

Summarized Sworn Detainee Statement

The Tribunal President was explaining the hearing instructions to the Detainee. The Detainee did not understand the difference between a Tribunal and a Court. The Tribunal President made numerous attempts to help the Detainee understand a Tribunal is a non-judicial proceeding.

When advised that the Tribunal Members may have some questions for the Detainee, he stated that he would not be making a statement. The Detainee answered the Personal Representative's questions and the Personal Representative will address the court.

Detainee: Is this court true or is it a lie?

Tribunal President: This is not a court, and we are not here to punish you. We are here to see if you are properly classified as an enemy combatant or not.

Detainee: This "or not," what does it mean? Does it mean I'm innocent?

Tribunal President: Let me explain what an enemy combatant is.

Detainee: No need to explain from the beginning. The Personal Representative explained it to me. I read the papers. Are you going to read the papers to me again?

Tribunal President: I can, if you have additional questions about the process.

Detainee: No, you don't need to read it. I've read it.

Tribunal President: The Personal Representative has explained the process to you, and with your permission, we'd like to continue.

The proceedings continued with the Personal Representative and the Recorder submitting evidence.

The Personal Representative made the following statement on behalf of the Detainee:

The Detainee asked the Personal Representative to relay answers to each piece of evidence. The Personal Representative will read each bullet on the Unclassified Summary and then the Detainee's response. The Detainee can add anything if he would like.

- 3(a) The Detainee is associated with Al Qaeda.

That is a lie.

- **3(a)(1) The Detainee traveled from Saudi Arabia to Afghanistan via Quetta, Pakistan.**

True.

- **3(a)(2) The Detainee spent approximately 9 months in Afghanistan training with the Taliban.**

Yes, I spent 9 months in Afghanistan, but I did not train with the Taliban.

- **3(a)(3) The Detainee received military training at the Al Qaeda camp located at Al Farouk.**

I trained at Al Farouq on the Kalashnikov rifle. It was my first time being there and the first time I've traveled.

The Personal Representative reminded the Detainee that he could add anything if he chooses to. The Detainee did not want to add anything.

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

This is a lie.

- **3(b)(1) The Detainee carried a weapon on the battlefield.**

I did carry a weapon, but not in battle. A lot of people went to the mountains. I was given a weapon to protect myself and five others. Each person had to guard the group of people for 1 hour. We were in a burrow approximately the size of this room.

The Detainee asked the Personal Representative to repeat the above. The Personal Representative repeated the above statement.

Detainee: What is written right there [translated copy of the Personal Representative's notes]?

The Translator re-reads the response from the notes.

Detainee: Every person would...did I say this?

Personal Representative: That's what you told me and we confirmed it. If you want to change what you are saying, please do.

Detainee: I want to see the paper.

The translator handed the document to the Detainee and the Detainee read the document.

Detainee: These are lies. I didn't say these words.

Tribunal President: What words? Please tell us the true statements.

Detainee: These words are not true. He's [Personal Representative] playing with these papers.

Personal Representative: These are the words you [Detainee] dictated to me. I wrote them down and went over them with you, but if you would like to dispute the fact that you carried a weapon on the battlefield, you may do so now.

Detainee: No, I didn't say these words.

Tribunal President: Please tell us what you did say.

Detainee: These words I didn't say. He's [Personal Representative] making this up. This person [Personal Representative] has been playing since the first day he came.

Tribunal President: This is an opportunity for you to tell us...

Detainee: The second time he [Personal Representative] called me for a meeting and I came to the meeting. The papers he showed me were not these words. He changed these words. I'm asking...

Tribunal President: Everything was fine until the last...

Detainee: I'm going to ask for the Personal Representative to be changed. If you get another Personal Representative, I will answer these questions with him. Otherwise, I will not participate.

Tribunal President: You were going along with everything until we got to the last point, and then you identified...

Detainee: This I did not say.

Tribunal President: All of that is not what you said?

Detainee: This point [3(b)(1)], I did not say it.

Tribunal President: When it was stated "The Detainee is associated with Al Qaeda" "That's a lie," that's not true? You did not state that?

Detainee: That is a lie.

Tribunal President: We're going to give you an opportunity, right now, to counter and tell us your story to every allegation listed here, one by one. Now or never.

Detainee: The Personal Representative talked to me before; he talked to me a second time and brought me the paper with the answers that I gave. This is not what I said. These words I did not say.

Tribunal President: Okay, we'll disregard this. We're going to give you an opportunity, right now, to tell us what you want to say.

Detainee: What do you want me to say? Why can't you change my Personal Representative?

Tribunal President: We don't need to. We're here right now, today and we're going to make a determination on your enemy combatant status today. We're going to go down, one by one, and give you the opportunity to tell us your story. Otherwise, we'll continue in your absence, and we'll hear the evidence in your absence.

Detainee: How could you continue? You're going to continue on stuff I did not say?

