

Summarized Administrative Review Board Detainee Statement

The Administrative Review Board was recessed on 16 February 2005 at 1244 hours and reconvened on 19 February 2005 at 0831 hours.

The Presiding Officer read the Hearing Instructions to the Detainee. The Detainee was unsure of the proceedings concerning providing a written statement, oral statement and classified portion of the Administrative Review Board. The Presiding Officer answered the following questions put to the Board by the Detainee.

Detainee: What kind of information?

Presiding Officer: Relevant information to give us reason not to detain you here any longer in Guantanamo Bay. Adil, do you understand this process?

Detainee: Generally, I don't understand the proceeding of this court, regarding the information that is secret or classified. I don't understand that doesn't give me the opportunity to defend myself, because there is secret information. You are from a lawful country or a law-abiding country. And as a law-abiding country you should afford me the opportunity to be represented by someone, I should have someone here who will speak on my behalf according to the laws that you are going by. That's regarding the question; do you understand these proceedings?

Presiding Officer: Okay, but do you understand that you are allowed to present written statements, oral statements and statements of persons who can provide information relevant to your case.

Detainee: Yes, I understand and I know that I have the opportunity to present information, but the picture is not clear. There is information that is hidden because its secret or classified information. So if I am not able to address all the points that would make my story very clear because there maybe something's that I do not know of, or are hidden that I cannot address and so I cannot make that clear to you.

Presiding Officer: I will make all the unclassified information as clear as I can during these proceedings.

Detainee: That is very well, from what I understand of the information that you present I will address that to the best of my ability.

Presiding Officer: That is all we can ask.

Detainee: That is very well, but what about the information that is classified? How am I going to be able to defend myself against information that is classified, if I cannot be there and I cannot speak about it?

Presiding Officer: Information that the owning government agency has decided could cause damage to our National Security if released. This board does not have the authority to change that decision and allow you to view it.

Detainee: I understand, but if this information has something to do with me or has something to do with my case, then I should be able to view it, so I can properly address it.

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Presiding Officer: Okay, I'm going to repeat the last sentence again. This board does not have the authority to change that classification, so we cannot divulge it to you.

Detainee: According to your procedures you say that you cannot change that information. So I will also say that I will not be able to defend myself completely, because of my lack of ability to view the information that is classified.

Presiding Officer: Okay, I understand, I think as we go on some of the questions we ask may help clear up information.

Detainee: Very well if the information is clear to me then I will be able to answer.

Presiding Officer: Thank you.

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

The Designated Military Officer presented Exhibits DMO-1, the Unclassified Summary of Information and DMO-2, the FBI Redaction Certification to the Administrative Review Board. He then gave a brief description of the contents of Exhibit DMO-1. The Designated Military Officer confirmed that he had no additional unclassified information to present and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer opened the Administrative Review Board for the Detainee to present information with the assistance of the Assisting Military Officer.

Presiding Officer: The Detainee may now present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Sir, the Detainee would like to answer each of these points on the unclassified summary and then he'll be prepared to answer any questions from the board.

Detainee: As the questions pertain to the information that I am aware of that I have entered into.

The Presiding Officer asks the Detainee if he wishes to make a statement and if so will he take the Muslim oath. The Detainee has questions concerning the oath and the Presiding Officer explains to the Detainee about the Muslim Oath. The Detainee wishes to hear the oath prior to taking it, the oath is read by the Designated Military Officer. The Detainee declines to take the oath.

Presiding Officer: Adil, you may begin.

Assisting Military Officer: The Detainee traveled to Afghanistan via Iran in late September or early October 2001.

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Detainee: Before that it has the word intent. Is that part of the same question or what is that?

Assisting Military Officer: Yes, that would be the reason; intent means the reason you went.

Detainee: I did travel to Afghanistan through Iran, to administer help to the refugees and the poor in Afghanistan. That is the reason in general why I traveled.

Assisting Military Officer: The Detainee was a fighter at Tora Bora.

Detainee: I have never heard of Tora Bora until I came here. I was never a fighter in the first place and if I was a fighter then I would have admitted to being so.

Assisting Military Officer: The Detainee has been disruptive and aggressive while in detention.

