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Summary of Administrative Review Board Proceedings for ISN 157

*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.*

*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 9 September 2005, and lasted 60 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 asked if there was an agreement between his country and the US to release the detainees. The AMO told the detainee that he was not aware of any decision to release the detainees. The detainee stated, "I have a lawyer; I have not met with my lawyer. I was supposed to meet with my lawyer three days ago and he didn't show up." 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 said, "The decision has already been made." The AMO explained to the detainee that a decision has

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not been made. The detainee stated, "If I know that they will listen to the facts, I will attend." Followed by, "I was planning to come, but after this, no." The AMO explained further to the detainee the potential opportunity the ARB represented. When asked why he did not want to attend the ARB, the detainee stated, "I have been there once and nothing happened." A follow-up interview occurred on 12 September 2005, and lasted one hour and 30 minutes. The detainee was given a copy of the English and translated Unclassified Summary of Evidence for his records. The detainee was polite and sometimes cooperative during the interview. A lot of additional time was expended during the follow-up interview explaining which decisions in the interview and ARB process he was allowed to make and which decisions he was not allowed and were not in his control to make. The detainee elected not to submit written comments regarding the Unclassified Summary of Evidence, indicated that he did not wish to provide any verbal statements at this time, and that he will speak to the Board to respond to the Unclassified Summary of Evidence.

*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 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 to assist the Detainee with answering the statements.*

Designated Military Officer: The following primary factors favor continued detention: The detainee worked as a security officer for a firm called the Hajj Mawsem where he earned 4,600 Saudi Riyals per month.

Detainee: Yes. First, it's not a company. It belongs to the police, and the real name is the Army of Pilgrimage and Ceremonies. It is military police officers.

Designated Military Officer: The detainee agreed to help distribute aid, (food, clothing, etc.) in Afghanistan at the request of Sheik Al-Shaykh. Sheik Al-Shaykh was the senior sheik of the Masjid Al Harem Mosque, which is a large mosque near Kaba, Saudi Arabia.

Detainee: I didn't ask the Sheik Al-Shaykh, but I asked if the distributing of the food was something good to do and he said yes. That's why I joined.

Presiding Officer: I just need to know if the statement is true or false and if it is false, please correct it.

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Designated Military Officer: Sheik al Shaykh suggested that the detainee work for the Al Birr Foundation. A man named Hassan Al Nashiri, a fellow student with the detainee, asked him to help distribute goods to poor Muslims.

Detainee: True.

Designated Military Officer: The purpose of the Al Birr organization was the help poor Muslims in Saudi Arabia and other countries.

Detainee: True.

Designated Military Officer: The detainee left Saudi Arabia sometime around January 2001.

Detainee: I don't know the exact date.

Designated Military Officer: The detainee and Nashiri flew Saudi airlines from Jiddah, Saudi Arabia, to Damascus, Syria, then a Syrian airline to Mashhad, Iran, where they stayed for two months.

Detainee: This is not true. I was by myself and I met Hassan Al Nashiri in Iran.

Board Member: Is the route correct?

Detainee: Yes.

Designated Military Officer: The detainee and Nashiri spent two months in Herat, Afghanistan, and in addition to food and clothing, they also bought books and tapes regarding Islam. Traveling through Afghanistan, the men stayed in various mosques, but provided no details on the mosques, sheiks, guides, or names of villages.

Detainee: Right.

Designated Military Officer: The detainee and Nashiri also traveled to Spin Buldak, Afghanistan, then to Quetta, Pakistan. They said they traveled to Pakistan to obtain better quality of goods to distribute. Several trips were made between Spin Buldak and Quetta.

Detainee: True.

Designated Military Officer: The detainee claims he traveled for approximately eight months distributing supplies with Al Nashiri, whom he referred to as the "money man."

Detainee: True.

Designated Military Officer: The detainee was arrested in Pakistan around December 12-17, 2001, while on his way to reenter Afghanistan with aid supplies.

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Detainee: This is not true.

Presiding Officer: Which part is not true?

Detainee: It's not true that they arrested me on this date inside Pakistan.

Presiding Officer: What is the truth?

Detainee: They arrested me in Pakistan, but I was not going to Afghanistan. I was going to Peshawar, a city in Pakistan.

Board Member: You were arrested in Pakistan?

Detainee: Yes.

Designated Military Officer: Training: The detainee attended a mountain tactics class.

Detainee: Not true.

Presiding Officer: Did you attend any advanced military training at any time?

Detainee: In Afghanistan, no.

Presiding Officer: Anywhere else?

Detainee: I was with the military police.

Presiding Officer: That would be with your employment with paragraph 1?

Detainee: Yes.

