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Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee.

Detainee: What's the name?

Tribunal President: The name of what? I'm sorry I don't understand the question.

The Detainee assisted the Tribunal President with the pronunciation of his name.

The Tribunal President continued to explain the Hearing Instructions to the Detainee.

The Detainee confirmed that he understood the process and had the following question:

Detainee: What will it mean... to be removed from the Tribunal?

Tribunal President: If you become disorderly.

Detainee: What does disorderly mean?

Tribunal President: Disorderly, would be things like yelling and that sort of thing.

The Detainee confirmed that he understood the process and had no questions.

The Tribunal President instructed the Personal Representative to submit the Detainee Election Form (Exhibit D-A) into evidence.

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

The Recorder presented Exhibit R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Tribunal President, referring to Exhibit D-A, informed the Detainee that an unclassified version of the document he requested on Jama'at al-Tabligh could not be found and was therefore considered to be not reasonably available.

The Tribunal President opened the session to the Detainee to make his statement and informed him that he would have the assistance of the Personal Representative in doing so.

The Tribunal President asked the Detainee if he wished to present information or make a statement and if so, did he wished to make his statement under oath.

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Detainee: You want me to defend myself against the accusations that you just read?

Tribunal: This is your chance to give an oral statement about these allegations.

Detainee: He (the Personal Representative) can read it one by one.

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

Detainee: Will I be forced or is it a choice?

Tribunal President: It is your choice.

Detainee: I do not want to.

Tribunal President: That is fine. You may begin and your Personal Representative can help you.

3. The Detainee is a supporter of al Qaida

Detainee: What's the proof?

Recorder: Madame President, if I could interject. Under paragraph three, the Detainee is a supporter of al Qaida, is a category which each of those points supports.

Detainee: So the other points are supporting that I'm a supporter of al Qaida?

Tribunal President: That is correct.

Detainee: That's wrong. The proof should be first and then after it should say I am an al Qaida support. The result should be after the accusation not before it.

Tribunal President: You have an opportunity to talk about each one of the points and that's what we are here for you to do.

3.1. The Detainee is a Yemen citizen who traveled to Pakistan via Yemen; Karachi, Pakistan and finally to Lahore Pakistan prior to 11 Sep 01.

Detainee: I want to ask the president where there is a Yemeni citizen who traveled from Yemen to Pakistan, Karachi, and to Lahawa (ph) if it's a female, man, or animal, will they be considered a supporter of al Qaida?

Tribunal President: It is merely a supporting bullet and we are only concerned with your story today.

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Detainee: Basically, you are identifying me as a supporter of al Qaida, classifying me that way, and you're saying because of that, the reason is I traveled from Yemen to Pakistan. Is it true that whoever has traveled from Yemen to Pakistan is a supporter of al Qaida, I just want to end all that.

Tribunal President: We are only concerned about your case today.

Detainee: I'm classified as a supporter of al Qaida, then it should be points in those accusations that says I'm supporter al Qaida. Not that I traveled to Yemen or I traveled to Pakistan, no. I can look at it and I'm sitting next to this man and put that point in there too. Which has nothing to do with my case but I can put it in there too and say oh, those are the points that says I'm a supporter of al Qaida.

Tribunal President: We are not here today to debate how these points get on here. We are given this as it is. This is the only information we have seen about you to this point. This is your opportunity to respond to these if you choose to do so.

Detainee: The interrogator and the investigator about a month ago that met with me told that was nothing against me and that I am an innocent man and should released. You were just arrested in the wrong place in the time. You should be released. After words, my Personal Representative came and met with me with six accusations I had no idea where they came from.

Tribunal President: That's part of the story that we need to hear about.

Detainee: Are you a judge or a president? What exactly are you?

Tribunal President: I am the President of this panel.

Detainee: So this is not a court?

Tribunal President: This is an administrative function only.

Detainee: Those are not accusations and they do not prove that I'm an al Qaida supporter but if you want me to just go ahead and read and respond to it I will.

Tribunal President: If you would like to do that, we would be more than willing to listen.

