

Summarized Sworn Detainee Statement

The Personal Representative made the following statement on behalf of the Detainee, who was present for the proceedings.

The fatwa was one of the reasons I went to Afghanistan, but it was not the major reason. The fatwa was asking for help for Afghanistan, because it was an Islamic country. I went to help civilians, not to carry a weapon or fight. I only intended to be gone from my work at the Defense Department for one month.

When I got there, I found everything did not look right, not organized, not civilized as it was described to us. I started to wake up and ask myself, what am I doing here? Strange things happened, people would hit me and call me Wahabi, Wahabi. The Afghan people do not like Wahabis and they are considered big enemies because their beliefs are different. The Afghans hit women and claimed they were the Islamic Police. Anyone without a beard they would put in jail. They condoned drug use and even legalized it, even for students.

I am a married man with children. I am an only male child with two parents. My parents are both in poor health. My children have health problems too. One has kidney problems and is in the hospital all the time and my daughter has a broken thigh.

For those reasons I could not stay in Afghanistan any longer. I found myself in a big mistake. So I called an Afghani person who said he would help me get to Pakistan. From the first week I was there I knew it was a mistake. So I called this guy to help me get out. So, while I was there, I was unable to provide any help, I did not carry a weapon or intend to fight anyone.

While in Saudi Arabia, I saw media presentations about Afghanistan, showing how things were. When I got there, things were totally different and wrong. So, I think this media was just to get Saudi money and contributions.

The most important thing is that I had no intention to fight against the United States or any others.

My father is a General in the Saudi Army and participated in the Gulf War with the Americans. America gave us big help; otherwise Saddam would have taken over Saudi Arabia. We are very grateful people and cannot do anything against the United States.

When I was captured, I talked to the interrogators. I told them that the problem the United States has because of the 9/11 attacks is so overwhelming. Because of that, I do not blame the United States for my capture; I see the reason for it. All the time I have been here I have been cooperative. I never had hatred in my heart or any violent behaviors.

The Detainee then made the following statement.

I would like to thank the members for allowing me to talk with you and try to defend myself.

As far as my situation in Afghanistan, I went there only to see the country, not to fight. It was just to help the civilians there. When I got to Afghanistan, I found out what I had heard was not the truth. I committed a big mistake against my country, my family, kids and parents. I tried to fix that mistake by trying to leave as quickly as I could. Circumstances were very hard, which made the situation worse. I was caught between a rock and a hard place and didn't know what to do. I was like someone in the water, trying to get to the shore. I wanted to find a way out of that mess.

As far as being an enemy combatant, from the definition that was read to me, maybe in the beginning I was supporting the Taliban's call for Muslims, just like any other Muslim. Once I got to Afghanistan, I found out it was not what I thought or what they told me in Saudi Arabia. They said it was a Muslim country and we should help these Muslim people, but it was to the contrary. I did not give them any assistance, whatsoever.

The Taliban was not a good country, and if I were to go back to Saudi Arabia, that's what I'd say. For me to be classified as an enemy combatant, I have not provided any support to them whatsoever. Maybe I did make a mistake by going over there, but I realized I made a mistake and was trying to correct it. I didn't want to continue making the mistake.

I was in Afghanistan when it got hit, and that was even more reason for me to leave the country.

As far as my stay at the guesthouse, a taxi brought me there. The house belonged to the Taliban and the taxi driver told me the people were Arabs and he took me inside. The Taliban people told the driver to go back now that they had me.

The house was free. I tried to see if I could fit in, but I did not feel right in that environment, so I started trying to figure out the best way to get out of there. The uprising started in the country, and we were prevented from leaving the safehouse. They said it was too dangerous for the Arab people to go out.

My presence in that house does not indicate that I support the Taliban or their movement. If the President of the Tribunal went to Italy and stayed in a hotel, do we say that he is a Mafia member? We wouldn't say that and it's not true. We are the first people against the Mafia. The fact that I was in their house doesn't mean I helped them.

My capture by the Pakistani police was a natural thing because I crossed the border. It was a wrong move, but I was trying to correct my first mistake of going to Afghanistan.

