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Summary of Administrative Review Board Proceedings for ISN 507

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 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 26 July 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 respond to each statement of information in the Unclassified Summary of Evidence after it is presented. The Detainee was very cooperative, attentive, and cordial throughout the interview. Copies of both the English and Arabic translated Unclassified Summary were provided to the Detainee upon his request. The Detainee's follow-up interview was conducted on 27 July 2006. The Detainee presented to the Assisting Military Officer responses to each statement of information in the Unclassified Summary. The Detainee requested that he read this at the Administrative Review Board. The responses and written statement were translated by the linguist and is presented here within. The Detainee was cooperative and attentive throughout the follow-up interview.

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

Designated Military Officer: (3) The following factors favor continued detention: (3.a) Commitment. (3.a.1) The Detainee went to Afghanistan for training, but all of the camps were closed when he arrived.

Detainee (through translator): This statement has no truth to it, because I did not enter Afghanistan and I did not go there and I did not receive any military training.

Board Member: Sultan, did you ever go to Afghanistan?

Detainee (through translator): No.

Presiding Officer: The only thing I'll point out to you is that you are adding some things to what is in the EC-B. So we can modify that afterwards but I'm just letting you know you added a few extra comments.

Designated Military Officer: (3.a.2) In 2001, about four months before Ramadan, the Detainee decided to depart Saudi Arabia. The Detainee traveled to Pakistan because he wanted to try something different.

Detainee (through translator): Yes. I did go to Pakistan but it was not for the purpose of trying something different. I went to Pakistan for medical treatment and tourism at the same time.

Board Member: Sultan, why did you need to have medical treatment?

Presiding Officer: Let me rephrase that. What kind of medical treatment did you go for?

Detainee (through translator): It was not a medical treatment. It was something like magic something about magic.

Presiding Officer: That's what you mean by "something different", going to try magic?

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Detainee (through translator): When I went to Pakistan, it wasn't for something different. It was just magic. It was like a treatment; that's what they call it. It's like learning how to do magic.

Presiding Officer: Okay. Thank you.

Designated Military Officer: (3.a.3) The Detainee did not tell his family exactly where he was going because he did not know where he would end up.

Detainee (through translator): On the contrary, I told my family that I was going for treatment in Pakistan. I didn't leave until they agreed and gave me permission to leave.

Designated Military Officer: (3.a.4) The Detainee traveled from Saudi Arabia, to Baghram, to Karachi, Pakistan, to Quetta, Pakistan, to Kandahar, Afghanistan, to Jalalabad, Afghanistan, and finally to Kabul, Afghanistan.

Detainee (through translator): Yes. I traveled from Saudi Arabia to Baghram and from Baghram to Abo Dabbi. After that, to Karachi, Pakistan only. I did not go to Kandahar, Afghanistan, nor to Jalalabad, Afghanistan, nor to Kabul, Afghanistan. That was the way from Saudi to Pakistan so the trip through Baghram would be cheaper. I'm a person with limited money. I didn't have a lot of money to go directly to Pakistan.

Designated Military Officer: (3.a.5) The Detainee met a member of the Islamic based organization, Jamaat al Tabligh, who convinced him to travel to Afghanistan.

Detainee (through translator): I did not meet any member from al Qaida or Jamaat al Tabligh, nor did I travel to Afghanistan.

Board Member: Sultan, did you meet up with anyone to discuss further travels?

Detainee (through translator): I did not meet with anyone.

Board Member: Thank you.

Designated Military Officer: (3.a.6) The Jamaat al Tabligh, a Pakistan based Islamic missionary organization is being used as a cover to mask travel and activities of terrorist, including members of al Qaida.

Detainee (through translator): I don't have any information or any participation with this Jamaat al Tabligh.

Board Member: Sultan, have you ever heard of Jamaat al Tabligh?

Detainee (through translator): Yes, I have.

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Board Member: What was your belief on what they did?

Detainee (through translator): That they represent the Muslim religion in the right way.

Board Member: Thank you.

Designated Military Officer: (3.b) Connections/Associations. (3.b.1) The Detainee was identified among a translated list of al Qaida Mujahedin. The contents of their trust accounts were found on files recovered from various computer media seized during raids against al Qaida associated safe houses.

Detainee (through translator): I did not own any bank account, or trust account, or any papers that is not for me in Pakistan or in Saudi Arabia. There might be similarity in the names.

Designated Military Officer: (3.b.2) The Detainee stated that the person he met, while traveling to Karachi, Pakistan, was a member of the Islamic based organization, Jamaat al Tabligh.

Detainee (through translator): I did not meet any person in Karachi, Pakistan, that was a member of al Qaida organization or al Tabligh.

Designated Military Officer: (3.c) Other Relevant Data. (3.c.1) The Detainee telephoned his family from a market in Kabul, Afghanistan. The Detainee's family was not happy about him being in Afghanistan.

Detainee (through translator): I did not enter Afghanistan and I did not call my family from this place, a market, in Kabul, because I did not enter Afghanistan.

Board Member: Sultan, did you call your family from where you were?

Detainee (through translator): Yes, from Pakistan. It was not from Kabul.

Board Member: Thank you.

Presiding Officer: Sultan, I'm just curious why we have so many references to you being in Afghanistan that are in this Summary that we are reading to you. Can you help explain that to me?

Detainee (through translator): Yes, I will. When the United States got attacked, the United States advertised that, if any Arab person is caught and handed over, there would be a reward of about \$5,000 to do so. At the same time, I was kidnapped by either an Afghani or a Pakistani. They thought they hit the jackpot when they sold me as an Arab person because they were poor people. They kidnapped and took me to Afghanistan and

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entered Afghanistan with me. When I entered Afghanistan, they put me in jail for about a month. There were some other prisoners in that prison. Some of the prisoners were Pakistani and others were Arabs. The Afghanis hit me many times and asked me to say and admit that I was with the prisoners there in that prison and that we were from Tora Bora. The tortures there were so big. We were tortured during the day, in the evening, and in the afternoon. You almost have to say that you are Usama bin Laden so they would stop torturing you.

Presiding Officer: Who was this that was doing the torturing?

Detainee (through translator): The Afghanis.

Presiding Officer: Military, civilians or police?

Detainee (through translator): I don't know exactly who they were.

Presiding Officer: Okay.

Detainee (through translator): Some of them were wearing civilian clothes and some were wearing police clothes.

Presiding Officer: All right. Continue.

Detainee (through translator): After they made me admit to all these things and say all these things, they handed me over to the Americans.

Board Member: Sultan, you said that the Afghanis that kidnapped and took you to Afghanistan, put you in prison, and then made you admit that you were in Tora Bora and did all these things. After they turned you over to the Americans, did you ever tell anyone that you had gone to Afghanistan?

Detainee (through translator): When they handed me over to the Americans in Baghram, I tried to tell them my story and that that was the story, but the Americans refused to listen to it. After that, I was tortured by the Americans and I had to say the same things that I said when I was in Afghanistan.

Presiding Officer: I'm sorry. Say that again.

Detainee (through translator): The Americans tortured me and made me admit to the things that I stated when I was in Afghanistan.

Presiding Officer: So the Americans tortured you also?

Detainee (through translator): Yes.

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Presiding Officer: And were these military or police?

Detainee (through translator): Military.

Board Member: Was this in Baghram?

Detainee (through translator): Yes.

Board Member: So in Baghram, you told the Americans the same thing you told the Afghans?

Detainee (through translator): I told them that I came there for treatment and they didn't believe me. They told me to say that, "You were in Tora Bora and you are from the al Qaida."

Board Member: Did you ever tell anyone that you had gone to Afghanistan after you were transferred to here at Guantanamo Bay? You told the Afghans that you went to Afghanistan when they told you to say that. You told the Americans in Baghram the same story. Once you arrived here at Guantanamo, did you ever tell anyone that you had gone to Afghanistan?

Detainee (through translator): Even when I arrived here, during interrogation, I never mentioned that I went to Afghanistan. I told them that I did not go to Afghanistan.

Board Member: Thank you.

Designated Military Officer: (3.c.2) The Detainee heard about the terrorist attacks of 11 September 2001 from television and radio announcements. The Detainee knew that Usama bin Laden was a key suspect in the 11 September 2001 attacks.

Detainee (through translator): All the people watched the event that took place in America on September 11, 2001 on television and in the news. I did not know that Usama bin Laden was the main suspect in the attacks on September 11, 2001.

Board Member: Sultan, after you watched the attacks on September 11th on television and radio, how long was it before you were kidnapped by the Afghan or Pakistan gang?

Detainee (through translator): I saw the attacks the day after it happened. It was just a short period of time after that when I got kidnapped.

Board Member: Thank you.

Designated Military Officer: (3.c.3) The Detainee decided to leave Afghanistan after 11 September 2001. For two months, the Detainee tried to depart Afghanistan. The

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Afghan/Pakistan border was closed and the Detainee could not leave. The advancing Northern Alliance forced the Detainee to leave Kandahar, Afghanistan, for the Tora Bora Mountains of Afghanistan.

Detainee (through translator): I did not enter Afghanistan to be able to leave it and I did not go to Tora Bora in Afghanistan.

Designated Military Officer: (3.c.4) The leader of the Detainees group, who had ties to Jamaat al Tabligh, was killed in the air strike they encountered while the Detainee was surrendering from the Tora Bora Mountains of Afghanistan.

Detainee (through translator): I was not under any group or any leader and not with al Qaida or al Tabligh.

Presiding Officer: Were you turned over to Pakistani forces?

Detainee (through translator): No.

Presiding Officer: You were captured or picked up by whom?

Detainee (through translator): I was kidnapped by the Pakistanis and then I was handed over to the Afghani gang.

Presiding Officer: Okay. So the Afghani gang then turned you over to the Afghanis, who turned you over to the U.S. forces?

Detainee (through translator): Yes.

Presiding Officer: When this Afghani gang captured you and turned you over, was there another group of people with you or did they capture a bunch of people?

Detainee (through translator): I was alone.

Presiding Officer: Okay. Then when the Afghanis turned you over to the U.S. forces, approximately how many people were there when you were turned over? Was it just you or were there other people?

Detainee (through translator): I'm guessing probably around 20 or a little over 20 people.

Presiding Officer: Okay. And you knew none of them?

Detainee (through translator): No.

Presiding Officer: Thank you.

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Designated Military Officer: (3.c.5) The Detainee surrendered after 28 days in the Tora Bora Mountains of Afghanistan. The Detainee was wounded during an air strike. The Detainee was taken to an Afghan village for medical attention and recovery.

Detainee (through translator): I did not enter Afghanistan and I did not surrender. I was kidnapped from Pakistan and there was a gang that heard that I was an Arab. Bringing me there was a reward of \$5,000 American dollars. They saw me in Pakistan while I was receiving medical treatment and kidnapped me and sold me to the American forces.

Board Member: Sultan, what was your illness for which you were receiving medical treatment?

Detainee (through translator): I told the interrogators, during interrogation, that I was receiving more of a magic treatment. They performed magic on me.

Board Member: What was the purpose for performing magic on you? You seem like a perfectly healthy guy just by looking at you.

