

Summary of Administrative Review Board Proceedings for ISN 261

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

The Detainee accepted taking the Muslim oath.

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

The Assisting Military Officer presented the Notification of the Decision of the Administrative Review Board, 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 21 September 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 wanted to attend the ARB. The detainee was very cooperative, attentive and polite throughout the interview. Copies of both the English and Arabic translated Unclassified Summary were provided to the detainee, who accepted the Arabic version.

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

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

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment. (3.a.1) The detainee stated that in October 2001 he traveled to Afghanistan to inspect seven mosques in Kabul. The detainee stated that he was asked to go to Afghanistan by his local imam in Deman, Saudi Arabia.

Detainee: Yes.

Designated Military Officer: (3.a.2) The detainee stated that an acquaintance provided him 3,000 United States Dollars and instructed him to meet an individual in Iran. The detainee first traveled to Bahrain where he obtained a Bahrain passport and subsequently traveled to Mashad, Iran.

Detainee (through translator): The person in the second point is the same as the one in the first one.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.3) Once in Mashad, Iran, the detainee purchased a room at the Atlas Hotel. The next morning, the detainee met the individual referred to him by his imam in Saudi Arabia. They both traveled by taxi into Afghanistan.

Detainee (through translator): Unfortunately yes.

Designated Military Officer: (3.a.4) The detainee and his companion stayed in Kabul, Afghanistan, for approximately three weeks before traveling to another house owned by his companion in Jalalabad, Afghanistan. The detainee stayed in Jalalabad for approximately one month but could not provide additional information regarding his time there.

Detainee (through translator): This is true and I already explained everything during the interrogations.

Presiding Officer: Thank you.

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Designated Military Officer: (3.a.5) After leaving Jalalabad, Afghanistan, the detainee walked to the Pakistan border where he was arrested and detained by the Pakistan authorities. The detainee did not have his passport in possession when he was taken into custody. The detainee stated that his companion had taken his passport while they were in Jalalabad.

Detainee (through translator): My friend took my passport in Kabul not in Jalalabad.

Board Member: Why did you give your passport to your friend?

Detainee (through translator): It was the military complication in Afghanistan. My friend told me that the authorities would take all my money and belongings because I was an Arab. So when I was leaving Kabul to Jalalabad, I gave my friend my passport. I gave him everything: my money, my passport, and my belongings because there were checkpoints between Jalalabad and Kabul. Also, my friend dressed me to look like an Afghan.

Board Member: This was because you were afraid that you would be robbed?

Detainee (through translator): Not to be robbed, but to be killed. I did not want to appear as an Arab.

Board Member: Thank you.

Board Member: Your local imam asked you to go to Afghanistan to inspect these mosques. Why did he choose you to go? Do you have a special expertise in construction?

Detainee (through translator): When I came back from America I did not have much money and I had a lot of loans. So I asked my local imam to help me. He asked me to go to these mosques in Afghanistan, inspect them, and he would take care of my bills back home.

Board Member: What were you inspecting them for?

Detainee (through translator): Take pictures to make sure that these mosques existed in Afghanistan.

Board Member: You were to return these pictures to your imam so that you could show him?

Detainee (through translator): Pictures and videotapes to take back to my imam.

Board Member: Did your imam tell you that it might be dangerous in Afghanistan?

Detainee: Yes.

Board Member: And you were willing to take the risk because of money?

Detainee (through translator): I was facing prison anyway because the person that I borrowed a lot of money from was after me. I was facing prison so I did not care about going to Afghanistan. My imam did not really specify that Afghanistan was in such great danger because that was before the Americans attacked Afghanistan. He told me to go there for a short period of time, inspect the mosques, and come back right away. I was going in the countryside, so I believed if there were attacks in Afghanistan, they would be on the military bases not on the civilian provinces outside the big cities.

Board Member: Did you have an idea on how long you were going to be traveling and how much time it would take for you to be gone before you return?

Detainee (through translator): I believe three days to one week.

Board Member: I guess I am confused. Back to my original question, I am trying to understand your special expertise because your statements earlier state that your imam knew your traveling companion that you met in Pakistan. If he knew him, I do not understand why he would send you all the way from your home as opposed to sending your friend down from Pakistan, for it would be much cheaper, much quicker. Do you have a special expertise?

