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All the other weapons training I had, wasn't really training. I saw it and they mentioned the names. That was all. If you consider that training, that is up to you.

When you were there, were you with fellow Arabs or Taliban soldiers or both?

Where?

At the places you just mentioned. Camp Melek and ...

Arabs.

Only Arabs?

There were two or three people from Afghanistan that were working there.

Were there fellow Arabs in Afghanistan who spoke well of Usama Bin Laden to you?

No.

Did you lose your passport?

I didn't lose my passport. I left in the guesthouse in Kandahar. When I decided to leave, I was in Kabul and I didn't go back to Kandahar to get my passport.

Was there any money left with your passport?

No.

Who was the person in your neighborhood who helped you get to Afghanistan?

Mohammad Marzoq.

Was Mohammad Marzoq a religious man?

Yes.

Why did you stop working for the airlines?

When I worked for the airlines, I wasn't religious. After I found religion and started going to the mosque, I requested several times for the airlines to change my position. I wanted to work on the ground instead of working in the plane so I could accomplish my religious goals, such as going to the mosque. The airline refused to change my position so I decided to quit.

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Q What did you do after you quit, go back with your father?

A Yes, I did.

Q What was it in your life that caused you to take your religion more seriously?

A Three months before I quit ray job at the airlines, I went to Mecca to do my pilgrimage (Hajj). After the Hajj, I felt I had to be a good Muslim. I gave up everything I used to do prior to the Hajj.

Q How much education have you had?

A Ninth grade.

Q Did you attend a trade school or any schooling after you finished your middle school or high school?

A No.

Q Did you have an opportunity to join the Saudi Arabian military?

A No.

Q Have you received any weapons training in your entire life?

A No.

[After the Tribunal President closed the unclassified session of the hearing and was explaining the review process of the Convening Authority to the Detainee, the Detainee stated he wanted to correct his name, and he did so.]

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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*The Tribunal President explained the Tribunal proceedings to the detainee. The detainee stated that he understood and had no questions. The Tribunal President then explained that the Tribunal had approved the detainee's witness requests and a Department of State request went to the home country of the witnesses but no response was received. As a result the Tribunal President determined that the witnesses were not reasonably available and the Tribunal would continue with out them.*

*The Tribunal President requested the acronym IED be defined to the Tribunal*

Tribunal President; Recorder, item 3(b)(1) indicates the Detainee was present at the site of an attack (remotely controlled IED). What does IED stands for?

Recorder: Ma'am, it stands for Improvised Explosive Device,

Detainee: Can I answer these allegations now?

Tribunal President: Yes, I'll give you a chance in just a moment.

#### **Summarized Sworn Detainee Statement**

*The Personal Representative addressed issues in the Summary of Evidence, as was discussed while assisting the Detainee in preparation for the Tribunal.*

- **3(a)(1) The detainee immediate superior is a known Taliban security officer.**

I was working for the Karzi government I didn't work for him but I was working for the government.

- **3(a)(2) The detainee immediate supervisor was identified as a member in Harakat-e-Mnlavi.**

Yes, I worked under him but whether he belonged to the Harakat-e-Mulavi had nothing to do with me because I just worked under him. I had nothing to do with that.

- **3(a)(3) When captured, the detainee's brother had in his possession a card identifying him as a member of Hezb-I-Islami (HIG).**

My brother went to Iran for work and he had a refugee card so no one would bother him. That is why he had that card.

- **3(b)(1) The detainee was present at the site of an attack (remotely controlled TED (Improvised Explosive Device)) on U.S. Forces near Gardez, Afghanistan on 4 Jun 03.**

No, I wasn't there. I have a witness that when this explosion happened, it was four months before my capture. When they captured me there was one interpreter and one soldier. They took me to the camp. They asked me what weapon I had at my home and I told them, an AK-47. They asked me what was my occupation and I told them that I was an officer for the security force. I was working for that post. They asked me about the explosion in Kwest 12 months ago. They asked me if I knew anything about it and I told them yes I knew.

There was a shopkeeper and he went to the river to clean himself and he saw something on the tree. It was something that looked suspicious and he got scared and he reported it to our post and I was at the post at that time. He saw someone by the name of Wally and Jon and sent them to the post to report it. They reported it to the post and at this time the American car came. My people had stopped all the personal cars by the post. When the American car came, someone waved for them to stop and the car didn't stop and almost hit one of our people. When the car passed by the bridge and by the tree where the explosives were the explosion occurred.

I was there at the time and the investigation group told me to go check it out and they would come right behind me. When I arrived, one of our people said that Wally and Jon were there and Jon was sent to the post to report the explosion. When everyone got together, like the investigating officer, and some other people, they all went near the street and there were three branches broken. We took pictures of the tree.

We searched around for a while and couldn't find anything and after that the American cars came. They got out and helped us search. We searched the entire area, we could not find anything and they also took some pictures. Then they asked my post commander who was in charge of the post? They told them that Wally and Jon were at the post and Jon reported it. They said they were going to take them to the camp, ask them some questions and bring them back. They took Wally and Jon to the camp. They asked them questions about any reports about the explosion and they said that they knew about it. They told the Americans when their car reached the checkpoint post we wave to tell you to stop and you didn't stop and the car almost ran us over and they passed by the bridge and that is when the explosion occurred. The driver of the car admitted that our security officers waved for them to stop, that he didn't stop and kept going.

