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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 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 Information to the Administrative Review Board. He then provided a brief description of its contents.

The Designated Military Officer confirmed that he had no additional unclassified information to present but requested a closed session to present classified information.

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

Presiding Officer: 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: Yes sir. My understanding is that the Detainee desires to address the board when he is presented that opportunity. I'd like to make some comments also concerning the notes I took during my initial interview. During the initial interview, the Detainee stated he would provide oral explanations regarding the information contained in the Unclassified Summary during this particular hearing. Also sir, when I explained to him my duties and responsibilities as the Assisting Military Officer during my interview, he did not provide me with any explanations, comments, or requested any assistance from myself during that interview session. That concludes my statement sir.

Presiding Officer: Assisting Military Officer, I understand. I will request that you assist the Detainee in his statement by repeating the various portions of the Unclassified Summary for his assistance.

Assisting Military Officer: Very good sir.

Presiding Officer: Abd Al Aziz Muhammad Al Nasir, I understand you wish to make a statement. Is that true?

Detainee: Yes.

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Presiding Officer: Do you want to make your statement 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. It is your choice.

Detainee: I don't have a problem. I came here with the intention of telling the truth so why should I swear? I do not have a problem, if you wish me to swear, I will.

Presiding Officer: We don't require it, it's your choice. I would like to ask the Designated Military Officer to read the Muslim oath for the Detainee's information.

The Designated Military Officer read the Muslim oath for the Detainee's information as instructed.

Detainee: Should I swear?

Presiding Officer: If you would like to use that oath, that would be perfectly fine. It is your choice.

Detainee: In the name of Allah, the most compassionate the most merciful; I swear that what I say before this Administrative Review Board will be the truth. God willing, it will be the truth.

Presiding Officer: Thank you. Abd Al Aziz Muhammad Al Nasir, you may provide any statement you wish for us to consider in this matter.

Detainee: You (the Assisting Military Officer) can say the first point and then I will speak and then the second point and then I will speak and so on.

Assisting Military Officer: Very good.

The Assisting Military Officer read the unclassified summary items identified below in italics.

3.a.1. The Detainee voluntarily traveled from Saudi Arabia to Kabul, Afghanistan immediately following the September 11, 2001 attacks.

Detainee: That is correct. It is exactly true that I did leave Saudi Arabia to Afghanistan after the events. When I saw what happened on the world news and I saw the American bombing in Afghanistan and I saw the refugees, that is what inspired to me to go and travel there.

3.a.2. Detainee traveled to Afghanistan through an indirect route from Saudi Arabia to Syria, Syria to Iran, and then walked across the border from Iran to Afghanistan then on to Kabul, Afghanistan.

Detainee: As far as I know, to my knowledge, there is no way to get from Saudi Arabia to Afghanistan by plane. The only way was the way that was indicated. As far as I know I traveled from Saudi Arabia to Syria on a plane. I left from an international airport and I also went to Iran and to Syria as far as I know they are also known airports or international airports, so where is

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the indirect route? I traveled from Saudi Arabia to Syria, Syria to Iran and as far as I know the airports were all international airports.

3.a.3. Detainee arrived in Kabul, Afghanistan 55 days after September 11, 2001.

Detainee: I don't remember exactly but approximately yes that's true.

3.a.4. Detainee stayed in Kabul, and then after it was attacked by the Northern Alliance fled to Pakistan.

Detainee: It wasn't fleeing. I told the board before this and I told all of the interrogators my exact route. I went from Kabul to Pakistan and I'm the one who turned myself in. I went to the Pakistani police and I turned myself in. This information is present in the files from the previous board and with the interrogators. I told them that I went to Pakistan and I went to the Pakistani police and I told them that I wish to be taken to the Saudi Embassy and they agreed to take me there but then they arrested me.

3.a.5. Detainee fought in Tora Bora.

Detainee: My explanation of the previous points, I have made this point irrelevant. It's not true, I did not fight in Tora Bora.

3.b.1. Detainee admits to working with al Wafa while in Afghanistan.

Detainee: I did not admit that I was working with al Wafa. I was staying with al Wafa. However, when I left Saudi Arabia and I went to Afghanistan, I did not know that I was going to work specifically with al Wafa. I didn't have that plan in my mind. I was going there with the intention of performing charity work but not with any specific organization.

3.b.2. Al Wafa is a known terrorist support organization.

Detainee: Honestly, it is something that is not known to me. It may be known to you; you are the American government and you might have information that I do not have but as far as I'm concerned it's not known to me.

3.b.3. Detainee's name was found on a hard drive file of a known al Qaida operative.

Detainee: I don't know how my name got on that computer file. As far as I know I did not meet anyone from al Qaida. I told the interrogators of all the people I met in Afghanistan. However, when I was in the Pakistani prison, the Pakistani authorities came to the prison and photographed us. They photographed many of us including my brother and maybe they released our names to some member of al Qaida but I don't know how my name ended up on the hard drive.

