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Summarized Detainee Statement

The following is a summarized transcript of the detainee's testimony. Although a qualified Arabic translator was present, the detainee often preferred to speak in English, and would go back and forth between English and Arabic. The Tribunal permitted the detainee to testify in both English and Arabic because he was obviously comfortable doing so and because the Tribunal understood what he was saying. The following is a summary of his testimony.

Tribunal President: Abdul Hakim Bukhary, you may now present any evidence you have to the Tribunal, and you have the assistance of your Personal Representative in doing so. Do you want to present information to this Tribunal?

Detainee: I don't have any information. If I did have it, I would tell you, but I don't.

Tribunal President: Would you like to respond to the allegations that were just read?

Detainee: Yes, I will answer.

Tribunal President: Would you like to make your statement under oath?

Detainee: I am alone now, okay? I am a Muslim. You are a Christian. Maybe if I make an oath to you, maybe I will be lying, but I cannot.

Tribunal President: It would be a Muslim oath.

Detainee: I am a Muslim, yeah, sure.

Tribunal President: Would you like to take a Muslim oath?

Detainee: I swear if I believe in everything in my home with a judge. She [referring to the Tribunal President] is not a Muslim, so I cannot swear.

Tribunal President: Okay.

Detainee: But what I'm telling you is that everything I am saying is the truth. I had no problem with the Americans troops when they took me from Kandahar to here. My story has been the same.

Tribunal President: Would you like to respond to each of the allegations? We can read the allegation to you and give you an opportunity to respond to each.

Detainee: Sure. No problem.

Tribunal President: Personal Representative, would you assist us with that please?

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Personal Representative: Yes, ma'am.

In the following section of the summarized transcript, the Personal Representative reads to the Tribunal the allegations found on the Unclassified Summary of Evidence. The detainee then responds to each allegation. Any comments made by the detainee or others are summarized, as well.

Personal Representative: The detainee is a member of Al Qaida.

Detainee: Not true.

Personal Representative: The detainee traveled from his native Saudi Arabia to Afghanistan after 11 September 2001, to participate in armed Jihad against the United States.

Detainee: Yes.

Personal Representative: The detainee met Usama Bin Laden in Afghanistan.

Detainee: I met him before 11 September. I met before all this. I met him a long, long time ago. I met him maybe 14 or 15 years ago, while on Jihad, in the war against Russia.

Personal Representative: You mentioned when we spoke previously -- do you know why Usama Bin Laden visited where you were at the time?

Detainee: I don't know exactly. I don't know. Everybody knows he is the boss. He is the big boss. He just went there to see. That's all. This is what I understand. But what exactly the purpose for his visit was, I don't know. I don't have any idea. I could not ask any questions. If there are other things I would like to add to my answers, would that be a problem?

Tribunal President: No problem.

Detainee: About this question, why Usama Bin Laden came, I don't know. The problem today is this. President Bush declared war against the Taliban. After that, the Taliban called for a Jihad. They called all Muslims. I am a Muslim. I answered the call. When I came to the mujahidin guesthouse, I did not have any idea of anything, except I came for Jihad. I followed some of the leaders of the mujahidin in the past. At the same time, I think there is one they call Massoud. I liked him and thought he was a very good man. I said to the mujahidin, who are about 90% Arab people, that he is good and God bless him. They got mad when I said I liked Massoud. They are crazy. They don't like him. If I had known they didn't like him, I wouldn't have spoken. For saying that, they punished me; they bothered me; they beat me; they hit me very badly. They accused me

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of being a spy. They are stupid. I did answer "yes" – I came – I am a Muslim. I don't want to talk too much – I can talk for three years.

Tribunal President: You can talk for three years?

Detainee: I talked to American troops at Kandahar airport, and I am still talking here.

Detainee talks to translator in Arabic.

Tribunal President: What was his question?

Translator: He asked what is the word for "bothered."

Detainee: I am talking, talking. I've been talking for three years. But I like it.

Tribunal President: You like to talk?

Detainee: I like to talk because I found that nobody bothers me. Nobody beats me. Nobody hits me. They have an art in interrogation. Suppose they accused me in my home. My God! They would beat me. The difference between the United States and Europe and our people is so different, a very big difference. When they told me that I would be going to a Tribunal here, I knew I would be getting some justice. I am sure of it. I trust in it 100%. I don't care. I don't have anything to hide. Everything I have told you is true.

