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Summary of Administrative Review Board Proceedings for ISN 261

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

*The Detainee accepted taking the oath.*

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

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

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

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

Assisting Military Officer: The Detainee's initial ARB interview occurred on 3 October 2005, and lasted 90 minutes. After a review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he did not have any problem attending the ARB. The Detainee indicated that he wanted to write out his response to the Unclassified Summary of Evidence and would complete his write-up that afternoon. The Detainee was given a copy of the translated Unclassified Summary of Evidence. A follow up interview occurred on 4 October 2005, and lasted 10 minutes. The Detainee indicated that he did not have time the previous afternoon to

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prepare his written statement because he was interrogated for a long time after we left and he was tired after the interrogation. The Detainee also indicated that he was scheduled to have an interrogation today, 4 October 2005. The Detainee stated that even though he did not write out his response he was ready for the ARB at anytime and wanted to attend. The Detainee was polite and cooperative during the interviews. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

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

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

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

*The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.*

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) In October 2001, the Detainee stated that he traveled to Afghanistan to inspect seven mosques in Kabul, Afghanistan. The Detainee stated he was asked to go to Afghanistan by his local Iman, whose name is Muhammad Agelan, while in Deman, Saudi Arabia.

Presiding Officer: Do you have any comment about that statement? [Detainee appeared to not understand the question] Is that true?

Detainee: Yes it is right. I thought it wasn't right at the beginning.

Presiding Officer: Is this a misspelling [referring to the word "Deman" in line item 3.a.1]? Is that Damman? Al Damman?

Translator: Yes. He [the Detainee] mentioned that before and I mentioned that before.

Designated Military Officer: (3.a.2) The Detainee stated Agelan provided him with \$3,000.00 United States dollars and instructed him to meet a man named Muhammad Gul in Meshed, Iran. The Detainee first traveled to Bahrain where he obtained a Bahraini passport and subsequently traveled to Meshed, Iran.

Detainee: I have had a Bahraini passport before. For many years.

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Presiding Officer: In reviewing your file it appears you have some sort of dual citizenship. Is that correct?

Detainee: Yes.

Presiding Officer: Please continue.

Board Member: Was the Detainee provided \$3,000.00 dollars?

Detainee: Yes.

Designated Military Officer: (3.a.3) Once in Meshed, Iran, the Detainee purchased a room at the Atlas Hotel. The next morning Gul arrived at the Atlas Hotel and both the Detainee and Gul traveled via taxi into Afghanistan.

Detainee: Yes.

Presiding Officer: Do you speak fairly good English?

Detainee: I speak English, but I prefer for him [the translator] to translate for me.

Presiding Officer: If you feel comfortable answering in English, that is your choice.

Detainee: I don't want to make you laugh because I break the grammar.

Presiding Officer: Very good. Whatever you are most comfortable with, we will do.

Detainee: Thank you.

Designated Military Officer: (3.a.4) The Detainee and Gul crossed the border into Afghanistan near the city of Heart, Afghanistan and continued to Kabul, Afghanistan. Once in Kabul, the Detainee and Gul stayed at a house owned by Gul.

Detainee: Yes.

Designated Military Officer: (3.a.5) The Detainee and Gul stayed in Kabul for approximately three weeks before traveling to another house owned by Gul, located in Jalalabad, Afghanistan.

Detainee: Yes.

Designated Military Officer: (3.a.6) After leaving Jalalabad, the Detainee walked to the Pakistani border where he was arrested and detained by the Pakistani authorities. The Detainee did not have his passport in his possession when he was taken into custody. The Detainee stated Gul had taken his passport while they were still in Jalalabad.

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Detainee: My passport was taken when I was in Kabul. When we [the Detainee and Gul] were leaving Kabul for Jalalabad, Gul took my passport.

Designated Military Officer: (3.a.7) The Detainee stated that when he arrived in Afghanistan he gave Gul his passport, over \$20,000.00 United States dollars, and his notebook.

Detainee: If I had \$20,000.00 American dollars I would have never gone to Afghanistan.

Presiding Officer: You deny having \$20,000.00 dollars?

Detainee: I never said this. I don't know where this came from. It was just \$2,000.00 American dollars.

Presiding Officer: \$2,000.00? So, this was just a typo. The notebook, is that a computer notebook or just a paper notebook that you write on?

Detainee: I never wrote any notes.

Presiding Officer: You did not have a notebook?

Detainee: It's like an agenda/address book. It is very small. I could put it in my wallet.

Designated Military Officer: (3.a.8) The Detainee was witnessed as the cook in Tora Bora.

Detainee: That makes me laugh. Tora Bora was the target of the American Army. You could hear the bombing from hundreds of kilometers away. I was in Gul's house far away. I could hear the bombing in Tora Bora. If that was right [referring to being a cook], what am I going to cook? I cannot cook.

Presiding Officer: The statement that someone saw you working as a cook is wrong?

Detainee: You can decide for yourself. How can someone be involved in the bombing and cook?

Presiding Officer: So you deny being a cook?

Detainee: It's not right.

Board Member: You could or could not hear the bombing from where you were residing?

Detainee: It was very far from Gul's house and I could hear the bombing. All of Jalalabad could hear the bombing. Thank God I was not accused of being a cook at McDonalds.

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Designated Military Officer: (3.a.9) The Detainee stated that he was in Bosnia during the war with Serbia and spent time in Saudi prisons. The Detainee stated that he had been imprisoned for being a member of Al Motoaien, a.k.a. Al Mujahadeen, and for participating in the Cole bombing.

Detainee: Yes I was in Bosnia, but there was no war.

Presiding Officer: Were you in Bosnia prior to the war or after the war?

Detainee: There was a war in Bosnia, but I was in a safe place, a safe city, with the United Nations. There were no Arms there. I explained before why I went to Bosnia. About the Al Motoaien, this is the first I have heard of it. Yes, I was in prison in Saudi Arabia, but not for that reason [referring to the Cole bombing].

Presiding Officer: Why were you imprisoned in Saudi Arabia?

Detainee: There was no reason, no legal reason. They have raids and arrest people for no reason.

Board Member: How long were you in prison?

Detainee: Many times. Sometimes it would be two months sometimes it would be three months.

Presiding Officer: You were arrested twice?

Detainee: Three times.

Presiding Officer: Over how long of a period of time?

Detainee: One year and a little bit more than one year. It was not for this reason [referring to the Cole bombing]. They did not accuse me of anything. You can ask the Saudi Government to give you the report about it. I trust myself and I am telling you the truth. This is not right.

Designated Military Officer: (3.a.10) Al Motoaien is a network in Saudi Arabia involved in document forgery, weapons, and poison smuggling.

Translator: The Detainee went back to allegation number nine.

Detainee: This is the first time I am hearing about this statement about the bombing of the Cole.

Presiding Officer: You deny being imprisoned for participation in the bombing of the Cole?

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Detainee: Yes. This is the first time I have heard about it. I never had anything to do with it.

Presiding Officer: Have you ever heard of them? [Al Motoaien network]

Detainee: Now I have, through the papers.

Presiding Officer: Please continue.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee also traveled from Islamabad to Peshawar, Pakistan and stayed in an Arab guesthouse called Beit Al-Ansar. The leader of this house was an ex-Mujahid from Saudi Arabia. While at the house the Detainee was told about two military camps for training in Afghanistan.

Detainee: Yes. This was when I was maybe 16 years old. That was at the end of 1989 or 1990. I don't want to talk about the support of the Saudi Government to Afghanistan and also the American Government.

Presiding Officer: No negative conclusions will be drawn about you participating in any military actions, against the Russians for example. That is not an issue here.

Detainee: I know that. I went there for three months. The Saudi Government sent me for three months to Afghanistan. I spent three days in Pakistan.

Board Member: This is 1989, 1990?

Detainee: Yes. I spent 3 days in Afghanistan and the rest of the time in Pakistan.

Board Member: What year are we talking about?

Translator: 1989, 1990

Detainee: I received training on the Kalashnikov and exercise.

Designated Military Officer: (3.b.2) The Detainee attended the Al-Siddeek camp. The Al-Siddeek camp was located near Khowst, Afghanistan and the Detainee received physical exercise and training on the Kalashnikov.

Detainee: As far as I knew, this training camp belonged to the Saudi Government.

Presiding Officer: The allegation is true, but you want to make sure the Review Board understands that this camp was a Saudi Government camp.

Detainee: Yes.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee stated that Sheik Mohammed Al-Shiha from Dammam, Saudi Arabia, offered to pay his rent

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and provided him with 7,000 to 10,000 Saudi Riyals if he would agree to journey to Bosnia to fight. He did so in 1995.

Detainee: That is not true. I did not talk to him. I went with someone named Sulamon. He is the one who gave me the money. I did not go to fight in Bosnia. I have explained that many times. I don't know why they insist on this. I have been interrogated over six hundred times and have repeated this story many times.

Presiding Officer: I am writing down what you tell me. So, you did go to Bosnia in 1995, with a man name Sulamon, and he gave you the money, not Al-Shiha, from Dammam.

Designated Military Officer: (3.c.2) An al Qaida operative said that Al-Shiha might have supported the Wafa Al-Igatha Al Islamia, a.k.a., Wafa Organization during the Chechnyan conflict. He also stated that Al-Shiha was a supporter of the Mujahidin.

Detainee: What is my relation to this?

Presiding Officer: Is it true? Did you say this?

Detainee: I did not say it. I did not know about it.

Designated Military Officer: (3.c.3) The Detainee traveled to Mecca and met a man named Abu Abass Al-Emiraitii.

Detainee: I traveled with Abu Abass to Mecca. I did not meet him there.

Presiding Officer: You traveled with Abu Abass to Mecca?

Detainee: Yes.

Designated Military Officer: (3.c.4) The Detainee was invited to Chechnya to fight, but he told Abu Abass he had no money for the trip. Abu Abass gave him 3,000 to 4,000 Saudi Riyals in addition to travel expenses.

Detainee: I don't know. Abu Abass asked me to go with him to Chechnya, but he did not ask me to go and fight.

Designated Military Officer: (3.c.5) The Detainee traveled to Bahrain. While in Bahrain the Detainee went to the United States Embassy and received a five-year tourist visa. The Detainee's father gave him 19,000 Saudi Riyals for his trip to the United States. The Detainee flew from Bahrain to Istanbul, Turkey, to Chicago, Illinois, and finally to Indianapolis, Indiana. The Detainee was picked up at the airport and taken to Terre Haute, Indiana. The Detainee was there [Terre Haute, Indiana] for approximately two months before returning to Saudi Arabia to visit his sick father. After eight months in

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Saudi Arabia, the Detainee returned to the United States and made side trips to Michigan and Buffalo, New York.

Detainee: Yes.

Presiding Officer: What was the Saudi Riyal to the U.S. dollar at that time?

Detainee: 3.75 Riyal to one U.S. dollar.

Designated Military Officer: (3.c.6) The Detainee stated that he traveled to Lackawanna, New York from Indiana after speaking with a man at a local area mosque.

Detainee: Yes.

Designated Military Officer: (3.c.7) The Detainee worked as an Iman at a Buffalo, New York area mosque.

Detainee: It was not in Buffalo, New York. It was in Bloomington, Indiana.

Presiding Officer: You did work as an Iman, just not in Buffalo, New York, but rather in Bloomington, Indiana?

Detainee: Yes.

Designated Military Officer: (3.c.8) The Detainee stated that he was shocked to learn that his acquaintance is involved with al Qaida or any Jihadist activity. The Detainee also said that it seem illogical that this acquaintance and Jamaat Tabligh could be so involved.

Detainee: True.

Designated Military Officer: (3.d) Other Relevant Data (3.d.1) The Detainee decided to return to Saudi Arabia. The Detainee flew to Bahrain and was arrested by Saudi Intelligence under suspicion stemming from the Khobar Towers bombing and his foreign travel. The Saudi Government held him for approximately three months, but his passport was revoked for one and a half years.

Detainee: True.

Designated Military Officer: (3.d.2) The Detainee spent time in prison in Jeddah, Saudi Arabia. The Detainee was eventually released and returned to Dammam, but his passport was revoked for five years.

Detainee: Yes. I was arrested in Saudi Arabia.

Presiding Officer: Again, you were arrested for no reason. Is this one of the times you mentioned earlier?

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Detainee: Yes, one of them.

Designated Military Officer: (3.d.3) The Detainee's name is found listed as number 49 on a computer media listing of Mujahideen that was seized during safe house raids against al Qaida associated safe houses. The list identifies each individual's trust account and the Detainee is noted as having a passport and identification card.

Detainee: I don't know about this thing. I gave my passport to Gul. I don't know what he did with my passport. I don't know if he gave it to somebody else, I don't know.

Presiding Officer: Was the passport a Saudi passport?

Detainee: Bahraini passport. I don't know if he sold it. The passport was his [Gul's] decision. I did not have anything to do with this list.

Designated Military Officer: (3.d.4) A United States psychologist obtained a copy of a translated suicide letter drafted by the Detainee that said, "All that was going to ruin my reputation abroad, and that my family would learn that their son is a terrorist and has taken innocent lives."

Detainee: I asked for that letter to be brought here. The facts always stay fact. I mentioned in that letter that they wanted to do something wrong to me. They want to put something that is not fact against me. There was a movie on channel 13 in Indiana, and they showed it to me through the interrogation and it was saying a lot of bad things about my family. It said that I take innocent lives and that I am a terrorist. This is not right. I told them in the interrogation if that's what you want to do. To do bad things to you're family. I wrote that letter when it was useless for me.

Presiding Officer: You were feeling very bad?

Detainee: Yes. If you want me to tell you what happened to me through the interrogation, I don't mind.

Presiding Officer: This is your hearing to tell us, this board, what we need to know. We will take as much time as you would like.

Detainee: Thank you. Are we taping now? Is there like a film?

Presiding Officer: Yes. This will not be released to the public, but we are recording for your protection.

Detainee: I want you to know, not the media outside.

Translator: What he is going to say right now, he wants you to know, not the media outside.

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Presiding Officer: We are going to take a brief recess. Your request for a hearing outside the public is granted. It is ordered that the public will go into the next courtroom while the in camera hearing proceeds. Once this portion of the hearing is concluded, we will call you [the media] back in.

[Break for recess]

[The Review Board proceeds in the absence of the media]

Presiding Officer: Please, go over briefly, your incident.

Translator: Do you want him to speak about the letter or what happened during the interrogation?

Presiding Officer: What happened in the interrogation.

Detainee: I am going to be brief. I was sexually assaulted. Soldiers in Kandahar, through the interrogation, assaulted me. It also happened in camp X-Ray. I went through sexual assault by a woman interrogator.

Presiding Officer: Where did this occur?

Detainee: Here in Cuba. In Kandahar they injected me in my back with gas. A lot of things happened. They hit me and urinated on me while in handcuffs. They made me walk on broken glass and barbwire. One of the interrogators put the Israeli flag and the American flag around my body. The interrogator said a lot of things, but we don't have time for that. He would throw the Holy Bible on the floor and would take out his penis and urinate on it.

Board Member: This is here [Cuba]?

Detainee: Yes, in Cuba. There are a lot of other things that have happened. Interrogators knew that I was in the United States; they would accuse me of anything. They put the pressure on me through the interrogation. They put me in a dark room for five months. I was drinking water from the tank of the commode. I was drinking water from the commode and was washing with water from the commode. The room was very cold and dark. All the time I was in shorts. I did not have anything at all. During the interrogation, the interrogator said if I accepted all the allegations I would have things. Of course, I tried suicide seven times. But I did not do anything. Talking about my travel to Afghanistan, I did not travel for Jihad.

Presiding Officer: Before we get back to that subject, are there any other allegations of abuse?

Detainee: There are a lot of things, but I don't want to take your time.

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Presiding Officer: This is your time.

Detainee: They hit me a lot in Kandahar.

Presiding Officer: Who hit you?

Detainee: American soldiers.

Presiding Officer: Do you have any names?

Detainee: How would I know the names?

Translator: He is going to tell a story.

Detainee: I was injected with the gas. I had an infection and there was bleeding. I asked for a doctor. I mentioned to the doctor that the interrogator had injected me with gas and that I was bleeding and that I was tired. The doctor was shouting at me, "you are a terrorist, you deserve this". The same day, the same night, they took me to interrogation. They assaulted me sexually.

Board Member: Who is "they" again?

Detainee: The interrogators and soldiers in Kandahar. The Marines.

Board Member: What year was this?

Detainee: 2001.

Presiding Officer: The Assisting Military Officer is directed to comply with all reporting directives in regard to this case.

Assisting Military Officer: Yes Sir.

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

Designated Military Officer: No.

Assisting Military Officer: I have one comment. I have documented some of what the Detainee has stated, but you are in control of the setting.

Presiding Officer: Very good. You will strictly comply with all Standard Operating Procedures (SOP) regarding the reporting of torture, abuse, etc. The Review Board will recess while we allow the media to return.

[Board recess. Once the media returned, the Review Board went back on the record]

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Presiding Officer: We are now back on the record. The Review Board had an in camera hearing at the request of the Detainee. The observers have now returned and we will continue with the Unclassified Summary. Please proceed.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a.) The Detainee denied ever participating in any armed conflict while in Afghanistan.

Detainee: True.

Designated Military Officer: (4.b) The Detainee stated that he is not a radical fundamentalist Muslim and claimed that he has never taken part in or encouraged anti-American activities.

Detainee: True.

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

*The Presiding Officer acknowledged the request.*

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

Assisting Military Officer: Yes Sir. The Detainee would like to make an oral statement.

*The Detainee made the following statement:*

Detainee: I apologize if I did something that was not proper for the hearing. I want to thank the American Government for allowing me to discuss my case. I would like to say that I don't pose a threat to the United States or the Allies, and I will never pose any threat to the United States or Allies. I know I was in the wrong place at the wrong time. But I hope to be released and to start a new life. I will be a good member in my society. I will start a new family. I would like to go on and continue my studies. I would like to go back to my normal life and take care of my daughter.

Translator: The Detainee would like to say something in regards to the letter.

Presiding Officer: Please, whatever you would like to say.

Detainee: Thank you. I mentioned in that letter there is nothing between me and any Americans. But the pressure they put on me, they made me attempt to commit suicide. But every nurse, doctor, and soldier that was good to me, was good treatment and I mentioned that in the letter. I know that is the good nature of the United States. That is the way I look at the United States. But the bad things I saw from some of the soldiers, those people represent themselves, not the United States. Why does the psychologist not

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mention that part of the letter? But the letter is with you. You can ask for it any time and read it.

Presiding Officer: Thank you for taking the time to add additional information for the Review Board. Do you have any other reasons that you think would convince the Review Board to release you or transfer you back to Bahrain or Saudi Arabia?

Detainee: I know you have a high rank in the military and that you are well educated. You are going to find out and decide that I never fought and I never carried a weapon. I have never said anything against the United States or the Allies. From the Justice side, you know what kind of people I am. You can ask for reports from the Saudi Government and the Bahraini Government. I have never had any problem with the United States or the Allies. I want my lawyer to write a statement about me. I want to say I have never posed a threat to the United States, the environment, or the ozone layer.

Presiding Officer: Thank you very much. Does that conclude your statement?

Detainee: Yes. Thank you.

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

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

*Administrative Review Board Member's questions:*

Board Member: Mr. Juma, you traveled to Afghanistan to inspect seven mosques. What does inspect mean?

Detainee: Sheik Muhammad Agelan gave Gul money to build mosques and schools in Afghanistan and to teach Koran. They were almost finished building the mosques and the schools. There was some money left in the budget to finish these mosques and schools and he wanted to be sure that all these mosques were actually being built. That was my job. To go and find out if the mosques were being built. That is why they paid me \$3,000.00 dollars.

Board Member: What is your education level? How much schooling have you had?

Detainee: I graduated from high school.

Board Member: So, you have the experience and the expertise to do this inspection of mosques?

Detainee: I am not an engineer. I just go to take pictures and to see if the mosques are being built.

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Board Member: The \$3,000.00 dollars. What was the size of the denomination of the bills?

Detainee: \$100.00 dollar bills.

Board Member: What date did you enter Afghanistan?

Detainee: I don't know.

Presiding Officer: Estimate.

Detainee: I lost my memory here in Cuba.

Board Member: Gul, he was also involved in the building of these mosques and inspections?

Detainee: Yes.

Board Member: Why did you leave Kabul and go to Jalalabad?

Detainee: The whole journey was to go into Afghanistan for three days to take pictures and to come back. But when the American bombs started, you couldn't do anything. You could not go out. So I went with Gul to Jalalabad.

Board Member: Why did you give Mr. Gul your passport?

Detainee: I am sorry about the \$3,000.00 dollars he took from me, but not the passport.

Board Member: I am concerned about your passport.

Detainee: At that time, basically, Mr. Gul told me that in the hands of the Allies and know you are an Arabic in the area, maybe they would take everything that you have, all your possessions and they will kill you. He had me dress like Afghani people and took me to Jalalabad. I wanted to be sure that nothing sounded or made it seem like I was Arabic. Before I left Kabul I gave Gul my passport and maybe \$2,000.00 dollars.

Board Member: So you gave Gul \$2,000.00 dollars in one hundred dollar bills and you did not have any money after that?

Detainee: I still had about \$500.00 left.

Board Member: What was the significance of the notebook? Why did you give Gul the notebook?

Detainee: Because I write in Arabic and they would know I was Arabic if they took my notebook.

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Board Member: Do you have any information concerning the Khobar Towers bombing?

Detainee: Definitely I heard about it, but I don't have any information. I know information from the Saudi Government.

Board Member: Besides money from your father, did you have any other financial support while you were in the United States?

Detainee: Yes. I was getting a salary from the Islamic Center.

Presiding Officer: When did you enter the United States and when did you finally leave the United States?

Detainee: I entered the United States three times.

Board Member: When was the first time?

Detainee: I can't remember the date. I think it was in 1999. All this information is in my folder.

Board Member: When did you leave the United States?

Presiding Officer: After September 11th.

Detainee: How do you think your name got on the list of al Qaida members in the safe house?

Detainee: I don't know. I didn't know until now that I was on the list. Maybe Gul gave my passport to someone else or maybe he gave it to the Saudi Embassy. Or Gul might have sold it to someone or lost it.

Board Member: What is your opinion of the United States intervention into Afghanistan and Iraq?

Detainee: I don't have any idea.

Board Member: What is your opinion of Bin Laden?

Detainee: Bin Laden is a terrorist.

Board Member: How would you characterize your behavior while here at Guantanamo?

Detainee: In the name of God, and my life, here in Cuba, I have assaulted soldiers or I have thrown things at them. Maybe sometimes I get angry. It's natural for somebody in my situation to sometimes get angry. But it's not natural to do something unacceptable.

Board Member: Does your family know you are here?

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Detainee: Unfortunately.

Board Member: Are you in contact with them?

Detainee: Yes.

Board Member: If released, what will you do to support yourself and your family?

Detainee: For the first 75 years I am not going to leave my house.

Board Member: I don't blame you. Thank you Mr. Juma.

Board Member: How did you travel in 2001 to Iran? How did you get to Iran?

Detainee: I flew.

Board Member: Who paid for the tickets?

Detainee: Agelan .

Board Member: In Kabul, besides taking pictures of mosques, what else did you do?

Detainee: I stayed two days in Kabul. I took pictures, but when the bombing started I stayed at home. I did not leave.

Board Member: What did you do in Bosnia?

Detainee: I went there to get married. I was in a safe city with no fighting, far away from fighting. I was looking for a blonde girl.

Board Member: Is that the mother of your daughter?

Detainee: No. I divorced my wife and she is now remarried.

Board Member: What caused you to go from Bloomington, Indiana to Buffalo, New York?

Detainee: I was looking for any place to work so I could get American citizenship.

Presiding Officer: You wanted to be a U. S. citizen?

Detainee: Yes. That is the reason why I traveled to the United States.

Board Member: You stated earlier that the Al-Siddeek camp was a Saudi camp. Is that correct?

Detainee: As far as I knew, in 1989, that camp belonged to the Saudi Government.

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UNCLASSIFIED//~~FOUO~~



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Board Member: Mr. Juma, why do you think you would be sent to a camp that was funded by Saudis and be arrested by Saudis later?

Detainee: That was my questions for them.

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

*The Presiding Officer opened the classified portion of the session.*

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

AUTHENTICATION

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

  
Colonel, U.S. Army  
Presiding Officer

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UNCLASSIFIED//~~FOUO~~

ISN #261

Classification derived  
from classified exhibits  
R-3, R-14, & R-15 attached  
to the Memorandum for  
Director, CSPT, entitled:  
Review of Combatant  
Status Review Tribunal  
for Detainee ISN #261,  
dated 11 OCT 2004

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Page 1 of 11

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~~SECRET//NOFORN~~

Dorsey & Whitney  
250 Park Avenue  
New York, NY 10177  
(212) 415-9200

Joahua Colangelo-Bryan  
(212) 415-9234

January 19, 2005

VIA FACSIMILE

CDR [REDACTED] JAGC  
US Navy Legal Advisor  
Office for the Administrative Review (OARDEC)  
2000 Navy Pentagon, RM 4D545  
Washington, DC 20350-2000

Re: Administrative Review Board; Jam'ah Mohammed Abdullatif Al Dossari, ISN #261 (u)

Dear CDR [REDACTED]:

- (u) We are the attorneys for Jam'ah Mohammed Abdullatif Al Dossari (ISN #261). We make this submission to the Administrative Review Board ("ARB") pursuant to directions provided by you and [REDACTED] senior trial counsel, United States Department of Justice. We request that you forward this document to the ARB that will review the detention of Mr. Al Dossari.
- (u) There is no reliable evidence that Mr. Al Dossari is, or has ever been, a threat to the United States or its allies in any ongoing conflict with al Qaeda (or al Qaeda supporters), and there is no reliable evidence that Mr. Al Dossari is of intelligence value. See Department of Defense Memorandum dated September 14, 2004 Regarding Implementation of Administrative Review Procedures ("Memorandum") at p. 2, Encl (3) at p. 3 (addressing standards of review). More specifically, there is no evidence that Mr. Al Dossari has ever been involved in the commission of any violent acts against the United States or its allies and, thus, no reason to believe that he would be in the future.

Classification of this document was changed to  
Secret//NOFORN, 2-14, 2-15, 2-16, 2-17, 2-18, 2-19, 2-20, 2-21, 2-22, 2-23, 2-24, 2-25, 2-26, 2-27, 2-28, 2-29, 2-30, 2-31, 2-32, 2-33, 2-34, 2-35, 2-36, 2-37, 2-38, 2-39, 2-40, 2-41, 2-42, 2-43, 2-44, 2-45, 2-46, 2-47, 2-48, 2-49, 2-50, 2-51, 2-52, 2-53, 2-54, 2-55, 2-56, 2-57, 2-58, 2-59, 2-60, 2-61, 2-62, 2-63, 2-64, 2-65, 2-66, 2-67, 2-68, 2-69, 2-70, 2-71, 2-72, 2-73, 2-74, 2-75, 2-76, 2-77, 2-78, 2-79, 2-80, 2-81, 2-82, 2-83, 2-84, 2-85, 2-86, 2-87, 2-88, 2-89, 2-90, 2-91, 2-92, 2-93, 2-94, 2-95, 2-96, 2-97, 2-98, 2-99, 2-100, 2-101, 2-102, 2-103, 2-104, 2-105, 2-106, 2-107, 2-108, 2-109, 2-110, 2-111, 2-112, 2-113, 2-114, 2-115, 2-116, 2-117, 2-118, 2-119, 2-120, 2-121, 2-122, 2-123, 2-124, 2-125, 2-126, 2-127, 2-128, 2-129, 2-130, 2-131, 2-132, 2-133, 2-134, 2-135, 2-136, 2-137, 2-138, 2-139, 2-140, 2-141, 2-142, 2-143, 2-144, 2-145, 2-146, 2-147, 2-148, 2-149, 2-150, 2-151, 2-152, 2-153, 2-154, 2-155, 2-156, 2-157, 2-158, 2-159, 2-160, 2-161, 2-162, 2-163, 2-164, 2-165, 2-166, 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~~SECRET//NOFORN~~

Redacted per  
5 USC § 551 (b)(1)

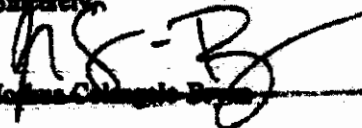
It is not admitted for any purposes that Mr. Al Dossari made these purported statements voluntarily or willingly or that these purported statements constitute admissions in any manner.

~~SECRET//NOFORN~~

20274

In making this submission, we do not waive, and expressly reserve, our right to challenge the ARB proceedings and any final determination on constitutional, statutory and other grounds before any court of competent jurisdiction. Due to restrictions on attorney-client communication imposed by the government, we have been unable to speak with Mr. Al Dosari regarding this submission.

Sincerely,

  
Joshua Colegate Brown

UNCLASSIFIED

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20276-20282 are withheld in full under 5 U.S.C. § 552(b)(1) and (b)(7) as they contain classified and law enforcement sensitive information.

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**Summary of Administrative Review Board Proceedings for ISN 262**

*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 and DMO-3, Executive Order 13224 to the Administrative Review Board.*

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

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

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

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

*The Presiding Officer acknowledged the request.*

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

*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

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Summary of Administrative Review Board Proceedings for ISN 264

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee accepted taking the (Muslim) oath.*

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

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

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

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

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 19 August 2005 and lasted 45 minutes. After a review of the Administrative Review Board's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, the Detainee stated, "No." When asked why he didn't want to attend the Administrative Review Board the Detainee stated, "I might be a criminal but I am not. I see some Detainees who are not criminals who are still here. I am not going to talk much. One thing I would like to say, if you have proof of these allegations they can present it to the court and the court will decide." The Assisting Military Officer explained the Administrative Review Board

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process emphasizing that this is not a legal proceeding, not part of the United States criminal justice system. The Detainee indicated that he had a lawyer. The Detainee stated, "I don't believe in the lawyer they appointed me. I don't trust all the American lawyers. All these allegations are false." The Detainee was again told that the Administrative Review Board was not a legal proceeding. The Detainee indicated that he wanted to pray and then make a decision to attend or not attend. The Detainee was given a copy of the translated Unclassified Summary of Evidence for his record. A follow up interview occurred on 22 August 2005 and lasted 30 minutes. The Detainee was asked if he wanted to attend the Administrative Review Board, the Detainee said, "Yes." When asked how he wanted to answer the allegations or statements, the Detainee indicated that he wanted to answer each allegation or statement in the Unclassified Summary after it is presented. The Detainee was polite and cooperative during the interviews. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

***The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-4, other unclassified information to the Administrative Review Board.***

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

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

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

Designated Military Officer: The Detainee was identified as an individual who collected 4.5 million Saudi Riyals (\$1,199,876 USD) for al Wafa in Mecca, Saudi Arabia. The money was collected under the cover of al Haramayn, and the Detainee's two cousins assisted him with the money collection.

Detainee: First I didn't say that I collect[ed] 4.5 million Sandi Riyals and this amount of money I have never seen it in my life. I never had some in my hand in my life. Hopefully, in the future I wish to have this amount.

Presiding Officer: Thank you.

Designated Military Officer: Hasem al Balushi sent the money, which was collected by the Detainee, to Pakistan through an unknown hawala. The Detainee was with al Balushi on two or three occasions when al Balushi sent the money. Approximately 100,000 Saudi Riyals (\$26,664 USD) were sent on each occasion.

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Detainee: Second, I did not [send] to Hasem al Balushi any dollar to any places. I don't have any relation[ship] with this man. [Our] relation[ship is] superficial, very superficial.

Designated Military Officer: Ramadan Abdul Walid al-Balushi al-Sindi, a possible al Qaida financier and courier, withdrew the money from a bank in Pakistan and took it to al Wafa in Kabul. Al Balushi gave the money to Abdul Aziz al-Metrafi, and/or al-Somali.

Detainee: I don't have any relation[ship] with this al Balushi. If he [took] the money from the bank or [sent] it to anybody, you need to talk to his accountant. If he was an expert for al Qaida, accountant for al Qaida, I have no idea about that. He's responsible for his action not me.

Designated Military Officer: Abu Mohammed al-Somali (FNU) and Abdullah Aziz al-Metrafi lived in Mecca, Saudi Arabia close to the holy places (NFI). The Detainee saw al-Somali with al-Metrafi before going to Afghanistan.

Detainee: As far as al-Metrafi and Somali, you say that they lived in Mecca. They are free to live wherever they want and I don't know them. I have no relationship with them.

Designated Military Officer: A man named al Jarbi, who claimed he worked for a relief agency, urged the Detainee to travel to Afghanistan and fulfill the charity obligation of Islam.

Detainee: Yes, al Jarbi he taught me. He did not insist that I go to Afghanistan, but he taught me to be a human and to do human things and that's [my] religious obligation.

Designated Military Officer: Al Jarbi facilitated the travel to Afghanistan of the Detainee and his two cousins. They left Saudi Arabia on October 12, 2001 and traveled through Damascus, Syria to Tehran, Iran. They crossed into Afghanistan from Zabul, Iran.

Detainee: First of all, I talked about this in the first administration (CSRT) and the answer to this one you have it on the record.

Presiding Officer: We would like you to answer [it] again. For this purpose, if you wish to answer again, we'd prefer that.

Detainee: I did talk about that. There is no direct route from Saudi to Afghanistan. This is why I chose this road.

Designated Military Officer: The Detainee, his acquaintances, and fellow al Wafa employees were guided from Iran to Afghanistan by an Iranian who routinely smuggled personnel across the border.

Detainee: I don't have an answer to this.

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Designated Military Officer: Once in Kabul, the Detainee, his cousins and al Jarbi, stayed at the al Wafa office. They met Abdul-Aziz, the man in charge of the office. The Detainee gave his passport and money to Abdul-Aziz for safekeeping.

Detainee: I don't have an answer for this one.

Designated Military Officer: Al-Metrafi used al Wafa to provide employment opportunities and cover for individuals connected to the Usama Bin Laden network. Some of the cover jobs were based in Kabul.

Detainee: I don't have any business in Metrafi's work and what if he does...I am not responsible [for] his work.

Presiding Officer: Thank you.

Designated Military Officer: While in Kabul, the Detainee observed Sulayman Abu Ghaith, an engineering advisor to Metrafi and a spokesman for al Qaida, Hammoud (FNU) and Metrafi plan the daily missions of al Wafa within the community.

Detainee: I didn't see Sulayman Abu Ghaith at all and I didn't say that.

Designated Military Officer: Due to the U.S. bombings of Kabul, Abdul-Aziz, the Detainee, and his two cousins left Kabul and traveled to Lowgar, Afghanistan. They all stayed in Lowgar at an al Wafa house for seven to eight days. They attempted to return to Kabul to retrieve their passports, but it had fallen to the Northern Alliance.

Detainee: This is proof that I don't want any problems. I don't have any problems between [you and I]. I was trying to protect myself.

Designated Military Officer: The Detainee, his cousins, and Abdul-Aziz traveled through Khost and Jalalabad, Afghanistan. They traveled on foot across the border in Pakistan, where according to the Detainee, they turned themselves over to the police.

Detainee: There is no answer for this one.

Designated Military Officer: The Detainee's and his cousins' names were identified as a part of a group of Taliban and al Qaida fighters who were captured at the border in Nangarhar Province by Pakistani forces. During the capture, one of the prisoners disarmed a guard and a breakout ensued. Ten prisoners and six Pakistani guards were killed.

Detainee: First time I've heard of this one. I didn't hear of this not before or after and I didn't say that at all. This is a false accusation. [It is] not true.

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Designated Military Officer: Sir, if I could just ask for some clarification. When the Detainee says word. Is he referring to the entire paragraph or just a specific word in the paragraph?

Detainee: The whole paragraph.

Presiding Officer: Thank you.

Designated Military Officer: Al-Metrafi also provided military training for newly arrived recruits in anticipation of the American attack. The training was conducted in al Wafa's offices in Kabul, Afghanistan, and consisted of familiarization with light weapons such as the AK-47 and rocket propelled grenades.

Detainee: First of all whatever al-Metrafi does I have no business in it.

Designated Military Officer: The Detainee observed Abdul-Aziz, as well as other Saudis and Afghanis, carry rifles into and out of the al Wafa office.

Detainee: If they are carrying weapon[s] I don't have any connection with them. That's [them] doing it.

Designated Military Officer: The Detainee and his cousins were also listed in an Arabic-language document associated with the London based Islamic Observation Center. The document states "(h)ere are the names of the seventy-six Muslim brothers, including thirty-five Saudis, who were fighting with Taliban against the Northern Alliance."

Detainee: The media, the news and the document they can write whatever they want. This is the first time I've heard about this.

Designated Military Officer: The names of the Detainee and his cousins were found on a computer file, a chart in Arabic listing the names of captured mujahidin. The information was found on a hard drive, which was associated with Khalid Shakykh Muhammad.

Detainee: You know that my case is international and the whole world talks about it. Everybody who is interested in my case will have my name and everywhere without my knowledge, personal knowledge. That is not my decision.

Designated Military Officer: The Detainee and his cousins were also listed in a computer file recovered from a suspected al Qaida safehouse in Islamabad, Pakistan, listing 78 associates incarcerated in Pakistan.

Detainee: The previous allegation would answer this allegation.

Designated Military Officer: The names of the Detainee and both his cousins were found on an Arabic-language computer file listing them as mujahidin who had come to

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Afghanistan in December 2001, but who had not completed their training and therefore were not ready to fight in the war.

Detainee: The people can write whatever they want and I have no business in that.

Designated Military Officer: The Detainee said he was encouraged to go help the poor in Afghanistan by Wali Jaber, an employee at the Detainee's father's furniture store. The Detainee said he left Saudi Arabia in June 2001.

Detainee: Yes, I left in 2001 and I went to Afghanistan for humanitarian help.

Designated Military Officer: Fulfilling a religious obligation to help the poor, especially in connection with the al Wafa charity, is a common cover story for Detainees.

Detainee: I said I did not work with al Wafa. I went there [to] help only. That's it.

Designated Military Officer: Al Wafa and al Haramayn are Specially Designated Global Terrorist Entities as per Executive Order 13224.

Detainee: I am not responsible for that. I have one question for the Presiding Officer. Can I ask [my] question now? You say that al Haramayn is [a] terrorist organization, is that true? Yes or no?

Presiding Officer: The United States has determined that al Wafa and al Haramayn have been used as covers for terrorist organizations.

Detainee: You know that organization, al Haramayn, employs 100 people. Here we are because of the war on terrorism. I didn't see any employee of al Haramayn enjoy themselves at home. I didn't see Achel al Achel or Foker Suleyman al Aziz al Saud... You say that they are a terrorist organization and if they are a terrorist organization like the President of al Haramayn and CO of al Haramayn. They are out there enjoying their lives. [Why are] they out there enjoying their lives? [Why are] they not here, if this is a terrorist organization. I don't want an answer, but [these are] questions you need to think about.

Designated Military Officer: The Detainee stated that the \$100 USD bills he had in his possession at the time of his capture were brought with him to Afghanistan from Saudi Arabia.

Detainee: Yes and thanks to god I am a person that my situation is very good (inaudible) my country. I have from the dollar whatever I want or I need. The case is not that I have dollar or I own dollars. The question here is do I present danger or not.

Presiding Officer: Thank you.

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Designated Military Officer: The Detainee hand carried the equivalent of \$25,000 USD to Afghanistan.

Detainee: I didn't say that I transferred \$25,000 dollars. This is not true. I said, "I transferred 25,000 Saudi Riyals, which is approximately \$7,000 USD." From my own money, like I wish that you [had] some translator with a high capacity, so that they can translate the correct translation and the right understanding.

Presiding Officer: Thank you. We'll note the Detainee [said] that, referring to number 5, *(The Detainee hand carried the equivalent of \$25,000 USD to Afghanistan)* he didn't carry \$25,000 USD, but it was 25,000 Saudi Riyals, which were transferred with him, which is approximately \$7,000 USD.

Designated Military Officer: The Detainee has traveled to Syria, United Arab Emirates and Turkey.

Detainee: Yes, I travel like I wish and like I want, as far as (inaudible) possible.

Designated Military Officer: The Detainee stated that prior to arriving in Afghanistan, he had not heard of al Wafa.

Detainee: This is an answer.

Designated Military Officer: The Detainee denied ever working for al Wafa. He stated he traveled to Afghanistan with his own money, which he distributed to Afghani refugees at their homes. The Detainee said he did not carry a weapon.

Detainee: This is an answer.

Designated Military Officer: The Detainee stated that he and his two cousins worked as volunteers for al Wafa, bringing items such as milk, sugar, rice and clothes to the people living in villages near Kabul.

Detainee: I don't have an answer for that.

Designated Military Officer: The Detainee denied visiting any military training camps in Afghanistan or receiving any military training. The Detainee denied going to Afghanistan to participate in a jihad against the Northern Alliance or the United States.

Detainee: This is an answer.

Designated Military Officer: The Detainee has heard of Usama bin Laden and al Qaida and does not agree with their methods or radical ideology.

Detainee: This is an answer.

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Designated Military Officer: The Detainee denied being present during a firefight that resulted in the death of 16 prisoners and a Pakistani guard.

Detainee: I didn't deny. I didn't hear and I didn't hear of that before.

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

*The Presiding Officer acknowledged the request.*

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

*The Detainee made the following statement:*

Detainee: First of all, I thank all of you for giving me the opportunity to defend myself. Second, I am telling you that I do not pose [a] threat on the United States and its allies, not before, not after. Of course, I was a little bit influenced by American people their way of living and their lifestyle. I am fond of their culture. I didn't travel to America not before or after. I wish to travel to America. Like I told the interrogator before, as far as United States... it says that I am a criminal, that I did something wrong. I understand what American people have been through in 2001. Not to America only, but to the whole world. I was a victim of that too and I clarify that I do not have any relations with those acts. Yes, I say that I was in a dangerous place in a dangerous moment. I don't say it in front of the judge only, but I say it in front of the whole world. I spent four years in prison here. It was a point of change in my life and it starts from [my] travel. It was (inaudible), as far as I'm concerned for my future. I'm telling you four years is enough! I do have a wife and daughter. If I was wrong, four years is enough. My daughter is now seven years old. I'd like to go back to her. I'd like for her to feel that she has [a] father. I would compensate her for what she lost. I don't want other people to take care of my daughter. I like for me, myself to be with her. That's all I'd like to say.

Presiding Officer: Thank you.

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

*The Designated Military Officer had the following questions:*

Designated Military Officer: Sir, I never heard your name before I worked on this package and yet you say that your case has drawn international attention.