Designated Military Officer: The mountain tactics course was a seven-week course held at the Faruq training camp, which covered guerilla warfare in mountainous terrain.

Detainee: I don't know anything about that.

Designated Military Officer: The Al Faruq camp provided a general program that consisted of a fundamental or basic course lasting 40 days. The course provided trainees with fundamental military skills in light and heavy weaponry, field guns, warheads, topography and explosives.

Detainee: I don't know anything about that.

Designated Military Officer: Other relevant data: The detainee was unable to provide any names of individuals who were connected to the Al Birr Foundation. He stated there was no need for him to register with the foundation because he was not going to receive a salary.

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Detainee: That's true. When I was asked to distribute food, and after I asked the sheik about the good things to do, then I decided to join. I wasn't looking for any benefit to know those people in that organization or to get any salary.

Designated Military Officer: The detainee has always maintained that he was in possession of a letter for the Al Birr Foundation that explained the purpose of his work in Afghanistan. However, he was unable to explain how he obtained the letter from the foundation if he never registered there.

Detainee: This is not true. That piece of paper was with Hassan. The information in that letter was about distributing food. I didn't need to look at that letter because I am not a member of that organization.

Designated Military Officer: The detainee had his passport and other documents stolen. After hearing about the detainee's loss, an unknown guide gave him 1,000 Rupees and took him to a bus headed to Peshawar, Pakistan.

Detainee: Right.

Designated Military Officer: The detainee has provided four different versions of his personal history and how he came to be detained. During initial screening, he first stated the non-governmental organization was Yemeni based, and then later said it was Saudi based.

Detainee: That is not true. I didn't say that.

Designated Military Officer: The detainee told agents he was divorced four or five years ago. However, he could not, or would not, explain how his divorce, five years previous, seemed to contradict the ages of his children.

Detainee: I do not know why you need this information.

Presiding Officer: Is it true or false?

Detainee: I don't know exactly when I divorced my wife, but it is true that I divorced my wife.

Designated Military Officer: The detainee told agents, after his divorce, he got a job selling cars. He said he sold only one car for his uncle, but he did not know how much it sold for because his uncle set up the deal.

Detainee: If you mean my mother's brother, this is right. I bought the car for myself to resell it.

Presiding Officer: What kind of car was it?

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Detainee: Toyota Hylux.

Designated Military Officer: A passport from Iraq, with one of the detainee's aliases, Ahmad Muhammad Salih, was recovered from the master bedroom of a suspected al Qaida operative's residence.

Detainee: I do not have an alias under this name. The name I use and the one I mentioned to the Pakistani Police is Muhammed Ahmad Abdullah Salih.

Designated Military Officer: The detainee may have been involved in a November 1995 bomb attack on the Egyptian Embassy in Islamabad. He then escaped to the Shamshad and Deruntah camps in Afghanistan the day of the attack.

Detainee: Not true.

Designated Military Officer: The Deruntah training camp has a poisons course that lasts approximately two weeks and teaches students how to poison food and drinks.

Detainee: I don't know anything about this.

Designated Military Officer: The following primary factors favor release or transfer: The detainee claims he had no association with Taliban or al Qaida forces and he denies having any knowledge of the attacks in the United States prior to their execution on September 11th. Additionally, he denies any knowledge of any rumors or plans of future attacks on the United States or its interests.

Detainee: This is true.

Designated Military Officer: The detainee had no concern about the doings or whereabouts of al Qaida or the Taliban, and stated that he doesn't feel members of those organizations are Muslim at all due to their actions against others.

Detainee: This is true.

Designated Military Officer: The detainee stated that although he feels that a great injustice has been done and is being done to him by his detainment here at GTMO, he would still never take up arms against anyone, and would never want to leave Saudi Arabia to try and help others out of his country.

Detainee: This is true.

*Administrative Review Board Member's questions:*

Board Member: What is your education level?

Detainee: I cannot defend myself. I want those questions to go direct to my lawyer.

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Board Member: You cannot say how much schooling you've had?

Detainee: Yes, I can.

*The Presiding Officer explained purpose of the Administrative Review Board proceedings to the Detainee, and confirmed that he understood.*

Presiding Officer: How much school do you have?

Detainee: I did finish the 10th.

Board Member: You quit your job as a police officer with a salary to do charitable work in Afghanistan?

Detainee: I did not leave because of that.

Board Member: Were you being paid to do charitable work in Afghanistan?

Detainee: No.

Board Member: Did you ever do any charitable work in any other country besides Afghanistan?

Detainee: Pakistan.

Board Member: Why didn't you travel directly to Afghanistan? Why did you travel to Syria, Iran, and several other countries? Why didn't you go directly to Afghanistan from Saudi Arabia?

