

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 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, I believe that the Detainee will eventually want to make some comments regarding the summary of unclassified summary. However, before we ask him that I would like to read the comments I took during the initial notification that are also available on the official Enemy Combatant Election Form. The Detainee provided the following comments in response to information in the Unclassified Summary. The evidence statements say he carried a Rocket Propelled Grenade and was assigned responsibilities for preparing mortars for use as directed by the Cave Commander. And, his being lead out of the Tora Bora region by the leader of the Khalden Training Camp are allegations that he has never heard before and are not true. The evidence statement that he chose to carry a weapon and additional magazines when fleeing Tora Bora is not true. He also said that he was not captured, that he voluntarily surrendered to Pakistani Authorities. He also stated he was legally in Pakistan, had an Entry Visa and was simply returning to his home in Saudi Arabia by the same route he used to enter when he turned himself into the Pakistani Authorities. The only difference was his mode of transportation. He was traveling on foot during his return home instead of in a vehicle. The Detainee denied he ever expressed a desire to kill a Military Guard. That he has spent three years in detention and only want to leave the detention facility and return home. Regarding the allegation that he struck a guard while being unshackled. He stated this incident occurred a year and half ago. He was the one that was struck, which caused his face to bleed and that his finger was fractured during the incident. He stated that the guards hit him first and he was only protecting himself. He also stated sir; if he were released he would never retaliate against Americans or anyone else even if they stuck him first. Would you ask the Detainee if he does desire to make any oral statements to this panel?

Detainee: Yes I do, would like to make a statement.

UNCLASSIFIED//~~FOUO~~

ISN 222
Enclosure (5)
Page 1 of 5
000823

UNCLASSIFIED//~~FOUO~~

The Presiding Officer asks the Detainee if he wishes to make a statement and if so will he take the Muslim oath. The Detainee declines taking the Muslim oath.

Presiding Officer: You may begin and present any information that you would like this board to consider.

Detainee: First of all, all these allegations that are pointed at me, most of it, are not true. How it started, I left my country, which is Saudi Arabia to Afghanistan to visit some of my family. I came in a very legal route. I had my legal papers. I went to Jalalabad for three days only. I never went to Kabul. I did admit that I went from Jalalabad to Tora Bora with the intent that I wanted to go back to Pakistan. I did not really know or was aware that I was going to Tora Bora though all these mountains. I did not know where I was going and that the country I went to was Tora Bora. After the fact I learned that through these mountains this is the route for Tora Bora. I did not know the route or the way through these mountains, but the people I was with they told me or informed me to stay here for now till we find another way to get out. All this information that is stated that I had been through training and to fight, all this information are not true. I have no connection whatsoever with the Taliban or Al-Qaida. I never wanted to be in trouble. I never wanted to make any problems with anybody or with any country. Most of the people that were captured at this time were mistaken, they were captured by mistake, and I believe I am one of them. I was captured by mistake. That is all I have to say.

Presiding Officer: Okay, Thank you. I assume that concluded your statement, is that correct?

Detainee: If that is all you have against me some of the information it is true I said it. Some of the thing I said is true and most of it is wrong.

Presiding Officer: We will ask you some questions later. Did the Assisting Military Officer statement that he read provide the information that you wanted us to hear?

Detainee: Whatever I said he read it. Whatever I said now, I did not share with the Assisting Military Officer.

Presiding Officer: I understand. Assisting Military Officer do you have questions for the Detainee?

Assisting Military Officer: No sir.

Presiding Officer: Designated Military Officer, do you have any questions?

Designated Military Officer: No sir.

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

Board Member: No sir,

Board Member: I have two questions.

UNCLASSIFIED//~~FOUO~~

ISN 222
Enclosure (5)
Page 2 of 5

000824

UNCLASSIFIED//~~FOUO~~

Board Members Questions to the Detainee.

Board Member: You stated that you went into Afghanistan to visit family. Prior to September of 2001, how often had you been back and forth to Afghanistan to visit family?

Detainee: First time I go to Afghanistan.

