

Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had a few questions.

Detainee: First I want to know who are the members of this tribunal?

Tribunal President: We are the tribunal (using a hand movement to her left and right) panel. I am the Tribunal President.

Detainee: Are you Americans?

Tribunal President: Yes, we are all Americans.

Detainee: Do you belong to the American military?

Tribunal President: Yes, we are all military members.

Detainee: The American military is my adversary, and all the laws require that the panel or the board have to be third party, that is completely neutral and has nothing to do with adversaries.

Tribunal President: That may be true in a legal proceeding; but this is an administrative proceeding.

Detainee: If the adversary is my judge, also I should not expect any justice uphold.

Tribunal President: We are an impartial panel here to look at your enemy combatant status and that is basically all I can tell you.

Detainee: You are the same organization, so we cannot claim that you are neutral.

Tribunal President: We are not here to debate these points. This proceeding is going to go on with or without you. You are welcome to participate or not. That is your choice.

Detainee: So what is the point or the goal for this session?

Tribunal President: This panel looks at two things. Basically the information provided by the recorder; and then the oral statements that you will provide for us. We are charged at looking at those pieces of evidence and determining whether you have been classified as an enemy combatant.

Detainee: I am not an enemy combatant, because this definition is so broad that you cannot understand it; so according to their definition everybody could be an enemy combatant. First of all I wasn't caught on American territory and I wasn't fighting Americans, I was in another territory. So Americans are not my enemy therefore.

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Tribunal President: You will get a chance to tell us your story in a few minutes.

Detainee: According to the definition, we can accuse anybody around the world even thousands of miles away from the United States sleeping in his house anywhere in the world. So you can accuse me with whatever you want?

Tribunal President: Let me reiterate; we are not here to debate this issue.

Detainee: I feel my right as being present to this tribunal to ask that they enquire about these things.

Tribunal President: I told you all that I can about the process. I am not going to debate it any further.

Detainee: Justice requires discussions; we cannot get to the justice without the discussions. Also, I wanted to have a lawyer who has the knowledge about international law and laws.

Tribunal President: I need to know at this point if you want to proceed. This is not a legal proceeding and you are not entitled to have a lawyer.

Detainee: I want to participate. I don't have a lawyer and I don't know about laws and justice so you have to be open minded.

Personal Representative: Ma'am you might want to let him know you have not seen any of the evidence.

Detainee: Fine.

The Personal Representative submitted Exhibit D-A (Detainee Election Form) to the tribunal.

Detainee: What is the content of this Exhibit D-A.

Tribunal President: I will explain it in a minute.

The Recorder presented Exhibits R-1 and R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

Detainee: My Personal Representative told me that this accusation was dropped (referring to "The detainee is a member of al Qaida").

Personal Representative: No, the last point of evidence was dropped not the overall allegation.

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Detainee: He came and told me yesterday, that being a member to al Qaida or belonging to al Qaida was dropped.

Tribunal President: It is still on the unclassified summary.

Detainee: This is what you told me. That is why I agreed to come to attend this tribunal.

Tribunal President: He is going to read through them; and in a little while you will have a chance to respond to them. That is basically why you are here today.

Detainee: Good.

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

Tribunal President: You asked earlier about the Detainee Election Form. It is basically a form that your Personal Representative prepares after meeting with you. It tells us that you wanted to participate today. Additionally you will read from each point of evidence and you will respond to each point.

Detainee: Whoever is accusing me of being a member of al Qaida should provide the truth. It not me who has the burden to provide the proof; if you accuse me you should provide the truth.

Tribunal President: Before you continue would you like to take an oath. It just states that you will tell the truth.

Detainee: Who will be giving me the oath?

The Recorder reads to the Detainee the Muslim oath. The detainee recited the Muslim oath.

Detainee: Can I take these cuffs off?

Tribunal President: The cuffs have to stay on.

Detainee: I can't read without my glasses, I need my hand to get the paper. These cuffs are for criminals, and I am not a criminal.

Tribunal President: Unfortunately we have no leeway with that, and you are required to have them on.

Personal Representative: Would you like us to help you put your glasses on?

Detainee: I really don't know.

Tribunal President: He can read the points for you so you can respond, will that work?

Detainee: Ok.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.

3.1. The detainee lived for approximately one year in a Khost, Afghanistan guesthouse.

Detainee: No, that is not true.

3.2. The detainee moved to Kabul to teach in a Taliban madrassas.

Detainee: This is not true.

3.3. The detainee admits to fleeing Afghanistan to Pakistan, after being wounded by a bomb.

Detainee: I left Afghanistan. That is true I was wounded. I left Afghanistan to save my life. I went to Pakistan as a refugee, and Pakistan should have treated me as a refugee.

3.4. The detainee was fleeing Afghanistan with several other people who were all armed with automatic weapons.

Detainee: From where did they come up with this? What proof do they have for this? Did they see me or see somebody that was with me? What is their proof?

Tribunal President: Again let me reiterate this is the only piece of evidence we have seen on you.

Detainee: You have to give me proof. You are accusing me of something, show me the proof.