Detainee: Not my name only. The name of all the people that have been here in Cuba.

Designated Military Officer: In spite of that, there have been computer records found in four different locations with your name associated with it. Not 500, 600, 800 or 2,000

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people, but your name. You say it is because your name has drawn international attention. Why?

Detainee: I said not my name only. All the people that are here.

Designated Military Officer: I say again, 70 or 80 names were found on these files, not 500, 800 or 1,000, 2,000 names, but 70 names or 80 names, why is your name one of those names?

Detainee: I am saying that all the Detainees that are in Cuba, 90% of them, their names are on the Internet. If you have no knowledge of that, please refer to the Internet. I wish you would follow my case more.

Designated Military Officer: I will ask the question one more time. The Internet contains the names of 500, 1,000, 3,000, whatever the numbers of Detainees are that may have been collected. Yet al Qaida network computers, hard drives associated with al Qaida, hard drives associated with terrorist organizations contain your name and not the names of 1,000, 2,000, 5,000 other Detainees, but the names of 70 or 80 people. Why is your name on that list?

Detainee: I said in first Combatant Status Review Tribunal that I was imprisoned in Pakistan. Pakistani officers took our names and our pictures. He asked me my name and I gave him my true name and my picture. After that he can do whatever he wants with it. He can put it in computer file of al Qaida or put it in another computer. That's all I know.

Designated Military Officer: My final question then. A Pakistani police officer placed your name in three or four different al Qaida databases, is that correct?

Detainee: The Pakistani police do as they wish. This is not true.

***Administrative Review Board Member's questions:***

Board Member: *Pleasantries exchanged.* How much money did you collect?

Detainee: What money are you talking about?

Board Member: It talks about you having a certain amount of money. You said it was 25,000 Saudi Riyals. Was that your own money or did you collect that from someone?

Detainee: My own money.

Board Member: You departed Saudi Arabia in the summer of 2001?

Detainee: Yes, after September 11. A month after September 11.

Board Member: When did you arrive in Afghanistan?

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**Detainee:** Approximately after September 11, 55 days.

**Board Member:** Were you aware that there was a war going on there?

**Detainee:** Yes, but I didn't go to war. I went for humanitarian purpose.

**Board Member:** You didn't have any involvement with al Wafa while you were there?

**Detainee:** No.

**Board Member:** Did you tell us earlier that you know who the leader of al Wafa is?

**Detainee:** No, I knew it in Afghanistan only.

**Board Member:** I thought that earlier, you said that...

**Presiding Officer:** The President...when he...al Haramayn.

**Board Member:** Only al Haramayn...

**Detainees:** These people (*President of al Haramayn*) their names were known. As far as the people I mentioned before about al Haramayn. I don't know them personally, but in the news media they talk about them. Well known people in charge of al Haramayn.

**Board Member:** Was it your intent to distribute your money through some organization or just on your own?

**Detainee:** For the Afghan people, my intentions were to distribute it myself for the civilians.

**Board Member:** Did you know anyone there?

**Detainee:** You mean Afghanistan?

**Board Member:** Yes.

**Detainee:** No, I [didn't] know anyone.

**Board Member:** How did you get captured?

**Detainee:** I talked about that before.

**Presiding Officer:** He's asking again, just for clarity.

**Detainee:** I don't have an answer.

**Presiding Officer:** Thank you.

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Board Member: Was there some kind of escape attempt where you? Where you were being held?

Detainee: I didn't escape I am here.

Presiding Officer: We were not asking if you escaped. Were you aware of an escape attempt where you were being held?

Detainee: No, I didn't hear. I didn't see and I didn't have anybody with me.

Presiding Officer: Thank you.

Board Member: How old are you?

Detainee: 22.

Board Member: [Do] you speak English?

Detainee: A little bit.

Board Member: Can you understand when we were asking you questions?

Detainee: Sure.

Board Member: So you can understand pretty well?

Detainee: Yes, little (inaudible).

Board Member: Where did you learn to speak English?

Detainee: Here.

Board Member: You're from Saudi Arabia?

Detainee: Yes.

Board Member: Your family is wealthy?

Detainee: No[t] so very rich, but average.

Board Member: You left when you were 18?

Detainee: Approximately.

Board Member: Approximately 18, do you know al-Metrafi or have you heard of him? Do you just not know him?

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Detainee: I told the interrogator I knew about him in Afghanistan. I didn't know him personally.

Board Member: Why did you go to Turkey?

Detainee: Visitor.

Board Member: Just to visit for vacation?

Detainee: Yes and for work.

Board Member: What kind of work?

Detainee: Furniture work. My father has a furniture store in Saudi. [I was] in charge of going to get some people who work in our factory in Saudi.

Board Member: Is that also why you went to Syria?

Detainee: I went to Syria three times. I went to Lebanon. I went <sup>to</sup> Egypt and I went to Tokyo, but not like Afghanistan. I went only once. I went to United Arab Emirates.

Board Member: Were these also for work or vacation...for holiday?

Detainee: It was both. Tourism and work at same time.

Board Member: This is your father's store? Your father's furniture store?

Detainee: My father and my uncle.

Board Member: Your uncle. Is it a large store?

Detainee: Yes.

Board Member: Very big?

Detainee: Yes, very big.

Board Member: Al Jarbi did he work for your father? Was he a customer or did he just visit you?

Detainee: No, he doesn't know my father. He doesn't talk with my father.

Board Member: Did he just...he just came to the store and started talking to you?

Detainee: Yes. Just visit me.

Board Member: Just visit you?

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Presiding Officer: Was he a customer of the store? He came in to buy furniture?

Detainee: Yes.

Board Member: Where were you when you heard about the bombing of the World Trade Center? Were you in Saudi Arabia still?

Detainee: I was in Saudi Arabia. I saw everything. I saw a (inaudible)

Board Member: What did you think?

Detainee: I talk[ed] before. I didn't imagine a person [could] hijack a plane. Of course, this is not in our religion. I read the whole Koran. I didn't see any word like what Usama bin Laden did. The reputation of our religion...people who look at Usama bin Laden, they look at Islam. [This is] the case, they were persons, they have no relations and I swear to God if I had the opportunity to be there on September 11 and help the victims that were there. I'm not saying this so that you can get me out of here. I'm not saying that in order to convince you that I am innocent. My reality and opinion is opposite to what's happened. All this that I told you now, put it [a] side, so that you don't [think] that I'm trying to get myself out of here.

Presiding Officer: Thank you very much.

Detainee: I swear by God when I saw people throwing themselves from 110[th] floor. Psychologically I was shocked. Not only me, my wife was also with me. My uncles are officers in Saudi government. They were very angry. I live in Mecca and I was present at the prayer for the Imam. The Imam talked about the terroristic act. I was there listening to him. I remember his words, for more than four years now, word by word. I was present at that prayer one time and his words they are still in my mind. My heart was with [the] American people about what happened; because of course those people [were] innocent. Those people didn't have any relation with what happened. I don't know how to describe Usama bin Laden to you.

Board Member: Did you ever hear of any fatwas to go to Afghanistan?

Detainee: I talked to the interrogator a lot. This is not in my case, but I am going to help you understand with this information, if you have time.

Presiding Officer: Sure.

Detainee: People of Saudi, who are religious people, that knows about Islam. We call them Cheick and there are two types: one type with the government and the other type against the government. The one that is against the government, those are the ones that deliver fatwas in the Internet to the newspaper to the publication. I am Saudi and I live in Saudi. I have to listen to everything that is happening in my country, even if I want to or I don't. Of course, there were some fatwas not only for terroristic act, to kill American

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people and for terroristic act. Those fatwas they existed in my country and this is true. Those are the Cheick of Saudi and some of them they don't agree with the terroristic act that happened. They were talking about that in the mosques and giving lessons and speeches and Saudi T.V. That is what was happening in my country and this is the truth.

Board Member: Do you...how do you feel about Americans in Saudi Arabia?

Detainee: Honestly, I wish the civilization of America would come to Saudi. I like only one thing in Saudi, the democracy. I saw even the government...what's happening in Iraq. I saw the era of Saddam Hussein and I saw the difference after Saddam Hussein. This is my opinion about America.

Board Member: Thank you.

Presiding Officer: I'm very happy to see you in a white outfit, which means you treat people here with respect.

Detainee: I am happy of meeting all of you, but at the same time I am sad because of the circumstances in which I meet you.

Presiding Officer: I understand, same here.

Detainee: I'm going to tell you something. These things here (*Detainee refers to his shackles*) it adds a lot of sadness in my heart and at same time (inaudible). Of course, I swear by God I didn't do any terrorist act.

Presiding Officer: How are your wife and daughter? Have you heard from them?

Detainee: My wife's situation is good now. She finished her education at the University. I want to tell you something. From here, from the prison, I was sending a letter to my wife telling her to finish her education. When she found out I was here, she stopped going to school. Through the Red Cross, I was sending her letters asking her to go back to school. Now she went back to school and she finished.

Presiding Officer: Very good.

Detainee: She's in college now.

Presiding Officer: Very good. You come from at least a somewhat wealthy family and you traveled many times to Syria to Turkey to different places of Saudi Arabia. All of those on business or holiday and yet the first time you choose to go do philanthropic work is one month after September 11?

Detainee: Yes, I am saying it. I was excited to go to Afghanistan and I was a teenager. Of course, I was very young in age when I traveled to Afghanistan. It was the wrong decision I made in my life. I am ready to say that in front of [the] whole world.

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Presiding Officer: You [were] aware already that the United States, America, was already involved [in a] war with al Qaida and the Taliban by the time you arrived?

Detainee: I will tell you one thing. I know that al Qaida has problem between America. I didn't go to al Qaida. If I want to go to al Qaida, I would [have gone] to al Qaida from the beginning. The Saudi government themselves recognized the Taliban. I'm going to ask you a question. What do I have to say or to do if my government says they recognize Taliban as [a] government?

Presiding Officer: I believe the only country that recognize[d] the Taliban government was Pakistan at that point and time. I don't believe Saudi Arabia did. Either way you're a very educated man, you [said] yourself that you knew what was going on. You followed the world. You were well aware that traveling there put you at great risk, both physically and then being in a situation to be captured by going there.

Detainee: I will say one thing. I don't know exactly what [the] Taliban did. I don't. I went to Afghanistan to help. The Red Cross was there too. Even the Red Cross will (inaudible) pose threat to themselves by being there. I don't think about myself only. I think about the people I'm going to see and meet.

Presiding Officer: The Red Cross people have spent their whole life going places where you had never done it, until one month after September 11. You leave your wife, your young daughter, your business, you take a lot of money, a lot of money for Afghanistan, even \$7,000 is a lot of money in Afghanistan, and you traveled one month after September 11. That is why you are here.

Detainee: Yes, I recognize that I was wrong. [A] Human Being recognizes their mistake and they learn from their mistake. I wish I could prove to you that I do not pose threat [to] America, but I do not know how.

Presiding Officer: Thank you very much. Your answers today have been very helpful. I very much appreciate your responses. I'm very happy to see that you...it does not appear that you have fired weapons at the United States. Thank you very much for your responses today.

Detainee: I will tell you one thing, you are more than welcome if you come to my house in Saudi Arabia.

Presiding Officer: Thank you very much. I've been to your country. I love your country.

Detainee: Thank you.

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

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*The Presiding Officer opened the classified portion of the session.*

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

AUTHENTICATION

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



Captain, USN  
Presiding Officer

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

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

*The Designated Military Officer was sworn.*

*The Board Reporter was sworn.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

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

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

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

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

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

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

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

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

*The Presiding Officer acknowledged the request.*

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


*The 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

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Summary of Administrative Review Board Proceedings for ISN 277

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee declined taking the (Muslim) oath.*

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

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

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

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

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 25 August 2005 and lasted 79 minutes. The Detainee remained polite and attentive throughout the interview. After a review of the Administrative Review Board purpose and procedures, the Uighur translation of the Unclassified Summary of Evidence was read to the Detainee. When asked if he would attend the Administrative Review Board, the Detainee said that he chose not to attend. The Detainee said that since he had been in American custody he had been honest and forthright with the interrogators. He did not hide anything. He participated in the Combatant Status Review Tribunal, even providing additional information to the tribunal. He said that the Combatant Status Review Tribunal process gave the possibility of a

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release from detention, but it took five months for the result and now there is yet another board. Things move very slowly around here. The Detainee opted not to attend because the information he has provided during interrogation should be enough to make a decision in his case even without his presence. The Detainee retained a translated copy of the Unclassified Summary of Evidence. On 29 August 2005 the Detainee requested attendance at the board after thinking about his previous decision. The Detainee said that he was innocent of being an enemy of the United States and guarantees that he is not a threat to the U.S. or its allies. He said that he knows that someday justice will be obtained, and that he is waiting for the war to be over. The U.S. will release him someday. The only things that he is upset about are that he cannot get mail or see his parents until he gets independence. He emphasized that he is not complaining about his detention, but he would like to be released as soon as possible. The Detainee requested that he be moved to a cell adjacent to his brother for longer than a day or two, as has been the case in the past.

*The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 to DMO-3, other unclassified information to the Administrative Review Board.*

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

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

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

Designated Military Officer: The Detainee stayed in a Uighur guesthouse in Jalalabad, Afghanistan.

Detainee: Should I answer right now?

Presiding Officer: Yes.

Detainee: It's not a big guesthouse, just a little room...a little house. I stayed there one night and [the] second night I went to the mountains...other place. My understanding of a guesthouse is to lodge people coming here and [they] pay money, [to] stay a night or two and then [they] go somewhere else. We don't expect that in guesthouse.

Presiding Officer: I understand for the record, you said you stayed at a very small guesthouse, just one room and that was when you were in Jalalabad.

Detainee: Yes.

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Designated Military Officer: The Detainee, along with a group of Uighurs and Arabs, fled Afghanistan when the United States began bombing the Tora Bora Mountain area.

Detainee: I should explain this a little bit. We were staying at that place (*guesthouse*) peace[fully] [with] nothing going [on and everything] was quiet. One night, in the middle of the night, we were [a]sleep when the bombing started all over the place. [There was] fire [from] all the bombings [that were] going on. That night we [ran] away to try to survive [all the] bombing. We [ran] all over the place [on the] second day [we] came out from [our hiding] place[s] and [tried] to find each other. The people we [found are] right here in this camp. We stay[ed] there for a while...like a month, in the mountains. We stayed for a while; we decide[ed]...we figured out that we needed to leave this place because of [the] bombings going on all over the mountains. We saw a bunch of people passing through on the mountainside and we went to ask them, "Where are you guys going?" They said, "Pakistan, Pakistan!" We decide[ed] to follow [them] and then we were in Pakistan. During that time there was no safe place and then we found...like a place...like a bunker in the mountains. We stayed there and we found those Arabs and followed [them] into Pakistan.

Designated Military Officer: The Detainee received military training on the Kalashnikov rifle at a Uighur training camp in the Tora Bora Mountains of Afghanistan.

Detainee: I just learned how to use the Kalashnikov. When you say training it's a huge thing, but I didn't really train how to use. I just [learned] how to use the weapon, but I didn't exercise or do anything like that.

Designated Military Officer: The Detainee attended a camp run by the Eastern Turkistan Organization (ETO).

Detainee: The place we stayed is only for Eastern Turkistani people, that's why [there were] only [those] people I stayed [with] in that place.

Designated Military Officer: Hassan Mashum, the leader of the Eastern Turkistan Islamic Party, visited the Detainee's training camp in Afghanistan while the Detainee was there. While at the camp, Mashum led prayer and gave a speech about the condition of the Uighurs in China and the lack of funding at the training camp.

Detainee: I want to explain to you more clear[ly] on Hassan Mashum. The Uighur people [have] lived under the Chinese oppression [for] almost 250 years. During those years, they tried so many times to kick the Chinese out of our motherland. The last 50 years, from 1900 - 1950, there were three conflicts between [the] Uighurs and Chinese. During those times our people almost got [their] independence, but [the] Chinese [used] all their power and destroyed us [over and over] again. During all those fights [they were] being called Eastern Turkistan Independence Movement or Eastern Turkistan Freedom Movement or Independence for Eastern Turkistan, they've been named those names for all those wars. We use the same name[s] [now.] Our grandparents [have] used

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[these names] in the past [and] we still [use] Eastern Turkish and Freedom fighters. It's nothing different. The last time I had an interview with the Assisting Military Officer, I [misunderstood] the question. I [thought] he [asked] me to question [if] Hassan Mashum was the leader of Turkistan. That's why I told him, "Yes, he was the leader." My understanding is Hassan Mashum is not the leader of Eastern Turkistan Islamic Party. My understanding is Hassan Mashum [is the leader of] Freedom Movement Party or Freedom Organization. Even if Hassan Mashum wanted us to have [an] Islamic Party or Islamic Organization he cannot do that, because all the Uighur people [are] under the Chinese pressure of darkness. All the Uighur[s] want is freedom, independence, and to [live] free...like some European country or Kazakhshtan...the democratic countries.

Presiding Officer: Did Hassan Mashum visit?

Detainee: When I was there, he [visited] once.

Designated Military Officer: Mashum aligned his organization with Usama Bin Laden (UBL) and it is now considered part of al Qaida. Since 2000, its core has been located at an al Qaida camp near Tora Bora. The fighters, under the authority of UBL, are considered a combat sub-unit of the Taliban.

Detainee: My answer for this question is, I believe Hassan Mashum never [would] have been associated with a person like Usama Bin Laden. Why...because the Uighurs are under the pressure [of a] power[ful] country, which is the Chinese people. [What] the Uighurs want...we need a country like U.S.... like a powerful country to help us. We want the whole world to support our movement. Without [the] whole world's help we [are] not [going to] get our independence. Like Usama Bin Laden [is] against the U.S. and [every] democratic country in the world, if we associate with [these] people then we [will lose] our independence. We [are] not going to get any help from anywhere. I believe Hassan Mashum understand[s] [the] kinds [of] situations [that] are good [or] bad. We know what our goal is, which is get our independence, but Usama Bin Laden...he has [his] own country, he has [his] own money. He can do whatever he wants to do. I don't even know what [there] goal is. Why they are fighting against you and your allies? I had no idea. What I'm trying to say is our goal and their goal doesn't [match], because we have ours and they have theirs.

Presiding Officer: We understand. Thank you.

Designated Military Officer: The Secretary of State has designated the Eastern Turkistan Islamic Movement (ETIM) as a Foreign Terrorist Organization (FTO). ETIM is a small Islamic extremist group based in China's western Xinjiang Province. ETIM is one of the most militant of the ethnic Uighur separatist groups pursuing an independent "Eastern Turkistan." ETIM is suspected of having received training and financial assistance from al Qaida.

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Detainee: I want to answer [the] first line. I don't think, Secretary of State thinks Uighur people [are] not extremist terrorist group. I believe that this accusation [is] coming from the Chinese Foreign Minister and the U.S. Secretary of State...they [got] together [and] exchange[d] information. Whatever [the] Chinese [gave] to the U.S....all the information... then the Americans believe that information [and] they think we are [an] extremist terrorist group.

Presiding Officer: We understand.

Detainee: My answer for that [last part], [is] we are suffering [from] the Chinese pressure, [the] only thing we look for is [to] get our independence. We [didn't] get any financial help from al Qaida, if we [did] [get] any financial [help] from al Qaida, [when] we were in the mountains...the food we ate, if you gave it to the chickens, they [wouldn't] eat [the] food as their meal. The people in the camp, they don't have money and when they have money, whenever they (inaudible) all the stuff they spend their own money. In the mountains their shoes [got] bad all the time, I know how it affects [their] shoes. I help[ed] fix other people's shoes. Turkistani people, the Uighur people, [have] been poor [a] long time and when we [got] there we [didn't] get help from anyone. We don't need help from anyone and we have nothing to do with those organizations.

Presiding Officer: Thank you.

Designated Military Officer: ETIM reportedly has financial support and direction from Usama Bin Laden, recruiting within Eastern China and shipping recruits to training camps in Afghanistan. These recruits then return to China to conduct terrorist activities and extend their influence. Training includes religious extremist theory, terrorism, explosives, and assassination. Some training camps also include the manufacturing of weapons, ammunitions, and explosive devices.

Detainee: I [first] heard [about] Usama Bin Laden [about] five or six years...six years ago, but our fight [has been] happening [for the] last two to three centuries. The people under suppression try to get their independence. They're leaving the country by their choice. I am one of those people, [who left the country,] to get my freedom. We don't need him to help take us from our country to somewhere else. We know how to make money, work...earn some money and get some passports in legal [a] way...like our grandparents did in the past. We don't need a hand to help us leave the country, that's the reason we left the country legally. Our people when they [leave they] go to [a neighbor country]...Kazakhstan or Kyrgyzstan. They're doing business all the time. The new people, who have a side business...the new travelers [go] to Kazakhstan or Kyrgyzstan...those countries. When they come back they [get] stop[ped] [by] immigration, [who] interrogate[s] [them for] several days to 10 to 15 days...where did you go, what did you do...who did you talk [with]. Then they let them bring [things] into [the] country, [but] if people go to Pakistan and try to come back...they have problem[s]...they cannot come back into country. Even if people [go] to Pakistan and they [come] back [in] to [the] country, then they are [going] [to] put [them] in prison for

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awhile or those people are [going] [to] stay in a prison. They cannot ever come...crazy people, because they look at the Uighurs, whoever goes to Pakistan they assume[e] those Uighurs went to some other place [to do] something against the Chinese government. This is the reason why Uighurs don't go to Pakistan, [because] they are going to have a problem when they get back. [In] China, they say they are doing extremist activit[ies] and [they will] extend their influence. I [haven't] see[n] [any] Uighur people [do] crazy extremist terrorist activity in China. I don't think they are [going to] do those kind[s] of crazy stuff. The only problem we have is the Chinese government. We do not have a problem with the Chinese people. If we get our independence, they can live with us we don't have problem with them. Al Qaida...those people don't care if we go or not or anything [about] people. They just destroy everything and we're not crazy like those people. We're not going to get along with those kind[s] of people. The last part [of the statement], we have nothing to do with that.

Presiding Officer. Thank you, next please.

Designated Military Officer: Pakistani authorities apprehended the Detainee in late December 2001. At that time, he identified himself as an Afghan named Sadir Sabit, born in 1975 in Mazar-e Sharif. He was detained with a Kalishnikov and 1,000 Pakistani rupees. He was serving with the Taliban in Mazar-e Sharif until forced out by the Northern Alliance. He fled to Kabul, then Jalalabad, then Tora Bora, and finally Pakistan.

Detainee: I want to explain a little [about] Mazar-e Sharif to the court. When we went into Pakistan [and when] they took us, they split us...like 10, 10, 10, each group [were] put in a car, but during that time I [thought] to myself, "Thank god I just escaped from that bombing. I'm still alive." [When] they took us [in] the car, [they] drove [for awhile] and [brought] us to [a] big black door [in] some buildings. When they [brought us] into the building they started asking question[s]...interrogation and all this stuff. [We] had a hard time with what we [were going to] say to them. Then one of us, [said], we should tell [them we are] Uzbek...Afghani Uzbek, because Afghanistan has a lot of Uzbeks. The reason is if we [told them] we're from China, then [would] turn us back to the Chinese authority and [our] past experience...probably 1997, about 10, 12 Uighurs went to Pakistan. The Pakistani [authorities] arrest[ed] [them] and turn[ed] them over to the Chinese government. As soon as [they] pass[ed] through the Chinese border they [were] assassinate[d] on the border. We were afraid [that] if we tell them we're Chinese citizens they [would] turn us over to the Chinese government. That's the reason [why] we told them we're Afghani Uzbeks. [When] the Pakistan authorit[ies] turn[ed] us over to the U.S. authorit[ies], [during our] first interrogation, we told [them] we're Uighurs from China. [The interrogator] realized [we were] Turkistani [and] told us he was so happy. He said, "That's good you just told us the truth." Yes, I did have a 1,000 rupees but I didn't have a Kalishnikov with me. Like I said in the beginning, I said...I was staying in a guesthouse in Jalalabad one night, that's true...I stayed in guesthouse [in] Jalalabad one night and then I went to Tora Bora. When the bombing[s] started, I [ran] back to Pakistan. I did not go to Kabul or any other places. I don't know those places. The

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Pakistani[s] turn[ed] us [over] to the U.S. [The U.S.] took us to Kandahar and then to here. I didn't go through Mazar-e Sharif or Kabul or those places.

Designated Military Officer: The Detainee is wanted by the Chinese police.

Detainee: When I'm in my country I didn't do anything against [the] Chinese government. I didn't [participate in] any activity. The only [thing] I did [was]...we have a cultural...we have a tradition...people get together dancing, drinking...have a party, picnic and stuff. The Chinese government band [the] Uighur people [from doing] this. Then all the Uighurs, female, male, old, young...everybody! They did [a] demonstration against the government policy and I participate[d] [in] that demonstration. That's the only thing I did. Probably when I left the country they assume[ed] I joined some groups [to] do something against the government [and] they declared I [was] a wanted person in China. God help me [from] be[ing] captured by the Chinese.

Presiding Officer: We understand.

Designated Military Officer: The Detainee has requested political asylum in the United States, and is certain that if returned to China, or any country influenced by China, he will be tortured and most likely executed.

Detainee: Not only me, all the Uighurs, they do not want to [re]turn to China or some other country [that] has too much Chinese influence in it. We [would] like to go to Canada or some other country...Chinese does not have a[n] influence on. You can delete that part...the torture. You cannot live there [you would] be executed.

Designated Military Officer: The Detainee stated he never fired a weapon at any person or aircraft while at the Tora Bora training camp.

Detainee: That's true.

Designated Military Officer: According to the Detainee, the Uighurs consider themselves an Ally of the United States, and would not associate with terrorist organizations, especially those that target the United States.

Detainee: That's really clear. I don't have to explain [that] to you guys.

Presiding Officer: Thank you.

Designated Military Officer: The Detainee asserted that ETO has no financial, logistical, operational, or philosophical connection to al Qaida, the Taliban, or any other Muslim extremist group.

Detainee: That's true.

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Designated Military Officer: The Detainee stated that he had never heard of al Qaida until he heard of it from the Americans.

Detainee: Yes, I told them [that] at [the] interrogation.

Designated Military Officer: The Detainee has no plans to return to Afghanistan or China to reunite with groups involved in fighting or to commit terrorist acts. He added that he has never fought against the United States and has no plans to fight against the United States in the future.

Detainee: That's true. Those are really clear. I don't really have to explain [to] you guys.

Presiding Officer: We understand. These are in support of...

Detainee: Thank you very much.

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

*The Presiding Officer acknowledged the request.*

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

*The Detainee made no statement.*

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

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

*Administrative Review Board Member's questions:*

Board Member: When did you travel to Afghanistan?

Detainee: I traveled to Afghanistan approximately end of June 2001. End of June.

Board Member: What was your purpose for going there?

Detainee: In the beginning, I [didn't] have any plan[s] to go to Afghanistan. When I was in country, the pressure [was] getting really heavy. If you want I can explain...I can tell you one or two...it might be enough for you to understand those pressure[s] from [the] government. Then I decide[d] I [didn't] want to waste my youth under the pressure [and] I was hoping to go to some country like U.S. or Canada or some other country to go find a better life...get my freedom. When I traveled to Pakistan, I didn't really have enough money to travel. The people in Pakistan they told me there [was] a place in Afghanistan

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[that I could] go [and] stay there. [I could] do some...try to make more money in Afghani...Pakistan, as soon as [I could] get more money [I could] come back here and then [I could] come (inaudible) travel...[I could] go some other places.

Board Member: Did you know what the Taliban was when you went to Afghanistan?

Detainee: I heard about Taliban, but I didn't know what exactly they do.

Board Member: What did you know about al Qaida?

Detainee: I never heard [of] al Qaida. I heard of al Qaida by the American interrogators when I was in [an] interrogation room.

Board Member: Did you ever hear of al Qaida when you were at Tora Bora?

Detainee: I'm still hearing from you, but I don't really understand what al Qaida is? My understanding is...I believe [they] are some of Bin Laden's people [and] they [are] doing all those extremist terrorist activities. Now, I understand it.

Board Member: Did you know Hassan Mashum?

Detainee: I met him at the training camp then I knew that person.

Board Member: Had you heard of him before?

Detainee: I never heard of him, but when I was there when they came to camp then I found out he was the leader of Turkistani people.

Board Member: How old are you?

Detainee: I was born in 1976. Very soon I will be 30 years old. I [have] lost half of my lifetime.

Board Member: Did you engage in any fighting anywhere in Afghanistan or Pakistan?

Detainee: No.

Board Member: Do you speak English?

Detainee: When I was trying to learn [to] write English...as soon as they saw they [took all the stuff] away from [me]. I learned a little bit of some things, some words that's it.

Board Member: How many Uighurs do you think are in Afghanistan?

Detainee: I do not know [any] Uighurs beside those Uighurs, [who are] in here, but [during the] 1950s when the Uighurs [fought] against the Chinese at the time of their (Uighurs) retreat they fled into, ... those fighters fled into Afghanistan. They became

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Afghani, Uzbeks Uighurs, then they became Afghani people. I do not know those people, but when I was in the camp...the mountains, [there] were some 30 Uighurs, that's the Uighurs I know. I don't know [the] rest...any others, besides I read the Turkistani history books, which [said] those people [who] fled to Afghanistan [sought] political asylum from Turkey or Saudi [and] left Afghanistan...they went somewhere else.

Board Member: When you were at the camp were there any Arabs that would visit there?

Detainee: I never [saw] any Arabs.

Board Member: Just Uighurs?

Detainee: Yes.

Board Member: You said your brother. You mentioned your brother. Did he travel with you?

Detainee: No, I did not travel with my brother. When I was in Kandahar, I saw my brother there, but I couldn't speak with him. Then when I was...when they brought me over here...later on they [made] arrangements [for] us [to meet] together then I [found] out he went to Afghanistan to try and find me.

Board Member: Where did you get the money to leave Turkistan to begin with?

Detainee: I [had] my own business. I [sold] clothing, female or male clothing. I had my own business. I took the clothing to the villages, [sold to] those villagers and [came] back [to] buy other stuff. Just a general small business.

Presiding Officer: Thank you for your responses. How much education do you have?

Detainee: Nine years of education.

Presiding Officer: Thank you, did your brother go to the camps? Did he train at all in camps?

Detainee: No, he never [has] been there.

Presiding Officer: He got captured too?

Detainee: Yes, he did and he is here too.

Presiding Officer: The 1,000 rupees you had when you were in Pakistan. Where did you get [those] 1,000 rupees?

Detainee: It was my money.

Presiding Officer: You had changed into Pakistani rupees before?

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Detainee: Yes, when [I] first arrived [in] Pakistan, [I] exchanged.

Presiding Officer: Okay. Thank you.

Detainee: Your welcome.

Presiding Officer: The Arabs you traveled with from Tora Bora to Pakistan, do you know if they were fighters?

Detainee: We only stayed together with those Arabs.

Presiding Officer: You just saw them in the Tora Bora Mountains...you didn't travel with them?

Detainee: We saw those people. We asked them where they [were] going. We said, "Where you guys going?" They said, "Pakistan." Then we just followed behind those people.

Presiding Officer: But you all were captured together.

Detainee: Yes.

Presiding Officer: Did you talk to them at all?

Detainee: [I] don't know how to speak Arabic at that time.

Presiding Officer: So there was no communication?

Detainee: Yes, [I] could not communicate with them, because [I am] not Arabic.

Presiding Officer: Are any of them here in this camp?

Detainee: During that time I believe nobody [spoke] Arabic.

Presiding Officer: You're in an orange suit, which indicates you have not always been good while you have been here. If you want asylum, your behavior is very important.

Detainee: Yes, I understand that. I stayed in the camp for more than two years. I missed my brother so much [that] I request [they]...[put] me [in] camp two.

Presiding Officer: Okay, thank you. Any further questions?

Board Member: What would you do if you are released?

Detainee: If I get released. I'll try to do my business, probably find work [with] someone, find a job to do or start my own business again, then get married...start my own life.

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Board Member: Thank you.

Presiding Officer: Thank you very much for all your answers today. You've been very helpful for us to make a decision.

Detainee: Thank you. I have a little more to say.

Presiding Officer: Okay.

***The Detainee makes the following statement:***

Detainee: I participate[d] in every single interrogation and participate[d] in Combatant Status Review Board (CSRB), during that tribunal they told [me] I would get [the] result in the next 15 days [as to whether I would be] released or [you] were going to keep [me] in this prison still. I waited more than five months. I want you guys to make a decision sooner [and] try to solve our cases faster. I also don't want you to go and listen to [the] Chinese information [to much], because [the] Chinese worr[y] to much about the U.S. government help[ing] the Uighurs. They try to make us look bad. All the al Qaida members...they are extremist. They did that, they did this...all this kind of misinformation they (Chinese) are [going to] mislead you guys. When I want you to really look carefully and this thing should end sooner.

Presiding Officer: We will make a decision today, but we will only make a recommendations. The decision, the final decision comes from Washington D.C. You will know fairly quickly. I can't tell you how many days, but it will be fairly quick. The decision may take a while because the U.S. government is very aware of the Uighur situation and they are trying to do what's best for you and for America. We want to ensure that what ever happens that your safety is ensured and that's what may take a while.

Detainee: It has been four years...maybe a little more.

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

***The Presiding Officer opened the classified portion of the session.***

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

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AUTHENTICATION

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



Captain, USN  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 329

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

*The Detainee accepted taking the Muslim oath.*

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

Detainee: I do understand but I have no knowledge about it.

Presiding Officer: Do you understand the information I have presented about your rights?

Detainee: I understand all your words.

Presiding Officer: He understands he can present information?

Detainee: Yes, very good.

Presiding Officer: Thank You!

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

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

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

Assisting Military Officer: The Detainee's initial ARB interview occurred on 24 October 2005, and lasted for 35 minutes. After a review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When asked if he would like to attend the ARB, comment on the Unclassified Summary of Evidence, provide a written statement, give an oral statement, or provide the AMO comments to present on his behalf, the Detainee said, "I need to pray and think about this point before I make my decision. If I come, I will give you my answers to the Unclassified Summary of Evidence and you can speak for me. I will answer only if they need clarification." A follow up interview was conducted on 25 October 2005, and lasted for 45 minutes. During the follow up interview, the Detainee elected to give his answers to the Unclassified Summary of Evidence to the AMO to respond on his behalf. The Detainee was cooperative and polite during both interviews. He elected to keep a copy of the translated [Unclassified] Summary of Evidence.

*The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, and the Terrorist Organization Reference Guide, 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 for presentation to the Detainee.*

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

*Note: The Detainee elected to respond to each allegation after it has been presented, however the AMO read the Detainee's response from Exhibit EC-B. The Detainee either validated its correctness, or clarified the statement the AMO made.*

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

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Training: A foreign intelligence organization has provided information that indicates that the Detainee joined an al Qaida training camp upon arriving in Afghanistan.

Assisting Military Officer: This allegation was there last year in another form. This is not true. When I went to Afghanistan I went to Kabul. I did not receive or join any training. What proof do you have of this? *The Detainee confirmed this statement.*

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Designated Military Officer: (3.b) Connections/Associations (3.b.1) The Detainee stayed in a house for Syrians, which was located in Kabul, Afghanistan.

Assisting Military Officer: Yes, I was in a house in Kabul along with six other Syrians. *The Detainee confirmed this statement.*

Designated Military Officer: (3.b.2) The Syrian house was located in the al Qaida enclave area of Wazir Akhbar Khan in Kabul, Afghanistan.

Assisting Military Officer: This is the first time I've heard about this. This area of Warzir Akhbar Khan is a large area. I lived there for almost one year, and never heard of al Qaida. All of my neighbors worked for the Red Cross. *The Detainee confirmed this statement.*

Designated Military Officer: (3.b.3) The Syrian group guesthouse was associated with al Qaida and was used for money and document forgery operations.

Assisting Military Officer: This is not a guesthouse. This house belongs to a Syrian immigrant (one person). This person had no relationship to al Qaida or the Taliban. He is a civilian not a combatant, and never had any weapons. As for the money, it was sent to the owner of the house from his family. As far as forged documents, the first time I heard about this was a month and a half ago from the interrogators. This is not true. *The Detainee confirms this statement.*

Designated Military Officer: (3.b.4) The Detainee's name or alias appears on a document recovered from a safe house raids on suspected al Qaida.

Assisting Military Officer: The first time they gave this allegation to me, they presented it to me under the name Abu Omar Mohammed. If they claim this is my name, this is not true. In my life I did not deal, receive or write any document. What proof do you have of this?

Detainee: This allegation last year they came up with the name Wali Sher. The name Omar Muhammed they talked to me about during the interrogation. In the interrogation they came up with a list of names and they told me that this is your name Omar Muhammed and his profession and I told them that this was not me.

Designated Military Officer: (3.b.5) The Detainee attended training from Sheikh Issa while residing at the Syrian guesthouse in Kabul.

Assisting Military Officer: This is not true. This Sheikh is a religious teacher, not a military trainer. Sometimes we took lessons from him about Sharia (Islamic law) and religion. Again, like I said before, this is not a guesthouse. *The Detainee confirmed the statement.*

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Designated Military Officer: (3.b.6) Sheikh Issa, an Egyptian, was an Amir in the Egyptian Jihad Organization and was the chief Mufti of al Qaida.

Assisting Military Officer: Sheikh Issa speaks academic Arabic. Therefore, I cannot tell where he is from and I did not hear or know anything about his associations. We attend his class for fifteen minutes a week. *The Detainee confirmed this statement.*

Presiding Officer: You attend this class for 15 minutes a week, what did you do for the rest of the day?

Detainee: We attend his class once a week for 15 minutes and the rest of the time we spent it in the house.

Presiding Officer: What did you do in the house, some kind of training or other classes?

Detainee: I attend the class and at home it is normal [day to day] nothing special. On days when I attend the class I just attend the class but on other days when I don't attend the class I worked in a store.

Presiding Officer: So you had a job outside of the 15 minutes a week [class].

Detainee: The Sheikh had the classes daily but it wasn't an obligation for me to attend the class every day or every week. Some weeks I would go for only 15 minutes, some weeks I don't go and the following week I would go for half an hour. He used to give classes in academic Arabic grammar [but] I didn't attend those classes. But the classes about religion on what the Prophet was saying and other things that had to do with religion, that's when I used to go.

Presiding Officer: You also had a job to fill in the rest of the week.

Detainee: They were very simple classes and after that I used to go to the store.

Board Member: How many weeks did you attend this training?

Detainee: What training?

Board Member: The Sheikh Issa's training.

Detainee: It was not training it was lessons.

Board Member: Okay, how many weeks?

Detainee: Approximately four months.

Board Member: Which four months were those and what year?

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Detainee: In 2001, I [can't] remember the exact month.

Board Member: Summer, Winter, Fall?

Detainee: It was in the spring. In the summer I worked in the store.

Designated Military Officer: (3.b.7) Al-Jihad, a.k.a Egyptian Islamic Jihad, merged with Usama bin Laden's (UBL) al Qaida organization in June 2001, but may retain some capability to conduct independent operations. Its primary goals are to overthrow the Egyptian Government and replace it with an Islamic state and to attack U.S. and Israeli interests in Egypt and abroad.

Assisting Military Officer: First of all I have no relation to, knowledge of, or even speak about politics. This is the first time I have heard of this. As far as UBL, I have never even seen his picture. All I have heard about him is in the news. *The Detainee confirmed this statement.*

Designated Military Officer: (3.c) Other Relevant Data: Originally from Syria, the Detainee arrived in Afghanistan in 2000 after spending several months in Iran.

Assisting Military Officer: Yes, I stayed for two months in Iran and then went to Afghanistan. *The Detainee confirmed this statement.*

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee did not receive any weapons training and did not own any weapons while living in Syria.

Assisting Military Officer: Yes, I have never been in any military training camp. Not even with the Syrian military. I have never used or touched any weapon, and I don't like the military lifestyle. *The Detainee confirmed this statement.*

Designated Military Officer: (4.b) The Detainee denied having any knowledge of the attacks in the United States prior to their execution on September 11<sup>th</sup>, 2001, and also denied knowledge of any rumors or plans of future attacks on the U.S. or U.S. interests.

Assisting Military Officer: I don't even know why they captured me. All of this news, I heard it here in the prison. I don't know anything about this subject because I don't even know the names of the states in the United States. *The Detainee confirmed this statement.*

Designated Military Officer: This concludes the Unclassified Summary of Evidence.

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

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*The Presiding Officer acknowledged the request.*

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

Assisting Military Officer: Yes sir, no written statements, however, the Detainee stated he [may] make an oral statement after he arrived at the board.

Detainee: I don't have anything to say.

*The Detainee made no additional comments.*

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

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

*Administrative Review Board Member's questions:*

Board Member: I want to first explain that we do have proof that you trained in an al Qaida training camp but that proof is classified, so we can't tell you what it is. Where were you captured?

Detainee: At the border of Pakistan [near] Jalalabad.

Board Member: What were you doing there?

Detainee: I was in Jalalabad and I left Jalalabad to go to Pakistan and they captured me at the border.

Board Member: Why were you going to Pakistan?

Detainee: [Why] do I need to stay in Afghanistan during the war? Wait there until the airplane bombards me?

Board Member: Who captured you?

Detainee: The Pakistan military.

Board Member: Were there any Americans with the Pakistanis?

Detainee: No.

Board Member: Why did they capture you?

Detainee: They captured me because at the border they asked me for my passport and I didn't have [my] passport with me and that is the reason why they captured me.

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Board Member: Where was your passport?

Detainee: I left it at home.

Board Member: In Jalalabad?

Detainee: No, in Kabul.

Board Member: Why did you go to Iran and Afghanistan?

Detainee: I used to work in Iran.

Board Member: What did you do?

Detainee: My profession is butcher.

Board Member: Meat butcher?

Detainee: Yes, meat butcher.

Board Member: Can you tell us the most important thing you have learned from this Sheikh Issa?

Detainee: The most important thing we have learned from Sheikh Issa was religious things, for example how to wash yourself before the prayer, how to pray and things like that. Everything that is related to religion, like how we have to behave [in accordance with religious practices] and how to handle myself.

Board Member: All your neighbors when you were in the Syrian house worked for the Red Cross, were they volunteers?

Detainee: I do not understand.

Board Member: In Kabul, when you lived in the Syrian house in the Wazir Akhbar Khan area of Kabul, you said all your neighbors worked for the Red Cross.

