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Summary of Administrative Review Board Proceedings for ISN 345

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

The Detainee accepted taking the (Muslim) oath.

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 Assisting Military Officer read the AMO Comments from the Enemy Combatant Election Form, Exhibit EC-B.

Assisting Military Officer: The Detainee's Administrative Review Board interview occurred on 12 August 2005 and lasted 40 minutes. After a review of the Administrative Review Board's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the Detainee. When the Detainee was asked if he wanted to attend the Administrative Review Board, present a written or oral statement, or have the Assisting Military Officer speak on his behalf, the Detainee stated, "I will attend and speak to the board." When asked how he wanted to address the allegations or statements, the Detainee indicated that he wanted to wait until the entire Unclassified Summary is presented to respond. The Detainee was given a copy of the English and translated Unclassified Summary of Evidence for his record. The Detainee was polite and

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cooperative during the interview. The Detainee elected not to submit written comments regarding the Unclassified Summary of Evidence.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2, other unclassified information 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 Presiding Officer noted from the Enemy Combatant Election Form that the detainee wanted to wait until the entire Unclassified Summary was presented before responding.

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.

Designated Military Officer: The Detainee worked as an executive secretary for Abdul Al-Latif Al-Imran, general manager for the Union Beverage Company (UBC). The Union Beverage Company has been associated with Bosnian/Chechen mujahid. The Detainee traveled to Azerbaijan at least eight times to courier money to the Al-Haramayn non-governmental organization (NGO) on behalf of his boss, Abd Al-Latif Omran. Al-Haramayn has been designated under Executive Order 13224 as an organization that has provided support to terrorist organizations. During the winter of 1997, the Detainee delivered \$7,000 USD to Al-Haramayn. During the winter of 1998, the Detainee delivered \$13,000 USD to Al-Haramayn. During the summer of 1999, the Detainee visited Al-Haramayn's summer camp, and delivered \$13,000 USD to Al-Haramayn. During November 1999, the Detainee delivered \$12,000 USD to Mumin Al-Barguoni for a new factory in Azerbaijan; he also delivered \$100,000 USD to Jamal, the Director of Al-Haramayn. The Detainee was detained in Azerbaijan for the transport of \$220,000 USD. The money was destined for Chechen rebels and not for humanitarian support as the Detainee was told. After serving as the Al-Haramayn Director in Baku, Azerbaijan from 1997 to January 2000, Jiman Mohammed Alawi Al Muraai, aka Abu Wafa, took a job operating the Wafa offices in Karachi, Pakistan. Al-Wafa has been designated under Executive Order 13224 as an organization that has provided support to terrorist organizations. While working at the Union Beverage Company, the Detainee met Mamdouh Mahmoud Salem. Mamdouh Mahmoud Salem Abu Hajir was arrested in Germany in September 1998 and extradited to the United States. He was a senior al Qaeda lieutenant and Bin Laden's deputy in Sudan. The Detainee founded a company on 20 May 1999 in Azerbaijan named "SAMICO Services." SAMICO documents were found during a raid of locations occupied by suspected extremists affiliated with Muhammad Rabi'a Abdul Halim Sha'ib (an Egyptian extremist). To register a company in Azerbaijan, authorities required that a registree have a registered business in another country. Because the Detainee did not have a registered company elsewhere, he used

