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Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "Yes."

[The Tribunal President made the following comments regarding the previous witness request by the Detainee:]

Tribunal President: The Detainee had previously requested three witnesses.

Detainee: Yes.

Tribunal President: One of the three witnesses refused to testify.

Detainee: Who refused?

Tribunal President: He is referenced in the request as Detainee 005. I rule because he did not wish to testify, he is not reasonably available.

Detainee: He refused or was he prohibited?

Tribunal President: He refused to see us. The other two witnesses were willing to testify, but I understand that you withdrew your request for them to be here and provide testimony. Is that correct?

Detainee: My Personal Representative told me after he had met with my two witnesses, they told him they were not with the al-Wafa organization. When I was talking to investigators they told me the two Detainees were from the al-Wafa organization, but after the Personal Representative asked them and they said they were not from al-Wafa then they would have no value in testifying for me.

Tribunal President: There will be no witnesses at this hearing today.

[After taking the Muslim Oath, the Detainee made the following statement]:

Detainee: The first accusation that I traveled from my country voluntarily to Pakistan in 1994. There was a civil war inside Somalia and anyone who wanted to leave Somalia was able to. Whoever was capable of leaving, they left. Several Somalians left and are now living in the United States, Europe, and other countries. I left the country because of the continuing civil war. The places I was allowed to go was one of the countries I mentioned before. I don't understand what you mean by voluntarily leaving my country.

I will ask the President, is leaving the country because of civil wars a crime?

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Tribunal President: We are not here on a criminal case. We just want to understand what may make you an enemy combatant. Moving from one country to another in itself does not make you an enemy combatant. It was why you left the country is something we can consider and we appreciate your statement on that fact.

Detainee: I lived in the North of Somalia, it is now independent, but not believed by other countries to be a country. It is called the Republic of Somalia. Before Somalia was reunited it was called North West Somalia. That is the area I left and it was the first area to start a civil war in 1978 or 1988. During that time, I was studying at the University of Agriculture that was close to Mogadishu. My family lived in the area where the civil war was. I was completely cut off from my family. I continued my studies in a difficult situation. During that time the Somalian government was headed by President Mohammed Said Budee. He was a dictator and several people suffered under that dictator. While I was studying at the University, I was cutoff from my family. The war continued until I finished my studies, then the war spread to all of Somalia. The last area the war started was the capital of Somalia. That is where the President was located.

Previously, the war was between the North and the Army, then the war turned into a Tribal war. After the war started in the Capital, everyone had to return to where they were from. I went to my neighborhood, the North area. After the government and Capital fell, the North entered the battle they were fighting against the government. They announced their independence from the rest of Somalia, but up until now the war continues. The continuing war forced me to leave my country. I wanted to seek a safer place to live. I was hoping to go to a country, such as the Gulf countries, Europe, or the United States where I could find a job. I was unable to financially. My family suffered through the war. They were unable to support me. I was capable of going to India then on to Pakistan. My goal wasn't to stay in that country. I wanted to go to an economical country such as Europe or the United States. Several Somalians went to those countries. As I mentioned before, that is the reason I went to Pakistan.

I left the country under the United Nations umbrella. I was a refugee in Pakistan. Life there was very difficult and help from the United Nations was limited. It was hard to find work because jobs were limited. I arrived in Pakistan in 1994 via India. I forgot to mention earlier, that I went from the North of Somalia to India and from India to Pakistan. I have been telling this story for three years now. Since so much time has passed, I may have missed some steps because I can't remember. I was able to become a refugee and got help. Without help, how could you live there?

I lived there until 1995 and then went to Karachi. I found a job, but it wasn't stable. It involved people who wanted a translator for real estate. It was similar to a social real estate worker.

Regarding the second point, I got a job at the Dehabshiil Company. The Dehabshiil Company is a company that transfers money similar to a bank. During the war, whatever Somalians got from the government ended there. The civil wars caused several people to

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flee the country. This Dehabshiil company helped transfer money to those people that needed it, especially those who couldn't use banks. There are no banks in Somalia. Dehabshiil is a large company, with several branches all over the world especially in places where there are a lot of Somali people. It is a well-known international company and you can find out any information about it on its website. My office was just like all the other offices. My name and address is on their website and anyone with internet access was capable of getting in contact with me. My job was to receive the money and transfer it to students and families who needed it in Somalia. The people in Somalia were not there to work and they weren't capable of transferring a lot of money, however their families were capable of sending them money. This money was transferred directly to the main office in Somalia. That was the work I did for the company. It was the same work the other agents did, including the agents in the United States.