Tribunal President: We're giving you the opportunity...

Detainee: The Personal Representative twists my words. This is a game. How can you do that?

Tribunal President: We will give you the opportunity...

Detainee: I did not say these words.

Tribunal President: I understand that...

Detainee: You should form a court and try this person [Personal Representative] for the words that he said.

Tribunal President: Evidently, there is a miscommunication with the transcript of the Unclassified Summary. We are going to give you the opportunity now to clarify everything on the Unclassified Summary that you have seen.

Detainee: You like order, is that correct?

Tribunal President: Say again?

Detainee: You like order, is that true?

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Tribunal President: We want to have an opportunity to hear your story...

Detainee: I'm saying, do you like order?

Tribunal President: This does not have anything to do with your classification as an enemy combatant.

Detainee: I am asking you a question. Do you like order? Why aren't you answering the question?

Tribunal President: Because it has nothing to do with your status as an enemy combatant.

Detainee: Do you like order or not?

Tribunal President: In an effort to get your cooperation, I will answer that question.

Detainee: I am cooperating right now; I'm just asking you, do you like order?

Tribunal President: Order, as in organization, things in a place? Yes.

Detainee: Order, courts, prison, all that stuff. You like that?

Tribunal President: Court?

Detainee: The order and the proceedings of this Tribunal.

Tribunal President: Yes.

Detainee: I like the way and order of these proceedings also, so I am asking you to change the Personal Representative. Bring me another Personal Representative. He will ask me the questions and I will answer him because this stuff, I did not say.

Tribunal President: I'm giving you an opportunity to say what you want to say now.

Detainee: I do not know how to deal with courts. I've never been in a court before. You said I have a Personal Representative. The papers said I have a Personal Representative, and I want to deal with a Personal Representative.

Tribunal President: Again, for clarification, this is not a court. This is an administrative hearing, a non-judicial proceeding.

Detainee: I don't know anything. This Personal Representative changed the words, switched them around. I'm asking for the fairness of the American Justice System and

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I'm asking for a new Personal Representative and for him to ask me the questions so I can answer them.

Tribunal President: We are not here to punish you. This is not a court.

Detainee: Based on the proceedings, I am following the order of these proceedings. You've assigned me a Personal Representative, and I'm asking for a new one. I'm going along with everything, with the system, the papers, and everything. Are my words right or not?

Tribunal President: It's not necessary that you have another Personal Representative. You can tell us your story, right here, right now and we won't have to delay anything. We're here to determine your status.

Detainee: No, I do not answer. The Personal Representative answers and I did not say these words.

Personal Representative: Sir, should we go through these lines and the Detainee can strike the words he says he did not say?

Detainee: I don't accept this. You're going to imprison me here for the rest of my life because of this, something I did not say. It's not right.

Tribunal President: If you could identify to us that 3(b)(1) is the only one that you dispute, correct?

Detainee: Yes, this point, "The Detainee carried a weapon on the battlefield," that point I did not say. The last one, I have not heard it yet. There is one after that one.

Tribunal President: That's fine. I think we're making progress here and you just don't realize it. We've gotten to the last one and all we have to do is continue.

Detainee: There is still one point we haven't gotten to yet.

Tribunal President: We're getting to it right now.

Detainee: How can you get to it when the words are wrong? You have to repeat it from the beginning. How can we...

Tribunal President: His [Personal Representative] notes are not going to be entered into evidence. Only the transcript and recording of what we say will be entered. What you say will be admitted.

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Detainee: I don't know these games. This court should try this person [Personal Representative] for saying words that I did not say. I'm asking the court to get me another Personal Representative because he said words I did not say.

Tribunal President: There was only one line you indicated a problem with. Up until that time, we went through 8 items you seem to agree with, that were perfectly fine.

Detainee: One line, and the one after that we still haven't talked about. These words, this is my life. I'm going along with this with you. This is my life. This person twisted the words that I said.

Tribunal President: That's why we want you to speak for yourself.

Detainee: How can you put down rules and regulations and not follow them yourselves?

Tribunal President: We are following them.

Detainee: I am asking the justice system of the United States to give me a new Personal Representative because I did not say these words to the Personal Representative.

Tribunal President: We think it may be a miscommunication in translation. We understand this translator is not the same one that was in previous interviews, is that correct, Personal Representative?

Personal Representative: Yes, sir.

Detainee: That's good. The second time you [Personal Representative] brought a paper into the interview and had me read it, it wasn't the same one as this one. I read Arabic and it wasn't the same.

Personal Representative: It was that paper. I had it translated and showed it to the Detainee. I would suggest maybe the Detainee should answer the question, yes or no, "the Detainee carried a weapon on the battlefield" and we can move on to the Detainee's last answer.

Detainee: No, you gave me a piece of paper that was written in Arabic. I read it and it wasn't this piece of paper.