Detainee (through translator): This magic that they perform are more for preventing you from getting married. They performed this magic to prevent me from getting married for the rest of my life.

Board Member: I see. Were you ever wounded?

Detainee (through translator): No.

Board Member: Did you ever receive medical treatment for a wound-like ailment?

Detainee (through translator): I did not receive any medical treatment.

Board Member: Thank you.

Designated Military Officer: (3.c.6) Afghan Forces placed the Detainee in Baghram Prison, Afghanistan, after he recovered from his wounds. Following detention in Baghram Prison, Afghanistan, the Detainee was moved to a prison in Kandahar, Afghanistan, with a final prison destination of Camp Delta, Guantanamo Bay, Cuba.

Detainee (through translator): When the Pakistanis kidnapped me and brought me to Afghanistan, they handed me over to another Afghani gang in Kabul, Afghanistan. I spent one whole month there. I received torture from the Afghans every day because they wanted me to be affiliated with al Qaida. After that, they handed me over to the American forces in Baghram and then to Kandahar.

Presiding Officer: Sultan, are you familiar with al Qaida?

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Detainee (through translator): I heard about al Qaida for the first time when the Afghanis held me. They mentioned to me that I was part of al Qaida.

Presiding Officer: But you don't know who they are?

Detainee (through translator): No, I don't.

Presiding Officer: Thank you.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) The Detainee stated that any comments he made, regarding a Muslim's duty to Jihad and the desire to kill nonbelievers and Americans, had been mistranslated. The Detainee had simply repeated an Islamic hadith stating that Muslims should seek to rid the world of infidels and kill Jews. The Detainee never advocated violence and would only kill Americans in self-defense.

Detainee (through translator): Yes. I don't like to kill and I don't like bloodshed. I did not state to kill anyone and I did not state that Muslims want to kill the infidels and Jews. I have freedom of religion. Every person has his own religious freedom and I don't have the right to say that Muslims want to kill the infidels and Jews. Yes, I say that I don't support any kind of violence. I did not state to kill Americans not in self-defense or by attacking them.

Board Member: Sultan, when these statements were made, were you repeating a hadith? You're saying now that you didn't state that or that the statements you made were mistranslated. In the statement we read to you, you said that you were simply repeating an Islamic hadith stating that Muslims should rid the world of infidels and kill Jews. Did you repeat a hadith that said that or do you know of a hadith that said that?

Detainee (through translator): I really don't know. I don't have any knowledge if it says that or not in a hadith.

Board Member: Thank you.

Designated Military Officer: (4.b) The Detainee wishes no ill will to Americans, as they want peace all over the world.

Detainee (through translator): I don't wish or want any ill will to the Americans from any person because they want peace and security all over the world.

Designated Military Officer: (4.c) The Detainee stated that the killing of innocent people, especially women and children, is against the teachings of Islam. The Detainee stated that, "If you have an enemy, you fight the enemy and not make war against civilians."

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Detainee (through translator): Yes. Killing the innocent people, especially the women, children, and the elderly, is against the teachings of Islam. Thank you.

Presiding Officer: Sultan, thank you for your comments.

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 Detainee was asked if he would like to make an oral statement to the Administrative Review Board.

The Detainee made the following statement:

Detainee (through translator): I just have one thing. I don't have any ill will in my heart for the Americans. I've been told that I'm from al Qaida. I deny all allegations that were said against me. If I had anything against the Americans, the Americans were close to me in Saudi Arabia. I had a good reputation in Saudi Arabia. I have never been in prison in Saudi Arabia. This is just for your own information. Thank you.

Presiding Officer: Sultan, does that conclude your statement?

Detainee (through translator): Yes.

Presiding Officer: Thank you.

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

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

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

Administrative Review Board Member's questions:

Board Member: Sultan, if released to your home country of Saudi Arabia, what are your future plans?

Detainee (through translator): I wish to have a family, raise a family, find a job, and try to be stable and live a stable life. I would never travel again.

Board Member: Thank you.

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

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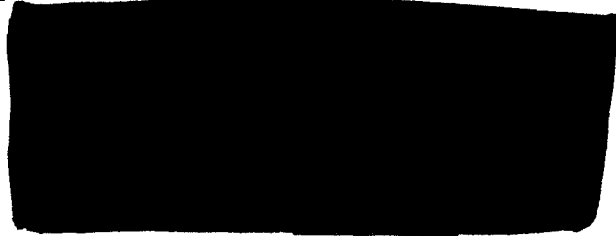
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The Presiding Officer opened the classified portion of the session.

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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Summary of Administrative Review Board Proceedings for ISN 509

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).

The Detainee took 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, to the Administrative Review Board.

Presiding Officer: Assisting Military Officer please read your comments from the Enemy Combatant Election Form.

Assisting Military Officer: The detainee's ARB interview was conducted on 4 April 2006 and lasted 50 minutes. 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 insisted that the information in the unclassified summary misrepresented his actions. The detainee gave oral statements and written comments to the AMO in response to the allegations/statements in the unclassified summary. Copies of both the English and Arabic translated Unclassified Summary of Evidence were given to the detainee.

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Detainee (*through translator*): I've attended the previous board and the Assisting Military Officer took all of my statements and read them. After he finished reading the statement, he asked if I had any additional comments and I provided additional comments. If God is willing this time will be the same thing.

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 available to the Assisting Military Officer and the 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 read the primary factors from 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 went to Afghanistan for jihad.

Assisting Military Officer (*for detainee*): This is not true and I did not go to Afghanistan for jihad. God excuses, exempts types of people and does not obligate them to jihad. For example, the sick, the child, the elderly, sheikhs, the women, and the disabled. Therefore, I am an elderly and excused and this is a lie. So are the al Qaida and the Taliban in such a need for fighters that they went to Yemen and searched for a man who is over 50 years old and told him to come with us? These are the statements written by Mr. Mohammed.

Presiding Officer: Is this all you wish to say on this?

Detainee (*through translator*): My comment is not an addition but a question. The last is a question. Is al Qaida in such extreme need that they would send out a representative to Yemen to look for an elderly person to tell him, "Come and fight with us?" Are they in such an extreme need?

Presiding Officer: I understand the point you are making and if you permit me, I note that I am almost 50 years old and I don't think of myself as elderly, but I understand the point you're making.

Detainee (*through translator*): You are 50 years old and I am 60 years old.

Presiding Officer: We may ask you questions. We are not interrogators and we have no hostile intent when we ask you questions. We are just trying to understand. I would like

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to ask you a question, but again there is no hostile intent. I understand the exemptions for certain people from jihad, but what were you thinking when you went to al Farouq and underwent the training?

Detainee (*through translator*): The question was not supposed to be this question. I did not go to al Farouq and I did not want to go to al Farouq. I went to Afghanistan to teach. The man who helped me get to Afghanistan so I can work with him or for him in his school or in his academy school took my passport and my return ticket. Later he told me that the Afghans are divided; the Taliban and the Taliban enemy. The enemy of Taliban considers all Arabs to be enemies, so your life might be in danger at any moment. You have to learn how to defend yourself or protect yourself, but I refused and it's proven; hundreds of times I refused.

Board Member: Did you know if the man that you worked for in Afghanistan was al Qaida or Taliban?

Detainee (*through translator*): No, because he did not tell me he was an al Qaida or Taliban and I did not know that the Taliban was an enemy of Americans. I did not know this information and you have this information with you now.

Designated Military Officer: The detainee was injured during the bombings in Afghanistan.

Assisting Military Officer (*for detainee*): This is not true as well. I did not participate in war in order to be injured and you have doctors capable of examining my body and they can confirm that injuries have marks/scars. I don't have any injuries, marks, or scars on my body.

Detainee (*through translator*): I am here in front of you and after this session you can take me to any doctor and let him check my body. If he finds any scars then you are as you say I am.

Presiding Officer: No need for that.

Designated Military Officer: The detainee shot the Siminoff rifle, a Kalashnikov rifle, and a single shot rifle twelve times.

Assisting Military Officer (*for detainee*): This is not true as well. I have not carried a weapon. I have trained on the Kalashnikov rifle and the single shot Siminoff rifle.

Detainee (*through translator*): Yes. No addition.

Presiding Officer: Just to make sure I understood your written response, [ISN 509]. Did you say that you have trained on the Kalashnikov and the Siminoff, but did not carry a rifle, is that what you're saying?

Detainee (*through translator*): Yes.

Designated Military Officer: The detainee trained for approximately 20 days on small arms at the al Farouq training camp.

Assisting Military Officer (*for detainee*): I don't know al Farouq and I trained far from it, but I would attend a place on Friday. I saw in it many people, Arabs, Afghans, and others.

Detainee (*through translator*): I don't even know Afghanistan and I don't even know al Farouq, so when someone takes me somewhere, I have no idea where I am at ... I do not know where I am at.

Presiding Officer: When you received your training, was it basically one day per week or did you go someplace for several days?

Detainee (*through translator*): I was taken to a tent, but I do not know where. I was taken to a tent and I was told to stay at the tent and then the trainer would come with the weapon and show me or train me on how to use that weapon and he would leave. He would say the camp is close by, but he did not tell me where the camp was.

Presiding Officer: I would just think because, [ISN 509], you are a Yemeni and you would probably know more about a Kalashnikov than a trainer in Afghanistan would know.

Detainee (*through translator*): No, not necessarily. Because in Yemeni cities, it's known that there are no weapons; the tribes have weapons. We train on weapons. We use them on holidays, those kinds of days but it's known [that] even the children in the tribal areas have weapons and carry weapons. But besides all of this, years pass by and there were never any homicides or killing incidents.

Board Member: It was stated earlier that Afghanistan was a dangerous place, but your statement also says that you never carried a weapon. Did you not carry a weapon for protection while in Afghanistan?

Detainee (*through translator*): No. First, you have to know that I stayed approximately three months in Afghanistan. During this three month time period, most of the days I would either stay at the guest house mentioned or in the mountain waiting to leave to Pakistan.

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Board Member: So you never felt that you were in danger?

Detainee (*through translator*): I never thought that I would be exposed to being killed at any moment because I was far from all of that.

Designated Military Officer: The detainee was given additional instruction on map and land navigation.

Assisting Military Officer (*for detainee*): This is not true. I don't know where you came up with this statement. I don't even know the meaning of the word land navigation nor map.

Detainee (*through translator*): Looking back or remembering on all the interrogations I have done before, I've never said this kind of statement so I don't know where they came up with this statement. I was never told any kind of statement like that.

Designated Military Officer: A source claims that the detainee received training at al Farouq.

Assisting Military Officer (*for detainee*): This is not true. I wasn't at al Farouq nor was I a trainer. Not even trained and this person says that I've trained at al Farouq camp and possibly one of them is a liar. One of them said that I am a trainer and the other said that I was trained. The second possibility is that one of them is telling the truth, so which one is truthful? Being a trainer and training needs experience, young ... youth, and strength, and this I don't have; I lack these. The third possibility is they are both truthful and they are talking about two different people. One is a trainer and the other is trained. The last possibility is that they are both liars and this is the truth supported by my statement, that I wasn't in al Farouq as a trainer nor trained. A trainer and training both need being young, youth, strength, and experience and this is not fulfilled by me. I have said this statement sorely and repeatedly that I am not an enemy of America or to others or to any person. I did not even go to Afghanistan for jihad, but I went to teach and some letters came from my family proves this statement and states that I am innocent and wronged and oppressed.

