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Summary of Administrative Review Board Proceedings for ISN 344

The Administrative Review Board 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 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 Evidence, Exhibit DMO-1, the FBI Redaction Certification, Exhibit DMO-2 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 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.

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

The Assisting Military Officer made a statement on the Detainee's behalf. The Detainee concurred.

Assisting Military Officer: The Detainee's initial Administrative Review Board interview occurred on 01 Jul 2005 and lasted 90 minutes. After a review of the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he did not want to attend the Administrative Review Board, however he wanted the Assisting Military Officer to read his response to the Unclassified Summary of Evidence. When asked why he didn't want to attend the Administrative Review Board the Detainee stated, "Because I attended the first hearing (referring to the CSRT). I presented with all honesty and I took the oath. The oath carries a lot of weight with us and they did not take this into consideration, and even after all this effort they still classified me as an Enemy Combatant. So attending the second is like attending the first, it will do no good." The Detainee was provided an Arabic translation of the Unclassified Summary to help with his presentation. The follow-up interview occurred on 05 Jul 2005 and lasted 65 minutes. During this interview the linguist read back to the Detainee his response to the Unclassified Summary of Evidence to verify the response was accurate. The Detainee, however, indicated that he wanted to attend the ARB, but didn't want to talk except to provide additional [comments]. The Detainee was polite and cooperative during both interviews. The Detainee provided the following comments in response to information in the Unclassified Summary of Evidence. In response to the statement that the Detainee indicated that he had heard from a variety of media sources that there was a massive Afghan refugee problem on the Iranian border. He wanted to go help out; the Detainee stated that this was true. It was an individual effort and not in cooperation with any other organization. In response to the statement that on 29 Sept 2001, the Detainee traveled from his home in Saudi Arabia via Jordan, Syria, Iraq, and Iran; finally arriving in Afghanistan on 03 Oct 2001, the Detainee stated, "I didn't pass through Iraq. I clarified this during the first hearing. My route was from Saudi Arabia through Jordan then Syria then Iran then Afghanistan. The intention when I left Saudi Arabia was not to go to Afghanistan; it was only to help the Afghan refugees who had crossed the border into Iran. Also, we left Saudi Arabia on the 7th month (7-12 1422)." In response to the statement that the Detainee traveled with two associates from Saudi Arabia, the Detainee stated that this was correct. In response to the statement that the Detainee and both of his traveling companions, Al Nur and Wasim, traveled to carry out charity work in conjunction with a Saudi charity, al-Ighatha al-Khairia, the Detainee stated, "They mentioned that I worked with al-Ighatha that is not correct. Speaking for myself, I don't belong to any organization or any charity organization. I clarified this during the first hearing and previous interrogations. Regarding Wasim, he does not work with any al-Ighatha, he does charity work with al-Haramain organization in charge of helping orphans outside Saudi Arabia, and he also works in cooperation with them inside the city of Skaka Aljawf. The most important point I want to clarify is I didn't work officially as an employee in that organization, I

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just worked in cooperation with them. Regarding Al Nur, he cooperated with Hay'at al-Ighatha. He also cooperated with them without being an official employee. I would like to clarify that our travel outside Saudi Arabia was not related to any organization, but was personal charity work to receive credit from God."

(The Detainee interrupts with the following question)

Detainee: May I comment on this point?

Presiding Officer: Certainly.

Detainee: At the point where I said, "the most important point I wish to clarify is I didn't work as an official employee", it should be he didn't work as an official employee so I am speaking about Wasim. I said in the first part of the point that I am not a part of any organization and I do not work with any organization. So the other sentence pertains to Wasim.

Presiding Officer: Assisting Military Officer do you copy what the Detainee is saying?

Assisting Military Officer: I got a portion of that sir.

Presiding Officer: If need be, you and the linguist work it out so that you capture it, then we can re-type that section to reflect what he (the Detainee) is telling us.

Assisting Military Officer: OK, sir.

The Assisting Military Officer continues with Detainee's response.