3.5. The detainee was captured in Dec 2001, and when captured used an alias.

Detainee: Yes, that is true. I used an alias because I didn't want them to send me to my country. I did say I was an Afghani just because I was afraid they were going to send me to my country. That is why I used a different name.

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

Detainee: This is all I have to say. I am not with the Taliban or al Qaida or any other organization. I was teaching and not doing anything else. I didn't have any activities at all. I never went to any training camp. I was never a part of any organization. I never participated in any fighting, confrontation or anything. So if you think it is true that I am an al Qaida member, please go ahead show me the proof.

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Detainee: My Personal Representative told me that there were 25 people that were captured with me. They said I was a member of al Qaida. I want to meet these people; I want to confront these people.

Tribunal President: We have no evidence of that.

Personal Representative: That was the point of evidence that was removed.

Detainee: So why did they take it off?

Recorder: Ma'am the Personal Representative came to me with this point. I researched it and after the research that it was stated; but it was not stated correctly so we removed it.

Detainee: This that you just said is not acceptable legally. Therefore based on this accusation is false, and this applies for the rest of the accusations. They are all false as well. I was just going to my teaching and then I went home. I assure you that nobody can prove I have done anything. I will confront any of them.

Tribunal President: As I told you before, this is the only information we have seen on you. Are you willing to answer some questions?

Detainee: Yes.

Personal Representative: Would you elaborate on the places that you lived when you came to Afghanistan?

Detainee: I was teaching in the school in the village. The Pakistani authority came in to arrest me. Therefore the man in charge of the school said the intelligence want to interrogate you and I am afraid there isn't anything we can do, I would like you to go to Afghanistan and wait for us. I went to Khost. I went to a house. It was an abandoned house destroyed by Russian people. It was not a guesthouse at all. I went to many places, I am free, I have no family, no wife, nothing. Some people invited me to stay at their houses and in mosques. Free.

Tribunal President: Does the Recorder have any questions?

Recorder Questions

Q. When you were in Afghanistan, were you there for approximately a year?

A. I can't remember the exact length of time.

Q. When you were fleeing Afghanistan, who was with you?

A. With me was my friend Hakim, my student. I asked him, it was very tough to stay there after the coming of the Taliban. I was in serious condition and needed immediate care. I asked my student to help me because we were living in the mountains. It was very far. We had no food, no car, nothing.

I was dying there, I asked him to help me to get to Pakistan. We hired a guide and we went. We intended to go to a village near the border of Pakistan; in this village there are people who can get you across. We found ourselves at the Pakistan border gate. That is when they captured us.

Q. You have moved to Afghanistan from Pakistan because the Pakistani intelligence said someone was after you. Then when you were going back to Pakistan, that's when you were captured. Is that correct.

A. I didn't go; they sent me. The person that was in charge of that school told me you better go and they sent me to Afghanistan. So, yes this is true. I left to save my life, I was really hurt and that is why I left. I didn't participate in any fighting; I'm a victim.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' Questions

Q. Sir, you are a citizen of which country? Are you still an Egyptian citizen?

A. I don't have any, that was my problem with my expired passport. I went to my embassy to issue me a passport or renew my passport. Then they deceived me and I gave them my real address in (IA). When I left the embassy, they chased me with two cars. This is why I left; I never went back to my address. (IA). I lived in Pakistan for 10 years.

Q. You were concerned the Egyptians were after you? Who were you afraid of?

A. Yes, Egyptians. When I went to the embassy, they were very polite and they wanted to know my address in case something happened to me for my family. They took the address, so when I left the embassy, that is when they followed me with two cars.

Q. Were you part of a group that was against the Egyptians?

A. I didn't join any group.

Q. What subjects did you teach?

A. Arabic and English.

Q. Did you teach any Islamic studies?

A. No.

Q. Why did you leave Egypt?

A. I left because of the government; we cannot speak Arab. I am from Egypt; this is my nation. Then I left to Pakistan.

Q. Was it because of your Islamic beliefs?

A. Yes, but I am not Islamic. I want democracy, freedom of speech.

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Q. What did you think when American went to Afghanistan?

A. I was in Afghanistan at that time. There was no way to get information. There was not newspaper, no TV, no radio, I was just focused on going to school and teaching and going home.

Q. At that time you didn't know why the Americans went to Afghanistan?

A. No, but I found out the reason was because of the crime that happened in the United States.

Q. You do not know why the Pakistan police or intelligence was after you? You had no idea why they were trying to arrest you?

A. How would I know, who would tell me why. Maybe there was some conflict between the Pakistan and the Egyptians. Maybe the Egyptians told them to get me.

Q. I know you stated you didn't belong to any group. Did you support them?

A. No, not any group.

Detainee: I was just there to teach education. I never joined any group; I never supported or participated with any group in any way. (IA) I am responsible. I didn't make any friends.

Tribunal President's questions.

Q. The school that you worked for in Pakistan, did it have branches, several campuses?

A. No, this school I was teaching children that were 6 years old. I taught them the Koran, and others. This school moved completely to Kabul, Afghanistan. The whole school moved.


Q. What was the reason for the move?

A. I don't know the reason why. I know that this school was a private school. These people have no relationship with the Taliban.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

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


Colonel, United States Army
Tribunal President