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(Revised 14 Dec 05)

Summary of Administrative Review Board Proceedings for ISN 839

The Administrative Review Board was called to order.

The Designated Military Officer (DMO) was sworn.

The Board Reporter was sworn.

The Translator was sworn.

The Detainee entered the proceedings.

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

The Administrative Review Board members were sworn.

The Assisting Military Officer was sworn.

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

The Detainee accepted taking the Muslim oath.

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

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

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

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

Assisting Military Officer: The detainee's ARB interview was conducted on 12 December 2005 and lasted 138 minutes. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read and provided to the detainee. The detainee said that 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 would like the AMO to respond to each statement in the Unclassified Summary of Evidence and provide an overall statement in addition. The detainee's responses to the Unclassified Summary of Evidence were recorded and a follow-up interview was scheduled for 13

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December 2005 and lasted 30 minutes. The detainee was read the translated copy of his responses to the Unclassified Summary of Evidence and provided a copy of his overall comments for translation. The detainee was cooperative and calm throughout both interviews.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and Exhibit DMO-2 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 with the assistance of the Assisting Military Officer.

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 was recruited to go to Afghanistan in his hometown of Al-Hudaids.

Assisting Military Officer: In response to allegation 3.a.1 the detainee stated he was fooled by those who convinced him to go to Afghanistan. He had no idea he would end up in Afghanistan for training. He was fooled by Yemenis named Mouetasam and Fayrooz.

Designated Military Officer: The detainee said he wanted the opportunity to train in Afghanistan because it was his duty as a Muslim to be trained. He had no intentions of fighting in Afghanistan.

Assisting Military Officer: In response to allegation 3.a.2 the detainee stated he had no intentions of training or fighting.

Designated Military Officer: The detainee left for Pakistan at the end of July 2001. He traveled to Karachi and stayed at the Dubai hotel and the Madafat Riyad guesthouse. The detainee then traveled to Quetta where he stayed at the Daftar al Taliban guesthouse. From there he went to Kandahar and stayed at the Madafat al Nibras.

Assisting Military Officer: In response to allegation 3.a.3 the detainee confirmed the statement was true.

Designated Military Officer: The detainee stayed at a school, where a senior al Qaida operative was working, in the vicinity of Barmal, Afghanistan when he was fleeing Afghanistan.

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Assisting Military Officer: In response to allegation 3.a.4 the detainee stated he stayed at a school while trying to leave Afghanistan. There was someone at the school helping people leave Afghanistan but the detainee did not know he was an al Qaida member.

Designated Military Officer: From Kabul, Afghanistan, the detainee fled to Zurmat. He then crossed over the border and went to Lahore, Pakistan.

Assisting Military Officer: In response to allegation 3.a.5 the detainee confirmed the statement is true.

Designated Military Officer: The detainee then left Lahore and went to Karachi, Pakistan, where he was hidden in several places. When things got dangerous in Karachi, he was told to go to Chabahar, Iran.

Assisting Military Officer: In response to allegation 3.a.6 the detainee confirmed the statement is true.

Designated Military Officer: While [the] detainee was attempting to travel to Yemen via Chabahar, Iran he and his travel companion were detained, questioned and released by Iranian police at a roadside checkpoint located on the main road to Chabahar from Zahedan, Iran.

Assisting Military Officer: In response to allegation 3.a.7 the detainee confirmed the statement is true.

Designated Military Officer: While at the Iranian checkpoint, the detainee claims he was beaten and questioned. The Iranian police officers attempted to speak to [the] detainee in several languages. The detainee claimed he did not speak throughout the encounter with the Iranian police because he had been given instructions at the start of his journey to not reveal that he was an Arab.

Assisting Military Officer: In response to allegation the detainee added that if he spoke Arabic to the Iranians he would be turned over to the Afghans, who would subsequently turn him over to the Americans.

Designated Military Officer: The detainee went back to Quetta, Pakistan with eight other Arabs and then went to Lahore. He stayed one month in Lahore, Pakistan.

Assisting Military Officer: In response to allegation 3.a.9 the detainee confirmed the statement is true.

Designated Military Officer: The detainee stated he attended a religious speech to al Qaida operatives.

Assisting Military Officer: In response to allegation 3.a.10 the detainee stated, "I never stated that."

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Designated Military Officer: The detainee was identified as an al Qaida member.

