

Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the Detainee. The Tribunal President stops reading the instructions and asks:

Tribunal President: Are you having difficulty hearing? We can turn the air conditioning down if you wish to do so.

Detainee: No, thank you.

Tribunal President: Mohammed Hussein Abdallah, you are hereby advised that the following applies during this hearing:

The Tribunal President continues reading the hearing instructions. The Detainee confirmed that he understood the process and had no questions.

The Personal Representative provides the Tribunal with the Detainee Election Form labeled Exhibit D-a.

The Recorder presented Exhibit R-1 thru 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 Detainee did elect to participate.

Tribunal President: I see you had originally put in a request for three witnesses. One of which was an off-island request for your wife, which you later withdrew that request. The second request was for a Detainee here on island; it would appear that his information is relevant to the allegations on the unclassified summary. This witness is Fethi Boucetta.

Personal Representative: I have the first part of it, ma'am, which is Abu Mohammed.

Tribunal President: OK, Abu Mohammed. That request is approved and he should be heard here later in these proceedings. The third request was for Abu de Janna and as such you offered that his testimony would be that he worked with you from 1986 – 1992 and then you saw him several times a year since then. After reviewing the allegations on the unclassified summary, it would appear that this particular witness request would not be relevant to your situation. Therefore, this witness request is denied; however, if we deem it relevant at a later point in the proceedings we will reconsider this request.

The Detainee wants to present an oral presentation. The Detainee would like to take the Muslim oath. Recorder administers the Muslim oath.

The Tribunal President asks the Detainee to speak up in order to record his testimony.

Detainee: First of all, you classified me as a terrorist or associated with this organization; that has no founding or no truth to it at all. I am just a teacher. I teach orphans, seven or eight year old orphans. They came and picked me up at 2 AM from my house. I have no relations or no connections with anybody. All that I used to do was go to work and come back. I stayed with my children and my family. I did not have any relations with any organizations whatsoever. So if teaching orphan children who lost their father how to read and write is a terrorist act, therefore I am a terrorist. If teaching the Koran to children is a terrorist act, then I am a terrorist. Besides this, I have nothing else. I don't know how they classified me as a terrorist.

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 the Taliban or Al Qaida forces, which are engaged in hostility with the United States.

3.a.1. The Detainee is a Somali who lives in Peshawar, Pakistan under the United Nations Refugee Status.

Detainee: Yes, I was there since 1993 until they came and captured me.

3.a.2. The Detainee provided information on several non-government organizations.

Detainee: All organizations I worked with were government organizations. Most were Saudis and one of them was Kuwaiti. And I know precisely which part of the government they belong to or fall under. These organizations are really humanitarian organizations, helping children, refugees and orphan children. These organizations are recognized by official governments including the Saudi government, the Pakistani government, and the Kuwaiti government also. So, they are recognized by all these governments. Of all these organizations I worked with, I lived with the last one for about 12 years. The only one I was working for the last 2 years was the Saudi Red Crescent. If these organizations were terrorist organizations, it's contrary to what I knew about them. They were official government organizations, recognized as I said, by official governments. So why don't you bring the officials, the Saudi government, the Kuwaiti government, the Pakistani government and ask them? Check with them. And also the founders of these organizations. But to come and pick me up from my house and say that I am connected to these organizations that I worked with a long time ago - I did not have any knowledge. All that I knew was that they were official organizations. This does not make sense to me. And you bring me here for three years to tell me this. This does not make sense to me.

3.a.3. The Detainee was arrested in a raid on suspected Al Qaida residences and support facilities connected with the Afghan Support Committee (ASC).

