

Summarized Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee and asked if he understood the process.

Detainee: Should I speak?

Tribunal President: As far as if you understand the process that we just described to you.

Detainee: It's not fair for me if you mask some of the secret information. How can I defend myself?

Tribunal President: The Tribunal is an impartial panel that looks at two things. The things we take into account are the information that the recorder provides us; the second thing that we look at is the oral statement that you will provide today, we hope. We have to weigh both things.

Detainee: I don't know what I should say. It is unfair that the government is going to be talking about me and I don't have an attorney, a civil attorney, and that attorney can come up with evidence that proves my innocence. As all people who commit crimes, they have an attorney defending them. If that's the only thing we have to do, what else can I say?

Tribunal President: I just want to remind you that this is an administrative process only. No punishment will be derived from the things that we do here today.

Detainee: You are right, but the thing that is the worse punishment is when you have determined that I am guilty when I am not. I feel that anybody that comes before any Tribunal is going to be classified as an Enemy Combatant. I'm not putting you down because I don't know you and you don't know me. I respect the Tribunal but the way it's formed is unjust.

Tribunal President: We will note your concerns for the record. I would like to tell you though that we do look at each case on its own merits. So basically, at least what information I have given you; do you understand the process up to this point?

Detainee: Yes.

Tribunal President: And I will again note your concerns.

Translator: Excuse me, may I ask him if he speaks English? If he wants to say something in English, because I just heard him say something in English.

Tribunal President: He did respond in English. Yes, you certainly can ask him.

Translator: He just said that he only knows a few words.

Tribunal President: I was going to say that you don't have to use the translator if you don't want to. Feel free to engage us directly.

Detainee: I really wish I knew how to speak the English, this way I would have explained it much better and I will know them and they will know me.

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.

Tribunal President: Recorder, please provide the Tribunal with the unclassified evidence.

Detainee: What is this D-A?

Tribunal President: It's an exhibit that your Personal Representative prepares based on your initial interview that you had with him. We'll talk about it here in just a minute.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

The Recorder presented Exhibits R-2 and R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The Tribunal President opened the Tribunal to the Detainee to make his statement noting that he, per the Detainee Election Form, would read a translated copy of the summary of evidence addressing each point and that the Personal Representative will submit a written statement on his behalf.

The Tribunal President asked if the Detainee would like to make his oral statement under oath.

Detainee: I am so confident of myself that I have no problems with taking the oath.

The Recorder administered the Muslim oath to the Detainee.

Detainee: I hope that my oath will have some weight with this Tribunal.

Tribunal President: You may begin.

3.a.1. The Detainee is a member of al Qaida.

Detainee: This is not true. It is impossible. I am surprised that they said that I am. Everybody who is here in the prison, are aware of the fact that I am not al Qaida.

3.a.2. The Detainee assisted members of the Egyptian Islamic Jihad through facilitation of movement out of Yemen and by obtaining them passports.

Detainee: That is not true. I did not help anybody and whoever is saying that I did, let them present their evidence. If I know that somebody presented any evidence, then somebody can tell me what that evidence is so that I can respond to it. If there is any evidence at all.

3.a.3. The Egyptian Islamic Jihad is a terrorist organization associated with al Qaida.

Detainee: How does that concern me?

3.a.4. The Detainee assisted members of the Al-Gama'a al-islamiyya.

Detainee: That's not true. Again, whoever has any evidence to prove, let them present it. If somebody submitted any evidence, I'd like to take a look at it to find out if that evidence is true.

3.a.5. The Al-Gama'a al-islamiyya is a designated foreign terrorist organization associated with al Qaida.

Detainee: What business is it of mine? If that was part of the investigation or does it make it (my business)?

3.a.6. The Detainee provided false passports to associates of Usama Bin Laden.

Detainee: I don't know anybody that have followed Usama Bin Laden or anybody else. I did not help anybody with false passport or real passport. Whoever said that I did, let them present the evidence. These are all words and reports from the Embassy (inaudible). You are attorneys and you know the law and it applies to all evidence that you bring against me.

3.a.7. The Detainee is associated with a convicted terrorist and visited him in prison.

Detainee: This just in general, I don't know anybody in prison. That is not true and I don't what you mean by it. All of these that are not true and all the evidence against me, I don't know why they have these allegations against me and for whose benefits.

3.a.8. The Detainee has had meetings with representatives of al Haramayn.

Detainee: I don't know this organization and I don't know anyone in that organization, absolutely nobody.