Detainee: I think there is not a direct flight to Afghanistan.

Board Member: What did you do in Iran for two months?

Detainee: I was buying goods and sending them to Afghanistan.

Board Member: Where did you stay in Iran?

Detainee: I don't remember exactly where I was in Iran.

Board Member: Did you stay in a house or a hotel?

Detainee: I don't remember.

Board Member: Did you ever carry a weapon while traveling in Afghanistan or Pakistan?

Detainee: No.

Board Member: Have you ever heard of the Al Faruq training camp?

Detainee: Here.

Board Member: What are your views concerning Usama Bin Laden?

Detainee: He is a terrorist that says he's a Muslim, but is not a Muslim. That's what I think. I'm not deep in religion to tell you exactly, but that's my idea.

Board Member: Why did you use an alias?

Detainee: It's not an alias, but when I was arrested in Pakistan, I was scared and I gave them any name.

Board Member: Who arrested you in Pakistan?

Detainee: The police.

Board Member: What was the purpose of the arrest?

Detainee: They didn't speak to me.

Board Member: You don't know why you were arrested?

Detainee: They said I was Arabic and I was a good value.

Board Member: What does good value mean?

Detainee: That means I'm expensive.

Board Member: What are your views concerning jihad against the United States?

Detainee: I don't know that much. I heard about a lot of it here.

Board Member: What are your views?

Detainee: I don't have any knowledge to tell you about.

Board Member: Does your family know you're here?

Detainee: Yes. I got some letters from them.

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

Detainee: I will go and look for a job. And I will get married. Maybe I will go back to my divorced wife.



Board Member: You obtained a passport to go from Syria to Iran and then on to Pakistan?

Detainee: Yes, but it was stolen in Pakistan.

Board Member: Where?

Detainee: In one of the villages, but I don't remember the name.

Board Member: Did you report it?

Detainee: Yes.

Board Member: To whom?

Detainee: I didn't have the time and opportunity to go to report it.

Board Member: So, the only thing stolen was your passport?

Detainee: The whole briefcase, documents, money and passport.

Board Member: Someone stole your money, documents and passport, and you didn't have the time to report it?

Detainee: It was stolen from me in a mosque in a little village. All of these things were in my briefcase. Then I was going to Peshawar, but I couldn't get there because I was arrested.

Board Member: You lost money, documents and a passport and didn't have time to report it. Since you are a former policeman, why didn't you report it or ask about it in the mosque?

Detainee: There was no time. I am telling you the truth. I was going to Peshawar to report it, and I was arrested before I got to Peshawar.

Board Member: So, you were going to report it?

Detainee: Definitely. I was in a small village mosque with no police station, and I was going to the closest city, Peshawar, so that I can report it. I was arrested in the middle of the way.

Board Member: When you were in the mosque, did you ask people questions about the briefcase, typical questions a police officer would ask?

Detainee: I was sitting in the mosque and then I left. When I came back, I couldn't find it, and started asking people around me. After I started asking, I thought maybe I put it somewhere else and I went to look, but it was gone.

Board Member: Who invited you to stay in the mosque?

Detainee: I chose that mosque. There was an agreement between Hassan and me that I could stay.

Board Member: So there was an agreement that you could stay?

Detainee: Yes, that's right.

Board Member: What is the name of the mosque?

Detainee: It is a very small mosque; maybe 15 people would be there. It was very small. There was no sign, and I don't remember the name of it.

Board Member: Can you tell me some of the names of the guides and sheiks that you met while traveling in Afghanistan and Pakistan?

Detainee: I don't remember exactly the names.

Board Member: What is your former wife's name?

Detainee: Noora.

Board Member: And your mother's brother's name?

Detainee: Ghbaish.

Board Member: Have any of these people given testimony of some sort, or made a written statement for you?

Detainee: Only regular letters.

Board Member: Have you been able to write back home to them?

Detainee: Yes, I sent some, but I don't know if they received it or not.

Board Member: What do you say in the letters?

Detainee: To be patient for what I'm going through until I come back to you. I asked them to send me information about my kids and how they're doing.

Board Member: What type of information are you requesting?

Detainee: What they are doing in school. My third son has glaucoma from birth because of German Fever.

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Board Member: I'm very sorry about your son's illness, but I want to know about the allegations, things from individuals that would substantiate and corroborate your denial of these comments?

Detainee: I think when I first got here, maybe I wrote something like this, but I don't remember exactly what I wrote.

Presiding Officer: Your case is interesting. You have an education; you have a family that needs you; you had a job that was paying a very good salary at 4,600 Saudi Riyal per month?

Detainee: Yes.

Presiding Officer: I'm surprised you would leave all that and go to a third world country like Afghanistan. We are tasked to determine whether you will take up the fight again if you are released.

