

Summarized Unsworn Detainee Statement

Recorder read unclassified summary. Detainee made the following comments in response to the following bullets.

3b3. Detainee was on the secondary line near Kabul, Afghanistan when the 11 September 2001 attacks occurred.

Detainee: Not true. I was in the North during the events.

Tribunal President: We will give the Detainee an opportunity later on to elaborate and counter these allegations.

Recorder finishes reading unclassified summary. Recorder has no witnesses or further evidence to present, but requests a closed, classified session at a later time for presentation of classified evidence.

Tribunal President: At this time, Mesh Arsad Al Rashid, you may now present any evidence or information to this tribunal. You have the assistance of your Personal Representative in doing so. Do you want to present information to this tribunal?

Detainee: Yes. First of all, in the name of Allah, most gracious, most compassionate, prayers and peace be upon our prophet Mohammed. First of all when I went to Afghanistan, the first objective was to help Muslims.

Tribunal President: If I could stop you just a minute, excuse me. Was that to be considered as taking an oath?

Detainee: No, with Muslims of Islam, it is customary to start anything you are about to say with "In the name of God, most compassionate, most merciful."

Tribunal President: Very well. Would you like to take a Muslim Oath when you make your statement or answer questions?

Detainee: No I will not swear. It is not right to put God as something to swear upon.

Tribunal President: Very well, that will be fine. We will be happy to accept his statements.

Detainee: The first objective was to help Muslims and not for any other reason. My presence in Afghanistan was before any problem happened in America. When the Recorder stated earlier that I was in Kabul, this is not true. I was in Kabul before the events, a long time before. But during the events, I was in the North. So that is an

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incorrect accusation. You said they were causing trouble or an uprising at prison? What uprising, we didn't do any uprising. We had given up our weapons, so how could we be part of an uprising? They were the ones that had all the weapons. We tried to defend ourselves but we couldn't because they had the weapons.

Tribunal President: Who is they?

Detainee: [General] Dostum's prisoners.

Tribunal President: When you said they had the weapons, whom are you referring to as they?

Detainee: Dostum's Army. The Personal Representative has everything else.

Personal Representative reads Detainee statement in regards to the Unclassified Summary.

3a. The Detainee is a member of the Taliban.

Personal Representative: Yes, [but] he said he was not a member of al Qaida.

Personal Representative: The camp he was at was run by non-Arabs. He had no knowledge of who was running the camp.

Detainee: Correct.

3a3. Detainee received training on the Kalashnikov rifle, hand grenades, and PK machine gun while at the Al Faronq training camp.

Personal Representative: On the allegation that he received training on weapons, he said yes, but he only saw hand grenades, and he did not use them.

Detainee: Correct.

Personal Representative: He only knew of fighting between the [Taliban and the] Northern Alliance, against pSforthern Alliance leaders] Massoud and Dostum. The only coalition he was aware of was between the Northern Alliance and Russia.

Detainee: Correct.

3b2. Detainee surrendered to Rashid Dostum's forces.

Personal Representative: On the item where it says he surrendered, he says they were tricked, Their agreement was they would return home and give up their arms. And then Dostum's forces sold them for money to the United States.

3a2. Detainee trained for approximately 1 month with approximately 30 students at the Al Farouq training camp.

Personal Representative: Any training he received at the camp was long before the 9-11 attacks on New York City. At that time there was no front with the Northern Alliance, and he was not in Kabul when 9-11 occurred. He was on the Northern front near the Jihoun (phonetic) River. He also says there was no bombing where he was. That summarizes what we talked about.

Detainee: I think I have something I would like to clarify. When I entered Afghanistan, before the events happened [and] before any problem happened with America, I think the relationship between America, Saudi Arabia, and Afghanistan, they had a good relationship. This is way before the events. So this is proof I didn't go over there to fight them. Or anything like that.

Tribunal President: Mesh Arsad Al Rashid, does this conclude your statement?

Detainee: God Willing.

Personal Representative has no questions for the Detainee. Recorder has questions for the Detainee.

Recorder: You mentioned training and only seeing hand grenades.

Detainee: Yes.

Recorder: Did you train on the rifle and the machine gun? Kalashnikov and a PK machine gun?

Detainee: Yes, not a handgun, [but] a Kalashnikov.

Recorder: You said the coalition was the Northern Alliance and Russia?

Detainee: No, the Alliance that I knew of was Dostum and Massoud. That was the coalition that I knew of. That was the one I thought I was going to be fighting against. I didn't know that they were allies of America, but what I know is that they were allies of the Soviet Union. And Russia helped Massoud and helped Dostum, so how could they be allies to the United States? I don't know if they had a previous agreement.

Recorder: My question there is, that coalition, did you fight against them?

Detainee: This is before the problems happened, of course. When the problems happened we surrendered our weapons and that was it.

Recorder: Which problem?

Detainee: After the events. And we didn't know there was alliance between America and Massoud or anything like that. All that was known in the world was that Massoud and Dostum were helping the Soviet Union.

Recorder: So to clarify fighting prior to the events, which events are we talking about?

Detainee: Explain your question.

Recorder: I'm trying to get clarification, you said you fought the coalition prior to the events.

Detainee: Yes

Recorder: Which events?

Detainee: The events that happened in America.

Recorder: The September 11th attack.

Detainee: Yes. During the events I was present at the front lines, [and] after the events, I gave up my weapons. That's what was customary during Ramadan, we just gave up our weapons. My presence [I was present] in Afghanistan, but I didn't have anything to do with America. The relationship was peaceful, there were no problems between the United States and Afghanistan, it was before that. My training, I did not know my training would be considered al Qaida training. I was trying to help Muslims, [so] I thought I would go train. Massoud and others, I knew Russia helped Massoud. I didn't know Massoud was allied with the United States. So if you look at Massoud's weapon, you will see Russian. That is my answer to your questions.

Tribunal Members question Detainee.

Tribunal Member: Do you remember how long it was between the time you came to Afghanistan and the time you surrendered or were captured?

Detainee: My going in to Afghanistan, I mentioned before, it was about a year and a half, but I don't remember the exact date because we are not the kind of people that write down dates and things. I'm trying to clarify the question that I was there before any problems occurred or anything happened with the United States.

