

**Summary of Administrative Review Board Proceedings for ISN 509**

*The Administrative Review Board was called to order.*

*The Detainee entered the proceedings.*

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

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

*The Board Reporter, Translator, Assisting Military Officer (AMO) and Board Members were sworn.*

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

*The Detainee took the Muslim oath.*

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

*The Assisting Military Officer presented the Notification of the Decision of an Administrative Review Board Form, Exhibit EC-A, to the Administrative Review Board.*

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 4 April 2006 and lasted 50 minutes. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. 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 insisted that the information in the unclassified summary misrepresented his actions. The detainee gave oral statements and written comments to the AMO in response to the allegations/statements in the unclassified summary. Copies of both the English and Arabic translated Unclassified Summary of Evidence were given to the detainee.

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Detainee (*through translator*): I've attended the previous board and the Assisting Military Officer took all of my statements and read them. After he finished reading the statement, he asked if I had any additional comments and I provided additional comments. If God is willing this time will be the same thing.

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

***The Designated Military Officer stated that a copy of these exhibits had been previously available to the Assisting Military Officer and the 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 read the primary factors from 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 detainee went to Afghanistan for jihad.

Assisting Military Officer (*for detainee*): This is not true and I did not go to Afghanistan for jihad. God excuses, exempts types of people and does not obligate them to jihad. For example, the sick, the child, the elderly, sheikhs, the women, and the disabled. Therefore, I am an elderly and excused and this is a lie. So are the al Qaida and the Taliban in such a need for fighters that they went to Yemen and searched for a man who is over 50 years old and told him to come with us? These are the statements written by Mr. Mohammed.

Presiding Officer: Is this all you wish to say on this?

Detainee (*through translator*): My comment is not an addition but a question. The last is a question. Is al Qaida in such extreme need that they would send out a representative to Yemen to look for an elderly person to tell him, "Come and fight with us?" Are they in such an extreme need?

Presiding Officer: I understand the point you are making and if you permit me, I note that I am almost 50 years old and I don't think of myself as elderly, but I understand the point you're making.

Detainee (*through translator*): You are 50 years old and I am 60 years old.

Presiding Officer: We may ask you questions. We are not interrogators and we have no hostile intent when we ask you questions. We are just trying to understand. I would like

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to ask you a question, but again there is no hostile intent. I understand the exemptions for certain people from jihad, but what were you thinking when you went to al Farouq and underwent the training?

Detainee (*through translator*): The question was not supposed to be this question. I did not go to al Farouq and I did not want to go to al Farouq. I went to Afghanistan to teach. The man who helped me get to Afghanistan so I can work with him or for him in his school or in his academy school took my passport and my return ticket. Later he told me that the Afghans are divided; the Taliban and the Taliban enemy. The enemy of Taliban considers all Arabs to be enemies, so your life might be in danger at any moment. You have to learn how to defend yourself or protect yourself, but I refused and it's proven; hundreds of times I refused.

Board Member: Did you know if the man that you worked for in Afghanistan was al Qaida or Taliban?

Detainee (*through translator*): No, because he did not tell me he was an al Qaida or Taliban and I did not know that the Taliban was an enemy of Americans. I did not know this information and you have this information with you now.

Designated Military Officer: The detainee was injured during the bombings in Afghanistan.

Assisting Military Officer (*for detainee*): This is not true as well. I did not participate in war in order to be injured and you have doctors capable of examining my body and they can confirm that injuries have marks/scars. I don't have any injuries, marks, or scars on my body.

Detainee (*through translator*): I am here in front of you and after this session you can take me to any doctor and let him check my body. If he finds any scars then you are as you say I am.

Presiding Officer: No need for that.

Designated Military Officer: The detainee shot the Siminoff rifle, a Kalashnikov rifle, and a single shot rifle twelve times.

Assisting Military Officer (*for detainee*): This is not true as well. I have not carried a weapon. I have trained on the Kalashnikov rifle and the single shot Siminoff rifle.

Detainee (*through translator*): Yes. No addition.

Presiding Officer: Just to make sure I understood your written response, [ISN 509]. Did you say that you have trained on the Kalashnikov and the Siminoff, but did not carry a rifle, is that what you're saying?

Detainee (*through translator*): Yes.

Designated Military Officer: The detainee trained for approximately 20 days on small arms at the al Farouq training camp.

Assisting Military Officer (*for detainee*): I don't know al Farouq and I trained far from it, but I would attend a place on Friday. I saw in it many people, Arabs, Afghans, and others.

Detainee (*through translator*): I don't even know Afghanistan and I don't even know al Farouq, so when someone takes me somewhere, I have no idea where I am at ... I do not know where I am at.

Presiding Officer: When you received your training, was it basically one day per week or did you go someplace for several days?

