Summarized Detainee Statement

The Tribunal President brought the hearing to order and began to read the hearing instructions.

After announcing the convening authority and purpose of the Tribunal, the Tribunal President announced that the Tribunal would be sworn.

Detainee: What is it that you are swearing to?

Tribunal President: It will be repeated to you in just a moment.

The Recorder administered the oath to the Tribunal members and the Personal Representative.

The Tribunal President read the Hearing Instructions to the Detainee and asked if the instructions were understood to which the Detainee stated:

Detainee: You are telling me that I may attend all of the sessions? Please repeat the first one.

Tribunal President: You may be present at all open sessions of the Tribunal.

Detainee: That's not it, the one before that.

Tribunal President: Hamoud, you are hereby advised that the following applies during this hearing.

Detainee: What does that mean?

Tribunal President: It means that everything that we discuss after that applies to you. Do you understand?

Detainee: Yes, I do.

Tribunal President: Do you have any other questions?

Detainee: No, I don't have any questions.

Tribunal President: Hamoud, do you understand English?

Detainee: I've been here for three years, I know some words but I don't speak English.

Tribunal President: Okay.

The Personal Representative presented the Detainee Election Form (Exhibit D-a) to the Tribunal.

Detainee: What is that form?

Tribunal President: I'll speak of the form in just a moment.

Detainee: What are the contents of that form?

Tribunal President: Hamoud, this is a form that is presented by your Personal Representative that lets us know that you want to participate in the Tribunal, addresses all of the allegations against you, and states that you may wish to take a Muslim oath.

Detainee: If I swear, it has to be specific to the question.

Tribunal President: You will have the opportunity to respond to the allegations and that's what we would like for you to swear to.

Detainee: Yes, I will do that.

Tribunal President: Okay. This document also tells us that you don't have any documents or witnesses to present.

Detainee: That's right.

Tribunal President: Okay. This document will be a matter of record.

Detainee: No problem.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

The Recorder presented Exhibit 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 and requested a closed Tribunal session to present classified evidence.

The Tribunal President opened the Tribunal to the Detainee to make his statement with assistance of the Personal Representative.

Detainee: Yes, I would like to address the Tribunal and I would like to take it one point at a time.

Tribunal President: Okay. I understand that you would like to make your statement under the Muslim oath.

Detainee: I will swear, but only to address the points the he (Personal Representative) discussed with me.

Tribunal President: Okay. Recorder, please administer the Muslim oath.

Detainee: I want to make sure that this is an Islamic oath.

Recorder: Please repeat.

Detainee: This is just about the points that we discussed.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: Hamoud, would you like to respond to the allegations or did you make a separate statement?

Detainee: All of these allegations, but one at a time.

Tribunal President: Personal Representative, would you assist us with that please?

3.a.1. The Detainee traveled to Afghanistan from Yemen via Iran and Syria in early 2001.

Detainee: This is the first allegation? Please repeat it.

Tribunal President: Let's make a correction. 3a, please repeat 3a for us.

3.a. The Detainee is associated with Taliban and Al Qaida.

Detainee: I was in Afghanistan for the Jihad with the Taliban. That is true. But I am not from Al Qaida.

3.a.1. The Detainee traveled from Afghanistan from Yemen via Iran and Syria in early 2001.

Detainee: Yes, that's true.

3.a.2. The Detainee was recruited to go to Afghanistan and a religious educator financed his travel.

Detainee: This is not true. Whatever is true, I will say it's true.

3.a.3. The detainee went to Afghanistan to fight Jihad.

Detainee: Yes, that's true.

3.a.4. The Detainee stayed in multiple safehouses in Pakistan and Afghanistan.

Detainee: That is not true. This allegation is not accurate. If you want further clarification, I will tell you.

Tribunal President: This is good opportunity for you to clarify.

Detainee: What about the second point? Why didn't you ask me to explain that?

Tribunal President: It's up to you if you want to explain it. We will ask you additional questions later on.

