

Summary of Administrative Review Board Proceedings for ISN 132

The Administrative Review Board (ARB) 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 (AMO) 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.

The Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The detainee's Administrative Review Board (ARB) interview occurred on 30 September 2005 and lasted thirty minutes. After review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. When the detainee was asked if he wanted to attend the ARB, present a written or oral statement, or have the Assisting Military Officer speak on his behalf he said he would attend the ARB and address statements from the Unclassified Summary of Evidence after it is read. The detainee elected to submit eight photographs of family. The detainee was cooperative and polite throughout the interview. At the time

of the interview a copy of the Arabic translated Unclassified Summary of Evidence was unavailable because it was delivered to the detainee on 1 October 2005 at 0852.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-X, other unclass information) 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 and Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to wait until the entire Unclassified Summary was presented before responding.

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

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.

The Presiding Officer had the Assisting Military Officer submitted documents on behalf of the Detainee marked as Exhibits EC-C1 thru EC-C6.

The Assisting Military Officer read the Detainee Comments from the Enemy Combatant Election Form.

Assisting Military Officer: I plan to go back and live peacefully and help my father with his job. I was not in any organization and I have no intentions to go back and support any organizations. I do not have any hatred for America or any other country. You can ask the soldiers here. I have no hatred for them. I treat them just like my friends.

The Detainee made the following statement:

Detainee: There are some comments that are not true on the Unclassified Summary. On point one, the detainee traveled at the end of summer. You say traveled from Saudi Arabia to Pakistan. The reason was to go find my cousin for surgery and from Pakistan to Afghanistan the intention was to visit, not to fight. On number two, my cousin and I were caught by Taliban fighter[s]. Numbers two and three contradict number four because number four says that I went there just for visit. The doctor was out for a month

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and a half. We went to Pakistan and the doctor was on vacation. They said after a month to a month and a half, the doctor will come back from his vacation. We took advantage of this time to go to any country. The person who was taking care of us in the souk, in the market, he suggested that we go to Afghanistan. We said we would go to Afghanistan for a month and then come back for the surgery. [On] number five, the detainee stayed in Arabic house in Kandahar. That is true because everybody that goes there is afraid of espionage. They have to stay in guesthouse. Number six is true. The Arab house was run by [the] Taliban. The house was for the Arab mudjahedin, but I got [to stay in] it. It was for mudjahedin or for visitors. Concerning the Yemeni citizen, of course when we went there the person that was in charge was asking us where we were from or where did we come from. Also, he asked us [for the] number of our family so [that] he can contact them to confirm what we were saying was true. We didn't expect that all the questioning would happen. Number seven is not true because I was not there. I stayed in Afghanistan and I went back to the border of Pakistan. While at the border the attack on 11 September happened and all the airports in Pakistan were closed. A Pakistani came and told us that any Arab there had to surrender to the Pakistani authorities. When we asked him why, he said they were going to take us back to Afghanistan until things calmed down and then they would send us back for one month. So our return to Afghanistan was not inten [ded] to fight. [Concerning] number eight [and] the place where I was stay[ing]; I stayed there until things calmed down so I could go back. Number nine of course [when] we were in Kandahar every person was obliged to carry a weapon, even in the cities and in the market they were carrying a weapon. When they asked us to surround General Dostum's troops, I gave my weapon [up] and surrounded [them] hoping that I would go back to Saudi Arabia and I gave my weapon [back] on the border. Of course I took my weapon from the same city in Konduz after we went with it to Mazar-e-Sharif.

Presiding Officer: You gave the weapon to Dostum's forces?

Detainee: Yes. Of course when I was there [in Afghanistan] it was a room like this one and they sat down and trained us orally. Of course I didn't have any other place to stay, I was staying there with them. I stayed with them and they were training and I was watching it. My intention going with them was not to train. (Connections/Associations): Number one is true because they taught me where the place to sleep and eat [was], knowledge of the area. Also, the commander, Gharib, introduced himself and explained to us that he was in charge of that place. Number two is correct. I am confused about number three. Does this mean that I am [a] member of al Qaida?

Presiding Officer: That means that a senior al Qaida member has your name on his hard drive as a member of al Qaida.