Detainee (*through translator*): I was taken to a tent, but I do not know where. I was taken to a tent and I was told to stay at the tent and then the trainer would come with the weapon and show me or train me on how to use that weapon and he would leave. He would say the camp is close by, but he did not tell me where the camp was.

Presiding Officer: I would just think because, [ISN 509], you are a Yemeni and you would probably know more about a Kalashnikov than a trainer in Afghanistan would know.

Detainee (*through translator*): No, not necessarily. Because in Yemeni cities, it's known that there are no weapons; the tribes have weapons. We train on weapons. We use them on holidays, those kinds of days but it's known [that] even the children in the tribal areas have weapons and carry weapons. But besides all of this, years pass by and there were never any homicides or killing incidents.

Board Member: It was stated earlier that Afghanistan was a dangerous place, but your statement also says that you never carried a weapon. Did you not carry a weapon for protection while in Afghanistan?

Detainee (*through translator*): No. First, you have to know that I stayed approximately three months in Afghanistan. During this three month time period, most of the days I would either stay at the guest house mentioned or in the mountain waiting to leave to Pakistan.

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Board Member: So you never felt that you were in danger?

Detainee (*through translator*): I never thought that I would be exposed to being killed at any moment because I was far from all of that.

Designated Military Officer: The detainee was given additional instruction on map and land navigation.

Assisting Military Officer (*for detainee*): This is not true. I don't know where you came up with this statement. I don't even know the meaning of the word land navigation nor map.

Detainee (*through translator*): Looking back or remembering on all the interrogations I have done before, I've never said this kind of statement so I don't know where they came up with this statement. I was never told any kind of statement like that.

Designated Military Officer: A source claims that the detainee received training at al Farouq.

Assisting Military Officer (*for detainee*): This is not true. I wasn't at al Farouq nor was I a trainer. Not even trained and this person says that I've trained at al Farouq camp and possibly one of them is a liar. One of them said that I am a trainer and the other said that I was trained. The second possibility is that one of them is telling the truth, so which one is truthful? Being a trainer and training needs experience, young ... youth, and strength, and this I don't have; I lack these. The third possibility is they are both truthful and they are talking about two different people. One is a trainer and the other is trained. The last possibility is that they are both liars and this is the truth supported by my statement, that I wasn't in al Farouq as a trainer nor trained. A trainer and training both need being young, youth, strength, and experience and this is not fulfilled by me. I have said this statement sorely and repeatedly that I am not an enemy of America or to others or to any person. I did not even go to Afghanistan for jihad, but I went to teach and some letters came from my family proves this statement and states that I am innocent and wronged and oppressed.

Designated Military Officer: Sir, I suspect the response was to both this allegation and the next two allegations. May I read those next two allegations?

Presiding Officer: Let's give [ISN 509] a chance to respond to what was just said, if he wants to add anything more.

Detainee (*through translator*): This point is concerning, number 3 in Connections and Associations. The answer, the reply was to those two points: One of the sources said that I'm a trainer.

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Presiding Officer: I have one more question about al Farouq. If you were in a tent and you didn't really know where you were, how can you be so sure you were not actually at al Farouq?

Detainee (*through translator*): Because I never entered al Farouq. I would have known it's al Farouq. Even the place that was next to us, I didn't know it was al Farouq or some other place. I know that Friday we would go somewhere and there would be Afghan, Arabs, and others and we would sit and pray together. I did not see weapons and I didn't see other things. It was a place where people gathered; tents, people here, people there.

Presiding Officer: We've heard the detainee's response to the next two [allegations], but go ahead and read the factors again and then we'll give Mohammed a chance to add anything further.

Designated Military Officer: The detainee's name was found on a computer associated with a senior al Qaida operative.

Detainee (*through translator*): This is not the point. The other point, number three states, the point that states a source identified me as [name variant stated], a light weapons trainer in al Farouq.

Designated Military Officer: A source identified the detainee as [name variant stated], a light weapons trainer at the al Farouq training camp. He also claims that the detainee fought in Tora Bora.

Detainee (*through translator*): Look at number four. That source says that I'm a trainer in al Farouq and the third one says that I was being trained or trained and I'm one person.

Presiding Officer: I understand the point you're making.

Detainee (*through translator*): I can't be getting training or being trained or the trainer; I can't be both.

Presiding Officer: I understand that you're saying you were neither.

Detainee (*through translator*): Yes.

Presiding Officer: We've kind of lost our place in the reading of the factors. We've discussed the factor about being identified as a trainer, but we haven't discussed his name being found on a document listing the 324 names, so let's go ahead and proceed with 3.c.1.

Designated Military Officer: The detainee's name was found on a document listing 324 Arabic names, aliases, and nationalities recovered from suspected al Qaida safe houses.

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Assisting Military Officer (*for detainee*): As for Connections and Associations, the first reply is that I am [name variant stated], entitled with my father's name, [patronymic name stated] and it's not an alias name. I don't have any connections or associations, even in my country. I don't belong to any political parties or religious or other.

