

Summarized Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and had no questions.

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

The Recorder presented Exhibits R-2 and R-3 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 opened the Tribunal to the Detainee to make his statement and asked if he would like to make his statement under oath.

Detainee: If you would like me to be sworn, I will swear.

Tribunal President: The choice of taking the oath is up to you. We will accept your statement either way.

Detainee: What will I be swearing to? Will this be an Islamic oath?

Tribunal President: It's a Muslim oath and it's just saying that what you are saying is true.

Detainee: That's fine. I would like to take the oath.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: You may begin.

Detainee: Do you want me to address these points?

Tribunal President: Yes please and the Personal Representative can help you.

Personal Representative: As we discussed yesterday, I will read point one and then you can respond.

Detainee: Fine.

3. *The Detainee is associated with al Qaida:*

3.1. The Detainee arrived in Afghanistan via Pakistan.

Detainee: I wanted to enter Afghanistan. I have to enter via some place. I live in Pakistan since 1985. I married two Afghani women. I have all of my relatives, uncles and grandparents, in Afghanistan. If I wanted to go with my wife and my kids who carry Afghani citizenship, I have to go through Pakistan. I cannot fly. If you consider going from Pakistan to Afghanistan, a crime that does not concern me because I am a married person and I can go wherever I want to. It's natural that I have to go from Pakistan to Afghanistan. If there was another way that I could go another route, tell what's that route. That's all I have to say regarding that one.

3.2. The Detainee attended the Sheikh Sanif terrorist camp.

Detainee: I would like to make a correction. It's not Sanif. It's Saiaf. That particular camp I do not consider it as a terrorist camp. I entered that camp in 1986. My purpose for entering that camp was not to get trained on weapons. I was supposed to be traveling north for a humanitarian reason. To move or transfer medication and blankets to the northern people. That trip takes about 45 days. It's very hard and required me to be physically fit. Because there are no cars there to take you and my travels were going to be using my feet or an animal, like a horse or donkey. I had an opportunity before I take that trip. The Sheikh called me and told me that physically, I'm not fit to take that trip. His name is Sheikh Abdalleh. He asked me to go there and get physically fit before a take that trip. I went there for one day. I arrived on the 18th. I spent there that night. The second day they had physical activities where they were running and exercising. In the same night, he received (a note) that the caravan was supposed to be taking off the following day or the day after that. I arrived there on the third day. The duration of my stay in that camp was only one day. The purpose of my being there was just to exercise. That particular camp was associated with other Afghani organizations. That particular organization was training the people to fight the Russians. The United States was supporting that particular organization. The United States accepted that organization. Sheikh Saiaf, is not designated as a terrorist and you can check your file. He is presently in Kabul and working for the government. His assistant, somebody brought him the pictures, is also running for the government and he has got the picture. You can forward. Bottom line is that Sheikh Saiaf is not a terrorist and the American government supports him because he is already in the government. Why do you call him a terrorist?

3.3. The Detainee was trained to use the AK-47.

Detainee: When I went to that camp, I did not go there for the training. Just for physical training. There were people getting the training on the Kalashnikov. I sat there with them for a period of no more than ten minutes because I was curious and wanted to know about this. You consider that ten minutes is long enough for me to learn how to use a Kalashnikov? The Kalashnikov represents terrorism? If it does, every house in Afghanistan has two or three Kalashnikovs and Pakistan as well. That is the normal way of living in that part of the world and they consider it a dangerous weapon. If you want to

consider me watching this for ten or fifteen minutes as terrorist training, I had training in Jordan. I was there for two years. Why don't you consider that as terrorist activity or being a terrorist? You might consider this as being a terrorist or associated with al Qaida, but to me it's meaningless.

3.4. The Detainee met Usama Bin Laden.

Detainee: That allegation is incorrect. It's all lies. The interrogators, every time they ask me, have you met Usama Bin Laden my response is that I've never met Usama Bin Laden. What I told them is that I have seen Usama Bin Laden from a distance for a period of maybe a few minutes. Is just watching a guy passing through a crime? I told the interrogator more than once that I've never met Usama Bin Laden. It's up to you to believe who ever you want; him or me. You've got my file there and in my file it states that I never met him.

Personal Representative: I also have in my notes that when you did see him that it was in the 1980s.

Detainee: When I saw him it was in 1987. That was even before Usama Bin Laden was a member or the head of al Qaida. During that time the United States was even happy with Usama Bin Laden because he was fighting the Russians.

