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Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions.

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

The AMO 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 Information to the Administrative Review Board.

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

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: Mr. President, in December of 2004 during my initial interview with the Detainee he stated to me that he desired to address the factors listed on the unclassified summary one by one during this proceeding. He also stated that he did not require any additional assistance from myself in order to prepare for this hearing, therefore I believe he desires to make only an oral statement.

Detainee: Yes, it is true.

Presiding Officer: Ali Said, before we begin, would you like to make your statement under oath?

Detainee: No. I will swear under one condition, [that is] if you let me go home.

Presiding Officer: I can't promise anything. I cannot allow that, no.

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Detainee: Swearing in my belief is something big. I will not swear and that will make me stay longer, detained.

Presiding Officer: You can either take the oath or not.

Detainee: I do not want to. If you let me go, I will swear if not I will not swear.

Presiding Officer: OK, Ali Said, you may begin.

Assisting Military Officer: May I interject one thing, sir?

Presiding Officer: Yes.

Assisting Military Officer: I would just like for the sake of clarity make certain that the Detainee understands that the oath that we would ask him to swear is simply that his answers are truthful.

Detainee: Before I leave I will swear. If you promise me that you will let me go home after we finish.

Presiding Officer: Do you mean go back to where you are being detained or go back to your country?

Detainee: My country.

Presiding Officer: I can't make that promise.

Detainee: I will swear [but] not here. When they are ready to release I will swear [that] whatever I am going to say will be the truth.

Presiding Officer: OK, Ali Said, you may begin your presentation.

The Detainee requests to look at the unclassified summary.

Presiding Officer: Assisting Military Officer, is there a copy for him to look at?

Assisting Military Officer: Yes, sir. The translator has a copy, sir.

The Detainee requests that the translator read the items one-by-one.

Assisting Military Officer: The Detainee is a Taliban fighter.

Detainee: I am not a Taliban fighter. I have never shot one bullet in my life.

Assisting Military Officer: The Detainee participated in military operations against the coalition.

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Detainee: I have never fought the United States or the coalition. I spent all my time in the kitchen or guarding behind (inaudible). I was not in the front line. I was behind that, far away from the fighting.

Assisting Military Officer: Based upon a review of recommendations from U.S. government agencies and classified and unclassified documents this enemy combatant is regarded as a threat to the United States and its allies.

Detainee: On what basis are you accusing me of this?

Presiding Officer: You are considered a threat based on these pieces of information on the unclassified summary.

Detainee: What kind of information to the agencies have?

The Administrative Review Board takes a recess in order to ensure that the Detainee will be given an opportunity to discuss each point on the unclassified summary. The Detainee is explained that the questions read to him earlier were a summary version of the unclassified summary. The Detainee will now be read the detailed sub-questions of the unclassified summary, which were the questions, discussed during his interview.

Assisting Military Officer: The first question is under the heading of "the Detainee is a Taliban fighter." We would like his explanation on "the Detainee admitted he affiliated himself with the Taliban."

Detainee: I went to Afghanistan to look around to see how the people were doing. I have never been in any fights. All the times I spent there I was working in the kitchen or as a guard behind the frontline. I never fought any enemy.

Assisting Military Officer: The Detainee voluntarily traveled from Yemen to Afghanistan in 2001.

Detainee: Yes, it was voluntarily that I went to Afghanistan but I am not sure about the year 2001.

Assisting Military Officer: When the Detainee arrived at Afghanistan he stayed at a house used by Taliban fighters.

Detainee: When I got to Afghanistan I went right away to the kitchen in Bagram. I was not in a house. Then I went behind the front lines in the same place in Bagram.

Assisting Military Officer: Please respond to [the allegation] under the heading regarding his participating in military operations against the coalition, you served on frontlines and as a rear guard in Afghanistan where he carried an AK 47.

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Detainee: I have never been in the frontline. Yes I was a guard in the back. For a short time, I used to have a Kalashnikov. What is 47? I know Kalashnikov but I do not know what you mean by 47.

Presiding Officer: It is a type of rifle.

Detainee: No, I didn't touch a Kalashnikov and I do not know 47. The number 47 doesn't matter to me but how do you know it was a 47?

Presiding Officer: Because that is what I am reading in the unclassified summary. [Did] you carry a rifle?

Detainee: Yes, I had a Kalashnikov for a short time. That doesn't matter, why do you mention 47?

Presiding Officer: OK, we will continue with the next statement.

Assisting Military Officer: Please respond to the statement following the U.S. bombing campaign in Afghanistan, that he fled to the Tora Bora region.

Detainee: Tora Bora was in the way in which I had to go to get to my country. I didn't know the name of Tora Bora. I heard it in the prison.

Assisting Military Officer: Please respond to the statement "Detainee escaped into Pakistan where he was captured by Pakistani guards.

Detainee: I was on my way going back home to my country and Pakistan is the only place [where] they have an embassy. That was where I was going. I wasn't escaping. I wasn't escaping. The way I went to Pakistan was through Tora Bora and the other villages there. The Pakistani guards didn't arrest me. I went to them. When I went to the Pakistani guards I needed help. I asked them for help to let me know where the embassy was.