Designated Military Officer: Sir, I suspect the response was to both this allegation and the next two allegations. May I read those next two allegations?

Presiding Officer: Let's give [ISN 509] a chance to respond to what was just said, if he wants to add anything more.

Detainee (*through translator*): This point is concerning, number 3 in Connections and Associations. The answer, the reply was to those two points: One of the sources said that I'm a trainer.

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Presiding Officer: I have one more question about al Farouq. If you were in a tent and you didn't really know where you were, how can you be so sure you were not actually at al Farouq?

Detainee (*through translator*): Because I never entered al Farouq. I would have known it's al Farouq. Even the place that was next to us, I didn't know it was al Farouq or some other place. I know that Friday we would go somewhere and there would be Afghan, Arabs, and others and we would sit and pray together. I did not see weapons and I didn't see other things. It was a place where people gathered; tents, people here, people there.

Presiding Officer: We've heard the detainee's response to the next two [allegations], but go ahead and read the factors again and then we'll give Mohammed a chance to add anything further.

Designated Military Officer: The detainee's name was found on a computer associated with a senior al Qaida operative.

Detainee (*through translator*): This is not the point. The other point, number three states, the point that states a source identified me as [name variant stated], a light weapons trainer in al Farouq.

Designated Military Officer: A source identified the detainee as [name variant stated], a light weapons trainer at the al Farouq training camp. He also claims that the detainee fought in Tora Bora.

Detainee (*through translator*): Look at number four. That source says that I'm a trainer in al Farouq and the third one says that I was being trained or trained and I'm one person.

Presiding Officer: I understand the point you're making.

Detainee (*through translator*): I can't be getting training or being trained or the trainer; I can't be both.

Presiding Officer: I understand that you're saying you were neither.

Detainee (*through translator*): Yes.

Presiding Officer: We've kind of lost our place in the reading of the factors. We've discussed the factor about being identified as a trainer, but we haven't discussed his name being found on a document listing the 324 names, so let's go ahead and proceed with 3.c.1.

Designated Military Officer: The detainee's name was found on a document listing 324 Arabic names, aliases, and nationalities recovered from suspected al Qaida safe houses.

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Assisting Military Officer (*for detainee*): As for Connections and Associations, the first reply is that I am [name variant stated], entitled with my father's name, [patronymic name stated] and it's not an alias name. I don't have any connections or associations, even in my country. I don't belong to any political parties or religious or other.

Presiding Officer: Do you have anything you'd like to add, [ISN 509]?

Detainee (*through translator*): Question? What was the name that was found? My name is [name stated]. What name was found on this document? Is my name [name stated]? Was my name found on that document?

Presiding Officer: That's what the factor says; your name was found on the document.

Detainee (*through translator*): My name is [name stated] ... was found in a safe house. That's not true. I have not registered my name in any document or any kind of association or any kind of ... No one knows my name but [name stated].

Board Member: [ISN 509], in your statement you indicate that you do not belong to any political parties, religious or other. When you went to Afghanistan seeking work, were you familiar or were you aware of the objectives or the purpose of the Taliban, al Qaida, and the other political parties at that time?

Detainee (*through translator*): I was told that in Afghanistan, that there were no wars and fighting in the cities, everything was on the borders. I didn't hear it in the news. I had no knowledge of the Taliban or what they were; not a true knowledge of what they were. We were told all of the fighting was done on the borders and there wasn't anything going on in the cities.

Designated Military Officer: The detainee said he had tried to refuse training and leave but that the leadership would not give him back his passport.

Assisting Military Officer (*for detainee*): The detainee provided no written statement on that point even though he may express some comment at this time.

Detainee (*through translator*): You have written that those points or those factors are ones that favor release or transfer. Is this correct?

Presiding Officer: This is correct.

Detainee (*through translator*): You know it's written that when I was requested to train or told to train, that I refused and I asked for my passport and the leadership there refused to give it to me. When the Afghans turned me over to the Americans, I told the Americans I want to help you. I will tell you everything I have heard in Afghanistan during that three month period I was in Afghanistan, I will tell you everything.

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Detainee (*through translator*)(cont.): I've told you from the beginning that I am not an enemy of Americans and I am not a member of al Qaida or the Taliban. If I knew there was al Qaida leader or member or a Taliban leader or member, if I knew of any such thing I would have reported [it.] I would have told the Americans right there. This man helped me get to Afghanistan. I gave an example. Even in Saudi Arabia, if you work at any place for anyone, that person takes your passport to save it with him so he can be sure that you will not steal or do anything. I don't know if this man was from al Qaida or Taliban.

Presiding Officer: I know for a fact that people in Middle Eastern countries will take your passports and hold them for you; I know this is true. However, [ISN 509], do you feel you were tricked into going to Afghanistan to teach, but really they wanted you to fight? Of course, I understand what you said at the start about being 50 years old and being a fighter.

Detainee (*through translator*): No. I was not requested or asked to do that. It follows as to ... I asked them to give me back my passport and leave.

Designated Military Officer: The detainee claims he never fired a weapon during training, nor was he issued a weapon.

Assisting Military Officer (*for detainee*): In response to the statement, the detainee provided no written comments even though he may have oral comments at this time.

Detainee (*through translator*): I did not fire a weapon and I did not carry a weapon.

Designated Military Officer: The detainee claimed that he was never issued a weapon following training and never fired any rounds outside of training.

Detainee (*through translator*): I did not carry a weapon and I did not fire bullets.

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

Detainee (*through translator*): I want you to look at the beginning of this statement that I deny, that anything happened about the attacks in the United States. But it is understood that from that statement, it does not say that I am not [an] al Qaida member [or] a member of the Taliban or al Qaida, it doesn't say that. They were supposed to write down [that] the detainee was asked, are you a member and the detainee answered, "No, I am not a member." But it says as if I admit it. That's how they wrote it down, that I admitted other things.

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Presiding Officer: I understand what you're saying [ISN 509]. I don't interpret your response to that question in a bad sense.

Detainee (*through translator*): It says that I do not have previous knowledge. I have no knowledge, no previous knowledge. I don't even know what happened that day; I have no idea what happened that day. I know from the media, the television, when the Americans were in Afghanistan fighting, then I knew at that time but I have no previous knowledge or anything like that.

Detainee (*through translator*): I want to say a couple of short words before we finish. My whole life I've never thought of fighting the United States and I've said that before. In my whole life I have never left my country. I have no security problems; no problems in my country at all. The terrorists or the extremists, as you know, usually have problems with their country. They have a black record or bad records in their country. I do not even have a security file or police records in my country. What I have told you is the truth, and what the interrogators think does not even come to the truth. Those accusations were not presented to me in the first board. These are new statements. Everything that was said in this document was a lie. I'm sure that the secret or the classified evidence is even more lies than this because I know myself, but you do not know that I know about myself. I'm sure that I am not an enemy of America. I have never thought of fighting America. I was never associated with al Qaida or Taliban or any other side. I'm a teacher. Ask about me in my country. If you want the truth, ask about me in my country and I've been saying this for the past four years. Ask any person and you would know the truth. You have my address and you have my family's address. The letters from my family prove what I have said to you in the interrogation. You have to know that all the Yemeni people, everyone, are people who don't think of America up close or from far away. They think about what they are going to eat, how they're going to get their food, and how to make a living. I am one of those people.

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.

Assisting Military Officer: The detainee would like the AMO to present written statements. In addition to a "witness statement," a newspaper article in which the newspaper, News Yemen, interviewed the detainee's sister and the sister provided some statements, I have some comments the detainee wanted to express. I am also handing to the Review Board copies of the letters that were submitted by the detainee. It is

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understood that some of the letters I am submitting are letters that were submitted to the previous ARB in addition to new letters for this board.

Presiding Officer: [ISN 509], we have had a chance to review the letters you submitted to last years board and I just wanted to say that obviously you have family that love you and miss you very much.

The Assisting Military Officer presents AMO Comment/Detainee Comments from the Enemy Combatant Election Form:

Assisting Military Officer: Sir, if you attend the ARB you will be allowed to choose how much you want to participate. Do you plan to attend the ARB?

Assisting Military Officer (*for detainee*): I'm innocent and I'm sure of this. I've said this in almost in every interrogation session, but in spite of some of them (the interrogators) know that I'm innocent, they deny it, claim the wrong answers to the point where they got me to the level of posing a threat to America and the countries allied with them. They don't want to write the truth because each of them only cares for his/her own interest. My life, my death, my detention are not important to them. They are afraid of writing good reports about me, and if I was to be released and I wasn't good they would be exposed to questioning and for that reason they refrain from their responsibility towards me by writing bad reports.

Assisting Military Officer: Sir, if you attend the ARB, consider telling the board about your behavior while a detainee in this facility, your plans for the future, and why you no longer pose a threat to the United States. It is highly recommended that you attend because you are the best person to speak on your own behalf.

Assisting Military Officer (*for detainee*): I went to the previous board but there wasn't any benefit. It appears that our lives don't mean anything to the Americans. According to me, what happens is a travesty because I was told that I pose a threat to Americans and to the countries allied with them, based on what measurement they made these accusations? I have never left Yemen all my life. You can ask any person in Yemen. You have my address; you have the address of members of my family.

The Detainee made the following statement:

Detainee (*through translator*): What I mean by the last statement I made, that the Americans, for example, the interrogators or even you, everyone cares about his or her own interest. Is that true? They want to be successful in their jobs. Isn't that true? In the eyes of their leadership that they are good workers and they're doing a good job. So from that corner, you do not take the humane side of the story. Some of you know the truth. You would say that if he knows the truth, he should say that this man is innocent but the others, even when they know the truth, they won't say this. They fear their status

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or their job. They fear they'll lose their jobs, but he doesn't care about my life. In his vision, I am an enemy of the United States. So what he writes about me, words that kind of prove his responsibility so he won't be questioned later on. So he takes measures. If I was an al Qaida member, he kind of covers that up so even if I wasn't an al Qaida member he still considers me that, so he wants to be in safe position or a safe place, so he would automatically say he poses a threat to the United States and its allies. A question comes from this accusation itself. How can I, a 60 year old man, pose a threat to America and its allies or any other man? How would I pose a threat? If this was stated about a super power or one of the great countries, it's believable. They would say about that powerful country, that it poses a threat to the United States, but one person poses a threat to the United States and its allies? It's impossible. I can't believe this kind of statement. It's almost like a joke. God judges us Muslims. God orders us to do good and leave evil. We Muslims cannot drink alcohol. Only to answer to God. We do not kill to answer back to God. We do not steal to answer back to God. We want to do good. We compete to do good. We help the poor financially. We help the child grow up. If a powerful or strong man beats up on a weak man, I have to talk to him and tell him you cannot beat up on a weak man and every Muslim is required to do that. Even if you or some of the Muslims may do destructive things, it doesn't mean that all Muslims are like that. All Muslims have good in them, very few went on to al Qaida. God knows what their motives were, what pushed them into that. Only God knows why they did that.