Detainee: I'm not sure exactly what this question is talking about, I'm not sure what it is referring to. What is disruptive behavior?

Assisting Military Officer: That would mean you were causing problems.

Detainee: I never had any problems during my entire detention, except when it came to the Koran. The administration and the guards were disrespectful to the Koran. One of the Interrogators was disrespectful to the Koran and insulted it by stepping on it with his foot. Also, one of the guards not sure who it was, but we found a copy of the Koran with one of the pages that had an outline of a shoe on it. The problem that occurred between me and the administration or the guards, was that I tried to return the Koran, I didn't want this Koran in my cell. The Chaplain, he said his name was Yosef he said he was the one responsible for our religious affairs. I talked to him about taking the Koran from me, because I didn't want that one. He told me he could not accept the Koran from me, they had an order from the General not to accept any Korans from anyone. So I told him that I would return it to you by force, I don't want the Koran here if you will not receive it. The Chaplain said to me if it comes down to it, then we'd put ten Korans in your cell, if it came to that. So I did give away the Koran, one of the other Detainees who did not have a copy. I gave my Koran to one of the Interpreter's who was Muslim, I told him that "that Detainee doesn't have a Koran he could have that one". So he took it. Some of the other Detainees did return the Korans and some of the Interpreters took them from the Detainees. A problem occurred with the Administration, because they wanted to place a Koran in every cell by force, so we refused. Then there was trouble and they came in like the riot police, like they perform guard duties to quell the uproar.

Presiding Officer: Let me interrupt. Is that your perception of what he said, "I guess" or is that what he said. Did he say, "to quell the interruption" or is that what your surmising.

The Interpreter asks the Detainee to repeat the last part of his statement.

Detainee: No, it was like a military operation to bring the Koran into the cells by force. They were spraying bottles at us and we had to spray them with water, because they were spraying us. They turned off all the fans and closed the doors and they sprayed that spray so that we were being suffocated. After this happened they came into us and said, "You will take this Koran or I will give it to you by force." So I refused. The guards came in and they hit me on my nose and

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they hit my mouth and they injured my leg, because I refused. After that they put the Koran in my cell and they left. They took all the furnishings as well; they didn't leave me with anything but the bare floor. That was the problem I had regarding the Koran. And when it comes to problems with the guards. I don't have any problem with the guards, because I don't talk to them very often except when I am asking them for requests. Sometimes the guard may say something or his behavior, like a curse word and then I say something as well. Regarding the bad behavior with the guards or the other things like that, there was none. Most of the guards were well behaved towards us. They were understanding towards us and they would talk to us with respect and good behavior. Some of the guards were bad with us, if we saw some that were bad we wouldn't talk with those guards.

Assisting Military Officer: The Detainee was captured by the Pakistani Military after leaving Afghanistan.

Detainee: I have answered this question before. I said that I was not arrested by the Pakistani Authorities, but when I was walking I saw the point in front of me and I knew I didn't have anything to hide. I had all my papers in order, all of my documentation and so if I thought that I would be arrested, then I wouldn't have kept going towards it. But I walked towards it cause I knew I didn't have anything to hide. That is it, regarding this question.

Assisting Military Officer: Those were the only points?

Detainee: I gave you the general idea, but I don't know if you want any details or what you want exactly. Because it has been three or three and half years since what happened to me some of the information may not be recalled easily. I have been here for three, three and half years in the prison and the psychological pressure and the emotional state because of what happened, the events that have happened may cause me not to be able to recall everything. So if there is any question that you would like to ask, I am prepared to answer based on the information and the question.

Presiding Officer: Adil, does that conclude your statement? Did the AMO statement provide the information you wanted us to hear?

Detainee: I don't know what you mean by that question.

Presiding Officer: Basically, your response to each of the questions that the AMO asked you.

Detainee: Based on the points we had mentioned now? Like I told you this was general idea or story. But if you want more details based on the questions you might ask or need more information, you tell me so that I may give more details.

Assisting Military Officer: That is all the information I have as far as questions to ask you. If you have any further comments you want to make on your story you can do that.

