

Summary of Administrative Review Board Proceedings for ISN 032

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 ARB interview occurred on 19 October 2005 and lasted for one hour and five 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, "Yes, I will attend." He indicated that he had no problem speaking openly to the board members and respond to the Unclassified Summary of Evidence after each statement is presented. He also would like to make an oral statement. The detainee was cooperative and very polite during the

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interview. He elected to keep a copy of the translated Summary of Evidence for his review.

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 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 traveled from Tirez through Dubai, United Arab Emirates, to Karachi, Pakistan. He stayed at a hotel in Karachi before traveling to Quetta, Pakistan where he went to the Taliban office and met Abu Malak.

Detainee: This is true.

Designated Military Officer: Abu Malak took the detainee to Kabul, Afghanistan after a three-day stop in Kandahar, Afghanistan and introduced the detainee to Abdul Rahman at the Wazir Akbar Mosque in Kabul. The detainee claims he taught the Koran to children at the mosque from approximately May to August 2001.

Detainee: This is all true.

Designated Military Officer: The detainee stayed at a house in Kabul that was used by Taliban officials to live in while in Kabul on business.

Detainee: Yes, I attended a house. I was by myself in a single room. I was isolated, but I did not know if that place was Taliban or not.

Designated Military Officer: The detainee gave Abdul Rahman his passport for safekeeping while he stayed in Afghanistan and he did not retrieve it before departing for Pakistan.

Detainee: That is true. I did not return my passport from him. I did not get it back because in the first place I never met him. I never saw him later on. Yes I have seen him. I gave him my passport, but on the way out I did not have the chance to see him again.

Designated Military Officer: Abdul Rahman used to work for the Taliban.

Detainee: He could be. I am not certain. This is my own observation.

Designated Military Officer: The detainee was identified as a Yemeni mujahideen who was captured at Tora Bora.

Detainee: The first place, I did not go to Tora Bora. I left from Khost.

Designated Military Officer: The detainee was seen wearing camouflage and carrying an AK-47 at Usama Bin Laden's private airport in Kandahar, Afghanistan.

Detainee: In the first place, I've never seen any airport in Afghanistan.

Designated Military Officer: The detainee received no military training in Yemen because he paid a bribe to get out of his obligatory military service.

Detainee: I wouldn't call it a bribe. This is an exemption. I take the money in return for an exemption. I was the oldest in my family.

Designated Military Officer: An admitted al Qaida travel facilitator identified the detainee as a Yemeni who traveled to Afghanistan in April 2001 and attended the al Farouq training camp.

Detainee: In month number four (April) I was in Yemen. I did not travel to Afghanistan until month number five (May).

Designated Military Officer: On his way to the Pakistani border the detainee recognized some fellow Yemeni men in a group of refugees and joined them. The men he recognized were Abdul Malak, Osman, and Majed. The detainee remembered the men from their visits to his high school classes in Tirez, Yemen.

Detainee: I only met them when I was in prison. I only met them in Pakistan. In Yemen I only saw them taking classes in high school. They graduated and they left. When they graduated and left, I used to be very young, and then by the time they left I had to enter this school. Then I met them in the prison in Pakistan.

Presiding Officer: Do I understand that he didn't meet them again until the prison in Pakistan?

Detainee: Yes, Sir.

Presiding Officer: He did not meet them when he was traveling from Khost?

Detainee: No, I never met them.

Designated Military Officer: The Furqan Institute was a meeting and recruiting ground for jihadist in Yemen. Many Yemeni al Qaida members have links to the institute, specifically a number of the al Qaida members involved in the 12 October 2002 attack on the U.S.S. Cole.

Detainee: This institute is considered a high school, an ordinary high school. It has nothing to with anything.

Designated Military Officer: An admitted Usama Bin Laden bodyguard identified Abdul Malak as a bodyguard very close to Usama Bin Laden who introduced Usama Bin Laden to his fourth wife. He also identified Huthayfa Uthman as a Yemeni he heard was a Usama Bin Laden bodyguard for 20-30 days and fought on the front lines in Kabul. He also identified Majed as a bodyguard who was with Usama Bin Laden before he disappeared in Tora Bora as well as fought on the Kabul front lines in January 2001.

Detainee: These three persons, I met them in the prison in Pakistan; Abdul Malak, Uthman, and Majed. I had the chance to see them in prison and I asked them what they were doing in Afghanistan. They told me they were teaching the Koran. After that, I have never heard anything about them. If they were involved in anything, I have nothing to do with it.

