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Summarized Detainee Sworn Statement

Tribunal President: Salah Muhamed Salih Al Zabe, you may now present any evidence you have to the Tribunal. You have the assistance of your Personal Representative in doing so. Do you want to present any information to this Tribunal?

Detainee: In response to the evidence, I have nothing except for my defense and that is present with my Personal Representative. If she finishes with what she has and I have something I want to add, then I will do that.

Tribunal President to the Personal Representative: That's your understanding of the proceeding?

Personal Representative: Yes, Sir. The Detainee wished me to provide his oral statement for him. He cannot read because he requires prescription eyeglasses. I have an oral presentation that he dictated to me earlier and was translated by the linguist.

President: The Personal Representative will read it to us, the linguist will translate it, and if you have more to add, you will do so.

Detainee: Yes.

**The President asked the Detainee if he wanted to be sworn. The Detainee elected to affirm his testimony, rather than swear to it. Accordingly, the Detainee provided an appropriate oath, affirming the truthfulness of his testimony.**

**The Personal Representative then read the Detainee's dictated statement. The linguist translated the statement for the Detainee as it was being read. The detainee's statement follows (summarized).**

My story is in my file and I have repeated this story over the past 2½ years. I am surprised at these accusations as these answers are in my file. I will cover each point in the following.

I voluntarily traveled to Afghanistan. I will explain my reasons. I was born and raised in Saudi Arabia and lived there until the Gulf War in 1991. After the Gulf War, the treatment of Yemenis by the Saudi Arabian government changed. I wasn't happy, so I left for Yemen.

Yemen is a poor country and has a lot of problems. I sought a country to relocate to. The Taliban was a new government in Afghanistan and it was supposed to be a good government. There were a lot of advertisements and news articles about this. Many countries don't issue visas to people with Yemeni passports. But Afghanistan did. So I

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went to Afghanistan to see if I liked the country. The first of my two trips to Afghanistan was to explore the country.

It's true I stayed at the Taliban guesthouses, but most were run by the Taliban, as were hospitals, the police force, and the whole country was under their control.

During my first trip, I was approached about a camp called Al-Sadeeq. I went there and stayed one week or less. I discovered I wasn't cut out for the training after that week. I estimate this time to be 1997 or 1998. I trained on the BEKA and Kalashnikov weapons, but left when the RPG training began. This was in 1997 and there wasn't any talk about the United States in the country at the time. So I decided to move to Afghanistan permanently. The cost of living is cheaper in Afghanistan and they treat foreigners with more respect. So I brought my family to Afghanistan to live in 1999. The exact date is on my passport.

I continued to live in Afghanistan and then the events happened in the United States. I started to think of leaving Afghanistan. But the Taliban was the government and I didn't think that recognizing the government would be a crime against the United States.

It is a tradition for all families to have a weapon, and so did I. It never occurred to me that I would be fighting the United States specifically. Then the events in the United States happened and the war was started. I thought the events would not start a war, but they did. Then I thought the war would end quickly. After the war started, I remained in Kabul until about a week before the city fell. At this time chaos ensued, looting and robbing were everywhere. I decided to return to Yemen to escape this chaos. I took my weapon to defend myself. My family had left earlier. I got to a checkpoint outside the city limits of Kabul and they asked me to surrender my weapon, and I did. This should be proof I was not a combatant.

I was smuggled into Pakistan as I did not know the way. This was the only way to leave. When I got to Pakistan, I was arrested. I believed I was innocent of any wrongdoing, so I went willingly. And here I am today. I am not a Taliban fighter. I did not have a weapon, I did not use a weapon against the United States or any of its coalition partners in any armed conflict, and I was not at any front line at any time. All my life I have never fought. I never met any Americans until my first interrogator in Karachi.

My training was so long ago, I can't remember much about it, but this training was not illegal, so I did not think anything about it at the time. My trip to Afghanistan was done long before any of the events in the United States occurred. This proves I did not have any bad intentions.

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**That concluded the dictated statement being read by the Personal Representative. The Detainee then provided the following additional comments (summarized):**

I may not be able to say it exactly as I want to say it, but I will say what I have to say. Regarding the fighting against the United States or its allies, I never fought against any of them. And the whole time I was living in Afghanistan, I never fought against the United States, I never went to the United States, and there was never any war going on with the United States. And when I left Afghanistan, no one was fighting in Afghanistan, it was the Americans fighting in Afghanistan.

I'd also like to confirm that the training was a very long time ago. I forget everything that happened at that point. When I was in the training camp, I found out that it wasn't for me and I left. I think that is all that comes to me now. If I think of anything else, then I will say it.

**The Detainee then answered questions, beginning with a question posed by the Personal Representative. The questions and answers are summarized as follows:**

Personal Representative: During our interview, you said you never were at any armed conflict or fired a weapon at the United States or its coalition partners, is that true?

Detainee: Yes.

**The Personal Representative had no more questions, and the Recorder had no questions. The Tribunal then questioned the Detainee, with the questions and answers summarized as follows.**

Tribunal Member: When you were captured, were you alone?

Detainee: No.

Tribunal Member: Who were you arrested with? Who were the other people?

Detainee: There was a group of people I did not know.

Tribunal Member: I'm not interested in names, but can you tell me what type of people they were? Were they soldiers?

Detainee: They were all civilians. The place I was arrested in, I was only there of about a day, so it was new to me. I didn't know anything about it.

Tribunal Member: How were you smuggled out of Afghanistan into Pakistan?