UNCLASSIFIED//FOUO

by trying to flee the country, even if it was illegal. I was captured by myself, not with a group of people.

I did not support or help the Taliban. Initially I wanted to help the Muslims, but everything was false.

As far as my big mistake, three years of my life in this prison is more than sufficient punishment for me. I hope that the President looks at the human side of my situation, as far as my family is concerned. My kids ask their mother, "where's my Dad, when is he coming back?" When the kids are attending weddings back home, they are asked by other kids, "where are your parents?" "Where is your father?" I am fearful about what kind of mess, psychologically, that is going to be for the kids. My presence in the prison here has made me appreciate my kids and how I should take care of them, whenever I leave this prison.

I hope the President will remember my kid who has a kidney problem and to consider that when you are making your decision.

Please excuse me for taking too much of your time.

Tribunal President: No apology necessary, we are here today focused on you.

Personal Representative's Questions to Detainee

Q: This is about taking the taxi to the house. When you got in the taxi, did you ask the taxi driver to take you to this house, or did he take you there because he knew that's where other Arabs were?

A: When we went to the city, Herat, the taxi stopped at the Taliban government offices. The taxi driver speaks the Afghani language and I don't understand it. The taxi driver said "Arab, Arab" which was a signal to me that the people spoke Arabic. The taxi driver went into the Taliban office for a few minutes, came back, hopped in the taxi and drove me to the Arabic house.

Tribunal Members Questions to Detainee

Q: Prior to going to Afghanistan, you said you worked for the Saudi Defense Department?

A: Yes, I was a civil person there.

Q: What was your position?

A: Clerk.

UNCLASSIFIED//FOUO

Q: Your responsibilities were, what?

A: When people would try to join the Defense Department, I would take their name and compile a list of names of all people applying for jobs there.

They have training for all the people, so I would sort them out, some in the Air Force, some in the Navy...Air Defense. I would get the list of people that were supposed to join and I would take the applications and put the information on different forms and submit to the different departments.

Q: How long have you had this position?

A: Eight years.

Q: Along the way, have you had any military service with the Saudi Armed Forces?

A: No.

Q: So, you've never received any military training?

A: No, I did not.

Q: Referring to the fatwa issued by Sheik Hamoud, did you personally hear that or was it something you read in the paper or heard on television?

A: I found it on the internet.

Q: What exactly did it say?

A: I don't recall exactly. It said to help the Taliban because the Taliban was a Muslim country. That was not the major reason I went there.

Q: I know, but I wanted to see if you remembered if it said that a person should go there himself, a person should give money...what kinds of things?

A: To help the Taliban, religiously and financially.

Q: Was there any mention made of fighting against the Northern Alliance?

A: It's been three years and I do not recall.

Q: You didn't go there with the intent to fight at all, right?

A: Never.

ISN# 339
Enclosure (3)
Page 4 of 14

UNCLASSIFIED//FOUO

001648

UNCLASSIFIED//FOUO

Q: How did you know where to go in Afghanistan? Did you have help arranging your journey?

A: When I decided to go to Afghanistan, there were a lot of facilitators to help me go. There were so many Afghani people there, (so I thought) they could help. I went to the souk (marketplace or bazaar), and found an Afghani guy there and asked him how to get to Afghanistan from Saudi Arabia. He was an Afghan in Saudi Arabia, so I asked how he would go to Afghanistan. He said I could either go through Pakistan or Iran. I asked how to go through Iran. He said I should go to a city called Mashhad (Iran), and take a taxi to the Afghanistan border. That's the way I went.

Q: Your original intent was only to be gone for 30 days?

A: It was even less than 30 days when you consider travel time.

Q: Did you explain all this with your family and discuss this decision with them, or did you go without telling them what you were doing?

A: I never explained it to the family. If I explained it to them, they would have refused the whole idea, so I hid the information from them. I wanted to do it on my own.

Q: You realized it was a particularly dangerous time to go to Afghanistan, correct?

A: I knew that, but my religious feelings and commitments pushed me in that direction.