Detainee: On that boulevard there are a lot of houses that belonged to the Red Cross. All the Red Cross people their homes were in the Wazir Akhbar Khan neighborhood.

OL-21: Your question before was, were they volunteers?

Board Member: Yes, were they volunteers?

Detainee: I don't.

Presiding Officer: Were you a volunteer?

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Detainee: Volunteer for what?

Presiding Officer: Were you a volunteer for the Red Cross?

Detainee: Work with them you mean?

Presiding Officer: Yes, as a volunteer not for pay.

Detainee: No, I did not work with the Red Cross. My neighbors all of them worked for the Red Cross. All of my neighbors worked for the Red Cross and no I did not volunteer.

Presiding Officer: You worked as a butcher?

Detainee: Butcher in Afghanistan? No, I did not work as a butcher in Afghanistan.

Presiding Officer: What kind of shop was that again, you said you worked in a shop.

Detainee: I worked in a little market.

Board Member: Have you had any other name?

Detainee: My alias name was Abdul Omar al Hamowi.

Presiding Officer: You mentioned the Sheikh's house was not a guesthouse, just a regular house where six of you lived.

Detainee: I did not say the house belonged to Sheikh.

Presiding Officer: I am sorry, the Syrian's house.

Detainee: Yes.

Presiding Officer: This individual had no weapons at all around the house, because I have heard from other Detainees that [having] a weapon was common.

Detainee: About the other houses I don't know but our house we [did not] have any weapons there.

Presiding Officer: This fellow Syrian is just an immigrant who invited other Syrians into his house? Is that common?

Detainee: He is a Syrian Muslim there in Afghanistan of course if you are Syrian you hang with other Syrians.

Presiding Officer: What kind of work did he do other than renting rooms to fellow Syrians?

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Detainee: He did nothing; he just stayed in the house.

Presiding Officer: Regarding Sheikh Issa we have heard differently that he does more than religious teachings. What can you tell me about the Sheikh?

Detainee: I do not know, I stayed with him for a short period, just for the lessons and then I would leave. Besides he is an old man and I am young I have no business to ask him questions.

Presiding Officer: Did he come to the guesthouse to give the lessons or did you go to where he lived?

Detainee: No, we went to his house.

Presiding Officer: As far as UBL, you say you have never seen or heard anything until the news, you never saw posters?

Detainee: In Afghanistan I didn't hear anything about him. I didn't ever see his picture. The first time I have heard about him it was here in the interrogation. Before I came to the prison for a short time his name was very common in the news, we heard a lot about him in the news a couple of days before I got captured.

Presiding Officer: And your family, are you married and is your family aware of where you are?

Detainee: Of course I am not married. Of course my family does know, but I have not received a letter from them. They know.

Presiding Officer: They know you are here?

Detainee: I am sure. In Pakistan when they capture people they put their names and their pictures on the Internet. If the Pakistani do not let them know then probably the Syrian government will let them know.

Presiding Officer: Have you corresponded with your family since being here, by writing to them?

Detainee: No.

Presiding Officer: Have they written to you?

Detainee: I don't know if they sent me a letter because I didn't receive any letter from them.

Presiding Officer: So you are not really sure they know you are here then?

Detainee: I am sure of course.

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Presiding Officer: If you return to Syria what kind of work will you do, what are your intentions if we release or transfer you to Syria?

Detainee: I will live a normal life like most people and return to my work.

Board Member: Were you a butcher in Syria?

Detainee: Yes.

Board Member: Do they pay more in Iran and Afghanistan than Syria? I am not sure why you went to Afghanistan.

Detainee: I went to Iran to work and then my goal was to go to Saudi Arabia, that was my objective and my goal but certain things happened and it stopped there. I cannot go directly from Syria to Saudi Arabia, I can't.

Board Member: Why?

Detainee: You need lots of money because you need a Visa and a residence and you are obligated to work.

Presiding Officer: Visa and residence from where?

Detainee: You need lots of money to get the Visa and residence so you have to work.

Board Member: So when you went to Afghanistan were you still trying to get to Saudi Arabia?

Detainee: In Afghanistan I was going to go to Saudi Arabia but I was waiting for some money. When I got the money, I was going to go, but then the war started.

Board Member: So why did you want to go to Saudi Arabia?

Detainee: The work over there is good, there are [plenty] of jobs there.

Board Member: But you had a job in Syria, right?

Detainee: I was working as butcher only.

Board Member: So you were looking for different work?

Detainee: No, I was looking for same job, but in Syria it would take a long time to build for your future.

Presiding Officer: You went to Afghanistan to make more money to get to Saudi Arabia but you told us here your parents were paying the owner of the house you were staying at. Why didn't your parents just give you the money to go to Saudi Arabia?

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OL-21: It was not his parents; it was the parents of the owner of the house.

Board Member: From the owner's family, the owner's family gave him money for the house not the Detainee's family.

Presiding Officer: Okay, I understand. I was reading thinking his family was paying for his stay there.

Detainee: If my family was sending money to Afghanistan I would have went directly to Saudi Arabia in the beginning.

Presiding Officer: That was my question and you cleared it up. Thank You!

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

*The Presiding Officer opened the classified portion of the session.*

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

AUTHENTICATION

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



Colonel, U.S. Marine Corps  
Presiding Officer

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(Revised 8 Dec 05)

**Summary of Administrative Review Board Proceedings for ISN 331**

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee declined taking the (Muslim) oath.*

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

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 7 December 2005 and lasted 30 minutes. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. The detainee said that he understood the difference between the CSRT and the ARB...this was the first time something was clearly explained to him. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee said, he did not have any written document to present. He stated that he would attend the ARB and would give his answer after all the allegations had been

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(Revised 8 Dec 05)

read. The detainee was very courteous and attentive. He elected to take a copy of the English and Arabic translated Unclassified Summary of Evidence for his review.

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

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

*The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to wait until the entire Unclassified Summary was presented before responding.*

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

Designated Military Officer: While living in Gaza, the detainee was influenced by Hamas to become committed to jihad.

Designated Military Officer: The detainee traveled to Saudi Arabia where he was influenced by a Saudi national to go to Afghanistan to receive military training and to be prepared for jihad.

Designated Military Officer: The detainee responded to a fatwa issued by a Saudi sheikh.

Designated Military Officer: The detainee maintained his interest in jihad through conversations with a sheikh, reading the sheikh's book, and a jihad Internet website.

Designated Military Officer: The detainee received a letter and 2,000 Saudi Arabian Riyals from a sheikh. The letter gave the detainee instructions to fly to Karachi, Pakistan and to call a contact when he arrived.

Designated Military Officer: The detainee traveled to Afghanistan to receive training in preparation for jihad.

Designated Military Officer: The detainee traveled to Afghanistan through Karachi and Quetta, Pakistan.

Designated Military Officer: Around July 2001 the detainee arrived in Kandahar, Afghanistan and stayed at a guesthouse.

Designated Military Officer: The detainee evacuated the al Farouq training camp after 11 September 2001.

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(Revised 8 Dec 05)

**Designated Military Officer:** The detainee traveled to a guesthouse in Khowst, Afghanistan, where he joined a group of 15 Arabs who were going to the Pakistan border.

**Designated Military Officer:** The detainee stated they moved to the mountains and stayed in caves. When the bombing started, they moved to higher mountains in the Tora Bora region.

**Designated Military Officer:** The detainee walked to the Pakistan border, where he was arrested.

**Designated Military Officer:** The detainee attended the al Farouq training camp where he stayed for approximately two months.

**Designated Military Officer:** The detainee received training with the AK-47 at al Farouq.

**Designated Military Officer:** The detainee claimed he received military training at al Farouq with the hope of conducting a suicide operation in the Palestinian territories.

**Designated Military Officer:** The detainee admitted to not telling the whole truth about why he went to Afghanistan.

**Designated Military Officer:** The detainee stated he was not a member of the Taliban or al Qaida. He said he now realizes that the two are associated, but when he responded to the fatwa, he was not aware of that fact. The detainee decided to join the jihad of his own free will, but did not realize at the time these groups may be associated with terrorism.

**Designated Military Officer:** The detainee feels the 11 September 2001 attacks were against what his faith believes, and many innocent people were killed. The people involved in the attacks should be punished.

**Designated Military Officer:** The detainee would not be interested in any fatwa to fight against the United States. The detainee has no hostility against the United States.

**Designated Military Officer:** If the detainee were released, he would like to live a normal life and have a family. The detainee's main concern is to join his family in Saudi Arabia.

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

***The Presiding Officer acknowledged the request for a closed session.***

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

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***The Assisting Military Officer read the Additional Comments from the Enemy Combatant Election Form.***

Assisting Military Officer: The detainee wanted to know how long would it take to get a decision regarding his detention. The detainee was told that neither the AMO nor the board members were able to tell him how long it would take, but he would be getting an answer in the very near future. The detainee said, "I have been told many time[s] by the interrogators that a decision will be made soon. I am still waiting. I was told that some of the detainees would be released or moved to another detention facility. I told the interrogator the truth many times. I have seen no changes." I (AMO) explained to the detainee that this board is different from the board or interviews he had had in the past. I told him that this is his opportunity to answer the allegations and make his oral statement...it will help the board to make a decision regarding his detention. The detainee agreed that he had nothing to lose and would gladly attend the ARB.

***The Detainee made the following statement:***

Detainee: I've answered a lot of questions before and they have a lot of new allegations against me. The new allegations are not true.

Presiding Officer: Would you like to tell us which allegations you believe are not true? We will also be asking you some questions [later]. Would you want to wait until we ask you those questions?

Detainee: If you read the points once again I will tell you. You read a point and I will answer.

***The Designated Military Officer reread the Unclassified Summary of Evidence at the request of the Detainee.***

Designated Military Officer: While living in Gaza, the detainee was influenced by Hamas to become committed to jihad.

Detainee: I met with them but I have never spoke to them.

Presiding Officer: You never spoke to Hamas?

Detainee: I met the Sheikh. He is the head or leader of Hamas. He came to one of our family's funerals. That's it. He just came to a funeral.

Designated Military Officer: The detainee traveled to Saudi Arabia where he was influenced by a Saudi national to go to Afghanistan to receive military training and to be prepared for jihad.

Detainee: I have more comments concerning the first point. You think Hamas will trust me in such a short time to show me information about jihad. They didn't trust me.

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They're not stupid to the point where as soon as they meet someone they will give him information.

Presiding Officer: The point of the factor is that Hamas influenced you to join jihad not that Hamas gave you special information.

Detainee: Of course not. The first time I visited Palestine I didn't even know Hamas. All those different groups I didn't know them. As far as the second point I lived in Saudi Arabia. I went to Palestine just to visit. I went back to my country Saudi Arabia. My family is there. The Saudi person who [apparently] influenced me; he didn't influence me he just spoke to me about jihad. It was my decision. He cannot force me to stay or to go. Even after speaking with him I spoke to other sheikhs. His talk did not have [any] influence on me. If he had influence on me then I would not have asked about it.

Designated Military Officer: The detainee responded to a fatwa issued by a Saudi sheikh.

Detainee: Correct.

Designated Military Officer: The detainee maintained his interest in jihad through conversations with a sheikh, reading the sheikh's book, and a jihad Internet website.

Detainee: Preparing is different than jihad. Getting ready is not like doing jihad. It is different. They said preparing but they didn't say jihad. Jihad means fighting. Isn't that correct?

Presiding Officer: I think jihad means fighting but is also an internal struggle.

Detainee: The preparing or getting ready to jihad is not jihad. It is just preparing and getting ready. The media just says preparing [for] jihad. I think for me jihad is fighting.

Designated Military Officer: The detainee received a letter and 2,000 Saudi Arabian Riyals from a sheikh. The letter gave the detainee instructions to fly to Karachi, Pakistan and to call a contact when he arrived.

Detainee: Yes. Correct.

Designated Military Officer: The detainee traveled to Afghanistan to receive training in preparation for jihad.

Detainee: Correct.

Designated Military Officer: The detainee traveled to Afghanistan through Karachi and Quetta, Pakistan.

Detainee: Correct.

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Designated Military Officer: Around July 2001 the detainee arrived in Kandahar, Afghanistan and stayed at a guesthouse.

Detainee: I stayed at the guesthouse. Yes.

Designated Military Officer: The detainee evacuated the al Farouq training camp after 11 September 2001.

Detainee: Yes.

Presiding Officer: You left the camp because of the events on September 11<sup>th</sup>, is that correct?

Detainee: That was the reason. After September 11<sup>th</sup> and [when] we heard the news everyone left [the] camp. They thought they would be targeted.

Designated Military Officer: The detainee traveled to a guesthouse in Khowst, Afghanistan, where he joined a group of 15 Arabs who were going to the Pakistan border.

Detainee: They weren't all Arabs. There were some Pakistanis, too. Afghan people were the guides.

Designated Military Officer: The detainee stated they moved to the mountains and stayed in caves. When the bombing started, they moved to higher mountains in the Tora Bora region.

Detainee: I don't think the area was Tora Bora because when you said I went to Khowst, the mountains of Tora Bora is not in the Khowst region. This one chain of mountains I am not sure what the name of those mountains were. The mountains were between Pakistan and Afghanistan. I do not know the name of those mountains. Khowst is on a borderline. We wanted to go to Pakistan.

Designated Military Officer: The detainee walked to the Pakistan border, where he was arrested.

Detainee: We voluntarily went to the checkpoints ourselves. There is another point that states I went to camp for two months. That's not true; it's false. I stopped one month only. I trained on a Kalashnikov.

Designated Military Officer: The detainee received training with the AK-47 at al Farouq.

Detainee: Yes.

Designated Military Officer: The detainee claimed he received military training at al Farouq with the hope of conducting a suicide operation in the Palestinian territories.

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**Detainee:** The previous point it says I was training on a Kalashnikov so how am I going to conduct this suicide mission? With a Kalashnikov? In only one month of training I know nothing but only a Kalashnikov.

**Presiding officer:** So, let me understand the point that you are making is that you are not training for a suicide mission in the Palestinian territories.

**Detainee:** That is correct what you said, but where did this statement come from?

**Presiding Officer:** It does not matter where the statement comes from. If you deny the statement then we will acknowledge that.

**Detainee:** Is it a statement of fact or is it an opinion?

**Presiding Officer:** It is one of the factors which we have been given to consider to make our recommendation for your detention, transfer or release. We want to give you an opportunity to say whether this factor is true or not true.

**Detainee:** I strongly deny [it]. I strongly disagree. No one thinks that way. No human being thinks that way.

**Designated Military Officer:** The detainee admitted to not telling the whole truth about why he went to Afghanistan.

**Detainee:** I told them before that I only went Afghanistan to prepare myself, to get ready, to be prepared. There wasn't even one time that I did not answer any question during [the] interrogation. I have answered every single question during the interrogations. I have never stopped answering. For four years I have never stopped.

**Designated Military Officer:** The detainee stated he was not a member of the Taliban or al Qaida. He said he now realizes that the two are associated, but when he responded to the fatwa, he was not aware of that fact. The detainee decided to join the jihad of his own free will, but did not realize at the time these groups may be associated with terrorism.

**Detainee:** These comments don't mean anything to me but they might mean something to you. I don't have anything to say on these.

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

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

*Administrative Review Board Member's questions:*

**Board Member:** Do you speak English?

**Detainee:** A little bit [of] simple [English].

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(Revised 8 Dec 05)

Board Member: Where did you learn English?

Detainee: I've been in this facility for four years.

Board Member: In response to living in Gaza and you were influenced by Hamas, were you saying that you did not live in Gaza?

Detainee: I was studying there. I lived in Saudi Arabia and I went to Gaza to study at the University.

Board Member: How long?

Detainee: For approximately five months.

Board Member: You didn't meet with any Hamas people other than the leader who came to the funeral?

Detainee: That was first time in my life going to Gaza, going to Palestine. My family is originally from Gaza so all my family is in Gaza. When I got there I was already late for my term. One term already passed me by and I missed two months of the second term for education. I didn't have time. I had to catch up with my studies right away. That was the first time meeting my family so I was very busy visiting my family members and catching up with my studies. I was very busy with that. Five months I never left Gaza. I never had fun. I never walked around. My whole trip was study, visitation, family, study and family. That is how I spent my whole time.

Board Member: You said your family lives in Gaza and you went to live in Saudi Arabia at some point and time?

Detainee: My close family, my mother and father are in Saudi Arabia but my extended family, uncles, aunts, cousins, nephews and nieces are all in Gaza.

Board Member: Why would the leader of Hamas come to a funeral for your family in Gaza?

Detainee: My Aunt's husband is considered to be a government official or like a sheikh and I was living with him.

Board Member: Do you know anything about Hamas or what they believe in?

Detainee: I did not know until I got here. A lot of information I did not know until I got here. I know nothing about Palestine so every time I meet Palestinians I ask them to tell me about Palestine.

Presiding Officer: If there is a secure peace between Palestine and Israel would you want to move back to your family's home in Gaza?

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Detainee: I wish. I hope. When I went to Gaza I was never bothered by anybody. Nobody bothered me [in] the Palestinian government or the Israeli government.

Board member: You said that you did respond to a fatwa by a Saudi sheikh. What exactly did the fatwa say, do you recall?

Detainee: Not exactly what it said. I kind of understood what it did say. It said that you do not have to do jihad right now just prepare and get ready for it. That is why I bought a two-way ticket because I was thinking of going and coming back. If I was going for jihad why would I buy a two-way ticket?

Board Member: Why would you prepare for jihad if you weren't intending to act on jihad?

Detainee: It's like praying and worshiping. It is a religious duty to do. If the fatwa would have said not to go I would not have gone.

Presiding Officer: Do you think that you have satisfied the fatwa now?

Detainee: It's enough. I know how to use a weapon. For others to complete the fatwa they have to be physically fit [and] physically ready. Because they said preparing was just learning how to use the Kalashnikov and I already know how to use it so I finished that.

Board Member: In preparing for jihad you are carrying out a Muslim responsibility but you are not preparing for a particular jihad?

Detainee: I was thinking of staying and I wanted to stay honestly, but when I was in Saudi Arabia it was just to go to school to get an education. But things got worse in the Palestine region and I couldn't go back. I committed myself to Saudi Arabia and just studied there. I committed myself to my education. I wanted to finish school. I didn't have an idea. I wasn't even prepared and didn't want to get ready or do the fatwa that has to do with getting ready or preparing myself.

Board Member: What were you studying either in Gaza or Saudi Arabia?

Detainee: Trade business.

Board Member: What business trade?

Detainee: Shopping.

Board Member: To start a business of shopping?

Detainee: I have a Diploma from Saudi Arabia in Shopping and to complete my study at the University I have to have a Bachelor's Degree.

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Presiding Officer: When you say shopping, do mean in the retail business?

Detainee: Yes, retail. I wanted to expand my education and go somewhere where there is more education. In the beginning I didn't really want to go to Palestine but wanted to visit for visitation's sake. My family especially didn't want me to go there because there were a lot of problems in Palestine.

Board Member: Did you start your education in Saudi Arabia or Palestine?

Detainee: I finished my diploma in Saudi Arabia and [my] university education in Palestine. I sent all my papers and they were accepted. After they accepted me I went there.

Board Member: How did you choose the institution in Palestine? Why didn't you further your education in Saudi Arabia?

Detainee: I couldn't. I wasn't able to study because it is very difficult for a non-Saudi to finish in Saudi universities. For Saudis it is easy, for non-Saudis it is very difficult. I was hoping and wishing to finish in Saudi Arabia. I would have saved a lot of money by doing that. I knew some people and lived with them.

Board Member: What does your family do in Saudi Arabia?

Detainee: My older brother works. My mother was a schoolteacher but because of her senior age she has stopped teaching now. The rest of my family are all college students.

Board Member: And your father?

Detainee: He died when I was twenty-five years [old].

Board Member: You traveled to Afghanistan and stayed at a couple of guesthouses in Afghanistan. What type of people did you meet and associate with in those guesthouses?

Detainee: From all citizenships. Plus some people that only used their aliases and didn't use their real names.

Board Member: Did that seem strange to you that they weren't using their real names?

Detainee: Yes. The funny thing that made me laugh [was] when I went to Pakistan, my real name, my phone number, my real address everything was on my luggage. They asked me why are you doing this? Why are you putting your real name and real address? You should be using an alias, an a.k.a name or something for my own security.

Board Member: So you never used an alias?

Detainee: No never. I like my name.

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Board Member: How did you get from Saudi Arabia to Afghanistan? What official paperwork did you use to do that?

Detainee: I took all my degrees. I took my high school diploma. I [also] took my mother's advice. She told me that there are a lot of problems in Palestine [so] try to get to another country through the education department [by] getting accepted to a school and get official student papers. In my mind I was thinking that the training there was going to be like a club where you can train anytime and you can leave anytime. You don't have any commitment to that club and at the same time you can take courses or school classes and study. Even if you see all the clothes I took with me--I took all students' clothes [like] white clothes, white shirts. When I got there they told me [to] throw away all my casual [clothes], especially the white. They told me [that] I did not need these clothes.

Board member: The club that you went to train at, al Farouq, before going there you never heard of the Taliban [and] you never heard of al Qaida?

Detainee: If I would have known about another place to get that training I would not have [gone] to Afghanistan. If the training was provided in Saudi Arabia I would have. I did not go to Afghanistan because of Afghanistan. The only reason I went there was to get training. The only goal was to get trained anywhere. I didn't have a problem where it was. I just wanted to get the training.

Board Member: Learning how to handle the AK-47 is your idea of training for jihad. There is no other way to prepare for jihad?

Detainee: I saw a lot of people doing jihad [who] only had that weapon. I wasn't thinking that they had another thing. They were doing jihad. If there is another way of doing jihad what would it be?

Board Member: You say "doing jihad." What were they doing?

Detainee: Fighting [and] protecting the Muslim lands. Like [when] the Russians and Afghanistan were fighting for the Muslim lands.

Board Member: Who were they fighting against?

Detainee: The Russians.

Board Member: You traveled in 2001 to prepare for jihad against the Russians?

Detainee: No not for sure, no. Go back to the first statement that I made that I did not go there for jihad. I didn't know anything about all this fighting. I only went there to prepare [and] to get ready.

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Board Member: From what I understand, to prepare to get ready, to go to al Farouq, to learn how to use an AK-47 and to learn how to fight. That is what you are preparing to do?

Detainee: The fatwa that was issued did not say jihad. It said to prepare.

Board Member: You mentioned that the people involved in the 11 September 2001 attacks against the United States should be punished. Who are those people and why should they be punished?

Detainee: Punish the dead people?

Board Member: No the people involved in the attacks, not the dead people, should be punished.

Detainee: I do not know who is involved to punish them.

Presiding Officer: Do you think that al Qaida caused the attacks?

Detainee: You know better than me. You have Military Intelligence. You have everything.

Presiding Officer: I'm interested in what you believe though. I know what I believe. You don't have to state you know for a fact. That's okay. But you can say who you believe caused the attacks.

Detainee: What I think is not part of this conversation. Who I suspect or who I think is bad. This issue needs the facts.

Board Member: Why do you think you are here?

Detainee: Because I was in Afghanistan. If I wasn't there I would not be here now.

Board Member: Would you think twice about going to Afghanistan considering what has happened since 2001?

Detainee: Even if I thought [about it] I would not go. I don't want to learn their language. It is not a vacation place. It is not one of those places that someone wishes to visit. My country is more beautiful.

Board Member: Are you al Qaida?

Detainee: No.

Board Member: Are you Taliban?

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Detainee: No.

Board Member: You've been here for four years?

Detainee: Yes, unfortunately.

Board Member: Have you changed since you've been here?

Detainee: A lot. I have learned a lot.

Board Member: Tell me how?

Detainee: I learned how to deal with all kinds of citizens from all different countries. All different kinds of people. I learned English. Not a lot, just a little bit.

Board Member: Can you understand me?

Detainee: Some of it.

Board Member: Can you speak it or do you just understand it?

Detainee: I speak a little bit [and] I understand a little bit. I'm the connection point between the soldiers and the detainees because I'm the first cell on the cellblock. I help them a lot. I have a very good relationship with the guards.

Board Member: How have you changed?

Detainee: I'm more quiet than before.

Board Member: Have you changed your beliefs about anything since you have been here?

Detainee: Patience. I learned how to dream and not to judge things too fast. I didn't expect for American people to be like this.

Board Member: Why did you go on the fatwa? Because a lot of people in Saudi Arabia did not respond.

Detainee: It was my destiny, my luck.

Board Member: Has it changed your response? If you heard another fatwa would you do something like that again?

Detainee: Before my thinking changed I thought one way but now I think a thousand ways. My thinking [has] changed now. For religious reasons I am obligated to do so.

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Board Member: This is what I don't understand. You knew Usama Bin Laden was in Afghanistan before you left, so if you didn't think it was al Qaida and you didn't think it was Taliban why would you have gone there? You knew Usama Bin Laden was there. Everybody knew he was there.

Detainee: Here they knew.

Board Member: In Saudi Arabia they knew.

Detainee: I changed my life to prayer and [for] a short period of time I stopped praying. I was committed but even the sheikhs... Why would I deny knowing al Qaida or knowing Taliban if I did know it? I don't think it has any importance if I knew what al Qaida was. The problem is [whether] I am connected to them or not?

Board Member: Al Farouq was an al Qaida training camp?

Detainee: I did not know. I didn't care [about] the names, the titles. I just wanted to learn [at] any place that would teach me how to learn on the weapon. I just wanted to get that training.

Board Member: You knew when you arrived at al Farouq that it was al Qaida?

Detainee: First time I heard about al Qaida was in Pakistan when I got arrested but the Taliban I heard a lot about. I knew Usama Bin Laden was Taliban [because] that is what they were saying. But there wasn't the name al Qaida. I hadn't heard it before.

Presiding Officer: Your father has passed away and your mother has retired so tell me about your brothers and sisters.

*The Detainee requested a recess to use the restroom. The Board recessed.*

*The Board reconvened and the Board Members questions continued.*

Presiding Officer: How many brothers? How many sisters?

Detainee: Is it important to my case?

Presiding Officer: I'm interested in your family and your position in your family.

Detainee: The question about my family, is it important to my case?

Presiding Officer: Yes. Are you the oldest brother in the family?

Detainee: No. I am exactly the middle child.

Presiding Officer: Are you engaged to be married when you go home?

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Detainee: No. I wish.

Presiding Officer: If you go back home will you have a responsibility to contribute to the well being of your family?

Detainee: Sure. I'm the second man in the house. I have [an] older brother and I am after him.

Presiding Officer: If you go home what will you do when you get there for the first six months you are home?

Detainee: I lost four years of my life like this. I will make up the four years I lost out of my life. The first two weeks I will be visiting my family and make sure all my family is okay. I will get psychological help and then I will find a job, maybe continue my studies and work at the same time. I want to have a family.

Presiding Officer: I understand that you consider jihad an obligation?

Detainee: I really do not know. I have to ask the higher religious leaders, the sheikhs. They tell us about our religion and what we are obligated to do.

Presiding Officer: I want to understand this idea of you going on jihad. How do you decide whether to follow one sheikh who says you have to go on jihad but not all the other sheikhs who say you don't have to go on jihad?

Detainee: [Those] people who are experts or specialists that is their jobs. It's what they do. Religious authoritarians. I don't know them personally, the sheikhs, who I'm going to listen to, who I'm not going to listen to I don't know those people.

Presiding Officer: Do I assume correctly that you are sunni?

Detainee: Yes.

Presiding Officer: So if a shi'ite Imam says you must go on jihad would you follow that?

Detainee: Do you have a difference between shi'ite and sunni?

Presiding Officer: I do understand there's a difference between sunni and shi'ite. I'm curious about how you would choose to follow one sheikh and not another?

Detainee: I would not listen to any shi'ite.

Presiding Officer: Before Israel existed as a country did your family live in Gaza or did they live elsewhere in Palestine?

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**Detainee:** My father has been living in Saudi Arabia since he was fourteen years old. He passed away at 37 years old.

**Presiding Officer:** Did the Israelis force your family to leave Palestine?

**Detainee:** No. My father chose to leave Palestine to go to Saudi Arabia. He married my mother and he stayed there. He didn't leave until I was older.

**Presiding Officer:** Your mother was from Saudi Arabia then?

**Detainee:** No. She was Palestinian from the same family.

**Presiding Officer:** Does it matter to you where the jihad takes place; Chechnya, Bosnia, Afghanistan or is it enough that you believe that when the sheikh says you must do jihad you go anywhere they say?

**Detainee:** He only has to say when. It is not his job to tell me where to go to do the jihad but when to do the jihad.

**Presiding Officer:** You wanted to leave al Farouq because you thought it would be attacked. If you were not arrested at the border of Pakistan what would you have done once you went into Pakistan?

**Detainee:** The Afghan guides told us to be given to embassies. I walked into the police station like any normal person. I didn't cause any problem and I didn't want any problems with them. We gave ourselves up so we would be given to our embassies.

**Presiding Officer:** So the embassy would put you on a plane and send you back to Saudi Arabia?

**Detainee:** The only people you can talk to is the people at the embassy there.

**Presiding Officer:** Are you concerned at all for your safety if you go back to Saudi Arabia? Are you concerned that the Saudi government will throw you in jail?

**Detainee:** My passport is Jordanian. If I go to Jordan I will have no one there. I just want to be taken to my family. I want to go where my family is. If my family goes to Jordan then I will live in Jordan. I want to go where my family is. I have no problem with Saudi Arabia. The only problem I have is [that] I am not with my family. I want to be with my family. Someone like me who has been detained for four years, society will not be the same to them because changes are happening.

**Presiding Officer:** You're not worried that the Jordanians will throw you in prison?

**Detainee:** I don't have any problems in those countries, [neither] Jordan nor Saudi Arabia.

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Presiding Officer: Approximately when were you arrested at the Pakistani border?

Detainee: It was a holiday, Eid al Fitr 2001 and that's when we came to the border. That was our holiday greeting that they took us.

Presiding Officer: That was two to three months between September 11<sup>th</sup> and the time you were arrested. What were you doing in that period of time?

Detainee: I went to [al] Farouq in the eighth month, not the seventh month. I was delayed a lot [because] the person who met with me, the things I had to buy. I was even thinking of going back home.

Presiding Officer: I don't think you understand my question. Tell me what you were doing between the time you left al Farouq and the time you were arrested.

Detainee: I was going from one place to another. I felt like someone lost. I was completely lost. I was being moved by people from one place to another. I had no knowledge of ways there. When they told us [to] sleep I slept and when they told us [to] get up I got up.

Presiding Officer: I know you put your trust in God during this period to help you be safe. Tell me about the people that you trusted at this time to help make you safe.

Detainee: I didn't trust anyone over there but the people, the officials, at the camps they're the ones who told us what to do [and] where to go. So how am I going to trust someone when I only know them for one [or] two months? I don't even know their names and they don't even know mine. They all used aliases. Nothing was clear so how could I trust them?

Presiding Officer: When you were captured was somebody from the camp still with you or were you just following a guide and were pretty much on your own?

Detainee: I followed other people I saw.

Presiding Officer: You could choose who to follow or who not to follow on your way out of Afghanistan?

Detainee: I didn't know where to go [or] what to do, so everything was told to me. But [when] an Afghani who wanted to show me where the guesthouse was I followed him to the guesthouse. He took me to the second guesthouse where I met with the fifteen individuals.

Presiding Officer: When you were in the mountains waiting to cross into Pakistan could you hear fighting going on around you?

Detainee: I did not see.

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Presiding Officer: You did not hear bombs?

Detainee: There were airplanes flying very high in the sky.

Presiding Officer: If you had died trying to get into Pakistan would you be a martyr then?

Detainee: It is [an] official thing. I really do not know if I was going to be one. I have no knowledge if I was going to be considered one.

Board Member: Do you think the United States is a threat to Muslims or Islam?

Detainee: I don't think so. I see the soldiers here [and] they respect our religion a lot. Why would they fight our religion? I think you have freedom of religion.

Presiding Officer: Do you think Jews are a threat to Islam?

Detainee: Are the Jews in Palestine a threat to Islam? Is that what you are asking?

Presiding Officer: No. I mean Jewish as a religion.

Detainee: No religion is a threat to anybody.

Presiding Officer: But the state of Israel would be a threat to the Muslims that want to take over or destroy Israel?

Detainee: I believe the Qúran and I believe everything in [the] Qúran. All the religions will...at the end and it will be all Islam. This is what our Qúran says and this is what we believe. When [or] how, I do not know.

Board Member: Knowing what you know about the United States and Americans now, if a sheikh issued a jihad against the United States or Americans because of the perception that we are attacking Muslims, would you join that jihad?

Detainee: Fatwas do not come like this. There wasn't a fatwa like that where you have to fight a certain people or certain country. Fatwas are not issued that way. There is nothing written in the Qúran that says [to] fight Americans. So where would they bring this information if it is not even in the Qúran?

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

*The Presiding Officer opened the classified portion of the session.*

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

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AUTHENTICATION

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



Captain, USN  
Presiding Officer

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(Revised 13 Nov 05)

**Summary of Administrative Review Board Proceedings for ISN 340**

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee stated his own version of the (Muslim) oath.*

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

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

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

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

Assisting Military Officer: The detainee's initial ARB interview was conducted on 9 November 2005 and lasted one hour and 15 minutes. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. The detainee stated he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee was noncommittal, opined he was already prejudged, but requested more time to decide. After the ARB process was thoroughly explained, the detainee stated he would attend and would likely provide both oral and written statements, point-by-point, to the Unclassified Summary of Evidence.

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The detainee made an allegation of torture during the interview, which has been documented and reported in accordance with the Standard Operating Procedures. Furthermore, the detainee made a request to file protest of his detention in civil court, *writ of habeas corpus*, which has been documented and will be processed in accordance with defined procedures. The detainee was cordial, attentive, initially reserved and skeptical of the ARB, but he became more interactive as the interview continued. At the conclusion of the interview, the English and Arabic translated copies of the Unclassified Summary of Evidence, as well as the detainee writing templates, were provided to the detainee, via his guards. The detainee's follow-up interview was scheduled for 10 November 2005 and lasted one hour and forty minutes. The detainee provided his written statement, which was then read by the translator to ensure it would be correctly translated to English. The detainee stated he would likely supplement this with oral statements at the ARB. The detainee was cooperative, attentive, and very cordial during the follow-up interview. At the conclusion of the follow-up interview, the detainee requested both the Arabic and English translated copies of his written statement be provided to him at the ARB.

*The Assisting Military Officer presented the Detainee's Response to the Unclassified Summary of Evidence, Exhibit EC-C.*

*The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 thru DMO-3, other unclassified information to the Administrative Review Board.*

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

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

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

Designated Military Officer: The detainee has traveled to Qatar, Dubai and Pakistan for business and pleasure.

Detainee: Yes, this is true. According to my travel to these countries [was] first to expand my business capacity and for tourism and pleasure. To get to know some of the countries in the Gulf. Not for any other illegal business. My country allows this and there is nothing illegal by doing that.

Designated Military Officer: Prior to Ramadan in November 2001 the detainee flew from Jeddah, Saudi Arabia to Karachi, Pakistan. His purpose for travel to Pakistan was

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to look for rare old books and coins. He could not find coins in Karachi, Pakistan, so he flew to Islamabad, Pakistan.

Detainee: Yes, I repeat this is true. I don't believe that this thing is forbidden nationally. This type of business most businessmen are proud to do. As you know there are a lot of famous museums around the world and one of them I mentioned in my written statement is named Victoria Museum.

Designated Military Officer: The detainee brought \$12,000 United States Dollars with him to Pakistan and funded his own travel.

Detainee: Yes, I had money on me, but I had more than the amount stated. I had \$13,000 and transferred it to Kuwaiti Dinars so I would be able to carry it in less quantity by transferring it from dollars to dinars, because one (1) [Kuwaiti] Dinar is equivalent to \$3.12. Of course I transferred this money so I won't be exposed to any theft or lost. I would like to add a few things about this allegation. As far as carrying money to different countries that I was traveling, businessmen are bound to have this kind of money for his needs and necessities that he might find to purchase and the kind of stuff he might like to purchase might be expensive. I know a lot of businessmen [who] carry a large amount of money even knowing when I want to go on a business trip I want to take necessary measures, like the cost of the hotels, cost of tourism, and the cost for the translators if I wanted to leave to a country that they don't speak my own language. Also I take this amount of money on me for the purpose of tourism.

Designated Military Officer: The detainee was identified as being present at a guesthouse in Karachi, Pakistan that was run by a known al Qaida member.

Detainee: This kind of point is strange because of the fact that I was at a hotel on a street named Faisal. I find that very strange. Second [ly], I was never a religious fanatic. As far as I know I consider myself as a non-religious person not [a] fanatic and going to these kinds of places in this allegation I find very strange. I find this allegation very, very strange. The third point I would like to add please, at the hotel they have my records of when my departure was. They have my files there.

Designated Military Officer: A senior al Qaida operative recognized a photograph of the detainee.

Detainee: If you compare allegation number five with the last allegation that will testify [to] this point. He testified and I really don't know him.

Designated Military Officer: The detainee was seen at a guesthouse in Kabul, Afghanistan where he promised to give a senior al Qaida operative money for operations in Israel.

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**Detainee:** This allegation is not true. Honestly, I never entered Afghanistan. That will [be] proven with the passport I own [which] has no stamps on it because I did not enter Afghanistan. As far as my business, it is a business that I formed for my family and myself. I deny anybody who tries to kill the innocent [people] and the civilians.

**Designated Military Officer:** The detainee admitted he has been using the name of his friend in order to hide his true identity.

**Detainee:** As far as this point I am really not embarrassed to say my real true name. I don't try to hide it. That will prove that I have confessed here without any pressure from [the] interrogators. The reason I confessed here because I had no reason to lie anymore. The reason I had to lie for this thing in Pakistan is over now, so I had to tell the truth now. The first reason, my friend name Basam Muhammad, he had a very good relationship with a high senior businessman over there in Saudi Arabia. That will create pressure on the Pakistani government, so they [will] lessen the torturing upon me. They perhaps will let me go [or] at least they will try to meet with my embassy.

**Presiding Officer:** For the record, the name Basam Muhammad... was the name he was using in Pakistan.

**Detainee:** Yes.

**Designated Military Officer:** The detainee was arrested with a suspected member of al Wafa.

**Detainee:** As far as I knew, I had no idea that this person had any association with any terrorism activity or any other organization whatsoever. All I found out about this person is [that] he had his own money [that] he delivered to humanitarian agencies like the "Red Crescent" so they can distribute it among the poor. Something I noticed about him [was] that he wasn't a religious fanatic, so he didn't get upset at me when I was using the laptop or listening to songs. All his characteristics that he had did not tell me that he belonged to any religious [group].

**Designated Military Officer:** The detainee was identified as a "religious thinker" in the cellblocks at Guantanamo Bay, Cuba. A religious thinker is described as those detainees who use religion as a guide on how to behave, especially while in detention. Religious thinkers direct others to use their religion to withstand the interrogations and not answer any questions.

**Detainee:** I am not a religious person at all. I did not commit any religious activity here in this camp. I really was exposed to a lot of curses from the other detainees because of the fact that I'm not a religious person. I would also like to add [that] if I were a fanatic religious person I would not have cooperated with any of the interrogators or investigators or I would not be here cooperating with this board.

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Designated Military Officer: The detainee admitted another man went to the passport office for the detainee, filled out the necessary paperwork and brought detainee his passport.

Detainee: Yes, that's true. This is a standard form. It's been used in a lot of other countries and especially in my country. This person is really considered as a coordinator and I only gave him my photo and application that he needs for that procedure and he will finish off the job. [After] one day or two at the most and he will get back with me. If this person were not legitimate than my country would not let him issue me that passport.

Designated Military Officer: The detainee admitted to having a satellite phone with him at time of capture. This satellite phone was for calling his family.

Detainee: That's true. That's correct. I would like to add [that] yes I used to use it to call my family and some other businessmen. I am a small businessman. I am not a famous businessman. I am a standard, ordinary businessman. I carry one cellular on me, [but] a lot of other businessmen carry three or four of them.

Designated Military Officer: A name closely resembling one of the detainee's known aliases, the year and place of his birth and the detainee's parent's phone number, was found on a military training camp application discovered in an office in Kandahar, Afghanistan.

Detainee: What do you mean by the Aliases' name? Was it Basam, or was it the true name I am using right now?

Presiding Officer: I do not know. The statement says that one of the training camps in Kandahar, Afghanistan, one of the names that was found was very close to the one you used was found on an application. It's a name close to a name you used.

Detainee: When I was captured in Pakistan as far as I know that was the name I used in Pakistan, after my capture. As far as this true name that I gave you, I don't know how my legal papers all come to Afghanistan. All my papers and my belongings [are] with the Americans. They [have them]. My passport and I would like to repeat and say I have never entered Afghanistan.

Designated Military Officer: The detainee provided U.S. Forces with his parents' home phone number, which matches the number found on the training camp application.

Detainee: This allegation is very, very strange and it is contradicting one. Because of the fact that when I learned of my parents new telephone number, I learned it here. I found out about this new phone number from here by receiving a letter from my parents and they wrote me that phone number. Therefore, I gave that telephone number to one of the investigators so he can help me try calling my family. I don't know how a new number

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would be found at a camp in Kandahar and that specific number was not issued until my detention for one year here in Guantanamo Bay.

Designated Military Officer: The detainee denied knowing that his traveling companion was the director of the al Wafa office in Herat, Afghanistan or that this man was giving money and supplies to al Qaida.

Detainee: Yes, I deny and I would like to add I have met somebody that was the Director of the al Wafa Organization and I have asked him to take the oath [that] if he ever knew this person that I saw and he stated no I did not know him. That assured me that this person did not have anything to do with any organization. I also would like to add [that] if this person really was working with al Wafa he doesn't need to go to [the] humanitarian agency to distribute his money.

Designated Military Officer: The detainee denied entering Pakistan illegally through Jordan, Syria and Iran. The detainee claimed that the only other countries he has visited besides Pakistan were Qatar, Bahrain and the United Arab Emirates. The detainee denied entering Afghanistan.

Detainee: This is true.

Designated Military Officer: The detainee denied his association with al Wafa and the allegation regarding attendance at terrorist training camps.

Detainee: That's true.

Designated Military Officer: The detainee stated that the attacks of 11 September 2001 were a tragedy. He believes the actions of Usama Bin Laden and al Qaida are identical to the atrocities committed by Adolph Hitler. He believes the act of killing innocent women and children is always wrong regardless of the cause.

Detainee: That's true.

