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Summary of Administrative Review Board Proceedings for ISN 513

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 wished to make a statement under oath. Muslim oath offered.

Detainee (through translator): The Muslim[s] don't lie, I don't need to.

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 Notification of the Decision of an Administrative Review Board 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 17 May 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 wished to attend and wished to respond to each statement of information in the Unclassified Summary of Evidence after it is presented. The detainee was cooperative, attentive, and cordial throughout the interview. A copy of the Arabic translated Unclassified Summary of Evidence was provided to the detainee upon his request.

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The Designated Military Officer presented the Unclassified Summary of Evidence, Exhibit DMO-1, and the FBI Redaction Memorandum, DMO-2, 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: [ISN 513] I note that you have chosen to respond to information from the Unclassified Summary. Is this correct?

Detainee (through translator): God willing.

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 to assist the Detainee with answering the statements.

Designated Military Officer: The detainee's desire to go to Afghanistan was based on the posted fatwa, his decision to marry, his desire to lose weight, and his subsequent meeting with an individual (3a1)

Detainee (through translator): Continue.

Designated Military Officer: The individual told the detainee that he would arrange for him to travel and requested his passport, which the detainee provided. The detainee stated his passport was returned with a paid airline ticket to Khandahar, Afghanistan. (3a2)

Detainee (through translator): Continue please.

Designated Military Officer: The detainee advised that he received 3,000 Saudi Riyals (799 United States Dollars) for personal expenses. (3a3)

Detainee: Continue.

Designated Military Officer: The detainee stated in August 2001 he flew from Jeddah to Qatar to Karachi, Pakistan to Khandahar, Afghanistan. (3a4)

Detainee (through translator): Continue please.

Designated Military Officer: The detainee stated while at Camp Farouq they were issued

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a pen and notebook, woodland camouflage uniform, a blanket, and shoes. The detainee trained on the Kalashnikov assault rifle, PK machine gun, automatic grenade launcher, the rocket-propelled grenade, and an unidentified light anti-tank weapon. (3b1)

Detainee: Continue.

Designated Military Officer: The detainee said his training at Camp Farouq was interrupted, so he never finished his training. The detainee said they were told they should leave the camp. (3b2)

Detainee (*through translator*): Continue.

Designated Military Officer: The detainee met a person, a Saudi in his early 30s. This person sold dates outside a mosque the detainee attended. The detained stated over time they talked periodically after Friday prayer. (3c1)

Detainee (*through translator*): [Continue with] two.

Designated Military Officer: The detainee traveled from Jeddah, Saudi Arabia through Qatar to Karachi, Pakistan. (3c2)

Detainee: [Continue with] three.

Designated Military Officer: The detainee stated upon his arrival in Karachi he checked into a room at a hotel and waited to receive further information. (3c3)

Detainee (*through translator*): Continue please.

Designated Military Officer: The detainee stated that he was taken to a safe house in Karachi where he stayed for a week. The detainee then traveled to Quetta, Pakistan. (3c4)

Detainee (*through translator*): [Continue with] five.

Designated Military Officer: Upon arrival in Quetta, Pakistan, the detainee was taken to a safe house where he stayed for a period of less than a week. (3c5)

Detainee (*through translator*): [Continue with] six.

Designated Military Officer: The detainee claims that while in Afghanistan he saw Usama bin Laden at the al Ansar house in Kandahar, Afghanistan and at the al Farouq camp. (3c6)

Detainee (*through translator*): Continue please.

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Designated Military Officer: While at Camp Farouq, the detainee ended up fighting Afghans and Northern Alliance troops in Dostun. (3d1)

Detainee (*through translator*): Continue.

Designated Military Officer: The detainee stayed at the Najim al Jihad safe house for approximately three to four months. He then went to a forest near Jalalabad for one and a half weeks, then to Tora Bora until 10 December. (3d2)

Detainee (*through translator*): Continue.

Designated Military Officer: The detainee was sent to Tora Bora where he subsequently surrendered to Afghan forces. (3d3)

Detainee (*through translator*): [Continue with the] information.

Designated Military Officer: At the time of his capture, the detainee had in his possession, currency in the amount of 2,000 United States Dollars, a Kalashnikov rifle, and three full magazine of ammunition. (3e1)

Detainee (*through translator*): [Continue with] two.

Designated Military Officer: During a 17 March 2005 interview the detainee stated America was his enemy because they are infidels and puppets of the Jews. (3e2)

Detainee (*through translator*): [Continue with] the factors of four.