In response to the statement that al-Ighatha is a large Saudi NGO with field offices worldwide, many of which are staffed by or support terrorists or mujahidin. The NGO is linked to many al Qaida and other extremist NGOs, the Detainee stated, "I don't know anything about this organization. But if it is in Saudi Arabia it's not a terrorist organization, because the Saudi government does not tolerate or support terrorism." In response to the statement that Al Nur was on a list of al Qaida mujahidin and their al Qaida trust accounts recovered from various computer media seized during raids against al Qaida associated safe houses, the Detainee stated, it is not true that Al Nur is on a list of al Qaida mujahidin. He is a supervisor in the department of education in Aljawf. So he is an educational man. And he does not have anything to do with terrorism or terrorist. All of the things I have mentioned about Al Nur I have written down and presented at the first hearing. It's in writing. In response to that statement that the Saudi government designated Al Nur as a priority target and list him on the "watch and arrest list" for travel to Afghanistan, the Detainee stated, I don't think that the Saudi government designated Al Nur as a target for watch, because of his travel to Afghanistan because the Saudi government recognized the Afghanistan government and did not prevent travel to Afghanistan and there is nothing on our passport that indicates that. In response to the statement that the Detainee can only account for 30 days in Afghanistan,

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even though his passport says he entered Afghanistan on 03 Oct 2001 and he was captured on 15 Dec 2001, the Detainee stated, "I left my house on 7-12 1422 (30 Sept 2001) and I was arrested by the Pakistanis by the end of the month 8 (Nov 2001). I cannot specifically state the date, but it was at the end of the month, the same year 1422. Where as the specified difference is not correct and I deny it completely, the actual difference between the time I left Saudi Arabia and the time I was arrested by the Pakistanis is much less than the difference mentioned in this point. As for the difference in time between my entry into Afghanistan and my arrest it does not exceed 1 month and 10 days approximately. So this three-months difference is not correct. My passport is stamped by Saudi Arabia. I don't know if the Pakistanis stamped it when they took it, but if they stamped it, it would show the exact date." In response to the statement that the Detainee has no idea why his passport is incorrect and the Detainee has two brothers-in-law that work at the Skaka passport office. The Detainee stated my passport was correct. There is no mistake on it and I took it from the passport office at the city of Aljawf and the Saudi government is very precise about issuing passports. There is no inconsistency on the part of the employees at the passport office. I left with my passport in an official manner from the Saudi border, so my passport is correct. He also stated the Saudi delegation said to us when they came here that our passports were here and they were correct and they had no mistakes in them. I am confident that there is no mistake on it. It's true that I have two of my wife's brothers working in the passport office, but they work for the Saudi government and they don't work for me. They were new employees who worked under supervisors and they had just recently graduated from the institute at the time I got my passport. In response to the statement that the Detainee acknowledges that he was arrested in 1994 in the city of Kassin. The Detainee says he never heard of case 117 or that the Saudi government is interested in him, the Detainee stated, "I was arrested in the city of Kassin, but I don't remember the year, so I don't want to speculate about the year. I don't want to speak about the date because I can't remember exactly when that was. I was arrested because of doubt or suspicion because I was not from that area. I was detained for approximately 1 month and nothing was proven against me. I was released with innocence. I returned to my family and my work. No harm came out of this detention. But as for the mentioned case 117, I have not heard of this and I don't know anything about it. In response to the statement that the Detainee is on a foreign government service's list of Saudi detainees whom they designated as being high priority and the Detainee was put on the watch and arrest ministerial order on 29 Oct 2001, the Detainee stated, "this is not correct, what ministerial order is this? Who ever wrote this it's not true. The Detainee stated "I am a normal person; I work in education in Aljawf". In response to the statement that Pakistani forces captured the Detainee when he attempted to cross the border from Afghanistan the Detainee stated that this is true, during the interview the Detainee said, "I was arrested as I was presenting my passport to the Pakistanis at an official border crossing station. I did not try to enter Pakistan unofficially." In response to the statement that the Detainee advised he conducted his charitable works without the assistance of organization because he would receive more credit as a Muslim for doing so, the Detainee stated this was correct. In response to the statement that the Detainee stated that he does not have negative feelings toward the United States or any European country, and does not consider them an enemy. He

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continued to state he has never been involved with any terrorist organization, and did not give money to any terrorist organizations, the Detainee stated this was correct. The Detainee [also] stated, "I wish for you to reconsider and re-look into these allegations. It is all not true, except for what I mentioned in the interrogations and except for what I have admitted to. I wish for you to place me in my correct place. I am a simple person, I worked as a head master in a school and I am responsible for a family. My family and my work are my life. As for these allegations they do not have any presence in my life. I have spent more than 17 years in education before I was arrested. Education and educators do not have anything to do with terrorism or terrorist, their work is in building, constructing and reform. I have never held a weapon in my life and I don't like bloodshed...to have been classified as an Enemy Combatant. I was never a hostile person at anytime or kept in my heart any hostility towards any person. I love people and like for them to live their life in peace and if there were any problems, I prefer to solve them in a peaceful way. My religion does not condone killing innocent people and neither do I. I wish to return to my job to plant in the minds and hearts of my students love for all people. I also wish to return to my family to live the rest of my life with them, and make up for this separation that was not expected. I hope this time the result is not as painful as it was in the first hearing.