I want to thank my Personal Representative. When I provided him with this information he honestly went on the internet into Dehabshiil's website and downloaded important information. He promised he would present it in the Tribunal. Hopefully you will see it.

[Detainee asked Personal Representative if he would like to present the information from the internet.]

Tribunal President: I would like to get through your statement first. There will be a place where we will ask for additional evidence.

Detainee: Good.

[Detainee continued statement:]

The information you receive from the Personal Representative will show you that the Dehabshiil is a clean company and does clean work. If they weren't, they wouldn't have offices in the United States.

The third point [referring to the Unclassified Summary of Evidence] is not one hundred percent correct. It is an exaggeration. I never heard of the al-Wafa organization until I entered the prison in Pakistan and I have never worked for them. The people that interrogated me for the last three years know this. It appears they didn't tell the truth when those accusations were presented. I wasn't arrested in the streets or mountains but inside my home, where I also worked. My office was inside of my house. All of the equipment I used for the Dehabshiil Company was in my house. I had a computer, files, books, fax machine, and a telephone. Everything I needed was in my house. After I was arrested at my house, you should have had enough evidence to show whether or not I was connected to al-Wafa. All the accusations against me are based on some telephone numbers found on a list. As I have mentioned before, my work at Dehabshiil has a website on the internet and anyone can access that website. My name and phone number was popular on that page. I would get several calls a day, some were from people I knew and some weren't. The accusations against me are based on those phone numbers.

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The interrogators told me the members were with them when the accusations were made about me. I told interrogators if all of the members are here they can testify and the truth will come out. They might have told the truth, only God knows. I heard the guy who was the President of the organization was at Camp 5. My Personal Representative told me that the President of the Tribunal refused the witness because that person refused to talk to my Personal Representative. I'm not surprised, a lot of people are sick of talking after all this time.

I just wanted to ask the witness if I was from his organization or not. It didn't concern him it concerned me. This person matters because he is the President and he would know who is in his organization and who wasn't. That was a very important point for me but it was laziness on your part.

If it were possible to bring that witness with a Translator and my Personal Representative and if that person could have testified that would have been enough. One of the other witnesses phone number was found on one of the lists of phone numbers that Al Allah was accused of getting in contact with al-Wafa with. Investigators told me he was from the al-Wafa organization and because of the phone call that is why I was accused of being with al-Wafa. That is why I wanted him to testify.

When my Personal Representative came back and told me the witnesses were denying they were from the al-Wafa organization, I told myself how can they testify? All the accusations against me are unjust. I am innocent of them all.

Here is a summary of my story from the day I was arrested until the day I got here. I was arrested in my house on the first of November 2001, between 02:30 till 03:00. The Pakistani Intelligence came to my home and investigated me on three occasions. The time period between those three investigations was about three weeks. After each visit they asked me about my job, and what I did. During this time I wasn't worried because I didn't feel like I had done anything wrong. If I thought I had done anything wrong against any region or organization I wouldn't have stayed in my home until I was arrested.

When they took me to prison, I was told they were investigating me and in the morning I could go home. My wife was with me at home when I was arrested. It was just her and I in the house. No one else was with us. When I was kidnapped at 02:30 they left my family alone at the house. Up to now, I haven't learned anything about what has happened to her. I stayed at that prison for about four months. The investigators said they were Pakistani and Americans. The Pakistani's told me those English men were investigating me. They talked to me twice. The third time they brought pictures and showed them to me. During that time I was told by the Pakistanis, I was going to be released and sent home since the investigation was completed. They told me I was a suspect because of those telephone calls but because you worked for that large company (Dehabshiil) they told me it wasn't unusual to talk to so many people on the phone. They