Detainee: For example my travel from Bahrain to Iran and then from Iran to Afghanistan. The purpose was because of the refugees and the poor people in Afghanistan because of the war. There were advertisements on the Satellite TV, because of the war and the great number of people that were there. That was the reason for the advertisement, they said that winter was

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coming and that was the reason for the poor, so on and so on. And there would be difficulties and hunger because of the cold and so on. That is what prompted me to go and it also coincided with my vacation time. Because my vacation was I believe before September. Yes before the events. I was on vacation and I worked in Bahrain and that period was before Ramadan. That is the time to give charity or money during the year. That is the time to give it and it coincided with Ramadan. So I took the opportunity to present this charity to the poor and the needy. So I preferred to go myself to Afghanistan and to present it. That is in general a summary of the reason that I went to Afghanistan.

Presiding Officer: Adil. Does that conclude your statement?

Detainee: Approximately, I don't know what you need exactly. What I remembered, I talked about.

Presiding Officer: Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer Questions to the Detainee.

Assisting Military Officer: Just one. Is it true that charity, giving to the poor is one of the Pillars of Islam?

Detainee: Yes.

Assisting Military Officer: And many people from your country travel to other poorer countries in order to fulfill that Pillar of Islam.

Detainee: Yes, not just my country, but most of the countries in the Gulf. Some of them pay this charity through organizations and some of them go themselves as part of a group to extend or present their help to people.

Presiding Officer: Thank you. Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer Questions to the Detainee.

Designated Military Officer: Yes sir. Adil, did you take food to Afghanistan?

Detainee: What do you mean, I don't understand. What do you mean I took food to Afghanistan?

Designated Military Officer: You stated your reason for going to Afghanistan was that people did not have food, they would be cold and you were going to help them.

Detainee: Do you mean I was going there with materials in hand, like rice and food and so on?

Designated Military Officer: Yes, and coats.

Detainee: No! I can't as one person take all that stuff.

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Designated Military Officer: What did he take?

Detainee: I took the money my charity money. I talked about this; I also stated the amount of money that I took with me.

Designated Military Officer: Let me understand. You see an advertisement, where people are going hungry and you take them money.

Detainee: Yes.

Designated Military Officer: Were you ever in a place where airplanes dropped bombs upon you?

Detainee: No, I didn't see any bombing on my trip.

Designated Military Officer: Did you see any acts of war in your journeys in Afghanistan?

Detainee: No, no. If I had seen anything like military affairs or fighting or anything like that I would have left or bombing I wouldn't have gone in.

Designated Military Officer: Do you understand English?

Detainee: Yes, I understand a little.

Designated Military Officer: If you had permission to enter Pakistan then why did you enter Afghanistan through Iran? You stated that your papers were in order to go into Pakistan why did you enter Afghanistan through Iran?

Detainee: I didn't say I had paper to go into Pakistan.

Designated Military Officer: You said your papers were in order and....

Detainee: Yes but they were fine. The papers were official, I had vacation from work, and I had my Passport.

Designated Military Officer: Did he have a Visa for Pakistan?

Detainee: Pakistan doesn't require a Visa. From the Gulf from Bahrain to Pakistan we don't need a visa.

Designated Military Officer: Sir, that is all I have.

Presiding Officer: Thank you. Do any Administrative Review Board Members have any questions for the Detainee?

Board Member: Yes sir I have.

Board Members Questions to the Detainee.

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Board Member: What did you do in Bahrain before you went to Afghanistan?

Detainee: I was an employee in the Ministry of Defense, a civilian employee. I had been working for sixteen approximately seventeen years in that ministry. I had other work, freelance work; construction light construction, small not large. That was approximately the scope of my work.

Board Member: So what did you do at the Defense Ministry? What was your job?

Detainee: A clerk.

Board Member: Clerk. Where were you in Afghanistan?

Detainee: I told you before; the last place I was in before I left was Kabul, before Kabul fell.

Board Member: Can you tell us more specifically, the timeline? When did you actually travel to Afghanistan? Was it before or after September 2001?

Detainee: I told you before I think you have it. I traveled after the events of September. I didn't have any other reason for traveling to Afghanistan other than the agenda that I had regarding the charity and the help, because of the advertisement that I saw.