Designated Military Officer: An admitted al Qaida travel facilitator identified the detainee's three friends as Usama Bin Laden bodyguards.

Detainee: I don't know about that. I have nothing to do with them.

Designated Military Officer: Another detainee identified Abdul Malak and Majed as Usama Bin Laden bodyguards. He also identified Uthman as a Yemeni mujahideen who was with him when he was captured at Tora Bora.

Detainee: I departed from Khost. Malak and Majed they said they departed from Khost, but I don't know anything about them. That's it. I don't know nothing about them.

Designated Military Officer: The detainee was identified as one of the 30 mujahideen who fled Tora Bora together after Usama Bin Laden left the area. The detainee was also seen many times at the Kandahar guesthouse.

Detainee: As far as this 30 persons, which I don't recall exactly how many there were, during the investigation they estimated that there were 30 of them, which I don't know for sure. I never went to Tora Bora. These 30 people I estimated them in prison during the investigation. I don't know what they did. I have nothing to do with them and I never went to Tora Bora. As far as this guesthouse, in the first place, I only stayed in the Afghani house for three days. That's all I stayed, three days in a room in an Afghani house for three days in Kandahar and I haven't seen anybody Arabic there.

Designated Military Officer: A document listing 324 Arabic names, aliases, and nationalities was recovered from safe house raids associated with suspected al Qaida in Karachi, Pakistan. This list contains the detainee's name, nationality Yemeni, and passport.

Detainee: First of all, there is no card if that is what you mean [by] nationality I left it back home.

Presiding Officer: I believe it means your name was on a list. The list had your name, the fact that you are Yemeni, and it had your passport.

Detainee: My nationality identification card, I left it back home.

Presiding Officer: It doesn't say there was a card. Your name was just on a list.

Detainee: Did they find a passport or a card in my name?

Presiding Officer: No card that I know of. I only know what is written here. They did find your passport and what's important here is there was a list of 324 people who are members of al Qaida. Your name and the fact that you are Yemeni is what were on the list.

Detainee: There are many people who have...it's a common name. Farouq is a common name. Many people they carry the same name and my name is Farouq. I don't have any aliases.

Presiding Officer: Your passport was there, too.

Detainee: Where is this safe house?

Presiding Officer: Karachi, Pakistan.

Detainee: I went into a hotel. I never went to...when I went to Pakistan I went into a hotel. After the hotel, I went to Kuwait. If you [would] like to verify this you can check at the hotel.

Designated Military Officer: A name matching the detainee's was listed on a radio brevity code sheet taken from suspected al Qaida members near Takhteh Pol, Afghanistan, on 24 November 2001.

Detainee: What do you mean by a name that will [match] my name? Can you please explain?

Presiding Officer: Your name was on a list that the al Qaida was using.

Detainee: How do they use my name? In the eleventh month (November) of the year I was in prison. Faruq is a common name.

Designated Military Officer: An admitted Usama Bin Laden bodyguard identified the detainee as someone who came to Afghanistan only two to three weeks before the bombing began. He said the detainee is not known as an al Qaida member and spent his time in Afghanistan memorizing the Koran.

Detainee: What do you mean by bombing, before bombing starts?

Presiding Officer: When the coalition forces bombed after the September 11th attacks in New York, there was US bombing in Afghanistan.

Detainee: I have been in Afghanistan since the fifth month (May). I came to Afghanistan to study the Koran for a whole year. After a year I wanted to go back. How could that person talk about me personally [when] he doesn't even know me?

Designated Military Officer: If released, the detainee would like to play soccer, get married, get his own house and find a job in Yemen. He does not feel any animosity towards the United States. He feels the people involved with the September 11, 2001 attacks should be held accountable for their actions. He would not want to harm any Americans.

Detainee: The first part is true. Everything that was stated before is true. I would like to play soccer, I would like to get married, and so on. The last statement that is made here whether they should be punished or not punished that's not for me to judge or to say anything. I have nothing to do with anything.

Designated Military Officer: The detainee denied he was a bodyguard for Usama Bin Laden. He has only seen Usama Bin Laden in pictures and believes he is a "bad" man deserving of punishment.

Detainee: I am not a bodyguard for Usama Bin Laden that is true. I have never seen him in person, only in pictures. As far as I say, he is a bad man and he deserves punishment I have nothing to do with that. It doesn't matter to me. I have no say in 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 Detainee made the following statement:

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Detainee: If I go back to Yemen I [would] like to continue my education, and look for a house and find a wife, get married and live with my family. My own lawyer stated that he was going to send a statement and that is all I have.

