Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the detainee stated, "yes."

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process the detainee said, "no."

The Tribunal President stated: You may now present any evidence you have to the Tribunal. Your Personal Representative may assist you if you wish. It is my understanding that you wish him [Personal Representative] to read a statement on your behalf, is that correct? [The Detainee stated]: That is correct.

The Personal Representative read the following hand written statement by the Detainee:

Since having been picked up by the Zambian authorities on the instructions of the American government. I have been denied my rights physically and mentally. Intimidated and abused. From the time I was being questioned by the Zambian, Americans and British in Africa denied legal rights abducted and brought to Guantanamo Bay. Since arriving here the intimidation verbal abuse racial abuse has been forth coming. For the Americans most intensely on 31st July 2003 from the direction of a Spanish American MP and on 15 and 22 June 04 by American interrogators. Only now today 25/9/04 have I realized that I must over come my fears because I see now that the Americans will not and have not allowed me access to my real lawyers who are taking instructions from my sisters.

I see also that they will not allow me to have a fair trial and as such I see and know that the duress and mistreatment that I am incurring shall not stop until they (the American government) get the result they want.

I am, however, no longer afraid and no longer care or fear for the consequences and I feel somewhat strengthened by the fact that my sisters have got a jist of the truth and are not afraid to speak and have spoke. As such it gives me the strength to do what I know now is time to do. I retract everything I ever said from the time the Zambian authorities picked me up on orders from the Americans until now the 25-9-04. Because of the fact it was obtained from me by excessive duress.

The Tribunal President stated: At this time I would ask that you [detainee] verify everything your Personal Representative has read in your behalf is true to the best of your knowledge. The Detainee replied: "Yes."

The Tribunal President asked the Detainee: Do you [detainee] have any other comments or statements you would like to make to this Tribunal? The Detainee replied: "No."

Summarized Answers in Response to Questions by the Tribunal Members

Q. Why did you [detainee] travel to Afghanistan?

[The Detainee did not answer the question.]

The Tribunal President stated: He [detainee] has the right not to answer any questions if he chooses not to do so.

The Tribunal President asked the Detainee: Would you [detainee] like to answer questions from the board or would you choose not to do so? The Detainee replied: You [Tribunal] denied me access to witnesses who know the reason I went to Africa. Now you [Tribunal] say that or they [US government] say that I went for such and such reasons, where did they [US government] obtain this information? I have people to verify what was spoken prior to my arrival in Africa as to why I went there. So, you [Tribunal] want answers to something but yet you won't let me (inaudible: get or give) answers to something else. So, I wish not to say anything other than what has been stated by my Representative.

Q. Personal Representative, do you have any other evidence to present to this Tribunal?

A. No.

AUTHENTICATION

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

[redacted]

P. 1

SINCE HAVING BEEN PICKED UP BY THE ZAMBIAN AUTHOURITES ON ~~BEHALF~~ & THE INSTURCTIONS OF THE AMERICAN GOVE. I HAVE BEEN DENIED MY RIGHTS PHISYCALY & MENTALY ~~HA~~ IN TIMIDATED & ABUSED: FROM THE TIME I WAS BEING QUESTIONED BY THE ~~F~~ ZAMBIAN AMERICANS & BRISTSH IN AFRICA DENIED LEGAL RIGHTS ABDUCTED AN BROUGHT TO GUANTANMA BAY. SINCE ARRIVING HERE THE INTIMID ATION VERBAL ABUSE RACIAL ABUSE HAS BEEN FORTHCOMING FOR THE ~~A~~ AMERICANS, MOST ~~NOTICEBALY~~ INTENSI -EY ON 31 ST JULY 2003 FROM THE DIRECTION OF A SPANISH AMERICAN MP & ON 15 & 22 OF JUNE-04 & BY AMERICAN INTERGATORS. ONLY NOW ~~HA~~ TODAY 25/9/04 HAVE I REALISED THAT I MUST ~~OF~~ OVER COME MY FEARS BECAUSE I SEE NOW THAT THE AMERICA -NS WILL NOT & HAVE NOT ALLOWED ME ACCESS TO MY REAL LAWYERS WHO ARE TAKING INSTURTIONS

FROM MY SISTERS
I SEE ALSO THAT THEY WILL NOT ALLOW ME TO HAVE A FAIR TRIAL, AND AS SUCH I SEE AN KNOW THAT THE DURESS & MISS TREATMENT THAT I AM INCURRING SHALL NOT STOP UNTIL THEY (THE AMERICAN GOVERMENT) GET THE REUSULT THEY WANT.
I AM HOWEVER NO LONG AFRAID & NO LONGER CARE OR FEAR FOR THE CONSEQUENCES & I FEEL SOME WHAT ~~STRENTH~~ STRENTHED BY THE FACT THAT MY SISTER, HAVE GOTA JIST OF THE TRUTH & ARE NOT AFRAID TO SPEAK & HAVE SPOKE. AS SUCH IT GIVES ME THE STRENTH TO DO WHAT I KNOW NOW IS TIME TO, I RETRACT EVERY THING I EVER SAID FROM THE TIME THE ZAMBIAN AUTHORITES PICKED ME UP ON ORDER FROM THE AMERICANS UNTIL NOW THE 25-9-04 BECAUSE OF THE FACT THAT IT WAS OBTAINED FROM BY EXCESIVE DURESS.

The Tribunal President advised the Detainee that he would not be permitted to read classified evidence, and the following discussion ensued:

Detainee: Is it possible to see this evidence, in order to refute it?

Tribunal President: The classified information cannot be made available to you for reasons of national security. You may see the unclassified evidence.

Detainee: The past three years, through all of my interrogations, the evidence presented in the Unclassified Summary is basically a summary of what I've said in the interrogations before. The interrogators have talked and discussed every issue, big and little, that has been said. I'm not expecting there to be anything more than what is written here in the classified evidence, because the interrogators have not discussed any other evidence besides this.

Tribunal President: We don't know what might be in the classified evidence; we have yet to see it.

Detainee: I do not know what the Recorder has presented, in terms of evidence, but I do know that a lot of witnesses here, other Detainees here, are against my country. Some are Iraqis or other nationalities and may say something against me because of their dislike for my country. Some people here are crazy and not reasonable and some have talked with us Kuwaitis about the fact that they do not like our country. They may have said something against me because of that.

Tribunal President: We will take the things you have brought to our attention into consideration. We will give you an opportunity shortly to go into detail any information on the Unclassified Summary, as well as anything else you would like us to be aware of.

The Tribunal President continued reading the hearing instructions to the Detainee.

Summarized Sworn Detainee Statement

The Detainee was sworn.

- **3(a) The Detainee is an Al Qaeda and/or Taliban supporter.**

  This is very far from the truth and I deny it completely. I have worked with charity organizations for seven years and the Taliban had been governing Afghanistan for six years. Al Qaeda, who knows how long they've been around? Since the 90's or since the days of the Russians?

  Not one day in my life had I traveled to Afghanistan, Iran or Pakistan and I never transferred even $1.00 into the accounts of any of these people.

The Americans, the FBI and the CIA, know this. My name is not even on any of their "black lists."

The Taliban has been around for six years and enforce the (inaudible) Islamic law and they destroyed the statue of Buddha. All of this did not attract me to help them for even one day.

All of the sudden I am an Al Qaeda and/or Taliban supporter? This is something that is, quite honestly, very very far from the rest of the evidence. I did not expect this to be on here.

Regarding these points, some of them are correct, but the interrogators have altered their meanings. Some points have some words changed and some are very far from the truth. Some points have never been mentioned to me in three years. If you wish, I'll go through each point separately and elaborate on each one.

- **3(a)1 The Detainee traveled from Kuwait, through the United Arab Emirates to Bahrain, to Iran, and finally to Kabul, Afghanistan on 2 October 01.**

I did not travel to Bahrain; I traveled from Kuwait to the United Arab Emirates to Iran, and that was my final destination point.

I had seen the news, and even CNN was reporting that there were 2 million refugees that were fleeing from Afghanistan to Iran. I wanted, to my ability, to work with charity organizations, NGO's I had worked before in Zagreb, Croatia for 1½ years and for 5 ½ or 6 years in Bosnia.

I will mention this more, but this is just to address why I was going to Iran.

The 2 million refugees in Iran and the million refugees in Pakistan; their situation was terrible and sad. I was very touched by this and I felt the need to help. I went to Iran to see this for myself. Those of us who work with charities do not put too much emphasis on what we hear from the media. We like to see it for ourselves; we have to see the reality of the situation. I took about 1 to 1 ½ months leave from my work, so I could briefly see what the situation was.

I did raise $10,000 before I went there, and that is approximately 3,000 Kuwaiti Dinars. For Kuwaitis, 3000 Kuwaiti Dinars is not a large sum of money at all. About 1/3 of that amount I contributed myself and the rest of the money was from my brothers and sisters. I was very quick and

necessary because I was going to see 2 million refugees, so it wouldn't make sense to go empty handed.

I went to Iran and went to the borders and I didn't see anything. At that point, I had to make a decision, either to go in [to Afghanistan] or to go back, so I decided to go in.

The interrogators asked me why I decided to go into Afghanistan when I knew the Americans would go into this war with Afghanistan. I told them that if I had known the Americans were going to enter the war, I would not have gone in. Also, if I had known that they were not going to apply the Geneva Convention, especially to people working in charity organizations, I would not have gone in.

I always repeat this to the interrogators, a statement from the Secretary of Defense. I remember this statement very well and I'm going to say it in English. "He who thinks we will fire a couple of cruise missiles to Afghanistan is mistaken. This war is going to be a political war, an economical war, an information war and an intelligence war." They didn't say it was going to be a military effort. This was a statement that was repeated by all American officials. The Secretary of Defense said this was going to be an unconventional war.

The Americans were not stupid. They were not going to commit all their troops to go into Afghanistan to die, like the Russians and the British. The same thing was said by military analysts on the news. I saw it myself, on the news. The Americans were not going to be foolish, and that's why I made the decision, that ultimately brought me here, to go into Afghanistan to see those 2 million refugees, that apparently were not even there.

- **3(a)2 The Detainee is a member of the non-governmental organization (NGO) Kuwaiti Joint Relief Committee.**

  It is true; I was a member of the Kuwaiti Joint Relief Committee from 1993 until 1999. From 1993 to mid 1994 I was in Zagreb, Croatia and from 1995 to 1999 I was in Bosnia. The Kuwaiti Joint Relief Committee didn't have anything to do with me going to Afghanistan, because in 1999 I was done with it.

- **3(a)3 The Kuwaiti Joint Relief Committee is suspected of providing funding and travel documents for mujahadin. Possible links to Al Qaeda.**

  This is apparently explaining 3(a)2 and is against me, it seems. The Kuwaiti Joint Relief Committee was in Bosnia from 1993. The Americans were in Bosnia from 1995 to 1999, or until I left. They might have been

there longer. No one ever gave this committee any trouble or said anything about their activities in Bosnia. On the contrary, the Americans would come and meet with us and with the head of the committee. We were given many thanks from the Bosnian government, the American government and the Croatian government, for the work this Joint Relief Committee was doing in Bosnia.

No one ever voiced any opposition against what we were doing until September 11th. Only after September 11th is this point being brought up.

If you look at the wording of this statement it says "suspected" or "possible." Nothing concrete. It's all speculation. Only after September 11th did it become like this. It's not normal.

- **3(a)4 The Detainee admits raising $10,000 (USD) and transporting it to Afghanistan.**

I think I covered this in my response to 3(a), but quickly I'll go over it. Yes, I did raise $10,000 but it was not to transport it to Afghanistan. This statement implies that I was going to meet someone in Afghanistan and is not correct.

Yes, I did raise $10,000 but this amount is very trivial in Kuwait.

- **3(a)5 The Detainee admitted fleeing with others due to the "opposition," (Northern Alliance) taking over the city.**

This is true, but I was not with anyone else. I went by myself. I did flee, but not only because the Northern Alliance was taking over the city, but also because the residents of the city were killing Arabs.

I had my own personal interpreter with me who helped me. We were working every day from the morning until sunset. We would work all day, meeting with the poor people and the orphans.

Thank God, one day my interpreter said I shouldn't go back to the city because the Northern Alliance was either nearing the city or had already taken the city, but people inside the city were killing any Arabs in the city at the time. So, I left by myself.

Later on, I met other Arabs that were with Afghanis. They rounded us all up together. It was a very long trip to Pakistan and at that point, we surrendered ourselves at the Pakistan border. We turned ourselves in to the Pakistanis at their border.

- **3(a)6 The Detainee was listed on a document recovered in safehouse raids associated with suspected Al Qaeda in Karachi, Pakistan.**

  Like I said before, this is the first time I've heard of this. None of the interrogators ever brought it up at any of the interrogations. I know the interrogators make it a point to talk about every little or big thing that comes to their attention.

  So, just my name doesn't make any sense. Did you see any documents of mine? Did you see a passport? Did you see anything? Just my name? That's it? This doesn't make any sense.

  What I think is that some people in Pakistan were sympathetic to our situation and leaked our names to the media. These names that were leaked to the media were taken by Arabs and brought over to our families. Maybe some of the Arabs saw my name in the media and took it so they could tell my family what was going on. Other than that, it doesn't make sense.

  I asked the interrogators if they found my passport over there and they said no.

- **3(a)7 During the raid on the Karachi safehouses, armed gunmen fought with police; firearms and grenades were seized; and police and security forces were injured by gunfire.**

  This item was not initially addressed by the Detainee (but see page 7 below).

- **3(a)8 The Detainee was listed on a document as being a member of the Mujahadin Brigade in Bosnia.**

  The interrogators have been asking me about this for three years. One time, the interrogator had a document in his hand and was reading from it and said that I was a member of the Mujahadin Brigade in the Bosnian Army from either 1992 to 1993 or 1993 to 1994.

  I answered him by asking him if he knew where I was in the year 1992. I told him I was in Nebraska and I was graduating. I graduated in May of 1992. From 1992 to 1993, I was in Kuwait, working for the Kuwait Institute for Scientific Research.

  From 1993 to mid 1994 I was in Zagreb, Croatia. Of course, he became silent at that time. He asked how would the Bosnian government provide

him with this document and I told him I'd explain and I'll tell you the answer. It is a long story, but I'll tell you the short version.

I married a Bosnian woman in the end of 1994. As you know, there was a war over there at that time. When we got married it was a religious ceremony. It was a legitimate marriage but I didn't have a Bosnian citizenship at that time, so we weren't able to register the marriage with the Bosnian government. I was living in Kuwait, so I was not concerned with getting a Bosnian citizenship.

The problem was that my wife got pregnant during the war. At that time, if your wife was pregnant and you did not have a Bosnian citizenship, the child would not be legitimate. They would register the child in the mother's name, not the father's. To me, this was important.

At the same time, how could I go to Kuwait at that time to register my wife and son there? I did not have any documents or paperwork with me. The only way to register my son, legitimately with my last name, was for me to become a citizen. Now, I had to obtain a Bosnian citizenship, and I had the right to do this because I was living in Bosnia, married to a Bosnian citizen.

We got in contact with people who said they were able to finish the paperwork for us. The paperwork I requested, translated and notarized, I gave to this man. He asked for 1,500 Deutschmarks for fees or taxes and 500 Deutschmarks for his time and labor. So, I gave it to him so he could continue. At that time, thank God, I was able to get my wife and go to Kuwait.

This should all be registered somewhere. The Kuwaitis brought this over to the interrogators. This paperwork said when I left and when I came back.

I returned, once again, in 1996 and the police asked me to meet with them, after the war had ended. I went to them and they said I had the right to citizenship. At that time, I wasn't really pleased or displeased; I just didn't have any objections. I took the paper and registered, but unfortunately they gave me the citizenship through the Bosnian Army.

You can verify this. If you look at everyone who came in after the war in 1998, 1999 and 2000, that's how most got their citizenships, through the Bosnian Army. The person doing the paperwork tricked them, like he tricked me. He took the 1500 Deutschmarks that I gave him and if they do it through the Bosnian Army, he doesn't need to pay a tax or a fee.

The American government and the Bosnian government formed a committee to review these files, and I believe it was in 1999. They found that many of the people that got their citizenships at that time, got it the same way.

In truth, they never served in the Bosnian Army, but that's how they got their citizenship. It's all false certifications and that's what the interrogator was looking at when he was talking to me, saying that I was in the Mujahadin Brigade, the Bosnian Army, from 1992 to 1993.

That is false, and what proves that is that I was in Nebraska and Kuwait from 1992 to 1993. Or, I was in Zagreb, Croatia. Because I'm an Arab, it was easy for me to be registered in the Bosnian Army, in the Mujahadin Brigade. They would just take 200-500 Deutschmarks and register you under the Bosnian Army, like a bribe.

That is the truth, and I hope you take this into consideration. The Americans were in Bosnia and Kuwait and I never had any problems with them, or them against me. I was never on any "black lists," I was never wanted; no one was ever looking for me, until September 11th. But, after that, these points came up.

