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Summary of Administrative Review Board Proceedings for ISN 337

The Administrative Review Board (ARB) was called to order.

The Designated Military Officer 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 ARB proceedings.

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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 Designated Military Officer presented the Unclassified Summary of Information, Exhibit DMO-1, DMO-2, the FBI Redaction Memorandum and DMO-3, Executive Order 13224 to the Administrative Review Board.

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

The Designated Military Officer stated that a copy had been previously distributed to the AMO and detainee.

The Designated Military Officer added the following comment:

Designated Military Officer: The statement where the Detainee admitted to being a terrorist, the only reference for the statement is the following statement where it reads 'the Detainee was very frustrated, extremely mad and being sarcastic.' There is no other reference for the statement where he admitted to being a terrorist.

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Detainee: What do you mean?

Designated Military Officer: I think that statement is misleading. I am just trying to clarify for the Board that there is no other reference to the Detainee actually stating [that] he was a terrorist, except during that interview where he was being sarcastic. That's all I have.

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 asked the Detainee if he wishes to make a statement and whether he opts to take an oath (a Muslim oath).

The Detainee declined taking the (Muslim) oath.

The detainee made the following statement:

Detainee: In number A.1, where it says: 'the Detainee traveled from Saudi Arabia to Iran via Syria during the summer of 2001'...I clarified this point to you during the first hearing and I will tell you once again, no one has ever had a hand in my traveling anywhere. My country has permitted me to travel anywhere so this is a normal thing. So you cannot compel me to not travel to any place. I traveled in an official way. A.2, 'Pakistani officials arrested the Detainee late November or early December'...of course this is a normal thing...that the Pakistanis arrested me. I entered in [an] illegal way so this is a natural thing for them to arrest me. What do you have to do with this? This is something between me and the Pakistanis. A.3, regarding harassing the guards...in this camp there are many psychological pressures. We cannot sleep. [We get harassed] during meal times. Sometimes when we are sleeping they use the cleaning chemicals to bother [us]. Some people [have] fainted because it is so strong. Other reasons [are] that I take psychological medications. If you were in my place you would be even more bothered by this. I come from a respectable family so it is normal for a person to become angry. Don't forget that I am a person. B.1, you say that I am associated with a person providing relief; this is not true. I am not associated with this person. I clarified this in the previous hearing and also in the interrogations. I [was] only introduced to this person and [I] do not have any relationship with this person. B.2, 'the same Saudi facilitated the Detainee's illegal entry into Pakistan'...that is correct. But I did not know that it was in an illegal way. B.3, 'The Saudi is a known operative for al Wafa'...you say that it is known but who it is known [by] so I can clarify this picture for you. If it is known to you, you are saying it is known to us...it is not known to me. You say this person is known. Did you distribute this person's picture on the radio or TV? So, if you are saying

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this person is known to you...he is not known to me. B.4, 'blocks property and prohibits transactions and designates al Wafa as a global terrorist entity'...of course this is something that...blocks property and prohibits transactions...I did not pay anything or supply anything. If you know this person you should deal with him for making payments or [making] transactions in an illegal way. Because, for example, if this person does something wrong then this person cannot be held accountable for it...the first person has to take responsibility for his own actions. The second part of that same point...four...if al Wafa is designated as a global terrorist entity, what do I have to do with this? I don't have any connection to al Wafa. I've never heard of this name before I came here. Also, they never asked me in the interrogations about this 'al Wafa.' Because of that, don't tie me to al Wafa. If that person has anything to do with al Wafa, that is his business. Did I tell you that I know al Wafa or that I went with this person to al Wafa? So, because of that do not associate me with al Wafa. C, Intent...'the Detainee admitted to being a terrorist'...yes, I said that because of pressure and also I told you that I take medication for psychological reasons so I was always thinking of my family and so on and I was bothered. I am a person who is very volatile. If I said that I was a terrorist it is because they would take me during the day, during that night [and] put me in a room and tell me to say that I [was] a terrorist. They would take me for long hours, under pressure, swearing against my family. They talked about my family in ways that were not good. So I told them [that] if they would like me to say that I [was] a terrorist, and this is not true, then I will say that I am a terrorist but this is not true. Paragraph 4, number A...it is true when I said that I was a terrorist I threw my hands up. I was very angry. It is a natural thing seeing as how there were pressures like I told you. Paragraph 4 number B...'the Detainee denied having any knowledge of the attacks in the United States'...that is true. I did not have any knowledge. And do you think in your mind that people who did something like this would just tell other people? This is not like stealing chocolate. You saw, this was an operation; which was not normal. So for that reason it is true...I did not know anything. And also I denied knowledge of any rumors or future attacks, yes, this is true. I do not know anything. Bring me any proof that might say that I know something about this and I'm sure that you cannot bring any proof because I know myself and because I really do not know anything. Paragraph 4, C; 'Representatives of a foreign government believe that the Detainee has low intelligence or law enforcement value and is unlikely to pose a terrorist threat to the United States or it's interests'...this is something that is true. I don't have any problems with you or with any person in the world. I also do not have any problems in my country. I think that my government has come here twice and they have provided you with information that I do not have any problems whether it is in my country or in any other place...whether it is with my government or with any other government. I think that is everything. Thank you for listening.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

The AMO had no further questions for the Detainee.

