

Summary of Administrative Review Board Proceedings for ISN 274

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 Translator, Board Member, Assisting Military Officer (AMO) and Members of the Administrative Review Board were sworn.

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

The Detainee declined taking the 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.

Assisting Military Officer: The detainee's ARB interview was conducted on 28 February 2006 and lasted for 60 minutes. After reviewing the ARB's purpose and procedures, I asked if he would like to attend his ARB hearing, present a written or oral statement, or have the AMO speak on his behalf. The detainee stated he would physically attend the ARB. I then read him the Unclassified Summary of Evidence. He then asked me to write down his responses to each of the allegations contained in the Unclassified Summary of Evidence for presentation at the ARB. The detainee was very cooperative and cordial throughout the course of the interview. Finished copies of both the English and Arabic translated Unclassified Summary of Evidence were offered to the detainee at the conclusion of his follow-up interview of 01 March 2006.

The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, the FBI Redaction Memo, DMO-2 and the CITF placeholder, DMO-3 to the Administrative Review Board.

The Designated Military Officer stated that a copy of these exhibits had previously been made available to the Assisting Military Officer and the Detainee.

ISN 274
Enclosure (4)
Page 1 of 14

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 allowing time for the detainee to provide a response after each statement.

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment (3.a.1) The detainee spent an undetermined amount of time as a reserve in the front line in Afghanistan where they dug trenches and waited. The detainee then fled on foot to Pakistan after he received injuries. The detainee received medical treatment and was arrested.

Detainee (through translator): I was never at the front line, never dug trenches or anything else for that matter. I was simply visiting Afghanistan. I never received medical treatment, but I was injured and received medical treatment in Pakistan. I was then arrested in the hospital.

Presiding Officer: What did you go to see and whom were you visiting?

Detainee (through translator): I went to visit a friend of mine, his name is Abu Talha. He was in Pakistan and I went to visit him.

Presiding Officer: Here it says, "I simply went to visit Afghanistan." Is that a mistake?

Detainee (through translator): Yes, he was my friend. I met him in Pakistan and he took me to Afghanistan for a visit.

Presiding Officer: Thank you.

Designated Military Officer: (3.a.2) The detainee stated he was on the front line in Afghanistan and fired his Kalashnikov rifle during the day for practice. He stated he was hit by shrapnel during a bombing raid while fighting on the front line against the Northern Alliance and taken to a hospital in Jalalabad for treatment during Ramadan. The detainee said he fired his weapon as he was retreating from the airport in Bagram.

Detainee (through translator): First of all, I never carried or had a weapon. I was totally a visitor, not a fighter. I did not get injured on the front line. I was walking along a street in Pakistan when it (explosion) happened. I couldn't fire a weapon if I didn't have one.

Board Member: Where exactly were you in Pakistan when this explosion occurred?

Detainee (through translator): I was in a region called Kuhat.

Board Member: What kind of explosion was it?

ISN 274
Enclosure (4)
Page 2 of 14

UNCLASSIFIED//~~FOUO~~

Detainee (through translator): I have no idea.

Board Member: Was it on the ground?

Detainee (through translator): Something fell from above.

Board Member: How many people were with you when the explosion occurred?

Detainee (through translator): The whole street was full of people.

Board Member: Was your friend with you?

Detainee (through translator): No.

Presiding Officer: Are you referring to Abu Talha?

Detainee (through translator): No, he was not with me. I lost him on the street.

Presiding Officer: Did he start out with you that day and you just lost him?

Detainee (through translator): I lost him days before this occurrence.

Board Member: Were the others with you fighting on the front lines or sightseeing like you?

Detainee (through translator): They were ordinary people on the street that were trying to flee the bombing.

Board Member: Were any of the others injured or captured with you?

Detainee (through translator): A lot of them. Several of them.

Board Member: Injured or captured?

Detainee (through translator): They were injured and they were sent to the hospital.

Presiding Officer: Once at the hospital, were some of them detained like you?

