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Summarized Administrative Review Board Detainee Statement

The Presiding Officer read the Hearing Instructions to the Detainee and confirmed that he understood and had no questions.

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

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

The Designated Military Officer presented Exhibit DMO-1, the Unclassified Summary of Information to the Administrative Review Board.

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

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

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

Note: The Detainee appears to understand English and answered a few questions in English without the assistance of the translator.

Presiding Officer: The Detainee may now present information to the Administrative Review Board. Assisting Military Officer, does the Detainee want to present any information to this Administrative Review Board including written statements, oral statements, or witness statements prepared on his behalf?

Assisting Military Officer: Sir, I am not aware of any written statements that the Detainee has brought with him and perhaps he will want to address the board in a few moments. However, I have taken notes during our interview and I would like to read those notes in response to the unclassified summary now. Sir, the Detainee provided the following comments in response to the unclassified summary of evidence; he stated he [had] already provided an explanation for his traveling from Yemen to Pakistan during the Tribunal (CSRT) and that his purpose for leaving Yemen to Pakistan was so that he could trade in buying and selling fabrics. He stayed in Pakistan for approximately two years and five months. Shortly after arriving in Karachi he met a Pakistani man named Hussein Bashir in one of the markets. Bashir took him to his home and mentored and advised him in the buying and selling of cloth while he lived with him for about six months.

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Detainee: No, that is not correct. There is a mistake in translation just in this point. He did not teach me how to buy and sell fabrics. He said come with me and we will buy fabrics. I stayed with him for six months and we would go out and come back leisurely.

Presiding Officer: Did he just helped you buy the fabrics, he didn't teach you about buying fabrics? Is the six-month time frame correct?

Detainee: No, I didn't even buy fabrics to begin with. He said come with me to my home so I can tell you about a place where you can buy fabrics.

Presiding Officer. I understand.

Assisting Military Officer: Continuing, the Detainee stated that his purpose for traveling to Faisalabad was to obtain temporary residency in Pakistan and that he had a legal visa to be in Pakistan. He was employed for about sixteen months as a handyman, gardener and security guard for someone who owned a villa and his salary was \$2,000 rupees a month. After that period of time he moved to Lahore, Pakistan where he stayed for three months trying to establish residency, which would permit him to stay in Pakistan longer. He was not able to get residency in Lahore so he moved to Faisalabad, where he stayed for 2 months, again trying to obtain residency. In response to the allegation he was identified by a senior al Qaida planner as having been a resident at a safe house located in Kandahar, the Detainee stated he has never entered Afghanistan and that whoever made this allegation is a liar and the statement is completely untrue. Regarding the statement he was identified by a senior al Qaida facilitator as being a resident at a safe house located in Kandahar, again, he restated he has never been in Afghanistan. Regarding the allegation that this same individual also saw him at a safe house located in Faisalabad, the Detainee explained that when trying to obtain residency in Faisalabad he was staying with a Pakistani man named Ezzat Nasser and stayed with him and his family for about two months. He stated that one day when he went to a building where telephone calls were made and he met a man named Emad Abdullah and he explained [to Emad] what his situation was in Pakistan and why he was in Faisalabad. Abdullah explained that he and others were students at a university of religious studies and invited him to stay with them. The Detainee explained [that] he accepted the offer to stay in Abdullah's house because the Pakistani family he was currently living with had a small house and Abdullah's residents were Arabs, they spoke the same language, and understood each other. He stated his housemates appeared to be only students. Regarding the allegation he was present and helping to transport equipment and wounded on or near the front lines in Bagram, Afghanistan, the Detainee stated this cannot be true because he has never been in Afghanistan. In response to the statement under 'primary factors favoring release' that he received \$3,500.00 from his mother to travel to Pakistan and open a fabric store, he stated he did receive money from his mother but it was a much smaller amount and doesn't remember the precise quantity. He stated he has no animosity toward Americans and, quite the contrary, believes Americans are a peaceful people. However, he believes the American government has wronged him by keeping him in detention. He stated that he has never thought about harming any person at any time, American or otherwise, and that he has never thought about doing anything hostile against the U.S. government. He stated it serves no purpose to be hostile or angry.

