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Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the purpose of the Administrative Review Board and addressed the Detainee by the name listed on the Unclassified Summary.

Detainee: I am not Abdul Hafiz, please speak to me as myself or bring Abdul Hafiz.

Presiding Officer: All right, give us the name that he would like to be referred to as and then we will continue.

Detainee: I told him (*referring to the AMO*) the other day....

Assisting Military Officer: (*looking in the direction of the Detainee and linguist*).....we haven't read his statement yet.

Presiding Officer: Please tell me now.

Detainee: My name is Abdul Qawi

Presiding Officer: Abdul Qawi, fine.

The Presiding Officer stated that the members of the Administrative Review Board would be sworn.

The detainee commented after the members were given the oath.

Detainee: There is no need for this. I thought that I was going to take the oath. It is not very important to me. They took the oath last time and they still came up with the wrong decision.

Presiding Office: We will continue, please bear with us.

The members of the Administrative Review Board were sworn.

The detainee interrupted the linguist during his translation of the advisement given by the Presiding Officer.

Presiding Officer: May I, interrupt? Please ask him not to speak when you speak. Otherwise the reporter is going to have a hard time with the translation.

Assisting Military Officer: May I, sir?

Presiding Officer: Yes.

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Assisting Military Officer: (*looking at the linguist*) Tell him that he will be given his opportunity to speak.

The Presiding Officer read the hearing instructions to the Detainee and asked if the Detainee understood the process.

Detainee: Even if you would repeat it ten times my mind is not working good. It circles [a]round and I could hardly...I'll know it one time and then I forget about it.

Presiding Officer: Do you know it right now? Do you understand us right now?

Detainee: Yes. Yes, sir, if you are talking about the process of this committee. I understood.

Presiding Officer: Thank you.

The Presiding Officer confirmed that the Detainee understood the process.

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

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

The Designated Military Officer presented Exhibit DMO-1, the Unclassified Summary of Evidence to the Administrative Review Board.

The Designated Military Officer presented Exhibit DMO-2, the FBI Redaction Certification to the Administrative Review Board and DMO-3.

The Designated Military Officer gave a brief description of the contents of Exhibit DMO-1 the Unclassified Summary of Evidence to the Administrative Review Board.

The Designated Military Officer confirmed that he had no more additional unclassified information to present and requested a closed session to discuss classified information relevant to the disposition of the Detainee.

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: Sir, the Detainee would like to address the board in regards to the Unclassified Summary and also he has brought some letters along with him. He would like to read some excerpts from those letters. But first, I have a statement that he asked me to read in reference to who he is and also in reference to some of the charges on the Unclassified Summary.

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Presiding Officer: Continue.

Assisting Military Officer: Okay. The Detainee states again that he is not Abdul Hafiz. He was a servant for Mr. Hafiz. His name is Abdul Qawi, son of Allahdah. His country is Afghanistan. Kandahar is the state and his district is Maruf. Regarding statements in the Unclassified Summary, he stated that he was not with the Taliban. He was a poor man living in his own house without a leg. He did not have anything to do with the deaths of the two individuals. He first heard of these deaths while here in Cuba. He knows nothing about the Red Cross murder. He was given the personal phonebook and satellite phone by Mr. Hafiz to hold for him, not for his use. Regarding his capture, he stated he was asleep in a room when planes came, when he woke up, he thought in his mind that he did not have a permit for the satellite phone that he was keeping for Hafiz, so he took the satellite phone, the phonebook and other papers out of his pocket and threw them across the room.

During the linguist translation of the Assisting Military Officer's statement on behalf of the Detainee, the Detainee added the following comment.

Detainee: Including the phonebook and whatever papers (*Abdul Hafiz's identification papers*) that were in my possession that Hafiz had given me.

Assisting Military Officer: Correct (*response to Detainees comment*). He was not using the phone or attempting to use the phone. Again he stated that he had the phone because Abdul Hafiz gave it to him because he also had no permit. Regarding him being present at the Taliban Military Headquarters, he stated that he saw Taliban police surround Kandahar but he has never been to their Headquarters and he does not know where it is located. Regarding his participation in the paramilitary band related to the Taliban Hezb-e-Islami, he stated that he did not have a relationship with these people. He said and I quote, "These are the people who have destroyed Afghanistan, so I despises these people." Regarding the statement that he knew the phone in his possession contained numbers of individuals who are enemies of the US, he stated that he did not admit to this. He further stated that he did not know what was in the phone or the phonebook and that he did not know how to use the phone. That is all that I have at this time sir.

Presiding Officer: Thank you.

Detainee: I did not know what was inside the phonebook. I never opened it. I do not know the contents...what it contains at all. I never made a phone call and I do not even know how to operate it.

Presiding Officer: If I could interrupt him, I am going to ask him now if he is ready to give his statements. So if he could just wait one moment. Thank you. Abdul Qawi, do you want to make your statement under oath?