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The DMO had the following questions for the Detainee.

Designated Military Officer: In your own words, should we consider you to be a threat or not a threat against the United States and its allies?

Detainee: In a natural way...in a truthful way...I do not pose a threat and there is nothing that shows that I pose a threat. Why would I pose a threat against you? I don't have any problems against you or with any person. Even my presence here...you did not bring me here. The Pakistanis brought me here so this is their mistake.

Designated Military Officer: If you are released where would you go and what would you do for employment?

Detainee: Naturally, I would return to my country and spend my life with my family. I would like to start a family. Of course, get married and start a family and help my father in his work. Just live my life normally.

Designated Military Officer: Have you had jobs in the past or training that would enable you to go and get a job?

Detainee: No, I was studying.

Administrative Review Board Member's questions:

Board Member: Would you describe your trip from Iran to Pakistan? What was the route and how long did it take to get from Iran to Pakistan?

Detainee: Of course, previously and many times before...four years...same questions. I clarified to you several times before what I [had] found on the road...what happened to me on the road. Secondly, this is not an interrogation session. Most importantly, there is nothing about this question here that would make me [answer] you. I am willing to tell you but there is nothing here that would cause me to talk to you about this issue.

Board Member: The members of this board have not reviewed all the information. I would like for you to answer that question so I can give an impartial view.

Detainee: This is not my responsibility. I don't think that a board like this that is going to make a final decision does not know anything about me. That is not true. You wish to make a decision on me without knowing...you don't know anything about me? So...under what law is this?

Board Member: Information that we have read we would like to hear from you...so we can make a decision.

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Detainee: You asked it before and I answered it and I will not answer it [again]. Anything that is here, I will talk about. So...I will go to the interrogations...it's better...talk to them about the story.

Presiding Officer: You are [saying] that we have asked this question before. We have not asked these questions before. If you prefer not to answer the questions we are asking, how do you expect us to make a determination on this board?

Detainee: You are all one. I did not tell you particularly that you asked me this question before. I am not willing to sit here for four years and everyday say the same story. Lets not make it a hearing...lets just make it an interrogation session. We will start the story from the beginning with the details and everything. I have no problem with that. I'll give you the story down to the seconds but I do not think that this is an interrogation session. I'll tell you once again, anything that is written here, I am prepared to answer. Other than that, I apologize.

Designated Military Officer: Sir, I think it might benefit if you (the Presiding Officer) told him [that] the folks that he told that information to, which are interrogators, are not the ones who are going to make a recommendation.

Presiding Officer: I know. That is where I am heading.

Detainee: It does not concern me. Why did you not read my file? How can you try me and not read my file in detail? For example, in the previous hearing you told me that I had traveled from Saudi Arabia to Iran to Syria, so I asked the Personal Representative; 'Did you read my file in detail?' He said, 'Yes!' So I asked him 'How did you read my file in detail and these words are not true?' So what do you call this? Is it ignorance or playing games? For that reason I will not answer any questions outside of this.

Presiding Officer: First of all, this is not a trial. This is an Administrative Review Board. We have read your record. Now you are here in front of us for us to ask you questions so we can ascertain and make a determination at the end of this board. If you do not wish to cooperate it is your choice.

Detainee: This is not because of cooperation or not cooperation. That is just to hear words that are here. All that I have is this.

Board Member: You traveled to Pakistan to help out refugees. Why didn't you choose to stay in Saudi Arabia and donate funds to the right charitable organizations?

Detainee: First of all, a minute ago you said that you had read my file, so who told you that I went to give the refugees money. If you had read my file you would not have asked me this question because I did not go to Pakistan to give anybody any money. If you would read my file honestly without games so that you can prepare the correct question. That is why I did not wish to answer your question because I knew that you did not read my file.

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Board Member: One of the things you can do to show that you are not a threat to the United States, [since] you told us you were not a threat to the United States, is to provide some information. You said that someone helped you enter Pakistan illegally. Yes?

