

Summarized Unsworn Detainee Statement

The Tribunal President was explaining the hearing instructions to the Detainee. The Tribunal President asked the Detainee if he had any questions about the Tribunal process.

Detainee: I don't understand the exact process, but I understand everything that you have said and that was translated. I understand so far.

Tribunal President: Very good.

Detainee: From what I understand so far, you have two kinds of evidence, classified and unclassified and you will permit me to listen to the unclassified evidence.

Tribunal President: That's correct.

Detainee: Up until now, you have not read anything from my file.

Tribunal President: That's correct.

Detainee: How do I start to speak, in this court? Do I start by telling my whole story or how do I start presenting my information? I've never been tried before, so I just want to know how to present the information. Is it by way of questions? Or am I going to speak?

Tribunal President: I understand your question, and we will explain that. You will have an opportunity to address the items on the unclassified summary with the assistance of your Personal Representative and you can add whatever that you feel is important to us.

Detainee: That good. Let's begin.

Tribunal President: We may have questions after you present your story.

While the Recorder was reading the first unclassified allegation, the Detainee had a question.

Detainee: Should I start to answer now?

Tribunal President: Not at this time.

After all allegations were read, the Detainee had a question.

Detainee: Are these evidence or accusations?

Tribunal President: They are in the form of both. They are considered unclassified evidence. But yes, you can consider them also allegations that you will have an opportunity to address.

Detainee: I'm sorry, I just don't understand. How does it fit the two pictures or definitions? For example, if I say this table is the chair and the chair is the table and they are the same thing, does that make sense?

Tribunal President: No, that doesn't make sense. But, this process makes sense to me and hopefully it will make sense to you, because you're the one that's going to have to provide us with evidence and tell us that you did or did not do these things as listed on this summary of evidence.

Detainee: So, I just answer the accusations. But I'm going to call it accusations. I'm not going to call it evidence.

Tribunal President: Very well, you can call it as you wish.

Detainee: I will not be allowed to attend that classified session?

Tribunal President: That's correct.

Detainee: Should I start my story?

Tribunal President: Yes, and that can be in form of a story or statement. At this time, would you like to take an oath and make your statement under oath?

Detainee: Yes.

Summarized Sworn Detainee Statement

- **3(a)(1) The Detainee arrived in Afghanistan in late 2001 from Yemen via Saudi Arabia and Pakistan.**

This is not true. What is true is that I went to Yemen fleeing. I did not go officially. And the reason is that in Saudi Arabia, if you're not a Saudi citizen, you have to have a Saudi sponsor. My brother had refused to give me a stamp from the Saudi government to Yemen. So, for that reason, I went fleeing to Yemen to get the visa and I returned once again to Saudi Arabia. And going unofficially from Saudi Arabia to Yemen is very easy; it's just like going from one city to another city. So, I really went from Saudi Arabia to Kuwait just for a short rest and stop in the airplane and then I went to Pakistan. So, I did not go to Yemen, truth be told. It would be easy for me to lie; no one saw me except for God. But, I'm telling the truth.

Personal Representative: Did you want to describe how you ended up in Afghanistan?

Detainee: I was in Pakistan with Jama'at al Tabligh. I went with my friend Abu Ali to the Pakistani villages. But, when we got there, we found that the people from Jama'at al Tabligh were there. There were many of them. My friend suggested to me that we go somewhere where there are not so many people who are doing the Daawa and then we could spread the religion more and have more people. So, he said let's go to Afghanistan. First I did not agree, but then he convinced me and then we went.

Personal Representative: Anything else on this point?

Detainee: No. But regarding the date, I don't remember if it was the year 2000. We don't usually go by the date.

- **3(a)(2) The Detainee is associated with the Jama'at al Tabligh.**

I am not associated with Jama'at al Tabligh. I will tell the truth. I used to be a long time ago with Jama'at al Tabligh. After that I left them. But that was a long time ago, about 12 to 15 years ago.