Detainee (through translator): I don't know. I was the only Arab one amongst them. When they recognized that I was an Arab they just secluded me in the hospital.

Presiding Officer: There were no other Arabs with you in that secluded area?

Detainee (through translator): No.

Board Member: Is there anyone that was a witness to that occurrence that can verify your story?

ISN 274
Enclosure (4)
Page 3 of 14

UNCLASSIFIED//~~FOUO~~

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Detainee (through translator): The doctors in the hospital.

Board Member: Have you received letters or correspondence from anyone who can help clear up the discrepancies in this story?

Detainee (through translator): This is one of the questions I would like to ask you at the end of this board. I never received any letters. I write and write, but I never receive any letters back. This is one of the concerns that I have.

Presiding Officer: So what you are saying is that you write letters but you don't know if they are getting out and you haven't received any?

Detainee (through translator): I have been here for the last four years. I have only received four letters. The last one was two and a half years ago.

Presiding Officer: What is your capture date?

Detainee (through translator): If I recall, it was the beginning of Ramadan.

Presiding Officer: So four or five letters and that was two and a half years ago?

Detainee (through translator): Yes. Since I have been captured here for four years, I only received four letters and that was two and a half years ago.

Presiding Officer: Nothing since then?

Detainee (through translator): Nothing.

Presiding Officer: Okay. We can inquire about that. In those last years you have sent mail out, correct?

Detainee (through translator): Many.

Presiding Officer: Okay, we will inquire about that and get an answer back to you.

Designated Military Officer: (3.a.3) The detainee stated that if he read any sort of religious decree, which stated that an attack on the United States was needed for the sake of Islam, he would follow it. He also stated that it is the duty of true Muslims to defend Islam against infidels, and that everyone must either become a Muslim, pay a fee for not converting, or be put to death.

Detainee (through translator): These are not my words.

Board Member: Do you consider the guard force or this Board as infidels?

Detainee (through translator): Everyone has their own religion.

Presiding Officer: You never made these comments to anyone here or in Pakistan?

Detainee (through translator): No. I never said it.

Presiding Officer: Okay. We will leave it at that because he is disagreeing that these are his words. He is saying that he never said it.

Designated Military Officer: (3.a.4) The detainee stated that he would buy weapons to fight anyone who would have alliances to the United States. When asked about the attacks on 11 September 2001, he replied that sometimes, terrorist people have to die.

Detainee (through translator): These are also not my words.

Presiding Officer: I will ask you again. You never made these comments to anyone, whether here or in Pakistan where you were captured?

Detainee (through translator): I never said it.

Board Member: Have you seen pictures of the attack on September 11th?

Detainee (through translator): Yes, I did.

Board Member: How did you feel about what you saw?

Detainee (through translator): Just sorrow and catastrophe towards those innocent people.

Board Member: What is your reaction or your feelings toward the Muslims that carried out these attacks?

Detainee (through translator): I don't know what to say about them.

Board Member: Do you think the United States deserved it?

Detainee (through translator): This is all politics. I have no idea. I have no business in politics.

Designated Military Officer: (3.b) Training (3.b.1) The detainee worked as a civilian armed guard.

Detainee (through translator): It is true, but when I was in Saudi Arabia.

Board Member: What facility did you guard in Saudi Arabia?

Detainee (through translator): Interior Ministry.

Board Member: What city?

Detainee (through translator): Riyadh.

Designated Military Officer: (3.b.2) The detainee attended a month of basic training with the Navy. After this month of training, the detainee became ill and spent two months in a naval hospital before being discharged.

Detainee (through translator): That is true, in the Saudi Navy.

Presiding Officer: What illness kept you in the hospital for two months?

Detainee (through translator): Problems with my stomach.

Presiding Officer: What type of basic training did you have with the Navy for that month?

Detainee (through translator): Much training, like weapons, swimming and physical training.

Presiding Officer: What type of weapons?

Detainee (through translator): I did not finish the whole course for the weapons training. I just started on the small weapons and the light rifles.