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would tell me every now and then maybe I would be released to Islamabad or sent back to Somalia. After I completed four months in prison, they blindfolded me with a group that was arrested in Karachi and handed me over to the American forces. The Pakistanis told me I would go to a neighboring country. I was taken to an American base in Afghanistan. I was told the Americans would investigate me then release me. A soldier called my name only and I was put on a military airplane. It appears to me they made up the case against me. The Pakistani government is corrupt. I believe they sold me. I was taken to Kandahar, an area I'm not familiar with. I was there for about three days and an investigation was done. After three days I was taken with three other individuals from the same group that came with me from Pakistan. We were transferred to another area. I found out through the Red Cross it was Baghram. It took about twelve hours to get there. They interrogated me and one of the interrogators told me I was from al-Wafa and I needed to confess to that. You have no choice. I told them it wasn't true. They pressured me. They were whispered something then spoke to the guard. The guard came in, grabbed me by my neck and threw me. He took me in a bad way to isolation. All my blankets, except one, were taken from me. It was freezing cold. They didn't feed me lunch and sometimes they didn't feed me twice. At night it is very cold and if you don't eat dinner it gets colder. This torture lasted fifteen to twenty days. My feet and hands were swollen. I wasn't able to stand because I was in so much pain. I asked for treatment and an interrogator brought a nurse and asked if I wanted treatment. They told me they could cut my legs to stop the pain. They did this so I would confess to the accusations that I didn't do. Nothing happened. After the torture ended, I met another interrogator who told me injustice was done to me and I didn't have anything to do with this. He said he would do a report so I could go home. He told me I would be released. Suddenly, I was taken back to Kandahar and then to Cuba. The investigations and interrogations continue to this day and the accusation is still made against me. During the time I was here, the interrogators have never accused me of being from al-Wafa. When my Personal Representative gave me the Unclassified Summary I thought the accusation was cleared up until I saw it back on the paper.

When I was in Pakistan, the Pakistanis told me I would likely travel back to my country. They asked if I wanted to take my family with me back home. They even went to my family and asked if they wanted to go with me to our country. My father-in-law is here and he is the one who told them that they asked my wife if she wanted to go back home with me. From what he heard they were serious. What changed since then?

For example, if they found a phone and your calling list and that phone number belonged to someone who was wanted by the authorities, would that be a crime against you? Does that prove the person that received the call worked for the person calling? Just because someone had a list with names and phone numbers it doesn't prove they were part of that organization, especially after long interrogations. I think you know and have studied the law. From where I sit, this isn't proof that I am part of that organization (al-Wafa). Do you have any other proof that shows I am part of al Wafa?

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Tribunal President: At this point we have the same information you have, your statement and the same unclassified information. We may receive other information at a later time that we will consider.

Detainee: With me there?

Tribunal President: Probably without you here, if it is classified. We took an Oath to promise to do our best to consider all information and based upon our judgment and the laws and regulations, we will make a determination.

Detainee: If the information is about me, I want to be there to defend myself. Maybe the interrogators wrote something that I never said or maybe something was translated incorrectly.

Tribunal President: We understand.

Detainee: If there is proof somewhere against me and I'm not there to testify, there is something missing if I can't defend myself.

Tribunal President: I understand your concerns. This is the procedure we are going through to address all the information available in your case.

Detainee: God is well everything is (inaudible).

Summarized Answers in Response to Questions by the Tribunal Members:

Q: How did you know Detainee 005 was the al-Wafa President?

A: Since I was brought here, all the interrogations have been around Abudula Aziz, and I was told he was from al-Wafa. I was also asked if I knew him.

[Tribunal President made the following comment regarding a statement made by the Detainee.]

Tribunal President: I would like to make it clear to you that I cannot force a witness to attend your hearing. They must volunteer to come here.

Detainee: Maybe we can take the Detainee from his cell without telling him where he is going and he can be brought in to the room with me, and my Personal Representative. My Personal Representative could ask him questions and hopefully he would reply.

Tribunal President: I understand but the administrative process we have does not permit that.

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[The Personal Representative presented additional evidence {D-b} from the Dehabshiil's website to the Tribunal and made the following comment.]

Personal Representative: This is information from the Dehabshiil's website. It gives some information about the company, what the company does, and it also shows there are branches around the world, including the United States. It also gives a Due Diligence policy with regards to money transfers post 11 September.

Tribunal President: I would like to ask the Detainee a question about the Due Diligence Policy.

Summarized Answers in Response to Questions by the Tribunal Members:

Q: Were you aware of the Due Diligence Policy after the 11 September attacks?

[A Tribunal member explained due diligence and the policy of the Dehabshiil Company to the Translator (by reading from Exhibit D-b) to ensure an accurate translation.]

[Tribunal President changed his question to the following:]

Q: Did you received training on "Know Your Customer" procedures?

A: No, I never received the training. The orders usually came to me via the fax machine. This must of happened while I was in prison. My work was very simple my office was very small.

Q: Do you remember the name of your supervisor?

A: The owner of the company Mohammed Said.

Personal Representative: That information is on the first page of exhibit D-b.

Q: What was the name of your immediate supervisor, the person you reported and received payment for working?

A: The President, but there were other managers and their names are in that paper (Ex D-b). I don't remember their names. The main office is in the neighborhood north of Somalia. I called directly through the fax.

[The Tribunal was recessed to remove the Detainee from the room.]

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AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[REDACTED]

Col, USAF

Tribunal President

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