

Summarized Unsworn Detainee Statement

Detainee: Yes I will answer the accusations against me.

Tribunal President: Do you want to make your statement or replies to any questions under oath?

Detainee: Whatever makes you comfortable, whatever you want.

Detainee is sworn by the Recorder administering the Muslim oath.

Detainee: They have presented to me thirteen accusations. And because of these accusations they said that I am associated with Al Qaida. Before addressing these accusations, I will give a background as to what happened to me before that. A summary of what my story is. I was on an official holiday from my job. I had taken approximately two months. In the last two weeks, I was in contact with this individual Faisal who is listed here. To visit Afghanistan and see whether the donation I had given, if it was working or not. I wanted to go there in the first place but I was hesitant. So I went there during the end of my vacation. So I would only stay for a week and see the situation in Afghanistan and see the money that I contributed. It was [for] digging wells. When I left Kuwait on the 9th of September, I entered Karachi airport at night. Then I left on a domestic flight to Quetta airport. This is a place on the border with Afghanistan. And afterwards I entered Afghanistan. The morning of Sept 10th I was in Afghanistan. Of course the events happened while I was in Afghanistan. I tried to leave after the events. The borders between Pakistan and Iran were closed after a day. This we heard on the world news. I tried to leave Afghanistan, in September, the same month. I couldn't, the borders were closed. I tried a number of times moving from place to place to get out but I could not. So I had a problem because my holiday was only for two weeks and the holiday ended while I was in Afghanistan. So I called my family and I told them and they got a hold of the ministry and they extended my vacation for 3 additional weeks. But I still could not get out. Until about the 15th of December, I left through the borders and entered Pakistan. I entered a village. Of course I had my official passport and everything. And there were civilians there and they took me to a camp in Pakistan where the Army was. The Pakistanis told me "We will go with you to your embassy." Of course I asked for my embassy. But they took me to a prison and they handed me over to America. That is a summary of my story.

Detainee: Now I will turn to the accusations in front of me. Honestly I didn't even see them during the interrogations. And they never discussed them with me in the interrogations. Because the accused has a right to discuss what he is being accused of. For example I will go through every point and I will answer every point.

3a1. The Detainee worked for the Revival of Islamic Heritage Society.

3a2. The Revival of Islamic Heritage Society appears on the Terrorist Exclusion List of the U.S. Dept of Homeland Security Terrorist Organization Reference Guide.

Detainee: For example the first point. I know the Revival of Islamic Heritage Society; it is an official society from the Kuwaiti government. And it doesn't have any problems inside Kuwait or outside Kuwait. And more than a third of the Kuwaiti people donate to it. Its charity work is all over the world, even in America. But I donated to them; I did not work there. I donated. But I donated to it for some charity work. Maybe my last donation was the end of the nineties, maybe '94. And this Revival of Islamic Heritage Society, donations to it are official, there's paperwork and documentation and it is watched by the Kuwaiti government. My last donation to it was about '94 to '95. But I am surprised that the accusation here is that I worked in it. I did not work in it. I am a government employee. I am also surprised that this society is considered a terrorist organization. Even though I remember that when I left Kuwait, I didn't hear anything about it being a terrorist organization or anything. To summarize, I do not work there. And I donated to it a long time ago about 6 years before the events of September 11th. So if it was classified after September 11th and I was in Afghanistan, so how can I be judged about something like that? Of course I don't know what happened in Kuwait with this organization if it was shut down or what happened to it. Those are the first two points, 1 and 2.

3a3. The Detainee's name appeared on a hard drive recovered from a suspected al Qaida safe house in Islamabad, Pakistan.

Detainee: The third point. This is something also that I was surprised to see when the Personal Representative presented it to me. You say that this is a safe house that is related to Al Qaida and my name is present on the hard drive. I can't say to the American intelligence that you are liars. But I don't know these people and if my name is present on a hard drive, after our detention, we learned that our names are all over the Internet. So if my name is present with any humanitarian organization, or terrorist organization in their computers, or in any place with any intelligence in the world, does that mean that I am a part of them or associated with them? I know that right now, especially we Kuwaitis, our names are all over in computers and places all over. So if it was found in any other place, I'm thought to be part of them or associated with them? It says here that your name was found. It doesn't say anything else, for example was it a letter from me to them, or a passport, document, or anything of mine that they have. I know that the people that they caught after me, they told us that your names and your pictures are present in computers and people have contacted your family members. So I don't know the people who contacted my family or the people who added our names to their lists. So how can I be associated with them just because my name is with them? If my name was present in their computer before my detention, maybe I will be convinced, maybe I will believe, but now after the events our names are all over the world, they are all there. So I know the interrogators did not interrogate me on this issue. I think this is not important, I think if it was important they would have interrogated me. And if this is really true and this really happened and I am associated, I think that the interrogation would have centered a lot around this issue, so they would take information from me about Al Qaida.