Tribunal President: May we move on to the next question?

Personal Representative: The detainee attended the Al Qaida training camp at Al Farouq for one day.

Detainee: Yes.

Personal Representative: The detainee stayed at a guesthouse in Afghanistan.

Detainee: Yes.

Personal Representative: When we spoke about that earlier, you mentioned that you did not know who ran the guesthouse, but you did go there for Jihad?

Detainee: That is a good question. I am a Muslim. I came and answered the call to Jihad. We usually cannot ask [questions at the guesthouse]. Suppose she is with me [pointing to Tribunal President], I cannot ask her real name, just a nickname. I cannot ask who is who. It is very bad. They are crazy. Maybe they would shoot me. Really, they are crazy. I cannot ask any personal questions. Forget it – I cannot.

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Personal Representative: The detainee admits long time affiliations with Jama'at Tablighi.

Detainee: Yes.

Personal Representative: You mentioned during our previous conversations that was for religious conversions?

Detainee: That is correct. I am a Muslim. If I saw a Muslim who is not following a good way, I would advise him – talk to him about this and that. Then I'd call him. I'd invite him to this mosque. We'd pray and we'd talk. I'd talk to him about Jama'at Tablighi and two issues. I'd talk to him about the Koran – what God says – and what the prophet says. That's all. There was nothing else. We didn't even talk about politics.

Translator talks to detainee in Arabic.

Translator: He is asking for words I am not familiar with. It has something to do with banks.

Tribunal President: Safe deposit box? Trust accounts?

Detainee: Suppose you are a bank and I came to you and you lend me about \$100,000.

Translator: Loan?

Detainee: And then after one year or two years, I have to give you \$20,000 more, or \$30,000 more.

Tribunal President: Interest.

Detainee: Interest! In Jama'at Tablighi, we did not talk about interest. We did not talk about politics. We didn't talk about what was good or bad for men or women. We talked about the Koran and the prophet.

Personal Representative: The detainee stayed with Jama'at Tablighi prior to 11 September 2001.

Detainee: Yes, I did.

Personal Representative: Jama'at Tablighi, a Pakistan based Islamic missionary organization, is being used as a cover to mask travel and activities of terrorists, including members of Al Qaida.

Detainee: As I have told you, Jama'at Tablighi did not talk about Jihad. We did not talk about Jihad. Suppose one of you guys comes in and we had this guy that talked all the

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time about Jihad. They would kick him. They did not talk about Jihad. I don't have any idea about this. This is my answer.

Personal Representative: The detainee engaged in hostilities against the United States and its coalition partners.

Detainee: I did not participate. This is really a strange question. This sentence is very, very strange. Before the war, yes, I came and answered the Jihad. I came to Afghanistan and then to the mujahidin guesthouse. In the guesthouse, they put me with a sub group, and took some people to the airport – before the war. I stayed there [at the airport] about three days. After three days, they accused me of being a spy. They beat me. They hit me very badly for a long time. They deprived me of food or water for a long time. Then they took me to the Taliban jail, from Kandahar airport to Kandahar City. They took me to the main jail. I stayed for about a week, and then the bombing started. Then the guards all escaped like rats.

Personal Representative: Now, you also mentioned that it was the Taliban that imprisoned you.

Detainee: Yes, in the Taliban prison.

Personal Representative: And that they tortured you in a cellar?

Detainee: First of all, there was no food in prison. In the prison we would receive only one piece of bread in 24 hours. All this time and we would get one piece of bread. When we broke fasting, we would receive cold water. They did not give us anything else. If anyone would talk too loud, they would kill him. There were about 1600 prisoners. We could not do anything. We could not talk. It was a terrible time, horrible. I was sick. I had hemorrhoids. They did not take me to the hospital. They did not give me anything. Some prisoners gave me some ointment and antibiotic liquid. This was from the prisoners. From the Taliban, all we got was that we could not talk.

