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(Revised 30 SEP 05)

Summary of Administrative Review Board Proceedings for ISN 567

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 Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, (and DMO-2 to DMO-3, other unclass 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 respond to each item of information from the Unclassified Summary as it was presented.

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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 for the Dahabshiil Company in Karachi, Pakistan.

Detainee: Correct, I worked with Dahabshiil and I was their agent Karachi, Pakistan and you know that Dahabshiil Company has many branches in many countries that have a Somalian community; including the United States, the gulf countries, Europe, African countries, Australia, and also Pakistan. The Pakistani branch was one of those offices. All of those offices fall directly under the main department based in Somalia. If work in Dahabshiil formed an accusation, [then] their places would not be open with you in the countries I mentioned before. Dahabshiil has a page on the internet website. You may have enough information that attests its integrity as well. This will prove its distance from terror and some of its customers are international organizations like "Save the Children". The Dahabshiil website is www.dahabshiil.com.

Designated Military Officer: Dahabshiil is closely related to Al-Barakat, a Somali financial company designated by the United States Government as a terrorism finance facilitator. Following Al-Barakaat's designation and shutdown, Dahabshiil took over much of Al-Barakaat's business.

Detainee: I did not know anything about this before. All I know is that Dahabshiil Company is [a] free-lancer or independent company owned by a known businessman and its main office is in Herikesa, Somalia. I received instructions from this office and I did not hear from them...that they have any connection[s] to other organizations, but generally these issues you can discuss with the owner of the company. If this company has any association with companies suspected of terror [then] some of their offices would not be left open and working while some others were closed. This shows something. It shows that it has clean pages.

Designated Military Officer: The detainee was identified as a member of the non-governmental organization al Wafa.

Detainee: Not true. I was never one day a member of this organization and I did not hear of [it] until entering the jail in Pakistan from a Pakistani interrogator officer. I spoke of this at the first tribunal that this accusation is not true. I requested from them to bring the company director or manager that is detained here by you [so] he could testify [to] the truth in front of the tribunal. The reply was that the tribunal president refused this request and is not allowing this person to attend this tribunal. I do not know how you want me to prove to you my innocence from this accusation that was built upon phone numbers found in my phone memorandum. Based upon my job that I worked, I received many phone calls from people I know and from people I do not know. It wasn't necessary or required to me to know all the phone numbers listed in the memorandum. Dahabshiil

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Company is not a secret or underground company. It is on the air directly in the internet and any person who has the company address can contact any agent from the company from any country in the world. You also know that I was arrested from my house where it was my workstation. Also, information sources that were with me were confiscated like the computer, files, and notebooks, which provided all the information about my job and they did not find anything that would show association with the company you mentioned. Just phone numbers in the phone book memorandum. Is this enough to direct an accusation? It's something strange.

Designated Military Officer: The al Wafa organization has been identified as a terrorist organization on the United States' State Department's Terrorist Exclusion list.

Detainee: This has nothing to do with me.

Designated Military Officer: The non-governmental organization al Wafa reportedly was believed to have had connections to Usama Bin Laden and Afghan Mujahidin.

Detainee: This has nothing to do with me. This does not concern me.

Designated Military Officer: The detainee received a Tablighi Jamiat Visa to Pakistan.

Detainee: Like the rest of the Somalians, the wars exited the Somalians from their country, I was looking for any refuge [so] I can live in safety, but I wasn't lucky. I wanted to live in countries where people desire to live, where jobs are available; such as Europe, America, Australia, and the Gulf Countries. Though I had to leave to somewhere so I proceeded toward India and I heard that in Pakistan there was a United Nation office receiving Somalians and giving them immigration passes for a period of time and they could also migrate to other better countries that has better living conditions than Pakistan. The office was the best office in the area so I decided to travel to Pakistan. So, I asked the Somalians who were there how I could go to Pakistan and they told me to go the Pakistani Embassy and tell them that I was going to Pakistan for missionary [work] and they will give you the visa. If you can't find another way because you have a Somalian passport and they don't have a country. I did what they told me and I entered Pakistan and later [went] to the United Nation office. It's worth mention[ing] that this type of visa is known by the Pakistani government. It's not against the law and I have taken this type of Visa before, more than ten years ago.

Designated Military Officer: Jama'at Al Tablighi, a Pakistan based Islamic missionary organization that is being used as a cover to mask travel and activities of terrorists, to include members of al Qaida.

Detainee: I do not have any knowledge of these things.

Designated Military Officer: The detainee ran an illegal money transfer business out of his home.

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Detainee: The business job I worked in was very small and there were no licenses for this kind of business within the Pakistani government and this job of mine was in the middle of the Somalian residents living in Pakistan.