Presiding Officer: Is that just practical training or did you get to fire them?

Detainee (through translator): It was practical training.

Board Member: Where was your training in Saudi?

Detainee (through translator): In the East Region.

Designated Military Officer: (3.b.3) The detainee stayed at a villa for five days, where he fired the Kalashnikov AK-47 rifle.

Detainee (through translator): It is true, when I was in Saudi Arabian Navy. The answer is not true, I never fired a rifle. Where is this particular villa located?

Presiding Officer: You did say that you fired these weapons when you were in the Saudi Navy, correct?

Detainee (through translator): Yes, during training.

Presiding Officer: So are you saying that you didn't fire in this particular villa?

Detainee (through translator): First of all, we didn't have villas there. Where did you get this from? Second, the location of the training there are no villas. That was the only place I fired my weapon during training.

Presiding Officer: I understand that you fired a weapon in the Saudi Navy. As for the villa you stayed for five days where they claimed you fired an AK-47, I was hoping you would tell us where that villa was and be truthful with us.

Detainee (through translator): This is also one of the points I would like to talk to you about at the end of the Board because there are a lot of things that have been said in my file that I never stated it or never said it.

Presiding Officer: Okay.

Designated Military Officer: (3.b.4) The detainee also received training on weapons assembly and disassembly, the firing of a pistol and the German-made G-3 rifle.

Detainee (through translator): Yes, but I fired these weapons both as part of my training in Saudi Arabia as a security guard and in the Saudi Navy.

Designated Military Officer: (3.c) Connections/Associations (3.c.1) The detainee's name was on a document listing 324 Arabic names, aliases, and nationalities recovered from safe house raids associated with suspected al Qaida.

Detainee (through translator): It is not true.

Presiding Officer: Since you say it is not true, have you seen the document we are referring to? Have you seen the document that listed the 324 names?

Detainee (through translator): Nobody has shown me anything. I have no idea.

Designated Military Officer: (3.c.2) The detainee's name was on a list that was found on a computer in an al Qaida safe house. The list includes the detainee's passport and safety deposit box number.

Detainee (through translator): All of this is not true.

Presiding Officer: Okay, since you are saying that all of this is not true, have you seen the document?

(Detainee gestured NO by nodding his head.)

Board Member: Do you know where your passport is now?

Detainee (through translator): I lost it.

Board Member: Where did you lose it?

Detainee (through translator): I gave it to the Pakistani authorities. They also took my money.

Board Member: When you were in the hospital?

Detainee (through translator): Yes.

Presiding Officer: Passport and money?

Detainee (through translator): Yes. My passport and money were taken by the authorities when I was in the hospital.

Designated Military Officer: (3.d.1) During his first of two trips to Pakistan, between 1421 and 1422 in the Hijri calendar (between 2000 and 2001 Gregorian) the detainee admitted that the purpose of this trip was to purchase hashish at low prices for his own consumption and for resale in Saudi Arabia.

Detainee (through translator): Well, not all of this is true. I went, really, to Pakistan as a vacation, but I never dealt with hashish for business purposes. If this is true, my neck will be gone.

Board Member: Is it true that you went there to purchase hashish for any purpose?

Detainee (through translator): Mainly, it was for sightseeing and for pleasure.

Board Member: When you say, "If this is true, my neck would be gone," do you mean purchasing hashish for any purpose or just for business purposes?

Detainee (through translator): For business purposes.

Board Member: Have you used hashish in the past?

Detainee (through translator): You are putting me on the spot (laughing).

Presiding Officer: We don't prosecute you here for that. You don't have to answer if you don't want to.

Detainee (through translator): I prefer not to answer.

Presiding Officer: That is fine, we all make mistakes.

Designated Military Officer: (3.e) The detainee deserted from the Navy, he was not discharged as noted in his file.

Detainee (through translator): The Saudi government did not desert me; but after I left the hospital, I submitted my resignation to them and the government agreed to it.

Presiding Officer: Could you just explain about the resignation part and the government agreeing to it? I understand that you were discharged, but what was the resignation part? I am just a little confused.

