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Summary of Administrative Review Board Proceedings for ISN 760

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

Presiding Officer: I understand you speak English and you understand English.

Detainee: I do.

Presiding Officer: You do. During the course of the proceedings if at anytime you do not understand what I am saying just let me know, but if you do [understand], just say I understand sir or I understand. That way the translator will not have to repeat it to you. If you prefer he translate everything that's fine too. Which do you prefer?

Detainee: The first option is okay with me sir. If I just listen without making any comment then I understand. Should I [not] understand something I will just ask you to stop and ask him (referring to OL-21).

Presiding Officer: Then he will translate for you and that's fine. We can do everything translated but since you understand us then there is really no need.

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

Presiding Officer: Understood?

Detainee: Understood.

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: I do, I want to make my statement under oath.

The Detainee accepted taking the Muslim oath.

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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.

Presiding Officer: This was read to you back in February and they probably went over it with you I just want to make sure you understand. It's a notification of when they notified you that you were an Enemy Combatant, do you remember that?

Detainee: Yes, I remember, yes.

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 and the Detainee comments we will use when we go through the Unclassified Summary [of Evidence].

Assisting Military Officer: The Detainee's ARB interview was conducted on 13 December 2005 and lasted 140 minutes. After reviewing the ARB's purpose and procedures, the Detainee said that he understood the difference between the CSRT and the ARB. The Detainee was read the Arabic translated Unclassified Summary of Evidence. 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 would attend the board and present an oral statement. He stated that at the ARB he would answer any questions in English. The Detainee was very courteous, and attentive. He elected to take a copy of the Arabic translated Unclassified Summary of Evidence and an English version for his review.

Presiding Officer: [Are] we good so far?

Detainee: So far so good.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, CITF Redaction Memorandum, DMO-3, and the Terrorist Organization Reference Guide, 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 for presentation to the Detainee.

Presiding Officer: Go ahead and translate the whole thing until I review it.

Detainee: I just need the last one because I don't know what it is about.

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Presiding Officer: He gave me four unclassified documents. One is the Unclassified Summary of Evidence, the second one is a redaction form from the FBI, and the third one is a redaction form from the Army Criminal Investigative Command. Are you familiar with what redaction forms are?

Detainee: I think.

Presiding Officer: It is where they take out information that they don't want you to see.

Detainee: Okay.

Presiding Officer: The forth one is The Terrorist Organization Reference Guide. It talks about different terrorists organizations that the Department of Homeland Security and Customs and Border Protection had back in January 2004, where they classified a list of organizations as terrorist organizations. One of them is covered in the unclassified summary.

Detainee: Yeah, yeah. Okay.

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.

Presiding Officer: I note that you have chosen to respond to each item of the Unclassified Summary as it is presented. Is this correct?

Detainee: It is.

Presiding Officer: You also want the assistance of the Assisting Military Officer as needed I presume.

Detainee: Yes.

Presiding Officer: Okay. At this time I will instruct the Designated Military Officer to summarize the Unclassified Summary to you and after he goes through a point you can then respond. Once we notice you are through answering his question we will go to the next item. Okay? He is going to read the Unclassified Summary to you and there are a number of items. He will read one item and you can respond to that if you'd like and if you don't just ask him to go to the next item and he will.

Detainee: I planned it so, if your honor does not have anything against it that my AMO and I have planned that I wrote very, very brief answers to each item of the Unclassified Summary and after he answers those questions I will also give a response. Just to explain and to demonstrate and prove to you why it is yes or it is no.

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Presiding Officer: Okay, DMO you will read the comment and AMO for those responses you have answers to all you need to do is pickup at whatever the Detainee said. You don't need to read in response to....just give us his response to it because the DMO is going to read the items. It looks like number one is the only one he didn't respond too.

Assisting Military Officer: No sir, there are a couple of them he didn't respond to. He will just answer them when we get to them.

Presiding Officer: Okay, I am going to give you an opportunity [to respond] after each one whether the AMO has something or not. I would just ask that you say no comment.

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.

Presiding Officer: DMO please summarize the information for the Detainee and allow him time to respond or allow the AMO time to respond and then the Detainee.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) In 1992, the Detainee traveled to Gardiz, Afghanistan to fight and was assigned to a mortar battery.

Detainee: That's correct.

Designated Military Officer: (3.a.2) The Detainee actively recruited for jihad from 1992-1997. The Detainee felt it was an important function and would often speak of jihad while he preached at mosques in Germany.

AMO/Detainee: The Detainee claimed he did not recruit but preached jihad from 1992-93. After 1993, the Detainee's passion faded because he had a wife and family, college and his life. ***The Detainee confirmed this statement.***

Designated Military Officer: (3.a.3) Based on the Detainee's advice, an individual in Duisburg, Germany traveled to Afghanistan for weapons training and to join the armed Taliban forces. The Detainee arranged for this individual to meet with Usama bin laden and the individual swore allegiance to al Qaida. The individual became an important and influential al Qaida member.

AMO/Detainee: The Detainee says it did not happen. ***The Detainee confirmed this statement.***

Designated Military Officer: (3.a.4) While in Germany, the Detainee worked with a friend who recruited people to go fight jihad in Afghanistan.

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AMO/Detainee: The Detainee said this must be Ashra Al-Nahass. He is a close friend, but he did not help him. The friendship was in 1999. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.5) In December 1999, the Detainee became the Imam at a mosque in Montreal, Canada. The Detainee thought that the Algerian Armed Islamic Group and the Salafis might have a presence at that mosque.

AMO/Detainee: The Detainee stated, that he did not become the Imam. He has the Koran memorized and during Ramadan he lead the prayer. Within two weeks Hasni Mohsen introduced him to the mosque. He has no sympathies of the Algerian Armed Islamic Group and did not go to the mosque because of this group. The Detainee completely sympathizes with the Salafis. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.6) An al Qaida operative identified the Detainee as an al Qaida facilitator who played a part in recruiting jihadists to fight in Afghanistan and Chechnya and to become suicide hijackers in the west. The Detainee convinced the al Qaida operative and three future World Trade Center suicide hijackers to undergo al Qaida basic military training in Afghanistan.

AMO/Detainee: The Detainee stated, that this is Ramzi bin Al Sheeb's statement and not his words. The Detainee took a polygraph and Al Sheeb refused. The Detainee says it shows he is telling the truth. The Detainee wants to read the Commission book on 911. He says it will tell the truth about Al Sheeb. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.7) An al Qaida operative stated that the Detainee facilitated the operative's initial travel to Afghanistan and his initial introduction to Usama bin Laden.

AMO/Detainee: The Detainee says, this is probably just an extension of Al Sheeb's statement. Either way it is false. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.8) An Islamic extremist stated that he attended meetings in the Detainee's house on numerous occasions with a future suicide bomber and an al Qaida operative.

AMO/Detainee: The Detainee stated, this is Karim Mehdi, a very good friend and that Karim made the statement and it is not correct. *The Detainee confirmed this statement.*

Designated Military Officer: (3.a.9) The Detainee swore loyalty to Usama bin Laden in 1990.

AMO/Detainee: The Detainee stated, in March 1991 he swore loyalty to Usama bin Laden through one of Usama bin Laden's recruiters. The Detainee does not want to say the recruiter's name. *The Detainee confirmed this statement.*

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Designated Military Officer: (3.b) Training (3.b.1) The Detainee was trained in the use of weapons and terrorist tactics in Usama bin Laden's training camps in Afghanistan.

AMO/Detainee: The Detainee stated, that it was only one camp, not multiple camps and that he did not train in terrorist tactics. *The Detainee confirmed this statement.*

Designated Military Officer: (3.b.2) In January 1991, the Detainee trained for six weeks at Camp Farouq, located near Khowst. Training consisted of physical exercises and weapons training on the AK-47, Seminov, Uzi, M-16, Makarov pistol and rocket propelled grenades.

AMO/Detainee: The Detainee stated, among other light weapons. *The detainee confirmed this statement.*

Designated Military Officer: (3.c) Connections/Associations (3.c.1) From 1993 through 1999, the Detainee was tasked by an individual to set up a radio broadcasting station in Sudan, to assist in counterfeiting money, especially United States currency, in Kandahar, Afghanistan, and to help establish greater Internet connectivity between Sudan and Kandahar. The Detainee denied taking part in any of these taskings.