And this is the story when the two Americans captured me at the bazaar with the interpreter. They asked me these questions and the interpreter was doing the interpretation. I told them that you are aware that we reported this to you and the government knows this and we have nothing to do with it. The people that took Wally and Jon for questioning brought them back after two hours. \* .

- **3(b)(2) At the time of his capture, the detainee had under his control an 82mm Mortar, ammunition for that Mortar, and a tin filled with gunpowder.**

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I was captured in the bazaar with a driver. His name was Farou. They told us to please get out of the car so they could search the car. When they searched the car and they told me to get out of the car and they search us. We told them there was nothing with us and there was nothing in the car. They told us not to get upset, but they were going to take us to the camp and ask us some questions and they were going to handcuff us.

I told them that yes, at my post there were a Mortar and a couple of mortar shell and that stuff is probably there right now.

Tribunal President: Mohammad, do you have anything else that you would like to add?

Detainee: I request the President and the members of this Tribunal to treat me like a person and according to the law.

Tribunal President: Did you want to ask us some questions about your file?

Detainee: Yes.

Tribunal President: We have no control over your file but you can ask the questions and we will attempt to answer them.

Detainee: There have been things added to my file.

Tribunal President: We will make note of that and we can pass that information on. Is it something that you don't want in your file? Does it belong to you?

Detainee: Yes.

Tribunal President: Are you asking to have those things removed from your file?

Detainee: I want to be freed and I don't want anything to be said against me on that file.

Tribunal President: Have you mentioned this to your guards?

Detainee: No.

Tribunal President: Have you mentioned it to any interrogator?

Detainee: What ever was the truth I told them.

Tribunal President: So you did tell them that were items in your file that you did not want in it?

Detainee: At that time, those things were not in my file and when I met with my Personal Representative, I found out about those things.

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Tribunal President: My suggestion is that you mention that there are things in your file that you do not want in there and do not pertain to you to your interrogators.

Detainee: OK.

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

Personal Representative: Where were you and what were you doing when the device exploded?

Detainee: I was at my post and I was there with the security officer and one other officer. I went to get some supplies and they are witnesses of that

**Tribunal Members' Questions to Detainee**

Q: Was the explosion in Kwest or was it in Gardez?

A: Gardez. It is basically the same. Kwest and Gardez are on the same lane.

Q: How far away from the attack were you? You said you were getting supplies, Could you see the bridge riom where you were when the explosion occurred?

A: It was 600 meters away from my post and the bridge is a big bridge with lots of car passing through it.

Q: How long after the explosion were you arrested?

A: Four months after. I was transferred from that post to another post by the name of Bynamkhil.

Q: Where is your brother now?

A: Which brother?

Q: The brother that had the card identifying him as a member of the Hezb-Hslami?

A: I think that he came and he is free. I think he is at home now.

Q: What is the English translation meaning of the Harakat-e-Molavi?

A: I don't know.

**Tribunal Members' Questions to Detainee**

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Q: How long have you been a security officer?

A: Four months after the fell of Taliban, I started working for that post until I was captured.

Q: You did not work for that post during the Taliban?

A: No.

Q: What did you do then?

A: I was working at the bazaar.

Q: What were your duties?

A: I was a worker at the market.

Q: No. I mean when you were working for the government. What did you do for the government?

A: My job was to look after the eight other people that were assigned to me.

Q: How did you get a supervisory position? Did you have any experience in police work before?

A: No I didn't. After the fall of the Taliban, there was no government and there was no security force and everyone knew this. And Abdula the commander, did have too many people.

Q: Would you describe your work as police work or as military work?

A: I will explain it to you now. They announced on the radio to the people of Gardez, that whoever wanted to come and help us maintain security and reconstruction of the country to come and join us. And the people agreed to help as far as personnel or any other thing that you need. We will help you. From every village they appointed a couple of people. From my village they appointed me.

Q: You mentioned the commander is Abdula? Do you have a last name or any other information?

A: Mojaheed.

Q: Would it be safe to say that he was your immediate supervisor?

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A: Yes. I used to work at the market before and people told me that if I went and worked for him, it would be better for me, I would have more pay and they would give me some help as far as food and stuff like that.

Q: You did know Abdula Mojaheed before you started working for him?

A: No. I was happy to work for the government and help my people and do something good for the government.

Q: Can you tell me where you were doing police work or military work?

A: Police work and our job was security.

Q: What is the difference between police work and security?

A: I don't know. I am not highly educated and don't know the difference in that. They just told us to look after this post and that is what we did.

Q: What would you do with the mortar?

A: It's probably still at that post.

Q: What was its function? What were you going to do with it?

A: When I was introduced to that post, commander Abdula asked me if I could maintain security and do patrols, things like that and I told them that I could. And they told me that they would introduce me to the security agency and I may have a boss and there may be people working under me. When we went to the agency, they introduced me to the chief of security. And when I got the job, they told me that we were in charge for the security for the bridge and they appointed me to be the leader for those eight people; like their supervisor. They asked the eight people who wanted to be the supervisor and no one volunteered for the job and they appointed me as the supervisor. There were three AK-47's for the eight people. They put us in a car, gave us the mortar and one shell for the mortar. They told us to take that to the post. We took everything we had to the post and secured it at the post.

Q: Why do you think they gave you a mortar?

A: In Afghanistan it is common to have something like that; have a weapon for each post they gave that. People feared the Taliban and for that reason maybe that is why they gave us the mortar.