Detainee (continued): Prisoners here are in paradise. American people are very good. Really. They give us three meals, juice, fruit and everything! My God! Here they [i.e., the Arab detainees] bother me everyday, every time. Now about 30 months to this day, they bother me. They call me a hypocrite. They call me a spy. You have to say, "thank God!" I thank you for America! If you are in a Taliban prison, they do not treat you well. Here we are in paradise. It is 100% paradise. Yes, really. Thank you!

Detainee (continued): I wrote a letter last month to my son to explain to him about democracy. Yes, we have heard about democracy through television and radio, and read about it in newspapers and magazines. However, I have never tasted democracy until I got here. I like it. I don't have anything to say, except to say thank you very much. Excuse me judge?

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Detainee talks to translator in Arabic.

Translator: He said, "Can I call her judge?"

Tribunal President: I am not a judge, I'm just a Tribunal Member.

Detainee: Excuse me, ma'am. I forgot what I wanted to say. I will tell you if I remember.

Tribunal President: Does that conclude your answers and responses to the questions?

Detainee: When I remember, I will tell you some more.

Tribunal President: Is there one more?

Personal Representative: There is.

Detainee: Excuse me. Yes, I remember.

Tribunal President: Okay.

Detainee: About democracy. It is really good. It is a right of Islam. Islam calls for the right to have a democracy, for everything. It is good for detainees, it is good for prisoners, good for anyone, so no one can be accused without proof. This is the real Islam. Centuries ago, they were a real democracy. Today we know only one thing. Why most of the people from Arab countries run away from their homes to go to Europe and America. They want democracy. They want justice. They feel it is fair. They want to stay there. They leave families and their homes. They leave their kids, wife, father and mother. They are looking for justice. They are looking for fairness. They are looking democracy. I hope to learn from the people here about democracy. I am 100% sure that if people back home got to understand about democracy, they would be a wiser people. I am so sorry. They are still kids. The average age is about 22 years old. I will give you an example. Today, they are like a Pepsi. You take a Pepsi and, before you open it, you shake it. When you open it, it pops out. After that, it fizzes. Yes, they are just like this. But I hope to understand. This I hope from my heart. I hope from my mind to understand this situation. If you did wrong you should get punishment. Not from America, but from God. I am so sorry - I talked too much.

Tribunal President: Did we end all of the questions? I think he answered the last one about Kandahar airport.

Personal Representative: Yes ma'am, there were a few comments he made for clarity he might want to add. After the Taliban lost power, you mentioned that the new government held you for three months, then handed you to the Americans.

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Detainee: Yes. When the Taliban fell and the new government took over, I was very happy. We were, as I told you, prisoners – about 1600 of us. Twelve of us were foreigners, the rest were Afghanis. I am from Saudi Arabia. The others were from Syria, Russia, England, the other guy from Saudi Arabia was killed. This is five. Another was from Pakistan, the rest were from Iran.

Detainee (continued): The new government took us from jail to jail. From a big prison to a small prison. The other Afghanis prisoners were released. They were very lucky. Then from the twelve prisoners, they held them [the Iranians] for a week to ten days maximum, then they sent them home. Through the new government, they gave them permission, gave them papers, wrote their names and gave them some money, to pass the border. The ICRC gave them two boxes of food. Jam, cheese, butter, white bread, some fruits and some money to pass the border. Now there were only five of us left. They kept us. They kept telling us we would be released in two weeks. Three months went by, and still we were not released. Everyone started talking about our situation to CNN, the Washington Post, and Time. They took pictures of the five of us. We talked to the press from Europe, Japan, Philippines, Hong Kong, from everywhere.

Detainee (continued): After three months, the American Troops took us and told us that they would take us to Kandahar airport and ask some questions. They told us they would question us for about three or four days and then send us home. Three or four days turned into three years here. Three or four months ago, two of the five people I came here with went home. The one from England and the one from Russia. Now there are only three of us left. I was a prisoner and they took me from the prison. That is really strange. I hope to understand my situation, and I hope to get justice from the United States.

Tribunal President: Does that conclude your statement?

Detainee: Unless you have any more questions. Regarding the last question, I did not fight against the United States. Before the war, the other people, they caught me, and bothered me. They beat me very badly. Then they sent me to the Taliban prison. Oh my God! What a horrible time I spent there. It was a very bad time.

Tribunal President: Personal Representative do you have any other questions for the detainee?

