

Summarized Sworn Detainee Statement

The Tribunal President explained the Tribunal process, and asked the Detainee if he understood this process. The Detainee responded as follows:

Detainee: Yes, I do.

Tribunal President: Do you have any questions at this time concerning the Tribunal process?

Detainee: No, I don't have any.

The Detainee Election form was given to the Tribunal, and the unclassified evidence was given to the Tribunal. The Recorder then entered the Unclassified Summary of Evidence into evidence. The Personal Representative then requested a closed session to review classified information at a later time.

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

Detainee: I don't have any proof.

Tribunal President: I understand you would like, with the assistance of your Personal Representative, to speak to the unclassified summary?

Detainee: Yes.

Tribunal President: Would you like to make your statements under oath?

Detainee: No, I don't want to.

Tribunal President: Very well. That's fine. We'll accept your statements whether you take an oath or not. At this time, with the assistance of your Personal Representative, you may begin.

Personal Representative (to the Detainee): The first point says that you are associated with the Taliban.

Detainee: Yes.

Personal Representative (3.a-1): It says you traveled to Afghanistan to fight with the Taliban in response to a fatwa.

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Detainee: Yes.

Personal Representative (3.a-2): It says you attended the al Farouq camp for weapons training with the Kalashnikov rifle, the PK machine gun and the rocket-propelled grenade (RPG).

Detainee: Yes.

Personal Representative (3.a-3): Here it says you stayed at the Taliban Center in Quetta, Pakistan.

Detainee: Yes.

Personal Representative (3.b): It says you engaged in hostilities against the United States or its coalition partners.

Detainee: I didn't do anything against the United States or its allies.

Personal Representative (3.b-1): It says that you were issued a Kalashnikov rifle, ammunition and hand grenades.

Detainee: That is true, yes.

Personal Representative (3.b-2): And that you maintained an armed military post in the vicinity of Bagram, Afghanistan.

Detainee: Yes.

Personal Representative (3.b-3): And that you maintained a Taliban post in the vicinity of Jalalabad, Afghanistan after 11 September 2001.

Detainee: Yes.

Personal Representative: Did you want to say anything about why you joined the Taliban or about the evidence that states why you were hostile to the U.S.?

Detainee: I did not participate in any actions against the United States or it's allies. I never seen the Americans in Afghanistan, so how could I be classified as an enemy combatant?

Personal Representative: Do you have any other statements you wish to make to the Tribunal?

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Detainee: All these points or evidence is true. I'm confirming that, but I didn't participate or do anything or commit any hostilities against the United States or it's allies. And yes, I'm confirming all these points are true.

Tribunal President: Very well, thank you. We may have some questions for you, but, at this time, does that conclude your statement?

Detainee: That's all that I have; I don't have anything else.

Tribunal President: Very well. Thank you for your testimony. (Addressing the PR) Personal Representative, are there any other questions you would like to address to the Detainee or bring up on his behalf at this time?

Personal Representative: Just that his behavior while he's been here has been very good, sir.

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

Recorder: No, sir.

Tribunal President: Do any of the Tribunal Members have questions?

Tribunal Member: (To the Tribunal President) If we may, sir. (Now addressing the Detainee) Good morning. We would like to ask you some questions to clarify some things because we don't have any information about you except what you've told us this morning.

Detainee: All the information is available in the file; three years of interrogations so everything is there.

Tribunal Member: We understand that, but we are not given access to your file prior to the Tribunal. The Tribunal members come here with no prior information about you.

Detainee: OK.

The below is a summary of the question and answer session to the Detainee conducted by the Tribunal member:

Q: What country are you from?

A: From Yemen.

Q: And you say you went to Afghanistan in response to a fatwa from a sheik or religious leader?

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A: Yes.

Q: And what were the terms of the fatwa; what did the sheik want you to do?

A: The subject of the fatwa was just to help the Taliban by any means; money, physically, or any means.

Q: How did you travel from Yemen to Afghanistan?

A: First I traveled from Yemen, to Dubai (U.A.E.) for about an hour, then from there to Karachi.

Q: Then you had people in Pakistan help you to Afghanistan?

A: Yes.

Q: When you got to Afghanistan, did they assign you to a military unit there?

A: Yes.

Q: And what duties were given to you?

A: Just train, then you go to the front line.

Q: Were you in a group of other Yemenis or Arabs, or were you with Taliban Afghan soldiers?

A: With the Taliban.

Q: How many other, roughly, were with you in your immediate unit?

A: About 10.

Q: And you were responsible for defending a certain area of territory?

