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Summary of Administrative Review Board Proceedings for ISN 174

The Administrative Review Board was called to order.

The Detainee entered the proceedings.

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

The Designated Military Officer (DMO) was sworn.

The Board Reporter, Translator, Assisting Military Officer (AMO) and Board Members were sworn.

The Presiding Officer confirmed the detainee's first name is Hisham.

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

The Detainee declined 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 June 2006. After reviewing the ARB's purpose and procedures, the Arabic translated Unclassified Summary of Evidence was read to the detainee. 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 attend the ARB, and wished to present a written statement to the board. The detainee was very cooperative, attentive, and cordial throughout the interview. Copies of both the English and Arabic translated Unclassified Summary of Evidence were provided to the Detainee, who accepted the Arabic translation.

The detainee's follow up interview was conducted on 13 June 2006, during which the detainee again stated that he would attend the ARB in person. He elected to speak directly to the board rather than continue with the written statement he had made at the

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previous interview in order to avoid confusion or misunderstanding. The English version of his written statement was translated back to Arabic and read to the detainee, in order to confirm that it stated what he intended it to say. The detainee agreed with the translation of the English version and asked that the AMO read the statement at the ARB. The detainee was again cooperative, attentive, and cordial throughout the interview. Copies of both the English and Arabic translated written statement were provided to the detainee, who accepted the Arabic translation.

Presiding Officer: Hisham, is that a good summary of what you and the AMO said during your interviews?

Detainee (through translator): Yes.

Presiding Officer: Hisham, the AMO will read your responses to the comments after the DMO. You may proceed to make additional comments or we will continue on to the next point.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memorandum, DMO-2, and the CITF Redaction placeholder, DMO-3, 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.

Presiding Officer: Hisham, you have chosen to respond to the information in the Unclassified Summary, is this correct?

Detainee (through translator): Not entirely.

Presiding Officer: The DMO is going to read the Unclassified Summary item by item, which you went over earlier this week. The AMO will then respond to the items you have already provided us answers with. When we get to any item that you have not already provided a response to, you will be able to respond if you wish. Hisham, do you understand the process now?

Detainee (through translator): Yes.

Detainee (through translator): I request a chair to put my Koran on.

Presiding Officer: Sure.

[The Assisting Military Officer put a chair across from the detainee upon which the detainee placed his Koran.]

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Presiding Officer: The Designated Military Officer will read each factor from the Unclassified Summary; we will then provide you and the AMO a chance to respond. The Board Members may ask you questions based on your response.

The Designated Military Officer gave a brief description of the contents of the Unclassified Summary of Evidence, Exhibit DMO-1, to the Administrative Review Board. The Assisting Military Officer read the Detainee Comments provided during their earlier interview from the Enemy Combatant Election Form, Exhibit EC-B. The detainee responded as well after each item was presented.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment. (3.a.1) The detainee stated he left Tunisia in 1995 for Italy. The detainee claimed he became a drug addict after he lost employment and was consequently arrested and sentenced to three years in prison. The detainee claimed he spent 11 months in jail and was then transferred to a drug rehabilitation center. The detainee claims he escaped after two months and went back to drugs.

Detainee (through translator): Are you going to read one by one?

Presiding Officer: The AMO will provide us with the answers you provided him the other day, and yes, we will go one by one.

Assisting Military Officer (for detainee): In response to the statement that the detainee claimed he became a drug addict after he lost employment and was consequently arrested and sentenced to three years in prison, the detainee agreed. He stated that in 1997 he had been given a preliminary sentence of three years, eight months in a prison in Forli, Italy, pending review of his case, and that the prison could verify his story. (3.a.1)

Assisting Military Officer (for detainee): In response to the statement that the detainee claimed he spent 11 months in jail and was then transferred to a drug rehabilitation center, the detainee agreed. He stated that when he was transferred, he went to the Communita Padre Geovani 23 rehabilitation center. (3.a.1)

Assisting Military Officer (for detainee): In response to the statement that the detainee claims he escaped after two months and went back to drugs, the detainee disagreed. He stated that when he wanted to leave the center, he spoke to the administrator, who told the detainee that if he left the center he would be arrested by the police and have to serve out his remaining sentence plus six additional months. He left anyway. When he left, he called his father by telephone, who was surprised to hear from him so soon. He told his father he had left the rehabilitation center. His father was worried because he was still addicted to drugs and could be rearrested. (3.a.1)

Presiding Officer: Hisham, do you have anything additional you would like to add to those comments? Feel free to answer now.

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Detainee (through translator): What is the relationship between the factors favoring my continued detention and my life in Italy?

