

Summarized Sworn Detainee Statement

I have one question about the classified documents. I want to see all the classified evidence about me. If I don't see this information, then how do I know it is true about me, or where it came from? I want to see this classified evidence about me.

Tribunal President: I understand your question. Classified information is information that the owning government agency has decided could cause damage to our national security if released. This tribunal does not have authority to change that decision. We have come here today with an open mind. We have not seen any evidence whether classified or unclassified about you. The U.S. government will provide the unclassified evidence about your activities. You will have an opportunity to tell your story and address those allegations. With the assistance of your Personal Representative, you will have the opportunity to make a statement and tell us whatever you feel is important as we make our determination upon your enemy combatant status. Do you have any other questions?

Detainee: I am thinking this tribunal is really very just. If somebody accuses me with classified evidence I just wanted to find out what the allegations were so I could respond.

Tribunal President: We are not here to punish you. This is not a court of law. This is a tribunal, which is an administrative hearing. The classified evidence will be reviewed by tribunal members only in a closed session.

The Recorder administered the Muslim oath to the Detainee.

The Detainee responded to each point in the Unclassified Summary of Evidence as read with the assistance of his Personal Representative.

- **3-1 The detainee was associated with a rocket attack on U.S. forces in Asadabad, Konar Province on 21 September 2002, and was identified as a sub-commander of the operation.**

I don't know about this statement.

- **3-2 The Detainee was a policeman under the Taliban and provided information on the police force.**

No. Do you want me to just talk about it, or yes or no, or clarify?

Tribunal President: You are welcomed to respond however you care to; you can expand on the information for clarification, or to tell your story. How ever you choose to do so.

No. I actually said everything and my story in my interrogation. I will discuss this, but it will take a long time. About these rockets, I didn't even know, because my job was in Jalalabad. About these rockets, they were fired in Konar, which is far away from Jalalabad. That night I went to Konar was the night I was captured. That was the only time I traveled to Konar.

Tribunal President: Keep in mind we haven't seen anything from your file, so we haven't seen your history. Feel free to expand as much as you would like. We are here to listen to you today.

That's OK. You just read one by one, and I will explain each statement.

Personal Representative: Did you want to go back to the one that says you were associated with a rocket attack and that you were a sub-commander? I know there were some more things you told me when we talked before.

That's OK. My personal representative talked to me about this the other day, but who was my commander, and where was my job as a sub-commander? Where did I live at that time?

Personal Representative (to the Tribunal): He's bringing this up because he's saying he was never a sub-commander. In fact if he was, then he had to have had a commander, and he wants to know who that could be.

Actually, in my entire life, I wasn't a commander or leader except a businessman, and whole Konar province knows I was a businessman.

Personal Representative (to the Detainee): And what was your business?

I was in the wood business for construction companies. There is a jungle with a special wood that is very expensive for exporting to other cities and countries for the purpose of construction.

Personal Representative (to the Detainee): Did you want to elaborate on the item that says you were a policeman for the Taliban?

No. I wasn't a policeman during the Taliban. I never had a job or served any government. Only when Karzai came and America came, I had a job in Jalalabad for 8 or 9 months before I got captured. I got vacation and went home to Konar to see my family. The day I went home I was captured at my home and a personal enemy was there. In Konar there was an American compound. My enemy was a commander of a military division, and he was working there. He reported me to Americans, and I do not know what he made up in my case. I am thinking he did that. The

whole province knows about my enemy. Actually, I am from the district of Zarkhono, but I cannot live there because of my enemy. I moved to another district called (inaudible).

- **3-3 The Detainee identified an HIG compound and its functions.**

I told that earlier that I didn't work for any organization or government.

- **3-4 When the detainee was captured, American and AMF forces knocked on his door early in the morning and searched his home and found a Kalashnikov and eight or nine old, rusty rocket/artillery shells.**

This is true. They found the Kalashnikov and eight or nine shells. I told them already in my interrogation that there was no strict law against keeping weapons in your house in Afghanistan. By my house there was this office building of the district that had artillery shells and rusty rockets. When they moved to the governor building, my younger brother brought these to my house. I had the Kalashnikov for my own protection. It is common. Everybody had a Kalashnikov in his house. The reason it was common was because there was no stable government or security, so people had to keep them for their own protection and safety.

- **3-5 The detainee was a heavy machine gun operator for the Taliban,**

I mentioned earlier that I am a businessman. I didn't do anything or any job with the military. I did not do this job.

Personal Representative: You told me that when the U.S. came, that you were not concerned?

Actually I didn't have any concern. I was actually happy America came because we thought they would build my country and the fighting would be over, people would live in peace and have a comfortable life.

Personal Representative: Do you have any other concluding statements you need to make to the main item that says you were Taliban? Do you have any final comments you want the board to know?

I told you earlier and I will repeat it again, that I didn't work for any government or Taliban. There are people there in Afghanistan and Americans there (also), and you can ask about me to find out that I did not work for the Taliban.

Tribunal President: At this time, does that conclude your statement?

Is that the only question for me?

Tribunal President: We may have some questions for you.

Tribunal Members Questions to the Detainee

Q: How long have you been in the wood business?

A: Nine to ten years.

Q: Prior to that, what was your occupation?

A: Nothing else.

Q: Were you able to conduct your business despite all the war and conflict there?