Tribunal Member: I understand; I'm just trying to figure out how long you were in Afghanistan from beginning to end.

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Detainee: Maybe a year and a little bit, a year and a half. The purpose was fighting Massoud and Dostum and helping Muslims.

Tribunal Member: So the time starting from the events of September 11th, you surrendered during the time of Ramadan, how long was that?

Detainee: If you could clarify the question.

Tribunal Member: How long after September 11th did you surrender?

Detainee: Of course we were on the lines, we didn't know, we didn't hear the news, we didn't have access. After the events, maybe sometime during Ramadan, before Ramadan, that's it we surrendered our weapons.

Tribunal Member: When you were on the lines, what weapons were given to you to use?

Detainee: Simple things, Kalashnikov, PK, that's it.

Tribunal Member: When you surrendered, how many were with you?

Detainee: A lot of people, Arabs, Pakistanis. I don't know exactly how many there were. But we surrendered our weapons to Dostum and he told us "we will turn you over to the United Nations."

Tribunal Member: After that you went to the prison in Mazar E Sharif?

Detainee: After the betrayal, he sent us there. How could someone go to you, surrender their weapons to you and you betray them? I think that is illegal worldwide. After the events, we didn't have anything to do with anything. The goal that I mentioned was to fight with Dostum so after the events we didn't have anything to do with anything. Dostum is known for helping and cooperating with the Russians. You know how they were.

Tribunal Member: But you said when you were in the field, you did not know the events of September 11th, so you continued to fight because no one told you to stop?

Detainee: No there was no fighting, it was a line. The shooting was at us, we weren't shooting ourselves.

Tribunal Member: So Dostum's forces came to your position and you surrendered without a fight?

Detainee: No, we retreated into the city. After we got to the city, we were invited to throw down our weapons and to just leave.

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Tribunal Member: Was this in Mazar E Sharif?

Detainee: Yes to Mazar E Sharif. Yes and if it was true in the accusations if we were there to fight America or the European Union or the Northern Alliance we would not have surrendered. For example, if I had the intention to fight against the European Union or America, then I would not have given up my weapon.

Tribunal Member: How long were you in the prison at Mazar E Sharif?

Detainee: I don't remember exactly, but it was a long time, maybe 4 months, but I was injured, but I do not remember exactly.

Tribunal Member: What injuries did you have?

Detainee: They were from Dostum. I was injured in my thigh and my shoulder. That was during the betrayal that Dostum had imprisoned us. If someone is bound, how do you shoot at him? That was a sure sign of the betrayal.

Tribunal Member: So this happened at the prison or before you went to the prison?

Detainee: We surrendered ourselves and he took us into the place.

Tribunal Member: When you were at the prison, did you see the battle between Dostum's forces and your comrades?

Detainee: I was injured from the beginning, I don't know. I was injured from the first moment so I don't know anything. Do you have anything else?

Tribunal Member: You stated that you are not al Qaida?

Detainee: Yes

Tribunal Member: How about Taliban?

Detainee: I'm not from the Taliban, I'm just a person, a helper. I was going to fight against Dostum. I wasn't a part of anything. Trying to protect the Muslim population from criminals and Dostum. So this is not a world crime. This is human rights.

Detainee: Personal Representative, do you want to say anything?

Personal Representative: No.

Tribunal President: I have a question. You mentioned you were traveling to Afghanistan to fight against Massoud, Dostum, and to help the Muslims.

Detainee: Yes.

Tribunal President: Were not Massoud and Dostum Muslims too?

Detainee: They were Muslims but they violated the rights of other Muslims. When you see a Muslim who is not being fair to another Muslim, you have to help the Muslim who is being persecuted. Dostum, behind him was the Soviet Union. Was that good?

Tribunal President: Thank you for your testimony today.

Detainee: Dostum is not a Muslim, he's a communist, he has the support of the Soviet Union.

Tribunal President: Do you have any other information you would like to present to the tribunal today?

Detainee: What information?

Tribunal President: Is there anything you would like to say or make known to us?

Detainee: If you can remind me, Personal Representative?

Personal Representative: I have already covered anything in the notes.

Detainee: That is just what I wanted to remind you of the reasons and the objectives for me going there. The purpose of me going to Afghanistan was to fight Massoud and Dostum, not for any other purpose. And the proof of that is that my presence inside of Afghanistan was before any events happened or problems happened to America, as God as my witness.

Personal Representative has no further evidence or witnesses.

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

Detainee: All the evidence and classified evidence has been entered, I didn't understand this part.

Tribunal President: All unclassified evidence,

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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, U.S. Marine Corps
Tribunal President

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Summarized Sworn Detainee Statement

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

When asked by the Tribunal President if he wanted to make a statement the detainee indicated that he did. He was sworn and provided essentially the following information:

Unfortunately I was in the hands of the wrong people. They sold me and the Americans bought me. I was bought and put in their detention. I was only 16 years old at the time. I answered all their questions. They blamed me for having a connection with Mohammed [referring to the Jaish-E-Mohammad organization as alleged in Exhibit R-1], but I had none. I am not registered with them. Of course I went there [to Afghanistan] but I had no connection with them. I did not take part in the war. I fought with the Taliban and I also took their training. When I left home it was an emotional decision. I had no sense at that time.

Summarized Answers in Response to Questions by the Tribunal Members

Q. To make sure I heard you right, you said you fought with the Taliban and took training with the Taliban?

A. Yes.

Q. Do you remember when?

A. I took training in July and went to Afghanistan in August

Q. Was this before the Americans started bombing?

A. Yes.

Q. Were you with the Taliban after the Americans bombed?

A. I was with them one and a half months before they bombed.

Q. What about after they bombed?

A. Yes, I was on the front line.

Q. How were you captured?

A. When the line was broken, I was traveling toward Konduz and got captured.

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Q. Were you captured by the Northern Alliance or American forces?

A. Northern Alliance.

Q. Did you fight against the Northern Alliance?

A. I did not fight there, I was on a defensive line.

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

A. I had nothing against America then or now. When I was brought here and questioned, I answered everything, but I have still not been released. I have no plans to go back and fight again.