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[He] stated that in the event he were released the first thing he would do is to get a job, then get married, and then continue his education. He stated that the U.S. could contact his home country and inquire regarding his being a participant in illegal activities or being a terrorist. Sir, this concludes the notes I took in our interview.

Presiding Officer: Fahmi, with the exception of the corrections about Hussein Bashir, is what the Assisting Military Officer said basically correct?

Detainee: Yes.

Presiding Officer: At this time, [although] we do not require an oath and it is completely voluntary, do you want to make your statement under oath? An oath is a promise to tell the truth. We have prepared a Muslim and a non-Muslim oath if you wish to use.

Detainee: No.

Presiding Officer: Fahmi, is there anything you wish to tell the board?

Detainee: I don't have anything but I wish to clarify the subject of the people that he mentioned. Up until now, I haven't seen any of these people that you said [had] accused me of certain things.

Presiding Officer: OK, please proceed and give us as much information as you care for us to have.

Detainee: Never in my life have I committed any terrorists' acts against the United States or any other country. You can call my country and make sure of that. My country can tell you if I have any record of any terrorist acts or if I was a terrorist. Up until now, honestly, I never thought and I don't think of harming any person.

Presiding Officer: You said up until now, are you saying that your attitude has changed presently or do you wish to harm people in the future? You said up until now.

Detainee: I don't wish to harm [anyone] now or in the future. I am not prepared to come back to Cuba another time.

Presiding Officer: I understand.

Detainee: I've spent three years here in a cell that is one meter by one meter in the presence of a bathroom as well. This I think is enough.

Presiding Officer: Can you tell me anymore? We will have some questions for you later on but is there anything you wish to tell us as to why we should no longer consider you a threat?

Detainee: In the future?

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Presiding Officer: Yes.

Detainee: I am not willing to come back here again. I am not prepared for any country to turn me over to the United States. I want to buy my life and not sell my life.

Presiding Officer: Well put. Is there anything else you wish to say?

Detainee: Nothing that is it.

Presiding Officer: Fahmi, does that conclude your statement to the board?

Detainee: Truthfully I don't have anything.

Presiding Officer: Thank you. Assisting Military Officer, do you have any questions for the Detainee?

Detainee: May I clarify another point?

Presiding Officer: Sure.

Detainee: Regarding the money.

Presiding Officer: I was going to ask you a question about that later. Do you want to wait until then?

Detainee: All right.

Presiding Officer: Assisting Military Officer, do you have any questions for the Detainee?

Assisting Military Officer: No, sir.

Presiding Officer: Designated Military Officer, do you have any questions for the Detainee?

Designated Military Officer: No, I don't, sir.

Presiding Officer: Do any Administrative Review Board members have any questions for the Detainee?

Board Members: Yes, sir.

Board Member: Fahmi, your English appears [to be] good. [Do] you deny being in Afghanistan, is that correct?

Detainee: Yes.

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Board Member: Do you have enemies here at the camp?

Detainee: Do you mean from the Detainees or from the guards?

Board Member: Yes, the from the Detainees.

Detainee: Yes.

Board Member: Perhaps that answers my next question. Do you know why anybody would lie when they said that they saw you in Afghanistan?

Detainee: There is a big possibility that someone has mistaken me for someone else.

Board Member: I see. Perhaps it could be those enemies we spoke of.

Detainee: Some of the Detainees here, about four of them, I have messed with them before.

Board Member: Do you feel you were arrested by mistake? How did that happen? How were you mistakenly picked up?

Detainee: The Pakistani government arrested me when I was in that house. That house was under surveillance by the Pakistani government so when I went to the house I stayed with them with two weeks, nothing more and they took me.

Board Member: Any idea why it was under surveillance?

Detainee: I didn't know why then but now that I came here I heard that those people were terrorists. I heard from the supervisors here, from the people responsible that those people were terrorists not from other Detainees.

Presiding Officer: This was Emad Abdullah's house where you were arrested?

Detainee: The house didn't belong to Emad Abdullah. It was called the house of Eissa but the person that took me into that house was Emad Abdullah.

Presiding Officer: Right. And these were the students at the university?