Detainee (through translator): I am going to summarize. First of all he was not my friend. I did not know him very well. I knew the imam in Saudi Arabia. Between the imam in Saudi Arabia and the imam in Afghanistan there was some type of contact. The imam in Afghanistan received financial help to build mosques in Afghanistan. This is a very normal thing there. Every year in Ramadan many people from Afghanistan, Pakistan, and Bangladesh would come over to Saudi Arabia and ask for monetary help to build mosques. The imam in Afghanistan happened to do the same thing. My local imam in Saudi Arabia wanted me to check on these projects going on in Afghanistan so that he could send money to the imam in Afghanistan.

Board Member: You said that you thought your trip would last a week, but you also said that you really had to go because you felt that you were going to be in trouble if you had stayed because you had a debt and that someone was after you in Saudi Arabia. So if it was only going to take a week, what was going to change when you return a week later? Wouldn't you still have problems?

Detainee (through translator): I did not quite understand your question, but I will answer exactly what I understand. I owed my brother-in-law 10,000 riyals. I had to accomplish this project for the imam in Saudi Arabia to give me 3,000 dollars to pay off this debt.

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Board Member: The answer to my question is that you were going to pay off your debt. Thank you.

Detainee: Of course.

Board Member: Was it in October when you traveled to Afghanistan?

Detainee (through translator): I am not sure about the month.

Board Member: That's fine.

Designated Military Officer: (3.b) Training. The detainee attended the al Siddeek camp. The al Siddeek camp was located near Khowst, Afghanistan. The detainee received training on the Kalashnikov rifle and physical exercise.

Detainee: Yes.

Detainee (through translator): I already told you that information. There is nothing essentially to hide.

Detainee: I had some reasons to go to Afghanistan at that time.

Detainee (through translator): I was 16 years old when this happened. The government in Saudi Arabia had the tendency to send people to Afghanistan to train and fight in combat, or to just go to Afghanistan. The government was supporting this type of travel. I received money from the government in Saudi Arabia for my travel expenses. It was about 75% of the airline ticket. This happened when I was 16 years old and I do not see the relationship between this and posing a threat to the United States. Many people at that time went to Afghanistan for the same purpose and with the blessing of the Saudi Arabia government and the blessing of the United States government. At that time I had done nothing to harm my reputation or the reputation my country. Also, at that time, I thought that was an official trip since my government and my father supported it.

Board Member: This was the only training you attended in your life or did you have other training?

Detainee: No. This was the only one.

Designated Military Officer: (3.c) Connections/Associations. (3.c.1) The detainee stated that a sheikh from Dammam, Saudi Arabia, offered to pay his rent and provide him with 7,000 to 10,000 Saudi Riyals if he would agree to journey to Bosnia to fight. The detainee traveled to Bosnia in 1995.

Detainee (through translator): Before I spoke I took an oath to tell the truth and only the truth, right? I have spoken to the interrogators and never told them that I was going to

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fight. This is not true. It is true that I took money and that I went to Bosnia, but the reason behind my departure was not to fight.

Board Member: What was your reason?

Detainee (through translator): To look for a wife.

Board Member: How long were you gone?

Detainee: Two months.

Board Member: Somebody paid for you to go and find a wife?

Detainee (through translator): This is very normal in Saudi Arabia because marriages there are very costly.

Board Member: How old were you in 1995?

Detainee (through translator): I do not remember. I am now 33 years old. You can do the math.

Designated Military Officer: (3.c.2) An al Qaida operative stated that the sheikh may have supported the Wafa Al-Igatha Al-Islamia, aka Wafa Organization, during the Chechnyan conflict. The al Qaida operative also stated that the sheikh was a supporter of the Mujahedin.

Detainee (through translator): Before I continue I would like to say that the fact that I could not provide you with my age in 1995 was not a disrespectful answer to you or to the board members. I have no recollection of any specific dates.

Board Member: Thank you. I did the math.

Detainee (through translator): What is my connection to this? I do not know. I heard about the Oklahoma bombing and that the person involved was a leader of a White group and that person received capital punishment. If that person came here and testified before you that someone is a terrorist, would you take that person's words for it? My point is that this person from al Qaida who made the statement about the sheikh has nothing to do with me. I do not know that person. I do not know of any sheikh that was a supporter of the Mujahedin or any organization. Another point is that I had not heard of al Qaida until I got here in Cuba.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.3) The detainee traveled to Mecca, Saudi Arabia, to meet an individual who was a direct descendant of the prophet Mohammed.

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Detainee (through translator): True.

Designated Military Officer: (3.c.4) The detainee was invited to Chechnya to fight by this individual, but the detainee stated that he had no money for the trip. The individual gave him 3,000 to 4,000 Saudi Riyals in addition to travel expenses.

Detainee (through translator): He asked me to travel with him, but he never asked me to fight with him. He paid for my travel expenses.