Administrative Review Board Member's questions:

Board Member: To summarize, [ISN 509], you said that you do not belong to al Qaida, you do not belong to Taliban, you never carried a weapon in Afghanistan, you were in Afghanistan 3 or 4 months to teach the Koran, you were of the belief that the cities in Afghanistan were safe, and that the danger was at the borders. Is that true?

Detainee (*through translator*): From the point when I entered Afghanistan, I wanted to teach, but I didn't know where I would be teaching at because I didn't really practice teaching. I was there for a short period of time. I did not know where I was going to teach at and I didn't really practice teaching there because I didn't have enough time to start. I didn't know much about Afghans. The only thing I knew was from the radio or the television. I was told there was a war, but not inside the city. I was told the Taliban had control over the country and that's all I know. I wasn't aware of what was happening or what happened in Afghanistan. What I knew about Afghanistan was very little; it wasn't much at all. So I didn't really make the right decision to go to Afghanistan. If I would have known how big the problem was, I would not have gone there.

Board Member: Having said that, how did you find yourself in a military situation? You were captured.

Detainee (*through translator*): I didn't talk about this point, also. I wanted to travel from Afghanistan to Pakistan and I found a lot of injured people in a valley in front of me, so I

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turned myself in to the Afghans. I told them there are injured people over there. If I was a fighter, I would not have gone to the Afghans and turned myself in because they consider all Arabs enemies. I saw Afghans and they didn't have weapons with them so I asked them to please help those people, they are almost dying; they are between life and death. They brought me up to a house and they said, "Okay, we will take those people, we will carry those people to Pakistan." This was on the border. I went with them and I stayed two days with them and after that, they took me to Jalalabad. I stayed with them for two months and after that, I was turned over to the Americans.

Board Member: My last question, [ISN 509], is that if you were released from here, where would you go and what would you do?

Detainee (*through translator*): I have a feeling that I might be here until my death. This is the feeling I have. I might not leave this place because the prophet Mohammed, peace upon him ... rebuilding my nation between 50 to 60 and hardly anyone goes over 50 or 60. I've gotten to the age where the prophet has mentioned, 60 years old. All those procedures with the Americans, the procedures I'm seeing, my release might be delayed for a long time and it'll be another year that I'm waiting here, and the results will be negative. If I'm returned and if God is willing, that I go back to Yemen, if I return to Yemen, I will continue my life as I was, taking care of my family and as I was, teaching. This is my life.

Presiding Officer: [ISN 509], have you made the Hajj?

Detainee (*through translator*): No.

Presiding Officer: If you go back to Yemen, I assume, Inshallah, you will make Hajj?

Detainee (*through translator*): I wish that.

Presiding Officer: I wish I knew more about the history of Yemen. I admit I do not know much, but what I do know is that you have seen some very difficult years for your country. You were raised in Ta'iza?

Detainee (*through translator*): Yemen is one of the most beautiful countries in the world; the beauty of the nature of the country and the beauty of the beauty of the goodness of the people there. For example, in Ta'iza, the city where I lived, where I was born, in the old city, if you would go or enter the city, you would think that every person there is one family because of the love they have for each other. They help and give to each other, even to strangers. For example, there are people there, that when they go to prayer at the mosque during Ramadan, later they would return to ... back from the mosque, they would bring 10-15 people with them only to give them food, drink, and help, for God's will.

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Presiding Officer: Forgive my ignorance of the geography of Yemen, but is Ta'iza in northern or southern Yemen?

Detainee (*through translator*): Southwest, by the Red Sea, I think

Presiding Officer: During the 1960's, was it part of north Yemen or south Yemen?

Detainee (*through translator*): It's the north part of Yemen from a long time ago, but it's close to Aden.

Presiding Officer: I know there were a lot of civil wars during the 1960's, 1970's, and 1980's. Was there much fighting in your hometown?

Detainee (*through translator*): No. I can research that but all of the fighting was in Saan'a; that's why most of the embassies are located in Ta'iza because there is no fighting in Ta'iza.

Presiding Officer: You're the oldest detainee I have seen here. I know, roughly, what you did and where you worked in the 1990's. Were you teaching or what were you doing during the 1970's and 1980's?

Detainee (*through translator*): I was helping my father. My father used to sell pastries and sweets but on a very small scale in a small store, not a big store. Sometimes he would work grinding food and selling it, so I helped him and learned from him. High school is my highest education level and I stopped because my father died and I took responsibility after that.

Presiding Officer: Responsibility for the business, for your family, or both?

Detainee (*through translator*): Raising my younger brothers, my younger sisters, and feeding them. I worked doing many things. I worked freelance jobs; for example, cooking food and selling it and working in a plastic factory making trash bags and plastic containers. I worked in other factories such as a dairy factory and ice cream factory.

Presiding Officer: Were you ever married?

Detainee (*through translator*): My situation didn't allow it because I have other responsibilities like taking care of my sisters and brothers.

Presiding Officer: Were you the oldest brother?

Detainee (*through translator*): No. I have an older brother, but he was married and had his family's responsibilities. I have 9 sisters and 4 brothers.

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Presiding Officer: As I've said, they obviously love you very much from their letters to you.

Detainee (*through translator*): Because I took care of them and their kids.

Presiding Officer: Thank you very much.

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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06 Apr 2006

From: ISN 509

To: Presiding Officer

Via: Assisting Military Officer

Subject: Translation of Detainee's Written Statement Submitted by ISN 509 on 05 Apr 2006 by OARDEC Linguist [REDACTED].

"In the name of Allah the most gracious the merciful"

In response to the statement that the detainee went to Afghanistan for jihad the detainee said; "this is not true and I did not go to Afghanistan for Jihad, God excuses/exempt types of people and does not obligate them to Jihad. For example, the sick, the child, the elderly Sheiks, the woman, and the disable. Therefore, I'm an elderly and exempt/excused. And this is a lie, so are the al Qaida and the Taliban in such a need for fighters that they went to Yemen and searched for a man who is over fifty years old and told him to come fight with us." (3.a.1)

In response to the statement that the detainee was injured during the bombing in Afghanistan; the detainee said "this is not true as well, I did not participate in war in order to be injured, and you have doctors capable of examining my body and confirm that, as injuries have marks/scars and I don't have any injury marks/scars in my body." (3.a.2)

In response to the statements that the detainee shot the Siminoff rifle, a Kalashnikov rifle, and a single shot rifle twelve times, the detainee said; "this is not true as well, I haven't carried a weapon, I have trained on the Kalashnikov rifle and single shot Siminoff rifle."

In response to the statement that the detainee trained for approximately 20 days on small arms at the al Farouq training camp, the detainee stated "I don't know al Farouq and I trained far from it but I would attend a place on Friday, I saw in it many people, Arabs, Afghan, and others." (3.b.2)

In response to the statement that the detainee was given additional instruction on map and land navigation the detainee said; "this is not true and I don't know where you came up with this statement, and I don't even know the meaning of the word land navigation nor a map." (3.b.3)

In response to the statement that a source claims that the detainee received training at al Farouq; the detainee said "and this is not true. I wasn't at al Farouq, nor was I a trainer, and not even trained. And this person says that I've trained in al Farouq camp, and possibly one of them is a liar, because one of them said that I'm a trainer and the other said that I was trained, the second possibility is that one of them is telling the truth, so which one of them is truthful? And being a trainer and training needs experience, young, youth, and strength and this I don't have (I lack these). The third possibility is they are both truthful and they are talking about two different people, one is a trainer and the other is trained, and the last possibility is that they are both liars and this

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the truth supported by my statement, that I wasn't in the al Farouq as a trainer nor trained. And a trainer and training both need, being young, youth, strength, and experience and this not fulfilled by me. I have said this statement sorely and repeatedly that I'm not an enemy of America or to others, nor to any person, I did not even go to Afghanistan for Jihad but I went to teach, and some letters came from my family proves this statement and states that I'm innocent and wronged/oppresed."
(3.b.4)

In response to the statement that the detainee's name was found on a document listing 324 Arabic names, aliases, and nationalities recovered from suspected al Qaida safe houses; the detainee said; "as for connections and association so the first reply is that I'm Mohammed Nasir Yahya entitle with my fathers name Abdulah Rahman and it's not an alias name. I don't have any connections or associations even in my country, I don't belong to any political parties or religious, or other."
(3.c.1)

"As for replying to the second, No doubt that this is a source is a liar and I don't know his motives. I was never in any day a trainer in al Farouq nor trained so we agree before that one of those sources is a liar but as for the one who said that I trained in al Farouq, this was the liar so everything that came from this document and accusations in it are lies. And fighting needs young people, youth, and strengths so a fighter can be capable of moving and carrying a weapon, and I'm an old person and ill. You can ask about me in my country if you wanted the truth, I didn't leave my country all my life, I don't have a security police file in my country. I have never entered a police station in my country, I have left Yemen in the seventh month of 2001 and i turned myself in to the Afghan in the tenth month, and the Afghans handed me over to you in the twelve-month or the first month, I don't know. I've told you the truth, what I said is the truth, what you suspect is not the truth, and my family letters bear a witness to this and thank you. (3.c.1)

In response to the statement that the detainee 's name was found on a computer associated with a senior al Qaida operative the detainee provided no written comments. (3.c.2)

In response to the statement that a source identified the detainee as Abu Abdul Rahman al Ta'izi, a light weapons trainer at the al Farouq training camp and that the source also claims that the detainee fought in Tora Bora, the detainee provided no written comments. (3.c.3)

In response to the statement that the detainee said he had tried to refuse training and leave but that the leadership would not give him back his passport; the detainee provided no written comments." (4.a)

In response to the statement that the detainee claims he never fired a weapon during training, nor was he issued a weapon; the detainee provided no written comments. (4.b)

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In response to the statement that the detainee claimed that he was never issued a weapon following training and never fired any rounds outside of training; the detainee provided no written comments.
(4.c)

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06 Apr 2006

2. NEWSPAPER ARTICLE

Khasrof (NewsYemen) The last letter/received from my brother before months ago through the American lawyers, and from the Minister, prefer death in Cuba.

Yemenese continues the hunger strike in Guantanamo. Rising in juristic controversy London Congress for watching publication in Sina'

2005/10/17 NewsYemen, pertaining to: In hoarse voice before turning to wail crying out in grief, the sister of [ISN 509] (60 years old) said and the detainee in the American base Guantanamo. That she did not know about the detainee hunger strike except from "the television we don't have other News. Khasrof said to (NewsYemen) over/by way of phone from the Ta'az city that the last letter she receive from her older brother Mohamad before month of Ramadan with through the American lawyers who visited Yemen and told her about his severe illness and she said, that maybe he wrote the letter before two months and God know how his condition/situation is now"

She pointed out that her brother which is older than her is ill/sick and was in Afghanistan working as a tea her but he was tricked by the Afghans who arrested him when he was trying to flee to Pakistan because of the Americans war on Afghanistan and sold him to the Americans who took him to Guantanamo who Fatima who became a grandmother can't pronounce/say it. Like a drowned who is holding on a straw/stick spoke Fatima to (NewsYemen) and she asks us to stand by her to release free her detained brother since four years outside the Human International law boundaries/zone.