Presiding Officer: Do you have anything you'd like to add, [ISN 509]?

Detainee (*through translator*): Question? What was the name that was found? My name is [name stated]. What name was found on this document? Is my name [name stated]? Was my name found on that document?

Presiding Officer: That's what the factor says; your name was found on the document.

Detainee (*through translator*): My name is [name stated] ... was found in a safe house. That's not true. I have not registered my name in any document or any kind of association or any kind of ... No one knows my name but [name stated].

Board Member: [ISN 509], in your statement you indicate that you do not belong to any political parties, religious or other. When you went to Afghanistan seeking work, were you familiar or were you aware of the objectives or the purpose of the Taliban, al Qaida, and the other political parties at that time?

Detainee (*through translator*): I was told that in Afghanistan, that there were no wars and fighting in the cities, everything was on the borders. I didn't hear it in the news. I had no knowledge of the Taliban or what they were; not a true knowledge of what they were. We were told all of the fighting was done on the borders and there wasn't anything going on in the cities.

Designated Military Officer: The detainee said he had tried to refuse training and leave but that the leadership would not give him back his passport.

Assisting Military Officer (*for detainee*): The detainee provided no written statement on that point even though he may express some comment at this time.

Detainee (*through translator*): You have written that those points or those factors are ones that favor release or transfer. Is this correct?

Presiding Officer: This is correct.

Detainee (*through translator*): You know it's written that when I was requested to train or told to train, that I refused and I asked for my passport and the leadership there refused to give it to me. When the Afghans turned me over to the Americans, I told the Americans I want to help you. I will tell you everything I have heard in Afghanistan during that three month period I was in Afghanistan, I will tell you everything.

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Detainee (*through translator*)(cont.): I've told you from the beginning that I am not an enemy of Americans and I am not a member of al Qaida or the Taliban. If I knew there was al Qaida leader or member or a Taliban leader or member, if I knew of any such thing I would have reported [it.] I would have told the Americans right there. This man helped me get to Afghanistan. I gave an example. Even in Saudi Arabia, if you work at any place for anyone, that person takes your passport to save it with him so he can be sure that you will not steal or do anything. I don't know if this man was from al Qaida or Taliban.

Presiding Officer: I know for a fact that people in Middle Eastern countries will take your passports and hold them for you; I know this is true. However, [ISN 509], do you feel you were tricked into going to Afghanistan to teach, but really they wanted you to fight? Of course, I understand what you said at the start about being 50 years old and being a fighter.

Detainee (*through translator*): No. I was not requested or asked to do that. It follows as to ... I asked them to give me back my passport and leave.

Designated Military Officer: The detainee claims he never fired a weapon during training, nor was he issued a weapon.

Assisting Military Officer (*for detainee*): In response to the statement, the detainee provided no written comments even though he may have oral comments at this time.

Detainee (*through translator*): I did not fire a weapon and I did not carry a weapon.

Designated Military Officer: The detainee claimed that he was never issued a weapon following training and never fired any rounds outside of training.

Detainee (*through translator*): I did not carry a weapon and I did not fire bullets.

Designated Military Officer: The detainee denied having any 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 its interests.

Detainee (*through translator*): I want you to look at the beginning of this statement that I deny, that anything happened about the attacks in the United States. But it is understood that from that statement, it does not say that I am not [an] al Qaida member [or] a member of the Taliban or al Qaida, it doesn't say that. They were supposed to write down [that] the detainee was asked, are you a member and the detainee answered, "No, I am not a member." But it says as if I admit it. That's how they wrote it down, that I admitted other things.

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Presiding Officer: I understand what you're saying [ISN 509]. I don't interpret your response to that question in a bad sense.

Detainee (*through translator*): It says that I do not have previous knowledge. I have no knowledge, no previous knowledge. I don't even know what happened that day; I have no idea what happened that day. I know from the media, the television, when the Americans were in Afghanistan fighting, then I knew at that time but I have no previous knowledge or anything like that.

Detainee (*through translator*): I want to say a couple of short words before we finish. My whole life I've never thought of fighting the United States and I've said that before. In my whole life I have never left my country. I have no security problems; no problems in my country at all. The terrorists or the extremists, as you know, usually have problems with their country. They have a black record or bad records in their country. I do not even have a security file or police records in my country. What I have told you is the truth, and what the interrogators think does not even come to the truth. Those accusations were not presented to me in the first board. These are new statements. Everything that was said in this document was a lie. I'm sure that the secret or the classified evidence is even more lies than this because I know myself, but you do not know that I know about myself. I'm sure that I am not an enemy of America. I have never thought of fighting America. I was never associated with al Qaida or Taliban or any other side. I'm a teacher. Ask about me in my country. If you want the truth, ask about me in my country and I've been saying this for the past four years. Ask any person and you would know the truth. You have my address and you have my family's address. The letters from my family prove what I have said to you in the interrogation. You have to know that all the Yemeni people, everyone, are people who don't think of America up close or from far away. They think about what they are going to eat, how they're going to get their food, and how to make a living. I am one of those people.