Designated Military Officer: (3.c.5) The detainee stayed at an Arab safe house that was a staging area for Arabs traveling to Chechnya to fight.

Detainee (through translator): This person is from the Emirates and I stayed with him.

Board Member: If you did not go to Chechnya to fight, why did you go? Were you looking for a wife again?

Detainee (through translator): There are no beautiful women in Chechnya.

Board Member: Any reason why you went?

Detainee (through translator): This man had asked me to go with him and we stayed at Azerbaijan. It was like a vacation for me. I could not refuse so I went as a tourist because I wanted to see a Soviet city.

Board Member: Thank you.

Board Member: What did you do while you were there and how long was your stay?

Detainee (through translator): Between Chechnya and Azerbaijan there are about two different countries. I stayed in Azerbaijan about one-and-a-half months. I went to all the tourist places, museums, and parks. I have pictures.

Board Member: Thank you.

Designated Military Officer: (3.c.6) The detainee traveled to Bahrain and went to the United States Embassy and received a five-year tourism visa. The detainee's father gave him 19,000 Saudi Riyals for his trip to the United States and he flew from Bahrain to Istanbul, Turkey, and then to the United States. The detainee was picked up at the airport and taken to an Islamic Center.

Detainee (through translator): True.

Designated Military Officer: (3.c.7) The detainee went to another Islamic Center and was there for approximately two months before returning to Saudi Arabia to visit his sick father. After eight months in Saudi Arabia, the detainee returned to the United States and made other trips in the United States.

Detainee: True.

Board Member: What was your purpose for your travel to the United States?

Detainee (through translator): I was looking for citizenship.

Board Member: Why did you wish to become a citizen of the United States?

Detainee (through translator): So that I could live like a king.

Board Member: Do you still wish to become a citizen of the United States?

Detainee (through translator): If you released me I would go live in the desert. I am not dreaming about becoming a citizen of the United States after Cuba.

Presiding Officer: I understand.

Designated Military Officer: (3.c.8) The detainee said that he traveled to the eastern United States after speaking with an acquaintance and was introduced to a Muslim community and gave a lecture on the importance of keeping the tradition of prayer.

Detainee (through translator): Yes.

Designated Military Officer: (3.c.9) The detainee says he gave a speech during a Friday service in 2001 at a mosque that upset the elder religious leaders.

Detainee (through translator): The speech did not upset any of the leaders. Maybe they got upset after they found out that I was a terrorist and went to Cuba.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.10) The detainee stated that he was shocked to learn that his acquaintance was involved with al Qaida and jihadist activity. The detainee also said that it seemed illogical that his acquaintance and Jamaat Tabligh could be so involved because neither violence nor the use of weapons was ever advocated.

Detainee: True.

Designated Military Officer: (3.c.11) The detainee was identified as being a cook in Tora Bora, Afghanistan.

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Detainee (through translator): I wanted to become a cook, perhaps at McDonalds, not in Tora Bora. I believe that Tora Bora was not the right place to become a cook.

Designated Military Officer: (3.c.12) According to a source, the detainee spent time in Saudi prisons. The detainee was imprisoned for being a member of Al Motoaien, also known as al Mujahedin, and for participating in the USS COLE bombing.

Detainee (through translator): This is not true. I went to prison in Saudi Arabia. I had never heard of this group before. You can contact the Saudi Arabia government and ask about the reason for my detention there and my relationship to this alleged organization. I have no relationship with this organization and I do not believe it exists. The Saudi Arabia government is a great ally of the government of the United States. You can ask them to provide records of my detention in the Saudi prison. I am very certain of what I said to you and that I have no relationship with this organization.

Designated Military Officer: (3.c.13) Al Motoaien is a network in Saudi Arabia involved in document forgery, weapons and poisons smuggling.

Detainee (through translator): I would like to clarify about the situation of the USS COLE. I have no relationship to this matter. I have never been interrogated on this matter. I am not sure how this got into my file. Since I have no connection to this organization I cannot know whether it exists. This has nothing to do with me. According to my expertise, Saudi Arabia does not have this type of organization. Perhaps it exists in North Africa, but not in Saudi Arabia.

Presiding Officer: Thank you.

Designated Military Officer: (3.c.14) The detainee decided to return to Saudi Arabia. The detainee flew to Bahrain and was arrested by Saudi Intelligence officials under suspicion stemming from the Khobar Towers bombing and his foreign travel. The Saudi government held him for approximately three months, but his passport was revoked for one-and-a-half-years.

