

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

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.

Tribunal President stated that the detainee wants to participate and has requested one witness.

Tribunal President: Mohammed Ahmed Salam, I understand that you had requested a witness for today. The witness' name is Amed Amhed Salam, your brother. Is that correct?

Detainee: Yes.

Tribunal President: The Personal Representative informed me of this request earlier. I determined that your request was relevant. More specifically, the witness would provide relevant testimony for this tribunal. I requested the United States government attempt to locate your brother by contacting the Yemen government. The United States did contact the Yemen government, on or about 9 November 2004, about a month ago. As of today's date, the Yemen government has not responded to our request for assistance. Without the cooperation of the Yemen government, as Tribunal President I am forced to find the witness is not reasonably available. Mohammed Ahmed Salam, you may now present any evidence to the tribunal.

Detainee: I will not present, but my Personal Representative will speak on my behalf. I will just speak. I hear from the other young men in the prison, that these courts are lies, not just, that's the reason I am here, but I don't believe that, I want to speak for myself. Is there any evidence here, I have heard that there's classified evidence. So if you can say it now during this session, it would be preferable.

Tribunal President: You do have the assistance of the Personal Representative and I understand that you have discussed your statements with him earlier. And I do understand that the Personal Representative will read that statement to us today. And I want to make sure that the statement that he's providing, about previous discussions you had with him, are your statements. And as we continue, and the Personal Representative provides that statement, we would appreciate that you would either affirm that is what you said or, if you have any additional information that would be very helpful to this tribunal.

Detainee: I trust in the Personal Representative.

Tribunal President: Understood. I would like to ask if you would like to make your statement under oath, understanding that the statement that we will be receiving is through your Personal Representative. (To the translator) Was that difficult? Should I restate that?

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Translator: Please.

Tribunal President: I would like to know if you would like to make your statement under oath. Would you like to make your statement under oath?

Detainee: Is he asking? There is no need for an oath.

Tribunal President: Just want to make sure you understand that you have the decision and the option to make your statement under oath to us today. An oath is a promise to tell the truth.

Detainee: I am telling the truth. If you are really going to say that I am innocent, to find that I'm innocent, then I will swear. If you are going to try me justly then I will take an oath right now.

Tribunal President: Recorder, please administer the appropriate oath.

The Detainee did take the Muslim oath.

Tribunal President: Before you begin, Personal Representative, there's one remark I would like to make to the detainee. You heard us make a promise to you, and to the tribunal that we do our best earlier. The three of us here have not seen any of your files. We may see classified and other information later, as the recorder has asked. And remembering our promise, we will consider all that information and make a decision if you had been classified as an enemy combatant. Regarding our definition of an enemy combatant, you were informed of that earlier this year. Any information that you can provide us today, if you wish, is very helpful to us as we consider your statement and what we may see later.

Detainee: Is that it?

Tribunal President: Yes, I just wanted you to be aware why we are here, and what we're going to do.

Detainee: I would like to make something clear to you.

Tribunal President: Please.

Detainee: When I first came here, when I hear the words all the words you said, I was very pleased with it. And when I heard the oath it seems that you'd be fair and just in my case. But, when I heard that there's classified statements, I knew that you would not be just in my case. If there is any classified evidence or classified statements present, then present them now so that I may answer them. If there is any trial, in any place, they present all the evidence so that the accused has the opportunity to answer. Thank you.

Tribunal President: Let me clarify that this is not a trial where we are looking for guilt or innocence. We are not judges. This is an administrative hearing, and we are going to determine if administratively, the government has classified you as an enemy combatant. And the

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classification of information is a government decision. We do not have the ability to change that decision to allow you to see some information. And as you heard our promise we will study all information and determine if the government has administratively classified you properly. I understand your comment regarding seeing all the information as an accused. We appreciate your understanding that this may look like a criminal justice proceeding, but it is not. What makes this different than all the other chances you've had to talk to government individuals... Here you have been told what we think classifies you as an enemy combatant. You are free to choose what you want to tell us, we can't compel you or force you to tell us anything, and it is your choice. It was your choice to come here today. So, as I said before, this is the first chance to tell us anything, you would like to tell us about why the government considers you an enemy combatant. Would you like your personal representative to proceed with your previous statements?

Detainee: Yes.

Tribunal President: Thank you.

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 forces that are engaged in hostilities against the United States and its coalition partners.

3.a.1. The detainee stated that he traveled from Yemen to Pakistan in May 2001.

Personal Representative: (Reads from notes taken from previous interview with Detainee) He doesn't recall the exact date, but it was to get medical treatment. He had the correct passport and documents for his travel. If his brother were here, his brother would collaborate those facts.

3.a.2. The Jama'at al-Tabligh organization paid for his travel to Pakistan.

Personal Representative: (Reads from notes taken from previous interview with Detainee) This organization did not pay for his trip; a generous person paid for it. His brother would collaborate if he were here, that he was not involved with this organization.

3.a.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.

