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Summary of Administrative Review Board Proceedings (with Detainee present)

The Administrative Review Board (ARB) was called to order.

The Designated Military Officer 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 ARB 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.

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

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

The Designated Military Officer presented the Unclassified Summary of Information, Exhibit DMO-1, DMO-2, the FBI Redaction Memorandum and DMO-3, the Terrorist Organization Reference Guide to the Administrative Review Board.

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

The Presiding Officer confirmed that a copy had been previously distributed.

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.

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The Presiding Officer asked the Detainee if he wishes to make a statement and whether he opts to take an oath (a Muslim oath).

The Detainee accepted taking the (Muslim) oath.

The detainee made the following statement:

Detainee: First thing, you have classified me as an Enemy Combatant and I hope [that] the board truly was fair. If you were mistaken in classifying me as an Enemy Combatant then I hope that you do not make a mistake again and classify me as a threat. That's all I have.

Presiding Officer: Do you have more to say?

Detainee: I don't have anything. All these accusations are lies and they are not true. That is it. That is all I have. I am a sick person. Is it possible for a person in my physical condition...you have my file. I am a person who cannot take prison life. I have a heart condition. I've been here for three years...it is unbelievable...three years in this place and they still haven't figured what is wrong [with me]. I've suffered from a lot of hardship in prison and I'll say this once again; if you were mistaken in classifying me as an Enemy Combatant before, I ask of you not to make a mistake again and classify me as a threat. I am a person who doesn't have anything that you have written about me. I am a person who is against killing civilians...who is against terrorism...who is against fighting...shouldn't it be that the United States that has a lot of rational people can differentiate between a terrorist and a non-terrorist? That's it. That is all I have.

Presiding Officer: Does that conclude your statement?

Detainee: Yes.

Presiding Officer: Are you well enough to answer some questions from us?

Detainee: My health is not good.

The AMO had no further questions for the Detainee.

The DMO had no further questions for the Detainee.

Administrative Review Board Member's questions:

Board Member: If this is not too difficult for you, I would appreciate for you to respond to my questions. Perhaps this won't be too tiresome to respond to. I am aware you may have answered these questions previously to interrogators but I would like to hear your answers today. First, when did you arrive in Pakistan?

Detainee: I do not remember.

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Board Member: [You do not remember] the year...the month...nothing at all?

Detainee: These are old things.

Board Member: These are old things in that you choose not to answer or you do not remember the answer?

Detainee: I do not remember but even if I did remember what is the problem if I don't answer?

Board Member: In my opinion, our duty today is to make an assessment [on] whether you remain a threat to America. If you choose not to answer, you complicate the ability of us to do that. Do you remember when you arrived in Jalalabad?

Detainee: Same thing.

Board Member: [You] don't remember?

Detainee: No.

Board Member: Have you ever heard of Khaldan Camp?

Detainee: I didn't hear [of it]. I only heard [of it] here in Cuba.

Board Member: You had never heard of the term 'Khaldan Camp' prior to coming to Guantanamo?

Detainee: [I] did not hear [of it].

Board Member: On the Unclassified Summary of Evidence it says that you admitted some time ago associating with various amounts of terrorists when you were in Jalalabad, is that true or are you denying that?

Detainee: Not true.

Board Member: Where were you when you got arrested and brought to Guantanamo?

Detainee: In Pakistan.

Board Member: Do you know why you were arrested?

Detainee: I do not know.

Board Member: In other words, the Pakistani authorities just arrested you without any reason?

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Detainee: Without any reason...because I was [an] Arab and I was in Pakistan and there was a problem.

Board Member: What was the problem?

Detainee: In Pakistan there was a problem...they were arresting any Arab.

Board Member: How long were they arresting Arabs?

Detainee: I heard they were arresting Arabs since I entered Pakistan.

Board Member: How long had you been in Pakistan before you were arrested?

Detainee: I was living in Pakistan...(inaudible).

Board Member: You had been in Pakistan for a long period of time...a year perhaps...more?

Detainee: More.

Board Member: Did you have a Pakistani visa or passport that showed your credentials?

Detainee: Yes.