I have been here for 2 ½ years and none of these things happened. It's obvious at this point I am innocent of this point. I don't know anything.

3a4. The Detainee voluntarily traveled from Kuwait to Mecca, Saudi Arabia on Hajj in 2000, where he met Faisal (FNU), an employee of the Sanabal Charitable Committee.

Detainee: The fourth point, that I traveled to Mecca, yes, I traveled to Mecca and I met this person in the holy mosque. This mosque has many thousands of people inside. There's a lot of Muslims who know each other within that mosque. News being exchanged back and forth. So yes, I did meet that person inside that mosque and he explained to me the situation in Afghanistan. He told that it [Afghanistan] is in need of donations. I read earlier in the Kuwaiti news that there is a shortage of water in the country. He asked me why don't you Kuwaitis bring wells into that place? So I knew when I went back to Kuwait, we're not allowed to go in to that place in Afghanistan. And that is the reason that made me go to Afghanistan. I wanted to go and see for myself.

3a5. The Sanabal Charitable Committee is considered a fund raising front for the Libyan Islamic Fighting Group.

Detainee: Point number five, I know that the Sanabal Committee is an official committee. From what I can remember its headquarters is in London. That I told to the interrogators. So I don't know if the Sanabal Charity Committee for the Libyan Group, I don't know. This is information yet from intelligence, I am just an employee. I heard this from my Personal Representative. I don't know, if he knows something and I don't know it, how can I be judged on something I don't know? We deal in our normal lives with many people. But we don't know every personal thing about them. And it's hard for a person to know.

3a6. The Libyan Islamic Fighting Group is listed as a terrorist organization in the U.S. Department of Homeland Security Terrorist Organization Reference Guide.

Detainee: The sixth point, that it is listed as a terrorist organization, I don't know this.

3a7. The Detainee admitted to donating approximately 2, 250 dinars to the Sanabal Charitable Committee.

Detainee: Point number seven, yes I donated \$2,250. But here they say dinars. In the interrogations I said dollars. The way you are saying it, if you compared it, it's about three times the amount. Dinars is about three times the amount in dollars. If you calculate it in dinars, it would only be about 750 dinars. And this amount we consider it a small amount. So I don't [know] them well so I only gave them a little bit of money. That was for digging wells. I traveled there to make sure of this.

3a8. The Detainee voluntarily flew from Karachi, Pakistan on 9 September 2001, where he first joined Faisal and Abdul Hakeem.

Detainee: Point number eight. Yes, that happened and I told them so.

3a9. Abdul Hakeem was identified as an employee of the Sanabal Charitable Committee.

3a10. Hakeem was also identified as a major recruiter for the LIFG

Detainee: Number nine and ten. I just knew them as normal people. Whether they were part of anything, I couldn't know this and I didn't read this in the news or anything. Maybe if it was in the news someone would know, but it wasn't there.

3a11. Sometime after 9 September 2001, the Detainee, Faisal and Hakeem traveled to Kandahar, Afghanistan.

Detainee: Number eleven. It's written that sometime after September 9th the Detainee traveled to Kandhar and I told them in the interrogations I traveled before September 9th, so they put it here after the 11th of September. Of course this is a big difference if they say after it means afterwards I went after the events...but this is not correct. Knowing that I told them that I went there before September 11th. They asked me if I would have gone after the events happened and I said no. Big events like this, obviously a person wants to be with his family and his children. I was surprised to see that they wrote after and that is not correct.

3a12. In December 2001, the Detainee failed at attempts to be smuggled across the Iranian border.

Detainee: Number twelve. Of course when you read something like this, looking at this, they say September, October, November, he did not leave, why did he leave in December? Of course he was still comfortable in Afghanistan or accepting of the conditions. But I told them just a few days after the events, I tried to escape by way of Iran. I went there and the borders were closed. Same thing that happened in Pakistan, the borders were also closed. Now here they have written December, of course this is a big difference.

