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Summary of Administrative Review Board Proceedings for ISN 679

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

The Presiding Officer announced the convening authority and purpose of the Administrative Review Board proceedings.

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

The Presiding Officer read the hearing instructions to the Detainee and confirmed that he understood.

Detainee: What procedures or proceedings? I just thought you were just going to ask questions. I need some clarification on this process.

Presiding Officer: What would you like to be clarified?

Detainee: Which process are you talking about? What you just said or what is going to follow from this point on?

Presiding Officer: So far, we have discussed conduct during this Administrative Review Board. We have discussed what you may be able to view and the information, which will be discussed.

Detainee: Fine.

Presiding Officer: Very well.

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.

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The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and DMO-2 the FBI Redaction Memorandum to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had been previously distributed to the Assisting Military Officer and Detainee.

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

The Designated Military Officer confirmed that he had no further unclassified information and requested a closed session to present classified information relevant to the disposition of the Detainee.

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer read his comments to the Administrative Review Board.

Assisting Military Officer: The Detainee's initial interview occurred on 13 June 2005 and lasted for 90 minutes. After a review of the ARB's purpose and procedures were explained, the Arabic translation of the Unclassified Summary of Evidence was read to the Detainee. The Detainee said he wanted to attend the ARB. The Detainee elected to have the Assisting Military Officer take his comments, and wanted the Assisting Military Officer to read his comments on his behalf regarding the Unclassified Summary of Evidence. A follow up interview was scheduled for 15 June 2005 and lasted for 40 minutes. During the follow up review, the Detainee verified that the response to the Unclassified Summary of Evidence was what he wanted to the Assisting Military Officer to present to the ARB. The Detainee was polite and cooperative throughout both interviews. The Detainee was told that the ARB might ask him questions. He was provided an Arabic translation of the Unclassified Summary of Evidence for additional review.

Detainee: Even though he (*referring to the Assisting Military Officer*) is going to speak on my behalf. I would like to participate, as well.

Presiding Officer: That's fine. Very well.

Detainee: Fine.

Presiding Officer: Continue.

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The Assisting Military Officer read the Detainee's response to the Unclassified Summary of Evidence:

Assisting Military Officer: In response to the allegation that the Detainee traveled from Yemen to Pakistan in mid-September 2001, the Detainee said is it a crime to travel from Yemen to Pakistan? The Detainee said I do not know what is the month of September. He said what is it in the Hijri calendar. (*Detainee was shown the equivalent time on the Hijri calendar*). In response to the allegation that the Detainee stated he is a terrorist, the Detainee asked when had he stated that? The Detainee said even if I stated that, and knowing what it is, is that considered an allegation? In response to the allegation that the Detainee was sent to Pakistan by a member of the Jama'at al-Tablighi, the Detainee said this is true. In response to the allegation that the Detainee obtained his travel visa through the Jama'at al-Tablighi, the Detainee said that is true. The Detainee asked is the Jama'at al-Tablighi a terrorist organization? If so, they are the ones who gave him the visa, and he did not know. The Detainee said Jama'at al-Tablighi is the terrorist group that committed the crime.

Detainee: I did not know.

Presiding Officer: Very well. I understand.

Detainee: I did not say that the Jama'at al-Tablighi is a terrorist organization or group terrorist.

Presiding Officer: I understand that is consistent with your statement for the record. Your statement questions whether it is or not. I understand what you are saying.

Detainee: I just want to make sure that I did not say.

Presiding Officer: I understand that you did not say that. You asked the question in a rhetorical sense... "Is that in fact a terrorist organization?"

Detainee: I would like the whole statement to be read from the beginning.

Presiding Officer: Very well.

The Linguist reread the statement from the Assisting Military Officer to the Detainee.

Detainee: I did not say that.

Presiding Officer: Very well. When you have the opportunity to make a statement you can rephrase that any way you would like at that time. For the record, the fourth item on EC-B, the Detainee says it is not worded as he would like it and he would reword it, during his statement.

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Assisting Military Officer: In response to the allegation that the Jama'at al-Tablighi, a Pakistani based Islamic missionary organization, is being used as a cover to mask travel and activities of terrorists including members of al Qaida, the Detainee said, he was aware that Jama'at al-Tablighi was all over including the United States, and the United States are aware of it as well. The Detainee said the Yemen Republic knows this also.

Detainee: I want [that] also, Pakistan, as well.

Presiding Officer: Very well. For the record, the Detainee has said in statement 5 of enclosure B (*AMO exhibit EC-B*), he also wants to include, as well as the United States, [and the] Yemen Republic, Pakistan, as well.

