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Summarized Detainee Statement

Tribunal President: Abdul, 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 information to the Tribunal?

Detainee: I don't have any information.

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

Personal Representative: Yes, Ma'am. I do. [Speaking to the Detainee] Do you still wish to make an oral statement based on these facts? [Personal Representative hands the Detainee a translated copy of the unclassified summary of evidence.]

Detainee: Do you want me to comment about the four accusations against me?

Personal Representative: Yes.

Tribunal President: I'd like to ask you if you would like to make your statement under oath or not under oath?

Detainee: If you want, I can make it under oath.

Tribunal President: Recorder will you please present him the oath?

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

Detainee: My name is not Abdul Latif. Abdul Latif is my father.

Tribunal President: What is the correct name?

Detainee: Jamil.

Tribunal President: Can you spell that for me please?

Detainee: J-A-M-I-L.

Tribunal President: Is your name Abdul Jamil?

Detainee: Jamil Abdul Latif Elbanna. Elbanna is my family name.

Tribunal President: We have made the correction. Thank you. You may make your statement now.

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In the following section of the summarized transcript, the Detainee addresses each point on the Unclassified Summary of Evidence in order. Because the Detainee does not indicate the text of the point being addressed, the points from the Unclassified Summary of Evidence are provided below in italics to put the detainee's statement into context.

3.a. The Detainee is a member of Al Qaida.

1. Abu Qatada is a known Al Qaida operative arrested in the United Kingdom as a danger to national security.

Detainee: What is my involvement in that? The man was arrested but what does that have to do with me? I was just one of the people out of hundreds that used to go pray with them. If I were any danger, then Great Britain would have put me in prison. I would not have gotten released officially when I went to Gambia. I don't have anything with the British Government.

2. Detainee visited Abu Qatada while Qatada was in hiding from the British police.

Detainee: Abu Qatada was living in an apartment away from his family. The newscast or report was given that anyone who was known as Al Qaida or accused of being Al Qaida was hiding at that time. I did not know where he was and I did not care where he was. After seven to eight months, a word came to me that he was arrested. The person that is arrested is here now [in Guantanamo Bay, Cuba,] asked of me to take the wife and the son of Abu Qatada to Abu Qatada because he missed his family and wanted to see them. I had a vehicle, so I took them in my vehicle. I took them to the house normally. Maybe the British Government was watching me, I don't know. The house was raided and I was told to take the wife and son back to their home. I went to that house and took the wife and son back home. That was the reason I visited Abu Qatada. I was trying to do something good by taking his wife to see him. Is that clear?

Tribunal President: Yes, thank you.

3. Detainee has been indicted by a Spanish National High Court Judge for membership in a terrorist organization.

Detainee: I have never heard of this until just now. In my whole life, I have never been a member of any terrorist organization or anything else to do with that. I have only prayed, worshipped God, and that is it. I was surprised that they have the court judging me for that. Maybe someone accused me when I wasn't there and gave my name up. I am not sure, I don't know. That's it.

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4. *Detainee was arrested in Gambia while attempting to board an airplane with equipment that resembled a homemade electronic device.*

Detainee: I never tried to get on the airplane with an electronic device or all this that has been said. Before I traveled to Gambia, a week before, we were arrested because of that device. Even when we were arrested, I did not know anything about this device. I had not even seen it. The British Government can tell you that the owner of the device is here. The name of this person is Bashir and he is here now. I have not seen this device, never. We were arrested for three days for this device. The court said that device was sold on the market. It was sold on the market. It was a battery generating device. The court cleared us for travel to Gambia. The following Friday, I went back and traveled to Gambia again. I had business there. If you will review my file, I have told them everything about my work there. Gambia did not arrest us because of that device. We were kidnapped in Gambia, not arrested. They wanted to know about the containers and our luggage we shipped from Britain. They wanted to know what our luggage contained. If we were cleared, we were to be released. I told them okay, fine. We stayed one month there. We were sitting at home, comfortable. There was nothing going on. If I had done something wrong, I would have escaped and run away but I stayed there. Then after two weeks, we were put on an airplane to Afghanistan. In Afghanistan, they put us in a dark place underground. I don't even know what I have done. That is kidnapping, not arresting. Is this justice? Is this how things are done here? This is what my lawyer stated in the letter for me. I will repeat, if I were any danger to anyone, Britain would have put me in jail. That's it and I thank you very much.

Tribunal President: Jamil, does that conclude your statement?