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falsified documents to register his company. According to the Detainee, the falsified documents showed him as a co-owner of Rumat International. According to a Foreign Government Service, the Detainee and Mamduh Muhammad Salim Ahmad, aka Abu Mu'izz, are both affiliated with Rumat International. Ahmed was subsequently arrested on suspicion of participating in the bombings of the U.S. embassies in Nairobi, Kenya and Dar Es Salaam, Tanzania. While in Azerbaijan, the Detainee came into contact with Ashraf, who ran the juice distribution business for the Union Beverage Company in Azerbaijan. Between 1994-1998, Ashraf Abdulrahim Ayub worked for the Kuwaiti Revival of Islamic Heritage Society (RIHS), a non-governmental organization. The Revival of Islamic Heritage Society (RIHS) has been identified under Executive Order 13224 as a terrorist affiliated organization. As of late March 2003, a foreign government was investigating Ashraf for possible ties to terrorism. On 4 January 2000, the Detainee attempted to reenter Azerbaijan, but was detained and then deported from the country. The deportation was due to his alleged activities supporting Chechen rebels. In March or April 2000, the Detainee left the Union Beverage Company and went to work for Al-Jazeera in Doha, Qatar. The Detainee was hired to go to Chechnya to do a story. Around this time, the Detainee met with the former President of Chechnya, who was exiled in Doha, Qatar, on at least 15 occasions to learn about Chechnya and to solicit help in gaining access to Chechnya. Following the September 11th attack, the Detainee was told by Al-Jazeera to forget Chechnya and go to Afghanistan. The Detainee interviewed several Taliban officials during his stay in Kandahar, Afghanistan. The Detainee interviewed a man who identified himself as Abu Hafs Al Moritani, a member of al Qaeda. Abu Hafs was one of Usama bin Laden's personal advisors and a religious recruiter. He was also the leader of the Mauritanian al Qaeda cell. The Detainee was stopped in early December 2001 at the border by Pakistani security. According to Pakistan security, the passport the Detainee had in his possession did not agree with Pakistani records. The Detainee was detained at the Afghanistan/Pakistan border because his name appeared on a border authority watch list. The Detainee claims never to have traveled to Great Britain. The Detainee denies knowing how Chechen fighters obtained their finances. Detainee has no recorded major discipline acts or violent behavior. Detainee has refused to obey guards on occasion by not following instructions. Detainee has consistently led prayer in the cellblocks and has been seen teaching English and the Koran to other detainees. The Detainee states he wants to return to his family and resume his position as a father and provider. The Detainee noted that he would exercise caution in future assignments with Al-Jazeera. The Detainee hopes to return to Doha, Qatar, with his family. He stated that he harbors no ill feelings against the United States. The Detainee denies any knowledge that his former boss at the Union Beverage Company, Al-Latif, was involved with any al Qaeda operations. The Detainee denies any knowledge of al Qaeda operations in Chechnya. The Detainee denies any involvement or membership in any Islamic extremist organization, to include the Muslim Brotherhood and the Council of Shura.

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.

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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 Detainee made the following statement:

Detainee: To the Administrative Review Board: Thank you for the opportunity to address you. Obviously, I would really like to have my attorney here to help me put my case, but since this is not allowed, I must speak for myself. I am a husband and a father. I have not seen either my wife or my son for more than three years. My son was just one year and three months old when I last saw him and the idea of missing those important years of his young life saddens my soul, as I am sure you realize it would any parent. I have been told that I was found to be an enemy combatant. I do not know how this came to be and I do not know the evidence against me. With all due respect, a mistake has been made because I have never been a member of any terrorist group and I never took part in any terrorist or violent act. But what is past is past, and I refuse to be bitter about this. I can say without hesitation that I am not a threat to the United States or to anyone else. I strongly condemn any act that is taken against innocent people, and I strongly condemn the tragic attack on the World Trade Center in New York. Islam, properly understood, would never allow the killing of innocent people in this way. Before, I worked for Al Jazeera as a cameraman but I am not sure I can ever go back to journalism. It is too dangerous, and I want to be with my family. I am worried about my wife and son and I fear for them if they are in Azerbaijan, the country of her birth. It is a dangerous place and I need to make sure they get away from there. I want only to find them and get them to safety in my home country of the Sudan. There is so much to say but my lawyer has ordered me only to read out this statement. I apologize that I cannot answer any questions. Thank you very much.

Presiding Officer: Thank you very much. Your English is very good. Before we get started I just want to make sure that you understand that this is not a legal proceeding today. This is strictly an administrative procedure to determine whether you'll be detained, transferred or released. This is not a legal proceeding, which is why we don't have lawyers or etc. None of us are lawyers; we are not here to present ourselves as attorneys. That's not what this proceeding is about; it is an administrative procedure for you. So the more questions you answer will help us make a decision. This is an administrative not a legal proceeding today. Do you understand?

Detainee: Yes, I understand, but I'm sorry, because I'm supposed to follow my attorney.

Presiding Officer: Okay, unfortunate, for the purpose of this proceeding.

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had the following questions:

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Designated Military Officer: Sir, have you gotten any communications from your wife, since you've been here?

Detainee: I'm suppose to follow the advice of my ...

Presiding Officer: This question is not relevant to any of the charges. He just asked if you've been hearing from your wife. In fact, you talked in your statement about how much you miss your wife. He's just asking if you've gotten communication from your wife?

Detainee: Surely, I've received some letters from my wife, but unfortunately it is not continuous communication, that means one year I missed the news, after that five months or six months, I can get one letter. Last time I [received] a letter from my wife in May...last May.