3.5. The Detainee worked for the al-Haramayn Organization.

Detainee: That is also a lie. I told the interrogator that I never worked for al-Haramayn. Not even one minute. I did not get any money from them. My name was not on their list like I was one of their employees rather in Saudi Arabia or Afghanistan or anywhere. I told the interrogator that I was a businessman. If the al-Haramayn Organization bought some food for me, I collect commission on what I sale and I give the money to the Haramayn. I get the money and they give the food. I get my commission from my suppliers. That's the business. That's what I told the interrogator and can find that in my file. I gave them the name of the other business that I was dealing with that they knew me in Kabul, the storage places where we kept our food, and all the people that I dealt with during my activities. That would prove that I was honest in my dealing and I gave them all that information and it's available in my file. If a terrorist came to a store to buy a pack of cigarettes, as soon as he leaves, does that make the owner of that store a terrorist? That is assuming that al-Haramayn is a terrorist organization.

3.6. Al-Haramayn is associated with al Qaida.

Detainee: If you have proof of that, what's that got to do with me? If you have evidence against anybody who is a member of al-Haramayn or al Qaida, you should be asking them, not me. If you consider al-Haramayn as a terrorist organization you should talking to Saudi Arabia, because Saudi Arabia was the country that established al-Haramayn. Its president is the royal prince there. Why don't you go over there and ask him? They were just buying things from me and as far as I know that is nothing more than a humanitarian

organization. If you have any proof that it's not, this is something you need to take up with Saudi Arabia.

3.7. The Detainee attended the al Fand training camp.

Detainee: This point is the first time that I've heard of it. Nobody mentioned it to me. It's not even in my file. I am totally surprised of how they got this and where they got it. You can check my file to see if there is anything that leads you to this.

3.8. The Detainee worked for Maktab al Khidmat.

Detainee: Yes, I did. I worked indirectly with them. I worked with the Sheik's wife. Sheik Abdalleh Azam, I worked with his wife for an organization called Laddens (ph) Organization. The only reason why I was going there was to get my money. When I was working for that Maktab al Khidmat, it was just a humanitarian effort on my part. I opened up hospitals in the north. We helped the poor and needy people. We delivered some food to them. I was finished with Maktab al Khidmat in January 1992. I was finished with them from point on I had nothing to do with them.

3.9. Maktab al Khidmat is on the terrorist exclusion list.

Detainee: They were saying that the al-Haramayn was a terrorist and exists, al Waha (ph) is a terrorist and it exists, and other organizations they exist, they are talking about Maktab al Khidmat. Where is that Maktab al Khidmat? In 1996, the Pakistani government closed it down. They arrested all of its members and they put them in jail. Some of them were turned over to the Saudi government. The president of that organization, Muhammed Muhamad Youssef Abass was turned over the Saudi government. That was the end of Maktab al Khidmat in 1996. It is not in existence from that point. Up until 1996, Maktab al Khidmat was not a terrorist. They were just helping the Afghani people ever since it was established, up until the time it was closed. Then that camp became a terrorist camp organization and it's not even around. That's all I can say for that for now.

3.10. The detainee is associated with Jamat al Tabligh.

Detainee: Yes, I'm a member of al Tabligh. This is an Islamic organization and it's a good organization. Everybody's happy about the Tabligh worldwide. I was calling helping people. The same way the western world has missionary people, they go to the world, they have the same thing. This particular organization is, just pulling people for God and help and everything else. We could be good people to go to the Mosque and pay their duties and things like that. The Tabligh up until 1996, I did not leave Peshawar to go to Lahore so I could join them in any activity. That is where their headquarters. I didn't go there since 1996. My assistance would then be just local in Peshawar. That is as far as the Mosque is concerned.

Personal Representative: I have in my notes that 1996 is the last time you worked with Tabligh?

Detainee: Yes, I just said that. I was just helping the local. My activity (inaudible).

3.11. Jamat al Tabligh, a Pakistani-based Islamic missionary organization, is being used as a cover to mask travel and activities of terrorists including members of al Qaida.

Detainee: Who is considering that organization as being used as a cover? Who is considering that?

Tribunal President: Don't know.

Detainee: I just worked with the Tabligh because it's a good organization. It works for the Muslim. It's a missionary organization. If there were people that were using it for any terrorist activities, I have nothing to do with that. Tabligh does not confirm these activities. They will not allow other people to influence their members. They will not allow other people to use their members for other purposes. If Americans say that they use that particular organization for terrorist activities, whoever you caught there as terrorists, you can grab them and execute them. Whoever you can grab over there, you can punish them. I am not convicted of that. Does America have anything to prove that I used that organization as a cover? Was there anybody that can come forward and say that I took them to Afghanistan? I have nothing to do with that? If you consider it that way than that's your business. I did not use the al Tabligh for any other purpose other than what's legal. If you have any proof that shows that I used it for other purposes, please present that evidence and then you can try me and convict me.