A: Yes, I was in the second line. So you have your weapon and your area, and you are supposed to defend it

Q: So your primary duties were guard duties, or did you have other responsibilities also?

A: Just guard duties, in the spot we were in.

Q: Did you ever have to defend your area against the Northern Alliance troops?

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A: Not forced to defend, but you are there for that purpose, so you have to defend.

Q: At some point, when the war became intense, you had to withdraw from your position?

A: When the retreat order was given, everybody pulled off.

Q: The retreat was given because the Northern Alliance troops were advancing towards you?

A: Yes.

Q: Were there battles between the Northern Alliance side and the Taliban side that you saw?

A: There were no battles, just the retreat, that's all.

Q: So you were on the second line, and you were given the order to retreat where?

A: We retreated to Jalalabad.

Q: And then you stayed there for a short time and went somewhere else?

A: After that I went to Pakistan.

Q: Did you have to pass through the Tora Bora region in order to get to Pakistan?

A: Yes, because the road leading to Pakistan fell, so the only way left was through the mountains.

Q: Were you injured at any time during this retreat?

A: No, I was safe.

Q: Did you make it all the way to the Pakistan border?

A: Yes.

Q: And when you got to the border, did you simply pass through into Pakistan or were you captured at that point?

A: No, it was no problem. We got to the border village, surrendered our weapons and stayed there for a day. After that, they took us to the Pakistani police.

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Q: The villagers did or somebody else?

A: Yes, the villagers, yes, because I asked them if they could take me to the embassy there they'd (the embassy people) would arrange for me to go back to Yemen.

Q: Did it seem as though the villagers were trying to help you, or they were turning you in because they wanted you to be captured?

A: It felt that they were helping.

Q: So the Pakistani police took you and they put you in jail for a while?

A: Yes.

Q: I gather there was a group of you all traveling together?

A: Yes.

Q: Can you remember about how many of you were together?

A: About twelve.

Q: And these were Yemenis like you, or from other nationalities?

A: I really don't know. After the retreat, I just went with them, and it was extremely cold; there was snow so I really didn't have a chance to know them very well.

Q: How long did you have to stay in the Pakistani jail?

A: About two weeks.

Q: You said you were trying to get help from the embassy. Did anyone from the Yemeni embassy come visit you?

A: No. Nobody came.

Q: So after two weeks, what happened after that?

A: First, American investigators came there, and they had an investigation or interrogations with us, and then after that, they turned us over to the American forces.

Q: When you mentioned the fatwa, you mentioned it was to help the Taliban in any way they could. Were you considering helping the Taliban in any other way besides being a fighter?

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A: No.

Q: Before you left Yemen for Afghanistan, what was your occupation?

A: I was in high school. I finished that and I traveled.

Q: Are you married, or do you have a family?

A: No.

Q: But the rest of your family is still back in Yemen?

A: Yes, that's true.

Tribunal Member (to the Tribunal): Thank you, that's all I have.

The other Tribunal Member then addressed the Tribunal at this time and had the following questions.

Q: Yes, just a few, not many. When were you captured, what day?

A: I don't remember the exact date, but I believe it was exactly three years ago.

Q: You had mentioned it was snowing and cold, I'm thinking November or December time frame?

A: It was about the same period as now; it's about three years exactly within a week or so.

Tribunal Member: OK, all right. I have no other questions, sir.

Tribunal President (to the Detainee): Would it help to identify the time; if it was near Ramadan of that year when you were captured?

Detainee: It was in Shamal (ph), which is the month after Ramadan, three days after Ramadan.

Tribunal President: So it was after Ramadan in 2001?

Detainee: Yes.

Tribunal President: Is there any other information, or is there anything else you would like this Tribunal to be aware of?

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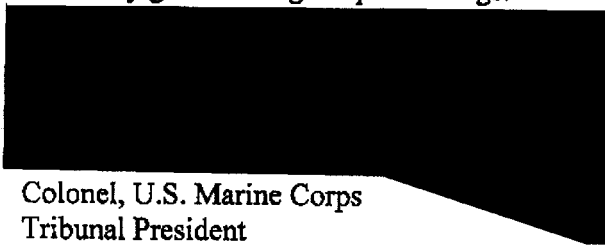
Detainee: No.

Tribunal President: I want to thank you for your testimony today.

The Tribunal President then addressed the Personal Representative to request if any additional information would be presented to the Tribunal The Tribunal President then 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.

A large black rectangular redaction box covers the signature of the Tribunal President. A thin horizontal line extends from the right side of the redaction box to the text below it.

Colonel, U.S. Marine Corps
Tribunal President

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