AMO/Detainee: The Detainee stated, that this was refuted at the CSRT and that this allegation was removed. The Detainee had asked the Intelligence community to come as a witness. *The Detainee confirmed this statement.*

Designated Military Officer: (3.c.2) The individual who tasked the Detainee was one of Usama bin Laden's key operatives.

AMO/Detainee: The Detainee says this individual had no authority to task. The Detainee was asked to help with the broadcast. He wants to call this individual as a witness. The Detainee does not want to say the name of this individual. *The Detainee confirmed this statement.*

Designated Military Officer: (3.c.3) The Detainee was involved in money laundering activities. The Detainee wired United States currency three times for one of Usama bin Laden's operatives.

AMO/Detainee: The Detainee says, that he was never involved in money laundering. He helped his cousin wire some money twice to his cousin's family. 7,000 German marks. The third time the detainee refused. *The Detainee confirmed this statement.*

Designated Military Officer: (3.c.4) The Detainee stated that he attended a mosque in Duisburg, Germany where the director was the leader of the Egyptian Islamic Jihad in the area.

Detainee: That's correct.

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Designated Military Officer: (3.d) Intent (3.d.1) The Detainee said that his goal while in Afghanistan was to become a martyr by dying for Islam. However, the Detainee would fight in a battle and there would not be another one for months, thereby reducing his chances to be martyred.

AMO/Detainee: The Detainee says, that to die as a martyr is correct. To this day he still wants to die as a martyr. The Detainee does not want to kill any innocent people, including Americans. *The Detainee confirmed this statement.*

Designated Military Officer: (3.d.2) The Detainee is a suspected facilitator of the failed millennium bombing conspiracy.

AMO/Detainee: The Detainee says, this is completely incorrect and was refuted at the CSRT. He wants to call Ahmed Rassam and the United States Intelligence as witnesses. *The Detainee confirmed this statement.*

Designated Military Officer: (3.e) Other Relevant Data (3.e.1) In January 2000, the Detainee departed Canada to travel to Mauritania. On the way to Mauritania, the Detainee was detained in Dakar, Senegal where he was questioned and released after four days.

AMO/Detainee: The Detainee says, that he was not released. He was turned over to Mauritanian authorities. *The Detainee confirmed this statement.*

Designated Military Officer: (3.e.2) In April 2000, the Detainee traveled from Mauritania to Germany where he was detained for three weeks and questioned by German authorities.

AMO/Detainee: The Detainee states, that this is correct. However, it was because of fraud, not terrorism. *The Detainee confirmed this statement.*

Designated Military Officer: (3.e.3) In April 2000, the Detainee left Germany and traveled to Mauritania where Mauritanian government officials seized his passport.

Detainee: That's correct but it was in May 2000 not April.

Presiding Officer: It was in May not April?

Detainee: No, look at it your honor, in April I spent one month in jail cell. How could I?

Presiding Officer: Thank you.

Designated Military Officer: (3.e.4) In September 2001, the Mauritanian Security Service detained the Detainee after the 11 September 2001 attacks in the United States.

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AMO/Detainee: The Detainee states that he turned himself over to the Mauritanian government. *The Detainee confirmed this statement.*

Designated Military Officer: (4) The following primary factors favor release or transfer:
(4.a) The Detainee denied having knowledge of the attacks in the United States prior to their execution on 11 September 2001, and also denied knowledge of any rumors or plans of future attacks on the United States or U.S interests.

Detainee: That's correct.

Designated Military Officer: (4.b) The Detainee stated that he did not know of Usama bin Laden's operative's involvement in terrorism when he transmitted money for him.

AMO/Detainee: The Detainee says, this is correct. It is the same incident with his cousin and helping him send money to his cousin's family. *The Detainee confirmed this statement.*

Designated Military Officer: (4.c) The Detainee strongly denied that he had helped anyone travel to Chechnya or Afghanistan.

Detainee: That's correct.

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

The Administrative Review Board went into a closed session to discuss sensitive information. The board reconvened the unclassified portion at 1942hrs, 15 December 2005.

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 and a written statement.

Presiding Officer: Okay, let me see what he wants to present and then I will explain to you how I want you to present it.

The Presiding Officer reviewed the documents the Detainee wanted to present to the board.

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Detainee: When the CSRT invited me to attend the hearing they confronted me with very much the same thing you have confronted me with. I said no that is outrageous. I have done some of that; most of that I have not done. I said I have witnesses and I can prove it, they said how? I said U.S. Intelligence, military intelligence, my ex-wife and so many witnesses. They said they would use U.S. Intelligence as a witness but you let them decide on what they were going to tell us. There were thirteen allegations and they erased nine and the [remaining] four sir, you have. Only those four are my allegations. I really don't understand why they have gone back [to the thirteen] and we have already been through and put the allegations I was not charged with on this. It does not make any sense to me. It looks like O.J. trial.

Presiding Officer: The unclassified is stuff that various agencies have given us to be allowed to use and present to you. They were classified at one time and they unclassified them and said this is what the Detainee can have or anybody else if in fact it gets released. There is other information of a classified nature that they won't release to you, but we may have access to it during our classified session. Even though they may have had thirteen or so many allegations and narrowed it down only to four here in the CSRT, those agencies may have given us a number of things, and say here you can read this and this is what we consider important on this guy. You can contest them as you did in some cases today and something you agreed to and we appreciate that. I am just trying to give you an idea of why some of this is repeated again.

Detainee: Why should it be repeated if it had already been refuted. Here you can read the synopsis and it reads very clearly, "During the recess the recorder modified exhibit R1 of the Unclassified Summary of Evidence deleting a number of allegations." So why did they delete them back then and they say I am right and the guy who wrote this was wrong and now the same things have come back. I don't understand that doesn't make sense to me, if you could explain it, I really want to understand.

Presiding Officer: Well again, they probably could not find enough stuff to substantiate the allegations that they took out. They are not saying they are right or wrong, they are just saying they didn't have the evidence to support them. Then they were just able to hang their hats on these four things in paragraph three which [states], Detainee was previously determined an enemy combatant and this determination is based on the information that the Detainee was a member of the Taliban or al Qaida. Then it goes on to say you admitted these four things; that you admitted to traveling to Afghanistan to wage jihad; that your goal was to become a martyr and you did say that again today. So based on these and the other two things, you can read them as well as I can, that is what they based their answer from the CSRT on continuing your detention as an enemy combatant. Because they only had to meet certain criteria and that is what they did. Now for today the Unclassified Summary is full of a lot of things you disputed and you're offering this as an explanation that it shouldn't be there. We will weigh and listen to your answers and I am sure we are going to have a few questions for you in regards to it. You may or may not have answers to it, but I know I have at least two questions, so we will get to that. I am not going to try and guess why the agencies repeated those allegations in

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the unclassified summary again [this time] even though the CSRT dropped them. They didn't really say but the deleted number of allegations and modified exhibit R1 [can be submitted as exhibits]. They didn't say that they weren't true they just modified them.

The Assisting Military Officer submitted the Detainee's CSRT excerpts as Exhibit EC-C to include EC-C1 and EC-C2, copies of these exhibits have been provided to the Designated Military Officer.

Presiding Officer: Do you have some other documents you would like to present to the board or are you just going to read something?

Detainee: No, no I have nothing.

Presiding Officer: Because if there are other things I would like to cover them with the AMO because he will have to present them as an exhibit. If you are not going to present anything else, that's fine.

Detainee: No, I have nothing.

Presiding Officer: Comments and things like that we are still going to continue with but I want to get through the exhibit portion.

Detainee: Okay.

Presiding Officer: Assisting Military Officer please read the Detainee's additional comments on the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee requests that he be released to Canada and that his request be forwarded to Washington, D.C. The Detainee was told that a decision will be made in Washington, D.C. and he will get an answer in the very near future.

Presiding Officer: Let me ask you this, you said you would like to be released to Canada, is there some reason you do not want to be released to your home country?

Detainee: Well, I have a good reason; my country turned me over, short cutting all kinds of due process of law, like a candy bar to the United States. They sent me to Jordan for torture and later on to Bagram and then to this place. So I think that is a good reason not to want to go back to such a country.

Presiding Officer: So your concern is being tortured again when you go back?

Detainee: Not only, I don't think that my country would torture me, I am not going to lie to you your Honor. So let me explain this to you. If the United States releases me to my country and they agree on some formula that will for sure limit my freedom without any reason, because in my country you do not need a reason to limit someone's freedom, and I don't see any reason why my freedom should be limited. For example, you have seen

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that my passport was taken and that I was forbidden to travel. I did not appreciate it and that is not a life. I [would have to] go everyday to the police and sign papers, no. I want to go to a country where I can enjoy my freedom or I'll stay here. Please explain my point to them (asking OL-21 to explain a previously discussed issue).

