

*When asked by the Tribunal President if the Detainee understood the CSRT process, the Detainee stated, "No."*

Tribunal President: What about the process do you not understand?

Detainee: The Tribunal process.

Tribunal President: This is a non-judicial hearing. We are not here to punish you. We are here to determine if you have been properly classified as an enemy combatant. We come here with an open mind. We have not seen any evidence for you or against you. We will hear the unclassified evidence, we will hear your statements as they pertain to the unclassified evidence, and we will close the open session and hear the classified evidence. Because of the national security nature of the classified evidence, we view that and read that in a closed session without your presence. Then, the three of us will make a determination based on all the evidence that we have heard and read of whether or not you have been properly classified as an enemy combatant. If we determine you have not been classified properly and you are not considered to be an enemy combatant, you will be released and sent home as soon as possible. If we confirm your status as an enemy combatant, you will be eligible for other processes that will review your status and determine whether you remain a threat to the United States or its allies. I will continue to touch on these items that explain the process as we proceed. At this time, do you have any other questions concerning the Tribunal process?

Detainee: No.

*After the Tribunal President reviewed the Detainee Election Form (Exhibit D-a), the President made the following comment:*

Tribunal President: The form shows you have requested no witnesses although you had requested that your passport be produced. Unfortunately, the Personal Representative conducted a check and was unable to locate your passport.

**Detainee's Summarized Sworn Statement**

*After electing to take the Muslim Oath, the Detainee made the following statement with assistance from his Personal Representative:*

Personal Representative: The Detainee and I met on 2 November 2004, for approximately forty-five minutes. During that meeting, I reviewed the checklists going over the Tribunal procedures, explained the definition of an enemy combatant and reviewed the unclassified evidence, which states the government believes he fits the category of an enemy combatant. The Detainee expressed some frustration and surprise at the pieces of evidence brought against him, but we nonetheless had a cooperative meeting and were able to go over the entire unclassified summary. I reviewed each of the points, and then gave the Detainee an opportunity to highlight them.

UNCLASSIFIED//FOUO

Personal Representative: **Regarding traveling from Saudi Arabia to Iran via Syria in July 2001**, it was before the 11 September 2001 attacks.

Detainee: I told you I didn't know the exact date.

Personal Representative: Okay. We then talked about the 11 September attacks and the Detainee mentioned it was before those attacks.

Detainee: No.

Personal Representative: To the best of my recollection, we talked about the 11 September attacks.

Detainee: No, I didn't remember that being mentioned.

Personal Representative: Then we have a discrepancy in my recollection of that.

Tribunal President: We will certainly allow the Detainee an opportunity to correct it for the record.

Personal Representative: I believe you also stated that yes, everyone travels, and you did travel. You also stated your passport was shown to you at one of your interrogations while here in Cuba.

Detainee: He showed me a copy of the passport.

Personal Representative: Which, sir, as you saw in the Detainee Election Form, I checked with "Detainee property" and they did not have a copy of that passport.

Tribunal President: I would like to identify the fact that we still want to continue to search - both the Recorder and the Personal Representative - to attempt to recover or locate a copy of the passport. If it could be located, I think it would be relevant.

Personal Representative: As a matter of record, on the Detainee Election Form, I did make a request to the intelligence people to locate the passport.

Number two; **the Detainee is associated with a Saudi providing relief to a refugee organization**. You stated to me this is correct.

Detainee: Yes.

Personal Representative: Regarding point three, **the Saudi is a known operative for al Wafa**, you stated you knew nothing about this person. Do you have anything else to add?

Detainee: I have a lot.

UNCLASSIFIED//FOUO

Personal Representative: Would you like to add it now or later?

Detainee: I don't know, anytime.

Tribunal President: If it applies to this particular point, it might be best to add it now.

Detainee: After the Personal Representative finishes I will speak.

Tribunal President: All right. When you do speak, if I can remind you to speak louder please. Thank you.

Personal Representative: Point number five, *the same Saudi facilitated the Detainee's illegal entry into Pakistan*, and regarding his admission in point seven, *the Detainee admitted to being a terrorist*, he had a number of things to say about this and the overall pieces of evidence.

I would like to add as a point of record; yesterday I was approached by two individuals who were his interrogators for some time. Apparently they had met with the Detainee after our 2 November 2004, meeting. He had told them about a person who explained to him that the government had this piece of evidence against him. They contacted me and we had a face-to-face meeting and they showed me a piece of an unclassified paragraph in a message. They told me that statement as reflected on the unclassified summary was perhaps taken out of context. They stated to me that his admission to being a terrorist (I'm paraphrasing the conversation) was made at a time when he was frustrated and extremely mad and being sarcastic. The Detainee threw his hands up and said 'all right, you got me, I'm a terrorist.' The interrogators felt it necessary to bring that to my attention. They have known and have been interrogating the Detainee for quite some time. Again, this is in their assessment. Our conversation touched on the view that the Detainee may be one of the least likely people to be an enemy combatant.