Detainee: Yes, I would like to explain.

Tribunal President: Are we going back to item number two.

Detainee: Yes, we are going back to number two.

Tribunal President: Proceed.

Detainee: I am a Muslim. I work for my religion. Before I get married, I swore that if God was to give me a child or my wife would bare a child for me, then I swear I would go and fight. Everybody believes that when you are talking about Jihad it's to go and fight. Jihad in Islam has so many meanings. For example, one of the meanings is to guard. Another meaning is helping the poor and needy. That is only to mention a few. When I went to Afghanistan to fight, it was my choice and my desire, nobody gave me any ideas and nobody financed me. It was an idea I was playing with in the past, whether it was to go to Afghanistan or anyplace else. Jihad in Islam doesn't mean being belligerent or you go to fight somebody. Just to help people. When I went to fight nobody financed me, I went to the guy in the mosque and I asked him about going to Jihad. He did not finance me. I paid for my trip. I financed it. This guy that I talked to in the mosque was not even religious. He wanted to go and fight just like I was. He didn't have enough money for himself. He said since you are going and you are ready to go now, I'll give you the money that I have. He gave me the money. It was such a modest amount. Because in the Muslim religions, he who helps others individuals fight is just like he fought himself. I took the money that he gave me and went to Afghanistan. He did not give the money just to go there and he did not give me the idea. I told this story ever since they caught me in Karachi. If I wanted to lie to a big country like the United States, I would be hurting myself. When the United States lies about me, which is not ethical. Because whatever I told them is not what is written here in the allegations. All these allegations, they are all false. I was just telling them why I was in Afghanistan. That answers number two.
Please repeat number one.

The translator read 3.a.1. again to the Detainee.

Detainee: Okay, that is true.

Tribunal President: Okay, so we will go on to number three again?

Detainee: Yes.

The translator read 3.a.3. again to the Detainee.

Detainee: Yes I did.

3.a.4. The detainee stayed in multiple safehouses in Pakistan and Afghanistan.

Detainee: Should I answer now?

Tribunal President: Yes.

Detainee: I don't understand what you mean by safe houses.

Tribunal President: My interpretation of what a safehouse is that's a place where individuals that are fleeing the bombing or fleeing the fighting go to be safe. There possibly could be fighters there, soldiers there, or weapons there. Some of the safehouses are run by Taliban or Al Qaida.

Detainee: I will answer that question, but I have a problem I would like to discuss with you.

Tribunal President: Go ahead.

Detainee: I have a problem right now. I can't answer because I am very cold here. I am shaking.

Tribunal President: I understand.

Detainee: I took a shower before I came over here and now I'm cold from the air conditioning.

Tribunal President: I apologize for that. We are not able to change the temperature in the room.

Detainee: If you can't control that it's fine. I will answer the question.
Tribunal President: Would you (translator) repeat the question again?

Detainee: When I came to Afghanistan I was asking where the Arabs gather. They told me that there is a house in Khandahar that's for Arabs. The Arab house, they have all kinds of nationalities and Muslims. It's open for everybody. There wasn't a group that was responsible for running that place. It's open for anybody that wants to come in and eat. Logically speaking, it would be wiser on my part to go to a place where everything is given to me for free, rather than going to a hotel and having to pay for everything. Since that place is open for everybody, everything is free, that would be a logical choice for me. I didn't know that there are so many houses for the Taliban, some houses for Al Qaida, and some houses for others. That house was open to help other people. I was at these houses because of these reasons. There were two houses, one in Khandahar and one in Kabul. There was no indication that they were a specific group of people. That addresses point number four.

3.a.5. The Detainee is knowledgeable in the use of a Kalashnikov rifle.

Translator: He thinks that there is problem with the translation. May I take a look at the English version and see how it reads.

Tribunal President: How does it read on yours?

Translator: Well it reads that…

Tribunal President: Repeat what I said.

Detainee: If you say knowledgeable, that means I know about the Kalashnikov. But if you say I trained, that's not true.

