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Summary of Administrative Review Board Proceedings for ISN 560

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.

Presiding Officer: You do understand the translator?

Detainee: Yes, I understand.

The Administrative Review Board members were sworn.

The Assisting Military Officer (AMO) was sworn.

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

Detainee: I swear that I am telling the truth.

Presiding Officer: I understand your customs but I would just [like to] ask if you could give me a yes or no answer.

Detainee: Yes.

Presiding Officer: Muslim oath?

Detainee: Yes.

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.

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The Assisting Military Officer presented the Enemy Combatant Election Form, Exhibit EC-B, to the Administrative Review Board.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The Detainee's ARB interview was conducted on 25 October 2005, and lasted one hour and five minutes. After reviewing the ARB's purpose and procedures, the Pashto translated Unclassified Summary of Evidence was read to the Detainee. The Detainee stated he understood the difference between the CSRT and the ARB. When asked if he wanted to attend the ARB, present a written or oral statement, or have the AMO speak on his behalf, the Detainee stated he wanted to attend the ARB and respond to each statement of information in the Unclassified Summary as [it is] presented in the ARB. The Detainee stated he would respond orally from his notes on the Pashto translated Unclassified Summary of Evidence. Also, the Detainee stated he would have letters to present as evidence. As a result, the Detainee requested a follow-up interview to provide his evidence. The Detainee was cordial, attentive, somewhat enthusiastic, but complained that he was sleepy from Ramadan fasting. At the conclusion of the initial interview, a copy of the Pashto translated Unclassified Summary of Evidence was provided to the Detainee, via his guards. The Detainee's follow-up interview was conducted on 26 October 2005 and lasted 30 minutes. The Detainee provided three documents; all were personal letters from family members. The translator read through the Detainee's written responses to ensure these would be correctly translated to English.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, and the Terrorist Organization Reference Guide, DMO-3, 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 for presentation to the Detainee.

The Presiding Officer noted from the Enemy Combatant Election Form that the Detainee wanted to respond to each item of the information from the Unclassified Summary as it was presented.

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 to assist the Detainee with answering the statements.

Designated Military Officer: Presiding Officer, is he going to respond after each item is read or after the entire summary?

Presiding Officer: After each item is read is what's checked off.

Detainee: Yes, one by one.

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Presiding Officer: Yes, that's the way I understood it.

Designated Military Officer: (3) The following primary factors favor continued detention: (3.a) Commitment (3.a.1) The Detainee admitted he was in business with the Taliban and worked with the Taliban because of the money. The Detainee stated that his business relationship with the Taliban lasted approximately three months.

Detainee: I didn't say I did business with the Taliban. I said I did business with Afghanistan Bank and we were partners for three months and after three months the whole thing was finished. I lost half a million dollars in this deal. I told [them about this] in detail at the time of the interrogation.

Presiding Officer: Interrogation or CSRT?

Detainee: At the interrogation I gave them [information] in detail. At CSRT I gave a little bit less detail.

Designated Military Officer: (3.a.2) The Detainee served as an intermediary for funds passed through the al Rasheed Trust.

Detainee: This is wrong, it was translated wrong, this is al Rashid, this is a guy from United Arab Emirates (UAE), and he is a man. It is not al Rasheed, it's al Rashid he is a man. A friend of mine went to United Arab Emirates [to see] al Rashid. He (the friend) needed to write a check but because he didn't have a residency there he wrote the check in my name. It is a very wrong translation, I don't know al Rasheed, and it is different.

Presiding Officer: What is the first name you said?

Detainee: al Rashid, United Arab Emirates and Dubai are on the same Peninsula.

OL-23: It's a city, small country, UAE I believe the Americans call it.

Board Member: United Arab Emirates.

Detainee: This man is from a city over there called Sharaj. I told them the whole details of this, that's a very wrong translation.

Designated Military Officer: (3.a.3) The Detainee was a moneyman for Usama bin Laden from 1996 to 1997. The Detainee conducted most of his money transactions at three money exchangers with offices in Dubai, United Arab Emirates and Pakistan National al Almas Exchange.

Detainee: They are doing an injustice to me, they are all wrong. In 1998, I opened my own business in Dubai and this was before I had the business. I don't know about Usama and I haven't opened business in this year that they mention. You have my passport; you

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think about it and you be the judge. Both of them are one in Dubai and Emirates I didn't have two, I had my own business exchange in Peshawar, Pakistan in 1988. Where could they have gotten this that I have done business in 1996 and 1997, and I was in Pakistan, I hadn't even been there. I am so surprised about this lie. Why are people giving you wrong information? Why are you believing them and keeping us here? If you catch me with Usama's name you could say I was criminal but I don't know him. If you can find any document that connects me with Usama I will give my blood to you and my children's blood to you and I will sign it for you. If you keep me here by just wrong allegations, without justice, if you have justice, please do the justice but if you don't just let me sit down here forever.

Presiding Officer: During the conversation you said 1988, did you mean 1998.

OL-23: Yes, he said he opened his business in 1998 and it was written 1996 and 1997.

Presiding Officer: After that you did mention 1988, but I think you meant 1998.

OL-23: Yes, I am sorry, Sir, it was 1998.

Detainee: Yes, they accuse me for 1997 and it is very obvious mistake. You have my passport, you can see that and get information from Dubai and you can find out information when I opened the business in Dubai.

Designated Military Officer: (3.a.4) The Detainee is allegedly involved in smuggling gold for al Qaida through the Peshawar Airport and admitted being in the gold business and having a currency exchange business in Peshawar, Pakistan.