I told them that I would look into this and meet with the Recorder and I would present this to the Tribunal. I met with the Recorder the same day, and that was yesterday. That is the essence of the unclassified evidence and the essence of the meeting we had on the second.

I would also like to mention - correct me if I'm wrong - I believe you (Detainee) stated to me that you were never in Afghanistan.

Detainee: Yes.

Personal Representative: That you were turned over by Pakistan for money.

Detainee: Yes

Personal Representative: You have been here, in Guantanamo, for three years.

ISN# 337  
Enclosure (3)  
Page 3 of 15

UNCLASSIFIED//FOUO

003233

UNCLASSIFIED//FOUO

Detainee: Approximately.

Personal Representative: You made several references, which I won't go into, about this process and your stay being like a big play.

*When the Tribunal President asked the Detainee if he would like to add anything to the comments, the Detainee stated the following:*

Detainee: Yes, I would like to speak.

Tribunal President: Please do, and please speak up.

Detainee: First, I would like to thank the President of the United States for giving me the chance to appear here and speak on my own behalf. I am sympathetic to the American people for what happened to them but I would also like to state that I had nothing to do with what happened. I would like to thank everyone who is present here for giving me the chance to appear and defend myself. I have never heard of any court system in the world with something such as classified evidence. If there is such a thing as an enemy combatant, what I know of an enemy combatant is someone who carries a weapon and fights or someone who is captured on a battlefield. I wasn't captured on a battlefield. I never traveled to a country that was fighting or was an enemy to the United States or anyone else.

Regarding the evidence presented, this is not evidence, it just states normal things. The fact that I traveled from Saudi Arabia to Iran or Syria, this is a normal thing; it's not evidence. Also, my country permits me to travel to these places. As I pointed out to my Personal Representative, my passport doesn't say any of these countries are forbidden for me to travel. Also, I have no problems with the United States or its allies. I don't have a problem with any country.

Regarding paragraph two, yes, I did meet this person in Iran. He gave money and help to people. It was a humanitarian effort. I don't have a strong relationship with this person.

Regarding the third point, I learned here this person was working for al Wafa, I didn't know it before. I didn't even know what al Wafa was. If you say this person is working for al Wafa and al Wafa is a terrorist organization, then I have nothing to do with this. I don't even know exactly what al Wafa is or where it is located.

Point number five is correct. But, if it is true I entered Pakistan illegally, you have no right to arrest or capture me regarding this point or to say I am an enemy combatant. If this was a problem, then the Pakistani government is the one that should be punishing me for entering their country illegally. I didn't know that my entry into Pakistan was illegal until I came here. It was during the interrogations that I found out.

UNCLASSIFIED//FOUO

Point number six is correct, but I am not sure of the date. It is normal that the Pakistani authorities had arrested me. I entered their country illegally. The fact they turned me over is also normal because they found out I was an Arab and that is also another reason why I was arrested. The Pakistani people are very poor and for them to have sold me for money is something that was very big to them. I will say this again, this doesn't mean or prove I am an enemy combatant.

Point seven, as I told the Personal Representative, I never said I was a terrorist. Secondly, I take sleeping pills and medication to calm my nerves. I am very emotional, but I never said I was a terrorist. In the interrogations they said they would write it down that I was a terrorist. I told them if they were going to write something that was a lie then go ahead and write it.

That is what I have, thank you for listening.

Tribunal President: Thank you for your testimony.

**Questions to Detainee by Personal Representative:**

Q: How well did you know the Saudi that worked for the relief organization?

A: First of all, I didn't know that person except for when I met him in Iran. You can review my file and review this fact.

Q: That same Saudi helped you get into Pakistan?

A: Yes.

Q: Why did this person have to help you get into Pakistan illegally?

A: First, I didn't know my entry into Pakistan was done illegally. Secondly, I wanted to check into a hospital. I didn't want to give out money to people or anything like that. That was what he was doing. He suggested I go with him and I did. I wanted to check into a hospital, that is why.

**Questions to Personal Representative by Tribunal Members:**

Q: There may be a discrepancy in the Detainee Election Form. It's mentioned here that the Detainee said his passport was properly stamped to reflect his Afghanistan travels. I understood the Detainee to say he never traveled to Afghanistan.