Tribunal President: Hamoud, do you know how to use a Kalashnikov?

Detainee: Yes, I would like to address that question. I was asked how did I go to the front line and you don't know how to use the weapon? They asked me why didn't I go to the training camp. Because I was in Yemen, I answered. I used to have a Kalashnikov and that's how I know how to use a Kalashnikov. That's why I went to the front lines. I did not get any training for the use of the Kalashnikov. Since I was in Yemen, I owned a Kalashnikov.

3.a.6. The Detainee was a money courier.

Detainee: This allegation is incorrect. If you like, I can give you the accurate response to that question.

Tribunal President: Yes, please.

Detainee: When I went to Afghanistan to fight I had a picture about the fight in my head. Yemen used to be divided into two parts, north and south. Southern Yemen used to be

under the influence of the communists. In my own opinion, the picture in my head, was whoever was against the Taliban were communist. When I went to Afghanistan and arrived at the front lines, I found that they were all Muslims. I'm speaking very, very brief. If I wanted to talk in detail that would be so long. I'm talking right now so I can get to the point. When I got there and found that everybody was Muslim, the picture I had in my mind was incorrect. Therefore, I decided to get out of the whole thing. My intention was to go back to Yemen. During that time there were not any embassies or anything going on in Afghanistan. During that time that I was there, one of the people that immigrated to Afghanistan came. This man did not like to see the fighting that was going on in Afghanistan. But he was an immigrant. He used to talk about helping the Afghan people. He was talking about helping the poor and needy, orphans, and widows. I told him that I came to Afghanistan to fight in the Jihad. Now, after I've seen what I've seen, I decided against it because they are all Muslims. I thought that this man I was talking to was by himself. He was not with any organization. I liked what he had to say, and he was serious in what he was doing. He was talking logic and he went to help the poor and needy. I offered to help him but I indicated to him that I don't have any money. "Because I'm here in Afghanistan, I'm not doing anything, I can help you until the time I leave." He said fine, if you want to help me that would be great. Where are you staying? When he was talking to me, we were in Kabul. I told him I would be going to Khandahar until I leave. He told me that, if I find you then you can help me, and if you took off and went back to your hometown, then what can I say. The weather was so cold that all the broadcasting companies talked about that it was so cold that 5, 000 people died from it. Those people that died were in Herat. The man that I am talking about, he was married and he had his kids with him. He didn't have enough time go there by himself. When he found out that I did not leave Afghanistan, he said to me since you have not left can you take this sum of money to Herat? It only takes a few hours to get there. You can take that money over there and I will appreciate what you have done. I asked him: what's this money for? This is for the people that had the bad weather and some of them that died from the cold weather. The amount of money that he gave me was not too much money. I was approximately $600. I took that sum with me to Herat, but before I left for Herat, I asked the people that were sitting there in the house. I am taking the money to the people who are poor. He said you can go to the mayor of the city who speaks Arabic. He asked if he could have the address so he can visit, it's written in Pashtu, so he can give it to the taxi drive so he could take him there. I took the money and delivered it on that information. I was not a courier for the Taliban or anybody else. That is from the beginning to the end. That is the summary of that point.

3.a.7. The Detainee delivered money to the Taliban in Herat.

Detainee: We just talked about that.

3.a.8. The Detainee was captured in a safehouse in Pakistan.

Detainee: This was not translated properly. Can I tell you how I was captured?

Tribunal President: Yes.

Detainee: When I was in Afghanistan, trying to get out. I can't go from country to country unless I have a visa. When there was a fight between the Taliban, I had nothing to do with that. I was forced to go to Pakistan even if it was illegal. I was trying to find any address in Pakistan so I could get out of the situation I was in. I found a telephone number in Karachi, that man over there told me if I went there they would help me get out. I did not know that house. I thought that this number is for a Pakistani guy. I found the house; the owner of that house was Pakistani. How could it be a safehouse if it's a private home and his family and kids were there? The situation in Afghanistan was so upsetting that you can't do anything there. That's why I wanted to get out of Afghanistan. When I left from Afghanistan to Pakistan I was going and not knowing where I'm going what's going, to happen. That's number 8. All these allegations I answered in detail.