Personal Representative: No, ma'am.

Tribunal President: Recorder do you have questions for the detainee?

Recorder: No.

Tribunal President: Do any Tribunal Members have any questions for the detainee?

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Members: No ma'am.

Tribunal President: How long were you in Afghanistan?

Detainee: Maybe 10 days. That's all.

Tribunal President: From the time you left Saudi Arabia?

Detainee: Yes, about 10 days. Two weeks they accused me, they bothered me, and they sent me to the prison.

Tribunal President: When did you leave Saudi Arabia?

Detainee: Right after the United States declared war on the Taliban. Maybe a few days later.

Tribunal President: Before or after?

Detainee: No, after, after your president declared the war and then the Taliban government declared Jihad.

Tribunal President: So let me make sure I am clear of this. You left Saudi Arabia before or after the attack on the Twin Towers in New York?

Detainee: After. Because President Bush declared war after they attacked the United States.

Tribunal President: But you were there for only ten days before you were arrested?

Detainee: Before I was arrested? Yes, about ten days.

Tribunal President: You said that you went to the Al Farouq training camp for one day.

Detainee: Yes, for one day. I was sick. I was very, very sick.

Tribunal President: You were sick when you arrived, or you got sick when you got there?

Detainee: No, I was sick before I got there. I had hemorrhoids for a long time. But I did not do anything because it's too different between Saudi Arabia and Pakistan or Bangladesh or Afghanistan. These places are very poor. In my home we have medicine. When I came to Afghanistan, it hurt my hemorrhoids because the roads were in poor condition and the car would bounce up and down. Thus I only stayed one night and then returned back.

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Tribunal President: Where did you go after you left Al Farouq?

Detainee: To Pakistan.

Tribunal President: You went to Pakistan?

Detainee: Yes, and from Pakistan I went home.

Tribunal President: You went back to Saudi Arabia?

Detainee: Yes, sure. Before I went back to my home, for three days I got laser surgery on my eyes. Then I returned back home. I stayed home for about a week, and then went to Jordan. I stayed there for about three weeks, where I heard about what happened in the United States when they attacked New York and Washington.

Tribunal President: How many years was it, when you went to al Farouq? How many years before going back to Afghanistan for the Jihad?

Detainee: Maybe 2 months. When I went to Al Farouq, I stayed one day and I came back to Pakistan. I stayed for three days in Pakistan for my eye surgery and went back home. After about a month, then the attack on the United States happened.

Tribunal President: While you were in Afghanistan, did you join the Taliban or Al Qaida?

Detainee: Oh, yes. Everybody knows about the Taliban government. The Taliban was established around 1994. As far as Al Qaida, I don't know. I don't have any idea about Al Qaida. They talk about Al Qaida. They are crazy. Yes, I knew about Usama Bin Laden for a long time. When I met him, he was not famous. This was about 15 years ago during the war with Russia. When the Russians attacked Afghanistan, Usama Bin Laden was like anyone else. After the Gulf War, he became famous. Who made him famous? Do you know who made Usama Bin Laden famous?

Tribunal President: You tell me.

Detainee: I will tell you. America. By the media and television and by magazines. Everybody is talking about Usama Bin Laden. Through information, though the media, you made him famous. The big boss. He is nothing. I understand and believe 100% that you can run, but you can't hide. We go back in history into the seventies. What happened in Lebanon? What happened in Palestine? What happened in Egypt? What happened with the Minister of Petroleum in Saudi Arabia and Kuwait? Who was the big boss? At that time in the seventies, it was Carlos in Venezuela. Today, it is Usama Bin Laden. After 27 or 26 years, they caught him. Now he is in prison. They caught him. In time it's coming. To who? To Usama Bin Laden. I am sure. You can run, but you cannot hide. They will catch him. The police smell out people. This is what I mean.

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Detainee (continued): When I came from Kandahar to this island, I said to a guy in the next cell to me, "I hope Usama Bin Laden would surrender so they will let us go." I was happy. To this day, the other detainee's bother me and call me a spy.

Tribunal President: Abdul Hakim Bukhary, do you have any other evidence to present to this Tribunal?

Detainee: I do not.

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.

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

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. Army
Tribunal President