- **3(a)(3) The Jama'at al Tabligh, a Pakistan-based Islamic missionary organization, is being used as a cover to mask travel and activities of terrorists including members of al Qaida.**

If this was true, we haven't seen anybody here in prison from Jama'at al Tabligh, why is that? That's the question for you.

Tribunal President: What is the question? Is the question you're saying that you haven't seen anyone or we haven't seen anyone?

Detainee: We haven't seen anyone here from Jama'at al Tabligh. In Riyadh, there were many people from Jama'at al Tabligh; it is permitted by the Saudi Arabia government. But, we haven't seen any of them here. That's one point. Another point is the Pakistani government, the Saudi government and France - most of the governments - they all help Jama'at al Tabligh. I remember a long time ago when I was with Jama'at al Tabligh, people used to come there from all over the place, from America, from France. So then, why do all the governments permit the existence of Jama'at al Tabligh? If so, then the governments are all terrorist organizations.

- **3(a)(4) The Detainee is associated with the Jaish E Mohammed Islamic Fundamentalist Group.**

What is strange is that all of the interrogators ask me about this question so I answer no, I am not one of them. Jaish E Mohammed is affiliated with the Pakistani government. Now if there is an army, for example, if there is an army in America, does it make sense that it is separate from the American army? Just to make sure you know, "Jaish" means "army" in Arabic. So, according to that, then Jaish E Mohammed is part of the Pakistani army. Then the Pakistani government is a terrorist organization. Then the President of Pakistan should be like me and wear whites.

Tribunal President: Continue.

- **3(a)(5) The Jaish E Mohammed Islamic Fundamentalist Group is a terrorist organization associated with al Qaida and the Taliban.**

That's something you should ask members of Jaish E Mohammed, not me.

- **3(a)(6) The Detainee completed paramilitary training.**

No.

- **3(a)(7) The Detainee may have stayed in a guesthouse in Afghanistan.**

I don't know how to answer. Is anyone who rented a house in Afghanistan a terrorist? I don't really understand. Is that how you want it?

Personal Representative: In this case, as I described, a guesthouse would have been sponsored by al Qaida or the Taliban?

Detainee: No, I did not go. Abu Ali and I went and rented a house.

- **3(b)(1) The Detainee was at the front lines in Bagram.**

Also, I don't know what it is with the interrogators here. I say no and they say yes. How does this work? Does yes mean no, does no mean yes to them?

Tribunal President: I can't answer for them.

Personal Representative: Would you like to add your story?

Detainee: Really, I excuse the members in the Tribunal that are sitting in front of me because you haven't read my story or my file and if you had read it, you would know my story.

Tribunal President: Well, that's true we would have but we may have been tainted before we came into this Tribunal. Had we read the information, had we

had access to your file, we may have already predetermined certain things, which might not be true. So, we want to hear the truth from you before we look at any other information, including your file.

