

**Summarized Detainee Sworn Statement**

***The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and the Detainee had questions.***

Detainee: What do you mean by testimony?

Tribunal President: Your oral statement. What you have to say to us.

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

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

***The Recorder presented Exhibits R-2 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, referring to the Detainee Election Form, made the following statement:***

Tribunal President: I see by the Detainee Election Form that you have elected to participate today as evidenced by your being here. Issam Hamid Ali Bin Al Jayfi you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you wish to present information to this Tribunal and would you like to make your statement under oath?

Detainee: If you wish me to swear that is fine, I have no problem with that.

Tribunal President: That is totally your choice. We will take your statement either way.

Detainee: I will swear.

***The Recorder administered the Muslim oath to the Detainee.***

***The Tribunal President opened the Tribunal to the Detainee to make his statement.***

Tribunal President: You may now begin.

Personal Representative: I'm giving you a copy of the unclassified summary to the detainee to assist you in making your statement.

Detainee: Can I start to speak?

Tribunal President: Certainly.

*3.a. The detainee is associated with al Qaida:*

Detainee: I want them to explain to me how I am associated with al Qaida. I never participated in jihad or with weapons. I never did anything to America, Yemen or any country in my life. How can I be associated with al Qaida? I never even knew about al Qaida until I came to prison.

*3.a.1. The detainee was told that the Saudi Arabian and Yemeni governments had issued Fatwahs to the jihad in Afghanistan.*

Detainee: What do I have to do with Saudi Arabia and the scholars whether they issued a Fatwah or not? As I told you yesterday, my life in Yemen was a completely different world, a completely different life. I didn't have anything to do with the scholars or the Fatwahs or anything of that nature. Should I speak?

Tribunal President: Yes please.

*3.a.2. The detainee voluntarily traveled to Afghanistan from Yemen via Pakistan in August 2001.*

Detainee: I don't remember exactly what date I went to Afghanistan, I can't recall. In Yemen, they have it in a computer what date I traveled exactly. Let me speak and say what I want and then if you don't understand anything you can I ask me.

Translator: He asked me to read and explain the third accusation to him.

*3.a.3. The detainee believes that a jihad recruiter and financier obtained his passport and paid for his travel to Afghanistan.*

Detainee: This recruiter, do you mean is he my friend? Is this my friend that you are talking about?

Tribunal President: The only information we have on you is this document, the unclassified summary so we can't help you with that.

Personal Representative: Can I offer...

Detainee: I don't understand the accusation in the first place.

Personal Representative: I think it is in reference to your friend Sammy.

Detainee: How, do you mean is he the recruiter?

Personal Representative: That's whom they are referring to.

Detainee: I had stated that all my expenses, my travel documents and everything were provided to me by my friend Sammy. Whether or not he is a recruiter, I don't know. I just know that he paid for everything.

*3.a.4. The detainee stayed at a guesthouse in Kabul for seven weeks.*

Detainee: I stayed in a guesthouse for a month and two weeks up to a month and three weeks. I'm not sure of the exact period of time.

*3.a.5. The detainee stayed at a guesthouse in Jalalabad for one month.*

Detainee: Yes. I did stay at a guesthouse in Jalalabad for a month. Of course I was staying in Kabul and Jalalabad I was in the company of Sammy. I didn't know Jalalabad. I didn't know anything.

*3.a.6. The detainee advised that he was provided his accommodations, food and necessities at no cost.*

Detainee: Yes that's true. The whole time I was there I didn't pay for anything. It was Sammy that was paying.

*3.a.7. The detainee has familial ties to an individual who was scheduled to travel to California/San Francisco with associates of the 11 September hijackers.*

Detainee: How is this? I haven't traveled. I haven't done anything. How is this possible? I don't have ties with any person.

*3.a.8. The detainee's telephone number was found in the pocket litter of another detainee along with the telephone number of a Mujahideen who trained at an al Qaida camp and extensive notes on electronic and radio theory.*

Detainee: What is this? I'm sure that I never gave my phone number to anyone.

*3.b. The detainee participated in military operations against the coalition.*

Detainee: How did I participate? The whole time I was in Afghanistan I never carried a weapon. I never participated in military operations in Yemen, Afghanistan or in any other country.