Detainee: Yes, I accept that I was doing business with the gold. I was bringing people jewelry and things from Dubai, but it was not smuggling, this was by law. Even when I was caught that was my job. I exchange money and this was my job since 1998. In Peshawar this was my business from 1988.

Presiding Officer: 1988?

Detainee: Yes.

Board Member: Where did he ship the gold from, Dubai to where?

OL-23: To Peshawar, Pakistan.

Detainee: That was my business it was not only [I]. The whole world is doing this business bringing gold from other country, but I am doing this for al Qaida, it's not for al Qaida. It not only goes there, it goes all over the world. You can be the judge of it. If someone is [working] in the gold business is that considered smuggling? You be the judge of it. Not only me a lot of people are doing this, my relatives are doing this.

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[Whether] you are aware or not other people are still doing this after [I have been arrested].

Designated Military Officer: (3.a.5) The Detainee did business with the Taliban Supreme Leader, Mullah Mohammad Omar, in April 2000. He had given the Detainee one million United States dollars to manage.

Detainee: You be the judge of this. I owe the bank a lot of money and I was paying a payment to the bank. Where did you get this Mullah Mohammad Omar coming to me to give me a million dollars this [crazy], you think about it? I have been in jail for that amount of money because I had business with the bank. I have been in jail for that and my cousin has been in jail for that deal that we had with Afghanistan Bank. We both went to jail because of that. Because of that (deal with the bank) the President of the Bank was dismissed too. I was in jail eight hours because of that.

Board Member: How many hours?

Ol-23: Eight hours.

Presiding Officer: How long was your cousin in jail?

Detainee: Almost one month. When I was coming into Dubai, there were two members for the interrogation to find out about this bank, which is my statement with Abdul Salam Zahif. He can be my witness. He was present during the decision of the bank. I was in Camp 4 and Salam was in Camp 4 and he was saying you called him into court and he witnessed that. Now he is gone he, has been released.

Presiding Officer: During the CSRT he was called?

Detainee: Yes sir, but you can see that by yourself.

Presiding Officer: Why were you held only eight hours and your cousin for one month?

Detainee: Because when I was in Dubai they detained him waiting for me to come back and then making the decision about the thing.

Presiding Officer: Were you detained in Dubai or when you got to where your cousin was?

Detainee: When I came from Dubai, they made the decision and then they put me in jail. My brother came and stated "He has been [making] a lot of payments and the rest of them he will pay." So they let me go. My cousin was responsible for the store I had in Kabul. He was running it. His name is Agbee Lal Mohammad and I told the [interrogators] this story. It is all in my [files]. You be the judge of it, Mullah Muhammad Omar giving me some money, I owe the bank money and Mullah

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Mohammad Omar gave me money? I am in a lot of debt from the people and he is coming to give me money? I gave their whole names and if one was wrong or a lie then all my statements are lies.

Presiding Officer: I am relying on all your statements being the truth.

Detainee: I am not scared of anybody I am a businessman. When I have done business I would tell them that I have done business. If I were doing business with Bush or Usama or Mullah Omar I would let you know I did business with them. Why should I be scared of business, I should not. I am not a political guy and I am not a fighter trying to hide it from you.

Designated Military Officer: (3.a.6) The Detainee purchased vehicles for the Taliban.

Detainee: You be the judge of it. If somebody were drowned in debt, would he pay his debt or buy cars for others? He must be crazy or his brain is not all there.

Designated Military Officer: (3.a.7) The Detainee facilitated transfers and exchanges of funds from Usama bin Laden controlled accounts for the purchase of surface-to-air-missiles for al Qaida.

Detainee: I did not know bin Laden. I didn't even hear the al Qaida name before they hit the Pentagon and we saw it on television and they said al Qaida has done this. We know al Qaida just when they announced it as al Qaida has hit the Pentagon. We didn't know if al Qaida was a human, cow, is a donkey, what is it?

Designated Military Officer: (3.b) Connections/Associations (3.b.1) The Detainee is an associate of Usama bin Laden.

Detainee: Yes, he is my relative. I am married to his daughter (Detainee was joking). What kind of question is that?

Presiding Officer: So you are kidding, you are joking with us, correct?

Detainee: Yes, these [allegations] are giving me a shock to my brain.

Designated Military Officer: (3.b.2) The Detainee is associated with senior members of the Taliban.

Detainee: With who?

Presiding Officer: It doesn't really say here but since you have admitted that you had financial dealings with them for about three months, then we are taking it that you must know some senior members in the Taliban. It doesn't specify whom; maybe you can clear that up for us?

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Detainee: When I borrowed money from the bank Abdul Rahman Zahid was the President of the Bank. I knew him before these kinds of stories happened. It's not like I know him now. I knew him a long time ago, a long time before the Taliban.

Presiding Officer: Did I hear you refer to him as President?

OI-23: Yes, President of the Bank.

Detainee: At that time he was the President but after the deal they dismissed him. When he became my partner they asked him why did he become my partner on his own, why didn't he let the bank know and that's why he was dismissed. Then they told Abdul Rahman Zahid, and me that we have corrupted ourselves by taking money. Zahid has told this whole story; he was called as a witness. That is why the government sent a decision to the community saying these two had committed embezzlement. They did it without the government permission, they have taken money and embezzled it and that's why Zahid got dismissed. Then the result was my cousin went into jail and I lost a lot of money, they put a lot of payments on me. The brutality has been done to me from the Taliban regarding my money and it hasn't been done to anybody else. Because of that I borrowed a lot of money from people and I still owe them money.

Presiding Officer: When you say the government, do you mean the Taliban government?

Detainee: Yes, sir.

