

Summarized Unsworn Detainee Statement

After the Tribunal President advised the Detainee of the hearing instructions, the Detainee asked if he would have a lawyer after this session.

The Tribunal President advised that this was not a legal proceeding, but an administrative proceeding and therefore a lawyer was not needed. The Tribunal President also advised that depending on the outcome, the Detainee may or may not need a lawyer at a later date. The Detainee understood.

The Tribunal President advised the Detainee the witnesses he requested were not reasonably available, and would not appear before this Tribunal.

Detainee: I requested witnesses, but I want witnesses from you too. I want you to prove everything that has been said about me is true. Being in this place, I cannot provide any witnesses for anything. I could reference some points...

Tribunal President: Let me interrupt. It has already been identified by the Recorder, who represents the United States that she has called no witnesses to testify against you. These allegations on the unclassified summary are the only unclassified evidence that has been presented. You have the opportunity to tell us your story.

The Detainee made the following statement:

I was in Pakistan and explained, in detail, in many other interviews before this, what I was doing in Pakistan. I never went to Afghanistan, ever. You have to prove how you came to the conclusion that I am a member of the Taliban.

The Tribunal President advised the Tribunal Members are going to take and consider all the facts and determine if the Detainee is properly classified as an enemy combatant. The Tribunal President also explained that the Tribunal Members have not viewed any evidence prior to sitting down in order to maintain an open mind.

Good. I didn't realize that I was going to have to repeat my story again, but I am ready to repeat it.

I left Yemen almost 4 years ago. I left the city of Sana'a to go to Karachi, Pakistan. I went to do business. I was planning on dealing in textiles. I saved some money and I already had some money because I was already doing business in textiles. Most of the money I took to do business with was from my mother. It was \$3,500.00.

I got my plane ticket and visa from Yemen. The people who were in the textile business told me the best place to go for good quality things is Pakistan. I don't remember the date I arrived in Pakistan, but it is in my passport. You will see that there was only one trip to Pakistan in my passport. It will say the date I left Yemen. I have asked about my

passport in interrogations here before, and they said it is not here. There is another way to find out. Check with the Yemen International Airport, and you can easily find out the date I left Yemen from the airport authorities.

I left Yemen, went to Pakistan and went to a hotel. I stayed at the hotel for a few days. I wasn't familiar with Pakistan streets and environment, but the name of the hotel is very well known. After 3 days, as I was walking the big textile market, I met a person by the name of Hussein Bashir in one of the shops. He spoke to me in Arabic, lived in Saudi Arabia for 3 years and is about 28 years old. He told me he lived in Mecca for 12 years and his original nationality is Pakistani. He told me he would help me to the right places and introduce me to the right people to buy textiles. He told me not to buy right away and to be patient.

He [Hussein Bashir] was like a friend/advisor to me. I told him I was staying at the hotel and he told me he had a modest house and I should stay with him. I got my luggage from the hotel and went to his house. I stayed at his house for 6 months. Initially, I expected to stay 2-3 weeks at the most. My plan was just to buy textiles and go back to Yemen.

We, [Detainee and Hussein Bashir] traveled all over Pakistan, and he showed me all of the landmarks and sights in Pakistan. I found out later that he [Hussein Bashir] was using me for the money.

Hussein Bashir's mother passed away and he has 2 brothers and we [Detainee, Bashir and 2 brothers] used to sit outside. His father works in Saudi Arabia and I believe he is a driver. His father used to send him about 1000 Saudi Riyals a month. He [Hussein Bashir] used to drink whiskey and smoke hashish. He used to use me to buy whiskey and hashish. He was very smart about making me pay without letting me know he was pushing me to pay. I used to play the role of a generous person, so I used to give it to him.

We used to sit and stay up nights. We spent the whole 6 months going out, having fun, ladies. After that, I realized that half of my money was gone. I used to give him [Hussein Bashir] money in Rupees, Pakistan money, not dollars. He used to spend some money himself also.

