

Detainee Statement

Before I begin defending myself I would present my gratitude to all the members at this tribunal and to the personal representative and the translator and to everyone who helped in allowing me to defend myself but unfortunately I would like to let you know that we have heard, and several times, about this court, that it is merely a game presented against the detainees and as for the two words "Enemy Combatant", this is the verdict that has been presented to every detainee, for as I have understood, that the detainee, no matter what he did, this verdict will not be lifted for him even if he did the impossible, but I said a game not to mock anyone present now, but that is what I heard and I grew more sure that it is a game when I heard that all the detainees are enemy combatants and I haven't heard of one who has left as innocent except for one person.

At the start of defending myself I will say that there are numerous and many issues that you must look at and among these issues is my story and I will say it in a moderate manner, neither long nor short and if you want details about every word then I will elaborate.

The story is: I am the detainee owner of the number 312, I left Syria in the year 2001 at the end of the sixth month with members of my family their number comes to nine and I am their tenth and our departure, all of us, was with papers that were in order-visa-passport-necessary stamps- so we left Syria to Iran and when my father called to the hotel and said come to the Iranian-Afghan border we went to him and we went after that to Kabul and we stayed in it the whole time, three months, and yet close to two months and more after our stay in Kabul, my uncle's wife came and her kids and their arrival was only one week before the events, I mean the event of the eleventh of September and our stay in Kabul was in a house that my father had rented and during our stay in Kabul I did not leave the house except to go to the supermarket close by and I was always discussing with my father and asking to go back to Syria again to continue my studies but he said wait until I collect my money and after that we will go to Saudi Arabia. And after that the events happened and America announced that there would be a war against Afghanistan so we left immediately after America's announcement of the war, we left to Jalalabad so we could go to Pakistan to save ourselves from the war and we stayed in Jalalabad for a period of one month and after that we left with the family to a village so we could leave to Pakistan and at our arrival and before our family got out the residents of the village told my father that two of you should stay here and two should go with the family so my father chose me to remain with him and the family left to Pakistan [and the reason that made the village's residents separate us is that they said that highway robbers and thieves are abundant so if they see you they might kill you and kill the children and take the women] and after that the village people took me and my father to another village and we stayed in it for a few days and after that village to another village and we stayed in it for a few days as well and after that the village people told my father that there was no means of getting to Pakistan except by walking in the mountains so we walked in the mountains for three days, keeping in mind that we didn't know the name of those mountains or the name of the villages and upon our arrival to the Pakistani village we stayed in it for a few

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days and after that they took us to the prison and that was in the first day of EID in the afternoon. Keeping in mind that we had not done any crime or any illegal act.

**Note # 1:** During our stay in Kabul my fathers job was in a restaurant, I did not see the restaurant but I saw him, how he prepared the food in the house then go in the morning to the market to sell it.

**Note # 2:** As for the members of my family they were all with my family [sixteen individuals] among them my grandmother and her age was 67 and an infant also, his age was eight months. As for the presence of these two people in this family, these two people did not have teeth, so that should clue you in and make clear to you my father's good intentions and his purpose for which he left. And his arrival with two people such as these should also make clear to you that he has no relationship with fighting or war or any groups or Qaeda or Taliban.

I will begin the defense of myself. I state that the truth and the facts is the story that I presented to you now, so if you want the truth and the facts, then this is it and if you want otherwise you can take what you want.

The personal representative has presented the accusations and the core accusation says that I am from the Taliban or Al-Qaeda.

**First:** If you wish for me to swear that this item is incorrect I am prepared and I have a witness to testify that I have no relationship with anyone from Al-Qaeda or the Taliban or any other group.

**Second:** As for the two words Taliban and Al-Qaeda and other words like Jihad-Mujahideen-I had not heard of all these words before but I had heard them for the first time in the prison here when I was asked before by the interrogators are you Taliban I would say no-are you Qaeda I would say no.... I say to you in a simply and easily that I am not from the Taliban or from Al-Qaeda or even from any other group, in fact I am against any person who commits hostile acts and violent acts. For my father and I, we wish for every person in the world to live with freedom and safety and peace and peace of mind whether that person was small or big, man or woman. And we said in the interrogation that when the events happened-I mean the eleventh of September-we cried and we were greatly saddened and we said in the interrogation also that my grandmother, this old woman, cried and said what is those innocent people's fault, to be killed? And me, my whole life I never left Syria and never left my city and this was the first time I had left my country and my age when I left was close to eighteen years. And you could know, from our stay here in this place, if we were combatants to you or non-combatants, for each one of you can go back to my behavior file and look for yourself. But despite that, I will mention to you many pieces of evidence that will show you that we have no relationship with any of the groups at all, neither my father nor me.