Personal Representative: Would you like to just answer the question about whether you carried a weapon on the battlefield?

Detainee: I will not answer. I want a new Personal Representative. I'll go over this with him and we'll come back. This person [Personal Representative] is playing with the papers and the words. Now, you should form a committee to look at him. How can he

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say stuff that I did not say? I'm just talking to you straight. I'm not beating around the bush. Are my words correct or not?

Tribunal President: We want to give you an opportunity to speak on your own behalf. If we do that now, what is the difference which Personal Representative you have?

Detainee: No, I'm going according to the law. I can't speak for myself.

Tribunal President: You certainly may. It's perfectly fine.

Detainee: These are your laws. You put these laws on here and you want me to go outside these laws?

Tribunal President: This is not a court of law. He [Personal Representative] is not a lawyer and I am not a lawyer.

Detainee: That's fine. The words that were said in the beginning...I want a new Personal Representative, not a Personal Representative that plays with the words. You should form a committee to look at this Personal Representative. The words that I said the first time are true.

Tribunal President: We're going to continue and we're going to continue either in your presence or in your absence. You're going to make a choice by how you cooperate.

Detainee: These words I did not say. How can you continue this with words I did not say?

Tribunal President: You have been given the privilege to be present at all open sessions of this Tribunal. If your conduct...

Detainee: I came and I attended, but these words I did not say.

Tribunal President: We're going to be as fair as we possibly can.

Detainee: God is great. That's what I want. I don't want anything but that. I need for you to change my Personal Representative, who played with my words and said something I did not say. That's all I want.

The other Tribunal Members can talk if you [Tribunal President] are tired. No problem, it's all the same.

Tribunal President: I'm not tired. I got a good night's rest.

Detainee: I mean, if you're tired of talking in this discussion. Don't misunderstand me. I meant getting tired of talking, not physically tired.

Tribunal President: Maybe that's the key. There seems to be a misunderstanding. I think you misunderstand the fact that your Personal Representative is doing everything he can on your behalf.

Detainee: This Personal Representative is trying to help me [laughing]?

Tribunal President: Yes, and there is only one item here you say is off in the communication. I propose to you, we continue and you can address the other remaining items here, one by one, and we'll have an opportunity to determine your enemy combatant status today.

Detainee: There's no problem. I'm here and I'm not going anywhere. All of the people can go home, you will all still be here, so you can get me a new Personal Representative and we can meet again. There's no problem; I'm here.

Tribunal President: There is a problem. You don't seem to understand. We are continuing today, with these people we have here, either in your presence or not. Your conduct is unacceptable and if you continue to be disorderly you will be removed from this hearing and the Tribunal will continue to hear evidence without you.

Detainee: Me? I'm the one who caused disorder? I'm talking about my rights and my life and I'm causing disorder?

Tribunal President: We're giving you an opportunity to tell us the correct information. We're interested in your status as an enemy combatant or not an enemy combatant.

Detainee: I cannot talk in a court. I don't know how to deal with courts. I have a Personal Representative and I need him to be changed. You can interrogate him and find the piece of paper he first gave me. I know you're not causing disorder and I'm not causing disorder. He [Personal Representative] is the one who caused the disorder.

Tribunal President: We have tried to explain this misunderstanding. This is not a court, but a non-judicial administrative hearing. You have the opportunity in this open session to counter the information on the Unclassified Summary of Evidence. We will continue and you can either respond or choose not to respond.

Detainee: How can you continue when this is not true?

Tribunal President: We're going to give you the opportunity to tell us what is not true. You indicated you have no association with Al Qaeda, correct?

Detainee: I did not speak, he [Personal Representative] spoke for me, but some of the answers are not true and some are true.

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Tribunal President: Tell me what's true right now. Disregard that. I'm talking to you one on one, right here.

Detainee: I don't remember exactly, but that is not true.

Tribunal President: Are you associated with Al Qaeda?

Detainee: The answer is with you.

Tribunal President: The Detainee traveled from Saudi Arabia to Afghanistan via Qatar and Pakistan.

Detainee: Why are you continuing right now?

Tribunal President: True or false?

Detainee: Please give me a new Personal Representative. This is my life and this is my future.

Tribunal President: The Detainee spent approximately 9 months in Afghanistan training with the Taliban.

Detainee: [No response]

Tribunal President: The Detainee received military training at the Al Qaeda camp located at Al Farouq.

Detainee: [No response]

Tribunal President: The Detainee participated in military operations against the coalition.

Detainee: [No response]

Tribunal President: The Detainee carried a weapon on the battlefield.

Detainee: [No response]

Tribunal President: The Detainee participated in military operations in Tora Bora.

Detainee: [No response]

Tribunal President: Assuming we've gotten as far as we have, you understand this translator. You've identified in an earlier question, that you understand this process. How would you like to respond to this Unclassified Summary of Evidence?

