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Summarized Detainee Statement

Tribunal President: I note that you wanted to participate in this Tribunal and that originally you had asked for a witness, but then you chose to, decided not to have a witness. Is that correct?

Detainee: Where would he come from? Saudi Arabia?

Tribunal President: No, your witness could have written a statement and provided a statement and sent it here.

Detainee: I have a witness. The Saudi government.

Tribunal President: I didn't understand.

Detainee: I have a witness. The Saudi government could be my witness.

Tribunal President: The Saudi government is your witness?

Detainee: Yes. My Personal Representative said I left Saudi Arabia after September 11th, but the Saudi government can be a witness for me and say I left before September 11th.

Tribunal President: And how can the Saudi Arabia government notify us or let us know or testify that you left after September 11th?

Detainee: No one can leave the airport without being registered: departure date, what time of day.

Tribunal President: Are you saying that was in your passport or your visa?

Detainee: It was in my passport.

Tribunal President: And where is your passport?

Detainee: It was taken by the Massoud government and when I left, I left all my belongings behind.

Tribunal President: Okay. Would the Saudi government be able to dispute any of the other allegations that were presented to you by your Personal Representative?

Detainee: They can get in contact with my parents and ask them why I left Saudi Arabia.

Tribunal President: Okay, will you be able to tell us that information as well?

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Detainee: I was accompanied by my cousin.

Tribunal President: We will go into your statement in just a moment. I just wanted to verify that you did withdraw your request for your witness. Your original witness request.

Detainee: I am a prisoner. How am I going to get my witness here, from all the way at the end of the world?

Tribunal President: During one of the interviews that you had with your Personal Representative, you asked him to have your father make a statement for you, as a witness. The Personal Representative did come back to this Tribunal and ask if you could have this witness.

Detainee: But you refused.

Tribunal President: We asked you a question. We asked you if your father could testify to any of the allegations on this, on the Unclassified Summary and you made the decision to withdraw; my understanding is you made the decision to withdraw your witness request.

Detainee: I never said that. No, but my Personal Representative told me the witness will not be available to me, available or being anything else, I said okay then.

Tribunal President: You said, "Okay then?" What does that mean?

Detainee: I didn't say anything, but if you can bring that witness, then I'll be happy.

Tribunal President: Are you saying that about your father? Is that the witness you're talking about now?

Detainee: Yes, my father.

Tribunal President: Okay, Personal Representative, would you give me an explanation as to what happened during the interview?

Personal Representative: Yes, ma'am. I asked the detainee if his father would be able to shed any light on any of the other allegations that are in the unclassified summary. To the best of my recollection, the detainee said no.

Detainee: I did not say no. When I was told that I was refused that request, I told him okay man, the Saudi government would be my other witness. That's the best witness to have.

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Personal Representative: I don't remember the Saudi government being called as a witness.

Detainee: I asked if he could ask Saudi Arabia what time I left.

Personal Representative: I don't remember that.

Tribunal President: Abd Al Salam, would the Saudi government be able to dispute any of the other allegations on the unclassified summary besides the one of when you left Saudi Arabia?

Detainee: They could also contact my parents, my parents know everything.

Tribunal President: We will take a brief recess and allow the Tribunal to discuss this and we will decide whether we should go on or not.

The Tribunal recessed to discuss the issue.

The Tribunal reopened with all persons once again present.

Tribunal President: Abd Al Salam, are you okay?

Detainee: Yes.

Tribunal President: You were just tired?

Detainee: Yes.

Tribunal President: We have discussed your witness request and it is our understanding that your witness request for your father and the Saudi Arabian government would testify that you traveled to Afghanistan prior to September 11, 2001. We are willing to accept your statement that you did travel to Afghanistan prior to September 11, 2001, and we will continue to review the other allegations on the Unclassified Summary of Evidence. You have the opportunity to respond or make a statement or comment to the other allegations on the Unclassified Summary. I will let you know when it is time to do that. Do you understand?

Detainee: Yes.

The Tribunal President continued with the Tribunal process.

Tribunal President: Abd Al Salam, you may now present any evidence you have to the Tribunal and make a statement and you have the assistance of your Personal Representative in doing so. Do you want to present information to the Tribunal?

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Detainee: How did I become an enemy combatant? Why do they call me that?

Tribunal President: There's supporting evidence that gives us an idea that you may be an enemy combatant. We did not, this Tribunal did not make that decision. Our decision is to determine if you are still considered or should be considered an enemy combatant.

