

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process but had one question.

Detainee: I want to ask mainly about what has been going on in the investigations. Is it going to be applied in this tribunal?

Tribunal President: Let me review what we are doing here today. That may help. The three members have been formed and brought together here to review all the information the government wishes to provide us regarding your classification as an enemy combatant. So, to answer your question, what investigation the government has, done we may receive some of that information here today. The three members have not received any other information about you other than minor administrative details that were received from the Personal Representative and the Recorder. For example, all we know is your name and your preferred language. Later in the tribunal we will be presented the same information that you were provided earlier regarding the unclassified evidence. This tribunal is formed in open session so that you may provide additional information if you wish too. The tribunal is concerned with one matter, are you properly classified as an enemy combatant? This is not a legal proceeding; we are not determining guilt or innocence. We will review the government information, regarding what they think classifies you as an enemy combatant. Does this answer your question?

Detainee: My question, really frankly, I am not an enemy combatant. If I was chosen to be an enemy combatant, this talk, the whole talk is not true.

Tribunal President: Very well, we will continue with the tribunal and look forward to hearing more statements from you on that matter.

The Tribunal President informed the detainee if he had any other questions, he could ask them at any time.

The Recorder presented Exhibits R-1 and R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1). The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The Tribunal President asked the detainee if he wished to make a statement.

Detainee: What kind of statement do you want me to present?

Tribunal President: It is customary for the detainees to provide personal comments about each of the allegations that were discussed earlier. This is possibly the first time that you had an opportunity to present anything you wish without being questioned from the government. This is your opportunity. Recall that we are independent; we are not part of any interrogations, intelligence, or combat officers. Do you wish to make your statement?

Detainee: I'd like to respond to the allegation that I'm al Qaida or Taliban.

Tribunal President: Very well.

The detainee affirmatively acknowledges that he wishes to make a statement under oath. The Recorder administers the Muslim oath to the detainee.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.

3.a. The detainee is associated with al Qaida and/or the Taliban.

3.a.1. The detainee traveled to Afghanistan in 2001.

Detainee: I traveled from Sana'a Yemen to Dubai, from Dubai to Karachi, from Karachi to Kuwait, then to Pakistan, and from Kuwait to Pakistan to the border of Afghanistan. As to the accusation that I'm al Qaida or Taliban, I never heard of the Taliban or al Qaida until I got to this country.

3.a.2. The detainee was given airline tickets to Karachi, Pakistan.

Detainee: Is this the same talk as we talked before? Yes, that's true. Yes, I got airline tickets from a friend of mine and his name is Tarek Mohammed. As for my traveling to Karachi, I had a passport, and when I got to the airport, when I got to the hotel, they told me it was altered, so I went back to a friend of mine, his name was Tarek, and he said they only wanted money from you, to bribe them. He took my passport and he examined it. He said it was a good passport, nothing wrong with this passport. I stayed three days there. My friend told me in three more days there will be another trip, and you will be on that trip. In the meanwhile, I renewed my passport because it was expired. I renewed my passport. How can it be altered if it was a brand new passport? I'm a hundred percent sure that what I'm telling you is the truth. This passport is legal, and nothing wrong with it. It wasn't altered. I think you have it in your possession. I've seen this passport in Bagram.

3.a.3. The detainee had his passport altered after he was denied boarding on an airplane bound for Pakistan.

Detainee: Not true.

3.a.4. The detainee's travel facilitator lived in Sana'a, Yemen.

Detainee: That's true.

3.a.5. The travel facilitator's support to the detainee mirrors that of a known al Qaida and/or Taliban recruiter.

Detainee: This is not true.

Tribunal President: Karam Khamis Sayd Khamsan, does this conclude your statement?

Detainee: I have nothing to do with al Qaida, or the Taliban. I have nothing to do with Jihad. I never heard of al Qaida or the Taliban until I got to this country. I heard it over here in this country. I have nothing whatsoever to do with al Qaida, the Taliban, or Jihad. I protest my designation as an enemy combatant without solid evidence.