3a13. The Detainee traveled between Kandahar, Kabul, Heart, and Jalalabad, Afghanistan during November/December 2001, before being smuggled into Pakistan, apprehended by Pakistani authorities and turned over to U.S. forces.

Detainee: The last point, number thirteen. Yes that did happen. But not just in November and December, but in September, October, November, and December. When I left and entered Pakistan, the Pakistani authorities did arrest me. I did not see any soldiers or anything like that. I entered into Pakistan, I entered into the Pakistani villages and civilians living there took me to a camp inside Pakistan to the Pakistani army. I asked for the Kuwaiti ambassador. They told me, "We will go with you to that place."

But unfortunately they sold us for money to Pakistan. And that is the truth, you saw that. Of course they pictured us as terrorists and turned us over to the United States. These points that you accused me of and because of what you said I am a member or associated with Al Qaida, and you see now the difference between the things I told them in the interrogations. And honestly I cannot be sure what is there in my classified file, I cannot be sure that it has additional accusations or information that are incorrect. I mean, I wish I could see these accusations and to answer them, like I answered what is written in front of me.

Tribunal President: As we explained before, we don't have the authority to show the Detainee the classified information. We will take your testimony, your statement today and anything else you provide to us today into consideration very strongly. Does this conclude your statement?

Personal Representative wants Detainee to comment on his hospital stay.

Detainee: When I entered Afghanistan, the morning of September 10th, I had eaten something. I became very sick, I had severe diarrhea. So I entered a hospital and stayed there for about four days: four days or five days. Afterwards I wanted to leave and I tried to leave to go back to my country but the borders were closed. They told me the borders were closed. I think based on what I heard here, that communications were being heard, being watched between Afghanistan and the rest of the world, because the methods of communication between Afghanistan and the rest of the world is very limited. I think the American intelligence heard my calls to my family or something and they know this. A lot of people who are detained here, some of them, they provided to them their phone calls to their families from Afghanistan. But it wasn't to their advantage. But [it] works to my advantage, these phone calls, because it was me telling my family I was trying to get out of Afghanistan. That's it.

Personal Representative has no further questions. Recorder has no further questions. Tribunal Members begin questioning.

Tribunal Member comments to Recorder, "Regarding Exhibit R4, regarding the Revival of Islamic Heritage Society, the exhibit indicates the Kuwait office of this organization is not designated as a terrorist organization. The Detainee is from Kuwait; do you have any comment on this?"

Recorder: No

Tribunal Members: Personal Representative, do you have any comment on this?

Personal Representative: No.

Tribunal Member: How long have you been detained here?

Detainee: I was handed over to the American forces 1 January 2002.

Tribunal Member: You mentioned in your statement that the interrogators have never asked you about why it was your name appeared on the computer hard drive.

Detainee: No, I don't remember anyone telling me this.

Tribunal Member: They must have asked you at one point about your associations with al Qaida?

Detainee: No, they didn't mention al Qaida, they didn't ask me anything about al Qaida, they just said tell me your story. I've been here for 2 years, close to 3 years. I'm in four pictures they have shown me. I told them from the beginning, if there is an accusation against me, tell me the accusation, the Revival of Islamic Heritage Society just once did they ask me, "Did you donate to it?" I said yes, I donated to it. Even I mentioned this in the papers. They asked me about Kuwaiti organizations; just did I know of [them] in a general sense. Even the Revival of Islamic Heritage Society, they didn't ask me about it in great detail. Even if they had asked me about it, I don't know anything specific about it. Only they asked me, "How do you present any project to them?" and I told them how I did it. I signed a contract with them and I gave them the money, and then as an official organization, they draw [up] a contract with the organization in the country they are working in. All official business, you know how it is between nations. When the project [is complete] they just bring me the pictures and everything. That's what I told them.

Tribunal Member: Presuming that your name was really found on the computer hard drive, there must be some reason why this is the case.

Detainee: I swear to God, I don't know. I'm sitting here in Cuba. I don't know anything. But the people that you arrested in that house, I'm sure you will ask these people and get information from them. Ask them why they had my name on there. I cannot think of any reason or explanation why my name was on the computer. Other than what I just told you that our names now are everywhere, they're on many computers. The people that you captured in that place, obviously they know why they have my name.

Tribunal Member: As you sit here today, you truly have no idea why the government thinks you are associated with al Qaida?