I told him [Hussein Bashir] that I needed to get a job because half of my money was gone. He said great and promised me a job. My visa, my stay in Pakistan expired. One day he told me there was a job. I didn't think about it. I just needed a job, any job. I needed to make back the money I lost. He took me to a house in Karachi by the sea on Rabia Basri Avenue. It was a big villa and the owner's name was Asadeen. He [Hussein Bashir] delivered me there, said good-bye and left.

I was to work for this gentleman [Asadeen] as a guard for this house. I stayed there 1½ years. After that, a problem happened in the house. Before that, he [Asadeen] used to

give me 2,000 Rupees a month. Then a problem happened inside the house that caused me to leave.

I contacted Hussein Bashir, [and] he came and picked me up and I went back to his house. I had accumulated a sum of money in this year and a half. I stayed with him for 3 weeks, but feared we would go back to what we were doing before.

At that time I wanted to stay residence [establish residency] in Pakistan. My stay in Pakistan was not legal at that time. This time, I didn't ask Hussein Bashir about a job, I asked him about being able to stay in Pakistan. I wanted to have official residency there so I could come and go with no problem. Hussein Bashir didn't know anything about this personally, but knew someone who did.

Bashir sent me to a person named Shaquille Murat in Lahore, Pakistan. I went to him and showed him a handwritten letter from Bashir, which explained what I needed and wanted, because I couldn't speak the Pakistani language very well. I could only speak a few words. He [Murat] took the letter, read it and didn't pay me too much attention.

In front of the house was a big cemetery and next to the cemetery were 3 restaurants that people could eat at. On the same avenue was the house of Shaquille Murat. He put me in a room on the upper floor with furniture. I lived in that room for 3 months and I used to give him 500 Rupees a month.

Shaquille Murat had the same problem...he used to use hashish and drink with friends. He didn't pay any attention to the matter I had come for. Since I didn't have a job and I wanted to save my money, I used to eat in the free restaurants. These restaurants belonged to a gentleman who had passed away and was buried in the cemetery. He was a very holy, spiritual gentleman. He was financing the restaurants for the poor people.

I spent 3 months there and after that I insisted on doing something about my residency or fix my visa. Murat told me he was going to send me to Faisalabad, Pakistan. Murat said there was a big Arabic community in this area and the Pakistani government would give visas and arrange papers for these people. Murat told me that I would have to bribe to get my visa. This is well known about the Pakistani government. They take bribes for everything.

I went to the address Murat gave me in Faisalabad. The gentleman's name was Issa Nassir and I had his phone number. I called him and he came and picked me up at a bus station in Faisalabad. I stayed with him for 2 months. He had family with him in the house, and it was very small, so I wasn't very comfortable in the situation. He didn't do anything for me, but was always saying to be patient and to wait.

I was leaving and planning to call my family, and then I met Ahmed Abdullah, who is also a prisoner here. He was speaking Arabic, and this was the first time I met him. When I heard him speak in Arabic, we introduced ourselves to each other. Abdullah

looked at me and asked what I was doing there. I was wearing jeans and a tight t-shirt. It wasn't really appropriate. I didn't have a beard at that time; I was shaven. In the picture they took when they captured me, you'll see that my head was shaved and my beard was shaved.

When I met Abdullah, I told him I was not comfortable staying with that family in that small house. He told me it wouldn't be a problem. They were all university students and they all lived in a big house and if I wanted to join them, it wouldn't be a problem. I was very happy and went with him.

I went to the house and found a lot of students in the same age group as me. We introduced ourselves to each other.

I stayed in this house for only 2 weeks. This friend of mine, Ahmed, told me that he would check with people that might have connections with the government and see if they could help me fix my problem with my visa. As I said, I stayed 2 weeks and the Pakistani government came and captured all of us.

The people in that house were from different nationalities, but the majority was from Yemen. A few were from other nations. There was one from Saudi Arabia, one from Libya, one from Palestine, and one from Russia. The rest were Yemenis, the same as me.