ISN 274
Enclosure (4)
Page 8 of 14

Detainee (through translator): What is mentioned here is false information.

Presiding Officer: I believe you were probably discharged. I am not sure about your resignation. Is that something that goes on in the Saudi Navy?

Detainee (through translator): Yes, it is.

Designated Military Officer: (4) The following primary factors favor release or transfer: (4.a) The detainee claims to have gone to Afghanistan for the sole purpose of sightseeing, and was told that the best place to sightsee was on the front line. The detainee claims he didn't know who was fighting or the cause for which they were fighting. He also claims he never picked up a weapon during the two months he spent on the front line. Additionally, the detainee claims to have gone to Lashkar-e-Tayyiba for the purpose of charity.

Detainee (through translator): All of this is true except for the best place for scenery is not the front lines.

Board Member: What kind of charity work did you plan to do for Lashkar-e-Tayyiba?

Detainee (through translator): Help the people in the orphanages and the people that lost their families during the battles in Kashmir.

Board Member: What specifically would you do for them?

Detainee (through translator): Just arrange some kind of monthly allowance for them. A monthly rate.

Board Member: When you joined the Lashkar-e-Tayyiba did you know that it was an anti-American organization?

Detainee (through translator): No, I did not.

Board Member: Why did you not stay with the organization to continue missionary work and improve your dedication to Islam?

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

Board Member: Is that the time you met your friend that took you to Afghanistan?

Detainee (through translator): Exactly, yes.

Board Member: Why did you decide to go to Afghanistan rather than stay?

Detainee (through translator): My friend was persistent. He put me on the spot and asked me to visit his family. He was a good friend of my family and he would visit us in Saudi Arabia.

ISN 274
Enclosure (4)
Page 9 of 14

UNCLASSIFIED//~~FOUO~~

Designated Military Officer: (4.b) The detainee denies being a member of al Qaida.

Detainee (through translator): I strongly deny this.

Presiding Officer: Why do you strongly deny being a member?

Detainee (through translator): Basically, I never heard of al Qaida until I got here.

Presiding Officer: That helps me. So you never heard of al Qaida until you got here? That surprises me because al Qaida is all over the news, even in Saudi Arabia.

Detainee (through translator): The way I conducted my life did not allow me to hear anything about al Qaida.

Board Member: Why would you go and visit (a fight) if you did not know who was fighting?

Detainee (through translator): Bad luck. It was a bad day.

Designated Military Officer: (4.c) The detainee stated that he has nothing against the United States, and that he would not participate in a fatwa, even if issued by the Saudi government. He also would not participate if a non-government organization issued a fatwa because he does not feel negatively about the United States.

Detainee (through translator): That is totally true.

Board Member: What would you do if you were released?

Detainee (through translator): Lots of things: Get married, buy a new car, and get a farm. I would do many, many things.

Board Member: What would you teach your children about the United States?

Detainee (through translator): I won't let them know anything about the United States. They will be living on a farm. People that live on a farm don't know anything about civilization. I won't expose them to a TV.

Board Member: How would you feel if the United States continued to increase its presence in the Middle East?

Detainee (through translator): This is all politics; I have nothing to do with politics.

Designated Military Officer: (4.d) The detainee denied having any knowledge of the attacks in the United States prior to their execution on 11 September 2001 and denied knowledge of any rumors or plans of future attacks on the United States or United States interests.

ISN 274
Enclosure (4)
Page 10 of 14

UNCLASSIFIED//~~FOUO~~

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2217

UNCLASSIFIED//~~FOUO~~

Detainee (through translator): It is true. I had no idea of it.

Board Member: Are you related to or have any close friends with any of the other detainees being held here?

(Detainee gestured NO by nodding his head.)

Board Member: We have reports that you have threatened the guard force and their families. Why is this?

(Detainee gestured NO by nodding his head.)

Presiding Officer: So you have no comment? Or are you just saying "No," you haven't done that?

Detainee (through translator): I did not do such a thing.

