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*Upon completion of the swearing in of Tribunal Members and the
Tribunal President addressed the Detainee**

Tribunal President: Fartherewkd^uitflergtandyoucom
be oondmrt^ in English. If you have any questions about any statement made in English, please
don't hesitate to ask your Interpreter.

Detainee: Thank you, sir. Is it possible to loosen your handcuffs?

Tribunal President ftisstsadsripratieemlfaisitQSlta^ **You may be**
addressed in reading assignments by your Personal
Interpreter at the Tribunals.

Detainee: Thank you, sir,

*The Tribunal President read the Bearing transcript
and understood the Tribunal process, and had no questions concerning the process.*

*The Recorder submitted Exhibit R-1 (Undersummary of Evidence), and Exhibits R-2
through R-5 to the Tribunal. Copies had previously been provided to the Personal
Representative**

The Recorder read the Undersummary

*The Tribunal President paused the proceedings briefs
Exhibits R-2 through R-5.*

*The Tribunal President addressed the Detainee Election Form (Exhibit D-A). The Tribunal
President also addressed a comment made by the Detainee on the Detainee Election Form at
mistime: .*

Tribunal President Reviewing the Detainee Election Form provided
requested certain documents; accordingly, the Tribunal President
he wrote the American ambassador in Pakistan in 2003. Is that correct?

Detainee: Yes, sir.

Tribunal President It was unclear as to the relevance, and at that time, I considered them
irrelevant without further explanation. Do you have any further information on the
relevance of these letters to your classification as an enemy combatant?

Detainee: Sir, I have been detained here since July 2003. I was permitted to attend
a business meeting in Bangkok. I am a Pakistani citizen.

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Tribunal President: Exeareme;wearegoingtoha^emoreopportuiulyin1hu statement Does mis pertain to the letters?

Detainee: Yes, sir. I have been interrogated extensively inAf^anistanbefijroamgboffiicil; me Mgh official met me in Aftlia ^ letter I wrote to President Bush. HI am allowed to tell a joke, mis would only lake two seconds: There were three professionals, and [they ask] which one is me oldest? one doctor) one engineer, and or*e politician. The doctor said he was me oldest [t^iessioii]>becaoser<fi3Tmded the birth of Adam and Eve onto Earth; me engineer said he was me fii<< profession, Decease he round chaos slid occlusion on Earm sal retmlt ft. Tnerwltridsiissidhewaameold^rrofesaion, because he was the one mat started all me chaos and contusion m the first place, When I mentioned me letter to Itris high nffirial, he w^ toil Isaidmatttor&VlrvswoukliiDthm said and agreed that 9/11 would not have had to hsppea I sai4' why did rioc<< pay attention to this letter?' He said me poHidana created mis chaos aad contusion. Tt*e high official also conducted a polygraph test on me fat A ^jh^ista^andhecleaiednmmstltoMmetrum.

Tribunal President Did mis high official identify hmiself?

Detainee; No, air. No one so ikrhas identhied themselves mm I have prpbabry been interrogated by me MI, FBI, and anfr^ertorism [personnel].

Tribunal President WhatFd Hke to do is take your request under advisement tor mese

statement you wish to make. Also it would be vsluabteiOTmepandtoevah^aninedassified information* As me Tribunal President^ I can rec^iueveue to sd^ becomes necessary.

Detainee: Ikr*owthearnbassadorofPakistari;Iliv^ her wraa my son was detained mNew York. I wrote to her a detailed letter asking to discuss my minir/> nrvoivememni there afla ^ Ttheyhaven'tcknieBiymingfrcmere. IwutoldbysaFBIagemthatlwaspreventednxm purmm^ this mitil I talked to them [fim] Sir, I was never Hdmg, and offered my availability. It was very ugly and very unnroJessioiial hW I wis picked up.

Tribunal President I raictarstand; there will b<< a better place m f o kinds of statements. I like to get back to me letter you sent to me U.S. ambassador to Pakistan; what did you feel like mat would provide us?

Detainee: I crfEbred myself voluntarily to

Tribunal President: Again, I believe my previous rulirigregardlrigrelevai^stiU stands; we'll review mat cnsideationagam after s e e ^ obtain those documents, we'll do it at mat time.

Detainee: Thank you, sir.

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Tribunal President You may now present any evidence you have to the assistance of your Personal Representative in doing so. I understand you wish to make a statement to me Tribunal?

Detainee: I have written Borne, and I'd like to go through Evidence] also.

In the Tribunal Proceedings, the Detainee was then administered the oath by the Recorder. Upon receiving the oath, the Tribunal President informed the Detainee that he could make a statement in the assistance

3.0, The Detainee supported the Taliban and al Qaida agents partners.

Detainee: I have never been supportive of the Taliban or al Qaida or its partners.

3.a-1. The Detainee was involved in al Qaida plan to smuggle States,

Detainee: I have never been involved in an al Qaida plan to smuggle into the United States.

3.a-2. The Detainee held funds (amounts of al Qaida money given to him by known al Qaida operatives).

Detainee: I have already given to FBI details that found anything. I never held money for safekeeping for any al Qaida operative.

3.0-3. The Detainee, at the request of an al Qaida operative, researched off-shore companies for investment possibilities.

Detainee: I never gave any research for any company.

3.0-4. The Detainee associated with known high-level al Qaida operatives.

Detainee: I have never associated with any high-level al Qaida operatives.

3.a-5. The Detainee recommended to an al Qaida operative that nuclear weapons should be used against US troops and suggested where these weapons might be obtained

Detainee: I never recommended to al Qaida, where available; I don't know, sir, where these are available.

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3.a-6. The Detainee assisted al Qaida In locating houses Jbr al Qaida members and their families to rent

Detainee: I have never swiftd aa al Qaida xnemte did assist aoinepocqilevAK) said fliey were Pakistanis, I showed one Pakistan ^ area I lived And I showed another Pakistani how to find a plflx>fiaii the classifieds ia fte newspaper.

3.a-7. The Detain— offered to al Qaida hismea^facilitiesMVRdutrnatkmo fextrtn^ material, including statements jromUsa^

Detainee: I never offered al Qaida media facilities or translation; I do have a news agency I own. The work iato provide news to newspapers and magazines, airiftis wiled Universal News Private Limited; I gsve''iris information to my interrogators.

3.6-A AtQaida(invested money in a company owned by the Detainee.

Detainee: Al Qaida never invested money in the company owned by myself

3.a-9. The I)etatne* had a dlscusstn with a Mgh level d Qaida f^^ chemicals andexplosives Into a coalition partner's notional boundaries.

Detainee: X have never djacaased this with any, al Qaida ftecllfator.

3.0-1Q. The Detainee met wan Usama Bin Laden.

Detainee: IdidmeetwimU8ainaBmI^denml999arid2000,twotime8.

3.a-U. The Detainee met with two high level al Qaida officials and biew they were 'Wanted mem''

Detainee: I never met two high-level al Qaida officials that were wanted men, sir.

Tribunal President Any omer statements you'd like to make7

Detainee: Yes, sir. The nation of Pakistan is over 140 million people; we are Ac most victimized of the Cold War between Rnesia andthctLS. During the late 70's, Russia invaded A^hanistan and Pakistan dexeno>d at that t^ President Carter did not pay much attention to that WhenPresidentReaganwaseleotedml9M,Vk)ePresi6^ foamerCaA director, roali^ the hupcj^ So, d>«TT g prrvp^pwi jtT..^ ^ n ^ ft^TM, ffjfofag; ftrmftrm flight*rw, yrmgwrnfflnnn radical Mualmis were brought m to fl^fe Finally, Russia left Those ireedom fighters wore left there, and are stflf there to thousands. Pakistan and Af^ain^tan share an unregulated, unco Many fled to Pakistan as refugees, and n^ are stiHujere and have been meie for 20 years. They haw no family, parents, or brokers and sisters. They have not been accepted back to tiKdr home countries; tenorismhMb^ harbored m Pakistan because of th^ Pakistan baa become a center of terrorism. They