3.a.9. The Detainee arranged the release of imprisoned al Qaida members.

Detainee: I don't know anyone who is a member of al Qaida and I am not a government to have the authority to release anybody from prison. How do I know it would be (inaudible)? That is not true.

3.b. The Detainee supported military operations against the United States and its coalition partners.

Detainee: This is a large allegation. I don't know how to start with this accusation. All events are obvious to you and whoever committed these crimes is known and they are in prison. If there was anybody of them, who spoke against me at that point in time, you should accuse him. Other than that, you have no right to accuse me. All that has been said about me is untrue, you can go back to all of them and say untrue, untrue, untrue. The cuffs are on my hands and I don't have freedom to move my hands (Detainee dropped his paperwork). That's what you are saying that I should have cuffs on, so I guess I'm going to have to stay with the cuffs on.

3.b.1. The Detainee's brother was extremely close to those who conducted the terrorist attack on the U.S.S. Cole.

Detainee: I repeat again. If there is any live conscience, that allegation is proof that all these allegations against me, I don't know how you obtained them or who gave them to you (inaudible). I hope that you can take that into consideration. I want to tell you something that I'd like you to understand. Supposing that my brother was and that's not true. If he had any connection to these people, how does that concern me? Number two and must important. If my brother knew these when he was a young person, he went to fight in Bosnia; without any of my family's approval when he was a very young man. Maybe he knew these guys in Bosnia. Then he came back to Yemen and stayed there for a while. Then went back to Bosnia to live there. That again was without our approval as well. We don't what happened until he got arrested and was jailed. He was in six years. He was in prison from 1997 up until the time I got jailed in the year 2002, my brother was still in jail. The meaning of that is that all connections between him and all the people was broken. How can he have any knowledge of all these acts, and the attacks took place in 2001? Don't you see that this allegation is unjust against me? You can measure this off the allegations as well, if you want to find out the truth. Unless the Tribunal was formed just to give a decision on keeping us here, I request that you look this evidence and my statement because you are looking for the truth. The future will determine.

3.b.2. The Detainee possessed detailed knowledge of a planned terrorist attack on a U.S. embassy.

Detainee: I don't know what is meant by that. Again, I don't know what is meant by that. Especially until the time I got imprisoned, I didn't know there was any attack on the U.S. Embassy. This allegation is in my favor and not against me.

3.b.3. The Detainee possessed detailed knowledge of a terrorist attack against a western oil company.

Detainee: Again, I say I don't know what they mean by that. Whoever made that accusation how did they know that? If they heard that from me, again it is considered as evidence in my favor. When I know information like that, I would contact the police or the security in Yemen so that the Yemeni government can take all necessary precautions. That should be considered as evidence for me and not against me. Will you allow me to speak more?

Tribunal President: Yes.

Detainee: Having read the definition of an Enemy Combatant in the letter that I received a few months ago, is anybody that helped al Qaida or is a supporter. I am a businessman. I have no connection to al Qaida or any terrorist organization. I have never joined in any task or operations and I was never an enemy to the United States or other countries. I did not fight America or anybody else. I will not be considered as an enemy to anybody. I will not fight anybody. I hate fighting from the bottom of my heart. This is not because I'm here today; this is a fact. My religion, which I respect, as you well know is the Muslim religion, they forbid such a thing. My country is against terrorist and terrorism. As I told you earlier, I hate terrorists and terrorism and I give you evidence that terrorism is against my personal beliefs as I am a businessman in Yemen. Eighty percent of my trade depends, as I'm an exclusive dealer for international companies. They come to Yemen to conduct business there. I help these companies to get all kinds of contracts and get business in Yemen. I receive some kind of commission from them. Which company do you think is going to come to Yemen if there was terrorist and terrorism in Yemen? All these international companies need stability so they can come there and conduct their business. Any of these terrorist or terrorist activities is against my trade. How can I be supporting terrorist or terrorism? I hope you consider that in your decision. I repeat, all of these attacks that shook the world, is bad. Whoever committed these crimes is known and they are here. Is there anyone of them, who accuses me that I had anything to do with all these events? At that point in time you people can go ahead and accuse him. Other than that, nobody has a right to accuse me of anything. Just because of the fact that I am a prisoner, (inaudible). And you know that the CIA depends on a lot of information and some of it is incorrect. These people make mistakes and they depend on other agents and pay them so much money and only suffer because of it. They bring some information to the CIA, and it is usually is incorrect so they can take as much money as possible. So myself and other people like me, we are the victims and the CIA could also be a victim because they concentrate their effort on people that don't have anything to do with the events. These people, once they give the information to the CIA sometimes they give the wrong information and they know that they are feeding them. I hope you consider all this information. I want to let you know that I am a father. Even though I am not important in the American people's eyes because I am a prisoner, I am very important to myself. My kids and my wife think that I am important as do my mother and family. I hope that you consider that. I've already spent 28 months. I am in prison without any reason for being there. Don't be confused and mislead by all these allegations. I swear that the truth is totally different. I have nothing to do with terrorist or terrorism. I have nothing to do with all the attacks, as I told you before. I want to let you know that I lost a lot of money in my