3.b. The Detainee supported military operations against the coalition.

Detainee: I don't understand that question. What do you mean why I fought against the coalition?

Tribunal President: I think it means that you fired weapons or support other fighters against the United States.

Detainee: Can I answer that question?

Tribunal President: Yes.

Detainee: When I went to Afghanistan, I was there one year prior to the fighting. I did not know what was going to happen tomorrow so how am I going to know what's going to happen in the States or to the Taliban the prior to my going there? America was in one part of the world and I was in the other part of the world, I didn't have any intention of fighting against the United States. When I left Afghanistan, it was before any Americans came to Afghanistan. When I got to Karachi, all the broadcasting companies were saying the Americans did not even enter. How is it that you say that I fought or I helped other people?

Tribunal President: This is an allegation that the supporting evidence that we have right here from the government says that you may have fought against the coalition.

Detainee: Ever since I got captured, I've been going by their wishes, doing what they want me to do. I've been a good boy. There are no problems with Americans. In the past or in the future. Whatever happened in the world, I have no control over that. How is it that they classify me as an enemy to the States? I can't answer any further. How can I be an enemy in the situation that I'm in? All I can is that I'm not an enemy. I never fought America. I never fought anybody like America.

Tribunal President: That's why it's very important for you to take the opportunity to tell us your story so that we can consider your story and your responses to the allegations.

Detainee: I am happy because you were sworn in. I hope that this Tribunal will make the proper decision, especially after they have sworn in. I took the oath myself too. I hope I can get just and fair treatment. They have all of these allegations, but the whole thing is that I never fought the Americans. I have no way of fighting the Americans. All I wanted to do was help with the Jihad. My Jihad is different than what other people think of a Jihad.

Tribunal President: Can we answer the final allegation that is 3.b.1?

3.b.1. The Detainee served at the Said Center for the rear guard near Bagram for the Taliban.

Detainee: Yes, again I'm going to give you the whole story. I would like to break it into pieces because it will expose the meaning.

Tribunal President: Yes.

Detainee: When I came to Afghanistan for the purpose of fighting with the Taliban, they found a picture that I had in my head about fighting. When I came to that center, all the people that were there were Muslims. From that center, I left. When I went there, there was no specific number, I have to go in and go out. I had my freedom. I could come and go as I please. When I found out that situation did not agree with me, I just left. I left there seven months prior to the fighting with the Americans. I don't think this is an accurate accusation. You have all the information in my file.

Tribunal President: Hamoud, however we don't have access to your files. That's why we have to repeat some of the things that you may have said to other interrogators.

Detainee: I hope to see justice.

Tribunal President: Do you have anything else that you would like to say? Does this conclude your statement?

Detainee: I would like to make sure that I have expressed myself properly. Little different than what the interrogator had said because they write their own stories about these allegations. I'm done other than that.

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

Personal Representative: No ma'am.

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

Recorder: No ma'am.

Tribunal President: Do any tribunal members have any questions for the Detainee?

Tribunal Members' questions

Q. Have you had any other weapons training or just the Kalashnikov?

A. Just the Kalashnikov.

Q. How did you support yourself financially while you were in Afghanistan?

A. I had sufficient funds with me and life was very simple and cheap.

Q. Before you left Afghanistan did you see any of the bombing or any of the fighting while you were there?

A. When the bombs started I was in Kabul before I left. That was the first day. The first week I left.

Q. Where did you go from Kabul?

A. I went to Khandahar.

Q. And then to where?

A. To the Pakistani border and then I entered Pakistan.

Q. When you left Yemen to go to Afghanistan, did you have your passport?

A. I had my passport with me until the time I got caught in Karachi and the Americans took it from me.

Q. Okay, but you had it with you when you were captured?

A. Yes, I had it with me and they took it from me.

Q. Did you fight for the Taliban before you realized that they were all Muslims? That is that the opponents were Muslims.