Presiding Officer: It shows us the history of your travel and where you have been since 1995.

Detainee (through translator): These factors are not reasons for me being the enemy of the United States.

Presiding Officer: Why did you go to Italy in 1995?

Detainee (through translator): To work.

Presiding Officer: To work at any particular job?

Detainee (through translator): Any job. I am a mechanic in my country in Tunisia. I went to Italy to work and I ended up working in the port as a fisherman.

Board Member: Hisham, was there not any fisherman jobs in Tunisia?

Detainee (through translator): I did not intend to work as a fisherman in Italy. I left Tunisia to go to Italy and that's the first opportunity of work I encountered. In fact, in Italy, the available jobs are either in ports, farms or restaurants.

Presiding Officer: Where exactly in Italy did you end up?

Detainee (through translator): There is an island off the coast called Isola d'Alva and the city of this island is called Marina de Campo. That's where I went.

Board Member: Hisham, when you called your father after you left the drug rehabilitation center, where was your father at that time?

Detainee (through translator): Tunisia.

Board Member: Thank you.

Detainee (through translator): During my stay in Italy, I did not call my parents or father on the phone. I usually write letters. I only called [my father] after I left the rehabilitation center.

Designated Military Officer: (3.a.2) The detainee claims to have met his cousin in Genoa, Italy, and both traveled to Belgium. Then due to detainee's continued use of drugs, troubles started between the detainee and his cousin. The detainee decided to return to Italy with another individual. Upon arriving at the Belgian/French border the detainee was stopped because he had false license plates and was arrested because he had no papers. The detainee claims he assumed the identity of one of his companions living in Italy and was jailed for 62 days in Brussels, Belgium. After being released the detainee claims he returned to drugs.

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Assistant Military Officer (for detainee): In response to the statement that the detainee claims to have met his cousin in Genoa, Italy, and both traveled to Belgium, the detainee agreed. He stated that about four to six months after he left the rehabilitation center, his father called him and told him his cousin (number one) wanted to speak to him. He spoke to his cousin (number one) on the phone, who would not explain why he wanted to meet with the detainee. Then his father told him that his cousin (number one) wanted to take him to Belgium to the house of another cousin (number three) to marry one of her daughters. He reflected on his life and decided he wanted a normal life and to get away from the drug world. He continued to sell drugs, to get some money for the trip to Belgium, until he met with his cousin (number one) and his cousin's (number one) young daughter on 09 September 1998 in Genoa, Italy. His cousin had come over, with his car, from Tunisia and the three of them traveled by car through Italy, France, and Belgium. During the trip, the detainee's cousin suggested that he work in his cousin's (number one) auto shop in Belgium. The detainee carried a small amount of drugs with him on the trip for personal use. (3.a.2)

Presiding Officer: I am a little confused. You were going to marry cousin (number three's) daughter in Belgium, is that correct?

Detainee (through translator): Yes.

Presiding Officer: You met cousin number one in Genoa, is that the same cousin you were going to marry?

Detainee (through translator): No. She was a young girl. She is not the person in question.

Presiding Officer: Did you marry cousin number three's daughter?

Detainee (through translator): No, if I had married her, I would not be here.

Presiding Officer: I know you had a drug problem, but it says here that you continued to sell drugs.

Detainee (through translator): Yes.

Presiding Officer: If you were trying to get off drugs, it does not seem you would want to keep selling them.

Detainee (through translator): It's a long story, but selling drugs would provide me of a lot of money, which I needed. In Italy, I moved from Isola d'Alba to Remini where I have two friends. When I met my friends, they asked me to come with them so they can find me a job because the job as a fisherman was very difficult and hard. When I went with my friends, my intentions were to have them find me a job as a mechanic in that city. They told me they would. At that point, I did not have any experience with drugs. I did not even know its color because I was an athlete. When I stayed with them during the week, I noticed that they were dealing with drugs. I thought this was a very easy job so I started

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selling drugs for the money. There is a lot of money in that business. Unfortunately, I started using drugs.

Presiding Officer: Do you remember the names of your two friends?

Detainee (through translator): I do not want to say their names.

Presiding Officer: That's fine.

Board Member: Hisham, the cousin whose car you drove to Belgium in, is he the same cousin who owned the auto shop in Belgium?

Detainee (through translator): Yes.

Board Member: Thank you.