**From these stories and pieces of evidence:**

Several times my father and I saw a piece of metal that could have, as the soldier said about it, been used as a weapon and could have caused harm. When we saw these pieces

we took them immediately and turned them in to the soldiers and this happened approximately over 15 times and this is all recorded with the date and time. In the very recent past on the 20<sup>th</sup> of November, I saw two pieces of metal in [REDACTED] and I gave them to the soldier and also on the 29<sup>th</sup> of November I saw in the walkway of [REDACTED] a piece of metal 5 cm long and I gave it to the soldier immediately and also on the 2<sup>nd</sup> of December in [REDACTED] by father saw a piece of metal and gave it to the soldier.

And also on the 4<sup>th</sup> of December I saw a piece of metal and I gave it to the soldier and also on the 4<sup>th</sup> of December at night in [REDACTED] a soldier gave me a mask to hang my Quran on and usually this mask comes with a metal and the soldier forgot to take the piece of metal from it before giving it to me so he gave it to me with the piece of metal in it, so I took the metal and I gave it to the soldier and he thanked me and he wrote that on the computer.

And I have mentioned these stories first because I remember the date and the other stories are bigger and more dangerous than the first story. I have done very good deeds that show you my good intentions and my honesty and my father's honesty with you in all our words and it does not make sense at all if I was an enemy combatant that I would give back those things and the pieces of metal that could inflict harm. And the story is one time I was in the walkway in [REDACTED] and I saw a piece of metal 20 cm long so I took it immediately and gave it to the soldiers and after this good deed one of the soldiers came instead of thanking me he proceeded to threaten to kill me and he said I will cut your head and your neck without me doing anything to him. Look at how the reward was from this soldier, instead of thanking me for this deed he threatened to kill me. And the supervisors afterwards kicked him out of the Block and wrote a report about that and all the supervisors saw this that day.

And the other story in [REDACTED] I also saw a piece of metal inside the room and that metal was the remains of welding, and I told the soldier about it.

And the other story happened in [REDACTED] in room [REDACTED], I saw breakage in the fence and I notified the authorities about it. And the room is still there and you can see it and the soldiers can all testify that my father and I have done this thing and they will also testify that we have no problems with any of the soldiers and we have maintained good behavior and fine manners in spite of all the pressures around us and in spite of the threats and the torture that we have been through. And I will mention the stories where we have been through torture and threats and I will mention where that was and I will mention the reason as well.

**The first story:** During our stay in the Pakistani prison we were subjected to beatings and harsh torture until the torture led to my nose being broken and you can see it in front of you now, and during the time we were being tortured, there were Americans present.

**The second story:** During our stay in the American prison in Kandahar we were subjected to torture and the reason was that they wanted us to say that we were from Al-Qaeda or the Taliban by force, my father's forehead was fractured and the Red Cross saw this and wrote a report and my left hand was fractured and I suffered many diseases as well and there were also other methods of psychological pressure and fatigue like sleep

deprivation for long hours and not going to relieve yourself and that is among the necessities for humans, and that prison was under the management of Americans.

**The third story:** During our stay in [REDACTED] we were subjected to bad treatment and the reason was so that we could say by force that we were from Al-Qaeda or the Taliban. In one of these stories one of the interrogators brought two wires connected to electricity and said that if you do not say that you and your father are from Al-Qaeda or Taliban I will place these in your neck and another time he drew knives and said if you don't say you are from Al-Qaeda or Taliban we will bring the knives and cut your hands and put salt in them.

And also in that same place one of the interrogators beat me in my face and at that time I was drinking water, so he hit the cup and hit me as well and the reason was that he wanted me to say by force that my father and I were from Al-Qaeda or Taliban.

And also in [REDACTED] the soldiers came and threatened us and told us we killed your family.

**The fourth story:** During our stay in [REDACTED] we were exposed to death threats and threats of handing us over to other countries so they could torture us there and after that they would bring us back here.

And I told you that one time after I gave the soldier the metal, which was 20 cm, long the soldier threatened to kill me.