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

A. No sir.

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 Sworn Detainee Statement

When asked by the Tribunal President the detainee stated he understood 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 provided the following statement after electing to be sworn:

What else can I tell the committee? I can't say anything further. If you look at what I have written and all the evidence I presented to my Personal Representative. I really don't have anything to say.

The Tribunal President then asked if the Personal Representative had any questions for the Detainee. The following exchange ensued:

Summarized Answers in Response to Questions by the Personal Representative

Q. What do you do for work?

A. I was a store vender.

Q. The evidence states you owned an AK-47 rifle, why did you own it?

A. For the protection of my family.

Q. Do you remember when the U.S. forces came to your house?

A. Yes.

Q. Why did they come to your house?

A. I don't know.

Q. The evidence states, you were told to stop, but you did not, why?

A. I did stop when they asked me to.

Q. Did you fire your weapon?

A. I don't remember.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Are you a member of the Taliban?

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A. No.

Q. Do you have any affiliation or association with al-Qaida?

A. No.

Q. When the U.S. forces came to your house, did you know whom they were?

A. First I thought it was my personal enemies, and then I found out it was soldiers.

Q. Where did you learn to fire the AK-47?

A. Everybody in Afghanistan knows how to use the gun.

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

A. No.

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

A. No.

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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Col, USAF

Tribunal President

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Summarized Detainee Unsworn Statement

Tribunal President: Awal Gul, 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 evidence to this Tribunal?

Detainee: I have no evidence, but I have the statement with the Personal Representative. I have given it to him.

Tribunal President: Would you like to make your statement under oath?

Detainee: No.

In the following section of the summarized transcript, the Personal Representative reads the detainee's unsworn written statement (attached as Exhibit D-B) to the Tribunal. The statement addresses each point on the Unclassified Summary of Evidence in order. Because the statement does not always 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 unsworn statement into context. Any comments made by the detainee or others while the Personal Representative reads the statement are summarized, as well.

Tribunal President: Personal Representative, you may begin.

Personal Representative; Detainee Awal Gul dictated the following written statement on 9 September in response to his Unclassified Summary of Evidence dated 7 September 2004.

3.a. Detainee is a member of the Taliban and associated with al Qaida.

1. Detainee was trained in the use of Stinger missiles in Pakistan.

Personal Representative: Regarding allegation 3.a.1,1 was trained in the use of Stinger missiles. This was during the timeframe that the United States was providing the missiles to Afghans to be used against the Russians. There was training both in Afghanistan and Pakistan by United States personnel. I did not pass the tests for using the Stinger and therefore, I never used one. The year I was trained was 1365/1986.

2. Detainee associated with Usama Bin Laden on three occasions

Personal Representative: Regarding allegation 3.a.2,1 did see Usama Bin Laden on three occasions. I never did interact with him, other than to shake his hand. On the first occasion in 1369/1990,1 only saw him from a distance. On the second occasion, we had heard that rich Saudis were coming to build a hospital and a school. Usama Bin Laden arrived and as a matter of courtesy, everyone gathered in a large group and welcomed

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him, shaking his hand. This occurred in 1374/1995. The third occasion was after the Taliban came and took over, 1375/1996. At this time, the Mujahideen split into two groups, one to fight the Taliban and one that did not fight. I belonged to the group that did not want to fight. Hagi Abdul Ghadar asked why we are not fighting, and he told us that Yunis Khalis said that we had to fight.

Detainee: He was the chief of that area. He asked us why we are not fighting.

Personal Representative: So, to clarify this information, we sought out Yunis Khalis, who told us that he did not say we had to fight.

Detainee: Hagi Ghadhar mentioned that we have to go to the fight because Yunis Khalis announced it that everyone has to go to the fight. Therefore, we decided to go to Yunis Khalis to see if he tells the truth or not. That is why we go out there.

Personal Representative: On the way back, we saw a large crowd by a house. It turned out that Usama Bin Laden was staying at this house. There was a large crowd there and I only saw him from far away.

Detainee: It wasn't too crowded, but some people were there.

Personal Representative: This just happened and was not planned. I would like to state at this time, we did not know that Usama Bin Laden was anti-US. It was only three years later when we realized this, 1378/2000. It was also at this time that I resigned from my job.

Detainee: My understanding was, after that it was against the U.S. and I tried to resign.

3. Detainee served intermittently as commander of a Taliban supply base near Jalalabad, Afghanistan, for ten years,

Personal Representative: Regarding allegation 3.a.3, I did serve for 9 years, 1371-1380/1992-2001.

Detainee: I worked 9 nine years from 1371-1380.

Personal Representative: Four of those years were with the Mujahideen, and I had a five-year contract with the Taliban. I actually only served three of the five years for the Taliban, as I was trying to resign and they told me no. In 1378/2000, I met with Hazrat Ali to establish our own local security and split with the Taliban.

Detainee: I was in contact with him before that year. But since everything goes kind of hasty around this state, I kind of decided to join them, join Hazrat Ali's group.

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Personal Representative: When the Mujahideen ran the camp, there were 250 people there. When the Taliban ran it, there were only 75.

Detainee: After I resigned and they rejected it over and over again, I tried to run away and go to Hazrat Ali's group. That is when I got captured and turned over to the Northern Alliance. Hazrat Ali told me that we can escape, work for him.

Personal Representative: When the Taliban took over, almost everyone stayed in their jobs as they were scarce and people needed to work. After the fall of the Taliban, there were two major groups in the area, the Northern Group (Alliance) and the Pakistanis.

Detainee: I couldn't stay in that location because I was scared of the Southern Group, which was the Afghan group, that was staying in that location. There were lots of problems trying to stay in that location, so that's why I tried to join Hazrat Ali's group. I was going to run away to the Northern Group, but Hazrat Ali told me I had to stay there.

Personal Representative: The Pakistanis knew that I had worked for the Taliban and went to Hazrat Ali and forced him to turn me over to the Northern Group.