Detainee: Those are the things that I have. Yes. If you have any questions, I am ready.

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: No, Ma'am.

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

Tribunal Member: Prior to the time that you took Abu Qatada's family to visit him, did you visit Abu Qatada any other times on your own?

Detainee: No.

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Tribunal Member: How did you know where he was?

Detainee: Bashir told me. He gave me the address. He knew that address, but I did not know that address.

Tribunal Member: Who was Bashir again?

Detainee: He was the one who was arrested with me and he is here. His number is 906.

Tribunal Member: Bashir was arrested in Gambia?

Detainee: Yes.

Tribunal Member: Bashir was your associate in London?

Detainee: He was a friend.

Tribunal Member: How did Bashir know Abu Qatada's address?

Detainee: I swear to God, I do not know. He said he knew the apartment. You can ask Bashir and he will answer you.

Tribunal Member: Did Bashir go with you when you took Abu Qatada's family to visit him?

Detainee: Yes. He showed me the way.

Tribunal Member: Was Bashir in the car with you?

Detainee: No, he was on a motorcycle. It was a long distance and I did not know the roads very well.

Tribunal Member: So you drove in a car and followed Bashir on the motorcycle?

Detainee: Yes.

Tribunal Member: Prior to that time, once Abu Qatada disappeared for a while, you never had any contact with him at all?

Detainee: No, I was praying there in a mosque with him.

Tribunal Member: Did Abu Qatada stop going to the mosque?

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Detainee: Before he went into hiding, I did not see him for ten months. He did not pray in that mosque. I started praying in another mosque.

Tribunal Member: Did you talk to Abu Qatada on the telephone or send any emails to him? Did you communicate with him in any other way?

Detainee: Before I was arrested, or after I was arrested?

Tribunal Member: In those ten months when Abu Qatada disappeared.

Detainee: No. Never.

Tribunal Member: The electronic device, did you ever carry it yourself when you were trying to board the airplane?

Detainee: I have never seen it. I do not know what it looks like.

Tribunal Member: So it was not in your luggage? You never touched it or saw it or had anything to do with it?

Detainee: No. It was in Bashir's luggage. Bashir will say it was with him and he brought it with him. He would not lie, he would tell you that the device was his.

Tribunal Member: The device was not in your luggage at all?

Detainee: Yes, it was not mine. The British police know this.

Tribunal Member: When were you arrested?

Detainee: In Gambia.

Tribunal Member: When?

Detainee: 7 – 11 two years ago.

Tribunal Member: So July 11th, two years ago?

Detainee: The eleventh month, November.

Tribunal Member: So November 2002?

Detainee: Maybe, I don't know exactly the date. This kind of situation I am in, I have even forgotten my phone number.

Tribunal Member: Bashir was arrested with you at the same time?

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Detainee: Yes.

Tribunal Member: Did you have any weapons when you were arrested?

Detainee: No. Never.

Tribunal Member: Are you a member of Al Qaida?

Detainee: Never. No.

Tribunal Member: Do you know Usama Bin Laden?

Detainee: No.

Tribunal Member: Have you had any contacts with senior Al Qaida leaders?

Detainee: No. Never.

Tribunal Member: Do you have any idea what terrorist organization the Spanish High Court would charge you of being a member of?

Detainee: I don't know.

Tribunal Member: Have you ever supported or directed actions of those who support terrorist organizations?

Detainee: No.

Tribunal Member: You said you were kidnapped in Gambia. Who kidnapped you?

Detainee: The Americans.

Tribunal Member: Were they American soldiers or American civilians?

Detainee: Civilians from the embassy. That is what I was told.

Tribunal Member: Did they identify themselves to any further degree?

Detainee: They said they were from the embassy.

Tribunal Member: From the embassy?

Detainee: When they came and arrested and handcuffed me, they were wearing all black. They even covered their heads black.

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Tribunal Member: This was in your home?

Detainee: It was the last day. One day before they took us to Afghanistan.

Tribunal Member: Did these folks come into your home or were you already in Gambia?

Detainee: The embassy put us in a separate house by ourselves.

Tribunal Member: The American Embassy?

Detainee: Yes.

Tribunal Member: Thank you.

Detainee: You are welcome.

Tribunal President: What was your business in Gambia? What did you do in Gambia?

Detainee: There is a Sudanian company that belongs to Al Bashir. It was an oil company. Not petroleum oil, but cooking oil.

