

Summary of Administrative Review Board Proceedings for ISN 026

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Detainee accepted taking the Muslim oath.

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

The Assisting Military Officer presented the Enemy Combatant Notification form, Exhibit EC-A, to the Administrative Review Board.

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

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

Assisting Military Officer: The Detainee's ARB interview occurred on 27 September 2005 and lasted thirty-five minutes. After a review of the ARB purpose and procedures, the Arabic translation of the Unclassified Summary of Evidence was read to the Detainee, who followed along on an Arabic copy. The Detainee wanted to review the allegations on the Unclassified Summary of Evidence and prepare a statement to the board from his quarters, and the Detainee left the interview with both an English and Arabic translation of the Unclassified Summary of Evidence. The Detainee said that his polygraph results prior to the CSRT proved repeatedly that he was not associated with Usama bin Laden (UBL) but he was designated an enemy combatant nonetheless. This makes him skeptical of the ARB process. The Detainee did not request the AMO to present any

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information on his behalf. A follow up interview occurred on 28 September and lasted fifteen minutes. The Detainee chose not to submit a written response to the board. The Detainee was attentive and polite throughout both interviews.

Detainee: When I took my polygraph test it was given to them, to the CSRT, what did they say about that?

Presiding Officer: That's not a part of the Unclassified Summary so I don't have a response for you.

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 distributed to the Assisting Military Officer.

The Detainee chose to respond to the Unclassified Summary of Evidence after it has been presented.

Detainee: Does that mean I have to respond to each allegation?

Presiding Officer: No you do not have to respond to each of them or any of them for that matter, but during your interview the AMO asked if you would like to respond, after each allegation or at the end and he checked off that you wanted to wait until the entire thing was read. You can change you mind now that's fine.

Detainee: I would like to read something to you that I have prepared before we start reading all of the allegations.

Presiding Officer: There is a portion set aside for you to give a statement after we read the allegations. If you could be patient and wait until then, I would like to do it that way.

Presiding Officer: And since you decided to reply after everything has been read, it would probably be appropriate if he gave us that statement after he has read all of the allegations.

Detainee: If you hear what I have to say then you will understand what I am trying to do.

Presiding Officer: Alright, that's fine go ahead and proceed with your statement. We will hold off reading the Unclassified Summary right now.

The Detainee made the following statement:

Detainee: In the name of Allah. I am not here to discuss the accusations against me nor to answer your questions. This is because I don't know the court rules and I have no

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lawyer to help me. In the previous tribunal I discussed these very accusations against me and presented evidence to support my innocence but sadly this didn't work in my favor. However, now I would like to tell you some things about myself. I traveled from Yemen at a young age. I knew nothing about international laws and the state of the world. I was only seventeen years old at the time and I just completed my high school exams and [had] not yet received the results thereof. For this reason I intended to return to Yemen after one month so as to continue my education to university level. This way I develop and enlighten my mind. As well as acquire a job that will enable me to spend on myself and my family. That is my wife and my baby daughter whom I didn't see except for five days in a two month period. I then traveled when she was only two months old. It is clear to see why I miss them greatly and all I wish is to meet them and rejoin them in order to fulfill my duty as a father and husband. To take good care of them as they are in desperate need of me. The same applies to my mother and younger brothers do to the fact that my father passed away and he left them dependent upon me. My mother used to spend on and look after me, hoping one day I will complete my studies and get a job with a salary, which could support our life. I have been classified as an enemy combatant in the past months and sadly I don't know why. However, I am not concerned with the past what is important to me is the future. Hence I bear no inner grudge nor [animosity] towards America or anyone else. I have not and will not do anything that is against America or threatens its security. All I hope upon release is to see my wife and my daughter, my mother and brothers and to live an independent life with them. To complete my studies and get a decent job. It is possible to notice this from my conduct and behavior in the four years I have spent in detention. Be it with the guards, the interrogators, and the other Detainees. I have never been punished for causing problems and my record bear[s] witness to that. My file is free from problems and punishments. Thank you for listening and for having given me an opportunity to speak to you.

Presiding Officer: Does that complete your statement?

Detainee: That's all I have to say.

Presiding Officer: Thank You.

Presiding Officer: At this time I am going to ask the DMO to summarize the information on the Unclassified Summary. At that time you can reply after each one or wait until the end as you've marked on your sheet, to wait until he has read them all in it's entirety.

Detainee: I told you I came here not to respond to all these allegations, that is why I read my statement and I gave you everything I have.

Presiding Officer: Thank You, I am still required to have the DMO read the Unclassified Summary, so if you will bear with me we are going to go through that at this time.

Detainee: You may proceed if you want to.

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Presiding Officer: DMO please summarize the information on the Unclassified Summary and give the linguist time after each one to read them.

Detainee: There is not need for the linguist to read it to him in Arabic, because I read it and I had the linguist read it to me.

Presiding Officer: I understand that but that was prior to the taped arbitration here and I ask you to bear with me and let him repeat it to you after it is read in English.

Detainee: That's fine.