Detainee: Hazrat Ali asked the Pakistani group to verify that I am part of the Taliban or not, which they did, and sent me to the Northern Alliance. And those people came from Pakistan and Saudi [Arabia]. They had some relatives working for the Taliban. Hazrat Ali wanted me to stay there, but since they said that I used to work for the Taliban, that is the reason they captured me and sent me to the Northern Alliance, Hazrat Ali defended me and said, "He was not working for the Taliban, he was working for me." When the American group came over and I was working with the American group - when they came to Bagram, I did not work anymore. I wasn't in the war.

3b. Detainee engaged in hostilities against the U.S. or its coalition partners.

1. Detainee fought against the Northern Alliance in Kabul on the Gul-Da-Da-Ra front lines and was the commander of a ten-man unit

Personal Representative: Regarding 3.b.1, I was not in the war as a fighter. When asked to send supplies for ten men, I would send supplies for ten men.

Detainee: This ten people was the first 3 years I was active. Later I worked by myself.

Personal Representative: I provided supplies from 1375 to 1378/1996 to 2000. I did not provide supplies during 1379 to 1380/2000 to 2001, as I was trying to get out of the last two years of my contract with the Taliban.

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2. *Detainee was the commander of "Taliban Unit Four," a 250-soldier unit, for approximately five years.*

Personal Representative: I was in charge of 250 personnel from 1371/1992 through when the Taliban took over and the number dropped to 75 by 1375/1996.

Detainee: The camp had 250 people during the Mujahideen time, when I was part of Mujahideen - the first four years of my nine years. The 250 number was really from those 4 years, and I was a member of the Mujahideen.

Personal Representative: It was a base, with some larger weapons, a tank, etc.

Tribunal President: Awal, does that conclude your statement?

Detainee: I have some more things to say. I put my resignation to the government in the hands of the members of Hazrat Ali's group. [Haji] Abdul Hagh was a member of this group. He was killed by the opposition. Waleed Abdul Hagh was the brother of the guy who was killed. That's who I put my resignation in to. Waleed was his brother. He was a governor of the area. Haji Abdul Hagh was killed, and his brother was alive, and I was working with him and that's why I put my resignation in to him. I put my resignation from the Taliban through him. His brother was the one who got killed by the opposition, and he was pro-American and he was a member of the Hazrat Ali group. Haji Hagh and Hazrat Ali were one group; they were working together. Both of them were against the Taliban.

Tribunal Member wanted clarification of names: Haji Abdul Hagh and Hazrat Ali

Detainee: I put in my resignation through these people. My resignation [went to] Haji Abdul Hagh, who is part of Hazrat Ali. Haji Abdul Hagh was killed, and I put my resignation through Haji Din Muhammed. Haji Din Muhammed is of the same party as Hazrat Ali. I worked with him and he tried to take care of me, and that's who I put my resignation through. At the time you are referring to, I don't feel I was captured. There was an American up there. We had a meeting and he told us to work with Hazrat Ali, and that is why I was part of Hazrat Ali's group.

Tribunal Member: Who told you to work for [Hazrat Ali's group]?

Detainee: One American. There was a meeting. The American said we should work with Hazrat Ali because he is a pro-American. That is why we joined that group. That was the same person who was a representative, and he entered into Jalalabad through Hazrat Ali. There was a power struggle among the groups. Because I was a member of Hazrat Ali, and since I was a member of a different group before, even though I was pro-Hazrat Ali, they thought I had some kind of knowledge and might be of benefit to them. Based on the research of my background, they tried to push me out from that system. There was a power struggle in the groups. Indirectly, they notified that I better start

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running away since there was a power struggle between the people. I said, "No, I'm not going to run anywhere, and I'm going to stay with Hazrat Ali." That's why I said that.

Detainee (continued): Pakistan mentioned that Kabul was never going to fall as long as the Taliban was there. When Kabul fell, they were accepting those commanders that were pro-Pakistani, not those that were pro-Northern. We were against the commander of the Pakistanis. We helped the Northern Alliance. That is the reason they were searching my background and everything else. The Pakistanis were pro-fight against the United States. I am a pro-Afghani person. I was a soldier during the time it was pro-American. We were pro-American. We helped the U.S. I was a soldier.

Detainee (continued): I don't have anything against the United States. And this is a shame that they keep me down here a long time. I have never had anything against the United States. I am asking this. Tribunal, please, I don't have anything against the United States and I don't want the United States to have anything against me. I wish you wouldn't judge me from the circumstances, that someone else put a report against me. I was fighting and I was a pro-American when the Americans were out there. I'm just a person right now. That was a long time ago. I was pro-U.S. Right now, I'm just working in Afghanistan. I was working in an international health organization. I was giving the medicine or supplies. I don't know what those people coming over have in their hearts. When they came, we greeted them. I wasn't a runaway. I went and turned myself in.

After the conclusion of the detainee's unsworn remarks, the detainee answered questions from Tribunal Members. The Personal Representative and the Recorder indicated they had no questions.

Tribunal Member: In regard to the Unclassified Summary b. 1, it talks about the Gul-Da-Da-Ra front lines. I just wanted to confirm for the record, when did that fighting occur?

Detainee: That was in the first 3 years that I was talking about, from my 5-year contract, and during that time they were asking for the material and the people, I would send them out there. I wasn't in the war.

Tribunal Member: Was this before or after September 11th?

Detainee: That was 2 years before that. I wasn't there. I supplied the people.

Tribunal Member: During your statement, you talked about an American, telling you to go join a force. Was this American in uniform or civilian clothes?

Detainee: He had civilian clothes and he was middle aged.

Tribunal Member: Would it be fair to say you supported the Northern Alliance or Taliban during the struggles in Afghanistan after September 11th?

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Detainee: I was working with the Northern Alliance. You can verify my statement through Hazrat Ali.

Tribunal Member: You mentioned that you worked in Afghanistan as person for a health organization. Do you know the name of that organization?

Detainee: I was giving an example. I was working for an outlet in Afghanistan.

Tribunal Member: Did you work for Al-Wafa?

Detainee: No. I don't know him. The organization didn't help in the hospitals or drug stores, the international organizations. We thought that Bin Laden was the organization coming to help us, but he didn't.

Tribunal Member: As far as you being detained, you turned yourself in?