Detainee: If I defend myself then one side should be convinced about what is being side. But if both sides are not convinced then what is the point of me being here?

Detainee: This is your opportunity to tell us your side. The only way we are going to hear it is from you.

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Detainee: The Personal Representative didn't mention anything new to me. Everything that has been said are things that I have said before or I mentioned before.

Tribunal President: Okay.

Detainee: So there is no need for me to hit them again. If you want to classify or identify someone as an al Qaida supporter, you should bring some evidence that supports that point. The true evidence. Go ahead.

3.2. The Detainee was recruited by a member of the Jama'at al-Tabligh.

Detainee: What do you mean by recruited?

Personal Representative: That is for him to tell us in his story.

Detainee: I know the definition of recruiter. It is someone becoming a member or someone supporting or helping. If that is the meaning that you mean, then that definition does not apply to me. But if you mean recruited as being someone who went to the Mosque with them and prayed with them, everyone sat sometimes with Tabligh. That point still does not prove that I am an al Qaida supporter. A lot of Americans in America are with the Tabligh which are also Americans (inaudible), and Israelis also in Palestine and Russia and China all over the world. Are they all supporters of al Qaida? Go ahead.

3.3 Jama'at 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: Before this they told me that al-Tabligh are not from al Qaida, is that true?

Personal Representative: We searched for a document to show that there is a connection but did not find one.

Detainee: The al-Tabligh are not from al Qaida. In this point, basically you are saying Jama'at al-Tabligh is used as a cover for al Qaida and terrorist activities. So basically you are saying that Jama'at al-Tabligh are al Qaida.

Personal Representative: It is up to him to tell us in his story, what connection if any, he has Jama'at al-Tabligh.

Detainee: Is it true that you are saying that I am with Jama'at al-Tabligh and Jama'at al-Tabligh are used as a cover for al Qaida. Is that what they are trying to say?

Personal Representative: I can read him the accusation again if he would like.

Detainee: You are reading something that you don't understand.

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Personal Representative: Would you like to hear it again?

Detainee: Very strange. Who wrote those accusations you (the Personal Representative) or someone else?

Personal Representative: I did not write them.

Detainee: So how could you read something that you don't understand?

Personal Representative: This is his story not my story.

Detainee: I want to talk to someone who can understand me. Who can understand what I'm saying not someone who doesn't understand those accusations.

Personal Representative: He can make statements without me helping him if he wishes.

Detainee: I do not understand what you are saying.

Personal Representative: I can read it again if you like.

Tribunal President: The Personal Representative is merely helping you get through the bullets. You are telling your information to us because we're the ones that have to make the determination about your Enemy Combatant status.

Detainee: I'm saying this to everyone. Not just to my Personal Representative.

Tribunal President: These are just bullet points. If you chose to tell us more information, that's your choice.

Detainee: Will you be the board that will be deciding what I am saying is true or will there be another Tribunal?

Tribunal President: The purpose of this panel is to determine your Enemy Combatant status. In doing that we consider two things. One is the information that the Recorder provides to us. The second that we consider is your oral statement. Would you like to continue on?

Detainee: No problem. I will continue.

Tribunal President: Thank you.

3.4 The Detainee lived in Issa's house with other Yemeni students.

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Detainee: Why is it forbidden for a person to live with citizens of his own country in a different city? What's forbidden about it? That point, is that part of the proof that I am an al Qaida supporter?

Tribunal President: That's one of the bullets on the Unclassified Summary.

Detainee: Is it true that a person is living some house outside their city, that he is an al Qaida supporter?

Tribunal President: Maybe, we have no idea. This is the only information we have at this point.

Detainee: (inaudible).

Tribunal President: We have no idea. This is the only thing we have.

Detainee: This is like a game. All those six points that were given to me, supposed to be supporting that I am an al Qaida supporter, are all false. There is international law that goes against someone living outside their country. If going to travel from country to another, who am I going to live with? Of course I'm going to live with my friends.

Tribunal President: Does that conclude your statement?

