

Summary of Administrative Review Board Proceedings for ISN 029

*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 declined taking the oath.*

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

Detainee: I would like to have a copy of the file of the previous board [referring to the CSRT]. I would like to know the result [of the Detainee's CSRT].

Presiding Officer: I can answer that question for you Sir [referring to the outcome of the Detainee's previous CSRT]. The determination of your CSRT, that Board found you to be an Enemy Combatant.

Detainee: I know that. I want the file of that session. I want the file that states what happened [what was said] during that session [CSRT].

Presiding Officer: Your request has been noted. Your request is annotated on the record. If your request is appropriate and feasible, your request will be granted.

Detainee: How am I supposed to talk about the allegations here at this board if I don't even know what happened in the previous board [CSRT]?

Presiding Officer: Sir, you are aware of what happened during the last session [CSRT]. During the previous board [CSRT] it was determined that you [the Detainee] were an Enemy Combatant and were to be detained at Guantanamo Bay, Cuba. This board

ISN 029  
Enclosure (5)  
Page 1 of 14

[Administrative Review Board] is and can make the determination whether to recommend your continued detention, release, or transfer to another country. The Administrative Review Board does not have to abide by the decision of the previous CSRT to detain you. This Administrative Review Board can recommend to: 1) continue to detain you, 2) release you, or 3) transfer you to another country.

Detainee: I do not have any problem with what you [referring to the Presiding Officer] just said. However, I just want to have the files [the papers] of what was said during my CSRT, so I will be able to remember what happened during that board [CSRT].

Board Member: At this time, the Administrative Review Board cannot supply you with those documents.

Detainee: I requested this documentation [copy of the CSRT file] five days ago.

Presiding Officer: This Administrative Review Board is in recess at this time to resolve this issue [Detainee requesting a copy of the CSRT file].

***Administrative Review Board Recess***

***Administrative Review Board Resumes***

Presiding Officer: The files you have requested are classified documents and therefore cannot be released to you.

Detainee: I do not understand. Other Detainees [in the camp] have obtained their files. Why are they [my files] now secret? Why can I not get a copy of my files?

Presiding Officer: That is not the purpose of this Administrative Review Board here today. The Administrative Review Board will proceed.

***The Presiding Officer continued to advise the Detainee of his right to have the assistance of the Assisting Military Officer, the right to testify, provide a written statement, to provide witnesses and information to the ARB, and the right to examine all unclassified information.***

Board Member: [to the Detainee] Sir, are you ok, physically?

Detainee: What do you see?

Presiding Officer: Continue.

***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.***

ISN 029  
Enclosure (5)  
Page 2 of 14

*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 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 to the Unclassified Summary of Evidence at the end of the reading of the Unclassified Summary of Evidence. The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.*

Detainee: All the allegations he [referring to the Assisting Military Officer] presented to me are all lies.

Presiding Officer: That is not what I am asking you at this time. At this time, the Designated Military Officer is going to read through each statement/allegation listed on the Unclassified Summary of Evidence. What the Board would like to know from you is this--would you like to respond to each statement/allegation as it is presented? Or, would you like the Designated Military Officer to read through the entire Unclassified Summary of Evidence? Then, you may respond to the statements/allegations at the end by making one long personal statement.

Detainee: Read it all [the Unclassified Summary of Evidence].

Presiding Officer: Very well. Please proceed.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee learned of the Dawa from several Sheikhs he heard in Sanaa, Yemen, including Sheikh Muqbil al Wadi, whom he met at the al Khayr mosque in Sanaa.

Designated Military Officer: (3.a.2) The Detainee arranged with two fellow acquaintances to fly to Pakistan and make their way to Afghanistan to teach Islam.

Designated Military Officer: (3.a.3) One of the Detainee's friends who accompanied him to Afghanistan obtained 37,000 to 40,000 Riyals from Sheik Muqbil al Wadie.

Designated Military Officer: (3.a.4) The Detainee and his acquaintances flew to Dubai, then Karachi, Pakistan, and then to Quetta, Pakistan. The next day, the Detainee and his acquaintances crossed the border into Afghanistan.

Designated Military Officer: (3.a.5) The Detainee was identified as being present at the Khana Gulem Bechey guesthouse in Afghanistan.

Designated Military Officer: (3.a.6) Another individual said the Detainee was in Tora Bora for one month before he was captured.

Designated Military Officer: (3.b) Training (3.b.1) A senior al Qaida Commander said he recognized the Detainee as someone he had seen in either Kabul or one of the camps in Afghanistan, possibly the Farouq camp between 1998 and 2000.

