

**Summarized Administrative Review Board Detainee Statement**

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

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

*The Assisting Military Officer 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 Evidence to the Administrative Review Board and Exhibit DMO-2, the FBI Redaction Certification.*

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

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

Detainee: Why am I not able to attend that session if it deals with me?

Presiding Officer: We will get to that point momentarily but right now let us continue with the point of order here and I'll address that separately.

Detainee: Good.

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

Assisting Military Officer: The Detainee will request an opportunity to speak with the board in just a moment, but during my interview with him several weeks ago he stated that although he does not have any physical evidence to present he disagrees with many of the statements of evidence in the unclassified summary and will provide explanations to the Administrative Review Board. His reason for wanting to provide explanations directly to you and this panel is because his interrogators are not sworn to ensure what they write about him is truthful.

Detainee: Do the interrogators take an oath or not? If they take an oath why do they lie?

Presiding Officer: I don't know the answer whether interrogators take an oath or not. That's irrelevant to this board.

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Assisting Military Officer: In any event sir, my point was basically as he described. It was apparent to me when we were going through our interview that he was concerned because it's not evident to him that his interrogators are swearing an oath that what they write about him is truthful. He wanted the opportunity to speak to you and this panel personally.

Presiding Officer: We will take that under consideration. Assisting Military Officer continue.

Assisting Military Officer: That concludes all I have sir.

Presiding Officer: Okay. You mentioned about the classified session of this board (speaking to the Detainee). There are documents presented that are classified and I cannot tell you any of that information because of the nature of the information and the fact that it could affect national security. I cannot discuss it with you at all.

\* Detainee: I just wanted to know if the information is true about me or not so I can defend myself against them. If they are true I will say it's true. If they were false at least I would be able to defend myself against that information.

Presiding Officer: Again, I cannot discuss that with you because of the classification. However, at the appropriate time you address issues in the unclassified summary. Rafiq, do you want to make your statement under oath? It is completely voluntary. You can take a Muslim oath or a non-Muslim oath if you wish.

Detainee: So if I need it or not I can do that?

Presiding Officer: It's completely up to you? If you would like to take the oath, the Designated Military Officer will administer it. It's up to you.

Detainee: I will do it without the oath.

Presiding Officer: Okay, we will continue.

Detainee: The oath has nothing to do with what I going to say. It's not going to prove I'm innocent and it's not going to prove that I'm not a threat. So we can just continue with the evidence and allocations.

Assisting Military Officer: Sir, I'd like to have the translator point out that what you are asking him in regard to this oath is that his answers to you or his statement to you; that his answers are truthful. That is the purpose of the oath. Understanding that, does he still elect not to take an oath?

Detainee: You gave me a choice and I chose to not take it.

Presiding Officer: Okay, very good.

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Detainee: If I didn't have a choice I would have.

Presiding Officer: Okay, Rafiq you may begin presenting any information you would like for this board to hear and for this board to consider on rather you are a continued threat or rather we should release you, transfer you, or keep you here. You may address items in the unclassified summary or whatever.

Detainee: For a fact I am not threat to the United States or any other country. I never thought of hurting or bringing hurt toward any other country. My whole life I have never been accused of things like that in my whole life.

Presiding Officer: How old are you?

Detainee: I am 35.

Presiding Officer: Is there anything else you wish to tell us?

Detainee: The accusations that were said about me, I would like address them one by one if it's possible. I will give you my opinion about them.

Presiding Officer: Okay.

Assisting Military Officer: I will begin to read the summary of evidence one by one. These come under factors that favor continued detention.

*The Assisting Military Officer began to read the items from Exhibit DMO-1.*

*3.a.1. Detainee sees jihad as necessary only when non-Muslims attack Muslims, and/or for defending a Muslim country from assault on their religion.*

Detainee: I answered the question three years ago. They asked me how I saw jihad so this is how I answered them. Three years ago when I was asked about jihad I replied to them when a country invades another country it also insults their religion; the country who is being invaded have the right to defend themselves and declare jihad. In my view that is what jihad is. Maybe some other words were added to it but I don't know.

*The Assisting Military Officer began to read paragraph 3.a.2. of Unclassified Summary of Evidence when the Detainee asked the following question:*

Detainee: I have a question before the second point. Do you consider that evidence or an accusation against me? Someone is asked about their opinion and the opinion is given, can their opinion be used as an accusation against them?