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have become Pakistanis; they act fflce Pakistanis, eat the same food; look HkePd
 oneeenteUmemapert Airybody raised m Pakistan <SOUMOOIM
 knows who's who. When HaHSMrAbbar was arrested, that was the Art time mey had airytingg
 todbwim^samaBmljdemlknwIh^
 met with Wm. WhanlinetUsaina,hed^foeied1te He said
 very nice minga, very mipreaiive. I aaked mm to apeak about the terrorism program for an
 EDgUahprogiam. We intended to make an mytosaiifiMprogpnii for my television rtatioii, and I
 claim mat if people watched my station, fliat they wfl know tto
 *M Trff« During me eoaraeofthe Cold War, Pakistan ar^
 Aighanistanis poor people, and Pakistan Is on the verg^ of banlauptey. The only country with.
 power is the United States. I swore to send up letters to Prarklert
 bat nobody paid attention. WhatIteel,arr,ismeIx)rdAhingh^
 Pakistan, U.S. and Russia; God f b r ^ They bom harve enough
 weapou of mass dealracteto des
 War to be ended wim me.least casualties. Yesterday, some were your soldiers, arid t c ^
 are being labeled u your enemy. Please, acoording to the Bible and Koran, if wisdom were
 afjpbEd.tiift fjttoatffil TMwgd b* jRffarm±. I am a student of me Koran and of history. I have
 offered my services to mtenogBtors. I can help to control terroii^^
 mat BymelawofmelxriAhnig^Ihavewp
 andgrvenmentotheintenogatoiiandthe^ They discussed with
 ine fbr houw and days aiboutJiow I amjnst giving yoa.a brief backgraurid
 Ibis could be handled more effectively; we coutt stop ten ori ^
 That's all, sir.

Tribunal President Thank you. I understand that concedes yowstB ^^

*ThePenotudRipwntotim tktn intmHrnd ffi kthttD-B, akemd wiJtttn7-pege document
fhmt fa Detemee to me Tribunal The Tribunal men paused briefly to review me document*

Q: myom written staiement, you dHd show some P a ^
who mat was was?

A: Ho identified fafaselto
Pakistan.

Q: Do you o t o show your area? Are you a real estate agent?

A: He wanted me to show Imm the am I liv* He said he doesn't live
Karachi but fion fiv away fio^n other c

Q: How did you oorne to meet hmvto bfigm with?

&Sir,ImentioaedImetUsamaBm
showed on various channels. I psodne programs, and we have a su ^ We
have me most modem equipment m Pakistan. IKvedmNewYori^andlhadmypi-ogiaui
there for me Pakistani community. I werf to Pakistan m19S6.1 lived m New York from
71-'86;IstudiedmNewYorkattb*Ihtu^ I knew the r«ople there, and I

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had a house tore, XhewtoGhristtacomimn ^
PakutfaniMushm. IsmdiDdtoKoranmPilrfstan. So with some senior producers, we had a
idan to niake a program for introduce We wanted programs
far lhft antirwTM, far what to gomny iA mrt lMM wid Anait fyirti'awjfr U m a x *
many smiilarfties between to Komairi to
programs; ones that describe what me Koran says about Abraham, Mary, Moses and Jesus.

Q: Did me person yoa showed to area to g^imrrov^

A: Went I met Usania after six months, Ilisd already g i ^
businesses, and that is how he...

Q: So he [Mir] got your name and address tough a paid you gave Usama?

A: Yee,andhehadalotcf*now]edgeofin^
I came in contact with him.

Q: One of to questumswsa mat you invested m^
charity work too? Do you tas» large invesmients or donations from p
. ptdnctions?

• A: Sir, my orgaznzaoon is a conservative «gan ^
or give any money. Bemgorbawtag Irvodinto West,Iknovvtos
I wanted to organize edooaAkniheth I wanted
totelfpeoplehowtoputtoseontrackaiKlbeinoiree m order to tefl people tose
things are workable, and we were about 30 people; each ofmem are busiessmert and have
thdr own resources, We dart aakpeopfe to contribute to 1n^
Ihefr experienced charity work. We have to soundest schoobm poor areas, and we he^>
grve them a good secular education Pakistan ar^A^hanistm are known fa
called Madrases. We ate fniphatrling secular edooattosx because you need a formal
education to get a livelihood. You need tfaa education I alaohe^ed to lai^eat hospital in
Karachi,300beds,totwumbadsliape. Tbeyhadnogoc^workkirjgtouetsaiHilhe^ed
wife my own personal sources.

N

Q: So everytbg was funded toougfcbu^ ItfsnotHkesonieonecameoflfto
street and donated money; your business assocuu^hsri money and yon ^
yourself?

A: Esactrjr,air. IwouUsaymatonethne>fir,hadiJM*onimdofton
to orm an account at a bank I do banking. Heopenedanac<)untandr^maybe\$15,000to
\$20,000 m tore. Solsaiditwouldbewkfetornakeanmvesmientwto
return on it One oftoprognuns or shews thai is i>oputo
to make me a part c£ I have bad experience mme States, stall needed sending money, and
he invested \$^,(K)0m mat buainesa. &61dnot0o1iiiBQ^[whn]topro^
me money; I kept it for six months.

• Q: So did you provide translation [eervic<<^

A: No sir, no translation, There was a news hem brought tons by riews agencies needing
translation tbr newspapers and m a g * 7 ^ That's what I did, sir.

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Q: Whoptid&rihiitemtobetramktd?
A: TfcawasgivmbyMusteiiBslir.vdrhch^

Q: When dtoyOTineet with Usama?
A: First in 1999, and Hien 2000.

Q: IheHst of allegations, youaddressed. But some cfyoiv responses were addressed in a .
arory fashion, soxnest^ecifleafly. Vatesm^ymtiMywvm*ncwbxwt^vii&
any al Qaida plan to bring explosives to ihe U.S.?
A: Yea.

Q: Did yottfawwofa^ plan to bring eq>k8ives to the U.S.?
A: No.

Q: SortdidnHniattarifit^malQidaaiaybodyelse?
A: No,sir. The allegation was specific, sol gare^
know.

Q: For example on these ouwapegations; on # 3 v^

A: No,sir. Ihaveairland,avrfrntoAmeiksnJewmNewYcdc,whohs<be^mypextner&rlo
years. TherewasaproblemPakismoftBMtio^
whether ornotyonnao^ or loetmoney. We olscoaW an ofi&how account for onr
commissions. ItoldtheareainsnagerlhatsmcoIgetNovvsweet
abertoftmbarjkmfrsndlsakedfbr It happened to be fst I gave a
copy of Una advertisementto hBt,

Q: Residing #5, did yopewmxTinm^
troops?
A: Never, sir.

Q: Did you ever recommend this to anyone?
A: No, sir. I told interrogator shout tids. Uanoolearweapoaisomethir^Icouldbuyoffme
shelf?Can yon bayft from Tony Blair? Is that something tossy to anybody?

Q: Yora-bsnkground is conn^itan sar ins
A: I waa bom m Pakistan; when I vw two my father died, ar^
We were Irving in a very small village vdm no fittflidea;! went to school mPskistin, but
primarily in Afghanistan, I went to Karachi to* high school I studied pryaiasmKsraehi in
college and graduated withhonots. ImmgotadmisawnattheNewYoikhistmitoof
Technology in New York City and was fimded by. one organizericom Pakistan, a youm
orgsnfrsfton, I stndiodM a conipuia systems analyst I worioed in the U.S. for a few years,
and p^nanedbntiBSsoppugUnittles there. I had officwmWasbmngton, Chicago, San
Francisco and New York. Most were travel agendas.

Q: Do yon have any business mat deals with weapons?

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A: No, sir. Never. Iriaven«verseenanyweapons,evennow.

Q: No company you owned deaft with chemicals?

A: N6,tn\ I believe in the Komi- that killing one mrkKmpereac*, is eo^ial to killing all
TffWf^m^y I believe on the^ and practice that*

Q: rdfiko to clarify tint when you showed the neighboihoodtomePakMtamvlschorJ
understand yon were living in Pakistan at the time?

A: Yes, sir.

Q: Andthatyearwas2000?

A: Idon*treniemberiffitwas2000or2001.

Q: Was it before 9/11?

A* I think so, sir.

• Q: Another panel member was talking abontyowbuajness interests; a mmiber of your
businesses had financial proWema, and T d n ^ .
fcieffysmce there are so riumy. The first is Maia ton (^ Business of Karachi? -

A: Thaisapiiblioiy traded c o m { s ^ Theyihannfiacturebags,
sogg, cement, iertiHger;ibatindpitry
ago. The governor ofPiMstin offered a good mcnUvejo put me biisueM there, about one
million dollars came from me European Union and the U.S. to establish ft t i ^
poppy industry time. The government put the money scrne^mere else, but I invested a
million ctollars in that myself. It was in a remote area, and was not profitable.