Detainee: I saw the reasons that they listed and really they are just not true. As we're sitting here, I'm sure you know the political side to this. For example, in Pakistan, when they turned us over to America, they imagined they were people from al Qaida or terrorists. But after 2 ½ years in the interrogations, they haven't found anything. Either of our governments can attest to this. So I think its normal that they would bring us just any accusation like this. That's why I think there are these accusations.

Tribunal Member: In the packet your family submitted, it indicates you are an educated man, apparently with secure employment prior to this time.

Detainee: Yes.

Tribunal Member: You are an auditor with the government of Kuwait.

Detainee: Yes, I'm an auditor.

Tribunal Member: It indicates here that you have been employed on that position since 1991, is that correct?

Detainee: Exactly from '89, my last job from '91.

Tribunal Member: And your course of study, while in University, was in Accountancy and Auditing?

Detainee: Yes.

Tribunal Member: It was in 2001, August, September time frame that you felt the need to go to Afghanistan to check on the status of your donation?

Detainee: I had the idea from a while ago, but work wouldn't allow it. I said I would wait until summer vacation. At that time in the news there was some threats and stuff going on from Bin Laden. So I was hesitant though most of my vacation had passed and I didn't do anything. When I returned Faisal called me and told me these threats and everything and these had been happening for a number of years, it's nothing. I left and the events happened. My vacation would have ended around October 3rd.

Tribunal Member: Did you not know that Afghanistan was in the midst of a civil war and had been for some time?

Detainee: In the Kuwaiti media, some people visited Afghanistan, and they described the situation inside of Afghanistan and the war was in the north of Afghanistan. The situation was better than before; there was peace in most of the cities in Afghanistan. Even this you can verify in the Kuwaiti newspapers, there were newspapers that said this.

Tribunal Member: So you were not concerned for your safety when traveling to Afghanistan?

Detainee: No, I went Afghanistan knowing that the situation was OK. We heard about the Taliban, which was responsible for security in Afghanistan.

Tribunal Member: You said you were an auditor. We often put a bond on our auditors, which means the government checks to make sure you are not a security risk that you are not going to go off with some money. Do they do that in Kuwait?

Detainee: No, we're just accountants, we don't take the money; it's an administrative position. We verify the budgets and so on. We don't take the money. We just look at how the money was spent, was the budget spent correctly or not?

Tribunal Member: So they don't have to do a security check on you to make sure...you have a lot of information about the government when you look at their books.

Detainee: No. its not security, our job doesn't have a lot to do with security. Our reports even go in newspapers.

Tribunal Member: You explained about how you contract a project, and that you had done that previous times, where was this project to be constructed?

Detainee: In this organization, the Revival of Islamic Heritage, it has many branches in Kuwait. In our area there's an office. They have a list of all the countries that are in need of certain projects and they present that list. The list with every project says how much that project costs and how much money is needed. So you say, "I will do this project" for example. For example, a village in Indonesia needs a well or adoption of orphans, or so on. For example, if I say I want to build a mosque in this area: if it costs \$3000, I would sign a contract with the organization and they would sign a contract with an organization in that country that is recognized officially by the government. This organization would be a middleman or a way for me to communicate with the organization in the other country. So for example, I give them \$1000 to start with. After they start, after they finish a phase, and I give them the second installment until it's finished. After it's finished, they offer for me to go see it. We trust the organization and we don't see the need to go see it because the charity says the work is complete.

Tribunal Member: But this particular donation or project you did in Afghanistan, you felt the need to go check on it?

Detainee: There are no Kuwaiti organizations that work inside Afghanistan. That is the reason. The Kuwaiti organizations, you can trust them because they are watched by the government. In Afghanistan, the Kuwaiti organizations said they wouldn't work inside there. [For] Kuwaiti organizations, I would just give them money while I was in Kuwait.

Tribunal Member: This project in Afghanistan that you went to check on, where was it located? Was it in a town?

Detainee: When I entered Afghanistan, the events happened so I wanted to leave, I didn't think of where the project was or anything, I was just trying to leave. You would be surprised, until now, I don't know what happened. I know about the World Trade Center

from the television, what happened there. In Afghanistan, there is no news or anything like that. So for 3 years, we still don't really know what happened, what those events were.

Tribunal Member: Because there were no Kuwaiti organizations that donate money that dealt with Afghanistan, how would the government feel about you donating money to Afghanistan?