Assisting Military Officer: In response to allegation 3.a.11 the detainee stated, "This is not correct. First of all, I was only in Afghanistan for three months and there was fighting, bombing, and chaos, and the fighters were withdrawing. How could I be a member of al Qaida? To be a member of al Qaida I would have been in their training camp and belonged to them. It is impossible for me to have been an al Qaida member because the situation was unstable. I am also not convinced of al Qaida. It is true they are Muslims but their beliefs are different from mine. I don't believe as they do. There are many beliefs in Islam."

Designated Military Officer: The detainee then traveled to the al Farouq training camp. He stayed at a reception tent that was located about 50 meters from the actual camp for five days before starting training with his group. He received training on the Kalashnikov, pistol, Beka, RPG and the Magnoona. The detainee only trained for 25 days because the camp closed due to United States bombing.

Assisting Military Officer: In response to allegation 3.b.1 the detainee stated that he only read about the RPG and did not physically train on it. He did physically train on the other weapons.

Designated Military Officer: All the trainees in the al Farouq camp were told to go home because it was not safe there due to the September 11, 2001 attacks in the United States. On approximately 13 September 2001, trainees were transported to the al Nibras guesthouse in Kandahar, Afghanistan.

Assisting Military Officer: In response to allegation 3.b.2 the detainee confirmed the statement is true.

Designated Military Officer: An identified al Qaida member claimed the detainee took part in explosives training.

Assisting Military Officer: In response to allegation 3.b.3 the detainee stated, "This is not true. I was only trained in personal firearms."

Designated Military Officer: The detainee said he saw Usama Bin Laden at several lectures.

Assisting Military Officer: In response to allegation 3.c.1 the detainee stated, "I only saw Usama Bin Laden once at Farouq and once in Khowst."

Designated Military Officer: The detainee was arrested at the apartments in Karachi's defense II commercial area where a two and one half hour firefight between Arabs and Pakistani security forces ensued. Two handguns and three Russian style grenades were

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recovered from the scene. A Kalashnikov rifle and a submachine gun used by the Arabs were also seized by police officials.

Assisting Military Officer: In response to allegation 3.d.1 the detainee added, "The group I was arrested with were staying in two apartments. One person from each apartment refused to surrender and fought the Pakistani forces sent to arrest us. I was in the group that chose to surrender. The Pakistani forces recognized that we wanted to surrender very well. My fingerprints are not on any weapon, which proves I did not want to fight. Also, the Pakistani Intelligence authorities were grateful and thankful for our cooperation and surrendering without fighting."

Designated Military Officer: The detainee stated the weapons were kept in a small suitcase in a common room. Also in the room were some computer equipment and other things kept behind a curtain.

Assisting Military Officer: In response to allegation 3.d.2 the detainee stated that the computer equipment included games like Atari and songs, poems and other things to pass the time.

Designated Military Officer: A computer was recovered in the safe house where the detainee was arrested. The computer contained information on flight navigation maps and flight simulators.

Assisting Military Officer: In response to allegation 3.d.3 the detainee stated, "This information was not in my apartment. I don't know what was found in the other apartment. I had nothing to do with the other apartment and never entered it."

Designated Military Officer: The computer recovered during the detainee's arrest contained a manual that discussed kidnapping, hijacking, smuggling various things into countries or states and al Qaida documents about artillery and different types of mortars.

Assisting Military Officer: In response to allegation 3.d.4 the detainee stated, "This is not correct. This is the first time I've heard of this."

Designated Military Officer: According to the detainee he never used the computer and did not know what was on it.

Assisting Military Officer: In response to statement 4.a the detainee confirmed this is true.

Designated Military Officer: The detainee stated he had no information regarding imminent terrorist attacks worldwide.

Assisting Military Officer: In response to statement 4.b the detainee confirmed this is true.

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Designated Military Officer: The detainee emphatically denied he trained on explosives. He insisted that whoever claimed that he had explosives training is either lying or mistook his identity.

Assisting Military Officer: In response to statement 4.c the detainee confirmed this is true.

Designated Military Officer: The detainee expressed some anger about Sheiks who issue fatwas, then recant. The detainee said that clerics make you believe you will burn in hell if you do not participate in fatwas or jihad.

Assisting Military Officer: In response to statement 4.d the detainee stated that he has watched a videotape since his internment at Guantanamo Bay about the Sheiks recanting their fatwas and he became angry over their behavior and saddened by all the people who have been tortured and killed as a result of their words. "As a result of their mistakes I will no longer believe anything they say after today."