Assisting Military Officer: That was the complete summary of evidence that are being used favoring continued detention. Do you want to address the summary of information that favor your release or transfer?

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Detainee: Yes

4.a. Detainee's overall behavior has been non-aggressive.

Detainee: This is true. You have that all reported in the file as well that the guards in the cellblock report all kinds of behavior. I don't have any problems with the guards or anything. If I want something from the guards I ask them but there's not any relationship or any kind of talking or going back and forth between me and the guards. The relationship between me and the guards is a relationship of respect. The guard works there and I'm housed here as a Detainee. That's it.

4.a.1. Detainee has only one case of harassment of the guard force. His actions mostly involve failure to comply with the rules of the guard force or the cellblock by performing physical training in his cell and speaking with detainees in other cellblocks.

Detainee: It's true that I had only one piece of harassment and I remember it very well. The fact is that I had one piece of harassment, I was punished for it and I was stopped from doing it again. This is all recorded in the file and my file is clean otherwise. Does it make sense that you would punish me for the same offense twice? You are putting it against me right now. You said that you have one case of harassment against you but I did once and I got punished for it and that's it.

Presiding Officer: I understand.

Assisting Military Officer: Sir, I'd like to also add that I have conferred with the commander of the guard force and for clarification; the rules regarding physical training only apply to martial arts. Therefore, if the Detainee was not conducting martial arts training, he was not in violation of any physical training rules.

Presiding Officer: For the Detainee, I recognize from this document that this was a one time event. It is not really a major factor in continued detention. It is actually listed as a favorable factor for your release, that it was a one time thing.

Detainee: I understand what you are saying and I would also like to point out to you that I am complying with the rules. They brought us a long list of rules and regulations that they even posted on the cellblocks in the back and brought over to Camp 4. One point on the rules and regulations said that you cannot perform any physical activity that pertains to fighting or something like that. I did not perform that kind of physical activity. If they had told me to stop doing any other physical activity I would have done so.

Presiding Officer: On behalf of the detention facility, I do appreciate your cooperation while in detention.

Detainee: You are welcome.

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4.a.2. Detainee doesn't know how his name ended up on a file on a computer hard drive.

Detainee: Correct.

4.a.3. Detainee states he only went Afghanistan for charity work.

Detainee: Correct.

4.a.4. Detainee stated he believed al Wafa was only a charity organization.

Detainee: Correct.

4.a.5. Detainee stated he did not use the alias Abu Khalid.

Detainee: Correct.

4.a.6. Detainee stated he did not know of the turmoil in Afghanistan until after he was there.

Detainee: This is true and I want to speak regarding this point and another point. It is true that when are going somewhere for the first time, you don't know what is going to be happening or what the situation or the circumstances might be. In my case I was going to do charity work but when I got there I saw that it was war, real war; you don't know anyone, it's just a war. When I went to Afghanistan I saw the war first hand and what was happening in front of you. When I saw the reality of war and I saw the bombings and so on, is one of the main reasons that made me go back to Pakistan. I wanted to go back to my country.

4.a.7. Detainee stated he used his own money for the trip to Afghanistan.

Detainee: Correct.

4.a.8. Detainee denies ever being in Tora Bora.

Detainee: Correct.

4.a.9. Detainee admitted he "turned himself in" when he fled Afghanistan and crossed into Pakistan.

Detainee: Correct.

Assisting Military Officer: That concludes the primary factors favoring his release or transfer.

Presiding Officer: Abd Al Aziz Muhammad Al Nasir, does that conclude your statement?

Detainee: No, there is something that I wish to present to you.

Presiding Officer: Please.

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Detainee: The Assisting Military Officer previously informed me that one of the questions that I might be asked was what do you intend to do if you leave here. I would like to present what I would do if I left here. I have been talking with the interrogators and have talked to them previously about what I intend to do if and when I am released from here. The first point is three years here in this place is enough discipline for me. I have learned that I will not undertake any kind of action without looking at its pros, its cons, its consequences. So these three years here have been good for me in a way and they have not been good for me in a way, as I have been here for the past three years. The first thing that I would do when I leave here, God willing, is to fulfill my religious obligations and get married and start a family, God willing. Also, God willing, to take care of my mother; my father has passed away and she doesn't have a male figure in her life, so I would like to take care of my mother, God willing. The interrogators have informed me that the Saudi government has decided or advertised that the Detainees here when they return, the young Detainees will be able to complete their studies. So, if you are high school age you will go to high school and if you are college age you will go to college. I am of college age so I would like to go to college and complete it. If that did not occur for some reason, if I was not able to go to college, I would like to get a job; a lawful job. If that kind of job was not possible then I would like to find another kind job that would be profitable and bring in an income that will support me, my family, and my mother.