A: I was doing my business, and had no relations or association with them. My business was separate from everything. Yes, I was able to do my business.

Q: Despite all the danger with the war you were able to conduct your business normally?

A: Actually in Konar it was not that bad. It was usually peaceful. Sometimes there were fights, but most of the time, there was nothing going on down there. When the Russians were there, we went to Pakistan. At that time, I was a little boy. When the Russians left, we came back to Afghanistan.

Q: I know you mentioned earlier you were not a policeman for the Taliban. But it mentioned you provided information about the police there; did you provide that information to the American government?

A: No, I didn't

Q: Regarding the HIG compound. I understand you didn't know anything about that, or did you? I don't recall.

A: No, I didn't. I said that in my interrogation that they were there, but I didn't work there. Actually I moved from this location near the compound to be safe from my enemy.

Q: You mentioned your enemy several times in your statement. Was that enemy associated with HIG?

A: No, he was just an enemy among the tribe in our village.

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- Q: There were certain enemies within the compound so you left because you were concerned for your own safety?
- A: Yes. With my family, my kids and my tribe we left because of the safety issue.
- Q: You were safe after that time? All of you?
- A: Yes, because we weren't going to their district, and they did not come to our district.
- Q: Have you lived in Afghanistan all your life?
- A: No. Hived in Pakistan for six years as a refugee.
- Q: This was during the war between the Afghan rebels and the Russians?
- A: Yes.
- Q: Did you help the rebels defend Afghanistan against the Russians?
- A: No. At time I was ten or eleven years old. I don't know anything about that war.
- Q: OK. Could you please explain the circumstances of how you were captured?
- A: I was in Jalalabad, and I went on vacation to see my family, my kids and wife. Someone was knocking, and my brother opened the door. My enemy was with the Americans outside when they came to my house. They entered the house, and they tied my hands behind my back and searched my house. They put me outside in the car. They take me to the center. I spent four days there. Then I went to Bagram and then here in Cuba. They captured me in the morning, and then moved me in the day to Bagram. I spent four days in Bagram, and then I came to Cuba.
- Q: You said the Americans and the enemy were the ones that knocked on your door. Was this the same enemy that you described before?
- A: Yes, it was the same person, and my enemy's son-in-law. The commander of the military division at the compound was a relative of my enemy.
- Q: It sounds like your enemy denounced you to the Americans who came to arrest you. Is that what happened?
- A: Yes. That is what I am thinking because how did the Americans know my name? That's why I think he was the one that reported me. The day I was captured, there was a Datsun pickup by my house. Someone was sitting inside the car. My hands

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were tied, but my eyes were open. I saw two people talk to the man in the car, to maybe see if I was the right guy. Maybe he said yes, and then they came back from the car and put the cover over my head.

Q: They accused you of being Taliban?

A: They said nothing to me at that time.

Q: When was the first time they accused you of doing something wrong, and what did they say?

A: The first time I heard that was from my Personal Representative. Over past three years here, I have been asking my interrogator why I am here. They tell me they do not know, too. The first time was when my Personal Representative told me. My PR told me I was Taliban, so I said who was commander and where is the proof? If I was sub-commander, it would be a big title, and everyone would know me. People of Konar would know that being a sub-commander is not something you could hide.

Q: It's very unusual for us to hear that, until a short time ago, you didn't know why you were captured.

A: I am telling you. That's right. You can ask my interrogator. Since I was in Cuba I have been interrogated two or three times. I wouldn't be mad or upset if I knew my crime. I don't mind being in jail for a logical reason. All these interrogators did was ask about other people, not me.

Q: That was my next question, what did they talk to you about during interrogations, but you already answered that.

A: They asked me about other people's names I have not even heard of, so I did not know how to answer.

Q: Just to summarize so we understand what you have said, you never associated with the Taliban at any time?

A: No.

Q: And you've never had any military training of any kind?

A: No.

Q: You've never fought against the United States?

A: No.

Q: Or against the Northern Alliance?

A: No. None of it

Tribunal Member: Thank you, I have nothing else.

Detainee: Thanks to you. You may ask my interrogator and the people of my district that this is all true that I am saying.

At this time, the other Tribunal Member addressed the Detainee.

Q: Other than the six years that you were in Pakistan, you lived the whole time in the Jalalabad area?

A: No I was in Konar, too.

Q: That's how many kilometers, miles, or how far from Jalalabad?

A: Konar is a different province; Jalalabad is a different province. Jalalabad is like a center, then there is (inaudible) and Konar.

Q: Then Konar is a city or a town?

A: It's not like Jalalabad and Kabul in Afghanistan. It's not like Jalalabad, or Kabul; it's not bad.

Q: It's near Asadabad?

A: Where?

Q: Where you live, where you are from.

A: You mean my house, my home? Yes, it's close to Asadabad. (inaudible) There is now a shortcut and there's now a bridge over the river between them to make it easier for the people. There's a river in Konar that divides the districts.

Q: You indicated that you were on vacation when you were arrested. Correct?

A: Yes.

Q: When you were arrested you were with your brother-in-law at the time?

A: Yes.