Assisting Military Officer: In response to the allegation that a senior al Qaida lieutenant recognized the Detainee in a photograph, the Detainee said if someone saw him in a photo, bring that person so he can meet him. The Detainee said it is possible that the person who saw his photo may have made a mistake. In response to the allegation that the senior al Qaida lieutenant ran an al Qaida safe house where a number of al Qaida members were captured, the Detainee said this has nothing to do with him. He said this has no connection to terrorist, Muslim or other wise. The Detainee said he used the Taliban [al-Tablighi] to accomplish his goals.

Presiding Officer: Excuse me for one second. When you finished reading that [Assisting Military Officer], you said [the Detainee] used the Taliban to accomplish his goals or he used the al-Tablighi to accomplish his goals?

Assisting Military Officer: Al-Tablighi.

Presiding Officer: Okay, you said differently last time. Did you (*referring to the translator*) translate al-Tablighi or translate...

Linguist: I translated Jama'at al-Tablighi

Presiding Officer: Very well. Good. Just want to clarify for the record. Make sure we have the right...(inaudible).

Assisting Military Officer: In response to the allegation that the Detainee was captured in this safehouse, the Detainee said he was not at al Qaida safehouse. He said he was at a house at belongs to the Salafia School. In response to the allegation that the Detainee was sent a personal greeting from the Taliban Deputy Minister of Intelligence, the Detainee laughed and asked, 'where is the letter, and what is the address it was sent [to]?' The Detainee said he has never received the letter. The Detainee said he never knew or heard of the Taliban until the Tribunal. The Detainee said he did not understand and asked during the tribunal, 'what is the Taliban and al-Qaida?' In response to the allegation that the Detainee stated if Muslim scholars said the attacks of September 11, 2001 were the correct actions to take, he would support the scholars, the Detainee said

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this is not true. The Detainee said this is not the way he stated this. The Detainee said he does not believe in the Muslim leaders any more, and he would no longer follow them. In response to the allegation that the Detainee stated that if Muslim scholars say that people must die, Muslims must follow their words, the Detainee said this is not true. The Detainee said if Muslim leaders said something that was correct he would follow it, and if it is incorrect he would not. In response to the allegation that the Detainee stated he wants the infidels, non-Muslims, destroyed, the Detainee said this is not true. In response to the allegation that the Detainee said those who do not follow Islam will go to hell or be killed, the Detainee said this not true. The Detainee said he cannot predict the future and does not know who will go to heaven. The Detainee said no reasonable person would accept this allegation. In response to the statement that the Detainee denied having any knowledge of any rumors or plans of future attacks on the U.S. or U.S. interests, the Detainees said this is true.

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

The Detainee requested to do the (Muslim) oath on his own.

Presiding Officer: Very well. Please recite the oath.

Detainee: I swear to tell the truth to you. I will tell you nothing but the truth. And I will give you all the statement. I will answer all the statements. All the statement, I have given you.

The Detainee made the following statement:

Detainee: Shall I start?

Presiding Officer: Yes, you may.

Detainee: I appreciate the fact that you are spending some time searching for the truth. That gives him a better picture, as far as the Americans and the American society. I will not forget that. This is what I've seen from them here and I'm sure that they don't want to project a bad picture for the United States. Every individual is searching for the truth and it would (inaudible) to be cruel and unjust to others. I will provide you with all the information and statements, whether this information that were in is true or not. I will explain everything about my life even about the time I spent here in Cuba. I am an ordinary man. Even though, they may have made a mistake, you know, by bringing me over here. All these statements that we have just read, that should give you a clear picture of myself. I never wished any harm for any nation, including that against the United States. I have never been in contact or associated with any organizations. I never had any confrontation with any organization or with any other individual. I would like for you to consider, that I could not give you [I did not give you] enough information is because I did not have any documentation. [Because] they did not allow me to send or

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receive any letters. Three years I have not been able to contact my family, my attorney or even exercise my rights. And I wish that you consider that in your decision. It's a proven fact, that when they captured me...the Pakistanis...I did not get involved or I did not go into conflict with them or fighting with them.

Presiding Officer: You did not resist, if I understand...

Detainee: There was no proof to show that I am an individual that is trying to attack somebody. Even during my stay here in prison, I didn't have any problems even with the soldiers, the other Detainees, or anybody else in camp. Also, some of these points, or statement/allegations, they were not correct. Somehow they said that I have connections to Taliban or al-Qaida. I don't know who they are, what they're doing? Infidel's statement, no reasonable man would accept these statements/allegations. I like to serve my country, my homeland, just as you people are serving your country. I would like to help people as well. I went to Pakistan for the purpose of studying medicine. I used the Jama'at al-Tablighi to achieve my goal, because I did not have the financial means and since I already gone there to study medicine. I found out that I could do something, you know.... I stated that in my previous, to the Tribunal and now.

