

Summarized Sworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee, and confirmed that the Detainee understood and had no questions.

While the Tribunal President made reference to the Detainee Election Form, the Personal Representative stated the following:

Personal Representative: Mr. Ameer wished to bring up some procedural points. He received the Notice to Detainees and understood the content of that document, and would like to retain possession of that document, but the guards removed it from his cell. He wanted to request a copy in both English and Arabic. Another item of concern is notes he wished to take in the initial interview. He is allowed to have paper, and he would've taken notes at the interview had he known that's where he was going. He wanted to have several days to go over the evidence after he copied it down, and he didn't have the time. He did bring paper to the final interview and, after taking notes on the Summary of Evidence, he is requesting several days to build his story now that he's taken notes in his cell. I explained to him that I didn't have the authority to authorize that, but that would be something to bring to the Tribunal.

Tribunal President: (to the Detainee) This form I have is the Detainee Election form that indicates you wanted to participate in the Tribunal. It also indicates you requested a witness; your landlord in Pakistan. This Tribunal approved your request for a witness, and we notified the Department of State of this request; the State Department notified the Pakistani Embassy of this request to locate the landlord. As of this morning, we have received no response from the Pakistan Embassy, so we have to proceed with the Tribunal. In reference to your request for the documents taken from your cell, that is the policy of the administration over the detention facility, and I recommend you make a request to them to get those documents back.

Detainee: Can I speak up, or interrupt you on each section, or should I wait until you're finished and then talk?

Tribunal President: If you could wait until we finish, and then you may speak.

Detainee: Sometimes I forget what I want to say so that is why I ask.

Tribunal President: I just have one more comment. This Tribunal does not have the authority to change the policies of the detention facility administration. Do you understand?

Detainee: Yes, I do.

Tribunal President: Now you may proceed with your comments.

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Detainee: Regarding the allegations, I have spoken with my PR and asked to have a copy, and I wasn't given one. Since I don't have a lawyer, I would like to prepare by myself. I'd like to have the opportunity to write down answers to each allegation. I was not given the opportunity to defend myself; you did not give me the time, and this Tribunal has no lawyers; how could that be? I want to ask you if I can speak in Arabic or English?

Tribunal President: You can answer in English until it becomes difficult to understand, then we'll have the translator assist us.

Detainee: Good.

Tribunal President: Now we will read the procedures for this Tribunal process, and this will be translated into your language to be sure you understand. I just need to clarify you did have the opportunity to read the Unclassified Summary of Evidence in your initial interview.

Detainee: Yes. I have asked my PR to re-copy the allegations, but he refused the first time. Is this the law? I know for a fact other Detainees were given the chance to read them over and over in their cells. I was not given this opportunity. Does the law in the United States differ from person to person?

Tribunal President: That is correct; it does apply differently depending on where you're located in the detention facility. There are some people with the authority to take paper and pencils into their cells. I'm not sure what their policy is.

Detainee: I'm living in Camp 4 with the white clothes, and I have seen many Detainees before I was called to meet with the PR, and after; some people were given written allegations. Is this for everybody or some people? I have written these papers in my cells after I memorized the allegations, and we have the right to pen and paper.

Tribunal President: You'll have to take that up with the interrogators and the administration of the detention facility; we don't have the authority to give you paper and pencil; the permission must be from the detention facility authorities.

Detainee: I have asked for this to be on a piece of paper only, because I couldn't copy with handcuffs on; anyway, that changes nothing because we are in court, so let's just go.

Tribunal President: Let's clarify; this is not a court, but a Tribunal; you would only need a lawyer if you were being charged with a crime. We are here to determine if you should retain your classification as an enemy combatant.

Detainee: An enemy combatant is not a criminal to you? An enemy combatant is a criminal.

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Tribunal President: If you've committed any acts that support al Qaida, Taliban or their supporters.

Detainee: To be classified as an enemy combatant means something in front of the law especially. If this Tribunal is not to punish people, if that's what you're saying, if I was determined to be an enemy combatant, and you're saying you're not going to punish me, then where is the punishment? I think an enemy combatant should be punished, if I am.

Tribunal President: This Tribunal's job is to confirm or deny you are an enemy combatant; we will review the information you provide, and review the information the government has, and determine if you are an enemy combatant or not.

Detainee: Anyhow, it's too late to start talking about these processes, you have things to do and to finish; you need to do your job. These allegations I heard unfortunately are all fabricated, and the PR says there's classified information. Let me continue in English; what I have seen is fabricated. How can I be sure if the classified is fabricated, too?