And also the soldiers in this place told us twice, they said we killed your family and they said we know that they are 14 individuals and after the interrogators tried pressuring and torturing us to compel us by force to say that we were from Al-Qaeda or the Taliban, and when they failed at what they wanted, they came to us with temptation and enticement and they proposed to us that we lie about the detainees in this place in exchange for a car-a house-and the American citizenship and they said to us "lie about the detainees and we will give you these things", so we refused because we do not know anyone and I am sure that this method of temptation was followed with many of the detainees and I am sure that many of the detainees lied about the other detainees without prior knowledge and all this false cooperation happened for the sake of personal advantage and for the sake of the implication of the detainees and for the sake of getting out of this place. So I ask of you to look into my case thoroughly and finally, of this accusation I repeat again that we are not from Al-Qaeda or the Taliban or any other group at all and we don't have any relationship with wars or fighting and my father will testify that I am not of any group at all and my family will testify that I am not of any group at all and they will testify that my father also does not have any relationship with any group at all One of the interrogators made a request of me and said to me, if you said that your father is from Al-Qaeda or the Taliban we will take you out of this place and we will send you home so I told him that my father is not from any group at all and this is the truth for my father is a food seller only and nothing else.

*The first accusation*, and it states that I traveled from Syria to Afghanistan in the year-2001-the answer is yes I traveled from Syria to Afghanistan with papers that were in order and official and it is available with you and that was in the sixth month of the year -2001- in the end of the sixth year

Syria, which is my original country did not forbid any person from going to any place in the world except for one country and that is Israel, it was written on the passport "travel to everywhere in the world is permitted except for Israel" and you can go back to the Syrian passport office and look into this piece of information.

Therefore I don't see any problem in this accusation because I proceeded with papers that were in order and through legal means. And I did not commit anything illegal. Knowing that I entered before the events of the eleventh and before the war and in Afghanistan I stayed at the house during my whole time and I did not leave it and my father can testify to that.

*The second accusation* and it says that my father is a veteran Mujahideen fighter. My father has defended himself against this accusation at his trial, but I will repeat again that my father does not have any relationship with Al-Qaeda or the Taliban or any group at all neither does he know wars and he doesn't have any relationship with wars and he didn't leave Syria except twice and both times were in the year 1999-once to Saudi Arabia and the other time to Afghanistan, so how can this accusation say that he is a veteran fighter when in his entire life he's never left his country except for those two times. My father worked in a restaurant in Kabul and I haven't seen this restaurant but I saw how he used to place the food in the house then go in the morning to the market to sell it and I swear if you wish that my father is not a fighter and not Al-Qaeda or Taliban and does not belong to any other group at all.

*The third accusation* says that the detainee admitted that he traveled through the mountains of Tora Bora in Afghanistan.

The answer: I said in the interrogation when I was asked how I got out of Jalalabad, I said exactly that I got out of Jalalabad with my family to a village and after that we got separated from our family and me and my father were left and the residents of the village took us to another village and we stayed in it for some days and after that we went to another village and we stayed for some days as well and after that the resident of the village said that there was no way to get to Pakistan except for walking in the mountains so we walked in the mountains for three days not knowing what the name of those mountains were nor the names of the villages that we stayed in. That is all what I said in the interrogation and I did not say anything more.

*The fourth accusation* says that the detainee was in Kabul when it was defeated.

The answer: I said in the interrogation that when I heard that America was going to start war against Afghanistan we left Kabul to Jalalabad and we didn't see the war in the first place and we didn't see the defeat of Kabul or even the defeat of Jalalabad, so this accusation is incorrect and the date proves that to you and my father if you asked him will tell you when we left.

*The fifth accusation:* says after the fall of Kabul the detainee fled to Jalalabad and then to Pakistan where he was arrested.

The answer as I have mentioned to you is that we left Kabul before the start of the war so how the accusation can say that we left after the fall of Kabul I do not know.

Regarding our departure from Jalalabad to Pakistan, this is true, for we left Jalalabad to save ourselves from death and that is the biggest proof that shows every rational person and every individual that we are not combatants and we are not fighters and we are not terrorists and we do not have any relationship with Al-Qaeda or the Taliban or any other group, for this accusation shows you that we escaped from death to save ourselves, for the terrorist or the combatant as you say likes to die, but we are the opposite completely we do not like death and the proof is that we left Jalalabad to Pakistan and if we liked death we would not have left Afghanistan, neither us nor our family, for the person who has a mind knows that we have nothing to do with any of these wars or fighters and the accusation says he was arrested in Pakistan, but he should say he was sold in Pakistan for we ourselves were not arrested by anyone, but we ourselves entered the Pakistani village and the residents of the village handed us over to the Pakistani Authorities when we did not commit any crime or any illegal act.

Finally, this is our true story in front of your eyes and firstly and lastly I say to you that I have heard before that everyone in this place has been determined to be an enemy combatant before the trial starts and this verdict I am positive that no matter what I present in terms of evidence or witnesses or oath, I am sure that this verdict will not be lifted and thank you to everyone who is present in this hearing. The end.

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