Detainee: We got there through the Pakistani, Afghani borders. The Pakistani border, we didn't come directly through the borders, we came through the desert. I'm going to see, if you can listen to me. I'm going to tell my story. Then we came to the Afghani borders, so we presented our passports. My friend and I then went to Kandahar. In Kandahar, we stayed for about two weeks. But, also we found people there that understood the Daawa and understood many things about Islam. So, directly we went to Kabul and we stayed in Kabul for two weeks. And also we found people that didn't necessarily understand but they weren't receptive; they didn't have reception to the idea. It is difficult to stay with people that are not welcoming you. So, we then rented a vehicle and drove to Jalalabad. The people in Jalalabad, they welcomed us, they were receptive and they also didn't understand very much about the religion. For that reason, the Daawa in that place was a good idea. But, we were surprised after two months of staying there, events happened and it was the American events. I heard on the radio what had happened, but I didn't imagine the picture of the event. But when I came here, the interrogator showed me on TV. And these, of course in these times and these events, my friend Abu Ali, went one day to go eat lunch and didn't return home. I was surprised because he was very late and it was almost dusk. So, I went to the market to go look for my friend, to look in the restaurant. An Afghani man saw me. He spoke a little bit of Arabic, but not good Arabic, he spoke just a little bit. He said, "what are you doing here now?" I told him what I am doing, I am just here, I'm looking for my friend, he left me and he was late. He then said to me, "are you crazy?" He said that Afghans are killing Arabs; he told me to flee. I told him I didn't do anything to anyone. He told me to come into the car, I will tell you. So he told me that the story that the Afghans are killing the Arabs is true, and even now you'll see no one with a beard anymore and I found that it was true. I was looking around and I found that a lot of people had shaved their beards off. So, the picture had changed somewhat. People had beards before, now they didn't have beards. And this is true; I had noticed this in Jalalabad. So, directly this Afghani man said I will take you to the Arabs. So, he took me to the mountains and he pointed, he said over there, there are Arabs. So I was walking, walking until I found some Arabs. They captured me and they asked me, "what are you doing here, who brought you here?" So, I told them the story about the Afghans and they said that it's true that the Americans are now going to attack Afghanistan. So, then I went to Pakistan and I saw groups and groups of people going to Pakistan. They told me they were going to Pakistan, so I went with them. And the mountains, there were snow-covered mountains. I saw people retreating to Pakistan, so I went with them. And that is the summary of the story.

Tribunal Members' Questions to Detainee

- Q: Can you remember how long you were in Afghanistan?
- A: It's been three years. If I ask anyone about the events in America, what were you doing at that time, you wouldn't remember. It's been three years. It's true that the events were great; not great as in good, great as in large. But it's difficult for me to say exactly. I can say approximately three to four months from the minute I left home.
- Q: And how much of that time was before the event?
- A: I don't know. Most of us Arabs don't really keep track. Some people keep track but very little. Especially in Saudi Arabia and Yemen.
- Q: As I understand it, you went from the Pakistan border, to Kandahar, to Kabul, and then to Jalalabad and that's when you found out about the events. Do I have it correct?
- A: Sure.
- Q: And, at that time, you were with your friend and other people in the missionary group, or just the two of you together?
- A: No, no one else.
- Q: Did you ever have any meetings or discussions with people in the Taliban?
- A: No.
- Q: So, as far as you knew, they approved of your being in Afghanistan?
- A: I don't know. I got in through the border. It's true that I didn't go through the Pakistani border directly, but I did go officially through the Afghani border.
- Q: When you were in Afghanistan, they never confronted you and asked you questions about what you were doing there, nothing like that?
- A: You mean the Taliban?
- Q: Yes?
- A: No.

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- Q: Where did you get the original idea to travel to that area of the world to begin with?
- A: I never thought one day that I would go to Afghanistan. But, one time in Riyadh, I was praying in one of the mosques. I saw a man in the mosque one time, and he was talking to people about religion. After he finished, I went to him and I told him that I wanted to be like that. I wanted to speak to people, to be like him, to spread religion and goodwill to the people. Like preaching prayers and obedience to your parents, and so on. So he said I could come with him to do the Daawa. He told me that we would go to Pakistan. And he said that in the Pakistani tribes, you would find people that don't know anything about religion. He said they are Muslims, but they don't know anything about religion. So I agreed.
- Q: Was this person a religious leader in the mosque? How did you know who he was?
- A: I didn't know him well, but I knew of him as a person who spoke in the mosque.
- Q: Were there others that did the same thing as you did from the mosque?
- A: I don't know. Maybe after I went to him other people came, but I don't know.
- Q: At the time you left, did you have a job or were you a student? What else were you doing in your life?
- A: No, I was working.
- Q: And what was the job that you had?
- A: Thing that you need for travel, like tents and wood. Things for travel in the desert.
- Q: Is this a job you felt you could leave for an extended period to do Daawa?
- A: Not a long time, but normal; for maybe a few months. I was thinking maybe six months in Pakistan and I would return.
- Q: Are these things commonly done in your culture?
- A: Very common. Every man does that.
- Q: If you can explain to us briefly, how does a Muslim properly do a Daawa?
- A: For example, first you look for a village or a place in a village where people don't know much about the religion. You go there and gather them all in the mosque