Personal Representative, is there something that I did not say?

Personal Representative: Point 3(a)7.

Detainee: Obviously, if point 3(a)6 is not true, then what does 3(a)7 have to do with me? In my entire life, I never went to Pakistan, not even for one day, so what do I have to do with any safehouse in Karachi? The Pakistani government must have given the Americans this information. I turned myself in on the Pakistani border between Afghanistan and Pakistan. I didn't go in or come out of Pakistan.

There's a point I was shown on the document from the White House [R-4]. What is against me in this document? I have reviewed it with my Personal Representative earlier and, thank God, neither my name nor the name of the committee I was on was on that list of names or organizations. I don't know why the Recorder presented this to the tribunal.

Tribunal President: We noted, as well, that your name and your organization were not listed here. At this point, we don't know why that other name is highlighted.

Detainee: What is in there that is against me?

Tribunal President: Classified information might link it together, but we don't know that at this point.

Detainee: I know there is nothing that links them together. Thank you for listening.

Personal Representative: Would you like to explain what those four documents [the documents the Detainee requested, but the government was not able to produce] might have said?

Detainee: Obviously, it's clear that I requested these documents because I was going to Iran for a specific purpose and was intending to return. I took leave from my job for a month to go there and come back. Obviously, I wasn't going there to stay and fight with the Taliban or help the Taliban. I went there with $10,000.

The other thing I requested was that I have seven years experience working with charity organizations in Zagreb and in Bosnia. The Kuwaiti government brought this information over when they met me personally. They told me that they have everything on me. They asked me many questions regarding the information I requested. Where did I work? When did I work? They met with me twice.

The third thing I requested was verification that my son was in the hospital, having heart surgery, so it was imperative I returned quickly. I was going for a specific purpose, and I had given a specific date for [my son's] operation in November, so I had to return quickly.

I think that the information in these documents would help me. I have experience working with charity organizations and that was my reason for going there.

Tribunal President: We may have some questions, but for now, does this conclude your statement?

Detainee: I hope this Tribunal is a fair one. I've already been classified as an enemy combatant but from what I know of the American justice system is that a person is innocent until they are proven guilty. Right now, I'm guilty trying to prove my innocence. This is something I haven't heard of in a justice system.

I hope that you look at this evidence and my statements with a fair mind. Don't look at, or take into consideration, my appearance or my clothes. I hope that the truth is just.

Personal Representative: I just want to clarify that when the Detainee was in Nebraska, he was at the University of Nebraska.

Tribunal President: We understand. We want to remind you [Detainee] that this is a non-judicial proceeding. It is an administrative, legal proceeding. We come here with an open mind to determine if you have been properly classified as an enemy combatant.

Tribunal Members Questions to Detainee

Q: Looking at the Affidavit your family completed on your behalf, you are an engineer by trade?

A: I have a Bachelor's degree in Agriculture. In Kuwait they say Agricultural Engineering, but technically, it's not.

Q: Did you work in this field after graduating?

A: In Kuwait, yes, I worked with the Kuwaiti Institute of Scientific Research for about four months.

Q: Your primary area of concentration was with charity work?

A: My work with the Kuwaiti Institute of Scientific Research was difficult for me. I had just graduated and the work required a lot of research. Not difficult, but required a lot of work and long hours, you have to put a lot of effort into it. In 1993, the Bosnian dilemma came up. It was covered thoroughly in the media. At that time, many Kuwaiti charity organizations were working on the Bosnian issue. I wasn't working at that time; I was looking for another job. Truthfully, I was drawn to the Bosnians and the idea of charity work.

I worked in Croatia from 1993 to 1994. In 1995, I worked with the Ministry of Labor and Social Affairs. We were working with the agricultural section of that ministry.

Q: In 1993, when you first went to Croatia, was that organization already established, or did you help to establish it?

A: No, it was already established. It was in Croatia, not Bosnia and the head of the committee was already there.

Q: What duties did you have when you first started working?

A: Because I was Kuwaiti, and the head of the committee was Kuwaiti, it was the two of us working with mostly Bosnians. Our work was concentrated mostly on refugees that were coming in from Bosnia.

Q: What, specifically, were you asked to do?

A: The orphans from Bosnia were coming in to a new place, so we would meet with them. We would do many things to make them more comfortable coming into this area. Just talking with them, saying kind words, giving them food, and

paying for the houses they were staying in. We would give 50 Deutschmarks per month, per orphan. Things of that nature.

Q: You were in Croatia and then Bosnia from 1993 to 1999?

A: No, from mid 1994 until 1999 I was in Bosnia.

Q: All together.

A: All together from 1993 to 1999.

Q: What was the highest position you attained at this organization?

A: Assistant Director of this organization.

Q: So, basically, you were the #2 man there?

A: Considered as #1. There were only two of us Kuwaitis and it's a Kuwaiti organization, a Kuwaiti had to be in charge of it.

Q: That makes sense. In 1999, you finished your work with the Kuwaiti group?

A: Yes.

Q: Is it because the conflict in Bosnia ended, or because you wanted to find something else to do?

A: I was working with the Ministry of Social Affairs since 1995. In 1995, they transferred me to the Kuwaiti Joint Relief Committee, by special contract between the two organizations. The Ministry of Social Affairs and the Kuwaiti Joint Relief Committee had an administrative affair. This was an annual contract.

In 1995 the Americans came in and started helping people there, and also getting back to their own countries. So, people started working and things started moving on. There was no longer a need at that time for charity work.

So, in 1999 I finished working there. I did not renew the contract and went back to my work with the Ministry of Social Affairs.

Q: Was that your choice, or did the Kuwaiti government ask you to do that?

A: I would go to them, and if they needed me they would approve me working there, but if they didn't need me, they would not sign me.

Q: The Unclassified Summary indicates there are possible links between the Kuwaiti Committee and Al Qaeda. I gather you don't know anything about that?

A: You don't have that with you. Where did you get that information? The terrorism list that you have, that committee is not listed on there. How did you get a possible link to Al Qaeda? Where did you get that from? They don't have an office in Afghanistan.

You didn't state this, about the committee, until after September 11th. Before that, there was no problem. If the American government knew this committee had any ties to Al Qaeda, the head of the committee would be here and anyone who worked with the committee would be here.

Now, unfortunately because I was brought from Afghanistan and I'm in Cuba, they're trying to try this Kuwaiti organization to Al Qaeda and it's not just. That is not fair. I was done with this Kuwaiti Joint Relief Committee in 1999 completely. Americans never had a problem with that committee, so why do you bring that now?

Q: At this point, we don't know, but it may have something to do with this gentlemen listed on the Executive Order, Mr. Yasin Al Qadi.

A: I don't know him. He never worked with us and he's not even the head of the department. I gave you the names of the Kuwaiti government. When they came here, they brought a list of the names of the people working, and that's not one.

Q: Before today, you've never heard that name?

A: No, by God, I do not know. Today, the Personal Representative showed me the document.

Q: 3(a)5 of the Unclassified Summary says you admitted to fleeing with others due to the "opposition" taking over the city. That's Kabul?

[The Detainee nodded affirmatively.]

Q: I think the implication is, that if you referred to the Northern Alliance as the "opposition," this implies you were sympathetic to those they were fighting against.

A: Northern Alliance, "opposition," that's what the media is saying. I don't have anything to do with the words. I didn't say "opposition," the media said the "opposition" was fighting against the Taliban. That's the truth.

The Taliban was governing the country for six years. If I was concerned with them, I would have gone there, at least once.

Q: Regarding 3(a)6, where your name was supposedly on a document recovered in Karachi.

A: This is the first time I've read this. The interrogators never brought this up. Usually, when they get information, they show me so they can see my reaction is to that information. Truthfully, I don't know anything about this point.

I told you my theory about this point. Pakistanis were sympathetic to our situation, and you know what the situation was like at that time. They were leaking our names to the media so someone might get news of us to our families.

Did you find my passport or any documents? In the classified evidence, do you have anything like that? No. You didn't find that. Just a name like that? I don't have any explanation, except the one I gave you.

Q: The obvious concern is, that if this is true, then, for some reason, Al Qaeda knows who you are.

A: I don't know, like I said, this is the first time I've seen this. I don't have an explanation for that. It's just a name. If my name was known by Al Qaeda, I would have been on a "black list" and you would have known about me.

The problem is that you can write anything down and then form any explanation for it. Like 3(a)2, 3(a)3, and 3(a)4. You write down the fact, but then you form another explanation for that fact. That is not fair.

Q: The question we must answer for ourselves is, say you were not involved at all with Al Qaeda. Then, why would they care who you are?

A: Who?

Q: Senior Al Qaeda people, we presume.

A: I'm asking you a question. Since when has Al Qaeda been around? Since the 90's? Since that time, have I ever had any relationship with Al Qaeda? Have I ever transferred any money to them? You would know. The Americans would know. Did I ever go meet them in Afghanistan or Pakistan?

Just a name like that? I don't have an explanation for it, besides what I told you. This is something that I've heard from many of the Detainees here, as well.

There was a Kuwaiti Detainee here who was 16 years old. I heard he was captured in Pakistan, and as soon as he was captured, his name was leaked to the press; people called his family right away and the Kuwaiti government intervened and brought him back.

Why won't you accept my explanation for this? Honestly, I never entered Pakistan at all. I'm sure the Pakistan government brought the information to the interrogators, whether I entered or didn't enter Pakistan.

Q: In the Affidavit from your family, one of the questions asked was where you had traveled during your life. One of the responses they gave was "the countries he traveled to were the United States, Turkey, United Arab Emirates, Bosnia, Bahrain, Egypt, Saudi Arabia and Pakistan."

A: Pakistan? No.

Q: Is there, perhaps, a mistake there?

A: I was captured in Pakistan. That's exactly what happened. They contacted my family and said "your son is present in Pakistan."

Q: So, they were only referring to the fact that you were captured there?

A: That's what I think. I haven't called my family or talked to them, but that's what I think.

Q: The next part of the answer says, "In the United States, he attended university there and some vacations and in both Bosnia and Pakistan he did charity work."

A: In Pakistan? I swear to God I did not go to Pakistan.

Q: That's the only reason I thought you were there, because your family said this.

A: I think, that since they knew I was captured in Pakistan, they were trying to help me in any way. I swear I did not go to Pakistan.

Q: In 3(a)7, I think I understood you to say, you know nothing about the raid on the Karachi house, and obviously you were not there and you don't know anybody who was there.

A: Right. If I had never entered Pakistan, how would I know anything about this point? They only put down 3(a)7 because it's related to 3(a)6.

Q: In the first part of your statement, you mentioned after hearing the media reports there were 2 million refugees and you went to Iran and didn't see any refugees. Then you went from Iran to Afghanistan and that's where you found all the refugees?

A: That's the tough decision I had to make; should I go in or should I return? The decision was to go and see if there were really refugees there or not. Part of the decision was if the Iranians would allow me to proceed without any problem, then I would proceed.

At the same time, I was thinking about all the statements that were released from the Secretary of Defense and the military analysts, and from the news media.

The Americans went into Yugoslavia and captured the biggest dictator in the world, Milosevic, and people were still working. No one interfered with any charity organizations. The same thing in Bosnia; we were never subject to anything.

The fact that the Americans would not apply the Geneva Conventions to us; that they would capture us and bring us here, never did I expect this to happen. The UNHCR was there and there were other Christian organizations that were helping, and no one bothered them. I think that because I'm an Arab and I'm a Muslim, maybe that's why I'm here.

Q: So, no matter what you found in Afghanistan, whether it was better or worse than you thought, your plan was to only stay 1-½ months and then return to Kuwait?

A: When I took leave for 1 to 1 ½ months, that was just so I wouldn't be rushed. That was the longest period I would have stayed, but in reality, I expected my time in Iran to just be one to two weeks; just go in, look at the situation to see what was going on, and then return.

Q: But, you were going to distribute your funds and whatever else you had to the refugees, either directly or through some other group? How was that going to work?

A: Anyone that does charity work knows the first thing you do when you go to a country, whether it's Yugoslavia, Iran, Iraq, or any other country, the first thing you do is get permission from the government of that country to distribute whatever funds you have or to do charity work.

Truthfully, it's a matter of getting a document and permission that says that you have formed a charity organization or committee that was going to distribute the funds and that you have permission from the government to do so.

After that, it's easy. You get permission and then you go meet with the refugees and determine what they need. Do they need food? Do they need money? You talk with them and find out exactly what they need. It's an expedited form of charity. You just quickly go, and get a quick overview of what the people need.

Q: That was my next question, because you obviously know how to do this from your experience with charity work, but that seems awfully ambitious to do all that in a week.

A: What's the problem? You go meet with the government officials; you get the permission from them. That takes a day or two. After that, you meet with the refugees or the orphans, distribute money, record their names, and that shouldn't take more than a day or two. I wasn't going there to lay my head down and sleep. That's charity work. I go in the morning and I come back at night. That was my work. That's how we worked in Zagreb and Bosnia; that was our job.

Q: It is not so much an observation on you, as on the Taliban government; in the middle of fighting a war, I didn't think they'd be that efficient.

A: The important thing is just to get approval; it can be orally. You don't have to get a written statement or anything, just as long as someone doesn't present any objections to what you want to do. It doesn't need to be a big production.

Q: How far were you able to advance your plan before things got difficult?

A: First of all, I made the wrong decision that brought me here to Cuba, by entering Afghanistan. I thought the Americans would not harm me, like they did not harm the people in Yugoslavia, and that was if they even entered the war. When I entered, Americans were not there at that time. There were no Americans; there was not a war.

I got to Kabul, and two days later, the Americans started bombing. At that time, I realized that my mission would be really difficult, and I decided to leave. I had to formulate an evacuation plan when the Americans started bombing.

Q: In two days, you weren't able to accomplish a whole lot?

A: There was nothing I could do. I went to Kabul and the next day, I was trying to find a place to stay. I was explaining that I worked in charity and was looking for an official from the Taliban to get the documents signed, with the approval I needed.

I couldn't communicate very well with them, just using sign language, so the owner of the restaurant helped me. He wrote something for me, [and] got me a

taxi. I got in the taxi with the paper and went to a building where a Taliban official was.

I went to the 2nd or 3rd floor. No one spoke Arabic, just very, very basic Arabic. They saw that I was not Afghan, so they brought me to someone that spoke a little Arabic. I told him I was Kuwaiti and introduced myself. I told him I was looking for someone in the department for refugees and I wished to help the refugees.

They said that person was not there, but I could make an appointment for three days later. Who he was or where he was, I don't know. I said it wasn't a problem, but I need an interpreter to be with me. He said he'd try to find an interpreter for me.

For those two days, I couldn't really do anything. I was looking for a place to stay and looking for a translator. I was not able to do anything.

Then, the bombing happened, and that's why I couldn't do anything in those two days.

Q: At the time of your capture, you were still considered to be an employee of the government of Kuwait?

A: Right, with the Ministry of Social Affairs, because I had taken official leave.

Q: You brought up the situation with the young Kuwaiti detainee who was here. You said that once the Kuwaitis found out here, they immediately intervened and he was released...

A: Not here, not in Cuba. We heard here that he had been captured in Pakistan or somewhere else. He was either 15 or 16 years old. His name was leaked, like these names I'm telling you about and they contacted his family right away. I think his family went straight away to the Kuwaiti government.

Q: I was wondering, if you are with the Kuwaiti government, and Kuwait is an ally of the United States, why the Kuwaitis hadn't done the same for you.

A: I wish they had done that. We asked the Pakistanis to meet with people from the Kuwaiti embassy, but they turned us over to the Americans right away. They didn't allow us to talk to anyone. I don't know what they did. They sold us or there was an agreement. I don't know.

Q: When you went to Croatia to do charity work, did you have interpreters set up ahead of time?

A: We had a big office there, and when I arrived the office was already established. We had many employees working there at that time. They were officially registered with the government; everything was done already.

Q: You knew there would be interpreters ahead of time and it wouldn't be a problem?

A: Yes, the met me officially and introduced me to everyone. At that time I was a volunteer, not the Assistant Director.

Q: To converse in the language, there would be people to help? Or, maybe you picked up some of the language after being there for so many years.

A: No, the language was very...there were Bosnian interpreters to help us.

Q: When you went to Iran and decided that the refugees weren't in Iran, and then you decided to go to Afghanistan, how did you know where to go in Afghanistan to find some refugees to help?

A: Like I said, I was going towards the border and thought that if they let me go in, then I would go in. I was thinking that the refugees would go to the border close to Iran. I thought if they hadn't actually gone into Iran, they'd at least be close to the Iranian border.

I went to the closest village and there was nothing there at all. No refugees whatsoever.

Q: Excuse me if you said this before, but what city in Afghanistan were you in?

A: Herat. From the airport, I took a plane from Herat into Kabul.