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Detainee: To change my Personal Representative or to interrogate him and look for the piece of paper he showed me the first time. This is my life and this is my future.

Tribunal President: Does this conclude your statement?

Detainee: [No response]

Tribunal President: Does either the Personal Representative or Recorder have any questions?

Personal Representative and Recorder: No, sir.

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

Detainee: I object to this. These are my rights and this is my life.

Tribunal President: Your rights have not been...

Detainee: If you think I don't have anything to say, than don't. These are words I did not say.

Tribunal President: We're giving you the opportunity to be present here and to answer questions or concerns about the evidence against you.

Detainee: Please get me a Personal Representative. I will answer him and he will answer for me, but change this Personal Representative. These words I did not say. What's right is for you to talk to him and find the old piece of paper because these words I did not say. The personnel are here, you're here and he's here. You can question him and find the piece of paper I looked at in the beginning. It's enough. I've been here for 3 years and you want me to stay here for the rest of my life in prison?

Questions to the Personal Representative by the Tribunal President

Q: Were there different versions of the Unclassified Summary?

A: No, sir. As a matter of fact, I have my original notes that I took in my handwriting. When I took them, I would repeat them back and the translated notes are the ones I showed the Detainee.

Detainee: That's not it. It's not this paper.

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

The Tribunal Members had more questions for the Personal Representative.

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Q: How many interviews did you have with the Detainee?

A: I had two interviews with the Detainee.

Q: During both interviews, and our proceeding today, was the same version of the Unclassified Summary used?

A: Yes, sir.

Detainee: No. This is not true.

Tribunal President: You'll have your chance to respond when you are asked a question.

Detainee: I cannot answer. If you bring me a Personal Representative I will answer him. The words on this paper, I did not say. Either change my Personal Representative and I'll answer him, or you can question this Personal Representative and try to find the piece of paper I looked at before.

Tribunal Members: That's exactly what I'm doing right now, if you'll allow me to proceed.

Q: How long were your interviews with the Detainee?

A: The initial interview was 1 hour and 45 minutes. The follow up interview was 45 minutes.

Q: Was the same translator used in the first and second meetings?

A: Yes.

Detainee: No. Now you can see he's joking around. The first time it was a woman and the second time it was a man. See? He's lying about that.

Tribunal Members: I was going to ask you [Detainee] the same questions next, to get your version of the story, but right now I'm asking the Personal Representative.

Detainee: Go ahead.

A: I believe so. I've gone through so many different interviews; I could be mistaken about the interpreter. However, I have my notes that I went over the Detainee in the initial interview. He would say something, I would write it down and then I would have the translator, re-translate it back to him.

Q: So, you went over each bullet with the Detainee and the translator translated the bullets to the Detainee and he answered them?

A: Yes. First, I went over the entire Summary of Evidence with the Detainee. I asked if he wanted to participate. He said he could care less one way or the other to participate. He said, "I'll participate if you want me to or not if you don't want me to." I suggested he should participate and he'd be given the chance to speak. I went over each point, one by one, got his response and wrote it down. Then, I had the translator repeat what I had written to him. Most answers were just a flat true or not true. When we got to this point of contention, the Detainee told me a lot of things and I wrote them down. I then read back some things, and he changed some things. I tried to clarify it again and we went back and forth. The Detainee agreed to what I was writing and I had it translated.

I met with him on the follow up interview. If there is an error in what my translation was, there are several points in the testimony that the Detainee would probably agree with and some things he may not agree with.

I can go back to my original notes, go through line by line and the Detainee can say yes or no. If he says no, we'll just strike it. The Detainee did defend himself at this point, but I hadn't got to that part of my paragraph yet. I would suggest I go through what I have written down and give the Detainee the opportunity to say yes or no.

Q: I will not construe any part of the disputed answer against the Detainee if he disagrees with a certain portion of it at this point. Was there an additional portion of the answer to 3(b)(1) that you hadn't yet told us about?

A: Yes, sir. I was only half way through, when he explained...

Q: Before you say what it is, I want to hear the parts of the response the Detainee agrees with and separate that from the parts he doesn't agree with. The part he agrees with we will consider. The part he does not agree with, we will not consider.

The final version of your notes, after the back and forth conversation, was that final version translated and read back to the Detainee?

A: The final version was translated elsewhere and brought back for the follow up interview. The Detainee saw it. That's it, right there [pointing to the paper in the translator's hands].

Q: Was that version read to him by the first or second translator?

A: That version was shown to him by the second translator.

Detainee: No, this version was not presented to me. It was another version, not this one.

A: I only had it translated once, and that's it right there.

Q: Was the version read to the Detainee by the second translator?

A: I don't remember if it was read to him or if he was allowed to read it himself, but the words I used in the paper, are the words I read to him when I interviewed him the first time. I had them translated and I confirmed and changed it.