Detainee: [The] Kuwaiti government didn't say anything, even the people in the newspaper that went to Afghanistan, it was in the paper, and they didn't say anything. And that official passport is with you right now. It is permissible for me to travel to any country in the world, there's no country I am not allowed to travel to.

Tribunal President: This charitable project in Afghanistan, was it already underway or were you traveling there to get it started?

Detainee: No, I gave the funds in Mecca to dig 5 wells, I considered it be a small project. That was just to start the project and when I went there I would go see it for myself. Like the Kuwaitis who went to Afghanistan and came back and wrote in the newspaper what they had seen.

Tribunal President: So you knew where these projects were located in Afghanistan before traveling?

Detainee: No, I did not.

Tribunal President: Who was going to show you where they were located?

Detainee: The same person I gave the donation to.

Tribunal President: When you left Kuwait and traveled to Pakistan, you traveled alone?

Detainee: Yes, by myself.

Tribunal President: And then from Pakistan to Afghanistan, you had traveling companions?

Detainee: From Karachi to Quetta airport and then I took a car and went to Afghanistan.

Tribunal President: Where in Afghanistan were you going to meet this person you gave the charitable donation to?

Detainee: He greeted me at the airport in Karachi.

Tribunal President: What is his name?

Detainee: Faisal

Tribunal President: That was Faisal?

Detainee: Yes

Tribunal President: Shortly after that, the next day, you got sick and went to the hospital?

Detainee: When we entered Afghanistan, it's true. The next day, it was because of something I ate, I went to the hospital.

Tribunal President: Other than the hospital, where did you stay when you went to Afghanistan?

Detainee: I was moving around; his house was in Kabul. I went to visit Kabul to his house. And then we tried to move from place to place until we went to the Iranian and Pakistani border, it was all movement. I was with him, in his house, his family's house.

Tribunal President: Were he and his family trying to leave as well?

Detainee: Honestly, his family I don't know, he had left his family at that time, his family was in Kabul at the time I was leaving. I went to Kabul in November approximately.

Tribunal President: When you were captured who else was with you when you were captured?

Detainee: A group of people.

Tribunal President: Was Faisal with you?

Detainee: No, I left him in Afghanistan.

Tribunal President: Was Abdul Hakeem with you?

Detainee: No, people I didn't know were with me.

Tribunal President: How many?

Detainee: A group maybe nine or eight.

Tribunal President: Did you have to pay someone to smuggle you in or attempt to smuggle you in Pakistan?

Detainee: Yes, of course. Of course that's necessary.

Tribunal Member: In reviewing the packet your family provided us, we noticed that you received acknowledgements from the Islamic Heritage Society and thanksgiving for your donation, as well as an example of an actual contract itself. On one occasion, it is indicated that the farm you made a donation for was located 70 miles south of the Indonesian capital. Did you not receive a similar acknowledgment for the contract that you executed relating to your donation for Afghanistan?

Detainee: The project in Afghanistan was a very small project. It was about \$450 and five wells. Very small. That's one thing; another thing is the way of this Islamic Heritage Society. It is an official way and it differs from other associations. But this Sanabal Committee, I did not do any official business with them, so I don't know if they work the same way as the Heritage Society with contracts and stuff. I did not continue with them. I would only go see these projects if they really did happen, whether it was true or not. But this all never happened. The events happened and I couldn't do anything.

Tribunal Member: Were you concerned your donation was not being properly used?

Detainee: No, I just wanted to get out. And they felt that they had put me in a compromising situation, until someone comes and sees this and something happens while we were there, the situation didn't allow us to go and say, let's see this.

Tribunal Member: Is this the first time you ever traveled to Afghanistan?

Detainee: Yes.

Tribunal Member: It seems like quite an ordeal to go all the way from Kuwait to Afghanistan for such a small project of \$450.

Detainee: I looked at this as a start to many more projects. This was just for this project that I went to Afghanistan to see if the situation was good. If the committee was good, if I could do more charity work there. Like the Kuwaitis have done there before.

Tribunal President: Mohammed Fenaitel Mohammed Al Daihani, do you have any other information that you would like to present to this tribunal today?

Detainee: No.


Personal Representative and Recorder have no additional witnesses or evidence.

Tribunal President: All unclassified evidence having been provided to this tribunal, this concludes the open session of the tribunal.

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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.


Colonel, U.S. Marine Corps
Tribunal President

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