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After the Tribunal President explained the Tribunal process, the Detainee had some questions regarding the process.

Detainee: You said something in the beginning, something about being against America and the coalition and then something about being classified as an enemy combatant?

Tribunal President: That's correct. This tribunal will determine if you have been properly classified as an enemy combatant.

Detainee: You mentioned two options, whether you pose a threat to the United States or if you are an enemy combatant. Are there only two options?

Tribunal President: The Tribunal will determine if you have been properly classified as an enemy combatant against the United States or it's allies, or otherwise meet the criteria to be classified as an enemy combatant. If you supported armed conflict or military operations against our coalition forces, that would play in our determination of your classification of enemy combatant.

Detainee: So, there is no such thing as a person proving and supporting the fact that he is not either one of these things? There is no third option that you're innocent? There's only the two you stated?

Tribunal President: No. We will determine if you are properly classified as an enemy combatant, or not properly classified as an enemy combatant.

The Detainee understood the process and had no further questions.

Summarized Sworn Detainee Statement

The Personal Representative made the following statement on behalf of the Detainee and addressed each point of the Unclassified Summary of Evidence.

- **3(a) The Detainee is associated with al Qaida.**

No.

- **3(a)(1) Originally from Saudi Arabia, the Detainee traveled extensively with little or no means of support throughout the Middle East and former Soviet Union during the period between 1999-2000.**

I have traveled, but not extensively. This is shown in my passport and other documents. I went to Turkey on vacation once and I took a short trip to Georgia, in the former Soviet Republic, and I made a trip to Kuwait to buy a Mercedes Benz.

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I do not understand how that constitutes extensive travel throughout the Middle East. I do not see this as any association with al Qaida either.

I am very concerned. Even though I have seen my documents at this facility numerous times, my Personal Representative was unable to locate them. My interrogators wrote notes many times of where I traveled and when. I ask, if you have access to these notes, please read those and take them into account.

Further, the dates mentioned 1999-2000, were long before the United States was involved with Afghanistan, militarily.

Everything said in item one doesn't have anything to do with al Qaida or anything else relevant to this case.

Concerning my means of support, I have three businesses in Saudi Arabia, which provide plenty of money for a vacation of several months to Turkey and the former Soviet Union.

- **3(a)(2) The Detainee states that he traveled from Saudi Arabia to Pakistan in November 2001 to assist Afghani refugees.**

This is in my travel documents, which show I was entering the country for a short [time], eight days. Many Afghan refugees were fleeing Afghanistan after the 9/11 war started. There were charity centers to help the refugees and the charities were funded by the Red Crescent, which is like your Red Cross. The charity centers were funded by allies of the United States, such as Saudi Arabia and the United Arab Emirates.

Mullahs requested people who were capable to give aid or travel to help these refugees. A group of people, the Tabligh in Saudi Arabia, suggested an organization in Pakistan that I could contact to help. I was advised I could help by going to Karachi, Pakistan. There is evidence I was going to help; I had money with me. Please look for any notes from interrogators or the inventory of what was taken from me when I was captured as proof that I had money to help people.

I was on my way to Quetta, Pakistan to help people, the refugees, who had come across the border there. These refugees were being helped by allies of the United States, like Saudi Arabia and the United Arab Emirates. These people were not Al Qaida or Taliban, or anything of that sort.

When I was enroute to Quetta, there were many checkpoints the Pakistanis had set up, and for some reason I was stopped and detained at one of the

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checkpoints. It was at that police station that the Americans started talking to me.

I had a return ticket home and it was clear I wasn't planning to stay or ever cross into Afghanistan. The Pakistani police sold me for money to the Americans. This was part of a round up of all foreigners and Arabs in that area.

- **3(a)(3) The Detainee was arrested by Pakistan authorities at a checkpoint in the vicinity of Quetta, Pakistan.**

This was covered in the previous answer.

- **3(a)(4) The Detainee's name was found on a document recovered at a former residence of Usama Bin Laden in Kandahar, Afghanistan.**

There are several tribes in Saudi Arabia and one of these tribes is Al Harbi. This is part of my name and there are literally millions that share Al Harbi as part of their name. Further, my first names Mohammed and Atiq are names that are favored in that region. Just knowing someone has the name Al Harbi tells you where they came from in Saudi Arabia. Where I live, it is not uncommon to be in a group of 8-10 people and 1 or 2 of them will be named Mohammed Al Harbi. In fact, I know of 2 Mohammed Al Harbis here in Guantanamo Bay and one of them is in Camp 4.

The fact that this name is recovered on a document is literally meaningless.

- **3(b) The Detainee participated in military operations against the United States or its coalition partners.**

It is important you find the notes on my visa and passport because they show I was there for 8 days and could not have been expected to go to Afghanistan and engage in hostilities against anyone.