Board Member: If you knew [that] the Pakistanis were arresting Arabs why did you remain in Pakistan?

Detainee: I tried to leave but I could not.

Board Member: Why couldn't you leave? What stopped you from leaving?

Detainee: The situation was a little difficult.

Board Member: Can you please explain more?

Detainee: I don't have anything to explain...you know how the situation was in Pakistan.

Board Member: No, I don't know.

Detainee: The problem that happened.

Board Member: What problem?

Detainee: Capturing any Arab that they [saw].

Board Member: What can you tell us about the Tunisian Combatant Group?

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Detainee: I'm not aware of a Tunisian Combatant Group. I did not hear about this.

Board Member: So, you'd never heard of it before?

Detainee: I didn't hear about it and I do not think that there is such a thing.

Board Member: The report says that you used approximately fifty different names...is that true?

Detainee: These are problems that I had in Italy. Are you trying me for them? I've already dealt with them. You wish to try me because of that (inaudible). But this is not true that I used fifty names.

Board Member: How many names did you use?

Detainee: I don't know. These are small problems that I had in Italy. What brought this into this?

Board Member: Establishing a baseline of identity.

Detainee: My identity...I am a normal person...I don't have any problems and you know that yourselves.

Board Member: About your passport...you were listed as having an illegal passport.

Detainee: Not true.

Board Member: Where is your passport now?

Detainee: It was lost.

Board Member: Is it in the name of Mohammed Abdul Rahman?

Detainee: My passport?

Board Member: Yes.

Detainee: No.

Board Member: Do you recall what name it is in?

Detainee: My correct name.

Board Member: And that is?

Detainee: You have my real name. Why are you asking about these things?

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Board Member: The truth?

Detainee: The truth is [that] this is not my real name. I gave you my correct name [and] you gave me this name.

Board Member: You gave us Mohammed Abdul Rahman.

Detainee: I did not give you Mohammed Abdul Rahman.

Board Member: For the record, I asked you to pronounce your name when we first came here and you said Mohammed Abdul Rahman.

Detainee: That is the name I am known by with you.

Board Member: And you are unwilling to give us your other name?

Detainee: I'll give it to you...I don't have a problem. The problem is [that] here in the interrogations any information they get on you, they write it down as an accusation. This is not right!

Board Member: Mr. Rahman, we are not interrogators. This is an Administrative Review Process. We would like to have your true name.

Detainee: These accusations...all of them...where did you get them?

Board Member: From a compilation of interviews and interrogations and outside sources.

Detainee: What are these sources that brought these charges?

Board Member: I don't want to disclose those. I can't. We need to hear your true name.

Detainee: My name is Lutfi.

Board Member: Just Lutfi or...

Detainee: Lutfi Bin Ali.

Board Member: Mr. Lutfi or Mr. Bin Ali?

Detainee: Lutfi.

Board Member. Thank you. Lutfi, did you have a home in Jalalabad where Arab guests stayed overnight?

Detainee: Not true.

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Board Member: Lutfi, is the government of Italy interested in you for past crimes?

Detainee: What do you mean interested? I do not understand?

Board Member: Are law enforcement agencies interested in you...are they looking for you?

Detainee: Looking for me? For what? They are not looking for me!

Board Member: Lutfi, can you tell me about your behavior in Camp Delta?

Detainee: What camp?

Board Member: Here. Guantanamo.

Detainee: My behavior [is] normal.

Board Member: Have you been respectful towards the guards?

Detainee: Naturally.

Board Member: And they have been respectful to you?

Detainee: Of course there are small problems...that's normal.

Board Member: You mentioned that you are not healthy or well. Can you explain what the health issue is?

Detainee: I have heart disease. I had an operation done [to] my heart previously.

Board Member: You are a young man to have heart trouble.

Detainee: This is a matter for God.

Board Member: Is there anything in the summary of evidence that is true?

Detainee: I do not understand.

Board Member: The summary of evidence that was read to you; which the AMO gave you a copy of, is there anything in that at all that is true?

Detainee: I did not see anything [that was] true.

Board Member: Did the AMO give you a copy?

Detainee: He gave me a copy.

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Board Member: Did you read it?