Designated Military Officer: Some of the detainee's counterparts in the United States did not have licenses. They were operating illegally, also out of their houses. In addition, there was reason to believe that the detainee had contact with people involved in the support network for al Qaida.

Detainee: If there are people violating the law of the United States [you] have to take all the appropriate measures, but what I know is that Dahabshiil company has many locations/places in the United States and they have permission [to] work out in the open. You are saying that I have connection[s] with the terrorist, so what is the reason [or] cause? It would be clear to [you] everything about my personal matter and I worked with the Dahabshiil just like the rest of the employees that worked with them. So where is the terror and where is my connection with them? Terror is what departed me from my country and I am one of the people who hates terror most.

Designated Military Officer: The detainee lied to obtain his three-month Pakistani visa.

Detainee: This point is connected to number six and I did not do this, but the necessity of basic human needs and you know that many refugees that entered [the] United States, they entered illegally, but due to their special situation, [the] United States and other countries received them. Today they prosper with official residential documentation or even received the citizenship.

Designated Military Officer: The detainee was captured after the Pakistani authorities had conducted three raids on his home and finally detained him for illegal money transfer.

Detainee: These weren't raids. They were just routine visits by the special police and the Intelligence. They wanted to check my identification and my papers. These visits repeated three times, somewhat distant from each other. They took pictures or copies of my immigration paper/pass from the United Nation and after a time period, they came to my house and arrested me. [They] told me they wanted to check some matters and [that] I would be released soon. After four months, they handed me over to the United States Forces.

Designated Military Officer: The following primary factors favor release or transfer. The detainee stated he was never involved in an Islamic Militant group or knowingly transferred funds for their cause.

Detainee: I have never knowingly or not knowingly transferred funds to anyone. I only received money for the poor Somalian people.

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Designated Military Officer: The detainee, during his oral Combatant Status Review Tribunal statement, stated that he had no knowledge of al Wafa until he entered prison in Pakistan.

Detainee: Correct statement. The first time I heard of it is from the Pakistani officer.

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.

Detainee: Based on what was mentioned before and my innocence from these accusations, I do not deserve to stay detained [for] all this time. A lot of interrogators said to me that through this war that was lead by the United States, a lot of mistakes were made and they must be corrected. They told me many times [that] I am here by mistake. I think you came here to correct these mistakes and I have cooperated with the interrogators during all this time and I did not refuse to talk like many detainees who were frustrated from the long interrogation. I was always telling the truth. Like I told [you] before that I left my country because of civil wars and I would like to live in a safe place...with my family making a living.

Presiding Officer: Does this conclude your statement?

Detainee: Yes.

The Assisting Military Officer stated that he had no additional comments.

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

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

Administrative Review Board Member's questions:

Board Member: the Company that you worked for, did you ever inquire into what the purpose of the money was going to be?

Detainee: No.

Board Member: Did you just give money to people who asked for it without a purpose?

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Detainee: Like I mentioned before, the office was open to the Somali community who were living there. They would receive money from their relatives or family to help them live there.

Board Member: Did you ever provide money to anybody that was outside the Somali community?

Detainee: Very, very rarely because it has an internet site and was very well known. Sometimes the college students who were there, a few Somali or Pakistani students. Those cases.

Board Member: You compared the company you work for with the "Save the Children" organization. Was this just a humanitarian aid? Is that what they provided?

Detainee: It was not [a] comparison. In the tribunal, my personal representative went on the internet and printed out the website and some of the customers of the Dahabshiil Company were "Save the Children". That was an example of the customers of that company.

Board Member: When your home was raided you said that they were checking your identification and your papers. When they came back again did you suspect that they thought you were doing something illegal?

Detainee: I suspected them, but then if I knew I was [going to] get arrested I would [have left] the place, but because it was a company [where] money was transferred I thought maybe it was a routine for them to come and check. Otherwise, if I knew I was going to get arrested I would have left.

Board Member: Do you speak English?

Detainee: A little bit.

Board Member: Did you learn English in Somalia?

Detainee: Yes.

Board Member: This was a hawalal that you had?

Detainee: It was a money transfer.

Board Member: How old are you?

Detainee: I was born at the end of 1965.

Board Member: Did you receive any education in Somalia?

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Detainee: Yes.

Board Member: What education level did you reach?

Detainee: A Bachelors Degree in Agriculture.

Board Member: Did you work with this banking institution in Somalia?

Detainee: No.

Board Member: You are familiar with the process of transferring funds. Were you familiar with that in Somalia? Is it very commonly used there?