- **3(b)(1) The Detainee was a member of al Irata and a mujahadin fighter at Kandahar.**

I understand you cannot tell me who said this, but I ask that you look at this individual very closely because his story is false. If you ask this person the right questions, you will see that very quickly.

I am trusting you to do this for me.

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If you have any questions you would like to direct at me, I'll answer them.

Questions by the Personal Representative

- Q: You mentioned that people of the U.S. Government have shown you your passport or several different occasions.
- A: Yes, correct.
- Q: Any information you have, such as when those conversations took place, or what part of the government you were talking to would be helpful?
- A: In Pakistan, the American FBI met with me and they had the passport, the money and the ticket with them. That was the first meeting I had with Americans in Pakistan.

The second time the Americans came to me, they were from the CIA or the FBI. They came to me in prison in Pakistan. There is one point not mentioned about the court.

I was in a court in Pakistan for 5 weeks, trying to show I was innocent so they could send me to the Saudi Embassy in Islamabad. The Saudi Arabia Embassy and the Red Crescent from Saudi Arabia came to me. I had lawyers in the court in Pakistan, but the Pakistani intelligence hid my passport. They said that I didn't have any identification that proved I was Saudi Arabian.

Then, the Americans came to the prison and brought the passport to me on a Monday and I had a hearing the following Wednesday and I'd be able to prove I had a visa and passport. It was clear that the Pakistani intelligence [service] sold me to the Americans.

I then went to Bagram to the American camp there. The passport was there. I also went to Kandahar and the American Army showed me the passport as well. We discussed the stamps, trips and travel.

I then came to Cuba and the interrogators told me they found my passport and he was asking me about dates.

- Q: Was the interrogation right after you arrived here, or what was the time?
- A: No, it was after we came to this new camp. There was an old camp about 2 ½ years ago, but we spoke here about the passport. There was a camera and microphone [in the interrogation], so you can check that.

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I just want to make one point clear about the name that was found in Bin Laden's house. In Saudi Arabia we have names in each tribe that are used over and over again by members of that tribe. You can verify this through the Saudi government. There are similar and identical names within the Al Harbi tribe, this is proven because there are two people in Cuba that have the name Mohammed Al Harbi.

Questions by the Recorder

- Q: You stated you had a visa to go to Pakistan for 8 days, correct?
- A: Yes, a visa.
- Q: How long were you in Pakistan from the time you arrived until the time you were detained by the Pakistan authorities?
- A: Eight days.
- Q: So, you were detained at the border at Quetta, Pakistan on the 8th day?
- A: No, not on the border. Quetta is far from the borders.
- Q: When you were at Quetta, Pakistan, was that on the 8th day?
- A: Just about, I don't remember.
- Q: How long of a trip is it from the city you flew into in Pakistan to Quetta, Pakistan?
- A: From Karachi to Quetta?
- Q: Yes.
- A: Approximately 18 hours.
- Q: If your visa was only for 8 days and you were in Quetta, Pakistan on the 8th day, how did intend to get back to your country before your visa expired?
- A: The visa did not specify 8 days, it was a month or two. I stayed on 8 days and I was caught on the 8th day.
- Q: You said it was clear you were not going to Afghanistan.
- A: Yes.
- Q: Tell us how it was clear you were not going to Afghanistan.

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A: First I got to Quetta. Whoever goes to Afghanistan will have to go to the border in Pakistan. Second, I was in Quetta and going to the Saudi Arabian Red Crescent. The Pakistani named Abdallahad (phonetic) was taking me to where I needed to go. He is the one who told me there were problems at the borders in Pakistan. He advised me not to go because problems would arise. That's what prompted me to go to the Saudi Arabian Red Crescent to help and then I was arrested.

Q: How much money were you carrying when you were detained by the Pakistani authorities?

A: I had \$8,000 and 14,000 Saudi Riyals.

Q: Why did you carry cash and not donate the money to the Red Crescent?

A: I was detained before I could get to the Red Crescent.

Q: Why did you not donate the money in Saudi Arabia to the Red Crescent?

A: How can I donate in Saudi Arabia? Who would I donate to in Saudi Arabia? We're talking about refugees who were hungry and in need. You're saying why didn't I donate in Saudi Arabia? In Saudi Arabia there are merchants who donate. This war happened in Afghanistan and those refugees were more in need than the people in Saudi Arabia. At least they have houses to live in and they have people who bring them food in Saudi Arabia. The needy in Saudi Arabia are taken care of by merchants.

Questions by the Personal Representative

Q: I was confused earlier when I said his visa was for 8 days. It might clear things up if we knew about these airline tickets. Can you tell us the dates of your airline tickets going in and out of Pakistan?