Detainee: Yes.

Board Member: Is there anything in it that is truthful?

Detainee: I don't remember what was in it exactly.

Board Member: It was read to you a while ago...do you remember any statement that is true?

Detainee: No, I don't remember. If you repeat it I might listen more closely.

Board Member: The reason I am asking is because it seems like you are denying all these statements. I just want to figure out which one is accurate and which one is not.

Detainee: If you tell me again I will tell you.

Board Member: We would like [a] yes or no [answer].

Designated Military Officer: The following primary factors favor continued detention:
1. The Detainee left Italy for Pakistan in 1998.

Detainee: Yes. I don't remember the exact year but approximately...

Designated Military Officer: 2. The Detainee lived in and traveled back and forth between Pakistan and Afghanistan until his detention in Quetta, Pakistan.

Detainee: True. One time I traveled to Afghanistan, not fifty times.

Board Member: Why did you go to Afghanistan?

Detainee: There was a campaign against Arabs so I went to Afghanistan out of fear that they would capture me.

Designated Military Officer: 3. The Detainee met Pakistanis from the ICI Mosque in Milan who were trying to recruit people to go to Pakistan and Afghanistan.

Detainee: Not true.

Designated Military Officer: 4. The Islamic Cultural Institute was known as the ICI. This mosque was shut down by Italian authorities for housing the Sami Essid Ben Khemais network, which is the core for the Tunisian Combat Group (TCG) in Italy.

Detainee: Not true.

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Designated Military Officer: 5. The Detainee frequented a Tunisian guesthouse while living in Jalalabad, Afghanistan.

Detainee: Not true.

Designated Military Officer: 6. The Tunisian guesthouse was operated by a Tunisian cell with possible ties to al Qaida.

Detainee: I do not know.

Designated Military Officer: 7. The Detainee stayed at a guesthouse, which is associated with individuals who have trained in al Qaida camps.

Detainee: Not true.

Designated Military Officer: Association, 1. The Detainee admitted associating with various known terrorists in Jalalabad and Kabul, Afghanistan.

Detainee: Not true.

Designated Military Officer: 2. The Detainee participated in establishing the Tunisian Combatant Group (TCG).

Detainee: Not true.

Designated Military Officer: 3. The Detainee was a member of the Tunisian Combatant Group (TCG) Advisory Council.

Detainee: Not true.

Designated Military Officer: 4. The Department of Homeland Security lists the Tunisian Combatant Group as a terrorist organization.

Board Member: He wouldn't have a way of knowing that...you can go on.

Designated Military Officer: Intent, The Detainee admitted to having an illegal passport.

Board Member: Not true.

Designated Military Officer: 2. The Detainee has an extensive criminal record with the Italian authorities.

Detainee: I have a few small problems...they like to make everything bigger...what is this extensive criminal record? I never killed anyone...or did anything.

Board Member: Did you serve time in jail or prison?

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Detainee: A short time, yes. [Does this mean that] anyone that goes to prison is a criminal?

Board Member: Depends on the nature of the charge.

Detainee: How many innocent people are in prison?

Board Member: I cannot answer. I don't know. It depends on whom you ask. Let's go back to...

Designated Military Officer: 3. The Detainee admits he has used over 50 aliases between 1988 and 1998.

Detainee: My file, my Italian file is with you. You can look at it and see.

Designated Military Officer: Intent, 4. The Detainee is reportedly a member of the Armed Islamic Group (GIA).

Detainee: According to you, you have placed me now in this Armed Islamic Group and the Tunisian group and another group. Is that possible....so many groups?

Designated Military Officer: Do you belong to any group?

Detainee: You're asking me this question? What is this group? I want to know what it is.

Designated Military Officer: It's a terrorist organization.

Detainee: Which organization? You have several organizations listed here...you are telling me that I am a member of all these organizations...how many organizations do you have listed here?

Board Member: Two.

Detainee: How can I be recruiting people here...a member of al Qaida there...and a member of this (inaudible)...just tell me I'm Usama bin Laden and that's it!

Designated Military Officer: Anything is possible with God.

Detainee: Some things are possible that can be comprehended by the mind and some things cannot be comprehended by the mind.