*3.b.1. The detainee most likely carried an AK-47 rifle in Afghanistan.*

Detainee: In Afghanistan I didn't carry any weapon whatsoever, nothing.

*3.b.2. The detainee joined the Taliban forces for approximately one month before Kabul fell to the Northern Alliance.*

Detainee: I do not know the Taliban. I did not join any forces. Of course you have my story in detail; how I went, how I came and all that.

*3.b.3. The detainee surrendered to Dostun Forces at Mazar-E-Sharif without identification documents.*

Detainee: The first time I heard of Mazar-E-Sharif was yesterday when you told me. Like I told you before if you wish to verify or know anything about me you can contact Yemen and they can tell you about me, my lifestyle, anything you need to know about me. If you have any questions that come to your mind, I am here, anything that you wish to ask.

Personal Representative: I would like to make a recommendation. As I said to you yesterday the tribunal has not seen anything about your case. I would recommend that you briefly tell your story to them as you did to me yesterday.

Detainee: If you wish me to say the story from the beginning I have no problem.

Tribunal President: It might help us so that we don't have to ask as many questions because you'll probably answer a lot of them.

Detainee: If you have many questions to ask it is not a problem because I don't have anything. You can ask as many questions as you like but if you want me to tell my story, I will tell my story, I don't have a problem with that.

Tribunal President: Okay.

Detainee: Should I tell my story?

Tribunal President: That would probably make it easier for us.

Detainee: I told you the story before how I am identified as the person who used to love women. I partook in drinking alcohol and you know that the society that I lived in frowned upon such acts. In the neighborhood that I was living in, I was known for this. I used to chew tobacco. I used to go to gatherings where we would partake in the dip and we would use that as a way to pass the time. In the same neighborhood where I lived, there was this person Sammy. He used to tell me that these things, like drinking, are against our religion. I used to ignore what he was saying. I was playful and I did not listen to what he said. One time I was coming back from a night out and Sammy caught up with me. He talked to me and said you should follow God, you should not do these things that you are doing, how can you live your life like this when you know at any time death could overcome you, how could you live this lifestyle? Sammy said he would propose something to me. He said, what do you think about coming with me to Afghanistan? I said I would think about it. I thought about it for two weeks and then I thought that

Afghanistan was a European country. I'm not sure where other countries are. I don't know much about that. I thought that I would go to Europe and I would be free to practice the lifestyle that I wanted. I would have my freedom and my rights and practice my lifestyle the way that I wanted. After two weeks, I told Sammy that I would go but I didn't have the fees for the flight or the trip. Sammy said that's fine he would take care of it and we went to Pakistan. After a short while, he arranged everything. He arranged the passport and the papers. When we got to Pakistan we went from Karachi to Quetta and from Quetta to Kandahar. We stayed in Kandahar for one day. We got there at sunset or a little before sunset and spent the night. The next morning we went to Kabul. We went from Kandahar to Kabul and stayed there for about a week. During that first week, Sammy started talking to me about jihad and telling me about it. When I first got into Afghanistan I was in a state of shock over what I saw in front of me. When you go there and you look and you can't believe what is around, you don't really realize. Sammy started trying to convince me about jihad, telling me about jihad and about fighting. My thoughts and my ideas were something other than that completely. I asked Sammy why he didn't he tell me about this before in Yemen, why didn't he tell me how it was and that he wanted me to come here and fight. Why did he tell me this now? He said he just wanted what was best for me. He said that he saw that the way I was living my life was not good, with the women and the alcohol. He didn't want me to live my life in that way. He tried to convince me for a long time but he was not able to convince me. My thoughts were something else, very far away from that. While we were in that same guesthouse he told me that he was going to the north to fight and that if I wanted to come fight with him, then come fight with him. If I did not wish to go fight with him he would give me two hundred and fifty dollars and he told me to speak to the manager of the guesthouse and he would arrange my transportation. I spoke to the manager of the guesthouse and he said to be patient and wait and he would arrange for me to leave. In the same week or maybe the next week the problems started in Kabul. He said to me that he couldn't make any arrangements for me now. I was bothering him and telling him all the time that I wished to leave, I wished to leave. He said he couldn't do anything for me right then so be patient. I was in Kabul for a month and three weeks, by then the fighters had come into Kabul so we left Kabul to Jalalabad. We stayed in Jalalabad for about a month. It was the same thing I told them, I wished to leave. I wished to leave. He would say be patient. I would always bother them and tell them that I wished to leave but they told me that the war is everywhere so be patient. After a month the same thing happened, fighters came into Jalalabad so we fled Jalalabad and we went to a small village near Jalalabad. I was one of ten people that fled Jalalabad. We stayed in that village for fifteen days, a month, twenty days; I'm not sure exactly how long we stayed there. We left after that through the mountains into Pakistan. In the village in Pakistan they dispersed us throughout the village to different people. I told the village people that I wanted to go to the Yemen Embassy and they said that was not a problem they would take me to the Yemen Embassy. I was sleeping at night and they took me to the Pakistani police. Then they took me to the Americans. That's my story.