Detainee: I was in Afghanistan a little bit over three months and what they are saying is not true. How can they have my name on there? When I went to Afghanistan from the first time they questioned me and interrogated [me] and took all my information. [Under the primary factors for release or transfer] letter "a" is true because I told my father that I

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was going with my cousin to assist him with his surgery. My cousin had [a] little briefcase that had all [of] our documents. When we were in the line...we couldn't go back to the line to take that briefcase and we were supposed to deliver [it] to the Northern Alliance. We believe it was delivered to the Americans. It had the paper of the doctors, the hospital, passports, [etc]. Also my case has my passport and everything [in it]. Letter "b" is true, it is the first time I [got] out of Saudi Arabia and I don't have any relatives in the United States. Also, I [have] never met or saw Usama Bin Laden. Letter "c" is correct. I do not have any hatred between [myself] and the United States. Letter "d" everything is true except the part where they forced me to be a fighter. I was not [a] fighter, I never fought and I am not militant. Letter "e" is true. I was only there for three months and I did not fight anybody. I never had any intention to fight.

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:

Board Member: When you first arrived in Afghanistan, how did you get involved with the Taliban?

Detainee: When I arrived we went to [the] place where they rent taxis or taxi station. Of course the driver was surprised to see how elegant we were and he saw me smoking and Arab's don't smoke. Also he asked where we came from. We came here only for visit and [were] trying to find [a] hotel. He told me there was a house for the Arabs and we could go and stay there. He said we should try this place.

Presiding Officer: This was in Pakistan?

Detainee: No, Afghanistan.

Board Member: At some point did someone talk to you about fighting jihad?

Detainee: No, of course. When we were in Pakistan we were going to the market away from [the] hotel, coming from the hotel to the market, we found an Arab guy in the market. Of course there is a way you can distinguish between Arab and Afghan. We asked him about some places like restaurant[s] and other places. He asked us why we were here and why did we come here. We told him why were in Pakistan and he told us that he came from Afghanistan and he had a shotgun in his hand. He came to Pakistan to seek some medical attention. He started talking about Afghanistan and he said we should try to go visit it. My cousin chose to go visit Afghanistan and that was his choice.

Board Member: You said that in Afghanistan everyone carried a weapon?

Detainee: When we were there, they said don't trust Afghan people. They can attack you and take stuff from you. It is like a war over there, you have to carry [a] weapon to defend yourself.

Board Member: Who gave you your weapon?

Detainee: Responsible of the house in Konduz.

Presiding Officer: What do you mean responsible?

Detainee: The manager.

Board Member: Is that the place where you received your training?

Detainee: No, on the line. On the second line I got training.

Board Member: I thought you said earlier that you got the training at the same place where you were living.

Detainee: No, in the second line. It is called Sa'id Center.

Board Member: When you say on the line, was that the Taliban center where you were originally staying.

Detainee: Yes, this center include[d] Arab, Pakistani, Uzbek. I mean different nationalities.

Board Member: What did you do while you were there? Did you do anything with your AK-47? Did you have any kind of work that you had to do?

Detainee: Of course we had [a] sign in the side of the hill and whoever wanted to shoot that sign could shoot it.

Presiding Officer: I don't understand that.

Detainee: In every center there [are] places that you can train. [They] have target practice.

Board Member: How long did you stay there?

Detainee: Approximately a month and a half to two months.

Board Member: Is that all you did was hang out and shoot a sign if you wanted to?

Detainee: We stayed there only for security. There [are] no other places. Everybody that entered Afghanistan [was] there. Everybody who go[es] to Pakistan, [the] Pakistani government captured them and give them to the United States.

Board Member: While you were there at the camp, could you leave whenever you wanted to?

Detainee: Yes.

Board Member: You speak English, right?

Detainee: I can't carry [a] conversation, but with the guards here I can communicate.

Board Member: For a young man you have been in a lot of trouble, haven't you?

Detainee: It wasn't my intention. I did not have the intention to get in trouble, trouble got to me. I don't desire any problems.

Board Member: You're in Pakistan, a man comes to you, with a head wound and he tells you to go visit Afghanistan where he was injured in the head. If that were me, that would be the last place I would go, is some place where someone got a head injury.

Detainee: Not all the regions had fighting going on. The cities were secure. They didn't have any fighting.

Board Member: That is not what you said. You said that when you go there, you have to stay in a safe house because of all the espionage. I want you to be honest.