Tribunal President: What did you do for that company?

Detainee: I was new to that company. We were shipping the equipment from India. Generators and vehicles from Great Britain. It was two containers shipped from Britain to the company that contained vehicles and equipment for the company.

Tribunal President: What exactly was your job or position in the company?

Detainee: I was a manager over the employees there so they would perform well. That is what I was told by the owner to do. The owner is Bashir's brother. The company has closed down. The embassy has taken the vehicles, the equipment, everything.

Tribunal President: Why has the business closed down?

Detainee: Because when we went to Gambia to open this new business, they took us and they closed us down. We went there during the season when it was time for the oil beans to be harvested.

Tribunal President: Who closed the business down?

Detainee: The embassy. The embassy took everything.

Tribunal President: Which embassy?

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Detainee: The American Embassy. Everything was taken.

Tribunal President: Do you know if the company was affiliated or associated with terrorist organizations?

Detainee: No. Never. There are documents proving where the company money comes from; where it goes. The money came from the bank officially. We took the money as a mortgage. There are official documents for everything. We are being accused that the money is for Al Qaida.

Tribunal President: When you say "they," are you referring to the American Embassy?

Detainee: Yes, and the investigators here. They have added a lot of accusations against me. I am going to get capital punishment.

Tribunal President: Explain again, how did you know Abu Qatada?

Detainee: I knew him from Pakistan. I was in Pakistan before, in 1992.

Tribunal President: How did you know Qatada?

Detainee: He used to teach at the university and he was a neighbor in the same neighborhood also.

Tribunal President: Did you attend the university?

Detainee: No.

Tribunal President: So you knew Qatada from the neighborhood?

Detainee: Yes, he was our neighbor.

Tribunal President: Is that the reason why you were chosen instead of Bashir to take his family to visit him?

Detainee: Bashir did not have a vehicle to take them. That is why they chose me, because I had a vehicle. Before I was arrested, there were communications between us.

Tribunal President: Before you were arrested?

Detainee: Before all these problems. Years before this. There were the holidays; when my wife had a child; when his wife had a child. Qatada trusted me, maybe that is why they asked me to take his wife there. Maybe because he is Jordanian and I am Jordanian.

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Tribunal President: You are Jordanian?

Detainee: Yes.

Tribunal President: But you live in Great Britain?

Detainee: Yes.

Tribunal President: What did you do in Great Britain before you started working for the company?

Detainee: My work in Britain?

Tribunal President: Yes.

Detainee: I used to take aid from the Government.

Tribunal President: You were not working?

Detainee: No. I worked, but under table without the Government's knowledge. The aid that the Government gave me was not enough. I have children and I needed to feed them.

Tribunal President: What type of work did you do under the table?

Detainee: I would fix and sell vehicles for car auctions. I was also a healer. I would pray over sick people and take away the bad spirits. They would give me money for that. Something like a witch doctor. I am telling you the truth.

Tribunal President: The one month you stayed in Gambia, why did you stay there for a whole month?

Detainee: They were checking the containers for explosives, weapons and so on for the security of that country. I told them fine, go ahead and check everything.

Tribunal President: Were these the containers for the business or your luggage?

Detainee: For the company. The luggage was checked on the spot when we arrived.

Tribunal President: Was this the same time your luggage was accused of having the electronic device.

Detainee: No, they never mentioned that.

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Tribunal President: So during that one month you were in Gambia, were you arrested or incarcerated?

Detainee: No, I was put in a house. I was given food and drinks.

Tribunal President: Was that similar to house arrest?

Detainee: No, we were just left alone in one house.

Tribunal President: So you were free to come and go?

Detainee: Yes. But after ten days of staying in that house, we were handcuffed. We weren't able to move from one place to another.

Tribunal President: Why were you handcuffed?

Detainee: I don't know. It was strange.

Tribunal President: Who handcuffed you?

Detainee: The Americans. They were in cooperation with the Gambian intelligence. They did not feed us well. They used to feed us chick peas everyday. The food that I brought with me from Britain. I was fasting for Ramadan.

Tribunal President: Can you tell me when that was? After the ten days you were handcuffed, when was that?

Detainee: Starting from 7-11, that was the first dates we were arrested there in Gambia. Twenty days we were free to walk around the house. We were able to leave and come in. We had our money with us. We were paying the Gambians to eat or they would bring us food. Then they took us to a house by ourselves and they were very tight on us there. There was interrogation, too.