***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: The detainee would like the AMO to present written statements. In addition to a "witness statement," a newspaper article in which the newspaper, News Yemen, interviewed the detainee's sister and the sister provided some statements, I have some comments the detainee wanted to express. I am also handing to the Review Board copies of the letters that were submitted by the detainee. It is

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understood that some of the letters I am submitting are letters that were submitted to the previous ARB in addition to new letters for this board.

Presiding Officer: [ISN 509], we have had a chance to review the letters you submitted to last years board and I just wanted to say that obviously you have family that love you and miss you very much.

***The Assisting Military Officer presents AMO Comment/Detainee Comments from the Enemy Combatant Election Form:***

Assisting Military Officer: Sir, if you attend the ARB you will be allowed to choose how much you want to participate. Do you plan to attend the ARB?

Assisting Military Officer (*for detainee*): I'm innocent and I'm sure of this. I've said this in almost in every interrogation session, but in spite of some of them (the interrogators) know that I'm innocent, they deny it, claim the wrong answers to the point where they got me to the level of posing a threat to America and the countries allied with them. They don't want to write the truth because each of them only cares for his/her own interest. My life, my death, my detention are not important to them. They are afraid of writing good reports about me, and if I was to be released and I wasn't good they would be exposed to questioning and for that reason they refrain from their responsibility towards me by writing bad reports.

Assisting Military Officer: Sir, if you attend the ARB, consider telling the board about your behavior while a detainee in this facility, your plans for the future, and why you no longer pose a threat to the United States. It is highly recommended that you attend because you are the best person to speak on your own behalf.

Assisting Military Officer (*for detainee*): I went to the previous board but there wasn't any benefit. It appears that our lives don't mean anything to the Americans. According to me, what happens is a travesty because I was told that I pose a threat to Americans and to the countries allied with them, based on what measurement they made these accusations? I have never left Yemen all my life. You can ask any person in Yemen. You have my address; you have the address of members of my family.

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

Detainee (*through translator*): What I mean by the last statement I made, that the Americans, for example, the interrogators or even you, everyone cares about his or her own interest. Is that true? They want to be successful in their jobs. Isn't that true? In the eyes of their leadership that they are good workers and they're doing a good job. So from that corner, you do not take the humane side of the story. Some of you know the truth. You would say that if he knows the truth, he should say that this man is innocent but the others, even when they know the truth, they won't say this. They fear their status

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or their job. They fear they'll lose their jobs, but he doesn't care about my life. In his vision, I am an enemy of the United States. So what he writes about me, words that kind of prove his responsibility so he won't be questioned later on. So he takes measures. If I was an al Qaida member, he kind of covers that up so even if I wasn't an al Qaida member he still considers me that, so he wants to be in safe position or a safe place, so he would automatically say he poses a threat to the United States and its allies. A question comes from this accusation itself. How can I, a 60 year old man, pose a threat to America and its allies or any other man? How would I pose a threat? If this was stated about a super power or one of the great countries, it's believable. They would say about that powerful country, that it poses a threat to the United States, but one person poses a threat to the United States and its allies? It's impossible. I can't believe this kind of statement. It's almost like a joke. God judges us Muslims. God orders us to do good and leave evil. We Muslims cannot drink alcohol. Only to answer to God. We do not kill to answer back to God. We do not steal to answer back to God. We want to do good. We compete to do good. We help the poor financially. We help the child grow up. If a powerful or strong man beats up on a weak man, I have to talk to him and tell him you cannot beat up on a weak man and every Muslim is required to do that. Even if you or some of the Muslims may do destructive things, it doesn't mean that all Muslims are like that. All Muslims have good in them, very few went on to al Qaida. God knows what their motives were, what pushed them into that. Only God knows why they did that.

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

Board Member: To summarize, [ISN 509], you said that you do not belong to al Qaida, you do not belong to Taliban, you never carried a weapon in Afghanistan, you were in Afghanistan 3 or 4 months to teach the Koran, you were of the belief that the cities in Afghanistan were safe, and that the danger was at the borders. Is that true?

Detainee (*through translator*): From the point when I entered Afghanistan, I wanted to teach, but I didn't know where I would be teaching at because I didn't really practice teaching. I was there for a short period of time. I did not know where I was going to teach at and I didn't really practice teaching there because I didn't have enough time to start. I didn't know much about Afghans. The only thing I knew was from the radio or the television. I was told there was a war, but not inside the city. I was told the Taliban had control over the country and that's all I know. I wasn't aware of what was happening or what happened in Afghanistan. What I knew about Afghanistan was very little; it wasn't much at all. So I didn't really make the right decision to go to Afghanistan. If I would have known how big the problem was, I would not have gone there.