The Designated Military Officer read the Unclassified Summary to assist the Detainee with answering the statements.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee was motivated to serve the Dawa and spread the word of the Koran as he believes that it is a Muslim obligation. (3.a.2) The Detainee claims he traveled to Sanaa, Yemen and met with Sheik Muqbil to discuss the validity of a Fatwa. Sheik Muqbil issued a Fatwa that stated Muslims had a right to train themselves for self-defense against enemies. (3.a.3) Sheik Muqbil and a few other "Brotherhood" movement supporters recognized UBL as their leader. Sheik Muqbil was responsible for the jihadist movement in the geographical region of Sa'dah, Yemen. (3.a.4) Sheik Muqbil advised the Detainee to go for training in Afghanistan. Since he did not have any money for the trip Sheik Muqbil gave the Detainee 500 to 600 United States dollars. (3.a.5) Sheik Muqbil instructed the Detainee to go to the Jama'ah al Tabligh Mosque in Sanaa where he could get a visa and a plane ticket to Pakistan. Since the Detainee was still in the twelfth grade, Sheik Muqbil told him to wait until after graduation to make travel arrangements. A year later the Detainee went to the mosque, left his passport and some money and later returned to obtain his passport, visa and a ticket. (3.a.6) The Detainee flew from Sanaa, Yemen through Dubai, United Arab Emirates, to Karachi, Pakistan. He spent one night in a hotel then traveled to Quetta, Pakistan where he stayed for two nights at the Lukanda Hotel. (3.a.7) The Detainee crossed the border into Afghanistan. He taught the children in the villages around Spin Buldak, Kandahar and Kabul, Afghanistan. (3.a.8) The Detainee went to Jalalabad, Afghanistan by bus where he taught in another village for about two weeks. From there he went to Khost, Afghanistan, where he stayed in various villages for about two months. (3.a.9) The Detainee met a man named Asadullah who arranged for a guide to take the Detainee back to Pakistan. The Detainee eventually joined a group of 27 to 30 other people headed for the Pakistan border. The Detainee paid the guide 200 to 300 rupees. (3.a.10) The Detainee claims he crossed the border back into Pakistan and surrendered to the authorities. The authorities accused him of being a terrorist trying to escape from Afghanistan. He did not have his passport or anything else when he crossed into Pakistan. All he took was his Koran and about 700 Pakistan rupees.

Designated Military Officer: (3.b) Training (3.b.1) The Detainee trained at the al Farouq training camp for nine days before hearing the news about September 11th. (3.b.2) The Detainee was recognized as training at the al Farouq training camp on or around April 2001. He received training on how to shoot the Kalashnikov, the PK machine gun, the rocket propelled grenade launcher (RPG), and how to detonate explosives.

Designated Military Officer: (3.c) Connections/Associations. (3.c.1) The Detainee spent four days at the Nabras guesthouse in Kandahar, Afghanistan where his passport and money were taken from him. (3.c.2) The Nabras guesthouse was used by fighters heading to the al Farouq training camp and by UBL. Arabs bound for training would gather at the guesthouse until about 25-30 were in the group and then they were transported to al Farouq. UBL would come to Nabras to greet the fighters before they went to training. At Nabras, passports, money, tickets and other important documents were taken from each person. (3.c.3) The Detainee stayed at the Azzam guesthouse in Kabul, Afghanistan for 35 days where he received additional training until the bombing started. (3.c.4) Hamza al Ghamdi ran the Azzam guesthouse in Kabul and in an intelligence agent who has been in Afghanistan for almost 15 years and has traveled to Bosnia and Chechnya for jihad. Hamza al Ghamdi is recognized as one of UBL's most trusted people and reported directly to him.

Designated Military Officer: (3.d.) Other relevant data. (3.d.1) The Detainee traveled to Tora Bora and stayed there for 27 days to one month. He went with a group of men that included Sabi' who is the group trainer from al Farouq and the only person with a Kalashnikov. (3.d.2) The Detainee was chosen to go to Tora Bora and become one of UBL's bodyguards. Individuals from al Farouq would either go to Tora Bora to be one of UBL's bodyguards or they went to Kabul to await further assignment. The Detainee was also recognized as a fighter in the KTAL region. (3.d.3) The Detainee was recognized as one of UBL's bodyguards and a member of his "dirty thirty" and a fighter in Tora Bora, Afghanistan. (3.d.4) The Detainee was seen at Tora Bora carrying a Kalashnikov.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) During the time he traveled in Yemen, Pakistan and Afghanistan, the Detainee says he had not heard anyone speak about recruiters for fighting in Afghanistan against the enemies of Islam. He also doesn't believe that there is currently a jihad. (4.b) An al Qaida operative and facilitator did not name the Detainee as a UBL bodyguard. (4.c) A chief al Qaida recruiter, planner and top strategist did not identify the Detainee.

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

Presiding Officer: Do either of the members desire more time to review the Unclassified Summary?

Board Members: No, No sir.

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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 additional information with the assistance of the Assisting Military Officer.