Tribunal President: We will be able to determine whether it is truthful or not.

Detainee: So now you are at two points; to believe me or the allegations. According to the penal code, which most Europeans deal with, is a law most countries go by. According to this law, the accused is innocent until proven guilty. In the U.S., it is the opposite; I am guilty until proven innocent. I am here on this isolated island, how could I give you proof that will support my case? How can I defend myself without my family or media?

Tribunal President: Why don't we review the allegations? You can respond to the allegations, and then we'll consider your responses, and also the government's classified information.

Detainee: Excellent. Can you please uncuff one hand so I can read what I have to say? I feel pain; I'm in a lot of pain in my right hand, and this will affect how I hold the paper and express myself.

Tribunal President: We have two choices; we can loosen the cuffs or take them off one hand. I just need to make sure everyone here is comfortable with the decision we make.

Detainee: Frankly this is a kind of torture, and that is why I would like to...

Tribunal President: We don't have the authority to take them off, that's why we need to discuss it with them, and I understood you said it's tight. That's why we are offering you the opportunity to have it loosened; we'll take a brief recess and discuss it with the guards.

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Detainee: The trouble is with this blue box, and you can see with your own eyes the marks on my skin. If you were ever in my shoes, you would feel the pain I'm feeling, and this is proof that I'm in pain.

At this time, the Tribunal took a brief recess, elected to loosen the Detainee's handcuffs, and quickly reconvened.

Exhibits R-1 (Unclassified Summary of Evidence), R-2 and R-3 were submitted to the Tribunal at this time.

The Unclassified Summary of Evidence was then read to the Tribunal by the Recorder.

The Muslim oath was administered to the Detainee by the Recorder.

The Tribunal President then permitted the Detainee to present evidence, and advised him he had the assistance of his Personal Representative in doing so.

3.1. The Detainee was captured in a suspected al Qaida safehouse.

Detainee: Before this or that, I'm not responsible for any mistakes in translation of Arabic or English. I am disappointed that Americans don't have a higher standard. This evidence is all fabricated. Of course, without a lawyer or attorney here, I will try by myself to defend myself. Whoever fabricated these accusations didn't know how. How could he be not lying in the classified information I don't know of. Whoever knows about what is happening in Islam would not fabricate this like this. In a third world, if someone fabricates something, they do it 100%; for example, a tailor, if he's not very good, could make or sew clothes too big or too small. If he's a good tailor, he could make clothes exactly for any one of us. I'm just trying to explain an example of what this allegation is; anyway, I will try even though I wasn't given enough time to answer. I will try my best to respond on these allegations. In regards to accusation number one, that house you say belongs to al Qaida is located behind the military and civilian airport in Peshawar, Pakistan. This house I was living in with my wife and four kids, has two rooms, one bathroom and one small kitchen. One of your intelligence members, I don't know if he was FBI or CIA, entered the house, took pictures, and may have taken some things. They have seen the house, and you could ask the agent how big this house is. I had only two rooms; in the U.S., each kid has one room. In this house, my wife and I had one room, and one for the kids, with only one bathroom for the whole family. The first room is 3 x 3.5 x 3.5 meters, and the second room is 3.5 x 5 meters. You understand? The kitchen was 2 x 2 meters. Do you think this house would be for al Qaida people, to come and stay or live, in the bedroom of my kids or me and my wife?

Tribunal President: We just need you to answer the question; were you captured in an al Qaida safe house?

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Detainee: No, of course not. I'm just trying to prove it was not possible, because whoever fabricated this didn't know how big the house was. Do you think al Qaida does not have money to rent a bigger house with more rooms?

Personal Representative: You also mentioned it was near a police station?