Board Member: Having said that, how did you find yourself in a military situation? You were captured.

Detainee (*through translator*): I didn't talk about this point, also. I wanted to travel from Afghanistan to Pakistan and I found a lot of injured people in a valley in front of me, so I

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turned myself in to the Afghans. I told them there are injured people over there. If I was a fighter, I would not have gone to the Afghans and turned myself in because they consider all Arabs enemies. I saw Afghans and they didn't have weapons with them so I asked them to please help those people, they are almost dying; they are between life and death. They brought me up to a house and they said, "Okay, we will take those people, we will carry those people to Pakistan." This was on the border. I went with them and I stayed two days with them and after that, they took me to Jalalabad. I stayed with them for two months and after that, I was turned over to the Americans.

Board Member: My last question, [ISN 509], is that if you were released from here, where would you go and what would you do?

Detainee (*through translator*): I have a feeling that I might be here until my death. This is the feeling I have. I might not leave this place because the prophet Mohammed, peace upon him ... rebuilding my nation between 50 to 60 and hardly anyone goes over 50 or 60. I've gotten to the age where the prophet has mentioned, 60 years old. All those procedures with the Americans, the procedures I'm seeing, my release might be delayed for a long time and it'll be another year that I'm waiting here, and the results will be negative. If I'm returned and if God is willing, that I go back to Yemen, if I return to Yemen, I will continue my life as I was, taking care of my family and as I was, teaching. This is my life.

Presiding Officer: [ISN 509], have you made the Hajj?

Detainee (*through translator*): No.

Presiding Officer: If you go back to Yemen, I assume, Inshallah, you will make Hajj?

Detainee (*through translator*): I wish that.

Presiding Officer: I wish I knew more about the history of Yemen. I admit I do not know much, but what I do know is that you have seen some very difficult years for your country. You were raised in Ta'iza?

Detainee (*through translator*): Yemen is one of the most beautiful countries in the world; the beauty of the nature of the country and the beauty of the beauty of the goodness of the people there. For example, in Ta'iza, the city where I lived, where I was born, in the old city, if you would go or enter the city, you would think that every person there is one family because of the love they have for each other. They help and give to each other, even to strangers. For example, there are people there, that when they go to prayer at the mosque during Ramadan, later they would return to ... back from the mosque, they would bring 10-15 people with them only to give them food, drink, and help, for God's will.

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Presiding Officer: Forgive my ignorance of the geography of Yemen, but is Ta'iza in northern or southern Yemen?

Detainee (*through translator*): Southwest, by the Red Sea, I think

Presiding Officer: During the 1960's, was it part of north Yemen or south Yemen?

Detainee (*through translator*): It's the north part of Yemen from a long time ago, but it's close to Aden.

Presiding Officer: I know there were a lot of civil wars during the 1960's, 1970's, and 1980's. Was there much fighting in your hometown?

Detainee (*through translator*): No. I can research that but all of the fighting was in Saan'a; that's why most of the embassies are located in Ta'iza because there is no fighting in Ta'iza.

Presiding Officer: You're the oldest detainee I have seen here. I know, roughly, what you did and where you worked in the 1990's. Were you teaching or what were you doing during the 1970's and 1980's?

Detainee (*through translator*): I was helping my father. My father used to sell pastries and sweets but on a very small scale in a small store, not a big store. Sometimes he would work grinding food and selling it, so I helped him and learned from him. High school is my highest education level and I stopped because my father died and I took responsibility after that.

Presiding Officer: Responsibility for the business, for your family, or both?

Detainee (*through translator*): Raising my younger brothers, my younger sisters, and feeding them. I worked doing many things. I worked freelance jobs; for example, cooking food and selling it and working in a plastic factory making trash bags and plastic containers. I worked in other factories such as a dairy factory and ice cream factory.

Presiding Officer: Were you ever married?

Detainee (*through translator*): My situation didn't allow it because I have other responsibilities like taking care of my sisters and brothers.

Presiding Officer: Were you the oldest brother?

Detainee (*through translator*): No. I have an older brother, but he was married and had his family's responsibilities. I have 9 sisters and 4 brothers.

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Presiding Officer: As I've said, they obviously love you very much from their letters to you.

Detainee (*through translator*): Because I took care of them and their kids.

Presiding Officer: Thank you very much.

*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.



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# UNCLASSIFIED

06 Apr 2006

From: ISN 509

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted by ISN 509 on 05 Apr 2006 by OARDEC Linguist [REDACTED].

