

**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-2 through 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 addressed the detainee's two requested witnesses. The first witness was ruled as not being reasonably available after all efforts were made to fully identify the full name of an individual the detainee met named "Khan" that helped him travel to Afghanistan. The second witness, Abdul Aziz, was located by the Tribunal but was unable to attend the hearing due to national security reasons. An alternate means was used to provide testimony for the hearing. The Personal Representative asked the witness questions provided by the detainee and prepared a written summary of Abdul Aziz's responses. After reviewing these responses, the detainee asked his Personal Representative to submit the written statement of Abdul Aziz to the tribunal marked as Exhibit D-B.*

*Tribunal President stated that the detainee requested a copy of his passport and after the Personal Representative exhausted his resources, reported that the passport could not be found. The Tribunal President ruled that the requested evidence was not reasonably available.*

*The Detainee did not want to take the Muslim oath.*

*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.1. The detainee traveled from Yemen to Pakistan and then entered Afghanistan illegally in early 2000.*

Detainee: Before I searched for a visa, I went to an Embassy and then I went to Afghanistan through a border. I searched and couldn't find any Embassy. I asked this person whose name was Khan; he informed me that you could go to Afghanistan without a visa. I walk through the border beside the soldiers. No one asked me to bring any passport or any clothes. All I knew was entering Afghanistan was allowable.

*3.a.2. The detainee associated with an individual he knew to be a member of al Wafa.*

Detainee: This person I only knew for five minutes. I asked him where can I find some food, clothing, inexpensive clothing that is the only thing that was discussed between us. I didn't know where to go and how to find inexpensive stuff to buy. He did tell me we would meet again

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some other time and I never saw him again. That was the only time we met. We didn't talk about any organization.

*3.a.3. Al Wafa is a terrorist support organization.*

Detainee: This al Wafa organization I have nothing to do with them. I have never dealt with them, and I didn't know it was a terrorist organization. It's not my business to know since I had nothing to do with them.

*3.b.1. The detainee was stationed on the front lines in several locations over a period of approximately one year.*

Detainee: I went to the front line by myself. I didn't go to intend to fight or to do anything. I never held a rifle against any combatant. I never participated in any kind of military activities. I didn't go to the front line. I was in the back line. The second thing that was stated, I participated in a military activity against the United States of America (referring to 3.b.), first of all I never participated in any military activity against the United States of America. I had left the troops before the United States entered the region and made a commitment with its allied supporters. This is the best truth that I have never had anything against the United States or its Allies. I moved out way before the United States moved in with its Allies.

*3.b.2. The detainee carried a Kalashnikov rifle on the battlefield.*

Detainee: I never carried it on the battlefield, or to fight. I never pointed it at any soul. I never fired one shot, I only carried it to protect myself from the violent animals. This region is known for it's violent animals. I would like you to know I had no intention to fight with anyone.

*3.b.3. The detainee was arrested by Pakistani forces in Faisalabad, Pakistan.*

Detainee: Is this considered an accusation?

Tribunal President: It is unclassified evidence of you being an enemy combatant. This panel has not received any other information and this is all we know.

Detainee: Good, can I submit this question, the last allegation, who ever wrote it?

Personal Representative: You can ask the question. We would rather like to hear your statement or what you think about your arrest in Pakistan.

Detainee: When Pakistani forces came they didn't come by force. They just knocked on the door. Personally they asked for me, they asked for proof of my legal papers or my passport, and I showed it to them. When they saw that the visa was expired, they asked me to go with them for five minutes. Then I asked of the prisoners/correspondence, there in the prison, what am I being accused of? They said I had an expired visa and they were going to take me to my own Embassy.

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Tribunal President: Does that conclude your personal statement?

Detainee: Yes.

*The Personal Representative and the Recorder had no further questions.*

Tribunal President: I would like to read in (to the record) the witness personal statement, before we ask any questions.

Personal Representative: This is the written statement from Abdul Aziz. This states the questions the detainee wanted to ask the witness; and the witness responses.

Detainee Question: Did I work with you for al Wafa?

Witness: I do not remember ever meeting this person.

Detainee Question: Am I a member of your association or organization?

Witness: Since I don't know him he could not have worked for me.

Detainee Question: Is it true we only met for five minutes and what did we talk about during this conversation?

Witness: I don't know who he is, so I cannot recall any meeting or conversation with him.

*The detainee then made the following statement.*

Detainee: (To the translator) Is it I can't remember or he won't remember?

Translator: "I can't".

Detainee: I would like to respond to point 1,2, and 3. Point (a) in the allegation form, this is the best proof from Abdul Aziz when he stated he didn't know me and that I didn't belong to their organization, since Abdul Aziz is the head of al Wafa organization. Since we met for only five minutes, what kind of conversation could it have been? This is the best proof I have, that I don't have anything to do with them.