Designated Military Officer: (3.b.2) A senior al Qaida operative provided information on al Qaida participants in a 1999 elite training course at Mes Aynak camp in Lowgar, Afghanistan. He said the Detainee was one of Usama Bin Ladin's bodyguards beginning in mid-2000. Two months before 11 September 2001, he took the Detainee and others to Karachi, Pakistan to teach them English and American behaviors. He stated that all of Usama Bin Ladin's bodyguards were arrested two weeks before the fall of Kabul.

Designated Military Officer: (3.b.3) The senior al Qaida operative identified the Detainee as one of the martyrs who had been readied for the al Qaida's Southeast Asia hijacking plan of 11 September 2001. He also said Usama Bin Ladin picked United States airlines, citizens, and military installations as targets.

Designated Military Officer: (3.c) Connections/Associations. (3.c.1) Abu Basir al Yemeni was a close friend with the Detainee in Yemen, as well as in Afghanistan. Abu Basir is known to be the personal secretary to Usama Bin Ladin and was a trusted guard.

Designated Military Officer: (3.c.2) The Detainee became a bodyguard for Usama Bin Ladin in late 1999 or early 2000. He remained in that position for approximately one year.

Designated Military Officer: (3.c.3) The Detainee was seen in July 2000 guarding Usama Bin Ladin at Kandahar airport. The Detainee shared a room with others in Kandahar. This house was known as the "gathering of six." Hamza al Qatari, a close associate of Usama Bin Ladin who dealt with finances, stayed at this compound.

Designated Military Officer: (3.c.4) A senior al Qaida Lieutenant says the Detainee was a guard for Usama Bin Ladin. The Lieutenant saw the Detainee at a guesthouse in 2001 when he went to visit Usama Bin Ladin. He is certain about seeing the Detainee.

Designated Military Officer: (3.c.5) The Detainee was a bodyguard for Usama Bin Ladin and was seen in Tora Bora with a handgun and a Beka.

Designated Military Officer: (4) The following primary factors favor release or transfer:  
(4.a) The Detainee steadfastly denied any involvement in or knowledge of al Qaida activities while in Afghanistan or Pakistan.

Designated Military Officer: (4.b) The Detainee claimed he has never received any formal or informal military training and was never issued or carried a weapon while in Afghanistan or Pakistan. The Detainee also claimed he had no enmity towards the United States.

*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 had no exhibits to present.*

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 28 October 2005, and lasted for 30 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, "No." When asked to give a reason for not attending the ARB, the Detainee said, "I do not understand what you are saying [referring to the linguist, OL-21]; I do not understand academic Arabic. Can I have another interpreter? Please forgive me, I don't mean any disrespect. I do want this interview." The interview was terminated at that time. The Detainee was told that arrangements would be made to reschedule his interview and another linguist would be made available to him. The Detainee's interview was rescheduled and conducted with an alternate linguist (OL-7) on 29 October 2005, and lasted for 35 minutes. The ARB's purpose and procedures were again reviewed with the Detainee and the Unclassified Summary of Evidence was once again read to the Detainee. The AMO explained to the Detainee the importance of his ARB and how his participation, if he wished to partake, would help the Administrative Review Board with their decision regarding his future. In conclusion, the Detainee agreed to attend, and he would decide at the ARB whether he would speak openly to the Board Members, and if he wanted the allegations presented item by item or *en masse* prior to his response. The Detainee was cooperative and polite during both interviews. The Detainee elected to keep the English and Arabic translated copies of the Unclassified Summary of Evidence for his review.

*The Detainee made the following statement:*

Detainee: I would like to say two words. Excuse me, not two words. But, I would like to say a few things.

Presiding Officer: Please, this is your opportunity to make a personal statement to the Administrative Review Board. You may speak for as long as you wish.

Detainee: All the statements/allegations that I have heard and that have been presented to me, almost all of it is false. Not true. I request from the Administrative Review Board, to bring in [bring to the board] the people who wrote these statements/allegations against me. There is no proof whatsoever that I was [am] a bodyguard for Usama Bin Ladin and no proof that I have ever received any training. It is my right to request [confront] the people who said these things and made these allegations against me.

My good behavior here at the detention facility proves that I have no hostility against the United States or against anyone else. For four years, I have been here and have had good behavior. I have not had any hostility towards the military, interrogators, and not with anyone else. Nor have I had any hostility towards anyone in this session [referring to the ARB in process]. Everyone here knows that I have no hostility or hate in my heart against anyone.

All those allegations/statements against me are lies. Again, I request for the person who made the statements/allegations against me to be here [be brought to my ARB]. With all your experience with intelligence [referring to the members of the ARB] you cannot get to the person who said those lies? I do not have any other written or verbal statement to make. This is what I want to say. You may continue with your board process.