Assisting Military Officer (for detainee): In response to the statement that due to the detainee's continued use of drugs, trouble started between the detainee and his cousin. The detainee disagreed. He stated that he stayed with his cousin for a week in Belgium, but his cousin suspected him of using drugs in the house. So he moved in with a different cousin (number two), who was the brother of the cousin (number one) he had been staying with, and that there was no trouble between himself and either of his cousins (number one or number two). The detainee worked with his cousin (number one) in the auto shop. When the detainee spoke with his cousin (number three)(a woman) about marrying one of her daughters, she said she didn't know anything about it. The detainee felt deceived and disappointed about not having a fiancée. His cousin (number three) said that her only daughter of marrying-age was already engaged to be married. Later, he argued with the shop manager in the auto shop, demanded his pay and quit working there. He became sick due to drug withdrawal shortly after leaving his job and he asked his cousin (number two) to take him to Brussels. They went to a bar owned by an Algerian woman to buy drugs. His cousin (number two) asked about drugs and was told they are expensive. After the detainee used the cocaine he bought, he was still suffering from withdrawal. He and his cousin (number two) returned home and the detainee eventually recovered totally from the withdrawal. He lived on his money earned in Italy, and when it was gone, he went to Brussels to look for work. He fell in with a group of thieves and started stealing and selling stolen goods. During this time, the detainee met a drug dealer and started using drugs again. (3.a.2)

Board Member: Hisham, where in Belgium were you before you left to go to Brussels to look for work?

Detainee (through translator): In the suburbs of Brussels in a province called Laaken region, Marie Christie Street. I forgot the number of the house.

Presiding Officer: That's fine.

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Assisting Military Officer (for detainee): In response to the statement that the detainee decided to return to Italy with another individual, the detainee agreed. He stated that he became bored with Belgium and wanted to return to Italy, to return to his former life selling drugs, and that his family was not helping him much during this time. (3.a.2)

Detainee (through translator): Yes.

Assisting Military Officer (for detainee): In response to the statement that upon arriving at the Belgian/French border the detainee was stopped because he had false license plates and was arrested because he had no papers, the detainee agreed. He stated that the car belonged to the other person he was traveling with and had bad license plates. (3.a.2)

Detainee (through translator): Yes.

Presiding Officer: Why would you be arrested just because the car had bad license plates?

Detainee (through translator): I don't know.

Presiding Officer: You agreed that you were arrested because you had no papers?

Detainee (through translator): In Belgium, people without any documents are usually arrested for 60 days. The Belgian government usually investigates whether the person has any criminal background. If they [Belgian authorities] had very important charges against me, they would not have let me go 62 days later.

Assisting Military Officer (for detainee): In response to the statements that the detainee claims he assumed the identity of one of his companions living in Italy and was jailed for 62 days in Brussels, Belgium; and after being released the detainee claims he returned to drugs, the detainee agreed. (3.a.2)

Detainee (through translator): Yes.

Detainee (through translator): I had to give a different name when I was captured to keep them [Belgian authorities] from deporting me.

Presiding Officer: What name did you give?

Detainee (through translator): The Belgian government has this name and I also gave it to my lawyer.

Presiding Officer: So you have a lawyer?

Detainee (through translator): Yes.

Presiding Officer: That's fine.

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Detainee (through translator): When foreigners are captured, they invent any name. When it's time for verification, if there is nothing against that name, no criminal background, they are automatically released.

Presiding Officer: I would like to clear up something. Did you mean you have a lawyer here or a lawyer at that time back when you were arrested?

Detainee (through translator): Here. My lawyer's name is Clive Smith.

Presiding Officer: Has your lawyer visited you here? If so, his name should be in your chart and I can verify it? I'll note that you do have representation.

Detainee (through translator): Yes.

Designated Military Officer: (3.a.3) The detainee started going to the Kuba Mosque regularly after being released from prison. The detainee stated if he had frequented a different mosque, he would not have been drawn to the radical camp and would not have ended up in Afghanistan. The detainee met an individual at the Kuba Mosque in Belgium who provided him with a false passport.

Assisting Military Officer (for detainee): In response to the statement that the detainee started going to the Kuba Mosque regularly after being released from prison, the detainee disagreed. He stated that he does not recall the names of any of the mosques he had prayed at and that he prayed at different mosques, not just one. This was in the 1999-2000 timeframe. (3.a.3)

Detainee (through translator): Yes.

Assisting Military Officer (for detainee): In response to the statement that the detainee stated if he had frequented a different mosque, he would not have been drawn to the radical camp and would not have ended up in Afghanistan, the detainee disagreed. He stated that he did not meet anyone at any of the mosques who introduced him to a radical philosophy. (3.a.3)

Detainee (through translator): Yes.

Presiding Officer: Hisham, I ask that you be as honest as you can to the questions that we ask you and we will do the same in responding to your questions.