Designated Military Officer: (3.b.3) The Detainee was closely affiliated with the Taliban and was considered to be very close to Taliban leaders Mullah Mohammad Rabbani and Mullah Mohammad Omar.

Detainee: Yes, I said that I have seen Mullah Mohammad Rabbani. If you blame me for seeing him, a lot of people have seen him so blame [them] for seeing him. I have seen him. Mullah Muhammad Omar, I have only heard his name, I have never seen him. So about Mullah Mohammad Rabbani, I told them the story of [exactly] what happened.

Designated Military Officer: (3.b.4) The Detainee was working with a person who was a Jamaat Tabligh member from Pakistan.

Detainee: Who is this guy I have worked with?

Presiding Officer: Have you worked with anyone from Pakistan?

Detainee: Yes, I have worked with Pakistanis but they are not missionaries or Tabligh. If it is because of Tabligh, the Tabligh is missionaries, the whole Pakistan is missionary. In Arab countries even in America there are a lot of missionaries, so why don't you bring them [here], why bring me? If I have connection with the Tabligh, why don't you

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capture the Tablighs? There are at least 30 million Pakistan Tabligh and there are a lot of Tablighs in [Great] Britain and America. They are all over the world, bring them why bring me? I haven't even worked with the Tabligh, so you accuse [me] for that? In Afghanistan there is a lot of Tablighs won't you go bring them all. You don't bring, you bring the person who you are accusing to have worked with the Tabligh. So you be the judge. I have worked with the Tabligh, why don't you bring in the Tabligh; I swear I don't know them who is this guy? I am just surprised at your accusations. Why don't you think? Use the justice.

Designated Military Officer: (3.b.5) The Detainee was identified as being a wealthy Afghan moneychanger who was affiliated with the Hizbi Islami Gulbuddin.

Detainee: You call me rich. If a rich man owes one million dollars, then he is not. He is rich or is he in debt, which one would you believe? If you detain me for my relationship with Gulbuddin, his niece is married to my stepbrother. Yes, I opened the business in 1988 and at that time Gulbuddin was gone from Pakistan. He was in Iran and some other places, he wasn't even there. Now we are here and we don't even know where Gulbuddin is or what he is doing. What excuse do you have to tie me to Gulbuddin? You have to have a reason or [something]. For ten to fifteen years Gulbuddin was out of the country. What reason do you have even Gulbuddin's name disappeared? Now has he reappeared again and this is why I am in jail, I don't know. You accuse me for being his relative, then you can bring a lot of my family here.

Presiding Officer: I believe it is referring to the organization he is the head of.

Detainee: I am not his party member.

Designated Military Officer: (3.c) Other Relevant Data: (3.c.1) The Detainee was arrested by a Pakistani Police official in his house in Peshawar, Pakistan for being a suspected drug smuggler.

Detainee: I only said that because Pakistan cheated you guys. They released their own detainees and they give you the wrong detainees. The ones they had business with they would release them and the ones who had no connection with them they would keep them. The Pakistani police, just two months before they arrested me they took my car. Then after the two months they arrested me. They said the job was for \$500,000 and they asked me for \$350,000. My brother told the police "You give us \$400,000 the rest of the profit is yours." The deal didn't work and then they came at ten o'clock in the night and arrested me, tied my eyes and put me in jail. When they took me there the big officer said "Do you know why we brought you here?" I said no. He stated "They told me you were a very famous money exchanger. If you don't pay us a bribe we will send you to a very unknown place that you will never know." I told him that they took my car and I owe a lot of money to people. He told me to go and think about it and he will send someone to see me the next day. The next day there was a guy with a longer beard than mine who stated "If you don't have a car and if you don't have the cash, sell your house

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and give us half of it to save yourself from the bad ending." I got pissed off and I cursed them. Then three days later they gave me to the Americans. I don't know these drugs. If you don't believe me you can do whatever you want. I don't even know what drugs are. If I had sold my house and paid the bribe then I would not be here.

Designated Military Officer: (3.c.2) The Detainee was repaying his debts to the Taliban through installments and on two separate occasions the Detainee paid for Taliban Vice President Mullah Mohammed Rabbani to travel, once to Dubai for cancer treatment and once to Saudi Arabia for the Hajj.

Detainee: You can be the judge of this. I owe Taliban this is wrong. I owe the bank money. You think I have to pay the payment to the bank or give them money to go to Dubai for the treatment or to the Hajj and these things. You think on this one, would I give the bank payment or give it to the person to travel? You do the justice.

Presiding Officer: The question is, did you give Mullah Mohammad Rabbani money?

Detainee: No, you tell me. Do I have to pay my payment or give this guy some money?

Presiding Officer: Fine, you have answered my question.

Designated Military Officer: (4) The following primary factors favor release or transfer (4.a) The Detainee claims that he never joined any other religious organization nor did he participate in the Hizbi Islami Gulbuddin after he departed to Pakistan.

Detainee: I said I do not have any relationship with any religious party. I have no religious party, so does it [seem] I had a connection with them before, no. For fifteen years maybe less or more, he has disappeared from Pakistan anyway. So before that I was an immigrant at a refugee camp. You think that I have a relationship or a relative, well I told you about that.

Presiding Officer: Okay.

Detainee: And regarding the relative, I don't even like my brother so forget about the niece (Gulbuddin's niece) or the husband of the niece.

Designated Military Officer: (4.b) The Detainee adamantly stressed that his relationship with the Taliban was simply business and despite their business relationship, he never agreed with the manner in which they treated people.

Detainee: I told them, I have only had the deal with the bank. I haven't seen the Taliban and I have no relationship to them because they had been involved with invading your personal [life] everything that you have. They asked me why don't you have a beard? We were businessmen, their ways and our ways were different. That's why they didn't

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like us and we didn't like them. Because a businessman does not have a beard and listens to music in his car, and he watched television and they didn't like that.

