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**Summarized Sworn Detainee Statement**

When asked by the Tribunal President if the detainee understood the CSRT process, the detainee stated, "yes."

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process the detainee asked, "Like what." [The Tribunal President asked if he had any questions about what we were doing here today.] [The Detainee answered:] I don't know how to answer your question. [The Tribunal President stated]: If you have a question about the process as we go along you may ask it and we will answer it.

When asked by the Tribunal President if the detainee wanted to make a statement the detainee stated yes and had his Personal Representative provide a written statement to the Tribunal. [The Personal Representative read the following statement]:

**Regarding the allegation 3. A 1.** [The detainee admitted that he traveled from Yemen to Afghanistan to help fight in the war during the middle of 2001.]

I did not want to leave Yemen for Afghanistan. My parents were already in Afghanistan and forced me to come there. I tried to bribe an official with \$50.00 to not allow me through the customs at the airport. Something went wrong and I was not stopped. If I had been stopped by legal authorities, I could have told my parents that the government would not let me leave. My friend Salah Hassan is the one who found an officer who knew the customs people. We met with this officer (Omar Al-Hamily) about an hour prior to the departure of my plane. He took the money and copied down my passport number. They can prove that I did not want to leave the country. Salah Hassan will be easy to find as he has written to me here and you have his address. Both of them live in Sanaa, Yemen.

**Regarding the allegation 3. A 2.** [The detainee stated that he attended the Al-Farouq training camp during late August 2001.]

Yes, I did go to the Al-Farouq training camp. How I got there is important. My parents went first to Afghanistan. They sent for me and when I got there I told them I did not want to stay. My father said just stay for two months and attend this camp and then I will send you home to Yemen. Both my father and older brother told me this, so I had to do it. I accepted going to the Al-Farouq camp as it was my ticket home.

**Regarding the allegation 3. A 3.** [The detainee stated that he traveled to the Tora Bora Mountains during late 2001.]

The statement is essentially correct. However, I was leaving Afghanistan to go the Pakistan and was taking the only route available. I was traveling without a weapon of any kind. The reason I was traveling was to leave Afghanistan to go through Pakistan to

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get home in Yemen. I did not know the name of the mountains; I learned they were the Tora Bora Mountains when I arrived in Pakistan.

**Regarding the allegation 3. B 1.** [The detainee stated that he was trained on and carried an AK-47 while at the Al-Farouq training camp.]

Yes, I trained some on the AK-47, even in Yemen we were familiar with this weapon, it is very common. I only learned to take it apart, clean it and put it back together. I was only in the camp for four days when 9/11 occurred and the training stopped and the camp was shut down.

**Regarding the allegation 3. B 2.** [The detainee stated that he had an AK-47 when he left the Al-Farouq training camp.]

This statement is not true, when I left the camp; I had no weapon at all. The weapons in the camp were for training only, they were taken away every day after training.

**Regarding the allegation 3. B 3.** [The detainee stated that he was arrested by the Pakistani Army and was sent to the Peshawar prison prior to being taken to the prison in Kandahar by the American forces.]

This statement is essentially true. I intended to turn myself over to the Pakistani authorities. With no money, friends or relatives they would be obligated to send me back to my home in Yemen. Instead they turned me over to the Americans.

[The Tribunal President asked the Detainee if he had anything else he would like to say.] The Detainee stated, yes I want to add something.

Just to clarify, the officer Omar Al-Hamily he is not the customs officer, he knew the customs officer. My intentions were to go to my friends at the customs office and they would stop me and prevent me from leaving Yemen. I use to work in customs so I have friends there. When I got to the Al-Farouq camp I got sick, so I went back to Kandahar. After I got well I came back to the camp for 24 days.

[The detainee was told he was not given a chance to take an oath. He was asked if he would like to do it at this time. To swear to everything he had already stated.] The Detainee stated he would like to take the oath. [After the Detainee took his oath the Tribunal stated:] Then the Tribunal will consider everything you said so far to be your sworn testimony. The Detainee agreed.

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**Summarized Answers in Response to Questions by the Personal Representative**

Q. Before the Tribunal came in we showed you the letter from your brother and his story is a little different than yours. I would like you to explain the difference.