OL-21: He forgot to add one thing that he told us why Canada. It was because he had the immigrant status there. And the immigrant status is almost like being a citizen, but if you are outside of Canada for more than six months you cannot take advantage of that status. But he does not know if in his case, because it was beyond his control, if he stayed six months out of Canada if he still has that status in Canada or not.

Presiding Officer: He does not know if he has that status?

Detainee: I have the status and I have the papers. But it says [under] Canadian Law if you stay outside the country for more than six months you are not safe. Then you cannot go back to the country and you will have to reapply. But this was against my will because I was put in jail. So it's a problem, it's just a wish.

Presiding Officer: I was just curious why you didn't want to go back to your home country and if there were some other extenuating circumstances that the State Department could give consideration to when negotiating your transfer.

Detainee: I just want you to understand because it is key for me that you, the board, understand the case, the heart of the case. Forget about me being detained or released, forget about it. Just try to understand why I am here and all of the circumstances surrounding my capture and my detention, I would like for you to understand. I asked at the CSRT to be turned over to the United States of America, but when I learned from my American friends here, they said no, no you were in Cuba and for God sake you are a suspected terrorist and the United States would not accept you. I will not force you to take me. I feel like I deserve [it] because I was honest, cooperative, and I was forthcoming. I may be wrong; obviously I am, so just turn me over to Canada.

Presiding Officer: Okay.

Detainee: In case you don't release me, then I know my address.

Presiding Officer: I understand you would like to give a statement and you just did. Is there anything else you would like to tell us? If not does that conclude your statement? If you have additional comments you would like to give us you may.

Detainee: Yeah, yeah.

Presiding Officer: At this time I understand you have something you would like to read to us, you may begin reading your comments at this time.

The Detainee made the following statement:

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Detainee: First of all why did the U.S. Intelligence get on my neck? Why did they pick me out? Why did they pick me and not just anybody from the streets? They picked me out for reasons and I will explain them to you why. It goes back to late 1998 and January 1999 when I received a call from a cousin of mine, whose name I don't want to mention his name. I learned later that my cousin was using Usama bin Laden's satellite phone that was intercepted. He called me and another cousin of mine named Ould Mohammed. I was in Germany and our other cousin was in Mauritania, so the United States [told] the Germans that I was an al Qaida operative. They knew it was not Usama bin Laden's voice, they knew it was me. Mohammed was captured in Mauritania and stayed in jail for two months for interrogations. I wasn't captured, but I am sure I was followed by the German police [and/or] German Intelligence. I did not know anything about it back then, okay. My cousin had always been in moderate contact, he called me more and I never knew his address and he called me more for different reasons. We were [also] brother-in-laws; we married the same sisters (my former wife is his wife's sister). The sisters they want to contact each other and he also contacted me to help him transfer money to his family in Mauritania because technically when he was in Sudan it is not possible to wire money from Sudan to Mauritania. Mauritania banking does not work; I don't know about the banking in Sudan, but I don't think it is as advance. So he had to send me the money to my account in Germany and I would physically take the money to some of my friends, who will give it to his family (the cousin's family) in Mauritania. I did this twice in late 1998 [Detainee paused to recollect the time frame of the transfers]. It was between late 1997 and 1998, let me [think] it has been a long time so I don't want to give you [the wrong information].

Presiding Officer: We understand if you are off a little bit, then approximately.

Detainee: It was an amount around \$7,000. They said here American money, I don't understand.

OL-21: 7000 marks, not dollars.

Detainee: Okay, dollars I am wrong. It says here somewhere "the Detainee wired United States currency three times for one of Usama bin Laden operatives." It does not make sense to me.

Presiding Officer: What they say is that you were involved in money laundering activities, which if I have 5000 or 7000 dollars and I give it to him. Then he distributes it to [his] brothers, mothers, sisters and cousins then I am trying to launder it through them.

Assisting Military Officer: I think what his issue is though, is the difference where he didn't have U.S. dollars he had [Deutsch] marks. Where they are saying the equivalent might be 4000 U.S. [dollars] to 7000 [Deutsch] Marks.

Detainee: Exactly, AMO is correct. Here is the deal because my cousin and my brother-in-law want to send some money for his family and he asked me [for help]. How the hell

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could I know if he stole it or Usama bin Laden gave it to him, or wherever the hell he got this money, that was none of my business. It is not my policy to ask people where they got the money.

Presiding Officer: He just asked you to do him a favor?

Detainee: Yes, and I did it.

Presiding Officer: Okay.

Detainee: He asked me a third time, they said I did it three times and that's not correct. The third time it was around October 1999, I am dead sure because my brother was with me. Then my brother told me "Who is calling you?" he is my older brother and I said "my cousin". He said "What is he asking you?" and I said "He is asking me to help him wire money to his family" and my brother said "No!" Then I told my cousin I could not wire the money and he was upset. I would like for you to refer to the intercepted telephone conversation with me and him to prove my point.

Presiding Officer: I am not sure I have that available to me but I will take your word for it.

Detainee: Okay, well neither am I. Okay, but that is what happened anyway. Of course the Americans were interested in me and they told the Germans to watch me closely. But I have had such good conduct in Germany the Germans never even bothered me to ask any questions. They went to the Imam of my Mosque and they told him I had connection with terrorist and he laughed, that's what he told me, that he laughed. I said, "I don't think so". They said it was not really a "Hot", it is nothing hot about it but we just have the report to tell you and we will take your word for it. Then he told me, he advised me, "German Intelligence came and showed me your picture and said you have contact with terrorist." I said, "I was afraid." This was the first time that I heard something like that. For somebody to have never dealt with the police and intelligence they may get scared, but now I am not scared because I am so used to intelligence and police being after me and arresting me putting me in jail. I will show you guys, you will not be yourself when the police are behind you. Anyway, I was scared, he told me he has experience with them, so go to them and I can arrange a meeting with you. Tell them indeed you were in Afghanistan in 1991 and February 1992 because they don't give a damn about that. Just go and tell them and they will leave you in peace. I was afraid and I did not follow his advice. I said no, no if they find out I have been in Afghanistan they could make trouble with me because they hate people who believe in jihad and go with jihad even against Russia. So I was afraid. All the evidence was not in my favor and then my Visa was taken away. My lawyer messed up, he messed up some lawyer stuff and the Germans would not extend my Visa. I said, "okay, I'll go to Canada", upon the advice of my friend, whom I have already told you about. He was my student in Germany and he immigrated to Canada in 1996 or 1997. He came to visit me in Germany and he said, "Canada is amazing. There is no racism, they speak French, and it is just a very

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advanced country. You will have a job at the snap of a finger." I said "I like Germany" and he said "It's just a possibility, go for it and apply for Canada and you will have the Canadian papers if Germany does not accept you for some reason, then go to Canada." I decided to go to Canada on Friday, November 26, 1999. Okay, it was shortly before the beginning of Ramadan and my friend said "We need you here in Canada because we have no Hafez." Explain to them what Hafez is (asking OL-21 to explain what a Hafez is).

OL-21: Hafez is the person who memorized the whole Koran and when we pray we pray verses of the Koran and you have to memorize it. During Ramadan there is prayer and after the fifth salit we pray an extended prayer for about an hour and half to two hours. During Ramadan you have to recite the entire Koran, you start from the beginning and when you pray he keeps reading the Koran and he is called the Hafez, a person who has memorized the whole Koran.

Presiding Officer: And you are familiar with this?

Detainee: I am one. In Arabic countries there are oodles but in Europe and Canada one is very rare. I reluctantly accepted the offer because in Germany they were bothering me a lot. Sometimes during Ramadan I would pray for two months and it was just too much for me. In Canada they brought me to this big Mosque and they tested me and said he is good. The Imam said I have a trip to United Emirates and I would like for you to lead the prayer and I said okay. I lead the prayer during Ramadan that's it. I was not the Imam of the Mosque, so far, so good. Some people who were very important to intelligence attended this Mosque; people whom the intelligence community was watching were attending this Mosque were I lead the prayer. It is a three story Mosque where like ten thousand people could pray at the same time, okay.

Presiding Officer: And we are in Canada?

Detainee: Canada, Yes.

Presiding Officer: Didn't want to lose you.