Q: What was the purpose of having a tin filled with gunpowder?

A: I don't know about that

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Q: Did you have a tin filled with gunpowder at your post?

A: No.

**Tribunal President's Questions to Detainee**

Q: Was your post apart of a compound or did the bridge lead into a compound?

A: Our post was about 50 meters away from the bridge and it used to be a public bathhouse.

Q Were there Taliban soldiers in your area?

A No.

Q Whom were you protecting the bridge and bathhouse from?

A We were just maintaining security at our post.

Q Were there American soldiers in your area?

A: Not near us, but they were there.

Q Did you have training on how to use the mortar?

A No.

Q Did you have training on any weapon?

A No.

Q But you had an AK-47?

A Yes.

Q And I think that you indicated that you had one at your home?

A Yes.

Q Why did you have one at home?

A I had it from a long time ago.

Was it to protect you and your family?

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A: Yes. I was a little boy when that was in my home. When I was captured, I told them that I had the Kalashnikov in my home.

Q: Did you have any military training whatsoever?

A: No.

Q: Do you know if your supervisor was a member Harakat-e-Mulavi?

A: No.

Q: Were you ever approached to join any organization? Like the Taliban, al Qaida orHIG?

A: No, I did not. People of Gardez that were working for the current government, I was just working in the market

Q: Was the HIG in control of the area that you lived?

A: I don't know.

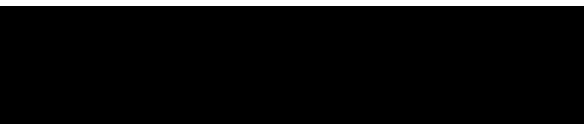
**Tribunal Members' Questions to Detainee**

Q: How did |j j H and ^| know that it was an American car, there were Americans in the car andto stop it?

A: The American cars are well known and they drive different cars.

**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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**003258**

**Summarized Sworn Detainee Statement**

*Personal Representative advises the Tribunal Panel that he met with the Detainee and was asked by the Detainee to make an oral statement for him based on that interview. The Personal Representative will read each statement and read the Detainee's response to each point. The Detainee will elaborate after each response. The Personal Representative also advises the Tribunal that the Detainee wishes to submit two letters written by his sisters (D-b, D-c). Summary of the letters confirm he is not a terrorist and went to Afghanistan to teach the Quran to children.*

- **3(a) The Detainee is an associate of the Taliban or al Qaida.**

*Firstly, I am not from al Qaida or Taliban. I am denying all that is being said. All the stuff you have on me, I have provided to you. What did I say for you to come to this conclusion? Would al Qaida look for fighters that are 59 years old? This is unbelievable and it doesn't make sense. But if you come to mis conclusion from what I had said about desiring to become a teacher in Afghanistan, then you must come to the conclusion that all the Muslims that desire to carry out their duty to God, no matter what it is, whether it be teaching Quran to children, or helping the poor, or bringing people to the religion, should be considered al Qaida or Taliban. I told you that I went to Afghanistan to teach the Quran to children. Because all over the world there are Muslims who leave their money, wife, children, wealth for several years for the call for Allah only to seek the reward from Allah. This is our faith.*

The summary of it all is that I am not associated with al Qaida or the Taliban. Everyone has a brain to use to determine things. War needs strength, it needs a man who can move around quickly, lift things, carry things and climb mountains especially in Afghanistan. I am asking you now, do any of these things fit me? A sick man, 59-year-old man. Leave his country, his land, and his family to go to Afghanistan to lift things, carry things, run around and climb mountains. This does not make complete sense.

- **3(a)(1) The Detainee traveled to Afghanistan in August or September 2001.**

*I don't recall exactly - At approximately the end of July to the beginning of August, I went for the purpose of teaching. I am not a fighter. I went there to teach eight days after I got to Afghanistan, I met a man: he's the one who told me that Arabs here are considered to be helpers to the Taliban, and that all Arabs were subject to danger at any moment. I was told that all Arabs were in danger and you have to defend yourself and get*

*training on weapons. When I heard this, I asked for my passport back because I came here to teach and not killing. I asked for it back several times, in Jalalabad, Kandahar and Tora Bora.*

I have a question. Is traveling to Afghanistan forbidden? You have it written down as an accusation that the Detainee traveled to Afghanistan. What if I traveled to Afghanistan? There is no law forbidding travel there. If there was I would not of traveled there.

***The Tribunal President states that it is simply a statement on the Unclassified Summary.***

In Yemen, if there is a problem with any country, then Yemen forbids travel to that country. If travel to Afghanistan were forbidden then Yemen would have stated travel is forbidden.

- **3(a)(2) The Detainee attended the al Farouq training camp.**

*/ trained near the al Farouq training camp, in a place called "Al Estiqbar, which is not the someplace that other trainees were. I could see the al Farouq camp, and all the tents, but I could not go in. And at most, the period was 20 days. Then after that we left (he camp and returned to Kandahar.*

I agreed to go to al Farouq after I asked for my passport back. As I said, I did not go there to kill, I went to teach. There are enemies of the Taliban over there. These people consider all Arabs in Afghanistan to be helpers of the Taliban. All Arabs were subject to danger. Some things may happen that were not expected, so you should learn how to defend yourself. At the most the period was about a week. I agreed because they had my passport and plane tickets. I kept asking to my passport and ticket.