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 for a closed session.

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 stated that he had no additional comments.

The Detainee made the following statement:

Detainee: This whole statement is about answering some questions. You could search and examine my file throughout the past three years either with the investigators or the military Army soldiers or the detainees. You are going to find it clean and empty from problems or behavioral punishment. My approach to dealing with interrogators states that I have never stopped dealing with them nor that I ever cursed them and also I have never for one day assaulted them. Keeping in mind that I go often to the interrogation and that I did not get discouraged to stop the cooperation or change my behavior toward them. As in regards to future plans that I have in mind in case I was released. My utmost hope when I get out of here [is] that I get to continue my college education so I can find a job and educate myself and have an income that will help me maintain my daily life. So I would like to live a stable life with a wife and children. And also, I live with my parents, who raised and invested [in] me. So I want to be kind to them as they were kind to me. I do not pose a threat to the United States or another for that matter because I have never committed any act of aggression against it and I have never committed any act that would affect its security. I do not hold in my heart any grudges or hatred toward the United

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States, and also you could verify this by my goals that I would like to achieve after leaving here. The United States must release me from this place because of the fact that there was none whatsoever of any indication that will prove that I have committed any aggression against America. Therefore I am innocent and I have no hatred whatsoever against America.

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: Do you speak English?

Detainee: No.

Board Member: If you didn't go to Afghanistan to fight or to train, then why did you go to Afghanistan?

Detainee: According to the religion situation in Afghanistan [that] I have heard about, these two other people recommended that I go there on their account. They facilitated this so I went there. In the first place, I left before anything happened, before September 11th and before the American bombing. I went way before that. They approached me in a conniving way and they encouraged me to go.

Presiding Officer: What did you think you would be doing when you went to Afghanistan?

Detainee: I just went to check out the whole religion situation.

Presiding Officer: Were you curious about the Taliban and about the Taliban rule in Afghanistan? Did you want to speak about religion there?

Detainee: First of all it was [a] free trip and I figured [that] I'm not losing anything so why not go and find out what goes on in Afghanistan. Yes it was curiosity on my part for what was going on. I needed to learn what was going on.

Presiding Officer: When you went to Afghanistan and discovered that it was not a sightseeing trip [that] it was to train with weapons, why did you not leave? Why did you choose to continue with the training?

Detainee: When I first entered Afghanistan they withdrew my passport, my plane ticket and most of my papers. They held my passport for a month and a half. I kept inquiring about it and nobody gave me any answers. After a month and a half they gave me the passport and then I decided to leave. I told [that] to the interrogators here.

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Presiding Officer: Did you think that you would end up on the front lines against the Northern Alliance or did you always expect you would be able to leave after your training? Were you afraid they were training you to be a soldier to fight right after the training or did you think they were just going to train you and let you go back home?

Detainee: I just entered the training camp. I was told I was going to be trained, at the most, for a month and after that I would be able to pick up my passport and plane ticket and leave.

Presiding Officer: Were there hard men at the camp who wanted to die or were there mainly people like you who were just there for training and then thought they would go home?

Detainee: We were all mostly new people. I really don't know what the mentality of the others was and how they would think or what they had in their mind. Nobody knew the other. We were all new.

Presiding Officer: Surely you had friends there at the camp. We all have gone through military training and found close friends we shared our thoughts with.

Detainee: No I didn't have any fanatic friends or too religious. They were mostly just like me.

Board Member: What is it about your Muslim duty that requires you to train and what are you training for?

Detainee: This really is Islamic religious issues. I cannot discuss this. I can't even tell you anything because I do not know. It's [a] fatwa from sheikhs [who are] like priests. They put out recommendations and I cannot discuss it.

Board Member: You just follow the recommendations?

Detainee: No I won't follow what they say or their recommendations. All I am telling you [is] that I wanted to have a chance to know what is going on over there. I wanted to get trained so I will be able to, when I am done, to take back my passport and my plane ticket and leave. Not because of fatwas.

Board Member: What then is your feeling about jihad?

Detainee: In general I don't know much about what the jihad entails. If somebody comes and attacks my family I would fight them back. As far as jihad I really can't say much.

Board Member: In your travels to Afghanistan you stayed in a number of Taliban guesthouses in Pakistan and also in Afghanistan. Can you tell me something about some of the people you met and associated with there?