Detainee: Please, I want you guys to understand my story okay, because it really doesn't matter if they release me or not, I just want my story understood. Okay, I want to get it off my chest. The Mosque itself was not a threat or important, it was a moderate Mosque.

Presiding Officer: But some people that the intelligence community had interest in were attending it?

Detainee: Yes, forcibly. I tell you why. People, bad people always want to blend in a crowd so if the Mosque is a very big Mosque the chances of a person getting picked up are very low. The Mosque is also classified as non-extremist. Is that correct, I don't know. Extremist, not dangerous because for you guys extremist is a very easy stamp to

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put on something. They were not really interested in me but they were interested in certain people who attended the Mosque. So look at me, I have contact with Usama bin Laden's operative, who was helping launder money, is now in Canada attending a Mosque where we believe a very dangerous group is attending and he is even the Imam of the Mosque, something is going on.

Presiding Officer: It's not looking good?

Detainee: No, it's not looking good at all. It will look worst than that. Then the Canadians said they have someone to take care of. Okay, December 14, 1999 a Nigerian called, Almed Rassam a former inhabitant of Montreal where I lived, tried to cross the border into the United States carrying a bomb. He wanted to attack the United States during the millennium; they call it the millennium plot, the infamous millennium plot. The Americans captured him, okay at he border before he did anything. Are any of you familiar with this story? Obviously the Major is, excuse me the Lieutenant Colonel. So, they captured him and they said wait a minute this guy is from Montreal and he is a member of the Algerian Islamic Group, which attends the Montreal Mosque, which is right now being lead by me who is in connection with an operative of Usama bin Laden. Why did he come from Germany at this time? He is the head, he is the Imam, he is the General, and a potentially very dangerous guy. I speak four languages and I am a Telecommunications Engineer and I am dangerous, I don't know why because I am a pretty lazy guy. They told the Canadians that I was the guy behind all of this. Almed Rassam refused to talk, he took his 5th Amendment and he didn't say anything at all, did talk later but vaguely. The Canadians are crazy they didn't stop the guy, so if they wanted to seem like they were up to something. So they were very jumpy. They were everywhere in the Mosque, in the police car, 24 hours and they made two holes in my apartment, very small tiny holes. They didn't know I saw them but I was asleep and when I woke up the guy was outside putting tiny cameras in the hole. I called the police and I knew it was not my neighbor it was intelligence. But I said, my neighbor is putting two holes in two bedrooms, one in my roommates [room] and one in mine, why would he do that to me? Then the police told me to put glue in the hole. I stared at him and said, "Did I ask you your advice or something? It is a crime behind this." Your honor, I was just laughing, I didn't have any problems that they were watching me. I told my brother I was going to make a joke or something. People say I am very funny and light so I didn't take it very seriously, but the police Royal Mounted Police of Canada, it's like FBI and they came and interrogated me. I was scared to hell, they asked me do I know Almed Rassam, I said "No", and then they said do you know this guy and I said "No, No". I was so scared I was shaking and they released to the Americans that I was very scared. I was not used to this it was the first time I had been interrogated and I just wanted to stay out of trouble and make sure I told the truth. But they were watching me in a very ugly way. It is okay to be watched but it is not okay to see the people who are watching you. It was very clumsy, but they wanted to give the message that we are watching you. Okay, screw it, it is not problem they can watch me. If 2000 starts they were are afraid that I would kill some people. After 2000, I thought they would leave me alone but that was not correct. At the same time members of my family were taken by the Mauritanian

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Intelligence and interrogated about the millennium plot. I didn't know that my wife was interrogated and that my brothers were interrogated. They didn't tell me because they were scared but they said, "What are you doing over in Canada?" I said nothing but look for a job. And my family decided I needed to get back to Mauritania because this guy must be in a very bad environment and we want to save him. We don't care if they put him in jail here (Mauritanian jail) but we need to get him out of trouble. He is surrounded by bad people, that is what my family thought and decided I should come home. And they told me that my mother was sick. My ex-wife called me and she was crying and she said "Either you get me to Canada or you come back to Mauritania." I said "hey take it easy." I didn't like this life in Canada, I couldn't enjoy my freedom and being watched is not very good. I hated Canada and I said the work is very hard here. I took off on Friday, 21 January 2000; I took flight from Montreal to Brussels, then to Dakar. The Canadians were asked by the American Intelligence to arrest me and the Canadians asked, "Where is your evidence?" The Canadians said we cannot arrest someone without paperwork. Then the Americans asked "Can you at least tail him wherever he goes?" So they must have told them I left and took a flight from Montreal to Brussels to Dakar. I didn't take a flight directly to Mauritania because Dakar is highly visited and the flights are cheaper. Dakar is about 270 miles away and originally my family, my two brothers were going to pick me up from the airport. So far, so good understood? I told them the flight number and everything and that the flight was on Friday. The Americans have obviously seen me as a potential threat. They were sure that I was behind the millennium plot because of all the circumstances.

Presiding Officer: But they just couldn't prove it.

Detainee: Yes, they wanted to get me arrested at least. But they wanted to get me in a place where they could arrest me. Belgium would not cooperate with them, Canada wouldn't cooperate with them because they needed a smoking gun, but Dakar was a very good choice. They waited and I stayed 12 hours in Belgium and nobody bothered me. When I got to Dakar they arrested me in the name of law. They took me to a police station and they said, "We have very heavy information against you, the millennium plot." I was saying no, it's not so. I just denied it. But the Americans were not impressed at all with the results of the interrogation. To be truthful, I was not very truthful with Senegal's interrogators but not with the thing they were asking me about. They asked if I was trained in jihad and I told them no, which was not correct. I just did not want to give them more evidence to get myself burned. I was in a foreign country of Senegal and I wanted to be turned over to the United States right away because I knew at some point the United States would know that I didn't do it and they would release me. In Senegal they might torture me and I don't like to be tortured. Senegal didn't really torture me because there was not any really substantial evidence. After five days, Senegal said they could not keep me. They said either give us proof or we will release him, but the American government worked it out so I could be sent back to Mauritania and I was scared. Okay to make a long story short, Mauritania thoroughly investigated my case. I was forthcoming and I said to just be honest because it is no big deal in Arabic countries to go fight jihad and come back. It is no big deal like in Saudi Arabia,

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for American and Europeans it is a very big thing. If you fight jihad they think you are going to kill people. But in my country I told yes, I was in jihad and I swore bayat to Bin Laden and everything but that was a very long time ago. They understood and they said they have no problem. But I said don't tell the Americans and they said they wouldn't but they lied and told the Americans everything. Then the American FBI came, three guys John Clonon, Michael Bush and another guy from the Department of Justice (DOJ), I forgot his name. They interrogated me they wanted to hear me instead of reading the report. They came on the 5th and 6th of February 2000 and they interrogated me. As to my story about the millennium plot, it was easy because I didn't have nothing to do with it I was forthcoming. As for my story about going jihad in Afghanistan, I was not as forthcoming because I didn't feel I needed to be forthcoming with them because I owe them nothing. Why should I talk to these guys? I didn't bomb you; I didn't come to the United States. Why do you come to me and ask me questions? That is what I was thinking on the inside but I couldn't say it because I must be conscious of everything because they were going to beat my ass if I didn't answer the FBI. I know that, but the FBI did not tell the Mauritians that I was not as forthcoming with them as I was with Mauritania. But anyway they could get the information but they wanted to read it themselves, which is good. But I didn't want to give them the information because I was distraught because they put me under things that I didn't deserve. The guy left on February 17th. I was released on February 18th, the Mauritians said "We don't need you go away. We have no interest whatsoever in you." I asked them what about the Americans? They said "The Americans keep saying you are a link but they didn't give us any proof so what should we do?" I told my wife that I should go to Germany because I have never experienced as much peace as I have experienced in Germany. I told her lets go back to Germany and try it. They told me no Visa and I said I am refugee and it takes about twenty years to decide about your case. Many people come as a refugee and they refuse them then they appeal everything and it takes a long time and you can take your case to the Supreme Court in Germany. It is a part of the German constitution. Do you understand your honor? Okay, so far so good. I asked for a European Visa and you can go to any European Country. Why did I get this Visa? It's because I didn't want to go to the Germans because they know me. They said the Americans are behind you and we don't want any trouble with America and we will not give you a Visa because they are friends. So, I went to Spain and they gave me a Visa and I used the Visa to go where? Germany! Soon as I landed in Germany they put chains on me and took me to jail. They said they were arresting me for fraud, which was correct. I did the fraud it was about 4000 [Deutsch] Marks, but the problem was that I took money for unemployed people, while I was designing my own company. It is not allowed and I didn't know but that was no excuse. If you break the law and you don't know it, that's your problem. There is no excuse not to know the law in Germany.