Presiding Officer: Mr. Al Ansi, does this conclude your statement?

Detainee: That is all I have to say.

*The Assisting Military Officer did not have anything further to present to the Administrative Review Board.*

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

Detainee: Again, I would like to request those files that documented my previous board [CSRT]. [This is] so I will know what was said and what happened during my CSRT. I do not understand why other Detainees were given their files of their CSRTs, but I cannot get mine. I don't understand why my file is now secret when it was not secret before.

Presiding Officer: Your request is noted. Your request is on the record. These proceedings are being tape-recorded. Your request has been made and your request has been preserved.

ISN 029  
Enclosure (5)  
Page 6 of 14



Detainee: I would like an answer back to this request through the Assisting Military Officer.

Presiding Officer: We are first going to finish conducting this Administrative Review Board.

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

*Administrative Review Board Member's questions:*

Board Member: Sir, how long were you in Afghanistan?

Detainee: You can go back to the computers in Yemen's airport and check when I left Yemen. Prove this [Detainee indicating to the board to prove that he was in Afghanistan]. It will be a factual statement then [if you, the ARB, can prove that I was in Afghanistan].

Board Member: So, it is your statement then that you have never been to Afghanistan.

Detainee: You can go to Yemen and get the report [from the airport]. You can check on their computers [referring to the Yemen airport] and get the dates and everything.

Board Member: What are your feelings concerning Usama Bin Ladin?

Detainee: He [UBL] is a Muslim man. Usama Bin Ladin is an ordinary Muslim man.

Board Members: You have no other feelings about Usama Bin Ladin, good, bad, or indifferent.

Detainee: I am not a political person. If there is a political problem between Usama Bin Ladin and the United States then that is between them. And, they can solve those problems themselves. I don't know what the problem is or what it has to do with me.

Board Member: Is he a tall man or a short man [referring to Usama Bin Ladin]?

Detainee: Ask me about someone I know. Don't ask me something about someone I do not know. I cannot answer a question about someone I do not know. Now this [referring to the ARB] has turned into an interrogation.

Board Member: No, this has not turned into an interrogation. I would like to ask you a few more questions. What are your views concerning the attack on the United States on 11 September 2001?

Detainee: As I have told the interrogators before, a lot of Muslims died in that attack as well. It [the attack] was not a good thing.

Board Member: What are your feelings concerning the United States intervention into Iraq?

Detainee: I am not informed about that issue, I cannot answer that question.

Board Member: Do you support a democratic form of Government in Iraq?

Detainee: Like I mentioned before, I am not a political analyst. I am just a regular student. I cannot answer that question. Maybe a reporter, someone in politics, a political analyst, or someone like that is more appropriate to answer questions like that.

Board Member: I am just wondering if you have an opinion in regards to a democratic Government in Iraq.

Detainee: I have no opinion on this matter. The purpose of me being here [attending the ARB] is to give an oral statement. I gave my oral statement.

Board Member: What are your feelings concerning Jihad against the United States?

Detainee: Ask this question of the Sheikhs. Ask the Sheikhs about Jihad. Ask the religious leaders these questions. I am just a regular student. I have no business or opinion about this.

Board Member: Thank you very much.

Presiding Officer: In an effort to help you [the Detainee] understand what is going on right now, I am going to explain something to you. I don't say this to everyone that comes before the Administrative Review Board. It appears to me that you are missing the point of what we [the Administrative Review Board] are trying to accomplish here today. You have stated that you had nothing to do with any of the allegations listed in the Unclassified Summary of Evidence. You have stated that you do not know Usama Bin Ladin. You have also stated that all of the allegations against you are lies. However, when the Board asks you questions, you do not give us an answer.

Translator: The Detainee is saying that the person [referring to the Assisting Military Officer] told him [the Detainee] that this session was not an interrogation. If this were an interrogation, I [the Detainee] would discuss these issues with you [the Board].

Detainee: This is not an interrogation, so I will not discuss these issues.

Board Member: The Administrative Review Board is trying to determine whether you [the Detainee] are still a threat to the United States. This is not an interrogation.

Detainee: If I had an opinion about those issues, I would discuss them with you. I really do not have any opinion about any of the issues you have asked me about. If you ask me



something that has to do with religion, I cannot answer that kind of question. I really do not know much about religion.

Board Member: When the Board Members ask a question, such as about a Jihad against the United States of America, that is an important question.