**"In the name of Allah the most gracious the merciful"**

*In response to the statement that the detainee went to Afghanistan for jihad the detainee said; "this is not true and I did not go to Afghanistan for Jihad, God excuses/exempt types of people and does not obligate them to Jihad. For example, the sick, the child, the elderly Sheiks, the woman, and the disable. Therefore, I'm an elderly and exempt/excused. And this is a lie, so are the al Qaida and the Taliban in such a need for fighters that they went to Yemen and searched for a man who is over fifty years old and told him to come fight with us." (3.a.1)*

*In response to the statement that the detainee was injured during the bombing in Afghanistan; the detainee said "this is not true as well, I did not participate in war in order to be injured, and you have doctors capable of examining my body and confirm that, as injuries have marks/scars and I don't have any injury marks/scars in my body." (3.a.2)*

*In response to the statements that the detainee shot the Siminoff rifle, a Kalashnikov rifle, and a single shot rifle twelve times, the detainee said; "this is not true as well, I haven't carried a weapon, I have trained on the Kalashnikov rifle and single shot Siminoff rifle."*

*In response to the statement that the detainee trained for approximately 20 days on small arms at the al Farouq training camp, the detainee stated "I don't know al Farouq and I trained far from it but I would attend a place on Friday, I saw in it many people, Arabs, Afghan, and others." (3.b.2)*

*In response to the statement that the detainee was given additional instruction on map and land navigation the detainee said; "this is not true and I don't know where you came up with this statement, and I don't even know the meaning of the word land navigation nor a map." (3.b.3)*

*In response to the statement that a source claims that the detainee received training at al Farouq; the detainee said "and this is not true. I wasn't at al Farouq, nor was I a trainer, and not even trained. And this person says that I've trained in al Farouq camp, and possibly one of them is a liar, because one of them said that I'm a trainer and the other said that I was trained, the second possibility is that one of them is telling the truth, so which one of them is truthful? And being a trainer and training needs experience, young, youth, and strength and this I don't have (I lack these). The third possibility is they are both truthful and they are talking about two different people, one is a trainer and the other is trained, and the last possibility is that they are both liars and this*

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*the truth supported by my statement, that I wasn't in the al Farouq as a trainer nor trained. And a trainer and training both need, being young, youth, strength, and experience and this not fulfilled by me. I have said this statement sorely and repeatedly that I'm not an enemy of America or to others, nor to any person, I did not even go to Afghanistan for Jihad but I went to teach, and some letters came from my family proves this statement and states that I'm innocent and wronged/oppresed."*  
(3.b.4)

*In response to the statement that the detainee's name was found on a document listing 324 Arabic names, aliases, and nationalities recovered from suspected al Qaida safe houses; the detainee said; "as for connections and association so the first reply is that I'm Mohammed Nasir Yahya entitle with my fathers name Abdulah Rahman and it's not an alias name. I don't have any connections or associations even in my country, I don't belong to any political parties or religious, or other."*  
(3.c.1)

*"As for replying to the second, No doubt that this is a source is a liar and I don't know his motives. I was never in any day a trainer in al Farouq nor trained so we agree before that one of those sources is a liar but as for the one who said that I trained in al Farouq, this was the liar so everything that came from this document and accusations in it are lies. And fighting needs young people, youth, and strengths so a fighter can be capable of moving and carrying a weapon, and I'm an old person and ill. You can ask about me in my country if you wanted the truth, I didn't leave my country all my life, I don't have a security police file in my country. I have never entered a police station in my country, I have left Yemen in the seventh month of 2001 and i turned myself in to the Afghan in the tenth month, and the Afghans handed me over to you in the twelve-month or the first month, I don't know. I've told you the truth, what I said is the truth, what you suspect is not the truth, and my family letters bear a witness to this and thank you. (3.c.1)*

*In response to the statement that the detainee 's name was found on a computer associated with a senior al Qaida operative the detainee provided no written comments. (3.c.2)*

*In response to the statement that a source identified the detainee as Abu Abdul Rahman al Ta'izi, a light weapons trainer at the al Farouq training camp and that the source also claims that the detainee fought in Tora Bora, the detainee provided no written comments. (3.c.3)*

*In response to the statement that the detainee said he had tried to refuse training and leave but that the leadership would not give him back his passport; the detainee provided no written comments." (4.a)*

*In response to the statement that the detainee claims he never fired a weapon during training, nor was he issued a weapon; the detainee provided no written comments. (4.b)*

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*In response to the statement that the detainee claimed that he was never issued a weapon following training and never fired any rounds outside of training; the detainee provided no written comments.*  
(4.c)

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06 Apr 2006

## 2. NEWSPAPER ARTICLE

Khasrof (NewsYemen) The last letter/received from my brother before months ago through the American lawyers, and from the Minister, prefer death in Cuba.