Personal Representative: That was all the pieces of evidence but I have in my notes that you told me to look at all of the things that you have done, and it would show that you have a history of helping, and helping Afghanistan.

Detainee: Yes, that is true. Even during the Russian attacks I didn't even work with the Russians. I didn't even go against anybody. I was just doing my own thing. My activities were all humanitarian. You can find all that in my file.

Tribunal President: Does that conclude your statement?

Detainee: I have other statements that you would like to say I did. I would like for you to look at my file. I trust you because you have already taken the oath. My classification as an Enemy Combatant is unjust. I did not participate in any activities against the United States or its allies. The proof of that is when I decided to go back to Jordan. I went back there to prove that I did not have any problems with any governments. You can find out all that information from the Jordanian government. I never considered the United States as my enemy. I never fought against the United States. I never carried any weapons against them. Proof of that is when I was captured, I was not captured in the part where they were carrying weapons and fighting. I was captured when I was going back with my wife and my family and my kids to my hometown.

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Tribunal President: I'd like to tell you at this point that this is the only information that we have seen on you to this point (referring to Exhibits R-1 to R-3).

Detainee: If I have 11 points on the Unclassified Summary, five of them were inaccurate and how am I going to trust the classified information? Even the other five were inaccurate, the other five or six were all twisted, how should I trust the classified evidence?

Tribunal President: The purpose of this hearing is to have an impartial board look at the information. We consider two things...

Detainee: Are they going to look at my classified summary (asked to the translator)?

Translator: Yes.

Tribunal President: We look at whatever the Recorder provides us but we also take into consideration your oral statement. At this time we might have some questions for you. Would you be willing to answer?

Detainee: Fine. Go ahead and ask.

Tribunal President: Personal Representative, do you have any questions for the Detainee?

Personal Representative: No ma'am.

Tribunal President: Recorder, do you have any questions for the Detainee?

Recorder: No ma'am.

Tribunal President: Do any Tribunal members have any questions for the Detainee?

Tribunal Members' questions

Q. Sir, when did you last travel from Pakistan to Afghanistan?

A. I told the interrogator in the past. The last time I went to Afghanistan was in 1992. I did not go back to Afghanistan until the year 2000. In June of 2000, I went to Afghanistan.

Q. How long did you stay there in June of 2000?

A. I stayed there until Ramadan 2001. That's when I left Afghanistan. Because in Kabul they were saying that the foreigners need to leave the country including all organizations to protect themselves from what's going on. I lived there as a foreigner.

Q. From June of 2000 until Ramadan 2001, where did you stay?

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A. I was in my house. I my trade was selling honey. I was dealing with al-Haramayn because they were buying that from me.

Q. Where was your house?

A. The house was in an area called Taymenih. The street address was number 6.

Q. Is that near any larger cities in Afghanistan?

A. It's inside Kabul. Just like an area or street.

Q. From June of 2000 until Ramadan 2001 did you stay anywhere else besides your house in Kabul?

A. I spent three months with my wife's family.

Q. Where was that?

A. In an area called Barwansia. I'm not sure of the name but that's what I think. They are my wife's relatives. My wife's aunt. So I stayed with them for three months.

Q. What's the nearest large city in Afghanistan to Barwansia?

A. Kabul.

Q. The purpose of your visit from June of 2000 until Ramadan 2001 was simply to sell honey?

A. Not only to sell honey.

Q. What else?

A. I was working with al-Haramayn selling them honey along with food items. What is the purpose of this question? Are trying to find out if I'm selling honey?

Q. I'll continue asking some more questions and maybe you'll come to understand. Who were you arrested with?

A. We were in Islamabad and we were traveling, going back to Jordan via a missionary organization who was buying the tickets. Since I have my wife and seven kids, they gave a lot of money to buy tickets for them. I had all my furniture with me. That trip was going to be expensive for me. We went with that organization so they could help us. So we could go back to Jordan without having to pay any money. The Pakistani people and the people in that organization, they

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were just interrogating us. It was just a routine thing to exist that area. There were a whole bunch of people with me. All of them went and there were only two left.