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- Q: Earlier you indicated the Kalashnikov and shells were found in your house when you were arrested.
- A: Yes.
- Q: You took the Kalashnikov and the shells with you on vacation?
- A: No, it was only in my house. I did not take them with me.
- Q: You were arrested on vacation, back to the house, and it was found in the house?
- A: Yes, it was in my house.
- Q: You were on vacation and it was fairly close to your hometown?
- A: No, it was three hours by car. From Jalalabad to my house it is three hours by car.
- Q: Were you familiar with a place called Derunta camp? Camp Derunta?
- A: It's in Jalalabad.
- Q: Yes. Are you familiar with that camp?
- A: Actually Derunta camp is a station for electricity. And they made it a nice place for visitors.
- Q: Were you ever familiar there was another Derunta camp for military training?
- A: I don't know about any military training camp there. My job was in the city in Jalalabad. That's a little bit away from Jalalabad. I know people go for picnic and fishing, but I know nothing of a military training camp.
- Q: At the time of your arrest, was anyone else arrested with you?
- A: Yes, one of my neighbors.
- Q: Do you know where your neighbor is now?
- A: They released him from Bagram. He went home from Bagram.
- Q: You both went to Bagram?
- A: They put my neighbor in one car, and I rode in another car. After 15-16 days in Bagram, I saw him from far away.

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Q: Were there ever people coming through the town going to Pakistan, such as Arabs, other than Afghanis, Saudis, Yemenis or other nationalities?

A: I haven't heard anything and haven't seen them.

Tribunal President's Questions for the Detainee

Q: I just want to clarify, in my own mind, whose house it was that you were captured in.

A: In my house.

Q: In your house? And you were on vacation?

A: Yes.

Q: Because I was thinking you were at your brother's house on vacation three hours away.

A: No. I was at my house. My brothers live with me at my house. I have two brothers that have separate houses in the same neighborhood, but I have two brothers living with me.

Q: Did they arrest any of your brothers?

A: No.

Q: Only you and a neighbor?

A: Yes.

Q: Could you tell me what time of year it was, what month, in relation to Ramadan?

A: Actually since this Ramadan it's been a year, and last summer in Cuba too. Second to last summer, I was in Bagram. It was Ramadan in Bagram, too. This is going on the third year in jail.

Q: You were captured in 2002?

A: I don't know about the year, but I was captured on month before Ramadan.

Q: Prior to your capture and during the conflict with the Taliban and U.S. troops, did you observe any fighting?

A No.

Q In the area that you were living, it was relatively peaceful?

A Yes.

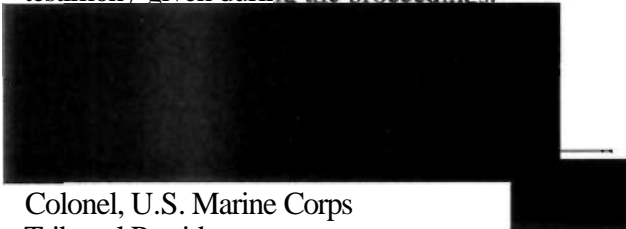
Q Is there anything you desire to tell us further about yourself?

A I don't have anything else.

The Tribunal President then thanked the Detainee, and explained the remainder of the Tribunal process. The Detainee asked how long the notification of the proceedings would take. The Tribunal President informed him to anticipate a response time of approximately thirty to sixty days. The Tribunal President then completed the statement of the process, 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.

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Colonel, U.S. Marine Corps
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President was explaining the hearing instructions to the Detainee. The Tribunal President asked the Detainee if he had any questions about the Tribunal process.

Detainee: I don't understand the exact process, but I understand everything that you have said and that was translated. I understand so far.

Tribunal President: Very good.

Detainee: From what I understand so far, you have two kinds of evidence, classified and unclassified and you will permit me to listen to the unclassified evidence.

Tribunal President: That's correct.

Detainee: Up until now, you have not read anything from my file.

Tribunal President: That's correct.

Detainee: How do I start to speak, in this court? Do I start by telling my whole story or how do I start presenting my information? I've never been tried before, so I just want to know how to present the information. Is it by way of questions? Or am I going to speak?

Tribunal President: I understand your question, and we will explain that. You will have an opportunity to address the items on the unclassified summary with the assistance of your Personal Representative and you can add whatever that you feel is important to us.

Detainee: That good. Let's begin.

Tribunal President: We may have questions after you present your story.

While the Recorder was reading the first unclassified allegation, the Detainee had a question.

Detainee: Should I start to answer now?

Tribunal President: Not at this time.

After all allegations were read, the Detainee had a question.

Detainee: Are these evidence or accusations?

Tribunal President: They are in the form of both. They are considered unclassified evidence. But yes, you can consider them also allegations that you will have an opportunity to address.

Detainee: I'm sorry, I just don't understand. How does it fit the two pictures or definitions? For example, if I say this table is the chair and the chair is the table and they are the same thing, does that make sense?

Tribunal President: No, that doesn't make sense. But, this process makes sense to me and hopefully it will make sense to you, because you're the one that's going to have to provide us with evidence and tell us that you did or did not do these things as listed on this summary of evidence.

Detainee: So, I just answer the accusations. But I'm going to call it accusations. I'm not going to call it evidence.

Tribunal President: Very well, you can call it as you wish.

Detainee: I will not be allowed to attend that classified session?

Tribunal President: That's correct.

Detainee: Should I start my story?