Detainee: Yes. Because the house was located behind the military and civilian airport, this region is full of police stations, and Pakistani intelligence is everywhere. Do you think al Qaida only has this dangerous place? Do you think this place was for al Qaida because it's surrounded by all the police stations, and the Pakistani intelligence? Is it because they don't have enough money? Couldn't they have rented a special house with many rooms? Is it wise for al Qaida to have a place behind the civilian/military airport, and be surrounded by the police stations and intelligence? Only if they're stupid. I don't think they are stupid. If they go there, they endanger their situation. If that house I lived in belonged to al Qaida, then that means that I am a member of al Qaida. Is it wise or to my own benefit that I didn't flee like the others fled, or at least change houses. It's all known that al Qaida is a military organization. When the Pakistani police came with the American intelligence man around 1:30 in the morning, did we exchange fire between the two of us? No, this never happened; I opened the door by myself for them. When they entered the house, the American man with them was the leader; did they find any proof that incriminated me with a relationship with al Qaida? Is it wise that a member of al Qaida came with his wife and family, and lived in that house knowing this house is surrounded by all the police stations? We learned through the media that there are Pakistanis in some areas in which there were houses in Pakistan that exchanged fire between the two. We heard there was killing between the two parties; this is proof that some of these houses had al Qaida living there. The things that happened in those houses didn't happen at my house. If you, in your investigation, determine I'm al Qaida, I tell you it is contradictory. They classify me as Islamic Brotherhood. There is a big difference between the ideology of the Islamic Brotherhood and al Qaida. It is funny if anyone knows about the Islamic stage. If my house belonged to al Qaida, and you have a lot of members of al Qaida here in the detention facility, ask them if I was a member. Unfortunately, through interrogations this was just a crossing question; they said the Pakistani people said my house belonged to al Qaida. I was not interrogated on this point, and most of these were not covered in my interrogations; it's been many years, and I find myself being accused of something I've never been interrogated for. I don't know if the interrogators belonged to the American government; I feel there are two sides to the situation here. This other side of interrogators fabricated or prepared all these allegations. What I mean was that I was never interrogated for these points for 2 ½ years. The question is: why have I been in hell for 2 ½ years, and not interrogated on these points? I feel there are two kinds of governments in one government; one in the U.S. and one here. I understand al Qaida is led by Usama Bin Laden; I have never been a member or had any relationship with these people, because my ideology and theirs is different. Yes, we are all Muslims, but we have differences just like Christians have many differences; there are different beliefs. As in the U.S. and Europe and everywhere, there are criminal organizations and terrorist organizations have differences. The KKK is a

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Christian terrorist group. In England, they have the IRA, which is Protestant. Then there is the Russian and Italian mafia; we have the same. That doesn't mean all Christians have the same ideology; you have criminals and we have criminals. Unfortunately, I'm very sorry, I don't know how to answer all these allegations. If you believe any Muslim is a member of al Qaida, this would be a different problem. If you think al Qaida is Usama Bin Laden's, and I am one of them, then I say I am not and never was.

Tribunal President: Can we move on to allegation # 2, please?

Detainee: That's good; do I have enough time to answer all these allegations? If you are in a hurry, then I will expedite my answers.

Tribunal President: We would like for you to answer each of the allegations. Personal Representative, would you read # 2, please?

Personal Representative: Yes, ma'am; I'm not sure he's done with # 1, I wasn't clear on that. Are you done with # 1?

Detainee: I have a lot to say on that, but since we have to move on...

Tribunal President: No, you did respond to # 1; you said the house you were living in was not an al Qaida house.

Detainee: No, never for al Qaida; it was for my family and me. What is the next point?

3.2. The Detainee worked for the African Muslim Agency.

Detainee: This is a Kuwaiti agency in Africa that is there to help orphans. They dig wells and get water to help needy people. They help the needy and the poor. They build schools and mosques and distribute nutritious food for people with no shelter. Is this a terrorist act? Let's suppose they are a terrorist organization; is everyone who works for it a terrorist? If it is a terrorist organization, then that means the Kuwait government that gave permission and allowed for it to gather funds and send it to African countries, is also involved in terrorism. The African nations that allowed them to do so are also involved in terrorism. Why the name of this agency? As a matter of fact, I was only trained by them, and never worked for them. I was trained for charity reasons; to do good. All that I have mentioned is that I was trained there in 1974. I want to clarify one more thing: I was trained to do charity, and nothing else. So why is this allegation stated here against me? I don't have any relationship with terrorism. Why are accusing me of something I haven't done? If you believe this is a terrorist organization, why don't you deal with the leaders and bring them over here, and detain them like you do us? Unfortunately I never heard of these accusations before. Why don't you deal with the agency itself? Kuwait is a friend of the U.S. government. All industrial companies and all shopping centers supported or run by mafia organizations in America and Europe and or sponsored by them could be terrorists; drugs and mafia and cocaine and banks that have the trust of the

mafia, one could say these banks are terrorist banks. Do you understand what I mean? If the organization is mafia or organized crime in U.S., Russia, Europe or China, they deal with many shopping centers, then the banks or factories they use could be terrorist organizations, too. When normal people work in the banks dealing with Russian or Italian mafia, then all the clerks are terrorists, too. I don't think so; just because I trained to work in relief for an organization, doesn't mean I'm involved. Why don't you deal with the head dealers? I'm only a person paid by a salary. Why don't you deal with the leader? When they catch them or freeze their accounts at the banks. That's all for that one.