A. Not all of my brother's testimony is wrong. The part about me being in school is true, but there are two differences. [The Translator asked the detainee what the differences were.] The detainee stated he didn't remember but if asked he would respond. [The Personal Representative looked at the letter and asked about the part where his brother said he disappeared] [The Translator read that part of the letter to the Detainee] [The Detainee stated]: I didn't consider this when I was given you my responses to the charges. It is true, I disappeared in Afghanistan and my family didn't stay there. They didn't see me. I told them during the interviews, I didn't see my father. We had no communication or contact. When I got here to Cuba, I sent them letters.

Q. About the Yemen mission that came here, you told them one story and this is a different story.

A. [The Translator read that part of the letter to the Detainee] [The Detainee stated]: When I first got here there was a delegation from Yemen with Americans. I told them a story and after they left I changed my story. The second version is the true story.

**Summarized Answers in Response to Questions by the Tribunal Members**

Q. You say you went to Afghanistan to join your parents, can you tell me how you got there?

A. I left from Yemen to Karachi and stayed about a month. I then went to Quetta for a day or less and after that I went to Kandahar.

Q. Did your family pay for that or did you receive it from somebody else? Where did you get the funds to travel?

A. They left me about \$100.00. I bought some things I needed, gave \$50.00 to the officer for a bribe, and had \$40.00 left.

Q. Did you take an airplane?

A. I already had the plane ticket. My father left it before he departed.

Q. When you stopped in Quetta, how did you get across the border?

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A. I crossed the border on a bike.

Q. Were you by yourself or in the company of other people?

A. There were two people with me in the car, but we all took motorcycles across the border.

Q. Do you know if those people traveling with you were Al-Qaida or Taliban?

A. No.

Q. When you got to Kandahar where did you stay?

A. I stayed at a safe house with some Arabs.

Q. And then from Kandahar you went to Al-Farouq?

A. No I went home.

Q. Home with your parents?

A. Yes.

Q. When did you go to Al-Farouq?

A. I left home and went back to the safe house where the Arabs were staying. I left there and went to Al-Farouq.

Q. What did you learn at Al-Farouq?

A. I didn't learn a lot, just how to take the rifle apart and put it back together.

Q. After you left Al-Farouq where did you go?

A. We went to Kandahar and then to Kabul.

Q. Did you engage in any fighting when you were in Kabul?

A. No, I was sick and at the house clinic.

Q. When you were in Afghanistan, after you got well, did you engage in any fighting?

A. I tried to go home, I couldn't get in touch with my father, so I went to Pakistan.

Q. You went to the Tora Bora Mountains first and then to Pakistan, correct?

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A. I didn't know they were the Tora Bora Mountains. This was the only way to go, so I took it. When I got to Pakistan they told me I came through the Tora Bora Mountains.

Q. When you were arrested by the Pakistanis did you have weapons with you?

A. No, I was arrested in the city. I was in a car. I left a small village with a Pakistani guy and didn't have a weapon. I never had any weapons.

Q. Do you know who Al-Qaida is?

A. No.

Q. I want to ask a few background questions. Your family is from Yemen?

A. Yes.

Q. Did your parents move to Afghanistan?

A. Yes.

Q. But you remained in Yemen?

A. Yes.

Q. How old were you at this time?

A. Between 17 and 18 years old.

Q. Did you live in Yemen by yourself for a time?

A. I had Uncles.

Q. Why did your parents move to Afghanistan?

A. I don't know.

Q. Why did they want you to come and join them in Afghanistan?

A. I don't know. They wanted the whole family to be with them, so I had to go.

Q. Did they bring your brothers and sisters to Afghanistan when they moved? Or did they bring them later?

A. They went first, then my brothers, then me. My sisters didn't go.

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Q. Did your sisters stay in Yemen?

A. Yes, I have only one sister and she is married.

Q. So, when you got to Afghanistan you moved into your parent's house?

A. Yes.

Q. How long did you live there, until you went to Al-Farouq?

A. Less than a week.

Q. Why did your father and your brother want you to go to Al-Farouq?

A. I don't know, but it was the only way I could go back to Yemen. They said if I went, I could go back to Yemen. I already had a job at a restaurant and wanted to go back.

