

Summarized Unsworn Detainee Statement

The Tribunal President noted that the Tribunal had been advised that the Detainee elected not to participate in the Tribunal process, after originally choosing to participate during prior interviews with his Personal Representative.

Tribunal President (addressing the Personal Representative, to confirm the Detainee recently elected not to participate): You have advised this Tribunal that the Detainee has elected not to participate. Is this still the situation?

Personal Representative: Yes, ma'am.

Tribunal President: Did you meet with the Detainee, and inform him of his rights in regards to this proceeding?

Personal Representative: Yes, ma'am.

Tribunal President: Did he appear to understand the process?

Personal Representative: Yes, ma'am.

Tribunal President: Was the unclassified summary of evidence read to the Detainee?

Personal Representative: Yes, ma'am.

Tribunal President: Was a translator used, and did you confirm the translator spoke the same language as the Detainee?

Personal Representative: Yes, ma'am.

At this time, the Tribunal President requested the Detainee Election Form. The Personal Representative presented the form to the Tribunal, along with a handwritten memo explaining the recent change.

Tribunal President: I note from the Detainee Election Form, that the Detainee originally elected to participate in the Tribunal. On the note (memo) on the day of the Tribunal, dated 20 November 2004, the Detainee has elected not to participate. The Personal Representative and translator went to the Detainee's cell today and verified he did not want to participate. (addressing the Personal Representative) He indicated that choice to you orally?

Personal Representative: Yes, ma'am.

Tribunal President: Very well, this Tribunal will proceed in the Detainee's absence.

The unclassified summary of evidence was then read by the Recorder to the Tribunal. Upon completion of the reading of the unclassified summary, the Personal Representative presented interview notes previously approved by the Detainee to be read aloud to the Tribunal.

Tribunal President: (to the Personal Representative) Did the Detainee wish for you to present evidence on his behalf?

Personal Representative: Consistent for the meetings I had with him, I would present the information, and he would add to it if he wished to do so.

Tribunal President: You may proceed.

Personal Representative (from interview notes): A couple of points to bring up. A number he admitted were true. These notes were taken from our initial interview on 17 November, and lasted approximately one hour. The Detainee said that on the first point he did travel, but not on the 18th; could've been the 14th, and what did it matter? He did admit to # 2 and # 3, that he did complete 45 days of training. He did swear bayat to Usama Bin Laden, but then later swore against him, and was wondering why that second sworn statement was not put into this evidence. On point # 6, he admits nothing about being honored to be a bodyguard for Usama Bin Laden. On 7, 8, 9 he admitted outright that these were not true. On 10, he stated it was true, and as far as the operative that took the photograph, he did not take the photograph, he was just on the aircraft. On the second page, 3.b-1 and 2, he sort of summed both of those up with a statement. He stated that he wasn't going to Kandahar; he was escaping and that he wasn't at a safe house. He actually went to a house with his wife and broke down a door. He said he was running away from Bin Laden. He said all of these things are jokes, and that the unclassified evidence wasn't hard evidence; people would laugh at it. His response to 3.b-1, about rejoining the fight, he said, "what fight?" There were bombs hitting the house, his wife was injured; he was worried about their safety; it was not a safe house. He left Kandahar about 6 December, and hid under a bridge until the following day. He was trying to get back to Yemen. He did again state that he did want to participate in the Tribunal. One other side note was that he said the Bush doctrine is fascist, but the truth is very important, which is why he wanted to go to the Tribunal. He also stated that when he gets out, he wants to stay in Cuba, and doesn't want to go back to Yemen. He wants to raise chickens, but the way the government is, he stated he's fearful the chickens would be considered enemy combatants as well. He told me he had always told the same consistent story, and that the evidence generated was not logical. He had no witnesses or documents to present, but he did have a special request for the Tribunal. His recommendation to consider was that Detainee's be given the opportunity to receive a nicer pair of shoes and nicer outfit out of respect for the Tribunal, and that all people going to the Tribunal should be allowed to have one of the nutritious energy drinks before. Actually he told me to make sure I recorded this: "Usama Bin Laden told him to go to Yemen to join with the people called the Abu Shadeed. This group is a terrorist organization known for attacking Western buildings and bases, etc. He stated that he

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received a letter to join, but he refused to join, and did not go to join this organization. This is why, he stated, he swore against UBL, and all these allegations are not true. With that, our meeting of 17 November was included. I (the Personal Representative) have nothing further to add.

The Tribunal President then confirmed there was no more evidence to be presented on behalf of the Detainee, and explained the remainder of the process to the Tribunal.

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

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