Detainee: First I am not an enemy combatant, and second, I am not a member of Al Qaida. Who am I that I can be a member of Al Qaida? Why would I be so important to be in Al Qaida? I am not in Al Qaida and second, I went to Afghanistan to visit only, not to fight, not to be a member of an organization, or not to do anything. I went there to visit. That's what I am contesting.

Tribunal President: Abd Al Salam, would you like to make your statement or any other comments under oath? We will offer you a Muslim oath.

Detainee: Okay, if there is an oath, I will take it. I am ready to.

Tribunal President: Recorder, please administer the Muslim oath.

The Detainee was sworn using the Muslim oath.

Tribunal President: Abd Al Salam, would you like to respond to the other allegations on the Unclassified Summary?

Detainee: Yes, I would.

Tribunal President: Personal Representative, would you like to assist us with that please?

The Personal Representative read the allegations to the detainee and the detainee answered as follows:

3.a. The detainee is a member of Al Qaida and the Taliban.

Detainee: How could I be a member of Al Qaida and the Taliban if I was only there for three months? That was the first time for me to leave Saudi Arabia. That was the first time I left Saudi Arabia. I left when I was 17 years old and there are proof in the papers that were found by the Northern Alliance that show that we went there to get treatment in a hospital in Pakistan. I am not a member of Al Qaida or the Taliban, and I never thought of it and they never came up to me.

3.a.1. The detainee traveled to Afghanistan after 11 September 2001.

Detainee: That is not correct. First that is not true. I left Saudi Arabia before the September 11 incident and I went to Pakistan to seek medical treatment. We took an appointment with the doctor. The appointment was about a month to two months, a

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month and a half to two months. So during the short period of time we were in Pakistan, we met a man there and we spoke about Afghanistan, so we decided to go and visit Afghanistan. So I went from Pakistan to Afghanistan. I stayed there for a short period of time and went back to Pakistan for the treatment. When we got to Pakistan, we stayed in the border in a city call Quetta. We stayed for five days to get to the airport. The fifth day of being there, the United States was attacked. The borders were closed, the airports were closed, every means of transportation was closed. They told us to go back to Afghanistan until everything settles down. Then you can come back to Pakistan. We were told in Pakistan that they were arresting any Arabs. Any Arab that was visiting or whatever you were doing there, you were being arrested. So they told us to go back to Afghanistan and stay there a month, and then come back. And my leaving there was before the attack. And you can check the computers, the travel computers in Saudi Arabia. You have connections, a relationship between the United States and Saudi Arabia, and I don't think Saudi Arabia would lose that information.

3.a.2. The detainee assisted anti-coalition troops while at a Taliban Center near Khwajajaghar, Afghanistan.

Detainee: I never fought. I have never said that in any interrogation. I went there just to wait until it was time for me to go back across the border. I did not go there to fight. I never fought, never. Any person who would fight is probably someone who is trained or part of the military or he knows how to use--he knows how to fight. I was only there a few months, so how could I be a fighter?

3.a.3. The detainee received weapons training in Afghanistan.

Detainee: When I was waiting in Khwajajaghar, there were youth there who were training on Kalashnikov rifles. I did not have anything else to do, so I stayed there and I fired weapons. They had a dummy person, or a target, and I fired at that.

3.a.4. One of the detainee's known aliases was on a list of captured Al Qaida members that was discovered on a computer hard drive in an alleged Al Qaida residence.

Detainee: What is that name that was found in the computer?

Tribunal President: Are you saying that your name was not on the computer list?

Detainee: What is the name that was found and what was my job there?

Tribunal President: On the allegation, it does not say what name or what the job was. Are you familiar with or has anyone ever spoken to you about your name being on a list found in an Al Qaida house?

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Detainee: I only heard it from my Personal Representative. I have never heard it from anyone else before, and I have heard from the other detainees that they have the same allegation and accusations against them, and I think this accusation is false. It is made up, cooked up, against us. That dress is not my size.

3.b. The detainee participated in military operations against the coalition.

Detainee: How could I participate in fighting when I was just waiting in one spot and never did that. If this is true, just show me where I participated in those fights. Where? How can my Personal Representative bring a list of accusations? There is no explanation whatsoever that explains what I was part of. No explanation.

3.b.1. The detainee admitted he went to Afghanistan to fight.

Detainee: Lies! I have never said that before. I am sure that my investigation, interrogation files does not have any of that in it.

3.b.2. The detainee was captured with an AK-47 rifle near Mazar-e-Sharif.