Detainee: After the government of Somalia fell, then I had to look for some other way to make a living, a clean way to make a living. This was not my major; it was not my specialty. I had to find a clean way to make a living.

Board Member: Where did you go after Somalia? Pakistan?

Detainee: No, I went to India.

Board Member: Then you went to Pakistan after India?

Detainee: Yes.

Board Member: You had mentioned that you had a traveled on a visa ten years prior to when you went to Pakistan. Where did you travel to at that point?

Detainee: I took it from the Pakistani Embassy in India.

Board Member: How long were you in Pakistan?

Detainee: I have been here since 2005 and my movement was 1994 to India and Pakistan.

Board Member: This business was operated out of your home?

Detainee: Yes.

Board Member: Did you generally have the same customers that came for money transfers?

Detainee: Yes. The office usually opened in a Somalian community. There was a small Somalian community there in Pakistan where that office opened for their needs to go there to have their family send them money and so on. It was in a community where the Somalians were living.

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Board Member: It was out of your home, is that correct?

Detainee: My workstation?

Board Member: Yes.

Detainee: Yes, my house.

Board Member: When there was a transfer, did they come to your house or would they contact you by phone?

Detainee: Sometimes they had my phone number they would call me then they would come or they would call me and I would meet them and we would make sure there was no problem.

Board Member: What bank did you use to keep the funds?

Detainee: I did not work with banks. The money was in my house.

Board Member: Did you do any large financial transactions? What was the largest financial transaction?

Detainee: It was usually receiving money. The most I remember was about \$20,000.

Board Member: Pakistani rupees or US dollars?

Detainee: American dollars.

Board Member: You kept that much money in your house at one time?

Detainee: It never stayed there for a long time. I would get faxed from the company the amount of money and the customers would get the information and would come to me and [say] this is the amount of money I am receiving.

Board Member: Did you do any swaps? Did you exchange money for anything other than money?

Detainee: No.

Board Member: You were in Pakistan in 1994, you're educated, and you are obviously very smart. Did you see what was going on in Pakistan?

Detainee: I use to hear it on the news just like I heard the news about the wars in my country that I left.

Board Member: Did you know about Usama Bin Laden?

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Detainee: I haven't seen the Taliban. I have never entered Afghanistan. The whole world heard the news that [was] broadcasting. The only information that I have, I was getting from the news that I was watching.

Board Member: Did you know about al Qaida?

Detainee: I didn't know anything. Sometimes [it was] on the news.

Board Member: Were you ever suspicious about the money transfers that you had?

Detainee: No, never.

Board Member: Were you ever suspicious about any of the sums of money that you transferred?

Detainee: No. Not one thing was susp[icious]. The money that came to me was [a] very small amount, very simple money for the Somalians that was receiving [it]. I never suspected because it was [a] very small amount of money.

Board Member: I want to make sure that never once were you ever suspicious about any transfer?

Detainee: I had someone call me a Somalian and came to me and said [they] want to transfer money... I didn't have any orders from my company, any procedures that I had to check to suspect anything. I didn't have that.

Board Member: No paper trail. You never kept records.

Detainee: Records how?

Board Member: Of transfers?

Detainee: There were records of the fax. The faxes said the time and date, the amount of money which company was sent, the address where it went. The other persons on the other side receiving it had to keep the same records.

Board Member: Were all of your transfers from Somalia?

Detainee: The main department or orders came from Somalia. There was no direct connection to me and other offices in the rest of the world. My orders came directly [from] the main department in Somalia.

Board Member: All of your transfers went to Somalians?

Detainee: Yes, that is how it was.

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Board Member: How did they know about your business? By word of mouth?

Detainee: Like I said, my address, my name, my phone number, everything was on the website. Everything was there for people to see.

Board Member: Were you making a good living?

Detainee: It wasn't what you think [of] a way of living, because the customers, the people I work with were very, very few. [There] were very few transfers. My situation kind of forced me to work this kind of job.

Board Member: How many transfers were there a day or a month or a week or a year?

Detainee: I've been here four years, but if you want the information, all the files everything I have, the computer, the phone books were taken from me. You have it. You can go back and get them.

Presiding Officer: We're just asking for a rough estimate of how many transfers you did on a daily or weekly basis.

Detainee: It was not a money transfer. It was to receive. It was not a transfer. In the beginning sometimes this would go and I would not even have one person [then] later day by day I would see one person a day and later on they got more; maybe two people a day. The day that I was detained I have about four to five people, but they were receiving a very small amount of money.

Board Member: I would like to talk about Jama'at Al Tablighi. Were you a member or a missionary or a part of Jama'at Al Tablighi?