Tribunal Members' Questions

Q. Why did you travel to Afghanistan?

A. To help the needy and the poor, to help a charity organization.

Q. Did you say charity organization?

A. Yes.

Q. What did you do while in Afghanistan?

A. I tried to establish a charity organization, but was unsuccessful.

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Q. If you went there to establish a charity organization and when you got to Afghanistan and you were asking for food and charity. How were you going to establish one when it sounds like you need the charity?

A. I wasn't looking for charity needs for myself, I was trying to locate those places to help and establish my own.

Q. You were trying to form a charity organization of your own?

A. Yes.

Q. Were you a part of any other Islamic charity organizations?

A. No.

Q. When did you get to Afghanistan?

A. I don't know the exact day.

Q. Do you know the year?

A. No, I don't.

Q. How long were you in Afghanistan?

A. The first period was about 3-3 ½ months.

Q. There was other periods after that?

A. Yes, the second period was also 3-4 months.

Q. Were there any other periods after that?

A. The third period was for about a year.

Q. Was there another period after that?

A. No, just three times approximately.

Q. When you weren't in Afghanistan, where were you?

A. I was in Kabul.

Q. When you were in Afghanistan, you were in Kabul. When you weren't in Afghanistan where did you go?

A. Pakistan.

Q. Were you working on your charity organization there as well?

A. Not in Pakistan.

Q. What were you doing when you were there?

A. I just stayed there I would read the Koran.

Q. When you were looking for charity goods, how did you happen to meet Abdul Aziz?

A. I was walking down the streets in Kabul, and I took a taxi. I saw a sign that said organization of al Wafa. This is how I met him.

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Q. You saw the sign and went in to talk to him?

A. I went a few times to his house and the guard would tell me he was not there. I tried a few times and on the last time I went there we meet for five minutes and that was it.

Q. Did you go to the back of the front line after you gave up on the charity organization?

A. Yes.

Q. Why did you go to the front lines?

A. When I went, three Taliban members, they told me to visit them at the front lines.

Q. You went to visit friends at the front lines who were in the Taliban?

A. Yes.

Q. How long did you stay there at the front lines?

A. Approximately, I stayed in the second of the front lines for 10 months. I don't remember how long I stood in the front lines.

Q. Do you remember what year it was?

A. No, I don't.

Q. What did you do during those 10 months?

A. Nothing really to mention, I just stayed there.

Q. Was there a lot of fighting when you were there?

A. I never saw any fighting, or battles cause I was in the back.

Q. Did they give you a Kalashnikov?

A. Yes.

Q. Who were your friends?

A. Who ever were interested in the same place.

Q. Were they all Taliban as well?

A. Approximately.

Q. Why did you leave Pakistan after that?

A. I wanted to go back to Yemen.

Q. How did you get to Pakistan from where you were?

A. By taxicab.

Q. How long were you in Pakistan before you were captured?

A. I don't remember the exact time or period, but it was about 3-4 months.

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Q. Do you remember where in Afghanistan you were in the back of the front lines?

A. North of Kabul.

Q. You said that you left Afghanistan before the United States came in, when was that?

A. I didn't leave Afghanistan, I was in Afghanistan when the United States and the Allies; but I left the second of the first lines and I gave back the weapon, and everything. But I was still in Afghanistan.

Q. When did you leave the back of the front lines?

A. After I left the second troops, then the event of 9-11 happened, I don't remember exactly the date that I left to Kabul.

Q. If we could have found your passport, what would it have told us here today?

A. If you were to have my passport here today, it would prove that I left from my own country Yemen legally and I was allowed to go anywhere I wanted. I went to the Pakistan Embassy and they gave me a visa to enter Pakistan.

Q. You were arrested because your visa had expired and your passport would have showed that to us?

A. The visa to Pakistan was expired but if you were to find my passport. You would see my passport was not expired.

Q. Did you have the Passport when the Pakistani authorities arrested you?

A. Yes, I had it on me. They requested it and I gave it to them.

Q. If we would have found the first witness that traveled with you to Pakistan during one of your trips, what would he have told us?

A. He would have told you, when I asked him about the Embassy to get a visa to Afghanistan. He was the one who told me I didn't need a visa to go to Afghanistan. He traveled with me from Pakistan to Afghanistan through the border and no person asked for legal papers when we crossed the border. He knew that my intention of why I entered Pakistan for charity reasons.

Q: You stayed at the back of the front lines for about 10 months?

A: Approximately.

Q: Then you went to Kabul for a while?

A: Yes.

Q: So you were Kabul when the events of 9-11 happened.

A: Yes, I was in Kabul when 9-11 happened.

Q: How long did you stay in Kabul then?

A: I really don't remember the timing; it might have been 2 months.

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Q: Then you went to Pakistan by Taxi?

A: Yes.

*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.*

**AUTHENTICATION**

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



Tribunal President

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Detainee 690  
Witness statement of 005

Question 1. Did I work with you for Al Wafa? I do not remember ever meeting this person.

Question 2. Am I a member of your association or organization? Since I don't know him, he could not have worked for me.

Question 3. Is it true we just met for five minutes, and what did we talk about during this conversation? I don't know who he is, so I cannot recall any meeting or conversation.

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EXHIBIT D-b