Presiding Officer: You took unemployment money while you were starting your own business?

Detainee: Exactly.

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Presiding Officer: Gotcha!

Detainee: I told that I have not started the [business] yet but they said no, that's not an excuse. You can get money but not under the title "Unemployed" maybe under another title. I said "that is not a good reason to put me in jail." It is because you have no address in Germany, you could potentially run away from the law. If I had an address I would have spent three weeks in jail because fraud like this is not a major crime. Anyway they kept me three weeks and they sentenced me to six months probation during three years and that was April 2000. In May, around mid May, I said, "Man no country is accepting me". Because Germany asked me about the fraud and they said if you give the information we can work together. I said, "Man I don't know anything." Then they just leave me peace. Then I said to my wife I am going back to Mauritania if I am going to be roasted then I am going to be roasted in my own freaking country. Then I went back to Mauritania and the Americans told them that this guy should be stopped. The Mauritanian asked me to come to them. I went to the police and they took my passport and said "you can not go." I said, "good!" Then a friend of mine found me some work with his employer, National Medica[1] to work as their Internet provider. I had a good time, it was work I like and they paid me well. I had a good life, but it sucked that I didn't have the freedom to travel but hey I have to cope with it, so far so good. September 11th 2001, the United States got attacked and people are looking for leads. The police called me on September 29th about 2300 hours in the night.

Presiding Officer: So September 11th 2001 you were in which country?

Detainee: In my country.

Presiding Officer: In your country?

Detainee: Yes, they were the ones who took my passport away and forbid me to travel. In a way it was good because no one could blame anything on me for that time being. Okay, September 11th happened. Then on September 29th 2001, the Mauritanian Intelligence called me at 11pm, okay! Understood! They said, "We need you. Where are you?" because I was on my cell phone. I told them not to worry about where I am, where are you? I will come to you. I drove my car [to] them, [they] told me to stop and they put a driver in my car. Then I drove with the interrogator. They said the Americans told us to arrest you man. I just want to mention here that I wrote a book while in jail here recently about my whole story okay. I sent it for release in District [of] Columbia and when it is released I advise you guys to read it. A little advertisement, it is a very interesting book, I think. The Mauritanians arrested me and the FBI or whatever they are. They are American they may be anything, but one is named [REDACTED] a German descendent with a bad accent. He spoke German adequately but not very good. And [REDACTED] American he didn't speak any German. The other guy was interpreting for him because I didn't speak any English, I learned my English in this camp. They interrogated me on October 13th and [REDACTED] was a very violent guy and he threatened me with torture. He struck me with a bottle of water that is about 2 liters. He was very silly

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because he said he was going to bring in black people. I don't have problem with black people, half of my country is black people. He said "I am going to bring in some black mother fuckers" and this was my first time hearing these words, like what is a "mother fucker"? That is not appropriate language man. He was very silly; he told me he hated Jews also. I told him that's your problem man. I told him I have no problem with the Jews either man. Anyway, he said I know you are a part of the millennium plot. He brought me some intercepted conversation and which I explained to you. They were intercepting my phone and my mail. I explained it to him, because I was really scared and if you get scared everything you say will be garbage, and then he left. In October, the Mauritians released me. I went back to my life. I thought now I will have a problem with my employer because my employer would not take me back because I am suspected of terrorism and they said they would take care of this. In front of me while I was sitting [there] the highest intelligence guy in Mauritania called my employer and said that I was a good person we have no problem with [him] and we arrested him for a reason. We had to question him and we have questioned him and he is good to go, so you can take him back. The guy on the other side of the phone was scared as hell. He said he was going to take me [back] because he was scared of the government. He was very eager to take me back because he got called from the government. He said "you will come it's your company you can do whatever you want." They searched my office where I worked and took my hard disk. They also took my cellular phone. But I flushed the cell phone anyway because as soon as they told me I was arrested I hit a couple of buttons and flushed the whole phone.

Presiding Officer: Okay, so you cleared the system.

Detainee: I cleared the system completely. I tell you why; because I had in my phone something called PC Laden, which in German it means the PC Stored. Laden in German means store. I had that in my phone and I know the Americans would not believe that it is real store where I buy my supplies. Plus, I did not want them to bother my friends and other people, because maybe they would tap their phones, so I flushed the phone. They only have the hard disk to my computer.

Presiding Officer: So they have a phone but it is cleared with nothing on it and they probably could assume that you did that purposely.

Detainee: Nothing on it. Oh, yeah they can assume whatever they want to assume.

Presiding Officer: You see how that looks to me if I get that phone and there is nothing on it and he has cleaned this thing. So what of interest could have been on this thing that he was so worried about?

Detainee: Well, at least it's better to have them think that then to bother everybody I know.

Presiding Officer: Okay.

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Detainee: I don't care, so what are they going to say?

Presiding Officer: Right, right, because they can't prove anything.

Detainee: You can't prove anything, yeah. Well I tell you that I am being truthful with you but back then...

Presiding Officer: I appreciate that.

Detainee: Back then it was chaos, after September 11th everybody was just doing the wrong thing. Everybody wanted to get some place safe and everything else. Then it was September or November 20th the Mauritanian Intelligence called me at 10:00 again.

Presiding Officer: Three weeks later?

Detainee: Okay, I came back; I was a very good and obedient guy. Every time they called me I came.

Presiding Officer: Yes, you showed up every time they wanted you.

Detainee: Yeah, exactly I showed up every time. Then I told those guys, had I done something I would have ran for the hills. They said I was too smart and you want to show us that you are innocent. I said "obviously, I could not convince you of my innocence." I could have ran for the hills like other Mauritians they were smarter then I was, so they ran. They were in jihad and al Qaida and everything so they ran, waiting for the wave of heat fades away and then they can go back to their [regular] lives. But I didn't care for some reason, maybe I'm stupid, I don't know. I went to the police and said, "Why do you want me?" They said "please don't you worry it is just formalities and I was very sick and within eight days they turned me over to Jordan. Then man, what happened to me there is beyond description. This was a country I never knew man, I never knew Jordan. I said can you turn me over to the United States and they said no, the United States wants you to be turned over to Jordan. I said what do I have to do with Jordan, turn me over to America. They said they have no general law basis to turn me over to the United States. They wanted to find first the proof then they were going to turn me over to the United States because there were not facilities to send me to yet. Do you understand your honor?

Presiding Officer: Oh, yeah.

Detainee: Then they sent me to Jordan and well it is a long story but I will try to make it short. The Jordanians were investigating my part in the millennium plot. They told me, they are especially concerned about the millennium plot. The Jordanians have very bad reputation when it comes to treatment of detainees. Well and it is a fact that they understand this whole concept of terrorism much better than the average American interrogator, I can witness to that and they can really know who is who. Had they known who [whom] to really capture because if you capture everyone who has been in

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Afghanistan once you would have to capture so many people including Americans. Anyway they were very reluctant to torture me. It was not everyday torture, I would say maybe twice a week, a couple times, sometimes more. They were reluctant to torture me and that was my assessment. I had three interrogators, [REDACTED], [REDACTED] and his real name, his first name was [REDACTED], I spotted his name.

Presiding Officer: When you said you spotted his real name, on what?