She added while she was crying intensely on her brother who his absence prolonged on her for a long time: "stand by us so my brother can be released who is senior in age and there isn't any charge/accusations against him because he's a senior and he has nothing "to do with fighting or anything".

And a number o Yemeni detainee continues since last September including 30 other detainees from other nationalities. American layers have visited Sinah recently and met with a number of families Yemanese in Guantanamo. At the end of their visit they carried with them letters from the families of the detainees.

And the American Administration has reported to judge that it will not allow the detainees who are on a hunger strike on the American base GTMO in Cuba to personally talk or talk on the phone with relatives and friends for security risks like these calls may cause. a lawyer of Ministry of justice Terry Henry on Friday that 24 detainees were refusing to eat and drink and seven of them were admitted to a hospital and force to eat food through feeding tubes.

And some of the detainees the 17 others did not eat or drink but they are in solitary room and did not against their will forced to eat. And the female lawyer Julia Tarfr stated, and she's a agent/lawyer of ten Saudi detainees, that 22-23 accused were force to eat food, and Tarfer request from the judge more visits with her clients. As other lawyers came in court for five other detainees from Yemen and one from Qatar. The detainees went on a hunger strike in protest requesting their release or to be trialed. And their clients/lawyers that they are being convince to going back to

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eating and drinking by their relatives and friends.

But the lawyer of Ministry of Justice notified the judge Gladis Keslar that one of detainees relatives tried to make the layer (take a CD "Din D" to a detainee counting names of who died and who is in jail, which trembled fears (made them afraid) that it could be a letter sent to the detainees from al Qaida organization.

Whereas the lawyers of the accused requested to allow them to meet more with their clients and copies of their medical records pointing out their exposure to cruel and inhumane treatment in the detention. The judge delayed the hearing and didn't specify when he will make a decision and the lawyers have time limit to Wednesday to add anything given concerning the case.

And the lawyer John Shandler reported the last meeting with his Yemeny client Mohammad Bawazer who is 25 years of age and who went on food strike since August eight and was forced to eat.

And Bawazer was arrested in Afghanistan where he worked in an orphanage home according to what he said

Shandler said, "Bawazer was sitting on a moving chair as he was shaking. And there was a tube placed on his nose to pass the food"

And he added "he asked from me to ask the court to stop the force feeding, so I told him I can't do that. So he said that he wanted to die in Cuba"

And the judge Gladis Kesil considered the accusations concerning the medical treatment for detainees "very dangerous" and Kesil said "I don't understand why the government refuses/forbids to this level to give the medical files to the layers".

Its been stated that the America Military detains around 500 accused of connection to Al quaida Organization or the Taliban movement.

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خسروف لـ(نيوزيمن) تلقت آخر رسالة من شقيقي قبل أشهر عبر المحامين الأميركيين، وبلوزير يفضل الموت في كوبا
يمنيون يواصلون الإضراب عن الطعام في غوانتانامو.. تصاعد الجدل الحقوقي ومؤتمر لندن لمتابعة إعلان
صنعاء

2005/10/17 نيوزيمن - خاص:

بصوت مبجوح قبل أن يتحول إلى نحيب وبكاء قالت شقيقة محمد ناصر خسروف (60 عاماً) والمحتجز في
قاعدة غوانتانامو الأمريكية أنها لم تعلم عن إضراب المعتقلين فيها سوى "من التلفزيون ولا عندنا خبر ثاني".
فاطمة خسروف قالت لـ(نيوزيمن) عبر الهاتف من مدينة تعز أن آخر رسالة وصلتها من شقيقها الأكبر محمد
قبل شهر رمضان بمعية المحامين الأميركيين الذين زاروا اليمن وأبلغوها بمرضه الشديد وقالت "ويمكن أن
الرسالة قد كتبها قبل شهرين ويعلم الله كيف سيكون حاله الآن".

وأشارت إلى أن شقيقها أكبر منها في السن ومريض وكان في أفغانستان يعمل مدرساً ولكنه خدع من الأفغان
الذين اعتقلوه أثناء محاولته الفرار إلى باكستان جراء الحرب الأمريكية على أفغانستان وباعوه للأمريكان الذين
تجهوا به إلى غوانتانامو التي لم تستطع فاطمة التي صارت جدة للنطق بها.

وكالفريق الذي يتعلق بقشة تحدثت فاطمة لـ(نيوزيمن) وهي تطالبنا بالوقوف معها للإفراج عن شقيقها المحتجز
منذ أربع سنوات خارج نطاق القانون الدولي الإنساني.

وأضافت وهي تكي بحرارة على شقيقها الذي طال غيابه عنها: "قفوا بجانبنا من أجل أن يفرج عن أخي الذي قد
هو كبير في السن وهو ليس عليه أي تهمة لأنه قد هو كبير وليس حق قتال ولا شيء".

ويواصل عدد من المعتقلين اليمنيين في قاعدة غوانتانامو إضراباً مفتوحاً عن الطعام منذ سبتمبر الماضي ضمن
30 معتقلاً من جنسيات أخرى..

وكان محامون أميركيون زاروا صنعاء مؤخرًا والتقوا بعدد من أهالي اليمنيين في جونتنامو. وفي ختام زيارتهم
حملوا معهم رسائل من الأهالي للمحتجزين.

وأبلغت الإدارة الأمريكية قاضياً بأنها لن تسمح لسجناء مضرين عن الطعام في قاعدة غوانتانامو الأمريكية في
كوبا بالتحدث شخصياً أو بالهاتف مع أقارب أو أصدقاء وذلك للمخاطر الأمنية التي قد يسببها هكذا اتصال.
وقال محامي وزارة العدل تيري هنري الجمعة إن 24 سجينا كانوا يرفضون تناول الطعام والشراب وأدخل سبعة
منهم المستشفى وأجبروا على تناول الغذاء من خلال أنابيب مصل.

وبعض من السجناء الـ17 الآخرين لم يأكلوا أو يشربوا لكنهم في غرفة منعزلة ولم يرغوا بعد على تناول الغذاء.
وقالت المحامية جوليا تارفر، وهي وكيلة عشرة سجناء سعوديين، إن 22 - 23 متهماً أرمغوا على تناول الطعام.
وكانت تارفر طالبت القاضي بمزيد من اللقاءات مع موكلها. كما حضر محامون آخرون في المحكمة من أجل
خمس سجناء آخرين من اليمن وواحد من قطر.

وكان السجناء أضربوا عن الطعام احتجاجاً مطالبين بإطلاق سراحهم أو محاكمتهم. وقال موكلوهم إنه قد يتم
إقاعهم من قبل أقربائهم أو أصدقائهم بمعاودة الأكل والشرب.

لكن محامي وزارة العدل أبلغ القاضي غلاديس كيسلر أن قريب أحد السجناء حاول جعل محام يدخل قرص "دي
في دي" إلى المعتقل يحتوي على أسماء من توفي أو من سجن، مما أثار مخاوف من أن تكون هناك رسالة قد
أرسلت من تنظيم القاعدة إلى السجناء.

بينما طالب محامو المتهمين بالسماح لهم بلقاءات أكثر مع موكلهم ونسخ عن سجلاتهم الطبية، مشيرين إلى
تعرضهم لمعاملة قاسية وغير إنسانية في المعتقل.

وقد أجل القاضي جلسة الاستماع ولم تحدد متى ستتخذ قراراً ولدى المحامين مهلة حتى الأربعاء لإضافة أية
معطيات تخص القضية.

وروى المحامي جون شاندر لقاءه الأخير مع موكله اليمني محمد باوزير البالغ من العمر 25 عاماً والذي
أضرب عن الطعام منذ الثامن من أغسطس وأجبر على التغذية.

واعتقل باوزير في أفغانستان حيث كان يعمل في دار أيتام على حد قوله.
وقال شاندر "كان (باوزير) جالسا على كرسي متحرك وهو يرتجف.. وكان أنبوب موضوعا على انفه لإمداده
بالغذاء".

وأضاف "طلب مني مطالبة المحكمة بوقف تغذيته قسراً، فقلت له أنه لا يمكنني القيام بذلك.. فقال إنه يريد الموت
في كوبا".

واعتبرت القاضية غلاديس كيسلر أن الاتهامات بشأن العلاج الطبي للسجناء "خطيرة جداً".
وقالت كيسلر "لا أفهم لماذا الحكومة تمنع إلى هذا الحد في إعطاء الملفات الطبية للمحامين".

يشار إلى أن الجيش الأميركي يحتجز نحو 500 متهم بصلاتهم بتنظيم القاعدة أو بحركة طالبان الأفغانية.

ENCLOSURE (4)

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ATTORNEY-DETAINEE COMMUNICATION

PRIVILEGED AND CONFIDENTIAL

00002324 4 Apr 2006

Newspaper article 2324

Documents Withheld from Release—ICRC Letters

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

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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Summary of Administrative Review Board Proceedings for ISN 519

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 05 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 would attend the ARB and requested to have the AMO present a written statement on his behalf. The detainee was very cooperative, polite and cordial during the entire interview. Copies of the Arabic translated Unclassified Summary of Evidence, as well as detainee writing templates, were provided to the detainee upon his request. The detainee's follow-up interview was conducted on 06 September 2006. The detainee responded to the Unclassified Summary by giving the AMO a description of the events that occurred prior to his detention by U.S. forces. The detainee also presented the AMO with a written statement for presentation to the ARB. The responses and written statement were translated by the linguist and are presented

here within. The detainee was extremely cooperative, attentive and cordial throughout the follow-up interview.

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, and the Terrorist Organization Reference Guide, DMO-4, 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 wait until the entire Unclassified Summary was presented before responding.

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 had a job with the Kuwaiti Joint Relief Committee distributing food and clothing.

Designated Military Officer: (3.a.2) The detainee was at al Farouq Training Camp. The detainee was in charge of delivering food to the caves.

Designated Military Officer: (3.a.3) The leader in a camp in Tora Bora, Afghanistan assigned the detainee to work as a supply distributor.

Designated Military Officer: (3.a.4) The detainee was the supply person in charge of bookkeeping and distributing food and weapons in Tora Bora. The detainee carried a hand held radio and often met with Usama bin Laden.

Designated Military Officer: (3.b) Training. (3.b.1) The detainee was identified as someone who trained in hand weapons at al Farouq and later fought in Kandahar, Afghanistan.

Designated Military Officer: (3.b.2) Training was conducted on numerous weapons at al Farouq. The students received training on the Kalashnikov rifle, AKM and PK machine gun. They also familiarized themselves with the rocket-propelled grenade.

Designated Military Officer: (3.c) Connections/Associations. (3.c.1) The detainee became acquainted with the leader of a humanitarian organization in Herat, Afghanistan.

Designated Military Officer: (3.c.2) The leader of the humanitarian organization was a major operator for the al Wafa Non Governmental Organization who likely transferred large sums of money through a front company called Summit Health Club in Afghanistan.