Q: You said you stayed at the room on top of the restaurant. During your travels, was it ever required to use a safety deposit box to safeguard your money or to keep your passport? Did anyone indicate it was problematic and potentially dangerous to travel in Afghanistan?

A: Do you mean during our flight or at the place we were staying? I stayed in three different places and was kicked out of them. Every ten days or so, they'd kick me out of the house, once the bombing started.

Q: Every how many days?

A: The first house, I stayed maybe a week or ten days and was then kicked out. The Americans were bombing at that time and the residents of the house were afraid because they had an Arab in the house with them. They were afraid the

Americans would bomb the house because of that, so they decided to ask me to leave.

The second house was maybe a week or ten days. The third house, thank God, he allowed me to stay in that house.

Q: For how long?

A: Until I left.

Q: How long?

A: I don't remember, it's been three years. I don't remember how long I stayed in the house.

Q: One day or more than a week?

A: No, a long, long time. You can probably calculate it. From the time I entered Kabul and then I left Kabul when the Northern Alliance took over that city. I don't remember exactly.

Q: I realize that the amount of money you brought for charity wasn't considered a lot of money by Kuwaiti standards, but by talking with the people in the house, did they indicate that you should put the money someplace for safe keeping?

A: I kept my passport and money in the house. When I left, I'd take $500 to $600 at a time and go and distribute that money. First I would convert it to Afghani money and then I'd distribute it. The rest of the money and the passport were in the house. $100 is a lot of money in Afghani currency, so you couldn't carry the whole amount with you.

Q: The money you had, it was Kuwaiti money or U.S. Dollars?

A: U.S. Dollars. Kuwaiti Dinars do not work in Afghanistan. It wouldn't be useful.

Q: I guess you had lots of $20's and $50's?

A: All $100's. Also, from that money I bought my plane tickets, paid for my presence in the houses, the hotels I stayed at in Iran and the United Arab Emirates.

Q: You had your passport at the time you were detained?

A: No, it was in the house. The interrogators had asked me before why wouldn't I take my passport with me and I should take it everywhere I go. Ask any Kuwaiti

if he takes his passport with him when he travels or not. It is impossible that I would travel with Afghans and have my passport with me. If I lost it or dropped it, what would I do then? If a highway robber came up to me and took my passport and my money, what would I do then? That's the Kuwaiti mentality. Anyplace we stay, we put our passport in that place.

Q: While you were staying at the three houses, there were other people there also...

A: No there weren't others. It's not a guesthouse; it was a house I would rent.

Q: Okay, so you were never with more than yourself then?

A: No, I'm independent. I was in America, Zagreb and Bosnia by myself. I don't need anyone and I depend on myself.

Q: Did you ever make contact with the Taliban government, officially, to say you were going to distribute money?

A: I tried, but wasn't able to. They gave me an appointment three days later, but then the war happened. I knew right away that the official Taliban government buildings would be the first ones bombed, so I didn't go back.

Q: So, you decided to just pass out the money without the...

A: Yes, the war happened, and I just did it myself. I had the translator with me and as soon as the war started, I said find any way for me to get out. Truthfully, he helped me a lot.

Q: I missed the part about the translator. Where did you pick up the translator?

A: The secretary that gave me the appointment to come back, he told me he'd help me get a translator after he got off work. We went to this place and he introduced me to this person. Of course, I had to give him money. He helped me, I gave him money and he helped me a lot. He was with me the whole time until I left.

Q: Did he give you suggestions as to where you could go to provide this money?

A: Yes, he was with me and he'd tell me where to go. I didn't know anything, that's why I requested this translator. Otherwise, I would have just stayed in the house until something happened.

Q: You must have been very popular there, giving money for charity.

A: I'm sorry, there's a misunderstanding. Did you mean I was very popular or the translator was very popular?

Q: Well, both would be popular. A man was giving out money and the translator was helping you give the money out. It would seem that people would come to you and say "I could use some money" or talk to the translator to say there is Kuwaiti there to provide money if you need anything.

A: It's not like we were calling out to people on a radio or a megaphone and they were all coming to us and we were giving out money. That's not the way. We would go into a house and see the situation. We'd sit down, have juice with the people and we'd give them some money and then we'd go. It was a very civilized way of doing things; not just yelling out to people.

Q: I wasn't suggesting that was what you were doing, I was just wondering if word got out. You were there for several weeks providing this service.

A: We weren't in the same village every day. There are many villages in Kabul and we'd be in a different village all the time.

Tribunal President's Questions to Detainee

Q: When you crossed the Iranian border, you said you didn't see any refugees, as you would expect. You flew from Herat to Kabul. You were in Kabul for a few days because confusion started because of the bombing. Then you started to move around a little bit in an effort to help distribute funds and charity. It sounds like a month has almost already passed and the time you planned to be in Afghanistan was coming close to the end. Why didn't you make an attempt, especially after things started becoming more difficult, to return to Kuwait sooner?

A: I told you. From the minute they started bombing, I told the translator I needed an evacuation plan and I wanted to get out as soon as possible.

Q: Yet you delayed [by going to] several houses and were attempting to pass out charity.

A: The translator said I couldn't just leave, just like that and take any way. The Taliban is still there and is preventing people from going outside. The villages surrounding Kabul could be with the opposition, the people opposing the Taliban. Even during the days when the Taliban was governing the country, there were still people against the Taliban. There were Shiites and Farsi speakers. He told me he had to search for the best way for me to get out. I couldn't just leave like that.

It is a very long trip from Kabul to Pakistan. I would pass villages and valleys. It's not that easy. I was looking at the same time for a place to stay. Where

would I stay? Everywhere I would go, people were kicking me out. At the same time, from the fist day, I was looking for a way to get out.

Q: Did Kuwait have an embassy in Kabul?

A: I don't know.

Q: Did you try to find out if they did?

A: No, I didn't think of it.

Q: Did you try to contact your family or your employer and let them know you'd be delayed in your return?

A: Yes, in Herat and Kabul I contacted my family several times. They were scared because the war had started.

Q: So, they got word that you were going to be delayed?

A: Of course.

Q: And, your child that was scheduled for heart surgery...did your child have heart surgery?

A: Yes. They sent me a message and said thank God he's okay and they sent me pictures as well.

Q: While you were in Afghanistan?

A: No, it was in November. I don't remember if I was in Cuba. If it was in November, I was in Pakistan or Afghanistan, I'm not sure. If they did the surgery after that, I might have been in Cuba.

Q: You got word that the surgery was completed and it went well?

A: Yes.

Q: And your child is healthy today?

A: Yes.

Q: Good.

A: There are two holes in his heart, but now, thank God, he's okay.

Q: We're certainly glad to hear that and we certainly hope his health continues to do well.

A: Thank you.

Q: When you turned yourself in to the Pakistan authorities at the border, what type of documents, money or items did you have in your possession?

A: Nothing. The money I was distributing was in the house.

Q: When you left to cross into Pakistan, you purposely left all of your money and your passport in the house?

A: I was running for my life. What is $4000 dollars? In a month I can make this money.

Q: I would think it would help your effort to get home. If you had money to pay for guides, more translators, and your passport to show to the Pakistan authority to take you to the Kuwaiti embassy, it would help your chances of getting home safely.

A: We did have money. We give it to the Afghans to help us as we were proceeding, but not all of the money. I wasn't concerned with the passport or papers because if they had taken me to the Kuwaiti embassy, they would have known I was from Kuwait. It's easy to know; they don't need a passport. I wasn't thinking that the Pakistanis would turn me over to the Americans.

Q: You indicated that you graduated from the University of Nebraska in 1992?

A: Yes.

Q: Why didn't you ask for documentation from the University of Nebraska, for your graduation evidence?

A: I didn't think it would help me. The Kuwaiti government must have brought it with them and they probably gave it to the Americans. The Americans know that I have graduated. I don't need...I didn't know this would do me any good.

Q: But, you said your citizenship papers from Bosnia would indicate you were a member of the Bosnian Army in 1992.

A: I didn't ask for the Bosnian citizenship or the Kuwaiti citizenship.

Q: You asked from citizenship papers for Kuwait and Bosnia. The citizenship information is needed to answer 3(a)8 on the Unclassified Summary. 3(a)8 is the Detainee is listed on a document as being a member of the Mujahadin Brigade in Bosnia, which would have been around 1992 or 1993. Is that correct?

A: No. Maybe the first Personal Representative. I asked for three things; a certificate of my work, my son's operation and my leave request from work. After two weeks, the Personal Representative met with me again and said there were some questions from the State Department he needed to ask me so you could give me these documents.

He asked me my son's name, the one going through the operation, where I worked and the address, my wife's name, and some other questions. When did you get your Bosnian and Kuwaiti citizenships? That's what happened. After four weeks, I got a new Personal Representative. I didn't request the Bosnian or Kuwaiti citizenship.

If it does me any good, I'll tell you I got the Bosnian citizenship in 1996 and I automatically got the Kuwaiti citizenship once I reached 18 years of age.

Q: I remember you saying that although you got the Bosnian citizenship, it reflected, incorrectly, that you were a member of the Bosnian Army that served in 1992 and 1993 with the Brigade.

A: It's not the actual citizenship that I requested. It was the paper that the interrogator was reading from that said I was in the Bosnian Army from 1992 to 1993. I asked him where he got the document from and he said he got it from the Bosnian government.

I explained that in 1992 and 1993 I was in Nebraska, Croatia and Kuwait. Then he became quite and I told him I'd explain how this information got to him incorrectly.

Tribunal Members Questions to Detainee

Q: You mentioned that while you were in Afghanistan, you did contact your family several times. But, in the questions that went to your family, the question was "did he tell you his reasons for going to Afghanistan?" The response was "He did not mention anything about going to Afghanistan. We have no information that he went or entered Afghanistan."

A: Who said this? Was it my family? Was it the Kuwaiti government?

Q: It was your family's response.

A: Saying that I did not go to Afghanistan?

Q: No, they're saying you didn't mention anything about going to Afghanistan.

A: That's incorrect. Maybe they said this because they were trying to help me and they didn't want me to be here.

Q: You said that before you went to Afghanistan, you did …

A: I mentioned it, yes. I told my wife, my mother and my sisters.

AUTHENTICATION

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

Summarized Unsworn Detainee Statement

When asked by the Tribunal President if he would like to present additional information to the Tribunal, the Detainee stated no, the Personal Representative can talk for him.

Detainee stated that [of] the stuff he [the Recorder] said, just one thing is true and all the rest is false. The only true thing is the statement when he [Recorder] says about the training for one week. 3(a)1 is the only thing that is true in the Unclassified Summary. The rest is false.

The Personal Representative made the following comments on behalf of the Detainee, addressing each point on the Unclassified Summary:

- ***3(a) The Detainee is a member of Al Qaeda.***

Concerning the allegation that the Detainee is a member of Al Qaeda, he [Detainee] is not a member of Al Qaeda.

- ***3(a)1 The Detainee attended training for approximately one week at the Abu Abaida training camp near Jalalabad, Afghanistan.***

This training was actually in Kandahar, not Jalalabad. This was not military training; it was simply shooting for proficiency with friends.

- ***3(a)2 The Detainee received weapons training on the Kalashnikov rifle while at the Abu Abaida training camp.***

He [Detainee] already knew how to fire the Kalashnikov from him home, in Yemen. He [Detainee] was in Afghanistan to teach the Koran.

- ***3(a)3 The Detainee admits having contact with [an individual] whom he believes to be an al Qaeda member.***

This is not true. There is no way, if there were Al Qaeda in the area, for anyone to know they were there.

- ***3(b) The Detainee participated in military operations against the coalition.***

He [Detainee] was not in Tora Bora. He [Detainee] was captured under false pretenses in Pakistan by the Pakistanis. In fact, he [Detainee] had made a decision to leave Afghanistan long before the war started. People in Afghanistan lied to him [Detainee] and told him [Detainee] they would help him [Detainee] go home but [instead] turned him [Detainee] over to Americans.

He [Detainee] never went to Afghanistan to fight and never carried any weapons. Because of the false pretenses under which he [Detainee] was captured, the Detainee is concerned about what country he will be released to, if released. [He] would like to know if he will have any say about which country he is released to if he is released someday.

- ***3(b)1 The Detainee was present with fighters in the Tora Bora region.***

This point was addressed along with the other point, and never specifically addressed by the Personal Representative.

Tribunal President: To answer your question about what country you would be released to, as a member of this Tribunal, I have no insight or involvement with that decision. That is at our State Department level. Additional information will be provided to you at a later date as we progress through this process and other processes you would be involved with.

Personal Representative: I would like to add, that as circumstantial proof [that] he [Detainee] is not a member of Al Qaeda, the Detainee's trip was funded by his father, not Al Qaeda.

Questions by Tribunal Members to Personal Representative

Q: Does the Detainee admit or deny attending training at Abu Abaida training camp?

A: The Detainee indicated he had already been trained in Yemen and was shooting for proficiency with friends. He [Detainee] didn't consider it training.

Q: These activities took place in Kandahar, as opposed to Jalalabad, because of the location of the camp, or was it somewhere different from the camp?

A: When I read the accusation, he [Detainee] indicated it was Kandahar, not Jalalabad.

Questions by Tribunal Members to Detainee

Q: When did you leave Afghanistan?

A: I don't remember the date, but maybe a month before the New Year. Maybe the 11th month.

Q: In 2001?

A: Yes.

Q: Can you describe for us, in greater detail, your journey from Afghanistan to Pakistan?

A: I was in a village with an Afghan individual. I stayed with him for a while there, about a month. And then we left through several roads through the mountains to Pakistan. There were Pakistanis there, and after a while, the Afghan left and I stayed. I talked with the Pakistanis. Some of the people in the village spoke Arabic so I spoke to them. I told them I wished to return to my home. They put us in jail and then Cuba.

Q: Why did you make the trip from Afghanistan to Pakistan at that particular time?

A: I wished to return to Yemen.

Q: It had nothing to do with the conflict between the Taliban and the Northern Alliance?

A: I made that decision before [that time].

Q: How long were you in Afghanistan?

A: Approximately 4 months. I don't remember the exact times, but around 4 months.

Q: And your primary activities while in Afghanistan were again, what, please?

A: Teaching the Koran.

Q: To whom did you teach it?

A: Afghan people in the Mosques. But that didn't really happen. The circumstances weren't favorable, so I just left.

Q: So, you did not teach people the Koran at all, or only for a brief period of time, or what?

A: A little bit.

Q: So, if you were not able to teach for the 4 months, what did you do instead?

A: I was trying to leave.

Q: Was there anyone preventing you from leaving?

A: Just the circumstances only.

Q: You indicated that your father funded your trip to Afghanistan? Or Pakistan?

A: Everything.

Q: And he thought your intent was to teach the Koran as well?

A: Yes.

Questions by the Tribunal President to Detainee

Q: When did you arrive in Afghanistan? I wasn't clear on that.

A: Around the 8th month, August. Seven, eight, nine, eight.

Q: Did you have a place to go, a person to meet, so you could start teaching the Koran in Afghanistan?

A: Just at any of the...there were mosques there, or any of the organizations there.

Q: Could one of them have had [an] opportunity to verify your story of your real reason to be in Afghanistan?

A: No.

Q: That is unfortunate. That would have been very key [to verifying your story]. If you were there in July or August, you had quite a bit of opportunity to teach the Koran in those two months, before things drastically changed later in September. Once you heard of the events of September 11th, and prior to things deteriorating so much in Afghanistan, why did you not leave then?

A: I couldn't leave. The borders were closed and the situation was chaotic.

Q: You're saying that you have never had any contact with any Al Qaeda members, to your knowledge?

A: Yes.

Q: When you were gaining marksmanship proficiency with the Kalashnikov, what were you using as targets?

A: Stones, rocks.

Q: You made reference to being familiar with weapons in your home country in Yemen, what other weapons are you trained in?

A: Handgun.

Q: In Afghanistan, other than when you were shooting stones, did you have in your possession, any [other] weapons?

A: No.

Q: Normally, people traveling through Afghanistan, knowing it's a dangerous place, even before September 11th, admit that they have personal weapons. You did not?

A: No, I didn't have anything.

Q: How many mosques did you travel to and teach the Koran in?

A: There weren't any mosques, I just taught as I walked down the road.

Q: I'm confused. I thought you referred to mosques as being places to travel to and start your teaching.

A: I said that I went to Afghanistan to teach [the] Koran, but the circumstances didn't really allow it, so I taught on the go, while traveling from place to place.

Q: While you were on the go in Afghanistan, what places did you visit, besides Kandahar?

A: Just Kandahar, there were different houses in Kandahar that I went to.

Q: When you arrived from your home country, you flew into Kandahar, is that correct?

A: No, I went to Iran. Tehran and Mashhad, Herat and then Kandahar.

Q: The first place in Afghanistan that you arrived was Kandahar?

A: Herat and then Kandahar.

Q: When you traveled to Iran, how long did you stay?

A: Probably 10-14 days.

Q: Why so long?

A: It's not long.