3.3. *The African Muslim Agency is linked to Al-Ittihad al Islami (AIAI).*

Detainee: I wonder. I believe AIAI used to fight against the Russians. It means in Arabic, Islamic union. If you mean the ones fighting against the Communists between 79-92, this is one point. If you mean another organization, I don't know. It is known by everybody their mujahideen fought the Russians between 79-92. They were part of the Afghani northern alliance fighting against the Taliban. After the collapse of the Taliban, this organization was a part of the Karzai government. I don't care if they are a terrorist group or not; I just want to explain. If it's a terrorist organization, then it is now part of the Karzai government. I don't know why this organization is accepted by Karzai. I have no link or had any relationship with this organization; it is an Afghani organization, and I am an Arab from Algeria. I have never been interrogated or asked about this point. After 2 ½ years, you now ask me, and I don't know the link between me and this organization. The Italian mafia is a terrorist group, but I am not a part of them; it is the same here.

Personal Representative: We also covered in our previous conversation that the name Islamic union is so common, there could be hundreds of organizations.

Tribunal President: What does Islamic union have to do with allegation # 3?

Personal Representative: Ma'am, if I can repeat what he said to me, it might make sense at that point.

Tribunal President: OK.

Personal Representative: The only AIAI he is aware of is in Asia, therefore it does not appear to be any link he's heard of, and the Islamic union which is what it stands for.

Detainee: The Islamic union could be a student union, workers union, terrorist group; I don't understand what kind of union this is. I have heard of Islamic Afghani fighters groups in Afghanistan, but I don't know the relationship between them and an NGO in Africa; that's two different continents. Let's just say there's a link between this Kuwaiti organization and this fighters group; why are you asking me about it? Like there's a link between the Russian and Italian mafia; what is my role in this point?

Tribunal President: I don't know; this is the first time we've seen these allegations.

Detainee: I'm like you; this is the first time, and I've mentioned before I've been here 2 ½ years, and never been asked by the interrogators of this.

Tribunal President: OK; I think that answers the allegation.

3.4. Al-Ittihad al Islami (AI) is listed as a terrorist organization on the President's Executive Order 13224.

Detainee: I really don't care; it's not my concern how this is classified, but can you please give me the date of the order?

Personal Representative: 23 September 2001.

Detainee: That means this organization, if mentioned as a terrorist one, was part of the northern allies fighting the Taliban for six or seven years, I don't know, and they were a part of the Karzai government. This is a big contradiction, because they were part of the Karzai government, and the U.S., as far as I know, was not against the Karzai government. Anyhow, if it was or was not, I don't care about it. I couldn't understand, and I just wanted to show the contradiction on the allegations.

3.5. The Detainee's computer contained a file from an Islamic website concerning biological weapons in the United States.

Detainee: Your American agent, FBI or CIA, I don't know which, who came with the Pakistani police interrogated me two days after I was captured me, and never asked me about this on the computer. Why didn't he ask me about it at that point? I stayed in Pakistan for six months and ten days, and I had never been asked about whether this file was on my computer. Does this mean these files are not important to that American agent, if it was there? He probably never pursued what was inside the computer, or it was put in after I left. When I was transferred from Pakistan to Bagram, I was interrogated for two months, they never asked if these files were on the computer. Could it be it was not important, or it was added after?

Tribunal President: Was there a file on your computer where you visited a website about biological weapons in the United States?

Detainee: I never really heard about this file; a military interrogator here asked me about it, and she was the first to mention this site. When she was talking to me, I stated I don't even know of this website, how could I have a file on that? I had never heard of it. When we came here, I was interrogated for about a year and 5 months. If those files existed in my computer, then why wasn't I questioned about it? It must've been a light subject not deserving of mention. Why haven't I heard of this before a few months ago?