Designated Military Officer: (3.c.3) The detainee was in Tora Bora handing out supplies to the mujahedin fighting there. The detainee was working for al Wafa at the time.

Designated Military Officer: (3.c.4) The detainee was seen in the Towr Khom Mountains at the same time as Usama bin Laden.

Designated Military Officer: (3.d) Detainee Actions and Statements. The detainee stated he would go into Afghanistan and collect a list of items to bring.

Designated Military Officer: (3.e) Other Relevant Data. During evacuation from Tora Bora to Pakistan, the detainee and the leader of the humanitarian organization were captured by the Northern Alliance.

Designated Military Officer: (4) The following primary factors favor release or transfer. (4.a) The detainee continued to deny that he was ever in Tora Bora, Afghanistan.

Designated Military Officer: (4.b) The detainee claims to have no prior knowledge of past or present terrorist activity.

The Designated Military Officer confirmed that she 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.

Assisting Military Officer (for the Detainee): The detainee provided the following oral statement in response to the information in the Unclassified Summary of Evidence. The detainee stated that he wanted to explain 1) what he was doing in Afghanistan, 2) why he originally went there, 3) why he was in Tora Bora, and 4) to explain the events leading up to his capture.

Detainee (through translator): I would like to clarify that I was not captured. I was sold. I would like to change the statement, "To explain the events leading to his capture." I was not captured. I was sold to the Northern Alliance. I would like to clarify that capture means that I had done something wrong. I was not captured, but sold to the Northern Alliance. There is a big difference.

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Presiding Officer: The Board takes note of this and it will be entered into the record.

Assisting Military Officer (for the Detainee): (1) The detainee said that in Afghanistan, he worked with two people, a Chadi named Adam Ali Bakir and an Afghan named Noir Mohamed. The three of them had a business and the project was the buying and selling of sheep. The detainee stated that his job and responsibility in this business was the feeding and raising of the animals. The Chadi, Adam Ali Bakir, had a car and was responsible for buying small and young sheep from the countryside. The Afghani, Noir Mohamed, was the one who sold the sheep once they were adults. The detainee stated that he worked in the business for approximately a month and that the sheep business was his only job in Afghanistan.

Board Member: Where in Afghanistan did you have this job?

Detainee (through translator): In Jalalabad.

Board Member: What brought you to Jalalabad?

Detainee (through translator): This point will be cleared in the next paragraph.

Board Member: Thank you.

Presiding Officer: Your job was to feed and care for the animals. How long did you work at that?

Detainee (through translator): Approximately one month. We lost everything after the Northern Alliance entered Jalalabad.

Presiding Officer: What did you feed the sheep?

Detainee (through translator): The sheep were in a farm. I fed them every day. I cleaned them. I took care of them and took them to the Vet when they were sick.

Presiding Officer: What did you feed them?

Detainee (through translator): During spring they ate clover and during winter they ate hay. We added certain ingredients to the hay such as beans and salt so that the sheep would be able to eat the hay and drink water.

Board Member: Were Adam and Noir the ones responsible for selling you to the Northern Alliance?

Detainee (through translator): Not at all. This had nothing to do with these two people. This happened later on.

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Enclosure (5)
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Board Member: Thank you.

Board Member: When did you start this job? You said it lasted about a month.

Detainee (through translator): I cannot tell you the exact date. I was in Afghanistan for about 10 days before I got involved with these two people. The only time frame I remember is that when I first came to Afghanistan in Herat, it was the falling of Herat. The airport was attacked. That is the only time frame I remember. It took me two days to travel to Jalalabad and about 10 days to find this job. I began this job exactly 12 days after the attack of the airport in Herat. This should be easy for you to find out the date.

Board Member: Thank you.

Assisting Military Officer (for the Detainee): (2) The detainee stated that the reason for originally going to Afghanistan was that he was a Palestinian refugee and wanted to find a place for his family. He wanted to contact a UN office in Pakistan in order to obtain identification papers but had trouble because Pakistan does not allow people to remain in the country without legal papers. The detainee said he then went to Afghanistan and left his family in Iran until he could find a job for himself and a home for his family. He went to Afghanistan because he was told that the country was more lenient for people without identification papers. The detainee stated that he arrived in Herat, Afghanistan, the day the war started and the attacks began on the Herat Airport. The detainee said he left Herat and spent about two days travel before arriving in Jalalabad. This was where he worked and spent about a month there after the first attack. He remained there until the Northern Alliance took over the city.

Board Member: Why did you flee from the Northern Alliance since you mentioned that you were a Palestinian refugee?

Detainee (through translator): There was no mention of me fleeing from the Northern Alliance in this paragraph. Perhaps you should clarify your question.

Board Member: Why did you flee from Herat, Afghanistan?

Detainee (through translator): I did not escape from Herat. I went from Iran to Afghanistan through Herat. I had to go through Herat because it is on the border of Afghanistan and Iran. When I went to Afghanistan through Herat, I did not intend to stay in Herat. My destination was Jalalabad. It was a coincidence that Herat was attacked the day I arrived there.

Board Member: Thank you.

Presiding Officer: Why did you want to go to Jalalabad?

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Detainee (through translator): I had never been to Afghanistan. I did not know Afghanistan very well. When I was in Iran, I asked around and found out that Jalalabad was the safest place to work in Afghanistan. I learned in Iran that Jalalabad was in the countryside and that it was a very safe and affordable area with good living conditions. Also Jalalabad is close to the Pakistani border and since I wanted to apply for legal papers in Yemen, Pakistan, I decided that it would be easier for me to go to Pakistan to check on my papers. Those were my two reasons for choosing Jalalabad.

Presiding Officer: Thank you.

Board Member: This is going to sound very similar to the previous question. In your statement you said you remained in Jalalabad until the Northern Alliance took over the city, why did you leave when the Northern Alliance took over the city if you were a Palestinian refugee?

Detainee (through translator): This will be covered in the next paragraph.

Board Member: Thank you.

Assisting Military Officer (for the Detainee): (3) The detainee stated the reason he was in Tora Bora was because he was part of a mass exodus out of Jalalabad to avoid the Northern Alliance. The detainee said that he had finished afternoon prayer when a friend came to get him saying they had to leave. He had no idea why they were leaving or where they were going. The detainee stated that he saw that there were other people leaving in the same direction and some of them were running. It was only afterwards that he found out they were leaving because the Northern Alliance was moving in on the city. The detainee said that the Northern Alliance was capturing and killing all Arabs in response to the mujahedin assassination of a Northern Alliance senior officer.

Detainee (through translator): I believe that the other Arabs and I were fleeing from the Northern Alliance.

Assisting Military Officer (for the Detainee): (3) That is why it was only Arabs that were leaving and not Afghans. The detainee said that the reason he wound up in Tora Bora was that Jalalabad is in a mountainous region and the only safe route out of the city and away from the Northern Alliance was towards Tora Bora. The detainee said that he was only moving with the flow of people out of the city and into the mountains. He stated that when they arrived it was nighttime and that was when a person named Abdul Akadus met them. The detainee said that Abdul Akadus greeted everyone who arrived on the mountain. The detainee was also asked if he could use or had any weapons training. The detainee said that after this he was separated from his friends and was taken to another cave where he was able to get some sleep. The detainee said that in the morning he was taken to another cave where he was able to get something to eat and was also told that it

would be some time before someone would be able to come and escort him to the border to go to Pakistan.

Detainee (through translator): I would like to clarify something.

Presiding Officer: Please go ahead.

Detainee (through translator): In the mosque, my friend came to me asking me to follow him. I got in his car and the only route to escape was the one leading to Tora Bora because the Northern Alliance was coming from the opposite direction. We could not go left or right because mountains surrounded the area. Escaping on vehicle is much faster than escaping by foot. The routes end at the mountain. Many people took the same route. There were women, children, and men. We left the car at the bottom of the mountain where the route ended. I want it to be clear that I did not know that I was going to Tora Bora. We took the route leading outside Jalalabad. I did not know that mountain was called Tora Bora until the interrogators told me when I arrived here. I did not know of the importance and the danger of that mountain until I got here. My perspective of Tora Bora differed completely from the American perspective of Tora Bora. I learned during the interrogations after I was captured, Tora Bora was a very dangerous place where Usama bin Laden resided and that there were a lot of mujahedin there. This is the point I wanted to clarify.

Assisting Military Officer (for the Detainee): (3) The detainee said that while he was there Abdul Akadus asked the detainee to record inventory of supplies as they came and went since the detainee was the only other Arabic individual who could write. The detainee said that he accepted as a courtesy because of the hospitality that was offered to him and also because he was promised help in getting out of the country. The detainee stated that he was not in charge of any food deliveries because he was not familiar with the area and he was not able to secure or pack or tie down equipment on the mules because it was done in a very traditional Afghani way. All food deliveries were handled by six Afghanis who were also present at caves. The detainee said that there were no Arabs who made any food deliveries, only Afghanis, and no weapons were stored at the warehouse. The detainee said that if the interrogators here would ask other detainees they would also confirm this statement.

Detainee (through translator): I would like to clarify the word supplies. I want it to be food supplies instead of just supplies in general.

Presiding Officer: It is noted.

Board Member: Have you had any weapons training?

Detainee (through translator): I would like to clarify this point. When I climbed the mountain, I met this man named Abdul Akadus. He asked me whether I had any type of

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training in weapons. I told him that I never received any type of weapons training in my life. That was why he chose this particular place for me to stay away from danger. Logically speaking as you know, food warehouses must be away from any type of danger area. He asked me to go with an Afghan to a cave because it was very safe.

Board Member: That was what you told Abdul, but I am asking you as a Board member. Have you received weapons training?

Detainee (through translator): Not at all.

Board Member: Thank you.

Board Member: What was your friend's name who asked you to follow him in his car?

Detainee (through translator): Adam Ali Bakir. He came to me at the mosque because he knew that I was there.

Board Member: What happened to Ali as you all were climbing up the mountain?

Detainee (through translator): Once we climbed the mountain I met with the man named Abdul Akadus who then asked me to follow the Afghan. Abdul Akadus went to a different place and I did not see him after that.

Board Member: Was Ali part of al Qaida, the Taliban, or some other terrorist organization?

Detainee (through translator): I met him after I arrived in Afghanistan. There was not a close enough relationship between us for him to divulge this type of information to me. In fact our conversations were always about sheep.

Board Member: Thank you.

Detainee (through translator): When I went to the food warehouse, it had already been in service. The food warehouse position was not created for me. There were six Afghans in this warehouse and they had mules. There is very specific and traditional way to tie mules. I was not familiar with the area for me to distribute food. Some detainees in this detention facility were in Tora Bora. The interrogators should ask them who was responsible for distributing food in Tora Bora. I have a strong belief that the answer will be that the Afghans that came with the mules distributed food. I don't know why this allegation is against me and how it came about that I was responsible for distributing food. I could not refuse the type of responsibility that Abdul Akadus gave me because I needed his help. My responsibility was to record what came in and out of the food warehouse. I could not refuse when he asked me to keep inventory of the food supplies. It was not because I wanted to help him, but logically since this man was going to help

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me I could not have said no to him especially when I was sitting in the cave under his supervision and hospitality. Also, he was going to help me get out of Afghanistan. That's the point I wanted to clarify.