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Detainee: The guesthouse is an open house for all the people. It's not like one or two persons entered the guesthouse or safe house. It's from all over the world, all the nations. The situation in Afghanistan is different than Yemen. [When] you enter Afghanistan you cannot ask a lot of questions because they will have doubts about you. It's not like Yemen [where] you have freedom of speech. In Afghanistan it is so difficult to ask questions.

Board Member: In the guesthouses in Pakistan did you meet any really bad people?

Detainee: They were mostly ordinary, casual people. The people who were with me are here in detention. They were very ordinary people.

Board Member: You indicated that your beliefs are different than al Qaida. What do you think al Qaida believes and why are beliefs different?

Detainee: It's many differences in their beliefs. How can I explain? There are tons of books.

Board Member: Do you believe in what al Qaida is doing around the world in terms of the extremist activity?

Detainee: I don't believe in what they are doing. I don't believe in their cause.

Board Member: You indicated that you feared being turned over to Afghans if you spoke Arabic to Iranians and that you would be turned over to the Americans. What did you ultimately fear about being turned over to the Americans?

Detainee: Do you think I would be happy if they surrendered me to the Afghans or to [the] Americans? This is normal. Yes I was afraid.

Board Member: Knowing what you know now about Americans since your time here at Guantanamo Bay do you still fear Americans?

Detainee: No I am not afraid. If I am afraid or if I fear America I wouldn't have attended this board. I would never have talked with any of the interrogators or the investigators. This is a casual situation as far as me talking to the Americans. Even if I talked one thousand times with the investigators I have no problem. I have nothing to fear. We have a saying in Yemen: The hand that would [not] steal it won't be afraid of anything.

Board Member: Going back to Pakistan you indicated you stayed at two apartments and were passing the time. What were you waiting to do when you were in Pakistan?

Detainee: It was a situation like anybody who makes a move, they will capture him. I was waiting for the situation to calm down a little bit. I couldn't really do much. I was not enabled to do anything but wait. Even at the airport they will capture you. You know the whole situation there.

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Board Member: Do you feel like you have told [the interrogators] everything? Are you holding anything back from [the] interrogators? Have you told everything you know?

Detainee: That is impossible because before I came to the prison in Guantanamo Bay I was in another prison in Afghanistan, under the ground [and] it was very dark. It was total[ly] dark, under torturing [and] without sleep. It was impossible that I could get out of there alive. I was really beaten and tortured.

Presiding Officer: Was that an Afghan prison or an American prison?

Detainee: They were Arab investigators but they were Americans at the same time, Arab-Americans.

Presiding Officer: Arabs and Americans and not Afghans and Americans?

Detainee: They were Afghan soldiers but there were other Arab-Americans.

Presiding Officer noted the detainee made an allegation of torture and told the Assisting Military Officer to make the appropriate notifications.

Board Member: Are you hopeful? Do you have hope in your heart?

Detainee: Yes I am very optimistic.

Presiding Officer: When you were captured from the two apartments, how many men were in each apartment?

Detainee: We were seven in one apartment and the other apartment [there] were two men and a family.

Presiding Officer: In each one of those apartments only one of the Arabs chose to fight the Pakistanis. Is that true?

Detainee: One from our apartment and another one from a different apartment.

Presiding Officer: Since you stayed and knew these men for a couple of months would you say these were very hard men who chose to fight?

Detainee: The person who was killed in our apartment he had been there for only five days.

Presiding Officer: What was his name?

Detainee: Amaar.

Presiding Officer: Young boy [or] hard man?

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Detainee: He was old. I would give him 39 years old.

Presiding Officer: Was he the one who was fighting or was he killed by a stray bullet?

Detainee: The Pakistanis killed him. He was in a different room and I was in another room.

Presiding Officer: So you weren't in the room with the man who was killed?

Detainee: No.

Presiding Officer: I am trying to imagine what it was like to be in a firefight with the Pakistanis for two hours with only one person fighting and the rest hiding. Is that right?

Detainee: We surrendered before they started to fight. We surrendered way before. It is on a videotape.

Presiding Officer: Tell me about your family. How many brothers and sisters do you have?

Detainee: We are four boys and one girl.

Presiding Officer: Are you [the] oldest, youngest or middle?

Detainee: I am the last from the youngest. I am the fourth.

Presiding Officer: Did any of your other brothers go to Afghanistan?

Detainee: Nobody.

Presiding Officer: Did any boys from your village go to Afghanistan?

Detainee: Yes from my village the person that I mentioned before named Fayooz.