Q: How long did it take to get from Saudi Arabia to the house in Herat?

A: One day.

Q: How long did you stay in the guesthouse?

A: Approximately 25 days.

Q: What are some of the things you did while you stayed there?

A: The first week, I went back and forth to the souk, the market, to see what was going on and to get familiar with the area. After that, they prevented us from leaving the house because the problems started. I was like a prisoner in that house. I couldn't leave or do anything else. That's when I started to think about the best way to get out and leave the country.

ISN# 339
Enclosure (3)
Page 5 of 14

UNCLASSIFIED//FOUO

001643

UNCLASSIFIED//FOUO

Q: In exchange for you staying in the house for free, did the house manager give you responsibilities you'd be expected to perform?

A: No, they never did.

Q: How many other people were guests in the house with you?

A: It varied from seven to nine people. Some would come and others would leave.

Q: But there was a house manager there all the time?

A: Yes, there was.

Q: He did not ask the guests to assist with the duties of the house?

A: No, an Afghani guy did the cooking and the clean up. It is a small house, and didn't need a lot of people to work there.

Q: Did the house manager ask you to leave your passport, money and belongings there for safekeeping?

A: I don't recall that, but it is impossible that I'd give my passport and money to someone else.

Q: So, you had it with you at all times then?

A: Yes, I always had the passport and the money, and you have them in your possession now.

Q: You were there for 25 days, the first week you were allowed to go to the market and after that you couldn't leave the house?

A: That is true.

Q: So, when you were a prisoner in the house, what did you do the rest of the time?

A: There was nothing to do there. I was sleeping and when I wasn't sleeping, I was asking people how to get out so I could go back to Iran and my...

Q: Did you ever see any Taliban soldiers or weapons while you were at the house?

A: There were soldiers standing guard.

Q: With weapons?

ISN# 339
Enclosure (3)
Page 6 of 14

UNCLASSIFIED//FOUO

001650

UNCLASSIFIED//FOUO

- A: Yes.
- Q: To prevent you from leaving?
- A: I believe they were guarding the place so no one could get in.
- Q: If the presence of Arab people was a concern to them, why wouldn't they try to get you to leave instead of making you stay?
- A: To my hometown, or to a different country?
- Q: Away.
- A: Whoever escaped from that house, it is considered that they ran away from battle and that is a big issue that will be punished. They have a fatwa stating that anyone who leaves that house is open for punishment, according to their beliefs and religion. That's why I never asked the Arabs how to get out; I asked the Afghani people [instead].
- Q: So, leaving the house is like running away from the battle, but they did not ask any of you to fight for them?
- A: The manager told me to go and fight. There were other people coming into the house and the manager would tell them to go fight. Some went out to fight, but I never did.
- Q: How did you finally leave the house to start your journey toward Pakistan?
- A: There was an Afghani guy who came to the house and he spoke Arabic. I was kind of hesitant to ask him how to get out, but I finally decided it was the only way to find out how to get out, so I asked him. The Afghani brought another Afghani guy to help me out. The second Afghani guy is the person who took me on a very long trip to Pakistan.
- Q: How long did it take?
- A: It was very long. We stayed at one place for 17 days and we stayed at another place for 10 days. He was hiding me with Afghani families.
- Q: Eventually, you crossed the border into Pakistan with your Afghani guides?
- A: He brought me to the border on a motorcycle. The guy with the motorcycle is the guy that took me to the bus station in Pakistan.
- Q: Was it at the bus station where the Pakistan authorities confronted you?