Designated Military Officer: The detainee went to Afghanistan for a couple of reasons. His first priority was to lose weight. He would receive good exercise, which would help him lose weight. His intention was to get training for two months, then return to Saudi Arabia, take over his father's business, and get married. He would also learn to maintain a weapon. (4a)

Detainee (*through translator*): [Continue with] two.

Designated Military Officer: The detainee stated he had lied in the past about his travels to Afghanistan. The detainee said he was working with an unidentified Saudi Arabian businessman in a joint venture to find the clothing of the Prophet Mohammed, which was rumored to be in Afghanistan. The detainee said he was given a large sum of money by the businessman and traveled by airplane to Karachi, Pakistan. (4b)

Detainee (*through translator*): The Unclassified Summary of Evidence has been a lie from the beginning and there is no need to discuss all this. This is why I'm telling you to continue reading.

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Presiding Officer: Well, nevertheless, we will continue and proceed through the document.

Detainee (*through translator*): No problem.

Designated Military Officer: The detainee said he has a brain and is not stupid and would not take an al Qaida oath. He said he does not have any association with al Qaida. The detainee said that he never heard anything about al Qaida at Camp Farouq until after the war started. (4c)

Detainee (*through translator*): Continue please.

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

Detainee (*through translator*): True.

Designated Military Officer: The detainee claims he was responding to a fatwa that required all Muslims to train and be prepared to defend Islam at any time. He intended to return home after learning of the attacks of 11 September 2001. (4e)

Detainee (*through translator*): [The factor] 4e has been previously mentioned at the beginning and it is not true.

Designated Military Officer: The detainee states that he would like to return to Saudi Arabia to get married, start a family, and take over his father's business, a small store. The detainee said he would never fight or leave Saudi Arabia again. (4f)

Detainee (*through translator*): The fact that I have never fought from the beginning, then the statement that I am not going to fight, indicates that I have fought in the past. This is false.

Detainee (through translator) made the following statement on his behalf:

There is one point in the Unclassified Summary of Evidence that I agree with which is my purpose for going to Afghanistan and the central factors of my release. The second point where it says I went to Afghanistan to find the clothing of the Prophet [Mohammed] is true. That was my purpose for going to Afghanistan.

Presiding Officer: That was his only purpose and not a purpose of the other stated reasons of losing weight and getting physically fit?

Detainee (*through translator*): If I found this clothing, everything would happen, loss of

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weight and marriage.

Presiding Officer: Do you have any other statement you wish to make?

Detainee (*through translator*): In the factors for my release, there are certain things that are implied that I was in the al Farouq camp and I've never been there. It's true that I've never heard of any word of al Qaida but the third point, obviously, implies that I have been in the al Farouq camp and I have heard of al Qaida and it's not true. I have never been there and I have never heard of al Qaida. I have never received any type of training at all; never, never, never.

Presiding Officer: Is there anything else you wish to add?

Detainee (*through translator*): I thought about many things, basically brainstorming about this, but they transferred me to Camp Oscar yesterday or the day before, so now I am very disturbed. These are not human rights here.

The Assisting Military Officer made the following comment regarding detainee's statement:

Assisting Military Officer: During the pre-interview this morning, the detainee informed me that he had been moved and his Unclassified Summary of Evidence had been taken from him when he was moved so he didn't have time to study it as he'd wished. *

The Assisting Military Officer had no questions for the Detainee.

The Designated Military Officer had no questions for the Detainee.

Administrative Review Board Member's Questions.

Board Member: If I understand correctly, with regard to the primary factors favoring release or transfer, factor b, going to Afghanistan for the prophet Mohammed's clothing, you were not going to Afghanistan for jihad or to answer a fatwa or for any military purpose. Is that correct?

Detainee (*through translator*): True, very true.

Board Member: So, in fact, you went to Afghanistan in search of the clothing of Prophet Mohammed.

Detainee (*through translator*): Yes.

Board Member: Is there anything you would like to add to further explain or clarify this particular point?

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Detainee (*through translator*): There's nothing to add. As soon as I got to Jalalabad, the situation started; the war. I didn't even make it to Jalalabad itself but the borders of Jalalabad. Some of the Afghans captured me, they put me in a room until after Ramadan, and then they released me to the American Forces in Bagram.

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

Detainee (*through translator*): I am waiting. If God is willing.

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.

*(The ARB subsequently verified with the Joint Detention Operations Group the EC had access to the Unclassified Summary and notes the EC subsequently denied all of the primary factors to detain, implying that he understood them. The ARB also notes the EC chose not to elaborate on his stated purpose of locating the Prophet Mohammed's clothing in Afghanistan, so all primary factors to detain are denied by the EC and the EC offered no further details, even stating "there's nothing to add".)

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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