Detainee: I was not arrested for participating in a Jihad against the United States. That is why you cannot ask me questions in regards to this. If I had been arrested while I was declaring a Jihad, participating in a Jihad, had been seen declaring Jihad, or associated with Jihad, then you could ask me questions about this issue.

Board Member: When you were detained, were you given a reason as to why you were being detained/arrested? Why were you arrested?

Detainee: You have to understand; American Forces did not arrest me when I was first detained. I was actually arrested by the Pakistani authorities first. The Pakistani authorities speak Urdu and I do not understand Urdu. I do not know why they arrested me. I did not see any Americans until I got to the Kandahar prisons. I only saw Americans in the Kandahar prison. That was the only place. I tell you this for your [the Administrative Review Board] information. I believe you [the board] think I was arrested by American Forces [the first time I was arrested].

Board Member: Where were you arrested/captured?

Detainee: In Pakistan.

Presiding Officer: Were you ever in Tora Bora?

Detainee: Never. Being arrested in Pakistan proves that I have never been to nor was I ever in Tora Bora. If you asked the Pakistani Government when I was arrested [the date] that would prove that I have never been to, nor was I ever in Tora Bora.

Presiding Officer: Have you ever fired an AK-47 or a handgun?

Detainee: I have never in my life held or fired a weapon.

Presiding Officer: If the Administrative Review Board decides to release you, what are you going to do? Where are you going to go?

Detainee: I will go back to Yemen. My country.

Presiding Officer: Do you have family in Yemen?

Detainee: I have a family there [in Yemen]. I have my mother and father. The first thing I am going to do when I go back to Yemen is to start my own family. I would also

like to complete my education. I will return to my normal life as a normal citizen of Yemen. Just like my brothers and my family.

Presiding Officer: What kind of things are you interested in?

Detainee: I do not understand this question.

Presiding Officer: What are you interested in, Chemistry, Medicine, Business, etc.?

Detainee: I am interested in the Arabic Language and Islamic studies. I would possibly also like to learn the English language. I have two uncles who majored in English. My uncles graduated from English schools.

Presiding Officer: Where did your uncles go to school?

Detainee: English school in Yemen.

Presiding Officer: If the Administrative Review Boards determines that you should be released, and you go back to Yemen, you are in school, and starting a family, and someone came up to you and said, "come help me kill Americans," what would you say to them?

Detainee: I will not go back to prison again. I would not do anything like that. If someone would jump off a bridge, I would not do the same just because they ask me to. I will not let people use my brain for something bad or against someone.

Presiding Officer: Not going into any specific detail listed in the Unclassified Summary of Evidence, do you admit that you may have made some mistakes or bad choices to get yourself here [detained at Guantanamo Bay, Cuba] and into this situation you are now in?

Detainee: You mean in my life?

Presiding Officer: Yes.

Detainee: I am from a good Islam family. I would not do anything that would go against my religion or against my family. I would not do anything that was bad. I would not do anything that would go against my religion.

Presiding Officer: If you could go back and change something [speaking hypothetically], if you could go back in time and change something, what would you change?

Detainee: I would change my job. If I were capable of going back, I would change my job.

Board Member: Would you still have left Yemen and traveled to Pakistan?

Detainee: Never.

Board Member: Why did you travel to Pakistan the first time?

Presiding Officer: The Administrative Review Board is trying to understand what motivated you to go to Pakistan. Help the Board understand why.

Detainee: I traveled to Pakistan as a religious duty. I was only doing it [traveling to Pakistan] to help. I went to Pakistan to help people understand Islam. I went to teach people about Islam. Just like the Red Cross goes places to help people, I went to Pakistan to teach people about Islam and to understand Islam.

Presiding Officer: Is that what your mission turned out to be? Is that, in fact, what you ended up doing when you got to Pakistan?

Detainee: That is the main reason I went to Pakistan.

Presiding Officer: Ok, now that the Board understands *why* you went to Pakistan, please tell the Board what happened when you got to Pakistan.

Detainee: That is what happened. I went to the Pakistani authorities to talk to them.

Presiding Officer: So I understand correctly, you went to Pakistan to teach Islam and to help people. You then, at some point, went to talk to the Pakistani authorities, and then you were arrested?

Detainee: Yes.

Board Member: When did this occur?

Detainee: I went to the Pakistani authorities and told them I wanted to go to the Yemeni Embassy. I *went* to them [the authorities]. No one *took* me to the authorities.

Presiding Officer: Can you estimate a guess as to when this occurred? The Board is trying to determine if a mistake has possibly been made somewhere.

Detainee: I have been in Cuba for four years now. I do not remember when the incident occurred.

Presiding Officer: Was it cold?

Board Member: Were you captured near the Afghan border?