Designated Military Officer: The detainee swore that he had no relations with al Qaida, the Taliban or al Wafa. The detainee reiterated that he had no knowledge of his traveling partner's connection to al Wafa.

Detainee: That's correct.

Designated Military Officer: A senior al Qaida operative denied that detainee belonged to al Qaida.

Detainee: This is true. I don't belong to al Qaida. This specific allegation contradicts [a] prior allegation. The senior al Qaida operative specific allegation answers four allegations that have been read. In [the] allegation [under] "Intent" and allegations 4.d and 4.e.

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**Designated Military Officer:** The detainee stated has used to suffer from multiple personalities and that is why he has provided so many different names.

**Detainee:** In this point I believe it's not true. I had [a] head injury. I fell off a horse and I landed on my head and had an injury in my head. Let's say when I was in Pakistan I was exposed to a lot of abuse, torture and [if] someone [would] hit me on the head it would effect my behavior the next day. I would start behaving [differently] like someone on drugs or something. That is not the reason I used a different name. The fall that I had off the horse caused me a lot of abnormal behavior. I would shout, be angry [and would be] acting crazy.

**Designated Military Officer:** The detainee denied having any knowledge of the attacks in the United States prior to their execution on 11 September 2001. He also denied knowledge of any rumors or plans of future attacks on the United States or United States interests.

**Detainee:** That's correct.

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

*The Presiding Officer acknowledged the request.*

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

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

*The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.*

**Detainee Comments:** After the Unclassified Summary of Evidence was read, the detainee summarized his response by stating, "There are things that are right, and there are things of imagination." Before deciding to attend the ARB, the detainee opined the problem was his experience with the CSRT, during which he claimed, "Enough evidence was presented that I was innocent." The detainee then claimed some allegations were obtained because he was threatened and abused during interrogations in Quetta, Pakistan. The detainee then stated, "If I had anything else hidden, I would have said it while I was being abused." On the subject of being a threat to the United States or its allies, the detainee stated, "I have nothing against any country" and opined these allegations "are a joke" and were made "only to justify my detention." The detainee further claimed he had received a "Certificate of Innocence" from the Pakistani court and stated, "I have confidence, because I know the truth." At the conclusion of the initial interview, the

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detainee claimed he wasn't very hopeful because of his experience with the CSRT and had gone into depression. After the AMO again explained the differences between the CSRT and the ARB, the detainee acknowledged [this] by stating, "Yes." During the follow-up interview, the detainee again inquired on the procedures to file protest of his detention within civil court. After the AMO informed him this would be covered during a future meeting, the detainee acknowledged by stating, "Yes." The detainee opined he wasn't totally clear about the allegation made under item C. After the detainee handed in his written response on the Unclassified Summary, he made a few general comments. The detainee stated, "I recognize the ARB is not legally conducted, but I respect your (the AMO) position and realized you are just doing your job and duty here." The detainee also claimed that during the CSRT, "I swore (an oath) that I was not a terrorist...this not only hurts others, but myself and my family...but I was still judged as an Enemy Combatant." On the subject of his future plans or goals if he were released, the detainee said, "It's important for me to return to Saudi Arabia and educate the youth that I wasn't a terrorist" and he further opined, "This is a critical time for my country and in the Middle East."

***The Assisting Military Officer had the following question for the Detainee.***

Assisting Military Officer: When did the detainee have an opportunity to talk to the Director of the al Wafa Organization?

Detainee: In one of the cell blocks around where we play sports somebody pointed him out and said he is the person is in charge of the location al Wafa.

Presiding Officer: Is that here in Guantanamo Bay?

Detainee: Yes Sir. I think I know his last name Abu Abad al Aziz.

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

***Administrative Review Board Member's questions:***

Board Member: Why do you travel with U.S. dollars?

Detainee: I did not say I carried dollar money. I carried dinar. I told you in the first place how much it is equivalent in dollars.

Board Member: Why would you associate the guesthouse and al Wafa with religious fanaticism if you didn't know anything about them?

Detainee: Here. I found out here. Most of them they were in Afghanistan and most of them used to be involved in organizations like this. That is why I was wondering and surprised why they cursed me here. I realized they are religious fanatics and I couldn't work with them. I found out here. It doesn't matter how I found out they are religious

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fanatics; even illiterate people on the streets recognize that [these people] are terrorists. I faced a lot of animosity in my own country. If I flirt with a girl or listen to [certain] songs I face a lot of animosity from these people that grow long beards. They have authority in my own country.

Board Member: Why are you recognized here in Guantanamo as a religious thinker if in fact you aren't?

Detainee: I don't know why. I would wish that one day everybody would have [their] own freedom and that everybody could do whatever they want. I am very happy. I have heard that they are establishing agencies in my country for human rights. This agency reached a point to be open, so most of the young men will have a chance to live their life with freedom like Europe and Damascus and Lebanon. So, they don't have to travel outside [of] Saudi to enjoy their life.

Board Member: You said it isn't okay to kill innocent women and children regardless of the cause. Is it okay to kill innocent men?

Detainee: I would say killing men is forbidden also, but if there was a war and he put himself in this situation then.... Even when I heard about the killing of innocents I used to go through a lot and struggle for these kinds of bad terrorist activities. One time I was watching the news about some kind of documentary about World War II [and] I went through depression and hopelessness. I really don't like to see this kind of documentary. Every human being has the right to die a normal death and not by dying this kind of way.

Board Member: Do you think we are in a war right now, specifically a war on terrorism?

Detainee: Yes I believe there is a war on terrorism. I would like this to stop. Terrorism threatened my life and my family's life and everybody's life in the whole entire world. Therefore, I will help to stop any terrorist activity that will not only threaten my life but will threaten the whole universe.

Board Member: You speak a little English, right?

Detainee: Yes.

Board Member: Do you understand when we are talking to you?

Detainee: A little.

Board Member: Why did you leave Saudi Arabia in November and go to Pakistan when the United States was, at that point, bombing Afghanistan; when all sorts of things were happening in that part of the country. It seems like you made a bad decision to go to Pakistan at that time.

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**Detainee:** What happened [is that] I was going to stop in Pakistan as a transit and then transfer to Malaysia and I really made sure from the Pakistani Embassy in Saudi Arabia if my life would be in any danger by traveling this route and they told me no. I also made sure at the passport office that it was okay to travel. They really agreed. My own country agreed and issued that I could go.

**Presiding Officer:** What are your plans when you leave Guantanamo? Would you go back to Saudi Arabia?

**Detainee:** Yes, I would like to go to Saudi Arabia and I have lots of plans. I have been here for four years and have been dreaming and dreaming about these plans. I learned a habit during my stay in Guantanamo Bay. Nobody can oppose this habit. I have read it in religious books. You could live it and seek it and you could use it against any terrorist. It's in a book by an author named... both books explain the Quran. I read in these books about some guidelines that everyone should follow to stop terrorism. I'd like to say something that God the gracious stated in that book [is that] it tells you that [if] one human being or somebody has committed a wrong act [that] I won't try to punish the rest of the world. I am not the one to judge. God is the one to judge. This is something I would like to inform my family, my friends, anybody in the media. I'd like to leave here I would like to have the opportunity to convince people that terrorism is not the right way to handle. I would like to convince everybody I know, friends, even the government that this should stop.


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

*The Presiding Officer opened the classified portion of the session.*

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

#### AUTHENTICATION

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

  
Captain, USN  
Presiding Officer

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# UNCLASSIFIED

## CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

ISN 340

Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C	11/10/2005	UNCLASSIFIED	NONE

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## UNCLASSIFIED

### Detainee Written Responses to the Unclassified Summary of Evidence for the Administrative Review Board, in the case of AL DUBAIKEY, BESSAM MUHAMMED SALEH

The detainee provided the following statements in response to information in the  
Unclassified Summary of Evidence:

- In response to the allegation that the detainee has traveled to Qatar, Dubai and Pakistan for business and pleasure, the detainee wrote:

"Yes, according to my travel to these countries (Qatar, Dubai, Pakistan): Firstly: To expand my business capacity. Secondly: For tourism and pleasure and to get to know some of the countries of the Gulf. Not for any other illegal business." 3.a.1

- In response to the allegations that: 1) prior to Ramadan in November 2001 the detainee flew from Jeddah, Saudi Arabia to Karachi, Pakistan; 2) his purpose for travel to Pakistan was to look for rare old books and coins; and 3) he could not find coins in Karachi, Pakistan, so he flew to Islamabad, Pakistan, the detainee wrote:

"I don't think this reason is a legal reason for my detention, because this type of trade, which is called the Antique trade (Antique), many of the businessmen deal with in many countries. Their occupation is called (Archeology). Also, many countries deal in this field, especially the great nations like: America and Britain, and there are thousands of museums in the world, among the most famous of them is the Victoria Museum in Britain. These museums contain thousands of old books and old coins and other antiques." 3.a.2

- In response to the allegation that the detainee brought \$12,000 United States Dollars with him to Pakistan and funded his own travel, the detainee wrote:

"There is some modification to this point, and that is that I was carrying 4,000 thousand Kuwaiti Dinars, which is equivalent to 13,000 American Dollars. I changed this money into Kuwaiti Dinars, so it can be less in terms of quantity, so that I would not be exposed to theft or its loss. I add that this is a strange reason for my detention, for every business traveler must take enough money with him and more than what is sufficient as a precaution for his business and travel and amusing himself with tourism, especially if this trip was my first trip outside my country, then I must take all the necessary precautions, most importantly money. So is carrying money during travel and for business a crime in the international laws?" 3.a.3

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- In response to the allegation that the detainee was identified as being present at a guesthouse in Karachi, Pakistan that was run by a known al Qaida member, the detainee wrote:

"This is not true since I firstly: Used live in one place, and that is in Karachi, Faisal Street, in a hotel close to an intersection, and this is recorded in the hotel files, that I had reserved a room in it, and so is the duration of my stay in the hotel, up until till the time of my departure to Islamabad. Secondly: You know that the terrorists are fanatics in their religion, and I am the complete opposite of that, for If I like sleeping with girls and drinking alcohol and smoking cigarettes, and I shave my beard, and I don't pray and I listen to songs, then I cannot go to places where there are religious fundamentalists or even meet them in any place. So how can this allegation state that I went to their houses? Thirdly, this allegation contradicts allegation number 6 whereas it was mentioned in allegation number 4 stating that the safehouse was in Karachi and this city is the business capital of Pakistan, and in the allegation number 6, it was mentioned that the safe house was in Kabul and that city is that capital of Afghanistan as I was told by some of the Afghan detainees here in prison (Cuba). In addition to that I have never heard of anything called a safehouse before." 3.a.4

- In response to the allegation that a senior al Qaida operative recognized a photograph of the detainee, the detainee wrote:

"This is not true and I don't know why this terrorist who said that he recognized my picture, and I don't know his intentions. Perhaps he wanted to implicate me by pinning any charge on me because I am not extremely religious and because I used to shave my beard at the beginning of my detention here because I sing some songs and talk a lot with the military girls. And a lot of the time I don't pray and I have been subjected to curses by some of the detainees and some of them say that I am an infidel and not a true Muslim so it is not strange that my enemy would throw any accusation at me." 3.a.5

- In response to the allegation that the detainee was seen at a guesthouse in Kabul, Afghanistan where he promised to give a senior al Qaida operative money for operations in Israel, the detainee wrote:

"This allegation is false, and as I mentioned before, it contradicts paragraph number 4 and I add here that I did not enter the country of Afghanistan nor was I able to meet with any terrorist or any religious fundamentalist as I have mentioned in allegation number 4 and I also add that I save money from business for myself, my family and for fun and pleasure in my life by buying the best clothing, driving the best cars and traveling for tourism and buying gifts and for fame in my trade, and not to give this money that belonged to me to criminals and terrorists so they can kill the innocent in Israel and in other countries!!" 3.a.6

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- In response to the allegation that the detainee admitted he has been using the name of his friend in order to hide his true identity, the detainee wrote:

"Yes I was obligated to use my friend's name, who is called Basam Muhammad, and that is for several reasons. First: This friend of mine and his family know men in high positions in the country of Saudi Arabia. Therefore if I assumed his name, the torture which I was exposed to in Pakistan would stop, out of fear of my country and my embassy in Pakistan. Second: So that Pakistan would be obligated to release me and hand me over to my country. Third: So the Pakistanis would not dare steal my belongings, my business and my money out of fear of my country and my embassy. Also, after I met the Saudi embassy in Pakistan, I told them the truth of the matter and after my handover to the Americans I told them my real name and I told the investigators as well and the Red Cross, so there was no need after that to hide my name, which is Abdullah Ali Salih Al Sayari. In addition to that, I myself admitted my real name without any pressures from the investigators, so if there was a problem in mentioning my real name, then why did I confess it myself?" 3.a.7

- In response to the allegation that the detainee was arrested with a suspected member of al Wafa, the detainee wrote:

"Yes I was captured along with a person, and his name was Abdullah Al Utaiby, and I accompanied him for a very short period of time keeping in mind that I was confident that he was an ordinary person and had nothing to do with any terrorism matter. That is first of all. Secondly: My time spent traveling with him was four days only. Third: I had to accompany him because I was subjected to the theft of my money which I had on me at the time that I could not return or reach to the hotel in which I resided in Islamabad, and that was because I was lost and I did not know how to describe the hotel or the street that I lived on to the taxi driver due to the difference in the language and I had my personal belonging at the hotel and the rest of my money and business and some gifts for my family. After that I met with this man and explained to him my situation so he helped me by giving me the value of the ticket to return to my country in return for accompanying him so he could deliver his money to any humanitarian organization like the Saudi Red Crescent, or the Red Cross, so they could be responsible for distributing this money to the poor and to the immigrants. He was concerned about his money being stolen by gangs. In addition to that, I did not leave Islamabad with this person until after I reached the hotel that I was living in and took my money and all my things that I traveled for, but I remained with this person because I promised him I would. And so that I can be appreciative for the help he gave me at the beginning of the matter when I lost my money and I could not get back to the hotel where the rest of my money was. Note: If I had any evidence against this person, I would have had testified against him so that I could be cooperative and help myself in my case. But the fact remains that I don't know much about him other than that he is an ordinary man and not a religious fundamentalist and

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he did not get upset at me for shaving my beard or listening to songs or anything else. Note: The time I accompanied this person was from 8/9/1422 (11-24-2001) to when we were captured on 21/9/1422 (12-7-2001)" 3.b

- In response to the allegations that: 1) the detainee was identified as a "religious thinker" in the cellblocks at Guantanamo Bay, Cuba; 2) a religious thinker is described as those detainees who use religion as a guide on how to behave, especially while in detention; and 3) religious thinkers direct others to use their religion to withstand the interrogations and not answer any questions, the detainee wrote:

"First: I am absolutely not a religious thinker and I did not know how to pray until I got to this prison (Cuba) and I had never stopped shaving my beard except for in this place. Second: If I were using religion as a guide on how to withstand the investigators and to not answer any questions they had, as is mentioned in this allegation, then I would not have been cooperative during the investigation and I wouldn't be talking during the interrogations. For the interrogators and the cameras and the recorders that are in the interrogation room all bear witness to the fact that I was cooperative and that I would talk during every session of the interrogations. And I would answer any question, so how could I have the classification of the religious men who have the power to withstand the interrogators? Or that I do not answer the questions? That is the opposite of reality, and the opposite of what is happening, and the opposite of what the people assigned to my case testify to." 3.c

- In response to the allegation that the detainee admitted another man went to the passport office for the detainee, filled out the necessary paperwork and brought detainee his passport, the detainee wrote:

"Yes, anybody who wants to obtain a passport must hire one of the men who are known as (coordinators) in return for a monetary fee for his work, and that is so he can follow up on the procedures and applications for the passport like pictures and signatures and others.....

And this is standard in my country and in many countries, and it is not an infraction of any laws, and if it was an against any laws, then I would not have been able to obtain my passport that is with me and that I traveled with legally to Qatar, the Emirates and Pakistan." 3.d.1

- In response to the allegations that: 1) the detainee admitted to having a satellite phone with him at time of capture; and 2) this satellite phone was for calling his family, the detainee wrote:

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*"Yes, I carried a satellite phone for the purpose of being able to call my parents and for business-related affairs. And I don't think that is an accusation in any place in the world, and every businessman in the world carries more than three numbers and more and has never been charged with any accusation because of these phones, so how is that?" 3.d.2*

- In response to the allegation that a name closely resembling one of the detainee's known aliases, the year and place of his birth and the detainee's parents phone number, was found on a military training camp application discovered in an office in Kandahar, Afghanistan, the detainee wrote:*

*"I don't know anything about this accusation and I repeat, and I say, I absolutely never entered the country of Afghanistan and my passport proves that and also it does not have a visa stamp for entering Afghanistan." 3.d.3*

- In response to the allegation that the detainee provided U.S. Forces with his parents' home phone number, which matches the number found on the training camp application, the detainee wrote:*

*"I did not know the new telephone number for my parents, not until I received a letter from them here in the prison in Cuba. After that, I took this number from the letter and I gave it to the investigator and his name was (Tom), so he can help me find a telephone so that I could call my parents. So how could my parents' new telephone number, that had not yet been issued from the telephone company until approximately one year after my detention in the prison in Cuba, how could this number exist in a training camp in Kandahar?!! This number was issued approximately one year after my detention." 3.d.4*

**The detainee also provided the following statement:**

*"This is my reply to these accusations very briefly, knowing that the evidence of my innocence is more than these accusations and it is clear and does not need to be hunted and search for, and I hope you will reach it.*

*I also hope that this attempt to clarify my character and prove my innocence will not be a failed attempt, because I am feeling hopelessness and a lack of any confidence in many things, and many of my previous attempts in this prison were not successful!! So, proof of my innocence by the American government is proof of American justice and it is also a response to whoever accuses America of oppression in all cases and also shows that America seeks truth and justice."*

*The detained: Abdullah Al Sayary.*

*Dated: 10-11-2005 (8-10-1426)*

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١١- نعم بالنسبة لسفري إلى هذه الدول [ قطر - دبي - باكستان ] أولاً؛ لتسهيل نظام تجارتي .

ثانياً؛ وللسياحة ولتقاضي والتعرف على بعض دول الخليج . وليس لأي عمل غير مشروع .

١٢- هذا السبب لا أظنه سبب قانوني لإحتجازي لأنه هذا النوع من التجارة والتي تصنع تجارة الأنتيك

[ ANTIQUE ] يعمل فيها الكثير من التجار من كثير من الدول والذي يسمى علمهم الكيولوجي [ ARCHEOLOGY ]

بل وتعمل بها جميع الدول وخاصة الدول العظمى مثل : أمريكا وبريطانيا وهناك آلاف المتاحف من العالم ومن أشهرها

متحف مكتوريان في بريطانيا وهذه المتاحف تحمل آلاف الكتب القديمة والعملات القديمة وغيرها من الأنتيك .

١٣- هناك بعض التعديل في هذه النقطة وهي أنني كنت أحمل ٤٠٠٠ آلاف دينار كويتي أي ما يعادل

١٣٠٠٠ دولار أمريكي . وقد حولت هذه الأموال للدينار الكويتي مما تكونه أقل عدد من حيث القيمة بحيث لا أتعرض

للسرقة أو لفقدانها . وأضيف أنه هذا السبب لإحتجازي غريب وهو أنني يجب على كل مسافر للتجارة أنه يأخذ معه

أموال كافية لإحتياجية لتجارته وسفره وترفيه نفسه بالسياحة خاصة إذا كان هذا السفر هو أول سفر خارج بلادي

فيجب عليّ أخذ جميع الإحتياجات اللازمة ومنه أكلها والأموال . فكل حمل الأموال من السفر أو للتجارة جرعة من القوانين

الدولية ؟ !

١٤- هذا غير صحيح حيث أنني أولاً؛ كنت أسكن في مكان واحد وهو في كراشي شارع فيصل في فندق هناك قريب لتقاطع

وهذا مسجل في ملفان هذا الفندق على أنني حجزت غرفة فيه وعدم مدة مكوثي في هذا الفندق إلى غاية إرتحالي إلى

إسلام آباد . ثانياً؛ تعرضون أن الإبرهايين متشددين في الدين وأنا عكس ذلك تماماً فإذا كنت

أحب النوم مع إفتيات وشرب بعض الخمر والسجارة وأجعله لحياتي ولأهلي وأسمع الأغاني فببالي لا أستطيع

الذهاب إلى أماكن يتواجد فيها المتشددون أو حتى مقابلتهم في أي مكان . فكيف تقول هذه البرة أنني

ذهبت إلى بيتهم ؟ ثالثاً؛ هذه البرة تتناقض مع البرة رقم [ ٦ ] حيث أنه ذكر في هذه البرة رقم [ ٥ ]

أن بيت أمان في كراشي وهذه البرة هي لعاصمة التجارة لباكستان وفي البرة رقم [ ٦ ] ذكر أن

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بيت أمان في كابل وهذه المدينة هي عاصمة أفغانستان كما أخبرني بذلك بعض المحجزين الأفغان في هذا السجن كوتيا وأضيف أيضاً أنني لم أسمع بشيء اسمه بيت أمان من قبل .

٥- هذا غير صحيح . ولا أعرف لماذا هذا الإرهابي الذي قال أنه يعرف شعوري ولا أعرف نواياه من بما أراد توريطي بالصاحبة أي تهمة عليّ لولني غير متشدد في الدية ولأنني كنت أجلسه لحيتي في أول الاحتجازي ولولني أردد بعض الأغاني وأتكلّم كثيراً مع الفتيان العسكريان وكثيراً لا أصلي ولقد تعرضت للسب من قبل بعض المحجزين وبعضهم يقول عليّ أنني كافر ولست مسلم فليس غريب أن خصمي يرميني بأي تهمة .

٦- هذه تهمة بالهالة وكما ذكرت من قبل أننا متناقضة مع الفقرة رقم ٤ وأضيف هنا أنني لم أدخل دولة أفغانستان وأيضاً أنني لا أستطيع مقابلة أي إرهابي أو أي متشدد في الدين كما ذكرت هذا في فقرته رقم ٤ وأضيف أيضاً أننا أجمع أموال للتجارة لنفسي وعائلي وللمرء والمتعة في حياتي بشراء أفضل الأمتعة وركوب أفضل السيارات والسفر والسياحة وشراء الهدايا والشهرة بالتجارة وليس لإعطاء هذه الأموال الخاصة بي للإرهابيين ومجرمين ليقتلوا الأبرياء في إسرائيل وفي غيرها من البلدان .

٧- نعم أنا كنت مضطّر لإستخدام اسم صديقي الذي يدعى ياسم محمد وذلك لعدة أسباب : أولاً : أن صديقي هذا وعائلته يعرفون رجال لهم مناصب عالية في الدولة السعودية وبالتالي إذا اتصّبت بإسمه فإنه سيخفف عني التعذيب الذي كنت أتعرض له في باكستان وذلك لخوفهم من دولتي وسفارتي في باكستان . ثانياً : لكي تضطر باكستان للإطلاع على سراحي وتسليمي إلى دولتي . ثالثاً : لكي لا يتجرّد الباكستانيون على سرقة أغراضي وتجارتي وأموالي لخوفهم من دولتي وسفارتي . كما أنني بعدما قابلت السفارة السعودية في باكستان أخبرتهم بحقيقة الأمر وبعد تسليمي للامريكان أخبرتهم باسمي الحقيقي وأخبرون المحققين أيضاً والصلب الأحمر فلا حاجة لي بذلك لإخفاء اسمي . وهو عبد الله علي صالح الصيعري . وأضيف أنني أنا بنفسني تمت بالإعتراف باسمي الحقيقي من غير أي ضغوطات من المحققين فلو كان في ذكر اسمي الحقيقي مشكلة لما اعترفت به بنفسي

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الصفحة الثالثة :

ب - نعم لقد مُنح عليّ مع شخص واسمه عبدالله العتيبي ولقد رافقته لمدة قصيرة جداً علماً أنني كنت واقفاً بلا نه  
إنسان عادي وليس له أي علاقة في أي مجال إرهابي هذا أولاً . أما ثانياً : إن مرة سفي معه  
استغرقت أربعة أيام فقط . ثالثاً : لم يطرئ عليّ من رافقته إلا في تعرضت إلى سرقة أموال التي كانت  
يحوزني في الوقت الذي لم أستطع الرجوع أو التوصل إلى القنصلية الذي كنت أسكنه فيه في (سلام آباد  
وذلك لإني كنت ثائلاً ولا أعرف كيف أصف القنصلية ولا الشارع الذي كنت أسكنه فيه لأصحاب التاكسي  
وذلك لإختلاف اللغة وكان في القنصلية أغراض خاصة وباتي أموالاً وتجاري وبعض المبادئ الأهل . بعد ذلك  
التقيت بواحد الرجل وشرحت له وضعي فساعدني بإعطائي قيمة تذكرة العودة إلى بلادي مقابل أنني أرافقه حتى  
يُسلم أمواله إلى أي هيئة إنسانية مثل الهلال الأحمر السعودي أو الصليب الأحمر ليتكفل بتوزيع هذه الأموال على  
الفقراء والمهاجرين وكانه جاثقاً على أمواله من سرقة العصايات لها . وأضيف أنني لم أرحل من سلام آباد أنا  
وهذا الشخص إلا بعد أن توصلت إلى القنصلية الذي كنت أسكنه فيه وأخذت أموالاً وجميع تجارتي التي خرجت من أجلها ولكن استمرت  
بمرافقة هذا الشخص لإني وعدت بذلك وحتى أكون شاكر الساعدين لي في بداية الأمر عند ما فقدت أموالاً ولم أستطع التوصل  
إلى القنصلية الذي فيه أموال الأخرى . ملاحظة : لو كان عندي أي دليل على إدانة هذا الشخص لأدليته بشهادتي عنه حتى  
أكون متعاوناً مع أساعد نفسي في قضيتي ولكن لا أعرف عنه إلا أنه رجل عادي وغير متشدد ولم يغضب عليّ لمحقني للحقيقة  
أولسما عيلاً لأغاني وغير ذلك . ملاحظة : مدة رافقتي لهذا الشخص من تاريخ ١٨/٩/١٤٢٢ هـ حتى قبضت عليّ بتاريخ ٢١/٩/١٤٢٢ هـ .  
ج - أنا لست مفكر ديني بتأولم أعرف كيفية الصلاة إلا في هذا السجن [كوبا] ولم أتوقف عنه جملته لحياتي إلا في هذا المكان  
هذا أولاً . أما ثانياً : لو كنت أستعمل الدين كدليل على كيفية مقاومة المحققين وعدم الرد على الأسئلة كما ذكر ذلك في  
هذه المقرة لما كنت متعاوناً في التحقيق ولما كنت أتكلم في التحقيق والمحققين والكثير من المسجلات الموجودة في غرف التحقيق  
كلها تشهد لي بأنني كنت متعاوناً وأتكلّم في كل جلسة للتحقيق وأجواب على أي سؤال فكيف أكون بصيغة رجال الدين الذين  
عندهم مقاومة المحققين أو أنني لا أردد على الأسئلة وهذا خلاف الواقع وخلاف ما يحدث وما يشهد لي به المسؤولين عن قضيتي .

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Summary of Administrative Review Board Proceedings for ISN 342

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

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

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

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

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

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

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

*The Presiding Officer acknowledged the request.*

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

*The 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 Exhibit EC-B and then the Detainee made the following statement:*

Detainee: (The Detainee provided the following answers to the allegations from the Unclassified Summary of Evidence) [3.a.1.] I traveled in December but not in November until the month of Ramadan. My visit was from Saudi Arabia to the United Arab Emirates then Pakistan then Malaysia then Syria and then back to Pakistan. The period of time I stayed in Syria was for a week not for two months and you can see that on my passport. [3.a.2.] I did not attend the religious meeting. They had the religious meeting before I got to Lahore. [3.a.3.] I don't know [anything] about Jama'at al Tabligh. Whether it was used as a cover or not, I have no knowledge [of] and you say you believe that al Tabligh is used as a cover. [3.a.4.-3.a.6.] First of all, I never entered Afghanistan as I indicated previously. All these items are inaccurate or incorrect. [3.b.] [Training], My passport is not a forged passport and I don't have any entry or exit visa[s] that [are] not official. If the visa was a fake visa, how did I enter Malaysia and then [go] from Syria to Pakistan? Connections, [3.c.1.] I have no connections to al Qaida or to this gentleman [named] Al-Nashiri. Other relevant information, [3.d.1.] The date that the Pakistani police captured me was inaccurate. They captured me the twenty-third of Ramadan. This date, November 25<sup>th</sup>, 2001, is the date that I was turned over from the Pakistanis to the Americans. [3.d.2.] I do not have any notebooks that contain any names for anybody. During the time they turned us over to the Americans there were a lot of people with us. I lost a great deal of my personal belongings. I told them when I was in Bagram about the materials that I lost and what I had at that point in time. I told them about my passport and my wallet. I don't have any notebooks. [3.d.3.] All the answers that I gave were [to] answer all the questions that you asked me. Factors that favor the release of the Detainee, [4.a.] Yes I agree with that statement. I deny any knowledge of the Taliban or al Qaida or any other extremist organization in these cities that I visited. I do not admit that I was a combatant or a fighter in Afghanistan. I never went to Afghanistan. [4.b.] I deny [having] any knowledge of what happened to the United States even during the executions on September 11<sup>th</sup> and I also [did not hear] any rumors or plans to attack the United States or its allies or their interests. [4.c.] I traveled to Pakistan with the Tabligh for the Da'wa, not to teach the Koran. I deny any knowledge or any connection to al Qaida. [4.d.] I agree with the last [statement], I never went to Afghanistan. During the last meeting we discussed these points and I explained it to the President (of the Tribunal) and all [of] the mistakes that they had in the previous session, they have here. First thing is my name and all the information that talks about the time that I went to Quetta and the dates that I just mentioned. I wanted to explain

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[this] for the second time. I already explained it to you and that is all I have. I hope that everything will be recorded accurately.

President: Does that conclude your statement?

Detainee: That is all I have.

President: Did the Assisting Military Officer provide the statement that you wanted us to hear?

Detainee: Yes.

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

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

*Administrative Review Board Member's questions:*

Board Member: What did you do during your five months in Malaysia?

Detainee: I already answered that question to the interrogators.

Board Member: I don't have that in front of me. I would like you to answer it.

Detainee: I wanted to just respond to the allegations that you have given me from the Unclassified Summary.

Board Member: So, you choose not to answer the question?

Detainee: No, I don't want to answer it.

Board Member: Did you receive any military training anywhere?

Detainee: Where do you mean?

Board Member: Anywhere.

Detainee: No, I never did.

Board Member: What was the purpose of your trip to Pakistan?

Detainee: I wanted to go attend the al Tabligh meetings.

Board Member: What kind of meetings?

Detainee: I never attended it to know what kind of meetings [they were].

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Presiding Officer: Since we are on that question, I have a question for clarification for the reporter on that. [The Unclassified Summary] says 'the Detainee claimed he moved to Pakistan to teach the Koran' and then you denied that and said you went for the meeting.

Detainee: I went for [a] Jama'at al Tabligh meeting and not for the Koran. I told you that I went for the Tabligh not for the Koran earlier.

Board Member: Can you tell us what you did in Syria for two months?

Detainee: Repeating the same thing, I already told you all that information and I mentioned it to all the interrogators when they interrogated me. Ever since I traveled from Saudi Arabia, since I left my home until the time [I] was turned over to the Americans...you have all that information in my file.

Board Member: Did you do Da'wa work?

Detainee: Where?

Board Member: In Syria, Malaysia?

Detainee: You want the answer from me? You don't want to go back to my file?

Board Member: Yes.

Detainee: I didn't do anything for the Da'wa in Syria or Malaysia.

Board Member: You said that you don't know Al-Nashiri [but] have you heard of Al-Nashiri?

Detainee: I do not know him.

Board Member: Have you heard of him? Have you heard that name?

Detainee: I have never heard that name before.

Board Member: Why were you arrested in Pakistan?

Detainee: Why are you asking me why they arrested me? Ask the Pakistanis.

Board Member: Didn't they tell you why you were arrested?

Detainee: They never did [tell me]. I was there for about a month and [no one] talked to me.

Board Member: There in Pakistan?

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Detainee: Yes.

Board Member: Are you at Camp Five at your request or were you told to go to Camp Five?

Detainee: A military officer came to me along with an interpreter and they said they were going to transfer me over there.

Presiding Officer: Could you please clarify for the record what your full name is [since] you mentioned it was different than what we referenced?

Detainee: My name is Mohammed Mubarek *Salim* Al Qurbi not Salah.

Presiding Officer: In item D1., you mentioned the twenty-third of Ramadan being when you were arrested and the twenty-fifth of November, 2001, you were turned over to the U.S. forces, correct? The clarification I am looking for is the year, that's all.

Detainee: I am referring to the year 1422 (Islamic calendar).

Presiding Officer: Thank you. That is what I was looking for.

Detainee: I am referring to the year 2001 (1422 in Islamic calendar).

Presiding Officer: Right, thank you. In 4C., you said you did not go to teach the Koran in Pakistan. If I am to believe that statement that you didn't go and you went for the other reason you mentioned today, how did you actually get to Pakistan from Saudi or wherever your previous residence was...because your residence says one thing here but you went from Saudi to Pakistan somehow. I am just curious what route you took...how you got there.

Detainee: You can find all of this information in my file. I already mentioned earlier on A1...

Presiding Officer: Yes, I have that. I wrote down what you described. I am just asking if you could please explain to me how you got from your previous residence when you went to Pakistan for the reason you gave us earlier.

Detainee: I went to Pakistan twice. The first time I went from Saudi Arabia to the United Arab Emirates then from the Emirates to Pakistan then to Malaysia then to Syria then to Pakistan. The second time I went to Pakistan is when I was arrested. All this information is available to you in my file. The reason I wanted to repeat it now is because the way it is written here is all incorrect.

Presiding Officer: How did you travel from the United Arabs Emirates to Pakistan the first time? Plane? Bus?

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**Detainee:** You have that information in my file.

**Presiding Officer:** But I don't, I only have what we read to you here. I really don't know that's why I am asking.

**Detainee:** All I want to do is correct all the information you had about me here. I don't want to talk about other interrogations or talk about anything else because all of the information and allegations about me are all incorrect...my name and all the allegations and the date that I was arrested and all the cities that I traveled to...they are all wrong and I wanted to clarify that. You can find out about all these mistakes because they are right on my passport...where I went and from what city to what city [I traveled from].

**Presiding Officer:** So, the means of you getting from point A to point B that I've asked you, your not willing to answer.

**Detainee:** Are you trying to interrogate me?

**Presiding Officer:** No. I just would like to know how you got there that's all.

**Detainee:** I don't want to answer that.

**Presiding Officer:** Thank you.

**Board Member:** How do you know that what is in the file is correct about what you did in Malaysia or in Syria? You may want to tell us just in case what is in the file is wrong. You say this is wrong but maybe the file is wrong.

**Detainee:** When the interrogator was taking the information from me I was looking at what he was writing and then afterwards I reviewed what he had written down.

**Board Member:** What kinds of personal belongings did you lose when you were captured by the Pakistanis?

**Detainee:** They took everything from me. When I was turned over to the Americans, they were asking me about my belongings...what had I lost. They [asked] what I had in my possession [at that moment] and all I had was the Koran. I lost my money. That is all I can remember. In Bagram I was told that the only thing they found was the driver's license and the passport.

**Board Member:** How much money did you lose?

**Detainee:** I do not recall.

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

*The Presiding Officer opened the classified portion of the session.*

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

AUTHENTICATION

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



Colonel, USMC  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 344

*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, 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.*

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

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

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 01 Jul 2005 and lasted 90 minutes. After a review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he did not want to attend the Administrative Review Board, however he wanted the Assisting Military Officer to read his response to the Unclassified Summary of Evidence. When asked why he didn't want to attend the Administrative Review Board the Detainee stated, "Because I attended the first hearing (referring to the CSRT). I presented with all honesty and I took the oath. The oath carries a lot of weight with us and they did not take this into consideration, and even after all this effort they still classified me as an Enemy Combatant. So attending the second is like attending the first, it will do no good." The Detainee was provided an Arabic translation of the Unclassified Summary to help with his presentation. The follow-up interview occurred on 05 Jul 2005 and lasted 65 minutes. During this interview the linguist read back to the Detainee his response to the Unclassified Summary of Evidence to verify the response was accurate. The Detainee, however, indicated that he wanted to attend the ARB, but didn't want to talk except to provide additional [comments]. The Detainee was polite and cooperative during both interviews. The Detainee provided the following comments in response to information in the Unclassified Summary of Evidence. In response to the statement that the Detainee indicated that he had heard from a variety of media sources that there was a massive Afghan refugee problem on the Iranian border. He wanted to go help out; the Detainee stated that this was true. It was an individual effort and not in cooperation with any other organization. In response to the statement that on 29 Sept 2001, the Detainee traveled from his home in Saudi Arabia via Jordan, Syria, Iraq, and Iran; finally arriving in Afghanistan on 03 Oct 2001, the Detainee stated, "I didn't pass through Iraq. I clarified this during the first hearing. My route was from Saudi Arabia through Jordan then Syria then Iran then Afghanistan. The intention when I left Saudi Arabia was not to go to Afghanistan; it was only to help the Afghan refugees who had crossed the border into Iran. Also, we left Saudi Arabia on the 7<sup>th</sup> month (7-12 1422)." In response to the statement that the Detainee traveled with two associates from Saudi Arabia, the Detainee stated that this was correct. In response to the statement that the Detainee and both of his traveling companions, Al Nur and Wasim, traveled to carry out charity work in conjunction with a Saudi charity, al-Ighatha al-Khairia, the Detainee stated, "They mentioned that I worked with al-Ighatha that is not correct. Speaking for myself, I don't belong to any organization or any charity organization. I clarified this during the first hearing and previous interrogations. Regarding Wasim, he does not work with any al-Ighatha, he does charity work with al-Haramain organization in charge of helping orphans outside Saudi Arabia, and he also works in cooperation with them inside the city of Skaka Aljawf. The most important point I want to clarify is I didn't work officially as an employee in that organization, I

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just worked in cooperation with them. Regarding Al Nur, he cooperated with Hay'at al-Ighatha. He also cooperated with them without being an official employee. I would like to clarify that our travel outside Saudi Arabia was not related to any organization, but was personal charity work to receive credit from God."

*(The Detainee interrupts with the following question)*

Detainee: May I comment on this point?

Presiding Officer: Certainly.

Detainee: At the point where I said, "the most important point I wish to clarify is I didn't work as an official employee", it should be he didn't work as an official employee so I am speaking about Wasim. I said in the first part of the point that I am not a part of any organization and I do not work with any organization. So the other sentence pertains to Wasim.

Presiding Officer: Assisting Military Officer do you copy what the Detainee is saying?

Assisting Military Officer: I got a portion of that sir.

Presiding Officer: If need be, you and the linguist work it out so that you capture it, then we can re-type that section to reflect what he (the Detainee) is telling us.

Assisting Military Officer: OK, sir.

*The Assisting Military Officer continues with Detainee's response.*

In response to the statement that al-Ighatha is a large Saudi NGO with field offices worldwide, many of which are staffed by or support terrorists or mujahidin. The NGO is linked to many al Qaida and other extremist NGOs, the Detainee stated, "I don't know anything about this organization. But if it is in Saudi Arabia it's not a terrorist organization, because the Saudi government does not tolerate or support terrorism." In response to the statement that Al Nur was on a list of al Qaida mujahidin and their al Qaida trust accounts recovered from various computer media seized during raids against al Qaida associated safe houses, the Detainee stated, it is not true that Al Nur is on a list of al Qaida mujahidin. He is a supervisor in the department of education in Aljawf. So he is an educational man. And he does not have anything to do with terrorism or terrorist. All of the things I have mentioned about Al Nur I have written down and presented at the first hearing. It's in writing. In response to that statement that the Saudi government designated Al Nur as a priority target and list him on the "watch and arrest list" for travel to Afghanistan, the Detainee stated, I don't think that the Saudi government designated Al Nur as a target for watch, because of his travel to Afghanistan because the Saudi government recognized the Afghanistan government and did not prevent travel to Afghanistan and there is nothing on our passport that indicates that. In response to the statement that the Detainee can only account for 30 days in Afghanistan,

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even though his passport says he entered Afghanistan on 03 Oct 2001 and he was captured on 15 Dec 2001, the Detainee stated, "I left my house on 7-12 1422 (30 Sept 2001) and I was arrested by the Pakistanis by the end of the month 8 (Nov 2001). I cannot specifically state the date, but it was at the end of the month, the same year 1422. Where as the specified difference is not correct and I deny it completely, the actual difference between the time I left Saudi Arabia and the time I was arrested by the Pakistanis is much less than the difference mentioned in this point. As for the difference in time between my entry into Afghanistan and my arrest it does not exceed 1 month and 10 days approximately. So this three-months difference is not correct. My passport is stamped by Saudi Arabia. I don't know if the Pakistanis stamped it when they took it, but if they stamped it, it would show the exact date." In response to the statement that the Detainee has no idea why his passport is incorrect and the Detainee has two brothers-in-law that work at the Skaka passport office. The Detainee stated my passport was correct. There is no mistake on it and I took it from the passport office at the city of Aljawf and the Saudi government is very precise about issuing passports. There is no inconsistency on the part of the employees at the passport office. I left with my passport in an official manner from the Saudi border, so my passport is correct. He also stated the Saudi delegation said to us when they came here that our passports were here and they were correct and they had no mistakes in them. I am confident that there is no mistake on it. It's true that I have two of my wife's brothers working in the passport office, but they work for the Saudi government and they don't work for me. They were new employees who worked under supervisors and they had just recently graduated from the institute at the time I got my passport. In response to the statement that the Detainee acknowledges that he was arrested in 1994 in the city of Kassin. The Detainee says he never heard of case 117 or that the Saudi government is interested in him, the Detainee stated, "I was arrested in the city of Kassin, but I don't remember the year, so I don't want to speculate about the year. I don't want to speak about the date because I can't remember exactly when that was. I was arrested because of doubt or suspicion because I was not from that area. I was detained for approximately 1 month and nothing was proven against me. I was released with innocence. I returned to my family and my work. No harm came out of this detention. But as for the mentioned case 117, I have not heard of this and I don't know anything about it. In response to the statement that the Detainee is on a foreign government service's list of Saudi detainees whom they designated as being high priority and the Detainee was put on the watch and arrest ministerial order on 29 Oct 2001, the Detainee stated, "this is not correct, what ministerial order is this? Who ever wrote this it's not true. The Detainee stated "I am a normal person; I work in education in Aljawf". In response to the statement that Pakistani forces captured the Detainee when he attempted to cross the border from Afghanistan the Detainee stated that this is true, during the interview the Detainee said, "I was arrested as I was presenting my passport to the Pakistanis at an official border crossing station. I did not try to enter Pakistan unofficially." In response to the statement that the Detainee advised he conducted his charitable works without the assistance of organization because he would receive more credit as a Muslim for doing so, the Detainee stated this was correct. In response to the statement that the Detainee stated that he does not have negative feelings toward the United States or any European country, and does not consider them an enemy. He

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continued to state he has never been involved with any terrorist organization, and did not give money to any terrorist organizations, the Detainee stated this was correct. The Detainee [also] stated, "I wish for you to reconsider and re-look into these allegations. It is all not true, except for what I mentioned in the interrogations and except for what I have admitted to. I wish for you to place me in my correct place. I am a simple person, I worked as a head master in a school and I am responsible for a family. My family and my work are my life. As for these allegations they do not have any presence in my life. I have spent more than 17 years in education before I was arrested. Education and educators do not have anything to do with terrorism or terrorist, their work is in building, constructing and reform. I have never held a weapon in my life and I don't like bloodshed...to have been classified as an Enemy Combatant. I was never a hostile person at anytime or kept in my heart any hostility towards any person. I love people and like for them to live their life in peace and if there were any problems, I prefer to solve them in a peaceful way. My religion does not condone killing innocent people and neither do I. I wish to return to my job to plant in the minds and hearts of my students love for all people. I also wish to return to my family to live the rest of my life with them, and make up for this separation that was not expected. I hope this time the result is not as painful as it was in the first hearing.