I didn't have any relationships with anyone in that house. They [the other students] were trying to inspire me and to do the religious things, like look at my religion because most of the students were studying the Koran and all things related to religious studies. They were asking if I wanted to join them in the university. They realized that we weren't really in harmony together because I used to use drugs and hashish and things like that. I used to read magazines. Most of the time, I would stay in the back yard, so I was keeping my distance from them. Not because they were bad, but our minds were going in different directions. They had their way and I had mine. They were just different. When they realized that we weren't getting along or on the same path, they left me alone and didn't bother me much anymore. That's why I wasn't deeply associated with them until the day the Pakistani government came and captured us.

When the Pakistani authorities captured us, there were 2 civilian Americans with them. In that house I had only one good friend and we used to get together all the time. His name was Ahmed Abd Al Khadir. We shared the same vision and he has the same opinions. He used to use hashish with me.

When the Pakistani authorities captured us, they delivered us to Lahore [Pakistan]. In Lahore, some civilian Americans interrogated us. I had only 1 interrogation with them and it was the same with the other detainees. After that, we were delivered to Islamabad. The 2 people who I mentioned, the one who took me to the house and the one I was friends with, they are both detainees here. One is Ahmed Abd Al Khadir and the one who brought me to the house is Ahmed Abdullah. These 2 guys are present in this camp.

We stayed 1 week in Lahore and then they took us to Islamabad. We stayed there for 2 months and I had 2-3 interrogations and I believe it was the same for all other detainees.

After the 2 months, we were delivered to the Islamabad airport. The airplane took us to Bagram. The American government received us from the Islamabad airport. It was an American military airplane and the soldiers were Americans. We arrived at the military base in Bagram and stayed there 2 or 3 months. I was interrogated about 4 or 6 times. Then they took us to Kandahar and it was the same thing; American airplane with American soldiers. Again, we were received by Americans. We stayed in a small camp with wires, at the Kandahar airport. After 2 or 3 weeks, we walked from the camp to a plane and they took us to Cuba.

I have a letter from my mother stating that I left for business and I believe you have this letter in the prisoner's letters file. In that letter, my mother said that if she knew I went to do something other than to do textile business, she would never have let me go.

When I was captured the first time, I was only 22 years old, I think. I'm not sure about my date of birth.

Money was part of my belongings when I was captured. I think I had about \$1,900.00 and I think it's here in Cuba. This is all of my story.

The Personal Representative stated that when he met with the Detainee, they went over each item in the Unclassified Summary and the Detainee stated that each one of them is not true and they are false allegations.

Questions by Tribunal Members

Q: You have given us a very detailed story. You have a good memory for detail.

A: I can't remember most dates, but I've told my story, the same story 30-50 times.

Q: Where did you learn to speak English?

A: In this camp.

Q: Prior to coming to the camp, did you know English?

A: No, just letters and alphabet in school.

Q: What is the level of your education?

A: Middle school, but if you want my life story, I can give it to you.

- Q: No thank you [laughter].
- Q: The highest level of middle school is equivalent to 8 years? More than that?
- A: For us, elementary school is 6 years, middle school is 3 years and high school is another 3 years. I stopped in the middle school, but I didn't finish middle of it. I wasn't fit for studying, so it wasn't the right thing for me. I studied a little bit of English in middle school, but I wasn't good at it; I couldn't absorb it. I only knew the letters and alphabet. Things like, excuse me, I'm sorry, how are you.
- Q: From the time you left Yemen until the time you were captured in Pakistan, how long was that?
- A: I believe it was close to 2 years or a little more.
- Q: Your visa to stay in Pakistan was good for 1 year?
- A: It was only for 3 months.
- Q: So, all the time over 3 months you were in Pakistan without official permission, like you told us?
- A: Yes, that is true.
- Q: Who was in charge of the last house you stayed in with Ahmed Abdullah and Ahmed Abd Al Khadir?
- A: His name was Issa.
- Q: What do you know about Issa?
- A: I do not know anything.
- Q: Did he have any other responsibilities, besides managing the house?
- A: He didn't stay in the house. I had heard of him but I don't know him. I saw him only once or twice, talking to the students at the house. He just comes to the door, talks to them and leaves. The guy who was in charge inside the house was a cook. He was a Pakistani man. His name was Jabran.
- Q: Did you ever hear of anyone else who was in charge of the house? Anyone else to whom the house belonged?
- A: No. The only thing I know is that Issa is in charge of the house and the Pakistani cook was in charge inside the house.