Yemenese continues the hunger strike in Guantanamo. Rising in juristic controversy London Congress for watching publication in Sina'

2005/10/17 NewsYemen, pertaining to: In hoarse voice before turning to wail crying out in grief, the sister of [ISN 509] (60 years old) said and the detainee in the American base Guantanamo. That she did not know about the detainee hunger strike except from "the television we don't have other News. Khasrof said to (NewsYemen) over/by way of phone from the Ta'az city that the last letter she receive from her older brother Mohamad before month of Ramadan with through the American lawyers who visited Yemen and told her about his severe illness and she said, that maybe he wrote the letter before two months and God know how his condition/situation is now"

She pointed out that her brother which is older than her is ill/sick and was in Afghanistan working as a tea her but he was tricked by the Afghans who arrested him when he was trying to flee to Pakistan because of the Americans war on Afghanistan and sold him to the Americans who took him to Guantanamo who Fatima who became a grandmother can't pronounce/say it. Like a drowned who is holding on a straw/stick spoke Fatima to (NewsYemen) and she asks us to stand by her to release free her detained brother since four years outside the Human International law boundaries/zone.

She added while she was crying intensely on her brother who his absence prolonged on her for a long time: "stand by us so my brother can be released who is senior in age and there isn't any charge/accusations against him because he's a senior and he has nothing "to do with fighting or anything".

And a number o Yemeni detainee continues since last September including 30 other detainees from other nationalities. American layers have visited Sinah recently and met with a number of families Yemanese in Guantanamo. At the end of their visit they carried with them letters from the families of the detainees.

And the American Administration has reported to judge that it will not allow the detainees who are on a hunger strike on the American base GTMO in Cuba to personally talk or talk on the phone with relatives and friends for security risks like these calls may cause. a lawyer of Ministry of justice Terry Henry on Friday that 24 detainees were refusing to eat and drink and seven of them were admitted to a hospital and force to eat food through feeding tubes.

And some of the detainees the 17 others did not eat or drink but they are in solitary room and did not against their will forced to eat. And the female lawyer Julia Tarfr stated, and she's a agent/lawyer of ten Saudi detainees, that 22-23 accused were force to eat food, and Tarfer request from the judge more visits with her clients. As other lawyers came in court for five other detainees from Yemen and one from Qatar. The detainees went on a hunger strike in protest requesting their release or to be trialed. And their clients/lawyers that they are being convince to going back to

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eating and drinking by their relatives and friends.

But the lawyer of Ministry of Justice notified the judge Gladis Keslar that one of detainees relatives tried to make the layer (take a CD "Din D" to a detainee counting names of who died and who is in jail, which trembled fears (made them afraid) that it could be a letter sent to the detainees from al Qaida organization.

Whereas the lawyers of the accused requested to allow them to meet more with their clients and copies of their medical records pointing out their exposure to cruel and inhumane treatment in the detention. The judge delayed the hearing and didn't specify when he will make a decision and the lawyers have time limit to Wednesday to add anything given concerning the case.

And the lawyer John Shandler reported the last meeting with his Yemeny client Mohammad Bawazer who is 25 years of age and who went on food strike since August eight and was forced to eat.

And Bawazer was arrested in Afghanistan where he worked in an orphanage home according to what he said

Shandler said, "Bawazer was sitting on a moving chair as he was shaking. And there was a tube placed on his nose to pass the food"

And he added "he asked from me to ask the court to stop the force feeding, so I told him I can't do that. So he said that he wanted to die in Cuba"

And the judge Gladis Kesil considered the accusations concerning the medical treatment for detainees "very dangerous" and Kesil said "I don't understand why the government refuses/forbids to this level to give the medical files to the layers".

Its been stated that the America Military detains around 500 accused of connection to Al quaida Organization or the Taliban movement.

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خسروف لـ(نيوزيمن) تلقت آخر رسالة من شقيقي قبل أشهر عبر المحامين الأميركيين، وبلوزير يفضل الموت في كوبا  
يمنيون يواصلون الإضراب عن الطعام في غوانتانامو.. تصاعد الجدل الحقوقي ومؤتمر لندن لمتابعة إعلان  
صنعاء

2005/10/17 نيوزيمن - خاص:

بصوت مبجوح قبل أن يتحول إلى نحيب وبكاء قالت شقيقة محمد ناصر خسروف (60 عاماً) والمحتجز في  
قاعدة غوانتانامو الأمريكية أنها لم تعلم عن إضراب المعتقلين فيها سوى "من التلفزيون ولا عندنا خبر ثاني".  
فاطمة خسروف قالت لـ(نيوزيمن) عبر الهاتف من مدينة تعز أن آخر رسالة وصلتها من شقيقها الأكبر محمد  
قبل شهر رمضان بمعية المحامين الأميركيين الذين زاروا اليمن وأبلغوها بمرضه الشديد وقالت "ويمكن أن  
الرسالة قد كتبها قبل شهرين ويعلم الله كيف سيكون حاله الآن".

وأشارت إلى أن شقيقها أكبر منها في السن ومريض وكان في أفغانستان يعمل مدرساً ولكنه خدع من الأفغان  
الذين اعتقلوه أثناء محاولته الفرار إلى باكستان جراء الحرب الأمريكية على أفغانستان وباعوه للأمريكان الذين  
تجهوا به إلى غوانتانامو التي لم تستطع فاطمة التي صارت جدة للنطق بها.