A: First, I'd like to ask everyone a question. A week ago, last Saturday, what did you eat at lunchtime?

Tribunal President: I know what I ate. Do you want me to answer that?

[laughter]

Tribunal President: I had a hamburger and onion rings.

A: Maybe you remember and others don't remember. I've been here for 3 years and you're asking me for the dates.

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Tribunal President: I understand.

A: You have the passport.

Q: How about the length of your trip, based on your airline ticket.

A: You mean the length of the trip?

Q: When you make a trip, it's for a week, a month or a year...

A: I swear to God I don't remember.

Tribunal President: We understand, it was some time ago.

Questions to the Personal Representative by the Tribunal Members

Q: Can you explain the inquiry you made to try to obtain the Detainee's passport and visa?

A: There is an evidence room here in the camp and I went and checked the safe. The documents and money were not there. I asked the evidence custodian if there were any other locations these items might be kept. He said it was possible that other agencies might have things at other locations, but in most cases, whatever made it to Guantanamo Bay was there.

Q: Together, with the Recorder, we would like you to pursue this at the conclusion of the Tribunal. If you are able to locate these documents, we will consider them as exhibits on behalf of the Detainee.

Questions to the Detainee by the Tribunal Members

Q: The court in Pakistan you spoke of, did the court render a judgment before you were sent away?

A: I spoke with the judge and he said my judgment from now was being handed over to the Saudi Arabia Embassy in Islamabad, but my hearing was on Wednesday and they took me to Bagram on Monday night.

Q: Did you ever have an opportunity to meet with a representative of the Saudi Embassy?

A: Yes, in the court.

Q: So, that person would have known you were from Saudi Arabia, even though you didn't have your documents.

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- A: The first time we met in the court, we read the newspaper and my name was there and I was from Saudi Arabia, so the Saudi Arabia Embassy looked at that and came to the court in Quetta.
- Q: I'm wondering why he didn't make more of an effort to help you if he knew you were a Saudi citizen with no documents.
- A: The whole story and the whole case is cooked up. The Pakistan intelligence is involved in it. Saudi Arabia sent lawyers and they were sure I would get out and said if I got out, I had to pass by them in Islamabad, but the Intelligence individuals were already cooking up the selling of Mohammed Al Harbi.
- Q: How did you know this? Did someone tell you this was happening?
- A: Yes.
- Q: Your Saudi lawyers who were helping you?
- A: No, Pakistani.
- Q: So, the Pakistani lawyers told you the Pakistani Intelligence Service was involved in this?
- A: The Pakistani soldiers and even the Pakistani Intelligence would come to me in prison. They said your case is with us, with Intelligence, not with the Pakistani Army.
- Q: Okay, I understand now. What are your businesses?
- A: In Saudi Arabia?
- Q: You have three businesses. What are they?
- A: I sell fruits and vegetables.
- Q: All three of them?
- A: All three.
- Q: It sounded as though you were a very successful businessman if you were able to buy a Mercedes Benz in Kuwait.
- A: Don't think I'm a merchant. Don't think the Mercedes I bought was a \$40,000 model. The Mercedes I bought was an '87 model and very old. Don't look at me like I'm a big merchant or something.

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- Q: If you had \$8,000 traveling in Pakistan...we would be concerned traveling with \$8,000 in Pakistan.
- A: I know that Pakistan is a poor country. When the Pakistani Army saw the 14,000 Saudi Riyals, it was normal, because he didn't know that currency, but when he saw the dollars, his eyes popped out.
- Q: If Pakistan is a very poor country, it would seem as though crime was an issue.
- A: Yes, it's true.
- Q: Did you have a weapon for personal protection while traveling through Pakistan?
- A: No, but I'll tell you something. When the Pakistanis see a Saudi citizen they respect him very much and they respect Saudi Arabia because it has Medina and Mecca. Saudi Arabia and the Saudi individuals have much respect in Pakistan.
- Q: But, if robbers see people with money, they don't have respect for anybody.
- A: You're right, of course.
- Q: I just think, as a prudent businessman who keeps close tabs on his money...to carry all that money in Pakistan with no protection...that doesn't sound quite right.
- A: How much are you saying I'm carrying?
- Q: \$8,000 plus 14,000 Saudi Riyals, I don't know how much that is, but it sounds like a lot.
- A: It's not a huge amount, don't make it big. In the small bags that go around your neck, if you put the money in it, the money comes to that thick [gesturing approximately 1 inch thickness]. What's strange about it?
- Q: Whether it's big or small, \$8,000 is \$8,000.
- A: Yes.
- The Personal Representative stated that the Riyal is approximately 25 cents.*
- Tribunal President: So, 14,000 Riyals would be approximately \$3,500.
- A: The American dollar is worth three Saudi Riyals.