Detainee: This is empty. This is nonsense. I don't even want to reply to this. I want those six points and the first accusation to be presented to an International court and if they decide that those points are valid and they do support that I'm an al Qaida supporter then that would be good.

Tribunal President: Your comments are noted for the record. We may have some questions we would like to ask you. Would you be willing to answer our questions?

Detainee: Are there two points left or is that it?

Tribunal President: There are two points left if you would like to respond to them.

Detainee: Good. Go ahead.

3.5. The Detainee was arrested at Issa's house during a raid by the Pakistani Police.

Detainee: This is normal. In different countries when there are foreigners living there, it's very normal for the government of that country to go into the refugees' or certain people's house who are not from that country and search their houses just to find out if they are officially in that country, if they have proper papers, if they have permanent residents. It happened in Saudi Arabia also when the Saudi police go into people's houses and ask if everything is official. What you did was the money given to the

Pakistani police for each one of us. We were sold out basically. Even in Yemen and in So mage (ph), they find Americans there that don't an official residence or Visa, or that kind of documentation from the government. They would be taken and sent back home right away. After the incident that happened in the United States, the Americans were very desperate like a hungry person. They wanted just to take anyone. The Pakistanis took advantage of you and just gave you anyone for an amount of money. Go ahead.

3.6. The Detainee was transferred to a prison in Kabul, Afghanistan.

Detainee: After I was arrested when I was handcuffed? That's a question. Was it after when I was handcuffed?

Personal Representative: That is part of the story that he needs to tell.

Detainee: I was detained in Pakistan, Islamabad, what exactly are you saying?

Personal Representative: This is his chance to tell his story. That's what we are saying.

Detainee: When I was arrested by the Pakistani police, they took me to (inaudible), I was detained there. Then they took me Islamabad. From Islamabad I do not know exactly where I was taken. I lot of people were taken from Islamabad to Kabul and most of them got released without anything. I was supposed to be one of those that was released and the investigators and interrogators told me that I needed time and that would be released soon. It's a matter of time. That's not proof that I'm an al Qaida supporter. If someone is handcuffed and being moved from one prison to another under the supervision of others, that does not prove I'm al Qaida. I'm detained, I'm handcuffed, I'm being moved from one place to another.

Tribunal President: Does that conclude your statement or do you have anything else you would like to tell us?

Detainee: I will talk another time if I have to.

Tribunal President: Would you be willing to answer any questions that we may have?

Detainee: You will be asking?

Tribunal President: Myself, or the panel.

Detainee: What will you be asking?

Tribunal President: Questions concerning these points.

Detainee: About the six points.

Tribunal President: Yes.

Detainee: Go ahead.

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

Personal Representative: No ma'am.

Tribunal President: Recorder, do you have any questions?

Recorder: Yes ma'am. When you gave your oral statement, you mentioned that these were all things you have said before.

Detainee: Yes.

Recorder: Then a few minutes ago you said that they were all false. What did you mean by that?

Detainee: It's not that I am an al Qaida supporter. That's not true. The points that happened but they don't prove that I am an al Qaida. If you bring cement and water, the worker can build a wall. But if you bring a donkey and something else, can you make a wall out of that? That is what you are trying to do. What's been said is different from the result is. One plus one is two. But one plus five is not ten. You want to make one plus five equal ten. Go ahead.