Tribunal President: Yes, and that can be in form of a story or statement. At this time, would you like to take an oath and make your statement under oath?

Detainee: Yes.

Summarized Sworn Detainee Statement

- **3(a)(1) The Detainee arrived in Afghanistan in late 2001 from Yemen via Saudi Arabia and Pakistan.**

This is not true. What is true is that I went to Yemen fleeing. I did not go officially. And the reason is that in Saudi Arabia, if you're not a Saudi citizen, you have to have a Saudi sponsor. My brother had refused to give me a stamp from the Saudi government to Yemen. So, for that reason, I went fleeing to Yemen to get the visa and I returned once again to Saudi Arabia. And going unofficially from Saudi Arabia to Yemen is very easy; it's just like going from one city to another city. So, I really went from Saudi Arabia to Kuwait just for a short rest and stop in the airplane and then I went to Pakistan. So, I did not go to Yemen, truth be told. It would be easy for me to lie; no one saw me except for God. But, I'm telling the truth.

Personal Representative: Did you want to describe how you ended up in Afghanistan?

Detainee: I was in Pakistan with Jama'at al Tabligh. I went with my friend Abu Ali to the Pakistani villages. But, when we got there, we found that the people from Jama'at al Tabligh were there. There were many of them. My friend suggested to me that we go somewhere where there are not so many people who are doing the Daawa and then we could spread the religion more and have more people. So, he said let's go to Afghanistan. First I did not agree, but then he convinced me and then we went.

Personal Representative: Anything else on this point?

Detainee: No. But regarding the date, I don't remember if it was the year 2000. We don't usually go by the date.

- **3(a)(2) The Detainee is associated with the Jama'at al Tabligh.**

I am not associated with Jama'at al Tabligh. I will tell the truth. I used to be a long time ago with Jama'at al Tabligh. After that I left them. But that was a long time ago, about 12 to 15 years ago.

- **3(a)(3) The Jama'at al Tabligh, a Pakistan-based Islamic missionary organization, is being used as a cover to mask travel and activities of terrorists including members of al Qaida.**

If this was true, we haven't seen anybody here in prison from Jama'at al Tabligh, why is that? That's the question for you.

Tribunal President: What is the question? Is the question you're saying that you haven't seen anyone or we haven't seen anyone?

Detainee: We haven't seen anyone here from Jama'at al Tabligh. In Riyadh, there were many people from Jama'at al Tabligh; it is permitted by the Saudi Arabia government. But, we haven't seen any of them here. That's one point. Another point is the Pakistani government, the Saudi government and France - most of the governments - they all help Jama'at al Tabligh. I remember a long time ago when I was with Jama'at al Tabligh, people used to come there from all over the place, from America, from France. So then, why do all the governments permit the existence of Jama'at al Tabligh? If so, then the governments are all terrorist organizations.

- **3(a)(4) The Detainee is associated with the Jaish E Mohammed Islamic Fundamentalist Group.**

What is strange is that all of the interrogators ask me about this question so I answer no, I am not one of them. Jaish E Mohammed is affiliated with the Pakistani government. Now if there is an army, for example, if there is an army in America, does it make sense that it is separate from the American army? Just to make sure you know, "Jaish" means "army" in Arabic. So, according to that, then Jaish E Mohammed is part of the Pakistani army. Then the Pakistani government is a terrorist organization. Then the President of Pakistan should be like me and wear whites.

Tribunal President: Continue.

- **3(a)(5) The Jaish E Mohammed Islamic Fundamentalist Group is a terrorist organization associated with al Qaida and the Taliban.**

That's something you should ask members of Jaish E Mohammed, not me.

- **3(a)(6) The Detainee completed paramilitary training.**

No.

- **3(a)(7) The Detainee may have stayed in a guesthouse in Afghanistan.**

I don't know how to answer. Is anyone who rented a house in Afghanistan a terrorist? I don't really understand. Is that how you want it?

Personal Representative: In this case, as I described, a guesthouse would have been sponsored by al Qaida or the Taliban?

Detainee: No, I did not go. Abu Ali and I went and rented a house.

- **3(bXI) The Detainee was at the front lines in Bagram.**

Also, I don't know what it is with the interrogators here. I say no and they say yes. How does this work? Does yes mean no, does no mean yes to them?

Tribunal President: I can't answer for them.

Personal Representative: Would you like to add your story?

Detainee: Really, I excuse the members in the Tribunal that are sitting in front of me because you haven't read my story or my file and if you had read it, you would know my story.

Tribunal President: Well, that's true we would have but we may have been tainted before we came into this Tribunal. Had we read the information, had we

had access to your file, we may have already predetermined certain things, which might not be true. So, we want to hear the truth from you before we look at any other information, including your file.