Presiding Officer: Thank you for your statement. That was very helpful. Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer: No sir.

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

Designated Military Officer: This is in two parts. Did you approach al Wafa or a member of al Wafa while you were in Saudi Arabia and why did you chose to associate with al Wafa?

Detainee: The first part of the answer is that I did not present myself or introduce myself to any member of al Wafa. I did not know anyone who belonged to al Wafa. Please repeat the second part.

Designated Military Officer: Why did you chose to associate with al Wafa?

Detainee: First of all I was not associated with al Wafa. I did not know of al Wafa and I didn't plan to work with al Wafa. I did not know of them until I went to Kabul. That was the first time that I learned of them. The third point I would like to make and I also made this point to the previous board, is that I never worked with al Wafa. I stayed with them and the extent of my stay was approximately eight days. I only stayed with them until I went to Pakistan.

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

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Administrative Review Board members' questions:

- A. Can you explain how [somebody] might have come up with the alias that is listed in your reply for 4.a.5. where you stated you did not use the alias Abu Khalid? Can you explain or do you have any sort of explanation why somebody might have identified you with that alias?
- A. God only knows that there are a lot of Detainees here and they come from all different areas in the world and a lot people say oh I know this guy by this name or this person by this name. It could have been a mix up. It could have been a mistake in translation. It could have been a mistake in the interrogation. As far as I know, from the moment I was detained in Pakistan, I told them that I never used any alias and that the only name I have ever used is my name Abd Al Aziz Muhammad Al Nasir and that's it. There is a point I would like to address. It has occurred from time to time, the interrogators have informed us that there were some errors in translation always when you speak to a person as opposed to me speaking as the Detainee. The Detainee speaking to you for example as a member of the board and speaking to you directly we would understand each other a lot better and a lot errors and misunderstandings would be fixed. If you have someone who is mediating the discussion like a translator, the translator might relay something to you that is not correct or relay something to the Detainee that is not correct. This is something that has been a problem. This is something that we suffer from and something that the interrogators suffer from. The interrogators have talked to us about this.
- A. From the time that you were captured in Pakistan going back from the time you were arrived in Afghanistan, can you explain where you were as you denied that you were in Tora Bora in your report, can you explain just in general what you did from the time you arrived to the time you were picked up?
- A. Yes, I have no problem doing that. When I went to Afghanistan I went to Kabul. That's where I went in Afghanistan. I stayed with al Wafa for about eight days. After I was there for eight days the events happened that I discussed before in the previous board and the interrogations. Kabul fell and it was just chaos and I didn't want to be there at that time. I wanted to go back to my home country and so I left Kabul and went to Khost and from Khost I went to Pakistan.
- A. During that entire time you never fought?
- A. I was not fighting. I told you this before. I told the interrogators this before. I went there for charity work. I don't know how to make you believe that I was not fighting.
- A. Were you by yourself or were you with other people? Did you have compatriots that were with you?
- A. As I have told the previous board, I was with my brother, my cousin, and another man. We went from Kabul to Khost and then Khost to Pakistan with my brother, my cousin, and the third man was name was Abdullah (ph), who is here.
- A. I understand that you are from Saudi Arabia is that correct? May I ask where you lived and where you grew up in Saudi Arabia?

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A. My childhood was in Mecca. My father was a teacher in Mecca. When my father passed away, we went from Mecca to Riyadh because we had cousins and relatives there and since we were young they could have taken care of us. When we grew up a little we went back Mecca. Then one of my brothers registered for college in Riyadh and so we were obligated to go back to Riyadh because my brother had registered for college so we went there again and that's where we stayed.

A. My condolences for the lost of you father. Am I to understand that your father was lost before you left Saudi Arabia for this journey of yours?

A. My father passed away a very long time ago.

Presiding Officer: Abd Al Aziz Muhammad Al Nasir, do you have any further information you would like to provide us? What you have given us so far has been very helpful.

Detainee: That is all that I have but is there going to be another hearing?

Presiding Officer: That actually will come up in the following instructions. If that doesn't answer it, please ask your question one more time before we conclude.

Detainee: When am I going to get the answer regarding this hearing?

Presiding Officer: I understand that is a common question and unfortunately I don't have an exact date. I would appreciate the Detainee's understanding that we like to be thorough and to take our time in providing a complete review of your case. It could be a matter of months. And as I said before, we do appreciate your cooperation while you are in detention. That only favors your favorable consideration in this matter.

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

The Presiding Officer read the reminder of the Administrative Review Board process to the Detainee and confirmed that the Detainee's question regarding another hearing was answered adequately. The Detainee indicated that it did answer his question and that he had no further questions.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.


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