Detainee: On paper, he was writing my answer and then I seen [saw] interrogators name in Arabic. I have been spotting much more Americans names as you follow me. And then another was [REDACTED] but my main interrogator was [REDACTED], whose first name is [REDACTED]. He was a very bright guy and he is young. He struck me twice in the face on different occasions and pushed me against concrete many times because I refused to talk to him. I told him "I am not talking to you. I have told you everything." I really was not as forthcoming with them as I had been with America because I hated them so much because they were doing a dirty job. It was not okay, well to me it was not okay, if it's okay to you then I don't care but anyway. He threatened me with a lot of torture and he took me to the one room where they tortured and there was this guy who was beaten so much he was crying, crying like a child. I said "why do you want to do this to me, I am talking, I am talking, just ask me and I will talk." He said "yeah this is going to happen to you too." I said "but I did not give you a reason." Then people were wakened and they started to beat him and he started to cry and it was so difficult to sleep. I thought it was a bodybuilding center and I asked the guard (they weren't supposed to talk to me but they talked to me anyway and tell me everything), they treated me like a human being. Anyway, I said you guys are training at 3:00 [am] they said, "yes, do you want to go to bodybuilding center?" I said "what?" and then they look and laughed at each other. Then the other guys who were in the bodybuilding center they were masked in black, everything was masked. Then the other guards said to them, "hey take him to the bodybuilding center." They said "yeah, if he wants too." They were joking. I realized it was not a bodybuilding center because I started to hear crying and moaning. It was so hard to sleep. I was so terrorized, even though I did not suffer that I am not going to lie to I am not going to lie to anybody in my life. They threaten me with it but they didn't do it. All they did was struck me at different times in the face and hit me against the concrete wall. I came out of it with good eyes. July 19th 2002, the Jordanians turned me over to the United States. America came and I was so happy because they gave me my clothes and said you were free and they were going to send me to Mauritania, but I found myself in another plane. They took my clothes off and I said this is an American technique not an Arabic one because Arabs don't usually take all of your clothes off. So they stripped me naked like my mom bore me, and they put new clothes on me. The guy moved his mask a little bit and I could see he was pale and that way I knew he was American. It was like I know my life is God's, I didn't want my family to see me in such a condition on T.V. because I know Americans are about T.V. media. I did not want them to take my picture. I was in chains, a very bad suit, I had lost so much weight in Jordan I was like a ghost and I did not want my family to see me in this situation, that was my worst fear in the world. Besides that I had to keep my water (could not go to the

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restroom) for eight hours straight. Because the Americans [had me put] on a diaper but psychologically I couldn't [urinate] in the diaper. I tried to convince myself that it was okay but I couldn't and I was exploding [on the inside]. I was getting poisoned. Then after five hours of flight and this was my thinking because I know America is very far, I thought maybe it is Germany and maybe they were turning me over to Germany. I was happy because [I] know Germany and I think that Europe is a lot more liberal than America, that's what I think and that's what I believe. I was happy I said "they can send me back to Germany, the hell with it" I just want to be! That's all I want. I thought they were going to ask me a few questions and then I would go to jail and I will be all right. They took me in a helicopter for ten minutes and then a truck. I heard language that I have never heard before; it was like Pilipino language, something that I have never heard. I said I am in the Philippines. I wondered what day it was because I forgot whether they were one day before us or one day after us because they took me at 8:00 from Jordan and the sun hit me. It was like it was night and now all of a sudden it is day. It turned out to be Bagram AFB. They took me into custody and it was okay. I felt good because I saw other detainees. They put me in isolation for one week but I felt blessed really because it has been a long time and I have never seen somebody who was in civilian uniform. All I have been seeing in my eight months were people in military uniforms in Jordan, it is not right. I see civilians, I see detainees who suffered like I did and I was so happy. I was not really tortured in Bagram, one soldier grabbed me with chains and he dragged me over concrete stairs.

Presiding Officer: When you say soldier, what service and what country?

Detainee: He was an MP.

Presiding Officer: U.S., a U.S. soldier?

Detainee: Yes. I have no proof that the interrogator told him to do it. So my guess is he hates the detainees and he did it on his own.

Presiding Officer: So in Bagram a U.S. soldier dragged you so far?

Detainee: Yes, while taking me from the cell to the interrogation.

Presiding Officer: Why did he have to drag you, because you wouldn't walk?

Detainee: I think since I am in shackles I walked slower, and he didn't have time so he just dragged the hell out of me.

Presiding Officer: Okay, so you were going and you just were not going fast enough.

Detainee: That's what I think. I don't think that my interrogator told him to do it. I think he may have just had a bad day or maybe he was clumsy or something. That is my honest assessment. I didn't tell my interrogators about this because I didn't want my interrogator to know that something like that could be done to me.

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Presiding Officer: Is this the first time that you are saying this or has it been reported before?

Detainee: I never reported it.

Presiding Officer: You never brought this up before?

Detainee: Never, because I was afraid and at the CSRT they told me to tell them about this and I said no comment. The other guy who was a Japanese American and they called him "William the Torturer" in Bagram. He played with me a little bit. He made me sit on my knees for very long hours and I have very bad back pain, its called Sciatic Nerve and he worked on my Sciatic Nerve giving me a lot of pain during the interrogation. The definition of torture if I can categorize this was not it really but then he said to me "I am going to kick your ass." What does it mean to kick your ass, that's what I asked the interrogator. It didn't really make sense to me because I know kick and I know the other part but I didn't know these words together. I learn language [quickly] and pick it up. He said it to me in Arabic but it did not make sense in Arabic either. It does not make sense in Arabic.

OL-21: We don't say it in Arabic.

Presiding Officer: Okay, we understand that now.

Detainee: Anyway, August 4th 2002, I was assigned ISN 760 and transferred to GTMO Cuba. I was very happy because it was American territory and Afghanistan was a place of war and people could be subject to a lot of pain and stuff like that. I thought this place was more controlled and watched by the Americans. I believed that a vast majority of Americans did not believe in torture and I did not want to be tortured. That's all I wanted, I could stay in jail. People stay in jail for many reasons and for no reason but I don't like to be tortured. I was [just] any Detainee here, a nobody. Interrogation, I thought this is America not Jordan and they are not going to beat you. [REDACTED] the FBI guy said "we don't beat people, we don't torture it's not allowed." I was every once in awhile taken to interrogation, okay so far so good. I was just happy with the community and I am getting food and maybe I am seen as a hero or something, I don't know. Not everybody sees GTMO detainees as evil people. In other countries they believe the Americans exaggerate sometimes. September 11th 2002, America arrested a man by the name of, Ramzi bin Al Sheeb, who is said to be the key guy in the September 11th attacks.

Presiding Officer: What is the name again?

Detainee: Ramzi bin Al Sheeb. It is exactly one year after September 11th [2001] and since his capture my life has changed drastically. The guy has reportedly identified me as the guy that he saw in October 1999, which is correct he was in my house. He said that I advised him to go to Afghanistan to train. Okay, then his interrogator [REDACTED] from the FBI asked him to speculate who I was as a person. He said I think he is an operative

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of Usama bin Laden and without him I would have never been involved in September 11th. That was a big accusation. The interrogator could have lied because they lie all the time but that is what they said. They asked me do you know him, but I was lying. I have seen him he has been in my house but I don't know his name, but I do know he is Yemeni. [And] I did not know what he did before or what he was going to do.

Presiding Officer: Why was he in your house?

Detainee: He was visiting a friend of mine and that friend was at work as far as I can remember. He gave me a call and asked if I could pick up a couple of guys who were visiting him. They want to spend the night so I can visit with them tomorrow and I allowed them to spend the night with me. The guy came to my house in October 1999, and he is correct about this but he said that I encouraged him to go to Afghanistan. When he got to Afghanistan he joined al Qaida. The FBI and DoD speculated that I have dragged him over the table that I have conspired. I sent him to Afghanistan, called Usama bin Laden on the phone and said a guy is going to come there, recruit him make him pledged. No, they made a lot of assumptions about this meeting. The FBI guy told me that they think I am an operative of Usama bin Laden so that is the assumption the FBI and the DoD. As it turns out later, much later, the guy was a recruit for September 11th in 1998 and he recruited other people and he had seen me in 1999. Then the FBI said his statement cannot be correct. He was already in Afghanistan and he was recruited already. He knew in 1998 that he was going to hit some building with a plane but maybe he didn't know what building.

Presiding Officer: When did he know that?

Detainee: [In] 1998, refer to the documentary, Hamburg Cell, BBC, which reconstructs the September 11th attacks. Also, what worsened my situation is that I denied never seeing him. I am the guy who did it. Now I have millennium plot on this hand [and also] now September 11th both, it is not easy. Then the FBI at GTMO Bay during the time era of General Miller, they released a list of the highest priority detainees here at GTMO Bay. It was a list of 15 people and I was, guess which number, number ONE. Then they sent a special FBI team and the leader was [REDACTED] and I worked with him especially for my case. He said "you fucked up" and I was insulted because in Arabic that is a very bad word. That's like saying I have been raped or a homosexual or something. I asked why did he say that and he said because you are in a very bad situation. I did not believe him because the problem is interrogators lie and if a group of people lie, it is hard to tell who is telling the truth. But he was telling the truth on many aspects. I thought he was a truthful guy. I thought he was a decent guy. Since they are interrogators I guess it was a part of their job to lie. I thought he was just making fun of me when he said I was number ONE in the camp, but he was not lying he was telling the truth as future events would prove. He stayed with me until May 22, 2003.