Personal Representative: (Reads from notes taken from previous interview with Detainee) He has nothing to do with this organization. His brother knows that he never joined any organization whatsoever. His brother knows that he does not know terrorists, that he has never been in jail, and has the best reputation in Yemen. His brother also knows, that he doesn't like problems, and always stayed away from trouble.

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Personal Representative stated the detainee addressed items 3.a.4. through 3.a.7. in the statement below.

3.a.4. The detainee stayed at the al Qaida "Nibras" guesthouse in the early summer of 2001.

3.a.5. The detainee stayed at the "Hasan" guesthouse in Kandahar, Afghanistan in late summer of 2001.

3.a.6. The "Hasan" guesthouse is where trained Mujahidin reside.

3.a.7. The detainee was at al Farouq during the summer of 2001.

Personal Representative: (Reads from notes taken from previous interview with Detainee) About the statement concerning that he stayed in Nibras and Hasan guesthouses in Afghanistan, and Al Farouq, he will swear under oath that this unclassified summary of evidence is the first time he heard of staying at the guesthouses. He never went to those places. He never went to Afghanistan and has never been to al Farouq. In fact item one accuses him of going to Pakistan and item eight states that he was arrested in Pakistan, so how could he be in Afghanistan.

Detainee: I have proof to this, with what the Personal Representative just said. Regarding what you said about me being in Afghanistan, the last point, I would like you to go to everyone who is here in this prison, who has been to Afghanistan at that time, and ask them if they have ever seen me in Afghanistan. This is the proof.

3.a.8. The detainee was arrested in Pakistan by Pakistani police during a house raid.

Personal Representative: (Reads from notes taken from previous interview with Detainee) That is correct. But to this day he still does not know why he they arrested him. That is all.

Personal Representative asks detainee: Did you have any corrections to make or anything additional?

Detainee: No, that was very good, very good. Only the last point that I mentioned, I wasn't able to say that to you in the last meeting.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. What medical treatment did you go to Pakistan for?

A. I went through a surgical procedure in Yemen to remove some skin from my nose. I was told that the operation was not a success and that new skin had grown instead, so I went to Pakistan.

Q. Will you give us the name of the generous person who paid for your travel?

A. Really, I don't remember.

Q. Do you remember the date when you were picked up, arrested in Pakistan? Or how long were you in Pakistan before you were arrested?

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A. Maybe eight or nine months.

Q. Why did you go for an operation and then stayed for eight or nine months?

A. You have it in the interrogation.

Q. Was anybody else at the house before you were arrested?

A. Yes.

Q. Were they arrested too?

A. Yes.

Q. Are they here in prison, or did they get let go, do you know?

A. Yes, they are in prison here.

Q. Can you give us their names?

A. No. You have everything in the file.

Tribunal Member: We don't know what the file says. The recorder chooses what we can see. We can't go look in a file and start peeking at what people may have said about you. Maybe I can guess what's in the file. There may be a statement from somebody who said, I saw him in Afghanistan. And, then, I have to decide. You said you weren't in Afghanistan, he said you were. I don't know your culture very well, but the reason why my fellow member asked you about who paid is because, in our culture people just don't step up and say, I'll pay for this trip for you.

Detainee: In our culture, in Islam, there is such a thing.

Tribunal Member: That is what I wanted to ask you, is that unusual for someone in your culture to pay, and you just explained that.

Detainee: Yes, this is something very normal. Indeed, it is an obligation for any Muslim who is rich to pay for someone who is poor. And, if I were going to mention the name, I can mention it, but I will not mention it.

Q.: Again, culture question. Is it common for people to go to Pakistan for medical treatment?

A.: Very normal.

Q.: Are you married?

A.: No.

Q.: How old are you?

A.: Possibly, now, maybe twenty-four.

Q. While you were in Pakistan for that eight months did you ever work?

A. No.

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Q. During that eight-month period did you have a close friend that could verify that you were in Pakistan?

A. Yes, there is.

Q. Can you give me the name?

A. His name is Abdul Rahamen. I don't remember his full name.

Q. Are you a Mujahidin fighter?

A. No.

Q. Where did you receive the medical treatment in Pakistan?

A. Karachi.

Q. Do you remember the name of the medical clinic or hospital?

A. No, I don't remember. If it was in Arabic I would've remembered, but I don't.

Q. Where were you staying while you being treated, at the clinic or at in another place?

A. In another place.

Q. When you were arrested by the Pakistani police, did you have your passport and other papers?

A. Yes.

Q. Did you get your nose fixed or treated properly?

A. I got the treatment but, I did not undergo the operation, until now, the skin is there.

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 the detainee has one question.

Detainee: I have a question. If there is classified evidence is to be presented, it should be presented in front of me, so I can see it, and make sure it is correct. Is that possible, or no?

Tribunal President: I understand your request, and it is not possible as it is not releasable to you. And I stated earlier that we do not have the authority to change that classification. Your Personal Representative has seen the information and will bring any information that we need to know about your possible improper classification, he will bring it our attention.

Detainee: Yes, but maybe this evidence is a lie.

Tribunal President: Yes, I understand your concern.

Tribunal President continues on with the remainder of the process instructions 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.



Colonel, USAF

Tribunal President