Detainee: We got there through the Pakistani, Afghani borders. The Pakistani border, we didn't come directly through the borders, we came through the desert. I'm going to see, if you can listen to me. I'm going to tell my story. Then we came to the Afghani borders, so we presented our passports. My friend and I then went to Kandahar. In Kandahar, we stayed for about two weeks. But, also we found people there that understood the Daawa and understood many things about Islam. So, directly we went to Kabul and we stayed in Kabul for two weeks. And also we found people that didn't necessarily understand but they weren't receptive; they didn't have reception to the idea. It is difficult to stay with people that are not welcoming you. So, we then rented a vehicle and drove to Jalalabad. The people in Jalalabad, they welcomed us, they were receptive and they also didn't understand very much about the religion. For that reason, the Daawa in that place was a good idea. But, we were surprised after two months of staying there, events happened and it was the American events. I heard on the radio what had happened, but I didn't imagine the picture of the event. But when I came here, the interrogator showed me on TV. And these, of course in these times and these events, my friend Abu Ali, went one day to go eat lunch and didn't return home. I was surprised because he was very late and it was almost dusk. So, I went to the market to go look for my friend, to look in the restaurant. An Afghani man saw me. He spoke a little bit of Arabic, but not good Arabic, he spoke just a little bit. He said, "what are you doing here now?" I told him what I am doing, I am just here, I'm looking for my friend, he left me and he was late. He then said to me, "are you crazy?" He said that Afghans are killing Arabs; he told me to flee. I told him I didn't do anything to anyone. He told me to come into the car, I will tell you. So he told me that the story that the Afghans are killing the Arabs is true, and even now you'll see no one with a beard anymore and I found that it was true. I was looking around and I found that a lot of people had shaved their beards off. So, the picture had changed somewhat. People had beards before, now they didn't have beards. And this is true; I had noticed this in Jalalabad. So, directly this Afghani man said I will take you to the Arabs. So, he took me to the mountains and he pointed, he said over there, there are Arabs. So I was walking, walking until I found some Arabs. They captured me and they asked me, "what are you doing here, who brought you here?" So, I told them the story about the Afghans and they said that it's true that the Americans are now going to attack Afghanistan. So, then I went to Pakistan and I saw groups and groups of people going to Pakistan. They told me they were going to Pakistan, so I went with them. And the mountains, there were snow-covered mountains. I saw people retreating to Pakistan, so I went with them. And that is the summary of the story.

Tribunal Members' Questions to Detainee

Q: Can you remember how long you were in Afghanistan?

A: It's been three years. If I ask anyone about the events in America, what were you doing at that time, you wouldn't remember. It's been three years. It's true that the events were great; not great as in good, great as in large. But it's difficult for me to say exactly. I can say approximately three to four months from the minute I left home.

Q: And how much of that time was before the event?

A: I don't know. Most of us Arabs don't really keep track. Some people keep track but very little. Especially in Saudi Arabia and Yemen.

Q: As I understand it, you went from the Pakistan border, to Kandahar, to Kabul, and then to Jalalabad and that's when you found out about the events. Do I have it correct?

A: Sure.

Q: And, at that time, you were with your friend and other people in the missionary group, or just the two of you together?

A: No, no one else.

Q: Did you ever have any meetings or discussions with people in the Taliban?

A: No.

Q: So, as far as you knew, they approved of your being in Afghanistan?

A: I don't know. I got in through the border. It's true that I didn't go through the Pakistani border directly, but I did go officially through the Afghani border.

Q: When you were in Afghanistan, they never confronted you and asked you questions about what you were doing there, nothing like that?

You mean the Taliban?

Yes?

No.

Q: Where did you get the original idea to travel to that area of the world to begin with?

A: I never thought one day that I would go to Afghanistan. But, one time in Riyadh, I was praying in one of the mosques. I saw a man in the mosque one time, and he was talking to people about religion. After he finished, I went to him and I told him that I wanted to be like that. I wanted to speak to people, to be like him, to spread religion and goodwill to the people. Like preaching prayers and obedience to your parents, and so on. So he said I could come with him to do the Daawa. He told me that we would go to Pakistan, And he said that in the Pakistani tribes, you would find people that don't know anything about religion. He said they are Muslims, but they don't know anything about religion. So I agreed.

Q: Was this person a religious leader in the mosque? How did you know who he was?

A: I didn't know him well, but I knew of him as a person who spoke in the mosque.

Q: Were there others that did the same thing as you did from the mosque?

A: I don't know. Maybe after I went to him other people came, but I don't know.

Q: At the time you left, did you have a job or were you a student? What else were you doing in your life?

A: No, I was working.

Q: And what was the job that you had?

A: Thing that you need for travel, like tents and wood. Things for travel in the desert.

Q: Is this a job you felt you could leave for an extended period to do Daawa?

A: Not a long time, but normal; for maybe a few months. I was thinking maybe six months in Pakistan and I would return.

Q: Are these things commonly done in your culture?

A: Very common. Every man does that.

Q: If you can explain to us briefly, how does a Muslim properly do a Daawa?

A: For example, first you look for a village or a place in a village where people don't know much about the religion. You go there and gather them all in the mosque

for prayer. And after the prayer, you talk. You talk to them and see what subject that will benefit these people. For example, there was this man that did not obey his parents. You sit with him several sessions and you preach to him and you teach and tell him that obedience to your parents is the equivalent of obedience to God. You also tell him about praying. You go to him and advise him to pray. That God will show you heaven for these prayers. There are many things you can do in Islam, for example alcohol and sex. For example, you tell them instead of having sex with a woman, take this money, the money from the mosque and go get married. So instead of doing this sin, you do good. It's all the same thing; what you are going to do in sin you can do in righteousness. But, just this way it can get you to hell or this way could get you to heaven. Many other things like that, alcohol, drinking, depending on that person's problems. But, generally, you just spread goodwill and good deeds.