Detainee: Basically, I wasn't fighting.

Presiding Officer: I want to help you. I am not your enemy; none of us are your enemy. Your story sounds like about 500 others. Everybody has their passport stolen; everybody is in Afghanistan and Pakistan doing charity work; Karzai soldiers are getting shot, American Soldiers are dying, but nobody is killing them? Nobody is in the fight, yet all of our soldiers are still dying? I have had people sitting in that very chair who've had the identical story that you have, who have told this board that they made a mistake, they shouldn't have taken up the jihad, and they were sorry; we sent them home. If you're out of the fight, you go home. But your story doesn't ring true. Help us help you.

Detainee: What kind of help do you want to know? This is my true story if you want to believe it or not. I never used weapons against the United States or any allies.

Presiding Officer: I believe that you didn't have a weapon, but selling sugar and material to the enemy, aiding and abetting the enemy, is just as bad.

Detainee: I sold it to the Muslim people who live in the villages. Are those people your enemy?

Presiding Officer: Logistics people are just as important to the waging of war as people who shoot bullets.

Detainee: Do you mean the poor people, the women and children, and the people in the village?

Presiding Officer: Did you hear about the jets that flew into the World Trade Center?

Detainee: Why don't you listen to me as I am listening to you?

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Presiding Officer: Did you hear about it?

Detainee: Yes.

Presiding Officer: Most of them came from Saudi Arabia; one month after that, you decide to go to Afghanistan.

Detainee: That's not right. I went before.

Board Member: He went to Afghanistan in January 2001.

Presiding Officer: My mistake.

Detainee: Just listen to me as I am listening to you and don't go deep into false things.

Presiding Officer: I misspoke. It was January 2001.

Detainee: I left my family and salary and I expected the journey to be months.

Presiding Officer: Did you have some kind of wonder lust? I've been to Saudi Arabia; it's a beautiful country. Afghanistan and Pakistan are not places that would be on most people's travel list.

Detainee: I didn't go like a tourist for good views; I went just to help.

Presiding Officer: Did you know that we're fighting a war?

Detainee: I don't know and there wasn't any fight between the United States and Afghanistan or Pakistan. All the countries I went through, there was no fighting with the United States.

Presiding Officer: When you went to the mosque was it prayer time?

Detainee: I decided to go to the mosque to stay.

Presiding Officer: You put your briefcase down?

Detainee: Yes, in the mosque.

Presiding Officer: How much money was in it?

Detainee: I don't remember exactly.

Presiding Officer: Take a wild guess.

Detainee: I don't remember exactly, but about 1000 to 1200 Saudi Riyal.

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Presiding Officer: Your life is in this briefcase; it would be very bad to lose the briefcase?

Detainee: Yes, that's right that it's bad to lose the briefcase, but my life was not in there.

Presiding Officer: It's your passport and your money?

Detainee: It's something important to lose.

Presiding Officer: If you had your passport, you and I would never have met?

Detainee: That's true. You are right.

Presiding Officer: So, it's pretty important, isn't it?

Detainee: Yes, it's very important, but not my life.

Presiding Officer: We know what the enemy does with a passport. They give good money for passports and use them to fight the war. It's very suspicious that you lose your passport.

Detainee: I wasn't thinking about it the way you put it. I didn't put that much importance on my passport. But when the Saudi delegation came over, the first thing I talked about was my passport.

Presiding Officer: Why should we let you go?

Detainee: To tell you the truth, I've never been against the United States. I want to go back to my family.

Presiding Officer: Do you understand that the people that you were hanging around with and working with in Afghanistan and Pakistan are not good people?

Detainee: I didn't know.

Presiding Officer: A person needs to be very careful about whom they associate with, don't they?

Detainee: That's very true.

Presiding Officer: Do you promise to be more careful about with whom you associate?

Detainee: When I go back to Saudi Arabia, I will never be in touch with any people that I have any doubt about, because I am myself being looked at by you with doubt.

Board Member: I want to clarify if you sold materials or gave materials?

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Detainee: No selling; just giving.

*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:* Something happened with the AMO in the interview. You accused me like my story is like 500 other stories, and maybe you are right, but this is my true story by the name of God. I would never carry any weapon against any American, and I never thought about fighting. I learned a lesson from this and it will never happen again.

Presiding Officer: What was the lesson?

Detainee: Mistrust of other people to take care of my personal business. My family comes first over anybody else.

Presiding Officer: That's a good lesson; a family should come first.

Detainee: Those are my family, definitely. I want the Board to give me the justice as you've sworn.

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

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

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

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

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

AUTHENTICATION

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



Colonel, USA  
Presiding Officer