Detainee (through translator): You can verify with the Italian and the Belgian governments about this information. You don't have to take my word for it.

Presiding Officer: I'd rather rely on you telling me something than what other governments may have written.

Assisting Military Officer (for detainee): In response to the statement that the detainee met an individual at the Kuba Mosque in Belgium who provided him with a false

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passport, the detainee disagreed. He stated that he made an acquaintance who suggested he go to Afghanistan, which was a clean, uncorrupted country where he could study Sharia and further his religious education. Afghanistan did not require a visa and he didn't know what was happening there. His Tunisian passport had expired in 1999, and he could not travel with his Tunisian passport in Europe without country visas, so he needed a new passport. He went to a bar in La Bourse called, "The Sportsman Bar", where he spoke to the bartender about a passport. The bartender agreed to help him find a person who sells passports. He met the passport provider, who was suspicious at first, but the detainee convinced the passport provider to sell him a passport for \$500. He picked up the passport a week later, after providing a photo of himself. (3.a.3)

Board Member: Hisham, your Tunisian passport was not sufficient for you to get across the Belgian/French border prior to your arrest?

Detainee (through translator): My Tunisian passport had expired. Most passports, coming from North African countries or third world countries, usually need visas to go to Europe and I did not have that on my passport.

Designated Military Officer: (3.a.4) The detainee heard from his cousin, who notified the detainee that he was leaving for Afghanistan with his family and that the detainee should do the same.

Assisting Military Officer (for detainee): In response to the statement that the detainee heard from his cousin, who notified the detainee that he was leaving for Afghanistan with his family and that the detainee should do the same, the detainee disagreed. He stated that he spoke with his cousin (number two), who told him that his other cousin (number one) no longer lived in Belgium. The detainee believed that, due to a previous conversation, his cousin (number one) had moved to Afghanistan with his family. (3.a.4)

Presiding Officer: Could you please confirm cousin number one's name?

Detainee (through translator): Omar Sliti.

Presiding Officer: Cousin number two's?

Detainee (through translator): Ali Sliti.

Presiding Officer: Cousin number three is a female?

Detainee (through translator): Yes. Her name is Fatma Sliti. Cousin number two, Ali is an alcoholic.

Presiding Officer: For the record, I am going to substitute Omar Sliti for cousin number one, Ali Sliti for cousin number two and Fatma Sliti for cousin number three, the female. (*Note: The AMO did not change the EC-B to reflect these names provided by the detainee.*)

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Detainee (through translator): By the way, my father's name is also Ali.

Designated Military Officer: (3.a.5) The detainee traveled to London and stayed there two weeks, where a man arranged a visa and airline tickets to Pakistan for him. The detainee arrived in Islamabad, Pakistan, on 20 May 2000 and then traveled to Afghanistan. Upon arriving in Jalalabad, Afghanistan, he was housed in the Tunisian guest house.

Detainee (through translator): I went to London, but stayed there one week, not two weeks. I personally obtained the visa from the Pakistani Embassy.

Presiding Officer: He got it himself instead of giving it to a man.

Detainee (through translator): The visa was legal. If it wasn't, they would not have let him leave London. I arrived in Jalalabad on May 20th and the flight time was nine hours.

Presiding Officer: You said you stayed in London for a week and you got the visa yourself knowing it was legal, but I'd suggest that someone else could get a visa for you that might look legal even though it wasn't and you could still get out of London.

Detainee (through translator): I did not know anyone at that time.

Presiding Officer: You say you had a legal visa; I believe you.

Detainee (through translator): Thank you.

Detainee (through translator): It's a very normal thing. You present your passport and ask for a visa and they give it to you right then. Visas for these types of countries [North African and third world countries] are usually very easy to obtain. You can even go to these embassies and bribe the workers to give you a visa.

Board Member: Hisham, is the passport you got the visa on in London the same as the one you bought at the Sportsman's Bar?

Detainee (through translator): Yes. I had bought the passport to travel. You have said that I have stayed in a Tunisian guest house; this was not a house. It was a room built by Tunisians but it doesn't mean that it was a Tunisian house. This man had built this room for foreigners in Jalalabad to pray and I went to this house to spend the night there. I didn't stay with my cousin in Jalalabad because my religion does not allow me to be with my cousin's wife and four daughters.

Presiding Officer: When they refer to it as a Tunisian guest house, it simply means that Tunisians are staying there. Would you disagree that there were people other than Tunisian travelers?

Detainee (through translator): It's not a house to stay in, it's just a place to pray in, but since I didn't have anywhere to go, I used it to sleep as well. Other people who have

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houses just go there to pray, and then leave. This place exists until today. It's not just for Tunisians, Afghans use it as well.