Board Member: Okay. May I ask who were the relatives you went to visit?

Detainee: I have a lot of relatives in Kardef and Kabul that are related to my Dad and to my Mother.

Presiding Officer: You practiced the Islamic faith, is that correct?

Detainee: Yes.

Presiding Officer: What concerns me in this report is the associations to Al Qaida and the reference to killing Americans. Do you consider yourself an extremist?

Detainee: No, I don't consider myself an extremist.

Presiding Officer: How would you practice your Islamic faith when you return to Saudi Arabia?

Detainee: My country is Afghanistan, but I live in Saudi Arabia. I want to go back to Afghanistan and live ordinary life, normal, simple, get a job. I have no problem with any other part; I just want to lead a normal life. Get work and maintain peace.

Presiding Officer: Okay. Do you have trade or do you have any special training for work?

Detainee: I use to work with my Dad in a restaurant in Saudi Arabia. That is how I have my training.

Presiding Officer: You mentioned you were with a group of people when they went through Tora Bora. Do you know who those people were?

Detainee: I never met them before.

Presiding Officer: So, you just hook up with a group of folks you don't know. And if I understand correctly, you traveled by foot.

Detainee: When I left from Pakistan to Afghanistan, I met one guy, one Arabic guy. He took me to his guesthouse or his house. It was really coincidence meeting with him. This Arabic guy or man, he knew Farsi and when he learned Farsi is my language and I speak it. So, we started talking to each other on the bus, this is how I met him.

Presiding Officer: Why didn't you just go home the same way you came, by car by plane? Why did you decide to return, as you say to go home on foot?

UNCLASSIFIED//~~FOUO~~

ISN 222
Enclosure (5)
Page 3 of 5

000825

UNCLASSIFIED//~~FOUO~~

Detainee: When Jalaid (inaudible) and I was captured by the Northern Alliance. I heard they were killing people, innocent people, so I got scared. I decided to flee anyway or in any means to get to my country, cause they were really going to kill innocent people. That is what I heard from the people.

Presiding Officer: You mean Al Qaida and Taliban were killing innocent people?

Detainee: Northern Alliance. Its normal that when I see people with all these artilleries and armed people like invading a country. It's normal that I get scared and think of a way to flee. Try to think of a way just to leave and escape.

Presiding Officer: Okay. I just have one last question. Is there anything you would like to tell this board on why we should no longer consider you a threat and let you go home? Any last final statement you would like make?

The linguist rephrases the question in order to convey the correct question to the Detainee. The Presiding Officer indicates approval.

Detainee: Because, I am innocent I never ever thought to have any relation with Al Qaida or Taliban. I never had any intentions to kill Americans. I never had any problems with Americans.

Presiding Officer: Thank you.

The Presiding Officer reads the post-Administrative Board instructions to the Detainee and adjourns the open session of the Board. The Detainee requests to ask one last question prior to leaving the room. The Presiding Officer gives approval.

Detainee: Sir, I still have one more question, I need to ask.

Presiding Officer: Go ahead.

Detainee: The Designated Military Officer said he had closed session; he will have a closed session with you. This closed session I won't be here and I wouldn't know about it. How could I defend myself against these closed sessions?

Presiding Officer: This closed session, classified material is presented and I cannot let you see that classified material.

Detainee: This is pertaining to me, to my case.

Presiding Officer: I cannot let you see classified material that has been classified by the United States Government. I cannot allow you to see this.

UNCLASSIFIED//~~FOUO~~

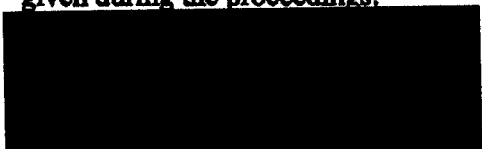
ISN 222
Enclosure (5)
Page 4 of 5

000826

UNCLASSIFIED//~~FOUO~~

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

UNCLASSIFIED//~~FOUO~~

ISN 222
Enclosure (5)
Page 5 of 5

000827