

**Summarized Unsworn Detainee Statement**

***The Tribunal President read the Hearing Instructions to the Detainee. The Detainee confirmed that he understood the process and had no questions but made the following statement:***

Detainee: I don't have any questions but I wish for him (Personal Representative) to read the accusations to me and I can answer them.

Tribunal President: We will do that in just a couple of minutes. If you have any questions as we go along please feel free to ask them.

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

***The Recorder presented Exhibit 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.***

Tribunal President: I see by the Detainee Election form that you have elected to participate today as evidenced by your being here. I also understand that originally you had asked for three Detainee witnesses.

Detainee: Yes, but they refused. I talked to them and they refused.

Tribunal President: That was going to be my follow on statement is that then you withdrew that request. So there will be no witnesses here today.

***The Tribunal President opened the Tribunal to the Detainee to make his statement and asked if he would like to make his statement under oath.***

Detainee: Yes, if there is an oath I will swear, it's no problem.

Tribunal President: Thank you. Recorder, would you administer the oath.

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

Personal Representative: Yes ma'am, per our meeting on 23 Oct. We met for approximately one hour's time. We reviewed the Unclassified Summary of Evidence. Ali was very respectful and cooperative during the meeting but he was a little bit surprised by some of the evidence brought against him. I gave him the option of how he would like the evidence presented. We agreed that we would provide each piece, one at a

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time, I will provide my notes, and he will add to them. Is this still how you would like to proceed (to the Detainee)?

Detainee: Yes.

*3.a.1. The Detainee left Syria on 3 July 2000, traveled through turkey and Iran, and arrived in Afghanistan.*

Detainee: Yes, I did leave Syria in July 2000, well over a year prior to the September 11<sup>th</sup> attacks. Also, the traveling in itself is not crime. There was no law at that time against my traveling from Syria.

*3.a.2. The Detainee resided for approximately one year, with five to six other Syrians, in a house rented by a Syrian in Kabul, Afghanistan.*

Detainee: Yes, that is true. Where is the crime against renting a house? Also, I was staying with brothers from my own country. I was staying with Syrians not anyone else, who else would understand our culture and the things that we do besides other Syrians.

*3.a.3. Four of the Syrians from the house (including the Detainee) have been captured and are being held by the United States and coalition partners.*

Detainee: Does that make me an Enemy Combatant because these other three were picked up? I mean that my presence here does not mean I'm an Enemy Combatant. Not Everyone that is present here is an Enemy Combatant. This is something that the United States did was to bring me here, I didn't come here of my own accord.

Personal Representative: I believe, correct me on this please, that the other three that were captured were the three witnesses that you had originally requested?

Detainee: Yes, that's correct.

Personal Representative: Ma'am that's just a point of clarification for the Tribunal because in the piece it states the captured are being held by the United States and its coalition partners. Point being is that they are here at Guantanamo.

*3.a.4. The Detainee fled to Afghanistan to join a Syrian camp under the supervision of a leader allied with Usama Bin Laden.*

Detainee: This point says fled from Syria to Afghanistan. How can they say I fled from Syria to Afghanistan? I did not flee from Syria to Afghanistan. I was traveling from Syria to Afghanistan. It was just traveling. I was not fleeing. Regarding the other part of the point where it said that it was rented by a person who was allied with Usama Bin Laden this is not true. This house was rented from the man's own personal expenses and he did not have any relationship with anyone. I never heard him once speak of al Qaida

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or see anyone from al Qaida visit him or hear him talk to anyone from al Qaida. I never saw any identification or any piece of paper with him that would indicate that he was part of al Qaida.

Personal Representative: Ma'am, also in the meeting, Ali made reference to the fact that in point number four it says he fled to Afghanistan to join the Syrian camp. Which is inconsistent with the first point, which states that he left Syria in July of 2000 and made his travels through Turkey and Iran to get to Afghanistan. As he stated he did it voluntarily, he traveled legally. Is this, to the best of your knowledge, what we talked about (to the Detainee)?

Detainee: Yes, that is what has happened.

*3.A.5. The Detainee reportedly attempted to convince his brother to receive flight training in the United States.*

Personal Representative: Ali expressed a little bit of shock on this piece of evidence (referring back to the interview).

Detainee: I had never even finished school. What qualification or what right do I have to tell my brother to go to the United States for flight training school? In the beginning of the statement it said "Reportedly," so it's not even concrete or a real piece of evidence against me. It's just reportedly. It cannot be held against as a piece of evidence. My brother did not finish his studies and in the first year of middle school he left school and did not complete it. Also, another point, let's just say that this was true. We come from a poor family and it would not have been possible for brother to fly to the United States and go to school in the United States. We would not have been able to afford it. Another point, if anything I would have been the one to go. I would have had the priority to go and take this training in the United States because I reached high school and my brother only reached middle school. I would have been the one to go and get this training. Getting flight training, in it self, is not a crime; if it was crime then you should take all the Air Force members and arrest them if that was a crime. If it is a crime, you are the ones who have these flight schools operating in the United States. So if just getting the flight training is a crime, then why do you have these flight schools open and operating in the United States?