Q: If you mission was to teach the Koran for 3 months in Afghanistan, you wasted ½ a month in Iran.

A: When I was in Iran, I was trying to decide between Azerbaijan and Afghanistan.

Q: What took you to Iraq? (NOTE: the Tribunal President thought the Detainee said "Iraq," when he had actually said "Herat," referring to a place in western Afghanistan").

A: Iraq?

Q: You went to Iran and then Kandahar, Afghanistan?

A: From Tehran, Iran to Mashhad, Iran and then from Mashhad to Herat and then from Herat to Kandahar.

Q: Herat.... I misunderstood. This was all by aircraft?

A: From Tehran to Mashhad in Iran, by bus. And to Afghanistan, it was by car.

Q: Okay, we're trying to put this all together so we can make a fact-based determination. Thank you for participating and answering our questions.

Questions by Tribunal Members to Detainee

Q: You mentioned considering traveling to Azerbaijan? What made you consider that as a possible place to go, as opposed to Afghanistan?

A: The same thing. My purpose was to teach Koran to the people who were coming to Azerbaijan.

Q: So, when you left Yemen, you had not decided which country you would finally end up in?

A: I had the choice, whatever I could get to first, I would go. My preference, my first choice was Azerbaijan.

Q: Did you have any contacts there that could help facilitate your travel to that country and help you begin your preaching there?

A: No, but I knew there were organizations there I could work with.

Q: Had you made any plans with those organizations prior to beginning your trip?

A: No.

Q: It seems that Azerbaijan would have been a safer place to teach and preach than Afghanistan, especially during those times.

A: That's true.

Q: What made you change your mind to go to Afghanistan if Azerbaijan was your first choice?

A: I was not able to obtain a visa to Azerbaijan.

Q: But you did attempt to do so?

A: Yes.

The Tribunal reconvened. The Tribunal President stated the reason for the recess was due to the fact that the Tribunal President was concerned that the Detainee may not have had an opportunity to be familiar with Exhibit R-3, which is the unclassified piece of evidence identified as the Affidavit of Samir Ahmed Al Sareem (the Detainee's brother). By taking the recess, the Personal Representative and the translator have provided the opportunity to Detainee to become aware of the information in the exhibit. We will now allow the Detainee an opportunity to comment upon the Exhibit R-3 and make any additional statements he would like to make.

Questions by the Tribunal President to Detainee

Q: Have you had an opportunity to review the exhibit?

A: Yes.

Q: Would you like to make comments or a statement to counter the information or reinforce the information that is in the exhibit?

A: I talked to the Personal Representative and I said before that I wanted to state the true story earlier, about a year and 8 months ago. The circumstances didn't allow that. If someone needs to change their story, they were pressured. I just left it the way it was and even today, I was going to change the story and say something else, but I wasn't sure of what to do. I just thought, I'll just leave things as they are, and so I leave things as they are. Nothing is going to change. I don't want to disrupt anything.

And then, when the letter came today, I knew that now you know things more than I do. You know more things than I do. I even told the interrogators earlier that you know me better than I know myself. You already asked about me in Yemen, so…I waited for an opportunity where it would be open, people would see, people would hear, there would be lawyers…I was waiting for an opportunity like that to tell my story.

I asked the interrogators before, are these Tribunals going to be open to the public, are there going to be lawyers, are we going to be able to contact our families…

When I saw that everything was closed or silenced, so I was just saying the same story over and over again. But the real story is like I told the Personal Representative.

The first and main purpose of the trip was to teach the Koran; the small and simple things in the Koran.

The second thing was to look for things I could trade. Then I tried asking about gold because in Afghanistan, they have very primitive ways of extracting gold. It's cheaper to extract gold in Afghanistan because of the way they extract the gold. I was planning on selling it in India, through Pakistan, because in India, they have higher prices than the rest of the world for gold.

Also, another thing we used to trade back in Yemen, like my brother said, was the trade of honey. That was very weak compared to gold.

So, when we were captured, we were forced to say the things that I said earlier, either by the Pakistanis or the Americans in Kandahar. They forced us to say the things I said, even here in Cuba, also.

The story that is with the Personal Representative is summarized and that is the true story. Like I told the Personal Representative, when I went to Iran, I went into Afghanistan, I didn't know anyone so when I went to Afghanistan, I found the people who were responsible for the borders, and those are the Taliban. They spoke Arabic. They took me to Herat to a county or government building, or office. In the office, one of the people there spoke Arabic; he asked about me, and what I needed. I talked to him and he told me they were going to send me to a person in Kandahar, whose name is Abdul Malek.

So, I spoke to the owner of the vehicle who took me to Kandahar and took me to the street and the house where Abdul Malek was. I stayed with Abdul Malek in Kandahar for about 1 ½ months. I talked to him about what I was doing; teaching the Koran, charity and trading things.

We [Detainee and Abdul Malek] used to go into some of the mosques and used to just look at the people there and get an idea of how we were going to teach. Then we went to a place near Kandahar where there were poor people and we just observed them.

There was some teaching, but it wasn't consistent.

The gold is in the north of Afghanistan, so we [Detainee and Abdul Malek] went to Kabul and a house there so we could ask about the gold issue. So, we learned some things. It is present in northern areas, in a place called Takhar. The people extract it from the rivers. I knew that the price was less than the price in the rest of the world by about a quarter. About a quarter of the price.

There was a problem with the gold there. It was in a place where there was a lot of war and a lot of killing. The people there had no hope. At that time, the state of the country changed; the killing and the fighting started.

Like it says in the paper [Affidavit, Exhibit R-3], I would call them [my family] almost every week. After that, I decided to return home.

Abdul Malek had a friend called Fallulah Mahmoud (phonetic) and he called him so he would take me to Pakistan. When we went to Pakistan, we went to Jalalabad and in Jalalabad we stayed with Fallulah Mahmoud. After that, from Jalalabad we went to Pakistan. From the main road we were leaving. There is a point there, a Pakistani point. Not the first one, but the fifth one. They [the Pakistanis] stopped us and they kept us with them. I was by myself.

After that, they took me to a prison where there were plenty of Arabs. Before the prison with the Arabs, I was in a Pakistani prison for about a month. After that, they took me to the prison with the Arabs and they took all of the Arabs and turned us over to the Americans. That's the story.

Questions by Tribunal Members to Detainee

Q: You understand that nobody here in the Tribunal is forcing you to either say things or to not say things? Is that clear to you?

A: My emotional state right now, I'm nervous. I didn't want to say anything...the story before. Even just the mental state, being in a prison, you can't say everything you want to say.

I'm telling you, I'm talking to you right now and I'm scared that you might take me to Romeo Block or any of the other blocks you take people to.

Q: That is not our purpose here. Our purpose here is to get to the truth.

A: That is the truth.

Q: None of the members of the Tribunal had any access to any information concerning you until the Tribunal began here this morning. Therefore, the only information we have concerning you, to your benefit, comes from you, your Personal Representative, or, in this case, your brother. Naturally then, we are unsure as to whether to believe what you told us this morning, or to believe what you are telling us now.

A: No. This is the truth.

Q: Why should we be convinced?

A: I don't know because this is the truth.

Q: Why did you not volunteer this information this morning?

A: I thought of saying it while I was here this morning, but the reason, what I'm scared of still applies now.

Q: Do you still deny assisting the Taliban or Al Qaeda in any way?

A: I never [did].

Q: You were never at Tora Bora?

A: No.

Q: Is there anything else you wish to modify from your story this morning?

A: This is the story. There is nothing else.

Questions by the Tribunal President to Detainee

Q: Earlier this morning, you indicated that you had a concern about what country you would be repatriated to, had you had the opportunity for release. As I stated, when I was explaining the process for the Tribunal and possibly the Administrative Review Board, if released, you would be sent back to your home country of Yemen. Is there concern that you would prefer not to be sent back to Yemen?

A: No, nothing.

Q: If it were determined that you are not an enemy combatant, you would want to go home to your home country?

A: Yes.

Q: Is your brother older or younger than you?

A: Older.

Q: How many brothers do you have?

A: I have 16 brothers and sisters.

Q: Have any of your brothers traveled to Afghanistan to teach the Koran or to sell honey?

A: No.

Q: Why you? Why did you choose to go to Afghanistan?

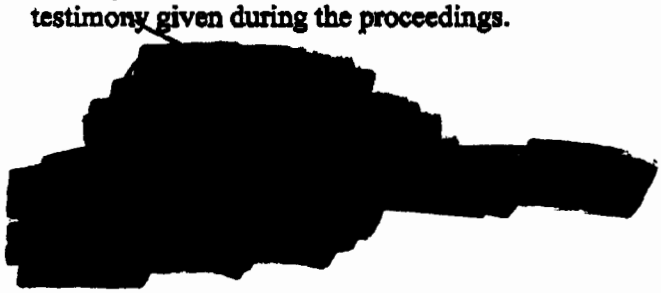
A: It is my fate.

Q: Do your brothers not have the same faith? (NOTE: the Tribunal President mistakenly thought the Detainee had said "faith" instead of "fate").

A: It wasn't their fate. If it were their fate, they would have been [there].

AUTHENTICATION

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



SUMMARIZED STATEMENT BY PERSONAL REPRESENTATIVE ON BEHALF OF THE DETAINEE

Although the detainee elected not to participate in the Tribunal process, as indicated on the Detainee Election Form (Exhibit D-A), he asked his Personal Representative to verbally provide information to the Tribunal. The information addresses each point on the Unclassified Summary of Evidence in order. To put the comments into context, the points from the Unclassified Summary of Evidence are provided below in *italics*. The following summarizes the Personal Representative's presentation of the detainee's information.

3.a. The detainee was associated with Al Qaida.

1. Detainee voluntarily traveled from Sanaa, Yemen to Afghanistan.

Personal Representative: It is not true. I am not associated with Al Qaida.

2. Detainee attended the Al Farouq training camp in August 2001.

Personal Representative: This is not true. I never attended any training at the Al Farouq training camp in August. I was in Afghanistan, but not at that training camp.

3.b. The detainee participated in military operations against the coalition.

1. Detainee was captured with other members of his training squad from the Al Farouq training camp.

Personal Representative: This is not true. I surrendered myself in Jalalabad, Afghanistan. I was alone. I went to the Afghani authorities because I wanted to go back to Yemen and I wanted their help in doing so. I was not with any member of any kind of training squad from Al Farouq.

2. If released, detainee advised that he should be considered a threat to the United States.

Personal Representative: This is absolutely false. It is outrageous. I never said such a thing as I would harm or threaten the United States.

Tribunal President: Personal Representative, do you have any other evidence to present to this Tribunal on behalf of the detainee?

Personal Representative: No, Ma'am.

Tribunal Member: I have a question for the Recorder. I noted when you read allegation 3(b), you said, "The detainee was captured in the Tora Bora region with other members of his training squad from the Al Farouq training camp."

Recorder: Yes, Sir.

Tribunal Member #1: My copy and the other Tribunal Members' copies of the Unclassified Summary do not have "in the Tora Bora Region."

Tribunal Member #2: Correct. Also in 3(a)(1), "August 2001" was mentioned, but I don't have "August 2001," as well.

Tribunal Member #1: I just want to make sure what the detainee saw is what we have here.

Recorder: Sir, to clarify, I'd like to say 3(a)(1) says, "Detainee voluntarily traveled from Yemen to Afghanistan."

Tribunal Member: Okay.

Recorder: 3(a)(2) says, "The detainee traveled from Al Farouq training camp in August 2001."

Tribunal President: Hold on. Our copies read 3(a)(2), "the detainee attended the Al Farouq training camp in August 2001."

Recorder: That is correct Ma'am. I was in error.

Tribunal President: Okay.

Recorder: 3(b)(1), "The detainee was captured with other members of his training squad from the Al Farouq training camp." 3(b)(2), "If released, the detainee advised he should be considered a threat to the United States."

Tribunal Member: Personal Representative, is that what you and the detainee saw, too?

Personal Representative: Yes, Sir.

Tribunal President: The detainee responded to each one of those allegations?

Personal Representative: That is what I read. Yes, Ma'am.

Tribunal President: All unclassified evidence having been provided to this Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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

[redacted]

Summarized Detainee Statement

Tribunal President: Mustafa, you may now present any evidence you have to the Tribunal or make a statement. You have the assistance of your Personal Representative in doing so. Do you want to present information to this Tribunal?

Detainee: First thing I would like to ask is, do you have time?

Tribunal President: Yes, we have time.

Detainee: Because it might take a while.

Tribunal President: No problem. Would you like to make your statement under oath?

Detainee: Not a problem.

The detainee was sworn using the Muslim oath. The detainee testified to the Tribunal in substance as follows:

Tribunal President: Mustafa, you may begin.

Detainee: First thing I want to talk about is my detention or imprisonment here. Do you want any comments related to my detention here?

Tribunal President: Are you being treated well?

Detainee: Not just my detention here, but from the moment I was captured up until this moment right now?

Tribunal President: Whatever you would like to present to us would be fine.

Detainee: Then I will start from the beginning. I don't remember the exact date, but a few days before I was captured or arrested, the American and the Bosnian Embassies closed their doors. They stated they closed their doors because of threats they received in Sarajevo. A few days after that, some individuals came to my house and knocked on my door. I opened the door and it was the police. The police were civilian police. I can recall two of them were wearing police uniforms and three were global police, international police from the United Nations. One was from Argentina, the second one was from Ghana, and the third one was from Jordan. They came to me and said they wanted to search my house. I asked them if they had a letter from the courts stating they could search my house. This is in Sarajevo, not Afghanistan. I just want you to know I am from Bosnia, not Afghanistan. So they gave me the paper. I read it and saw they had the right to search my house. A woman was with them also. They entered my house and I told them my wife and children were sleeping. It was late at night. So they said they would have the woman search the room where my wife was sleeping. The woman went

into the room and the men started searching my apartment. They searched in a polite manner and they did not leave anything untouched. They would look at my things and, if they found nothing, they would put it back like it was. They looked through my videotapes and books.

Detainee (continued): After they were all done, I asked them what they were looking for. They told me that they were just searching, but I felt they were searching for weapons. They searched everything. I had a computer and a laptop I was in the process of fixing that belonged to a company. I had a few drives, CD-ROMs, and floppy disks. They took some papers and the computers with them. I said to them that I would not be responsible for the computer if it had anything on it. I was responsible for it up until that point. I told them to ask their supervisors if they could bring an extra hard drive to copy everything from the computer; they could take the hard drive with them. So they said they were going to take it with them, but they promised they were not going to add or take anything else to or from the original hard drive. I told them if they put anything new on the hard drive, I would be able to see what it was and when it was added the next time I would log on to the computer. So the authorities took the computers and some CDs with them. They also had a video camera and they filmed the entire search. So they left.

Detainee (continued): One of them came back and told me to come with him to the police station for questioning. So I grabbed my car keys to go with the policeman. The policeman then said I did not have to drive, but I should ride with him and they would bring me back home. I went to the police station. My fingerprints were taken. This was the first time anything like this ever happened to me. I did not know how it worked. I asked the police why they were doing this and they told me for anyone who is suspected of committing a crime, fingerprints must be taken. We have to make sure you did not commit a previous crime. The police officer told me that this did not mean I was a criminal.

Detainee (continued): After taking my fingerprints, I was taken from the police station to the Ministry of Interior. I was going to be asked questions. It was about three a.m. I told them to ask me questions, but I was told that a lawyer had to be present. So we had to wait for the lawyer to get there. So in the morning a lawyer arrived. I asked him who he was. He told me he was a lawyer and my wife called him. Then I was asked questions. They were normal questions, like where I worked, my age, where I lived, and so forth. They asked me if I knew certain individuals. There were six from Bosnia and I was asked about five of these individuals. I was the sixth person. Two of the individuals I did not know and I had never seen them before. I told them I knew the other three. I stayed in the police station for the next twenty-four hours. I was then told I had to be taken to the higher court. In Bosnia, there is a regular court then there is the higher court. I was taken to an interrogator. I was again asked some questions. The same questions as before. The interrogator asked me an additional question. She asked me if I knew where the American Embassy was located. I told the interrogator that was a stupid question.

Detainee (continued): I don't think one person in Sarajevo does not know where the American Embassy is located. Anyone who lives or resides in Sarajevo knows the American Embassy is located in the center of the city. Everyone knows that. I told the interrogator even my youngest son would know where the American Embassy was located. The interrogator asked me if I knew a person named Abu Zubayda. I asked her where this person lived in Sarajevo. I thought maybe this was someone I knew under a different name. The interrogator said that this person was the second or third highest person in Al Qaida and no one knew where Zubayda lived. I thought Zubayda was a person who lived in Sarajevo. I did not know this person was involved with Al Qaida.