Presiding Officer: Do other Tunisian travelers use it to sleep as well?

Detainee (through translator): No.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.6) The detainee was arrested in Islamabad, Pakistan, in October 2000 in possession of a fraudulent passport. He claimed that while the police were checking his passport he escaped from the police station and made his way back to the Tunisian house in Jalalabad, Afghanistan.

Presiding Officer: Hisham, why did you escape from the police if you had a legal passport?

Detainee (through translator): My passport was not legal.

Presiding Officer: I thought you said you had bought a legal visa.

Detainee (through translator): As an example: I am dealing passports and someone asks me for a passport. I take this person's picture and put it on an original stolen passport. This passport is still legal, but with a different picture. When they [immigration authorities] entered all the personal information on the computer, everything came up legal. When they looked at my passport at the Belgian Embassy in Pakistan, they could not prove it wrong because everything was still there. They could not tell whether the name on the passport matched its picture. When I got arrested, they told me they were going to call the Belgian Embassy to investigate my passport. I knew they had found out and that it was time to leave.

Designated Military Officer: (3.a.7) The detainee was arrested by Pakistani authorities in December 2001 while trying to flee Afghanistan and was turned over to United States authorities on 30 December 2001. He was using a false name.

Detainee (through translator): I noticed so much killing going on in Afghanistan; I feared for my life and left. There were American airplanes circling around in Jalalabad throwing pieces of papers stating that whoever captured an Arab would get \$5,000. In Afghanistan, there were the opponents of the Taliban. When these people captured an Arab, they either sold him or stole his belongings and killed him. The opponents of the Taliban government have killed 3,000 [people] between Pakistanis and Arabs. They put them inside a closed container and left them there until they suffocated. It seems like another detainee had told this story. I was able to escape because there was a little hole in the container and I was able to breathe. There were too many people harming the population. I had to leave because I feared for my life. I met someone in Afghanistan and offered him money, and in return he took me out of Afghanistan. He took me outside of Jalalabad on the Pakistani border where I found four other people in the house. I asked

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these people why they were there, and they were fleeing just like I was. The owner of the house asked me to move.

Board Member: How come you did not move to Omar's house since he was living in Afghanistan?

Detainee (through translator): Omar had fled with his wife and children.

Designated Military Officer: (3.a.8) The detainee has arrest warrants in Italy for ties to Islamic extremists in Bologna, Italy.

Detainee (through translator): How did you come up with this accusation?

Presiding Officer: One of our government agencies provided it to us.

Detainee (through translator): I did not even pray in Italy.

Presiding Officer: So, you were never in Bologna?

Detainee (through translator): No.

Designated Military Officer: (3.b) Connections/ Associations. (3.b.1) The detainee's cousin was arrested in Belgium in connection with a case of an assassination of a former Afghan Northern Alliance commander.

Detainee (through translator): This does not concern me.

Presiding Officer: Do you know whether your cousin was arrested in Belgium?

Detainee (through translator): Yes. The American government has told me.

Presiding Officer: Would that have been Omar or Ali?

Detainee (through translator): Omar.

Presiding Officer: You don't know whether it's true or false.

Detainee (through translator): I don't know what type of benefits my cousin Omar would derive for killing Masoud, the Afghan Northern Alliance commander. He [Omar] is an Arab and the other [Masoud] an Afghan. Even if he [Omar] wanted to run for elections to become a commander, he could not because he is an Arab.

Designated Military Officer: (3.b.2) Upon capture, the detainee had in his possession an address book, which had telephone numbers of several radical Islamists, some of whom had been arrested in Belgium and Europe. Some of these phone numbers were coded, but Belgian authorities broke the code.

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Detainee (through translator): Where was I captured?

Presiding Officer: When you were captured by the Pakistanis and turn over to the United States in December. So, you are saying you did not have an address book in your possession?

Detainee (through translator): No. I didn't have anything at all for them to take away.

Presiding Officer: Why they would say you had an address book when it's not a bad thing to have one?

Detainee (through translator): If such thing exists, you can find it among my belongings. I never carried anything like that.

Presiding Officer: You say you didn't have an address book. When I follow up and find out that you did, I'll know that you were not being truthful with me.

Detainee (through translator): Bring the original address book, not any fraudulent copy.

Board Member: Traveling to a foreign country, I know it would be difficult to remember addresses especially to your brother Omar in Afghanistan. How were you able to remember where his house was located?

Detainee (through translator): I had a watch in which I recorded addresses and phone numbers. This watch was stolen from me in Pakistan.