- Q: You told us in your story that you had never been to Afghanistan?
- A: I never went to Afghanistan.
- Q: To your knowledge, were any of the fellow students in the house in Afghanistan?
- A: I didn't hear of anything like that.
- Q: No one ever spoke of going, if they had gone and come back? Anything like that?
- A: No.
- Q: Besides the time you worked as a guard for a year and a half that you told us about, how did you sustain yourself? How were you able to live in Pakistan?
- A: My main problem, my main focus was how could I leave from the airport? It is easy for anybody to stay in Pakistan if you have the right papers.
- Q: I know you mentioned that you used to eat in the free restaurants. You could not have done that all the time.
- A: I was thinking if I could fix my papers, I would get an official job. I didn't think of staying in Pakistan and eating free. I am from a middle class family in Yemen and was never comfortable eating for free or have anyone hand me things. I was never comfortable with that.
- Q: Besides the time you worked as a guard, did you have any other source of income when you were in Pakistan?
- A: No.
- Q: You just relied on the money you brought with you from Yemen?
- A: Yes.
- Q: It was sufficient?
- A: I was never thinking of using the money I brought with. I was always thinking of getting a job, but because of my visa situation, I couldn't really get a job. When I needed to drink and eat, I had to use the money I brought with me.
- Q: It was enough for the 2 years you were in Pakistan?
- A: I didn't understand.

Q: Besides what you earned as a guard, the rest of your money was sufficient for being in Pakistan for 2 years?

A: I didn't come to Pakistan to stay. I only came to buy textiles and go back, but I was forced to stay when my money was gone. That's why I wanted to work and make up my money again. Then I would buy the textiles I came for and go back to Yemen. That was the plan.

In general, I really like Pakistan. It is a very nice country. I liked it very much. It is a lot better than Yemen. It had nice streets and buildings with designs. I liked it much better than Yemen.

Q: If you liked Pakistan better than Yemen, had you gotten a job in Pakistan, why would you want to go back to Yemen?

A: If I found a job with a decent salary in Pakistan, I wouldn't go back for a while. Job opportunities are limited and salaries are very limited. If I could make up my money I brought with me, that would be a very good thing. I'd then go back to my country in the official and legal way.

Q: You are familiar with the evidence that was read to you, and you told us it was false?

A: Yes.

Q: There are 2 parts here where it says that 2 senior Al Qaeda people have identified you as being in Afghanistan.

A: No, I don't know that person at all. It is possible he saw me someplace without me knowing it was an Al Qaeda place or something like that. I don't know anything about Al Qaeda members or anything Al Qaeda. If this person said he saw me in Afghanistan, it is wrong because I have never been to Afghanistan.

I have one question. Is it the same person who saw me in Pakistan that saw me in Afghanistan?

Q: We honestly don't know, at this point. It appears, from the way the summary is written, that it was different individuals.

A: Good, but I absolutely never went to Afghanistan. The person who said they saw me in Pakistan, I never met any members of Al Qaeda, so, if it happens that he saw me or I saw him, how did he know I'm an Al Qaeda member?

From what I knew, all the people in the house were students at the university. It wasn't my job or my responsibility to ask every student if they were a member of Al Qaeda. I wasn't supposed to do that.