ISN# 339
Enclosure (3)
Page 7 of 14

UNCLASSIFIED//FOUO

001651

UNCLASSIFIED//FOUO

- A: No, it wasn't at the station, I already hopped on the bus and the bus took off. (It was) Past the second point of inspection, about 50-60 kilometers.
- Q: You had your passport with you at the time?
- A: Yes.
- Q: Even though the Pakistani police saw you with your passport, they arrested you anyway?
- A: Yes. They wanted money.
- Q: If you had given them money, they would have let you go?
- A: I wouldn't know that.
- Q: They just wanted money for capturing you?
- A: That's what I meant.
- Q: They put you in a Pakistan jail for a time?
- A: Yes.
- Q: Did any Saudi Embassy representative come see you?
- A: Yes.
- Q: Did he make any offer to try to help you?
- A: He took my name, took off, and I never saw him after that.
- Q: How long were you in the Pakistan jail?
- A: Approximately one month.
- Q: Then the Pakistanis turned you over to the Americans?
- A: Yes, then they brought me over here.
- Q: At any time during your journey from Saudi Arabia to Afghanistan, did you ever come into contact with any people you learned to be al Qaida affiliates?
- A: I don't believe so. I saw Arabs in that house, but I don't know who they are.

ISN# 339
Enclosure (3)
Page 8 of 14

UNCLASSIFIED//FOUO

001652

UNCLASSIFIED//FOUO

- Q: Is your father still a General in the Saudi Arabia military?
- A: He retired after the first Gulf War, in 1991.
- Q: Have you had any contact with him since your detainment?
- A: There have been a few letters sent back and forth.
- Q: So, your father knows you're here?
- A: Yes, he does.
- Q: You indicated that you did not talk with your family before you went to Afghanistan because they would not like it. Why would you think it was such a good idea if you knew your family would think it was such a bad idea?
- A: That's a mistake I've made. I'm admitting my mistake.
- Q: Did you tell them you were going to Afghanistan at all?
- A: I told them I was going on vacation. My family is more civilized than the other Saudi Arabians, but they don't accept the fact that I want to go on my own. That's why I didn't tell them.
- Q: Your job paid you enough money that you'd have enough money to go for a month without any funds from anyone else?
- A: I was making about \$2000 a month and thought that was enough money. I live for free, in my own home and I don't pay taxes on the money, so it was enough money for me.
- Q: You mentioned that the house turned into a prison.
- A: Yes.
- Q: Was it turned into a prison by the Arabs or the Afghans?
- A: It was similar to a prison.
- Q: I understand that.
- A: The uprising in Afghanistan...the manager of the house was saying that the Arabs were the targets and we might be killed and then they'd have even more problems

UNCLASSIFIED//FOUO

and no one could leave the house unless they let them out. Because of that, I stayed in that house as a prisoner.

- Q: Have you seen your passport since you've been here?
- A: One time, about 2 - 2 ½ years ago when I got to Cuba, one of the interrogators showed me the passport.
- Q: How many times have you been interrogated? Many times?
- A: Many times.
- Q: Have you ever made statements to the interrogators that may not have been true, just so they'd go away?
- A: When they first captured me, I was very afraid and I may have lied then, but since then I've told only the truth.
- Q: Would that be statements made in Pakistan?
- A: Yes, only in Pakistan, the first time I met the interrogator.
- Q: The interrogator from the United States?
- A: Yes.
- Q: How about here in Cuba?
- A: I was telling the truth.
- Q: When you were not telling the truth, what kind of things would you say?
- A: I told them I never entered Afghanistan. I was under the impression that anyone who entered Afghanistan would be killed, and that's why I said I never entered Afghanistan.
- Q: Did you ever say you received any type of weapons training?
- A: No.
- Q: Did you ever say you were near the front line, fighting?
- A: No.

ISN# 339
Enclosure (3)
Page 10 of 14

UNCLASSIFIED//FOUO

001654

UNCLASSIFIED//FOUO

Q: You mentioned that you went from Herat to Pakistan alone, but you said someone helped you.

A: I went from Herat by a hired, private taxi to Khost and stayed there for about 17 days, from Khost to a city on the border, (Spin) Buldak.

Tribunal President's Questions to Detainee

Q: When you were planning to travel to Afghanistan, how long did you say you planned to stay in Afghanistan?

A: About 30 days.

Q: It would be counted as your vacation?

A: Yes, I could kill two birds with one stone. It was like a vacation and I could offer my help.

Q: You said you wanted to offer your help with religious and financial means?

A: Only religious help, not financial. I did not have any money.

Q: You took how much money with you?

A: \$3200.00

Q: You traveled in September?