- **3(a)(3) The Detainee was trained on the Kalashnikov, Siminoff, and single shot rifle at the al Farouq Training camp.**

The Siminoff is the same as the single shot rifle, they are the same thing. They are not separate. There are no other weapons, just those two.

*/ mentioned to them that there was a guy named "Sab \*e al Lail" he used to come in the morning in the tent I slept in and he showed me how to use the Kalashnikov and the Siminof. He did that for on hour a day for about 13 or 14 days out of the 20 that I was there.*

- **3(a)(4) The Detainee stayed in a house in a Taliban camp.**

***I was not staying in a Taliban house. I stayed in a room in a house in Kandahar. As I said, it was not in a camp and not with the Taliban, but in the city of Kandahar.***

In Kandahar, I was in a room in a house. In Jalalabad when my feet were hurting, they sent us to a room near a Taliban camp. We would go there until someone would come for us and a doctor could treat my leg.

- **3(b)(1) The Detainee fought for the Taliban in Afghanistan.**

***Not true. I never carried a weapon.***

Yes, this is not true. I have never carried a weapon. I have never fired bullets at anyone, so how could I have been fighting. If there is any proof, I am sure it is not true.

- **3(b)(2) The detainee was in Afghanistan during the U.S. Bombing campaign.**

***Yes, because I could not leave, because I did not have my passport or plane ticket with me.***

If you look at my file and the interrogations, you will find that I mentioned this several times. I asked for my passport, plane ticket and money several times. I did not want to teach, I did not want to do anything anymore. They were full of promises, but would not give me back my passport They said they would send for my passports and give people their passports back. They never gave my passport back, and I could not leave because I didn't know anyone in Afghanistan or not in Afghanistan.

- **3(b)(3) The Detainee fled to Tora Bora and was subsequently captured.**

***I turned myself over to the Afghans. By reason, by logic, anyone who fights against Afghans and surrenders voluntarily would surely, 100% be killed. But, I am not a fighter and this is why I surrendered myself to the Afghans. The Afghans detained us for a month then handed us over to the Americans. Because they wanted me to admit that I was a fighter, they would beat me during the interrogations. I've been saying for two years that I am not an enemy of the United States or any other person and I am not a terrorist like you claim. Any person that has terrorist or extremist tendencies would have indicated this in their home country. There would have been problems with them in their country. They would either criticize the government or they would commit terrorist acts against the country or anything else. But I never entered a police station, I have no animosity towards***

*any person, related to religion or not. If a man had never had a problem with any other person or with the government, it is inconceivable that between night and day he would become a terrorist or criminal. If the government of Yemen didn't want us to go to Afghanistan, or any other country, then they should have prohibited it on the passport in writing or put a sign up in the passport office stating that you are not allowed to travel to the following countries.*

The last words might imply that I am accusing the Yemeni government, but I am not. I am saying that the government of Yemen is innocent of anything because if it was forbidden to travel to Afghanistan then the government would have stated that it was prohibited to travel to Afghanistan but they did not because it was not forbidden. Like I said, it was standard practice of the government of Yemen to document on the passport that travel to any country was prohibited for its citizens. In the beginning it is written that the detainee fled to Tora Bora. I was in Jalalabad. They said those opposed to the Taliban should go to Jalalabad. All Arabs should go anywhere except for Jalalabad. Any Arab opposing the Taliban would be killed if they went there. So what do you think? Should I have stayed in Jalalabad or try and escape? They would kill me if I stayed, me or any other Arab. I decided to flee. I didn't know where to go. I didn't know anyone else except for Arabs, so I went where they were going. They are the ones who could help me get my passport and help me flee into Pakistan. The summary of everything that has happened until now is that I am not an enemy of the United States or any other person. I am not al Qaida or the Taliban.

**Questions by the Tribunal Members**

- Q: You told us that when you went to Afghanistan, you met a man who was going to get you training on weapons to protect yourself.
- A: Yes, I did meet a man in Afghanistan. He did not train me on weapons. His name is Abou al Munthir.
- Q: Do you know whom he was associated with? Taliban or al Qaida?
- A: When I came I asked for him. They said he was on the line in Kabul. I don't know what they did on the lines. I don't know if he was fighting with the Taliban or doing something else.
- Q: You are from Yemen?
- A: Yes.
- Q: Can you tell the Tribunal how you traveled from Yemen and how you paid for your travels?

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I have said this about 100 times during the interrogations, but I have no objection telling it one more time. I met a man at a mosque. He married a woman in Yemen. Someone told him that I did not have a steady job in Yemen. He said that I could help you find comfortable work in Afghanistan. So he asked if I would like to do that and I could help him. They asked me and I agreed. I did not imagine the size of the problem in Afghanistan. I am a man that does not have any political concerns or interests. He gave me money. I went to the passport office, I got an official passport. I went to Sanaa and went to the airport. You can verify that I traveled from the airport in Sanaa on the same passport with the same name that you have in front of you.

Other than receiving the training for 20 days in Afghanistan, have you had any other military training?

I was the 1<sup>st</sup> Class National Defense for Yemen. It was training only on the Kalashnikov, that is it You can ask the country if the National Defense ever trained on anything else other the Kalashnikov. There was none.

How long did you serve in the National Defense.

The training is for a month and duty is for one year. After graduating high school, they have to serve for one year. Then they would be guards, traffic police, and serve as guard in the Justice Department or Department of Education.