Presiding Officer: Who are they?

OL-23: Taliban.

Detainee: Taliban was against us so they were not going to agree with us. Our wives would sit in the car with us. [Sometimes] they would be covered and at other times they were not covered and the Taliban didn't like that.

Designated Military Officer: (4.c) The Detainee insists he has not conducted business with the Taliban since 1996, which he explains was about the timeframe the Taliban started fighting with the Northern Alliance.

Detainee: I don't understand this question. I haven't done anything except this one deal I made with them because of the bank. Otherwise I don't have any information about this so how can I answer. I have made one deal with them. I don't even know if in 1996 they occupied Kabul or not I don't have information about it. I only made one deal with them that's it.

Presiding Officer: Was that around 1996 because that's what they are saying here?

Detainee: On the passport I have which is from Dubai with a kind of seal on it, fifteen days from that day. That's the exact time, I don't know the exact time, and you have the passport.

Designated Military Officer: (4.d) The Detainee stated that he did not meet with Taliban government officials and did not attempt other business deals involving individuals or entities associated with Taliban.

Detainee: Yes, I said that.

Designated Military Officer: (4.e) The Detainee claims that he had no knowledge of al Qaida prior to his arrest and never heard of the Taliban converting cash to gold or other commodities to earn a profit.

Detainee: No, yes.

Designated Military Officer: (4.f) The Detainee claims to have never conducted any currency exchanges or other financial transactions for Hekmatyr or any known associates of Hekmatyr.

Detainee: No, I haven't done it.

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Designated Military Officer: (4.g) The Detainee stated that if released he would like to return to his former trade as a moneylender.

Detainee: Yes, if the people I owe will leave me alone, I know I can do it.

Designated Military Officer: This concludes the Unclassified Summary of Evidence.

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.

Assisting Military Officer: Yes sir, the Detainee would like to submit witness statements on his behalf. I am handing to the Administrative Review Board the following Unclassified Exhibits marked as EC-C1 thru EC-C3. Copies of these exhibits have been previously provided to the Designated Military Officer.

Presiding Officer: Assisting Military Officer please read the Detainee's additional comments on the Enemy Combatant Election Form.

Assisting Military Officer: During the initial interview, the Detainee claimed that shortly after his CSRT, he was told "although I was an EC (Enemy Combatant), I would be released in one or two weeks...because I was just a merchant." After he was informed about the possible recommendations made by the ARB, the Detainee questioned "what are the conditions?" This referred to the possibility of transfer to his home state. After, the AMO explained the conditions for transfer were established on a case-by-case basis, the Detainee affirmed that he now understood. The Detainee then claimed he heard the United States and Afghanistan had agreed that all Afghans would be "sent home by the end of the year." The Detainee commented on the Unclassified Summary of Evidence by stating "These allegations...I can't imagine even when I'm dreaming." During the follow-up interview, the Detainee again stated he was sleepy because of the Ramadan schedule (for example, his meals are served at night). As a result, he had a headache. After being informed the Board members would likely ask him questions and it would be his decision on what to answer, the Detainee commented, "God willing I will be able to answer all their question." The Detainee claimed that he had a dream two months ago about his future, and he was hopeful it would come true in the next few days. After handing over the three letters, the Detainee inquired if the AMO knew anything about "the earthquakes." After the AMO explained they were not allowed to discuss world events during the ARB interviews, [the] Detainee noted that he was concerned about his family living in Peshawar, Pakistan.

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Presiding Officer: Forgive me, I forgot did he say he was going to have an oral statement?

Detainee: Yes.

Presiding Officer: You may begin your statement.

The Detainee made the following statement:

Detainee: I will introduce myself first my name is Wali Mohammed. I went to school for nine years on the northern side of Afghanistan. At the time of Soviet Union invasion I was almost fifteen years old when I immigrated as a refugee. We immigrated around 1978 or 1979. When we first immigrated we started working with clothing and things and that was our business. There is a place in Peshawar called Char Sada. Five years I worked there and then after that we went to Mahajer Baraki Camp, a refugee camp and for five years we did the same business over there. There we started a small exchange with it too. Then after that in 1988, I started an exchange in Peshawar. Then from the Mahajer Camp we moved to Peshawar. In 1993, we became separate from each other among the brothers. Then my two cousins Habib Ulah and Aghee Lal Mohammad became my two partners. In 1995, I lost everything and since 1995 I have been in debt. I have not gotten over the debts and I have been able to pay the debts off. In 1993, I had a Quettah, I had another partner and that did work and in one year we were separated. I can't remember if it was 1996 or 1997 but I opened another store in Kabul with Mohammad Rafi, he was my partner. I disconnected that partnership and started a partnership with the bank. In 1998, approximately, I opened my business in Dubai. From 1999 to 2000, I had another partner named Sher Khan and Shaheen Exchange was the business name. He was not really like a partner. I was taking [Pakistani currency] from Kabul to Dubai and then we were selling them there. In 2000, with Aghee Muhammad, Habib Ulah, Obaid Ulah (sister in-law's husband) and Sher Khan when we lost everything was gone and there was no more partnership. After 2000, I became partner with Obe Shaotwallah and Mohammad Edrees. There are two stores in Dubai, we had the material store (clothing material) and we lost on that one too. In 2001, the partnership was finished and after that I have not been involved in a partnership since. I have done my business on my own. I have approximately one million dollars to more than 40 people who I owe and none of this is a lie you can ask anyone. During the time of Karzai, I lost a lot of money because the money started going back and forth. Some of the money I owed the bank. In the letters I have showed you, I owe money to a lot of people but these two exchangers Asif Exchanger and Tahir Exchanger, they owe me money. Tomorrow meeting that you have to pay because the exchange was all out. Hasef was a spy for ISI, Pakistan Secret Service. They gave people some money and then the police came in and captured me. ISI asked me what's going on tomorrow and I said there is a meeting tomorrow and that paper is with you that shows tomorrow is the meeting and the ticket was already there. On the 25th was the meeting, on 26th I was supposed to go to Dubai and that evidence is with you. The other paper from my brother and my cousins they said don't worry about the debts and the Devil has accused you, the

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Devil has put you in jail. Another said I have been counted as the "20" so God will give you credit for that.