Q: Hu it been closed; is ft a Mii d business?

A: Yea, but I wrote tto American embassy that tb ^
the poppy buajpeaj; it cnii never be elfa^ I hare been trying
to do tins and I know a lot of government officials,

Q: Ihetearalotofsocialandeoponniipossibflttie^ However, Td like to explore fromi the
list Ihsve here. Tefl me about TntBtatiowlMerchandise.

A: mrenwrionel Merchandise is a b u s m e s s w ^
York. We facilitate fbr Wal-Mart, KMsrtr;ccjnr»ar^ We do not cto shipping. We
areabuymgagetf ibrganxientsaiKlotierme 1 ^ shipment is from
• theftc^ccy straigMtoNow York.

Q: There is an international ahrpfrtpg component to that busniess?

A: NOaWesnabuymgagentonty-^{wiB} g*** * enmmimAmi h* n>* <a*j*a_1 m <trfrfi T QM t<<|f from
mypaztner.m

Q: Wr rhff^y fr—ti rtw™* T^ntvrrtBl ftirrti^irmg, and T ftrfffH*** *—ring *frm tiwt The last
businessislistedhezeuSftSAssc<iatnout of Karachi It saya here it is a construction
venture; could you tell us a Utile bit mem about that?

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A: The agent of the people of the state... into a slum. The... interested in buying it. The mayor of Kaiachi is a very close friend. One day he visited me and we were... I negotiated with the people to get 80% of the shares, and I helped them. I readied a silent agreement with the... money and reinvest it. It took a while, but I offered me 70 apartment dollar investment on my part and recovery for the investment. Hwy had 70 apartments. One investment made 240 Buros OT that, and I helped... Because my son had been to me U.S., we each retired from the army and... response, and there were about 45 potential buyers in New York.

Q: Is that a complete summary of your business here?

A: That's all, sir.

Q: Under the Broadcast Limited write news... Are there broadcasts in Pakistani text broadcasts were broadcasts in... Are there translations or dual language environments?

A: No, sir. Our national organization... In our country, the educated people know English, but the language is Urdu.

Q: Did those two companies have any dual language or translation purposes?

A: No, sir. Never..

Q: Do you not consider Usama Bin Laden to be al Qaida?

A: I never saw any definition of al Qaida. The first time I heard this was soon President Bush who said al Qaida. I went to Afghanistan not to meet Usama, but to... Axgben people were... I was the... who convinced me Taliban... a... I... would put in... Someone else... scheduled to meet Usama took me along with him. I... have any contact; I was made to meet him, and that's it.

.. Q: What were the circumstances of the second meeting?

A: I was a member of the... organization of... If... mizafo was... ambassador of Afghanistan. We were about 18-20 people in that delegation. We were with... mem, but I never talked to him personally.

Q: You made a statement; and you asked some questions about what law applies; you asked about what law applies, and whether... law binds us..

n*Trt buad Pra Utot*thmma4eMMtaUmentto k*D46d*# posed to the THbnud,

Tribunal President: Let me clarify that; you do understand*^ this is not a legal proceeding. I do know you had some questions about the legality of your

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detention. That would be reigned to omororgangs^
receiving more specific instruction! shortly of bow to bring your fflesnon to U.S. courts.

Detainee: Your honor, I have been here over 17 inonihsjwouMm^

Tribunal President; I wcraldcertaMy hope so, especially since yw
government while you ate here. As iex as some of the omex statements you nuule about
Jurisdiction, this it a U.S. government executive decision in regards to the detention, of enemy
coiuhatsnts; this it an adminlstiative hearing being coodnoted to
* basis, the government's hubananon and statements you provide us, to oonsidei or reconsider
whether you are art enemy combatant I believe ycoNe previously been read o w o > ^
enemy combatant*

Detainee: Yourhonor.mya^iestionalhatisyoOTExecun^

Tribunal President: It U a global war an terrorism.

Detainee: I know sir^ but you are iiot me master of me earth, ah'.

Ttibuuu President No,butwearemoctJintawra\al]to
combatant statu it a dafiaitta
to see ifit meets mat c^finhlon. Regarding national legal issues,matia a nuntor for U.S. courts,
Hjl4 y^wi will ha pimrifod fl<fr wifamdnif y|yiffyfrjfrjflgyf'H^m^*^nk*in

Detainee: Thank you, air.'

*TteTrtbmtfMiMbmlkmmmdQmtbmssoftktDttaiitt**

Q: The reason why mil has global isanificatioiis, is
holding \$20 million for me rjarehare of weapon^ and lfa^
you werejust coe person holding arifle. Tlic<neaicaIwantedtoa<kyouabo^aMebit
more, is about me \$500 K you were holding for Mb; you said you b>ad a business plan but it
didn't work; do you have proof of lids business plan?

A: I gave aU me details to ttoilumt>gatura. I have given me details, of me plan and me bank. I
haven't been given me abflny to give evidence ofairy sort becanre I am here m i s ^

Q: As far as me television ritfbts, did you h r o

A: Sfou ra is a gentleman named JsJtevmohaa
rights, but the plan fall through, so I could not be a partner.

Tribunal Member: rm going to aak me Tttbuml President to exjOam
we don*t see what me intetrogators have teen.

TrJbunatPresMent Wa may wwfan attw rf>><<ifud itr* ^ ^ TM i t - TMw^ y n ^ nfo
available to you. ft may indole Mtwfran preview Ifyou. foel there is
somctm>igiinpmlautfiomti^

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fnftTnw*^" Thfts pert oftheieewm'we provided yon 1^
request evidence. Ifyou direct us to flr>dsametm^ such u deta ^
outtheinfbcmatio. WedonHitavethoJurisfl<^toobutopu ^
private papers, unless it was gathered by other sources or nlgovenniieotciitody^likOQliniglitbe
able to receive it For example, you provided letters to senior government officials in the pu t
Tnosedocrarients,h?recerve4wo^

necessary.

Detainee: The FBI agent hew. She has it Yon could have itin a couple minutes.

Tribunal President: I may see ft later, and I reserve the oppor ^^
tune, if I find it is necessary to determine ynir case iegardbi<< your classification.

Q: IfIouldjnspurswoneHr<IWMgoingtDa<k[etUer]. Is \$500,000 a lot ftar a TV show?

A: No, sir. Tnebeiu:waswith^togiveineecre&
uwbenktolheiiiteagatofs. It wast prime baiutmlEjs^
dealing whh Jabber, awl he has an office in New Jersey.

Q: Why was your son detained?

A: Yes,sir. Wh<IwasmPakistsn_tamanki>wnuAbmarm
live. He tabodocedns both, my son and ^
MajidKhan. We wore sitting and eating at a table, and he menftmed he bad an immigration
problem, and he wanted to keep his ba ^ account active. My son we* working on the
website fox me apartments in the U&, and heaskedinys<mtohelp,sndlsaidofoutsehe
can hefc while he vw mere [m the U.S.]. Iliose documents were recovered by my son, and
meysyheisaterrorist,Id^^know.

Q: MajMKnfflsaidhohadwfmirrig^
active in me U.S.? •

A: Yes, sir. He wanted to keep his bank account actfo
because of an Jmfrigratim problem. Ihore*saprooedure,andonoeyowvisan]imberis
approved, it goes to hlsmahari Itere is a procedure.

Q: WhatoV>youkiiowabo^AhmfTandMtjidKhan?- HcwwouUyoubDOWthem,andwhy
would yon provide tills business or financial support?

A: I met trW through Mhr;Ahiir was r^
anotiw province of Pakistan. I have his iden^catinn also; they aU dress arkl act lite
Pakistanis, so he introduced himself as aPaldstanl

Q: DoyouhroaMdemuteiofalQaida? What his?

A'Idontsir.

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Q: Would you be prepared to hear the views of people from all over the world? People from America, Afghanistan, Pakistan, Philippines, and people from wherever?

A: Sir; how could anybody know who al Qaeda is?

Chief of the President's Staff: Good question. That's a very good question.

Tribunal, all in my view, it is a very good question. That's a very good question.

I certify the material contained herein to be true and correct as given during the proceedings.

 Colonel, USAF

Chief of the President's Staff

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Summarized Detainee Statement

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

Detainee: Yes.

Tribunal President: You have questions?