Detainee: This house I was living in, I was renting. It had nothing to do with al Qaida or with anybody. I don't know anyone from al Qaida and I never met with anybody from this organization. In regard to ASC, I have no connection with this organization. I don't know much about it. All that I know was that my son-in-law used to work with them. And if this organization is a terrorist organization, four people who worked in this organization were brought here. One of them was the head of the orphan's department; and his is considered the number two man in the Peshawar office. He went back to Sudan and was not charged with anything. The second one was also head of one of the departments in that office in Peshawar and he is Jordanian and he went back to Jordan with no charges. He was released. The third one was principal of the school. And he also went back with no charges against him. And the fourth one, they told him it was very probable that he would leave soon, also. And this organization falls under the Kuwaiti government. I have no relation with this organization. This means I never worked with them, took anything from them or have no connection at all. And the house, it was my house. I rented it because I have family. I have children and grandchildren. My daughter and her husband live with me and that's why I rented the house for my family. This house has nothing to do with al Qaida. I am wondering when they raided my house and they took my computer, my documents, and my money and took pictures and did all that. I am wondering, did they find anything that connects me to terrorism in there? And is there also any proof that they have any connection between me and the ASC that was in my house that connected me to this organization? So if there is anybody here that should be called a terrorist, it should be the people that came to my house that took me at 2 o'clock in the morning in front of my children and grandchildren. The women were crying and the children were terrorized crying and screaming. They took me in the middle of all that. Those people should be called terrorists.

3.a.4. ASC is listed on the United States Secretary of States terrorist exclusion list as an organization who is engaged in terrorist activities.

Detainee: This organization falls under another called Ihyat Attourat Al-Islami (ph). This falls under the supervision of the social building that belongs to the education social affairs ministry in Kuwait. So if this organization is a terrorist organization, talk to the Kuwaiti government and the founders. This organization has been doing work for years and years. I have nothing to do with that, just check with them. Check with the founders and the people who are in charge of this organization. So if you have confirmed that this organization is a terrorist organization, so you judge them. I have nothing to do with them. The people that were released from here, why don't you bring them back? That's all.

3.a.5. The Detainee was a resident of Jolazai refugee camp.

Detainee: This camp was actually called "Camp for Afghani refugees." It was like a city, with schools and hospitals. And the school I was working in used to be in this city. All the time that I was working in this school, I was living in this camp for refugees. This camp falls under the Peshawar county or Peshawar region. And there is no military training or no training in this camp. This is all.

Personal Representative: He also mentioned that there were approximately 50,000 people in this city.

Detainee: I even believe it is more than 50,000.

Personal Representative: And that the city of Peshawar is about 30 kilometers away.

Detainee: Approximately, yes.

3.a.6. Arab militants have been associated with the Jolazai refugee camp since the 1980's when it was a reception station in the North West Frontier Province, where newly arrived recruits would receive training prior to being sent to fight the Soviet troops.

Detainee: The camp was mainly for Afghani refugees only. There were a few Arabs. Many Afghans that were in that camp are now members of the newly elected Afghani government. And the Afghans that fought with America, which fought against the Taliban, were living there and most of them are, as I said, members of the government now. All of the leaders of the organizations that were fighting the Russians were with Americans. They all brought those people in charge with them. And also the United States used to help them with tons of money and weapons. So in this case, bring the United States government, because that means that they are terrorists too. But when it comes to me, I have no say in this. I have no relation with that. And this is the first time I hear that this camp was training camp. Believe me that if I tell you that all my life I never touched a rifle or a weapon. And I don't know how to open it. So I don't know how I became a terrorist.

3.a.7. Militants associated with Osama bin Laden's Al Qaida organization were traveling through the Jolazai refugee camp in route to India.

Detainee: I don't know about that. This is the first time I hear this thing. As far as I know that I thought that al Qaida was a secret organization. I just know about it through the media, radio and newspapers and things like that but as people or as a person, I don't know.

Detainee: If I may, I would like to read from my notes about some of the organizations that were qualified or were categorized as terrorist organizations. I would like to show you under which organizations or government agencies they fall under. If I may read that. I never worked before in any terrorist organization. I worked only in humanitarian organizations - to help the Afghani refugees and my job was to help the children who lost their parents. Most of these organizations were Saudi organizations. One of them is Lajnat Al-Berr (ph); which belonged to the International Organization of Islam that falls under the Saudi government. And this organization was shut down a long time ago. And also I have Haiat Al-Ighata (ph), which is another organization that belongs to the Saudi government also. The office of construction that is for Maktab Attaamir (ph), which