Detainee: No one captured me. I was working with the Northern Alliance and Hazrat Ali. They commanded me to go turn myself in and that's what I did.

Tribunal Member: When you did that, did you have a weapon?

Detainee: No. I never had one.

Tribunal Member: If you were working for the Northern Alliance, why did you have to turn yourself in?

Detainee: Everybody had an objection about my case. I was willing to go to court and testify. That is why I went to the Northern Alliance.

Tribunal Member: When working with Hazrat Ali, were you with the Northern Alliance at that time, at the end?

Detainee: Yes, I was.

Tribunal Member: So if the Northern Alliance won, why did you have to turn yourself in?

Detainee: Since from being in the Southern organization, my background wasn't clear. With the recommendation of Hazrat Ali, he told me go ahead and turn myself in to the Northern Alliance to clarify my situation.

Tribunal Member: But if you were working for Hazrat Ali, why would he tell you to go ahead and turn yourself in?

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Detainee: This is an Afghan custom, that no matter what kind of position you are in, if there is any allegation against you, you go back to them, the Northern Alliance, and testify.

Tribunal Member: Who made the allegation?

Detainee: It was the Southern group, the Afghan group.

Tribunal Member: When did you learn about the September 11, 2001, events in the United States?

Detainee: About the same time it happened, we heard about it on the radio.

Tribunal Member: What was your job when you learned about September 11th?

Detainee: I was working in an office.

Tribunal Member: For whom?

Detainee: A Taliban organization, I had put my resignation in a long time ago.

Tribunal Member: What was your job?

Detainee: I was doing just the inventory, what was out, what was in.

Tribunal Member: What were you inventorying? What were the items?

Detainee: Pots, pans, rugs; it was a storage area that I was working in. That was just the title of the job. I was just working in that office. I didn't have any function. It was some kind of function for me, I had already put in my resignation and since they did not accept it, they put me in a low job and that's why I was working there as an inventory person.

Tribunal Member: Would you issue material from the warehouse to people?

Detainee: In a Taliban organization, they were not real organized. That was a job title they gave me. No, there were no other people, just an unorganized situation.

Tribunal Member: Did the warehouse belong to the Taliban military?

Detainee: There weren't any materials there, just a building.

Tribunal Member: But who were you working for? The Taliban military?

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Detainee: Since I tried to resign a few times, and they didn't accept it, if I tried to runaway and go to the North, I knew I would be captured, so I took that job. I knew I would be working,

Tribunal Member: Who was your contract with? The Taliban military?

Detainee: That was a Taliban group.

Tribunal Member: What were you supposed to do under the contract?

Detainee: They told me to do the inventory for one building and I did the inventory for that building. That's all I was doing. And some of the things weren't there - they didn't exist. There was supposed to be a table and a chair, and pots and pans, but they did not exist.

Tribunal Member: When you first signed the contract, what were you supposed to do, before you turned in your resignation, at the beginning of the 5-year period?

Detainee: I was commander of 75 people.

Tribunal Member: So your job was with the Taliban military at the beginning?

Detainee: Yes.

Tribunal Member: Were you still being paid when working in the warehouse? Was the Taliban military still paying you?

Detainee: Yes. The Taliban was paying my salary.

Tribunal Member: Where was this warehouse?

Detainee: Jalalabad.

Tribunal Member: Were you working in the warehouse when you decided to turn yourself in to the Northern Alliance?

Detainee: The Taliban was done and I was working for Hazrat Ali when I turned myself in.

Tribunal Member: What were you doing for Hazrat Ali?

Detainee: We were helping Hazrat Ali with the social aspect of it. The Southern group, which is the Pakistani [group], started a power struggle, so we were just helping his organization.

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Tribunal Member: In Jalalabad?

Detainee: Yes.

Tribunal Member: When did you turn yourself in? How soon after September 11th?

Detainee: It was one month after the Taliban fell.

Tribunal Member: So you worked for the Taliban until the Taliban fell, and then you started to work for Hazrat Ali for a month?

Detainee: Yes. That's how it was, but I had put my resignation in.

Tribunal Member: But you continued to work for the Taliban until it fell in Jalalabad?

Detainee: Yes. That was one month's time.

Tribunal President: When you worked for Hazrat Ali, did a person tell you and other people to turn yourself in?

Detainee: Yes, he recommended it to us.

Tribunal President: Who was that person and what was his position in the Hazrat Ali?

Detainee: It was Hazrat Ali himself.

Tribunal President: Did Hazrat Ali have to turn himself in as well? Did Hazrat Ali have to go to the Northern Alliance too?

Detainee: He was a main commander. He was against the Taliban. I cooperated with him and I become his member.

Tribunal President: In your written statement, you said you established a local security organization with Hazrat Ali.

Detainee: It wasn't really an organization. Hazrat Ali's father was more powerful since he was the Minister of the Southern Alliance in Pakistan. The commander of the Pakistanis was advertising. Naturally, I was born somewhere else [i.e., Afghanistan], but they were advertising to come to their side, and they tried to get us into their group, which is the Pakistani side. They tried to pull us toward themselves. We didn't know about that situation. We were from a different location. They didn't know us since we were not from this location. The Pakistani group was the group that was running the country. That's why I didn't like to join that group. That's the reason I swung toward Hazrat Ali's group. That's the reason I joined with Hazrat Ali. That's why I was there.

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Tribunal President: I need to be clear about the job. You said you provided security. Was that security for a person or a building?

Detainee: The time they are talking about, everything was unorganized and everyone tried to get to that location and tried to do something. It wasn't a specific title. Everybody tried to do something for that organization to help. I was just helping him [Hazrat Ali] in their organization and politics of Hazrat Ali. I was working out there with Hazrat Ali.

Tribunal President: Did you provide security to Hazrat Ali or to the Taliban military?

Detainee: The security was for Hazrat Ali, not the Taliban.

Tribunal President: What month and year did you submit your resignation?

Detainee: I do not know the exact date, but it was two years before the downfall of the Taliban. It is written on the resignation that I have. It has a date.

Tribunal President: I understand you submitted a resignation more than once. How many times did you submit a resignation and when?

Detainee: Twice.

Tribunal President: Do you know when you submitted your resignation?