Detainee (continued): The questions were finished, but the interrogator told me I was going to have to remain in custody for anywhere from another twenty-four hours to one month. The lawyer asked why I was going to be held in custody and what evidence or proof of wrongdoing they had against me. The interrogator told my lawyer and I – and this is something you should emphasize or write in very large letters. She, the interrogator, stated this matter was much bigger than her and she could not be involved with it. I knew at that point this matter was some type of game. I knew this interrogator came to talk to me so I could be placed in prison. The interrogator could not do anything to tie or untie me.

Detainee (continued): I went to prison for the first time in my life. I would see prisons on TV but I had never been in a real one before. You can only imagine how a person feels when they go to prison for the first time. I was placed into a cell with persons who were in prison for drug offenses, theft, and embezzlement of millions of dollars. I entered the prison about four a.m. One of the prisoners pointed out an empty bed, so I slept on that bed. I woke up later that morning and read the newspaper. I saw a headline that was very strange. The headline said several members of the Islamic Armed Group were arrested along with members of Al Qaida. I realized they were talking about me and the five other people I had been asked about earlier. The article stated we were planning to think to bomb the American Embassy. There was a television there in the prison also. I would flip the channels and all the Bosnian channels were talking about it. After a few days, I was waiting for this month to end.

Detainee (continued): Sorry, I forgot something. When I was with the interrogator and she asked me about the location of the American Embassy, I knew it was related to why I was there. I was aware the embassy had been closed. I told the interrogator I wanted representatives from the American Embassy, the U.S. Army, and representatives from the British Embassy to come interrogate me. I wanted these people to ask me if I had ever threatened anyone via telephone or face to face; or if I was ever seen going into the American Embassy; or if there was any proof or evidence at my house that I was involved with this matter. The interrogator did not call or bring anyone else in. She stated the matter was bigger or higher than she was.

Detainee (continued): So I stayed in the jail for about a month. The longer I stayed, the more I thought this matter has some kind of twist to it. There were lawyers who were talking at press conferences saying this whole matter was untrue. Why? Because I was told I would remain in prison from twenty-four hours to a month. Long enough for them to look into the computers they took from my house or to trace any phone call that I made. But I will tell you something regarding the computers. If the hard drive had forty gigabytes - that was full, which is impossible, it would only take a week for a group of people to analyze the computer. They can obtain a list of all my phone calls from the post office. If I needed the listing for a person, I would go to the post office, give them the request, and I would get the listing within a day or two. The Bosnians said it was difficult for them to obtain all this information and it would take over a month. Every time something like this would happen, I suspected this was a game and this was not real. When the month was over, I was told I would have to stay an additional two months in jail, making it three months total. I was told the investigation was still ongoing and the search of the phone records and computer search had not been completed. During this period of time, my Bosnian citizenship was revoked. The reason cited was I was planning on attacking the American Embassy.

Detainee (continued): After that, the decisions came from the courts regarding the investigation of this matter. There was nothing found on my computer related to terrorism. I remember it was written down that they found pictures of waterfalls, trees, sunsets and sunrises on the computer, some software programs, and games I had downloaded for my son. As far as my cell phone and home phone, they wrote the same note; nothing was found relating to terrorism. If I remember correctly, they looked through my phone calls from the previous six months. The investigation was completed and they had to either release me from prison or extend my stay.

Detainee (continued): My wife and family had been in contact with the Algerian Embassy from the first day I was imprisoned. The Algerian Ambassador would speak with the Bosnian authorities. I was alleged to be a part of the Armed Islamic Group, but the Ambassador stated that I did not have any relationship with this armed group because I was registered with the Algerian Embassy from 1993 until the year 2001, when I was brought to Cuba. There was one day left for the police to hand me over to the Americans. I did not know I was going to be handed over, but I felt it. There was talk about it in the news and the newspapers. There were secret meetings between the communists in Bosnia and the American military. The Bosnian government at that time was communist. The President was communist. I knew these meetings were about me, I felt it. On the last day before I was handed over, my wife spoke with the Ambassador once more. My wife inquired if I was going to be turned over to the Americans. The Ambassador told my wife if that happened, the Algerian government would sue the Bosnian Government in the International Court because it was verified Mustafa did not have any problems. It was the Bosnian Government's right to interrogate me, and if there is proof of wrongdoing, then imprison me. Also, if the Bosnian government no longer wanted me in their country, I would be welcome to return to Algeria. But for the Bosnian government to turn me over to another country for no real reason, this would not be accepted.

Detainee (continued): Thursday, January 17th, during the night, I had to be released because the time had run out. The law from the court said anyone that was found innocent had to be released from prison before four p.m., because the courts are open until three p.m. So then they take you back to the prison, you get the paper saying you are innocent, and then you leave. The Bosnian news on television said I was found innocent and I was being released. At that moment, the police officers came to me, gave me the paper saying I was innocent, and released me to leave the prison to return to my house. I changed the TV channel, and I saw there was a large number of people outside the prison. The crowd had found out I was being turned over to the U.S. military. There was a lawyer for one of the other individuals – maybe it was Muhammed's lawyer. The lawyer stated he had an official announcement. The lawyer stated we [the Algerian Six] would be turned over to the Americans. We were going to be moved from Sarajevo to most likely Germany; then from Germany to Cuba. So we all left that prison and we were turned over to the Americans. There seemed to be a big problem outside the prison. The people wanted to grab us from the police. The police were hitting people and the people were hitting the police. I heard the police talking on the radio and estimated there were 5,000 people outside the prison. From what I saw, there were women, old and young people, men, and children. All kinds of people. There was a fight between these people and the police because they were trying to grab us from the police because they heard we were innocent and the Bosnians were still turning us over. The fighting went on from midnight to about six a.m. The people were flipping police cars over and the roads had been closed.

Detainee (continued): That part was over. Now I would like to talk about the three days when we were being moved. During those three days we were being transferred here, animals would never have been treated the way we were. In Bosnia, the temperature was –20 degrees and there was ice and snow. It was very cold. They took off all my clothes and they gave me very thin clothes – like that tablecloth [detainee points to the white sheet covering the Tribunal table]. They placed me in a room that was very cold. As they moved me from country to country, my ears, mouth and eyes were covered. I could not even talk or breath. A mask with a metal piece was place over my mouth and nose. Why am I saying this? When I sat with the Personal Representative, I was given a letter from the American Ambassador in Bosnia that lied and said I was moved in a humane manner. When I got to Cuba, the first four or five months I could not feel my left leg. From my thigh to my back, I could not feel anything at all. It was like when you administer anesthesia to someone. Anyway, we were moved here and what happened had happened.

Detainee (continued): I am not going to get into the problems with the bad treatment from the guards in Cuba. For example, a twenty-year-old guard came into my room and was swearing towards my mother and father for no reason whatsoever. I was not even talking to this guard. I was just sitting there. I am not going to talk about these things. Outside everyone knows this is going on from the news.

Detainee (continued): I was taken to the interrogations. I am now going to speak about the interrogations. I remember everything about the interrogations. I do not know the interrogator's names, but I remember every single detail. I remember how the interrogator was sitting, who was sitting next to him; I have a very good memory. I am going to tell you everything the interrogator told me. At Camp X-ray, I told the interrogators I did not want to talk to them and I was not going to tell them anything. The interrogator asked why I did not want to speak. I answered because I did not know why I was brought to Cuba. The interrogator asked if I knew what the accusations were against me from Bosnia. I told the interrogator I knew what the accusations were. He asked me what they were. I told the interrogator that the accusation was that I was a member of Al Qaida. The interrogator wrote it down and then drew an "X" over it. The interrogator told me to forget about this matter. Then I told the interrogator another accusation was I was a member of the Algerian Armed Group. The interrogator did the same as before with the "X" on what he had written down. The third accusation I stated was that I intended to think to attack the U.S. Embassy in Sarajevo. The interrogator told me to forget about this. The interrogator said something else but I cannot remember it right now. I told the interrogator that was what I knew.

Detainee (continued): The interrogator told me I was there to give up information about Bosnia, and information about the Arabs living in Bosnia, and the rescue organizations that are present in Bosnia. I said to the interrogator that he would not hear one word from me starting on that day. I also said to the interrogator, the story on the outside was I was captured because of terrorism, and now here you are telling me you want me to give up information about rescue organizations and Arabs and how the Arabs are living? I said if there are accusations against me, I will talk with you about those accusations. But in spite of that, I did speak with the interrogators about these things.

Detainee (continued): Another interrogator told me the Bosnia and Herzegovina Government wanted to get involved with the war on terrorism. This communist government received very large monetary assistance from America. They took this money and gave six people to the Americans. They took the money and then they tricked us by handing over people who did not have or know anything. I asked the interrogator if he knew this, then why was I being held in prison in Cuba? The interrogator told me this matter was out of his hands and it was above him. Many of the interrogators told me many different things. If I had a piece of paper earlier I would have written it all down. I don't remember everything right at this moment. Another interrogator told me I was bought with very large sums of money and I did not have any information, but I could not be released. I asked the interrogator why, and if there were any accusations or evidence against me. The interrogator said to me that they would find something, meaning I could not be released from Cuba without them finding some accusation against me. I could not have been held in Cuba in prison for three years, then all of a sudden be found innocent and released. The interrogator stated there was a big problem and they could not release me and say I was innocent because the Bosnian Embassy was told there was classified

evidence against me. So if I were released, the Bosnian government would ask for the classified evidence.

Detainee (continued): If I was released after three years, although the American government said I was a criminal, it is impossible a court would give a sentence of three years to a person who wanted to bomb an embassy. It is impossible. The least amount would have been fifteen to twenty years because it is an act of terrorism. So the interrogator said now there was a problem. We could not let you go home, but we cannot keep you here. Right now I was a problem to them and they did not know what to do with me. These are the words of the interrogator, not the words of Mustafa. The interrogators informed me the Bosnian government had reinstated my Bosnian citizenship because they knew I was wronged and my citizenship was taken from me illegally.

Detainee (continued): The Bosnian government had changed and a new government was in place. The Americans did not want to return me to Bosnia. Why? Because the Americans claimed to have evidence against me. I can't be returned and found innocent. I could not be returned to Algeria because Algeria had created a problem with the Bosnian Government. The Algerian Government questioned the Bosnian Government as to why I was arrested without any reason. So now I am sitting here in Cuba and I do not know why. I do not know what is happening outside; I do not know. But what I do know is that this is a game. These were the words of the interrogators. Even in movies, these things do not happen. The accusations are the same thing. They are very strange. I can give you more accusations in addition to the ones in front of you, if you would like to write them down. The interrogators gave me more accusations than what you have given me.

Detainee (continued): One of the accusations implied I knew where Bin Laden was hiding while I am here in prison. Another accusation implied I knew where Bin Laden kept his nuclear weapons. Another accusation implied I was Usama Bin Laden's right hand man. Many accusations like this, many things. Another accusation was Bin Laden contacted me to be a personal bodyguard. You can just add these accusations on the ones you already have in front of you. So that way, things will be clear. The interrogators told me with their own tongues that they did not have anything on me and I had done nothing wrong. So this is all I will say about the interrogations, I am done with that. I will now talk about this Tribunal.

Detainee (continued): Regarding my treatment here in prison, I am a person that lived a very good life. I never had any problems with people whatsoever. Within my family itself, I had no problems. I never had any problems with my neighbors. The team I trained with consisted of Muslims, Catholics and Orthodox; many different people. My neighbors were the same way. I made very good wages from my jobs. I never had any problems with money, people, anything. My life has changed completely. It has turned 360 degrees to this, where I am now. There are times when a soldier, who maybe never even went to school and barely knew how to hold a weapon, comes to you and swears at you; he says things to you that you have never ever heard of in your life. As an example,

a soldier broke my finger. [Detainee holds up his left hand. The left pinky finger is distanced about 1½ inches from the four remaining fingers. The detainee is unable to bring the left pinky finger in alignment with his other fingers.] Can you see? I cannot bring this finger close to my other fingers. I cannot close this gap. On the middle finger [detainee points to the center knuckle on the middle finger of his right hand], my knuckle has been broken. You probably cannot see that. But my finger [detainee holds up his left hand, the left pinky finger] you can see that clearly.

Tribunal President: Let me ask you a question? Are you saying a soldier in Guatanamo Bay, Cuba, broke your fingers?

Detainee: Yes. Soldiers took me and placed me on the ground in the rocks outside. My hands and my feet were bound. The soldiers put my face on the ground. You can see maybe my eye - a small little hole near my eyes [detainee points to the outside corner on his right eye]. One soldier put my head on the ground, and then another soldier came and put his knee on my face. The soldier hit me on the other side of my face that was not touching the ground [detainee points to the left side of his face]. If my head was turned a little bit more [detainee turns his head to the right attempting to show the Tribunal the position of his head at the time of the alleged incident] the rocks would have gone into my eye. Next to my eye [detainee points to his right] there is a little hole. There are a lot of things regarding the soldiers, but I won't talk about all of them.

Detainee (continued): Regarding this Tribunal, I am speaking to you, but inside I don't really believe this Tribunal. Not you as individuals. Like the interrogator said, after holding a person in prison for three years, this Tribunal cannot just say I am innocent and let me go home. That is what I feel inside. So like the interrogator said to me, you have to find anything to charge me with, being or not being an enemy combatant. But no problem, I am still going to talk to you. If you want me to talk with you regarding the accusations, I will talk about them. Or if you have questions, you can ask me. To tell you the truth, I forgot many things I wanted to talk about because I did not write them down.

Tribunal President: You were given the opportunity to appear before the Tribunal when it was held earlier?

Detainee: Yes.

Tribunal President: But you chose not to participate in the Tribunal? Is that correct?

Detainee: You said I decided not to attend? Yes.

Tribunal President: This time you have decided to talk because you had an opportunity to take a look at this document [Exhibit R-38]?

Detainee: Yes.

Tribunal President: You can present any information that you would like to and the Tribunal will take the opportunity to ask any questions. If you are ready to conclude your statement, then we can go on.

Detainee: Regarding the accusations, do I just talk about the accusations? Or will you read them one by one to me and I talk about them?

Tribunal President: Are you talking about the accusations read to you earlier?

Detainee: Yes.

Tribunal President: You can answer them if you'd like. Do you remember what they were?

Detainee: May I ask the Translator a question?

Tribunal President: The Tribunal would have to know what you asked her.

Detainee: No problem.

Tribunal President: Okay.

Detainee: I have kidney stones and I have to go to the bathroom every few moments. Before I came in I asked the soldier and the soldier said no, he would not take me to the bathroom. I was in the room over there.

Tribunal President: We can take a recess to allow you to go to the restroom.

Detainee: Please forgive me. I want to talk about the accusations, but I just have go to the restroom. Thank you.

Tribunal President: I understand.

Recorder: All Rise.

The Tribunal took a brief recess.

Tribunal President: Just before the recess we were about to review the allegations. Translator, do you have the translated version [of the Unclassified Summary of Evidence]?

Translator: Yes, I do.

Tribunal President: Is it you plan to go through each allegation?

Detainee: Yes.

Translator: The detainee asked me to read the allegations in English because he knows them and he understands them.

Tribunal President: I need to make sure you understand what is being read to you, so I would like for the allegations to be translated to you.

Detainee: Okay.

Tribunal President: Recorder, read each one aloud and then allow the detainee to respond to each allegation.

Recorder: [Item 3.a.1.] The detainee is Algerian, but acquired Bosnian citizenship by serving in the Bosnian military in 1995.

Detainee: This is the first accusation?

Recorder: Yes.

Detainee: As I said to my Personal Representative earlier, I have some papers that were with me when I was transferred over here. They could not find those papers. The papers proved I was not living in Bosnia in 1995. I acquired the citizenship while living in Croatia in February 1995. I entered Bosnia, if I remember correctly, in July or August, about two or three months before the war ended. I am going to give you proof I was living in Croatia. In the year 1995, Croatia divided into two parts; Jupania and Dalmatia. I was the [martial arts] champ in Dalmatia in 1995. I was present there, and I took part in the championship competition. It was impossible for me to be living in Bosnia and participating in a championship in Croatia. That is the first thing. The certificate that says I won the championship is probably still in my house. It even has the date on it. This means I was living in Croatia, not Bosnia. Another paper that proves I was living in Croatia was a paper requesting I vote while I was living in Croatia and Algeria. The elections in Algeria were in 1995. The Algerian Embassy came to Zagreb, which is the capital of Croatia. The Algerians living in Croatia vote. That is the proof I was living there because I voted. The paper I used to vote, the date is written on it. The third thing, the rescue organization I was working with in Split. I would like to verify when the last time I received a paycheck from them and the date I stopped working for them. The fourth thing, the team I used to train with, when I stopped training with them. The fifth, my Algerian passport, the old one - it has the date of when I entered Bosnia. You can also make sure of this. There is a sixth thing. Where I acquired my Bosnian passport. I got it from the Bosnian Embassy in Zagreb. This is proof I was living in Croatia. You can also verify this through the police in Split where I used to live. A paper from the police verifying your residence has the dates and address of where I used to live. You can verify from the landlord when I stopped paying him and when I moved from that

address. Many things prove I lived in Croatia when I obtained my Bosnian citizenship. I got the citizenship in February 1995 or the end of 1994. In the end of 1994, I went to Bosnia to sign some paperwork that had to be signed. I am not sure if it was the end of 1994 or January 1995, but it was around that time. The proof of that was I had an UNHCR [United Nations High Commission on Refugees] identification card. It was something regarding refugees. I had this identification because I was working with a rescue organization.