means the Office of Rebuilding. The person that was in charge or head of this organization was King Fahd of Syria. So I have no relation to this thing, talk to King Fahd; he is still alive. And this organization I just mentioned is a recognized organization and the Pakistani government recognized it. It was funded; it was created in Saudi Arabia. So if this organization in the United States government's view is a terrorist organization, what is my crime? What do I have to do with it? So the people who should answer for this organization are the people who founded this organization or the people who are in charge of it. You didn't detain the founders or the people who are in charge of this organization or the government who supported this organization. So I am wondering, you could find my house and you couldn't find the Saudi government, the Pakistani government and the Kuwaiti government? On the other hand, if terrorism is to scare people and to kill people and harm the innocent; the people who came to my house were Pakistani soldiers but the people who were in charge of them were one American man and one American woman. And they scared my children and my grandchildren and my wife. They took me in the middle of the night. It's almost been two and a half years and I don't know anything about my children and my wife. And I always wonder all the time, I keep asking myself and I keep asking them: What is my crime? What did I do? And no one answers me. And finally I was shocked and surprised to hear that I am a terrorist combatant and I am an enemy combatant. And also about the house – anyway we mentioned this already. And lastly, I am just a simple man. I have never been to America. I never wish to go to America. And I never took a penny or a dime or a dollar from them. And I never harmed anybody from the United States or from anywhere in the world. I never wrote anything about you. And despite of all this, you took me without cause or without reason. And God will be the judge between us, and God is the best judge. This is not difficult for God, for Allah.

Tribunal President: Does that conclude your statement?

Detainee: Yes, that's it. I don't have any more and thank you.

Tribunal President: We may have some questions for you. Would you be willing to answer them for us?

Detainee: Yes I would.

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

Personal Representative: No, Ma'am.

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

Recorder: Yes, Ma'am. On question one it says you are a Somali, when did you leave Somalia?

Detainee: I left Somalia in 1967.

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Recorder: You stated you had a large family; how many people are in your family and did they travel from Somalia with you?

Detainee: My children are eleven children, girls and boys. My grandchildren are even more. Around 79 or 80 I traveled to Libya with some of my children, my wife and the children that were born at that time. We traveled from Libya to Somalia. Then I went back. We stayed there, my children, and me for six months, and then I went back to Libya. So from that period which is 1967 until now, I might have traveled to Somalia three or four times.

Recorder: What is your occupation?

Detainee: Teacher.

Recorder: How did you afford to get your family back and forth from Somalia to Libya?

Detainee: At that time I had only three children. The Libyan government used to give us free tickets. And the rest of my children were born either in Yemen or in Pakistan.

Recorder: It says you were a refugee, when did you start your refugee status?

Detainee: Around 1993.

Recorder: From 1993 to the time you were captured, did you have a job?

Detainee: When it comes to a job, I didn't have a job. I only had a job at the last two years. About two years or less.

Recorder: How did you support eleven people in your family without working?

Detainee: From those eleven, one daughter was in Canada with her family and her children. One daughter was in Saudi Arabia and the third one was living with me and her husband. And the fourth one, her husband is a Detainee here also. And we had some aid, some help from the United Nations organization. And also, my daughter used to send us money from Saudi Arabia or from Canada. And also when I was in Libya, I saved a nice amount of money in the bank and I used to use that.

Recorder: The daughter whose son lived with you, what was his job? What was her husband's job?

Detainee: He was in charge of the education department.

Recorder: Is that the husband that is a Detainee here.

Detainee: That is another one.

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Recorder: OK. Tell me the name of the husband that is a Detainee here.

Detainee: Mohammed Sulaiman (ph)

Recorder: Was he captured the same night that they woke you up at 2 o'clock? Was he also taken?

Detainee: He was in Karachi and I was in Peshawar. Karachi is a very far city from Peshawar. Before me, about two months before me, they went to his house at night also and they took him. We were crying about what was happening to him and then I was taken.

Recorder: Did you call your son-in-law as a witness?

Detainee: No I didn't. He can be witness if you want but I didn't see the need for him. But if you want, he can participate, no problem.

Recorder: In the refugee camp, the Jolazai refugee camp, were there any people with weapons?