I don't think this was translated correctly. I don't want to go and be involved in other guys' lives and be nosy about their lives. It is not my job. All I knew is that they were students at the university. I don't ask them what else they do. That's not my job or occupation.

Q: Have you ever received any military training?

A: No, ever. Not in my country or any other country. I have one question.

Q: When I am finished, you can ask it. So, you are not familiar with any kind of weapons?

A: No, but the only thing is that my dad has a personal weapon and I've mentioned that in all interviews. My father was an officer in the Army. It was normal and fine that he had his weapon with him.

Q: How long did he serve?

A: All his life. He worked with the military all his life.

Q: Did you need to clarify something that was said earlier?

A: No, I don't need to clarify anything about my country, no. As you said, you said I could defend myself, and that's what I did. I don't know the rules in America if someone is defending himself. I don't know if it's enough or not. I don't know. Are you done? Can I ask now?

Q: Yes, go ahead.

A: In regard to my country, terrorism does not start just like that. I'm supposed to start being a terrorist in my country originally. My government is supposed to have cases or a file for me already and they will have all the information about me and what I did before and all the information about my life. This is known in every country. The government knows everything about their nationals. If I had any training or if I was a terrorist, or did bad things in my life. If you talk to them, they will give it to you and you will see.

All of my life in my country I lived a delinquent life. Go ask my government, they will give you all the necessary information.

Q: Did you keep in touch with your family while you were in Pakistan?

A: Yes.

Q: They knew about your visa problems? Couldn't they help you with that?

A: I didn't explain the situation to them. My mom had big aspirations for me to be a businessman. I can't tell my mom that all the money I brought with me I spent on drinking, buying hashish and I can't tell her that.

Q: Can you tell me about how much money you brought into Pakistan with you?

A: \$3,500.00

Q: You still had a little bit to make up when you got captured? You were still trying to get that money back?

A: That is true, yes.

Questions by Tribunal President

Q: How did you injure your leg? [The Detainee has a brace on his left foot and is on crutches.]

A: I was walking and I fell down.

Q: I hope it heals quickly for you and you are back on both feet.

A: Thank you very much.

Q: Do you have anything else you'd like to add?

A: I know in this session the lawyers are not allowed, but can I look for a lawyer myself for other sessions or Tribunals?

Q: Have you been in contact with a lawyer up to this point? Do you have legal representation?

A: I don't know. I was surprised when the Personal Representative told me that I have a lawyer.

The Personal Representative stated that his notes indicated that the Detainee does not have a lawyer.

The Detainee stated that is true, he told the Personal Representative that he did not have a lawyer, but today a letter was read to him mentioning that he had a lawyer.

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The Recorder stated that Exhibit R-22 is an affidavit titled Anon v. Bush #04-CV-1194-HHK. Those papers are part of the 144-page exhibit. The part that pertains to the Detainee is part of the Unclassified Summary.

Detainee: Does this mean I have a lawyer?

Tribunal Member: I will explain some of this to you. From the way we view the exhibit, it appears your family, or someone on your behalf has asked the American courts to force the United States government to justify why you are here. That is the action they have brought in the court system. You do have a lawyer representing you, as well as other detainees who are here, but his name is not given to us.

Tribunal President: That is separate from this proceeding. This refers to a legal proceeding that will take place in the U.S. Courts and the Tribunal today is an Administrative hearing, not a legal process. I will explain more about the Tribunal process as we continue.

Detainee: Can I make a phone call after these proceedings?

Tribunal President: That is up to the normal routine, what is normally allowed in Camp Delta. I cannot answer that.

Detainee: Just know that I have been here for 3 years and have [not] been in touch with my family. I don't think this is just and it's not right for the American legal system to not allow people to talk to their families. It is a very small right that is allowed to all detainees around the world. I have a mother, brothers and sisters and I am the man of the house because my father is now out of our house.

Tribunal President: I understand and what you are telling us will be noted. We are here today to determine your enemy combatant status, and that alone is what we focus our attention on today.

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. Marine Corp
Tribunal President

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