Tribunal President: At this time as you indicated before, we do have some questions we would like to ask you. Is that all right with you?

Detainee: Yes.

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

Personal Representative: Yes Ma'am.

Personal Representative's questions

- Q. I'm going to ask you a couple of questions based on your statement to clarify to the Tribunal. You said that fighters came into Kabul and you went to Jalalabad. Who were those fighters?
- A. I don't know who the fighter's were. I know that at the guesthouse they used to say the fighters have come in. I didn't see them. I don't know who they were. I heard them say at the guesthouse that outside was chaos. I don't know who they were. They used to say the opposition fighters. That's what I heard or the hypocrites, the opposition.
- Q. Do you think it was the Northern Alliance fighters?
- A. I don't know the Northern Alliance.
- Q. Why did you flee Kabul and Jalalabad if you weren't fighting?
- A. I was sitting there and I didn't know anything. At first I heard the manager of the guesthouse say go flee all of you.
- Q. At that point you were still hoping the manager would arrange your travel back to Yemen?
- A. I don't know. I didn't know anything. I thought that he would help me travel but I don't know. His words reassured me. He said that I would travel, just be patient.

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

Recorder: Yes Ma'am.

Recorder's questions

- Q. What kind of job did you have before you came here?
- A. In Yemen? I was working in a ministry. It was the Council for the Protection of the Environment. I was working administrative work in the employee's office in the same ministry.
- Q. Did you tell your family you were leaving to go to Afghanistan?
- A. If my father knew he would have stopped me at the airport. He didn't know.
- Q. Is your family wealthy, middleclass or poor?
- A. Middleclass. In the middle.



- Q. The person that you refer to as Sammy, does he go by other names?
- A. When we got to Afghanistan he changed his name and told me to call him Musab. He gave me a name; he said my name was Sirha.
- Q. How long did you know him before you left to go to Afghanistan with him?
- A. We knew each other. We lived in the same neighborhood. We used to meet each other. He was into religion and I had other thoughts.
- Q. At the guesthouse, were there any weapons or did anyone have any weapons at the guesthouse that you stayed in?
- A. People were coming in and out of the guesthouse; Afghanis and Pakistanis and they were capturing the Kalashnikovs.
- Q. Did you have a weapon?
- A. No.
- Q. Have you ever fired a weapon?
- A. In Yemen.
- Q. When you decided you didn't want to stay there anymore, why didn't you just leave? Why didn't call your family to get help to get out of Afghanistan?
- A. First of all, imagine you're in a new place, you're a stranger, you don't know anything and you don't know what's going on. Second of all, the manager was always telling me to be patient, wait and we will help you travel. Quite to the contrary I was asking him all of the time, I was telling him I wanted to go but he was saying be patient.
- Q. When did your friend Sammy leave?
- A. When we got to the guesthouse we stayed for about a week to two weeks and then he left.
- Q. Why didn't you go with him?
- A. He wanted me to go with him to fight in the jihad but that wasn't why I came. I didn't know about jihad until we got to the guesthouse and he started talking to me about jihad. Even when he was talking to me about this it was the first time I had heard about such things. I didn't know what jihad was. When he was telling me about it, he was telling me about these things for the first time.
- Q. Have you been to any other countries besides Yemen, Afghanistan or Pakistan?
- A. No.
- A. Do you have any family members in the United States?
- A. In the United States, no.

Tribunal President: Do any Tribunal Members have any questions for the Detainee?