Presiding Officer: It's a statement. It says here that you are noncompliant and routinely troublesome (referring to paragraph 3.a.2.).

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Assisting Military Officer: Sir, I believe he is going back to the first statement.

Presiding Officer: You mean the first one? I look at it as you defined it; the definition of jihad.

Detainee: What is jihad according to you?

Presiding Officer: It's really what you stated in that first statement. What is more important is for you to tell me whether you agree with those statements or what problems you have with those statements.

Detainee: Of course that's what's important but does that make me a threat or not?

Presiding Officer: If you want to do harm to the United States and its allies, yes.

Detainee: I'm not talking about the United States. I'm just giving you an example; a general example. When the French invaded Tunisia, they raped and killed the people that was an example, what Americans have to do with that? How are they connected?

Presiding Officer: I don't know. I don't think that really has any bearing on you being here and us considering whether you should be released or detained further. I understand what you are talking about when you defined to me what jihad is. Let's go to the second bullet.

*3.a.2. The Detainee continues to be noncompliant and routinely troublesome to JTF-GTMO camp guards.*

Detainee: I had a lot of problems with the MPs but not without a reason, there was a reason. They start with the problem and all the pressure from that makes us react that way.

Presiding Officer: Okay.

Detainee: Being detained for so many years and not having all of your rights, in addition to that the MPs come and cause us problems. If we say anything, whatever we say is used as some accusation against.

Presiding Officer: Okay, I understand.

Detainee: I would like you to talk to me about this and not just say you understand.

Presiding Officer: I understand what you are telling me. Do I agree with it 100%, that is a different story. There'll be an opportunity for this board to ask you questions following your statements.

Detainee: How can we discuss it point after point with the board?

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Presiding Officer: You told me why you have problems with the guards. I understand and I hear what you are telling me and I will take that into consideration.

*3.a.3. The Detainee acquired and traveled on a false Italian passport with a Pakistani Visa, for the sum of 200 Deutsche Marks.*

Detainee: What does that have to do with me? That is my personal mission. America doesn't have anything to do with fake passports. What does that have to do with the United States? If there is a punishment then my own country should be punishing me.

Presiding Officer: Okay, so you disagree with that statement?

Detainee: It's true, I did. But, it's like I said before.

Presiding Officer: Well, to me it's a statement in the unclassified summary that's presented to me. You have a chance to argue it or rebut it and that's fine. I don't know if I will use that in deliberation. It's just something that's given to me. I don't have anything to do with what's put in this unclassified summary. Were you in Italy?

Detainee: I wasn't in Italy. The last interrogation I went to I was asked how did you go to Italy, how were you arrested by Italy, I was very shocked by these questions they were asking me.

Presiding Officer: Okay.

*3.b.1. Detainee admitted he voluntarily attended the Khalden training camp in Afghanistan.*

*3.b.2 At the Khalden training camp, Detainee was trained on the Kalashnikov, heavy artillery and antiaircraft weapons.*

*3.b.3. When the Detainee entered the Khalden Camp in December 2000, it was under the command of an Usama Bin Ladin Lieutenant.*

Detainee: There are two points to this. The first point is I never attended that training camp. When I mentioned to them before that I'm trained on the Siminov and the Kalashnikov but the other weapons that are mentioned I never trained on them.

Assisting Military Officer: Sir, he is also referring second bullet on training regarding training on the Kalashnikov, heavy artillery, and antiaircraft weapons.

Presiding Officer: The second bullet. Where did you train on those? You admit to training on not the Kalashnikov but the other... What was the other weapon? Where did you train on those if it wasn't the Khalden training camp?

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**Detainee:** I mentioned it but honestly I never trained on them. I said it during an interrogation before.

**Presiding Officer:** It says that you admitted that you voluntarily attended the Khalden training camp. Are you denying that you attended that camp?

**Detainee:** Yes.

**Assisting Military Officer:** Sir, I'd like to point out under the following factors favoring release that he stated that in previous testimony on attending he said he was tortured and beaten and the translator told that he would be killed if he did not confess to attending that camp. That is listed under the factors favoring release. Again, he only confessed to attending that camp in an effort to save his life and stop the beatings, which indicates sir that he disputes attending that camp at any time. Is that correct?

**Detainee:** Yes.

**Presiding Officer:** Okay, so these statements here, we can tie them all together and you deny all three of those because of what he just said?