Detainee: When we were moved from one place to another, we were each given a weapon to protect ourselves from the public. The public was attacking us and we walked about three kilometers and we were put in buses or transportation vehicles and the weapons were taken away from us. So when we were arrested, we did not have a weapon on us and that's not the weapon [referring to "AK-47"]. I only know the weapon is called the Kalashnikov. I don't know if that is the true name. I know it as being called the Kalashnikov. I never mentioned that name ["AK-47"] in the interrogation, I've only said Kalashnikov.

Tribunal President: That is another name for the Kalashnikov.

Detainee: I did not know that.

Tribunal President: Do you have any other comments that you would like to add?

Detainee: After I saw my Personal Representative, I went back and asked for interrogators and investigators and I wanted to ask how did they bring those accusations against me.

Tribunal President: Do you have any other comments, or is that the end of your statement?

Detainee: Do you have a witness that can prove those accusations? If so, then I want a witness, too.

Tribunal President: You had an opportunity to request a witness.

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Detainee: But I want a witness from you.

Tribunal President: This is the witness [referring to the Unclassified Summary of Evidence]. This is the government's witness. These are the government's statements.

Detainee: You have a witness with you, which is my file, and my file will be the opposite of those accusations. Those accusations are not in my file.

Tribunal President: We'll consider all the information that is being provided to us, which includes your comments, the accusations from the government and the classified information. Personal Representative, do you have any questions for the detainee?

Personal Representative: No, ma'am.

Tribunal President: Recorder, do you have any questions for the detainee?

Recorder: No, ma'am.

Tribunal President: Do any Tribunal members have questions for the detainee?

Member: Yes, ma'am. Where in Pakistan were you going for medical treatment?

Detainee: Am I in an interrogation or am I in court?

Member: Neither.

Detainee: So, what is this then?

Tribunal President: This is a Tribunal. Do you understand? We explained the process of the Tribunal; this is not a court.

Detainee: I am ready to answer now.

Tribunal President: Okay. Would you please repeat the question?

Member: Where in Pakistan were you going for the treatment?

Detainee: Karachi.

Member: What was the name of the doctor?

Detainee: I do not know, but I was just accompanying my cousin. My cousin had all the papers, all the forms, everything in the bag and it was locked. I am sure 100% that all my

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paperwork, passport, all the medical forms and everything else was in the bag and taken by the Northern Alliance or the Massoud government.

Member: Your cousin had the bag and had your passport in it?

Detainee: Yes, everything was there.

Member: When you went to Afghanistan, what did you go to do? You said, you did not say why, you just said you met a man who talked about Afghanistan and you traveled. Why did you go there?

Detainee: I went to visit only. We had a hard time. It was a long time because the doctor was on vacation. The doctor was on vacation, so we had to wait a long time, so we decided to go and visit.

Member: I have no further questions. Thank you.

Member: You mentioned that when you were moving from one place to another in Afghanistan, you were given a weapon to protect yourself.

Detainee: How?

Member: That's what you told us. You said that you were given a weapon to protect yourself when you were moving from one place to another.

Detainee: When we were forced to move from Konduz to the city of Mazar-e-Sharif. So Konduz was given without a fight.

Member: You said the city of Rukundose and Duston?

Detainee: Konduz and Mazar-e-Sharif.

Member: Okay, got it. And were you still traveling with your cousin at that time?

Detainee: My cousin was killed when we pulled away from Khwajajaghar.

Member: Who were you – when you were pulling away, is it Khwajajaghar? – who were you with at that time? What group of people?

Detainee: The people in the first line were Afghans, Uzbeks, and there were Arabs. The people that cook and everyone else, they gathered together.

Member: What part of the line were you? Were you part of the front line? Or were you part of the cooks?

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Detainee: There was a place I stayed in. I was in a stop station where the cooks and the visitors were.

Member: And when they left, you left with them?

Detainee: When we pulled away? Yes.

Member: Is that when they gave you the weapon?

Detainee: Yes.

Member: And who was it that gave you the weapon? I am not looking for a name of a person, but was it the Taliban soldiers, or who was it that gave you the weapon?

Detainee: Of course it was a soldier from the Taliban. He brought his vehicle. It had weapons in it and everyone took one.

Member: And then you withdrew from there to Mazar-e-Sharif, is that what happened?

Detainee: No we pulled away from Konduz.

Member: Konduz, okay.

Detainee: And from Konduz to Mazar-e-Sharif.

Member: And were you, did you continue to travel with those, that group of people from Khwajajaghar, to Konduz, and then to Mazar-e-Sharif, same group of people the same way?