Personal Representative: Ma'am, that is consistent with the discussions we had during our interview.

*3.a.6. The Detainee received basic training on the Kalashnikov rifle.*

Detainee: Yes, I did receive training. I received training for the purpose of being able to defend myself and defending one's self and getting training is the absolute norm in Afghanistan. You cannot accuse me because I have trained on the Kalashnikov. If anyone goes there and trains on any weapons or takes part in military exercises, that

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cannot be a crime in itself. If a person had taken up this training with the intent to go and kill or fight then that is a crime, but just to get this kind training by itself is not a crime. You can't group these two separate things and treat them as them as the same thing, as an accusation.

*3.b.1. The Detainee left Kabul, after its fall to the Northern Alliance, and stayed in a trench that was supplied with food, water and weapons.*

Detainee: I, like many, fled Kabul after its fall. But, as it says in this piece of evidence weapons as being plural, meaning many pieces of weapons. There was one AK47 rifle. I left Kabul to go to Jalalabad. If I had stayed in Kabul I would have been subjecting my life to danger so it was better for me to leave. The circumstances made me leave. I stayed in this place that is correct. There were no weapons but one and that is the Kalashnikov.

*3.b.2. The detainee stated that there were three Yemenis in the trench that had Kalashnikov rifles.*

Detainee: Where we fled for protection there were not three Yemenis in that trench. I did not state that there were three Yemenis. There were three Syrian and one Yemeni and it was the Yemeni that had the one Kalashnikov rifle.

*3.b.3. When the bombing campaign started, the Detainee drove with three others to unidentified mountains in the direction of Jalalabad, Afghanistan.*

Detainee: I am surprised at how this piece of evidence is being brought against me. I did not leave when the bombing campaign started. It also says that I drove with three others to unidentified mountains... we did not drive. There wasn't a car, we walked. In the mountains, you cannot drive so that's why we walked. Also, you wrote here that I am the one that drove the car, I do not know how to drive and I don't even have a driver's license. I knew that I was moving away from the fighting but I did not know that I was moving in the direction of Jalalabad. You stated that at the beginning of the bombing campaign we left and I told you in the meetings (speaking to the Personal Representative) that it is not true. When we left there was bombing at the time so we left before the bombing started.

*3.b.4. The Detainee and three others surrendered to Pakistani authorities when the group arrived in Pakistan.*

Detainee: We never arrived in Pakistan. We were stopped before at a border checkpoint. We were on the border when we were actually arrested. I did not surrender. We did not surrender ourselves to the Pakistanis. The Pakistanis were the ones that arrested us. We got to the borders and the Pakistanis arrested us on the border. Even if this were true, it is not a crime to surrender yourself to the Pakistani forces. For example, right now we were in Afghanistan, you are in a state of danger and we do not know what's going to happen

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or what's going on around us. There was no government to protect us, like the Taliban was in the beginning. If we had thought that the Pakistani government was able to help us and protect us and we surrender ourselves to them then it wouldn't have been a crime. Like I said before, we did not surrender ourselves but we were arrested at the borders.

Personal Representative: Yes ma'am, in the final notes from our meeting, I want to clarify that you (to the Detainee) and the three people that were arrested, those three people were who you wanted as your witness and are here in the camp?

Detainee: Yes, they are the three that are present here.

Personal Representative: The final thoughts that he had on our meeting on 23 Oct, and I think he expressed them as we moved through each one of the points; was that much of these statements and much of this evidence, how could these be accusations? There seems to be many misrepresentations within the evidence being presented.

Detainee: For example, a lot of the things here I said. A lot of things that are stated here, I'm the one who stated them to the interrogators. They come from me but they changed some of the things for example, when they said surrendered, the Detainee surrendered himself to Pakistani forces. I did not surrender myself; they changed it. So, all this information, I'm the one who gave all this information to the interrogators. It's in my file. If you go back to my file you will be able to find all this information.

Personal Representative: The final point being, is that according to the evidence in the way that it is presented, and I'm paraphrasing so please bear with me on this final point. With all this evidence and the way it's presented how could this make me (the Detainee) meet the definition of an Enemy Combatant?

Detainee: Just the points that are in front of you. You have the points in front of you. How do these points make me a threat to the United States or its allies.

Tribunal President: I always like to tell people that at this point this is the only information that we have seen on you (Exhibit R-1 and R-2).

Detainee: Good, but you judge me based on these points.

Tribunal President: We look at two things. The first thing we look at is the information as presented by the Recorder. The second thing is the information that you give us that clarify the points or tell your story. We appreciate the input that you have.

Detainee: No problem.

Tribunal President: Do you have anything else that would like to say at this time?

Detainee: No nothing.

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Tribunal President: Would you be willing to answer some questions that we may have?

Detainee: Not a problem.

Tribunal President: Thank you.