Assisting Military Officer: Please respond to based upon a review of recommendations from U.S. government agencies, and classified and unclassified documents the Enemy Combatant is regarded as a threat to the United States and its allies.

Detainee: I know myself. I have never been a threat to any country, the United States or any other country.

Assisting Military Officer: Please respond to the Detainee's overall behavior has been generally compliant and non-aggressive; however on 30 July 2004 the Detainee and several others were singing songs that encouraged resistance to the Joint Task Force mission and praised Usama Bin Laden for his actions. On 27 February 2003, the Detainee threw water on the guards.

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Detainee: That is not right. I never sang. You can find out in your way. [You can] ask. I never did it. I don't have the voice to sing or to say anything in a melody. You can ask the people around me, like the guards. I never sang.

Presiding Officer: OK, Ali Said, did you praise Usama Bin Laden for his actions?

Detainee: What Usama Bin Laden did is all against my religion. What he did and his name is bigger than what I know. The only thing I heard [is that] he did something against my religion.

Presiding Officer: OK, and finally, on 27 February 2003 as the assistant military officer mentioned, did you throw water on guards?

Detainee: In all the time I have spent here, I have never been punished. There are degrees and I am in the first degree. I have never had a problem with anybody. If I throw water, the guard would punish me. I never have gotten punished.

Assisting Military Officer: Please respond to the Detainee stated that during his initial interview the Detainee lied about attending a training camp because he was not sure who else had trained at the camp and he did not want to be labeled as a terrorist. He now admits that he attended the training for approximately 40-45 days.

Detainee: Yes I have been to a training center for about 40-45 days. I know I didn't mention it before (about the 45 days) because the Pakistani guards told me and the others that if we mention that you have been in a training camp it is going to be very bad for you. The Pakistani guards also said that I would be in a prison if I just said it. I was scared to say it. When they transferred me here to this camp and I found out I could say what had happened to me, I said it.

Assisting Military Officer: Please respond to the factor favoring your release, which is that the enemy combatant in his own his oral testimony denied knowledge that the Taliban was fighting the United States. He admitted traveling from Yemen to Afghanistan to just visit and to see what was going on with the brothers fighting the Northern Alliance there.

Detainee: That is right, I did not know that the United States and the Taliban were against each other. If I had known that I would never have left my country.

Assisting Military Officer: That concludes the complete unclassified summary statement of this Detainee.

Presiding Officer: Ali Said, is there anything else you would like to say?

Detainee: I want to say something. I wish the United States would speed up and take whatever action it needs for myself. I want to go back. I am still young. I want to my future. I want to finish my school. I want to get married. I want to change the way I am living here in the camp.

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Presiding Officer: Ali Said, does that conclude your statement?

Detainee: I don't have anything more [to say].

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

Assigned Military Officer: No, sir.

Presiding Officer: 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?

Board Members: Yes, sir.

Board Member: In 3.B.3 it says that the Detainee escaped into Pakistan where he was captured by the Pakistan guards, how many days were you in Pakistan when you were captured?

Detainee: I cannot recall [the amount of time]. I cannot remember but it was just days. Maybe [it was] three or four days.

Board Member: So it was soon after you crossed the border?

Detainee: Approximately.

Board Member: You said you went to the Pakistani guards and then they took you into custody?

Detainee: I meant to go and ask for help. To let me know where the embassy was located but they arrested me.

Board Member: In 3.A.3 you reference working in the kitchen. It reads, "When the Detainee arrived in Afghanistan he stayed at a house used by Taliban fighters. You said you went to work in the kitchen. Did you actually live in a kitchen or where were your quarters?"

Detainee: The kitchen belongs to the house.

Board Member: What was your role in the kitchen?

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Detainee: Helping the chef. While you are young and there are a lot of people in the frontlines, they can't take you now. You just help in the kitchen. That is a good thing to cook for our brothers.

Board Member: Did you live with other fighters or did you live with the kitchen staff?

Detainee: In the kitchen I worked, there are three small rooms to worship at. They are like little mosques. When I was done working I went to sleep in one of those rooms. The kitchen was used to cook for the fighters in the front.

Presiding Officer: You stated that you went to Afghanistan to visit to see what was going on. What were you expecting to find?

Detainee: Before I leave or when I leave? When?

Presiding Officer: In the unclassified summary you said you wanted to visit to see what was going on with the brothers fighting the Northern Alliance.

Detainee: In my imagination I thought I was going to see many centers with a lot of guards in them and I would see a lot of Muslims. I would find out how the Muslims were worshipping and what they do.

Presiding Officer: Do you remember the approximate date that you went to Afghanistan?

Detainee: I do not recall.

The Designated Military Officer and the Assigned Military Officer have no other information to present to this Administrative Review Board.

The Presiding Officer reads the post Administrative Board instructions to the Detainee and attempts to adjourn the open session of the Board; the Detainee interrupts stating the following:

Detainee: When will I know the answer?

Presiding Officer: I cannot tell you how long this will take. I do not know.

The Presiding Officer re-adjourned the open session of the Board.

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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.



Captain, USN
Administrative Review Board Presiding Officer

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