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

Assisting Military Officer: "I have a lawyer. My lawyer said he sent a letter to the U.S. My lawyer said he would let me know the result and I am still waiting to see if the result was sent to you."

Presiding Officer: Does this conclude your statement?

Detainee: Yes, Sir.

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 said you met a man at Quetta, Pakistan in the Taliban office by the name of Abdul Malak.

Detainee: That is true.

Board Member: Is this the same Abdul Malak you recognized from his high school in Yemen?

Detainee: That's not the same person.

Board Member: You indicated that you left Yemen to go to Afghanistan and lead or teach the Koran?

Detainee: To teach Koran.

Board Member: Is it common for a young man, at the time you would have been 17 or 18 years old, to travel from Yemen to teach children the Koran?

Detainee: That's no problem. We try to educate ourselves and people the Koran since we were seven years old. There are people that became experts in religion and they became priests when they are fifteen years old.

Board Member: Were there others with whom you associated with or knew in Yemen who went to Afghanistan also to teach the Koran?

Detainee: No, there was not.

Board Member: So you went by yourself?

Detainee: Yes, I did.

Board Member: You indicated that you had never been in Tora Bora; however, you left Khost, to go where?

Detainee: I went from Khost to Pakistan.

Presiding Officer: Were you traveling by yourself?

Detainee: I was with somebody; his name was Oubida Allah, the Afghani.

Board Member: Why did you leave Khost to go to Pakistan?

Detainee: I stayed in Khost. Oubida Allah told me that if ... found out you were here, they would kill you. Any Arabic person they would kill him, so he asked me to leave. My passport was with Abdul Malak. He told me there was no problem I would leave to Pakistan. I would go to the Yemeni Embassy and from there I would go to Yemen. There is no problem there.

Board Member: You indicated they would kill, who would kill you for being an Arab?

Detainee: He meant the Afghans.

Presiding Officer: You were afraid the Afghans were going to kill you, [so] that is why you went to Pakistan?

Detainee: Yes sir, because they don't like Arabs. Oubida Allah told me this, that they might kill me because they don't like Arabs.

Presiding Officer: You indicated that you got an exemption of military service by paying a fee, was that a common practice in your area, your region, and your family because you're the oldest son? Why did you do that?

Detainee: This is something ordinary [that] people would do. Anybody who would not want to participate in the Army, yes it could be done that way in my region. It is normal and ordinary.

Board Member: In past interviews you said that Usama Bin Laden was a bad man who needed to be punished [but] today you said that you have no say in judging Usama Bin Laden I'm curious what changed from when you were interviewed to today?

Detainee: It's just something normal that I really don't want to be involved. Even if I give my opinion I don't want to be involved. This is not a change. This is just me, I did not change. I don't like to talk about anybody.

Board Member: Of all the places to teach the Koran, how did you pick Afghanistan?

Detainee: The cost, because the person who came to me said he send me to Afghanistan and I went to Afghanistan. I wanted to go to Saudi Arabia and study religion and study in college, but I could not afford it. So, I made a wish that I would go to Afghanistan and it would help.

Board Member:

Detainee: Not because that person wanted me. He just suggested it and I went along with it. Not because he would want me to specifically go to Afghanistan.

Board Member: Tell me about the children you taught in Afghanistan.

Detainee: In what way?

Board Member: How many were there? What were they like?

Detainee: There were like 10-12 students. They were boys.

Board Member: Were they easy to make behave well?

Detainee: They were kids.

Board Member: You were not that much older than the kids. Was that difficult for you to keep them in good order?

Detainee: When I was their teacher and normally they would respect the teacher. They really would respect the teacher since I was the teacher.

Board Member: And they respected you?

Detainee: Yes they did. I [would] read the Koran for them and they [would] repeat after me.

Board Member: Just before you left for Pakistan to go to Afghanistan you said that you were afraid the Afghanis would kill you?

Detainee: Yes.

Board Member: If that were true, then why would they let you teach their children?

Detainee: Because things changed. Oubida Allah told me that things changed. When I was teaching the children it was different. I was told Oubida Allah that things changed and when the Taliban left things changed in that region. When there was no Taliban anymore some other government took over, I was told that they might kill the Arabs. They don't like Arabs.

Board Member: What did your family think when you told them that you were going to Afghanistan?