Q: Are you expected to provide for your own needs by taking money over there to buy things, or do people there take care of you?

A: No, that is also what's wrong in Islam, that people pay for you or give you money. You have to pay for yourself. Before you go and do the Daawa, you have to work.

Q: Were you able to save from work and plan for a six-month Daawa?

A: Yes. But, of course, I did not stay for six months.

Q: But, if you had stayed for six months in Pakistan, then we wouldn't be here right now?

A: You are a smart one.

Q: You said earlier that you never completed any paramilitary training of any kind?

A: Yes, I said that.

Q: Prior to that, had you ever had any military training in your life?

A: Not training, but generally we, the people of Yemen, in our houses there are many weapons in Yemen but not in Saudi Arabia. In Yemen, everything is sold, from pistols to a tank. Obviously, with the nature of things in Yemen, I held an AK-47. And that's the only thing that I trained on. When you get married, you hold the AK-47 and fire in the air. We call this a celebration of marriage.

Q: You are only firing in the air, right?

- A: Yes, in the air. It's a big problem in Yemen because if someone accidentally gets killed when someone is firing in the air, a huge fight will erupt between two tribes. Or, you have to pay for that person and in Yemen if you kill a person you have to pay his family for compensation for his death. If that happens when you fire and someone accidentally dies, then the amount you pay is five or six times what you would normally pay.
- Q: In the culture, is it considered normal to learn how to use these weapons as young people?
- A: Honestly, V11 tell you the truth. Most fathers will teach their son how to use the AK-47. There are many weapons in Yemen, but people prefer the AK-47.
- Q: Are there other weapons that their fathers teach their sons how to use?
- A: From what I remember in Yemen, it was mostly the AK-47 and also pistols and hand grenades and other things. But most of the people I saw just had AK-47s.

Tribunal Members' Questions to Detainee

- Q: Did you turn your passport in when you went into Afghanistan?
- A: No.
- Q: Could you tell us how you were captured and brought into custody and how you wound up here?
- A: I was not arrested or captured. We were retreating from Afghanistan to Pakistan, I saw from a distance Pakistan soldiers. I went to them and I turned myself in. There were many ways to flee, but why should I flee? I didn't do anything wrong. For that reason, I just turned myself in.
- Q: What did they do to you? Did they give you an opportunity to talk to your embassy or your country?
- A: No. But they were good. The Pakistani government, I went to them, I was dizzy and hungry. They gave me food and took care of me. I was walking in the snow in the mountain for about three days. The snow came up to my thighs. Thank God I made it there. When I got there, I was very dizzy. So I gave thanks to God for finally getting to Pakistan.
- Q: Were you with any of your friends when you finally made it to Pakistan? I know you lost your friend in Afghanistan, but did you have any other friends with you; people that you knew fairly well?

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- A: No, I was with a group, that is true, but they went one way and I went another way. I pointed them to the Pakistan government and said instead of going alone, lets go this way. They said no. If you want to come with us, come with us. If not, then go alone.
- Q: When you turned yourself in or presented yourself to the Pakistanis and you were brought into custody, was anyone released or let go?
- A: I don't know. Maybe, someone was standing behind me or came after me, but they took me and put me in jail.
- Q: There's an allegation that you were in the front lines in Bagram.
- A: You already said that. You mentioned that.
- Q: Is there anything that you can think of why people would believe that you were at Bagram on the front line?
- A: Really, you should ask the person who wrote that.
- Q: I'm just looking for something that could be of help to you.
- A: If I did know the answer, I would talk. I said the truth, really. I told you I was in the mountains in Tora Bora, so why should I say I was not in Bagram? There is no reason to be afraid, really.
- Q: Do you still have your passport? Do you know where your passport is?
- A: I wish it was with me, but I left it at home.
- Q: I don't understand that. You had the passport from Pakistan going into Afghanistan?
- A: No. You mean from Afghanistan to Pakistan?
- Q: When you left home and traveled to Pakistan, you had a passport.
- A: Yes.
- Q: And then, from Pakistan to Afghanistan, you had a passport.
- A: Yes.
- Q: And then, going back to Pakistan, did you have a passport?

A: No.

Q: Where was it?

A: It was in the apartment, in the house in a bag.

Q: Did you have money when you made it to Pakistan? When you fled Afghanistan?

A: Yes, I had money.

Q: What happened to the money?

A: I had approximately 500 Saudi riyals and 100 dollars. The Pakistani government took it from me.

Q: You had some US currency and some Saudi currency?

A: Yes. Maybe I had other things with me, but I don't remember exactly. I do remember that, because the Pakistani government took it from me.

Q: They treated you well, but they took your money.

A: Yes. I was thinking that they were taking me to the embassy. After that, I was in prison and next thing I knew, I was on my way to America.

Q: The friend that you talked about that you traveled with. Was that the man that you spoke with at the mosque?

A: Yes. Same person.

Q: Did he have his own money or did you have to help pay for him to make it to Pakistan?

A: Help who?

Q: Your friend who traveled with you.

A: He paid and I paid. We never calculated how much I spent or how much he spent, we just both paid as we went. You know how the Arabs are, I'll pay for lunch one time, he'll pay for dinner one time. We don't really keep track of who pay what.