Presiding Officer: Thank you.

Board Member: Did Abdul Akadus carry a weapon?

Detainee (through translator): When I first met him, it was dark so I could not tell if he was carrying a weapon. I only spoke to him for about five minutes. When he visited the cave, he did not carry a weapon, but I understood that he was responsible for that place. I am sure that he carried a weapon since he was responsible for that place, but I did not see it. I do not know whether he was with al Qaida, the Taliban, or that he was just a normal person. I do not know him. I do not know his connections.

Board Member: You said that this cave or warehouse, we have heard both words, was already existing when you were brought there. Did you hear any information or did you know what this place was for that Abdul Akadus was in charge of? What was its purpose?

OL-25: I do not understand the question.

Board Member: Was it there to support any specific group such as the Taliban or al Qaida?

Detainee (through translator): This is a very important point. When we climbed the mountain and met with Abdul Akadus, he gave me a few directives. He told me, first of all, not to use my real name. He gave me a new name, Hudeyfa. He said not using my real name was a safe thing for me. He also told me, second of all, not to ask anyone for their names. He said that if I asked anyone for their names or asked questions, they would think that I was a spy. Naturally, I could not ask any questions. They did not say anything in my presence probably because they did not know me. They did not know whether I was a spy. Logically, they would not give out any secretive information in my presence. Also, all the people that were with me were Afghans and the conversations between Abdul Akadus and any of those Afghans were conducted in Pashtu. I do not understand Pashtu.

Board Member: Thank you. How long did you work for Abdul Akadus?

Detainee (through translator): I do not believe more than three weeks.

Board Member: Thank you.

Board Member: Can you spell the name that Abdul gave you?

Detainee (through translator): Hudeyfa.

Board Member: Thank you.

Assisting Military Officer (for the Detainee): (4) The detainee said that while he was in Tora Bora, a Kuwaiti named Fouad Rabia was also there with him. The detainee stated that he often assisted Fouad Rabia because Rabia was in poor health and had difficulty moving around. The detainee said that one day Abdul Akadus came with two Afghans and took the detainee and Fouad Rabia out of the mountains and to a province called Wazir where they stayed in a family house. The two Afghans told them to stay in the house until they could arrange a way for them to get to the border. After staying at the house for about a week, a pick-up truck with armed individuals came by to take them to the border. The detainee said that during the ride they stopped at an unknown location and were left there with some other people. The detainee said that after they were left, he found out the people that they were left with were Northern Alliance and this was also when he found out that he was sold for \$5000 United States Dollars. The detainee stated that someone came later on and confirmed that he was sold and said that if he had more than \$5000 United States Dollars, he would be taken to the border. The detainee said that since he didn't have the money he was held by the Northern Alliance. The detainee said that later on he was turned over to United States forces.

Detainee (through translator): I would like to clarify this point. Fouad Rabia arrived a week after I was there.

Board Member: What was Fouad Rabia's job in Tora Bora?

Detainee (through translator): I would like to describe Fouad Rabia so that you have a clear idea about him. Fouad Rabia joined me in the mountain. He was a fat person and he had problems with his knee. I was helping him to go to the bathroom. He also had some type of disease in his eye that prevented him from seeing after sunset. In Arabic this disease is called dark supper.

Board Member: What was his job in Tora Bora?

Detainee (through translator): He did not do anything. He was just sitting there waiting for people to help him get to the border. I only knew him for three weeks. I helped him in the mountain because he needed help. For instance, a distance I could cross in half an hour, I spent six hours helping him cross the mountain because our movement was at night and he could not see or walk very well. Plus, the route we took out of Tora Bora was a very difficult path. The only information I received from him is that he was the director of the Kuwaiti Board of Relief. I would like the Board to take into consideration this very important point. When I was handed to the Northern Alliance and went to prison in Kabul, I met a young boy about 15 years old and his name was Hudeyfa. This

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was not his real name either; it was the name that was given to him. His father's name was Abdallah al Kuwaiti. Fouad Rabia, the person I helped, was also given the name Abdallah al Kuwaiti. I learned that there were two sets of people with the same names in Tora Bora. This was a coincidence. On the one hand, I and my friend were named Hudeyfa and Abdallah al Kuwaiti; on the other hand, there were Hudeyfa and Abdallah al Kuwaiti, father and son. The father was killed in Tora Bora. I do not know anything about this allegation against me. There were thirty-two other Arabs detained in the prison in Kabul and they are all here in this detention facility. If anyone of them were asked, they would confirm that after the father was killed, Hudeyfa, the son was handed over to the Kuwaiti authorities. These allegations are quite strange to me. It is possible that the information that was gathered about Abdallah al Kuwaiti and Hudeyfa, father and son, are being used against me and my friend because I was never associated with the al Wafa organization. I did not have any association with any type of relief organizations. I told the same story during the tribunal and it had been recorded. I don't know where these allegations came from. These allegations did not surface during the CSRT. When I read the Unclassified, I came to the conclusion that perhaps these allegations pertained to other people who carry the same name. This is the reason I would like to clarify this point and I would like for you to take it under consideration.

Presiding Officer: Thank you. We note that and will take it under consideration.

Board Member: You said that Fouad Rabia was the director of the Kuwaiti Board of Relief work or something like that. You also said that you were never associated with any relief organization and you used al Wafa as an example. Did you ever tell anyone that you worked with Rabia in his organization?

Detainee (through translator): This particular point has a story, a very short story. I was handed to the Northern Alliance and taken to prison in Kabul. There I met with the prison official who told me that there was no problem with me and that he was going to hand me over to the Embassy. But, I am a Palestinian; I do not have any Embassy. I was curious about where he was going to take me. The only solution I could think of at that time was to tell the Afghan interrogator in Kabul that I was from Qatar and that I worked with Fouad Rabia in his relief organization. This is the only reason why he said that I was involved with Rabia and his organization. The truth is that I had never met Fouad Rabia until a week later after I arrived in Tora Bora. We were handed to the Americans and we told the truth.

Board Member: Thank you.

Presiding Officer: Does that conclude your statement?

Detainee (through translator): Yes, this concludes my written statement.

Presiding Officer: Did you want the Assisting Military Officer to present any other material?

Detainee (through translator): I would like to answer the allegations against me.

Presiding Officer: Please, go ahead.

Detainee (through translator): [DMO-1 (3.a.2) The detainee was at al Farouq Training Camp. The detainee was in charge of delivering food to the caves.] I would like to clarify this point because it is one of the irrational items on the Unclassified for many reasons. When I went to Afghanistan, it was during the attack. In my opinion, what I would have found logical was that this al Farouq training camp, as I learned here was part of al Qaida, would have been the first place to be attacked. Also, from the time I have entered Afghanistan to the time I was handed over to the Northern Alliance, it was about a month, a month and one half, or two months at the most. You as military personnel do you believe that I had enough time to go to al Farouq and receive all the training indicated in this Unclassified. One day during an interrogation, I was accused of the same allegation and when I went back to my cell, I shouted to the detainees that I did not want any association with whoever said they went to the al Farouq camp. A detainee answered that he had been to the al Farouq camp and I asked him to describe al Farouq to me since I had never been there. This was a detainee to a detainee conversation. This detainee said that al Farouq camp was a very vast area with lots of tents where people received training. He also said that there was a big place in that camp made of huts. The kitchen was a hut where they all gathered to eat. They took the food from that hut from Afghan cooks. The interrogators told me that I was at al Farouq camp in the cave in charge of delivering food and training. According to the statement from that detainee, there was no cave at al Farouq. People at al Farouq received food from that hut.

Board Member: Were you ever at al Farouq training camp?

Detainee (through translator): I was never at al Farouq for the reasons I just described.

Board Member: Thank you.

Detainee (through translator): This is a lie that I was delivering food at al Farouq because apparently from what another detainee stated, they all used to get together in one place and the food came from a hut. That's why I wanted to clarify that this particular point.

Presiding Officer: Thank you for the clarification. We will take that under consideration.

Detainee (through translator): [DMO-1 (3.a.3) The leader in a camp in Tora Bora, Afghanistan assigned the detainee to work as a supply distributor.] I have clarified this point previously. It was impossible for me to distribute food because of the technicality of tying mules and that there were six Afghans responsible for distributing food. I did not know the area well enough to distribute food either.

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Detainee (through translator): [DMO-1 (3.a.4) The detainee was the supply person in charge of bookkeeping and distributing food and weapons in Tora Bora. The detainee carried a hand held radio and often met with Usama bin Laden.] First of all, there is a person here, a detainee, named Fouad Rabia. He was in the same place with me during these three weeks. During the past tribunals, I had asked to Board to provide me with the testimony of this particular detainee who could testify that (1) during the period we were together, I had never carried a weapon; (2) there were no weapons at the place we were. (3) that place was a food supply warehouse that the Afghans were responsible for. (4) Usama bin Laden had never been in that place. I am still asking for the testimony of that person, either a written or an oral statement. I think this is my right to ask for it because this person was with at Tora Bora for the entire three weeks and we left together. Together we were sold to the Northern Alliance. I believe that this is a very important and simple thing because this man is here in this detention facility. I do not know why I was not able to have him as a witness.

Presiding Officer: I can answer that. For this proceeding we do not bring in other witnesses.

Detainee (through translator): How about a written statement?

Presiding Officer: A written statement, yes.

Detainee (through translator): I am a prisoner and most of the time I am shackled and locked up in my cell. I cannot go personally to that man and ask him for a written statement. I had asked for his testimony during the tribunals with CSRT and I am asking you again to please ask for a written statement from this person. This is a very important witness to me. I believe it would be a simple thing for you to contact the prison officials. It would probably take you five minutes to get this statement that would help my case. In the first ARB, end of the year ago, my Assisting Military Officer told me that I could provide any statement from anyone living anywhere in the world. This man is not living in a different continent. He is here with me in this detention facility. It would probably take him five minutes to write the statement that would be very helpful to me.

Presiding Officer: Did Fouad Rabia testify at your CSRT?

Detainee (through translator): No. I understood that he could not.

Presiding Officer: We just learned about you wanting a statement from him.

Detainee (through translator): I am sorry, but the first time we met, I told you that I wanted a testimony from him.

Board Member: Do you mean ARB 1?

Detainee (through translator): The first time I met this linguist and this AMO, I told them that I had a witness in this detention facility that would be able to testify on my behalf.

Presiding Officer: Assisting Military Officer, do you have any record of that request?

Assisting Military Officer: That was from the oral statement, Sir.

Presiding Officer: We misunderstood that you wanted that statement here. It is a difference in the language.

Detainee (through translator): It is not necessary for that particular statement to be with us today, but it is important that you have it in my file because it would clarify a lot of the allegations against me.

Presiding Officer: We will ask for a statement from Fouad Rabia.

Detainee (through translator): I do hope so because this will help me tremendously.

Presiding Officer: We will do that.

Detainee: Thank you.