Presiding Officer: He stayed with you meaning he came back and interrogated you off and on?

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Detainee: No, he stayed on this island and interrogated me on a daily basis until May 22, 2003.

Presiding Officer: Okay. Now I understand you.

Detainee: His command, his boss told him I was involved in the millennium plot and I told him I had nothing to do with the millennium plot. They gave him a lot of allegations with a lot of suspicious answers. He wanted me to give him something and I wouldn't give him anything because I didn't really do it, I didn't kill anybody, I did not hijack anyone, but I did see this dude Ramiz bin al Rasheeb. I didn't know his name but I didn't tell him that I just said I have never seen him. He said how did you know? Then I took a polygraph and Rasheeb refused to take a polygraph for many reasons. It turns out he is very contradictory and he lies. They said that to me themselves. They said my creditability is high because I took the polygraph. This guy was also subjected to torture because I do my own investigations too.

Presiding Officer: Ramiz was?

Detainee: Yes, I asked the Yemenis, man Ramiz Rasheeb said I sent him to Afghanistan. I knew him I seen him but I didn't send him, why did he say so. They said man you believe everything that they tell you (this was a Yemeni guy who was captured with Ramiz). He said, "The interrogators lie" and I said "no, they don't lie" I have seen him but I did not send him to Afghanistan. They said you forgot about something, that Ramiz was tortured. We would hear his cries every night, we would hear his moans every night. Anyway that is none of my business. FBI said that I was playing games with them. Then on 22 May 2003, [REDACTED], he said this was our last session, he told me that I was not going to enjoy the time to come. I am advising you to just tell the truth. I told him I don't care and he said goodbye, good friend. A couple of days later the new interrogators lead by a female interrogator name [REDACTED], they called her [REDACTED] a very beautiful lady and decent lady, came to me as a task force it was [REDACTED] from the FBI and another weird guy, I think he was CIA or something but he was very young. They said we will give you an opportunity to tell the truth or we will leave you in jail forever. I said, "Whatever you want to do, do it." "Why did you put me in jail what did I do?" We have proof and you just got to tell us. I said, "I haven't done anything, I told you everything. I am tired." [REDACTED] and an Army guy, [REDACTED], that's his real name, I found out his real name. Someone accidentally called him name and I remember he was the First Sgt. I don't hate him but he was very hateful guy. Anyway she assigned him to me [REDACTED] assigned the First Sgt to the Detainee). A couple of days later, [REDACTED], I don't know if that was her real name but I heard them call her that. It was [REDACTED] who was in charge. They assigned me another guy named [REDACTED] or [REDACTED] he was a special guy and we would never see his face.

Presiding Officer: When you said covered, I am not sure what you mean?

Detainee: You know like in Saudi Arabia, how the women are covered.

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Presiding Officer: With a veil type thing, were their openings for his eyes

Detainee: He did have openings for his eyes. He also had gloves, O.J Simpson gloves on his hands. He was assigned to this special mission. They started to talk to me and said, "look we are not FBI and we need you to admit to the crime we have here. That you were involved with the 11 September attack and that you were involved in the millennium plot." I said "no I wasn't". They said okay, forget about it. Around June 18th 2003, I was taken from Mike Block and put in India Block for total isolation. They took all of my stuff from me. I complained to [REDACTED] because I thought she was a deceit lady. I could not bear sleeping on the metal because of my back and you never know how much pain I could take. I could end up dead or something. She said "no, you are not going to die." They tried to give me painkillers and I refused they out of protest. How could you give me painkiller? Just give me something to sleep on and I will be all right. They took me to the doctor here, a Navy doctor, and he was a good guy. I told him that I am in a very bad situation and he said okay I going to recommend that they give you some items, because you have a very serious condition of Scatic Nerve. But I cannot promise you because those people decide not me. I would like for you to check my medical records.

During this portion of the ARB, the recording equipment began to malfunction. This malfunction has caused the remainder of tape 3 of 4 tapes from clicks 3407 to 4479 to become distorted. The Detainee discussed how he was tortured while here at GTMO by several individuals. The recording machine was swapped out with a new one and we finished out the session. The following is the board's recollection of that 1000 click malfunction:

The Detainee was explaining his medical treatment and noticed a Board Member passing a note to the Presiding Officer. The Detainee inquired as to why the Board Member was passing a note. The Presiding Officer told the Detainee the Board Member had a question regarding the Detainee's medical treatment. The Board Member asked the Detainee to summarize his medical treatment and the treatment he received at the hands of the interrogators. The Detainee stated the medical treatment he received was "good", however he decided to continue to go into greater detail regarding the alleged abuse he received from the hands of his interrogators.

The Detainee begun by discussing the alleged abuse he received from a female interrogator known to him as [REDACTED]. The Detainee attempted to explain to the Board [REDACTED] actions but he became distraught and visibly upset. He explained that he was sexually harassed and although he does like women he did not like what [REDACTED] had done to him. The Presiding Officer noticed the Detainee was upset and told him he was not required to tell the story. The Detainee was very appreciative and elected not to elaborate on the alleged abuse from [REDACTED]. The Detainee gave detailed information regarding the alleged abuse from [REDACTED] and [REDACTED]. The Detainee stated that [REDACTED] and [REDACTED] entered a room with their faces covered and began beating him. They beat him so badly that [REDACTED] became upset. [REDACTED]

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did not like the treatment the Detainee was receiving and started to sympathize with him. According to the Detainee, [REDACTED] was crying and telling [REDACTED] and [REDACTED] to stop beating him. The Detainee wanted to show the Board his scars and location of injuries, but the board declined the viewing. The Board agrees that this a fair recap of the distorted portion of the tape.

Presiding Officer: We are going to go back to where you left off but my question to you is has any of this abuse been brought up prior to this or is this the first time now? How about the people in the Camp, you said General Hood is aware of this?

Detainee: I think that General Hood is aware of this because of my interrogator [REDACTED]

Presiding Officer: If not he will be tomorrow because we will bring it up. Okay, could you take us from [before the 24th] because I got the August 2003 stuff between there, so if you could go to August 24th because you said that was a big day. Take us from there to this secret place so that we can move on a little bit.

Detainee: Okay, exactly. I was taken by those two guys and the trip took about an hour, it was in a boat. Then they took me to a place and I was moaning and I recognized a voice and he was talking to two Arab guys, one claiming to be Egyptian and one claiming to be Jordanian. He was telling them how grateful he is that they are helping him. They told him in Arabic that they were there to torture me and they could not take me to Jordan or Egypt or something like that. Then they were telling him look into this. Then they gave me to the Arabic team and they took me to a place for about an hour and they took me to a place I don't know. They were hitting me all over (Detainee demonstrated the blows). They put ice in my shirt until it would melt. Then I arrived at that place and they gave me back to [REDACTED] when I arrived at the place and I was there and they brought in a doctor, who was not a regular doctor he was a part of the team. He was cursing me and telling me very bad things. He gave me a lot of medication to make me sleep and I had special guards with mask so I couldn't see anybody. For like two or three weeks I was unconscious and after that I decided it is not worth it. Because they said to me either I am going to talk or they will continue to do this. I said I am going to tell them everything they wanted. I told them while I was in Canada, I was planning for a terrorist attack but I couldn't get it straight with Rassam because he was not talking back then and he was cooperating completely with the FBI, and of course he said he didn't know me because *he didn't* know me. But I told them I was on my own trying to do things and they said write it down and I wrote it and I signed it. I brought a lot of people, innocent people with me because I got to make a story that makes sense. They thought my story was wrong so they put me on polygraph and I passed it. Then they wanted everything, they wanted me to tell them that I would tell them. I just wanted to get some peace. If nobody understands then they don't understand because I am the one who suffered with no food, the guards beat me, and it was a very bad place. Then they started, the interrogators, with the leaders started giving me a better life. He never brought up what they did to me but he didn't feel what I felt. But he was a good guy to me. He even

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brought me a T.V and a lot of comfort items. Since 2004, I really have no complaints and everything was good. I admitted to what they wanted and they found out what was right and not right because I challenged them admitting to things in which they have to go to people. I did not know that was a big challenge for them to get what they wanted. Then it was all right every since General Hood came here he makes sure personally that nothing is going to happen to me because I was so afraid. I was afraid of everything. Even when the CSRT wanted me to share with [them] I refused it because I was afraid of them. And that is my story and thank you very much for hearing this long and boring story.

Presiding Officer: Your CSRT was when?

Detainee: 08 December 2004, something like that.