Detainee: It was a year before the first one and it was three years before that. The second was two years before the fall of the Taliban. The first one was three years before then [i.e., the fall of the Taliban].

Tribunal President: To clarify, the Detainee said three years before the fall of the Taliban and two years before the fall of the Taliban?

Detainee: Yes.

Tribunal President: What month and year did you turn yourself in to the Northern Alliance?

Detainee: On my calendar, the date is February 10, 1380. [2002].

Tribunal President: Where was the Northern Alliance when you turned yourself in?

Detainee: Kabul.

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Tribunal President: You had a contract with the Taliban. What year was the contract to start and what year was the contract to end?

Detainee: I'm not exactly sure. I think the ending time is on my resignation papers. My contract began roughly on 20 June 1375. I was ill for a few months and after that I started working. I don't remember the resignation date. It is supposed to be on my paper. Three years after it started, that was my resignation date. So, three years after that is going to be 1378, roughly.

Tribunal President: Let me see if I understand. The ending date of the contract was 1378 but he submitted his resignation in 1375 and 1376?

Interpreter: No, that was his starting date. He started in 1375 and resigned in 1378, no month or date.

Detainee: I would like to mention that I tried to resign twice, but it wasn't accepted.

Tribunal President: Who had the authority to approve your resignation?

Detainee: It was Mullah Omar.

Tribunal President: What was his position?

Detainee: He was the Commander or a very high-ranking person in the Taliban. Very, very high ranking.

Tribunal President: A Commander in the Taliban military?

Detainee: He was just like the King of Afghanistan. He was not part of the Taliban. He was a high-ranking, powerful man.

Tribunal President: But he was not part of the Taliban?

Detainee: Yes, He was part of the Taliban.

Tribunal President: Was he part of the Taliban military?

Detainee: He was like a King; all of the military was under him.

For the Record the Tribunal President received a translated copy of detainee's request for copies of his resignation documents (Exhibit D-Q. The Tribunal President asked the Personal Representative if he had conveyed the Tribunal President's decision (page 2 of Exhibit D-A) to the Detainee that the requested documents were not relevant. The Personnel Representative stated the decision had been conveyed to the Detainee.*

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

Detainee: Yes. I worked with Hazrat Ali and Haji Waleed Mohammed, who was the brother of Haji Abdul Hagh. I was working close to them and they all can verify any questions you have for them.

Tribunal President: Personal Representative, do you have any other evidence to present to this Tribunal?

Personal Representative: Yes. When you were the Commander of 75 in Jalalabad, were they soldiers or civilian workers?

Detainee: They were just regular people. They weren't soldiers, just regular people.

The Personal Representative submits the Detainee's unsworn and unsigned written statement into evidence (Exhibit D-B).

Tribunal President: The Tribunal has your statement. 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: Do any of the other Tribunal Members have questions?

Tribunal Members: No, Ma'am.

Tribunal President: All unclassified evidence having been provided to this 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

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Detainee 782 Statement

The following is my statement regarding the allegations in the unclassified summary presented to me on 9 September 2004.

A . I. I was trained in the use of Stinger missiles. This was during the time frame that the United States was providing the missiles to Afghans to be used against the Russians. There was training both in Afghanistan and Pakistan, by United States personnel. I did not pass the tests for using the Stinger and therefore, I never used one. The year I was trained was 1365/1986.

2. I did see Usama Bin Laden on three occasions. I never did interact with him, other than to shake his hand.

a. On the first occasion in 1369/1990, I only saw him from a distance.

b. On the second occasion, we had heard that rich Saudi's were coming to build a hospital and a school. Usama Bin Laden arrived and as a matter of courtesy everyone gathered in a large group and welcomed him, shaking his hand. This occurred in 1374/1995.

c. The third occasion was after the Taliban came and took over (1375/1996), at this time, the Mujahadin (sp) split into two groups, one to fight the Taliban and one that did not fight. I belonged to the group that did not want to fight. Hagi Abdul Ghadar asked us why we were not fighting, and he told us that Yunis Khalis said that we had to fight. So, to clarify this information, we sought out Yunicis Khalis who told us that he did not say that we had to fight. On the way back (about 3KM) we saw a large crowd by a house. It turned out that Usama Bin Laden was staying at this house. There was a crowd there and I only saw him from far away, this just happened and was not planned. I would like to state that at this time we did not know that Usama Bin Laden was anti US, it was only three years later when we realized this (1378/2000). It was also at this time that I resigned from my job.

3. I did serve for 9 years, 1371-1380/1992-2001. Four of those years were with the Mujahadin and I had a five-year contract with the Taliban. I actually only served three of the five years for the Taliban as I was trying to resign and they told me no. In 1378/2000, I met with Hazrat Ali to establish our own local security and split with the Taliban. When the Mujahadin ran the camp, there were 250 people there, when the Taliban ran it, there were only 75. When the Taliban took over, almost everyone stayed in their jobs as they were scarce and people needed to work. After the fall of the Taliban, there were two major groups in the area, the Northern Group (Alliance) and the Pakistanis. The Pakistanies knew that I had worked for the Taliban and went to Hazrat Ali and forced him to turn me over to the Northern Group by Hazrat Ali

B.

1. I was not in the war as a fighter, when asked to send supplies for ten men, I would send supplies for ten men. I provided supplies from 1375 to 1378/1996 to

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2000. I did not provide supplies during 1379 to 1380/2000 to 2001 as I was trying to get out of the last two years of my contract with the Taliban.
2. I was in charge of 250 personnel from 1371/1992 through when the Taliban took over and the number dropped to 75 by 1375/1996. It was a base, with some larger weapons, a tank etc.

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Exhibit P- a

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Summarized Sworn Detainee Statement

Personal Representative advises the Tribunal Panel that he met with the Detainee and discussed each piece of evidence contained in the Unclassified Summary with the Detainee and he made statements about the evidence. The Personal Representative will read each statement and read the Detainee's response to each point. The Detainee will elaborate if he wishes.

- **3(a)(1) The Detainee is a member of al Qaida.**

Not true, I personally say that I am not a member of al Qaida. Even the Jordan Delegation that came to the island proved that I was neither Al Qaida nor Taliban. I deny all the allegations against me. A witness from this camp named Abu Zubaydah made these false accusations against me that are not true.