According to this subject I ask: Are all locations on the internet allowed only for certain people, or for everybody? If it was not legal for this website to exist, then why would the U.S. allow for people to go to the website? I wonder why the U.S. would give people the right to have this kind of website. This means this website is not illegal, and it is permitted to enter this website. Anyhow, whether it was illegal or not, I have never heard of it. As I understand, biological weapons are a concern of governments, not a single person like me. I reached only a high school education, and never reached college; if I wanted to do research on these files, I would need more education to understand. Anyhow, I never heard of this website, and never had these files; if it was there, it was found after I was captured. I am not responsible for something put on my computer after July 8, 2002, when I was captured. I could not really understand. I saw they took my computer, and I saw it in the room in Pakistan when I was interrogated. After that, I never saw it. I was interrogated in Bagram, and I asked about my computer, and he said he didn't know, and that he never saw it. Whether he was lying or not, I believed him. I thought the Pakistanis kept my computer. I had two computers taken from my home, and I asked the interrogators here about them, and they said they never saw them. Whether interrogators are lying, or the computers just don't exist here. I wonder why in this period, that this file was found in my computer. Up to now, I really don't understand whether my computer is here or not.

Tribunal President: We don't know.

Detainee: I don't know, either. Even the Recorder probably doesn't know where it is. He probably received the accusations from another place, so maybe he doesn't know.

Tribunal President: Number six?

Detainee: Anyway, before we move to that one; I have never heard about this website, and never had this file; after I was captured, I am not responsible for what was on my computer, if it even still exists.

3.6. The Detainee was a member of an armed Algerian resistance group.

Detainee: This organization is a military organization that works inside Algeria. They rose up during the Algerian crisis. After 1992, two years after I left Algeria they rose up. I have no link to this group; it is against the Algerian government and Algerian people. It is not just a terrorist group; they kill innocent women, babies and old people. They have a different ideology than the man sitting in front of you. These people believe that the Algerian government are infidels. To prove I'm not a part of them, they were in action two years after I left Algeria. I visited the Algerian embassy in Pakistan after that time. If I were a member, I never would go to the embassy. Maybe you don't believe what I am saying, but they never go to government offices because they believe the infidels should all be killed. This allegation is fabricated; when they mentioned it I was laughing. I told them that this was a big contradiction. One time I'm a member of the Muslim Brotherhood, and the next they said I was a part of this organization. For example, it is

like saying Churchill in World War II was a Nazi, or President Roosevelt was a Nazi, and you would be laughing. One time they say I was Muslim brotherhood, and another time, they say I'm a part of this organization. I asked the interrogator where he got the information, and he said the Algerian government. I don't believe the Algerian government would give these contradictory things. For example, President Bush is a Democrat, and another says he is Republican. Anyhow, I have never been a member or had any relations with this organization; I don't believe in this ideology because it's against my religion. These people are criminals, just like criminals everywhere.

3.7. The Detainee lived in a guesthouse that sent fighters to Afghanistan.

Detainee: This was a guesthouse for Algerians during the Afghani war from 1990 to 1992, until the collapse of Communism. I arrived there in 1990, and I was there until 1992, when the Afghani Communists government fell. This house had three groups living there. The first group were the fighters from different Afghani organizations; the second group was working in relief organizations; the third group were volunteers like I was. I was helping people on the humanitarian side. Even in that time, fighting against Communism was not a crime. The United States and its European allies and Arab friends were helping the Afghan mujahideen against the Communists, with weapons, money, clothing and everything. So, I wonder why this point is against me. At the time, I was not a fighter, but a volunteer to help the Afghan refugees and the poor people.

3.8 The Detainee is associated with an organizer of Islamic fighters.

Detainee: I asked my personal representative about this point, and he could not give me any name of an organizer. He didn't know which kind of organization; Muslim fighters number about a billion or 300 million in the world, and there are too many organizations everywhere, legal or illegal. In the accusation it says I have a relation with this organizer; anyhow, I have never had any relation with any of the organizers. If you have a name or any evidence, just let me know. I'm surprised, because I've never been interrogated on this point. I don't know why I've been here 2 ½ years and never been asked this. Whether I'm an enemy combatant or not, I've been interrogated many times for nothing. Then, this allegation comes from another side and has no link that could be responsible for keeping us here. I've been here 2 ½ years and have never been interrogated on this whatsoever, and I'm confused. These allegations determine whether I stay here or leave. I try to understand, but I don't understand what's going on.

Tribunal President: Have you completed your statement?

Detainee: I have some more things I'd like to say, but if you're in a hurry, that's OK.

Tribunal President: No; if you have something else you need to tell us, this is your opportunity. Let me ask; have you completed your response to the allegations?

Detainee: Yes.