Detainee: I am going to speak Arabic because my English is not too good, you know?
Does this Tribunal follow the laws of the United States?

Tribunal President: Yes.

Detainee: Based on this, I don't understand or I don't know who makes the laws, and because of this I will require a lawyer. I have nothing to say here.

Tribunal President: This is not a criminal court.

Detainee: That's what I have to do.

Tribunal President: Okay, this is not criminal court, Jaralla, so it is not necessary for you to have a lawyer.

Detainee: No comment.

Tribunal President: Personal Representative, was it your understanding that Jaralla was going to participate in this hearing?

Personal Representative: Yes, it was, ma'am.

Tribunal President: Personal Representative was the Tribunal process explained to Jaralla?

Personal Representative: Yes, it was, ma'am.

Tribunal President: With that understanding Jaralla, of course you are not compelled to testify and you are not required to participate if you do not wish to do so; however, this is your opportunity to tell this Tribunal your story, and we are here now and we are willing to listen to your side of the story. So what is your decision?

Detainee: No comment.

Tribunal President: Does that mean you do not want to participate?

Detainee: No comment.

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Tribunal President: I need to know if you would like to participate because we can go on with you here or we can take you back to your cell.

Detainee: No comment.

Tribunal President: Would you like to stay here while we go through the process?

Detainee: No comment.

Tribunal President: Okay, Jaralla, the Tribunal has decided to allow you to stay here while we go through the process. You are certainly encouraged to participate or to respond, if you like.

Detainee: No comment.

Tribunal President: Jaralla, 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 this Tribunal?

Detainee: No comment.

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

Personal Representative: When we met for our interview, I did take a few sentences and notes. He had agreed that he was going to speak on his own. But I had asked if I could take a few notes as reminders. I did. Is it his wish that I read these notes? These comments?

Detainee: No comment.

Tribunal President: Okay, we will move on as if we did not have access to this. Personal Representative, is it your wish to present those comments?

Personal Representative: I would be asking for some guidance on this. I do have comments when I met with the detainee regarding each of the accusations you gave me. A few sentences worth of information. He said he does not want me to say them, but I am not sure what I should do, because I have them written here. **[Note: As noted in the transcript above, the detainee did not say, "don't present my statements." He only said, "No comment" when the Personal Representative asked him if he wanted statements presented.]**

Tribunal President: It's up to you.

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Personal Representative: I would say regarding his comments, he does not want me to say anything. [Note: Same point as above; the detainee did not tell the Personal Representative not to present the detainee's statements. He only said, "No comment."!]

Tribunal President: What are your wishes, Personal Representative?

Personal Representative: I think since he said it to me, I should read them.

Tribunal President: Are these comments related to the Unclassified Summary?

Personal Representative: Yes, ma'am.

3.1. The detainee is a Qatar citizen who traveled to Afghanistan through Pakistan, to participate in the Jihad.

Personal Representative: His response was that he met people in Mecca who brought him to Afghanistan.

3.2. The detainee arrived in Pakistan in the fall of 2001 and later traveled to a guesthouse in Afghanistan.

Personal Representative: He did not know anyone. The house belonged to some people who brought him to Afghanistan. At this time, he did not know who they were.

3.3. Prior to 11 September 2001, the detainee went to the Al Farouq camp, even after learning it was owned by Usama Bin Laden.

Personal Representative: His response was, "yes."

3.4. The detainee fled the Al Farouq camp after 11 September 2001, and was issued an AK-47.

Personal Representative: He said this was wrong. He did not have an AK-47. He fled because after September 11th, the Americans were going to bomb the camp. He said, "I never fought anyone. I did not want to continue because it was wrong."

3.5. The detainee had interaction with the Taliban and they directed him through checkpoints throughout Afghanistan.

Personal Representative: The notes I have here say they did not help him. At that time, the Taliban controlled all of the country and all of the checkpoints.

3.6. The detainee and others fled Afghanistan, but were arrested at the Pakistan border by the Pakistani police.

Personal Representative: He said, "Yes, but no one was with me. I was alone. From Kandahar to Pakistan, I took a taxi. I paid my money. The Taliban was all defeated, except in Kandahar. I had all my paperwork and passports."

Tribunal President: Thank you Personal Representative.

Personal Representative: May I ask one more question? I will ask him if he would like to elaborate on this. Would you like to elaborate on this?

Detainee: No comment.

Tribunal President: Jaralla, would you answer questions if the Tribunal asks you questions?

Detainee: No comment.

Tribunal President: Is that all the unclassified evidence that needed to be presented, Personal Representative and Recorder?

Recorder: I have no comment on anything that has been stated.

Personal Representative: I have no other unclassified information to present.

Tribunal President: All unclassified evidence having 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.

A large black rectangular redaction box covering the signature of the Tribunal President.

Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

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

3.a. The detainee is associated with al Qaida and the Taliban:

3.0.1. Originally from Lahaj, Yemen, the detainee traveled to Kandahar, Afghanistan via San 'aa, Yemen; Dubai, United Arab Emirates; Karachi, Pakistan; and Quetta, Pakistan.

3. a. 2. The detainee was a recruited in Al Baraida, Yemen by an al Qaida facilitator.

3.a.3. In late June 2001, while traveling from Yemen to Afghanistan, the detainee stayed in a Taliban guesthouse in Quetta, Pakistan.

3. a. 4. The detainee attended basic training at al Farouq training camp from July to September 2001, where he received instruction in the Kalishnikov rifle, Rocket-Propelled Grenades (RPG), hand grenades, landmines, and explosives.

3.a.5. The detainee attended two speeches by Usama Bin Laden while, training at the al Farouq camp.

3.a.6. The detainee, armed with a Kalishnikov rifle, worked for al Qaida as a guard at the Kandahar airport.

3.a. 7, The al Qaida members guarding the Kandahar airport armed with Anti-Air craft guns, SA-7, Rocket Propelled Grenades (RPG), and AK-47s.

3.a.8. The detainee was given \$1,000 US by an al Qaida operative for travel from Afghanistan to his home country of Yemen.

3.a.9. The detainee was captured following a two and a half hour firefight in a Karachi, Pakistan apartment, along with several other members of al Qaida during raids on al Qaida safe houses on 11 September 2002.

3.a, 10. Passports belonging to Usama Bin Ladin 's family members were found at the suspected al Qaida residence on Tariq Road in Karachi, Pakistan during raids on 11 September 2002.

3.b. The detainee engaged in hostilities against the United States or its coalition partners:

3.b.1. According to an al Qaida associate, the detainee fought north of Kabul.

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

Tribunal President: Do you want to make a statement to the tribunal?

Detamee: No

Tribunal President: I understand.

Tribunal President: I also note from the detainee election form that your Personal Representative does have some remarks obtained during a previous interview. Do you approve of the Personal Representative restating that statement at this time?

Detainee: Some of it.

Tribunal President: I would like to ask the Personal Representative to read into the record what is also listed in the detainee election form for the Detainee to comment on.

Tribunal President: Before you begin the Detainee does not have to comment on this information if he so chooses. He should know that any information he can provide us would be very helpful to us. This tribunal panel has not read any other information about you. As you heard from the recorder we may receive other information at another time; but at this time all we know is the unclassified summary information- the same information that you were read previously by your Personal Representative. And, I believe the Personal Representative's comments relate to your previous information to him responding to the unclassified summary. Personal Representative you may proceed.

Personal Representative: During our initial interview on 8 November 2004, the Detainee stated to me that he did not participate in the firelight in Karachi. He also said he did not know anything about passports that were in the apartment in which he was captured and that he had nothing to do with those documents. He also stated that he had never been to Kabul and that he had never fought north of Kabul. That concludes the notes.

Tribunal President: Said Salih, do you have any other comments to make regarding the Personal Representative's remarks?

Detainee: No.

The Personal Representative and the Recorder had no further questions.

The Tribunal Members had no question for the Detainee.*

The Tribunal President confirms that the Detainee and the Personal Representative had no further evidence or witnesses to present to the Tribunal The Tribunal

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President explains the remainder of the Tribunal process to the Detainee and adjourns the Tribunal

The Detainee did not take the Muslim oath.

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 Air Force
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

The Tribunal President states to the detainee that the two witnesses the detainee asked for previously have been notified and that as of 11 November 2004 no statement has been sent on the behalf of the detainee. The detainee understood the two witness have not made a statement after three attempts.