Tribunal Member's questions

Q. In Yemen did you participate in the any fighting during the civil war?

A. No.

Q. Have any relatives visited the United States?

A. As far as I know I think the answer is no. I don't know anything about them but I think it's no.

Q. You said you fired a weapon when you were in Yemen. Why were you firing a weapon?

A. In the village where we live in Yemen, it is customary if there is a wedding or for celebrations you would fire the weapons.

Q. That's the only time you fired a weapon?

A. When I was young my father used to teach me. As you know in Yemen when a person is young, eight years old or so he carries a Kalashnikov or a pistol, he knows how to use these things.

Q. How old are you?

A. Now about twenty-five years.

Q. How old was Sammy?

A. I don't know what his age was. He looked older than me.

Q. He wasn't older like a grandfather, like sixty or something like that? He is approximately the same age?

A. No. How could he be sixty?

Q. Have you seen Sammy since you were in Afghanistan?

A. No. Since he went up north I never saw him again.

Q. You indicated that when you were in Yemen, Sammy talked to you about your lifestyle being bad and that he wanted to help you find religion. You indicated that when you were going to Afghanistan, you thought it was Europe so you could be free to travel with your lifestyle. I'm curious, if Sammy was preaching religion to you, why did you go with Sammy to Afghanistan?

A. I thought that he just wanted me to have a change of lifestyle or change of environment. He probably felt that when I was with him I wouldn't be able to practice the lifestyle that I wanted and so I couldn't do anything like that when I was with him. When I was in Yemen, I thought that Afghanistan was a European country. To me if it wasn't an Arab country, it was a European country. Those were the two things that I knew. Honestly, there were a lot of things going through my mind at that point.



Q. The ten other people that you left Afghanistan with, were they Arabs as well or were they Afghanis or Pakistanis?

A. No, Arabs.

Q. Did any of them have weapons?

A. I think that maybe four or five of them had weapons.

Tribunal President's questions

Q. When you lived in Yemen did you have any problems with the law there?

A. No. With the government I did not have any problem whatsoever or with any other people. Sometimes there were little disputes within the tribes but nothing with the government.

Q. Did you give Sammy your phone number or did he know it?

A. I don't know. I don't think I gave him my number.

Q. The village that you went to where the villagers turned you over to the Pakistani police, do you remember the name of the village?

A. No.

Q. Do you remember what you had on you when you were captured? Money, passport? I know you said you no weapons but other things that you may have had on you.

A. No I didn't have anything. Just my watch.

Q. Any particular reason why you wouldn't have brought your passport with you?

A. The reason is when I was in the guesthouse in Kabul, the time came when the manager was telling everyone to leave. There was no time to get our things. I said I wanted to get my things, my possessions. He said there was no time; everyone has to leave.

Tribunal President: I would like thank you for participating in this Tribunal today.

Detainee: Now I told you my story and I told you about my entire life. If you wish to verify any of the things I said you can call the government of Yemen or the people in my neighborhood and ask them about me. I'm sure that after a few days you will come back and say that I'm an Enemy Combatant. I've heard from other detainees that everyone in this proceeding is an Enemy Combatant. That is my story.

Tribunal President: Thank you.

*The Tribunal President confirmed with the Personal Representative that he had no further evidence and that the Detainee had no previously approved witnesses to present to the Tribunal.*

*The Tribunal President explained the remainder of the Tribunal process to the Detainee.*

Detainee: It doesn't matter to me. Don't come after three or four days and tell me I'm an Enemy Combatant. Now that you know my story, you know that I've never been a fighter or anything like that. If it comes time for them to release me, I do not wish to return to my country because I have problems there and I do not wish to go back.

Tribunal President: Unfortunately we only make the determination as to whether or not we feel that you should be continued to be classified as an Enemy Combatant. The Department of State would be the one to actually make the arrangements.

Detainee: I feel that I will be an Enemy Combatant. Now that you know my story and you know I'm not a fighter, you know everything about me, so do the interrogators, so does the U.S. government. They know everything about me. How can you find me an Enemy Combatant? I never participated in a fight or a war. Is it not enough that I have been here for the last three years without a wife, without a girlfriend, without anything?

Tribunal President: We look at two things when making our determination; your oral statement and the information that the recorder presents to us.


Detainee: I don't have any crime against me or anything.

Tribunal President: Okay.

*The Tribunal President 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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Enclosure (3)  
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