Tribunal President: Do you have something else you'd like to add?

Detainee: Many things, but I don't know if you have the time to hear or not, because it's about 5 or 6 pages.

Tribunal President: Are they in relationship to your association with any organizations or...

Detainee: No, no, just to prove to you that I have nothing to do with these allegations; anyway, I don't want you to waste your time, because I feel you are in a hurry. Anyway, let me tell you something. I was really shocked when I heard these accusations, and I never thought the Americans would do such a thing. The interrogators kept telling me they are trying to find out why I am here, and many times I asked this. Finally, I find myself in front of the court with all these accusations I have no relation to. Anyway, it would take a long time, but I'm quite sure if the American people knew what was happening here they'd be against this. Unfortunately we are isolated here, and no one knows what is happening. Nobody can determine if these allegations are true or not. This is only one side, because I'm giving you the unclassified information. I have nothing to add.

Tribunal Members' Questions to Detainee

Q: You mentioned on # 7 that you were at the guesthouse doing volunteer charity work, correct?

A: Yes.

Q: Was that for the African Muslim Agency, the Kuwaiti organization?

A: No; the African Muslim Agency was working in Africa, and the guesthouse was in Pakistan. I traveled in 1994 from Pakistan to Africa to work there, but I had passport problems in Africa, so I returned to Pakistan.

Q: So, you were associated with the African Muslim agency in 1994?

A: Yes.

Q: And you worked with them 2 ½ months?

A: Really not working, because I was training to work in another country. I traveled from Pakistan to Kenya to train in humanitarian work. They ordered me to go to Gambia, and I faced passport problems because it was expiring; the Algerian embassy in Kenya refused to renew my passport because I was coming from Pakistan. They told me to go

to Algeria, and there were many killings there after 1992, but I had no choice to stay in Africa, so I returned to Pakistan.

Q: And you also stated that in all your interrogations you've never been questioned about any of these allegations?

A: The first allegation I was interrogated, and I answered them like I answered you.

Q: OK; but regarding the other allegations you haven't been questioned before?

A: No, they just asked me where I traveled, and I told them about Africa; they never said these organizations were terrorists or not. The third and fourth I heard here; the fifth I was asked one question by the interrogator four months ago, and I responded like I responded to you. On the sixth, I responded to him like I responded to you. The last, I have never heard before. The eighth, the last one, I only heard here.

Q: You mentioned the AIAI is an Afghani organization; is that correct?

A: Here it's not mentioned; it is an Islamic union, and it could be a student union, and workers union...

Q: In your testimony you mentioned it was an Afghani agency...

A: It's known by everybody as an Afghani mujahideen organization.

Q: And you said it would be odd for you as an Algerian to work for that group, correct?

A: No, it's a big difference because it's an Afghani organization and is part of the Northern Alliance fighting the Taliban. I have no relations with them; they are Afghani and I am Algerian. There is a big difference; it's like me telling you are a part of the Russian mafia when you are American.

Q: But it's completely normal for an Algerian to work for a Kuwaiti organization?

A: It's normal; they have Algerians because it's a Kuwaiti organization, not Afghani. I don't understand the link between this organization I was working with in Africa and the AIAI. If this organization was working in Pakistan, maybe, but the difference is like the North and South Pole.

Q: At the time of your apprehension, did you own a computer?

A: Yes, I had two in my home.

Q: And you had internet access?

A: Yes.

Q: You mentioned the Muslim Brotherhood three times, and yet that's not in the allegations; do you have some relations with the Muslim Brotherhood?

A: My ideology is of the Muslim Brotherhood, which is very different from al Qaida's ideology, or the Algerian fighter's ideology. Whoever knows the difference between the Islamic groups would laugh at this. It is contradictory information. The interrogators have taken all this and received it.

Q: You said our ideology is different from al Qaida's, and from that of some group fighting the Algerian government, and that we don't believe this ideology; are you referring to the ideology of the Muslim Brotherhood, or some other organization you are a part of?

A: My ideology is Muslim Brotherhood; it is different than al Qaida and the Algerian fighting groups.

Q: So when you're speaking in the plural, you're referring to the Muslim Brotherhood?

A: Not as a member of this organization; this organization has members, but I have the same ideology they have, which is most of the Muslims in the world. They are against killing, believe in democracy, and believe in the other side; al Qaida does not believe in these things.

Q: Are you part of the Muslim Brotherhood that originated in Egypt?