Detainee: I went through the same thing last time and I have provided witnesses. I am a poor man. You can keep me for one year or ten years, there is nothing I can do. You have the power to do whatever you want to do.

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Presiding Officer: My question again, do you want to make your statement to follow under oath? An oath is a promise to tell the truth and we have prepared a Muslim oath if you wish to use it. We do not require an oath.

Detainee: When I say it.....didn't I say it was the truth. I don't have any problem saying that and I will say it again.

Presiding Officer: So does that mean he does not want to take the oath?

Detainee: Is there a need for taking the oath?

Presiding Officer: No.

Detainee: Thank you. If there is no need, then thank you.

Presiding Officer: So, then the Detainee does not want to take the oath. You want to begin with your statement?

Detainee: It is not that I did not want to. If there is a need for it, I'll take it. If there is no need for it, I will not take it.

Presiding Officer: He is not required to take the oath. Okay, Abdul, I understand that you have some letters you want to read from and then you also have some...a statement maybe to make. Could you please read to us the information from your letters?

Detainee: Yes, I want to present.

Presiding Officer: I also understand you are going to present them as evidence at the conclusion.

Detainee: Yes, please, yes.

Presiding Officer: You may begin.

Detainee: First of all, may I say again that I am not Abdul Hafiz. I am Abdul Qawi; I am the son of Allahdad. I have these letters that have been sent to me and I am going to read them for you. See how they are addressed. In accordance to my statement that I have made, where I was captured, I was going there because my brother was getting married in that district. In order to follow up with that situation, I want to read to you this letter that has been sent to me...a portion of it. Because you were going due to the marriage, because Mohammad was getting married, that marriage is still...hasn't happened. It is still outstanding. It still hasn't happened. I told you (*referring to the AMO*) the other day about the letter. It was delivered by your people (*referring to the guards*). When I told them about my mother, that she was so sick, that she couldn't walk along this property, he says, (*translation should be that she couldn't walk long*). *The linguist stated the detainee*

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wants to read about that (his mother). This is my son's letter to me: Your respectful Mom that was not doing very well at that time is doing a lot better now. Do not worry. And at the same time, that when my Mom was sick so was my Dad. From the previous Ramadan up 'til then he could not eat or drink anything, but tea. He could not eat any food, so this is something to follow up on. Grandma and Grandpa, they are both doing fine and they are no longer sick.

Presiding Officer: That was from his son?

Detainee: *(holding another letter)* This is from my brother. His name is Mohammad. Look at the way I am being addressed, *(his brother addresses him by the name that he stated his name to be)*. *(holding another letter)* This is from my son. This letter is from my son and also from my brother. When I say that I did not have any relationship with these people or groups: My respectful brother, you didn't have any relationship with any political people. We were hoping that you would get released very, very soon. We do not understand why you're still detained there without a crime. The rest of them *(the letters)* are talking about the same, this political thing, they are addressed to me. Even one of them is from my wife. It has my name on it. It is addressed to me as the name that I am claiming here, so that is all I have.

The linguist began collecting all the letters for submission to the Administrative Review Board.

Presiding Officer: Well only the ones that we read from will we need for evidence, otherwise, you'll have to interpret the others for us.

Detainee: The only thing that I want to show you, is that it is addressed to me and one of them is from my wife.

Presiding Officer: I'm sorry, we'll accept...we'll take them all and then we'll get you *(the linguist)* to translate them later.

Detainee: It is a big shame in our culture to read my wife's letter for you, but now I am in a very tough situation with the letter from my wife. Do you want it as evidence?

Presiding Officer: It's up to him if he wants to present it.

Detainee: Can you respect that?

The linguist confirmed that it would be respected if the Detainee did not want to turn in his wife's letter.

Presiding Officer: It is entirely up to him. He doesn't have to, no.

Detainee begins to whisper to the linguist

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Presiding Officer: Give us a brief description of what he said.

Detainee: Remember when I was telling you (*the linguist*) that I wasn't feeling my kidneys, sir. I need to go to the bathroom.

Presiding Officer: Okay. We can take a brief recess. This Administrative Review Board will now recess so that the Detainee can use the men's room. Designated Military Officer, please note the date and time of this recess.

Designated Military Officer: It is 1351 hours, 01 March 2005.

Presiding Officer reopens the hearing.

Presiding Officer: Please be seated. The Administrative Review Board for Abdul Qawi, is now reconvened. Designated Military Officer please note the current time and date.

Designated Military Officer: It is 1420 hours. Today is 01 March 2005.

Presiding Officer: Abdul, please continue with your letters that you were presenting and then I will have some additional comments.

Detainee: What questions?

Presiding Officer: He was commenting on his letters. If he has anything else he'd like to present or I believe, his AMO said that he had a statement.

Detainee: I have been kept here for the past two, three years now; I have nothing new to say. The only thing that I could tell you is that I have not committed any crime. I am innocent. The rest, I do not know. What else would you like for me to say?