Detainee: The Afghans would transfer me from place to place until I finally got out.

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Tribunal Member: And when you says Afghans, who are you referring to? Civilians, Taliban soldiers, government officials? Who were the people transferring him from place to place?

Detainee: I did not know them personally. None of them ever told me they were soldiers or government officials, so it was my understanding that they were civilians.

Tribunal Member: And why did they help smuggle you out?

Detainee: There was a war in Afghanistan, and it was the nature of people to help other people. That was it.

Tribunal Member: When you were arrested, did you have any weapons with you at all?

Detainee: I did not have any weapons, except the weapons I had given up at Kabul.

Tribunal Member: What about the people you were arrested with, were any of those people armed?

Detainee: Do you mean the people who helped me get out?

Tribunal Member: I thought you said there were other people in a group that were also arrested the same time he was?

Detainee: I did not see any weapons with any of the people that were with me.

Tribunal Member: You indicated that your family left Kabul before you did. Why did you stay behind and not travel with them?

Detainee: My family left at the beginning of the war, and I stayed because I had things to take care of like my house. So I thought I'd stay because I thought the war would be over soon. I didn't think things would get to the point where the whole country fell.

Tribunal Member: At any time after the events of September 11<sup>th</sup> in the United States, did you fight against the Northern Alliance or Massoud?

Detainee: No.

Tribunal Member: Did you ever help the Taliban soldiers in any way?

Detainee: No. Quite the opposite, they were the country, and I was the individual, that's the way it was.

Tribunal Member: What were the weapons you turned in at the checkpoint?

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Detainee: Kalashnikov.

Tribunal Member: Any other weapons at all?

Detainee: No.

Tribunal Member: When were you arrested when being smuggled out of Afghanistan?

Detainee: I don't remember the date, but the whole journey started about a week before Kabul fell.

Tribunal Member: In your statement, you mentioned you took your weapon to defend yourself. Defend against whom?

Detainee: As I mentioned in my statement, there was chaos everywhere at that time. Everyone in the city had a weapon. I didn't know who was a robber or a thief. I didn't intend to use the weapon to kill. I thought it would discourage anyone from approaching me if they saw it.

Tribunal Member: When receiving your training at the Al-Sadeeq Camp, why did you want to go there?

Detainee: For the same reason I said at my interrogation. The matter of this training was such a long time ago, I can't remember. But, what I can remember is it was offered to me, so I went. I didn't have any intentions at that time, just curiosity.

Tribunal President: You said you made your first trip to Afghanistan in 1997/1998?

Detainee: Yes.

Tribunal President: But then you stayed there, so when was your second trip?

Detainee: Around 1999. The first trip I was only there for 4 or 5 months.

Tribunal President: It was on the first trip you went to the training camp?

Detainee: Yes.

Tribunal President: So when did you leave after the first trip?

Detainee: I do not understand.

Tribunal President: You left from Yemen, went to Afghanistan, went to the training camp, spent some time there, where did you go after that?

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Detainee: Like I said, 4 or 5 months, at the most. The dates are in my passport.

Tribunal President: So after the first trip, you went back to Yemen, and then back to Afghanistan in 1999, for good.

Detainee: Yes.

Tribunal President: In your summary, you made a statement that I did not understand, so I'm going to read it back. "When I left Afghanistan, it was Americans fighting in Afghanistan, with no one fighting against them."

Detainee: There was bombing from the sky by the Americans, and I did not see any fighters or anyone who was actually fighting in Kabul.

Tribunal Member: What is the nature of your job, your work?

Detainee: I am a worker.

Tribunal Member: What do you do?

Detainee: I work many different jobs.

Tribunal Member: How can you support your family for 4 to 5 months with these trips to Afghanistan? Where was your money coming from?

Detainee: The first trip I was alone. The rest of the time I was in Saudi Arabia, I had money saved.

Tribunal Member: So who paid for the trip to Afghanistan the first time?

Detainee: I did.

Tribunal Member: And who paid the second time?

Detainee: Also, I did.

Tribunal Member: And how did you earn your money?

Detainee: I had saved from work all my life.

Tribunal Member: And what do you do, what is your job?

Detainee: I used to work in Mecca, I used to work as a cab driver. During the season of the Hajj, I used to work and I saved money. There is a lot of money in Saudi Arabia.

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Tribunal Member: What did you do in Kabul?

Detainee: I was living.

Tribunal Member: Doing what?

Detainee: I was working. I was always looking for a new project to work on, and I worked in the trade of honey, exporting.

Tribunal Member: Where would you export honey to?

Detainee: I was thinking of working in other areas but the events happened. I would buy it from the market and sell it.

Tribunal Member: And you did that for the whole time you were in Afghanistan?

Detainee: No just for a short time. I was trying to explore other areas, but then the events happened.

Tribunal Member: What did you do before you did the honey?

Detainee: Nothing, I wasn't doing anything.

Tribunal Member: So how did you pay for you and your family to live?

Detainee: I had money.

**The Tribunal members had no further questions.**

Tribunal President: Slah Muhamed Salih Al Zabe, do you have any other evidence to present?

Detainee: I have no other evidence, but I would like to reiterate my statement that I am not an enemy combatant because I never fought against the United States or any other person. No one thought it was bad to go to Afghanistan. So I do not know if this is a crime. Even my trip to Afghanistan was very official. I had my passport stamped - there was nothing for me to hide.

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A brief discussion followed with the Detainee regarding how he would be notified of the findings. That concluded the statement of the Detainee.

AUTHENTICATION

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



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