**Detainee:** Which three were they?

*The Presiding Officer read bullets 3.b.1, 3.b.2, and 3.b.3 to the Detainee and confirmed that the Detainee denied all three.*

**Detainee:** I Only mentioned before, that I trained on Kalashnikov and Siminov but then I took my words back when I said that. I never said the other points about the lieutenant or anything else.

**Presiding Officer:** Right, I understand. I'll have a question later but let's continue with these statements.

**Assisting Military Officer:** Let me go ahead and read the third statement sir. When the Detainee entered the Khalden Camp in December 2000, it was under the command of an Usama Bin Ladin Lieutenant. Do you have any comments on the third statement?

**Detainee:** I never mentioned that before.

**Presiding Officer:** Okay, and that goes with that one statement.

**Assisting Military Officer:** I'd like to summarize if I can just to make sure that this point is clear. What the Detainee is stating is that he never attended the Khalden Training Camp, never received weapons training while at Khalden of any type; the Kalashnikov, heavy artillery and has not made the statement that he entered there in 2000 at that camp that supposedly was under the command of an Usama Bin Ladin Lieutenant. Is what I have summarized accurate?

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Detainee: Yes. The evidence supports that also.

*3.c.1. Detainee admits to being affiliated/friends with Izz Al Din, a known al Qaida member.*

Detainee: Where is your evidence that Izz Al Din is an al Qaida member?

Presiding Officer: I think that's not important. The important thing is, do you... if you don't agree with this statement you can tell me. If this statement is true you can tell me.

Detainee: It's important to know if you mentioned that someone is an al Qaida member, where is the proof that this guy is with al Qaida?

Presiding Officer: I have to go with what it says there. I can't tell you anymore or any less. Are you telling me that he is not an al Qaida member?

Detainee: For sure, for a fact.

Presiding Officer: He is an al Qaida member?

Detainee: For sure he is not an al Qaida member.

Presiding Officer: Okay.

*3.c.2. The Detainee was recruited by Izz Al Din, who convinced him to travel to Pakistan and onward to Afghanistan to join the jihad.*

Detainee: That is not true. The first part is true but the other part is not true. True I went to Pakistan but not with the intent to fight jihad. I went to Afghanistan but not to fight the jihad.

Presiding Officer: Why did you go there?

Detainee: I mentioned it in the interrogation and you have the files and you will know why.

Presiding Officer: You said you went to Afghanistan not for jihad. I guess I'd like to know for what reason did you go? I don't have that in front of me.

Detainee: To Pakistan not to Afghanistan.

Presiding Officer: What did you do in Pakistan?

Detainee: You can take the files out and you will know why. In the closed session you will read and you will know. That's my answer.

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Presiding Officer: Okay.

*3.c.3. Detainee traveled to Lahor Pakistan, around November 2001, where he joined Lashkar-Al-Tayibah (LT).*

Detainee: In November?

Assisting Military Officer: Yes.

Detainee: I didn't say I went to Lashkar-Al-Tayibah. I did go to Lahor and I went to a school named the La Madhori (ph) Academy.

Presiding Officer: What type of school was that?

Detainee: Religious studies.

Presiding Officer: Okay.

Detainee: It's true it was in November but not in 2001. November is the 11<sup>th</sup> month?

Presiding Officer: That's correct.

Detainee: You said 2001?

Presiding Officer: November 2001.

Detainee: It wasn't 2001.

Presiding Officer: Was it sooner?

Detainee: I left Germany at the end of 1999. I went from Germany to Pakistan. Three months after that I went to Lahore. That's how I remember it.

Presiding Officer: In 1999 you left Germany?

Detainee: At the end of 1999.

Presiding Officer: Three months later you were in Pakistan?

Detainee: Yes.

Presiding Officer: So the year 2000, early the year 2000?

Detainee: In the beginning of 2000 I was in Lahore.

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Presiding Officer: Okay.

*3.c.4. U.S. Department of Homeland Security designated LT as a "Foreign Terrorist Organization" for its association with al Qaida and Usama bin Ladin.*

Detainee: What does that have to do with me? If it's a terrorist organization and tied to al Qaida, what does that have to do with me?

Assisting Military Officer: Sir, I'd like to let the Detainee know that the previous statement indicated that he joined *Lashkar-Al-Tayibah*, therefore the connection is that by joining this organization, it was associated with known terrorist.

Detainee: I understood it then.