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

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

The Detainee did not want to take the Muslim oath.

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

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

Detainee: I have not relationship what so ever between Al Qaida and me. Even the time that I spent in Afghanistan would allow me to have a relationship with them. My goal was not to be related with al Qaida.

3. a. 1. The detainee traveled to Afghanistan from Saudi Arabia in approximately August of 2001.

Detainee: My traveling to Afghanistan was a natural process. It was an Islamic country and going there was normal.

3. a. 2. The detainee received training at a terrorist camp in Afghanistan.

Detainee: The training was religious it had nothing to do with terrorist group. If it happened I would have no problem telling you. It didn't happen. I stayed there for 20 days before 9-11. Even if I were to get training there I didn't have time or the chance too. After 9-11 there was a war and there was no more training.

3.a. 3. The detainee's name was found in a document recovered from an al Qaida safe house in Islamabad that listed prisoners currently incarcerated in Pakistan.

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Detainee: I was captured in Ok that doesn't mean I have any relationship with Al Qaida. My name was found under the captured of the detainee's captured. This is no problem to me my name was found there I don't see any problem with that. I am here in Cuba and my name is written here and it is stated that I am a detainee does that mean I am a detainee with Al Qaida?

3.a.4. The detainee's name was found in a document recovered from an al Qaida safe house in Karachi.

Detainee: I have no idea about this allegation. I have not heard it from the interrogators and I have no idea. I haven't given my name to anybody. After I was captured in Pakistan I gave my name to everyone so that they can tell my father since then they have probably found my name. I am not sure how my name was brought up.

3. a. 5. The detainee's name was listed as al Qaida Mujahadin who had not yet completed training in a document recovered from an al Qaida safe house in Rawalpindi, Pakistan.

Detainee: This is not my name, I am sure this is not my name. I don't know anything about it. I am one hundred percent sure it's not me. I am sure my name isn't there.

3. a. 6. One of the detainee's known aliases was on a list of captured al Qaida members that was discovered on a computer hard drive associated with a senior al Qaida member.

Detainee: I have no idea what so ever about this list of names. This is not true I have no alias name.

Tribunal President: Does this conclude your statement Rami?

Detainee: After about three years in prison, a lot of things happened. I have been able to mature. I wish I never had visited Afghanistan. I hope in the future I would be a better person.

Personal Representative: Are you the only son in your family?

Detainee: Yes.

Personal Representative: Is there some significance regarding in being the only son in Jihad?

Detainee: If you are the only son/male child in the family you are exempt in going to Jihad.

The Personal Representative and the Recorder had no further questions,

Tribunal Members' questions

Q. Did you originally go to Afghanistan for Jihad prior to September 11 ?

A. I have Hathwa that I don't go to Jihad, I am the only male person in my family. I am exempt to go to Jihad.

Q. Why did you go to Afghanistan?

A. It was my first time it was for tourism. To visit.

Q. When did you entered to Afghanistan?

A. 2 or 3 weeks before 9-11.

Q. When did you leave Afghanistan?

A. During the month of Ramadan.

Q. What did you intend to see as a tourist in Afghanistan?

A. Just to confirm that Taliban Islamic.

Q. Do you contact the Taliban?

A. They exist on roads everywhere and anywhere.

Q. Did anyone try to recruit you in armed forces of Taliban?

A. No.

Q. Have you ever had any military training?

A. I am a civilian, I am a civil person I didn't get any training on any military process.

Q. You requested that your father to be here. What would he have told us if he were here?

A. He would tell that I went to Afghanistan. To tell you I was exempt from being involved with the Jihad. He allowed me to go on vacation for about 3 weeks.

Q. What about your witness, what he would he tell us?

A. He is a big chief there and he is the one that gave me the Hathwa to be exempt from the Jihad. I cannot do the Jihad I am the only male I am exempt I had vacation for three weeks the University.

Tribunal President's questions.

Q. What was the camp name that you attended while in Afghanistan?

A. There was not camp.

Q. You said you attended a religious camp.

A. There was not camp there, I was at a Mosque. I was on the street, I met people.

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Q. Where did you go in Afghanistan? What cities?

A. Kandahr.

Q. When you were ready to leave Kandahr where did you go?

A. Go back to Saudi Arabia

Q. How did you get out of Kandahr?

A. Car.

Q. You traveled through towns and cities?

A. I tried to go back to the border but the border was closed. There were a lot of Pakistani military everywhere. This would detain my going out of Afghanistan.

Q. Where were you captured?

A. Inside Pakistan.

Q. So you did cross the border?

A. Yes, I did in a difficult situation.

Q. Through the Tora Bora mountains?

A. I just crossed the boarder not the mountains.

Q. How did you pay for your trip?

A. I had money.

Q. Did you have a passport?

A. Yes, of course.

Q. Did you have your passport when you were captured?

A. No.

Q. What happened to your passport?

A. I gave it to a member in Saudi's Council.

Q. In Afghanistan?

A. In Pakistan.

Q. You were not captured right away?

A. It was only days before then they captured me.

Q. What location in Pakistan were you captured?

A. Inside a city called Kuhat.

Q. Where were you staying in Kuhat?

A. With a Pakistani man.

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Q. Was it a hotel, guesthouse?

A. I was a guest at this Pakistani mans house.

Q. Did you have help crossing the border?

A. Of course.

Q. You had a guide?

A. I was riding in a car with an Afghan man

Q. Was that the same guy you were with before getting captured?

A. No.

Q. How did you meet this guy you stayed with in Pakistan?

Detainee: The questions are increasing now and I think you are asking too many questions.

Tribunal President: The reason you are hear is for us to get answers to get the right decision. It is up to if you want to answer the questions or not.

Detainee: What was the last question you asked.

Q. Did you know the Pakistani guy that you stayed with?

A. We are Muslims and we help each other.

Q. How did you know him?

A. The same man that was with me in the car. That is how we met in the car.

Q. Did you have a weapon with you when you crossed the border?

A. No, I didn't

Q. Did you have any weapons in Afghanistan?

A. I never had any personal weapons.

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.

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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

PERSONAL REPRESENTATIVE NOTES FROM ISN INTERVIEWS

PR: **WE**
3 or 4 digit ISN:
Date: T8Nov04
Start Time: 1500
End Time: 1620

PR NOTES FROM INITIAL INTERVIEW WITH DETAINEE (Buiyam Ahmed Mohammed)

"During the initial interview on 18 Nov 04, detainee elected JD.NQT to participate in the Tribunal. He had no witnesses or documentary evidence but requested that his Personal Representative provide statements made during the initial interview. Those statements follow:

- Detainee informed PR that the interrogators told him that the tribunals were a "pass by" to get to the courts. He stated that he had no evidence on him (plans, materials, weapons, etc.) when captured and was interrogated by the British Secret Service (M6) who said that he was not accused of anything. He told me he made statements while being (mentally and physically) tortured while in Pakistani jails. Detainee admitted items 3A1-4 on the UNCLASS summary of evidence, but stated he went for training to fight in Chechnya, which was not illegal. The detainee stated that the other items were rubbish or made up under duress. He further stated that he traveled before 11 Sep 2001, which means he had different plans other than going to fight America. After 9/11, there was no way out of Afghanistan other than the groups who could get him out of Afghanistan, through Pakistan, and back to Britain (namely al Qaida). Finally, detainee stated that his plane ticket at time of capture was a ticket from Karachi to Zurich to England, so how could he have plans to carry out attacks in the United States.

[REDACTED] "Ref: JSAF
Personal Representative i

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Summarized Sworn Detainee Statement

When asked by the Tribunal President the detainee stated he understands the 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 agreed to make his statement under oath.

I have evidence I am not an enemy combatant, I was taken by force. I joined the Taliban by force not by choice. Everyone in Afghanistan knows if the Taliban asks you to go with them you cannot say no. The Taliban were fighting against two Generals and they were recruiting people from all over the country. They wanted people to help fight and they took me by force. Our area was under Taliban control, so we could not fight them. We were so poor I could not move my family, that's why I stayed in the area. The Taliban were there taking things from people, taking money, they were there by force. That is all I am going to say, I said it under oath and it is the truth.