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trade. I lost my place in the congress because of prison here. Don't you think that the time I have spent over here and the amount of money that I have lost and I lost the congress, don't that is a high price to pay? Don't you think that is a high price to pay? Don't you think that is a high price to pay? I apologize for taking too much of your time. I hope that you will be the people that will put an end to this situation so I can go back to my family. So I can live my life as a normal person. Don't be the cause for my continued imprisonment and give the CIA reason to keep me here. I hope so. Thank you.

Tribunal President: Does that conclude your statement?

Detainee: Yes.

Tribunal President: I'd like to at this point indicate that the only that we have seen about you to this point, is the Unclassified Summary. Would you be willing to answer some questions that we may have for you?

Detainee: If you ask questions that I know the answer to, I will answer.

Tribunal President: Thank you. Personal Representative, do you have any questions for the Detainee?

Personal Representative: Yes ma'am I do. I would just like to remind you that you had made a statement earlier when discussing with me, that you were a facilitator for the Yemeni Government?

Detainee: My Personal Representative is supposed to be with me. Not against me. Now he is talking like he is an interrogator. How can he be an attorney? I said all of these allegations were fabricated and I told you I had nothing to do with them. It's up to the Recorder or Reporter to respond or provide the proof. I'm afraid to say anything that you might use against me. As you know, there is no attorney here today and I don't know anything about the law. I don't know which of these statements are going to be used for me or against me. Whoever is representing the government needs to provide evidence.

Tribunal President: The Personal Representative is here simply just to help you and I don't know how it worked out in the translation, but the statement he made was not a negative one.

Detainee: I cannot say anything that can be used against me. I am even afraid to say what my name is.

Personal Representative: I was just trying to help him cover all the aspects of the response that he provided in his defense.

Detainee: All of my statements were accurate. Whatever you wanted to know I've already talked to you about. Nobody can mistreat me or get me counting or do you want me to, I'll count for everyone. You can condemn on something that I did against the United States or

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anything or any mistakes I committed. But if you wanted to look at me from time of World War I and World War II, that is unreasonable. Any unclassified information that you have; you need to come up with the answer. Once you give me the unclassified accusation or allegation, I will respond to it.

Tribunal President: Is that all you have Personal Representative?

Personal Representative: I guess based on his response, I'm questioning rather or not he would want me to submit anything in writing or just stick with his oral statement.

Detainee: I'm not going to keep repeating myself. What I just told you is just re-hashing the situation. Anything else I say, I am afraid is going to be used against me. I hope that you can forgive me.

Tribunal President: Do I take that to mean that you don't wish to answer anymore questions?

Detainee: Are you looking for the truth or you going to be interrogators?

Tribunal President: Like I said, this is the only information we have on you and occasionally we do have questions to clarify some things.

Detainee: The are allegations that I am accused of. There should be some material evidence. Not just words. Anything that was fabricated (inaudible). If you are aware of the laws, you know what I'm talking about when I say material facts. Give me all the evidence then I will answer these questions. Other than that, anything I say might me used against me.

Tribunal President: Do you have any other evidence you would like to present to this Tribunal?

Detainee: You give me the evidence against all these allegations and then I will answer questions.

Tribunal President: We have shown you all the unclassified evidence that we can show you.

Detainee: These are only accusations and I have already told you that there is no truth in them. Whoever is saying that these are accurate, then come up with the proof. If there is no evidence then it's considered implied. You know the law

Tribunal President: Okay. At this point your Personal Representative would submit your written statement to us, or would you prefer that he does not do that?

Detainee: I don't want him to give you the document. I wanted to speak to you myself. I don't think that the information that the Personal Representative wrote down is accurate. I

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will talk you directly if you like. If there is anything that you don't understand, everything is all recorded and you can go back to it.

Tribunal President: Okay. Thank you.

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee had no previously approved witnesses to present to the Tribunal and closed the open session.

The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open 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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