Who held your passport and tickets in Afghanistan?

Abou al Muntbir.

You mentioned Sabe al Lail, who is he and is he al Qaida or Taliban?

Sabe al Lail said he was a trainer in the al Farouq camp in Afghanistan. A lot of Afghans are present in that camp. The camp is in Afghanistan. I am sure he was a trainer with the Afghans.

What is God's duty?

Teaching people about their religion, doing good deeds, to search for God's approval and favor in everything you do and say. Avoiding sin and any bad deeds. That is your duty towards God.

You made a comment about call to Allah, what is that?

Muslims are present everywhere. These people that I talked about in the beginning, some of them have said they are called Jamaat al Daawa. These

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people leave their wives, children, and money. Some for a few months and some for a few years. Like you, you would do the same thing, calling people to the Christian religion. Missionaries. In India, Pakistan, everywhere. Muslims have the same concept. They follow what God says and draw people that do not believe in anything to Islam. They help the Muslim poor, non-believers in all places. Whoever goes, you don't differentiate between Taliban and non-Taliban. You are going there to teach Muslims whether they are associated with the Taliban or not.

Q: Does this call include the call to Jihad?

A: No. The Jamaat al Tabligh is the farthest thing from Jihad. Their Jihad is the call of God like I just explained. They do not have Jihad as you referred to it, as in fighting.

Q: Jihad to you does not mean fighting?

A: I am not one of those who fight. Like I said, the call to God is not just Jihad, it's not fighting, but it is many things including the call to God. My duty is to teach people their religion. God does not ask something of someone that he or she cannot do. My only duty was to teach the Quran and the book of God.

Q: I understand you are 59 years old?

A: Yes.

Q: Although you may not be able to fight, do you teach others to fight?

A: No. I have never done this my entire life.

Q: Why would you give someone your passport and airline tickets?

A: Muslims do this all over the world. Even if you go to Saudi Arabia and you are dealing with someone they take your passport.

Q: What do they do with it?

A: They keep the passport with them. If you have an agreement to do work, some people are not honest and may steal or not finish their work. That way they have the passport with them.

**Questions by Tribunal President**

Q: Have you traveled very much?



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No. I stayed in Yemen my entire life. I traveled to Saudi Arabia more than 30 years ago. I stayed there for about a year and eight months, a year and six months, and then I returned to my country. I stayed in Yemen until I left for Afghanistan. I did not move. You can ask my country or you have my address. You can ask the people I lived among. If I had left Yemen for a long time, am I a terrorist?

How long did you plan on staying in Afghanistan?

A few years.

This was a long-term plan?

No.

You talked about being recruited to teach because you were not working. Does that mean they were paying you to go to Afghanistan to teach?

Yes.

Do you know if the Arabs you fled with were members of the Taliban?

Where did I escape with them?

When you fled to Tora Bora.

In Jalalabad, I know that there are many Arab groups. I knew this in Afghanistan. Even al Qaida. I swear to God that I did not know al Qaida until I went to Afghanistan. In Afghanistan there are Arab groups that have fled from their countries, they are refugees there. Algerians, Libyans. You have powerful intelligence, you may know these things or you can find out more than me. They say the Taliban is non-believers and they forbid any fighting with them. They consider anyone that fights with them non-believers as well. Some Arabs would go and just sit there for a while then return to their countries to say they were doing Jihad, but they were not. Some have escape from their countries. They live in Pakistan and Afghanistan. These people do not have anything to do with Taliban or al Qaida. Some of them are doing relief work, doctors, some are reporters, teachers, they are all there. That's what I knew when I was over there. I was told that guy is a doctor and so on. hi Jalalabad it is known which groups are in certain areas. There are many that have nothing to do with al Qaida or Taliban. That is what I know from being in Afghanistan it is not certain. When I was given to the Americans, I decided to speak and tell everything I knew. Not from experience but from what I heard. I talked about everything I heard.

Were the Afghans that you surrender to part of the Northern Alliance?

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**324<sup>^</sup>**

A: I don't know. I was just going in any direction. I didn't know which direction I was going because I didn't know the area. I swear to God that I do not know any part of Afghanistan. If you put me in any one place I would not know where to go. I just started walking in any direction and I met three people. One of them was armed and two were not. I called out to them in Arabic. I told them there were people who were dead and injured but they did not understand me. They found someone that understood a little Arabic. So I told him and he said they would help them. They said they would look for some mules and try to help them. They said they would take us to Pakistan. We stayed with them, then more Arabs arrived; they surrendered and they took us with them to Jalalabad.

Q: These people that took you to Jalalabad are the ones that beat you? Once turned over to the Americans was your treatment fine then?

A: Those weren't the ones that were beating me. They took me to prison after about 10 or 11 days they said that a delegation came from Kabul from the Ministry of Defense. They took us from Jalalabad to Kabul to an underground prison. There they would interrogate and beat us. The wounded were also located there.

Q: You don't know who they were affiliated with?

A: I don't remember. In Jalalabad there was a man by the name of Hadrat al Ali. But, I don't remember. In Kabul, I don't know.

Q: In Kabul you were then turned over to the Americans?

A: They turned us over to Pakistan, then over to the Americans.