Detainee (through translator): During the bombing of the Khobar Towers, half of the population was detained and I was one of them. I was kept for questioning because there was no direct allegation against me. During the bombing of the Khobar Towers, I was in Kuwait, not in Saudi Arabia.

Presiding Officer: If you were detained for questioning why did they revoke your passport?

Detainee (through translator): It was a dictatorship. That's why I wanted to get U.S. citizenship.

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Designated Military Officer: (3.c.15) The detainee stated that he spent time in prison in Jeddah, Saudi Arabia. The detainee was eventually released and returned to Dammam, Saudi Arabia, but his passport was revoked for five years.

Detainee (through translator): I was detained for one-and-a-half months. The rule in Saudi Arabia is that when someone is captured, even for one day, his passport would be revoked for five years.

Designated Military Officer: (3.c.16) The detainee's name was found on a computer media listing of mujahedin, which was seized during raids against al Qaida associated safe houses. The list identifies each individual's trust account and the contents of the detainee's trust are listed as a passport and identification card.

Detainee (through translator): I have no connection to al Qaida. I have never been to an al Qaida house. I have never left my passport or identification card in any al Qaida houses. I told you this Afghan had taken my belongings, passport, and money in Kabul. I went with him in Jalalabad and did not ask him for my passport or my money. He told me that he would take care of them and return them to me when we get to the border. It took us three days to get to border. When we arrived there, he told me that he had forgotten my passport and money in the house. So he asked me to go back with him three more days to his house to pick up my belongings and travel back another three days on the road. I did not accept that. The situation was already very difficult and I was not going to risk being killed because of my passport. When I got to the borders I asked for the embassy of my country right away. I did not know whether this Afghan who had my passport sold it or gave it to an Arab to take it back to my country. I am not sure what happened. This is true that my passport and identification card were found in an al Qaida house, but I had no connection to it. It might be that this Afghan had done that and he would be responsible for that.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) The detainee denied ever participating in any armed conflict while in Afghanistan.

Detainee (through translator): Surely.

Designated Military Officer: (4.b) The detainee says that he is not a radical fundamentalist Muslim and claimed he has never taken part in or encouraged anti-American activities.

Detainee (through translator): This is true that I did not encourage anti-American activities.

Designated Military Officer: This concludes the Unclassified Summary.

Detainee (through translator): The factors favoring my continued detention were about 10 pages, but the ones favoring my release are about two paragraphs.

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Presiding Officer: You will have an opportunity to provide a statement later in this hearing.

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.

The Detainee made the following statement:

Detainee (through translator): I would like for you to look into my case with a compassionate perspective. I have committed and I have admitted to my mistake. I put myself in the wrong situation at the wrong time. I spent five years in detention for that. My father died three months ago and I could not be there. My mother is very sick and I do not know anything about her. I do not know anything about my daughter either. The past is the past. We cannot replace the past. I have learned my lessons. Based on that experience, I will try to avoid the type of errors that I have made in the past. The time that I have spent here is a very difficult time and is more than punishment to me. I have never committed anything against the United States. I never fought the United States or its allies. I have never posed a threat to the United States. I will never pose a threat to the United States. I am hoping that you will look into my situation in every angle. I cannot ask you to provide me with classified information to discuss with you. I would like to clarify that I have never been a terrorist and that I will never be a terrorist. It is not my fault if I had acquaintances that turned to be terrorists. I didn't know about their intentions. Had I known they were terrorists or that they would turn into terrorists, I would not have ever spoken to them. I hope you look into my situation with a compassionate eye. My family needs me. My mother, my daughter, and my country need me. I would like to begin a new life.

Presiding Officer: Does that conclude your statement?

Detainee (through translator): Yes.

Presiding Officer: Thank you.

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

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

The Administrative Review Board Members had no further questions for the Detainee.

Board Member: I would like to thank you for showing up and answering the questions.

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Detainee (through translator): I would like to thank you and the United States government for giving me an opportunity to defend myself.

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

Presiding Officer: You should be notified of whether you will be detained further, transferred, or released upon completion of the review of these proceedings and the decision by the Designated Civilian Official in Washington, DC.

Detainee (through translator): When exactly?

Presiding Officer: I do not have that information.

Presiding Officer: If the Designated Civilian Official determines that you should no longer be detained by the United States, you will be released or transferred to your home country as soon as arrangements can be made.

Detainee (through translator): I hope it happens.

Presiding Officer: If the Designated Civilian Official determines that you should be continued to be detained, you may be eligible for another Administrative Review Board in one year.

Detainee (through translator): I do not wish that.

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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