A: The ideology is everywhere; it may've originated there, but it's everywhere; it's in Algeria, Tunisia, in Kuwait, everywhere.

Q: It's my understanding is that the Muslim brotherhood was involved in the assassination of Anwar Sadat; are you referring to that organization or something else?

A: The information you have is wrong. The group that assassinated Sadat was Jamal Islamaya; the Islamic Egyptian Group; the Muslim Brotherhood was another organization of Islam.

Q: So you are referring to the Muslim Brotherhood as an organization, but that is a peaceful organization.

A: Yes; we believe in peace, democracy, and no use of force, and we never deny the other side.

Q: When you were referring to allegation # 6, you said that that group wasn't formed until 1992; what group are we talking about?

A: The group mentioned here.

Q: Number 6 doesn't name a group; are you saying it's the same as number 3?

A: I'm very sorry; I'm reading in Arabic and it's mentioned, but not on the English version. In French they call it GIA; if we translate it into English, it's not the same; I believe it is Algerian Islamic Group.

Q: And when you referred to them, you said they were fighting the Algerian government, too; in that case, who else were you talking about? Are you a member of any other organization?

A: No; as I mentioned before, I've not been a member unless it was for peace; I mentioned they were fighting the Algerian government.

Q: You said 'too'. What do you mean by that?

A: I meant also; because this was related to another group, but I don't know how to translate it. I believe it was the Islamic Salvation Front.

Tribunal President Questions to Detainee

Q: How long did you live in Pakistan?

A: I don't know if I should add 6 months in jail or not; I lived there from 1990 until I was captured in 2002. I used to come and go from Afghanistan for work.

Q: So you traveled back and forth between Pakistan and Afghanistan?

A: Yes; between 1993 and 1996. I told the interrogators if you want to look.

Q: We don't have that information, so forgive me if I ask this again.

A: I've had interrogations for two years. You can ask me from now until tomorrow; I'm here to answer questions.

Q: What was your livelihood while in Pakistan?

A: As I told you, in 1990-1992, I was a volunteer helping Afghani refugees; then after the collapse of the Communist regime in Kabul in '92, the guesthouse was closed, so I started working normally and getting paid. When I was a volunteer I was not paid. I worked after 1992 in Islamic organizations and was paid.

Q: And you worked with which organization?

A: ARCON; an Afghanistan reconstruction organization; it was Saudi -owned, and used to be called King Fahd Reconstruction organization.

Q: And that was in Afghanistan or Pakistan?

A: I was working in Pakistan, but this organization was working in Pakistan and Afghanistan; most of this organization's head offices were in Pakistan, but their job was part in each country dealing with refugees.

Q: Did you work with that organization until you were captured?

A: No, no. I worked three months there and with another Egyptian organization called Human Relief.

Q: Is that another humanitarian organization?

A: Yes.

Q: How long did you work there?

A: I worked there for three years; from 1993 to 1996, to the coming of the Taliban.

Q: Was that in Pakistan?

A: The head office was there, but I was working in Afghanistan and traveling back and forth, because Afghanistan was not safe to stay. My home was in Pakistan.

Q: Where did you work after that? That was up to 1996.

A: I became a UNCHR; refugee until I was captured on July 18, 2002. I was under UN protection, but unfortunately this UN protection has done nothing since I've been here in jail for two years.

Q: Did you work for them, or you just received assistance?

A: I was just a refugee with UN protection and financial aid.

Q: In the house where you were living in Pakistan, you and your family were the only ones living in the house?

A: This is not a point; the house was two stories, and divided into the first floor, and the ground floor. Another point favoring me; a neighbor living upstairs also detained here, was never accused to be helping al Qaida with his house.

Q: Who owned the house?

A: Janish Ishmael; I was living in the ground floor, and he was living on the first floor. He was judged by this court, but was never accused of having relations with al Qaida. How is my home related to al Qaida, when I'm living in the same home in which he living? This is another contradiction; you have reminded me, and thank you for that.

Q: Was he arrested at the same time you were arrested?

A: Yes, the same night, because we were living in the same house; he's been here and judged already, and he was never been accused of having relations with al Qaida. We have the same phone number, the same front gate, and his part is not al Qaida, but mine is? This is logical evidence, because I have no other evidence; this is proof that the evidence was fabricated by someone who didn't even know how to fabricate it.

Q: Do you know if the owner of the house was associated with al Qaida?

A: No, no; I don't think he is.

Personal Representative: Just for clarification, that was the witness that he requested.