وكالفريق الذي يتعلق بقشة تحدثت فاطمة لـ(نيوزيمن) وهي تطالبنا بالوقوف معها للإفراج عن شقيقها المحتجز  
منذ أربع سنوات خارج نطاق القانون الدولي الإنساني.

وأضافت وهي تكي بحرارة على شقيقها الذي طال غيابه عنها: "قفوا بجانبنا من أجل أن يفرج عن أخي الذي قد  
هو كبير في السن وهو ليس عليه أي تهمة لأنه قد هو كبير وليس حق قتال ولا شيء".

ويواصل عدد من المعتقلين اليمنيين في قاعدة غوانتانامو إضراباً مفتوحاً عن الطعام منذ سبتمبر الماضي ضمن  
30 معتقلاً من جنسيات أخرى..

وكان محامون أميركيون زاروا صنعاء مؤخرًا والتقوا بعدد من أهالي اليمنيين في جونتنامو. وفي ختام زيارتهم  
حملوا معهم رسائل من الأهالي للمحتجزين.

وأبلغت الإدارة الأمريكية قاضياً بأنها لن تسمح لسجناء مضرين عن الطعام في قاعدة غوانتانامو الأمريكية في  
كوبا بالتحدث شخصياً أو بالهاتف مع أقارب أو أصدقاء وذلك للمخاطر الأمنية التي قد يسببها هكذا اتصال.  
وقال محامي وزارة العدل تيري هنري الجمعة إن 24 سجينا كانوا يرفضون تناول الطعام والشراب وأدخل سبعة  
منهم المستشفى وأجبروا على تناول الغذاء من خلال أنابيب مصل.

وبعض من السجناء الـ17 الآخرين لم يأكلوا أو يشربوا لكنهم في غرفة منعزلة ولم يرغوا بعد على تناول الغذاء.  
وقالت المحامية جوليا تارفر، وهي وكيلة عشرة سجناء سعوديين، إن 22 - 23 متهما أرموا على تناول الطعام.  
وكانت تارفر طالبت القاضي بمزيد من اللقاءات مع موكلها. كما حضر محامون آخرون في المحكمة من أجل  
خمس سجناء آخرين من اليمن وواحد من قطر.

وكان السجناء أضربوا عن الطعام احتجاجاً مطالبين بإطلاق سراحهم أو محاكمتهم. وقال موكلوهم إنه قد يتم  
إفراجهم من قبل أقربائهم أو أصدقائهم بمعاودة الأكل والشرب.

لكن محامي وزارة العدل أبلغ القاضي غلاديس كيسلر أن قريب أحد السجناء حاول جعل محام يدخل قرص "دي  
في دي" إلى المعتقل يحتوي على أسماء من توفي أو من سجن، مما أثار مخاوف من أن تكون هناك رسالة قد  
أرسلت من تنظيم القاعدة إلى السجناء.

بينما طالب محامو المتهمين بالسماح لهم بلقاءات أكثر مع موكلهم ونسخ عن سجلاتهم الطبية، مشيرين إلى  
تعرضهم لمعاملة قاسية وغير إنسانية في المعتقل.

وقد أجل القاضي جلسة الاستماع ولم تحدد متى ستتخذ قراراً ولدى المحامين مهلة حتى الأربعاء لإضافة أية  
معطيات تخص القضية.

وروى المحامي جون شاندر لقاءه الأخير مع موكله اليمني محمد باوزير البالغ من العمر 25 عاماً والذي  
أضرب عن الطعام منذ الثامن من أغسطس وأجبر على التغذية.

واعتقل باوزير في أفغانستان حيث كان يعمل في دار أيتام على حد قوله.  
وقال شاندر "كان (باوزير) جالسا على كرسي متحرك وهو يرتجف.. وكان أنبوب موضوعا على انفه لإمداده  
بالغذاء".

وأضاف "طلب مني مطالبة المحكمة بوقف تغذيته قسراً، فقلت له أنه لا يمكنني القيام بذلك.. فقال إنه يريد الموت  
في كوبا".

واعتبرت القاضية غلاديس كيسلر أن الاتهامات بشأن العلاج الطبي للسجناء "خطيرة جداً".  
وقالت كيسلر "لا أفهم لماذا الحكومة تمنع إلى هذا الحد في إعطاء الملفات الطبية للمحامين".

يشار إلى أن الجيش الأميركي يحتجز نحو 500 متهم بصلاتهم بتنظيم القاعدة أو بحركة طالبان الأفغانية.

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ATTORNEY-DETAINEE COMMUNICATION

PRIVILEGED AND CONFIDENTIAL

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Newspaper article 2324

Documents Withheld from Release—ICRC Letters