OL-23: There is a story that goes with that (20) do you want me to tell you the story about the number 20?

Detainee: Yes, tell them so they can understand.

Note: OL-23 was previously told the following story during the interview with the Detainee.

OL-23: There was a king who had 20 prisoners and they were chained together to take them to the jail for execution. So one of the prisoners gave the jailers some money and they let him go. Then 19 were there and the boss asked "Where is number 20?" and the guard looked around and grabbed one guy and put him in the chain and said "Here is number 20." So the Detainee is number 20.

Detainee: If I had given a bribe to the Pakistani Police I would not be here. Asif told about me, otherwise I am a poor man. I am a businessman. I am not a politician and I have nothing to do with politics. I have two wives, I have ten kids and their education their training what will it be like when I owe 40 people money, what about them, my children. We were so happy the Americans came and released us and we could move back to Afghanistan after they got rid of those sons of bitches and now the Americans took us here. For God sake, I am not a politician and I am not a danger to Americans. If you want some documents I will give you some documents, if you want collateral I will give my whole family as collateral, I am not a danger. What other reason do I have to tell you all? The people I owe its about 40 people and one of them went wrong. They are all exchangers they can do whatever they want.

Presiding Officer: Does that conclude your statement?

Detainee: The rest of it is up to you. You do the justice. I am not going to waste anymore of your time. If you have any questions for me I am ready.

Presiding Officer: Thank You!

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: You said you gave the police \$400,000 at the time that you were arrested? They took your car two weeks before and then at the time of the arrest you gave them \$400,000. I am not sure why you gave them \$400,000.

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Detainee: I haven't said that. They asked my cousin "Give us \$400,000 we will give your car back to you." We said no, you can give us the \$400,000 and you can keep the car.

Board Member: When you loan money do you charge interest?

Detainee: No, I don't give anybody any money our religion does not permit that. That's a very, very bad name if I charge interest.

Board Member: So how do you make money?

Detainee: It's a chance with exchange money goes up and down.

Board Member: In the exchange business but you're a moneylender too.

Detainee: No, I don't lend it is all cash exchange.

Board Member: Did the bank charge interest, since you are half a million dollars in debt to the bank?

Detainee: Bank is like a partnership, 25% was mine and 75% was the bank's. When we lost money they didn't even accept Islam rules they put the whole loss on me. When I mentioned the Taliban did very bad brutality on me that was what I was talking about. How I was paying that, when I became someone's partner I would take their money and give it to the bank. That was that story, I cannot say it in detail. I was scared of the government so then the partner said where is the money I told them I gave it to the government. I thought these poor partners wouldn't say anything to me but I ended up in jail. This was a very bad, a brutal thing they would do to you. They would put you on hot days in a hot container and they would beat you until you would die or say you're going to pay. I was not scared of the loss I was scared of the people.

Board Member: When you were in the gold business, whom did you sell your gold to?

Detainee: When I opened the business in Dubai, I started the gold business over there. When I was working for the bank we had gold and dollars. So when we lost the bank took the money. Our job was people, we would bring the jewelers from Dubai and they were paying us rent and transportation. They were paying us to take my gold and take it to Pakistan and we were getting some rent money and some transportation money.

Board Member: Where did the gold go that you took to Pakistan, who got the gold?

Detainee: The jewelers are at the center of Dubai. Even in India they send the jewelers to Dubai from Singapore and everywhere. So what we were doing the jewelry belonged to the shopkeepers who had jewelry there. We would buy over there and take it to the shopkeepers. If you want names of the stores and the shopkeepers I can give it to you.

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Board Member: No, no that's okay.

Detainee: We were given transportation money per kilo.

Board Member: What day were you captured/arrested?

Detainee: 2002, first month 24th.

Board Member: 24th not the 25th.

Detainee: 24th at 10:00 in the night. 25th was supposed to be my meeting and 26th I was supposed to go to Dubai.

Board Member: Who told you, you would be released after the CSRT?

Detainee: The person that gave me the Enemy Combatant paper. I remember, he didn't say you would be released he said one or two weeks later there will be another trial and you guys will be released.

Board Member: He was being very optimistic it just took longer than two weeks.

Board Member: One final comment, in the United States rich people have a lot of debt. Good business men in the United States have usually gone bankrupt a couple of times before they are successful and just because you have a lot of debt doesn't mean you don't have a lot of money.

Detainee: I have lost two, three or four times. In Islam when you have money you have to give some for charity. Since 1995, I haven't given any charity so, jump on this since I haven't paid any charity. Since 1995, I haven't had good luck. From 1988 to 1995 I was in a very good position. This is not a lie you can ask people about my debt.

Presiding Officer: I note from your additional comments you asked about the earthquakes (Pakistan). I asked your AMO to see if he could get some answers for you but I guess you didn't get any.

Assisting Military Officer: Not yet sir.

Presiding Officer: I don't have any answers either but I suggest that you go through the ICRC and hopefully they can help you out.