Presiding Officer: Thank you.

*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.*

Detainee: I only wish that you [would take] these answers into consideration and with importance. I hope that this time the result is happy and positive and not bad and painful like it was in the past. Also, I wish for you to consider the issue about [me] being an enemy combatant from the first hearing because I am sure of myself that I am not a combatant and I don't know weapons or have carried any weapons. Also as I have mentioned I do not like bloodshed and I do not hold any hostilities toward any person or any country. Educators in the United States do not hold any hostilities toward other people, but they hold love and respect in their hearts. The same thing goes for educators in Saudi Arabia.

Presiding Officer: Thank you Rashid. Does that conclude your statement?

Detainee: Yes.

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

*The Designated Military Officer had the following questions for the Detainee.*

Designated Military Officer: What subjects did you teach in Saudi Arabia?

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**Detainee:** Because this is the first question I will answer this question, but I came here and was willing to attend, but I do not wish to answer any other questions. I taught History and Geography.

***Administrative Review Board Member's questions:***

**Board Member:** I know you don't want to answer any more questions, but I would still like to ask you a few questions. Where did you do charity work in Afghanistan?

**Detainee:** I stated that I do not wish to answer any questions and the answer to your question is present in all of the previous interrogations that I went through.

**Board Member:** Did the Pakistanis indicate any problem with your passport when you presented your passport to them when you were arrested?

**Detainee:** You are putting me in a very embarrassing situation now because I said that I do not wish to answer any questions and you are still asking me questions.

**Board Member:** So, you don't want to answer that question?

**Detainee:** No, and this is what I had indicated to my Assisting Military Officer.

**Presiding Officer:** Rashid, the board would like to try and clarify some things and that's the reason we will ask you the questions. You do not have to answer them if you do not want to. We can't compel you to answer the questions, but it's our job to try and ask you things that may clear up things that have been presented to us. That is the reason for us to ask them even though you said you don't want to answer any more questions...if we ask a question that you may feel that you could clear something up by answering it then that is why we are going to ask anyway. We respect your right to decline to answer though.

**Board member:** Will you answer a few more questions please? We would like to ask a few more questions.

**Detainee:** Please excuse me.

**Presiding Officer:** I think that is a no.

**Board Member:** I am going to ask my questions anyway so that they are on the record.

**Detainee:** OK.

**Board Member:** Why did you return through Pakistan instead of going back through Iran the way you came into Afghanistan?

**Detainee:** Because the Iranians closed the borders in our faces.

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Board Member: Did you have to take a leave of absence to go on this trip to Afghanistan from your school teaching?

Detainee: Yes.

Board Member: How long did you take the leave of absence?

Detainee: Approximately 3 months. This 3-month leave of absence that I took was not all for the charity work that I was going to do. The charity work was only going to take a short time. I was just going to distribute the materials and leave. The rest of the vacation was because I needed a break from teaching. I had been teaching for 17 years and teaching in Saudi Arabia makes you tired.

Board Member: It is tiring in the U.S. also.

Presiding Officer: We are glad you changed your mind and decided to attend the ARB although your statement said it would not do you any good, we feel that when you answer some of our questions it clarifies some gaps that we are not able to fill.

Detainee: The important thing...what matters is the result.

Presiding Officer: I agree. Rashid, you said you would receive more credit as a Muslim for conducting the charity work by doing the charity work yourself, personally.

Detainee: True.

Presiding Officer: Have you done that in the past over the 17 years that you were teaching? How many other times did you go to another country where charity work was needed to assist?

Detainee: I used to do charity work with the needy inside my city, but this time we had heard about the situation with the refugees and there was another purpose to our trip and which was to get our teeth fixed in Syria. So, we said we would do both of them at the same time in one trip.

Presiding Officer: You want to be reunited with your job and your family; do you see yourself doing this type of charity work by going outside of Saudi should you be returned?

Detainee: Never.

Presiding Officer: Thank you.

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

*The Presiding Officer opened the classified portion of the session.*

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

AUTHENTICATION

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



/Colonel, USMC  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 345

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee accepted taking the (Muslim) oath.*

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

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

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

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

Assisting Military Officer: The Detainee's Administrative Review Board interview occurred on 12 August 2005 and lasted 40 minutes. After a review of the Administrative Review Board's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, the Detainee stated, "I will attend and speak to the board." When asked how he wanted to address the allegations or statements, the Detainee indicated that he wanted to wait until the entire Unclassified Summary is presented to respond. The Detainee was given a copy of the English and translated Unclassified Summary of Evidence for his record. The Detainee was polite and

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cooperative during the interview. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

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

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

***The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to wait until the entire Unclassified Summary was presented before responding.***

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

Designated Military Officer: The Detainee worked as an executive secretary for Abdul Al-Latif Al-Imran, general manager for the Union Beverage Company (UBC). The Union Beverage Company has been associated with Bosnian/Chechen mujahid. The Detainee traveled to Azerbaijan at least eight times to courier money to the Al-Haramayn non-governmental organization (NGO) on behalf of his boss, Abd Al-Latif Omran. Al-Haramayn has been designated under Executive Order 13224 as an organization that has provided support to terrorist organizations. During the winter of 1997, the Detainee delivered \$7,000 USD to Al-Haramayn. During the winter of 1998, the Detainee delivered \$13,000 USD to Al-Haramayn. During the summer of 1999, the Detainee visited Al-Haramayn's summer camp, and delivered \$13,000 USD to Al-Haramayn. During November 1999, the Detainee delivered \$12,000 USD to Munir Al-Barguoni for a new factory in Azerbaijan; he also delivered \$100,000 USD to Jamal, the Director of Al-Haramayn. The Detainee was detained in Azerbaijan for the transport of \$220,000 USD. The money was destined for Chechen rebels and not for humanitarian support as the Detainee was told. After serving as the Al-Haramayn Director in Baku, Azerbaijan from 1997 to January 2000, Jiman Mohammed Alawi Al Muraai, aka Abu Wafa, took a job operating the Wafa offices in Karachi, Pakistan. Al-Wafa has been designated under Executive Order 13224 as an organization that has provided support to terrorist organizations. While working at the Union Beverage Company, the Detainee met Mamdouh Mahmoud Salem. Mamdouh Mahmoud Salem Abu Hajir was arrested in Germany in September 1998 and extradited to the United States. He was a senior al Qaeda lieutenant and Bin Laden's deputy in Sudan. The Detainee founded a company on 20 May 1999 in Azerbaijan named "SAMICO Services." SAMICO documents were found during a raid of locations occupied by suspected extremists affiliated with Muhammad Rabi'a Abdul Halim Sha'ib (an Egyptian extremist). To register a company in Azerbaijan, authorities required that a registree have a registered business in another country. Because the Detainee did not have a registered company elsewhere, he used

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falsified documents to register his company. According to the Detainee, the falsified documents showed him as a co-owner of Rumat International. According to a Foreign Government Service, the Detainee and Mamduh Muhammad Salim Ahmad, aka Abu Mu'izz, are both affiliated with Rumat International. Ahmed was subsequently arrested on suspicion of participating in the bombings of the U.S. embassies in Nairobi, Kenya and Dar Es Salaam, Tanzania. While in Azerbaijan, the Detainee came into contact with Ashraf, who ran the juice distribution business for the Union Beverage Company in Azerbaijan. Between 1994-1998, Ashraf Abdulrahim Ayub worked for the Kuwaiti Revival of Islamic Heritage Society (RIHS), a non-governmental organization. The Revival of Islamic Heritage Society (RIHS) has been identified under Executive Order 13224 as a terrorist affiliated organization. As of late March 2003, a foreign government was investigating Ashraf for possible ties to terrorism. On 4 January 2000, the Detainee attempted to reenter Azerbaijan, but was detained and then deported from the country. The deportation was due to his alleged activities supporting Chechen rebels. In March or April 2000, the Detainee left the Union Beverage Company and went to work for Al-Jazeera in Doha, Qatar. The Detainee was hired to go to Chechnya to do a story. Around this time, the Detainee met with the former President of Chechnya, who was exiled in Doha, Qatar, on at least 15 occasions to learn about Chechnya and to solicit help in gaining access to Chechnya. Following the September 11th attack, the Detainee was told by Al-Jazeera to forget Chechnya and go to Afghanistan. The Detainee interviewed several Taliban officials during his stay in Kandahar, Afghanistan. The Detainee interviewed a man who identified himself as Abu Hafis Al Moritani, a member of al Qaeda. Abu Hafis was one of Usama bin Laden's personal advisors and a religious recruiter. He was also the leader of the Mauritanian al Qaeda cell. The Detainee was stopped in early December 2001 at the border by Pakistani security. According to Pakistan security, the passport the Detainee had in his possession did not agree with Pakistani records. The Detainee was detained at the Afghanistan/Pakistan border because his name appeared on a border authority watch list. The Detainee claims never to have traveled to Great Britain. The Detainee denies knowing how Chechen fighters obtained their finances. Detainee has no recorded major discipline acts or violent behavior. Detainee has refused to obey guards on occasion by not following instructions. Detainee has consistently led prayer in the cellblocks and has been seen teaching English and the Koran to other detainees. The Detainee states he wants to return to his family and resume his position as a father and provider. The Detainee noted that he would exercise caution in future assignments with Al-Jazeera. The Detainee hopes to return to Doha, Qatar, with his family. He stated that he harbors no ill feelings against the United States. The Detainee denies any knowledge that his former boss at the Union Beverage Company, Al-Latif, was involved with any al Qaeda operations. The Detainee denies any knowledge of al Qaeda operations in Chechnya. The Detainee denies any involvement or membership in any Islamic extremist organization, to include the Muslim Brotherhood and the Council of Shura.

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

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*The Presiding Officer acknowledged the request.*

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

*The Detainee made the following statement:*

Detainee: To the Administrative Review Board: Thank you for the opportunity to address you. Obviously, I would really like to have my attorney here to help me put my case, but since this is not allowed, I must speak for myself. I am a husband and a father. I have not seen either my wife or my son for more than three years. My son was just one year and three months old when I last saw him and the idea of missing those important years of his young life saddens my soul, as I am sure you realize it would any parent. I have been told that I was found to be an enemy combatant. I do not know how this came to be and I do not know the evidence against me. With all due respect, a mistake has been made because I have never been a member of any terrorist group and I never took part in any terrorist or violent act. But what is past is past, and I refuse to be bitter about this. I can say without hesitation that I am not a threat to the United States or to anyone else. I strongly condemn any act that is taken against innocent people, and I strongly condemn the tragic attack on the World Trade Center in New York. Islam, properly understood, would never allow the killing of innocent people in this way. Before, I worked for Al Jazeera as a cameraman but I am not sure I can ever go back to journalism. It is too dangerous, and I want to be with my family. I am worried about my wife and son and I fear for them if they are in Azerbaijan, the country of her birth. It is a dangerous place and I need to make sure they get away from there. I want only to find them and get them to safety in my home country of the Sudan. There is so much to say but my lawyer has ordered me only to read out this statement. I apologize that I cannot answer any questions. Thank you very much.

Presiding Officer: Thank you very much. Your English is very good. Before we get started I just want to make sure that you understand that this is not a legal proceeding today. This is strictly an administrative procedure to determine whether you'll be detained, transferred or released. This is not a legal proceeding, which is why we don't have lawyers or etc. None of us are lawyers; we are not here to present ourselves as attorneys. That's not what this proceeding is about; it is an administrative procedure for you. So the more questions you answer will help us make a decision. This is an administrative not a legal proceeding today. Do you understand?

Detainee: Yes, I understand, but I'm sorry, because I'm supposed to follow my attorney.

Presiding Officer: Okay, unfortunate, for the purpose of this proceeding.

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

*The Designated Military Officer had the following questions:*

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Designated Military Officer: Sir, have you gotten any communications from your wife, since you've been here?

Detainee: I'm suppose to follow the advice of my ...

Presiding Officer: This question is not relevant to any of the charges. He just asked if you've been hearing from your wife. In fact, you talked in your statement about how much you miss your wife. He's just asking if you've gotten communication from your wife?

Detainee: Surely, I've received some letters from my wife, but unfortunately it is not continuous communication, that means one year I missed the news, after that five months or six months, I can get one letter. Last time I [received] a letter from my wife in May...last May.

Presiding Officer: Thank you.

Designated Military Officer: Is your wife receiving any financial support while you are here?

Detainee: I don't know.

***Administrative Review Board Member's questions:***

Board Member: Sir, I don't know if you'll be able to answer any of these questions...if you'll prefer to not answer them, but I will ask you anyway.

Detainee: If you ask me some questions, do I have the right to answer them or not?

Presiding Officer: Yes, you do. You're not compelled to answer. He'll ask them and if you can answer none of these, it doesn't help us, but if that's what your attorney advises...that's unfortunate. You can answer only what you can answer. At this proceeding you're not required to answer any questions.

Board Member: First I would like to ask you about the organization known as Al Haramayn?

Detainee: *Detainee nods negatively.*

Board Member: Were you aware of any of their activities in support of terrorist groups?

Detainee: *Detainee nods negatively.*

Board Member: What was your relationship with Abu Wafa?

Detainee: *Detainee nods negatively.*

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Board Member: Your relationship with Mamdouh Mahmoud Salem?

Detainee: *Detainee nods negatively.*

Board Member: Can you tell me anything about the SAMICO Services?

Detainee: *Detainee nods negatively.*

Board Member: Can you tell me whether Mamdouh Mahmoud Salem and Mamdouh Mahmoud Salem Ahmad are one in the same person?

Detainee: *Detainee nods negatively.*

Board Member: In your statement that you made earlier...I'm not sure how good my note was. Did you say that a true interpretation of Islam would not condone violence against innocent people? Is that a fair representation of what you said?

Presiding Officer: He's asking for a clarification of the statement you read in English? If it said Islam does not condone violence against innocence, like the 9/11 attack? That was what was in your statement.

Detainee: *Detainee nods affirmatively.*

Designated Military Officer: For the record, sir. I would like to say the Detainee nodded negatively as a no response for all of the questions, except for the final question. The Detainee nodded in the affirmative for that question.

Presiding Officer: We cannot on the tape pick up your head nods. No response...I concur with that for the record. He declined to answer any questions. He gave a no signal, except for the last one, which was a clarification of his statement that was read earlier. He gave an affirmative answer. "Do you have any questions?" *Presiding Officer referred this question to a board member.*

Board Member: I do. Good morning.

Detainee: Good Morning.

Board Member: I guess I don't have any questions about the summary. I have some personal questions, if you want to answer them you can, if you don't, you certainly don't have to. What happened to your foot? *Board Member is referring to Detainees right foot, which was wrapped in a blue bandage or in a blue cast.*

Detainee: I fell down.

Board Member: You told us a little bit about your family in Sudan. Where did you go to college? University.

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**Detainee:** *Detainee nods negatively.*

**Board Member:** Oh, you can't okay. *Board Member was referring to the Detainee's negative response to the question.* I'll just ask one question. What do you see as the future for the Middle East?

**Detainee:** *Detainee nods negatively.*

**Board Member:** Can't answer that. Thank you for coming.

**Detainee:** Thank you.

**Designated Military Officer:** Sir, again for the record. I'd like to point out the Detainee nodded in the negative for those questions, except for the question about his not being able to answer where he did nod in the affirmative.

**Presiding Officer:** Thank you. Mr. Al Hajj, again I understand you're not going to answer questions concerning the unclassified summary.

**Detainee:** *Detainee nods affirmatively.*

**Presiding Officer:** Again your answering to the affirmative to that...you will not answer. Let me ask just a few questions then. First off, I'm very happy to see you in a white uniform, which means that your behavior here has been very good at the camp. That's very important to us as we make a decision. So, thank you for your behavior here. It's important for us as we get through this process. What is your future plans if you leave here. I know you said that you [want to] get back to your family. Do you intend to reside in Azerbaijan or Sudan? Do you know?

**Detainee:** I want to go back to my country, Sudan. To live in Sudan.

**Presiding Officer:** What kind of work will you pursue? Do you have any...will you go back to being a journalist or would you like to go back to...

**Detainee:** My family work in [a] business. They have a business. I can work in this field.

**Presiding Officer:** What part of Sudan?

**Detainee:** Middle of Sudan.

**Presiding Officer:** Like what town?

**Detainee:** Sannum.

**Presiding Officer:** Sannum?

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Detainee: Yes. 400 people come from Sannum.

Presiding Officer: Your son you said was 15 months old, one year and three months, last time you saw him.

Detainee: My...

Presiding Officer: Your son?

Detainee: Yes.

Presiding Officer: How many countries did you travel to when you worked for Al Jazeera? Did you travel to many countries?

Detainee: *Detainee nods negatively and speaks almost in a whisper saying, "I cannot answer..."*

Presiding Officer: You can't answer that.

Detainee: *Detainee nods affirmatively.*

Presiding Officer: You say your wife is currently in Doha, Qatar? Is that where she is right now?

Detainee: I don't know. According to her last letter she [wrote it] from Azerbaijan.

Presiding Officer: The last time you heard she had written from Azerbaijan?

Detainee: Yes.

Presiding Officer: Okay. In the unclassified summary there were many times where you...there was talk about you carrying large sums of money. I won't ask specific to any of those, but was that normal for you as a businessman to carry large sums of money? Is that a normal thing? I won't ask about any of the specifics, but as a businessman, did you often carry large sums of money?

Detainee: I can't answer.

Presiding Officer: You don't want to answer that. Okay.

Presiding Officer: The Union Beverage Company did they make juice and soda...what other kind of beverages did they make?

Detainee: *Detainee nods negatively.*

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Presiding Officer: Nothing at all about the Union Beverage Company. I'm not familiar with the Union Beverage Company. Is that in many countries? Do they sell beverages in many countries throughout the world? Is it a big company?

Detainee: Yes.

Presiding Officer: Big Company. How long did you work for Al Jazeera?

Detainee: I can't. *Detainee nods negatively.*

Presiding Officer: Can't answer that. What do you think of Usama bin Laden? Do you have any thoughts at all of Usama bin Laden?

Detainee: Can't answer that. *Detainee nods negatively.*

Presiding Officer: How about the Taliban? You've had an opportunity to view them as a journalist? Did you...what did you think of the way the Taliban ran Afghanistan?

Detainee: Actually I have all the answers to [these] questions, but I'm sorry, I'm supposed to follow the advise of my lawyer.

Presiding Officer: Thank you. Again, just so you know this is not a legal proceeding, this is just strictly an administrative proceedings. These kinds of answers are very important to us. Our job is to determine...

Detainee: If my lawyer [were] here, I would answer all these questions. It is very easy for me. My life is very clear. I didn't hide anything in my life.

Presiding Officer: Thank you.

Board Member: I have one final question. If you had answered questions, perhaps our decision would have been different. Would you be now disappointed that you didn't answer those questions?

Detainee: I didn't understand your question?

Board Member: If you were to answer questions, perhaps our decision would possibly be to transfer you or to release you. Would you be disappointed that you didn't answer those questions?

Presiding Officer: Can I rephrase the question, if I could? There are three possible outcomes that we will recommend. A designated civilian official in Washington D.C. will make the ultimate decision. There are three possible outcomes, you can be released, you can be transferred or you can continue detention is the outcome of this process today. If the outcome is detention will you be upset that you didn't answer questions, if that might have led to one of the other two decisions? I think is what he is saying. So those

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are the three outcomes by the designated civilian official will ultimately make the decision.

**Detainee:** Because...as I told you in the beginning, I don't have any bad grounds. I didn't went to...go to or admit any legal case before in my life and I didn't went to jail in all my life...in past. I don't have any experience. So what I know, because of [my] University degree and from my experience, I'm supposed to follow [the advise of] my lawyer. That's why.

**Board Member:** So my question is, does it disappoint you, that you can't answer these questions?

**Detainee:** As I told you, I'm supposed to follow him. When he advise[s] me, don't reply [to] any question...answer any question. I'm supposed to follow him.

**Presiding Officer:** Okay.

**Board Member:** Thank you.

**Detainee:** Thank you very much.

**Presiding Officer:** Mr. Al Hajj, thank you for the answers you have given us. Again, I just advise you that this is an administrative, not a legal proceeding. Any information that you give us helps us to make a better...makes a better recommendation. All we do is we recommend and I'll go through that in a moment on how this process concludes, but any information you give us would have been helpful. We understand the advise of an attorney that's not our decision to make whether or not that's good advise or not good advise. We have no opinion on that. We only know that we make a decision based on the information you give us. More information is better information, but if choose not to. You choose not to. Just so you know that could affect the decision, because more information allows us to make a better decision. Thank you.

**Detainee:** Thank you.

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

*The Presiding Officer opened the classified portion of the session.*

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

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AUTHENTICATION

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



Captain, USN  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 346

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

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

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

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

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

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

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

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

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

*The Presiding Officer acknowledged the request.*

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

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

*The Presiding Officer opened the classified portion of the session.*

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

AUTHENTICATION

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



Captain, USN  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 370

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

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

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

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

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

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

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

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

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

*The Presiding Officer acknowledged the request.*

*When asked if the Assisting Military Officer had any information to present on behalf of the Detainee to the Administrative Review Board, the Assisting Military Officer stated that he would read the Assisting Military Officer comments and the Detainee comments from the detainee comments on the Enemy Combatants Election form.*


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

*The Presiding Officer opened the classified portion of the session.*

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

#### AUTHENTICATION

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

  
Colonel, USA  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 433

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

*The Detainee accepted taking the oath.*

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

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

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

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

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

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*The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.*

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was a Taliban recruiter.

Detainee: Sorry, but these words are not true. The opposite of these words are true. The definition of recruiting is to take civilians and make them work for the military. The people of this village [Detainee referring to his village] are poor. I helped the people of the village to get out of the Taliban and to work as civilians. To this truth, a thousand people can testify for me. The people of the village are from the Northern Alliance. The people of this [my] village do not have any connection to the Taliban.

Presiding Officer: [Addressing the Detainee] During this portion of the Administrative Review Board, the only information we [The Review Board] need to know at this time is if the allegations/statements presented in this session are true or false. Once the Review Board has gone through each allegation/statement you [the Detainee] will have an opportunity to respond in your own words to each of the allegations/statements.

Designated Military Officer: (3.a.2) In Iraq, the Detainee was a member of the Amin Emergency Response Group. The Amin group was responsible for tracking down people opposed to Saddam Hussein and torturing and/or killing people opposed to Saddam Hussein.

Detainee: This is not true.

Designated Military Officer: (3.a.3) The Detainee was as an interrogator for the Taliban Police in Mazar-e-Sharif, Afghanistan.

Detainee: This is not true.

Designated Military Officer: (3.a.4) The Detainee was the Chief of the Taliban's interrogation office at Mazar-e-Sharif, Afghanistan. Ten to fifteen interrogators worked for the Detainee at this interrogation office.

Detainee: This is not true.

Board Member: For clarification, is it not true that you [the Detainee] were the Chief of the Taliban's interrogation office or is it not true that you were not part of the interrogation office at all?

Detainee: All of these words are not true.

Presiding Officer: You were not part of the interrogation office at all. You had no association with the Taliban interrogation office?

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Detainee: I did not work at the Intelligence/Interrogation [office] Organization at all.

Designated Military Officer: (3.a.5) The Detainee was the Director of Intelligence for the Taliban at Mazar-e-Sharif, Afghanistan.

Detainee: This is not true.

Designated Military Officer: (3.a.6) The Detainee admitted that he worked with the Taliban in Afghanistan and stated that he had to carry papers as an Arab to prove the fact.

Detainee: This is not true.

Board Member: Did you work for the Taliban in any capacity?

Detainee: No.

Designated Military Officer: (3.b) Training (3.b) The Detainee admitted to knowing how to interrogate in Arabic.

Detainee: That is not true.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee met a Mullah in Kabul by the name of Niham, who was a Taliban leader. Niham assisted the Detainee's family while living in Kabul for eight months.

Detainee: Mullah Nitham Eddine was working for the Police [helping the Police]. I would like to clarify some of the points in this statement because it has some words that are true and some words that are not true.

Presiding Officer: Please do so.

Detainee: Mullah Nitham Eddine was a helper with [worked for] the police. I went to the Police Station and he [Mullah Nitham Eddine] was there helping the police. I did not know him. I met Mullah Nitham Eddine when I went to the Police station. I explained to him [Mullah Nitham Eddine] my situation. I told him [Mullah Nitham Eddine] that I was an immigrant from Iraq and that I needed his help. Mullah Nitham Eddine found me a place to live with an Afghan family. Mullah Nitham Eddine introduced me to the Ministry of Immigration so they could help me get some food.

Designated Military Officer: (3.c.2) The Detainee received financial assistance from the Taliban while living in Mazar-e-Sharif and was given a piece of land.

Detainee: This question is different, but I need to address each point in this allegation/statement.

Presiding Officer: To clarify, were you given a piece of land and were you given financial assistance from the Taliban?

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**Detainee:** This help, we have what we call Azzakat.

**Translator:** I will give you the definition of the Azzakat. Every Muslim has to pay a certain percentage of money that he makes in a year. This is known as the Azzakat. The Azzakat goes to the poor people. Muslims can first start [giving the Azzakat] with the needy people in their family. After the needy people in one's family have been taken care of, you can then give to needy people outside of your family.

**Detainee:** Of course I used to get my food daily from the Police station [from the direction of the Police officials] in Mazar-e-Sharif. As far as the piece of land, it was not given to me to own for good.

**Board Member:** How much land were you given?

**Detainee:** Commander Diao' Eddine is the person who gave me this land [Detainee referring to allegation 3.c.2]. Commander Diao' Eddine is with the Northern Alliance. Commander Diao' Eddine is presently working with [for] the Northern Alliance. Commander Diao' Eddine even sent me some letters.

**Presiding Officer:** Due to technical difficulties with the tape, the Administrative Review Board took a brief recess to remedy the situation. After a brief recess the Administrative Review Board is now back on the record. The last item of discussion prior to the recess; the Detainee had been asked how much land he had received [in reference to allegation 3.c.2 in the Unclassified Summary of Evidence].

**Translator:** To clarify, [addressing the Board Members] we are talking about allegation/statement 3.c.2, is that correct?

**Board Member:** That is correct.

**Detainee:** The land was approximately 100 meters in length and 20 meters in width. I only sowed the land one time before the fall of the Taliban Government. One month I sowed the land before the fall of the Taliban.

**Board Member:** What was the name of the Northern Alliance Commander who gave you the land?

**Detainee:** Commander Diao' Eddine. Commander Diao' Eddine was [is] not a high-level commander. Commander Diao' Eddine was [is] the commander of a small village [village where the Detainee was living].

**Designated Military Officer:** (3.c.3) The Detainee worked for Abdel Hadi al-Iraqi as a recruiter for the Taliban. Abdel Hadi al-Iraqi reported directly to Usama Bin Laden.

**Detainee:** This is not true.

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Designated Military Officer: (3.c.4) The Detainee received funds from Usama Bin Laden funneled through the al-Wafa organization.

Detainee: This is not true.

Designated Military Officer: (3.c.5) The Detainee operated as a conduit between the Taliban Estakberat in Mazar-e-Sharif and the former President of Iraq, Saddam Hussein.

Detainee: This is not true.

Designated Military Officer: (3.c.6) The Detainee was heavily involved in the heroin trade for the Taliban.

Detainee: This is not true. There is not truth to that.

Designated Military Officer: (3.c.7) The Detainee grew heroin in Northern Afghanistan and was a Taliban Commander.

Detainee: This is not true.

Designated Military Officer: (3.d) Detainee Actions and Statements. (3.d.1.) The Detainee claimed he had obtained a fake Afghan passport in 1998, then immediately claimed he had only tried to obtain the passport, but did not receive the funds to cover the cost of the passport.

Detainee: I stated that I ~~had~~ received a [fake] Afghan passport. I did not deny [claim] to have never obtained the Afghan passport. I did not deny that I got the passport.

Designated Military Officer: (3.d.2) The Detainee recruited a group of his own fighters. The Detainee provided his men [fighters] weapons, communications equipment, and vehicles.

Detainee: This is not true.

Designated Military Officer: (3.d.3) The Detainee intended to sell his fighting groups service to the highest bidding Warlord in Afghanistan.

Detainee: This is not true.

Designated Military Officer: (3.d.4) If a recruit refused to join his [the Detainee] group, the Detainee turned the recruit over to the Taliban as a spy.

Detainee: This is not true.

Designated Military Officer: (3.d.5) The Detainee and his group of fighters fought against the Northern Alliance on the front lines.

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**Detainee:** That is not true. The opposite is true. We fought ~~with~~ the Northern Alliance, not against the Northern Alliance.

**Designated Military Officer:** (3.d.6) The Detainee threatened the life of an individual and the lives of the family if the individual were to talk to interrogators about the Detainee.

**Detainee:** This is not true.

**Designated Military Officer:** (3.d.7) The Detainee threatened others for giving up information about fellow detainees' to interrogators.

**Detainee:** This is not true.

**Designated Military Officer:** (3.e) Other Relevant Data. (3.e.1) The Detainee provided detailed information about the qualifications for being a Taliban interrogator.

**Detainee:** I provided information about how to become a Police Officer in Iraq, not a Taliban interrogator.

**Designated Military Officer:** (3.e.2) The Detainee speaks Farsi and translates Arabic to Farsi.

**Detainee:** I am an Arab. I speak Arabic and I also speak Farsi. However, my Farsi is very broken. I cannot read, write, or translate Farsi.

**Designated Military Officer:** (3.e.3) The Detainee was the senior representative in Afghanistan for Bir Halla. The Detainee's primary role was to ensure that Mazar-e-Sharif officials at Gumrik would grant titles to vehicles.

**Detainee:** There is no such place called Bir Halla. Bir Halla is the name of a person. His name is actually spelled Dabbih Allah. As far as this last point, may I speak about it now, or wait until later?

**Presiding Officer:** You may address this point now. Please go ahead.

**Detainee:** This man [Dabbih Allah] is a representative for a company that sells used cars that come from Uzbekistan. The name of the company Dabbih Allah works for is Arrafidian. The helper [the man] at the company is Syrian. The man's name is Sharif. I have seen him and met him once [Sharif]. He [Sharif] used to send cars in the name of Dabbih Allah and Dabbih Allah would repair the cars. In addition to repairing the cars, Dabbih would get the necessary customs forms and finish the necessary paper work for customs in regards to the vehicles. There was a conflict between Dabbih Allah and the company. There were two cars left to repair. There was also a satellite phone [to be repaired]. The company asked me to take the last two cars. The company wanted me to fix the cars and then sell them. One car was a Russian Volga, which was worth about

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\$500.00. The second car was a Jeep, which value was about \$300.00. The satellite phone was a value of about \$500.00.

I took the license for the phone and I opened a little store in the market [Soque]. I had Afghani people work for me because I cannot deal with the [Afghani] people because I do not speak the language. I was not getting any business, so I sold the phone. Three months after starting my business at the market, I sold the phone. I then began to repair the cars [the Russian Volga and the Jeep] for the second time. After I fixed the cars, I transferred the cars from the name of Dabbih Allah to General Dotsum. [The vehicles were actually transferred to someone in General Dotsum's group, not to General Dotsum himself]. The individual acting on behalf of the General was a man named Daoud. I transferred the vehicles [the titles] from Dabbih Allah's name to Daoud's name [who was acting on behalf of General Dotsum]. It was like dealing, buying, and selling. This had nothing to do with the Taliban.

Daoud has a place for used cars. Daoud has a business to buy and sell used cars. The guy who was helping the Director of the company is the one who introduced me to Daoud. Daoud is the one who sold the cars [Russian Volga and Jeep] for me. I then bought another car and I used it to transport people [like a taxi company] for money. I was like a taxi driver, but without a taxi license.

You [referring to the Administrative Review Board] have the address [location] of Daoud. You also have the phone numbers to Daoud's company. Daoud's address and phone numbers are in my file. Anything [any word] that is different from what I say [here at the ARB today] is not true. If anyone says anything different from what I am telling you now, it is a lie. The fact that I opened a store and the fact that I owned a car and was transporting people, I started to get to know people.

Presiding Officer: Thank you very much. Let's move on to the next allegation/statement.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee denied association with al-Wafa.

Detainee: That is true.

Designated Military Officer: (4.b) The Detainee claimed to have helped Coalition Forces.

Detainee: That is true.

Designated Military Officer: (4.c) The Detainee Claimed to have worked with the Northern Alliance after 9/11.

Detainee: That is true. I put my life, my wife's life, and the life of my children in danger in order to help the Northern Alliance.

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Designated Military Officer: (4.d) The Detainee helped the Northern Alliances' Commander Dotsum by pointing out Taliban locations.

Detainee: Yes. That is true. I told you, I put my life, the life of my wife, and the life of my children in danger by doing so [pointing out Taliban locations].

Designated Military Officer: (4.e) The Detainee denied being part of the former Taliban intelligence organizations at Mazar-e-Sharif.

Detainee: That is true. I did not work for the Intelligence organization at Mazar-e-Sharif.

Designated Military Officer: (4.f) The Detainee denied being the Intelligence Director for the Taliban in Marzar-e-Sharif. The Detainee also denied interrogating anyone in Afghanistan.

Detainee: The Director of Intelligence for the Taliban, his name is Sharaf Eddine Sharafat. Sharaf is an Afghani and is from the region of Shaberin. He is actually present here in the camp [at Guantanamo Bay, Cuba]. I told the interrogators about him [Sharaf].

Board Member: For clarification, again, who is Sharaf Eddine Sharafat?

Detainee: You are [referring to the Administrative Review Board] accusing me of being the Director of the Taliban Intelligence Organization. I am trying to tell you that [Sharaf] he is the Director of the Taliban Intelligence. I am trying to tell you that he [Sharaf] was the Director of Taliban Intelligence and you have him here in the camp.

Board Member: How do you know him [Sharaf Eddine Sharafat]?

Detainee: That is a very important position. That position [Director of Taliban Intelligence/Interrogation] is well known by the people. It is a big job, not a little job. Everyone in Marzar-e-Sharif knows who he is and what his job is.

Designated Military Officer: (4.g) The Detainee stated that the only compensation he received from a non-governmental organization was in the form of charity food and money. The Detainee stated was the charity was never more than the equivalent of \$30.00 or \$40.00 United States Dollars.

Detainee: This is true.

Designated Military Officer: (4.h) The Detainee stated he knew nothing about the planned attack on the United States before 11 September 2001, and has no current threat information.

Detainee: Yes, this is the truth.

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

*The Presiding Officer acknowledged the request.*

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

*The Assisting Military Officer presented exhibits marked EC-C1 through EC-C19.*

Presiding Officer: Assisting Military Officer, please read your comments from the Assisting Military Officers comment block.

Assisting Military Officer: The Detainee's ARB interview was conducted on 19 October 2005, and lasted one hour and ten minutes. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated that he understood the difference between the CSRT and the ARB. When asked if he would like to attend the ARB, present a written or oral statement, or have the Assisting Military Officer (AMO) speak on his behalf, the Detainee stated he wanted to attend the ARB and respond to each statement of information in the Unclassified Summary of Evidence as it was presented to the ARB. The Detainee was uncertain if he would do so orally, with a written statement, or a combination of both. The Detainee stated that he would have pictures and letters to present as evidence. As a result, the Detainee requested a follow-up interview to provide his evidence as well as any written statements for the ARB. The Detainee was cordial, attentive, very enthusiastic, and claimed he was surprised to hear about this ARB. At the conclusion of the initial interview, a copy of the Arabic translated Unclassified Summary of Evidence and detainee writing templates were provided to the Detainee via his guards. The Detainee's follow-up interview was conducted on 20 October 2005, and lasted two hours and five minutes. When asked again if he wanted to present a written or oral statement, or both, the Detainee stated he would respond orally while referencing his written responses to the Unclassified Summary of Evidence. In addition, the Detainee provided fourteen documents, mostly personal letters, and five photographs of family members. The translator read through the Detainee's written response and two other documents to ensure these would be correctly translated into English.

Assisting Military Officer: The following are Detainee Comments: During the initial interview, the Detainee claimed that some of the letters he wanted to present as evidence had not yet been delivered. The Detainee requested the AMO to retrieve these letters because "*they come from people who really know me.*" The Detainee also claimed that one of these letters had "*a recommendation*" from General Dotsum that, in his opinion, would be very important for the ARB. The Detainee claimed that he was being held in Camp V as a protective measure against attacks from other detainees. The Detainee opined this was because 1) "I am Shiite," and 2) because "I have cooperated during the

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interrogations." The Detainee claimed he suffered a broken arm from such an attack. During the follow-up interview, the Detainee stated he would have provided two other letters, both from a neighbor in Mazar-e-Sharif that worked for the United Nations, but he claimed these letters had been taken from him during an interrogation. While handing over the documents, the Detainee opined that if he were a terrorist, he would not have "all this testimony" to present. The Detainee claimed that the evidence or allegations that led to his capture, namely a phone list and accounting book, had not been confiscated, but had been freely provided by the Detainee himself.

Detainee: I am the one who gave them [interrogators] the information [referring to the phone list and the accounting book].

*The Detainee made the following statement:*

Detainee: In reference to the first point [3.a.1], the Taliban did not need anyone who was Shiite from Iraq to come [to Afghanistan] to recruit. The Taliban way of praying is different from our way of praying...

Presiding Officer: The Review Board does not need any background information in regards to religious practice's. The members of the Review Board are well versed in the religious aspect and customs of Islam [whether Taliban, Shiite, etc.] The Review Board would like you [the Detainee] to stick to and respond to specifically the allegations/statements presented in the Unclassified Summary of Evidence.

Detainee: The allegation that I was a recruiter for the Taliban is not true. Just the opposite is true. The Taliban would take people by force to participate with them in fighting, including some people from the village where I used to live. I tried to help those people [from my village] and encourage those people not to fight with or for the Taliban. I tried to encourage those people to work in agriculture, shepherding lambs, and construction work. None of the people from my village that I tried to help work with or for the Taliban. The Taliban used to take no more than two or three people from the village belonging to the Northern Alliance and there was opposition [in my village] to the Taliban even before the entrance of American Forces and their Allies. Before the entrance of the Forces of the Northern Alliance into Mazar-e-Sharif, my village and the neighboring villages participated in the fall of the Taliban Government under the leadership of Commander Shams Alhak and Abdou Assamad Nasri in Mazar-e-Sharif. I participated with them in the fall of the Taliban Government by transporting the fighters in Mazar-e-Sharif. After the events of 11 September 2001, I joined the Northern Alliances forces and there were no [Taliban] fighters that I knew in these people any anything mentioned about [Taliban] fighters in future points are not true and are false.

Presiding Officer: Are you reading your statements in regards to the allegations verbatim? Are you planning on reading your hand written statement [which the Detainee has in his hand] verbatim into the record?

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Detainee: I do not have a problem. What would you [referring to the Board] like to do?

Presiding Officer: The Review Board would like for you [the Detainee] to talk to us. The Review Board can get your hand written statement translated into English.

Detainee: I want to talk to you as well.

Presiding Officer: Let's do that [talk, answer questions, without reading the Detainee's hand written statement verbatim]. I would ask that the Detainee's hand written response to each of the allegations presented in the Unclassified Summary of Evidence be translated into English.

Translator: I have already translated the Detainee's hand written comments into English. I wanted to present the translation earlier in the proceeding, but you [referring to the Presiding Officer] told me if he [the Detainee] was going to read it, then there was no need to admit it [the translation] to the Review Board as an exhibit.

Presiding Officer: Very good then. I misunderstood you earlier in reference to the translation of the Detainee's comments. My apologies. Assisting Military Officer, I would like you to amend your exhibits to include the translated copy of the Detainee's hand written response to each allegation presented in the Unclassified Summary of Evidence. What the Review Board would like for you [the Detainee] to do is give us a statement from the heart. Provide the Review Board with a statement or tell the Review Board why you feel we [the Review Board, the United States] should release you.

Detainee: I swear I have four children. I have a diabetic wife. My father is 75 years old. My mother is 65 years old. They [my family] do not have anyone else other than me [to take care of them].

Presiding Officer: Where does your family live?

Detainee: In Iraq.

Presiding Officer: Do you want to go back to Iraq?

Detainee: Of course I want to go back. That [Iraq] is my country. I left Iraq because of Saddam Hussein. You [the Review Board] have the certification in regards to that fact.

Presiding Officer: That is correct, the Review Board is aware of that fact [the reason the Detainee left Iraq].

Detainee: The monthly salary of my father, when I left Iraq, was \$1.00 per month. Currently, my father, wife, and children are trying to live on that \$1.00 per month. I would like to go back to Iraq and take care of my family. I would like to go back [to Iraq] and pay attention to my family and to educate my family. I do not have any hatred toward anybody. I ask you [the Review Board] to help me with this [getting back home

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to Iraq] because I have helped you [American Forces, interrogators, Review Board, etc.] up to this point.

Presiding Officer: How will the Iraqi Government handle you, what will they do to you if you are released?

Detainee: Who?