Summarized Answers in Response to Questions by the Personal Representative

Q. The evidence said you had a Kalashnikov but did you have any ammunition?

A. No.

Q. Were you continuously under guard while under the control of the Taliban?

A. Yes.

Q. Where you ever left alone?

A. No.

Summarized Answers in Response to Questions by the Tribunal Members

Q. The evidence states that you were trained in the use of the AK-47.

A. Yes.

Q. Where were you trained?

A. In our district.

Q. What type of military training did you undergo?

A. They only showed us how to fire the AK-47.

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Q. Was this over the course of a week, a month?

A. 4 days.

Q. Your military training was only 4 days long?

A. Yes.

Q. Did you ever fight with the Taliban?

A. No.

Q. What was your job in the Army?

A. They did not give me a job.

Q. So, your days were spent under guard in detention?

A. Yes.

Q. How long were you with the Taliban?

A. 1 month.

Q. From when to when?

A. I don't remember the month.

Q. Where were you during that month?

A. A couple of days from my house in a compound, in Konduz.

Q. When you were in the compound in Konduz, could you have walked away?

A. No.

Q. What would have happened if you walked away from the compound?

A. They would have shot me.

Q. You stated when you were captured you had no ammunition for your rifle.

A. Yes.

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Q. What did you do with the ammunition when the rifle was given to you?

A. I was never given any ammunition.

Q. You never had ammunition for the rifle?

A. No.

Q. Were you trained in heavy weapons or any other type of weapon besides the Kalashnikov.

A. No.

Q. How many children do you have?

A. 6.

Q. Are you married?

A. Yes.

Q. What would have happened to you if you hadn't gone with the Taliban on the day they came for you?

A. They would have taken me by force and placed me in prison.

Q. Do you have any other evidence to present to this Tribunal?

A. If the Tribunal allows it, I can give them the names of more people from my country.

Tribunal President: We do not need that information at this time.

Q. Is there anything else you would like to say?

A. No.

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AUTHENTICATION

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


Col, USAF
Tribunal President

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Summarized Unsworn Detainee Statement

Tribunal President: Adnan Muhammed Ali Al Saigh, do you understand this process?

Detainee: Are you going to give me the accusations so I can respond to it?

Tribunal President: That's correct.

Detainee: Go ahead and accuse me and I will respond.

Tribunal President: When you respond, please speak up in volume a little bit.

Detainee: Do you understand Arabic?

Tribunal President: No, but we need to have your responses recorded as well.

Detainee: Bring the microphone closer to me then.

Tribunal President: The microphone will stay where it is, I ask that you speak up so not only can the microphone pick you up, but so the translator can understand clearly what you say.

Detainee: This is the way I talk, this is the way my voice is.

Tribunal President: Very well then.

Personal Representative hands Tribunal the Detainee Election Form (Exhibit D-a); Recorder hands Unclassified Summary to Tribunal (Exhibit R-1) and Exhibit R-2. Recorder reads Unclassified Summary.

President clarifies with Translator that the Unclassified Summary is the same one previously discussed with the Detainee.

Detainee: I want to answer all these accusations.

Tribunal President: You will have that opportunity in just a minute.

Detainee: Fine.

Recorder has no witnesses or further unclassified evidence, requests a closed session a later time to present classified information.

Tribunal President: Adnan Muhammed Ali Al Saigh, you may now present evidence you have to this tribunal and you have the assistance of your Personal Representative in doing so. Do you want to present evidence to this tribunal?

Detainee: I would like you to read the accusations and I will respond to it.

Tribunal President: When you respond would you like to make your responses under oath? If you like we can administer the oath at this time.

Detainee: Is this the infidel's oath or is it my oath?

Tribunal President: It is the Muslim Oath.

Detainee: Is it necessary for me to be sworn in?

Tribunal President: It's not necessary but we provide you the opportunity if you would like to take the Muslim Oath.

Detainee: When am I going to swear to it?

Tribunal President: Recorder, please administer the Muslim Oath?

Detainee: Am I going to swear to what he is going to read?

Tribunal President: Yes.

Recorder administers Muslim Oath to Detainee.

Tribunal President: Adnan Muhammed Ali Al Saigh, with the assistance of your Personal Representative, you may now begin.

3a. Detainee in associated with the Taliban.

Detainee: Is that the first evidence?

Tribunal President: Yes that is the first piece of evidence as identified on the Unclassified Summary.

Detainee: If I am with the Taliban, why is that an accusation?

Tribunal President: What do you have to say about that, are you or are you not with the Taliban?

Detainee: I am.

Sal. Detainee stated he answered an Islamic fatwah in Saudi Arabia to fight for the Taliban forces in Afghanistan.

Detainee: That is a religious activity, are you fighting my cause?

Personal Representative: When I spoke to the Detainee, he said, "this is true but I did so to answer a religious calling."

Detainee: That is what I told the guy and I'm wondering why you are fighting my religion?

Tribunal President: The reason we are here today is to determine today whether or not you are properly classified as an enemy combatant.

Detainee: I don't consider myself an enemy combatant because all the accusations have no harm or effect on America.

Tribunal President: Very well, if we could continue then he has an opportunity to tell his side against the unclassified evidence.

Detainee: I agree to that.

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

Recorder provided translator an English copy of unclassified summary.

Detainee: I never participated.

Personal Representative: When I spoke with the Detainee, he said he fought with the Taliban against the (forces led by General) Massoud but not against the American allies.

Detainee: That's true.

3b 1. Detainee went to Afghanistan to fight in the Jihad with the Taliban for approximately six months before being captured in Qualajinki, Afghanistan.

Detainee: That's true, but only 4 months.

3b2. Detainee served at the front lines near Khanajah Gar, Afghanistan.

Detainee: Is that an accusation?

Tribunal President: That's right.

Detainee: Strange, that's strange.

Personal Representative; He told me he did not fight on the front lines but was just providing support.

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Detainee: I was giving support to people that owned horses.

Tribunal President: Adnan Muhammed AH Al Saigh, does this conclude your statement?

Detainee: I have nothing else to say.

Tribunal President: We may have some questions, do you mind if we ask you questions?

Detainee: Is that an interrogation or court?

Tribunal President: This is a non-judicial hearing, this is not a court of law.

Detainee: What's the difference between the two?

Tribunal President: In a judicial setting, you would have a judge and lawyers representing the Detainee. Lawyers would also represent the Government in a judicial session. In a nonjudicial session, which this is, the Detainee is not represented by a lawyer, the Government's information is not presented to the tribunal by a lawyer, although it is a legal proceeding it is purely administrative in nature.

Detainee: What is the reason for this hearing?

Tribunal President: The reason is to determine whether you are properly classified as an enemy combatant. An enemy combatant has been defined as an individual who was part of or supporting the Taliban or al Qaida forces or other associated forces who are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of the enemy armed forces. We are here to make that determination of whether you meet that definition of enemy combatant

Detainee: "The Massoud"; is he one of your allies?

Tribunal President: Yes.

Detainee: When did he become your ally or coalition partner?

Tribunal President: I think officially after September 11,2001.

Detainee: I never fought after 2001.

Tribunal President: We have not been exposed to any of the unclassified evidence or the classified information, and that's why we are interested in your story.

Detainee: I was wondering how "the Massoud" became one of your allies.

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Tribunal President: I don't have that information, that is above my pay grade and not available to me.

Detainee: I didn't think the Massoud was one of your allies.

Tribunal President: May we ask you some questions?

Detainee: I am not going to answer any questions; the only thing I am going to do is defend these accusations.

Tribunal President: The questions we would like to ask are relevant to this.

Detainee: You are going to ask me and I will respond to you?

Tribunal President: If you would be so kind.

Detainee: If its new questions I will answer them, if its old questions I'm not going to answer.

Tribunal President: Very well, we'll take whatever level of cooperation you choose to give us. I want you to understand we are here to determine your enemy combatant status. And in doing that, it's to your benefit to help us understand what your position was and in order to do that we have to ask questions. Do you understand?

Detainee: Fine, go ahead and ask the questions.

Tribunal President: Thank you very much.

Personal Representative has no questions for the Detainee.

Personal Representative: I just want to repeat that the Detainee was fighting against "the Massoud" starting March 2001.

Detainee: I do not know the exact date,

Recorder has no questions for the Detainee. Tribunal Members begin questioning.

Tribunal Member: Did you answer a fatwah from a religious leader in Saudi Arabia to go to Afghanistan?

Detainee: Yes.

Tribunal Member: What did the leader say?

Detainee: Who is the leader?

Tribunal Member: The sheik or the religious authority who convinced you to go to Afghanistan.