Q: Have you traveled often in that area, or is this the first time you ever traveled?

A: No, before that I traveled to Iraq and Jordan. But Jordan was a stopover on my way to Iraq.

Q: Was it for the same reason, for Daawa, or was it for tourism?

A: No, tourism in Iraq? I traveled for treatments for my father. My father grew old and had kidney failure. So I had to treat him, so I gathered money and went to Iraq for treatment. His treatments were cheap in Iraq. And the medicine was good over there. It was better than Saudi Arabia. So, that was my reason for my travel to Iraq.

Q: You had mentioned that when you were traveling the last time into Pakistan, you had 100 dollars American money with you. Is that customary just to have some other currency? Why take American money?

A: Dollars are American, are there any dollars besides American dollars?

Q: There could be dollars in other countries, but I'm talking about US currency.

A: There are dollars in other countries?

Q: Jamaican dollars.

A: Where is Jamaica?

Q: Over the water. The question is whether you had US currency?

A: Yes, 100 dollars and 500 rivals. I didn't finish your question 'was it customary to have American dollars?' Yes, what I have heard in Saudi Arabia is that the American dollar was the best currency to have in the world.

Q: So it's like an insurance policy? Take a hundred dollar bill just in case you need it?

A: Yes.

Tribunal President's Questions to Detainee

Q: Do you have anything else that you wish us to be aware of as we make our determination of enemy combatant status?

A: Good, can you give me a little while, a few days to see if there is anything else that I want to say or add.

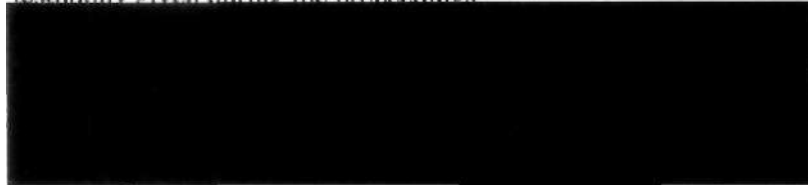
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Tribunal President: Unfortunately not. This Tribunal will be closed and we will go into deliberations today.

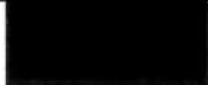
Detainee: Now, I don't have anything.

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

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 through R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-J).

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

The Detainee was unable to speak. The Muslim oath was written out and signed by the Detainee.

Detainee Written Statement; All of these written papers that I have given to my Personal Representative show my innocence and that I'm a poor person. I swear that everything that is written there is the truth.

The written and signed Muslim oath is submitted into evidence as D-c.

The Personal Representative read and submitted the detainee response to the accusations into evidence as D-b. The allegations appear in italics, below.

3. a. *The detainee is a member of and supported the Taliban.*

Detainee Written Statement: I am for King Zahir my father and grandfather lived as Khans. I did not help the Taliban at all. During the last few nights I was cursing at them and screaming loudly that Americans are very nice people. They are rebuilding my country and are working for Afghanistan. I was telling the Imam of our mosque that I am George Bush's soldier. I have never helped any Talib and neither would I now. I had a piece of paper (letter) and it belonged to Mullah Ehsanullah. I took it from him because I was learning how to write from him. That letter is not mine. Also there were some written holy blessings captured with me and two notebooks. One was written about food (a list of food) and one was about gas for cars. (The italic below was put in to explain the above statement about the food and cars). *This was a list of food that was written in the notebook that he had purchased bread from a bakery. This second notebook contained a list of gas for district autos that was being operated by the new government.* I did not even once try to seek work with the Taliban. I was caught by U.S. force in Kajaki district. I have not seen Klianjki. Americans are my witnesses that I am not an enemy combatant. That would be wrong if I am considered an enemy combatant. These are wrong accusations. Among all these statements none of them have anything to do with me; they are worthless. It is not actually true that I was captured in Klianjki. I was reported or introduced to Americans as Talib by Said Shah and Haji Abdul Khaliq at the Kajaki district by empty accusations and nonsense lies. These questions and allegations that you make against me are worthless and are lies. Also these other five accusations against me are all lies and I do not except even one of them.

3.a.1. The detainee had a working relationship with persons known by him to be associated with the Taliban.

Detainee Written Statement: I am a member of the new government. I never developed any relations with the Taliban. I am their enemy.

3.Q.2. When captured, the detainee was in possession of pocket litter containing a list of known Taliban,

Detainee Written Statement: When I was captured carrying these papers they belonged to Mullah Ehsanuliah. I took them from him so I could learn how to write. The paper isn't mine. This paper belonged to Mullah Ehsanuliah.

3.a.3. Notebooks found on the detainee at the time of capture contain codes known to be used by the Taliban.

Detainee Written Statement: I had two notebooks. One for food and the other was a list of gas for cars. The rest were my personal religious verses, Koran verses. There were no secrets in them. The blessings were about the symptoms of epilepsy in my body; I am an epileptic. You people do not understand this. You should show these papers to your translator so that they can clear your head.

3.a. 4. The detainee tried at least two occasions to get a job with the Taliban government.

Detainee Written Statement: Never in my life did I try to, or be together with, the Taliban. I was in prison for nine years and four months in Iran. During the Taliban I was in prison for just a year and a half and I was out of the country as a laborer.

3.a.5. The detainee was arrested by the U.S. force in Klianjki, Afghanistan.