A: If we can get a clarification, that may be an error on my part.

Detainee: You said I didn't travel to Afghanistan.

UNCLASSIFIED//FOUO

Personal Representative: I asked him.

Detainee: Maybe you should clarify that so we don't put anything false down.

Personal Representative: Yes sir, I did state during our conversation that he told me he never traveled to Afghanistan.

Personal Representative to Detainee: Can you tell me what proper stamps were put on your passport?

Detainee: There were many stamps. But I didn't tell you there was a stamp for Afghanistan. I never even went to Afghanistan. I told you to review the passport so you could verify this.

Personal Representative: Right, my thing was to review the passport, Sir. I believe I made an error because I needed to review it to see that it was stamped.

Tribunal President: So that it showed no Afghani stamp.

Personal Representative: Yes, sir. According to our session, the statement should reflect that his passport was properly stamped and does not reflect travel to Afghanistan.

Tribunal President: In that case, that is all the more reason we should continue to make an effort to locate the passport or a copy of it.

Personal Representative: Yes, sir.

Tribunal President: Once located, we will give it consideration as we make our final report.

Tribunal Member: At this point in the proceedings, I am going to presume that the Detainee has not traveled to Afghanistan.

Detainee: Not just consider, this is the truth.

Personal Representative: He (Detainee) did state to me that he did not travel to Afghanistan.

Tribunal Member: I understand, thank you.

If you are hearing some of the same questions from us that you have heard in the past, I apologize in advance. But this is because we have no information about you other than what you have told us today.

**Questions to Detainee by Tribunal Members**

Q: For what purpose did you travel to Iran in 2001?

A: Like I have told you, and it is written in my file, for tourism.

Q: What were you going there to see?

A: Tourism. Like I told you. I don't think you should object or ask why I went there.

Q: I don't object. I was just interested to know what sights you saw there.

A: I went for fun and to look at women. It was inexpensive to go there. I wanted to go there. It's in my file.

Q: At what point did you start to become interested in working with refugees?

A: I didn't say I worked with refugees.

Q: I thought you were somehow involved with providing relief to refugee organizations. Is that not correct?

A: First, you should read my file completely before speaking with me. I will tell you again that I didn't go there to give people money, help or anything like that. I told you, I went there to check into a hospital. The person with me was the one who went there. I didn't know him from before I met him in Iran.

Q: So, it was the other gentleman who was involved in relief of refugees, but not you?

A: Yes, according to what he told me.

Q: You became ill when you were in Iran and had to go to a hospital?

A: Yes, I was sick from the beginning. I drank a lot of alcohol and my colon bothered me. That is the reason I needed to go.

Q: They didn't have proper medical care in Iran to help you? You needed to go to Pakistan for help?

A: I didn't say the hospitals were good or bad in Iran, but the person who was with me suggested I go to the hospital in Pakistan because they had some good hospitals there. At the same time, he said he would keep me company on the way there and I would pay the money and come back quickly when I was finished.

UNCLASSIFIED//FOUO

- Q: Did you have your passport with you at the time when you were traveling?
- A: Yes.
- Q: What was illegal about your entry in to Pakistan?
- A: I gave the person my passport, so I thought it was a legal way for me to enter. I was surprised to hear when the American authorities arrested me and told me my entry was illegal. If I'd known my entry was illegal, then I would have not gone.
- Q: Were you with the other Saudi gentleman at the same time that you entered Pakistan, or did he go ahead of you?
- A: Yes.
- Q: You passed through the Pakistani guards and they didn't give you any problems?
- A: Like I have mentioned during my interrogations, I was sleeping so I don't know exactly what he did or how he entered. That is why I was surprised when I came here and I was told I had entered Pakistan illegally.
- Q: You got into Pakistan and then you went to a hospital to get care?
- A: No, unfortunately I was arrested the first day.
- Q: Did you ever get care for your intestinal problem?
- A: Yes, I was getting treatment in Saudi Arabia.
- Q: If you were having a problem before you left, why did you decide to take a trip if you were having this problem?
- A: I didn't have such a problem. I was laying down in my bed and I couldn't move. It was just something that bothered me sometimes and sometimes it didn't. Like someone who has heart disease, he can travel anywhere. It doesn't make sense that he would just sit in one place the whole time. Yet, sometimes it bothers them so much they can't go anywhere.
- Q: So, you were only in Pakistan for one day before you were arrested?
- A: Approximately, yes.
- Q: Where was it in Pakistan that you were arrested?
- A: Quetta.