Detainee: I went there to fight with the rest of the people.

Tribunal Member: What did the Sheik or Imam tell you about Massoud and the people allied with him?

Detainee: I don't know who the Sheik or Imam is.

Tribunal Member: Did you realize when you went to Afghanistan that Massoud and his people were also Muslim?

Detainee: Yes.

Tribunal Member: So why did you choose to fight against them?

Detainee: This is none of your business.

Tribunal Member: We'll give you one more chance to answer that if you would like to reconsider.

Detainee: Again for the second time, that does not concern you.

Tribunal Member: You said that when you were in Afghanistan, you didn't fight but just provided support.

Detainee: What's the next question?

Tribunal Member: What kind of support did you provide?

Detainee: You have that in my file from the interrogators.

Tribunal Member: The Tribunal has not seen any of the files of the interrogators and that is why we are asking you this question.

Detainee: Do you have the file?

Tribunal Member: Again for the second time, the Tribunal does not have access to this file and that is why we are asking you this question.

Detainee: Everything is in my file.

Tribunal President; I might say that I find it disappointing that you are not cooperating. I thought I had explained to you to determine your enemy combatant status and to your benefit it would be good to answer to our questions. But if you choose not to, then we would not gain very much if we continued to ask questions if you're not going to answer them.

Tribunal President: Adnan Muhammed Ali Al Saigh, do you have any other information to present to this tribunal?

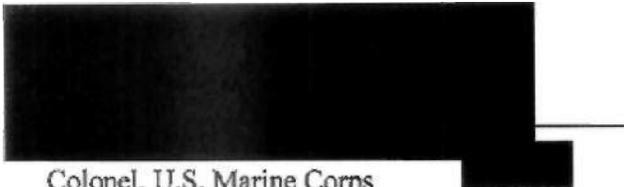
Detainee: There is none.

Recorder had no further questions

Tribunal President: All unclassified evidence having been provided to this tribunal, this concludes the open session of the tribunal.

AUTHENTICATION

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

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Colonel, U.S. Marine Corps
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President brought the Tribunal Session to order noting that the Detainee had elected to not attend the session.

The Recorder read the Unclassified Summary of Evidence and presented it to the Tribunal. The Recorder then confirmed that was no further unclassified evidence and requested a closed session to present classified evidence relevant to the Detainee's status as an Enemy Combatant.

The Personal Representative stated that the Detainee requested a statement be made on his behalf in regard to the information presented on the Unclassified Summary of Evidence. The Personal Representative proceeded to read the folio wing numbered paragraphs contained in Exhibit R-1 and provided the Detainee's unsworn responses to each:

Item 3a. The detainee is associated with al Qaida and is a Taliban fighter.

That is not correct.

Item 3.0.1. The detainee accepted afatwa from the Saad Bin Moad Mosque in Riyadh, Saudi Arabia to fight for the Taliban against the Northern Alliance.

The Saad Bin Moad Mosque is just a small mosque next to my house.

Item 3.0.2. The detainee traveled from Saudi Arabia to Afghanistan via Pakistan during Summer 2001.

This is true.

Item 3.a.3. The detainee received weapons training on the Kalashnikov rifle at a Kandahar guesthouse.

This is true.

Item 3.0.4. The detainee's name is on a computer list of al Qaida mujahidin seized during raids of al Qaida safe houses in Pakistan.

This is a lie, I didn't use my real name while I was in Afghanistan. I only used a nickname, Abu Ahmed.

Item 3. b. 2. The detainee carried a Kalashnikov while on the front lines in the Konduz area.

This is true.

Item 3.b.2. The detainee fought on the Konduzfiont lines with an Arab unit led by Abu Moazh.

This is false. There was no fighting there. We were surrounded at Khost then came the uprising during Ramadan in the ninth month.

Item 3.b.3, The detainee was on the battlefield on II Sep 01.

True. But there was no fighting and it didn't start for a month.

Item 3.b.4. The detainee surrendered to General Dostum, along with 450-600 other Taliban fighters.

This is true.

Item 3.b.5. The detainee was sent to the Al-Jankiprison in Mazar-e-Sharif, where he was present during the uprisings.

This is true.

In addition to the answering the items on the Summary the detainee requested the following statement be made.

I had never seen an American until I was jailed. Is there something about Saudis and Yemenis that's special? I believe that they are kept longer in interrogations than any other group and are not being released like other groups. I was fighting with some of the Pakistanis and Afghans that were here and they have been released and sent home. I don't understand what the difference is between them and me.

The Tribunal President confirmed that all unclassified evidence had been heard by the panel and adjourned the Open Session.

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

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Summarised Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee understood the process but requested that the documents be read to him in Uzbek rather than in Russian.

The Tribunal President confirmed that the Tribunal could comply with the Detainee's request

The Detainee confirmed that the closed session would be for the Tribunal only, and he would not be participating in that portion. The Tribunal President advised the Detainee that he was right.

In the summary of evidence, it says I associated with Taliban forces, but I have nothing to do with them. I know nothing about them.

The Tribunal President interrupted the Detainee to give him the opportunity to make his statement under oath, if the Detainee, chose to do so.

I never in my life have sworn before. Even when a representative from Kazakhstan came and presented me a Koran, I didn't want to swear on it.

The Tribunal President advised the Detainee that was fine and it was not necessary to take the oath and the Tribunal Members would still take his statement into consideration.

I have nothing to do with the Taliban forces. I've never been associated with them. What else can I say? I've never in my life been in America, I've only heard about it. I am all the way on the East side of the globe and America is on the west side. I have never had anything against America. I'm not even sure why I was brought here.

I am speaking from my heart; you can believe me. I knew America as a democratic country and I still believe it is a democratic country.

There is not much I can say about it. I believe you probably have some kind of statements in my case.

I was tortured badly; they [unknown] even tried to kill me, after I was brought here by the Northern Alliance forces.

I never had a weapon. I never carried a weapon with me and I've never been in any kind of armed fight. That is all I can say.

In your summary of evidence, it says I have been a cook for the Taliban. I never cooked for them, I was only a helper. I don't believe it's fair for you to include me as a Taliban combatant or fighter just because I was a helper for the cook. That's all I can say.

The Tribunal President advised the Detainee that the Tribunal Members have some questions they would like to ask.

It has been mentioned that is my choice to answer your questions or not, and according to that, I believe you are still going to make your own decisions. I believe it is worthless for me to answer your questions anyway,, because you are going to make your own decisions. I told you everything.

I believe, by law, I am entitled to have a lawyer.

The Tribunal President explained to the Detainee that if this were a judicial proceeding, the Detainee would be entitled to a lawyer, but this was an Administrative Bearing, The Tribunal Members are here to determine if the Detainee is properly classified as an enemy combatant

I am trying to understand, but it is still my understanding that during the questions and answers I have to have a lawyer.

The Tribunal President stated the Detainee did not have to have a lawyer for this proceeding. The Tribunal President further stated all the information the Tribunal Members have about the Detainee is in the Unclassified Summary and have seen no other evidence. It would be beneficial to the Detainee to allow the Tribunal Members to ask questions.

The Detainee agreed and allowed the questions.

Questions by Tribunal Members

You are from Uzbekistan?

No.

Tajikistan?

I'm from Kazakhstan.

Q The evidence indicates that you were conscripted into serving with the Taliban by men from Tajikistan. Could you explain how that happened, please?

A: These are [answers] I've already said so many times. They just took me away.

Q: Were you in Tajikistan at the time or Kazakhstan, or somewhere else?

A: Which time?

Q: Was there more than one time?

A: I'm confused. Is there a specific date you are talking about, or something else?

Q: We don't know any of your story. It would be helpful if you told us how you came from Kazakhstan to Afghanistan, to help us understand. Are you willing to do that?

A: I was doing trading. That's how I ended up in Tajikistan.

Q: Tajikistan?

A: I went to Tajikistan due to trading business.

Q: Then what happened?

A: I went there [Tajikistan] to sell apples and they captured me and took me away.

Q: Did you know who these men were?

A: I don't know. They didn't tell me who they were,

Q: Did they take anyone besides you?

A: I don't know but there is a possibility.

Q: Were you with anyone when you were taken?

A: No.

Q: We're not familiar with this group called the Islamic Movement of Uzbekistan. Can you tell us anything about that?

A: I don't know anything about them. I've just heard about them.