Q. What was name of this organization?

A. al-Qathafi Organization.

Q. I'm still not certain I got an answer to that question. Who were you arrested with?

A. They are in my file. I don't know their name but you can find their number and name in my file.

Q. Approximately how many people?

A. Approximately seven. More or less, but all the names and numbers are in my file.

Q. Did you have any weapons with you when you were arrested?

A. No, I didn't have any weapons.

Q. How about the other people that were arrested? Did they have any weapons?

A. No, they did not have any weapons. We were not captured or arrested. The organization, the al Qathafi organization was the one that turned them over. They took us over to the Pakistani government.

Q. Did anybody explain to you why?

A. They told us we have to go through that in order of us to leave the country. They have to make the necessary arrangements.

Q. At some point you were arrested?

A. We went to them and they kept us there. They said that it's going to take some time. We were there for 19 days and then they let us go. I was one of the ones that left. Five days later, they called us again and said they had a few questions we would like to ask you. When we went there... they just kept me there.

Q. Did they tell you why they were keeping you there?

A. They never told me. Until this time, I don't know why I'm here.

Q. The Sheikh Saiaf camp. It's a little unclear to me. How many times did you actually attend that camp?

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- A. The one time that I went there was the only time. I was there for 24 hours as I told you earlier.
- Q. Do you have any friends or associates who are members al Qaida?
- A. No.
- Q. How many times in your life, if at all, have you been arrested?
- A. I've never been arrested. This is the first time in my life.
- Q. Describe any weapons training you've received throughout your lifetime, other than that ten minutes that observed the Kalashnikov training.
- A. Are you talking about the Jordanian Army?
- Q. Anything in your lifetime. That would be included.
- A. The only thing that I trained on in the Jordanian Army was the M16.
- Q. The al Fand training camp. Did you attend that camp or not?
- A. I told you. This is the first time I've heard of it. I don't know where you got it from or how you obtained it.
- Q. So you did not attend the camp?
- A. Never.
- Q. You went to the Sheikh Saiaf training camp for 24 hours?
- A. Yes, I told you that in the beginning.
- Q. You went there for physical training so that you could move supplies?
- A. That long trip ahead of me. I wanted to get in shape. That was an order from Sheik Abdalleh. To go just for physical training.
- Q. So you are saying only after 24 hours you were in shape to start moving supplies?
- A. No, as I said before. I went over there for the physical training. It so happened that after having been there for one day I received a note. Sheik Abdalleh told me that it's going to take a couple of days for the caravan to gather. Instead of spending your time here and doing nothing, why don't you go to the camp, get as much training as you can until the caravan gets all taken care of. So when I spent the first

day at the camp. We got the answer that the caravan would be leaving on the second day or the day after that.

Q. Do you believe in jihad?

A. I believe in Islam. Do not dissect Islam.

Q. I'm not. All I'm asking is do you believe in jihad.

A. I cannot answer that question. It is a mysterious question and I cannot answer it.

Q. Do you know what jihad is?

A. Jihad, as far I'm thinking has many meanings. Just like what he was doing there, helping people or what he was doing when Russia was attacking. Don't think that when you are saying jihad, that you are always talking about somebody killing somebody. Jihad could mean somebody helping other people. Opening schools all these are part of the jihad. So when I went to Pakistan, I went to do just the humanitarian part of the jihad.

Q. But jihad does include killing people correct?

A. That is true but I'm a coward, I cannot go into these things. All I did for my part of the jihad is helping people. That's why I chose (inaudible).

Tribunal President's questions

Q. I understand that your primary cause for leaving your business in Pakistan was to do humanitarian things?

A. Which year are you talking about?

Q. I'm talking about in 2000.

A. I did not go to Afghanistan for humanitarian because I was not associated with any organization. I went with my kids, my two wives to Afghanistan so I could live there. We were immigrating. Because my wives wanted to do that and I wanted to grant their wishes. That's their right because they're from there and wanted to go back to their country.

Q. So you were actually going to go live there?

A. Yes, I was going to go and stay. I wanted to buy a piece of land to build house for my family. (inaudible). I had nothing to do with all of this. All I wanted was a peaceful life for my kids and wives.

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Q. You indicated that Pakistan kept you for 19 days. Then you said that after five days they called you back. If your intent was to go on to Jordan, why did you stick around after they let you go the first time?

A. I didn't go back. After the 19 days we left and that organization was making arrangements for us to leave. They said before you leave we wanted to ask you a few questions we forgot to ask.

Tribunal President: I'd like to thank you for participating in this Tribunal. Do you have any further evidence to present to this Tribunal?

Detainee: I told my Personal Representative, the last time I talked to him that I had some witnesses but the thing of it is that I'm going to leave it to God. That is the truth that I told you and I'm just waiting for Justice.

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee had no previously approved witnesses to present to the Tribunal and closed the open session.

The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open 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

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