Detainee: Most of them.

Presiding Officer: Right. The Assisting Military Officer made the comment that you stated that your housemates appeared to be only students. Did you have a feeling otherwise that they were more than students? That they might have been al Qaida operatives?

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Detainee: What I was told about them and what I understood from them [was] that they were students only. I didn't have any other idea about them besides the idea that they were students.

Presiding Officer: Regarding the \$3,500, do you want to make a statement about that?

Detainee: My mother did give me a small amount. It was a very small amount, maybe approximately \$500. The money that I had was more than \$2,000. I was working before and I stated that.

Presiding Officer: I understand. The \$3,500 was not from your mother. Approximately \$500 was but you had some of your own money that you had earned in wages.

Detainee: Yes.

Presiding Officer: And that was from being a security guard when you worked for that one family that owned a villa. You were paid \$2,000 rupees per month. Is that where you got that money? Or did you travel to Pakistan with \$2,000 of your own money?

Detainee: No. I had my money. I traveled there with my money. I had the \$3,500 from Yemen.

Presiding Officer: Your initial intentions to travel to Pakistan were to open a fabric store or have some type of fabric store?

Detainee: I didn't want to open a store. When I went to Pakistan I wanted to buy the fabric in Pakistan and then go back and sell it in Yemen.

Presiding Officer: Why did you stay in Pakistan for two years and five months and work as a security guard? Why didn't you just go to Pakistan [and] buy the fabric and go back to Yemen and do whatever you needed to do with it?

Detainee: Do you want me to clarify why?

Presiding Officer: Yes, please.

Detainee: It will take time.

Presiding Officer: I would like an answer to the question. If you could just explain it to me however you'd like.

Detainee: I went to Pakistan. I traveled there to buy the fabric. I stayed for three days in a hotel. When I went out to the market, it was a big market with a lot of fabric. I went into several stores. [At] one of the stores that I went to I talked to the owner of the store. Hussein Bashir was present at that store. As I had mentioned before, Hussein Bashir used to live in Mecca for twelve years. He was about twenty-eight years old. He knew that I

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was an Arab. He spoke to me in Arabic. I told him that I [had come] to buy fabric to sell in Yemen. He knew I was staying in a hotel so he invited me to come over and stay at his house. He said, "I have a house. Why don't you come stay with me? I have knowledge about these markets." On the basis that he would help me because he spoke Arabic very well. So I went and I stayed with him at his house and we would go out and come back. We would go to the market place. We would go to the movies. We would go to the beach. I liked Pakistan very much. We would smoke hashish. We would drink alcohol. So his friendship with was because of money. Did you understand that point?

Presiding Officer: His friendship for you or your friendship for him?

Detainee: He was my friend because I had money and I paid for everything. He would pay too sometimes but very little.

Presiding Officer: Is he the one that you worked for and you were paid \$2,000 rupees for a month? Did he pay you that?

Detainee: No, no. After that I stayed with him for six months. Half the amount that I had was gone. So I started to think [about] how I was going to get back to Yemen. How am I going to buy all the fabric that I wanted to buy and go back to Yemen? My mom had hopes of me being a merchant. So I would talk to my mother. [I would] call her and tell her that I was doing well in the fabric business. Truthfully, I was like a wild man in Pakistan. After that I started to think about work. I needed a job. I had a visa for three months that had expired. So he came to me after I had been bugging him for a while and told that [he] had found a job for me with one of his friends called Iz Alden. He was a man in his fifties or sixties. He took me to his villa and I worked for him.

Presiding Officer: So it was this Iz Alden that you were paid \$2,000 rupees per month?

Detainee: So I stayed with him for a year and three months. After there was a problem in the house and I was forced to leave the house. I went to Hussein and stayed with him for three weeks and I saw that I was returning to the way that I was before. I told him that I really needed residency now [and to] please help me get the residency. He gave me an address in Lahore. I went to Lahore to one of his friends over there and I stayed with him for three months. I will give you the address of that place. Do you want the address?

Presiding Officer: No that is fine. That is not relevant.