Detainee: I received that answer today. The ICRC had come by today and visited with me shortly. He said when I come back today he will give me more detail. At 1000 this morning he was there.

Presiding Officer: Good, we hope the best for your family that is there and hopefully nothing serious has happened.

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Detainee: I was very worried but they said the earthquake happened in Kashmir. Peshawar was a little shaken but not that much.

Presiding Officer: Well we hope you hear they are in good health.

Board Member: If you are released do you want to go back to Afghanistan or to Pakistan?

Detainee: My family right now is in Pakistan. I will see the conditions and if Afghanistan is good because it's my own country I will go to Afghanistan.

The Presiding Officer takes a brief pause to review the Detainee's letters from family.

Detainee: About my debts and the one who told on me it's all in there.

Presiding Officer: I read the letter while you were talking and I didn't have anything to ask.

Detainee: The only thing I am saying is that I will not even tell you a small point of lie and I haven't lied in my whole life because I don't need it and I don't have to. Even the interrogator told me he hasn't seen any lies in my statements.

Presiding Officer: I think you need to understand that some of the concern is the business relationship you had with the Taliban as short of a period it may have been.

Detainee: Don't misunderstand I did business with the bank. In the time of Najib before Taliban a lot of people made business with the bank so they were capturing saying you have to do this. In the time of Karzai a lot people are making business with the bank so when Karzai will fold so everybody will capture them saying you made business with the government. This is a bank everybody does business with them. You didn't accept the Taliban it was the government of Afghanistan. When any new government comes we go with them. You think about it.

Presiding Officer: We will.

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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AUTHENTICATION

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


Colonel, U.S. Marine Corps
Presiding Officer

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Statement for the ARB

Greetings

I would like thank you for the opportunity to present my statements to your panel and to offer my apologies for not being able to attend the ARB personally that are because I suffer from intense pain in my lower back and I am not able to sit on the chair with my cuff on for a long time. I suffered a great deal while sitting during my last Military Tribunal, which increased the intensity of the back pain and caused numbness in my left foot for months. Therefore I hope that you would accept my excuse.

I would like to introduce myself to you. I am Fouad Mahmoud Al Rabiah a Kuwaiti national. I am 46 years old, married and have 4 children I work as an Engineer for Kuwait airways for 24 years. I have a Master Degree from Embry Riddle University and also have an honorary citizenship from Haulifax county in Florida. I also have a private business , and that is managing a health club and I am also a partner of another club. I also do relief work at my free time and during my short vacation. I volunteered in many relief activities in the past years. I am a businessman. I have a complete and happy life. I have no problems with the law and never wore any restraints before this ordeal. I am not a member of any political or religious or extremist organization. I can simply say that I am a successful and happy person in his home, business and life just like any person.

Medical Condition:

In Kuwait I used to weigh 240 lbs since my capture. I have lost about 80 lbs. I suffer from lower back, neck, knees pain, high blood pressure and also the night blindness.

I WOULD LIKE TO CLARIFY A FUNDAMENTAL MATTER. I TOTALLY OPPOSE ANYONE WHO SUPPORTS OR CONDONE THE KILLING OF INNOCENT CIVILIANS. KILLING INNOCENT CIVILIANS IS AGAINST MY MOST FUNDAMENTAL BELIEVES AND THE FUNDAMENTAL VALUES OF ISLAM. I AM NOT A TERRORIST NEVER WAS, NEVER WILL.

As I understood your decision will be based on 2 criteria:

- 1) Does the detainee still pose a threat to America?
- 2) Does the detainee still have an intelligence value?

Regarding your first criterion

Does the detainee still pose a threat to America?

I am not a terrorist never was never will be. I am not a fighter I don't think its disgrace for a man not to be a fighter. It is worthy to note that I was in Kuwait during the Iraqi invasion and I didn't fight there would I go to a foreign country to fight?

My capture was not a result of capturing me at the front line or the battlefield. I was captured because the Afghan villagers who said they would help me to exit from Afghanistan and hand delivered me to the Northern Alliance forces because I am an Arab, and they received a large sum of money for turning me over. Also It is worthy to note my work history in Kuwait indicates that I am not an enemy. I helped awarding a 100 million dollar contract to an American company (AGES), instead of giving that business to the European competitors. This piece of information was available with the interrogators even since I was arrested and no one have disputed it (I am not an enemy). Also my history in the camp here and for the past 3 years shows that I am not an offensive person to any one of the Guards, the interrogators or the detainees, but it shows that I was cooperating with interrogators and the Guards. Also I hope that the letters from my family and friends, which is submitted to you, will testify to my peaceful nature and my behavior for the past 40 years. I hope that what I have stated in the introduction will show that I am not a threat to America, never was never will be or any other country or person.

Regarding your second criterion

Does the detainee still have an intelligence value?

I wonder after more than 3 years in Cuba and hundreds of interrogations from all intelligence agencies even though I was always cooperating with interrogators and I never refused to answer any questions not even one, no matter what the question was. I was even asked about my hobby when I was 10 years old and what is my favorite food. And no doubt the important questions I was asked about them tens of times and

I answered them tens of times. **I AM WONDERING IS IT LOGICAL THAT I STILL HAVE INTELLIGENCE VALUE? YOU KNOW EVERYTHING I KNOW AND NOTHING MORE FOR ME TO GIVE.**

For your information I have asked the interrogators if they think that I have an intelligence value and have other questions to give them to me to answer them before the ARB so this point would not be an obstacle for my release from here. That was few months ago, the interrogator told me that the questions would never end and there would always be questions even after 10 years and of course you wouldn't be here so we can ask all the question. We need to benefit from your presence here, and want to ask you about everything and anything before the ARB and he reasoned that by saying here we work on the principal of "Placement and Access". He said that I was a well known person in Kuwait and have a social status in my community therefore there must be some information we can benefit from. He said you volunteered to do relief work for years, you may have heard or seen something we can benefit from. Also you went to Afghanistan, you may have heard or seen something we may benefit from. there may be some information that might benefit us.