Tribunal Member: Was it the United Nations Human Council on Refugees?

Detainee: Yes, they are the blue....

Tribunal Member: Yes.

Detainee: I had that identification card. I traveled from Split to Bosnia in a plane with the United Nations. I traveled for a day or two. Or maybe a few days, long enough for me to sign the paperwork and return. I returned on the same plane to Split. You can verify this with the United Nations. Maybe they will have a list of the names of all the people who were on that plane on the way there and back. You can also verify the number of days between me going there and coming back was a few days. You can check with other companies or employees that worked in the building that I worked in. They can verify I was there. These things all proved I acquired my citizenship while I was living in Croatia. I did not even go to Bosnia at all. In the building where I worked, there was an office for the Bosnian Government. That is where I turned in my paperwork. Anyone who wanted Bosnian citizenship had to go and turn in paperwork with some money. It was very normal. It was about $900.00 dollars. This was not strange, it was very normal. The American ambassador has Bosnian citizenship. Ask the Ambassador why he got the Bosnian citizenship. Why do you ask me why I got the citizenship and you don't ask the Ambassador? An American basketball player who plays in Bosnia has Bosnian citizenship. My wife is Bosnian and my kids are Bosnian. I was a champ in Bosnia for several years and I trained a Bosnian team. Representatives from Bosnia and Herzegovina were with me on the team. You ask me how I got the citizenship? It was a normal thing. I had more of a right to get it than the American ambassador. So this all proves how I acquired the citizenship and I was not in Bosnia in the first place.

Tribunal President: Can we move on to the second point?

Recorder: The Detainee is associated with the Armed Islamic Group (GIA).

Detainee: I don't want to ask you about the evidence because you said the evidence was classified. If you have any evidence, you can tell me. It is no problem. I am going to tell you and if you have any evidence, you can tell that to me.

Tribunal President: Are you responding to that with either a yes or no?

Detainee: Of course, no. What proves that if I was with the Algerian Armed Group, I would not have been able to go to the Algerian Embassy? They would not have seen or accepted me there. The second thing is, when my Algerian passport had expired, I had to go to the embassy and renew it.

Tribunal President: Let's clarify. [Item 3.a.2.] The allegation reads the Detainee is associated with the Armed Islamic Group, not the Algerian Group.

Detainee: Maybe you are not aware of something, but I am just going clarify this. What they mean by the Islamic Army is that it is in Algeria. In Algeria it is called the GIA, as well. It stands for the Armed Algerian Group. Where is another armed group besides Algeria? I am sure they mean the Algerian Army because it is called the GIA. In French it is called the GIA, too. Some say the "A" stands for army. Some says the "A" stands for Algeria. If it is not that, then I don't know what it is, but I will respond to that accusation as the armed group. If this is how you are saying or what you meant by it, then I do not know it and I am not a part of it. I know nothing of it. But if this is the Armed Algerian Group as I think it is, then I say to you that this is impossible, as I was registered with the Algerian Embassy. I had to hand in registration papers, which they take and send to the Interior Ministry in Algeria. The Interior Ministry sends those papers to the area where I lived in Algeria to verify all the information. So if I had any relationship with an armed group or drugs or weapons or anything, the response to the Algerian Embassy would be not to register me. My new Algerian passport is from the embassy from 1993 until 2001, when I was brought here to the prison. My children are registered in the embassy and my wife is registered in the embassy. Every so often, there is a meeting with the ambassador, meaning if I had any relation with an armed group, I would not be able to meet with the Algerian ambassador. I would have been sent back to Algeria. Also, evidence I do not have a relationship with this armed group is when I was captured in Bosnia, the Algerian Government and Algerian Embassy stepped in. Here in prison, all the Arab representatives came here from all countries, not just Arabic countries. The Algerians are the only ones that did not come. Why? Because I was captured from Bosnia and brought to Cuba for no reason. I can tell you that I am not a member of this group. You can contact Algeria and ask them. The interrogator told me that information was gathered from Algeria that I am not a member of the armed group. That is what I have regarding this. If you have any evidence you can say, I will answer.

Tribunal President" Let's respond to the next one, 3-a-3.

Recorder: [Item 3.a.3.] GIA is a recognized extremist organization with ties to Al Qaida.

Detainee: How can I respond to this? It is not a question and it is not an accusation.

Tribunal President: You are right. Let's move on to the next one.

Recorder: [Item 3.a.4.] While living in Bosnia, the Detainee associated with a known Al Qaida operative.

Detainee: Give me his name.

Tribunal President: I do not know.

Detainee: How can I respond to this?

Tribunal President: Did you know of anybody that was a member of Al Qaida?

Detainee: No, no.

Tribunal President: I'm sorry, what was your response?

Detainee: No.

Tribunal President: No?

Detainee: No. This is something the interrogators told me a long while ago. I asked the interrogators to tell me who this person was. Then I could tell you if I might have known this person, but not if the person is a terrorist. Maybe I knew this person as a friend. Maybe it was a person that worked with me. Maybe it was a person that was on my team. But I do not know if this person is Bosnian, Indian or whatever. If you tell me the name, then I can respond and defend myself against this accusation.

Tribunal President: We are asking you the questions and we need you to respond to what is on the unclassified summary. If you say you did not know or you did know anyone that was apart of Al Qaida, that is the information we need to know.

Detainee: I have only heard of Al Qaida after the attacks in the United States. Before that, I had never heard of Al Qaida. Even after I heard of Al Qaida, I felt that Al Qaida was the Taliban and the Taliban was Al Qaida. Then after watching the news, I knew Al Qaida was associated with Bin Laden and the Taliban was associated with the Afghans.

Recorder: [Item 3.a.5.] At the time of his capture, the detainee had planned to travel to Afghanistan once his Al Qaida contact arrived there and had made the necessary arrangements.

Detainee: I can respond to this accusation with a question. May I?

Tribunal President: Please do.

Detainee: Did they find any stamps or visas on my passport to any countries close to Afghanistan? Did they catch me with a suitcase on the plane? Was I seen going into an

embassy for one of the countries close to Afghanistan? Was I seen sitting and talking with anyone known to be apart of Al Qaida? How can they know that I planned? I do not know how they can know this. Do you have anything that is clear or proves clearly that I planned these things? How do you say I planned these things? The answer that I am able to give you is just to tell you that I did not plan these things. But I do not have any papers or anything to prove that. I already told you earlier how I was captured from my house. I was not running or trying to escape. I was inside my house. The police came in and arrested me.

Recorder: [Item 3.b.1.] The detainee was arrested by Bosnian authorities on 18 October 2001.

Detainee: Yes, but this phrase "arrested by," I just want to make that very clear I was not arrested. I was in my house and they told me to come with them so they could asked me some questions. When you say arrested, it means I was fleeing, they came in, and I was fighting.

Recorder: [Item 3.b.2.] The detainee was arrested because of his involvement with a plan to attack the U.S. Embassy located in Sarajevo.

Detainee: The same answer as before. The only thing I can tell you is I did not plan or even think of that. Did you find any explosives with me? Any weapons? Did you find me in front of the embassy? Did you find me in contact with the Americans? Did I threaten anyone? I am prepared now to tell you, if you have anything or any evidence, even if it is just very little, that proves I went to the embassy and looked like that [Detainee made a gesture with his head and neck as if he were looking into a building or a window] at the embassy, then I am ready to be punished. I can just tell you that I did not plan anything. Point by point, when we get to the point that I am associated with Al Qaida, but we already did that one.

Recorder: It was statement that preceded the first point.

Detainee: If it is the same point, but I do not want to repeat myself. These accusations, my answer to all of them is I did not do these things. But I do not have anything to prove this. The only thing is the citizenship. I can tell you where I was and I had the papers to prove so. But to tell me I planned to bomb, I can only tell you that I did not plan.

Tribunal President: Mustafa, does that conclude your statement?

Detainee: This is it, but I was hoping you had evidence that you can give me. If I was in your place - and I apologize in advance for these words - but if a supervisor came to me and showed me accusations like these, I would take these accusations and I would hit him in the face with them. Sorry about that. [Everyone in the Tribunal room laughs.]

Tribunal President: We had to laugh, but it is okay.

Detainee: Why? Because these are accusations that I can't even answer. I am not able to answer them. You tell me I am from Al Qaida, but I am not an Al Qaida. I don't have any proof to give you except to ask you to catch Bin Laden and ask him if I am a part of Al Qaida. To tell me that I thought, I'll just tell you that I did not. I don't have proof regarding this. What should be done is you should give me evidence regarding these accusations because I am not able to give you any evidence. I can just tell you no, and that is it.

Tribunal President: Mustafa, we allowed you the opportunity to tell the Tribunal your side of the story so we can consider your story, plus the unclassified evidence from your family. We will consider all of the information you have given us, and this document [Exhibit R-38] in our decision.

Detainee: The evidence of proving I was living in Croatia, I do not know how I can get that to you. My wife can send papers or I can talk to the Ambassador about this. Maybe he can send papers that I was living in Croatia.

Tribunal President: You have the opportunity to get that information. I do not know how or what the procedure is, but you really should take the opportunity to get that information.

Detainee: How when I am in GTMO?

Tribunal President: For the purpose of this Tribunal, we have to look at the information that is presented to us at this time. In the beginning [i.e., when the detainee met with his Personal Representative], when you said you did not want to participate and you did not want to have any witnesses or get any documents – the Tribunal cannot consider those things now. You will have the opportunity at another time and I will explain the Administrative Review Board process to you and you can use those documents then. Mustafa, we will consider everything you have told us today, and also about the documents that you have. The Tribunal will consider that information to make a decision.

Detainee: Also, excuse me, but my Personal Representative told me there were some papers that could not be found. I am a little surprised that these papers could not be found, because when I came here, I had a bag that hung around my body and my passports, both Algerian and Bosnian; my embassy registration papers that proved I was registered there; my voting paper was in there; the paper from the courts that said I was innocent and allowed me to get out of the Bosnian prison; and the court's report about what was found on my computer and telephones; and my clothes. My Personal Representative told me that these items could not be found.

Tribunal President: Personal Representative, did someone take the time to look for those documents?

Personal Representative: Yes, Ma'am. I personally went over to detainee property and asked for those documents. I was told the only items that were there were the detainee's Bosnian and Algerian passports and a sheet of paper with pictures on it. None of the other documents were available.

Detainee: This is strange because everything was in the same bag. So everything should be lost. It impossible that they only had a few of the things that were in the bag. Maybe those certain papers were hidden.

Tribunal President: Did you ask your Personal Representative to get those documents for you?

Detainee: Yes, I did ask him.

Tribunal President: Including the Bosnian and Algerian passports?

Detainee: All of it. It was in a bag that I placed right here [detainee points to his torso]. The bag had both my passports and even my driver's license in it.

Tribunal President: My question is, did you ask the Personal Representative to get those documents for you to present to the Tribunal?

Detainee: I remember I told him about my papers that proved I was living in Croatia and that I had voted. The Personal Representative went there to look for them, but he could not find them.

Tribunal President: I understand, but unless you asked the Personal Representative to get those documents for you to present to the Tribunal, then he would not have done that without your permission.

Detainee: Of course I asked him. I am sure I asked him.

Tribunal President: Personal Representative, did Mustafa ask you to get those documents and present them to the Tribunal?

Personal Representative: Yes, Ma'am. In our earlier meeting, the detainee did ask me to get those documents. I told the detainee part of the documents he wanted were not here, and I had no idea where they were. In a follow-on meeting when the detainee decided not to participate, the detainee gave me a statement he wanted me to give to the Tribunal. The Bosnian passport and the Algerian passport are here and I can retrieve those items in less than five minutes.

Detainee: It's no problem.

Tribunal President: Do you want us to get those documents to be presented?

Detainee: I don't think those items have anything to offer. The Algerian passport is a new one and has nothing in it. The Bosnian passport has nothing to do with this matter, but if you want it brought in, then the Representative can bring it.

Tribunal President: I only want the information presented if it is going to help us in our determination, or if it is going to answer any of the questions in the evidence.

Detainee: No, they will not answer any of those questions. The Algerian passport has nothing in it and the Bosnian passport is new.

Tribunal President: Does that conclude your statement?

Detainee: I do not have anything else about this. All I have else to say is if there is anything else about me that you may want to know. How I went to Croatia? How I started working? Anything like that. That I can talk to you about if you want me to.

Tribunal President: The Tribunal will probably ask you some questions. But before that, 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 of the Tribunal Members have any questions for the Detainee?

Tribunal Member: Yes, Ma'am. One of the allegations cites you served in the Bosnian military. Have you ever been in any military?

Detainee: I never in my life wore any uniform like that you have on [detainee points to the military uniforms worn by the Tribunal Members]. To answer the question, I left Algeria and I had not even registered for the Algerian Army. Sometimes when I was living in Croatia, if I wanted to go on a holiday or vacation for one month to Algeria, I could not go. I knew if I went there I would be forced to serve in the Algerian Army. In 1998, I had a paper from the Algerian Government that was issued to men who reached a certain age excusing me from serving in the Algerian Army. So the Algerian Embassy sent me a paper.

Detainee: I presented to the embassy information or papers that said I was married and had children. In exchange, I was given a certificate excusing me from military service. Even this certificate was in that bag with me.

Tribunal Member: Does your Bosnian passport have stamps to prove your whereabouts in 1995, or is it newer than that?

Detainee: The Bosnian passport is renewed every two years. So even if there were stamps inside, it would have been changed by now. You can verify from the Bosnian Government where my first passport was issued. It was issued from the Bosnian Embassy in Zagreb, the capital of Croatia.

Tribunal Member: Who were you working for at the time you were taken into custody?

Detainee: Taibah, an organization. Would you like me to explain what Taibah is?

Tribunal Member: Can I get the full name of the company first?

Detainee: It is Taibah International.

Tribunal Member: Can you explain what you did for Taibah?

Detainee: This organization is a Saudi Arabian charitable organization. It is also registered as American, so it is Saudi-American. It is registered in Washington and registered in Saudi Arabia. It works in teaching. They teach mainly the English language and computers. But all of its work is on the teaching side. In some instances, during Eid, which in a Muslim holiday, sometimes they would slay sheep and cattle and distribute them to the poor, but very, very rarely. But the organization's main function was computers and teaching the English language. My job was to fix the computer software or hardware. Sometimes there would be a course and the professor would teach computer skills. My job would be to examine all the computers before the students come in to make sure they were working properly before being used. Occasionally, if there was something wrong with the computer or the hardware, I would fix it. That is what my job was.

Tribunal Member: How long had you been working for Taibah?

Detainee: I am not sure of the date I started. I am afraid to make a mistake in the date, but I will tell you what I think it was. I started working for Taibah after I stopped working for the organization of Qatar. It was the end of 1996 or the beginning of 1997, I think, until the day I came here. But the actual date itself, I am not sure. It was about four years.

Tribunal Member: What was the organization you worked for prior to Taibah?

Detainee: In 1993, I was working in rescue, the International Islamic Rescue Organization from Saudi Arabia. I worked there from 1993, 1994 and up until the end of 1995. Then, in Bosnia, I worked for the organization Qatar. From 1993 through 1995, I

was working in Split in Croatia. Then in the end of 1995, 1996 and 1997, in the Qatar organization. Then in Taibah. I had other jobs too, besides this one.

Tribunal Member: I just want to make sure I understand the different times. For the International Islamic Organization from 1993 to 1995?

Detainee: In 1993. I am sure of that because I left straight from Algeria to come. I was sent a paper to come to Split and work for the International Islamic Rescue Organization. All my work is related to computers.

Tribunal Member: Is the International Islamic Rescue Organization also known as the International Islamic Relief Organization? Are they the same thing?

Detainee: I-G-A-S-A. The last two letters stand for Saudi Arabia, I know that. I do not know the rest.

Tribunal Member: So that was from 1993 to 1995?

Detainee: Yes.

Tribunal Member: What did you do for IGASA?

Detainee: The same things. I worked on computers.

Tribunal Member: Computers, okay.

Detainee: They had orphans, and I would enter and retrieve data on the orphans. If the President or the boss would write a report, I would enter that also. I did anything dealing with the computers.

Tribunal Member: Was that also in Split?

Detainee: Yes, that was in Split.

Tribunal Member: Then from 1995, but also in 1996 and 1997, you worked for Qatar?

Detainee: Yes.

Tribunal Member: What did you do for Qatar?

Detainee: I again worked with the computers, and at that time I was also a secretary to the president. During this period of time, I was working in two cities. The first period was in Zenitza. But then the president or manager sent me to another city to work in. I worked there for a while, and I became the manager in that company.