Q: In either the first or second interview, did the Detainee indicate any dissatisfaction with either how you were construing his answers or how the translator was translating?

A: No. He would say it was fine and was ambivalent.

Questions to the Detainee by the Tribunal Members

Q: Are you dissatisfied with either of the translators? You said there were two different individuals at your interviews?

A: The words on the paper the Personal Representative brought me in the last interview were correct. The words that are written on this paper are not correct.

You don't have to trouble yourself or me. These words I did not say. All I'm saying is I'm asking you to change my Personal Representative and these are part of my rights. I'm not asking for anything except for my rights. I'm just going along with the rules and regulations you put forth.

Q: I understand that. As I previously said, I'm not construing any part of this disputed answer against you, except for the part you may agree with. As I recall, the first portion of the answer to the part where it says, "the Detainee carried a weapon on the battlefield" was "yes, but not in battle."

A: This is correct, this part only, but everything after it is not correct. This sentence is correct but I did not say the rest.

Q: Is the other part close to being correct?

A: I don't remember exactly, but those words I did not say.

Q: [Translator] Please show the disputed answer to the Detainee.

A: You don't have to show me. I want you to change my Personal Representative; this one's a liar. Or, you can form a committee to ask him where he put that paper. That's what I ask.

Tribunal President: We're giving you an opportunity to tell us the accurate information.

Detainee: I will not talk. This Personal Representative plays games...

Tribunal President: You seem to do well speaking for yourself and we'd like for you to continue to do so.

Detainee: No, please bring a new Personal Representative and I will talk with him.

Tribunal President: Why go through another person? Who is better to tell us the truth about you, than you, yourself?

Detainee: I spoke the truth with him [Personal Representative], but he is playing games

Questions to the Personal Representative by the Tribunal Members

Q: Do you know who translated the final version? Just "yes" or "no."

Detainee: Maybe he lost the paper or something. If you question him, you can try to find it. That's what I'm saying.

A: I suggest I read a line of what the Detainee said and he can either agree or disagree.

Detainee: I will not clarify. I'll just tell you it's wrong.

Tribunal Member: That's fine.

Detainee: I'm telling you it's wrong.

Questions to the Detainee by the Tribunal Members

Q: At this point, I'm willing to consider the answer to 3(b)(1) as "no". I would like to hear the...

A: The one after that, I did not answer yet.

Q: I would like to hear the answer to that.

A: How can you hear the answer to the last question if the paper is wrong?

Tribunal President: You tell us

Detainee: I don't remember, exactly, but these words I did not say. My mind is not a computer. I don't know.

Tribunal President: You answered the last 7 items. We have one more...

Detainee: These words I did not say.

Tribunal President: Well, we're giving you the opportunity to say the words you want to say.

Detainee: Change or question him [Personal Representative] and find the paper.

Tribunal President: The concern here today is to determine...

Detainee: Why are you talking right now and troubling yourself when you should just take him and find the piece of paper?

Tribunal President: Because I don't think that needs to be done.

Detainee: What does not matter? What is not necessary? My life? Is it not necessary?

Tribunal President: No, please. The paper that either the Personal Representative or the translator has, because it is not going to be entered into evidence. Only the oral statement we are hearing from you is going to be considered in your determination of enemy combatant status.

Detainee: The words I said with him [Personal Representative] the first time are correct. This is not correct. If you could find the first piece of paper, that is correct.

Tribunal President: Can you not tell us what is correct in reference to the Unclassified Summary?

Detainee: I don't remember exactly.

Tribunal President: Do you choose not to remember or do you choose not to answer?

Detainee: I'm not going to answer. There is supposed to be a Personal Representative to answer for me. Why are...

Tribunal President: There have been...

Detainee: Why aren't you admitting your mistakes?

Tribunal President: There has been a Personal Representative assigned ..

Detainee: If had a mistake, I would admit it. My words are...the story here is to follow the order and the rules.

Tribunal President: The story here is to get to the truth. What better way to find out the truth than to let you tell us?

Detainee: I said what I have. This person [Personal Representative] changed the papers...

Tribunal President. Hey! Al Sulami! Forget about the paper! I want to hear from you. I want to hear your words in relation to the Unclassified Summary. We are giving you the opportunity.

Detainee: I don't remember. I will not answer. I will not answer in front of the court. I have a Personal Representative and he should answer for me. I'm asking that you change my Personal Representative. Then, it will go very well.

Tribunal President: You have been assigned a Personal Representative...

Detainee: [interruption, not translated]

Tribunal President: Hey! You have identified there may be a mistake on the translated version of the Unclassified Summary. We are giving you an opportunity to correct that, here and now.

Detainee: I will not speak. I told the Personal Representative that I will not answer in front of the court. Did he not tell you? I told him I would attend and I would swear, but I would not answer questions. For him to change the papers and then it falls on my head? That is not right. I told him I would not talk in the court. I told him I would swear. Good?