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- Q: So, if we divide that by three, it would be \$8,000 plus the equivalent of \$4,000 additional U.S. Dollars.
- A: Say that again.
- Q: Is the total amount of the money you were carrying \$8,000 plus \$3,500 or \$4,000?
- A: Yes, just about.
- Q: To pick up on the question before about the Red Crescent, would it have been possible for you to donate the money to the Saudi Chapter of the Red Crescent for use by Pakistanis?
- A: In Pakistan, you mean?
- Q: Yes.
- A: I just wanted to do the work myself. I thought I would stay in Pakistan for 3 days at the most, but when I saw the matter was very big and the problems at the borders. I decided to give the money to the Saudi Arabia Red Crescent so they would take care of it because it was the main office and it was official and could go to the border.
- Q: To pick up on your name being found in Kandahar, to make this clear, you have never been in Afghanistan at any time, for any reason?
- A: Yes, I did not enter Afghanistan.
- Q: We understand you said there are many Mohammed Al Harbis, but it is possible that the Mohammed Al Harbi on that list is a different person than you.
- A: That's for sure. That's what's right.
- Q: Usama Bin Laden is also from Saudi Arabia, and for him to be as successful, in the bad way that he is, he must keep track of his people so he knows who is with him and who is not. Wouldn't you think he would know which Mohammed Al Harbi he was talking about?
- A: Of course he knows.
- Q: It's not you?
- A: No, not me.
- Q: You entered Pakistan in what city?

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A: Karachi.

Q: Where you were going to fly out of back to Saudi Arabia?

A: Karachi.

Q: Quetta also has an airport. When you go there, were there any thoughts of flying out of there instead?

A: No, it was not on my mind.

Summarized Sworn Detainee Statement

I am asking you, as the person responsible in this Tribunal to find the evidence and proof I was talking about to be found, so you can look at it. Also, please verify that the name Mohammed Al Harbi is present and common in Saudi Arabia, and also verify that there is another Detainee with the name Mohammed Al Harbi in this facility.

The most important point, the individual who said he saw me in Kandahar and talk with him. Ask if he's seen me or not. Show him my picture and ask if he knows me or not. Question him so you can know the truth. That's the most important thing.

Tribunal President: We will give everything our consideration as we make our determination.

Questions to the Detainee by the Tribunal Members

Q: I forgot to ask you before, please explain what Al Irata is.

A: I don't know. I asked my Personal Representative what Al Irata is and I don't know. I read it in the paper and asked the Personal Representative what Al Irata is and he could not answer. If you know, please explain it to me.

Q: If I knew, I would not have asked you, but I thought you might know, even though you said you were not part of that organization.

A: As a court, how can you present it against a person and not know what it was?

Q: The members of the Tribunal don't have prior access to any information about you, other than what is presented today.

Tribunal President: The Recorder may have information on that.

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Recorder: I don't, but I have a couple more questions.

Tribunal President: No, additional questions are not needed.

Questions by the Personal Representative

Q: I have some questions that might clarify some things. In Islam, do you have any duties concerning the poor?

A: Helping the poor, you mean?

Q: Yes.

A: Yes, helping the needy.

Q: You discussed this with your Mullah before going to Pakistan?

A: No, but this is known by the Saudis in general. It is taught in schools. We know the poor, the needy and the orphans.

Q: I was wondering if it had any bearing on you going to Pakistan, rather than donating in Saudi Arabia?

A: The term in Islam is called Saudica (phonetic) and it talks about giving to the poor and doing what you can to help those less fortunate than you. These acts of kindness to the less fortunate are especially common and encouraged during Ramadan.

I was very busy because my wife was pregnant and on the verge of giving birth. I just wanted to go carry out this duty for 3 or 4 days and come back. It was not written for me to come back and see my newborn.

Q: You decided to help these people, even though your wife was pregnant, because you knew they were bad off?

A: Yes.

Questions by the Recorder

Q: Did you have a return airline ticket to Saudi Arabia from Pakistan?

A: From Saudi Arabia, I had a round trip ticket.

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- Q: So, you had a return ticket, on this round trip, from Pakistan back to Saudi Arabia?
- A: Yes.
- Q: You said you were only going to stay 3-4 days in Pakistan and then return to Saudi Arabia.
- A: Approximately, yes.
- Q: What changed? What made you stay longer?
- A: I sat with Al Tabligh (Jamaat e Tabligh) in Karachi. They delayed me because they were teaching me what to do, how to get things to certain places, where to go. I was talking with them until we got to about 6 or 7 days in Karachi, and then we headed towards Quetta.
- Q: Did you change your return ticket?
- A: No.
- Q: So, basically, you missed your flight?
- A: There was no specified date on the round trip ticket.

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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