The Tribunal President asked the Personal Representative if had questions for the detainee.

Personal Representative: I want to clarify, where were you when you were told your passport was not correct? Was that at the airport or hotel?

Detainee: This isn't true it wasn't altered.

Personal Representative: Where were you told?

Detainee: I entered the airport, and they returned us from the airport with two other people. We went to the lobby of the airport. I asked the military officer about my passport, and I checked with him, and he told me that's there's nothing is wrong with your passport. I asked Tarek, my friend, and why did they return me back, and he told me that they only want bribery.

Personal Representative: What is Tarek Mohammed's business?

Detainee: He's a drug dealer.

Personal Representative: What was your purpose for your travel to Pakistan and Afghanistan?

Detainee: I was sent through Tarek on a drug mission. My role was to be used as a collateral.

Tribunal President: (To the translator) A collateral? Was it a courier or collateral? A courier is someone who carries something....

Translator: No, collateral, as a hostage exchange for the money.

Tribunal President: Okay, thank you.

Detainee: We exchanged money to stay in Karachi for three months until we get their money. This is the whole story. I moved from Sana'a airport to Karachi, from Karachi to Kuwait, from Kuwait to Pakistan, from Pakistan to Afghanistan border.

Personal Representative: Do you remember the date you went from Yemen to Pakistan?

Detainee: No, I don't remember.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Are you from Sana'a Yemen?

A. I am from Mahra it belongs to Sana'a.

Q. But in Yemen?

A. In Yemen, yes.

Q. What did you do in Yemen before this all started?

A. I was a soldier in the army. This is mandatory army service.

Q. How long were you a soldier?

A. Three years.

Q. Are you involved in drug dealing?

A. No, that was my first time that I got involved with this operation and we lost.

Q. Have you ever met this person before, Tarek Mohammed, before this story started?

A. Yes, he is from the same town, from the same country I'm from and I know him.

Q. How did you get involved in this drug deal?

A. I'm not involved in drug dealing in the first place, to begin with. He came to me, this (inaudible) Mohammed. He offered me some money because of the fact that he knows that I wanted to get married, and that I needed the money. So, he offered me 50,000 Riyals in return to go and travel to Sana'a to Dubai, from Dubai to Karachi, in order to be a collateral in exchange for the money. This is so they can get their money from that drug deal. He knew that I needed the money because I'm getting married, and I was going to use it for the sake of the marriage. He told me that I was only to stay for three months as a collateral. He came to me.

Q. Was Tarek selling or buying drugs?

A. I don't know exactly if he was selling or buying, but I was offered this mission to stay in Karachi for three months as a hostage exchange or money exchange.

Q. You said you went to the Afghanistan border. Why did you go to the Afghanistan border?

A. This was another method. When I got to Karachi, a guy by the name of Farhan, he was there to meet us. He took us to the hotel and we stayed there for a couple of days. The second day, I had \$800 on me and he took me to the bank so we could exchange the money. I was told by Mr. Farhan that we need to go to the bank to exchange money because something had happened in the United States, which he refers to 9/11, and believes that the dollar is going to go down. The value of dollar will go down. So we went to the bank to exchange the money, into another currency. He exchanged the money from dollars to rupees (Pakistani money).

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Q. Okay, but still. I don't understand why you left Karachi to go to Quetta, from Quetta to the border?

A. Mr. Farhan came to me at nighttime, and he offered me this. I was wearing a nice suit, very much like the one I'm wearing now. They brought a Pakistani gown. This guy told me that I'm to be moved to another town, because this Karachi town is full of thieves, so you're going to a better place there. You are going to stay there for three months until we get our money.