Board Member: Notification was done on the 22 February 2005 so time wise that makes sense.

Presiding Officer: Yes, I know I was here when they took place.

Detainee: Yes, the Colonel was a black Air Force Colonel.

Presiding Officer: Yes, I'll have to look because I do know who it was. Thank you. Does that conclude your statement?

Detainee: Yes, I just want to emphasize that my treatment is almost perfect. I have no complaints about it.

Presiding Officer: Since August 2000?

Detainee: Since 2004, but I don't want to [go] into details.

Board Member: Thank You.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: 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:

Presiding Officer: Do any of the Administrative Review Board Members have any questions for the Detainee? If not I have just a couple.

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Board Member: I don't have any sir.

Presiding Officer: In 3.d.1, where you responded "to die as a martyr is correct, to this day he still wants to die as a martyr but he does not want to kill any innocent people including Americans". That was your answer. Then my question to you sir is how do you fulfill being a martyr without killing innocent people?

Detainee: I was expecting this question. In the Arabic world Shahid does not reflect the English word martyr. Martyr is supposed to translate to Shahid but it does not really, there are lots of types of Shahid. For instance, if you die defending your family, you are Shahid; if you died defending your goods, then you are Shahid; if you die defending your country against invaders then you are Shahid; if you die in a very painful way like drowning or even stomach ache, then you are Shahid too. If you suffer more than normal then you are Shahid too. The ultimate goal of every Muslim is to die as Shahid.

Presiding Officer: Or Martyr?

Detainee: Quote unquote "Martyr". Because it is the shortest way to heaven, so we Muslim believe that we all pass through sometime in purgatory but Shahid don't spend this time in purgatory. Everybody sins, so every Muslim wants to die Shahid, maybe of diarrhea or something. I don't want to kill nobody, I don't want to make anybody a Shahid, I just want to make myself Shahid.

Presiding Officer: Okay, I appreciate you clearing that up.

Detainee: My pleasure.

Presiding Officer: That clears that up for me. Anything else?

Board Member: No, sir.

Board Member: If you were released to Canada, what would you do?

Detainee: Man just give me a couple of million dollars and just let me go on my own and I will just be fine. I have been kept out of the world for more than four years and I really don't know what is going on outside. I wish I could have a family a peaceful life without anybody trying to pin anything on me and some kind of money to make me comfortable, to make me serve God, have a house and take care of my big family. That is what I have been doing and most likely what I will do if the opportunity arises. Nonetheless, I need some assistance because to integrate myself back into society. Look at it for example, if I go now to look for a job somewhere I will have to write or they are going to ask me, who is your previous employer and I am going to write JTF-GTMO. I was a terror suspect and the guy will tell me are you crazy! Get out of my sight before I call the police. It is understand, why should anybody take a chance like that. I wouldn't take a chance like that, so I definitely understand. I think just to let any Detainee out without giving some rehab or some help getting his way back into society, what they call reintegration, is bad.

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Presiding Officer: No other questions and if you don't have nothing further to present.

Assisting Military Officer: Sir, may I interrupt for a second he wants to ask you something.

Presiding Officer: Sure.

Assisting Military Officer: He wants to know if it is bad that you are not asking a lot of questions.

Presiding Officer: Well you covered an awful lot of stuff. Although we may not have questions for you, you answered the Unclassified Summary of Evidence almost all the questions. I can't see what this member has but I know this member next to me has lots of notes.

Board Member: He can see my notes.

Presiding Officer: He has a lot of scribbling. And I think through the course of the past couple of hour, you may have answered a lot of things we would have asked. In every board when a Detainee comes we always ask him what he is going to do if and when released so we can have an idea of what he is going back to. Now you obviously have a trade, Telecommunications, radio.

Detainee: Micro-Internet.

Presiding Officer: So you will be able to put yourself to work. Yes, you will have to explain those four years where you weren't employed.

Detainee: Yeah, a translator.

Board Member: You would be a very good English translator for being self-taught.

Detainee: Thank you.

Presiding Officer: If you learned all that English here, you have done well. I think again that your answers in response that you were in contact with Usama bin Laden's key operative, you gave an answer for that and I am not sure that we really need to try to interrogate you on it. You cleared up the one date I was concerned about, in April 2000, you did a couple of things and you cleared that up when you said it was May and not April. It is not an indicator if we don't have a lot of questions for you. If you would not have given us anything, we would have quizzed you on each one of these [items]. But since you provided reasonable answers...that's why I have to look at my notes because I write stuff as we go through and... You talked about this Ashra Al-Nahass as being a close and good friend but that you did not help him. You answered some of the questions we may have generated had you not talked to us. You explained there is some

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information that I looked at that mentioned you may have facilitated laundered money three times. You said you did it twice by transferring some money for your cousin.

Detainee: You are right.

Presiding Officer: But you refused a third time. So I mean that may be in one of the interrogations somebody may have said you did it three times. Now you are admitting to two of the three and trying to explain what it was as far as laundering and not necessarily a misinterpretation there. Your explanation was very reasonable.

Detainee: Thank you very much.

Presiding Officer: More importantly you answered my question about the martyr.

Detainee: I was expecting that.

Presiding Officer: Because that threw me when you were saying yes and agreeing to that.

Board Member: It was very informative.

Detainee: Thank you very much.

Presiding Officer: So, I wouldn't be concerned that we don't have a whole lot of questions.

Detainee: Thank you very much sir. I have two questions.

Presiding Officer: Go ahead.

Detainee: The last part of the Unclassified Summary it talked about "that favor my release", what is that?

Presiding Officer: The following primary factors that favor release or transfer.

Detainee: Yes, yes. I want to tell you maybe you will hear it in the classified session but I have no problem saying it in the unclassified session. I have been nothing but truthful, honest and forthcoming with your government. Should you have not heard it you have heard it from me. I call U.S. Intelligence as a witness, your government as a witness because they would not witness otherwise. I just missed it here and maybe it's okay. I think honesty and truthfulness are parts of my religion.

Presiding Officer: If when I go through the classified summary and I find that statement in one of those documents we will make sure we include it in our report. Right now this is what is available to you and I may see it somewhere else. If it is I tell you today that I will make sure it is in my report, your truthfulness.

Detainee: The second question is, when will I have an answer?

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Presiding Officer: See now you are making it tough on me. I can't give you a time or a date. Once we provide our recommendation to the Designated Civilian Official, which I am going to cover here in a minute, he makes a determination from our recommendation and he may agree with us or he may decide against us. As to when he will notify you that decision has not been made yet. We did get some word within the last couple of days that decisions may be passed out but the exact day when they are going to do that I couldn't tell you.

Detainee: Do I have access to your decision or to the final decision?

Presiding Officer: Our decision no! Our decision is just between us and the Designated Civilian Official. Then his decision or what he decides from what we recommend, he will at some point in time make that available to you. I just don't know if it is going to be in a month or in two or three months, I am not sure. Because you may or may not know but other Detainees have asked that question and I don't know to this date that they have been told. But we have as a board, each of the boards have been trying to get that rectified so that whether we are going to detain you or transfer you, it would be nice for you to know.

Detainee: Right.

Presiding Officer: We are pushing for that answer to get to you as well. I think sooner than later, that word will be getting passed. I just don't know exactly when.

Detainee: That's amazing. I wish if you could pass the hearing to my lawyer in Washington, [D.C.] if it's possible I don't know.

Presiding Officer: He will be able to request whatever lawyers can request. I don't know how much of this he is going to be [allowed] to [have] depending on his clearance, if he requests the information he will be able to see certain things.

Detainee: Do you know if your lawyer has provided anything to our headquarters in your defense? Do you even know?

Detainee: No, they told me that they are not allowed to interfere.

Presiding Officer: No, they are not allowed to interfere but he may be able to get access to reports but I don't know what.

Detainee: I know for sure in CSRT they got both classified and unclassified.

Presiding Officer: So if he has gotten the classified and unclassified, then he will know what to do to look at the material we looked at. He may have already looked at it and I just don't know that. But as far as our decision goes and it being given to him, we won't be doing it he will have to go through whatever channels he goes through. You may know before he does.

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Detainee: Yeah, I think so too. I am not really upset but just amazing that my life is going to be at the hands of one person called the Designated Civilian.

Presiding Officer: I am going to get to that let me get to it.

Detainee: Okay.

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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CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

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Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C1	12/15/2004	UNCLASSIFIED	NONE
EC-C2	11/27/2004	UNCLASSIFIED	NONE

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