Board Member: We have a report that states you said, "Something big will happen when Usama bin Laden dies." What will happen and how do you know?

Detainee (through translator): I will be released from here.

Board Member: You also stated on one occasion, "Me and my Arabic brothers will be back." What did you mean by that?

Detainee (through translator): We'll be back or we'll get out?

Board Member: I have, "We'll be back."

Detainee (through translator): These are not my words. To come back where? We are not in place to come back to. Where, to Cuba?

Board Member: That was my question, what did you mean by that?

Detainee (through translator): These are not my words. I never meant anything.

Presiding Officer: We are not trying to trip you up or anything. You might have said that at one time and regret saying it. I think the kind of answer we are looking for is, "Yeah, I said it," but that is not the way that I feel now. I don't know. I don't want to put words in your mouth.

Detainee (through translator): If I said anything I would tell you I said it.

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.

ISN 274
Enclosure (4)
Page 11 of 14

UNCLASSIFIED//~~FOUO~~

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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 Detainee made the following statement (through translator):

The information that you have in your possession is wrong. Many things written here are so wrong. I plea that you go back to your files and review it and try to tell the truth. All that is written is wrong. Personally, I don't see any reason for me to be detained here for the last four years. There is no legitimate reason, so please review your files and information. Most of it is wrong. I wish this will happen soon and you will let me go. I don't want to go back into depression the way I did before, about three months ago. I don't want to die here.

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

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

Presiding Officer: Thank you. Did the Assistant Military Officer's information provide us with the information you wanted us to hear?

Detainee (through translator): Yes.

Administrative Review Board Member's additional questions:

Board Member: Where did your friend's family live, the one that took you to Afghanistan?

Detainee (through translator): In Kandahar City.

Board Member: You stated that he was a friend of your family. How long was he a friend of your family in Saudi Arabia?

Detainee (through translator): He used to work in Saudi Arabia. He was a baker.

Board Member: Before you left Afghanistan, was your friend still there or did he come to Pakistan when you were injured?

Detainee (through translator): I would say that he stayed in Afghanistan.

Board Member: With his family?

Detainee (through translator): I don't know. He might have gone back during the bombing. I don't know. I wish that he would be with his family, but I don't know what happened.

ISN 274
Enclosure (4)
Page 12 of 14

Board Member: Have you tried to contact him?

Detainee (through translator): I did not receive any news from my parents, so why should I contact someone outside my family?

Translator: This is a cultural thing. He means you try to ask for help from family first, if you don't get anything from family then you don't expect anything from friends.

Board Member: Would you be able to describe where in Kandahar your friend's family lived?

Detainee (through translator): On a farm.

Board Member: Kandahar is a big place.

Detainee (through translator): I don't know Kandahar. I just know he lived on a farm.

Presiding Officer: You just know that he lived on a farm.

(Detainee gestured YES by nodding his head.)

Board Member: And that is where you visited when you were in Afghanistan?

Detainee (through translator): Yes. (Pause) The reason I stayed in the hospital for two months was because of stomach problems. I still have these problems. I would like for the Board to assist me with convincing the people in the hospital to give me some kind of olive oil because it will heal my stomach. They have it here [and] I would like to have some.

Presiding Officer: Well, because you brought it up it will be in the transcript. However, as far as me being able to tell them how to be medical personnel, they will not take my advice. It will be on the record and I request that you ask to see the medical personnel and bring that up to them. I will send something to the lead medical personnel mentioning that, but I can't give you an honest answer on where it will go from there.

Detainee (through translator): That's okay. Just forget the request.

Presiding Officer: I will send the e-mail request to the head medical personnel. I just can't make any promises.

The Presiding Officer read the post-Administrative Review Board instructions 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.

ISN 274
Enclosure (4)
Page 13 of 14

UNCLASSIFIED//~~FOUO~~

AUTHENTICATION

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



ISN 274
Enclosure (4)
Page 14 of 14

UNCLASSIFIED//~~FOUO~~

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2221