Q. But you have no idea why your father wanted you to go to Al-Farouq?

A. No.

Q. Did he send your brothers to Al-Farouq also?

A. No.

Q. Just you?

A. Yes, because I requested to go back to Yemen and this was the condition for me to go back.

Q. What does your father do in Afghanistan?

A. I don't know. I only stayed with them for less than a week.

Q. What is your father's normal occupation, does he have a trade, or run a store, or what does he do for a living?

A. He is a contractor, he does his own jobs, like construction, in Mosque, paints houses, he fixes things, he works in a bakery, what ever.

Q. When you went to Al-Farouq, you were there for only four days, the second time?

A. When I first went I stayed in the safe house for three days, then went to the camp. I stayed there for a while and then got sick. They took me back to Kandahar and then I came back and trained for four days. After the four days they closed the camp.

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Q. Who owns the safe house that you stayed in?

A. Which safe house are you talking about? The one I stayed in when I first came or the second one.

Q. When you came first?

A. I don't know.

Q. Okay, how about when you came the second time?

A. The second time I went straight to the house clinic. I stayed there for about four days and then went to the camp.

Q. Was it a Taliban clinic?

A. I don't know, the only people there were Afghanis.

Q. Why did they close the camp?

A. I didn't know at first, they just told us to go. When we were in the car, on the road, we heard there were bombings in the United States.

Q. Where were you going in the car when you left the camp?

A. We were going back to Khandahar.

Q. And what happened when you got to Khandahar?

A. We stayed there had dinner and left early the next morning to Kabul.

Q. And after Kabul that's when you tried to get to Pakistan?

A. Yes, I went to Pakistan.

Q. Did you walk from there? How did you get through the mountains?

A. You have my story; I went with one Afghani and two of my friends.

Q. How long were you in Pakistan before you were arrested?

A. I'm not sure, 2, 3, or 4 days. We left the village and went to the city. My friends succeeded but I was captured.

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Q. Trying to enter the city?

A. My friends had money and succeeded getting into the city but I couldn't. Our goal was to get into the city where the embassies are and go back. My friends had no problems because they had their passports, visas, and money. But, because I didn't have any of these, I was told my best bet was to go to the embassy and surrender myself. This is what I was planning to do when I was captured. They captured me before I got to the embassy.

Q. So, you didn't have your passport with you?

A. No, my passport was with my family.

Q. When exactly were you captured?

A. I don't know the Christian calendar; it was four or five days after Ramadan. It was fifteen days before Christmas.

Q. So, you left Al-Farouq on the eleventh day of September and 10 December is when you were captured when you first entered into Pakistan. What were you doing immediately before Ramadan?

A. I was in the clinic in Kabul.

Q. No, you were in the clinic before you went to Al-Farouq the second time, weren't you?

A. The trip was really difficult and long, so when I got there I was really weak and sick.

Q. Do you have any other evidence to present to this Tribunal?

A. No.

Q. Personal Representative do you have any other evidence to present to this Tribunal?

A. No.



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AUTHENTICATION

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

Tribunal President

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Col, USAF

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DETAINEE STATEMENT 167

16 September 2004

A.

1. I did not want to leave Yemen for Afghanistan. My parents were already in Afghanistan and forced me to come there. I tried to bribe an official with \$50.00 to not allow me through the customs at the airport. Something went wrong and I was not stopped. If I had been stopped by legal authorities, I could have told my parents that the government would not let me leave. My friend Salah Hassan is the one who found an officer who knew the customs people. We met with this officer (Omar Al-Hamily) about an hour prior to the departure of my plane. He took the money and copied down my passport number. They can prove that I did not want to leave the country. Salah Hassan will be easy to find as he has written to me here and you have his address. Both of them live in Sanaa, Yemen.

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3. The statement is essentially correct. However, I was leaving Afghanistan to go the Pakistan and was taking the only route available. I was traveling without a weapon of any kind. The reason I was traveling was to leave Afghanistan to go through Pakistan to get home in Yemen. I did not know the name of the mountains, I learned they were the Tora Bora mountains when I arrived in Pakistan.

B.

1. Yes, I trained some on the AK47, even in Yemen we were familiar with this weapon, it is very common. I only learned to take it apart, clean it and put it back together. I was only in the camp for four days when 9/11 occurred and the training stopped and the camp was shut down.

2. This statement is not true, when I left the camp; I had no weapon at all. The weapons in the camp were for training only, they were taken away every day after training.

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Exhibit 2 b

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