UNCLASSIFIED//FOUO

ISN# 337  
Enclosure (3)  
Page 8 of 15

00110



UNCLASSIFIED//FOUO

Q: Did you spend time in a jail in Pakistan after that?

A: Approximately one month.

Q: Did any representatives from the Saudi Embassy come to speak with you?

A: No.

Q: Is it because you asked that they come, but they didn't, or you did not want them to come?

A: First of all, it was hard to communicate with the Pakistanis because we didn't speak the same language. There was one person that spoke a little Arabic and he kept telling me I was leaving tomorrow.

Q: So, after the month period ended, you were transferred over to the Americans?

A: Approximately.

Q: Then not long after that you ended up here?

A: They took me to some camps that were controlled by Americans and then they brought me here to the old prison and now here to the new one.

Q: So, as I understand it, you deny all association with al Qaida or any people that might be associated with it?

A: I am not just denying it, this is the truth.

Q: Can you give us the name of the Saudi man you were with?

A: Wael Al Jabri.

Q: Where in Iran were you when you decided that you needed to go to Pakistan?

A: Mashaad.

Q: How did you get to Pakistan (what type of transportation)?

A: By car.

Q: How long did that take? That's a pretty long drive.

A: I don't remember exactly. I forgot what I ate yesterday. It's been three years.

UNCLASSIFIED//FOUO

Q: You were feeling pretty bad when you decided you had to go to Pakistan? You were looking for a hospital for treatment?

A: Yes, I was in pain.

Q: It seems you went a long distance by car to get to that hospital when there were other places closer to Iran in Pakistan that you could have traveled to.

A: I didn't realize it was that far away. The man told me there were several very good hospitals in Pakistan, and very inexpensive as well.

Q: You had all of your own money for all of your travels, or did you have to work along the way?

A: No, I didn't work. I had my own money.

Q: What was your occupation before you traveled?

A: I wasn't working.

Q: Even though you weren't working, no one helped you with any funding to do your travel?

A: First of all, don't forget that I am a Muslim and secondly I am an Arab. It is known in Arab and Muslim culture that parents provide money for their children. There is no certain age where you go and make your own money; they give you money. Your father gives you money to pay for your wedding, buy a car and your house.

Q: In Saudi Arabia, does your family have a business? What type of employment does your father have?

A: My father is retired but he makes good money. He has his own private businesses.

Q: What kind of businesses?

A: He has investments and buildings, stocks and other things. We have buildings that we rent out.

Q: Did you work for your father?

A: Our family is very happy.

UNCLASSIFIED//FOUO

- Q: Did you work for your father or did you not have to work at all and he provided your spending money?
- A: Sometimes I would go with him, but I wasn't working for him.
- Q: Did you go to college?
- A: I went to intermediate school (I got close to high school).
- Q: After that schooling, you didn't pursue additional education?
- A: I was still in school. I traveled during my vacation. You ruined my chances for any further education.
- Q: How old are you now?
- A: Twenty-three or twenty-four, I'm not sure exactly.
- Q: You decided to travel to Iran for fun, right?
- A: Yes.
- Q: Is it correct you went through Syria before you got to Iran?
- A: Yes.
- Q: How long did you stay in Syria?
- A: Approximately a week.
- Q: Who did you stay with?
- A: Myself.
- Q: Then you traveled on to Iran by airplane or how?
- A: Yes.
- Q: What city in Iran did you land in?
- A: The capital, Tehran.
- Q: How long did you stay there before you met this gentleman that talked you into going to Pakistan?

UNCLASSIFIED//FOUO

ISN# 337  
Enclosure (3)  
Page 11 of 15

003241

UNCLASSIFIED//FOUO

A: In Tehran or Mashaad?

Q: How long did you stay in Tehran?

A: About one day.

Q: Then you traveled to Mashaad?

A: Yes.

Q: How long did you stay in Mashaad?

A: Approximately one and a half months.

Q: How soon during your time there did you meet Wael Al Jabri?

A: Maybe the last three days I was there.

Q: How long were you going to stay in Iran? What was your original plan?

A: Maybe three months.

Q: Did Al Jabri party with you when you partied in Iran?

A: No.

Q: What happened to Wael Al Jabri?

A: He told me to wait for him while he distributed the money and when he got back we would go to the hospital then back to Iran. I never caught up with him. He didn't come back.

Q: What do you mean by distribute the money?

A: For the refugees.

Q: That was in Pakistan?

A: Yes.

Q: So, you never saw him again? You were arrested and he went away?

A: I don't know if he left, died, or got arrested or returned to Saudi Arabia. I don't know what happened to him.