Presiding Officer: The Iraqi Government. What will they do with you if you are released from the custody of the United States?

Detainee: The Government of Iraq, they are my family. We [the people of my village in Iraq] were the ones who opposed Saddam Hussein. It is well known to the Iraqi Government that the people of my village [in Iraq] were opposed to Saddam Hussein.

Presiding Officer: The Review Board would like to ask you some questions if you have concluded your personal statement.

Detainee: I swear by God, that since 11 September 2001, and when I saw the President of the United States on television, he [The President of the United States] said either you [meaning people all over the world] are with us [the United States] or you are against us, I have been with you [been in favor of the United States] even since then. Why have I spent the last four years here [at Guantanamo Bay, Cuba]?

Presiding Officer: Do you support the Democratic reforms in Iraq?

Detainee: Yes. I am a Democratic person myself.

Presiding Officer: Does that conclude your personal statement? Are you ready to answer some questions the Board Members have for you?

Detainee: Please let me go [release me from Guantanamo].

***Administrative Review Board Member's questions:***

Board Member: Mr. Sadkhan, why did you travel to Afghanistan?

Detainee: I lived in Iran for a little more than one year and two months. I have my certification [testimonial] to that fact. I could not live in Iran because it was very difficult and I had a wife and children to support. I had heard that the United Nations were in Pakistan. I traveled to Pakistan and my family suffered a lot because my wife was pregnant at the time. I arrived at the United Nations in Pakistan. I was given a paper from the United Nations, a Protection Paper. However, that did not help me. You [the Review Board] have this [Protection] paper.

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Board Member: Again, why did you travel to *Afghanistan*? Thus far, you have relayed why and how you were in Pakistan. I am interested in why you traveled to Afghanistan. Why would you travel to Afghanistan when the Taliban Government, who practices a very strict form of Islam, controlled it?

Detainee: I decided to go back to Iran because the conditions were worse in Pakistan than in Iran. Some Iraqi people told me the best way to get back to Iran was through Afghanistan. I was told it was much easier to get back to Iran by going through Afghanistan. I went to Afghanistan and arrived in Kabul, however, the Iraqis [I was traveling with] left me there [in Kabul]. I went to the Police. The Police helped me to find a place to live and gave me some food. The reason I left Iraq was to find another way of making a living. I found what I was looking for [a way of making a living] when I was in Afghanistan.

Board Member: How long did you live in Afghanistan?

Detainee: I lived in Afghanistan for approximately three and a half years.

Board Members: What did you do [how did you earn a living] during that time [in Afghanistan] other than receiving charitable alms?

Detainee: When I was in Kabul, I did not do anything.

Board Member: You had no occupation the entire three and a half years you lived in Afghanistan?

Detainee: No, no. In Kabul, I said that I did not work.

Board Member: How did you support your family while you were in Afghanistan?

Detainee: I opened a Satellite Phone store when I was in Marza-e-Sharif. I also had someone to help me sell gasoline for vehicles. I opened a store to sell cantaloupe. The Taliban was helping me with food.

Board Member: You operated a Satellite Phone Business? How did you obtain the funds to start this business?

Detainee: You would open a store because you had a phone. People would come to the store to use the Satellite Phone so they could contact their family and they would pay me money.

Board Member: What are your feelings concerning Saddam Hussein?

Detainee: You mean about Saddam's situation right now?

Board Member: How do you feel about Saddam Hussein as a person?

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Detainee: I swear I wish you [the United States] were doing more with him than you are doing right now. He [Saddam] destroyed the Iraqi people. He [Saddam] ruined the Iraqi people. There are many families like mine who suffered at the hands of Saddam Hussein. Almost all of the Iraqi people hate Saddam Hussein.

Board Member: What would you do to support your family if you were to return to Iraq?

Detainee: I have a little store in Iraq. It is a store that has toys for children.

Board Member: So, you will be able to support your family?

Detainee: Of course I will.

Board Member: You currently have a store in Iraq?

Detainee: When I left Iraq I left my store. My store still had my stuff in it when I left. I have not received any news lately about it [the store] and what kind of condition it is in. I did not ask my family in my letters about the store. I believe I can salvage what is left of my store.

Board Member: When you left Iraq the first time, did you travel alone?

Detainee: No, my wife was with me.

Board Member: The two vehicles [referenced in the Detainee's hand written statement in response to allegation 3.e.3 of the Unclassified Summary of Evidence], what was wrong with the two vehicles?

Detainee: The repair of vehicles in Uzbekistan is very expensive. So, people would send their cars to Afghanistan to be repaired because it was less expensive. It is also cheaper to repair cars in Afghanistan rather than in Pakistan. The roads between Pakistan and Afghanistan and Uzbekistan and Afghanistan are long roads and they are not constructed very well. Vehicles get a lot of wear and tear driving on these roads. When the cars arrive in Afghanistan, they have suffered a lot of wear and tear and need to be repaired. They [vehicles] are not built like American cars.

Board Member: Tell me one thing that was wrong with either one of the two vehicles.

Detainee: For example, the vehicles needed to be painted.

Board Member: Do you have weapons in your home? Do you have an AK-47 in your home?

Detainee: In my house, I did not have a weapon, personally.

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Translator: I need to clarify what the Detainee is saying. What I think the Detainee is saying is that Commander Diaa' Eddine had a weapon with him when he and his friends came to the house where the Detainee was living.

Detainee: The man, Daoud, had a revolver and he gave it to me. I gave the revolver to one member of the intelligence group who had helped put down one region [of Afghanistan] that was under the control of the Taliban. The Taliban found out that I gave the revolver to the man in the intelligence group and they [the Taliban] wanted to kill me.

Translator: To clarify, the Detainee says the name of the man to which he gave the revolver to [the man of the intelligence group] is Mouleen Jamil.

Detainee: I had the revolver that Daoud gave to me. I then gave the revolver to Mouleen Jamil. Mouleen Jamil was the name of the man who was helping the United States Intelligence to help bring down one region of Afghanistan controlled by the Taliban. The Taliban wanted to kill Jamil.

Presiding Officer: So, you gave Mouleen Jamil a gun, is that correct?

Detainee: Yes.

Board Member: At this time, do you have relatives serving in the current Iraqi Government?

Detainee: Yes. I do have a relative who works in the Iraqi Government. My relative is a member of Iraqi Parliament. He is the same relative that wanted to help me in 1998, but he could not help me. This is when I got the forged passport [in 1998], which I do not deny having. I got the forged passport because I was unable to get financial help from my relative at the time. I have people in Iraq that are willing to help me. My relative also sent letters stating that he was willing to support me.

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

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

Detainee: I would like to clarify some points about me threatening people.

Presiding Officer: Please do.

Detainee: You need to know, before 11 March 2003, I did not have any problems here [in the camp at Guantanamo, Bay] with the interrogators. Problems started between us [Detainee referring to himself, the interrogators, and other Iraqi prisoners].

Presiding Officer: You deny threatening other detainees here at the camp, is that correct?

Translator: He is trying to give you the source of this allegation.

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Translator: He is trying to give you the source of this allegation.

Presiding Officer: [To Detainee] You have already stated that the allegations of threatening other detainees were false.

Detainee: You [the Review Board] are going to have some classified information. I complained to the General about the interrogators. I will talk in front of the members of the AFB, but I will not talk to the interrogators because they [the interrogators] tried to kill me.

Presiding Officer: Which interrogator tried to kill you?

Detainee: The interrogator who was a male, his name was [REDACTED]. The interrogator who was a female, her name was [REDACTED].

Presiding Officer: Where did this take place?

Detainee: Here, at Guantanamo Bay. I got my arm broken because of them [referring to the interrogators].

Board Member: When did this occur?

Detainee: Seven or eight months ago.

Presiding Officer: Were you treated for this injury? Were you sent to a hospital?

Detainee: Yes. My arm was taken care of. But this attack was planned [by the interrogators]. The interrogators took a Saudi guy and put him in the same room with me.

Presiding Officer: Two American interrogators, a male and female, beat you and broke your arm? Who is [REDACTED]?

Detainee: No, the interrogators were the cause, the reason, I got my arm broken. [REDACTED] is an interrogator. [REDACTED] is an interrogator. The interrogators planned this attack [for me to be attacked and to get my arm broken] by putting the Saudi man alone with me in the same room.

Presiding Officer: Did either of the American interrogators, [REDACTED] or [REDACTED] physically hurt you?

Detainee: I presented them [REDACTED] and [REDACTED] with information about this Saudi detainee [the Saudi who broke my arm]. [REDACTED] and [REDACTED] went to the detainee and told him that I had given them information about him.

Presiding Officer: What is the name of the prisoner who hurt you?

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Detainee: His name is Jamil.

Presiding Officer: Assisting Military Officer, Mr. Sadkhan is making an allegation of abuse. You are hereby directed to report this incident through administrative channels in accordance with OARDEC Standard Operating Procedures (SOP). Mr. Sadkhan, I am required by OARDEC regulations to report this incident through my chain of command and I will do so at the close of this hearing.

Detainee: I addressed my first point. I would like to address a second point. You have a book that has a list of phones [numbers]. The United States Government has this book. This book has the name Mullah Abdulla written in it. I am Mullah Abdulla. I was and have been called Mullah Abdulla before the Taliban came to power and after the Taliban fell out of power. During the period of the Northern Alliance, my name was also known as Mullah Abdulla.

Presiding Officer: Did any Americans mistreat you while you were in Afghanistan?

Detainee: No, no. On the contrary. They [the Americans] were very polite and respectable.

Presiding Officer: Assisting Military Officer, do you have a question for the Detainee?

Assisting Military Officer: [Addressing the Detainee] You mentioned that the detainee who broke your arm was a Saudi, is that correct?

Detainee: Yes.

Assisting Military Officer: Do you know his ISN number?

Detainee: The officers of the Army, they were there at the time [the attack happened]. The Army Officers told me to defend myself.

Presiding Officer: [To the Detainee] I just want you to know this Administrative Review Board takes your allegation very seriously and it will be reported to our superiors.

Assisting Military Officer: [Addressing the Detainee] Again, do you know the name or the ISN number of the individual that attacked you?

Detainee: His name is Jamil.

Assisting Military Officer: Is that the individual's first name or last name?

Detainee: His first name.

Board Member: You stated that someone witnessed the attack when your arm was broken, is that correct?

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**Detainee:** Yes. The first time when I was beat, the Block Sergeant was there. After that, the officers came. The Block Sergeant was the one who told me to defend myself. The same person who attacked me, the week prior to the attack, I had given interrogators information about him.

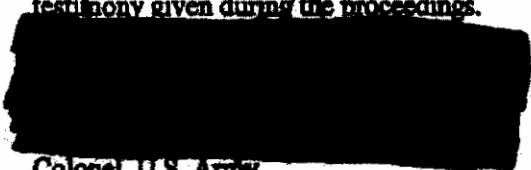
*The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.*

*The Presiding Officer opened the classified portion of the session.*

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

**AUTHENTICATION**

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

  
Colonel, U.S. Army  
Presiding Officer

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## CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

ISN 433

Exhibit #	Date	Classification	Guantanamo/ICRC Letter #
EC-C1	3/17/2005	UNCLASSIFIED	GUAN-2005-A01054
EC-C2	1/12/2005	UNCLASSIFIED	GUAN-2005-A00784
EC-C3	1/12/2005	UNCLASSIFIED	GUAN-2005-A00782
EC-C4	9/12/2005	UNCLASSIFIED	NONE
EC-C5	10/20/2005	UNCLASSIFIED	NONE
EC-C6	6/29/2002	UNCLASSIFIED	GUAN-2004-1002734 / ICRC # UNK
EC-C7	1/02/2004	UNCLASSIFIED	GUAN-2004-1004405 / ICRC # UNK
EC-C8	1/02/2004	UNCLASSIFIED	GUAN # UNK / ICRC # UNK
EC-C9	1/02/2004	UNCLASSIFIED	GUAN-2004-1003036 / ICRC #
EC-C10	7/24/2005	UNCLASSIFIED	GUAN-2005-A 02061 / ICRC #9249
EC-C11	7/24/2005	UNCLASSIFIED	GUAN-2005-A 02062 / ICRC #9250
EC-C12	7/24/2005	UNCLASSIFIED	GUAN-2005-A 02063 / ICRC #9251
EC-C13	7/31/2005	UNCLASSIFIED	GUAN-2005-A 02069 / ICRC #9257
EC-C14	4/14/2005	UNCLASSIFIED	GUAN-2005-A 01063 / ICRC #8248
EC-C15	UNKNOWN	UNCLASSIFIED	GUAN-2003-I 00886
EC-C16	8/31/2005	UNCLASSIFIED	GUAN # UNK
EC-C17	1/12/UNK	UNCLASSIFIED	GUAN # UNK
EC-C18	UNK/02/2004	UNCLASSIFIED	GUAN # UNK
EC-C19	UNKNOWN	UNCLASSIFIED	GUAN # UNK
EC-D1	10/22/2005	UNCLASSIFIED	NONE

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DO NOT WRITE BEYOND HEAVY LINES	٣ / اماره
<p>             الى المرمو حاكم العراق (عباس بن عبد الوهاب) المرقم 758، قدم الخديف هذه              كتيبة كسب للمرمو ابو فاطمة الهادي 433 لاني عرفتكم في افغانستان ولي كوسا              وهو ليس رجل سياسة ولا رجل دين ولا رجل حرب وهو رجل مسلم              يحب الحق ويحب مساهمة الناس في قدر استقامته كان مهاجر في افغانستان              هو وزوجته واطفالها كما انهم يحبوا العلاقات الاجتماعية مع الناس من سعادته              لم يدر في حاله من بين الناس لم يدر في حاله من بين الناس لم يدر في حاله من بين الناس              اذ لم يدر في حاله من بين الناس لم يدر في حاله من بين الناس لم يدر في حاله من بين الناس              كسبه اهل العراق او اهل افغانستان سمعت به وذهبت الى بيتهم طلبت منه مساعده              معانا عنده شي يعطيني فذهبت الى اهلهم فاستداه لي ثمانه دولارات              واعطاني اياها بدون مقابل اذ لم يدر في حاله من بين الناس لم يدر في حاله من بين الناس              الحق كما انهم لم يدر في حاله من بين الناس لم يدر في حاله من بين الناس لم يدر في حاله من بين الناس              له علاقه بهذه الامور يحب رؤسها واطفالها ولا يستطيع ان يهاجمهم              وجميع الرضا عن اهلهم بها باله جانت نتيجة حتمية حدثت بيننا              تحت الانتقام من السجن 11 على عبد المطلب العراقي والسجين              252 يا سجناء بالمرور اليه ان جميع المعلومات التي قدموها لعلهم قد يرون              منهم وهم ايضا لا يعرفون في افغانستان انما هم من عند قرب وذهبت عنده              عنده مراراً اجد في بيتهم لم ادر الا اسمع به عنده صفاً في امره              ولم يسجنني ولم يدر في حاله من بين الناس لم يدر في حاله من بين الناس لم يدر في حاله من بين الناس              عليه وبالنسبة لي انما 758 كنت في وزاره مرفيعه من علا الحشيشه ودرهم              ذلك ساعده في اتي واتي حكلم عليه هنا في كوسا ضمن باب الحق والحمد والانتقام              منكم ولم ادر في حاله من بين الناس لم يدر في حاله من بين الناس لم يدر في حاله من بين الناس              اهل ادر في حاله من بين الناس لم يدر في حاله من بين الناس لم يدر في حاله من بين الناس              رجل مسلم وكب الحق ويحب العلاقات الاجتماعية وقاضيه مع الفقراء كما انهم عنده من الله              كسبه بالمرحاضه ايضا كسبه بالمرحاضه من وجهته ولطافه هو يحسنه ورائي بياني عليهم              وهم يحسنه لهذه الحقيقه اقد لها اقام الله والاعلم واتي كل صدر على بحقه هذا الرجل              غير اني فاما استغفر ربي من هذا الرجل طيب القلب لم اسمع اهل من اناس منكم              في افغانستان وكل من مره اعبه وانما 758 ايضا اعبه لما قدم لي من خير ومسانده              في افغانستان           </p>	

Revised of DA FORM 2047-R, May 82

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ISN 433 – Testimony from detainee ISN 758, knew each other in Afghanistan

I am, named Shaker Al Iraqi (Abass Abdou Erromi) numbered 758, presenting my statement as recommendation to the defendant Father of Fatima Al Iraqi 433 because I knew him in Afghanistan and in Cuba and he's not a political man nor a religious man and not a war man and he is a peaceful person. He loves good and helping people as much as he can, he was a refugee in Afghanistan, him and his wife and his kids, he loves social relationship with people and has good reputation in Mazar-e-Sharif. People love him and respect him. I did not hear or see that he did any work for the Taliban; he had an Old Russian car that belonged to a company. He did not have any money or property. I heard of him and I went to his house, I asked help from him and he did not have anything to give me so he went to some of his friends and borrowed three dollars for me and gave it to me with nothing in return, he respected me and welcomed me and did not inconvenienced me, he loves good and he did not recruit me nor did he recruit anyone or use force, he does not have any relation to these matters. He loves his wife and his children and he can't be apart from them and all the employments he was accused of are false. The accusations came as a result of a problem that happened between us and they wanted to take revenge from him detainee 111 Ali Abdou Ahtaleb Al Iraqi and detainee 252 Yassin Basro Al Yamani. All the information they gave about him are fabricated and also did not know him in Afghanistan. I knew him closely and I went to him many times where I found him in his house, I did not hear or see that he has a guesthouse nor a station. He did not retain me nor did he recruit me, any statements made about him from others are result of spitefulness on him. As for me I am 758, I was in Mazar-e-Sharif addicted to hashish but in spite of that he helped me and if any Iraqi in Cuba talks about him, they are doing it because malice and they want revenge and they are jealous of him.

I saw him loving the old the young the poor and the wealthy. I did not ever hear him say that he did not heat anyone nor did I ever see him hostile to anyone especially United States and its Allies. Like I said before to you he is peaceful ma, he loves good, loves a social relationship with people especially with the poor and also has an elderly father and his mother is very old as well. He loves his wife and his children very much and always cries for them and he is in need of them and this is the truth that I tell you in front of God I will ask forgiveness from God. This is a good man with a good heart and I never heard anyone hate him in Afghanistan and whoever knew him loved him and I 758 love him for all the help and good he gave me in Afghanistan.

And peace be upon you.

Signed 758

In 9-12-2005

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بسم الله الرحمن الرحيم  
الحق الموقوف (٦٥٣) اقول كذا ما كنت  
في المعسكر الرابع قد طلبت مني الموقوف (٤٢٣)  
بأن اكتب له بعض الرسائل باللغة الفارسية  
رداً على الرسائل التي جاءت من أفغانستان  
لأنه لم يكن يجيد الكتابة باللغة الفارسية  
ولقد كتبت له بعض الرسائل فعلاً .  
وكذا لك في ما خلف الموقوف (٤٢٣) على انه  
قد هدد بعض الموقوفين وهدد عوائلهم . اقول  
بعضتي عاشرت هذا الانسان من قريب  
في هذا السجن وسكنت معه فترة ليست  
قصيرة في المعسكر الرابع والمعسكر الخامس  
انني لم اسمع منه او حق اسمع منه انه  
هدد شخصاً ما او انه يهدد احد الا على  
العموم ولا على وجه التحديد .  
الموقوف (٦٥٣) في ١٠/١٠/٥٠

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## ISN 433 – Testimony from detainee ISN 653

**In the name of God, The most compassionate, the most merciful.**

I am detainee 653 stating that when I was at camp four, the detainee 433 requested from me to write some letters in Farsi language in reply to the letters he received from Afghanistan because he did not know how to write in Farsi and I have written some letters for him in fact. And also in the matter of detainee that he threatened some of the detainee and threatened their families, I say as an individual who is associated with this person closely in this prison and lived with him for not a short period at camp 4 and camp 5 that I did not hear from him or hear of him that he threatened anyone not in general nor specific.

Signed

Detainee 653  
On 10-20-2005

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ISN 433 - Photograph of his eldest child, taken in Iraq

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ISN 433 - Photograph of his brother and all three of his children, taken in Iraq

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ISN 433 - Photograph of father, mother, and all three children, taken in Iraq

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ISN 433 - Photograph of three neighborhood kids and two of his children, taken in Afghanistan

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ISN 433 - Photograph Tribe's Chief, an Iraqi immigrant (neighbor), the Chiefs son, and all three of his children, taken in Afghanistan

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### Detainee Responses to the Unclassified Summary of Evidence for the Administrative Review Board, in the case of SADKHAN, JAWAD JABBAR

#### Commitment:

1-The detainee was a Taliban recruiter: This is not true and the opposite is true because the Taliban would take people by force to participate with them in fighting including some people from the village where I use to live in and I helped those people to get rid of the Taliban and worked with them and encourage them to work in agriculture, shepherd lambs and doing constructions. Of course none of them worked with the Taliban and the Taliban use to take no more than two or three people from the village belonging to the northern alliance and was opposition to the Taliban even before the entrance of American forces and its allies. Before the entrance of the forces of northern alliances to Mazar-e-Sharif, this village and the neighboring villages participate in the fall of Taliban under the leadership of commander Shams Alhak and Abdou Assamad Nasri in Maza-e-Sharif. I participate with them in the fall of Taliban by transporting the fighters in Maza-e-Sharif because after the events of 9/11/2001 I joined the northern alliances forces and there was no fighter that I knew in those people and anything mentioned about fighters in the future points are not true and false.

2- I worked in the direction of security of Basra from 1985 to 1986 as a policeman and my duty was to night guard places and markets from thieves and I have no relation with interrogation or politics. An order was sent on 22/2/1987 to transfer me to the military. I joint the army and I desert approximately eleven times and I was sentenced to two years in prison from 1988 to 1989. I spent a year and half and was released then I resigned from government job in 1989 and I did not join any governmental employment after that. I opened a kid's toy store until I run from Iraq in year 1986-1987.

3-The detainee worked as an interrogator for the Taliban police in Mazr-e-Sharif, Afghanistan: There is no truth to that plus I don't have the qualifications for such position like the nationality, diplomat and the language. The interrogators in Mazr-e-Sharif work now for the new government and they worked during the Taliban because they were employed before the Taliban enter Afghanistan and were not employed by the Taliban. I don't have any relation with them other than when I went to get my food from the direction of police, I said hello to them and they are nice people and again the Taliban unjustly treated them.

4-The detainee was the chief of the Taliban's interrogation office at Mazar-e-Sharif: not true. The chief of the Taliban's interrogation office at Mazar-e-Sharif is an Afghan man his name is Mullah Abdou Assalam and he was detainee in Shabraghan after the fall of the Taliban and was released from there.

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5-The detainee was the director of intelligence at Mazar-e-Sharif: there is no truth to that and the director of intelligence at Mazar-e-Sharif is an Afghan man and prisoner here in Cuba and his name is Sarf Eddine Sharafat and he is from Shabraghan.

6-The detainee admitted that he worked with the Taliban and stated that he had to carry papers as an Arab to prove the fact: I do not know.

### B-Training:

The detainee admitted to knowing how to interrogate in Arabic: I don't know and there is no knowledge from this fact.

### C-Connections/Associations:

1-The detainee met with Mullah Nitham Eddine: I present myself to the direction of police in Kabul and I met a police aid and he is Mullah Nitham Eddine and I told him that I have a family and immigrate from Iraq and assist me in finding a residence to live in with an Afghan family and he introduced me to the ministry of immigrant and start to receive from them a monthly alimentation that was enough for me and my family.

2-The detainee received a financial aid from the Taliban: The direction of police was given me daily a cooked food enough for me and my family as a charity. As far as the piece of land, it was given to me by one of the commanders of the northern alliance, Commander Diaa Eddine who works actually with the United States of America and has no relation with the Taliban as a matter of fact he was the first one to participate in the fall of the Taliban in Mazar-e-Sharif. I personally transported him and his other fighters with my own car to the fall of Taliban; therefore he gave me this small piece of land not as an owner but as loaner temporarily to cultivated and live from it with my family.

3-The detainee worked for Abdel Hadi Al Iraqi? I don't know anything about this subject.

4-The detainee received funds from Osama Bin Laden? I don't know anything about this subject.

5-The detainee worked with the Taliban and Saddam's Hussein intelligence? I don't know anything about this and I have testimony from witnesses to prove that I fled Iraq.

6-The detainee was heavily involved in the trade of heroin? Not true I did not see heroin in my life only in the movies on TV and I was living in the markets in Mazar-e-Sharif. The second paragraph cancels this one, how come a trader in heroin takes a financial help from Taliban.

7-The detainee grew heroin in Northern Afghanistan and was a Taliban commander? I don't know anything about this subject.

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### D-Detainee Actions and Statements:

1-The detainee claimed he had obtained a fake passport in 1998, then immediately claimed he had only tried to obtain the passport but did not receive the funds to cover the cost? I do not deny this subject, I got an Afghan passport for me and my family and contacted my cousin in Sweden in order to help me financially so that I can get out of Afghanistan because my presence in Afghanistan was danger to me and my family, but my cousin couldn't assisted me and excused himself. Now he is a member in the parliament of a new Iraqi government and sent me a message that he is ready for any type of guaranty in front United state of America that I do not pose a threat on United States or its allies and this is because he knows me and knows what I have been through in Afghanistan.

2-The detainee recruited a group of his own fighters. He provided his men weapons, communication equipment and vehicles? I don't know anything about this subject.

3-The detainee intended to sell his fighting group's services to the highest bidding warlord in Afghanistan? I don't know anything about this subject.

4-If a recruit refused to join his fighting group, the detainee turned the recruit over to the Taliban as a spy? I don't know anything about this subject.

5-The detainee and his group of fighters fought against the Northern Alliance on the front Lines? I don't know anything about this subject.

6-The detainee threatened the life of an individual and the lives of the family if the individual were to talk to interrogators about the detainee? Not true and I don't know any of the detainees here in the past only Hassan Al Iraqi and Shaker Al Iraqi and I have Shakir Al Iraqi's testimony 758 as far as someone else none knew me in Afghanistan therefore why should I be afraid and threaten him or his family. I know very well that United States of America does not take anyone's testimony that does not know anything about me in Afghanistan. The one who lived with me the most in this detention is Arkan Al Iraqi 653 and he also present you a testimony about this subject. Also I was with Northern Alliances in Afghanistan and I am not afraid of anyone to present you with information here because hundreds in Mazar-e Sharif testify that I was helping American Forces in the fall of the Taliban in Mazar-e-Sharif.

7-The detainees threatened others for giving information about fellow detainees to interrogators? Not true, all the prisoners in Cuba are my enemies and I don't have any fellow in them. I discovered that important source United States count on getting its information about the Arabs in Afghanistan and the prisoners in Cuba just like me presented information about members that were working for Osama Bin Laden, these information were taken from the same source which is prisoner 252. I wrote this information with my own hand writing about more than twenty prisoners here and presented it to my interrogator Sara. All the problems that I encounter in the detention

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here in Cuba are because I was cooperative in the investigation and I don't know why the interrogators deny this favor.

### E-Other Relevant Data

1-The detainee provided detailed information about the qualifications for being a Taliban interrogator? There is no truth to this. The interrogator asked me about the qualifications that I had when I worked with the police in Iraq and I don't remember anything about this subject about Afghanistan or Afghan police.

2-The detainee speaks Farsi and translates Arabic to Farsi? I speak a little Farsi because I lived in Iran and Afghanistan and here also in the prison with the Afghans, but I am unable to translate or write Farsi language and I have 653's testimony that he was the one who wrote letters for me to Afghanistan and to my friends there.

3-The detainee was the senior representative in Afghanistan for Bir Halla. The detainee's primary role was to ensure that Mazar-e-Sharif officials at Gumrik would grant titles to the vehicles? Not true and there is not such thing by the name Bir Halla. I have been through this before in the interrogation and the mistake was in the translation and even the interrogator himself presented me excuses about this subject and I like to clarify you the subject with summary. Salutory there is an Afghan man named Dabbih Allah selling used cars for a company that sent him cars from Uzbekistan to Afghanistan. I met once the representative of this company and his phone number available at the interrogation. The employment of this man, Dabbih Allah, is to receive cars from the border of Afghanistan, enter them to the customs, fix them if they need to be fixed and then get their titles and sold them. The quantity of these cars is no more than three cars and the price of one is no more than \$500. Due to conflict between the owners of the company and Dabbih Allah, they asked me both to take over and sell the rest of the cars and they will not send any more cars to Afghanistan. I received last two cars from Dabbih Allah, one is a Russian Volga model 1988 its price \$500, the other one is a Russian priced at \$300 and I believed its model was 1989 and satellite phone its price \$500, then I started to work and got a phone license to open a store. Actually I worked approximately three months and I lost because there was no business with the Afghans and I don't understand Their language; so I sold the phone and sent the cars for repairs and an Afghan man named Daoud took over by taking the cars to the customs and change the titles from Dabbih Allah to Daoud because he has a car store. After the transaction of the titles and the selling of the cars, I received the money from him and bought a car that I used to work with as a taxi and the value of all that money was 2000 lack (Afghan currency) which equivalent to \$1300 only. That was the cost of the two cars, as far as the phone license that I use to work with from the end of year 2000 to the beginning of year 2001 that is the bigger prove of my innocence because the responsible of Taliban wrote my truth one year before the events and the most he wrote is that this man is an Iraqi immigrant and has family and a lot of economical problems and he needs a satellite phone license. This document is signed by Taliban and disowns all the allegations that were presented against me before. What deny the existence of these allegations also are

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the letters and photos I have received from Afghan families in which they mentioned that they wish my return and live among them. Also in one of the letters, they expressed their desire to visit me in the prison of Kandahar they even wanted me to ask American Government for a permission to visit me. Those are my neighbors in Afghanistan and they know me very well, if I were an evil person or terrorist no one will mention me or at least they will be afraid to contact me but the fact that they know that I am a peaceful man that I was with the northern alliance that's why they were contacting me. I have some of their letters and others were taking by the interrogators. Other than letters from relatives, I received two letters from an Afghan man who was my neighbor for the period of three years and he works in sensitive position, political branch with United-nations at the office of Mazae-e-Sharif. He is an Afghan and wrote me in this letter that he wishes that I return back and live with them again. I wish from you to look at and take in consideration those poor people who love me and cried for me when you captured me, so how can I be a terrorist and I am loved person by all the people I lived with in Afghanistan.

### Behavior in prison:

I don't have any problem with the guards nor with the prisoners, but the prisoners don't leave me alone and all the soldiers and officers can testify to that because they saw and heard how the prisoners transgression me and this encroachment on me not because of my behavior, in the contrary my moral constitution is well superior than theirs. You can confirm my deportment and behavior because you have it in the computer. But the reason for the conflict between the prisoners and me is because first I am chiite and most of those prisoners are wahhabist and they allow the distinction of chia(h) and the hatred we have is well ancient religious hatred. The second reason is because I was cooperative with the interrogators and presented information against the Arabs present here. What confirm my conduct and behavior is when the Arabs tried to kill me in cell echo, one of them Saudi named Jamil entered and start beating me and did not retaliate until I got the permission from the military guard responsible of the block for self defense. Actually I defend my self until I place him down many times but I listen to the American soldiers and I stopped beating him and let him go then he got up and attacked me again, I had to defend myself until put him down. In this situation many officers from the American army were present and if you ask them about my situation, they will all testify in my favor. I am peaceful man and I don't like wrongdoing even my enemy who tried to kill me even though I had a great opportunity to do so and also you have this situation on pictures. As far as my behavior with the American soldiers, since three years and I am in the first class and was not punished once because of my conduct with them or others.

### What are your plans and goals in the future if you are released?

I will return in my country Iraq and live with my family away from any regions that have problems or wars or terrorism. Praise be to Allah our home is in quit region where there is no problems and open my store again that will have toys for kids and youngsters and pay attention to my future and the future of my kids and if United States need any assistance from me I will be always ready to fulfill it.



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### 3-Why you do not pose a threat on U.S.?

Because I love United States of America and when I saw the disaster of 9/11/2001 I cried a lot about these tragedies and especially about the American woman who was trying to enter the tower and stopped by the firefighter. She was crying poor lady and trying to enter into fire, I said to myself maybe this woman's kids or husband are present in that tower. I do not hate America and I exposed myself and my family to danger many times in order to stand by and help America. Even in Cuba I put myself in danger by presenting information to the interrogators and of course some prisoners tried to kill me but thanks to God I got rid of them but with a sorrow they broke my right wrist and now I really am unable to use my right hand completely. Now they placed me in camp 5 for my safety from Al Qaida and Taliban and I am also totally prepared to present assistance to United States of America.

### 4-Why you should be released?

I am a peaceful man and I have my father who is 75 years old and my mother 65 years old, my wife is diabetic and I have four kids, the oldest one is 11 years old and they need me. They don't have anybody to help them except me and my dad's salary is only \$1 a month. They love me and I love them and cry about our separation. I also do not pose a threat on anybody or pose a threat on United States of America and its allies.

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(Revised 10 Dec 05)

Summary of Administrative Review Board Proceedings for ISN 440

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee accepted taking the (Muslim) oath.*

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

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 5 December 2005 and lasted one hour and 20 minutes. While walking to the detainee's cell, the guard advised the AMO that the detainee has been on a hunger strike. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When asked by the AMO, the detainee stated he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee was non-committal, and opined he was already prejudged. After the ARB process was thoroughly explained and the AMO affirmed the ARB was a fair proceeding, the detainee

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stated he would attend his ARB. The detainee stated he would speak at the ARB but he refused to decide when or how he would respond to the Unclassified Summary of Evidence. The detainee was very cordial, attentive, but he was very skeptical of the ARB based on his experience with the CSRT. Although the detainee spoke only in Arabic, he demonstrated a basic comprehension of English. At the conclusion of the interview, the detainee requested both the English and the Arabic translated copies of the Unclassified Summary of Evidence. These were then provided to the detainee, via his guards.

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

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

*The Presiding Officer noted from the Enemy Combatant Election Form that the detainee did not elect how he would respond to the Unclassified Summary.*

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

Designated Military Officer: The detainee met a man who suggested the detainee go to Afghanistan to receive religious instruction. This man gave the detainee \$150 U.S. dollars and helped him obtain an alias, a visa and airplane tickets.

Detainee: I would like to thank you all for taking the time to listen to my responses. After a long detention of five years [in] which I have been through the torturing. I have met the person in Afghanistan but he did not give me \$150. First of all the plane tickets were from my own expense and from my own money. I had withdrawn this amount of money from my own bank, which is called the United Islamic Bank. I withdrew \$1,000. That was my own money. I am not a beggar to ask him for \$150. This kind of money was my own money from my savings. I am from a very well known family in Yemen and we are well to do and we have money. We have businesses. My passport is an official passport. I obtained it officially and legally. Just the name was changed, that's all. I obtained it legally and officially.

*Presiding Officer noted that the detainee made an allegation of torture during confinement and asked the Assisting Military Officer to take the appropriate action.*

Detainee: I would like to state also that by being here I was forbidden to be with my family, my parents, and my friends. This is what I would like to emphasize on. For what reason was I detained here? What crime have I committed?

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Presiding Officer: Please remember that the purpose of this board is to make a recommendation for your continued detention, your transfer to another country or your release. Those are the recommendations that this board will be making.

Detainee: Excuse me. I have a question for you, President, Sir. During my capture in Afghanistan I was tortured and I was under a lot of abuse. I have suffered a lot. I had to say things that were not true but I was forced to say it. Would you consider this classified information against me, against my case? How would that be? How can I prove that? I can prove the physical abuse that was done to my physical body. I can show it to you.

Presiding Officer: The best way that you can help us make our recommendations is to respond to the factors that are going to be read to you. Later in the proceedings we will be asking you questions. Just respond truthfully to the questions that we ask.

Designated Military Officer: The same man provided the detainee with papers from a doctor stating he required medical treatment in Pakistan. The detainee was able to obtain a passport with these papers.

Detainee: In the past yes I was ill. I had [an] ulcer and I had surgery for the ulcer. Yes I was sick and I obtained these papers from a doctor to prove that I was ill. They did not give me the visa. I did not get the visa.

Designated Military Officer: The same man provided the detainee with a letter of introduction to the Khalden training camp in Afghanistan. When the detainee learned that camp was closed he attended the al Farouq training camp.

Detainee: First of all I never attended the [al] Farouq camp. This kind of talk I have spoken about it. I have talked about it with the Northern Alliance. I never attended the Farouq camps.

Presiding Officer: What I understand you're saying is that you told this information to the Northern Alliance but that's not really true. That is just something that you told the Northern Alliance.

Detainee: Under the torture I had to say this. By force I had to say this. Up to this day my skull is broken and it is fractured from the hitting on my head. I had to say stuff like that. In a previous board I told them what happened. When I went into Kandahar Mountains. There was air bombing and everyone got out and we went into this mountain. That's the only place I went to the mountain in Kandahar.

Designated Military Officer: While at al Farouq, the detainee stated he trained on rocket propelled grenades and the AK-47, M-16, G-3, Beka and Garanov machine guns.

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**Detainee:** During the air bombing I told you I went into this mountain in Kandahar. I saw everybody was armed, everybody had these kind of weapons. I'm a Yemeni. I am from Yemen and this is legal. Everybody in Yemen has or carries weapons. This is illogical. I am from Yemen and to just pass or travel, God knows how many kilometers, just to get trained in Afghanistan. What is the logic in this? Everybody, every individual in my family has his own weapon. From the youth to the elderly they have weapons. This is something normal. How could you tell me I came to Afghanistan just to get trained on these kinds of weapons? This is an opportunity for me in Yemen. I don't have to go to Afghanistan to get trained.

**Designated Military Officer:** The detainee stayed at a Taliban house in Quetta, Pakistan on the way to Afghanistan.

**Detainee:** This is true.

**Designated Military Officer:** The detainee stayed at the Said Center near Kabul where his recruiter provided him with three fatwas. These fatwas convinced the detainee to assist the Taliban and to join the fighting against the Northern Alliance in Afghanistan.

**Detainee:** Yes. I came to the Said center that is true. But I did not come to fight along with the Taliban or with the Northern Alliance. I came to Afghanistan to visit a friend of mine. His name is Mutech Bakliyan. I went to Afghanistan to visit this person. Yes, it's true that I went to the front line. I went there and I saw the Taliban. I saw the people there. I never fought with the Taliban or with the Northern Alliance. I went to an agency that was run by Abu Khalid who was from my hometown in Yemen. This person who had this agency or office service it was a service to help the Taliban in case they were fighting and they got injured. If the Taliban went in on a certain village, the people in that village would get out of it by force and they would go to this agency, which was run by Abu Khalid. Frankly, I saw the Taliban and I saw the villages and the places where they fought between each other but I never fought. Sometimes we visited the Taliban trenches with sheikh Abdul Waldud. We went there and I saw everything. This sheikh Abdul Waldud would question people [by] asking what are you fighting about? Do you know Allah? Do you know [if] Allah wanted you to fight this? What reason are you fighting for? What is the purpose of fighting?

**Designated Military Officer:** The detainee was identified as an al Qaida soldier seen at the Ashara guesthouse in Kabul.

**Detainee:** When I entered Kabul I entered [into] one, single Arabic place called Fahim Khana. It means guesthouse Fahim or home of Fahim. This house belongs to the Ministry of Defense of the Taliban, the Arabs that belong to the Taliban. I have entered this house one time.

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Designated Military Officer: The detainee traveled to the Bilal Center where he was issued an AK-47 and was subsequently wounded. After the detainee recovered he was stationed at Khwaja Ghar for about seven months.

Detainee: Yes I was injured. That's true. I didn't carry a 47 or 48. I didn't have any weapon. I went to the Bilal Center just to visit the grave of my friend that I mentioned previously. He was killed there. His name was Muteeh. He was killed there and I went to visit his grave.

Presiding Officer: Were you injured with a bullet or shrapnel?

Detainee: I have no idea how I got wounded. Whether it was a bullet or something else [all] I know is that I got wounded in my back.

Designated Military Officer: The detainee served in the Arab Taliban unit in the vicinity of Khwaja Ghar when the 11 September 2001 attacks occurred in the United States.

Detainee: When the September 11<sup>th</sup> attacks occurred I was in Taloqan, which is a city north of Afghanistan. I stayed in that city for three months way before the September 11<sup>th</sup> attacks. This is a very famous and big city. You can verify it and you could ask about this city. I could provide you with a lot of names that you can verify my being there with them. I never was in Khwaja Ghar.

Designated Military Officer: The detainee stayed in Afghanistan thinking that fighting would continue. He traveled to Taloqan, Afghanistan to join the fight between the Taliban and the Northern Alliance.

Detainee: This allegation contradicts the first allegation (3.a.1) that you said from the beginning. You're telling me [that] first I went to get religious instructions and now your telling me that I traveled to Taloqan to join the fighting between the Taliban and the Northern Alliance. I only went there to see my friend Abu Khalid, the one I mentioned. He is a friend of mine from my hometown [in] Yemen. He has a humanitarian agency there [and] I went to help him. I stayed for awhile with Abu Khalid and then after that I went to see another friend of mine. He's a sheikh and his name was Abu Walid al Palestine. I stayed there with him and he introduced me to Abdul Waldud to go with him to give some religious lessons in Taloqan in the north. In Taloqan there is this big, big legal center to give lessons about Islam.

Presiding Officer: You were in Taloqan after the September 11<sup>th</sup> attacks?

Detainee: Before and after.

Designated Military Officer: In Taloqan, the detainee was welcomed to join an Afghani Taliban unit that was engaged in a fight with the Northern Alliance. The detainee and his unit fled to Konduz when Mazar-E-Sharif fell to Northern Alliance Forces.

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Detainee: The people I went there for, their ancestry is from [the] north. The name of the city is Badihshan. It is on the border of China. These people seek the sharia. They seek knowledge of Islam. They're refugees that came from their country to Taloqan. Taloqan used to be with the Taliban. Abu Khalid, my friend, and Abdul Waldud, the sheikh, they used to provide them places and humanities. When the Northern Alliance came in I was at this center. They are Afghan [and] I was with them.

Presiding Officer: With the Northern Alliance?

Detainee: No. They were students seeking education in Islam.

Presiding Officer: You were with the refugees that came down?

Detainee: Yes.

Designated Military Officer: The detainee surrendered to General Dostum's forces near Mazar-E-Sharif around 24 November 2001 after hearing radio announcements that any Taliban who surrendered and gave up their weapons would be allowed to return to their homes.