Tribunal Members' questions

Q. Do you have anything to hide?

A. No I do not hide anything.

Q. Then you will have no problems answering questions that I have, is that correct?

A. God is willing.

Q. Thank you. What is your education level?

A. High school.

Q. What was the name of the mosques that you attended in Yemen?

A. Is a question or investigation?

Q. This is a question.

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- A. How many?
- Q. What is the primary Mosque that you attended?
- A. With all due respect, I will answer something that I haven't answered before but the questions that I have answered multiple times before, I do now want to answer again. Some of them I will answer with all due respect. The al Naser Mosque.
- Q. What motivated you to travel to Pakistan?
- A. I have a quest for education.
- Q. What type of education?
- A. Religion.
- Q. Was this religious education not available in Yemen?
- A. It is but not many. I have right to travel anywhere I want.
- Q. I am not disputing that. All I'm asking is why you did not study in Yemen?
- A. I have two answers. One answer has respect and the other has none. It's half and half. In Yemen, religious scientists, usually advise students to learn about religion and travel to different countries to view religion from another point of view. I'm not saying the other answer.
- Q. What was your occupation in Yemen?
- A. It's not really an occupation but I worked with my brother in building, construction. Some other times I would be working in water purification plants. We had water that came to us and we purified it to pump it other places. Not a big factory but it's a small place. A room that is this size. The size of this room. Maybe two rooms like this.
- Q. Who paid for your travels to Pakistan?
- A. Money you mean?
- Q. Yes.
- A. My personal money. My own money.
- Q. Did you plan to learn Pakistan or later in Afghanistan?

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A. In Pakistan. I went to Pakistan. I've never heard that they have good education in Afghanistan.

Q. Did you have a job while in Pakistan?

A. No.

Q. How did you support yourself?

A. At first I used my own money brought with me. After words, I was with a community group or the shelter the food was free. A Mosque and the house was free.

Q. Are you a member of Jama'at al-Tabligh?

A. The first thing I mentioned before. If that means that I was a supporter of them that I was one of them that's not true, but if you mean that I was studying with them, going to Mosque with them, and praying with them then that part is true.

Q. You say that you were sold out. What information do you have that you were sold out?

A. What made me say I was sold out?

Q. You are the one that made the accusation that you were sold out. I would like to know how and who told you, you were sold out.

A. The prisoners and detention facility all said that the Pakistanis were getting money for each prisoner. The Pakistanis guards were saying that we were worth \$5,000.

Q. So you never actually saw any money being transferred for your capture?

A. I was blind folded until I came to Cuba.

Q. You stated that some interrogators said you were innocent and that you should be returned is that true?

A. Yes.

Q. So that we may find out if this is a true statement, when and were?

A. I do not know exactly but I'm sure it was taped and is somewhere on tape. One was named [REDACTED] and the other was named [REDACTED] I was told about a month and a half ago that because I was in the wrong place at the wrong time and because all

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these days have suffered so much, it only would take time until everything is settled and everything has been done and settled until I will be release to my country. When I was arrested in Baghrum maybe two months later, the investigators told me that there was nothing on me. Maybe two points. He said there are only two points that we need to know. Where did you get this money on you? Second, there's a problem, what would you do when you were at that house? If there was a problem, what would you do? How would you solve it? I answered all those points. After I replied to that investor they told me that's it. There's nothing on you. At that point, I thought I was going to get released but here I am. I've been here three years now.