Board Member: How much money did you take to Afghanistan?

Detainee: I don't remember exactly. I think you have it in the file the exact amount I took. I don't remember exactly, I think approximately more than a thousand denars from Bahrain. Exactly, I really cannot remember.

Board Member: I believe you said in your testimony, that when a guard says something you don't like you become disruptive. What does the guard say that you don't like? And how do you respond when he says that?

Detainee: I didn't do anything disruptive but I would answer him with words.

Board Member: In English?

Detainee: Yes, yes. Do you want the words they said for example?

Board Member: Sure.

Detainee: They would say for example. Terrorists, you don't have any rights here. Sometimes they would tell us you are going to be here forever and your never going to leave. Sometimes they would tell us you are beasts you don't have any manners. Things like that, so we would respond with the appropriate responses to them.

Board Member: When you surrendered, what point did you go to, was it a Police Station a Military Unit?

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Detainee: Really I don't know because the military and the police dressed the same. I saw both of them and they had the uniforms. I don't know if they were really military or police, but I do know that it was a point in one of the villages that was in the middle of the road. It was inside in the village on the way.

Board Member: Finally, if you don't know and you never heard of Tora Bora. Is it possible you were there and didn't know it?

Detainee: I went from Kabul to Pakistan directly. So I don't know if I passed that village or that place. We did have a guide with us because I did not know Afghanistan so we had an Afghani guide. He took us from village to village; I don't know exactly even the villages and their names I don't know.

Board Member: If you return to Bahrain will you return to that employment you had before?

Detainee: Without a doubt, if they will accept me, without a doubt.

Board Member: That is all the questions I have sir.

Presiding Officer: I have one question. Do you have a lawyer now?

Detainee: Yes.

Presiding Officer: I am in receipt of something that has your name on it. The only question about it is, that it references your security number we have assigned to you. But he has Adil Kamil Abdullah Hajee, and Hajee I don't see anywhere else on our paperwork.

Detainee: That is my second Grandfather.

Presiding Officer: Thank you. Second Grandfather? I'm not sure what a second Grandfather is.

Detainee: My Fathers Grandfather. Fathers Grandfather.

Presiding Officer: Great Grandfather. Thank you.

Board Member: Did you ever go and do charity work before?

Detainee: I didn't travel. But I did work in a Humanitarian Committee in Bahrain as a volunteer. I work for approximately a year that was approximately in the beginning of the 90s.

Board Member: Why did you choose to go to Afghanistan to do your charity work?

Detainee: It was the most appropriate place at that time for what I wanted to do, because of the situation there, because of the events that happened there and because of the news that I saw. Almost all of the international media was talking about the situation.

Board Member: Were you concerned for your safety going into Afghanistan with the conflict that was ongoing there?

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Detainee: I was aware of the situation and the problems, but the media or the news advertisements were making it out to be that the cities or the villages were relatively safe. That there were committees and organizations going there and working there, the Red Cross was there as were other organizations. It appeared that life was going on in these places. Some of the reports that were issued by the Red Cross Organization were talking about the charity and the help that they had given there because of the war. They were talking about their accomplishments and they were asking the rest of the world to present help to Afghanistan.

Board Member: When you went into the Pakistan town and approached the guards, did you voluntarily go up to them or did they come and require you to meet with them?

Detainee: No, I'm the one that went to them. It was far, I don't know how far ahead it was but in the village they told us that there was a point up ahead. So we asked to be taken to it, so that we could leave.

Board Member: What did you ask them when you went there?

Detainee: I didn't ask them, I told them I coming from Afghanistan and that I was administering help. So they asked me so what is your story where did you come from things like that. That's it, I told them everything and they took from me information about it. At this same point I believe there was a military officer and he took all my papers from me I gave it to him. I gave him my Passport, and my paper that said I had vacation from work, my Drivers Licenses and my personal identification and I gave him the money that I had with me. All of these things I gave to him, and he gave me a paper and asked me to sign the paper and so I signed it.

Board Member: What did you expect to happen, that you would walk through the checkpoint, or that they would bring you somewhere? What was your expectation?