Tribunal President: You're talking very well, I think.

Detainee: I'm not talking about the story. I'm talking to you now because the Personal Representative is playing...

Tribunal President: What we're interested in is the story. We're going to...I have a question to ask you about the story. You can answer or not answer.

Detainee: I don't have an answer. Keep the question.

Tribunal President: Did you participate in military operations in Tora Bora?

Detainee: I will not answer.

Tribunal Member: I would be interested in the response to that question. I'll give you one more chance to answer it, please.

Detainee: I will not answer any questions. Do not bother. I told my Personal Representative I would not talk in the court. He asked if I would swear, but I would not talk in the court. I told him I would attend. He is the one who messed it up; he switched my words. I told him I would come in, swear, but not talk. He would talk. If he had come in with the right paper, we would be finished, and everything would have been done today.

Tribunal President: We are going to be done today.

Detainee: What are you saying right now? The paper is wrong? Are you going to repeat it?

Tribunal President: Do you have any other information to present to this tribunal today?

Detainee: The information is that the information on this paper is not correct.

Tribunal President: That's not what I asked you. I asked for any other information pertaining to your determination of enemy combatant status. That's what we're concerned about here.

Detainee: I don't understand the question.

Tribunal President: Do you have any other evidence to present in reference to our determination of your enemy combatant status?

Detainee: You're classifying now? You said it would take a month. How are you classifying it right now?

Tribunal President: I'll get to that. You will be notified of the determination once the Convening Authority approves it.

Personal Representative: I have the Detainee's response to the last question that he refused to answer. Nothing else. No witnesses.

Tribunal President: I will only accept that response from him [Detainee] personally.

Tribunal President: This concludes this Tribunal session. You will be notified of this Tribunal decision, upon the completion of the review of these proceedings, by the Convening Authority in Washington, D.C.

Detainee: How can you end the session when his words are wrong? Is it just up to you to end this session as you want?

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Tribunal President: Please be quiet.

Detainee: You don't want me to talk?

Tribunal President: You said you did not want to talk. Now, I suggest you listen so you completely understand the process completely and when you'll be notified of our decision.

The Tribunal President finished explaining the Tribunal decision and the Administrative Review Board process and the hearing was adjourned.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

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Summarized Sworn Detainee Statement

When asked by the Tribunal President the detainee stated he understood the CSRT process and he did not have any questions.

When asked by the Tribunal President if he wanted to make a statement the detainee stated yes and provided his statement after electing to be sworn. The detainee requested his Personal Representative read a written statement on his behalf:

In response to A of the unclassified summary, [the detainee is associated with Al Qaida.]

This is not true.

In response to A1 of the unclassified summary, [the detainee traveled from Saudi Arabia to Afghanistan via Bahrain, United Arab Emirates, and Pakistan in July 2001.]

This is true, however I went to Pakistan as a tourist. I never intended to go to Afghanistan at all.

In response to A2 of the unclassified summary, [the detainee's name was found on a list of "Trust Accounts" for Al Qaida mujahidin found in raids on Al Qaida safe houses in Pakistan, 11 September 2002 through 1 March 2003.]

This is not true at all. This is a total lie. I was here in 2003. I am not familiar with "trust accounts" and I am not Al Qaida so I don't know how to respond to this accusation.

In response to B of the unclassified summary, [the detainee participated in military operations against the United States or its coalition partners.]

This is totally false. I have never participated in military operations against the United States or its coalition partners.

In response to B1 of the unclassified summary, [the detainee fled to the Zubair Center in Tora Bora in November of 2001 and was wounded in an air strike.]

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I went to Afghanistan with members of Jamaat al Tibliq who taught Islamic rules and religion before September 11, 2001. I went to Jalabad Afghanistan. Jalabad was bombed by the United States and the Taliban government collapsed. After the collapse, Afghans would look for Arabs to hold as hostages or kill so they could take our money and possessions. I tried to get out of Afghanistan, but it was tough. I fled with people from Jamaat Al Tabliq to some villages that were close to Tora Bora to escape death at the hand of the Afghans. We fled to this village next to Tora Bora where we waited for an opportunity to get out of Afghanistan.

In response to B2 of the unclassified summary, [the detainee was captured by coalition forces while convalescing at an unknown location after fighting in the Tora Bora region.]

This is simply not true: I never fought in the Tora Bora region or anywhere else in Afghanistan for that matter. I have no expertise in military weapons or tactics. In fact, I dislike the military altogether and I have no desire to join. I dislike fighting in general. I was not captured. I gave myself up. When I was in the village near the Tora Bora region, it was bombed by the United States and I decided to give up to any United States or Coalition member because I didn't want to die. Many people were killed as a result of the bombing of the village and I didn't want to be next. The people from Jamaat Al Tibliq that I fled with were killed by the air raids and I was injured.