Tribunal Member: Where was that?

Detainee: Qatar.

Tribunal Member: I am sorry, I meant the name of the city.

Detainee: Tuzla.

Tribunal Member: Tuzla.

Detainee: I was the manager only in Tuzla, nowhere else. The general manager was in Zenitza. So I worked there for maybe a year. Then they closed, and I went back to Sarajevo. One of the reasons I moved to the capital, to Sarajevo, was because I was training and teaching karate.

Tribunal Member: You worked for Qatar for only one year?

Detainee: From the end of 1995, all of 1996 and the beginning of 1997. It all amounted to maybe two years.

Tribunal Member: Okay. What did Qatar do?

Detainee: The main line of work was dealing with orphans. But they also distributed food to the poor sometimes.

Tribunal Member: What did IGASA do?

Detainee: The same thing. Pretty much all of the relief organizations in Bosnia, the Islamic and non-Islamic ones. They all work in this area, distributing food and clothes to the poor. Giving the orphans money, about $25.00 every month. All the relief organizations in Bosnia Herzegovina did the same thing. Maybe the Taibah organization I worked for was the only one that taught also. Maybe there were some other organizations that do that, but I do not know what they were.

Tribunal Member: You mentioned that you know some of the other Algerian people who were taken into custody at the same time? Who were the ones that you knew?

Detainee: Now, I would like to ask the Tribunal a question. Is this an interrogation?

Tribunal Member: No. This is for the Tribunal.

Detainee: Muhammed, Al Haj and Al Akhdar.

Tribunal Member: Are those three different people?

Detainee: Yes. Muhammed's number is 10003; Al Akhdar is 10005, and Al Haj is 10006, maybe.

Tribunal Member: How did you know these people? What was your relationship to them?

Detainee: I do not want to answer this question because I feel it is related to the interrogations. I am sorry. This question about these three individuals, I have talked about them so much you can fill a CD. I can only tell you now, if one of those three are a terrorist, then I am a terrorist. If one of them is from Al Qaida, then I am from Al Qaida. If you imprison one of them for a terrorist act, then I am prepared to go to prison with him. I say these things because I know them as well as I know my wife and kids. That is all I can say about them

Tribunal Member: I have no further questions.

Detainee: Thank you.

Tribunal President: Can you tell me how long you have known the other Algerians you just named?

Detainee: Same as before, I cannot answer that question. The only reason I do not want to answer the question is because it is related or went into the interrogations.

Tribunal President: That might be true, but the Tribunal has not had the opportunity to read those interrogations. This is your opportunity to answer our questions, but you do not have to if you do not want to.

Detainee: I understand.

Tribunal President: Have you ever traveled to Afghanistan?

Detainee: Not only did I not travel to Afghanistan, but I never even thought of traveling to Afghanistan.

Tribunal President: Do you know anyone that lives in Afghanistan, or have you communicated with anyone that lives in Afghanistan?

Detainee: You mean here in prison?

Tribunal President: No. Prior to coming here?

Detainee: No. Never.

Tribunal President: I don't have any other questions. Mustafa, do you have anything else you would like to present to us?

Detainee: I just want to say a small thing. I hope that this is real. I am not berating you with these words, but this is something I don't want to keep inside. I hope this Tribunal is really real. I hope that a person who has made a mistake would admit to making a mistake. No matter who this person is. Even if he is the closest person to you. What I mean by this is, if America made a mistake by bringing me here to Cuba, not just because it is hard for them to admit a mistake was made, but to prevent me from leaving here, then bring all these accusations against me. I will tell you something else, if you have evidence, big or small, that I have any relationship with terrorism or if I helped any terrorists, I am prepared for any kind of punishment in any country. I am saying this to you now, and if you wish for me to, I will sign a piece of paper saying these same words. I know people and I talk to people, but I have no way of knowing they are terrorists or not. For me to know a person, and to know for sure if he is a terrorist and I am knowingly dealing with him, that is not true. My history is known. The Algerian government knows me. In the years of 1990 through 1992, I was a champion in Algeria. The Algerian government knows my very well. They know where I live, my wife, my kids, my father and my mother. I left Algeria and went to Croatia. I was working in that organization. The team I used to train with and train has maybe one Muslim. The rest are all Catholics and Orthodox. Those people knew me very well and they respect me very much. Never did I have any problem with anyone who was not Muslim. I lived with them. Never, did I ever go into a police station. I only went to get my driver's license or passports. But to go there for a problem, never. Maybe I had a speeding ticket or something like that. Any other problems involving fighting with people, never. Nothing like that. Then comes this problem. You can also verify this in Bosnia Herzegovina, the place I lived, and who I worked with, who I trained with on the team; did I ever have any problems, or if they knew if I am an extremist in my religion or a terrorist or anything. That is what I have.

Detainee (continued): Truthfully, I read the paper that was brought to me today (Exhibit R-38), the one from the lawyer. I swear to God that I was touched. It was very hard for me to read my wife and children are suffering. My wife cannot work because she has three children and she is a teacher. My wife had to go and live with her sister because she in unable to work and has no income. Thank God I had my salary when I was working in Bosnia Herzegovina. Maybe ministers in Bosnia did not have this salary. Thank God for my work with computers. For my wife to go from that to living with her friends and her sister; and my wife's sisters are helping her because some idiots acted stupidly and do not want to right their wrongs. They do not want to say that we made a mistake. Or they admit to making a mistake but they won't do anything about it. Today is the 11th of October, I think. In seven more days, I will have been in this prison for three years. I swear to God I will tell you something, if I had a relationship with Al Qaida, I swear I would not be scared of anyone and I would tell you I am from Al Qaida. I would not be concerned about America. If I had a relationship with terrorism, I would tell you I am a really a terrorist and I would not be concerned. When I tell you that I

don't have a relationship, it is not because I am scared of you, it is because it is the truth. I don't have a relationship. So I hope that the mistake that you made; not you personally, you did not make this mistake, but those who are responsible, will fix this mistake. That is all I have.

Tribunal President: All evidence having been provided to this Tribunal, this concludes this Tribunal session. Personal Representative, do you want to present an updated Detainee Election Form?

Personal Representative: Yes, Ma'am. I am handing the Tribunal President an updated Detainee Election Form marked as Exhibit "D-C."

Exhibit "D-C" is accepted into evidence by the Tribunal.

Detainee: This election form says what?

Tribunal President: I will read it to you. It says, "The detainee wants to participate in the Tribunal." That is what allowed you to be here today.

Detainee: Okay.

Tribunal President: And it says that "You requested two witnesses. The witness will testify that you were never in the Bosnian Army and that you knew nothing of Al Qaida." It also says "The witnesses are 10006 and 10003. On 5 October the detainee determined he would not attend the Tribunal. Affirmatively declined to participate since all documents would not be presented to the detainee. On 11 October," which is today, "after reviewing additional unclassified information, the detainee elected to attend the Tribunal." Is that correct?

Detainee: Yes, it is.

Tribunal President: I am sorry, I did not hear your response. I want to make sure that we understand.

Detainee: Yes, that is correct.

Tribunal President: Okay. So I am assuming at this point we have all unclassified evidence. Recorder?

Recorder: Yes, Ma'am.

Tribunal President: Personal Representative?

Personal Representative: Yes, Ma'am.

The Tribunal President instructs the Detainee on how he would be notified of the Tribunal results and the ARB process.

The open session of the Tribunal adjourned at 1421 hours, 11 October 2004.

AUTHENTICATION

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

[redacted]

Summarized Detainee Statement

[The detainee was not present during the Tribunal]

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

Personal Representative: Yes sir.

Tribunal President: Please do so.

Personal Representative: The detainee told me he has been tortured and mistreated. Was mistreated in Afghanistan. In Afghanistan they told untrue stories and told them that if they didn't tell the story that they wanted them to that they would have to come back to them. They told them that they were going to turn them over to the Americans and if they didn't tell the story that they told them to tell the Americans that they would come back and they would torture them. They were also told to tell them that; If you are Al-Qaida or Taliban that the Americans would let you go home a lot sooner. They showed them pictures of a camp and told them to tell this is where they were trained. When he arrived here, he talked in the beginning but he stopped for a year because he was being tortured. In the last two months he decided to talk again to the interrogators. I read the unclassified summary to him. He said yes he is from Yemen and he was waiting for this moment to tell his story to me. In the summary of the evidence:

3.a.1. is true. (Detainee is a Yemen citizen who traveled to Afghanistan in late 1999.)

3.a.2. is not true. (Detainee twice trained at the Al-Farouq training camp.) He did not train at that camp or no other camp.

3.a.3. is not true. (At Al-Farouq, Detainee received training on the Kalashnikov rifle; M-16; PK machine gun; RPGs; hand grenades; explosives and advanced tactical training.) He never trained on any weapon.

3.a.4. is not true. (Before September 11, 2001, Detainee traveled to the front lines of Afghanistan to fight against the Northern Alliance.) At all times he was in a guesthouse; he never went to the front lines.

3.a.5. is not true. (Detainee approached a Taliban representative and requested to join the Taliban.) He does not speak the language how could he talk to a Taliban official.

3.a.6. (Detainee's brother was apprehended by Yemeni authorities in connection with the bombing of the USS COLE (DDG 67). He has no business with his brother so what does this have to do with him?

3.b. is not true. (The detainee participated in military operations against the coalition.)

3.b.1. (Detainee was present in Tora Bora with Al-Qaida fighters during Ramadan, 2001. (Ramadan began on November 15, 2001.)) Yes he was in Tora Bora but he didn't know the people were Al-Qaida.

3.b.2. (While in Tora Bora, Detainee and his associates were addressed by Usama Bin Laden.) Yes, but he was passing by and just said "hi" and went on his way.

3.b.3. (Detainee was captured by a local Pashtun tribe in the Tora Bora region.) No. He was captured by Afghan police while a guy took them to Jalalabad. They were suppose to be taking them to the Americans instead they took them to Kabul to a person who treated them bad. They were mistreated. They came out of the mountains because one of the people they were with was injured and they were coming down for medical help. They heard the Americans would provide medical help.

Personal Representative: I asked him why he stayed in Afghanistan for so long and what did he do for work? He said he did not do any work everything was provided, food and water. He decided to go to Afghanistan because the Indians were mistreating and killing people. He went with three guys. He only knew one. They traveled to Pakistan but when they got there they were told it was a political thing and they shouldn't go there. They changed their minds and went to Afghanistan. They went to Afghanistan because they didn't want to make the people who paid for them to go off and fight to be mad and return home. They decided to go to Afghanistan; since they hadn't been gone that long and the people who paid for them would not be happy. They stayed at the Arab house, in the guesthouse. There was no war and everything was normal. No fighting, they were told the fighting was a long way from them. He was getting ready to go home but the USS COLE was attacked. At that time anyone who was coming back from Afghanistan was arrested. He got that information from a phone call home. Since he knew his brother was arrested he knew it was not safe for him to go home. He was waiting until his brother was released, then he would go home. He finally got bored and they were going to attempt to go home but then they heard about the attacks in New York and they knew it was not safe to go home. Then the bombing started and they were told to move from the Afghan house because that would be a target. They stayed in another house until things started to fall apart then they went from there to Kabul, from there to Jalalabad, and as they were passing the people told them that Jalalabad was not a safe place to go. They went to Tora Bora and stayed in the caves for weeks. The bombing started up there and a person was injured so they went back down the mountain and that's how they were captured. That's what he asked me to report to you.

Tribunal President: Personal Representative do you have any other evidence to present to this Tribunal on behalf of the Detainee.

Personal Representative: No, sir.

[The Tribunal was reconvened]

Tribunal President: The Tribunal is reconvened in the unclassified session. The reason for the reconvening is that the Personal Representative remembered he had some additional information to provide us from the statements provide by the Detainee.

Personal Representative: Although the Detainee mentioned that people were tortured, he himself was never personally tortured.

Tribunal Member: He told you that he himself wasn't tortured or is that your assessment?

Personal Representative: He said he was not tortured. All he said is that he heard people crying at night, but he was not tortured.

Tribunal President: While here in Guantanamo Bay Cuba?

Personal Representative: He said he was not tortured here in Guantanamo Bay.

Tribunal President: Did he say he was not tortured in Afghanistan or did he say he was not tortured here in Guantanamo Bay?

Personal Representative: He said he was not tortured here in Guantanamo Bay.

Tribunal President: Did he say he was tortured in Afghanistan?

Personal Representative: He said he was treated bad and mistreated.

Tribunal President: But he did not say he was tortured?

Personal Representative: He did not say he was tortured.

[The Tribunal was reconvened]

Tribunal President: The unclassified session is now reconvened. We are having some additional discussion concerning whether or not there were some conflicts in the testimony provided to the Personal Representative from the Detainee and we asked for clarification. We are going to talk about that again. In the detainee's statement he stated that when he got here to Guantanamo Bay, he was tortured as well. It also stated that he quit speaking to the interrogators for one year because he was tortured by the interrogators. I want to clarify based upon his statements to you, was he ever tortured here at Guantanamo Bay?

Personal Representative: Based on his statements to me. When he made his first initial statement he said that he was tortured here. But when I went back to clarify when he was tortured, he said he was never personally tortured.

Tribunal Member: So, he made conflicting statements?

Personal Representative: He made conflicting statements. He said he heard people crying at night, but he was not tortured.

AUTHENTICATION

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

[redacted]

Tribunal President: All unclassified evidence having been provided to this Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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

[redacted]

Next three pages - Duplicate of 1086A + 1088A-B

FN00046

1

بسم الله الرحمن الرحيم

الأخ العزيز عادل كامل حفظه الله
السلام عليكم ورحمة الله وبركاته

عزيزي من السرور والفرح تلقينا رسالتك القصيرة وحمدنا الله
أنك بخير وبصحة جيدة.

كلنا يقين أنك ستعود إلينا في وقت قريب جداً
ان شاء الله.

الجميع يعلم أنك ذهبت الى هناك لمساعدة
اللاجئين لفترة وهذا عمل شريف يجازيك الله
خيراً ويساعدك من أجله ان شاء الله.

والدتك وزوجتك وابنتك وأولادك وجميع أخوانك
وأخواتك يبلغونك السلام ولهم جميعاً بصحة وعافية
ولا ينقصهم سوى رؤيتك.

الحمد لله لقد ذهب ذهني حاضراً في مجيء هذه الرسالة

IN00046

(٢)

زوجتك تسلم عليك كثيراً وتنتظر عودتك
بفارغ الصبر

لقد تمنا بالاتصال بوزارة الخارجية في البحرين وهم
مهتمون بموضوعك ووعدونا بسرعة الاتصال
بالسلطات الأمريكية من أجل إعادتك إلى وطنك.

أرفقت مع هذه الرسالة رسالة من ابنتك صابر
حيث كتبتها بنفسها وأصرت على أن نرسلها لك
لعلمك أنها تحبك كثيراً.

في الختام إذا أردت أي شيء أرجو الكتابة
لي وإبلاغك بحقائق وتفاصيل مع الأمل أن
شاء الله سنلتقي قريباً في البحرين

أخوك

عبد الله كامل عبد الله

Summarized Detainee Statement

The detainee testified in substance as follows:

Tribunal President: Abdul Rahman, you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you want to present evidence to this Tribunal?

Detainee: I would like for the Personal Representative to do so.

Tribunal President: Okay, Abdul Rahman, would you like to make your statement or answer the questions under oath?

Detainee: I do not wish to take the oath.

Tribunal President: Personal Representative, you may begin.

In the following section of the summarized transcript, the Personal Representative reads to the Tribunal the detainee's responses to the allegations found on the Unclassified Summary of Evidence. To put the detainee's responses into context, the allegations from the Unclassified Summary of Evidence are included in italics below just prior to the related response. Any comments made by the detainee or others while the Personal Representative reads the statement are summarized, as well.

Personal Representative: I met with the detainee and went over each one of the pieces of evidence. The detainee asked me to read the evidence and read his response. Then if the Detainee has anything additional to add, then the detainee can add after each point. I will start with the first one.

3.a. The detainee is associated with Al Qaida.

Personal Representative: I don't know anything about Al Qaida. I am not associated with Al Qaida.

1. One of the detainee's known aliases was on a list of captured Al Qaida members discovered on a computer hard drive associated with a senior Al Qaida member.

Personal Representative: I have never used aliases, so the name on the hard drive is not me. This is the first time I have heard of it. After I turned myself in and was detained in Pakistan, there were people taking my picture. I don't know what they did with the picture. I never saw my picture on the Internet, but the interrogator told me it was on the Internet. If it is, I have no idea how it got there. Like I said, I have never used an alias,

so the name on the hard drive is not me. Would the detainee like to elaborate on any points?

Detainee: No. I have nothing else to say.