A. The first time when I got to Afghanistan it was cold. During the wintertime there is no fighting. By the time I arrived there; there was no fighting going on. I came and I left and there was no fighting going on. So I did not fight.

Q. You did not fight at all while you were in Afghanistan?

A. I didn't even fire one shot.

Q. Did you receive training in fighting in Yemen before you left?

A. No, I did not.

Q. Do you know what the Said Center is in Bagram?

A. I gave you that answer, I don't know where I was years ago. They said we will send you to the front line and I went to the front line. All who are new that come to the camp go to the back in the front line. Before I went to the front line I ended up leaving the area.

Q. What was the purpose of the camp?

A. It is a guard camp.

Q. They were not training other people to go to the front lines?

A. I don't know, but that place that I was in, there was nothing going on like that.

Tribunal President's questions

Q. Can you give me a general idea of when you were captured?

A. I forget. It's been three years and I don't remember.

Q. Do you remember if it was after the bombing, the U.S. bombing started?

A. They arrested me while I was in Karachi.

Q. I know. Were you fleeing the bombing or I understand you said you wanted to leave but were you fleeing the bombing?

A. I was fleeing from the whole thing. It was a totally different picture than what I had in my mind.

Q. My question is, did you leave before the U.S. started bombing or after the U.S. started bombing?

A. I could not leave before the bombing because I did not have a visa. When I found the bombing started, that's when I left. Not by my choice, I was forced.

Q. The Visa that you had prior to leaving Yemen, was it for one month, two months, three months?

A. I don't really remember but I think probably a month.

Q. How did you travel around in Afghanistan? Once you left Yemen, did you fly from Yemen? Did you take a bus or a train or a car?

A. I came on a plane from Yemen. The route is mentioned in the Unclassified Summary.

Q. I understand the route. I just want to know how you traveled. What vehicles did you take?

A. From Yemen to Syria, I took a plane. From Syria to Iran, I took a plane. From Iran to Afghanistan took the car taxis.

Q. You paid for all of that out of your funds?

A. Yes I did.

Q. Once you were in Afghanistan, how did you travel around the country? By car, by taxi?

A. From Khandahar to Kabul I took a taxi. Coming back I did the same thing using a taxi. Even when I went to Iran, I used a taxi. All of the transportation was by taxi.

Q. You paid for all of that yourself?

A. Yes I did.

Tribunal President: I don't have any other questions.

Detainee: Everything I do other there for the sake of Jihad is going to be counted for me by God in Heaven.

Tribunal President: I do have one more question. I'm sorry. You indicated that they told you about the houses. Who are they?

Detainee: I mentioned to the interrogator that I met two guys. I met them at the Iranian airport, Dhahran. All the story of how I met these people is in my file. If you want me to tell you about it, I will tell you about it.

Tribunal President: Did you know these people?

Detainee: I did not know them. I just met them there. They received me as a reception.

Tribunal President: Did it appear that they knew about you?

Detainee: No.

Tribunal President: Did they assist you with the address of the houses that you stayed in?

Detainee: Those two were initially going to Afghanistan. If you want I will tell you the story. It's a short story. If you want I will tell you.

Tribunal President: Please proceed.

Detainee: When I arrived in their section in the airport. The lady that was receiving, spoke Farsi and I don't understand Farsi. She was asking me for the passport and didn't know what she was asking. She was asking about certain things on the passport and those two guys they were standing next to me. I was happy that they were there because they stepped in and tried to help me. They went ahead and explained to her about the points she was asking about in the passport. They asked me where are you going to Iran? I'm not interested in Iran. I'm going to Afghanistan. These two guys said that's great, we are going to Afghanistan as well. I said since you are going to Afghanistan, that's nice company to be with. These two guys they knew about these guesthouses. It didn't take me a long time to find out about these houses, they took me there. That's the story. All that I just told you is in my file.