Designated Military Officer: (3.b.3) The detainee stated that after the Tunisian guest house split in January 2001, he received permission from an individual to sleep at the Abdullah Azzam Mosque in Jalalabad, Afghanistan. Persons at the mosque told the detainee to leave and go to the Algerian guest house in Kabul, Afghanistan, or go to the front.

Detainee (through translator): This is not true. I had slept in the Abdullah Azzam Mosque in the beginning. A few people at the mosque told me to go to the Algerian guest house, but I didn't want to go there. The Algerian house was in Jalalabad, not in Kabul. Other people also suggested that I went to the front line, but I refused and told them that I was not here to fight.

Board Member: Front line for which side?

Detainee (through translator): I don't know. I assume it was [the] front line to fight the opponents of the Afghani government.

Designated Military Officer: (3.b.4) The above individual was arrested in Brussels, Belgium, and confessed in court that he was planning a suicide attack on the American Embassy in Paris, France.

Detainee (through translator): Are you talking about me?

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Presiding Officer: DMO, who is the above individual that they are referring to?

Designated Military Officer: Sir, that refers to the individual in paragraph three from which the detainee received permission to sleep at the Abdullah Azzam Mosque.

Presiding Officer: The individual who gave you permission to sleep at the Mosque. Do you know his name?

Detainee (through translator): Yes. Nizar Tarabelsi.

Presiding Officer: Nizar is the individual they are referring to as being arrested in Belgium.

Detainee (through translator): I don't know.

Designated Military Officer: (3.b.5) The individual also stated during an interview with a Belgian television station that he planned an attempt against Kleine Brogel Air Base in Belgium instead of the American Embassy in Paris, France.

Detainee (through translator): I don't know.

Designated Military Officer: (3.b.6) The wife of the individual confirmed that as of June 2001, while living in Jalalabad, Afghanistan, her husband had been given the order to carry out a suicide operation in Europe. She further stated that an Algerian, pro-Taliban, al Qaida member provided her husband with training on the handling of explosives.

Detainee (through translator): I don't know.

Presiding Officer: Did you know Nizar while he lived in Jalalabad with his wife?

Detainee (through translator): Yes, he was among all the Arabs there.

Presiding Officer: Thank you.

Detainee (through translator): Is this an accusation?

Presiding Officer: No. You were in Jalalabad and so were Nizar and his wife. I just want to know if you knew him.

Designated Military Officer: (3.b.7) The Algerian had been the deputy at the house of the Algerians in Jalalabad, Afghanistan, and was considered the privileged contact of a senior al Qaida operative. He was a chemical and electronics specialist who, between late 2000 and September 2001, had been responsible for providing training on the use of electronic components for fabricating explosive devices at the house of the Algerians. In mid-November 2001, he was in Tora Bora fighting against the Northern Alliance.

Detainee (through translator): Who is this man?

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Presiding Officer: The Algerian that Nizar's wife talked about in the previous statement who is pro-Taliban and an al Qaida member.

Detainee (through translator): I don't know this Algerian man.

Presiding Officer: Did you have any Algerian friends or acquaintances?

Detainee (through translator): No.

Designated Military Officer: (3.c) Intent. (3.c.1) The detainee stated that there were only two reasons to come to Afghanistan, to fight with the Taliban or to learn religion.

Detainee (through translator): The first one, to fight with the Taliban, is wrong. The pursuit of the Sharia is right.

Board Member: Were you aware of the fighting between the Taliban and the Northern Alliance prior to going to Afghanistan?

Detainee (through translator): Had I known, I would not have been here today. I didn't stay in Pakistan. I traveled the same day to Jalalabad. I was unaware of the fighting. That's why I wanted to come back. I didn't care for the country. It was very hot, dusty and women were ugly. The atmosphere and environment did not agree with me.

Board Member: Hisham, while in Afghanistan, were you in the Taliban or did you know people who were with the Taliban, either fight with them or support them?

Detainee (through translator): If I had fought with the Taliban, you would have captured me with weapons or in war. Fighters do not leave the country. If I were fighting with the Taliban, why did they capture me in Pakistan?

Presiding Officer: You told us that you were fleeing Afghanistan to go to Pakistan.

Detainee (through translator): I fled Afghanistan to go to Pakistan and that's where I was captured. There was no fighting in Jalalabad. I was afraid that the opponents would capture and kill all the Arabs.

Presiding Officer: The individuals you fled with, were they Taliban or al Qaida?

Detainee (through translator): They were normal people with clean clothes. They did not appear to be fighters nor did they have weapons.

Presiding Officer: Did you have a weapon?

Detainee (through translator): No.