Board Member: Yes or no.

Detainee: Not true

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Designated Military Officer: Training. The Detainee was conscripted into the Tunisian military at around the age of 20; and served one-year mandatory service in Tunis, Tunisia. The Detainee learned to fire a rifle while in the Tunisian military but did not receive any other type of formal military training.

Detainee: I have a question. Is this an accusation?

Board Member: It's a statement about your time in the Tunisian military.

Detainee: Yes, true.

Board Member: He already answered the questions about Khaldan camp...that he didn't hear about it until he got here to Guantanamo.

Detainee: True. I heard of camps but I hadn't heard of this camp.

Board Member: Which camps had you heard of?

Detainee: Just general information...that people used to train at camps...

Board Member: Can you name them?

Detainee: No names.

Designated Military Officer: 4. The following primary factors favor release or transfer:
A. The Detainee says he was not in Pakistan for jihad and no one he associated with was involved in jihad.

Detainee: True words.

Designated Military Officer: B. The Detainee denied knowing any terrorists in Italy and denied being a terrorist.

Detainee: True.

Designated Military Officer: C. The Detainee states that he went to Afghanistan because the Pakistani government started a campaign against Arabs.

Detainee: Correct.

Board Member: OK, again, you only went to Afghanistan once?

Detainee: Yes.

Board Member: So why did you go back to Pakistan?

Detainee: I went back...I wanted to return and get out...to get out of Pakistan.

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Board Member: OK, you went from Pakistan to Afghanistan because Arabs were being arrested in Pakistan.

Detainee: Yes.

Board Member: OK, but then you went from Afghanistan back in to Pakistan?

Detainee: Yes.

Board Member: I thought you were getting out of Pakistan...I thought you wanted to be out of Pakistan...why did you go back?

Detainee: What is the question? I don't understand.

Board Member: You fled Pakistan because you wanted to get out of Pakistan because Arabs were being arrested so you went to Afghanistan...

Detainee: Yes.

Board Member: Now, the question is why did you go back to Pakistan?

Detainee: I went back because I wanted to leave Pakistan...to leave Pakistan you had to leave Afghanistan and go through Pakistan.

Board Member: But you never answered the question. There appears to be some confusion in answering the question because...we understand that you were originally in Pakistan and because of some conflicts you moved into Afghanistan...but you were arrested in Pakistan which means that you moved back to Pakistan...why did you go back into Pakistan if there problems with Arabs being arrested in Pakistan?

Detainee: It was a long time that I spent in Afghanistan. The campaign was over and I tried to go back to Pakistan to put all my affairs in order so that I could leave. You could leave from Pakistan but you cannot leave from Afghanistan. That's it. In Pakistan, for a while there was a campaign against Arabs and then that was it.

Board Member: Mr. Lutfi, can you present any more information to convince us [that] you are no longer a threat to the United States?

Detainee? I do not present a threat...I am a poor person...I am a sick person...only maybe my presence was a mistake in Pakistan and that I admit to but people make mistakes. I tried to get out of Pakistan but luck wasn't on my side. And that's it...I do not pose a threat. I am against terrorism...I am against the killing of innocent people...I live a normal life. I do not like problems. That's it.

Board Member: So if you were released or transferred, what would you do? Where would you go?

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Detainee: I will find a job...open something...find something...lead a normal life.

Board Member: Mr. Lutfi, you have spent more time being confined and now we need to consider what to recommend in your situation. What do you want us to remember?

Detainee: To remember?

Board Member: Yes.

Detainee: I don't understand.

Board Member: Mr. Lutfi, what should we remember about you?

Detainee: What do you mean 'remember about me'? I don't understand.

Board Member: You are going to be taken out of this room when we finish the unclassified part of this hearing. We should remember certain things about you. What should they be?

Detainee: You have everything that I gave you. I am a normal person. I want to live a normal life. I don't have a problem against the United States. I don't have a problem with any other country. I am a normal person just like any of you people. I think my time as a Detainee here has been enough. It should do.

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

The Presiding Officer opened the classified portion of the session.

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

AUTHENTICATION

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


Colonel, USA
Presiding Officer

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