Presiding Officer: Thank you.

Designated Military Officer: Is your wife receiving any financial support while you are here?

Detainee: I don't know.

Administrative Review Board Member's questions:

Board Member: Sir, I don't know if you'll be able to answer any of these questions...if you'll prefer to not answer them, but I will ask you anyway.

Detainee: If you ask me some questions, do I have the right to answer them or not?

Presiding Officer: Yes, you do. You're not compelled to answer. He'll ask them and if you can answer none of these, it doesn't help us, but if that's what your attorney advises...that's unfortunate. You can answer only what you can answer. At this proceeding you're not required to answer any questions.

Board Member: First I would like to ask you about the organization known as Al Haramayn?

Detainee: *Detainee nods negatively.*

Board Member: Were you aware of any of their activities in support of terrorist groups?

Detainee: *Detainee nods negatively.*

Board Member: What was your relationship with Abu Wafa?

Detainee: *Detainee nods negatively.*

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Board Member: Your relationship with Mamdouh Mahmoud Salem?

Detainee: *Detainee nods negatively.*

Board Member: Can you tell me anything about the SAMICO Services?

Detainee: *Detainee nods negatively.*

Board Member: Can you tell me whether Mamdouh Mahmoud Salem and Mamdouh Mahmoud Salem Ahmad are one in the same person?

Detainee: *Detainee nods negatively.*

Board Member: In your statement that you made earlier...I'm not sure how good my note was. Did you say that a true interpretation of Islam would not condone violence against innocent people? Is that a fair representation of what you said?

Presiding Officer: He's asking for a clarification of the statement you read in English? If it said Islam does not condone violence against innocence, like the 9/11 attack? That was what was in your statement.

Detainee: *Detainee nods affirmatively.*

Designated Military Officer: For the record, sir. I would like to say the Detainee nodded negatively as a no response for all of the questions, except for the final question. The Detainee nodded in the affirmative for that question.

Presiding Officer: We cannot on the tape pick up your head nods. No response...I concur with that for the record. He declined to answer any questions. He gave a no signal, except for the last one, which was a clarification of his statement that was read earlier. He gave an affirmative answer. "Do you have any questions?" *Presiding Officer referred this question to a board member.*

Board Member: I do. Good morning.

Detainee: Good Morning.

Board Member: I guess I don't have any questions about the summary. I have some personal questions, if you want to answer them you can, if you don't, you certainly don't have to. What happened to your foot? *Board Member is referring to Detainees right foot, which was wrapped in a blue bandage or in a blue cast.*

Detainee: I fell down.

Board Member: You told us a little bit about your family in Sudan. Where did you go to college? University.

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Detainee: *Detainee nods negatively.*

Board Member: Oh, you can't okay. *Board Member was referring to the Detainee's negative response to the question.* I'll just ask one question. What do you see as the future for the Middle East?

Detainee: *Detainee nods negatively.*

Board Member: Can't answer that. Thank you for coming.

Detainee: Thank you.

Designated Military Officer: Sir, again for the record. I'd like to point out the Detainee nodded in the negative for those questions, except for the question about his not being able to answer where he did nod in the affirmative.

Presiding Officer: Thank you. Mr. Al Hajj, again I understand you're not going to answer questions concerning the unclassified summary.

Detainee: *Detainee nods affirmatively.*

Presiding Officer: Again your answering to the affirmative to that...you will not answer. Let me ask just a few questions then. First off, I'm very happy to see you in a white uniform, which means that your behavior here has been very good at the camp. That's very important to us as we make a decision. So, thank you for your behavior here. It's important for us as we get through this process. What is your future plans if you leave here. I know you said that you [want to] get back to your family. Do you intend to reside in Azerbaijan or Sudan? Do you know?

Detainee: I want to go back to my country, Sudan. To live in Sudan.

Presiding Officer: What kind of work will you pursue? Do you have any...will you go back to being a journalist or would you like to go back to...

Detainee: My family work in [a] business. They have a business. I can work in this field.

Presiding Officer: What part of Sudan?

Detainee: Middle of Sudan.

Presiding Officer: Like what town?

Detainee: Sannum.

Presiding Officer: Sannum?

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Detainee: Yes. 400 people come from Sannum.

Presiding Officer: Your son you said was 15 months old, one year and three months, last time you saw him.

Detainee: My...

Presiding Officer: Your son?

Detainee: Yes.

Presiding Officer: How many countries did you travel to when you worked for Al Jazeera? Did you travel to many countries?