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Designated Military Officer: (3.c.2) The detainee has repeatedly assaulted and harassed Guantanamo Bay military police and interrogators. Detainee has incited multiple disturbances within his Guantanamo Bay cellblock.

Assisting Military Officer (for detainee): In response to the statement that the detainee has repeatedly assaulted and harassed Guantanamo Bay military police and interrogators, the detainee disagreed. He stated that the guards had insulted him on several occasions in an effort to provoke him, and he felt compelled to respond to such treatment. He also stated that the civilian interrogators were arrogant and rude to him, and he told camp officials that he did not want to be interviewed by them and that he preferred to be interrogated by military personnel. He also stated that he had been interrogated when he had one hand free and was sitting close to the interrogator, where he could have assaulted his interrogator but did not. He stated that he has never assaulted any interrogators.

Detainee (through translator): You can see in my file that I do not have any problems with interrogators. My hands were always free while sitting next to the interrogators. I got cut on my way over here [showing his right ankle]. Do you think this is humane that they treated me this way?

Presiding Officer: Are the shackles loose enough now so you are not being cut? [*The detainee did have abrasions on his right heel.*]

Detainee (through translator): When I left my cell [on the way to the ARB], the iron [shackles] was directly against my flesh. When I got to the room [waiting room prior to the ARB proceeding], I politely asked the guards to make it loose. They said no. I adjusted the pin myself to make the iron loose. How do you expect someone not to react to such treatment? I show respect to people who respect me just like in this room [referring to the Board]. I was at Camp 5, being interrogated by two men. One of them was a big African American and he hit me with a little refrigerator [dormitory size] even though I was shackled and handcuffed. That same interrogator hit me with an iron chair in my eye.

Presiding Officer: When was this?

Detainee (through translator): Some time last year around August, September.

Presiding Officer: Was he a military guard?

Detainee (through translator): No, he was civilian.

Presiding Officer: Both of them?

Detainee (through translator): They were not guards. They were interrogators in civilian clothes. I am afraid there might be a conflict [referring to the African American Board member since the detainee has alleged mistreatment by a big African American interrogator.]

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Presiding Officer: No [conflict]. He [the ARB member] is a professional.

Detainee (through translator): The white interrogator did not assault me. I don't know whether they were from the CIA or the FBI.

Board Member: Did these assaults cause any injuries to you?

Detainee (through translator): Yes. I don't know whether my injuries have been recorded in my medical file.

Board Member: Did you bleed from these assaults?

Detainee (through translator): Yes.

Board Member: In what part of your body did you bleed?

Detainee (through translator): My eye [pointing above his right eyebrow]. Another detainee had asked the interrogator the reason behind my injury and the interrogator responded that it was in self-defense. That's a lie. I was in the interrogation room, with only one hand cuffed and one foot shackled. The interrogator came forward to shake my hand. The door was secured with codes, and the interrogator hit me with a chair. If the interrogator had problems with me why did I only have one hand cuffed and one foot shackled during the interrogation? Also why did he shake my hand? The interrogator lied about what happened. If it were true that I assaulted an interrogator, I would have seriously injured him because I am a kick boxer.

Presiding Officer: This occurred around August, September 2005?

Detainee (through translator): Approximately.

Presiding Officer: I will look into that.

Detainee (through translator): I have no problems with military interrogators. However, I refuse to speak to civilian interrogators because they are very arrogant and they try to insult me.

Designated Military Officer: (3.c.3) The detainee has fought with guards, threatened to kill a block sergeant, refused instructions and has been caught several times with contraband.

Assisting Military Officer (for detainee): In response to the statement that the detainee has fought with guards, threatened to kill a block sergeant, refused instructions and has been caught several times with contraband. The detainee disagreed. (3.c.3)

Detainee (through translator): I was in my cellblock, N24, in isolation. A block sergeant was distributing food and instead of putting the food on the table, he put it on the floor.

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Some detainees did not eat. I told this block sergeant that one day, referring to judgment day, he will regret this.

Presiding Officer: Was the block sergeant hiding the food?

Detainee (through translator): There are two openings on the cellblock, the appropriate way is to use the upper one for food, but this block sergeant used the bottom one and put the food on the floor. I ate mine with no problems, but other detainees did not eat. I told the block sergeant that there will come a day when he will pay for this type of treatment. I meant on judgment day.

Presiding Officer: Did the other detainees not eat because they did not want to or because the block sergeant did not feed them?

Detainee (through translator): They did not want to accept food from the bottom door. It was degrading to them.