Presiding Officer: Very well.

Detainee: Even during my stay, in Pakistan, there was nothing I've done over there against the laws and I'm sure they have that information in my file. In fact, there is nothing that was done, you know, against the Pakistani laws or the cities. The reason that I went to Jama'at al-Tablighi is because I know that this is an organization, exist all over the world. And you people know that as well. I admit using Jama'at al-Tablighi for that purpose only and that is only to get my medicine. Also, I would like when and if I'm released. You know once I get out. I would like to go back, so I can help my family and my father. For the past three years, the time I spent here in prison, I was prevented from doing what I was supposed to be doing. I hope that the United States, you know, made a mistake in capturing me or bringing me over here. And maybe they meant to capture somebody else, but they captured me instead. I hope that they don't make a mistake. I hope that I will not have an ugly picture toward the United States. United States says that they don't like to be cruel and they like to be just. I will see, how they will evaluate my situation. I would like you to consider all the things that I have told you. If you need any further explanation, please ask.

Presiding Officer: We will? Does this conclude your statement? We will ask questions.

Detainee: I would like, when and if I'm released, to go back to my country and would like to get married and settled down within a family and support, you know. I would like to have family life, a very stable one. I would not repeat the mistake of going to Pakistan again.

Presiding Officer: Does this conclude your statement [so we] can get to questions?

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Detainee: I would like you to consider all the facts that were given to you and I believe that this is an informal type of thing and that we are just going to the tribunal and the ARBs, and nothing is going to come out. And when you find out that all this information, I'm clear of all the wrong doing, I'd like you to release me to my home country.

Presiding Officer: We will consider all information, including your statement.

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

The Designated Military Officer had the following question:

Designated Military Officer: The Detainee stated that he does not believe in the Muslim leaders anymore, but in the very next statement, it said if a Muslim leader said something that was correct he would follow it. So, I guess I'm unclear, about his regard for the Islamic leaders.

Detainee: I did not follow the Muslim leader to begin with. I was doing my work without having to go back to the Muslim leader. I have no connections with these Muslim leaders. I pray. I do my daily work and I (inaudible).

Presiding Officer: Okay. Do any of the Administrative Review Member's have any questions for the Detainee?

Administrative Review Board Member's questions:

Board Member: Yes, sir, I have a question. Mr. Tahar do you believe the events of September 11, 2001 was a terrorist attack?

Detainee: Are you talking about what happened here in the States?

Presiding Officer: What happened on New York City, September 11, 2001?

Detainee: I don't know whether it is or it's not but I'm against it regardless. Anybody who attacks somebody else...that is a wrongdoing and he should be punished or penalized. Any reasonable man would see that.

Board Member: Does it matter whether the people that are attacked are infidels or not?

Detainee: I don't know as I told you anything about that. My level of intelligence is so that I can't make that prediction. I'm not at that high level that you should ask me this question.

Board Member: Do you know any members of al-Qaida?

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Detainee: No, I don't know. I told you in my statements here that I did not even know [anything] about al-Qaida or the Taliban. Even when I went to my Tribunal I had to ask there. I heard of it, but I didn't know the meaning of these [this] deviate al-Qaida and Taliban until, you know, put these allegations against me.

Presiding Officer: When you were studying in Pakistan, you did not hear of the Taliban in the neighboring country of Afghanistan?

Detainee: No, I did not.

Board Member: Were you ever contacted by a member of al-Qaida?

Detainee: No, I was not.

Board Member: Ever contacted by someone that was a member of the Taliban?

Detainee: No. Do you mean that he sent the letter to me while I'm here at Cuba?

Presiding Officer: No. [The Unclassified Summary of Evidence reads] 'The Detainee was sent a personal greeting from the Taliban Deputy Minister of Intelligence, prior to arrival in Cuba.'

Detainee: Did you find this letter?

Presiding Officer: We can discuss that in the closed session.

Detainee: I said that I didn't have any connection to nobody.

Presiding Officer: We understand your response.

Detainee: No reasonable man would understand. I did not get in touch with any one of these people. How is it that they're accusing me of being al-Qaida or Taliban? During the Tribunal, the [personal representative] told me that they did not find any allegation against me. I requested him to declare that to the Tribunal members. You can look in the file; you should find that there. They indicated they could not find any proof, that I am a member or I belong to either the Taliban or al-Qaida but he said 'we are looking for something, regardless what it is to connect me to them.' I told them, is this what you consider justice? The guy said "no."

Presiding Officer: We are looking for the truth.

Board Member: Where is your home country?