Detainee: *Detainee nods negatively and speaks almost in a whisper saying, "I cannot answer..."*

Presiding Officer: You can't answer that.

Detainee: *Detainee nods affirmatively.*

Presiding Officer: You say your wife is currently in Doha, Qatar? Is that where she is right now?

Detainee: I don't know. According to her last letter she [wrote it] from Azerbaijan.

Presiding Officer: The last time you heard she had written from Azerbaijan?

Detainee: Yes.

Presiding Officer: Okay. In the unclassified summary there were many times where you...there was talk about you carrying large sums of money. I won't ask specific to any of those, but was that normal for you as a businessman to carry large sums of money? Is that a normal thing? I won't ask about any of the specifics, but as a businessman, did you often carry large sums of money?

Detainee: I can't answer.

Presiding Officer: You don't want to answer that. Okay.

Presiding Officer: The Union Beverage Company did they make juice and soda...what other kind of beverages did they make?

Detainee: *Detainee nods negatively.*

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Presiding Officer: Nothing at all about the Union Beverage Company. I'm not familiar with the Union Beverage Company. Is that in many countries? Do they sell beverages in many countries throughout the world? Is it a big company?

Detainee: Yes.

Presiding Officer: Big Company. How long did you work for Al Jazeera?

Detainee: I can't. *Detainee nods negatively.*

Presiding Officer: Can't answer that. What do you think of Usama bin Laden? Do you have any thoughts at all of Usama bin Laden?

Detainee: Can't answer that. *Detainee nods negatively.*

Presiding Officer: How about the Taliban? You've had an opportunity to view them as a journalist? Did you...what did you think of the way the Taliban ran Afghanistan?

Detainee: Actually I have all the answers to [these] questions, but I'm sorry, I'm supposed to follow the advise of my lawyer.

Presiding Officer: Thank you. Again, just so you know this is not a legal proceeding, this is just strictly an administrative proceedings. These kinds of answers are very important to us. Our job is to determine...

Detainee: If my lawyer [were] here, I would answer all these questions. It is very easy for me. My life is very clear. I didn't hide anything in my life.

Presiding Officer: Thank you.

Board Member: I have one final question. If you had answered questions, perhaps our decision would have been different. Would you be now disappointed that you didn't answer those questions?

Detainee: I didn't understand your question?

Board Member: If you were to answer questions, perhaps our decision would possibly be to transfer you or to release you. Would you be disappointed that you didn't answer those questions?

Presiding Officer: Can I rephrase the question, if I could? There are three possible outcomes that we will recommend. A designated civilian official in Washington D.C. will make the ultimate decision. There are three possible outcomes, you can be released, you can be transferred or you can continue detention is the outcome of this process today. If the outcome is detention will you be upset that you didn't answer questions, if that might have led to one of the other two decisions? I think is what he is saying. So those

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are the three outcomes by the designated civilian official will ultimately make the decision.

Detainee: Because...as I told you in the beginning, I don't have any bad grounds. I didn't went to...go to or admit any legal case before in my life and I didn't went to jail in all my life...in past. I don't have any experience. So what I know, because of [my] University degree and from my experience, I'm supposed to follow [the advise of] my lawyer. That's why.

Board Member: So my question is, does it disappoint you, that you can't answer these questions?

Detainee: As I told you, I'm supposed to follow him. When he advise[s] me, don't reply [to] any question...answer any question. I'm supposed to follow him.

Presiding Officer: Okay.

Board Member: Thank you.

Detainee: Thank you very much.

Presiding Officer: Mr. Al Hajj, thank you for the answers you have given us. Again, I just advise you that this is an administrative, not a legal proceeding. Any information that you give us helps us to make a better...makes a better recommendation. All we do is we recommend and I'll go through that in a moment on how this process concludes, but any information you give us would have been helpful. We understand the advise of an attorney that's not our decision to make whether or not that's good advise or not good advise. We have no opinion on that. We only know that we make a decision based on the information you give us. More information is better information, but if choose not to. You choose not to. Just so you know that could affect the decision, because more information allows us to make a better decision. Thank you.

Detainee: 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.

The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

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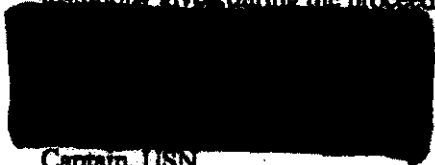
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AUTHENTICATION

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



Captain, USN
Presiding Officer

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