Detainee: Yes, but when we got to Konduz, we stayed there for about nine days. But when we got there, everyone went their separate ways. The Uzbeks went in one vehicle, the Arabs went in one, and everyone separated in a vehicle according to what they were.

Member: And did you turn your weapon back to the people in Mazar-e-Sharif, is that where you gave up your weapon?

Detainee: Yes. We were told to put our weapons down, give it to them, and go to the bus for transportation. I told them that I did not have anything, and that I just wanted to go back to Pakistan to go to any embassy and get another passport.

Member: I just want to make sure I understand, so you turned in your weapon in Mazar-e-Sharif, went on the buses, and that's when they took you away?

Detainee: Before Mazar-e-Sharif. Three kilometers before Mazar-e-Sharif.

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Member: Where you turned in the weapons?

Detainee: Yes, before the city.

Member: Okay, I have no further questions.

Tribunal President: You said that you traveled to Pakistan and Afghanistan prior to September. Can you tell me what month that you traveled to Pakistan and Afghanistan?

Detainee: I forgot, I don't know exactly. But the Saudi government can tell you exactly when I left.

Tribunal President: Was it one week, or a couple of months? Can you just give me a general idea?

Detainee: About two months.

Tribunal President: About two months before?

Detainee: Two months or a month and a half approximately. Before the attack.

Tribunal President: Okay. You said that you had a doctor's appointment with a doctor in Pakistan.

Detainee: Yes.

Tribunal President: Well, if you had an appointment, why was it that when you got there, the doctor was gone on vacation?

Detainee: It was not an appointment with the same doctor. A person in Saudi Arabia gave us the doctor, where he was located, and told us when to go. When we got there, we found out he was on vacation. They told us about a month or a month and a half, two months, then come back.

Tribunal President: So did you spend some time in Pakistan while you were waiting for the doctor to come back from vacation?

Detainee: Shortly.

Tribunal President: So when you traveled to Afghanistan to visit, was it before the bombing of September 11th or after?

Detainee: Before.

Tribunal President: Do you know how far before? Was it one week, two weeks?

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Detainee: I do not know.

Tribunal President: How long were you in Afghanistan after the bombing?

Detainee: I do not remember. Nine Ramadan, which is September 9th.

Tribunal President: So it was before or during or after Ramadan?

Detainee: September 9th, that's Ramadan. I know the Islamic calendar, which is September.

Tribunal President: Okay, that's when you, how long did you stay in Afghanistan before you were captured, or when were you captured?

Detainee: About three months.

Tribunal President: So we are looking at probably November, December you were captured?

Detainee: I do not know. It was before Ramadan. I do not know exactly.

Tribunal President: Okay. Were you trying to get back to Pakistan to try to make it to the doctor's appointment?

Detainee: Yes, we came back to Pakistan. We got to Quetta, which is a city and Pakistan was the borderline.

Tribunal President: Is that where the doctor was located?

Detainee: No, not for sure, no.

Tribunal President: Where was the doctor located?

Detainee: We came to Quetta to buy tickets to go to Karachi where the doctor was located. On the fifth day, we stayed in Quetta, the incident happened.

Tribunal President: Did you receive any type of training while you were in Afghanistan?

Detainee: We only got trained on the Kalashnikov.

Tribunal President: And can you identify who was giving the training? Were they soldiers?

Detainee: Soldiers.

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Tribunal President: Did you have to fire any weapons while you were in Afghanistan or while you were leaving Afghanistan?

Detainee: Never. I did not have a weapon. The only time I had a weapon was at the stop station.

Tribunal President: Okay, that's all the questions that I have.

Tribunal President: Are there any comments or statements that you would like to make to us?

Detainee: I want to know what will happen now.

Tribunal President: This Tribunal will consider all the information that has been given to us, by you, by the government and all the classified information. We will determine whether you should remain as an enemy combatant or not. And then I will further explain it as we go through the Tribunal process.

Detainee: I can guarantee you that none of us will be innocent, not even one prisoner will be leaving. I hope that someone will be fair and just. I hope you follow the oath you took under the supervision of the United States.

Tribunal President: I promise you that we did take an oath and we will abide by the oath and there is a higher authority above us that will review all of the proceedings.

Detainee: I am not saying you are liars.


Tribunal President: Personal Representative, do you have any other evidence, or does the detainee have previously approved witnesses to present to the Tribunal?

Personal Representative: No, ma'am.

Tribunal President: All unclassified evidence having been provided to the Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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


Colonel, U.S. Army
Tribunal President

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