Detainee: The weather was medium. It was not hot, but it was not cold.

Presiding Officer: So it was not winter, correct?

Board Member: Were you near the border [of Afghanistan]?

Detainee: It was in Peshawar.

Presiding Officer: So, you just happened to be at the wrong place at the wrong time when all of these people [referring to Usama Bin Ladin and his entourage] were hanging around [in Pakistan], and those people just happen to be there at the same time you were there?

Detainee: I do not understand your question.

Presiding Officer: The Unclassified Summary of Evidence alleges that you [the Detainee] were a bodyguard for Usama Bin Ladin and that all these people [referring to Usama Bin Ladin's people] were at the same place and time [in Pakistan] that you were. What the Board is asking is, where you in the wrong place at the wrong time? Has there been a case of mistaken identity?

Detainee: Would you believe me right now if I told you that I was walking around with President Bush one day? I could not get close to someone who is a President, someone like President Bush, just like I could not get close to someone like Usama Bin Ladin. Even someone like you [referring to the Presiding Officer] personally could not get to someone like President Bush [unless you had business with him]. How could I get close to someone like President Bush or like Usama Bin Ladin if I have no business with him?

Presiding Officer: They [Usama Bin Ladin and his bodyguards, trusted agents] were there [in Pakistan], that is a fact.

Detainee: You can't ask me about people I don't know.

Presiding Officer: That is the point I am trying to make. The Board knows they [the bodyguards and Usama Bin Ladin, were in Pakistan] was it just a coincidence that you were there [in Pakistan] at the same time Usama Bin Ladin and his men were there?

Detainee: It is impossible that I was there.

Presiding Officer: You have stated that you were in Pakistan, is that correct?

Detainee: What is the problem with that?

Presiding Officer: On the surface, there is no problem with you being in Pakistan. You also stated that you went to the Pakistani authorities because you wanted to get to the Yemeni Embassy, correct?

Detainee: Yes. My files prove this. I tell you facts. I do not tell you lies.

Presiding Officer: Does it surprise you then to learn that there were all these other people [Usama Bin Ladin and his bodyguards, other trusted agents, etc.] in the exact same area you were in? Right where you were?

Detainee: I went to prison in Pakistan. There were 5,000 people there. I even saw a prison room that even had Christians there. I saw the cross hanging up. There was a mixture of prisoners there. There were black, white, etc., prisoners. Many different races were imprisoned in Pakistan. Are you saying that all these people, these 5,000 people, were all in the wrong place at the wrong time? Were all these 5,000 people with Usama Bin Ladin?

Presiding Officer: That is what the Board is asking. The Review Board would like to get *your story, from your mouth, your words*. If you have been a victim of misidentification, the Review Board would like to know that.

Detainee: I was not in the wrong place at the wrong time. I was not arrested. I voluntarily went to the Pakistani authorities because I thought I was doing the right thing. If I had been doing the wrong thing, do you think I would have turned myself into the Pakistani authorities? If I had been doing something wrong, I would not have turned myself into the Pakistani Government and I would not have gone to a Policeman. To my knowledge, I was going to go to the Yemeni Embassy, then to the airport, and then back to Yemen. I went to the Police authorities to get help to get back home to Yemen. If I had done something wrong, do you think I would have turned myself into the authorities, knowing that the Americans were at every airport? Would I go through all those Federal Buildings if I had done something wrong? [That is] Impossible.

Board Member: Did you have any money to get back to Yemen?

Detainee: I had a little money. Not much. I thought the Yemen Government would have paid for me to get back to Yemen and then I would pay them back.

Presiding Officer: Thank you for answering the Administrative Review Boards questions. The Board greatly appreciates your participation in this process.

Detainee: I deny all these allegations against me. I want to see proof that I committed these allegations I am accused of. All of the prisoners here [at Guantanamo Bay, Cuba] are trying to leave this place. All the prisoners are telling lies about other prisoners just to try and get out of here [Guantanamo]. The prisoners here would lie about anything or anyone and do anything just to get out of here. All these allegations are lies and I want the truth.

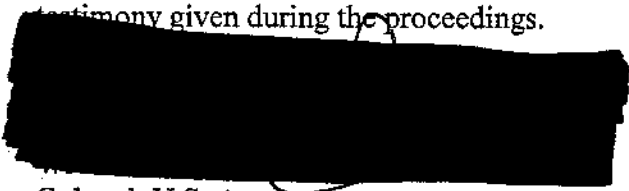
*The Presiding Officer read the post-Administrative Review Board instructions to the Detainee and adjourned the open session of the Administrative Review Board.*

*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