I have no intention to harm or fight the United States, not even in my thoughts. I harbor no ill will against the United States. I am not a terrorist and I have never committed or supported any terrorist activities or hostile acts against the United States or its coalition partners in the war against terrorism. Nor do I intend to do so in the future should I be released. I am innocent.

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When asked by Tribunal President if what the Personal Representative read was the Detainee's true statement, the Detainee stated, "yes".

Summarized Answers in Response to Questions by the Personal Representative

Q. Have you ever received any military training in Pakistan or Afghanistan?

A. No, never.

Q. Was the reason you went to Pakistan or Afghanistan, to receive military training?

A. No. I went just as a tourist.

Q. When he went to Afghanistan, did you go with the intention or will to fight Jihad in Afghanistan?

A. No.

Q. He stated in his written statement, he went to Afghanistan with teachers from Jamaat al Tibliq. Why did he go with them?

A. For tourism and to learn about the Muslim religion. Also, I am ill with a term called magic and demons or magic and the devil. When someone from Jamaat al Tibliq would stand over me and read from the Koran, the demon would be cast out.

Q. Did you go to Afghanistan with the spiritual teacher from Jamaat al Tibliq to be healed religiously?

A. Yes.

Q. They could only do this in Afghanistan?

A. You mean talking about and spreading the Muslim religion?

Personal Representative: Yes.

Detainee: They could do that everywhere.

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Q. You went there to learn about Muslim religion and to be healed spiritually by having the demons cast out by the spiritual teachers?

A. Yes, that is correct.

Q. Do you consider yourself to be a religious scholar?

A. I have very little knowledge in religion.

Q. Did you consider Jamaat al Tibliq individuals to be religious scholars?

A. The ones that were with me?

Personal Representative: Yes.

Detainee: Yes.

Q. That is why you went with them, to learn more about the Muslim religion and to be healed?

A. Yes.

Q. To clarify, when you initially went to Pakistan that was not your intention. That only became your intention when you met these individuals in Pakistan?

A. Yes.

Q. At no time was any type of plotting or hostile actions discussed?

A. No.

Q. Your purpose was not to attend a military training camp?

A. Not at all.

Summarized Answers in Response to Questions by the Recorder

Recorder: Regarding question 3.a.2, of the unclassified summary, I believe the dates refer to the document not to your location during that time.

Detainee: Okay.

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Q. How would your name wind up on an al Qaida list?

A. I don't know. How should I know how it was found there? I don't have any accounts or anything in any banks that might cause my name to be on there. I don't have anything in Pakistan or Saudi Arabia.

Q. Can you describe the Zubair Center?

A. How do you mean, explain?

Recorder: Was it a certain type of facility?

Detainee: The interrogators wrote down that Zubair was a facility, but it wasn't, it was a name of a person that was with me. It is not a facility. We were in a village.

Q. In paragraph 3.b.1, it mentions you fled to the Zubair Center. Where did you flee?

A. I didn't flee. I left Jalalabad when the Afghanis came to a village near Tora Bora.

The village didn't have a center. It didn't have anything in it. It wasn't a military installation and there wasn't any weapons.

Summarized Answers in Response to Questions by the Tribunal Members

Q. When did you travel from Pakistan to Afghanistan?

A. About three days after I got to Pakistan.

Q. Do you have the date?

A. No, it's been along time so I don't remember.

Q. Did any of the people he was traveling with in Afghanistan ever have any weapons or fight against anyone?

A. No, they didn't have any weapons and they didn't participate in any operations.

Q. You said you went to Pakistan on vacation as a tourist?

A. Yes.

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Q. How long did you originally plan on staying there?

A. Two or three weeks depending on whether I was enjoying my stay.

Q. Did you know when you went there, you were going to meet up with members of Jamaat al Tibliq, or did you just happen to meet them when you got there?

A. No. Just by chance at a mosque in Pakistan.

Q. You went to a mosque in Pakistan and shortly after you got there and met these people?

A. Yes, correct.

Q. A few days later you went with them to Afghanistan?

A. Yes, after three days.

Q. When you turned yourself in, did you have your passport with you?

A. Yes, I had my passport and wallet. They stole everything.

Q. Who stole it, the Afghans?

A. Yes, the Afghans took everything. My watch, wallet, and they even stole my shoes.

Q. How long did the Afghans hold you before they turned you over to the Americans?

A. Approximately a month.

Q. By the time you were turned over to the Americans, you didn't have any shoes or anything left?

A. Nothing, there was nothing.

Q. Had you heard of Jamaat al Tibliq before you went to Pakistan?

A. Yes, I have always known about it.

Q. Did you consider yourself a member of the group?

A. Do you mean now or before?

Tribunal member: Before.

Detainee: No.