Detainee: If you would like, you can make a copy of my statement and I will keep the original.

Presiding Officer: It's up to you, you do not have to turn anything in. If you want to we'll make a copy of it but there is no need to.

Detainee: You can make a copy and I will get the original back.

The Assisting Military Officer presented the Detainee's statement as Exhibit EC-C and had no questions for the Detainee.

Presiding Officer: If you have anything additional you would like to present. I know you have already made a statement but if there is anything additional you would like to add after hearing the Unclassified Summary, this would be the time to do it. If not I will proceed.

Detainee: You can continue on.

The Designated Military Officer had no further information to present to the Detainee.

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

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

Administrative Review Board Member's questions:

Detainee did not want to answer any questions but the Presiding Officer did ask a few questions.

Detainee: I am sorry for not responding but you already know my story.

Presiding Officer: In 3.a.5 it mentions that you were told to wait until graduation to make your travel arrangements....then a year later you went to the Mosque. Where you seventeen or eighteen when you left?

Detainee: My birthday is May 2, 1984 you can figure that out.

Presiding Officer: You said your family is dependent on you when you go back, should you be released or transferred. What would you do when you go back home?

Detainee: All that information is in the letter I submitted. I wanted to get my education.

Presiding Officer: What, if any, contact have you had with UBL?

Detainee: The polygraph should answer that question for you.

Presiding Officer: One of the factors favoring your release or transfer, is the fact that you do not believe there is a current jihad. If there is a current jihad what would you do?

Detainee: The answer to that question is all in my files.

Presiding Officer: Other relevant data mentions recognized as a fighter in the KTL region and it also mentioned Kabul in that same sentence. KTL region, do you know where that region is that we are referring to?

Detainee: You need to [go] back to the CSRT and find out what was said there.

Presiding Officer: Did you answer it there because I can go back and find it in there?

Detainee: I just told you that in the letter I submitted. I just told you all the information I am going to give you and you have all the information.

Presiding Officer: Okay, thank you.

Board Member: Have you read the Koran?

Detainee: I can't respond to that question.

Board member: Have you seen the results of your polygraph?

Detainee: The interrogator and the polygraph person told him he was innocent and that he was truthful. And when I was at the tribunal they pulled the polygraph test and gave it to the president of the tribunal.

The Presiding Officer read the post-Administrative Review Board instructions to the Detainee.

Detainee: Can I ask a question?

Presiding Officer: Certainly!

Detainee: How long does it take before we hear from the Designated Officer (DCO) in Washington, D.C, because there are so many people in the camp here? They attended the ARB and it has been almost a year and they haven't heard anything.

Presiding Officer: I understand your concern and we have asked that question and it is being tabled by the DCO as we speak. I just do not have an exact time I can give you.

Detainee: Do you receive any answers from Washington, D.C because it has been almost a year and other Detainees haven't hear[d] nothing. Do you receive any information from Washington, D.C.?

Presiding Officer: It hasn't been a complete year yet. It's the DCO decision on when to notify you and he is working on that.


Presiding Officer 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, USMC
Presiding Officer

UNCLASSIFIED

**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT**

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Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C1	9/30/2005	UNCLASSIFIED	Detainee Statement

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UNCLASSIFIED

GHAZI, FAHED ABDULLAH AHMAD. ISN# 026

I am not here to discuss the accusations against me nor to answer your questions. This is because I do not know the court rules and I have no lawyer to help me. In the previous tribunal I discussed these very accusations against me and presented evidence to support my innocence but sadly this did not work in my favour. However, now I would like to tell you some things about myself.

I travelled from Yemen at a young age. I knew nothing about international laws and the state of the world. I was only seventeen years old at the time. I had just completed my high school exams and had not yet received the results thereof. For this reason I intended to return to Yemen after one month so as to continue my education to university level. This way I would develop and enlighten my mind as well as acquire a job that would enable me to spend ~~of~~ on myself and my family. (That is; my wife and my baby daughter whom I did not see except for five days in a two month period.) I then travelled when she was only two months old.

It is clear to see why I miss them greatly and all I wish is to meet and rejoin them in order to fulfil my duty as a father and husband. To take good care of them as they are in desperate need of me. The same applies to my mother and my younger brothers due to the fact that my father passed away and left them dependent upon me. My mother used to spend on and look after me hoping that one day I would complete my studies and get a job with a salary ~~which~~ which ~~could~~ could support our life.

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I have been classified as an enemy combatant in the past months and sadly I do not know why. However, I am not concerned with the past. What is important to me is the future hence I bear no inner grudge nor enmity towards America or anyone else. I have not and will not do anything that is against America or threatens its security.

All I hope for upon release is to meet my wife and daughter, my mother and brothers and to live an independent life with them. To complete my studies and get a decent job.

It is possible to notice this from my conduct and behaviour in the four years I have spent in detention. Be it with the guards or the interrogators or other detainees. I have never been punished for causing problems and my record bears witness to that. My file is free from problems and punishments.

Thank you for listening and for having given me an opportunity to speak to you.

Said, Sep 30 2005