Detainee: They refused that.

Board Member: so you went even though they said [that] you may not go.

Detainee: Yes, I behaved- I was very stubborn.

Board Member: Have you heard from your family?

Detainee: In what way, letters? Yes, I received one letter.

Board Member: Have they forgiven you?

Detainee: Yes, I apologized and they [forgave] me.

Board Member: Your family consists of whom in Yemen?

Detainee: Twelve members and I have an older brother who has moved. He is married and has kids.

Board Member: Your father and mother are still alive?

Detainee: Yes, they are.

Board Member: When you were exempted from the service in the Army, where did you get the money?

Detainee: I used to teach [the] Koran and I saved some money.

Board Member: Your students paid you to teach the Koran?

Detainee: Yes, the students will save some amount of money from all them and they would pay me.

Board Member: Why did you pay for an exemption from the military?

Detainee: I don't like [the] military.

Board Member: Why don't you like [the] military?

Detainee: Everyone has their own opinion and I really don't like [the] military. I don't like [the] military. I don't hate them, but I don't like to be part of them.

Board Member: What did the people you recognized in Pakistan [that] you knew in high school do when they came to your class in school? How did you remember them?

Detainee: All I recall [is] that they used to be students and they all liked to memorize the Koran. All I saw them is one time and I really don't know what happened then.

Board Member: Was the man who suggested that you go to Afghanistan a friend of your fathers?

Detainee: No, he wasn't.

Board Member: Did he know your father?

Detainee: My father never knew him.

Board Member: What would your father do to the man for sending you so far away against his wishes?

Detainee: I don't know.

Board Member: What kind of job would you like to get when you go home?

Detainee: Accountant.

Board Member: Why [an] accountant?

Detainee: It is good.

Board Member: Good money?

Detainee: Yes, it is good money.

Board Member: Are you good with numbers?

Detainee: Yes I am, I am fairly good.

Board Member: Can you become an accountant right away or do you need school?

Detainee: I would like to attend college.

Board Member: Do they teach accounting in college in Yemen?

Detainee: Yes, my brother is an accountant.

Board Member: How will you pay for college?

Detainee: God is gracious.

Board Member: Why do you think you were sent to Guantanamo Bay?

Detainee: The Pakistani they fabricated an allegation against me and they sent me to America.

Board Member: What did the Pakistani's allege?

Detainee: It's all about money. They sold me for money.

Board Member: Where did the Pakistani's capture you?

Detainee: At the border.

Presiding Officer: Where? Which border?

Detainee: Near Peshawar.

Presiding Officer: How did you get to Peshawar after you left Khost?

Detainee: Peshawar is a long way.

Presiding Officer: Yes, how did you get there?

Detainee: Walking through the mountains.

Presiding Officer: So, you were in the mountains?

Detainee: It's not mountains. How do you get out?

Presiding Officer: We are asking how you got out. You told us you weren't with people, you never went to Tora Bora, you weren't there, yet you went from Khost to Peshawar. How?

Detainee: I would recommend try to go to Khost and see what's between Khost and Peshawar. It's all mountains and all valleys. I just went by walking.

Board Member: What did you eat when you walked?

Detainee: Bread.

Board Member: Where did you get the bread?

Detainee: Oubida Allah had bread.

Board Member: How long did it take you walk from Khost to the border where you were captured? How many days did it take you to go from Khost to Pakistan?

Detainee: Eight days.

Board Member: How far do you think it was? In kilometers?

Detainee: I don't know. I don't really know exactly how many kilometers, but we were taking a rest every now and then. We just walked.

Board Member: You've been here in detention for a long time. How do you feel about being locked up for this long time?

Detainee: I became accustomed to Cuba. It's been four years. I became accustomed to here.

Board Member: If we decide to release you, you will go back to Yemen. How will they treat you when you get back there?

Detainee: I have no idea. I have never been in prison before.

Board Member: If you go home your government may think, well the Americans had him in prison for four years; they must have had a reason. How will your government treat you?

Detainee: You mean in prison in Yemen?

Board Member: Is that something they might do?

Detainee: This is something normal to them. I am prepared for anything.

Board Member: Have you ever been in trouble back home, except with your father.

Detainee: I don't have problems with my father.

Board Member: Except for going to Afghanistan?

Detainee: Yes.

Presiding Officer: Do you speak English?

Detainee: A little bit.