Detainee: No, but again the people that were in charge of the camp, the security of the camp, yes, of course they were armed. But they were designated by the government. They were there to provide safety and to provide protection. Yes, they were. Besides them, there was nobody else.

Recorder: Thank you.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Sir, how old are you?

A. I am about 60.

Q. Who did you live with?

A. When?

Q. When you were arrested?

A. In my house with my wife, with my children and some of my grandchildren.

Q. Are any of your children adults?

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A. They were students. Some of them are 17, 18, 19. They were students. The girls were older than the boys.

Q. How long did you live in this house?

A. I think I lived in that house for about two years.

Q. Who did you rent it from?

A: From the owner of the house, that is who I rented it from.

Q. And who is that?

A. The name exactly I really don't remember but you have his address and his phone number. It is in my file. You have all that, it is there and you can check that.

Q. How did you find this house to rent?

A. It was like a broker agency or a real estate agency that does this thing. So we go to the office and we asked them if they had any available houses. So when you go and ask them, they ask you first what is the size of the house you are looking for? And initially I went with my son-in-law and we described our needs and they said that this house would be good for you and that's how we took it. The house had two stories. My son-in-law was living on the second floor and I was living on the first floor.

Q. Did you ever let anyone stay at your house besides your family?

A. First of all the house was really small and also it's not right, it's not really good to bring somebody where your family lives and let them stay. That is not really right in our country and on top of that the house was really small.

Q. You need to answer the question. Did you let anybody else stay in your house besides your family?

A. No.

Q. Was anybody else arrested with you?

A. Just me by myself.

Q. This camp that is being referred to as the Jolazai refuge camp, do you have an estimate of how many people were there when you stayed there?

A. What do you mean? You mean the population?

Q. Right.

A. I really don't know exactly, all that I know is that it is a big number. It is around 50,000 or maybe more. If you want the exact number you can check with the Pakistani government that was in charge there. The person who was in charge of this camp was head of the education ministry in Afghanistan so this number you can check with him. Again I don't know how they left all these people and they came to me – how they left all the government that was allowing this camp to be there. The people that were in charge of this camp were government officials, high-ranking officials. And the government that supported this camp was also the official government.

Q. At this camp, were people allowed to come and go freely?

A. As I said it was like a city. People leave and come and travel and go. It was like any normal city.

Q. Why was your daughter's husband arrested?

A. I really don't know. All that I know is that they took him at night.

Q. Is it OK for Muslims to lie to non-believers, non-Muslims?

A. We have a religion. Our religion is the religion of Allah, which is God of all the people. This God does not favor one person over the other. He sees everybody the same. He gives rules and limits to everybody. Muslims have their limitations and his rules and non-Muslims have his own limitations. Every act a human being does they will answer for to God. Just like you are an official working for the North American government; the American government will judge you and you have to answer for your responsibilities and what you do for them. For the same thing God will judge you or you have to answer to him for all you do in your life since you became aware of things until you die. Our religion does not allow lying. It does not allow lying to Muslims or non-Muslims. But if a Muslim lies, his judgment will be with God. I want to ask you, this Islam you are talking about, is it the Islam put up by people or is it the real Islam put up by God? If it is the Islam from God, then it is the truth. So if it is from humans than that proves that it is not from God. This might be interesting for you.

Tribunal President's questions.

Q. The refugee camp, I believe you said it was to house Afghanis?

A. Originally it is for the families or the people who are from Afghanistan but there were some Arabs, not a whole lot of them.

Q. And these were Afghanis who were fleeing from Afghan trying to get in to Pakistan?

A. Yes, the Pakistani government gave them that spot. The government gave it to Sheik Sayaf (ph) and he started housing people and organizing this camp.

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Q. And he was Pakistani or Afghan?

A. This Sheik, when the temporary government, the American government, entered Afghanistan and they formed temporary government at that time, this Sheik was the minister of education in the Afghan government.

Q. Do you have anything else at this moment that you would like to say to the tribunal?

A. The only thing and the main thing I really want to add is that how did you put my name as a terrorist? You would suppose that you would make sure that I am really a terrorist, and then you classify me as a terrorist. But if I am not classified as a terrorist, I would like to know if my name will be cleared from this association? In my belief I am not a terrorist and I never have been a terrorist. I would ask that you go back to being wise and to see the truth as it is and clear my name from this terrorist type. Thank you.

