Officer

UNCLASSIFIED//~~FOUO~~

Enclosure (5)
Page 2 of 2

000580

UNCLASSIFIED//~~FOUO~~

SUMMARY OF ADMINISTRATIVE REVIEW BOARD PROCEEDINGS FOR ISN 198.

The Administrative Review Board was called to order.

The Designated Military Officer was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Assisting Military Officer inadvertently stated the incorrect exhibit marking for the Enemy Combatant Elections Form; therefore the Presiding Officer made verification of the marking and noted the correction.

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

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

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

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

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

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

ISN# 198
Enclosure (5)
Page 1 of 2

UNCLASSIFIED//~~FOUO~~

000581

UNCLASSIFIED//~~FOUO~~

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

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

The Presiding Officer acknowledged the request.

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

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Captain, USN
Presiding Officer

ISN# 198
Enclosure (5)
Page 2 of 2

UNCLASSIFIED//~~FOUO~~

000582

UNCLASSIFIED//~~FOUO~~

**SUMMARY OF ADMINISTRATIVE REVIEW BOARD
PROCEEDINGS FOR ISN 078.**

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

The Designated Military Officer was sworn.

The Board Reporter was sworn.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

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

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

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

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

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

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

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

UNCLASSIFIED//~~FOUO~~

Enclosure (5)
Page 1 of 2

000583

UNCLASSIFIED//FOUO

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

The Presiding Officer acknowledged the request.

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

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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



Colonel, USMC
Presiding Officer

UNCLASSIFIED//FOUO

Enclosure (5)
Page 2 of 2

000584