Tribunal President: You were interrogated there?

Detainee: Yes.

Tribunal President: How many days were you handcuffed?

Detainee: About ten days. Not during the whole time. But when I wanted to go to the restroom or somewhere else, they would handcuff me. Or if I wanted to take a shower, they used the same shampoo that I brought with me from Great Britain; that is what I washed with.

Tribunal President: What happened to you after the ten days?

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Detainee: They took me, covered me, put me in a vehicle and sent me somewhere. I don't know where. It was at night. Then from there to the airport right away.

Tribunal President: An airport in Gambia?

Detainee: Yes. We were in a room like this with about eight men. All with covered up faces.

Tribunal President: Were you by yourself at that time?

Detainee: Yes. They cut off my clothes. They were pulling on my hands and my legs.

Tribunal President: When you went to the airport, did you board a plane at that time?

Detainee: They put me in an airplane and they made me wear the handcuffs that go around your body so I would not do anything on the airplane.

Tribunal President: Okay.

Detainee: They searched me. They checked my blood. They checked my sugar level. They put me on an airplane - handcuffed me.

Tribunal President: Is this the time you said you were kidnapped?

Detainee: This is all kidnapping. Yes. They took me underground in the dark. I did not see light for two weeks.

Tribunal President: Is that after you traveled to Afghanistan or Pakistan?

Detainee: After I got off of the airplane.

Tribunal President: In where?

Detainee: Bagram, Afghanistan. Right there in the dark. They put me in the dark. I was surprised. I did not know what I did wrong or what I did. They starved me; they handcuffed me, there was no food.

Tribunal President: And they are who?

Detainee: Americans. I was under their control. They are the ones who took me and they put me there. They know what they have done. I was surprised that the Americans would do such a thing. It shocked me.

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Detainee: The British Government said they stopped us because of that battery generating device.

Tribunal President: Do you know what that device did?

Detainee: The police asked me, "Does it generate batteries?" I told them I did not know, does it? Then they asked me which one was my luggage, my bag. I told them which one was mine. They told me they found the device in other luggage. That luggage belonged to Bashir. They found it was just a battery generating device.

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

Tribunal Members: No, Ma'am.

Tribunal President: Jamil, do you have any other evidence to present to the Tribunal?

Detainee: No, thank you.

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.

The open session of the Tribunal was re-opened on 25 September 2004 at 1617 hours. The Detainee was notified by the Tribunal of the reasons his request for witnesses was denied by the Tribunal President.

Tribunal President: Jamil, it is our responsibility to explain to you why your request for a witness was denied. I'd like to do that now. Your request for Detainee #906 to testify that the electronic device was his - we found that not to be relevant in determining whether you were an enemy combatant or not.

Detainee: What?

Tribunal President: Your request for the witness to testify that the money that you were receiving or giving was for money to the poor. That accusation was taken away, or that item on the unclassified document was taken away off the document. Do you understand?

Detainee: Yes. They erased that one. The whole accusation?

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Detainee: Yes. They erased that one. The whole accusation?

Tribunal President: The one in reference to financial.....

Detainee: Okay, and the battery charger?

Tribunal President: No, that remains on there. That accusation, or that item, is still on the unclassified summary. However, we did not determine it to help us make a decision on whether you are an enemy combatant. We did not use that information. We did not think it to be relevant.

Detainee: Okay, so what are my accusations? An enemy combatant? That would mean I fought or had a weapon.

Tribunal President: That was not considered. We did not know if it was a weapon or not. It was told to us that it was an electronic device. That is why we asked you questions about it. It was not important whom it belonged to in determining if you are an enemy combatant or not. Do you understand?

Detainee: No, I do not. I swear to God. I am sorry but that is the truth.

Tribunal Member: Okay, maybe I can ask for the assistance of my Tribunal Members.

Detainee: Can you clarify this for me. This sounds very strange.

Tribunal Member: When the request was presented to us, you indicated that your associate would be able to testify that the device was his.

Detainee: Yes.

Tribunal Member: The allegation read that you were attempting to board an airplane with an electronic device. So if you were boarding with the device, it did not matter who it belonged to. But now we have your testimony, where you have said that the device was not in your luggage but in someone else's. So we will consider that. Does that answer your question?

Detainee: Yes. Now I understand. Thank you very much.

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Tribunal President: Now that all unclassified evidence has been provided to the 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.



Colonel, U.S. Army
Tribunal President