94 Regarding myself personally I believe that my situation can be summarized with the following points:

95

96 **THE NICK NAME PROBLEM:**

97 The existence of intelligence information about people who have the same nick name, (Abu
98 Abdullah Al Kuwaiti). One of the interrogators said that we know that there were many people with
99 the same nick name (Abu Abdullah Al Kuwaiti) who were in Afghanistan but you are the only one
100 present here with me, naturally I am asking you about every piece of information that comes to us
101 with that nick name (Abu Abdullah Al Kuwaiti).

102 I was asked about allegations since the early nineties and later it was obviously clear that they
103 involved other people. I wonder if I am going to remain here until they finish searching for every
104 Kuwaiti that have the same nick name (Abu Abdullah Al Kuwaiti) who went to Afghanistan in the last
105 fifteen years? That could take years, because
106 Abu Abdullah is the most popular nick name in Kuwait and for your information
107 that President George Bush senior, after the Gulf war was nick named (Abu Abdullah Bush). Will my
108 nick name be the cause of detention?

109

110 **My Education and Social status.**

111 Is it possible that a person with a good reputation in his country and has a high Educational level
112 and loves the relief work and helping the needy would cause his detention under the principle of
113 **PLACEMENT AND ACCESS** is that a reason for my continued detention?

114

115 **Work with the Kuwaiti NGO's**

116 The Kuwaiti relief organizations are a Kuwaiti tradition that was established more than fifty years
117 ago, they however are very closely monitored by the government administratively and financially due to the
118 fact that they represent the good reputation of the people of Kuwait and their love of helping the needy all
119 over the world. All the Kuwaiti (NGOs) are praised to be one of the most efficient and successful NGO's
120 in the Muslim world. Thus it's a great honor to any Kuwaiti to be working with them or supporting them,
121 as they are all approved by the government. The collection of money from Mosques and business are also
122 very well regulated and supervised by the government and you can't do it without a permit and receipts
123 from the government. I personally do not have a permit and never collected money. There are enough
124 people to do the job. I have never heard or seen anyone working in the NGOs who have been accused of
125 extremism or terrorism. If such a person is identified he will be investigated and fired.

126

127 **The Health Clubs:**

128

129 The 2 health clubs are very successful well-established business located in well known areas in
130 Kuwait with very good reputation. They are a 5 ~~star~~ level clubs with all the facilities of their level. They
131 both are targeted toward mid 30's customers. Our members are from the Kuwaiti royal family,
132 businessmen, government official and Europeans. Mr. [REDACTED], the former head of the ICRC in
133 Guantanamo Bay, Cuba was a member of one of the clubs. The membership fees are held relatively
134 high to maintain the social level of the members. With more than 1000 members each and hundreds
135 attending daily. If a couple of young men decided that they will come to the club to lose weight and get fit
136 and then go and do anything, it would be a rare isolated case that the club has nothing to do with. We will
137 not ruin the reputation of the clubs for a couple of kids, but we do not ask people of their intentions. We
138 certainly and do not train people for Jihad.

139

My Visit to Afghanistan:

You may be concerned because I did happen to see Usama Bin Ladin(UBL) when I traveled to Kandhar in June of 2001 to investigate the refugee problems in Afghanistan. I never saw UBL before or after that, I did not travel there to see him, I did not expect to see him, and I never spoke with him. After I finished my meetings on the refugee problems, I accompanied the young scholar with whom I was traveling "Abu Almonther" who wanted to talk with Bin Laden. You must remember that at this time UBL was not the famous terrorist that he now is. I had heard of him basically as a Saudi billionaire who lived like a monk. While there had been some rumors that he had been involved with bad actions, my understanding was that he had denied them. And that he was most famous for his fighting the Russians. I accompanied Abu Almonther who went for dinner and to speak with Bin Laden. The dinner invitation was in his house in the town of Kandhar there was no armed guards or guns anywhere. The invitations lasted 2 hours. For the next 2 days we were also invited to lunches and dinners by other people in town also invited many other people including UBL. During those invitations I had nothing to say or discuss with UBL as I was not there to see him in the first place. My job was with the refugees and nothing to do with him or Al-Qaida. I certainly did not give Bin Ladin any money or anything else or any kind of support. Those trips to Afghanistan have been explored and questioned by every interrogation team from every intelligence agency for every single step tens of times. I had the polygraph and the (CVSA) test, which will show you that I have nothing to do with Bin Ladin or Al-Qaida. For your information I have offered the interrogators and I extend the offer to your panel (ARB) to put me on all types of polygraph and (CVSA) and any other test available to you all in the same time and see if I am telling the truth or not. I will even put the most important questions and my answers to them from now.