Presiding Officer: What does your family think about you going to Afghanistan?

Detainee: In the first place I did not inform them. If I had informed them they wouldn't have agreed with me. When I contacted them from Afghanistan they really got upset. They were mad at me for being in Afghanistan.

Presiding Officer: Are they still mad at you?

Detainee: Yes they are very saddened by me being here. They are still sad.

Presiding Officer: There's a difference between being sad and angry. Are they angry with you or are they just sad for you?

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Detainee: No because I am here they are saddened.

Presiding Officer: If you are released or when you eventually leave Guantanamo will you return to your family or will you try to be off on your own and make your own life outside your family?

Detainee: No I would like to be with my father and my mother.

Presiding Officer: Do you have a fiancée now?

Detainee: They have mentioned somebody in the letters that they are preparing for me.

Presiding Officer: I know that you say you are not a member of al Qaida. How does one become a member of al Qaida?

Detainee: I'm sure that the person who would belong or believe in al Qaida he would have to believe in their principles and their beliefs. That's something normal.

Presiding Officer: When you were at al Farouq was it obvious who were members and who were not members of al Qaida?

Detainee: It is very difficult to be able to observe that or to distinguish who is or is not.

Presiding Officer: I understand your anger at the sheiks who would issue a fatwa to people to leave their families and die. I also understand as a Muslim you have to take fatwas seriously. I am curious how in the future you will choose which fatwas you must obey and which fatwas you think are not just and do not have to follow?

Detainee: A person with common sense would be able to differentiate between a good sheik and a bad sheik, a fanatic sheik or a non-fanatic sheik. If you see a large amount of people that would like to belong to this sheik then it is something that I would follow. [When] the majority of the people would choose to belong to this sheik then he must be a good sheik. That's what usually happens.

Presiding Officer: You're four years older now than when you responded to the fatwas to go to Afghanistan. What has changed in your heart or mind now?

Detainee: I have been here for the past four years [and] I really don't know what the current situation is right now. I really would like to go by the core of our religion or the most primary stuff in my religion. Things like praying, fasting, doing good deeds. I don't need a fatwa for that. I would like to follow the five pillars of Islam.

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.

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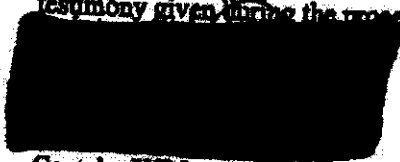
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The Presiding Officer adjourned the classified portion of the session and the Administrative Review Board was closed for deliberation and voting.

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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**CORRESPONDENCE SUBMITTED ON BEHALF OF ENEMY
COMBATANT**

ISN 839

Exhibit#	Date	Classification	Guantanamo#
EC-C1	12/13/05	UNCLASSIFIED	NONE

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1. Explain how was your behavior here at the detention in prison.

You could search and examine my file throughout the three past years either with the investigators or the military army soldiers or the detainees. You are going to find it clean, and empty from problems or behavioral punishment. My approach to dealing with interrogators states that I have never stopped dealing with them nor that I ever cursed them and also I have never for one day assaulted them. Keeping in mind that I go often to the investigation and that I did not get discouraged to stop the cooperation or change my behavior toward them.

2. What are my plans for the future and what I am going to do in case I was released from here.

My utmost hope when I get out of here that I get to continue my college education so I can find a job and educate myself and have an income that will help me maintaining my daily life. So I would like to live a stable life with a wife and children. And also, I live with my parents, who raised and invested on me. So I want to be kind to them as they were kind to me.

3. I do not pose a threat to the United States or another for that matter because I have never committed any act of aggression against it and I have never committed any act that would affect its security. I do not hold in my heart any grudges or hatred toward the United States, and also you could verify this by my goals that I would like to achieve after leaving here.

4. Clarify or explain why Americans should release me from here.

The United States must release me from this place because of the fact that there was none what so ever of any indication that will prove that I have committed any aggression against America. Therefore I am innocent and I have no hatred what so ever against America.

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15/10/20

1. સાક્ષીના નામ
2. સાક્ષીનો સંબંધ
3. સાક્ષીનો સંપર્ક
4. સાક્ષીનો સંબંધ
5. સાક્ષીનો સંબંધ
6. સાક્ષીનો સંબંધ
7. સાક્ષીનો સંબંધ
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10. સાક્ષીનો સંબંધ

1. સાક્ષીનો સંબંધ
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Detainee's Signature

Date

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