Detainee: So I stayed with him for three months. He didn't do anything for me. Last time I was bugging him about it he gave me the address to one of his friends in Faisalabad. He said [that] from there you can get a visa. So I went to Faisalabad and I stayed there for two months. [I stayed at] one of his friends' places. His name was Ezzat Nasser. I stayed with Ezzat Nasser for two months and after that I met Emad (Abdullah). I met Abdullah at one of the phones booths. I told him about the situation and he said come stay with him. I didn't know him from before. We just met and got introduced. So he took me to his house and after two weeks we were arrested.

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Presiding Officer: Why didn't you just go home? It sounded like to me [that] you were getting deeper into whatever you were getting into. Why didn't you just go home?

Detainee: In the last period I was trying to get residency. I was thinking that I liked Pakistan and I liked it a lot. I thought that maybe I would get a better job than the one I was working. [And that] once I got the residency I could leave and come back very easily.

Presiding Officer: You mentioned Iz Alden. Did you leave in less than agreeable terms? Were there differences between you two?

Detainee: The problem was a family problem. There was a relationship of love between and his daughter. He found out and got upset.

Presiding Officer: That can be understandable at times. [I have] one other question. You met with a lot of people over at Pakistan. Were any of them associated with al Qaida or with [the] Taliban at the time or any other terrorist organization? Did you have a feeling if any of them were?

Detainee: No. If I knew I would've told you about them.

Board Member: Did you have an occasion to meet lots of Yemenis in Pakistan while you were there?

Detainee: No, never. I never met any Yemeni except in Faisalabad when they took me to the house that I lived in.

Presiding Officer: Fahmi, is there anything else you wish to tell this board before we proceed?

Detainee: I don't see any reason why I am detained here by the Americans. There is no reason. I want an accusation to be directed against me but there is nothing.

Presiding Officer: You know there was a tribunal and your Assisting Military Officer mentioned that you were declared an enemy combatant with that tribunal. That is why we are having a board [because of] what was previously determined. Whether you agree with it or not I am sure there is room for argument there on your side.

Detainee: I want to know why I am an enemy combatant. On what basis did they find me an enemy combatant?

Presiding Officer: Well because of the definition that you are considered to be a threat to the United States and its' allies.

Detainee: I told you that I [have] never thought of hurting any person, or any American or America.

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Presiding Officer: We are not going to consider any of those statements that were made (during the Tribunal). What I want to hear from you now is whether we should consider you to be a threat or not and whether you should be released or as I mentioned earlier, transferred to another country, [sent] back to Yemen or further detained here. That is what this board is about, to gather information to determine one of those three factors.

Detainee: Are you asking me what you should do?

Presiding Officer: Well, you can tell me what I should do. I will take your input.

Detainee: All right. Just release me so I can go get married. That is the first thing I am going to do really. The second is finding a job and [then] think about studying again. I stopped in the first part of my studies and I want to continue. I have been here three years [and] I don't have any feelings against the United States I just consider it to be a misunderstanding. What I can express is that maybe it was a mistake. I don't believe that I will have any hostility in the future against Americans because as I said before I am not prepared to sacrifice my life [to] come back to Cuba or go to America and be imprisoned there. I've been here for three years without a real accusation being directed against me. I [have] never killed any person or blew up any building. Three years! So what would happen if I really did something in the future? Obviously my life would be gone.

Presiding Officer: Well, only the future knows that. I can't answer that for you.

Detainee: Life is very dear.

Presiding Officer: I understand. Is there anything else?

Detainee: No.

The Designated Military Officer and the Assisting Military Officer have no other information to present to this Administrative Review Board.

The Presiding Officer reads the post-Administrative Review Board instructions to the Detainee and attempts to adjourn the open session of the Board; the Detainee interrupts stating the following:

Detainee: When do I get an answer?

Presiding Officer: I do not have the answer to that. I don't know how long it would take.

Detainee: One year more?

Presiding Officer: I don't know. I don't think it would take another year but you will be notified as soon as the designated civilian official makes a determination. I don't know the time on that. I wish I could tell you but I don't know.

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The Presiding Officer re-adjourned the open session of the Board.

AUTHENTICATION

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



Captain, USN
Administrative Review Board Presiding Officer

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