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee had no previously approved witnesses to present to the Tribunal and closed the open session.

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

Summarized Detainee Statement

The Detainee elected not to attend the Tribunal proceeding, but requested the Personal Representative make a statement on his behalf. The Personal Representative made the following statement:

- Regarding 3.a, I am not associated with al Qaida.

- Paragraph 3.a.1, I went there for religious purposes to visit because it was an Islamic country. I went before 11 September 2001. I was new so I went to two to three places where there were Arab people.

- Paragraph 3.a.2, true. In Kandahar, I spent two months in one place. I did not go there for religious training; I went there for a visit.

- Paragraph 3.a.3, yes, I went to Kabul but I don't remember the month. I spent two weeks in Kabul. I wanted to visit different places while I was in Afghanistan. I wanted to see how they did Islamic practices in different places in Afghanistan. I left Kabul because the Afghans were trying to kill Arabs at the market. I got scared and left to go to Jalalabad. Then, I wanted to go to Yemen. There was an Afghani person who spoke some Arabic and he had a taxi. He took me from Kabul to Jalalabad.

- Paragraph 3.a.4, there was a group of people who told me I couldn't travel by myself. I went with those people and we walked for days. We reached the Pakistani village and I surrendered to the Pakistani forces so they would take me to the Yemen Embassy in Pakistan. But, they put me in jail, then transferred me to the Americans. I did have a passport, but I had to leave it behind during my travels in the snow and the mountains. I thought I was dying. I was weak and could no longer carry my bag because it was really heavy. All of my belongings, including my passport, were in the bag.

- All the rules in the United States and in the world, the person is innocent until you prove he is guilty not innocent. But, here with Americans, the Detainees are guilty until proven innocent.

AUTHENTICATION

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

[redacted]

Colonel, U.S. Marine Corps
Tribunal President

Summarized Unsworn Detainee Statement

[The detainee elected not to be present at this Tribunal]

Tribunal President: Personal Representative did the detainee desire that you present information to this Tribunal on his behalf?

Personal Representative: Sir he had one short statement. When I spoke to him about being returned to his home country. He said, "I would rather be in the worst American jail than be a minister in my country. I want to stay here."

AUTHENTICATION

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

[redacted], Col, USAF
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President began explaining the Tribunal process to the Detainee. The Tribunal President began to discuss whether the Detainee wished to give testimony under oath or not under oath; the Detainee interrupted and stated the following:

Detainee: If this meeting will take this long, I have decided to leave. I have decided to not be present.

Tribunal President: It will take a little while.

Detainee: I do not want to be present.

Tribunal President: We will take a brief recess while the Detainee is taken back

There was a brief recess as the Detainee was removed by his own request from the hearing. The Tribunal was then quickly resumed in the Detainee's absence.

Tribunal President: Please be seated. I note for the record that the Detainee whose case is now in session is not present in the hearing room. During the recess, the Detainee was removed from the room because he stated he did no longer elect to participate in the proceedings. Personal Representative, did you meet with the Detainee, and inform him of his rights in regards to this proceeding?

Personal Representative: Yes, ma'am.

Tribunal President: Did he appear to understand the process?

Personal Representative: Yes, ma'am.

Tribunal President: Was the unclassified summary of evidence read to the Detainee?

Personal Representative: Yes, ma'am.

Tribunal President: Was a translator used during your interview?

Personal Representative: Yes, ma'am.

Tribunal President: Did you confirm that the translator spoke the same language as the Detainee?

Personal Representative: Yes, ma'am.

Tribunal President: Please provide the Tribunal with the Detainee Election Form marked as exhibit D-A.

The Detainee Election Form was formally presented to the Tribunal President.

Tribunal President: I note from the Detainee Election Form that the Detainee originally chose to be present in this Tribunal, and that he changed his mind once he came here.

The remainder of the Tribunal process was conducted In Absentia.

AUTHENTICATION

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

[redacted]

Colonel, United States Army
Tribunal President