Q: Did you have to pay rent to stay in the house?

A: Of course.

Personal Representative: (to the Detainee) You mentioned your landlord is here (in Cuba)?

A: No, no. I repeat again. The first floor, or ground floor, or low portion I was living in, but he was in the upper portion. We were captured at the same time, and have been interrogated 2 ½ years, and he was judged by this court already.

Q: And your landlord did not live in the house?

A: No; he was living in the house beside us. One he was living in it by himself and his family, and he rented the other one to us.

Personal Representative: Ma'am, I would add that had I known this information, I would've called this person as a witness to see if he was also accused of being al Qaida or not.

Detainee: No; you could go back to the files and you could see the allegations. His number is 940, and mine is 939. Even the numbers are beside each other. This is another point favoring me, and not against me.

Q: Did you live in that house the entire time you were in Pakistan?

A: No. I lived there from when I returned from Africa in 1994, until I was captured in 2002.

Q: Did you have your family there the entire time?

A: Of course; I had my wife and four kids.

Q: Were there any weapons in the house?

A: No.

Q: Not even to protect your family?

A: No; in Pakistan, almost 100% have weapons in their home for vengeance. They almost all have weapons, and it is legal to have a weapon, even if you don't have a legal permit. To carry it outside, you have to have permission. I had no weapon because I had no enemy to defend against.

Q: Have you ever been trained by any militaries?

A: Yes; I used to be a Sergeant in the Algerian Army between 1979 and 1981.

Q: Were you in charge of troops?

A: No; I trained for four months, and they sent me to another barricade, and I was a physical trainer, or, as you call it, PT.

Q: Did you ever have to train on any weapons?

A: Yes, when I was in the Army.

Q: What weapons?

A: Kalashnikov and grenades.

Q: Did you ever have to use those weapons?

A: Yes.

Q: When did you use them?

A: No; just in training I used them.

The Tribunal President then queried the Tribunal Members for any further questions, and asked the Personal Representative if he had any further evidence or Witnesses to present; the Personal Representative responded as follows:

Personal Representative: Ma'am, there are no previously approved Witnesses, but in light of the information we've learned today, I'd ask you consider ISN # 940 as a witness as well as documentation showing he was not accused of being al Qaida.

Tribunal President: (addressing the Detainee) Is that your request, or is that the request of the Personal Representative?

Detainee: No, it's not my request, I just mentioned it because he's detained here, and he sat here, and was judged by you, maybe you, and was never accused of this. I just mentioned this to show you the contradiction of the allegations. I don't care whether you search for this or not, because I believe all these allegations were fabricated; they had to have a reason or cause to prove why I should exist over here, or reason to justify why I've been here 2 ½ years. I don't know who this group is that fabricated this, but they had to maybe give themselves a reason for our detention here. I'm quite sure, one thousand or one million percent, that they have no true evidence, classified or unclassified; I'm quite sure, because I've never been a part of these organizations. I am 46 years and 5 days old, so I know very well which is the good way, and which is the bad way. I was raised by my family, and although they were illiterate people, they taught me the difference between good and bad. All my life I avoided the bad ways, but unfortunately at this age, I have been captured for the first time, and handcuffs have been put on my hands. In 44 years, I had never been to jail until the Americans captured me, and I never sat in court until today. Anyway, that's all.

The Tribunal President then began to close the Tribunal session, but was interrupted by the Detainee.

Detainee: Sorry, before you end this, I have some more to say if you don't mind.

Tribunal President: Go ahead.

Detainee: All that has happened to my family and me is real torture and psychological agony. I can't deny that I was well treated by the interrogators and MP's, even though I've been here 2 ½ years for no reason. I thought it was a mistake by the Pakistani police, and I was told by Pakistani intelligence that when they captured us, that we were innocent and had been living here twelve years, but we have to do something for the Americans; we will have to give you as a gift to protect Pakistan. For this period I was here, I thought it was a mistake; unfortunately when I met the Personal Representative, I understood something else. Americans themselves have detained me here for nothing; I thought it was a Pakistani mistake, but it was the Americans. They have fabricated allegations as reasons to keep me here. Anyhow, as I told you before, I can't deny I've

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been well treated by the interrogators and the MP's. I thank you for hearing me, and for being patient; I also thank the translator, and I have nothing else to add.

The Tribunal President explained the remainder of the Tribunal process to the Detainee, and adjourned the open session.

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. Army
Tribunal President

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