Detainee (through translator): I want to discuss some human rights issues. For fifteen days, I have not showered or changed my outfit. I was deprived of soap, toothbrush and shampoo. I was caught with these items and they referred to them as contraband. I am embarrassed by this. When I hear contraband, I think of cigarettes not toiletries. I just wanted to clean myself.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The detainee denied having any knowledge of the attacks in the United States prior to their execution of 11 September 2001, and also denied knowledge or any rumors or plans of future attacks on the United States or United States interests.

Detainee (through translator): Yes.

Designated Military Officer: (4.b) The detainee was queried regarding any knowledge or planning of internal uprisings at the Guantanamo Detention Facility, with negative results.

Detainee (through translator): I have been in isolation. I am not aware of any uprisings.

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

The Presiding Officer acknowledged the request.

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

The Assisting Military Officer stated that he had no additional comments.

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The Detainee made the following statement:

Detainee (through translator): Why am I in Cuba?

Presiding Officer: Because the CSRT has determined you to be an Enemy Combatant.

Detainee (through translator): On what basis? What is the evidence?

Presiding Officer: I would have to look at the CSRT results and see what they determined, but since it is classified, I would not be able to give you a direct answer.

Detainee (through translator): I had never been involved in any type of wars before. I have lived in Europe and Afghanistan all my life.

Presiding Officer: Hashim, does that conclude your statement?

Detainee (through translator): That's it.

Presiding Officer: Thank you.

The Assisting Military Officer had the following questions:

Assisting Military Officer: What would be your plan for the future if you were released?

Detainee (through translator): Are you interrogating me?

Assisting Military Officer: No, you don't have to answer.

Presiding Officer: Sometimes, your AMO will ask questions that he knows we are probably going to ask you. It's helpful and you don't have to answer.

Detainee (through translator): If I tell you, would you be able to make it happen?

Assisting Military Officer: I don't think so.

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

Administrative Review Board Member's questions:

Board Member: If released, which country would you want to be released to?

Detainee (through translator): When released I would like to get an asylum. I would not want to go back to Tunisia.

Presiding Officer: For clarification, Tunisia is his home country, unless we have a reason not to send him back to Tunisia, it will be our first choice. But if he wants to give us some reason for asylum and comment here, then we will note it.

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Detainee (through translator): I don't want to go back to Tunisia because it's just crime and torture.

Presiding Officer: That explains what you said earlier. Thank you.

Detainee (through translator): I have never had any criminal dealings. I only have problems with drugs.

Board Member: You never did steal while you were living in Brussels, Belgium?

Detainee (through translator): Yes.

Board Member: You mentioned that you didn't commit any crime, but stealing is a form of crime.

Detainee (through translator): My understanding of a crime is killing or assassination. Everyone steals. I was in a bar in Italy having coffee while watching the president on TV. The bartender and other people stated that the president was a thief and that he had stolen 250 million liras. I asked the bartender why he is concerned with the money the president had stolen. I told the bartender if he found \$100 in front of him, he would steal it too. Now the president of Italy lives in Tunisia. Why don't you call this man a criminal too? A thief is not really a criminal.

Board Member: I understand.

Presiding Officer: If you are transferred or released to go home, what are your intentions? What kind of work or family life are you going home to?

Detainee (through translator): I will go back to being a mechanic. I would do any type of job, preferably a mechanic. I also want to marry.

Presiding Officer: Hisham do you have any other comments. I am getting ready to conclude.

Detainee (through translator): Since I have met the officials [referring to the Board] I have a message. The detainees are under a lot of pressure. If a cup is full of water, it may overflow. The fact is that they assault all these detainees. One detainee cannot move his finger. Sometimes when a person is praying, the guards come in and want him to move behind the line to take the garbage out. A detainee was praying and couldn't discontinue his prayer. Since the detainee was praying, the guard brought six other armed guards in and destroyed the entire cell just to pick up the garbage. The guards have gone in somebody else's cell and have broken his back. As a result, he became handicapped and went to his country in a wheelchair.

Presiding Officer: So, you would like the guards to treat you with some dignity and respect and you would give back the same.

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Detainee (through translator): These guards are the ones who assault all the detainees. If a detainee has done something, then it's OK to punish him. But if he hasn't done anything, don't just assault him. The guards tried to break someone else's finger over insignificant things like taking the garbage out. If a person doesn't fear another, he should fear God. It's time for my prayer.

Presiding Officer: Give me five minutes and I'll wrap it up.

Detainee (through translator): I would like to pray here in the building once we are finished.

Presiding Officer: We will move you to another room [interview room] where you can [start and] finish your prayer.

Detainee (through translator): Is there a bathroom around here?

Presiding Officer: We will make that available as well.

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.

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.

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