Q: So, the men took you when you were in Tajikistan. Then what happened?

A: After that I was in Afghanistan for about a month and then they gave me away to different people.

Q: What people were those?

A: I don't know. They didn't tell me who they were. They just took me away and then they put me in labor, into work.

Q: What responsibilities did you have?

A: Like mentioned in the summary of evidence, I was working in the kitchen. I was just helping a chief cook, but I never cooked myself.

Q: How long did you do that?

A: Five to six months.

Q: What happened at that end of that time? Was this when the Northern Alliance overran your position where you were?

A: After the attack from America, everyone ran away. I was just let out of there. There was a car heading to Iran with a bunch of people. I just jumped in and decided I was going to go along with them. They were heading to Herat. I was going to continue my way to Iran and go from there.

Q: You were on your way to Herat, and then what happened?

A: We stopped at night, and in the morning we were surrounded by the Northern Alliance forces. Prior to that, I wasn't feeling good, for about 3 months. I was sick.

We were surrounded by Northern Alliance forces and taken to a place with walls around it. They [Northern Alliance] let everybody out of the cars and were searching all of the clothes and luggage. After that, they put all of us in the basement.

I spent one day there. I don't know the exact time because I was in the basement. At some point, they told us to get out of the basement. I was sick and decided I was going to go behind everybody. Everybody lined up to get out of the basement. It was group of about 20-30 people.

At that time, I noticed there were two entrances to the basement, one on the left and one on the right. We were standing in the one that goes on the left side. When I was close to the entrance on the left side, I heard gunshots. Everybody panicked and tried to get out. I thought the gunshots were coming from the right entrance. I was running behind the people who were running from the left entrance.

As soon as I got out of the left entrance, in order to save my life, I turned to the right and there was a grenade explosion and I was injured. From the corner of my eye, as I turned around, I saw there were a lot of people laying or sitting on the ground. Since I was injured, I could only take a couple steps and I collapsed.

It wasn't outside yet. It was only as you got out of the basement, it took place in some sort of foyer.

So, when I collapsed, I noticed that both of my legs and my back were bleeding. I saw some fabric lying around, so I picked some up and tied my legs.

While I was lying on the ground, I heard a lot of gunshots close to me. Another explosion took place; it was close to me. Pieces of debris, like steel, not just regular debris...

In order to save my life, I figured it wasn't good for me to lie there. I decided to crawl back into the basement.

I went back to the basement and probably spent about 5 or 6 days and beside me there were a few more injured people. I lost lots of blood and was almost unconscious. I remember someone was giving me water, but I'm not sure who it was.

It was very hard without water. I believe I was hallucinating when I was injured and I'm not even sure what I was seeing.

There was another explosion and it felt almost like an earthquake. I'm not sure which side it was from; which forces did it.

Then we smelled gas and believed somebody actually spilled gas or oil and lit it on fire. Since I was unconscious, it smelled like someone cooking something, that somebody was actually frying meat. Then, it is my understanding that somebody actually caught on fire. It was somebody's body.

Then they started to fill the basement with water. I'm not sure how much time I spent in the water. After that, I totally lost control of myself. I remember hearing some voices. I remember somebody lifted me up and took me out of there [the basement].

They took me to the hospital and started treating me. My legs were swollen. I don't remember if they operated or did something. Then I was handed to you and since then, I'm here.

Q: How long did it take you to recover from your injuries?

A: When I was in Kandahar in the prison, it was very cold. My injuries got worse. After I came over here, they treated me and I am well. Much better.

Q: Most of the Detainees in the camp wear orange. We notice you are wearing white. Why is that?

A: That is a question I intended to ask you.

Q: If I knew the answer, I wouldn't have asked you myself.

A: I don't know.

Q: During the time you were helping the head cook, do you feel you could have just left?

A: I thought about it, but I couldn't. I wasn't feeling good at that time. If you want, I can tell you what kind of sickness I have.

Q: Did it [sickness] keep you from moving around very much?

A: The problem was with my wisdom teeth. They tried to pull them out and actually broke them. After that, I caught Malaria. They didn't have a specific treatment for that illness, so everybody was giving me all kinds of medications, but nothing helped me.

Questions by the Tribunal President

Q: Did you do any other chores or work related activities in support of the Taliban?

A: I was there helping cook. I didn't even know who I was helping because no one told me it was the Taliban.

Q: While you were helping the cooks, did you travel to many places in Afghanistan or stay in one place?

A: I stayed only in one place.

Q: And where was that?

A: Konduz.

Q: Have you ever had weapons training, either in your home country or in another country?

A: I didn't have any training on it, but since the Translator is from that area of the world, she knows, back in high school there would be classes where you learn military basics.

Q: On rifles?

A: In high school we were trained on rifles as preparation for the future or to join the military.

Q: At any time, when you were in Afghanistan, did you carry a weapon?

A: No.

Questions by Tribunal Members

Q: When you were in Afghanistan, were you ever familiar with any people associated with Al Qaeda?

A: I never heard about Al Qaeda until the U.S. invaded Afghanistan. Even after that I heard about Northern Alliance forces. Only after that I heard about Northern Alliance also.

The Tribunal President thanked the Detainee for answering the questions.

Thank you so much for your cooperation also. I believe it's one step forward to me to get released.

According to the statement, I was associated with the Taliban and Northern Alliance. As I mentioned before I was sick for almost 3 months. I didn't even have the strength in my body to do anything of that nature.

I just want to tell you I have nothing to do with those forces. That's all I can say.

As the Tribunal President was reading the instructions regarding the Tribunal decision, the Detainee interrupted and made the following statement

I need to interrupt you because you said if I still pose a threat to the U.S. or its allies. I have never had anything against the United States and I didn't see anything against me from the U.S., so there is no reason for me to fight against you.

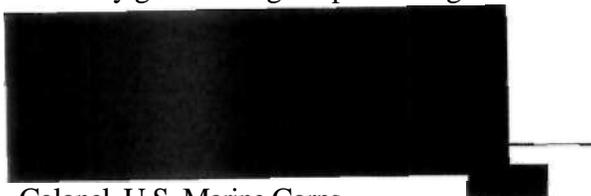
I always knew America as a democratic country and always heard positive things about America. I believe that after 9/11 America became very aggressive and that's probably the only reason I'm here.

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The Tribunal President stated he was explaining the processes that lie ahead if the Detainee is found to be properly classified as an enemy combatant.

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 Detainee Statement

The Detainee elected not to attend the Tribunal proceeding, but requested the Personal Representative make a statement on his behalf. The Personal Representative made the following statement:

- **3(a) The Detainee is a member of the Taliban and/or Al Qaeda.**

Yes, I was with the Taliban.

- **3(a)1 The Detainee traveled from Yemen to Afghanistan in 2001**

I entered Afghanistan about eight to nine months before 11 September. I didn't hear about al Qaida until from the media in the front lines.

- **3(a)2 The Detainee joined the Taliban while in Afghanistan.**

Yes, but that doesn't mean I supported Usama Bin Laden.

- **3(a)3 The Detainee stayed at four different Taliban guesthouses during his travels between Pakistan and Afghanistan.**

The first house was in Pakistan on the boarder, a place called Qatar. The second house was in Bulldock (Spin Buldak), Afghanistan across the boarder. The third house was in Kandahar and the fourth house was in Kabul.

- **3(a)4 Usama Bin Laden spoke to the Detainee's group while they were in Tora Bora.**

Not true. I have never been in Tora Bora. When I entered Kabul twenty days later, I went up North.

- **3(b) The Detainee participated in military operations against the United States or its coalition partners.**

The first time, I fought against Massoud's group. The first time I saw Americans was in Kandahar.

- **3(b) 1 The Detainee fought on the front lines against the Northern Alliance.**

True.

- **3(b)2 The Detainee stated that he fired at the enemy, but did not kill anyone.**

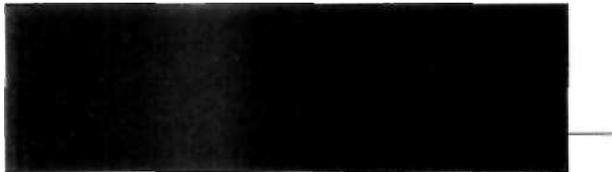
True.

- **3(b)3 The Detainee was captured at Mazar-e-Sharif.**

True.

AUTHENTICATION

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Colonel, U.S. Marine Corps
Tribunal President