Detainee (through translator): [DMO-1 (3.b.1) The detainee was identified as someone who trained in hand weapons at al Farouq and later fought in Kandahar, Afghanistan.] This particular point is something that could not have happened at all. Is it reasonable to consider a person in two places at the same time? This is impossible. Unless a person is a ghost, he cannot be in two places at once. It has been proven in your file that I was handed over to the Northern Alliance in Jalalabad and after that I went to Kabul in prison and after that I was handed over to the Americans in Bagram. During that time, there was no fighting in Kandahar. How is it possible that I was in prison at the same time that I was fighting in Kandahar? This is not logical. Also, I have never been to al Farouq. I did not know that al Farouq was in Kandahar until I arrived here.

Presiding Officer: We will take note of that and consider your statement.

Detainee (through translator): [DMO-1 (3.b.2) Training was conducted on numerous weapons at al Farouq. The students received training on the Kalashnikov rifle, AKM and PK machine gun. They also familiarized themselves with the rocket-propelled grenade.] I do believe that these weapons need time to train on. I already explained that I did not have any time to go through any type of training. I did not receive any type of training on these weapons.

Detainee (through translator): [DMO-1 (3.c.1) The detainee became acquainted with the leader of a humanitarian organization in Herat, Iran.] If by this person you mean Fouad Rabia, I previously told you how I met him. I met him a week after I climbed the mountain. But if you mean some other person, as I said previously, I have no connections or associations with any type of relief or organization. This is a vague statement. I do not know whether you mean Fouad Rabia or some other person.

Board Member: With respect to Fouad Rabia, you told us here today that you met him in the Tora Bora Mountains as you were trying to leave Afghanistan. You also told us that you told interrogators in Kabul that you worked in Fouad Rabia's organization. When did you tell them you met Fouad Rabia?

Detainee (through translator): What do you mean by interrogators?

Board Member: Earlier I asked you if you had ever told anyone that you worked in Fouad Rabia's organization and you said that you had told interrogators in Kabul.

Detainee (through translator): By interrogators, I meant the Afghan prison personnel in Kabul. This was before I was handed over to the Americans. There were no American interrogators at that place. I said that I was involved with this organization just to provide a type of identification because I was going to be handed over to the Embassy. And as I said previously, I am a Palestinian and there was no Embassy to hand me over to. So to me the solution was to say that I was from Qatar and that I worked with Fouad Rabia. Do you understand very well?

Board Member: I understand very well, but I would like to know what you told these people with respect to when and where you met Fouad Rabia and if you worked with him.

Detainee (through translator): Again it was not an interrogation. They did not ask me these types of questions. They only asked for my name and where I came from.

Board Member: Thank you.

Detainee (through translator): [DMO-1 (3.c.2) The leader of the humanitarian organization was a major operator for the Al Wafa Non Governmental Organization who likely transferred large sums of money through a front company called Summit Health Club in Afghanistan.] First of all, if you have any information about this al Wafa organization I would like to know where it is exactly. Again this is a very broad statement because I do not know whether you are talking about Fouad Rabia or someone else.

Presiding Officer: The statement is about Fouad Rabia.

Detainee (through translator): I previously told you how I met Fouad Rabia. Whether he transferred large sums of money, whether he worked for al Wafa, I am not aware of that. The only thing he told me was that he worked for the Kuwaiti Relief Organization.

Presiding Officer: We do understand what you are saying about the second statement.

Detainee (through translator): [DMO-1 (3.c.3) The detainee was in Tora Bora handing out supplies to the mujahedin fighting there. The detainee was working for al Wafa at the time.] I have clarified what my job was in Tora Bora. I have no connections or associations with the al Wafa organization.

Detainee (through translator): (3.c.4) The detainee was seen in the Towr Khom Mountains at the same time as Usama bin Laden.] I heard about Tora Bora for the first time here in this detention during an interrogation. This is the first time I am hearing about Towr Khom. There was no mention of Towr Khom or this allegation during the previous interrogations. Perhaps you could clarify Towr Khom for me. This allegation did not surface during the tribunal and I have never heard of Towr Khom.

Presiding Officer: We will check on where the statement came from. But Towr Khom is right on the border between Afghanistan and Pakistan.

Detainee (through translator): You have it in your file that I was not able to leave Afghanistan to Pakistan. I only traveled from Tora Bora to the Wazir province. After that I was handed over to the Northern Alliance. I entered Afghanistan through Iran not Pakistan through Herat, so I do not know where the borders of Pakistan and Afghanistan are located.

Presiding Officer: We understand.

Detainee (through translator): [DMO-1 (3.d) The detainee stated he would go into Afghanistan and collect a list of items to bring.] First of all, what do you mean by stated? The word stated means that I had said this. Is this true?

Presiding Officer: That is correct.

Detainee (through translator): I am responsible for every word that I have said during the tribunal and the previous board because my voice was recorded in both occasions. Other than that I am not responsible for any statement I did not make. First of all, I have not talked about this point to anyone. Second of all, I have not signed any documents pertaining to this particular statement. I do not know where this allegation came from. It said here that I would collect a list of items which refers to some type of relief organization and I have said to you that I do not have any associations with these types of organizations.

Presiding Officer: So, during your interrogation you never said this?

Detainee (through translator): I have no association with any type of relief organization. I suspect that there might be a connection between certain allegations on this Unclassified and other people who carry the same names Abdallah al Kuwaiti and Hudeyfa. I believe that the information that was gathered on these people have been applied against me. I do not see any other logical explanation behind this.

Presiding Officer: We will try to figure that out.

Detainee (through translator): [DMO-1 (3.e) During evacuation from Tora Bora to Pakistan, the detainee and the leader of the humanitarian organization were captured by the Northern Alliance.] Again I have clarified that I was not captured. There is a difference between being sold and being captured.

Presiding Officer: We note that.

Presiding Officer: You have been very courteous to us and to the Assisting Military Officer. We note that and it shows respect for the proceeding, but I am puzzled by how that squares with the orange outfit you are wearing.

Detainee (through translator): I would like to clarify this. I would like you to consider certain points from a person who has been detained for five years and knows that he does not deserve detention. The first year of detention I believed that the Board and the interrogators were looking for the truth. That's why I did not have any problem the first and second year here because I know what happened to the United States was a very dangerous situation. I also know that the United States of America had to defend itself any way possible. There were two long years where the detainees were very patient because we believed the situation was very important and also dangerous. But being detained for five years is a very difficult thing and it is still continuing. Even if I am a detainee, I am still a human being. Let's say that I am a criminal, I would still be a human being. I believe in this country that criminals are people who have killed and committed crimes and they go to prison, but they are still human beings. Even if I were a criminal, I would still be a human being. To be free is one of my rights, especially when I am completely convinced that I have not committed any crimes against the United States. I know this about myself very well. This is one point. The second point is that we have been subjected to hostile treatments in this detention facility and I am convinced that you know about it. This is not secretive information; it has gone out to the press and everyone knows about it. There is a psychological program that the detainees are subjected to and all of you know about it. This type of program you actually train your troops on it. Unfortunately it was not just the interrogations, but also the administration, and the guards have been applying the same program. There is no respect for human or religious rights and we are being subjected to humiliation. As I told you, I am still a human being. Naturally a person can be patient the first, second and third time, but it is

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human nature to have a reaction afterwards. This is a good point and very important also because it has something to do with security procedures that pertain to the detention administration. They avoid any type of cooperation between the guards and the detainees; they implement programs for the guards and make them hostile toward the detainees. That's why you find these types of reaction from the detainees in retaliation to the hostility of the guards. But I did not do anything to humiliate the guards. For example some detainees have thrown urine at the guards, I have never agreed nor have I ever done that. I just asked for my rights based on the directives of the detention facility for the guards. When one of the guards mistreat me and I ask for an official or his boss, the guard doesn't like that, and at the end the guard writes what he wishes in a statement and consequently, I receive punishment based on the guard's statement. For example I am wearing this orange suit because I had a problem with my wrist. I went to the doctor who gave me a bandage for my wrist. There were directives on the computer that when the guards come to handcuff me that I should hold him because I shouldn't hurt my wrist. One of the guards came and I explained that I had pain in my wrist. The guard said, "I don't care." I was very patient so he could take the handcuffs off and as he was taking them off he twisted my hand. I was in such pain that I could not bear it. I simply removed my hand from his. That's all I did. I am still a human being and I do feel pain. However, the statement that the guard had written said that I removed my hand so that I could hit him. Of course my punishment was based upon the statement the guard wrote. That's why I look like a bad person today.

Presiding Officer: What color uniform were you wearing when that happened?

Detainee (through translator): White suit. I would like to say that the statements regarding detainees' behaviors are not true.

Presiding Officer: We note that and we will take that into consideration.

Detainee (through translator): Thank you. I would like to tell you why I do not believe that I am threat to the United States.

Presiding Officer: Please do.

Detainee (through translator): I do not carry any type of hostility toward the United States. On the contrary, when I was young, I was dreaming that I would, one day, go to the United States. I could not do that. I do not belong to al Qaida or the Taliban because I do not believe in the beliefs of al Qaida or the Taliban. I have elaborated upon this clearly during my interrogation. During these five years nothing has been proven. There is no proof that I belonged to any type of terrorist organizations or that I committed any wrong doings. There is no other country after me. I am a very civilized person and I do believe that solving problems is done through communication not through fighting. I believe in peaceful coexistence among human beings even if there is a difference of religion or nationality. It boils down to the fact that all of us are human beings. The

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directives in my religion are very strict even during fights: you should not kill a child, a man who does not carry a weapon, an elderly, a woman, do not cut a tree, and do not burn a house. These are very important and crucial directives in my religion. If a Muslim does any different, it does not mean that all of them are responsible for this type of behavior. In every religion, either Christianity or Judaism, there are people who do not follow their religion's directives. It does not mean that all the Christians or Jews are wrongdoers. I do not carry any hostility toward the United States and I do not have any interest in that either. As I said before, when I was young I really wanted to go to the United States because I have always heard that in America there is freedom, human right, democracy, and high standards of living. This is a dream for any young person. As I said before, I am a Palestinian, a refugee and I do not have a country. I have a wife, and two boys. I do need to find a country. I don't have any interest any hostility against any country. As far as my reaction toward the hostility of the guards, this is a very natural thing. Once one gets released everything will be forgotten. I do not have any hostility toward the United States. I am not a young person. I am not an enemy of the United States. That is all I have to say.

Presiding Officer: Thank you for your statement. Thank you for your courtesy. Do I understand correctly that concludes your statement?

Detainee (through translator): I would like to also tell you about my plans once I am released.

Presiding Officer: Please do.

Detainee (through translator): Because of my personal situation that I already explained to you, my first responsibility would be to find a country and my family that I left in Iran and I don't know what happened to them. I would like to persevere in finding a better life because I have been deprived of a normal life the past five years that I have been detained here.

Presiding Officer: Have you heard from your family by mail?

Detainee (through translator): No.

Presiding Officer: Does that conclude your statement?

Detainee (through translator): Yes. 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.

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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.



ARB file does not contain a copy of the handwritten statement referred to in ISN 519's testimony