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**

Translated Personnel letter from Sister

Even you are far away you are close to our heart and for every person that knows you from before and this is all your sisters and all your brothers say hello to you. And every letter you write it is passed to everyone in the family to read. All of them are waiting for your return. They know about your honesty whatever the accusations they put on you they are not true, we know you went to teach the law of Islam In the end, we hope you receive this letter and hope you are in good situation and good health. AH of us say hello to you. Your sister, FAKAH

Exhibit D-b

*3J67*

11.

RBPOBSBAU

M E S S A G S

-VI

REPLY TO THE MESSAGE  
S—II—j—II ^—1—J •>,—II

(Nouvelles de caractere personnel et/ou familial)  
(Family and/or private news)

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22.

-If

Date .j. .... Signature

v\*v

**In the Name of Allah the Compassionate the Merciful**

Peace and Allah's mercy and blessing upon you. Dear brother, may God expedite your release and those who are with you. May God strengthen your faith and keep you united. My love and respect to you is immeasurable. As the days go by, my love and admiration to you grows. Brother, I want you to know that this is a test from God. Don't you see the suffering of prophets John and Joseph! But at the end, God ended their suffering. Please I ask you to be patient, we will see each other one day. We received three letters from you, they were sent through the Red Cross. We receive all your letters; one of them was sent to Faiza, one to Khalid. I would like to tell you about the joy and happiness those letters bring to all of us. God knows how much we miss you. They imprisoned you, even if the whole world call you terrorist, please be patient, it is a lie, I know my brother the whole world is lying, that is because I know my brother, I love you. Finally, I tell you that Sabah Nasser is doing fine.  
Sender, your sister,  
Fatiina Nasser Yahya Abdellah Khosrof

Linguist Comments:

- (1) Allah's peace and blessing on his messenger and prophet Mohammed.
- (2) Peace and Allah's mercy and blessing upon you/family.
- (3) I bear witness that there is no God but Allah, and Mohammed is his servant and messenger.
- (4) God willing.
- (5) All praise due to Allah.
- (6) God the great, and almighty.

frUft^^QS^CO&MM

CLEARED BY U.S. FORCES

—:—————<m\*r~—

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منظره حق وانتم في وحناء  
واعلم ما  
بالذي يوسف يعقو

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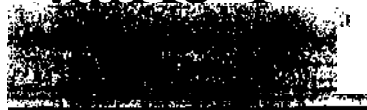
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**Summarized Unsworn Detainee Statement**

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

Personal Representative: I'm handing the Tribunal the Detainee Election Form, which was previously marked as Exhibit D-a.

Detainee: What does D-a mean?

Tribunal President: We label all of the exhibits and its simply labeled, D-a.

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

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

*Tribunal President stated that the detainee wants to participate and has requested three witnesses. These witnesses are coworkers from the school that the detainee taught at. Since all three would attest to the same facts, the Tribunal will allow one witness. The first witness request was sent to the Department of State on 26 November 2004, the second on 10 December 2004 and a third request was sent on 17 December 2004. As of this date, 20 December 2004, we have not received a response from the Department of State concerning any contact with the foreign embassy on the status of this witness. The witness has been deemed not reasonably available. However, if the witness's testimony does become available, this tribunal may reopen this case.*

*The Recorder administers the Muslim oath to the Detainee.*

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

Tribunal President: Your Personal Representative can read the allegations and you can respond.

Detainee: I would like to read and answer them myself.

Tribunal President: That's fine too.

***3. a. The detainee is a member of the Taliban and associated with al Qaida.***

Detainee: With the last three years, or two and a half years, day and night, that's plenty of time. Maybe they prove my case, in my file, if anybody can prove that I was Taliban, or member of al Qaida or help anyone. If anybody can prove for one day, that if I even contacted a member of the Taliban, for one day or for one hour. You know that, because

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Taliban was against education and schools, especially Science and Technology. The reason I was a Science teacher, they never wanted that kind of person if he was teaching Science. As you know, everybody knows this, they close all the schools around Afghanistan, and they start as Madrasa (ph), not schools. I will deny and reject this allegation. I never was a member of Taliban nor I never will be Taliban. Taliban resistance was almost seven years from the beginning to the end. I was for seven years, teaching in the school. Only for one year, but I will tell about that one year later on. The reason was I was absent for the one year of teaching. The school has a vacation or a season for three months, during summer time, and I came to Afghanistan to see a farm or business, at Mazar-E-Sharif. The Taliban arrested me there and they put me in jail for six months. If I were Taliban, or a member of Taliban, or contacted Taliban, why would they put me in jail for six months? I think that is enough for this allegation.