Detainee: I am honest. I swear to God that I am honest with you. If I fought, I would say it to you because there are some people who left this prison who were fighters.

Board Member: You went there knowing full well you were going to fight.

Detainee: No. I did not go with the intention to fight. I told you why I went.

Board Member: Why would you go on the word of somebody that you didn't know, who was talking to you with shrapnel in his head?

Detainee: He told me [a] story about Afghanistan. He told me that [the] cities is real popular and is close to Pakistan.

Board Member: Why was it you that went with your cousin to Pakistan? Why didn't he take someone closer to him?

Detainee: I was on summer vacation and we didn't have school. I was a companion and there is nothing wrong with that, he is my cousin.

Board Member: Was this the first time that you had ever traveled outside of Saudi Arabia?

Detainee: Yes.

Board Member: Were you scared?

Detainee: Scared of what?

Board Member: The idea of traveling alone to a strange country.

Detainee: The opposite way. I look at [it] like tourists.

Board Member: Did you talk to anybody before you left for Pakistan to ask what it was like?

Detainee: Not at all.

Board Member: You go on a trip to a foreign country, you never left Saudi Arabia before, you didn't go to your friends or people you know and ask what's it like to go to a foreign country, what do I need, what will happen, do I need a passport?

Detainee: I did not go with the intention of going out and drinking to ask those questions. I had the objective of going to the hospital and back to the house. Why should I ask those questions?

Board Member: Where did you lose your passport? Did you lose your passport in Afghanistan or Pakistan?

Detainee: Afghanistan.

Board Member: Did you ever fight?

Detainee: No. I never [fought]. I wasn't in the age of fighting. I left Saudi Arabia and my age was almost 17 years.

Presiding Officer: Not even the Mazar-e-Sharif? You didn't fight there at the Jenki prison?

Detainee: When [at] the castle they sent us down stairs. How am I going to fight? With my fingers? I didn't have [a] weapon. When they took us to the court for second time, when the conflict started, they took us down to the cave where we were. Everybody that was upstairs stayed upstairs. To prove that I wasn't fighting [you can see that] I don't have any scars. I wasn't hurt because I was downstairs. From the first time I got there.

Board Member: When you were in Saudi Arabia before you left, had you ever heard of Usama Bin Laden?

Detainee: Newspaper only, I was watching cartoons mostly. I wasn't in that position to follow Usama Bin Laden.

Board Member: Did you ever think when you were in Pakistan, what did I get into?

Detainee: Pakistan for medical help.

Board Member: Did you ever think why don't we just go home and come back some other time?

Detainee: Go back home? Just to stay for this short period and then go back home, no.

Presiding Officer: How long is your summer vacation in Saudi Arabia?

Detainee: Two months.

Presiding Officer: That is one heck of a summer vacation. Do you see why we don't believe you?

Detainee: When I went to Afghanistan it wasn't in my hands?

Presiding Officer: I believe you went to join the fight when you left Saudi Arabia. I believe that you and your cousin left Saudi Arabia to join the fight right then.

Detainee: There is paper and a prescription for medical treatment.

Presiding Officer: There is also an AK-47 in your hands.

Detainee: I didn't fight.

Presiding Officer: But you had an AK-47 in your hands and you shot that AK-47. If you had the opportunity, would you have fought with the AK-47?

Detainee: My impression wasn't to fight and I [wasn't] to fight and I didn't fight.

Presiding Officer: Where is your cousin now?

Detainee: Of course he was killed when we were leaving.

Presiding Officer: When you were leaving where?

Detainee: Khaja Gar to Konduz.

Presiding Officer: He was killed there by whom?

Detainee: A mine.

Presiding Officer: He stepped on a mine?

Detainee: We were [a] big group and he was all the way at the end.

Presiding Officer: That is when you are trying to get back to Pakistan?

Detainee: Yes. After going to Konduz so we can surround General Dostum.

Presiding Officer: I would believe that you never had an intention to fight if you had never had an AK-47.

Detainee: I swear by God that I did not go there with an intention to fight.

Presiding Officer: Have any of your family members been to Afghanistan?

Detainee: No, never. I have the cell phone number of my father and the number of the house. You are more than welcome to call them and find out why I left.

Presiding Officer: What will you do if we send you back to your home country?