Detainee: [With] all this going on and you don't know where my country is?

Presiding Officer: We are confirming.

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Detainee: Yemen. I should tell you to go back to my file, but I want to save you some time. I am Yemeni.

Board Member: Thank you. We've been talking about the letter you got from...someone said you got a letter from the chief of intelligence or this is the chief of intelligence of Taliban.

Detainee: Whoever told you this; ask him to give you the letter.

Board Member: Who would say such a thing about you?

Detainee: I don't know who would say something like that. This question should not be directed to me. You should look for that yourself. That is what I'm trying to find out. Where's the source of this lie?

Board Member: Yes, it's my job to find out too. So that's why I asked.

Detainee: This allegation is to me.

Board Member: Yes, I know. If someone is not telling the truth about you, we need to know.

Detainee: I told you this is not true.

Board Member: I know, but someone is giving this information.

Presiding Officer: He (referring to the Board Member) is asking [if] you know who would have told us that information?

Detainee: I was not doing that interrogation. So, I cannot tell you, who would say something like that about me.

Board Member: Okay. You have no idea.

Detainee: I told you the whole thing does not make any sense. Your telling me you don't have any idea.

Board Member: No. No, we have to find out who did that. Who said that?

Detainee: I don't know.

Board Member: Did any of the other Detainees tell you what the board was like...what this hearing was like? Did any of the other Detainees out at camp tell you what the hearing was like?

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Detainee: Yes. They told me about it. They say this is nothing more than a theatrical thing. It's formality. They're just going through this thing and everybody is laughing at the whole process. But I made up my mind that I wanted to attend the ARB despite what they said. That's why I attended the Tribunal and I'm here now. If I wanted to follow what they're saying inside the camp, I wouldn't be here now. I am sure that the majority of the people that were here...they refuse to come to the ARB.

Board Member: Do the people at the camp know that these boards can keep them here and recommend that they be tried later on?

Detainee: Everybody is saying that these ARBs are nothing but a formality. These are not interrogators and even you don't know that this is just formality. They, the soldiers and interrogators, said it was a matter of paperwork and paper pushers and the American politics is just playing its role and that's true. You can check with your countrymen, you'll find out that's true. A lot of people, they end up leaving the camp here without having to attend the ARB or the Tribunal. They were accused of larger crimes than myself. You people know that as well.

Board Member: Thank you. Last question, if you return home would you study medicine again?

Detainee: Yes, I will.

Board Member: Okay, thank you.

Presiding Officer: I have several questions. When you were studying in Pakistan...the house that you were staying in...how many residents lived there with you?

Detainee: I don't know.

Presiding Officer: Were the others who lived there students?

Detainee: I don't know.

Presiding Officer: Are you the only student?

Detainee: I can only tell you about myself. I was a student there. If there were other people there, [I don't know] whether they're students or not. As you will know that these are personal things other people don't like to discuss.

Presiding Officer: The owner of the house. Did you know him?

Detainee: What do you mean by that?

Presiding Officer: It said you stayed in a house that was where a number of al-Qaida were captured. Did you know the owner of the house?

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Detainee: I used to know a guy...his name is Issa Pakistani.

Presiding Officer: Very well. I want to clarify [that] until your Tribunal you had never heard the term Taliban or al-Qaida.

Detainee: That's correct.

Presiding Officer: Very well. Does anyone have any further questions?

Board Member: I have one more. The house you were staying in in Pakistan, did you ever see any weapons inside that house?

Detainee: I did not see anything.

Presiding Officer: Thank you, Mr. Tahar, for your patience and forthrightness with your answers today.

Detainee: I have some comments to make about four points.

Presiding Officer: OK. On [Exhibit] EC-B there are four items that you do not agree with the statements that were written. You can restate them.

The linguist read the statements to the Detainee in Arabic and the Detainee gave the following answers.

Detainee: Number One, this is not correct [about] the Islamic leaders [saying] that this something is correct [and that because of that] I will follow it. Anything that's said, even though it's correct, it doesn't mean that I'm going to follow it. I do what my conscience tells me...what my God tells me to do. Their statements or words or decisions might be incorrect or inaccurate. Number two, all this is not true and the Islamic leader never said to kill other people. Even if they did I would not follow it because I do not hold a grudge against anybody.

Presiding Officer: We understand.

Detainee: Number three, this is not true. No reasonable man would make such an allegation or statement. Again, I would not hold any grudge against [anyone]. Number four, and finally, again this is not true. Restating I will not predict the future and whoever does not predict the future cannot determine whose going to hell and who is going to heaven. I can only talk about myself. That is all I have to say.

Presiding Officer: Thank you.

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

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The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Captain, USN
Presiding Officer