for prayer. And after the prayer, you talk. You talk to them and see what subject that will benefit these people. For example, there was this man that did not obey his parents. You sit with him several sessions and you preach to him and you teach and tell him that obedience to your parents is the equivalent of obedience to God. You also tell him about praying. You go to him and advise him to pray. That God will show you heaven for these prayers. There are many things you can do in Islam, for example alcohol and sex. For example, you tell them instead of having sex with a woman, take this money, the money from the mosque and go get married. So instead of doing this sin, you do good. It's all the same thing; what you are going to do in sin you can do in righteousness. But, just this way it can get you to hell or this way could get you to heaven. Many other things like that, alcohol, drinking, depending on that person's problems. But, generally, you just spread goodwill and good deeds.

- Q: Are you expected to provide for your own needs by taking money over there to buy things, or do people there take care of you?
- A: No, that is also what's wrong in Islam, that people pay for you or give you money. You have to pay for yourself. Before you go and do the Daawa, you have to work.
- Q: Were you able to save from work and plan for a six-month Daawa?
- A: Yes. But, of course, I did not stay for six months.
- Q: But, if you had stayed for six months in Pakistan, then we wouldn't be here right now?
- A: You are a smart one.
- Q: You said earlier that you never completed any paramilitary training of any kind?
- A: Yes, I said that.
- Q: Prior to that, had you ever had any military training in your life?
- A: Not training, but generally we, the people of Yemen, in our houses there are many weapons in Yemen but not in Saudi Arabia. In Yemen, everything is sold, from pistols to a tank. Obviously, with the nature of things in Yemen, I held an AK-47. And that's the only thing that I trained on. When you get married, you hold the AK-47 and fire in the air. We call this a celebration of marriage.
- Q: You are only firing in the air, right?

A: Yes, in the air. It's a big problem in Yemen because if someone accidentally gets killed when someone is firing in the air, a huge fight will erupt between two tribes. Or, you have to pay for that person and in Yemen if you kill a person you have to pay his family for compensation for his death. If that happens when you fire and someone accidentally dies, then the amount you pay is five or six times what you would normally pay.

Q: In the culture, is it considered normal to learn how to use these weapons as young people?

A: Honestly, I'll tell you the truth. Most fathers will teach their son how to use the AK-47. There are many weapons in Yemen, but people prefer the AK-47.

Q: Are there other weapons that their fathers teach their sons how to use?

A: From what I remember in Yemen, it was mostly the AK-47 and also pistols and hand grenades and other things. But most of the people I saw just had AK-47s.

Tribunal Members' Questions to Detainee

Q: Did you turn your passport in when you went into Afghanistan?

A: No.

Q: Could you tell us how you were captured and brought into custody and how you wound up here?

A: I was not arrested or captured. We were retreating from Afghanistan to Pakistan, I saw from a distance Pakistan soldiers. I went to them and I turned myself in. There were many ways to flee, but why should I flee? I didn't do anything wrong. For that reason, I just turned myself in.

Q: What did they do to you? Did they give you an opportunity to talk to your embassy or your country?

A: No. But they were good. The Pakistani government, I went to them, I was dizzy and hungry. They gave me food and took care of me. I was walking in the snow in the mountain for about three days. The snow came up to my thighs. Thank God I made it there. When I got there, I was very dizzy. So I gave thanks to God for finally getting to Pakistan.

Q: Were you with any of your friends when you finally made it to Pakistan? I know you lost your friend in Afghanistan, but did you have any other friends with you; people that you knew fairly well?