Detainee: First of all I did not surrender myself in Mazar-E-Sharif. When Taloqan fell to the Northern Alliance they came and got me from my house. They came to Konduz and they took me and told me they would like to investigate me and everything was normal with me. I did not surrender to anybody. I went with them. All we seek is humanitarian deeds. I have nothing to do with al Qaida. They wanted al Qaida. They were looking for people that belonged to al Qaida and the Taliban, but we are only people that seek humanitarian deeds. They were here to ask me simple questions so I went with them then they delivered me to the United Nations. I believed them. They took me to a prison. I stayed there for one week and then they transferred me to Mazar-E-Sharif.

Designated Military Officer: The detainee stated that he knew the Taliban and liked them.

Detainee: Yes, I've seen the Taliban and all I have for them is respect and love. They are not my enemies.

Designated Military Officer: The detainee attended Usama Bin Laden's daughter's wedding in Kandahar.

Detainee: I don't know what to tell you Sir. I really don't. I don't know if I attended his daughter's wedding or if I married his daughter. When I came to Mazar-E-Sharif they questioned me [and asked] if I was from al Qaida, if I was an Arab from al Qaida. They used to hit me physically until they broke my skull. I was nineteen years old then. Then I had to say yes I had met Usama Bin Laden, that I talked with the Taliban, that I knew

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about nuclear rockets, and that I know everything about what al Qaida is up to. I really put my signature there that I said this. Yes.

Presiding Officer: I know that Kandahar is a long way from Taloqan so would you agree that you have never been to Kandahar?

Detainee: When I first left Quetta I went straight to a city in Kandahar.

Designated Military Officer: Usama Bin Laden attended a funeral at al Farouq while the detainee was training there.

Detainee: Yes it's true that I have said all this but really actually this never occurred. I never saw Usama Bin Laden or anybody else. If they were questioning me at that time by asking me if I was on the plane when they tried to attack on September 11<sup>th</sup> I would have said yes.

Presiding Officer: I understand you would have said anything to make it stop.

Detainee: Even when I came to Kandahar and when they transferred me to the American Forces I stuck with what I said. Whatever I said in the past I stuck with it with the American Forces. Even the interrogator used to ask me to describe the place where I was at and she brought me maps to draw pictures on. Everything she asked I said yes, yes.

Designated Military Officer: The detainee and about 100 other soldiers from the front lines in Kabul, Afghanistan attended a speech given by Usama Bin Laden.

Detainee: Do you think Usama Bin Laden would come to the front lines to make a speech among all these people? Where is the logic in this? Yes, I have said all this but I was forced to say this. I didn't have any control. I wanted to tell them anything so they would stop.

Designated Military Officer: The detainee denied having any knowledge of the attacks in the U.S. prior to their execution on 11 September 2001.

Detainee: Yes that's true. I did not have prior knowledge about what was going to happen and if I did I would never stayed in Afghanistan.

Designated Military Officer: The detainee stated he didn't fight Americans before so he doesn't plan to fight Americans if released.

Detainee: I never fought with them until I start fighting with them now. Why would I want to fight the Americans? Give me a reason. What do I have against them? Have you ever seen anybody in your life fighting somebody for no reason? Why would I want to fight the Americans? I have never seen America before, only here in prison.

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

*The Presiding Officer acknowledged the request.*

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

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

*The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.*

Assisting Military Officer: While the translator was reading the Unclassified Summary of Evidence, the detainee asked, "What is AK-47?" in reference to paragraph 3.c.4. The detainee laughed at paragraph 3.d.2 and asked if this meant he had married Usama Bin Laden's daughter. When the AMO asked if he would attend his ARB, the detainee replied, "If this board gives me the opportunity to defend myself, then yes. If it is like the CSRT; then no." After the AMO again explained the differences between the CSRT and the ARB, as well as the positive results from the previous ARBs, the detainee acknowledged by stating, "If you agree to say this is a fair proceeding, then yes, I will attend." The detainee repeatedly declined to choose between responding point-by-point or waiting until the Unclassified Summary was read in its entirety. He commented, "What's the big deal? I will decide this at the ARB." After the AMO asked if he wanted to present any written statements or other documents at the ARB, the detainee replied, "I had a briefcase with many documents...as well as a video camera with video tapes that proved my innocence. When I was captured in Konduz by the Northern Alliance, they took all my personal belongings. I was put into a prison near Mazar-E-Sharif, and about 14 to 16 days later, I was taken to see an American military officer. He pointed to my belongings and asked me if this was mine. I answered yes. This was the last time I saw my stuff." At the conclusion of the interview, the detainee stated he had no further comments or any questions. After the Unclassified Summaries were provided, the detainee was very concerned that his name was misspelled on the documents. When the AMO told him this was likely a simple clerical error, the detainee was reassured.

*The Detainee made the following statement:*

Detainee: First of all the videotapes that I had in my possession in my briefcase used to be about me. It can prove to you what I was doing there. How I was distributing the rice in the village. During Adhaa holiday I was distributing sheep. It can prove and tell you what I was doing there. I have inquired about these tapes in [the] CSRT process and they never got back with me. They never gave me an answer [about] what happened to these tapes. Secondly, when you say classified and unclassified, what are you talking about?

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If you consider the videotapes classified I have said everything I said. I stated everything. I told them under the torture and the abuse. What are you talking about the classified information? What do you have that I don't already know? How would I know [if] this is true or not true, classified and unclassified? If you would like to verify this, up to now in Taloqan we have people you can verify with what I was doing there. Some of the things that I have stated during the investigation I believe I said the truth. I did not change my statement in Mazar-E-Sharif or here. Even when I went into the hospital for hospitalization they made me say things and they taped the conversation between me and them and they taped my statement pertaining to my hospitalization here. I said the truth and they have it on tape. That's about it. Everything is on tape even the conversation when I went into the hospital. I would like to ask you a question. What is the act that I have committed or at least tried against the United States? Can you please tell me?

Presiding Officer: The answer to that question is not the purpose of this board. The CSRT has previously determined that you are an Enemy Combatant. The purpose of this board is just to determine you would be a threat to the United States or its allies if you were transferred or released.

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

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

*Administrative Review Board Member's questions:*

Board Member: You went to Pakistan for treatment of your ulcer, is that correct?

Detainee: I went to the Pakistani Embassy to obtain a visa and I enquired of them a report or a statement saying that I have ulcer trouble[s] in my stomach. I didn't go to the embassy for that purpose. I went to enquire about a visa. Basically I went to Pakistan to obtain a visa to travel to Afghanistan. *(Translator clarifies what detainee is trying to say.)* I went to Pakistan to get to travel to Afghanistan and you don't require a visa to go to Afghanistan. You can just enter normally. I went to the Pakistani Embassy in Yemen to obtain a visa to go to Pakistan. It has nothing to do with any illness or anything. I asked for a statement that I am going to Pakistan for medical treatment, yes. I had the report from my own doctor. I just presented it to the embassy so they could give me a visa.

Board Member: You were using the medical condition, your ulcer, as a reason to get the visa to travel to Pakistan?

Detainee: Yes in order to obtain a visa. They won't give you a visa without a reason.

Board member: You mentioned that you got a passport officially [or] legitimately but that your name was changed on the passport. Why?

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**Detainee:** The only reason I did that is because they would ask me for permission from my parents because I was only eighteen years old at that time. They would ask me for a lot of information so I had to change my name. They probably would not have approved it. Plus, my grandfather was in some kind of trouble back in Yemen and I had to step in and witness for him. If they found out about my real name they probably wouldn't allow me to travel.

**Board Member:** You don't need a visa to go from Pakistan to Afghanistan. Is that what you said?

**Detainee:** Anyone can enter Afghanistan without a visa. Many countries you can enter without a visa. Iraq, Syria, Jordan; you can enter them without a visa.

**Board Member:** Can you go directly to Afghanistan from Yemen without a visa?

**Detainee:** They don't have [an] airline to go straight to Afghanistan from Yemen.

**Board Member:** Ultimately your purpose [for] traveling to Afghanistan was humanitarian reasons, correct?

**Detainee:** Yes humanitarian reasons.

**Board Member:** I want you to understand looking at it from where I'm looking at it. We are already starting out under false pretenses. You really aren't going to Pakistan for a medical condition you are just using that as a reason and you are faking your name on your passport because of some problems. It just seems odd to me that we have a couple of things that aren't necessarily true in order for you to go to Afghanistan for humanitarian reasons.

**Detainee:** Why do you think it is odd? In what way? I'm not entitled to get a visa or passport without the permission of my parents. What is odd about this? How would I travel if I don't want to use my family's name? How is it strange?

**Board Member:** I guess you just don't travel.

**Detainee:** I was really, really excited to go.

**Board Member:** You were excited to go do humanitarian work. How are you qualified to do humanitarian work? What makes you qualified?

**Detainee:** First of all I have studied computer programming in Yemen. Abu Khalid that I have mentioned before had a humanitarian agency in Afghanistan. He had asked me if I could go and work with him.

**Board Member:** During your time in Pakistan you said that you stayed at the Taliban house in Quetta?

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Detainee: In a Taliban guesthouse, yes.

Board Member: What type of people did you meet or associate with at the Taliban house in Quetta?

Detainee: I only stayed for one day. Who welcomed us was an Afghani man and he spoke Arabic. We entered the room and we had some food and we mentioned that we were seeking Afghanistan and he said we will find you a car and somebody will take you to Afghanistan. We prayed and then we slept.

Board Member: Any idea what the people at the Taliban guesthouse were doing? Why they were there?

Detainee: I have no idea. I saw some wounded people and some people in wheelchairs, a lot of different types of people.

Board Member: Then from Quetta, Pakistan you said you went to Kandahar, Afghanistan?

Detainee: Yes.

Board Member: You went there to meet a friend who was on the frontlines with the Taliban?

Detainee: No that person, whose name was Muteeh, he was at the guesthouse in Quetta. When I went to Afghanistan he was with me in the same car.

Board Member: You went to the front lines in Kandahar?

Detainee: Kandahar has no front lines.

Board Member: Where are the front lines that you went to?

Detainee: In Kabul. Not Kabul itself, but beyond Kabul.

Board Member: You went to the front lines in Kabul to visit a friend?

Detainee: Yes. I went to visit his grave. Muteeh and Belad are the same person. In Afghanistan he was name Belad, but his true name was Muteeh. He got killed and I went to visit his grave.

Board Member: Did you fight for the Taliban against the Northern Alliance at the front lines?

Detainee: No I did not fight. Not with the Taliban or the Northern Alliance.

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Presiding Officer: If you were close enough to get wounded, it is hard to believe that you would not want to fight to defend yourself.

Detainee: I will convince you now that I did not fight. I will tell you something to convince you. There are no front lines in Afghanistan. When a battle would happen it just would happen. There are no front lines. People are staying in their trenches or their holes underground and they fight. Even myself I thought it would be like a battlefield but it was not something like that.

Presiding Officer: I know Yemenis as boys have guns. Everybody owns guns in Yemen. Didn't you feel naked not having a gun with fighting going on around you?

Detainee: No I did not feel odd or strange if I did not have a weapon on me. There was no need for me to carry a weapon. In my own country it is part of feeling proud that you are carrying a weapon. There was no need in Afghanistan to do that. I'm a stranger there. My language, my appearance is truly different.

Board Member: Where were you when the bombing by the United States began in Afghanistan?

Detainee: I was in Taloqan.

Board Member: You fled to the mountains?

Detainee: No. I thought that they were bombing certain locations and that was it.

Board Member: So you stayed in Taloqan?

Detainee: They did not hit Taloqan. I stayed there.

Board Member: You admitted to a number of things because you were being tortured.

Detainee: Yes.

Board Member: And that you continued to tell that same lie even after you got transferred to U.S. custody?

Detainee: No I didn't resume lying. I was forced to say this.

Board Member: In U.S. custody interrogators were asking you questions that you continued to say the same information, right?

Detainee: I did not change anything that I said back then. Yes I said the same thing because people can torture you here also. During 2001-2002 there was a lot of abuse here. I stuck with the same thing that I said before. I used to read about the FBI reports and about the intelligence report about what's going on here in Guantanamo Bay.

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Board Member: What does your family do back in Yemen?

Detainee: They are group leaders for certain groups.

Board Member: What business?

Detainee: We have a business that deals with cellular [phones], computers, and electronics. One of my brothers in Saudi Arabia owns a supermarket.

Board Member: Do you think you are a threat to the United States?

Detainee: I don't pose a threat to the United States nor to the surface of the ground, nor to the ozone surface.

Presiding Officer: Are your parents alive?

Detainee: My father just passed away.

Presiding Officer: How many brothers do you have?

Detainee: I have six other brothers and I am the seventh.

Presiding Officer: So you are the youngest son in the family?

Detainee: I'm in the middle.

Presiding Officer: If you are transferred or released what will you do in the first six months you are home?

Detainee: I want to get married.

Presiding Officer: Do you have a fiancée?

Detainee: No I don't have a specific person in mind but in our culture I would be picked for a second or third cousin of mine.

Presiding Officer: Do you feel like you have a responsibility to your family to make money and support your extended family?

Detainee: This is something normal. I would want to help my own mother.

Presiding Officer: Why are you on a hunger strike?

Detainee: I have a medical problem and I have talked to the interrogators and I told them [that] I have problems in my stomach. My stomach hurts me all the time. I have asked them to be on [a] vegetarian type diet. I would eat honey [or] some kind of black seed

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that you would boil into a cup of tea. I have been asking them for the past four months to provide me some kind of herbal treatment, natural healing. They have not provided this yet.

Presiding Officer: Is this something you are willing to die for?

Detainee: No that's not true. How did you know that I have intentions to die? I don't want to die.

Presiding Officer: Because you look very thin and you do not look healthy.

Detainee: In the first place I am considered skinny. I only lost sixteen pounds. I'm not considered really fat or husky. I am skinny to begin with.

Presiding Officer: So you are not protesting anything, you just don't want to eat the food provided?

Detainee: I am on a hunger strike because I have asked them to let me go to see my family and let me go home. I want to go home to start this herbal treatment. They are not going to provide me with this. I am asking for specific medical treatment and they cannot provide me with that. I want to go home and to see my family. I have problems in my stomach. I think I am 24 years old by now and I would like to go back home and get some education, go to my family, be with them, enjoy them, and go to school. These are my intentions.

Presiding Officer: I have a question about you doing humanitarian work on the front lines. You told us that the Taliban let you and your friends go and talk to the soldiers and tell them about Allah and explain to them why fighting is not good.

Detainee: I did not say it in that sense. All I said [was] we used to tell the Taliban fighters before you start fighting do you know what Allah is all about? Do you know what Allah wants you to do before you even carry a weapon and go fight? That's what I said. Religion is not all about fighting. Religion is what you know about your own religion. What kind of steps you should take. What kind of methods or principles.

Presiding Officer: Do you think that those Taliban fighters were on a jihad against General Massoud?

Detainee: Yes. The majority of the Taliban were illiterate and amateurs. They would take them from their houses and took them there to fight. Most of them were ignorant and illiterate.

Presiding Officer: I know that you say you are not al Qaida and are not a fighter for al Qaida but did you know Arab fighters that fought the Northern Alliance?

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(Revised 10 Dec 05)

**Detainee:** If I don't know anybody from al Qaida [then] how would I know anybody else, any Arab, is on that list? There are so many different types of Arabs in Afghanistan. I don't know.

**Presiding Officer:** What does jihad mean to you?

**Detainee:** Do you want me to give you an introduction about jihad or to identify jihad? What do you want me to do?

**Presiding Officer:** I know what jihad means. I want you to explain to me what you think jihad means.

**Detainee:** In what way? The word jihad means struggle so in what way do you want me to explain? The word jihad, to me is work hard and struggle.

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

*The Presiding Officer opened the classified portion of the session.*

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

#### AUTHENTICATION

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



Captain, USN  
Presiding Officer

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Summary of Administrative Review Board Proceedings for ISN 455

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

*The Detainee declined taking the Muslim oath.*

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

Presiding Officer: [To the Translator] Can you please translate the Detainee's question.

Translator: The Detainee is asking what the word "disorderly" means. I am trying to explain to the Detainee the meaning of the word.

Presiding Officer: Mr. Ali Sher, do you have any questions [about the process] before we begin?

Detainee: About the process?

Presiding Officer: Yes. Do you have any questions as to how the process works?

Translator: The Detainee was a little confused. The Detainee thought that the reading of the Unclassified Summary of Evidence had begun. I am trying to explain to him we have not yet begun to read the Unclassified Summary of Evidence. I am trying to explain to him and ask him if he has any questions about how the [ARB] process works.

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

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Translator: The Detainee wants to know what Exhibit EC-A is.

Presiding Officer: Exhibit EC-A is the document that states you [the Detainee] were found to be an Enemy Combatant. Do you remember a hearing that was conducted prior to this hearing?

Detainee: I did not attend that hearing.

Presiding Officer: You were told about the hearing [CSRT], but you chose not to attend. Is that correct?

Detainee: Yes. That is correct.

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

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

Assisting Military Officer: The Detainee's ARB interview was conducted on 4 November 2005, and lasted twenty-six minutes. After reviewing the ARB's purpose and procedures, the Russian translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he understood the difference between the CSRT and the ARB. When asked if he would like to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he would attend the ARB and provide an oral statement at the completion of the reading of the Unclassified Summary of Evidence. The Detainee was very cooperative, attentive, and cordial throughout the interview. A copy of the Russian translated Unclassified Summary of Evidence was provided to the Detainee upon his request.

Presiding Officer: [To the Detainee, referring to the AMO's comments] Is that what you recall?

Detainee: Yes.

*The Detainee chose to respond to the Unclassified Summary of Evidence at the end of the reading of the Unclassified Summary.*

Presiding Officer: [To the Detainee] I would like to point out that most people like to make a statement after each allegation/statement is presented. The Administrative Review Board is completely willing to go through the Unclassified Summary of Evidence in that manner if you wish.

Detainee: Please read the entire Unclassified Summary of Evidence and I will respond at the end.

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

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

*The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.*

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

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee traveled to Afghanistan through Mashhad, Iran.

Designated Military Officer: (3.a.2) The Detainee bribed or paid a Taliban official to enter Afghanistan.

Designated Military Officer: (3.a.3) The Taliban provided the Detainee with room, board, and a job.

Designated military Officer: (3.a.4) The Detainee fought in Chechnya.

Designated Military Officer: (3.b) Training (3.b) The Detainee received terrorist training in Chechnya.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The Detainee met an Azerbaijani named Elchin while in Russia and the two talked about traveling to Afghanistan.

Designated Military Officer: (3.d) Detainee Actions and Statements (3.d.1) The Detainee denied that he had fought in Chechnya.

Designated Military Officer: (3.d.2) The Detainee admitted to providing United States military debriefers with a fake name and withholding his true identity.

Designated Military Officer: (3.e) Other Relevant Data (3.e.1) The Detainee states that he has no personal opinion of the Taliban but says he never witnessed the Taliban doing anything wrong.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee states that he would like to return to a Turkish speaking country, but if he is not released to Turkey, the Detainee would consider returning to Azerbaijan.

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Designated Military Officer: (4.b) If released, the Detainee states that he would attempt to find work as a chef or a liquor store owner, which he has done in the past.

Designated Military Officer: (4.c) The Detainee states he has no animosity to the United States and considers Americans to be good people.

Designated Military Officer: (4.d) The Detainee has no prior knowledge of the September 11th attacks.

Designated Military Officer: (4.e) The Detainee claimed that the Taliban never asked him to fight, nor did they offer him training.

Presiding Officer: Mr. Ali Sher, now is your opportunity to make a personal statement in regards to the allegations/statements listed in the Unclassified Summary of Evidence. Please take as much time as you need.

Translator: Before the Detainee begins to make his statement he would like to see the second paragraph listed in the Unclassified Summary of Evidence. [Referring to paragraph 2, which indicates the Review Board will make a decision to release, transfer, or continue to detain. The Detainee would like me to read him that paragraph in Russian.

Presiding Officer: Please proceed.

Detainee: I do not want to go back to Uzbekistan. I would like to go to another country.

Board Member: Why do you not want to return to Uzbekistan?

Detainee: Several months ago something happened in Uzbekistan. That is the reason I do not want to return. You [referring to the Review Board] would know better than me what happened in Uzbekistan several months ago. In addition, I would like to add that when the Representative from Uzbekistan came here [to Guantanamo]...

Presiding Officer: When was this? When did a Representative from Uzbekistan visit here?

Detainee: Three years ago.

Presiding Officer: Please proceed.

*Translator read paragraph two of the Unclassified Summary of Evidence to the Detainee in Russian.*

Detainee: If I go back to Uzbekistan they told me there would be no questions. They told me that the only thing that waits for me in Uzbekistan is a bullet in my head. This should be enough for you [the Review Board] to know.

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Presiding Officer: You fear that you will be put to death if you were to return to your home country.

Detainee: Some Turkish guys [Uighurs] asked me if I would rather go back to Turkistan or to China. I told them I would rather go to China. Uzbekistan is going to give me a lot of problems if I go back. They are going to give me a lot of problems and problems with my family and it is not going to be pretty for me.

Board Member: Do you still have family in Uzbekistan?

Detainee: Yes. My mother.

Presiding Officer: What countries do you think it would be possible for you to live if you were released?

Detainee: Any country that speaks Uzbek. Something close to the Turkish language.

Presiding Officer: If Turkey is unwilling to take you into their country, do you have another suggestion [as to which country you could possibly go to]?

Detainee: Another country preferably.

Presiding Officer: You do not have a preference.

Detainee: Right now I do not have any preference.

Presiding Officer: Please understand that the Review Board can make a recommendation [if release or transfer is appropriate] as to a particular country. If you help us [the Review Board] in listing some other potential countries it would be feasible for you to go to, it may possibly work out to your advantage.

Detainee: Perhaps some country in Europe.

Presiding Officer: A European country?

Detainee: Yes.

Board Member: Do you have any relatives in any European country? Were you born in Uzbekistan? How long did you live there?

Detainee: I lived in Uzbekistan for twenty-five years. My question is in regards to the second paragraph of the Unclassified Summary of Evidence which states, "At the conclusion of this review, the Board will make a recommendation to: (1) release you to your home state; (2) transfer you to your home state, with conditions agree upon by the United States and your home state; or (3) continue your detention under United States control" why is there not a third county [or other country] listed in this paragraph as to where I could possibly go?

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Presiding Officer: Please understand that it is very difficult for the United States to guess as to which countries would be willing to take you. Do you have another suggestion?

Detainee: No Sir.

Presiding Officer: [To the Translator] Please read paragraph two of the Unclassified Summary of Evidence to the Detainee in Russian. Or did you already translate it to the Detainee?

Translator: The Detainee understands it now.

Presiding Officer: He understands the paragraph. Is it all right to then proceed with the Board? Do you have any other questions?

Detainee: I have no other questions.

Board Member: Do you have a statement of any kind?

Detainee: I have a few questions about the Unclassified Summary of Evidence in the Commitment section.

Presiding Officer: [To the Translator] Let the Review Board proceed through the script so we are able to make you knowledgeable of everything that is appropriate. Once that is complete, we will come to that portion of the Review Board session.

*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 indicated the Detainee would like to make an oral statement.*

Presiding Officer: [to the Detainee] You may proceed with your oral statement.

Translator: The Detainee is requesting to look at the copy of the Russian translated Unclassified Summary of Evidence.

Presiding Officer: That would be fine. Sir, are you able to read the document you have in front of you?

Detainee: Yes.

*The Detainee made the following statement:*

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**Detainee:** The Detainee traveled to Afghanistan through Mashhad, Iran.

**Presiding Officer:** What are we doing here [referring as to why the Detainee is beginning to re-read the Unclassified Summary of Evidence]?

**Translator:** The Detainee is reading the first allegation/statement under Commitment. I asked him why was he reading the Unclassified Summary of Evidence. I told him he did not have to read it again because he already knew [what was going on].

**Detainee:** I did not bribe anyone to enter Afghanistan. I paid money [to the Taliban] to enter Afghanistan. I paid money for a [Afghan] visa. The Taliban gave me a place to sleep, food to eat, and a job. Those things are a necessity in life. I had no choice but to stay over there [in Afghanistan] to live. I did not fight in Chechnya. I did not receive any [terrorist] training in Chechnya. None of this [referring to allegation 3.a.4 and 3.b.1] is true. Uzbekistan probably gave you that information and it is not true.

**Presiding Officer:** What type of training did you receive?

**Detainee:** I did not have any kind of training. I do not want to answer any more of your questions. I just want to finish my statement.

**Presiding Officer:** That is not how this Administrative Review Board session works. If the Review Board has questions, you need to answer those questions. Does that make sense? This Review Board session is a dialogue between you [the Detainee] and the Administrative Review Board. The Administrative Review Board is going to determine if it is appropriate for you to either; (1) Be released; (2) transferred; or (3) continue your detention. The questions the Review Board is asking are to help aid in our decision as to whether you should be released and where you should be released to.

**Detainee:** I am very sorry, but I cannot answer your questions. I only came here [to the ARB] to go over the Unclassified Summary of Evidence.

**Presiding Officer:** The Administrative Review Board has already completed that portion of the session [responding to the allegations/statements in the Unclassified Summary of Evidence]. Earlier in the session, the Review Board asked you to respond to the allegations/statements in the Unclassified Summary of Evidence. Would you like for the Review Board to go back to the allegations/statements in the Unclassified Summary of Evidence? We can go through each allegation/statement one at a time. The Review Board would be more than happy to do that for you.

**Detainee:** I am very sorry. I request to leave this Administrative Review Board session.

**Presiding Officer:** Your request is granted.

***The Administrative Review Board took a brief recess so that the Detainee could be removed from the proceedings.***

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Presiding Officer: I note that we are now back on the record after a brief recess when the Detainee requested to be removed from the session. The Detainee's request was immediately granted.

*Presiding Officer determined that the Assisting Military Officer and the Designated Military Officer were prepared to continue the Administrative Review Board session in abstention.*

*The Designated Military Officer, Assisting Military Officer, and Board Members did not have any comments or information they wished to put on the record in reference to the Detainee's request to exit the Review Board session.*

*The Administrative Review Board took a brief recess to ensure all procedures were being followed and that all parties were ready to continue.*

*Administrative Review Board resumes.*

Presiding Officer: For the record, I am going to pick-up the script at the middle of page five. Beginning with the "closing statement".

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

*The Presiding Officer opened the classified portion of the session.*

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

#### AUTHENTICATION

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

  
Colonel, USA  
Presiding Officer

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UNCLASSIFIED//~~FOUO~~

Summary of Administrative Review Board Proceedings for ISN 458

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

*The Detainee accepted taking the oath.*

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

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

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

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

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

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UNCLASSIFIED//~~FOUO~~

*The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.*

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee has traveled out of Afghanistan to Saudi Arabia twice and out of Pakistan once. The Detainee last traveled to Saudi Arabia was to complete the Haj around ten or twelve years ago (approximately 1990).

Detainee: When the war began in Afghanistan, with the rockets, the bombings, and the cannons, it made life hard on us. I decided to move my family to Miram Shah, Pakistan. I moved my entire family [my wife and children] to Pakistan because of the war going on in Afghanistan. I have only traveled one time to Saudi Arabia for the Haj. I have not been to Saudi Arabia twice. Haj is necessary to attend for Islam [if you can afford to go, you go].

Presiding Officer: Sir, at this time, for this portion of the Review Board, we only need to know if these allegations/statements are true or false. You will be given an opportunity to make a [long] personal statement in regards to these allegations/statements. If any of the allegations/statements are incorrect, please tell the Review Board and we will make corrections as necessary.

Detainee: You are asking me the question, have I been in Pakistan. I am trying to tell you I did leave Afghanistan. My family and I immigrated to Pakistan because of the war in Afghanistan.

Presiding Officer: So the statement is true, correct?

Detainee: I went to Saudi Arabia one time for the purpose of attending the Haj. I have not been to Saudi Arabia twice. I have only been one time.

Presiding Officer: That is what the Review Board needs to know. I have made a correction to the statement to reflect you [the Detainee] have only been to Saudi Arabia one time.

Designated Military Officer: (3.a.2) The Detainee indicated his involvement with Tabligh Jamaat was a religious group comprised of ten to fifteen people who prayed together. The Detainee stated he was in a Jamaat once and he traveled to different villages in his area and preached about Islam and the Koran.

Detainee: There is no Tabligh in my village. Tabligh means, "to spread the word". There is no Tabligh organization in my village. I prayed in Jamaat. Jamaat is a mosque. I prayed there [at Jamaat, the mosque] with other people, but those people were not members of the Tabligh organization and I am not a member of the Tabligh organization.

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Designated Military Officer: (3.a.3) Some al Qaida members have joined the al Dawa al Tabligh religious organization, identifiable with the Jama'at al Tabligh, which was well known for its support to Jihadist causes.

Detainee: I do not know anyone who practices the Tabligh [spreading the word]. I don't know their [the Tabligh] organization. I do not know any of their [Tabligh] members. I just go to the mosque and pray.

Designated Military Officer: (3.b) Connections/Associations (3.b.1) The Detainee's relatives say that he and his family gave shelter to Jalaluddin Haqqani, the commander of Taliban forces in the southern provinces of Afghanistan, who was fleeing from Kabul.

Detainee: My family consists of ladies and children. My family does not get out [leave the home] very often. My family does not know Jalaluddin. I do not know Jalaluddin.

Presiding Officer: Have you ever seen Jalaluddin?

Detainee: No Sir.

Presiding Officer: Thank you. Please continue.

Detainee: Someone gave me the report [indicating my family made those statements about Jalaluddin], and that report is not correct. It is wrong.

Board Member: Why would your relatives [family] make a statement indicating that you [and your family] had given shelter to Jalaluddin?

Translator: The Detainee thinks when you say family, he thinks you mean his wife. Please let me explain what the word "family" means.

Detainee: My children do not know him [Jalaluddin]. My wife does not know him [Jalaluddin]. My relatives do not know him [Jalaluddin].

Presiding Officer: Are you saying that whomever made this statement [regarding the Detainee's family saying they gave shelter to Jalaluddin] was mistaken?

Detainee: Yes.

Designated Military Officer: (3.b.2) The Detainee was told about a report indicating that his son stated that Jalaluddin Haqqani and his bodyguards did come to his house and requested to stay.

Detainee: My son wrote me a letter. My son said in his letter that he knew I [detainee referring to himself] was innocent and that I had not done anything. How could he say that in his letter and also say that Jalaluddin and his bodyguards came to my house and requested shelter?

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**Presiding Officer:** Was your son mistaken when he made the statement indicating Jalaluddin and his bodyguards came to your house and requested shelter?

**Detainee:** Whoever made the report saying my son had stated Jalaluddin and his bodyguards came to my home for shelter was mistaken. My son never said that Jalaluddin had been to my home.

**Designated Military Officer:** (3.b.3) Jalaluddin Haqqani was creating a Hezb-e Islami Gulbuddin base in Waziristan, Pakistan, near the border of Afghanistan.

**Detainee:** I do not know Jalaluddin. I do not know Gulbuddin. These are strangers to us [referring to his village and his family]. We are poor people. We have nothing to do with them [Jalaluddin or Gulbuddin].

**Designated Military Officer:** (3.c.) Other Relevant Data (3.c.1) The Detainee explained that in previous interviews he withheld information or provided false information, specifically saying that his house was not bombed.

**Detainee:** I have said [to the whole world] that my house had been bombed. Twelve members of my family [little boys and girls] were killed when my home was bombed. I keep telling everyone that my house had been destroyed.

**Designated Military Officer:** (3.c.2) The Detainee also stated that he went to the Governor of Khowst, Pacha Khan Zadran, to get money to help rebuild his house. In previous interviews the Detainee denied that he received money from anyone to rebuild his house.

**Detainee:** In the previous question, they [referring to whomever wrote the report] said that I lied. The report said I had stated that my house had never been bombed. In this question, it says that I went to Pacha Khan to get money to rebuild my house. Whoever wrote the report should fix that.

**Presiding Officer:** At this time, all the Review Board would like to know is if you received any money to rebuild your house.

**Detainee:** Yes. I told them that my house had been destroyed. Personally, I did not go to Pacha Khan and ask him for money.

**Presiding Officer:** Did Pacha Khan give you money to rebuild your house?

**Detainee:** Pacha Khan gave the money [to rebuild my house] to Haji Nazim and Haji Nazim gave the money to me. Pacha Khan did not give me the money directly. I personally do not know Pacha Khan.

**Board Member:** Was your house eventually rebuilt?

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Detainee: No. I became a prisoner.

Presiding Officer: How much money did you receive to rebuild your house?

Detainee: Through Haji Nazim, he [Pacha Khan] sent me 30,000 Rupees [Pakistani money].

Board Member: Who is Haji Nazim?

Detainee: Haji Nazim is the leader of my tribe.

Presiding Officer: Now, please go back and explain what you had wanted to say to the Review Board.

Detainee: I am going to say this very shortly. Whoever gave you [referring to the Review Board] the report connecting me to Jalaluddin gave you a wrong report. I am a poor man. I am too far away from the Khowst bazaar. I belong to another district government.

Presiding Officer: You [referring to the Detainee] are making a personal statement at this time. The Review Board has not yet reached that portion of the session in which you [the Detainee] can make your personal statement. Once the Review Board has finished this portion of the session [reading of the statements/allegations] you may make a personal statement and tell the Review Board anything you would like.

Detainee: These people are very high-ranking people [referring to the individuals who arrested him]. Three people were captured with me. They [referring to the American Government] brought me here and put me in jail. If I do not cry for them, to whom do I cry for?

Presiding Officer: Please continue.

Designated Military Officer: (3.c.3) The Detainee was seized with three other individuals in an open area near a suspected Taliban facility on 20 January 2002. The Coalition Forces were fired upon during the seizure. The detainee's were in possession of an Icom Very High Frequency (VHF) transceiver.

Detainee: When I was captured, it was not during the time of the Taliban Government. I was captured during the time of the Karzai Government. When I was captured with the other individuals, who are these other people [asking the Review Board]?

Presiding Officer: Is it your statement then that this allegation is incorrect?

Detainee: When I was captured, I was captured at my house.

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Presiding Officer: Once again, I ask you, is it your statement that this allegation [referring to allegation 3.c.3] is incorrect?

Detainee: The whole accusation is wrong.

Presiding Officer: That is what the Review Board wants to know. We [the Review Board] want to know what is true and what is false. Again, you are saying this accusation is false? You [referring to the Detainee] are making this more difficult than necessary. The Review Board would like to know if the allegations/statements presented here today are true or false. The Review Board is very interested in your explanation regarding these allegations/statements. However, before we [the Review Board] get to your explanation, we [the Review Board] need to know if these allegations/statements are true or false.

Detainee: I was captured in my home.

Board Member: Did you state that you were captured with two other individuals?

Detainee: They [American forces] captured four of us in my house.

Presiding Officer: Did any of those people shoot at the forces when they were trying to arrest [capture] you and the other individuals?

Detainee: How could we shoot? I do not know how to [I cannot] shoot.

Board Member: Did anyone [referring to the four individuals] have a weapon?

Detainee: No, no one had a weapon.

Presiding Officer: I want you [the Detainee] to be very clear about this allegation [3.c.3]. This particular allegation is one of the only reasons you were made an Enemy Combatant.

Detainee: Sir, three people, four people including myself, were captured, arrested. I was in a small village. There were only six or seven houses in this village. We [referring to himself and the other three individuals] did not shoot at the forces.

Presiding Officer: Did you hear any shooting?

Detainee: No.

Presiding Officer: You did not hear shooting from anybody?

Detainee: No, no.

Board Member: [To the Translator] Does he [the Detainee] have any information regarding the transceiver. [the radio]?

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Detainee: No. I do not have any information about the radio. That radio was not mine. The radio was not even inside my house.

Presiding Officer: Did you ever see the radio [transceiver]?

Detainee: No. I saw a picture of it.

Presiding Officer: Whom did the radio belong to [of the four individuals]?

Detainee: I have never seen it. I do not know who had it.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a.) The Detainee stated that he has never provided shelter (support) to Jalaluddin Haqqani.

Detainee: No. I never gave him [Jalaluddin] shelter or a place to stay. I do not even know Jalaluddin.

Designated Military Officer: (4.b) The Detainee claims that he does not know of any al Qaida members or training camps within his village of Zari Khel.

Detainee: There are no al Qaida organizations and there are no al Qaida members in my village. I do not know any al Qaida members.

Designated Military Officer: (4.c) The Detainee stated he was still glad the Americans came to Afghanistan. The Detainee felt that for the last 20 years the Afghans only knew war, but now that the Americans were there they had a chance for peace. The Detainee did not harbor any resentment toward Americans for bombing his house and killing members of his family.

Detainee: That is true. I am glad the Americans came to Afghanistan. I am not complaining about the Americans. I do not blame them [for bombing my home]. I have hostility and animosity toward the person who gave them [the American forces] the wrong report [the report indicating the Detainee's house should be bombed, attacked, etc.]

Board Member: So you [the Detainee] consider the intervention of the American Government into Afghanistan a good thing?

Detainee: I am not a high-ranking person to discuss matters like that. However, as far as I know they [the Americans] came to give us [Afghan people] peace and everyone was happy about it.

Presiding Officer: Sir, you have the Review Boards deepest sympathy for the loss of your family.

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**Detainee:** I have no grudge against you [referring to the Presiding Officer] and I thank you for your sympathy. I tried to work with the Americans. I tried to collect some people [in my village] to fight against the Taliban. In Afghanistan, we [the Afghan people] have a personal hostility and animosity toward the people who gave you [the Review Board] the wrong report [bad information]. My complaint is against the person who gave the wrong report and then the Americans killed many innocent people and gave trouble to many innocent people because the guy [who ever gave the intelligence report] gave a wrong report. When the report said I was captured near a suspected Taliban facility, this is incorrect. I was captured in my house with three other people. Of those three other people [four people including myself] they [the American forces] let two of those people go and told them they were innocent. I was innocent as well, but they did not let me go.

**Presiding Officer:** The Review Board is very interested in your experience and we will get to that part of the session. The Review Board must first get through the allegations and then you will be able to make a personal statement.

**Detainee:** Read.

**Designated Military Officer:** (4.d) The Detainee stated that he was involved with recruiting people in his village to fight against the Taliban. The Detainee's recruiting efforts involved going door to door to request volunteers to fight against the Taliban.

**Detainee:** Is there another question or is this it?

**Presiding Officer:** This is the final statement. Once you [the Detainee] respond to this statement [referring to 4.d] the Review Board will then hear your personal statement.

**Board Member:** Did you recruit people to fight against the Taliban?

**Detainee:** Yes, I cooperated with the Americans and tried to get people in my village to fight against the Taliban.

**Board Member:** During what time frame did you recruit people from your village to fight against the Taliban?

**Detainee:** My tribe decided to rise up and fight against the Taliban.

**Board Member:** Was this time frame before or after the fall of the Taliban Government?

**Detainee:** It was during the time of the Taliban Government. [Before the Taliban Government fell out of power].

**Board Member:** Did your recruiting efforts to fight the Taliban occur before 11 September 2001?

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**Detainee:** After 11 September 2001. After 11 September 2001, we started collecting people to fight against the Taliban.

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

***The Presiding Officer acknowledged the request.***

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

***The Assisting Military Officer presented exhibit marked ECC.***

**Presiding Officer:** Assisting Military Officer, please read your comments from the Assisting Military Officers comment block.

**Assisting Military Officer:** The Detainee's initial ARB interview occurred on 17 October 2005, and lasted one hour and forty-four minutes. After a review of the ARBs purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the Assisting Military Officer (AMO) speak on his behalf, the Detainee said he would attend the ARB and address statements in the Unclassified Summary of Evidence as each point was presented. The Detainee was cooperative and polite throughout the interview. The Detainee was given a copy of the Pashto translated Unclassified Summary of Evidence.

***The Detainee made the following statement:***

**Detainee:** My statement is this: The report given to the Review Board is a wrong [incorrect] report. Regarding the Tabligh [the spreading of the word, preaching] I do not know anything about this. That is a wrong statement. There is no [Tabligh] center, organization, or training camp in my village.

Regarding Jalaluddin, I do not know him. I am a poor man. He [Jalaluddin] has a house and a mosque [for praying], but they [the house and the mosque] have been bombed. The mosque that belonged to Jalaluddin was along a paved road. People have been killed and buried there [near the mosque that belonged to Jalaluddin]. I have been told that my son has been accused of saying that Jalaluddin had come to my house and requested shelter. My son wrote me a letter and told me that he knew I was innocent and that I had not done anything.

When we [Afghan people] refer to innocent people, we mean people who have not done anything wrong. I have asked for that letter [from my son] to be translated and brought here.

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Presiding Officer: The Review Board has the letter.

Detainee: I don't know what my son had told anyone. However, in the letter my son says that I have been taken [arrested] by mistake and that I am innocent. During the last CSRT, they [the board] showed me some newspaper clippings and said that my house had been bombed by mistake and they told me that I was innocent. I asked if I am innocent, why are you keeping me here [Guantanamo Bay, Cuba]. I am a poor guy. I have never been a commander during the time Mujahadeen. I have not done anything wrong. I immigrated to Pakistan with my family because of the war in Afghanistan. I was in the Maches Camp.

Board Member: The Maches Camp, is that a refugee camp? What kind of camp is it?

Detainee: Yes. It was a Refugee Camp. They gave me rations.

Board Member: [To the Translator] Whenever the Detainee mentions the word *camp*, the Review Board has to clarify what kind of *camp* the Detainee may be referring to. There are several different types of camps, such as training camps, etc.

Detainee: I have not done anything. I was living an ordinary life. I was making fire in my house, and they [the Americans] bombed my house by mistake.

Presiding Officer: Do you have any other statements, written or oral etc, which you have not already mentioned that you would like to bring to the attention of the Review Board? The Review Board has some questions to ask you if you have completed your statement.

Detainee: The people from my village signed a paper [like a petition] stating that I was innocent. I want to know if the Review Board has received that paper.

Presiding Officer: The Review Board has not received that paper.

Detainee: The paper signed by the people of my village stating that I was innocent should be with you [the Review Board] because it was not given to me.

Presiding Officer: The Review Board will look for this letter. The Board Members have some questions for you. Have you completed your personal statement?

Detainee: Yes, I have completed my statement. All I can say is that I have been wrongly accused and that I am innocent. Please, please, please, help me.

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

*The Designated Military Officer had one question for the Detainee.*

Designated Military Officer: What was your occupation when you were living in Afghanistan?

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Detainee: I was a farmer. I planted the land.

*Administrative Review Board Member's questions:*

Board Member: Sir, do you have any formal education?