I want to add that even the interrogators here on this island never said that I was a member of al Qaida. Even all the reports received, even what you call classified reports, nothing states that I was a member of al Qaida. I have been here for over two years, and no one has said that I am a member of al Qaida. So what is the basis of the accusation that I am a member of al Qaida?

Tribunal President states that the only information the Tribunal Members have seen is the Unclassified Summary. Any information that the Detainee can add would be helpful

Can you take a look at the files and all the interrogations to verify what he said are true?

Tribunal President advises the Detainee that some of it may be seen later.

A witness from the camp named Abu Zubaydah made these allegations against me that are not true. He also made other false allegations against other detainees and it was proven that they were not true. Abu Zubaydah made these statements against me without ever seeing me do any of the things he has lied about For instance, he said I traveled through Iran, I did not. I traveled through Pakistan instead The Jordanian government has records of my travel times. He said so many things in his report to interrogators that were not true, so if these things are not true like my travel through Iran, than none of his allegations against me should be believed. Therefore, the following statements that I was told by interrogators came from him are not true.

This person by the name of Abu Zubaydah, made three false accusations against me. The first being that I went to al Farouq training camp, and the second is that I appeared in a

movie about the USS Cole. The third accusation said that I attended a seminar for falsifying passports. I did not talk about or agree with any of these accusations. The first accusation of me attending al Farouq training is not true; he has never seen me there. When I was in Afghanistan, I was staying in the city of Khost. The al Farouq camp is located in another city. The second accusation concerning myself appearing in a movie about the USS Cole; this movie does exist and it is everywhere. Interrogators have it and everyone has seen it. If you see me in this movie then you can believe the allegations. If my picture is not in the movie, then what is the basis of his lies? I have asked interrogators before to show my appearance in the movie, but they could never provide it. This shows that I never appeared in the movie about the USS Cole. In regard to attending courses for forging passports, the authorities read the accusation that said I did not attend the courses, but I just received passports. This is also false. The way the accusations are expressed is wrong. One point states that I attended courses and another states that I received passports, but they are both wrong. One thing that can be seen is his report is that I went to Kabul when it fell. But, you can see here that I am still alive. All the testimony from this gentleman is lies. Everything is mixed up, so you can't take his word at all. If you want to believe the report, you have to believe it all. This means that the person the report is about is dead. You can't believe one part of the report and not another. That is not logical. All his testimony is contradictory. He said I was killed; this is not true. He said that I was in the movie about the USS Cole, I wasn't. He said that I attended classes about forging passports, which I didn't. This person also told lies about a lot of other people. We heard from the interrogators themselves that they used unusual methods to get information from him. It is known, that anyone that gives information under force should not be taken into consideration. Experience has shown that anyone that is subject to torture for long periods of time will say anything to stop the torturing. He may have talked about me under pressure or torture. He may have mistaken my identity for someone else, anyway, the entire report is false.

- **3(a)(4) The Detainee received weapons training at al Qaida's al Ghuraba camp in Kabul.**

Not true, no interrogator ever mentioned this to me.

That is also not true. I never attended any weapons training and interrogators never mentioned this to me. The Jordanian Delegation asked me if I trained in this camp. They also asked me if I trained in al Farouq, and the Ghuraba camp. I told them I never trained in the camps. They learned that this camp does not belong to al Qaida, it belongs to another group. They told the Jordanian Delegation that I did train in the camp, this is not true. The interrogations are documented that I never said such a thing. Every interrogation is documented. They have to write everything correctly. After the Jordanian Delegation left, the American interrogators asked me again if I ever trained in Ghuraba camp. I told them I never trained there. I never agreed or admitted to this allegation. The interrogator never got this from me. I never said anything about it. I don't know how the Jordanian made this mistake because my meeting with them was filmed and

documented. I would like you to please go back and please check my interviews with the American interrogators to see if this is true or not.

- **3(a)(5) The Detainee attended counterintelligence training in Kabul.**

This is a lie also. My friend was captured in Pakistan right after me and sent to Jordan. My friend was tortured and must have said some untrue statements. I have not done any of these things. You cannot rely on prisoner witnesses. This guy knows me, and he never said any of the other statements like Abu Zubaydah did.

As I said, this person is my friend. He was captured by the Pakistani's and delivered him to the Jordanians. I live in Jordan and it is known that there is a torture danger there. You cannot base judgment on the statements from someone that has been tortured outside of the United States. You cannot know if what was said is the truth. The American interrogators asked me if this allegation was true, and I told them no. I denied it completely. I consider it as just a falsified accusation.

- **3(a)(6) The detainee was captured with a Makhab al-Khidmat-inscribed Koran.**

When I was in detention in Kabul, I asked for a Koran, the Afghans holding me gave me an old Koran, now you are trying to say I am part of the Makhab-al-Khidmat terrorist organization because of something inscribed in a Koran given to me while in captivity. This doesn't make sense.

I asked the Afghans about the Makhab al-Khidmat. This organization became inactive about 15 years ago. If you don't believe me you can ask interrogators that specialize in this field and they will tell you that this office closed about 15 years ago. If you came to the conclusion that it was closed a long time ago, how could you consider me having any connection with this office? I was a little boy when it was closed and before that I was in Jordan. So how could I have any connection with it? Just to give you an example, if you found someone with a uniform from WWII, would you accuse him of participating in WWII? It doesn't make any sense. I admit they gave me an old copy of the Koran, but that doesn't mean I have anything to do with the office. For example, a Jordanian man that used to work for the office, he was investigated and then let go. He went back to Jordan. You can check with the investigators they have this gentleman's file and my file. You can see if I had anything to do with this.

- **3(a)(7) Makhad al -Khidmat is a terrorist organization.**

I am not associated with this organization, like I said; I was given the Koran by the Afghans while I was in detention. This was closed about 15 years ago.

Just for your information, the Makhad al-Khidmat organization was a humanitarian organization. They distributed clothes and food to people in Afghanistan. They are very well known by the Afghani people.

Personal Represetive asks the Detainee if he has anything else to add.