Q. How about now?

A. I am here; I can't be in Jamaat al Tibliq.

Q. They befriended you in the mosque and you went with them?

A. Yes, correct.

Q. When you went to Afghanistan to Pakistan, had the war already started in Afghanistan?

A. Which war, with the Americans?

Tribunal member: When the Americans entered the war.

Detainee: No.

Q. When you lived in Saudi Arabia, what was your occupation?

A. I was a driver.

Q. What kind of driver?

A. I drove female teachers from my city to the next city.

Q. How did you pay for your trip to Pakistan?

A. I had money.

Q. You didn't get help from a mosque or Jamaat al Tibliq to travel to Pakistan. You paid for it yourself out of your own money?

A. Yes, from my personal finances.

Q. While you were traveling with Jamaat al Tibliq in Afghanistan, did you have a job that you helped with? Was there something you contributed to them?

A. No, I would just listen when they taught lessons.

[The Tribunal President asked the Detainee if he had any other evidence to present to the Tribunal.]

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Detainee stated: "No, I don't have anything. I wasn't able to present any witnesses. I don't have anything except for what I told you and my Personal Representative."

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

A. Nothing, but I would like to add when the Detainee and I discussed witnesses, he said there were people who could testify to what he said is true. However, he said there was no way he could physically contact them. The Detainee asked me to make that point to the Tribunal.

Detainee: Yes, that is correct.

Tribunal President to Detainee: Do you understand if you provide us with names and addresses we will attempt to contact those witnesses?

Detainee: These individuals are here, but because I am in my cell I have no way of getting in contact with them.

Tribunal President: If you can provide us with their identification, we can get a hold of them.

Detainee: There are people, but I don't know their names or anything about them.

AUTHENTICATION

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


Tribunal President

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Written Statement Detainee 507

Detainee 507 dictated the following written statement on 6 October 2004 in response to his unclassified summary dated 27 September 2004.

1. In response to A of the unclassified summary, *the detainee is associated with Al Qaida*. This is not true.
2. In response to A1 of the unclassified summary, *the detainee traveled from Saudi Arabia to Afghanistan via Bahrain, United Arab Emirates, and Pakistan in July 2001*. This is true, however I went to Pakistan as a tourist. I never intended to go to Afghanistan at all.
3. In response to A2 of the unclassified summary, *the detainee's name was found on a list of "Trust Accounts" for Al Qaida mujahidin found in raids on Al Qaida safe houses in Pakistan, 11 September 2002 through 1 March 2003*. This is not true at all. This is a total lie. I was here in 2003. I am not familiar with "trust accounts" and I am not Al Qaida so I don't know how to respond to this accusation.
4. In response to B of the unclassified summary, *the detainee participated in military operations against the United States or its coalition partners*. This is totally false. I have never participated in military operations against the United States or its coalition partners.
5. In response to B1 of the unclassified summary, *the detainee fled to the Zubair Center in Tora Bora in November of 2001 and was wounded in an air strike*; I

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EXHIBIT D-8

2605

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Written Statement Detainee 507

members of *who taught*
went to Afghanistan with ~~Jamaat al Tibliq with another man to teach~~ Islamic rules and religion before September 11, 2001. I went to Jalabad Afghanistan. Jalabad was bombed by the United States and the Taliban government collapsed. After the collapse, Afghans would look for Arabs to hold as hostages or kill so they could take our money and possessions. I tried to get out of Afghanistan, but it was tough. I fled with people from Jamaat Al Tibliq to some villages that were close to Tora Bora to escape death at the hand of the Afghans. We fled to this village next to Tora Bora where we waited for an opportunity to get out of Afghanistan.

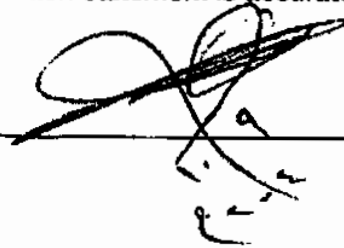
6. In response to B2 of the unclassified summary, *the detainee was captured by coalition forces while convalescing at an unknown location after fighting in the Tora Bora region.* This is simply not true; I never fought in the Tora Bora region or anywhere else in Afghanistan for that matter. I have no expertise in military weapons or tactics. In fact, I dislike the military altogether and I have no desire to join. I dislike fighting in general. I was not captured. I gave myself up. When I was in the village near the Tora Bora region, it was bombed by the United States and I decided to give up to any United States or Coalition member because I didn't want to die. Many people were killed as a result of the bombing of the village and I didn't want to be next. The people from Jamaat Al Tibliq that I fled with were killed by the air raids and I was injured.

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Written Statement Detainee 507

or fight

I have no intention to ~~do any~~ harm ^{or fight} against the United States, not even in my thoughts. I harbor no ill will against the United States. I am not a terrorist and I have never committed or supported any terrorist activities or hostile acts against the United States or its coalition partners in the war against terrorism. Nor do I intend to do so in the future should I be released. I am innocent.

I affirm that the above written statement is accurate.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.