Detainee: Yes, but I did not know that it was an illegal way.

Board Member: OK, I believe that. Could you tell us who this person is?

Detainee: I told you, you have the name.

Board Member: Did we read it today?

Detainee: No. It's in the file

Board Member: I don't have it in here. Do you know his name?

Detainee: I know the name, yes. So then, why did you not read my file to gather all the necessary information? Just tell me, did you come here to really listen to me and to get information or is this a game? If this is a game, tell me and I'll be quiet and I'll go. Do what you want and say anything [that] you wish but don't bring me here and ask me a question just to say some words.

Board Member: It is a way to determine if what you say is true, that you are not a threat to the United States but you are not willing to help bring these people to justice or find out who they are. How do we know you are not hiding something?

Detainee: So you said, according to your words, how do I help you find these people? It appears to me now that you are interrogating me and also you said, 'if you would like to help us'...I said his name. You know it. [I said] the whole story in boring detail so how can you say that I don't want to help you and you have all the information? Are you bringing questions from the air or what?

Board Member: We are checking truthfulness.

Detainee: Read my file. Read it well and then talk to me about my honesty. Leave my honesty to the side right now.

Board Member: No, your honesty is right up front. It is on display. Your honesty is being assessed.

Detainee: How can you ask me about my honesty when you don't know anything about me? Are you a magician? You said you have not read my files so how will you believe me if I tell you this persons name and so and so? Are you a magician...if I tell you the name then you'll know that is the name?

Board Member: You'll have to trust me.

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Detainee: I am not talking to you about trust. I'm telling you...if I tell you the name of this person, are you going to know if that is truly the name of that person or not? If you haven't read anything about me how do you know if that is true or not true?

Presiding Officer: We are going to see if we can trust you.

Detainee: As my special request, read my file well and then ask me any question and I will answer [them]. But don't ask me about something that you don't know.

Presiding Officer: Did you understand at the beginning of this board what this process meant?

Detainee: Yes.

Presiding Officer: You do? Do you know what information we are here to gather?

Detainee: No.

Presiding Officer: You acknowledged that you understood earlier...

Detainee: I understood but I don't know what information you want. I thought that you needed this information and I was going to answer it and that is what he told me, this person (*pointing to the Assisting Military Officer*) and that is what I thought. He talked to me only about these things.

Presiding Officer: The questions that are being asked are asked from the Unclassified Summary but you are choosing not to respond to any of them.

Detainee: How can I answer him when he hasn't read anything about me? He doesn't know anything about me. He doesn't know everything about me. How can I answer? Yes, I will answer him but if doesn't know everything about me then I won't answer him.

Presiding Officer: We are asking [for] information from the Unclassified Summary that you have in your hand.

Detainee: I don't have anything except the answers that are here that I told you.

Presiding Officer: And questions we choose to ask you personally after seeing your behavior.

Detainee: I don't have any answers except for these answer except in one case if you read my file very well, in detail then I am willing to answer other than that I cannot.

Presiding Officer: I've read your file enough to gather the information I needed to ask you the questions I am asking you so if you prefer not to respond that is also your choice.

Detainee: Did you read it or did everyone read it?

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Presiding Officer: Will that help you with your decision?

Detainee: Yes.

Presiding Officer: Everyone read what [was] provided to us.

Detainee: I don't want "provided to you," did you read my file in detail or just specific points?

Presiding Officer: Maybe it would help if you knew that everything you said in an interrogation board [or at] the previous proceeding isn't always in the file.

Detainee: That does not concern me but I am asking you if you read my file in detail or just specific points? Why aren't you answering?

Presiding Officer: I read your file and the questions that I asked you, I asked you because that information was not in your file so if you choose not to answer my questions, I don't know how to fill those information gaps with.

Detainee: First of all, this is not true. If you say that you read my file and this information was not there that is not true. I said my story many times...four years...and I was always saying this story. Now you are telling that this information is not there? Not true. Everything is there.

Presiding Officer: [This is] something from your files. You have harassed the guards while [you've been] here. You have committed hostile acts while [you've been] here. Is there a reason for your failure to follow the rules?

Detainee: Yes, I told you a little while ago.

Presiding Officer: You also told us that you are a very volatile individual.

Detainee: Yes.

Presiding Officer: OK, so I could consider that the reason why you harassed the guards.

Detainee: Yes, it's true. I told you before that I am facing many psychological pressures. Maybe if you were in my place you could've done even more than that.

Presiding Officer: I am not in your place.

Detainee: If you were. I did not say you were.

Presiding Officer: I know what you said.

The Presiding Officer reads the post-Administrative Board instructions to the Detainee and adjourned the open session of the Board.

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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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