Detainee: I swear [the] first thing [I believe] if a person gets in trouble once he will not get in trouble second time. My intention with the help of God is to go back and live [a] peaceful life and help my father work in his store because I am the oldest son now in the house. One of my brothers is in the Saudi Army and lives out of the house on his own.


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.


Captain, USN
Presiding Officer

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UNCLASSIFIED

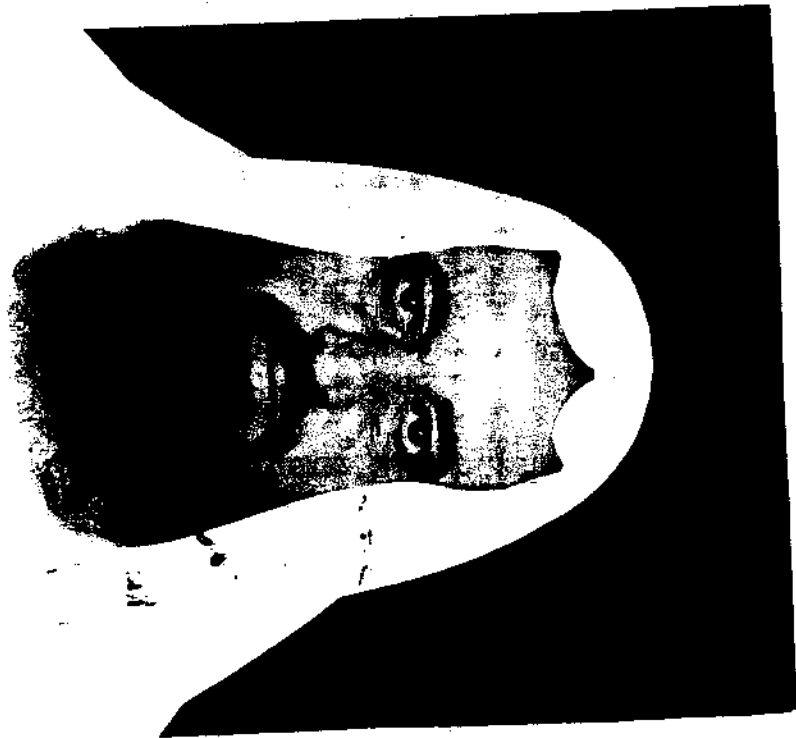
CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY COMBATANT

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Exhibit #	Date	Classification	Guantanamo#/ICRC Letter #
EC-C1	Not Dated	UNCLASSIFIED	N/A
EC-C2	Not Dated	UNCLASSIFIED	N/A
EC-C3	Not Dated	UNCLASSIFIED	N/A
EC-C4	Not Dated	UNCLASSIFIED	N/A
EC-C5	Not Dated	UNCLASSIFIED	N/A
EC-C6	Not Dated	UNCLASSIFIED	N/A

UNCLASSIFIED

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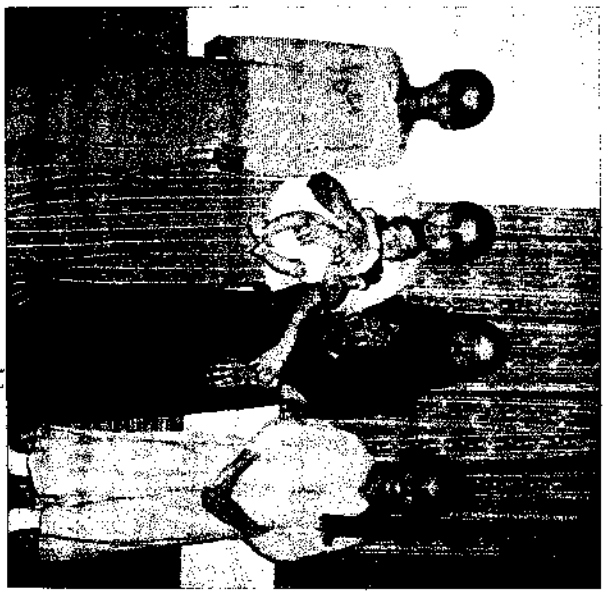
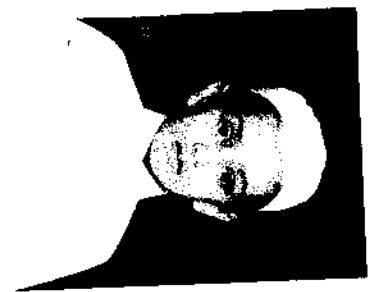
EC-C1

Description: Photograph of detainee's father

Translation: GHAITHAN ACHAHRI

عبدالله بن عبدالمطلب
الدمقي
مستورات
٤٤ الالام
صورتها من كسبيات
للأستاذ
أخو الرسول صلى الله عليه وسلم

عبدالحقير أبو
الاسم عبد السلام
٤٤ الحجير



Handwritten notes in Arabic script, partially obscured and difficult to read.