Detainee: I expected they would take me to a Police Station, interrogate me. I thought maybe our entrance into Pakistan was illegal or not lawful and that they would just give us a verbal admonishment.

Board Member: What was illegal about it if you had a Passport and you didn't need a Visa?

Detainee: Because it wasn't through a Passport check, we didn't go in through a port whether it was aerial or by sea or by land. So of course it would be natural that there would be questioning.

Board Member: Why didn't you go through a port since you had a Passport?

Detainee: I don't know where it was in Afghanistan, I didn't even know where I was going. We just had this guide this Afghani guide that brought into Pakistan.

Board Member: Why do you think you ended up here after showing up with the proper papers?

Detainee: I don't know what happened exactly. But it became clear to us later that the Pakistani Government, I wouldn't say the Pakistani Government but the Pakistani Police Force, was selling people for money. Because it became clear to us later that the price for Arabs was a large sum of dollars. I think you have documentation to show that many of the people here had

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nothing to do with fighting or killing. They were just living in Pakistan and working as Teachers or as Ex-patriots living there, and they were brought here as member of al Quida. I think you have become certain that these people did not have anything to do with this affair. One of the interrogators told me that a lot of the Pakistanis were selling people for money. You had a lot of people mixed together and some of them were saying "I'm from al Qaida", and some to them were say "I'm not from al Qaida", I'm Pakistani you had them mixed all together. They said these people are all from al Qaida and they turned them in. That is what happened, I don't know what happened and I talked to them when we sat in the Police Station over there. I wanted to meet the Bahraini Embassy so that I could find out what was going on. They told us everything will happen, the Ambassador or the people for the Embassy will come and they will sit and talk with you in some time. We didn't know that they were turning us over to the Americans at the Airport, we didn't know where we were going and that is what happened in Pakistan.

Board Member: Thank you. That is all I have sir.

Board Member: How many people were in your party when you were captured? How many in the group when you surrendered?

Detainee: There were three.

Board Member: Was the Afghani guide still with you?

Detainee: No, no, no, he had left. He went to the village with us and we told him "You can go back", we told him we were going to go on our way.

Presiding Officer will make note of the alleged abuse to the Detainee from the guards to the proper authority.

Presiding Officer: A couple more questions from me. In regards in what you mentioned about the guards. Did that all take place here or before you came to Guantanamo Bay?

Detainee: No. Here, in this prison and in the old prison.

Detainee: You are talking about the problems that happened?

Presiding Officer: Right. Which you described about the disrespect to the Koran the interrogators and apparently some of the guards were disrespectful, and that is what caused you to be disruptive.

Detainee: Yes, and I didn't cause any problems they are the ones that came in and hit me. I'm inside the cell I don't have the ability to get out of my cell and do anything. So they are the ones that came in and hit me. Five or seven approximately came in.

Presiding Officer: Okay, I wrote down it was face and legs is where you were hit.

Detainee: Yes, I was bleeding from my mouth and my nose and my leg was injured. I asked for medical treatment and they didn't treat me.

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Presiding Officer: Even for the bleeding?

Detainee: No.

Presiding Officer: Thank you. Do you remember when this happened, approximately, two years ago or more recently?

Detainee: It happened approximately in the year 2003, approximately a year and a half ago. I don't remember what month, but it was in the middle.

Presiding Officer: A year and half ago, that's good enough.

Presiding Officer: Thank you. I will make note of that I just want to clear up whether it was before he got to GTMO or here in Guantanamo Bay. Assisting Military Officer, do you have any other information the Detainee wants to present?

Assisting Military Officer: Not that I know of sir. No sir.

Detainee: They had presented me with some questions I believe I may have answered. But what are going to do when you return.

Assisting Military Officer: That is correct. You had an opportunity to answer all those that I asked you to think about.

Detainee: May I ask some questions?

Presiding Officer: Sure, go ahead.

Detainee: In regarding this proceeding. Is this a Court or is this an Administrative proceeding?

Presiding Officer: This is an Administrative Review Board.

Detainee: Is it legal?

Presiding Officer: It is not a legal board, no.

Detainee: Does it speak in the name of the law?