Presiding Officer: Thank you.

The Presiding Officer asked the Detainee if he wishes to make a statement under oath. (Muslim oath offered).

The Detainee declined taking the (Muslim) oath.

Detainee: I only wish that you [would take] these answers into consideration and with importance. I hope that this time the result is happy and positive and not bad and painful like it was in the past. Also, I wish for you to consider the issue about [me] being an enemy combatant from the first hearing because I am sure of myself that I am not a combatant and I don't know weapons or have carried any weapons. Also as I have mentioned I do not like bloodshed and I do not hold any hostilities toward any person or any country. Educators in the United States do not hold any hostilities toward other people, but they hold love and respect in their hearts. The same thing goes for educators in Saudi Arabia.

Presiding Officer: Thank you Rashid. Does that conclude your statement?

Detainee: Yes.

The Assisting Military Officer had no further questions for the Detainee.

The Designated Military Officer had the following questions for the Detainee.

Designated Military Officer: What subjects did you teach in Saudi Arabia?

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Detainee: Because this is the first question I will answer this question, but I came here and was willing to attend, but I do not wish to answer any other questions. I taught History and Geography.

Administrative Review Board Member's questions:

Board Member: I know you don't want to answer any more questions, but I would still like to ask you a few questions. Where did you do charity work in Afghanistan?

Detainee: I stated that I do not wish to answer any questions and the answer to your question is present in all of the previous interrogations that I went through.

Board Member: Did the Pakistanis indicate any problem with your passport when you presented your passport to them when you were arrested?

Detainee: You are putting me in a very embarrassing situation now because I said that I do not wish to answer any questions and you are still asking me questions.

Board Member: So, you don't want to answer that question?

Detainee: No, and this is what I had indicated to my Assisting Military Officer.

Presiding Officer: Rashid, the board would like to try and clarify some things and that's the reason we will ask you the questions. You do not have to answer them if you do not want to. We can't compel you to answer the questions, but it's our job to try and ask you things that may clear up things that have been presented to us. That is the reason for us to ask them even though you said you don't want to answer any more questions...if we ask a question that you may feel that you could clear something up by answering it then that is why we are going to ask anyway. We respect your right to decline to answer though.

Board member: Will you answer a few more questions please? We would like to ask a few more questions.

Detainee: Please excuse me.

Presiding Officer: I think that is a no.

Board Member: I am going to ask my questions anyway so that they are on the record.

Detainee: OK.

Board Member: Why did you return through Pakistan instead of going back through Iran the way you came into Afghanistan?

Detainee: Because the Iranians closed the borders in our faces.

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Board Member: Did you have to take a leave of absence to go on this trip to Afghanistan from your school teaching?

Detainee: Yes.

Board Member: How long did you take the leave of absence?

Detainee: Approximately 3 months. This 3-month leave of absence that I took was not all for the charity work that I was going to do. The charity work was only going to take a short time. I was just going to distribute the materials and leave. The rest of the vacation was because I needed a break from teaching. I had been teaching for 17 years and teaching in Saudi Arabia makes you tired.

Board Member: It is tiring in the U.S. also.

Presiding Officer: We are glad you changed your mind and decided to attend the ARB although your statement said it would not do you any good, we feel that when you answer some of our questions it clarifies some gaps that we are not able to fill.

Detainee: The important thing...what matters is the result.

Presiding Officer: I agree. Rashid, you said you would receive more credit as a Muslim for conducting the charity work by doing the charity work yourself, personally.

Detainee: True.

Presiding Officer: Have you done that in the past over the 17 years that you were teaching? How many other times did you go to another country where charity work was needed to assist?

Detainee: I used to do charity work with the needy inside my city, but this time we had heard about the situation with the refugees and there was another purpose to our trip and which was to get our teeth fixed in Syria. So, we said we would do both of them at the same time in one trip.

Presiding Officer: You want to be reunited with your job and your family; do you see yourself doing this type of charity work by going outside of Saudi should you be returned?

Detainee: Never.

Presiding Officer: Thank you.

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.

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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.


/Colonel, USMC
Presiding Officer

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