All of these accusations are not true. All the interrogators that I spoke to, I never agreed or admitted to any of the accusations. They never mentioned these accusations to me. I never admitted anything in regards to these accusations. I am asking you to treat my case with justice. I do not have any problems with my country or Americans.

Questions by the Tribunal Members

Q: Will you tell us what you were doing in Afghanistan and Pakistan before your capture?

A: I went to Afghanistan via Pakistan to visit my brother in 2000.

Q: What city did your brother live in?

A: Khost.

Q: What did your brother do in Khost?

A: Why brother is established there in Khost. He teaches the Koran and Sharia, which is Islamic Law.

Q: How did you pay for your travels?

A: In Jordan I was a professional. I used to paint houses. I saved a lot of money. I made a decent living.

Did you work while living with your brother or not?

I just visited him and studied the Koran and Sharia under him.

Would you tell the Tribunal about you education before you went to Afghanistan?

I did not finish high school in Jordan. I went through the third year of high school.

Q: Are you a Jordanian subject?

A: Yes.

Q: Did you have military training in Jordan?

A: In Jordan we have mandatory military training. It is called people training. It is mandatory for everyone in high school, girls and boys.

Q: You told us about a man named Abu Zubaydah and how he said false things about you. You mentioned he was tortured to say those things. Can you tell us more about that and how you know that happened?

A: In his statement he never said he was tortured, that's impossible. We know from the American interrogators, not only me, but also a lot of other detainees on this island know that he was subject to a lot of torture. There was a picture of him, I didn't see it, and someone else did showing the signs of torture on his body. Another detainee saw an article in a magazine, I don't remember which one, he read that American interrogators said he was under psychological pressure and was in a special holding place.

Q: Have you ever met Zubaydah?

A: No, never.

Q: Did you ever have to carry a weapon while in Afghanistan?

A: No.

Q: Did your brother have weapons in the house?

A: No.

Q: You mentioned in response to number five that the friend you were captured with must have said something about you taking counterintelligence training.

A: Yes.

Q: Do you know if he was tortured, and if so how do you know?

A: I did not see him being tortured, but I know that torturing is common in Jordan. It does exist 100 percent in Jordan. They say in front of the world that they do not torture people but if has been proven that they do. When the Jordanian Delegation came here, they told me they would beat me when I leave here. I was being threatened here. Also, the people that were captured from Pakistan and Afghanistan were subject to torture. They were tortured in Pakistan and Baghram, and everywhere, we know that. In Kabul there is a prison called the Darkness prison, torture is a known thing.

Q: What is your friend's name?

A: Anwar Abu Fans.

Q: How long have you known him?

A: He is not really a friend; he is an in-law to my brother. My brother is married to his sister.

Q: You have known him for a lot of years?

A: I have known him since Jordan, but it was not a strong relationship between us.

Q: Why were you captured in Jordan?

A: It was an old thing; about seven years ago they captured me because I had a book. The consider this book censored. This book was printed in Jordan, it is not censored. I stayed for 50 days and then they released me. No tribunal or anything.

Q: What was the name of the book or what was it about?

A: I always get these two books confused. One was the Democratic Law in Islam, and the second was called Talhot, which in Arabic is like nightmare or the devil. I have forgotten the title of this book because it has been a long time.

Q: How do you know Abu Zubaydah's statements about others are also false? Do you know what he said?

A: I heard about it in the prison because the prisoners did talk about these things.

Q: Have you ever traveled to Yemen?

A: No.

Q: If you went to visit your brother in 2000, how long did you stay?

A: I stayed with him from 2000 until the Fall of Afghanistan. I think I arrive in March of 2000 and stayed until Fall of Afghanistan.

Q: So this visit was longer than a year and a half.

- A: Yes, I stayed in his house to memorize the Koran. This takes a long time. After that we did the Sharia, which is the study of Islamic Law. Then things happened which prevented me from going back to Jordan.
- Q: Do you believe in Jihad?
- A: I believe in Jihad as it was mentioned in Shar al.
- Q: Does Jihad include killing of others?
- A: In our faith, Jihad is getting back your rights.
- Q: Therefore, since the United States was dropping bombs in Afghanistan, is Jihad against Americans justified?
- A: I can't give you my opinion because I did not participate in this war. I don't know, God knows.
- Q: Can you tell us the circumstances of your capture?
- A: In Kabul?
- Q: Wherever you were captured?
- A: I was captured by group of Afghanis that was part of the official government. They asked for ransom to let me go. I was kept for eight months. They tortured me and treated me very badly. After that, I escaped successfully. I went to Jalalabad and was captured by government officials there, and delivered to the Americans.
- Q: Did they ask for ransom from your brother?
- A: No. They asked for ransom from my family. They gave me a phone and I spoke to them in Jordan. Everybody in Jordan is aware of this, even the Jordanian government. It was a well-known issue.
- Q: When they captured you in Jalalabad, did they give you a reason for taking you into custody?
- A: They did not have any accusations, I was just in the city, not running or hiding. They said there were no problems; I was going to go home. They caught in a time when there was no war, I didn't have a weapon.
- Q: Do you know what date you where captured?

A: I believe it was My 17th 2002.

Q: Why did you go to Jalalabad instead of Khost, where you brother was?

A: If you knew Afghanistan, you would know that Jalalabad is much closer than Khost. We are talking about eight months after the Fall of Afghanistan and my brother and his family left Khost. I didn't have anywhere to go. It was Jalalabad then the next stop was Pakistan,

Q: You trying to leave the country?

A: Yes. I was on my way to Pakistan.

I have a question. If you find out that the witness has been saying lies or contradictory statements, will his testimony be taken into consideration?

Tribunal President advises the Detainee that the Tribunal Members have to look at all the evidence and weigh it based on what is known to be true. Included in that is the things you have told us here today as well

The Tribunal President asks the Personal Representative if he has any further evidence or previously approved witnesses to present to the Tribunal.

Personal Representative has nothing to add.

I would like to add something. I would like to make a remark that should really be taken into consideration. No one ever, in all the interrogations, here or abroad said that I am a member of al Qaida or the Taliban, You have to take this into consideration,

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

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