***The Tribunal President confirmed that the Personal Representative had no questions for the Detainee.***

***The Tribunal President confirmed that the Recorder had no questions for the Detainee.***

Tribunal Members' questions

Q. Could you provide us with a little background information because we don't know very much about you at this point?

A. It's no problem. If you have anything to ask me I will answer.

Q. Thank you. What is your usual occupation after you completed school?

A. I traveled right after I finished school at the end of the high school examinations I left right away. During school, any breaks that we had, I would work in the store with my father. I worked as an ironsmith.

Q. Had you received any military training while in Syria?

A. No, I did not enter the military.

Q. How did you pay for your travel to Afghanistan with your Syrian friends?

A. When I was in Syria, the allowance that I would get from my father, I would save. Also, during school my father would give me some money and I would save some it or keep some of it.

Q. What was your purpose in traveling to Afghanistan with your brother Syrians?

A. I traveled to move to Afghanistan from Syria.

Q. You were going to make your home and live in Afghanistan?

A. Yes, I was going to live in Afghanistan.

Q. Did you seek employment when you were in Afghanistan?

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A. In the period when I was in Afghanistan, no I did not.

Q. How then did you support yourself, with the money you saved, or from other means?

A. In the house we would all help each other. If someone was in need of money we would pitch in or help out. The cost of living in Afghanistan is very cheap it does not require large sums of money.

Q. Did you have a Syrian passport throughout your travels and when you were captured?

A. No, I did not have it with me.

Q. Did you have one when you left Syria?

A. Yes, it was with me.

Q. So you lost it or gave it to someone?

A. When we were traveling from Jalalabad to the borders, somewhere in that distance I lost it.

Q. You told us that it was a usual thing to learn how to use a Kalashnikov or a rifle.

A. Yes. I told the reason was to defend myself. It was the only reason why I learned how to use it, not for any other reason.

Q. I understand. Who helped you or who showed you how to use it?

A. A person called Khalid (ph).

Q. Was Khalid (ph) traveling with you or someone you met in Afghanistan?

A. No, I met him in Afghanistan.

Q. Do you know if he was associated with the Taliban?

A. I don't know because it was a very short period of time that I spent with him. Maybe it was a week or a week and a half.

Q. Did you learn how to use any other weapon while in Afghanistan?

A. No, only the Kalashnikov.

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Q. Did you have occasion to fire it or use it?

A. Yes, during the training I fired a little bit.

Q. Did you or any of your companions have a rifle with you when you were captured by the Pakistanis?

A. No we did not.

Q. So you were not given one to hold with you. You were only shown how to use one?

A. Yes, I did not personally have a weapon.

Q. You stated that your roommates pitched in so that you could live in Afghanistan, is that correct?

A. Yes, we would all help each other in that house.

Q. What did you pitch in if you did not have a job?

A. I'm not the only who helped all the time. If I had money, I would pitch in. If my friend found money he would pitch in. Also, in envelopes they would come. We would get donations or other forms of help, contributions. They would come to us in envelopes.

Q. What employment did your friends have?

A. Do you mean what job did they have to get money that they had or what was their job inside the house?

Q. What jobs did they have to make money to live on?

A. Most of them did not work.

Q. So basically all of you live in Afghanistan and lived off contributions the entire time?

A. I'm talking about myself. Maybe they had money that they brought with them from Syria, I don't know.

Q. If I can ask again, what was your purpose then for moving from Syria to Afghanistan?

A. I told him before; I went there to live my life in Afghanistan.

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Q. I understand that, but what was so bad about Syria and what drew you to Afghanistan?

A. There was nothing. I was just a person who wanted to move to Afghanistan from Syria. There was nothing bad.

Q. Did you belong to or help the al Qaida or Taliban forces?

A. No, I wasn't helping any.

Q. Have you ever belonged to a charitable organization?

A. No, never.

Tribunal President's questions

Q. Did your father approve of you moving to Afghanistan?

A. I did not speak to him.

Q. The people that you were captured with, were they your original friends from Syria that you traveled with?

A. No, I met them at a house in Kabul.

Q. Did you travel with somebody to Afghanistan or did you go by yourself?

A. From Syria to Iran I traveled by myself and then in Iran I met up with some people and I traveled with them.

Q. The people that you were captured with, did you know them very well?

A. Just the period of time that I spent with them since I met them, it was about a year that I spent with them.

Q. So they were in fact the people that you were living with in the house?

A. Yes.

Tribunal President: I want to thank you for participating in this Tribunal today.

Detainee: It's not a problem. It's good for me.

Tribunal President: Is there anything else that you would like to state to this tribunal?

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Detainee: No, nothing.

Tribunal President: Personal Representative do you have any other evidence or does the Detainee have any previously approved witnesses to present to the Tribunal?

Personal Representative: No ma'am I do not.

***The Tribunal President confirmed that all unclassified evidence had been presented to the Tribunal and closed the open session of the Tribunal.***

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

***The Detainee had the following question:***

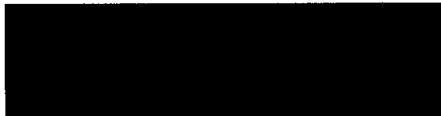
Detainee: Contacting your family. Do you mean by letters or by telephone?

Tribunal President: By the normal procedures that you are allowed now.

***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, United States Army  
Tribunal President

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