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Summarized Detainee Statement

The following is a summarized transcript of the Detainee's testimony. Because the Detainee was confused regarding what exhibits he wanted offered into evidence, the transcript includes all of the sections pertaining to evidence requested or introduced by the Detainee.

Tribunal President: Salim, you requested from the Tribunal the list of Northern Alliance and Coalition partners.

Detainee: Yes.

Tribunal President: You also requested that your lawyer present a letter that you have written and you requested the lawyer present the letter.

Detainee: Would you say that again?

Tribunal President: You requested your lawyer present a letter that you have written in the past, and you requested the lawyer present the letter.

Detainee: To present the letter?

Tribunal President: Yes. The statement.

Detainee: I don't understand.

With the Tribunal President's permission, the Translator attempts to explain the Tribunal President's statement to the Detainee.

Detainee: I didn't see the attorney.

Tribunal President: Let me answer, okay. That is correct, he did not see his attorney. He made a request through his Personal Representative to us.

Detainee: Yes.

Tribunal President: Yes. The Tribunal, this group, deemed your request as relevant and reasonable. Have you reviewed the list of Northern Alliance and Coalition partners?

Detainee: Yes, the representative showed it to me.

Tribunal President: Okay, I understand your lawyer was unable to appear before the Tribunal. However, he was able to send a written statement. Is that yes?

Detainee: Yes, the representative showed it to me.

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Tribunal President: I just wanted to verify that you had an opportunity to review those documents.

Detainee: Yes, I did.

Tribunal President: Good. Salim, you may now present any evidence you have to the Tribunal and have the assistance of your Personal Representative in doing so. Do you want to present information to this Tribunal?

Detainee: Yes.

Tribunal President: Do you want the Personal Representative to present it for you?

Detainee: Yes.

Tribunal President: Personal Representative, would you please present the information that the Detainee has offered to you.

Personal Representative: Yes Ma'am. I have first an affidavit written by the detainee, Salim Ahmed Salim Hamdan, and he has signed it. There's also an English translation, which is unsigned. And, both these documents were supplied by LCDR Charles Swift. And the translator reviewed them before this proceeding and verified that it is the same document in two different languages. I now present you these two documents labeled D-b.

Tribunal President: I have one question. I just want to verify this is Arabic, the language of the Detainee?

Detainee: Yes, it is.

Tribunal President: Thank you.

Personal Representative: Then I have another copy of the affidavit in Arabic. The words are the same as the previous exhibit, but the words are a different size. I present that as Exhibit D-B2.

Tribunal President: Let me verify that you are just saying that this is in a different font but it's the same language.

Personal Representative: Yes, Ma'am.

Detainee: Yes, it is.

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Personal Representative: And then I have another document. This is a document written in English and it was supplied by LCDR Charles Swift.

Detainee: I gave you this one.

Personal Representative: Yes. Yes. And there is also another document attached to this. It is a letter dated 21 July 2004. And it is from LCDR Charles Swift to the United States Navy. I present you Exhibit D-C. [As noted below, this document is later re-labeled as Exhibit X.]

Tribunal President: Okay.

Personal Representative: The last document is a letter from LCDR Charles Swift to his client Mr. Hamdan, and it is in Arabic. And, Ma'am if you like, we can have the translator read it at this time.

Tribunal President: Yes, please.

Translator reads LCDR Swift's letter into evidence in both Arabic and English.

Tribunal President: Salim, do you understand the letter?

Detainee: Yes.

Tribunal President: And you are satisfied with what the letter says?

Detainee: There is nothing in that, umm...

Tribunal President: So then would you like to make a statement?

Detainee: No.

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

Personal Representative: Yes Ma'am. Did you want to request copies of all the papers?

Detainee: I would like to request copies of all the documents you see.

Tribunal President: The request is noted. Any other questions, Personal Representative?

Personal Representative: No, ma'am.

Tribunal President: I need to determine if Salim wanted the letter from his attorney read today.

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Detainee: From this letter? (Referring to the letter the Translator just read.)

Tribunal President: Yes.

Detainee: I want copies of all the letters.