Q. Last question. Do you believe in jihad?

A. I do not believe that any Muslim does not believe in jihad. Even infidels.

Q. So therefore, did you conduct jihad against the United States?

A. I did not.

Q. Sir, I have a few questions for you as well.

A. Just one?

Q. I have more than one. Did you have a passport?

A. Yes, I had one.

Q. When you were arrested, were you arrested with that passport?

A. Not when I was arrested.

Q. Where was your passport when you were arrested?

A. Once I was at the Mosque praying with Jama'at al-Tabligh, and I looked into my bag and my passport was missing.

Q. So you lost your passport?

A. Yes, I lost it.

Q. When you were arrested did the Pakistani police tell you why you being arrested?

A. Can you repeat the question please?

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- Q. Absolutely. Did you the Pakistani police tell you anything with respect as to why you were being arrested?
- A. Up to this day, the Pakistani police have never investigated me. The guard at the prison, the Pakistani guard, told us they were looking through papers and identification cards and then you will be returned back home. Why do you believe the Pakistani government? True or untrue why do you believe them?
- Q. I appreciate your response but it's not really answering the question that I'm asking. The only question I have with respect to this issue is did the Pakistani tell you why you were being arrested?
- A. Me personally, they never told me, other people possibly they told them but I was never told. You can make sure. Look into my file. Right now exactly I do not remember. For you own information, do not believe what the Pakistanis tell you. (inaudible). If they are taking money from you, don't believe what they tell you.
- Q. Approximately how long were you in Pakistan?
- A. Approximately eight or nine months.
- Q. Just for clarification, other than studying religion, did you have any other purpose for visiting Pakistan?
- A. At first I went there to study the religion and after five months of doing my own personal religion and just praying and reading the Koran just knowing it very well. After that I went to a religious university.
- Q. When you were in Pakistan, did any of the people that you were staying with have any weapons that you saw?
- A. I did not see any weapons.
- Q. Did you ever hear anybody talk about weapons in the place that you were staying?
- A. Nobody.
- Q. Was your family aware of your travels to Pakistan?
- A. Sure.
- Q. Did they approve of it?
- A. Yes.

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Q. To your knowledge did you ever have any friends or associates that were al Qaida members?

A. No.

Q. You said that when you were in Pakistan, you were basically getting free housing and free food correct?

A. Correct.

Q. Did anybody explain to you what if anything was expected of you in return?

A. No.

Q. What was your understanding of what was expected of you in return?

A. In Yemen, when a student or someone goes there to study someone who has wealth or has money will usually help the needy ones. They help to support them money wise, shelter wise, book wise as guests.

Q. The interrogators that you referred to as [REDACTED] and [REDACTED] these interrogators are they here at this location?

A. Before or now?

Q. When you spoke to them?

A. Of course where else would they be talking to me?

Q. In other words, it was at this location. It wasn't in Pakistan or in Afghanistan?

A. You must not be concentrating on what I said before. I said about a month and a half ago they spoke to me.

Q. Were they in military uniform or in civilian clothes?

A. They were wearing civilian clothing.

Detainee: The investigators before them also had told me that because we have so many and we are so busy, it will take until they get to your case and hopefully when they get to you be freed.

Tribunal President's questions

Q. Did you travel by yourself when you went to Pakistan?

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- A. I went from my house to the airport alone. When I was on the airplane I met a person. I only spoke to him on the airplane and after I left the airplane I do not know where he went.
- Q. Once you got to Pakistan how did you know where to go?
- A. I told the investigators before that I met two people in Yemen. I will tell you the story about what happened when I met this person. Do you want the story?
- Q. Yes please.
- A. This person was from Jama'at al-Tabligh told me to go to a Mosque in Karachi, the Mosque is called Makki (ph). He told me not to go to Makki (ph) but the Jama'at al-Tabligh will take you to the main center in Lahore. After that the university was my decision. Makki (ph) Mosque is very popular and well known.
- Q. You indicated that at first you learned at a Mosque but then you went to a university. What university was that?
- A. Sudafia (ph) University.
- Q. Is this a large university or relatively small?
- A. Size?
- Q. Size wise, is there one hundred students or...
- A. Hundreds of students.
- Q. Were all the people that lived in the house with all students?
- A. I don't know about them all but some of them I know they were students.
- Q. So you didn't know all of the people that lived in the house?
- A. I knew just their names.
- Q. You said that when you were arrested they asked you two questions and one of them was where did you get money. Were you talking about money that you had on you when you were arrested?
- A. When I was arrested I only had 300 rupees or about \$50. Not much at all. They then asked me how did I get identification card and was I able to get here.

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Tribunal President: I want to thank you participating in this Tribunal today. Do you have any further evidence to present to this Tribunal?

Detainee: Evidence that I am innocent? What kind of evidence?

Tribunal President: Any other statements you would like to make to us.

Detainee: A person is innocent until he is proven guilty not guilty until he is proven innocent. I don't have anything else.

The Tribunal President confirmed with the Personal Representative that the Detainee had no further evidence and/or witnesses.

The Tribunal President stated that all unclassified evidence had been presented to the Tribunal and closed the open session. The Tribunal President explains the remainder of the Tribunal process to the Detainee and adjourns the Tribunal.

Detainee: One minute. I answered all the questions that I had to answer so any interrogators or investigators want to talk to me I will not talk to them. You can talk to them.

Tribunal President: So noted for the record.

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

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