Q. Did you ever cross into Afghanistan?

A. When they were doing the investigation, they told me. I told them I got to the border of Afghanistan, but they told me it was Kandahar. They took me inside a house, and they told me this was Kandahar. While I was in prison here on the camp, a couple of Afghani people have told me that this was not Kandahar. They described it to me and they told me it wasn't Kandahar, two of the detainees here in the camp. The two Afghanis, the two detainees they told me, and they assured me that wasn't Kandahar. It was a country by the border; it's mainly for drug dealing.

Q. Who arrested you?

A. Nobody captured me. I was returning from this town. It was the border between Afghanistan and Pakistan. This town, they say it belongs to Pakistan. I got out of this town and I talked to the drug dealer, someone by the name of Naseer Al Balshou. There was somebody else, Saeed Alyamee. This will prove that I'm not an enemy combatant. (An) Enemy combatant will carry a gun and he will fight. That person I just mentioned, Saeed Alyamee, his case is similar to my case, and we were sitting at one time. This person, named Naseer, that I mentioned before, he came to us and told us the mission failed. It wasn't going to work and to come back after a year. We may have a different operation and it might work. This time it fell through. The next morning he told me that he would bring a driver. I'll bring a car with a driver and he will take me to Kuwait.

Q. Can you tell me the name of town to which you intended to fly when you went to the Karachi airport but you were turned around because of the passport, just the name of the town.

A. Sana'a.

Q. So, were you attempting to return home from Karachi to Sana'a? Is that right?

A. My passport has a two-year open round trip from Dubai to Karachi. This is the first time I traveled. When I returned, when the deal fell through, we were returning, they spoke to us in urdu, which I don't understand that language. We did not answer them. They told us to get out of the car, because they need to check us. My passport is my pocket. Saeed had the same story; his passport was in his pocket too. Then they took the passports and they brought some kind of guy, he could be a translator or whatever, I don't know. He took the passports and he looked at it, and he examined it a little bit. They told our driver that he was supposed to take us to the border and they spoke a long time. I didn't understand, and I don't know what was said. When they were done with this driver he took off with his car, and he went to go to his country, and I don't know what country he went too.

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ISN#586
Enclosure (3)
Page 5 of 7

001863

Q. Who ordered the you and the other individual out of the car?

A. The Pakistani police.

Q. Was this after 9/11, after the attacks on America?

A. It was after 9/11 events.

Q. Were you or other the individual that were taken into custody armed at the time?

A. No, we weren't armed.

Q. I'd like to go back to the part that you were told your passport was altered. I understand that was in Dubai, is that correct?

A. No.

Q. If it's not correct, which one is it?

A. They didn't take the passport from me in Dubai.

Q. I didn't say anything about taking the passport. I understand you were told it was altered, which was untrue.

A. They didn't say it was altered. They just returned me from the airport in Sana'a.

Q. So, this is all in Sana'a in Yemen?

A. That happened in Yemen.

Q. Has anyone else you knew, maybe family or friends ever participated in this money-hostage mission?

A. They don't know, and basically this kind of work is impossible for me to tell my family or tell anybody about.

Tribunal President: Karam Khamis Sayd Khamsan, do you have any other evidence to present to this tribunal? Anything else you'd like to tell us?

Detainee: I met a Saudi man in Kuwait and Pakistan. I met him at his house, and then I got to know him. He told me he was a Saudi from Najaran, I'm a Saudi native. His name was Sayeed Alyamee, which I have mentioned before. He told me that I'm in the same kind of business as you are. I went from his place to the border, and I went by car to with him to the border to Afghanistan. We then entered the first town and then we entered the other town. What happened at this time, he was with me. The Pakistani police surrendered us to the upper authority and then to Kuwait. From Kuwait then to Salamada, from Kuwait we went to the border one time. Then back to Salamada, one time, and then the Americans investigated with him in Salamada. Then he told then I never entered Afghanistan. He entered with me to the border. The Pakistani then surrendered him to the Saudi's. That's what they say. This guy that was with me that's all I know about the trip.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

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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.

Tribunal President

Colonel, USAF

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ISN#586
Enclosure (3)
Page 7 of 7

001865