2. The detainee traveled from Saudi Arabia through Pakistan, arriving in Kandahar, Afghanistan during July/August 2001.

Personal Representative: I traveled from Saudi Arabia to Bahrain by taxi. Then I traveled to Pakistan by plane. Then I went to Afghanistan via car. I traveled during the end of April, beginning of May. Not July/August.

Detainee: I just wanted to make the correction when I left Pakistan to Afghanistan, it was by car.

Personal Representative: Yes, I said the detainee traveled from Pakistan to Afghanistan via car. Would the detainee like to elaborate on any points?

Detainee: No.

3. The detainee provided monetary support to the Al Haramain Islamic Foundation, a non-governmental organization.

Personal Representative: I have never provided money to the Al Haramain Islamic Foundation. I am not associated with this organization at all. I went to Afghanistan to help the poor people and provide money to them directly. It should be noted, if I was involved with the Al Haramain Foundation and I wanted to go to any of these countries, I would have to get permission from them. Would the detainee like to elaborate on any of those points?

Detainee: I want to reiterate that I had no association with Al Haramain. If I had to leave, I would have to get the permission of the Foundation if I were a member.

4. The Al Haramain Islamic Foundation is on a terrorism blacklist because of "financial, material and logistical support" they provide to the Al Qaida network and other terrorist organizations

Personal Representative: I have no ties with the Al Haramain Foundation. I gave approximately ten thousand Saudi Riyals to the poor people directly. Would the detainee like to elaborate?

Detainee: No.

5. After the fall of Kabul and Jalalabad, the detainee fled Afghanistan for Pakistan where he was arrested by the Pakistani police and eventually turned over to U.S. forces

Personal Representative: The war began and I wanted to get out of Afghanistan and return home. I turned myself in to Pakistani police. Would the detainee like to elaborate?

Detainee: No.

Personal Representative: Abdul Rahman, does that conclude your statement? Would you like to say anything else?

Detainee: I have nothing else to say, unless you people have any questions for me.

Tribunal President: 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: Yes, Ma'am. I have two questions. Is your correct name Abdul Rahman Owaid Mohammad Al Juaid?

Detainee: Yes.

Recorder: In point number five, it said, "Detainee fled Afghanistan." How did you flee and by what route?

Detainee: I left Jalalabad toward Pakistan with a guide so I could exit the country. That was the only route that I followed.

Recorder: Thank you. That is all I have, Ma'am.

Tribunal President: Do any of the Tribunal Members have any questions for the Detainee?

Tribunal Member: Yes, Ma'am. When you left Afghanistan with the guide, do you recall what his name was?

Detainee: I do not know.

Tribunal Member: Did you pay the guide to get you out of the country?

Detainee: Yes. I paid the guide money to take me out.

Tribunal Member: When you were arrested, did you have any weapons, guns or passports on you?

Detainee: First thing - I was not arrested.

Tribunal Member: Okay, I am sorry. When you turned yourself in.

Detainee: No.

Tribunal Member: How long were you in Afghanistan?

Detainee: Less than five months.

Tribunal Member: You traveled to help the poor people?

Detainee: Yes.

Tribunal Member: What cities in Afghanistan did you travel to?

Detainee: Kandahar, to Kabul, to Jalalabad.

Tribunal Member: Is Arabic the only language you speak?

Detainee: Yes, it is.

Tribunal Member: When you were traveling in Afghanistan with the money for the poor people, did you have a weapon to protect yourself?

Detainee: No.

Tribunal Member: Did you have any type of military training?

Detainee: No, I did not.

Tribunal Member: Did you visit or attend any training camps in Afghanistan?

Detainee: No, I did not.

Tribunal Member: Where did you get the money to distribute to the poor?

Detainee: It was my money. I collected it while I was in Saudi Arabia.

Tribunal Member: What did you do in Saudi Arabia?

Detainee: I used to go to the mosques and I would ask the Muslims for donations.

Tribunal Member: What made you decide to go to Afghanistan to give money to the poor?

Detainee: I heard about the poor and needy people there and everywhere else. So I wanted to see it for myself.

Tribunal Member: Who helped you make the arrangements to go to Afghanistan?

Detainee: I did it myself, individually.

Tribunal Member: When you left Afghanistan and turned yourself in to Pakistan authorities, did you go through the Tora Bora mountains?

Detainee: I did not know.

Tribunal Member: Did not, or did know?

Detainee: I did not know.

Tribunal Member: Were there many other people leaving with you?

Detainee: No. I was by myself.

Tribunal Member: Did you see any fighters along the way?

Detainee: I did not see any fighters, but on the border I did see some people, and I do not know whether they were fighters or not.

Tribunal Member: Were these people carrying weapons?

Detainee: No, they weren't.

Tribunal President: Did you handle any weapons while you were in Afghanistan for any reason?

Detainee: No, I did not.

Tribunal President: Was there any fighting going on before you left Saudi Arabia to go to Afghanistan?

Detainee: I do not know.

Tribunal President: While you were in Afghanistan, was there any fighting going on?

Detainee: I don't know that either.

Tribunal President: None of the places that you were staying, there was not any fighting going on?

Detainee: No, there was not any fighting. If there was fighting, I would not have gone.

Tribunal President: Did the U.S. start bombing Afghanistan while you were there?

Detainee: I heard about the bombing on the radio. I did not see anything.

Tribunal President: Where did you stay in Kandahar?

Detainee: I stayed with an Arabic guy in Kandahar.

Tribunal President: Was that in a hotel or guesthouse?

Detainee: Somebody I met in Pakistan, I went with him to Afghanistan.

Tribunal President: What is that person's name?

Detainee: Abu Omar Al Tabie.

Tribunal Member: How did you know this man?

Detainee: I met him at the airport.

Tribunal President: Did you know him before you were in the airport?

Detainee: No, I met him there.

Tribunal President: Why would you leave with a man you just met?

Detainee: The man was with his family, and they were talking about going together. So I just asked the man if I could go with him, and he said fine.

Tribunal President: Where did you stay when you were in Kabul?

Detainee: With an Afghani guy who spoke Arabic.

Tribunal President: Who was this guy?

Detainee: I stayed with that guy and his name is Mohammed Raheim.

Tribunal President: Where was this? In a guesthouse or hotel?

Detainee: This guy Abu Omar knew him. That is how I found out about him.

Tribunal President: Where did you stay?

Detainee: In Muhammed's house.

Tribunal President: Where did you stay in Jalalabad?

Detainee: I was with another guy. His name was Abdel Raheim.

Tribunal President: How did you meet Abdel Raheim?

Detainee: I did not go alone. I went with other people.

Tribunal President: Where did you meet?

Detainee: I went to Abdel Raheim's house.

Tribunal President: How did you know where to go to meet him?

Detainee: The guy named Muhammed Raheim took me to Abdel Raheim. I stayed with these people when I wanted to go from one city to another. So I would ask the people I stayed with where I should go next and who would be there.

Tribunal President: You met Abdel Raheim in Jalalabad, and where did you stay?

Detainee: I stayed at Abdel Raheim's house.

Tribunal President: Did you know anyone else in Afghanistan?

Detainee: That is all I knew.

Tribunal President: Earlier, one of the Tribunal Members asked what did you do in Saudi Arabia before you left. I am not sure if I understood your answer. How did you earn a living in Saudi Arabia?

Detainee: I was a student.

Tribunal President: You said you had some money of your own. How did you earn the money?

Detainee: I used to go to the mosques and ask the Muslim people for money.

Tribunal President: The Muslim people in the mosques gave you money?

Detainee: Not only to me, but to anyone that needed help.

Tribunal President: And then you turned around and gave the money to the poor people in Afghanistan?

Detainee: Yes.

Tribunal President: How much money did you take to Afghanistan with you?

Detainee: Ten Thousand Saudi Riyals.

Tribunal President: Did you get paid to do that?

Detainee: No, it was an individual effort.

Tribunal President: Why did you turn yourself in to the Pakistani police or Government?

Detainee: I wanted to go back to Saudi Arabia. I did not have any money. That is why I turned myself over.

Tribunal President: Did you have a Saudi Arabia passport?

Detainee: Yes, I did. But not when I turned myself over.

Tribunal President: You did not have a passport or visa at that time?

Detainee: I did not have my passport or any money.

Tribunal President: What happened to your passport?

Detainee: I left it in Kabul.

Tribunal President: Did you leave it with someone?

Detainee: I left it at Muhammed Raheim's house.

Tribunal President: Was that on purpose or by accident?

Detainee: I left it there with the rest of my personal belongings.

Tribunal President: Was Muhammed Raheim going to keep it for you and send it to you later?

Detainee: No. Muhammed Raheim was with me. But Muhammed Raheim said he was going to go back and get my passport.

Tribunal President: Who was going to go back?

Detainee: We used to go to Jalalabad for three or four days. Then we would go back to Muhammed Raheim's house. I never traveled by myself, except with this man because I did not speak the language.

Tribunal President: But you were leaving Afghanistan for Pakistan; why did you not take your passport with you?

Detainee: Kabul fell when I was in Jalalabad.

Tribunal President: Do any of the Tribunal Members have any other questions for the Detainee?

Tribunal Members: No, Ma'am.

Tribunal President: Abdul Rahman, do you have any other evidence to present to this Tribunal?

Detainee: No.

Tribunal President: Personal Representative, do you have any other evidence or does the detainee have any previously approved witnesses to present to the Tribunal?

Personal Representative: No, Ma'am.

Tribunal President: All unclassified evidence having been provided to this Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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

[redacted]

Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "Yes."

Tribunal President: Do you have any questions concerning the Tribunal process?

Detainee: What do you mean if I have any evidence?

Tribunal President: As we go through the Tribunal process, the Recorder or the Personal Representative will submit evidence to this Tribunal board. This evidence will be in the form of information and it will be the first time the three members of this panel have seen that information. All of this information has been discussed with you by your Personal Representative. Do you have any other questions?

Detainee: No.

Tribunal President: Do you wish to make a statement to this Tribunal?

Detainee: I will talk with you as long as you guarantee me there will be no torture. If it will affect my safety I will say nothing.

Tribunal President: We will guarantee there will be no torture.

Detainee: 99% of what you have heard is inaccurate and incorrect.

[The Tribunal President asked if the Detainee wanted to make a statement under oath.]

Detainee: All the information that was just read is inaccurate.

Tribunal President: That's fine. (Detainee) Would he like to tell us what really happened?

Detainee: Yes.

Tribunal President: Please do so now.

Detainee: I want to talk about the reason I left Yemen? I left Yemen for personal reasons, logically I was not feeling well.

Tribunal President: What else would you like to tell us?

Detainee: I wanted to get married in Yemen, but for some reason my marriage was not approved and I had to leave there because psychologically I was not all together. I went to Afghanistan because it was the only place I could that I didn't need residency and I

could leave there cheaply. As far as the training that is not all true. I did take the tactics and the topography training. Change that, those two I did not train on them, but I did do all the other training.

Tribunal President: Okay, you are saying you did not take tactics or topography but you took the other courses.

Detainee: I did take the tactics and the topography. I have trained on all the weapons you mentioned.

Tribunal Member: You have?

Detainee: Yes. I not only had the training, I read the books. I was not in Tora Bora for more than one day. When the attacks took place I was not in Kabul, I was in Kandahar. When I went to Kabul, my plan was to go back. I was going to go from Kabul back to Yemen during the hot season. The first day I got to Kabul, I went to the market. Some Afghani people picked me up and said they were security. They drove me to a city that I didn't know. They took me to a house. I found out I was kidnapped and the people were not security. The house I stayed in was watched. I was told if I left they would kill me. From the first attack until the 26th day of Ramadan. They told me they would take me to a house with Arabs in it. They took me to an Afghani place in Tora Bora. I stayed there one day and they brought a wounded person and another guy called Kahled Egani. They were going to treat the wounded man and then we were all going to go back to Yemen. From there they sold me to the Americans. I was afraid in the beginning, because whenever we spoke to the interrogators we were punished. We were hit and tortured. Not only did I get hit and punched they broke my nose. The Americans did this to me. When I arrived in Cuba I got hit in the place where we eat. I got hit on the shoulder and it was very painful, it was dislocated or something. They threatened to break it monthly even when I got to Cuba they told me I would be here for a long time.

Tribunal President: Is there anything else you would like to say?

Detainee: The only time I went to Jalalabad was when I went to prison. The name you called the guesthouse, I have never heard of. They used that guesthouse for everyone. I deny seeing Bin Laden. That's the truth and whatever else you have is not true. The training I had on the weapons is that evidence? Is there anything against learning that?

Tribunal President: It is part of the evidence used for the determination.

Detainee: How can you use that as evidence to make your determination? There is no International Law forbidding me to learn that. Is this type of training forbidden Internationally?

Tribunal President: This is not a legal proceeding.

Tribunal President: Is there anything else you would like to say?
Detainee: No.

Tribunal President: Personal Representative do you have any questions for the detainee?

Personal Representative: Yes I do.

Summarized Answers in Response to Questions by the Personal Representative

Q. To clear up what you told me yesterday during our meeting, did you ever receive training on heavy artillery?

A. Yes.

Q. Did you receive training on explosives?

A. No training on explosives.

Summarized Answers in Response to Questions by the Tribunal Members

Q. When you left Yemen, how did you get to Afghanistan?

A. Plane.

Q. How did you fly there and where did you stay?

A. Somebody else got the ticket for me. I gave my friend my passport so he could get my ticket for me.

Q. He paid for it, your friend paid for your ticket?

A. I gave him my passport and the money.

Q. And you flew from where in Yemen to Afghanistan? Did you go to Pakistan first or straight to Afghanistan?

A. From Yemen to Pakistan and then to Afghanistan.

Q. When you went from Pakistan to Afghanistan, how did you go?

A. Took a bus.

Q. Did anybody help you along the way; did they show you the way or interpret for you?

A. There was a guy that took me from Pakistan to Afghanistan, his name was (inaudible).

Q. Do you remember from what city in Pakistan you left from?

A. Karachi.

Q. From Karachi you took a bus to Kandahar?

A. To Quetta.

Q. Then from Quetta to Kandahar?

A. Yes.

Q. When you were in Kandahar did you go to Al-Farouq from there?

A. I was in Kandahar for one week then I went to the camp.

Q. You trained at Al-Farouq and then went on to Malek?

A. I never went to Malek.

Q. So, you learned your artillery training at Al-Farouq?

A. Yes.

Q. Are you a Mujahid fighter?

A. No.

Q. Did you meet any Al-Qaida or Taliban members in your travels in Afghanistan?

A. I saw people coming and going, but I didn't know who they were but the houses were for anybody.

Q. Why did you go to Afghanistan?

A. I couldn't live there any more because of what I told you earlier. If I went to another country besides Afghanistan I would need a lot of money. That was the easiest to do. I lived there for two years and it never cost me anything.

Q. What kind of work did you hope to find in Afghanistan?

A. I didn't think about work. I had heard there were houses in Afghanistan that you could stay at and they provide the food and you don't have to do nothing.

Q. Do you remember what year you left Yemen?

A. No.

Q. When you went to Pakistan you lived there for two years?

A. Not in Pakistan in Afghanistan.

Q. How long of those two years were you in Afghanistan?

A. Two years.

Q. So two years combined Pakistan and Afghanistan, is that what you are saying?

A. I stayed in Pakistan for two or three days, the rest was in Afghanistan.

Q. You said when you went to Afghanistan there were houses that you could stay and get food and didn't have to work. Why did you go from that to training?

A. I had plenty of time to kill. The training was free just like everything else.

Q. Who did you think was running the camp when you went for training?

A. When I got my training I don't know who was running the place. About five or six months after being there I heard about Al-Qaida. I didn't hear the name Usama Bin Laden for about another five or six months later.

Q. So, you were training for five or six months?

A. All the training was about four months.

Q. When you got here in Cuba from Afghanistan, you stated you were tortured here?

A. Yes, I still use the medication for my shoulder.

Q. You were hit in the shoulder one time?

A. More than that. When they brought me here they tied my foot to my back and they threw me on my face. I feel there is something torn in my shoulder from the way I was laying on the floor.

Q. Did you receive medical treatment here?

A. I got treatment for the first two weeks I was here.

Q. But since that incident there has been no other torture?

A. I haven't but I have seen other people in the camp mistreated and tortured and that affects me psychologically. I was afraid for my life. When the interrogators asked if I was Al-Qaida I would say yes to avoid the torture.

[Tribunal President asked if the Detainee had any further evidence to present to the Tribunal]

Detainee: I have nothing to say. I have no witnesses and this Tribunal is not a legal proceeding it is a military proceeding. It doesn't matter what I say, it's military and there are no judges.

Tribunal President: Personal Representative do you have any other evidence to present to this Tribunal?

Personal Representative: Yes sir. I want to state that the allegations of abuse have been written up and submitted to the OIC for investigations.

AUTHENTICATION

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

[redacted]

Summarized Unsworn Statement on Behalf of Detainee

The detainee did not make an unsworn statement on his behalf.

The detainee refused to answer any questions when asked.

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