Presiding Officer: We are reviewing your Enemy Combatant Status, which was previously determined. We make a recommendation to the Designated Civilian Official, who will then determine what your status will be.

Detainee: Administrative Board from the U.S. Military. I believe that it probably speaking in the name of some law to an extent either American or Military.

Presiding Officer: Again, we are just reviewing your status and making a recommendation to the Civilian Authority who will make a final decision at the time. I am going to cover that shortly once we conclude.

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Detainee: What do you mean by the Designated Civilian?

Presiding Officer: He's the individual that I mentioned at the beginning that is going to decide on the information that we provide him with from these proceedings.

Assisting Military Officer: Sir, may I qualify one thing that you said?

Presiding Officer: Sure.

Assisting Military Officer: We are not reevaluating your Enemy Combatant Status. The Tribunal you already had has determined you to be an Enemy Combatant. Our job is to determine if you are a continued threat and make a recommendation to the Designated Civilian Official as to whether release, detain or transfer you. I just want to make sure that he didn't get you confused on that.

Detainee: Yes, I understand but if you are saying that you are reviewing my status as to whether to be detained here or not. Then what you probably are going by in these Administrative proceedings is semi-lawful or going by a law that is military. According to the law I should know about the proceeding of this board and the law it is going by, so that I may operate with in those laws. Since I am ignorant of these rules or laws that are governing these proceedings then I should have been designated a lawyer who knew about these laws so that he may explain them to me. So that I may go by them and not do anything wrong. I may have subjected myself to danger by not knowing the rules or the laws of this proceeding and unknowingly I may have subjected myself to danger.

Presiding Officer: Let me assure you that you have not. We have only covered unclassified information. We have only asked you questions from that information which you are aware of.

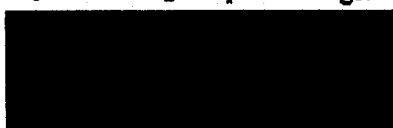
Detainee: That is fine and I do not object to that. But from what I know of American laws is that a person does not speak in front of a board without someone representing him who knows about the laws of that board.

Presiding Officer: I'm going to get into why his lawyer is or is not here. We'll conduct the proceedings as it has been laid out for us and we have not deviated from that procedure.

The Presiding Officer reads the post-Administrative Board instructions to the Detainee and adjourns the open session of the Board.

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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January 19, 2005

VIA FACSIMILE

(b)(3):S(1),(b)(6)

US Navy Legal Advisor
Office for the Administrative Review (OARDEC)
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Washington, DC 20350-2000

Re: Administrative Review Board Submission for Adel Kamel Abdulla Hajee ISN #
060

Dear (b)(3):S(1),(b)(6)

We are the attorneys for Adel Kamel Abdulla Hajee (ISN # 060). We make this submission to the Administrative Review Board ("ARB") pursuant to directions provided by you and (b)(6) senior trial counsel in the United States Department of Justice. We request that you forward this document to the ARB that will review the detention of Mr. Hajee.

There is no reliable evidence that Mr. Hajee is, or has ever been, a threat to the United States or its allies. See Department of Defense Memorandum dated September 14, 2004 re implementation of administrative review procedures. In making this submission, we do not waive, and expressly reserve, our right to challenge the ARB proceedings and any final determination on constitutional, statutory and other grounds before any court of competent jurisdiction. In addition, please be advised that due to restrictions imposed by the government on attorney-client communications, we have not been able confer with Mr. Hajee regarding this submission.

The following factors should be taken into consideration by the ARB with respect to the continued detention of Mr. Hajee:

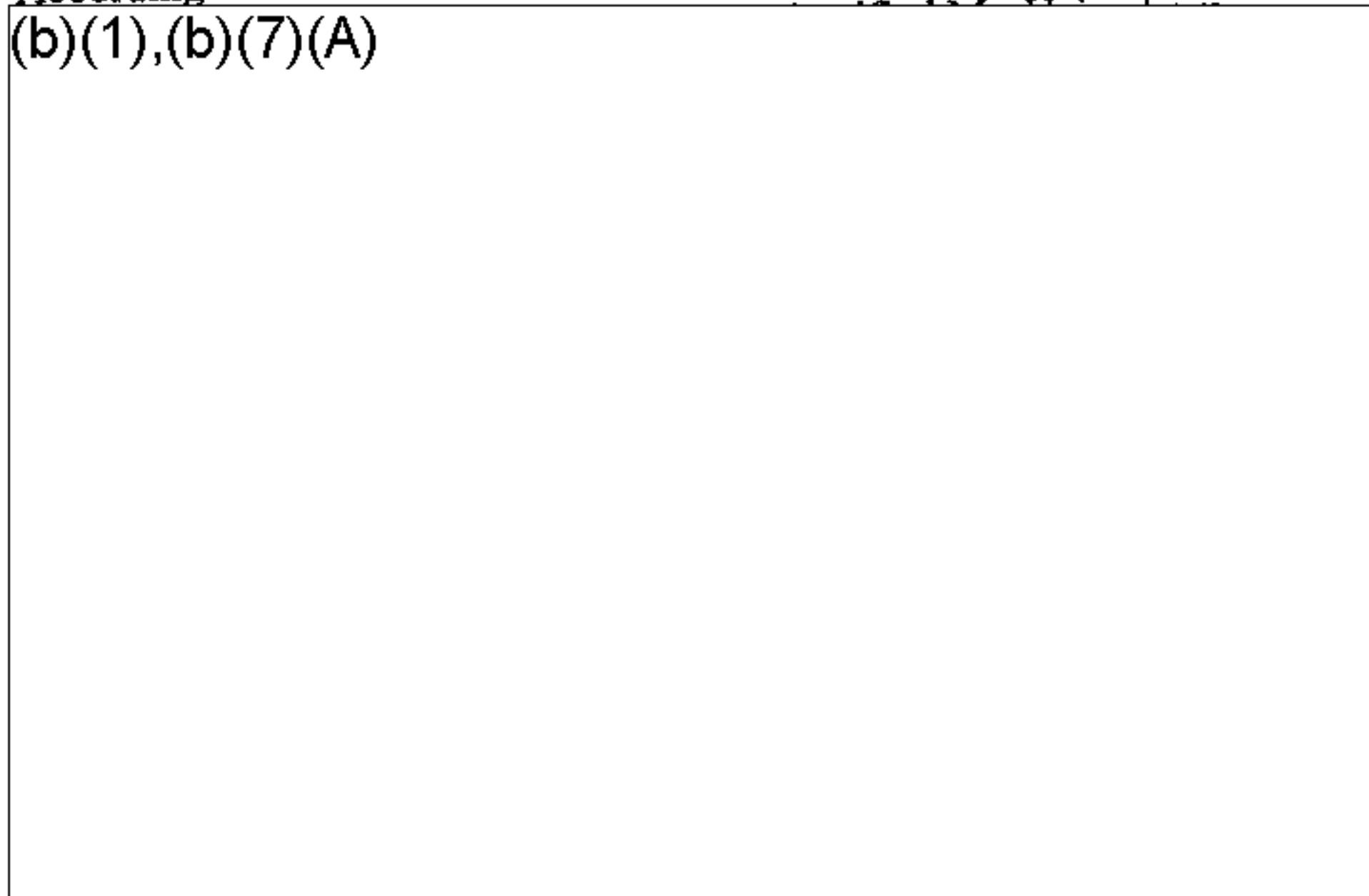
- He was not captured on or near any battlefield. Indeed, he was not captured at all, but instead voluntarily reported to the Pakistani authorities upon arriving in Pakistan.
- There is no credible evidence that he participated in any hostilities against the US or its allies.

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- According to the Classified Summary of Basis for Tribunal Decision,
(b)(1), (b)(7)(A)



Based on the foregoing, we respectfully submit that no legal or moral justification exists for the continued detention of Mr. Hajee. Accordingly, he should be immediately released to his home state without limitations. In the alternative, we request that he be released to the Government of Bahrain with conditions agreed upon between Bahrain and the United States.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark S. Sullivan". The signature is fluid and cursive, with a prominent "M" and "S".

Mark S. Sullivan

~~SECRET//NOFORN~~

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