Presiding Officer: Okay. DMO do you have anything?

Designated Military Officer: No sir.

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

Assisting Military Officer: (*directing his statement to the linguist*). Just tell him that if he has anything that he would like to say to the Board, this would be the time to do it.

Detainee: I said that I do not have anything new to say from the last time. (*He directed the following statement to the DMO*). They said that they did not have anything further to accuse me of. Whatever I was accused of, I told them that I knew that I couldn't do anything against it. I am in your power, you can put me in jail, whatever you want to do. I told them before that I do not know any [of] these charges and I am saying the same thing now.

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

Designated Military Officer: No sir.

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

Administrative Review Board members' questions

Q. Abdul, do you know where Abdul Hafiz is today?

A. I would give it...I do not know where he is at. Maybe he's in Afghanistan in his home.

Q. What did Abdul Hafiz do when you worked for him?

A. He was working...he said that he was working for peace.

Q. Did he work for any organization? What did he do to bring about peace? What was he doing?

The linguist translated the question and requested that he be able to ask the same question again because he believed the detainee didn't get the question.

A. I never asked him who he worked for, which group he worked for. He said he worked for bringing peace that is what he was telling me he was doing.

Q. Abdul what did you do as a servant for Abdul Hafiz?

A. I was complaining with the people. Telling the people not to create atrocity and criminal activities against the government. *(He mentioned that he was an example of fighting and they see what happened to him...he lost part of his leg).*

Q. When you talk to the people, where did you talk to the people, in the street, in mosque, or where did you talk to the people about peace?

A. Whatever speech was made, it was made by Hafiz. I did not say anything. He was the one that went to the villages or to the mosque. He was the one to say things.

Q. Do you know how to use a regular cell phone?

A. No, I do not know how a telephone, a satellite telephone works. The only communication system that I had seen before is when the Russians came and just like the soldiers here, the guards here have radios. That's all I have seen before with people communicating with each other. I do not know how to work it.

Q. So he can't work a radiophone either?

A. My house, we do not have a regular telephone. I come from the mountains. I'm a poor guy.

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Q. Do you have any other names besides Abdul? Abdul Qawi?

A. God willing by now, I might even have twenty. Every single room I enter, I get a new name.

Linguist could not decipher what numbers the Detainee was quoting. He believed that the Detainee was referring to his numbers in Afghanistan and numbers he received here.

A.....I was called this and in a different room I was called this...by now, I was called by different numbers.

Q. Was Abdul Hafiz a member of the Taliban?

A. What do I know about him? I do not know if he worked for Taliban or not. He came to me and said he was working for the peace with the people. I said I want to work with him.

The Detainee was fidgeting in his chair and seemed to be uncomfortable.

Q. You seem to be uncomfortable, are they (*handcuffs*) too tight?

A. They are a little bit tight, but it's okay.

Presiding Officer: I have one question, I believed you mentioned that Mr. Hafiz gave you the phone book that was found on you.

Detainee: Phonebook?

Presiding Officer: Phone book, is that correct?

Detainee: Yes.

Presiding Officer: When did he give it to you?

Detainee: That morning when we were coming from Kandahar.

Presiding Officer: From Kandahar to where?

Detainee: A place called Khakraiz. An area called Khakraiz where I was suppose to go there, as I said before because my brother was getting married in that area.

Presiding Officer: Okay, so that morning, he gave you that stuff. Is that the day that you were captured or turned yourself in?

Detainee: Yes, that day I got

Presiding Officer: Thank you.

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Presiding Officer: Assisting Military Officer, do you have any other information that the Detainee wants to present?

Assisting Military Officer: No sir.

Presiding Officer: Abdul, do you wish to present the letters as evidence to the Board?

Detainee: The eight...All the eight letters are testifying to the fact that I said they all are addressed to me and my name is Abdul Qawi. It just says that I was supposed to go to my brother's wedding and not amongst these beast and these people.

Presiding Officer: We have the originals here to give back to you. We've made copies. So we are going to give you back the originals but I must apologize, the one they fed through the machine...and it ate it up. We did our best to tape it back together again, accept....please accept my apologies for that. We should not have tried feeding it through the machine.

The Presiding Officer requested that the original letters be returned to the Detainee.

Presiding Officer: Again, I'm sorry.

The linguist explained how the letter was copied and put back together.

Detainee: That's okay.

The Presiding Officer confirmed that all unclassified information had been presented to the Administrative Review Board and closed the open session of the hearing.

The Presiding Officer began to explain the remaining Administrative Review Board process to the Detainee.

Detainee: You are not deciding here? You are not the judges or is this going somewhere else?

Presiding Officer: We will pass on a recommendation to the Designated Civilian Official.

The Presiding Officer continued to further explain the remaining process of the Administrative Review Board.

Detainee: So that means I am here for another year?

Presiding Officer: No, not necessarily.

The Presiding Officer adjourned the open session.

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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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