UNCLASSIFIED//FOUO

Q: When the Pakistani officials arrested you, how much money did you have with you? I assume you had your passport with you. What else did you have on your person when they arrested you?

A: Just my money and my passport.

Q: How much money?

A: I don't remember exactly, but it is written in my files.

Q: A lot of money, ten thousand dollars, a thousand dollars?

A: No I don't remember exactly.

Q: A hundred dollars?

A: It's in my file. It's been three years and I don't remember.

Tribunal President: I could understand not to the penny; if I had seventy-eight dollars and thirty-nine cents I wouldn't expect you to remember that. But I would expect you to remember if you had three hundred dollars approximately.

Detainee: You don't need to tell me maybe you had this much or that. If I remembered, I would tell you. I told you to check my file so there won't be any mistakes.

Tribunal President: As we indicated earlier, we haven't seen your file so we want to hear it from you.

Detainee: That is your problem, not mine. That is the problem when you talk to someone without reading his file.

***When the Tribunal President asked the Detainee if he had any other information to present to the Tribunal, the Detainee asked the following question:***

Detainee: I have talked to you and they have presented the so-called evidence, I would like to hear the verdict from you.

Tribunal President: We have yet to review the classified evidence and then we will write up a report and send it to the Convening Authority in Washington, D.C. When he signs off on it, you will be notified of the results in hopefully thirty to sixty days from today.

Detainee: So, you are not the one to classify me?

Tribunal President: Yes, we make that determination and then the Convening Authority approves it.

UNCLASSIFIED//FOUO

Detainee: How can they put you here as a judge or person who makes the decision and you can't say the decision now? And, you haven't read the classified information before you talked to me?

Tribunal President: That's right, we haven't made the decision yet.

Detainee: How could you have not read the classified information or what you call classified evidence? I know there isn't any classified evidence against me.

Tribunal President: We haven't read it yet, but we will. When we come in to the Tribunal session we come in with an open mind.

Detainee: Is the classified evidence going to be like the unclassified evidence?

Tribunal President: No. It will have greater detail.

Detainee: For example, a person says something about me?

Tribunal President: Right.

Detainee: You are supposed to tell me things like that. If someone has accused me of something or what you are accusing me of.

Tribunal President: As I have said before, this is a non-judicial hearing. This is an administrative procedure.

Detainee: But don't you think classified is based on something I don't know.

Tribunal President: I don't understand.

Detainee: You can't tell me you have classified evidence against me when I am sure there is nothing against me. If there is any evidence against me, tell me what you have. I haven't heard about this before. If you ask anyone and you told him something about classified evidence, they would ask what it was. With all due respect to you, and I have said this to the Personal Representative before, if I told you for example you were a terrorist, you would tell me to prove it. Present the evidence that says I am a terrorist. Can I tell you I don't know? That is not right. I don't have the right to tell you something like that. I don't think taking an oath is something so trivial that people take it lightly. The fact you took an oath to classify me when you don't have any evidence against me. Don't think this is a small thing.

Tribunal President: You could very well be right. There might not be any evidence against you. We don't know. That is why we are here today and giving you an opportunity to talk to the unclassified evidence. If there is classified information against you, we will see it later. For your knowledge, so you understand what classified

UNCLASSIFIED//FOUO

information is, classified information is information that the owning government agency has decided could cause damage to our national security if released. This Tribunal doesn't have the authority to change that decision and therefore we cannot present or give you the opportunity to review the classified information.

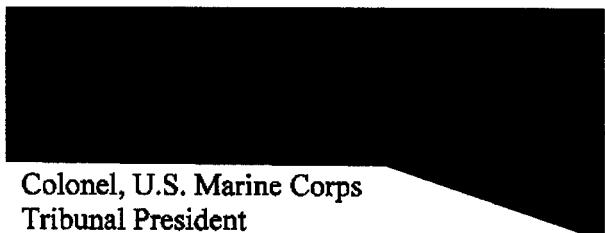
Detainee: You just have to understand that an enemy combatant is a person who was arrested with a weapon or on a battlefield or has fought an enemy. That is an enemy combatant. But unfortunately, I heard people here have been classified as enemy combatants and they don't have any evidence against them. What is your answer to that?

Tribunal President: I can assure you that this Tribunal will not make a determination without considering all of the evidence.

Detainee: Good.

**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 area. A thin horizontal line extends from the right side of the box to the text below.

Colonel, U.S. Marine Corps  
Tribunal President

ISN# 337  
Enclosure (3)  
Page 15 of 15

UNCLASSIFIED//FOUO

**003245**