Presiding Officer: Did you belong to *Lashkar-Al-Tayibah*? Are you a member of that organization?

Detainee: No I didn't.

Presiding Officer: Do you agree that it is a terrorist organization?

Detainee: I don't know.

Assisting Military Officer: So in summary sir, I'd like to point out again regarding the previous statements; he is disputing that he traveled to Lahore Pakistan in November of 2001 and he is also denying that he joined *Lashkar-Al-Tayibah*. Additionally, he was not aware that *Lashkar-Al-Tayibah* was a terrorist organization or associated with al Qaida or Usama Bin Ladin.

Presiding Officer: Okay, I'll have some questions for you but let's continue with the other factors favoring release or transfer.

Detainee: Did the accusation end?

Presiding Officer: Those factors favoring further detention, yes. Now we are in to the release factors or transfer.

*4.a. Detainee stated he did not fight or train on weapons in Afghanistan.*

Detainee: Yes.

*4.b. Detainee stated he is not a member of al Qaida or the Taliban.*

Detainee: Yes.

*4.c. Detainee has never thought about harming the United States or its citizens, and stated that he never would.*

Detainee: Yes.

*4.d. Detainee recanted attendance/training at Khalden camp. Detainee stated he was tortured and beaten daily, and that the translator told the Detainee that he would be killed if he did not confess to attendance at the camp. Detainee stated he confessed to stop the beatings and save his life.*

Detainee: Yes.

*4.e. Detainee stated his hand is only 35% functional and that he could not have trained.*

Detainee: They changed the wording a little. Like I mentioned before in 2000 there wasn't a training camp there. The Taliban government closed the training camp. I told them that I couldn't train because of my arm.

Presiding Officer: Which arm, left or right?

Detainee: Left.

Presiding Officer: Are you right handed or left handed?

Detainee: I write with my left hand.

Presiding Officer: Okay.

Detainee: For that reason I didn't have any intent to train.

Presiding Officer: The capability to train?

Detainee: That is another issue but I never had the intent.

*4.f. Detainee does not believe in the sixth pillar of Islam and does not believe that jihad is a 6<sup>th</sup> pillar of Islam.*

Detainee: Islam only has five. Whoever says that Islam has six is not Muslim or he doesn't have a religion. He has no idea about religion because Islam has only five pillars.

Assisting Military Officer: That concludes the statement. Do you have anything else you want to add?

Presiding Officer: What's important is did the Assisting Military Officer provide the information, pretty sure he did, that you wanted us to hear as far as going over this unclassified summary? Did he do what you wanted him to do?

**Detainee:** He brought his own information from his own files.

**Presiding Officer:** He went over this unclassified summary and you have seen this before. I'm assuming that he has told us everything and it's correct. You had a chance to respond to everything.

**Detainee:** The information that we went over today?

**Presiding Officer:** I understand that you contest the factors for retention. I understand that you have done that and you agree with the statements for release and he presented them to you and I think he has stayed within those boundaries and has not made anything up that's not on this unclassified summary.

**Detainee:** I understand.

**Assisting Military Officer:** Sir, may I interject for the record, my understanding about what the Detainee just said is that he was under the impression that I perhaps had provided you some information outside of what I have presented to you this morning. Officially, I want to clarify that I have not provided you any additional information in what has been presented today.

**Presiding Officer:** He gave me the notification from and the election form and he discussed that earlier. Nothing else. Having said that, Assisting Military Officer do you have any questions for Rafiq?

**Assisting Military Officer:** No sir, I do not.

**Presiding Officer:** Designated Military Officer do you have any questions?

**Designated Military Officer:** No sir.

**Presiding Officer:** Do any members of the board have any questions for Rafiq?

**Administrative Review Board members' questions**

**Q.** Rafiq, you mentioned torture and daily beating, I need to know if that happened here or somewhere else?

**A.** Somewhere else.

**Q.** Please do not assume that we have information in our files that you want us to know about. I don't know what you did in Pakistan or Afghanistan and I'd like to hear from you.

**A.** How is the Administrative Review Board going to decide my destiny without knowing what type of threat I am?

**Q.** That's why I'm asking.

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Assisting Military Officer: I think this is reference to the question regarding traveling to Pakistan with the false Italian passport?

- Q. Okay, I understand. You have never been to Afghanistan; did I miss that?  
A. I went to Afghanistan.

Presiding Officer: You've been to Pakistan and Afghanistan?