Tribunal President: No, he misunderstood. I want to clarify and this Tribunal wants to understand that he did want that letter read today. The reason I'm asking is the letter was addressed to Salim, and he is presenting that information to us. We want to make sure that he wants us to have that information.

Detainee: The paper was supposed to be for me, and that's between me and my lawyer.

Tribunal President: That's what I wanted to clarify. Earlier he said that we could have everything.

Detainee: The representative told me to submit everything.

Tribunal President: Tell him we will have to go a higher authority to find out what documents he can keep.

Detainee: That's okay.

Tribunal President: He understands. Recorder, do you have any questions for the Detainee?

Recorder: No ma'am.

Tribunal President: This Tribunal will take a brief recess to review the documents that have been presented. All rise. Oh, excuse me. You have a question?

Personal Representative: While I have no more questions for Mr. Hamdan, during our initial interview he mentioned that it was unfair that he was provided an attorney who told him not to talk, then I came along and asked for his story. And that was two different pieces of advice, but both people were sent by the same government. And that was confusing and unfair.

Tribunal President: Salim, you have the opportunity to respond or not to respond to anyone that asks you questions. It's up to you. It's your opportunity to tell your story at any time that you want to. You make the decision. You have the opportunity today to make a statement if you like. But I understand from me asking you the question earlier, that you did not want to make a statement.

Translator: He is confused.

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Tribunal President: I understand earlier that you did not want to make a statement. Is that still the case? Is that still the situation?

Detainee: All that I have to offer is all that you've got there.

Tribunal President: Well, we will review. We will take a brief recess and review all the information that we have in front of us. All rise.

The Tribunal takes a short recess to review the unclassified evidence.

Tribunal President: Having reviewed the Unclassified Summary and evidence, we may ask you some questions. I understand the Personal Representative has some comments you would like to make.

Personal Representative: Yes, Ma'am. During the break, Mr. Hamdan indicated that when he said that the letter from his attorney was between him and his attorney, he meant that he did not intend it for presentation to the Tribunal. There was some confusion between me telling him that I had to keep documents and could not let him take any back with him, and rather he could chose which documents to present to the Tribunal. And further that he wished that I could give him advice on what was good or bad to present. I informed him that only his attorney could advise him on good or bad, I could not give him advice - that my job was to explain the Tribunal and help him tell his story.

Tribunal President: Do you have a comment Salim?

Detainee: He told me that you read the letter, but I didn't know that I had the option to not to submit the letter. I didn't know that until you mentioned it. If you give me the option, you want to do this or don't you want to do this. I'm given the option to just go ahead and read it or don't read it. I apologize for the misunderstanding.

Tribunal President: Salim, there clearly was a misunderstanding about what documents you wanted us to have and not have. Salim, we would like to give you another opportunity to look at the documents that have been presented to us, and you tell us which documents you want to present to us. All documents that you decide that are going to be presented to us we will keep. Those documents that you do not want us to keep, we'll return to the Personal Representative, and we won't consider those with the other evidence. So we'll take a brief recess and give what we have back to the Personal Representative. He will present those to you and you tell him which documents that you would like for us to keep. Is that okay with you Salim?

Detainee: Thank you.

Tribunal President: Recorder, would you come and get the documents and then present them to the Personal Representative, please?

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Translator: May I give you this document, Ma'am (referring to LCDR Swift's letter to the Detainee)?

Tribunal President: Yes.

Tribunal President: Salim, I know that you would like to make a statement.

Detainee: I forgot.

Tribunal President: We're all very tired.

Detainee: Can I ask the Personal Representative to give me any advice?

Tribunal President: The Personal Representative is not your attorney. He cannot give you advice. What was your comment?

Detainee: It's not advice; it's his personal opinion.

Tribunal President: You can ask the Personal Representative any questions, but the Personal Representative is not obligated to give you any advice.

The Tribunal takes a short recess to permit the Detainee to reconsider which exhibits he would like to offer into evidence.

Detainee: I apologize for all the miscommunication.

Tribunal President: Apology is accepted. Now before we took the recess, we gave you, Salim, the opportunity to give us the documents you would like for us to keep.