Detainee: No.

Board Member: You just used that to get your visa?

Detainee: When I went to the Embassy and they gave me the visa and the place where it says purpose of the visa I put missionary. I didn't know anything about Tablighi or anything. They looked at it and said missionary, okay.

Board Member: Did you ever visit the Jama'at Al Tablighi center in Lahore, Pakistan?

Detainee: I've heard, but have never gone there.

Board Member: Were you a member of any NGO, non-governmental organization?

Detainee: Never.

Board Member: Did you ever give any alms to any organization?

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Detainee: Never.

Board Member: Did you ever travel with any organization?

Detainee: Never.

Board Member: Did you know anybody who was a member of these organizations?

Detainee: I do not know.

Board Member: So you don't know if you transferred any money between these organizations?

Detainee: Like I mentioned before, this was a receiving office. It was not to transfer, but if someone came and told me they want to transfer, they usually mention the name of the person. They don't mention...the name of the organization.

Board Member: You didn't know all of your customers?

Detainee: Not personal[ly].

Board Member: You don't know if somebody came to you who might have been a member of al Qaida, al Wafa, or Jama'at Al Tablighi, or another organization. You wouldn't know if they came to you?

Detainee: Like I said, the first time I heard of that was here. Let's say for example a person goes to the bank and wants to transfer some money somewhere else, of course you are not going to know that person. That person could be [a] bad person, you would not know what kind of person he is.

Board Member: Hawalals are all over, is that right?

Detainee: In the places where there was a Somalian community and Somalian people.

Board Member: Why did they come to you? Why were you arrested?

Detainee: I do not know. You are directing this question at the wrong person. I do not know why I was arrested. When they came to me they arrested me (I was arrested for four months before I was turned over to American forces), they told me I had phone numbers in my booklet that [belong to] bad people and they wanted to be sure what happened and then [that] I would be released.

Board Member: Did you have problems with the police, Pakistan, Somalia? Did you have any problems with anyone prior to this?

Detainee: Never. Nope I did not.

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Presiding Officer: I am convinced that your branch of the Dahabshiil Company was used to transfer money for terrorism.

Detainee: How? What is your evidence?

Presiding Officer: I believe that your company was used in that way. My question is did you know it or not? That is what we are trying to answer today. In the Somali community in Karachi did you ever hear of any support for al Qaida or the Taliban?

Detainee: Open your ears very well and hear me out. When I say Somalian community in Pakistan, I don't mean all the Somalis together and they have a leader and they know who is what, doing what. I mean people who are scattered everywhere, the students and the workers who are working all over the place.

Presiding Officer: I understand that they are all over the place, but I assume that you lived with and knew any of these people that were Somali and clearly they used you to receive money from different places. Did you hear much about al Qaida or Taliban?

Detainee: Never. I did not hear.

Presiding Officer: What year did you move to Pakistan?

Detainee: 1994.

Presiding Officer: In those nine years you were there before you were picked up by the Pakistani police you didn't hear much at all about al Qaida or Taliban?

Detainee: What do you mean by hear?

Presiding Officer: What I am trying to find out is if you think maybe there were some people that were using your company and using your branch to transfer money or whether you were just totally not paying attention to who they were or if you knew that perhaps some of these people were using your company to transfer money for al Qaida.

Detainee: Like I said before, the office was open to students. I do not know what was in people's hearts when they came to me. They came to me and asked did they receive this money yet. My job was only to tell them yes it is here or it is not here.

Presiding Officer: You never heard of al Wafa?

Detainee: I've mentioned it before I heard it from the Pakistani interrogator officer when I first entered the jail there.

Presiding Officer: Where if we decide to release you or transfer you, do you want to go back to Pakistan or go back to Somalia?

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Detainee: Honestly, as you know Pakistan is not my country and every person in their own heart will want to go back to their own country and the only reason I was there was the immigration office. I was there as a refugee. I filed for immigration to go somewhere else, but I would love to go to my country if my country is stable and has a government and is safe to go to. I have been here four years and I don't know any thing [that] has been happening in Somalia right now. If the country is stable and it is okay for me to go there I would rather go to my own country and if my country is not stable I would seek refuge or immigrate to another country that is safe.

Presiding Officer: Where is your family?

Detainee: My family, I was taken from them in the middle of a very dark night and from that day I don't know [any]thing about my family. They were in Pakistan.

Presiding Officer: You haven't heard from them at all?

Detainee: My wife's father was arrested. He told me that she has moved in with them. That is the last thing I have heard about my family.

Presiding Officer: Why was he arrested?

Detainee: He is here. I don't know. He was in his house when he was arrested.

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.

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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