The Tribunal President confirms that the Detainee had one witness to present to the Tribunal. The witnesses name is Abu Mohammed. The Tribunal President explains to the Detainee how process adhered to for witnesses.

The witness is brought in and agrees to participate under the Muslim oath. The Recorder administers the Muslim oath.

Questions from the Detainee to the Witness

Q. How long did we work together?

A. I worked with him for a year.

Q. What do you know about my house?

A. It was a normal family house where he used to live with his children and his son-in-law. And I used to pick him up early everyday to go to the school to work. We go together and we come back together.

Q. During this year have you ever heard that my house had any association with al Qaida or belongs to al Qaida or something like that?

A. No, never. He is basically a family man. He just goes from home to work and he does not really associate with people, period. Very rarely do you see him with other people.

Questions from the Personal Representative

Q. Approximately how many people lived in Mohammed's house?

A. I believe it was more than ten and they were his family, his children and his grandchildren. His daughter's children.

Q. Were there any people outside the family who ever lived there?

A. No, never.

Q. Did you ever know Mohammed to take any trips away from home?

A. No, never. You can always find him at home. He never goes anywhere really. Just rare times like holidays. Or sometimes he goes visit people but rarely. Just holiday times once a year you can find him outside, but besides that, he is always home.

The Recorder has no questions for the witness.

Questions from the Tribunal Members

Q. Do you know why he was arrested?

A. I am really surprised and confused that they brought him here. All the people that are here are really surprised and shocked about this man being here because he doesn't have any relations with people. And he is an old man.

Q. How about yourself? Why were you arrested?

A. I work with him in the same organization but for two different schools and when they picked him up, they picked me up the same night.

Q. How do you know that?

A. Because they took us to the same prison at the same time in Pakistan. Same day.

Q. Who was arrested first, yourself or him?

A. I really don't know. All that I know is that they picked up most of the people that worked for this organization at the same time.

Q. What is the name of the organization you work for?

A. The Red Crescent, which falls under the health ministry.

Q. Do you know his son-in-law, which is detained here?

A. No I don't.

Q. Did you know that his son-in-law is detained here?

A. When I went to Camp 4 I saw him for the first time, but I did not know him before that. He didn't live in Peshawar.

Q. Did he ever tell you why his son-in-law was arrested?

A. I am talking about another son, not the same one that was living with him. He has another daughter and that's the other one. The son-in-law that was living with him is not here.

Q. I am talking about the son-in-law who is here.

A. I don't know.

Q. Has the Detainee ever told you why his son-in-law, who is here, was arrested?

A. He didn't tell me and I didn't ask him.

Q. Did you ever talk to him about it?

A. I never inquired about the subject. There are lots of people here and I didn't talk to him about it.

Q. Does the Detainee work for any other organizations or groups?

A. When I used to work with him, we would leave at 7 o'clock in the morning and we used to come back at 2 in the afternoon and after that he did not have a job.

Q. What does the Detainee do at his job?

A. He is a teacher. He teaches orphans.

Questions from the Tribunal President

Q. How large would you say that the Jolazai refugee camp that you lived at was?

A. At the time that I worked with him, he lived in Peshawar city not at the village where the camp was.

Q. Did you work in the camp? You just didn't live in the camp?

A. When we used to work with the Red Crescent, we used to work and live in the city. We had no relation with the camp.

Q. So you lived and worked in Peshawar?

A. Yes. He too was living and working at Peshawar.

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Q. So you didn't work at the same school but were they close together? Is that why you would ride together?

A. This organization had two schools, not too far from each other. So when we ride in the morning, I used to be dropped first because the school I worked in was first and then they used to drop him off.


Q. So I understand because of how you stated that, that it wasn't your car? It was like a bus you were riding, furnished by the company?

A. It was a school bus that provided transportation for the teachers. They would pick us up in the morning and drop us off.

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.



Colonel, United States Army
Tribunal President