Presiding Officer: You are here because you were associated with a group of people. These people are very closely related to Usama Bin Laden and I don't believe it is a mistake you were with them. You're teaching the Koran in Khost, you decide it is dangerous for you and you just walk to the border to Peshawar, your captured and you happen to end up with these other people who you knew from back home in Yemen.

Detainee: The Pakistani people gathered us in prison. I had no choice, they put me with them.

Presiding Officer: When you went through the mountains, who was with you?

Detainee: Oubida Allah.

Presiding Officer: Just one person?

Detainee: Yes.

Presiding Officer: You walked through the mountains with just one person? Other people here say different.

Detainee: I have nothing to do [with] what they are saying.

Presiding Officer: In an earlier interview you indicated that you met up with these fellow Yemenis that you recognized from high school. You said you met these men in the mountains, refugees on their way to Pakistan. Now you say you didn't meet them there, but you met them instead in prison in Pakistan. Which is true?

Detainee: That's not true. I said I met them in prison.

Presiding Officer: Did you ever carry a weapon anytime you were in Afghanistan?

Detainee: Where?

Presiding Officer: In Afghanistan.

Detainee: Never.

Presiding Officer: So even though other people saw you in a place called Al Farouq training camp, you never were there?

Detainee: Bring these people.

Presiding Officer: I cannot but people who helped al Qaida say you went to al Farouq in April 2001 and you were trained there to fight.

Detainee: They are liars. They are liars. I am telling the truth and if you don't think I am telling the truth, just kill me.

Presiding Officer: Your name is on many different lists [for] many different groups and you gave your passport to a man that was part of al Qaida, you stayed in a safe house that was part of al Qaida, your name is on the list with many people from al Qaida, but your just teaching and you happen to travel and get captured with a bunch of al Qaida.

Detainee: I don't know anybody from al Qaida, my passport was with Abdul Malak the Afghani, if anybody from al Qaida can verify me or identify me, bring them here and I am ready to face them. You just stated that I am young and how could the al Qaida hire somebody like me at this age?

Presiding Officer: You're behavior here in camp has been very good, we appreciate that. If we decide to send you home, it is very important that you don't go back to Afghanistan or choose to fight against the United States again.

Detainee: In the first place I have never fought and I never tried to do anything.

Presiding Officer: You have been associated or around a bunch of people who do.

Detainee: I have nothing to do with them. I don't know anybody who associated with al Qaida.

Presiding Officer: You must ensure that in the future you do not [get] involved with these activities.

Detainee: Do you have any proof that I was affiliated with these people?

Presiding Officer: I just said that there are many names here that your name is associated with.

Board Member: When did you start from Khost to go to Peshawar?

Detainee: In the afternoon.

Board Member: Before or after Ramadan?

Detainee: Through Ramadan.

Board Member: You stopped teaching in August

Detainee: The number eight of the month.

Board Member: From month eight to Ramadan was three months?

Detainee: Yes, I taught in August and after Rahmad came after three months he told me I can start teaching in Khost now through Ramadan.

Board Member: You were in Khost or you went to Khost during Ramadan?

Detainee: Yes I was in Khost through Ramadan.

Board Member: What did you do after you stopped teaching in month eight from that time what did you do until you got to Khost?

Detainee: I finished my teaching in Kabul in August. After Rahmad took me to Khost to one single room, so I can start teaching there. He introduced me to Oubida Allah. When I got there I did not really teach I started memorized the Koran for myself. I started studying for myself. So in the Ramadan month, Oubida Allah told me I have to leave.

Board Member: When did you trust Abdul Malak with your passport?

Detainee: There was a lot of stealing I was concerned that it might be stolen [that] somebody would steal it, so I decided to leave it behind with him.

Board Member: Was Abdul Malak Aghanan?

Detainee: Yes he is

Board Member: What tribe is your family?

Detainee: Saif.

Board Member: Many Yemeni al Qaida were associated with the Furqan institute?

Detainee: I didn't say that. All I said was that is was institute like high school and it is open for general public.

Board Member: Are you aware or familiar with the bombings on the U.S.S. Cole that was associated with [the] Yemens?

Detainee: All I heard [was that] there was an explosion and it happened in Adan, the city of Adan. Our Yemeni president he came on television and stated that this is an act of the moosad so they can create animosity between Yemen and the Americans. That is all I know about the ship of Cole.

Board Member: While you were in the institute, you did talk about the U.S.S. Cole with the other students in the institute?

Detainee: We heard about it from the video. I am from Taz. It is very far from Adan where it happened.

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