A: Yes.

Q: What month did you cross the border from Afghanistan to Pakistan?

A: December 5th or 6th.

Q: But it was December?

A: Yes.

Q: While you were in Afghanistan, and before you started to be treated as a prisoner and unable to move about freely, how did you provide this religious help?

A: I never did. The circumstances did not permit me to do so. I was shocked by what I saw when I first got to Afghanistan. They were saying this was a Muslim State, but what kind of Muslim state was it? For me, it was shocking.

UNCLASSIFIED//FOUO

I was subjected to being hit and tortured by the Afghans calling me the "Wahabi." I asked why I was being treated this way and was told that the Afghani people do not like the Arabs. That was one of the major reasons I wanted to get out.

Q: Why did you not leave immediately?

A: I wanted to be 100% sure.

Q: You wanted to get your teeth knocked out just to be sure?

A: I had taken a long trip, and for me to go back without being sure? That doesn't make any sense to me. The circumstances were stronger. As soon as I got there, the idea of going home was present. I wanted to leave as quickly as I could. I was trying to see if things would change in the future. I stuck it out for a few days to see what would happen.

Q: Do you recall observing any fighting or bombing?

A: On my way, I noticed fighting going on. I didn't see the fighting, but I saw some Afghani corpses on the road. Maybe fighters or thieves killed these people to rob them afterwards. There was no security in that country.

Q: As you were making your way to the Afghanistan/Pakistan border, who were you hiding from?

A: The situation was so bad. People were kidnapping other people, people were killing other people, and you fear for your life. I was very fearful. Many times I saw bodies where I was passing by.

The thieves will kill you, take your car and money and just run away with it. During the time I stayed there, I was so fearful for my life.

Q: Why do you think the Arabs that were holding you in the safehouse in Herat didn't take your passport?

A: What do they need with my passport?

Q: To help ensure that you would not leave.

A: I do not know.

Q: Did they take your money?

A: No.

ISN# 339
Enclosure (3)
Page 12 of 14

UNCLASSIFIED//FOUO

001656

UNCLASSIFIED//FOUO

Q: How much money did you have when you were captured in Pakistan?

A: A little more than a thousand dollars.

Q: What happened to the other \$2000.00? Where did you spend it?

A: I was paying for the taxicabs and I bought some stuff. I paid the Afghani guy \$1000 to get me out of the country. I had a little more than a thousand dollars and the Pakistan people took it.

Tribunal Members Questions to Detainee

Q: You told your family that you were going on vacation. Was it meant to be by yourself?

A: Just for myself.

Q: Even though your parents were in poor health, and your children had health problems, this was accepted?

A: It was just a short period of time. I can go and do whatever I want to do. It's not like a year's time, it was only one month.

Q: Where did you tell them you were going to go?

A: Indonesia.

Q: When you were traveling to Pakistan and left the house, did anyone offer you a weapon, since it was so dangerous out there?

A: No one offered any weapons.

Q: So, you didn't have one in Afghanistan? Did you have a weapon when you were captured in Pakistan?

A: No.

Tribunal President's Questions to Detainee

Q: Do you have anything else you'd like to say to this tribunal?

A: You should understand the Saudis' culture. The government does certain things that the public does not even understand. The elderly and the religious people do the same thing.

ISN# 339
Enclosure (3)
Page 13 of 14

UNCLASSIFIED//FOUO

001657

UNCLASSIFIED//FOUO

The way Saudi Arabia looked at Afghanistan, no one understands what is going on between the two countries. Saudi Arabia is aware of and recognizes the Taliban, even though they recognize that the Taliban protects Usama Bin Laden.

I don't believe the religious people or the fatwa anymore. The public is not aware of what's going on, neither is the media. People are confused by the news and the relationship between Saudi Arabia and Afghanistan, and the public is also a victim.

Q: I agree to try to understand the different cultures and will continue to as we carry out our responsibilities on this Tribunal. Thank you for your testimony.

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

UNCLASSIFIED//FOUO

ISN# 339
Enclosure (3)
Page 14 of 14

001658