Detainee Written Statement: I was not captured in Klianjki. I was wrongfully and innocently captured in the district of Kajaki district of Helmand Province.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. What did you do for the new government?

A. I was the personal secretary of the district manager of the Kajaki district I was filing petitions for people and at the same time I was doing the cooking for the district manager.

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Tribunal President's questions.

Q. In your written statement you indicted that you were in prison for over nine years in Iran. Why were you in prison in Iran?

A. They caught me carrying Hashish.

Q. What year, if you can recall, were you released from prison?

A. The year of 1370 the 25th of the 9th month I was put into prison on this date. (This would be around 1990 or 1991 that he was put into prison.)

Detainee makes a written statement: I am extremely innocent. I have been unfairly treated because I have spent three years of my life in this prison.

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

Detainee makes a written statement: I have one request please. I have been given monthly injections. I have become allergic to it. Can you please have the injections stopped?

Tribunal President: We will identify this request and bring it to the attention of the medical personnel here within the facility.

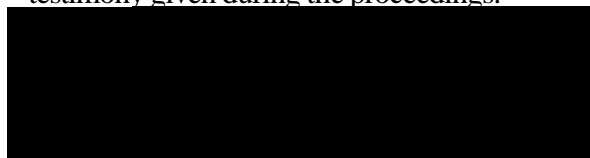
Detainee makes a written statement: Please consider this very seriously. This means a lot to me if you could consider this request very seriously.

Tribunal President: We will. We acknowledge that and we will take everything here today with great seriousness.

Tribunal President adjourns the Tribunal

AUTHENTICATION

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



Colonel, United States Marine Corps
Tribunal President

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ISN 562 Statement

a. The detainee is a member of and supported the Taliban:

I'm for King Zahir. My father and grandfather lived as Khans. I did not help the Taliban at all. During their last few nights, I was cursing at them and I was screaming loudly that Americans are very nice people. They are rebuilding my country and are working for Afghanistan. I was telling to the Imam of our mosque, that I'm George Bush's soldier. I've never helped any Talib and neither would I now. I had a piece of paper (letter) and it belonged to Mullah Ehsanullah. I took it from him because I was learning how to write from him. That letter isn't mine. Also, there were some written Holly Blessings captured with me and two notebooks. One was written about food¹ (list of food) and one was about gas for cars². I did not even once try to seek work with the Taliban. I was caught by US forces in the Kajaki District. I've still not seen Kala-e-Jangi.

Americans are my witnesses, that I'm not an enemy combatant. That would be wrong if I'm considered an enemy combatant. These are wrong accusations. Among all these statements, none of them have anything to do with me. They are worthless. It is not actually true that I was captured in Kala-e-Jangi. I was reported or introduced to American as a Talib, by Said Shah and Haji Abdul Khaliq at the Kajaki district by empty accusations and nonsense lies. These questions and allegations that you make against me, all of them are worthless and lies. Also, these other five accusations against me are all lies and I do not accept even one of them.

1. The detainee had a working relationship with persons known by him to be associated with the Taliban.

I am a member of the new government. I never developed any relation with the Taliban. I'm their enemy.

2. When captured, the detainee was in possession of pocket litter containing a list of known Taliban.

When I was captured carrying these papers, they belonged to Imam Ehsanulla. I took them from him so I can learn how to write. This paper isn't mine. This piece of paper belonged to Mullah Ehsanullah.

3. Notebooks found on the detainee at the time of capture contain codes known to be used by the Taliban.

I had two notebooks. One was for food and the other was a list of gas for cars. The rest were my personal religious verses (Quranic verses.) There were not any secrets in them. The blessings were about the symptoms of epilepsy in my body. I'm an epileptic. You people do not understand this. You should show these papers to your translators so they can clear your heads.

4. The detainee tried on at least two occasions to get a job with the Taliban government.

Never in my life, did I try to work for or be together with the Taliban. I was in prison for nine years and 4 months in Iran. During the Taliban, I was in prison for just a year and a half and I was out of the country as a laborer.

5. The detainee was arrested by U.S. forces in Klianjki, Afghanistan.

I was not captured in Kala-e-jangi [Klianjki] I was wrongfully and innocently captured in the district of Kajaki, district of Helmand province.

Linguist clarifications obtained from the Detainee after he made his written statement.

¹ This was a list of food that was written in the notebook that he had purchased bread from a bakery.

² This second notebook that contained a list of gas for district autos that were being operated by the new government.

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Exhibit D-b

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In the name of Allah, the most compassionate, the most merciful, I
EhsanuUah Peerzaie, swear that my testimony before this tribunal will be
the truth.

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**Detainee's Written Responses to Tribunal Questions
Peerzai, Qari Hasan Ullah, ISN 562**

I was the secretary of the district manager at the District of Kajacki and was submitting petitions for people.

On the 25⁰¹ day of the ninth month of the year 1370, which coincides with January of 19801 was caught (captured) for carrying Hashish and put in Jail in Iran for nine years.

I'm absolutely innocent and I've been brutalized by being in prison here for three years.

I have a favor from you. I've been giving monthly injections and I'm very allergic against it. Please stop this injection on me. This is a very special favor that I'm asking you. Please pay attention to it.

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^V(r)
Exhibit D-d

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