*3. a. 1. The detainee returned to Afghanistan from Pakistan in late 2001.*

Detainee: This is not right and also I reject this allegation. Hamid Karzai came into power late in 2001 at the end of the year. When I came to Afghanistan that was the second month of 2002. When Hamid Karzai took power, he traveled around the world. I saw him when he came to Pakistan, and I saw his speech there. I saw everything and I got comfortable with that. After that I went to Afghanistan, not before. He mentioned to all the Afghani and Pakistan refugee camps, he reassured them. He told them there's a time, everybody should go back home, prepare our country and their homes. After any personal power, intelligence, that was the one other thing, that they assured us and they told us no more war, that the war has ended, and that this is the time to come back. To return home, together we rebuild our land. Especially, he mentioned, three or four, a special time, only for teachers, they asked virtually all teachers. Many returned here to Afghanistan. Our education system in Afghanistan was destroyed in the war for the last twenty, twenty-five years. It's time, especially for the teachers, it's very important to come back home and start teaching, educating our kids. The Ministry of Education repeatedly asked around to all the people all the time, they asked every single person, men and women both, to come back to Afghanistan. To come to the ministry and write their names on the list and we will give them a special course to start teaching our kids. That was another thing, because of Hamid Karzai on the war, and education the speech in Paxton (ph) and also the Ministry of Education asked us all the time. The whole war gives your help and opens all embassies around the world. All the countries come back to Afghanistan. He says that was my (inaudible) and the Taliban is no longer in power, the Taliban is gone, and the warlords are gone. He's coming to Afghanistan and I try to go and help. That was another assurance for me; I was comfortable with his speech and the people. The people around the world came to help and I thought there's the time. I said to him, that's the time to go and help because there is a shortage of education for teacher in Afghanistan. The allegation is wrong, for this reason, its wrong, I did not come to Afghanistan in 2001, I came in 2002 for this purpose, this reason. I think this will be enough for this allegation.



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*3. a. 2. The detainee was in possession of the infamous Casio watch of the type used by al Qaida members for bomb detonators.*

Detainee: Probably, I will not need my explanation on this thing. You guys very well know, but I can tell you something. I have the Casio watch. It is a black, plastic watch and I think still it's in my belongings with the government or military. It's just a regular watch. If this watch is used for this bomb, this thing, or someone you have is al Qaida or in the block, I think every single soldier, every MP in here has the same watch, and are they terrorists? Also, this watch is made in Taiwan, Japan, (inaudible) or (inaudible), in Pakistan, really, this is the terrorist, is this country to make this watch. You should take care of this first, then let the people have this watch. When the interviewer or Personal Representative told me the first time of this allegation, I asked him who wrote this allegation. They told me that they really didn't know who wrote this one. I told him, at the time that he wrote this allegation, did he laugh or not? He said, he doesn't know. If you give me the time or let me have the time, I can bring you right now from the block. That everywhere the soldiers, maybe more the ten, twenty different kinds, same kind, same model, from the same factory watch, everybody has the same watch. For this reason, this watch is not from al Qaida, it's not used for a bomb, and this is just a regular watch. All older, younger men and women use this watch everywhere.

*3. a. 3. The detainee failed to demonstrate knowledge of current events for locations where he claimed to have resided.*

Detainee: This is totally wrong. The reason is because Red Cross went to my home many times. The Red Cross people and I sent my letter to the military personnel and they get it to my home. I held onto almost fifteen or twenty letters that came from the same address. My kids' pictures came from the same address. If I didn't give my correct address or whatever, how do I get my letters, where would I send them? Why would they get my letters? Also, the people of the Red Cross are the witnesses. They went to my personal home, and they took a picture of my kids and read the letter from my home. I think that will be enough, because when I sent my letter, I received a letter, this is my home. When Red Cross went there they brought my kids' pictures. This is my address, what address are they talking about? Also, I give from the letters I have received, I give three copies of my letters to the Personal Representative, the copy of the letter is to prove that this is my address, and these are my letters from the address. For the reason this is not correct. This allegation is not correct

*3.a.4. The detainee was employed by the Taliban's Chief of Intelligence in Mazar-E-Sharif*

Detainee: First of all, I would like to know, or understand that if I were employed by Intelligence Chief in Mazar-E-Sharif, what was my position? I would like to know. What was my position was when they hired, or employed me. Because, they are not making it clear to me what my position was, how was I employed. The reason I'm telling you this, is I'm not employed by this person. I was arrested and jailed by this person. This person detained me for four months in one place, two months in another place and

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he was the one who sent me to Kabul. I think he employed me as a prisoner, not as an employee to work. In Kabul, I spoke to the interrogator, the one person who he was employed in the place; he was my class friend for eight years. We went to the same school; we were in the same class for eight years. His name was Abdul Satar. I talked to the interrogator about this person. I didn't work, he worked, I went one time to visit him, because he was my classmate for eight years. He was working in this place, not me. If they talk about me that I was employed there, that was totally wrong. I just tell them, I had visited my friend. His name is Abdul Satar and he was working for them as an employee to write and read for them. That was his only position for them. If you are talking about me, no, I was imprisoned and detained by this person, not employed. Mazar is still there, and there's the government, the central government. You all out there, meaning the American personnel, American military personnel there, if anybody was hired in any position, anywhere, even as a doorman, they write your name, your father's name, where you were born, how old are you, the whole information is there. If I was employed there, or someone gave me a job, that information would be there. Or ring one person there, and they can tell you that I worked one day over there because Mazar-E-Sharif is, you can ask anybody, anytime, anywhere in Mazar-E-Sharif. For this reason, I never was an employee by this place or any Taliban member. I never worked for one second or one day, I never had anything to do with this thing. For this reason this is also wrong. Still in Mazar-E-Sharif, if one person says if I work one day, one hour or any connection with this office or anything with any member, I will accept this. But please provide me any proof. Only one person and that person, whose name is Akhammed (ph) Reim (ph), he returned me to the Americans. That's the only one person. He was my personal enemy. Otherwise, no one will tell you any other thing, like I told you. The other factor was that I was in prison, detained, in the same intelligence office in Mazar-E-Sharif for ten months before I came here. If I was employed there, or I worked there, even for one day, there are so many people. Why didn't one person say why he was working here, he was employed here, he was here, why didn't anyone say this? There are hundreds of people working there. The reason is the Syiad Kami is asking me for money. To give him the money to release me, and I denied the money. He returned me to the American personnel, or military personnel, and they asked me a lot of questions. I give all the necessary information, my name, my father's name, where I live, where I'm from, everything. We take one, two, or three pictures of me and he did release me, the American. But, this guy, he took me back because he asked me for the money. That was my only three days that I was there, in Mazar-E-Sharif. Only three days, and for that reason, he asked me for the money. The American asked me this allegation over there too. Did you work here, or were you in the Intelligence office working? I told them, I was in Mazar-E-Sharif, you are in Mazar-E-Sharif, there's the office, go check, and bring any evidence, or bring any person. If there was one in all the documents inside the office, check the whole document from the beginning to now. If you found my name in any document or even my signature, even in pencil I will accept this one. They assured me that I was not there and that I didn't work there. After they looked at the information, looked at everything there, they can't find any evidence on me. That was the reason when the American released me; they had nothing to do with me. This guy, again, imprisoned and detained me, for ten months, and asking me to pay the money. I don't give the money, and then after ten months, he took me to Shiveron (ph) from Shiveron