Administrative Review Board member: Okay, I understand school...

Detainee: School in Pakistan.

Presiding Officer: La Madhori (ph) Academy.

- Q. Right. Okay, activities in Afghanistan, I'd like to hear some more about that if there is more that you can offer.

A. I went to Kandahar in the south of Afghanistan to study Koran for eight months and then I went back to Pakistan to Lahore. So I went twice, the first time (inaudible).

- Q. What did you do in Afghanistan specifically?  
A. (inaudible) I told you.

- Q. You just traveled through there?  
A. To study and not travel, study Islamic Religious studies.

- Q. But that was in Lahore Pakistan correct? At the La Madhori (ph) Academy?  
A. I went to La Madhori (ph) Academy when leaving Germany; three months after Leaving Germany in 2000. I studied for eight months in Afghanistan in Kandahar.

- Q. What did you do in Germany?

A. I did a lot of things.

Q. For instance?

A. I worked in restaurants and in a Turkish company cleaning and I worked in drugs.

Q. You mean pharmaceutical drugs like a pharmacy? Illegal drugs or legal drugs?

A. There are no legal drugs.

Administrative Review Board member: He means narcotics.

- Q. Did you have family in Germany?  
A. No.

- Q. You left Germany in 1999, when did you arrive there?  
A. Beginning of 1996.

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- Q. Do you know who beat you when you were made to confess about the incidents around the Khalden Camp?
- A. Which camp?
- Q. I'm trying to reference when you recanted attending the Khalden Camp. It states that you were tortured and beaten daily and you were told that you would be killed if you did not confess attendance at the Khalden Camp I presume.

Assisting Military Officer: Are you asking where the torture occurred? I don't understand the question myself.

- Q. Who tortured you and where was it?
- A. I don't understand can you repeat the question?
- Q. Where was the torture? You said it wasn't here.
- A. In Arganza (ph).
- Q. By who?
- A. I was in an Afghan prison but the interrogation was done by Americans. I was there for about a one-year period transferring from one place to another. I was tortured for about three months in a prison called the Prison of Darkness or the Dark Prison.
- Q. You stated that you were tortured to confess that you were actually at this camp?
- A. Yes.
- Q. If it's okay with you Rafiq, can you hold up your hand so we can see it? You don't have to.
- A. Oh you want to see it?
- Q. If you would.

*The Detainee lifted his hand to show its current condition.*

- Q. Why do you not believe that jihad is the sixth pillar of Islam?
- A. Who believes that it is the sixth pillar? I would like to ask you that question?
- Q. Define jihad.
- A. (inaudible).
- Q. I've heard that it was one of the tenants of Islam. That's why I'm asking.
- A. You heard it from scientists or books or how did you hear this?
- Q. Just historically in a book and other literature.
- A. I don't believe it.
- Q. Okay, so you deny it?
- A. There is no book that would say that.
- Q. Can you define jihad for me, your definition?
- A. My opinion is the first accusation, that's what I think about it... you consider it to be an accusation.
- Q. You said you received weapons training, is that correct?

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A. No, that is not true.

Q. No weapons training at all. You mentioned the Kalashnikov and you mentioned another type of weapon.

A. The Siminov.

Q. You never had any training on that? What type of weapon is that?

A. (inaudible).

**Detainee:** I want to know what an Enemy Combatant is. What does it mean?

**Presiding Officer:** It's a definition that was given following the tribunal that you had when it was determined that you were an Enemy Combatant. I'll read you the definition.

***The Presiding Officer read the definition of an Enemy Combatant as follows:***

**Presiding Officer:** An individual who was part of or supporting al Qaida or Taliban forces or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who has committed a belligerent act or has directly hostilities in aid of enemy armed forces. That is the definition for an Enemy Combatant.

**Detainee:** So if I didn't participate in any combat or any of that, I'm not an Enemy Combatant?

**Presiding Officer:** That has already been determined by the Tribunal. I had nothing to do with that and they came back with the decision that you are an Enemy combatant. This board is to determine whether you should be retained, released or transferred to your home country or another country as mentioned previously. Is there anything else?

***No verbal reply was given from the Detainee.***

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*The Presiding Officer confirmed that all unclassified information had been presented to the Administrative Review Board and closed the open session of the hearing.*

*The Presiding Officer explained the reminder of the Administrative Review Board process to the Detainee and adjourned the open session.*

#### 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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