The Test

- | | |
|--|-----|
| 1. Have you been to Afghanistan before June 2001? | No |
| 2. did you plan to see UBL? | No |
| 3. when you saw UBL did you speak with him? | No |
| 4. did you give UBL any support directly or indirectly | No |
| Including money? | Yes |
| 5. in your second trip did you refuse to see UBL? ----- | No |
| 6. Have you been to Al-Qaida Media House in Kandhar, Afghanistan? | No |
| 7. At the mountains of Tora Bora did you know anything about | No |
| 8. Are you an operator for Al-Wafa or have any connection with them? | No |
| 9. Do you know any (NGO) or person in Kuwait that support | No |
| UBL and Al-Qaida? | No |
| 10. are you a member of Al-Qaida? | No |
| 11. Are you a member of the Muslim Brotherhood Org? ----- | No? |
| 12. any any militant organization? ----- | No |
| 13. Do you know anything about a Libyan extremist in Europe? ----- | No? |
| 14. While in Kuwait did you know that any member of the club is | No |
| affiliated with Al-Qaida or any terrorist groups ----- | No |
| 15. In the club do you train people for Jihad? | No |
| 16. Do you know any intelligence value? | No |
| 17. Do you support the killing of innocent civilians? ----- | No |
| 18. Back in Kuwait where you regarded a pro American? ----- | Yes |

Please feel free to add any question that I may have missed I have no problem. I know I am innocent, I am not a terrorist and I am not a threat to anybody and I know I did not do anything wrong.

189 I would like to address the primary factors favoring my continued detention:
190

191 A. Commitment:
192

- 193 1 The individual "Abu Hafs" asked me if I wanted to go to Afghanistan. ^{to} document the
194 condition of the refugees and the medical infrastructure on video tape not Jihad.
195 2 The individual "Abu Hafs" was killed with many other people as they were fleeing through
196 the mountains. I never saw him with a weapon.
197 3 There are no flights between Kuwait and Afghanistan and as I needed to document the
198 conditions of the refugees in Western Afghanistan. The route mentioned would be the only
199 route. If I was with the Taliban I would not need 2 months to flee the country they could
200 have given me a safe passage well in advance. And I was captured as mentioned earlier
201 because I was delivered hand to hand from the Afghanistan villagers to the N.A.F. for
202 money.
203 4 I have never been to Afghanistan prior to June 2001. I was working in Kuwait at Kuwait
204 airways where we have to punch in and out every working day; also the Kuwaiti
205 immigration authority will prove that I did not leave Kuwait during that time. "This is one
206 example of the nick name problem."
207

208 B. Training:
209

210 In 1988, I had 2 weeks attendance in the Kuwaiti compulsory service after which I was sent back to
211 my home in a cast when I fractured my knee and that is my "military training". 2 weeks 17 years ago.
212

213 C. Connections / Associations:
214

- 215 1 Correction, I am a business partner in ~~Summits~~ Health Institute and a manager of the Islah
216 Health Club from 2000 to 2001. The Muslim Brotherhood owns the building and we pay
217 monthly rent just like the restaurant next door.
218 2 I am not a member of either group.
219 3 The SHI doesn't train for Jihad as explained before.
220
221 4 As explained earlier working with the Kuwaiti NGOs is a great honor and none of them
222 support terrorism. (4,10,11)
223
224 5 This is a false statement the interrogators said that "Abu Sulaiman" recruits people not
225 me. I never knew that about him in Kuwait, or any other person in the club doing anything
226 that is related to jihad.
227 6 That is another assumptions made by the interrogators. In Kuwait I never knew anybody in
228 the club to be connected to Al-Qaida.
229 7 I never collected money and I have no idea who this man is or anything about Jama'at Al
230 Tabligh. This must be another example of the "nick name problem".
231 8 I am not a member Jama'at Al Tabligh.
232 9 This point has been explained earlier and many test points to cover it.
233 12 I have never been an operator to any non Kuwaiti (NGO)
234 13-14 This is another example of the nick name problem; I have no idea what the
235 13-15 Media House or • Committee is, its also cover with test point.
236 15 This point was explained in details with the interrogators and they no longer ask about it.
237 The numbers are either from Abu Sulaiman or from the Kandhar officials that I saw

238 regarding the refugees problems. I gave them my business cards. I do not know about
239 Khalid Shaykh Muhammad until I came to Cuba.

240 ← 16-17 I would give my business card to any person working with Islamic Relief Agencies,
241 but I would never have given him any card if I knew he is an extremist. But please keep in
242 mind that I do not recall giving any Libyan my card.

243
244 Intent:

245
246 1 On 12 October I was looking for Abu Sulaiman to help me get out of Afghanistan, I was
247 told that he will be in that house. I stayed one night waiting for him. I had nowhere else to
248 stay for that night. There were no gun here,

249
250 ← 2-3-4 These are completely false statements. I was a 240 lbs a person with ~~my~~ ^{many} weight
251 related health issues, ~~also my~~ ^{and my} night blindness and ~~my~~ being complete stranger to the land
252 and the people and never been on a mountain before. Suddenly, I became a chief of supplies
253 for both Taliban and Al-Qaida and leading a group of fighters? Also holding meetings? I
254 don't think even Bin Laden can do all those things in the same time. I have added many
255 test points to clear these ridiculous accusation. & .

256
257
258
259 In conclusion: I went to Afghanistan to raise the name of my country Kuwait to help the needy and
260 refugees as I have done in many other countries for many years. This is a message of peace that Kuwait
261 sends all over the world help people in need, help them to live not die.

262
263 I hope that I was able to tell you who Fouad Al Rabiah is and that I am a man of peace not war. I am not a
264 terrorist and would never support those who kill innocent civilians, and I no longer have any intelligence
265 value and you know everything, I know, and I have nothing more to add.

266
267 I believe that 3 ~~and half~~ years are more than enough price to pay for 2 hours of an unexpected invitation.

268
269 Finally, I repeat my apology for not coming in person. I thank you for your time and hope that you will see
270 the truth and end this ordeal so I can go back to my family and work and my Kuwait.

271
272
273 Thank you.

274
275
276
277
278 Signature 

Date: 5-9-2005