Detainee: Yes.

Tribunal President: Would you please tell us in your words which documents you want us to keep?

Detainee: I am submitting the one document from the Personal Representative.

Tribunal President: Would you show it to him to make sure, Recorder, that it's the document?

Detainee: Yes, it is.

Recorder: It's Exhibit D-B2, Ma'am.

Tribunal President: Thank you.

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Detainee: Yes, it is.

Recorder: Exhibit D-B, Ma'am.

Personal Representative: Ma'am it's a little confusing. This paper was previously stapled to another document. And the document on top had the Exhibit label. I am calling this Exhibit X.

Tribunal President: Is that a Detainee document, or is that...

Personal Representative: That is the letter from LCDR Charles Swift, U.S. Navy.

Tribunal President: Intended for whom?

Personal Representative: I'd have to let you judge that, Ma'am.

Tribunal President: Intended for whom? Repeat that to him [the Detainee].

Detainee: It's for the Tribunal.

Recorder: Exhibit - X, Ma'am.

Tribunal President: Okay.

Personal Representative: Then he also mentioned the writ that the Recorder had submitted to the Tribunal and I showed him a copy, and although I do not have the original marked as an exhibit, he indicated he wanted it included. This is a copy of what the Tribunal already has.

Recorder: Yes Ma'am. Should be Exhibit R-13. Here's the translation.

Tribunal President: I believe it's part of, translation of, R-12.

Recorder: Correct. Yes, Ma'am. Paragraph 9. Excuse me. Page 9, paragraph 14, to page 14, paragraph 20.

Personal Representative: Is that 20 or 30, Ma'am?

Tribunal President: 30.

Tribunal President: Let the record show that the Tribunal has received Exhibit X, Exhibit D-B, Exhibit D-B2, and a translated version of R-12 [previously admitted as Exhibit R-13]. Let the record also show that the Tribunal confirmed that these documents are the

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ones to present, the Detainee wants to present to the Tribunal by showing each document to the Detainee. Are you satisfied now, Salim?

Detainee: Yes.

Tribunal President: Thank you. Do any members of the Tribunal have any questions for the Detainee? [Other Tribunal members indicate they do not.] I have one question. Now Salim, you do not have to answer any of these questions, or you have the opportunity to answer the questions. Would you like to answer questions?

Detainee: What is the question?

Tribunal President: I read in both documents, two documents, that you drove for Usama Bin Laden . . .

Detainee: Yes.

Tribunal President: . . . and I'd like to know how were you recruited?

Detainee: I gave you that.

Tribunal President: The two documents that I have, one is confusing. One says that a soldier encouraged you or forced you. And the other document says that you were hired by someone to drive for Usama Bin Laden.

Detainee: I don't understand what you are saying about the two documents.

Tribunal President: Okay. Exhibit D-B says that you were approached by a Muslim to work for or drive for Usama Bin Laden. In Exhibit R-12, this document said you were forced. And I'd like to clarify, if I can.

Detainee: The problem is in the translation, but as far as I'm concerned, they are the same. A word in the English language will have one meaning but when you are looking at the Arabic translation it has many meanings.

Tribunal President: That is true. But one says that you voluntarily decided to drive for Usama Bin Laden, and the other one says that you were forced.

Detainee: What is it that you want?

Tribunal President: I want to know if you were forced to drive for Usama Bin Laden or if you voluntarily drove for Usama Bin Laden.

Detainee: I was forced.

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Tribunal President: You were forced. Do you know why you were picked or forced to drive for Usama Bin Laden?

Detainee: All the evidence that you have, accusations, are all lies and I have no other things to say. I apologize that I don't have any other evidence besides the affidavit that I submitted to you. I have nothing else to say.

Tribunal President: I do appreciate you answering the questions and I understand that you do not want to answer any more questions. Salim, I just want to clarify that you do not have any more evidence that you want to present to the Tribunal.

Detainee: There is nothing.

Tribunal President: Personal Representative, do you have any other evidence or does the Detainee have any 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 the 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

*Affidavits not
provided as they are
filed under seal in
federal court*

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