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- A: No, I was with a group, that is true, but they went one way and I went another way. I pointed them to the Pakistan government and said instead of going alone, lets go this way. They said no. If you want to come with us, come with us. If not, then go alone.
- Q: When you turned yourself in or presented yourself to the Pakistanis and you were brought into custody, was anyone released or let go?
- A: I don't know. Maybe, someone was standing behind me or came after me, but they took me and put me in jail.
- Q: There's an allegation that you were in the front lines in Bagram.
- A: You already said that. You mentioned that.
- Q: Is there anything that you can think of why people would believe that you were at Bagram on the front line?
- A: Really, you should ask the person who wrote that.
- Q: I'm just looking for something that could be of help to you.
- A: If I did know the answer, I would talk. I said the truth, really. I told you I was in the mountains in Tora Bora, so why should I say I was not in Bagram? There is no reason to be afraid, really.
- Q: Do you still have your passport? Do you know where your passport is?
- A: I wish it was with me, but I left it at home.
- Q: I don't understand that. You had the passport from Pakistan going into Afghanistan?
- A: No. You mean from Afghanistan to Pakistan?
- Q: When you left home and traveled to Pakistan, you had a passport.
- A: Yes.
- Q: And then, from Pakistan to Afghanistan, you had a passport.
- A: Yes.
- Q: And then, going back to Pakistan, did you have a passport?

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- A: No.
- Q: Where was it?
- A: It was in the apartment, in the house in a bag.
- Q: Did you have money when you made it to Pakistan? When you fled Afghanistan?
- A: Yes, I had money.
- Q: What happened to the money?
- A: I had approximately 500 Saudi riyals and 100 dollars. The Pakistani government took it from me.
- Q: You had some US currency and some Saudi currency?
- A: Yes. Maybe I had other things with me, but I don't remember exactly. I do remember that, because the Pakistani government took it from me.
- Q: They treated you well, but they took your money.
- A: Yes. I was thinking that they were taking me to the embassy. After that, I was in prison and next thing I knew, I was on my way to America.
- Q: The friend that you talked about that you traveled with. Was that the man that you spoke with at the mosque?
- A: Yes. Same person.
- Q: Did he have his own money or did you have to help pay for him to make it to Pakistan?
- A: Help who?
- Q: Your friend who traveled with you.
- A: He paid and I paid. We never calculated how much I spent or how much he spent, we just both paid as we went. You know how the Arabs are, I'll pay for lunch one time, he'll pay for dinner one time. We don't really keep track of who pay what.
- Q: Have you traveled often in that area, or is this the first time you ever traveled?

- A: No, before that I traveled to Iraq and Jordan. But Jordan was a stopover on my way to Iraq.
- Q: Was it for the same reason, for Daawa, or was it for tourism?
- A: No, tourism in Iraq? I traveled for treatments for my father. My father grew old and had kidney failure. So I had to treat him, so I gathered money and went to Iraq for treatment. His treatments were cheap in Iraq. And the medicine was good over there. It was better than Saudi Arabia. So, that was my reason for my travel to Iraq.
- Q: You had mentioned that when you were traveling the last time into Pakistan, you had 100 dollars American money with you. Is that customary just to have some other currency? Why take American money?
- A: Dollars are American, are there any dollars besides American dollars?
- Q: There could be dollars in other countries, but I'm talking about US currency.
- A: There are dollars in other countries?
- Q: Jamaican dollars.
- A: Where is Jamaica?
- Q: Over the water. The question is whether you had US currency?
- A: Yes, 100 dollars and 500 riyals. I didn't finish your question 'was it customary to have American dollars?' Yes, what I have heard in Saudi Arabia is that the American dollar was the best currency to have in the world.
- Q: So it's like an insurance policy? Take a hundred dollar bill just in case you need it?
- A: Yes.

Tribunal President's Questions to Detainee

- Q: Do you have anything else that you wish us to be aware of as we make our determination of enemy combatant status?
- A: Good, can you give me a little while, a few days to see if there is anything else that I want to say or add.

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Tribunal President: Unfortunately not. This Tribunal will be closed and we will go into deliberations today.

Detainee: Now, I don't have anything.

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. Marine Corps
Tribunal President



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