Detainee: No.

Board Member: Did they [the American Government] tell you why you were being detained?

Detainee: No.

Board Member: Can you tell the Review Board anything about this Taliban facility that is mentioned in the Unclassified Summary of Evidence?

Detainee: I was captured at home. There was no Taliban [facility] when I was captured.

Board Member: There was no Taliban facility that you were aware of?

Detainee: When I was captured, it was during the time of the Karzai Government, not during the time of the Taliban Government.

Board Member: You say that you were in your home when you were arrested. However, earlier you stated that you home had been bombed and had not been rebuilt. I am confused about this statement. Can you clarify?

Detainee: My house was destroyed. I was living in my neighbor's house.

Board Member: Who were the other individuals you were detained with? Why did they [the American Government] release two of the individuals and keep two individuals?

Detainee: That is what I want to know. I was captured with other people, but they were let go and I was not. The individuals were my son, my brother, and one other individual from my village.

Board Member: Whom were you detained with and who was let go?

Detainee: My son and my brother were let go.

Board Member: Do you support the current government under President Karzai?

Detainee: Yes. I was supporting the current government when I was captured.

Board Member: What are your feelings concerning Osama Bin Laden and al Qaida?

Detainee: Those people make trouble. Who would like those people?

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Board Member: If you are released, will you return to your village?

Detainee: Yes. Where else would I go? I have land.

Board Member: Do you have people at home who are able to support you? Could you support yourself?

Detainee: Like whom?

Board Member: Will you be able to support yourself and your family if you are released?

Detainee: I am old now. I have a grey beard. I can no longer work. My brother and my children are there [back home in my village]. Together they will work, and we will eat. In our system [Afghan people] many family members live together. One family member will go do business, one family member will go and bring the profit into the house and then all the family members share in that profit.

Board Member: Is Pacha Khan a great leader?

Detainee: I have not seen him personally.

Board Member: In years before, did Pacha Khan stand up for the Mujahadeen? Did Pacha Khan support the Mujahadeen?

Detainee: He was far from us. I don't know.

Board Member: Have any members of your family served in the military?

Detainee: No. [Responding to the Board Member] During what time, when? [Referring again to the question of family members in the military].

Board Member: At any time.

Detainee: No Sir. No members of my family have served in the military. We are poor people. People of Khwost do not serve in the military.

Board Member: What about member's of your brother's family? Have any of them served in the military?

Detainee: We all live [me and my family] together. None of us serve in the military.

Board Member: Again, do you know if Pacha Khan supported Mujahadeen?

Detainee: I do not know him personally. I do not know if Pacah Khan was a support of the Mujahadeen or not. There are a lot of people there. I don't know.

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Board Member: To clarify, no members of your family [the Detainee] or your brother's family have ever taken up arms against anyone?

Detainee: No. My family and I have never taken up weapons [arms] against anyone.

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

*The Presiding Officer opened the classified portion of the session.*

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

#### AUTHENTICATION

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

  
Colonel, U.S. Army  
Presiding Officer

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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY  
COMBATANT**

**ISN 458**

<b>Exhibit #</b>	<b>Date</b>	<b>Classification</b>	<b>Guantanamo#/ICRC Letter #</b>
EC-C/1	5/29/2005	UNCLASSIFIED	GUAN-2005-A 01409 ICRC #8582

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(Revised 2 Dec 05)

**Summary of Administrative Review Board Proceedings for ISN 460**

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

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

Detainee: I took the oath the last time and it didn't help me. In our society when we take the oath it means that we are telling the truth. By me telling you the truth I should be able to be released, but I am still here. I will take an oath if you don't believe me but if it doesn't help me then I will not take the oath.

Presiding Officer: That's perfectly fine. We still accept your statements.

Detainee: When I take an oath it will be the truth. You guys do not accept the truth.

*The Detainee declined taking the Muslim oath.*

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

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

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

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

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Assisting Military Officer: The detainee's ARB interview was conducted on 30 November 2005 and lasted 34 minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the detainee. The detainee stated he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the detainee stated he would attend the ARB, and wished to respond to each statement of information in the Unclassified Summary after it is presented. The detainee was cooperative, attentive, and cordial throughout the interview. A copy of the Pashto translated Unclassified Summary of Evidence was provided to the detainee upon his request. The detainee's follow-up interview was conducted on 01 December 2005 and lasted 25 minutes. The purpose of the follow-up interview was to review two letters the detainee wished to present to the ARB.

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

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

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

Presiding Officer: We understand that you just had your tooth pulled, so if you have any discomfort or need to take care of it just let us know and we will take care of it.

Detainee: Thank you very much and I will try to answer all of your questions.

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

Designated Military Officer: The detainee stated he knew of Pacha Khan Zadran and that Zadran was a good man and the detainee's tribal leader.

Detainee: Tribal-wise, he is Zadran and I am Zanikhil. I know him and he is a Zadran tribe leader and I have no association with him.

Designated Military Officer: Pacha Khan Zadran, a field commander, initiated field operations against the coalition military forces in the Afghan provinces of Konar, Laghman, Nangarhar, Paktia and Paktika.

Detainee: Like I said I only know him as a different tribe leader, If he is fighting Karzai or Karzai is fighting him it is none of my business and I have nothing to do with that. We are from the same province, he is Afghan and I am Afghan. If one Afghan is with the

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United States and the others are against them do I get the same credit? If someone is bad is it up to me? It is not up to me, it is up to the United States forces to decide, not me.

Designated Military Officer: The detainee reported that the United States bombed his home after receiving some incorrect information about him.

Detainee: I do not know what the reason was for bombing my home. Bombing my home damaged a lot of property and people in my family were killed. I do not know who gave them that report, I do know about myself and that I am innocent. I know that we did not do anything wrong or against the United States.

Board Member: You mentioned incorrect information caused the bombing of your home. Do you know what that incorrect information was?

Detainee: I do not know, Sir. I wish I did know.

Board Member: Do you have any ill will/revenge towards the United States for what happened?

Detainee: I am a poor guy. Somebody might have given them the wrong information. It was a mistake and it happened.

Board Member: You have no revenge against the United States for what they did?

Detainee: No. I will not take revenge and that was not their fault. Someone just gave them the wrong information.

Designated Military Officer: A modified very high frequency transceiver was seized at the time the detainee and three others were captured.

Detainee: It is true that three people were arrested with me. One was my brother, one was from my village and the other was my nephew. My fellow villager and my nephew were released, but my brother and I are still here. They did not catch me with any radio, I did not see anything and I do not know anything about that.

Board Member: Whose residence were you captured in?

Detainee: When they bombed our homes we moved to another villager's home to live.

Board Member: Is it in this home the radio was found?

Detainee: The radio was not found at our home or the house that we lived in. The house we were staying in did not have a high frequency radio either.

Board Member: So the radio was not found with you?

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**Detainee:** The radio was not found with me, I didn't see it and I do not know.

**Designated Military Officer:** The radio was identified as the same type utilized by Taliban members.

**Detainee:** When I said I didn't have a radio and it wasn't captured with us, then what does that have to do with the Taliban and whether they use it or not, I don't care. I didn't have the radio and even if I did have the radio, it was distributed by the United States and if I had it I would have told him at that time that I had the radio.

**Designated Military Officer:** Coalition forces were fired upon during the detainee's capture.

**Detainee:** We did not fire on them, nobody fired on them and no one was hurt.

**Designated Military Officer:** The detainee said the United States should not imprison him for not doing anything wrong.

**Detainee:** It is Crystal clear to everyone, my village, and my home province that I did not do anything. Even the British papers declared that the United States forces mistakenly bombed people's homes and people were killed and no one fired on anyone.

**Designated Military Officer:** The detainee stated he never heard of Jamiat Tablighi and that he was not a member of that organization.

**Detainee:** I do not know him. I have not seen him and I do not have any relationship with him.

**Designated Military Officer:** The detainee claimed no knowledge of any very high frequency hand held radio.

**Detainee:** I told you, Sir, my friend did not have it and I did not have it.

**Designated Military Officer:** The detainee denied that his fingerprints would be found on the radio that was seized at the time of his capture.

**Detainee:** I have told you three and four times there is no radio. All these questions are related to the radio. I said I didn't have the radio, I don't know about the radio and none of my friends or anyone else.

**Designated Military Officer:** The detainee denied having any knowledge of the attacks in the United States prior to their execution on September 11, 2001 and also denied knowledge of any rumors or plans of future attacks on the United States or the United States interests.

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**Detainee:** Look at me, I am a farmer and I work in a store. Fate brought me here; look at me as a farmer and working in a store and it brought me here. I don't have any marks; I only have marks on my hands from cutting grass, weeds and farming. I don't know anything about the attacks on the United States. I am very surprised at the United States. They are very smart, and I am disappointed that they do not know who their enemies and friends are. They look to their enemies and friends with the same eyes. Why is it like that?

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

*The Presiding Officer acknowledged the request.*

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

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

*The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.*

**Assisting Military Officer:** The detainee stated that in the CSRT, he swore an oath, told the truth, and he is still here. However, he will take the oath again, tell the truth, and the ARB will have to release him. The detainee stated that as detainees, their future is in the American hands. The detainee also stated that at the CSRT, he was informed that if someone wrote about him and his innocence, it would help his case. The detainee stated he has only one letter to present to the ARB from his nephew, and that the letter mentions another letter that was sent to three-to-four times; however, they have still yet to be received. The detainee opined these letters were confiscated and not made available to him.

*The Detainee made the following statement:*

**Detainee:** In the whole world there is a rule if someone is arrested or someone sues someone they have to present evidence, witnesses or take an oath. I took an oath, I presented my evidence and they didn't believe me. I beg you, Sir, I won the case, and by swearing the last time I told you the truth. This time I am telling you the truth also. I am innocent, in our society and in the whole world this is the rule if someone takes an oath that means they are telling the truth. When he tells the truth you should believe that, please make a difference between the enemies and the friends, don't make enemies, make friends. My question to you, when they arrest me they could have found the truth by asking my villagers, my district manager, my governor and they will tell you about me and my family. You can find the truth very easily and that would be a wonderful thing for

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you guys. That is the rules to telling you to find the truth. Here's my story they arrested us and brought us here, at home they began collecting signatures and fingerprints from tribal leaders, the influential people in my village, the district manager and the governor where is the justice they haven't even showed us those letters? The letter that you have in front of you from my nephew and my brother states they have sent the letters that we asked them to send. During the CSRT they told us if we got letters from home providing evidence with signatures from influential people in the province/government stating that I am innocent, I am not a bad guy, I am not a criminal, and I am not against the government or the United States, then that will help me. Here my nephew and my brother state in the letter that they have sent these documents to me three/four times already and they have not given these letters to us. Isn't that injustice, ruthlessness, and carelessness that they have not given us these letters to help us?

Board Member: May I interrupt you very quickly? The three or four letters that they claimed to have sent you, who were they coming from?

Detainee: They are from my nephew and my brother back home. They are letters that can help us and were documented with signatures and fingerprints from the district manager and the governor.

Board Member: That's what I am trying to get straight. Is that the letter that you have not received that would provide information for you?

Detainee: No, Sir. I did not receive that letter.

Board Member: Okay, we got the letter from your nephew right?

Detainee: Yes.

Board Member: So this other letter that was sent three or four times was that sent from a government official?

Detainee: The letter you see there is from the Tribal leaders and the district managers and the government.

Board Member: Okay so those are the ones that have not been received?

Detainee: Yes.

Board Member: Okay.

Detainee: By providing these letters and documents I am innocent and they don't have any evidence against me to put in with the detainees. The surprisingly important thing for me is that there were three of us here from the same family, my two brothers and my nephew. They sent my nephew back home, and he went through the CSRT and they gave him a letter stating you are released, you are not an Enemy Combatant and here my

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brother and I are Enemy Combatants. I have never fought nor done anything wrong. They woke me up in the middle of the night and brought me here to Cuba and I'm begging you to take into consideration the justices and injustices and the right and wrong thing. This is not the way it should be done with us. If we are criminals where's the charges and if we are criminals then we did the same things with my nephew and my nephew was given the release form and we were given the detainee form. Here you can see the injustice based on that, it is one file, one people, one family and two different kinds of decision made.

Board Member: Does that conclude your statement?

Detainee: Oh, and I am not a Taliban and if there is any proof of a single day that I work with the Taliban or even less than one percent proof that I am even sympathetic to al Qaida, then I will not be unhappy because I deserve to be here for what I did. The reason I am upset is because I was not a Taliban, or an al Qaida, and I am not for nor do I support the al Qaida. I am just a poor guy that ended up in Cuba and that's why I am upset. , Sir, the one thing that I request of you is to find the documents they have sent to us and based on that decide what you want to do. My statement starts here again, they bombed our homes, killed our people and they brought me here, yet I still do not have any animosity or unhappiness against the United States. They did it with the wrong information, the bad guy gave them or the good guy gave them, I do not know that. Let by gone's be by gone's. Take into consideration my brother and I am here and we have families to support, our families live there. We were so happy for the Americans to come help us, everyone else came to Afghanistan and destroyed it invaded it, killed people, looted it and destroyed our resources. When the United States came they helped build and brought peace and security. Mistakes happen; they bombed my home, killed our people and brought me here. This is a mistake. One thing has made me think, I heard the United States is very strong, they are very fair, the justice is wonderful and they take everything into consideration. In my case it was a mistake; it's okay. I hope from now on they think twice not only about me, but other things and other people not to repeat the same mistake as what has happened. My request to you is that you take my case up to your boss and commanders tell them about my case and that would be a beautiful thing. Thank you very much for listening to my statement.

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

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

*Administrative Review Board Member's questions:*

Board Member: You have family at home to return to?

Detainee: Yes, Sir.

Board Member: How do you plan to support your family?

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(Revised 2 Dec 05)

Detainee: I will be a farmer like I used to be.

Board Member: Do you own property?

Detainee: Yes, Sir.

Translator forgot to mention the following in the detainee's oral statement:

Translator: The detainee stated if I did not like the Americans then when they bombed our home, they did not capture me for two or three and half months. Why didn't I take arms and go and fight the Americans.

Board Member: The circumstances surrounding your arrest. Who arrested you? Did the American troops come in and gather the individuals up in your home? Was there a translator explaining the process? Or did they just take you up in the middle of the night and take you to prison?

Detainee: The American airplanes always flew over our home. We lived in a room in the family's home. We moved into the friend's house after the bombing. One night the airplanes landed and we thought they were there to help us or give assistance because they bombed our home. The soldiers came in, woke us up and tied our hands behind our backs. We thought they would take us to the host province to give some assistance but we ended up in Kandahar.

Board Member: Was there any resistance during the arrest?

Detainee: When someone is sleeping and they are empty handed, no one can fight. If they arrested/captured us with weapons in our hand then it would be true that we had intention and we fired at them. We had enough time to prepare if we wanted to fight. Three and a half months is a lot of time and we didn't have any intention to fight. If you don't have any intention to fight someone that you like then it would not be a good thing. We didn't like to fight and we did not want to fight. Light weapons have been permitted since 1930, when Zahir Shah came to power, he came to power because of these people. He entered through the British India to Afghanistan. He gave us three things. The first thing was anyone 22 years old or turning 22 years old in Afghanistan must go to the service for two years. The second thing, we did not pay taxes on our property. The third thing was light weapons were allowed in each home and we did not have weapons other than light weapons. We did not have any intention to fight back.

*The Presiding Officer read the post-Administrative Review Board instructions to the Detainee.*

Detainee: How long will that take, Sir?

Presiding Officer: We do not know.

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(Revised 2 Dec 05)

*The Presiding Officer adjourned the open session of the Administrative Review Board.*

*The Presiding Officer opened the classified portion of the session.*

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

AUTHENTICATION

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

[REDACTED]

Colonel, USAF  
Presiding Officer

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# UNCLASSIFIED

## CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

ISN 460

Exhibit#	Date	Classification	Guantanamo#
EC-C1	09/22/05	UNCLASSIFIED	GUAN-2005-A02337
EC-C2	12/01/05	UNCLASSIFIED	NONE

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EC-C  
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# UNCLASSIFIED

Sarajodin #458  
Khan Zaman #460

Dear Administrative Commission, I give all my respect to you.

I, Sarajodin, hereby state the following:

My son and my brother have sent three or four letters from Afghanistan to my brother Khan Zaman, which states, "we prepared and signed those letters as evidence by the tribal leaders, District Manager, and Governor. These letters clearly stated that both of you are poor and innocent. They never committed any crime. It will be very nice if these people were released, because they are innocent." Would you please find out about these letters?

With much respect

Fingerprint of the Khan Zaman

فسترداداری لمسن حشوالو ته من اصرافا دواندی لوم

نه سرارج المرن بیلانی دی دول عرض لوم

دورور غفل زمان نه د اعدا نون فقه ظاهر یعنی دی اوبه هیه خطه لشی د سارزی ادر  
دورور د طرفه دین لیکل شوی دی چه روز دی قهور شاه جرنای د جرات د دلی اورد لوزی  
در لکونل اورد جرات د نولو قوی حشوالو چه د سخته حوز تا سو د زردی دی اوبه دی خطه  
لشی د لیکل شوی دی چه د افلاک دی عریب اوبی قلب گنده صلات دی اولوس جودم نه لری -  
ادله د افلاک د افلاک شش دیر به شرو دی کلمه میری گنده دی اوتاسو کتیرم اولای بخش چه د ا صلوته

پیر المرن چه دواندی



د زمان خان گونا

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Summary of Administrative Review Board Proceedings for ISN 493

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer (AMO) was sworn.*

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

Detainee: Of course I do not speak. I only speak the truth and I will speak the truth and I have nothing but the truth. Do you have anything else to say?

Presiding Officer: I understand your customs and I respect you for that. Can you just please give me a yes or no answer as to whether you wish to take the oath.

Detainee: I just have two things to say before everything else. I was hoping for this to convene and that I would have the chance to speak in front of you. It is a great day that you called me today. Honesty is something great and you have all of my respect. I will summarize it in two words, no more or no less. I understand...I am a Muslim and you are Christians. Christians and Muslims or anyone on this planet does not like injustice. The words I want to say to you, with all of my respect to you, are thank you very much for calling me here. The second thing I will talk about is my situation simple and short, summarized. So, you have it in my file from "A, all the way to Z". I was in a Taliban prison.

Presiding Officer: Could I ask you to...all I am asking at this time is if you want to take the oath or not. That is it. You will have your opportunity to give us this statement in a short time.

Detainee: I only have two things to say and that is it.

Presiding Officer: I appreciate that and I want to give you that opportunity. At this point I just want to get your answer on whether you would like to take the oath. If it is a "no"

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that is fine and we will continue on and you will have an opportunity to give us those two points.

Detainee: I did not complete my statement. Before I take an oath if you can give me a small...

Presiding Officer: Go ahead.

Detainee: Thank you. The American Forces took me from the Taliban prison and I am here right now. They interrogated me more than 20 thousand times and that is one of the injustices. I don't have [anything] else to say or to do and thank you very much. I am not from damn al Qaida and your government and officials know that. I am a person of faith. I have [a lot] of faith. I believe that my release...that this is punishment from God for me and I will be released by God and I know that this is unjust. I was detained before and [I am] now. I was beat[en] up and tortured [by] one of the Saudis in prison here. I just want to thank you very much for all of this. Thank you, with all of my respect to you, and now I want to go back to my [cell].

Designated Military Officer: [Presiding Officer] if I may just make a comment about that.

Detainee: I do not want to hear anything from you.

Designated Military Officer: The allegation that the Detainee is making with regard to a Saudi prisoner or detainee abusing him is something that the Assisting Military Officer has already referred to [the proper channels]. It is not in the package. It is information that is available and it has already been reported to the proper channels.

Detainee: Thank you very much I don't want anything else and I don't want to [listen].

Presiding Officer: Do you wish to go on with your Administrative Review Board at this time or do you want to be excused from the room?

Detainee: Thank you very much. I want to leave you. I am so sorry. I want to go back. Thank you. The punishment is coming from God. I don't have any problem with you...I mean with the United States. Also, you know that as I told you and she (*referring to the linguist*) told you, the Americans took me from the bloody Taliban prison. Before the war I was there and they tortured me very bad, even the Karzai people. Even here I get [tortured]. Thank you very much. I respect you, all of you. You are very nice, very good. Treatment is nice [and the] MPs are good.

Presiding Officer: I appreciate your honesty and if you would like I can cover a couple of the Post Administrative Review Board Comments.

Detainee: No.

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Presiding Officer: Okay. Thank you and we will take a brief recess while the Detainee is escorted out of the room.

Detainee: Thank you very much, all of you.

*The Detainee is escorted out of the room.*

Presiding Officer: The Administrative Review Board is now reconvened. Designated Military Officer please note the current time and date.

Designated Military Officer: The time is 1419 hours and the date is 22 September 2005. Sir, this board adjourned previously at 1411 hours.

Presiding Officer: Thank you. This Administrative Review Board recessed at 1411 hours on 22 September 2005, while the Detainee was removed from the room at his request and the board will continue from this point forward in absentia of the Detainee.

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

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

Presiding Officer: I note from the Enemy Combatant Election Form, EC-B, that the Detainee chose to be present and respond to each statement after it is presented, but he has elected to leave the Administrative Review Board and it is going to continue in absentia. Does everybody agree that the Detainee did acknowledge that he wanted to be excused from the Administrative Review Board?

Assisting Military Officer: Yes sir.

Designated Military Officer: Yes sir.

Presiding Officer: The Assisting Military Officer and Designated Military Officer acknowledged. Thank you.

*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.*

Presiding Officer: It should also be noted that the Detainee did understand English and he addressed the board prior to his departure in English and did appear to understand

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what the board was about and was very emotional. For some reason he decided not to stay.

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

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

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

*The 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 read the Assisting Military Officer comments and the Detainee comments from the Enemy Combatant Election form, Exhibit EC- B.*

*Administrative Review Board Member's questions:*

Board Member: In paragraph 3a items 10 and 11 it list Turhum, Afghanistan and he went there in 1992. Is that the same place as the Towr Kham Center guesthouse?

Designated Military Officer: I am not sure sir. I saw that also and I could not find Towr Kham. I am not sure if it is just the name of a guesthouse or if it is a guesthouse within the town or Turhum.

Board Member: Okay, because number 11 says 'Detainee again went to the Towr Kham Center guesthouse' which leads [me] to believe that he had been there before and that may have been the same place listed in number 10. Not a big deal though.

Designated Military Officer: It could be, but I am not sure.

Board Member: This guy has quite a timeline. Sometimes...this guy has a classic situation where sometimes we should eliminate anything out of all of this information that had to do with the previous war. We should focus in on 2001. That is just an observation. Who was this guy a spy for? Who was he working for when the Taliban arrested him as a spy? Was he working for us? Any ideas?

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Designated Military Officer: He is not very clear on why the Taliban arrested him. If you look at the Unclassified Summary his response to the question about the Taliban arresting him was that he was never told anything, not even why he was arrested and they never even asked him his name. He doesn't know why the Taliban arrested him.

Presiding Officer: Yes, that is what it says.

Designated Military Officer: He said he was not even asked his name.

Board Member: On page 2 of 5 on the Unclassified Summary in item 12, what year was that? Does that start the...is that the recent stuff in item 12? In other words, do we move from 1992 to 2001 between numbers 11 and 12? Did he go do the Jihad for the Taliban? Are we still back in 1992 with items 12-15?

Designated Military Officer: Being that the Taliban was not in charge in 1992, I would say probably not.

Board Member: So, was all of that in 2001?

Presiding Officer: [It is] sometime between then. It could be the beginning of the Soviet time. It does not really say.

Designated Military Officer: I am just not sure.

Presiding Officer: That could be when the Taliban declared Jihad against the Soviets. It is not specific.

Board Member: I think that when we get to the classified side we can put it all together.

Presiding Officer: Okay. I don't remember, but you are right, it might.

Board Member: He is well connected that is for sure. The foxhole incident was probably in the Soviet time.

Designated Military Officer: I don't think so because that was when he was at the training camp. It was during the time he was at the training camp.

Board Member: Okay.

Presiding Officer: Assisting Military Officer this is for you. In the EC-B you read that he has no friends or relatives living in the United States and the Detainee stated that this was true.

Designated Military Officer: That was his comment sir.

Presiding Officer: His comments were that he does not have any relatives [in the United States].

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Assisting Military Officer: Yes sir.

Presiding Officer: Okay.

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

*The Presiding Officer opened the classified portion of the session.*

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

**AUTHENTICATION**

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



Colonel, U.S. Marine Corps  
Presiding Officer

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**Summary of Administrative Review Board Proceedings for ISN 496**

*The Administrative Review Board was called to order.*

*The Designated Military Officer (DMO) was sworn.*

*The Board Reporter was sworn.*

*The Translator was sworn.*

*The Detainee entered the proceedings.*

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

*The Administrative Review Board members were sworn.*

*The Assisting Military Officer was sworn.*

*The Presiding Officer asked the Detainee if he wishes to make his statements under oath. (Muslim oath offered).*

*The Detainee accepted taking the Muslim oath.*

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

*(The Detainee interrupts with the following statement)*

*Detainee: I am not feeling very well today. I have a hearing problem, but I will try to do my best.*

*PO: Well, if you need assistance, ask us to repeat something and we will take the time to repeat it.*

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

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

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

*Assisting Military Officer: The Detainee's ARB interview occurred on 12 August 2005 and lasted for 114 minutes. After a review of the ARB's purpose and procedures, the*

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Farsi translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, he said he would attend the ARB and address statements in the Unclassified Summary of Evidence as each point is presented. The Detainee was very cooperative and polite throughout the interview. The Detainee kept a copy of the Farsi translated Unclassified Summary of Evidence for review.

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

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

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

*The Detainee chose to respond line by line to the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.*

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee admits to working for the Taliban.

Detainee: I have stated this from the beginning, ever since I arrived here. I was forced to work for them. I had no other choice and there was nothing that I could do. I was forced to work for them, so yes I worked for them. For example, for the six, seven, or eight months I was there under their atrocity, then their regime toppled and [U.S. Forces] came over, then I stopped [working for the them]. I don't know that it was my fault that [I worked for them]. I was forced to do it and I had to do it.

Designated Military Officer: (3.a.2) The Detainee was recruited to work for the Taliban and was hired to work in the Office of Intelligence, Division #2, in Mazar-e-Sharif.

Detainee: They are both the same. This charge is the same as the first charge.

Designated Military Officer: (3.a.3) The Detainee was identified as having been placed in a position with the Second Administration.

Detainee: Yes, I was working there and I had a title, but I did not have any authority or anything like that. For example, they just gave me a name like president of that department, but I did not have any authority and there were other people who had the power. I was just a pencil pusher for example. I was just doing what they were telling me to do. They just gave me a name as a formality.

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Designated Military Officer: (3.a.4) Administration Office Number Two was the Foreign Affairs/Intelligence Office in charge of foreign personnel, liaison with the international charity groups and registering people.

Detainee: I don't know anything about that. I was just there. I don't know what they were doing or not doing. I used to go there every once in a while. I went there a couple days a week and I don't know what they were doing there.

Designated Military Officer: (3.a.5) The Detainee was identified as having been placed in the position of 2<sup>nd</sup> Security Office for the Embassy.

Detainee: This is redundant and you just said this before. Again, I was just there and they gave me a title, a name. I can provide other detailed information about this. I did not have anything to do with this.

Designated Military Officer: (3.a.6) According to the Detainee he was in charge of the front office.

Detainee: Yes, that is true. They told me that I had this responsibility, but it was just a formality. I said it before and I am saying it now, I don't know anything else about it.

*(The Presiding Officer interrupts and asked the Assisting Military Officer why the air conditioner was off. The Assisting Military Officer replied it was because the Detainee was cold and could not hear properly with it on. The board continued the proceedings).*

Designated Military Officer: (3.a.7) The detainee provided detailed descriptions on various different departments within the Taliban Intelligence building.

Detainee: Yes, like I said before, in the period of time I was there, six, seven, eight months, the things that I saw, I told the [interrogators] what I experienced and it is not like I am hiding anything. I tried to cooperate and be helpful as much as I can. The things I knew I told you about. The things that I don't know I can't tell you about.

Designated Military Officer: (3.b) Other Relevant Data (3.b.1) The Detainee traveled to Pakistan and Iran in search of employment to pay debts. While in Pakistan, the Detainee attended a madrassa for approximately 5 to 6 months where he studied the Holy Quran.

Detainee: Yes [that is correct].

Designated Military Officer: (3.b.2) The Detainee was arrested at his house by two of Dostum's soldiers and eventually turned over to American Forces.

Detainee: This is a little confusing and I would like to explain it in detail. Nobody arrested me at my house and it was not by Dostum's people. I have explained [this] before. In the time of the Taliban I borrowed some money from [Mullah Hamidulla Hamidi] and he was giving me a lot of problems about the money. We did not have

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much money and we were dealing with other things like barter trading [to pay off debts]. We were giving wheat or sugar to pay the debt off. Since [Mullah Hamidulla Hamidi] was giving me a hard time, and after the fall of the Taliban, I was forced to give my car as collateral to [Mullah Hamidulla Hamidi] to stop [Mullah Hamidulla Hamidi] from giving me a hard time. When the new government was established I was living about 12 hours away. I was living in Sangcharak and [Mullah Hamidulla Hamidi] was living in Mazar. At that time I wanted to do the right thing and pay [Mullah Hamidulla Hamidi] the money or do something to stop [Mullah Hamidulla Hamidi] from harassing me. During this time I went to Mazar-e-Sharif to see [Mullah Hamidulla Hamidi]. Since I was there during the Taliban time by force, and now I was free, I was just doing my own stuff to survive and making money doing what ever I could. I was working as a courier with my truck. I was taking stuff or people from here to there or whatever I could do to make money. I went there to see [Mullah Hamidulla Hamidi]. When I bought the car, I had a co-owner named [Abdul Rahmon], we bought the car together, and when I gave the car to [Mullah Hamidulla Hamidi] my co-owner, [Abdul Rahmon], did not know anything about it. Somehow [Abdul Rahmon] found out I gave the car to [Mullah Hamidulla Hamidi] and [Abdul Rahmon] complained about it. [Abdul Rahmon] was working for Dostum's people. [Mullah Hamidulla Hamidi] told me that the car I gave him had a co-owner named [Abdul Rahmon] and that [Abdul Rahmon] wrote [Mullah Hamidulla Hamidi] a letter and stated he was the co-owner of the car. I told [Mullah Hamidulla Hamidi] yes I have a co-owner, but I did not want to tell you in the beginning because if I would have you would not have taken the car and I would have been in jail. Now that we all know this and it is out in the open lets call [Abdul Rahmon] and we can make a deal to sell the car and give you your money and he and I will get our money. At that time there was a big demand for the type of car that I had. The U.N. was distributing a lot of wheat to the poor people and they needed a 4 x 4 type of car to transport it. Since my car was a 4 x 4 the value of the car was around \$3000 USD. I told Abdul Rahmon that we were going to sell the car, and he could take his money and I will take my money and give it to Mullah Hamidulla Hamidi. Hamidulla and I were supposed to go meet Abdul Rahmon to make the transaction. I had Abdul Rahmon's phone number and I asked Hamidulla where should we meet him? Should we meet him at his house or some other place? Hamidulla said we should go meet him at work. Abdul Rahmon was not aware we were in Mazar or what we were doing. We called him and told him we were coming from Sangcharak to visit him and asked where he wanted us to meet him. We told him to pick a place and we would meet him there. Abdul Rahmon told us to give him our location and he would come and see us. Hamidulla told him we are at the Mosque and [that he] could come and see us here. This all took place in the wintertime. While we were waiting for Abdul Rahmon I took a nap and Hamidulla went to read. I was sleeping and then Abdul Rahmon and someone else woke me up. At first I was surprised to see him because he shaved his beard off and he was wearing camouflage clothing. This was the first time I saw him like that. After we said hi to each other, he said let's go. I did not know the other person with him was a soldier at the time and I told them we should go to a dealership or something to sell the car then we can do the transaction. I noticed something different about Abdul Rahmon, that he was not the same person as before, he was not very friendly. I said let's go do the deal. We went outside

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from the mosque, through the courtyard, to the street and got a cab. I did not know that there were two soldiers following us. As we got in the cab, the two soldiers that were following us, they got in the cab too. I asked Abdul Rahmon who they were and what they were doing here. He said not to worry, they were doing their own business and they have nothing to do with us. Abdul Rahmon said he needed to go take care of some other business and that we would go sell the car later. We went to the office, the Intelligence Office that I worked at. I saw most of the people that I worked with during that time, but they were working with a different regime now. We went in a different room and two soldiers walked in and arrested me. I asked them why and they said they were only going to keep me a couple of days and then I would be released. I was detained for about 15 days and they asked me a lot of questions about the transactions and the next day they turned me over to the Americans. While I was detained, the person doing the interrogations was asking me a lot of questions and said that if I cooperate I would be set free. Then they said I would be here just a couple of days and they would let me go. Then from there, I don't know what happened; you know the rest of the story. Since that day I have been in this place and I am a Detainee. It has been four years and I don't know my crime.

Designated Military Officer: (3.b.3) The Detainee was in possession of \$100 USD and 1000 German Deutsche Marks when he was turned over to American Forces.

Detainee: In all my life I have never held a U.S. Dollar in my hand. I have seen it in other people's hand, but I have never personally held one in my hand. About the Deutsche Mark, I have never heard of that. This is the first time I have heard that.

Designated Military Officer: (3.b.4) The Detainee denied having any American or German currency in his possession upon his capture (detention by American Forces).

Detainee: I told you the truth.

Designated Military Officer: (3.b.5) The Detainee stated that he was not the person in charge of his office as previously reported.

Detainee: Yes, that is true and you have probably done your research about that. What I did and did not do there is known to everyone.

Designated Military Officer: (3.b.6) According to the Detainee, his knowledge of Taliban Intelligence operations was based on common knowledge.

Detainee: Yes, that is correct.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The Detainee reportedly never owned, fired a weapon, or attended military training of any kind.

Detainee: Correct.

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Designated Military Officer: (4.b) The Detainee stated that although he disliked the Taliban, he needed to support himself by working.

Detainee: Like I said before, the money I was getting from them was not that much. I was getting about 120,000 Afghanis a month and during that time Afghani money did not have that much value. A good meal in a restaurant would cost 150,000 Afghanis. They did not give us food at the office, they would give us 50,000 Afghanis a day for food and I was taking that money home spending it with my family. Yes, we were doing whatever we could to survive. We could not eat meat or other good stuff, but we would buy vegetables, beans, or potatoes... whatever we could buy to keep us going. With the salary that I was getting from them, it wasn't enough to buy one good meal. We were just doing whatever we could.

Designated Military Officer: (4.c) The Detainee stated that Americans had rescued Afghanistan and that he would not kill Americans.

Detainee: Correct.

Designated Military Officer: (4.d) The Detainee stated he did not like the Taliban because they killed his uncle and cousin.

Detainee: Correct.

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

*The Presiding Officer acknowledged the request.*

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

*The Detainee made the following statement:*

Detainee: I want to say that I have been here for 4 years, but why? I don't know what I have done or what kind of [trouble] I am in. I have been here for a long time and I don't know why. I don't know how much longer I will be here. Maybe you can tell me how much longer I will be here. In the four years that I have been here I have been interrogated so many times over and over and I have always told them everything that I know. I don't know what else they want to know from me. I have nothing else to tell them. I don't know what I have done. Maybe I did something back there or if I did something here. I don't know why I am here. If you were to say that you have told us what you know...the thing is I have been here for 4 years, and 4 years is a long time. It is like someone's age. I don't know why I am still here, but if you have any questions I will answer them. Otherwise, I have already answered all of the questions there were and I still don't know why I have not heard any answer from you. Some high-ranking Taliban

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members, like governors or other high-ranking people, they have already been released. They wrote letters back [to Guantanamo] from Afghanistan. I don't understand how they got released and I was just a no one and I am still here. I don't know. The power is in your hands. I have lost my appetite, my mind is going crazy, sometimes I eat and sometimes I don't eat, but my patience is running out. I don't know how much longer I can take this.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

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

*The Designated Military Officer had the following questions for the Detainee.*

Designated Military Officer: Mr. Rahman, you said that you were not feeling well today, are you receiving any medication for whatever you are not feeling well from today?

Detainee: No, no medication.

Designated Military Officer: Are you receiving any medication for any other condition that you might be feeling poorly from today?

Detainee: Yes, I have been sick a lot of times. Sometimes the medication had bad side effects, so I stopped taking it. In the past couple of weeks I have been having some problems with my left ear. I saw the doctor and he gave me some medication and I took some of the medication. It gave me some problems and I could not sleep so I stopped taking it.

Designated Military Officer: Is the medication for some form of infection or some type of disorder?

Detainee: I don't know. They gave me two kinds of medication and I took it. They washed my ear and gave me some type medication to drop in my ear.

Designated Military Officer: It sounds like you are capable of responding today even though you are not feeling well, is that correct?

Detainee: Yes, I can hear the translator and [Designated Military Officer], but when [the Board] talks I can just hear some mumbled noise and cannot make out what they are saying or the words.

Designated Military Officer: You mentioned that you didn't do any work for the Taliban, what exactly were your duties at the Taliban?

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**Detainee:** There were two cars there, there was a lot of fighting going on, and there was a lot of fighting going on in Sangecharak where I lived. There were a lot of problems and we were going from one place to another place and taking things from here to there. From 8 o'clock to 12 o'clock we were just sitting [around] doing nothing until it was time to go pray. Pretty much everybody was in his own area or department. In my department there were two people who had the authority or power and they worked there for a long time. They were experienced people. While we were there, people would bring us some reports that would say there is trouble in this place or some other place. Someone else was writing the reports and they would give them to me to sign and then we would send it to another department. This would happen, not everyday, but sometimes. Other than that we were sitting around telling stories, telling jokes, and drinking tea. If there was nothing for me to do I would just leave and they would stay in the office until the end of the day. I could just leave and come back anytime I wanted. If they didn't have anything for me, then I wasn't there very much. Every once in awhile we would go visit a foreigner at the airport. Abdul Rahmon was working with me at that time and we would go pick-up this person and bring him to the office. We did not do this all the time only once in a while.

**Designated Military Officer:** My last question for you. What is your relationship with Abdul Rahmon other than the car? Is he a member of your family, a friend, or a co-worker, what was your relationship with him?

**Detainee:** I did not know him very [well] besides working at the office together. I did not know him and I didn't have any relationship with him.

***Administrative Review Board Member's questions:***

**Board Member Questions:** What was your title when you worked for the Taliban?

**Detainee:** I don't know exactly, but they kept telling me the second person, the second person and that was my title.

**Board Member:** The two soldiers that arrested you, were they Afghani Soldiers or American Soldiers?

**Detainee:** They were Afghans.

**Board Member:** Did they work for General Dostum?

**Detainee:** I don't know if they did or not, they were just with me until they took me to the other place and I did not see them after that.

**Board Member:** I want to answer your questions. You are here because you were determined by an investigation that you are an Unlawful Enemy Combatant.

**Detainee:** Surprising! For what reason, whom did I fight?

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Board Member: And you will be here...you wanted to know how much longer you will be here. How long you will be here will be determined by what we will decide here or recommend here. That is what this process is about. We will determine if you will be released, detained, or transferred somewhere else.

Detainee: Thank you. I don't know what else I can do. You guys have the power and whatever you can do is fine.

Presiding Officer: We have covered the circumstance of your arrest, and your knowledge of the Taliban, have you ever heard of a group al Qaida?

Detainee: Before I went to Kandahar I didn't know any Arabs and I didn't know anything about al Qaida.

Presiding Officer: Your answer about being arrested in Mazar-e-Sharif, you spent 15 days in detention, do you recall what the date was?

Detainee: It was during the wintertime. I don't remember the exact year, but it was after Ramadan, the fasting month, actually after Eid, the celebration after Ramadan. That is all I can remember.

Presiding Officer: What type of debt were you trying to relieve? What type of debts were they that you needed to travel so far away to work?

Detainee: We are farmers and all farmers depend on rain for crops to grow. Some years, we have bad years, and there is not a lot of rainfall and we cannot get a lot of wheat from the land, and we are forced to borrow money from people. The people give us \$1 USD and with interest we have to pay back \$3 USD. That is why when we have a bad year we are in debt. We have to borrow money to pay back our expenses. The people that lend us the money will lend us more money if we have property. If they find out you don't have property they will not lend you much money, only what they think they can get back from you. Otherwise, they know that if you don't have land or a house, they cannot get their money back and it is not good for them. When my father died I was the oldest son and I had a couple of younger brothers. [My father] was an experienced person with money and I was not. He was responsible with money and when he died I was not responsible like him and I had a lot of unnecessary expenses and that is why I was in debt a lot.

Presiding Officer: Were you relieving a household debt or a debt against your property?

Detainee: Yes, all of the money that I borrowed, I used to buy food, clothing, and necessities. I also used some of the money for agriculture. For example I bought wheat to plant, but [nothing grew] back from it so I lost that money.

Presiding Officer: Have you had any type of military training or weapons training?

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**Detainee:** No, I have not. All my life I have never been in the military or anything. No sir, I was always a farmer from the time I was a child until the time I was forced to go work for the Taliban. I just worked on the farm taking care of the animals and the land. We had a piece of land and we sold it to pay off some of the debt. We had another piece of land that we used for collateral and paid off some other debts. All we had left was a house and a big piece of land that we grow fruit trees on.

**Presiding Officer:** One last question. When you are released or transferred home, what would you do? What are your intentions when you get back home?

**Detainee:** I would continue to do what my father and grandfather did which is farming. I have a lot of experience in this field. Since I don't know any thing else and I can't read and write very well I will go back and do what my father and grandfather did.

**Presiding Officer:** Thank you for clearing up some questions that the Board had today.

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

*(The Detainee interrupts with the following statement)*


I don't know what is going to happen in one year. Right now I have a lot of problems. My hair is getting gray, I am losing hair, and I have hearing problems, and sight problems. I don't know what will happen to me. This is not right and you can see it.

*The Presiding Officer opened the classified portion of the session.*

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

#### AUTHENTICATION

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

  
Colonel, USMC  
Presiding Officer

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(Revised 17 May 05  
In absentia)

Summary of Administrative Review Board Proceedings for ISN 505

*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.*

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(Revised 17 May 05  
(n absentia))

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

*The Presiding Officer acknowledged the request.*

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

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

*The Presiding Officer opened the classified portion of the session.*

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

#### AUTHENTICATION

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



Captain, USN  
Presiding Officer

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