EC-C2

Description: Photographs of detainee's sisters and brothers

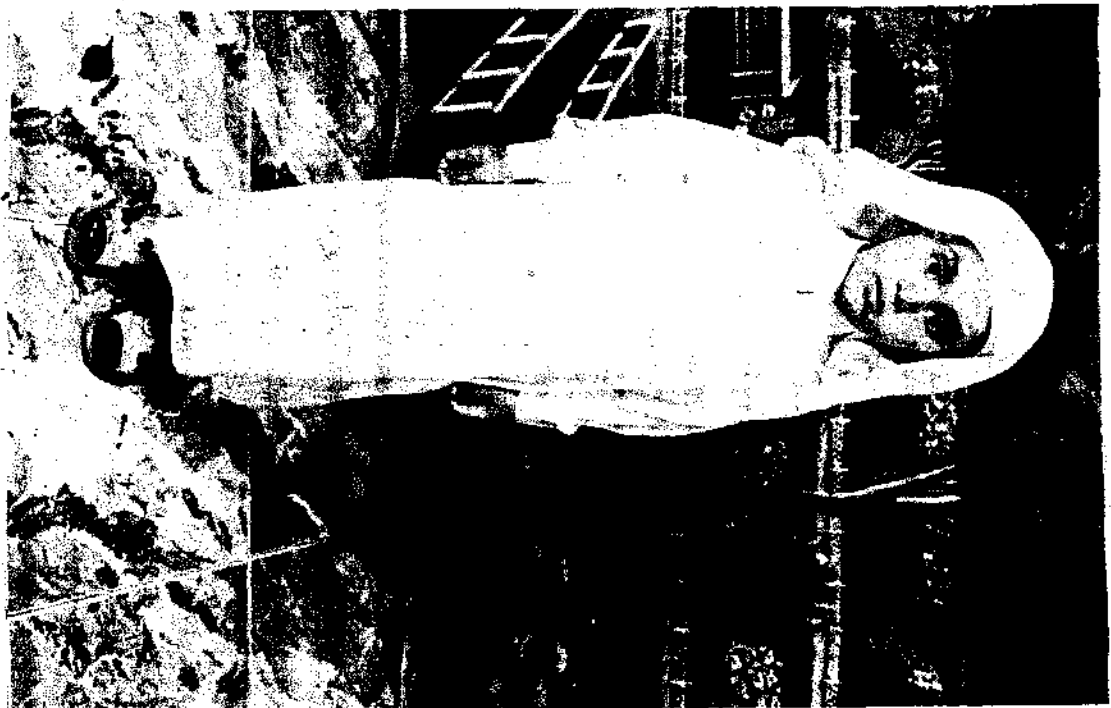
Translation Upper Left: ABDULELAH ACHARI, your brother, 7 years, his picture
when he registered for school

Translation Upper Right: ABDELMOJID brother of ALASSIR ABDESSULAM

Translation Lower: Not legible

ABDUMASSID
BROTHER

QUAN-2005-1-01022



EC-C3

Description: Photograph of detainee's brother

Translation: ABDULELAH ACHAHRI

Shojaa

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EC-C4

Description: Photograph of detainee's nephew

Translation: SHOJAA ACHAHRI, age 9 years

ياسر المشوي
فهد سالم

GROUP OF 4

1310 M L 33

8566



EC-C5

Description: Photograph of detainee and his uncle

Translation: FAHD SALEM, YASSER ALHAHRI



محمدين

سليم

عبدالله

عبدالجبار

سليم

موتسني

فهد بن سليمان

عبدالمجيد

(Brockmans)

F 5000

EC-C6

Description: Photograph of detainee's brothers

Translation: SALEEM, MOHSEN, ABDULELAH, ABDELMOJID