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(ph), he gave me over under someone else's name, not my true name. He gave me to the Americans, under that other name. Please, if you check my file, I think they put me as someone else's name. Malah Shalazah (ph). That was the one mistake by American personnel in Shiveron. When this guy returned me to the Americans, no one asked me my name or who I am, or my identification to prove who I am. Without any questions, without any talk, they just take me to Kabul, and from there... In Kabul, they told me I was Malah Shalazah (ph) and I told them, I < in not Malah Shalazah (ph) my name is something else. I told them in Bagram, to the interrogator, my real name, who I really am, and give my old address. I live in the same address for the last twenty years in Pakistan. I give that address, and the address of the school where I am teaching. I tell them to go get the information, to go make sure everything is there. When I went to each class, we call them (inaudible), a paper, it was a teacher aid, when the teacher comes to class, and we sign it. Also, in our list, if you come to the school in the beginning of the morning, like a time card, you sign in. I asked the American people to go check, for the last seven years, to check my time card. I'm there for the last seven years. Check each class, I went to each class, my signature is all there, for you to find out The reason I live in one place for the last twenty years, I never changed my address. I live in the same place and I teach for the same place for the last seven years. Not only do the men, women, and every single child in the village, in the area, they know me by the name of teacher Abdul Matin. Every single person in the area they know me, teacher Matin. I am upset because they didn't get proper information about me. They just brought me here, without any knowledge or any complete information and I'm still here. I think all allegations write my personal someone, personal dispute, and someone got the wrong information, wrong name. They repeatedly asked me for the money, and he told me, a friend of his office, in a jeep or land cruiser, he told me if you give me the money, I will put you in this car, in the front seat and I will take you directly home, otherwise you will go to America. They asked me for the money because they know me, and my father. My Father has a lot of wealth in this area and in Shiveron (ph). He has a lot of farms and a lot of stores and he is a very rich man. I think richer than anybody else around there. That was the only reason, because they know my father and they know me, I'm a son of this person. They ask me for \$30,000.00, so many times. The only reason they say I was an employee at the intelligence office is for the money, and if I were to give up the money, I will never be Taliban, or member of Taliban, or help al Qaida or employee of Intelligence office. I have one proof, for your information. When I was detained in this office, I give three times, I give a report to Red Cross to someone, by someone else, to let them know I am a prisoner, that I'm detained here. Please, they ask me for the money, for \$30,000.00, please help me. I told you, Hamid Karzai came into power, the peace is here, and the people here, the people are coming back home, they are all happy. There's no more Taliban, that's the reason why I came here. The next three years, I'm in prison. They ask me for the money, and I asked for help from the Red Cross. I reported to the Red Cross for them to help me with my injury, and for being detained. I will give you the information, or tell the story about why I am injured, if you have time.

Tribunal President: Certainly.

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Detainee: I was surprised, and happy when I saw Hamid Karzai take over. The fight is over, warlords aren't around anymore, and Taliban isn't around anymore. At this time I came to Kabul. After three days, I went to Mazar-E-Sharif to go check, to see my business, my father's business, to see the farms; we have a lot of farms. The reason I went there was because I received a card, an invitation to a relative's wedding. The wedding party was out there. I went to Mazar-E-Sharif, after half an hour, we went to the bazaar, the exchange market. I was visiting Kabul when I went to Marzar, and I didn't have any Afghani money on me, I only have Pakistani money on me. And that was the reason after I arrive in Marzar-E-Sharif I went to the market to exchange the money from Kaldar to Afghani. I went from one store to another store to get a little penny, or a different price in another store. I went from one or two, or two or three stores, and I then heard a really loud explosion. This explosion, almost from 150 to 160 people died or was injured. I think everyone knows about this explosion. I don't want to put the word, famous, but everybody knows. After this explosion, I was injured. After, I think, what should I do? I called a taxi. I know one person close to the market. It was my former friend's. I went to his house for help. When I went to his home, I asked for help. I told the story, I was injured and my whole bone is broken around here. I ask him to take me to the hospital or clinic. He told me there's no hospital and there's no clinic, even though they are here, they are destroyed. There isn't any equipment and there's no doctor during this Taliban time. I think he said there's no doctor around there, everybody left. Even if there was a hospital or clinic, they did not have proper doctors, or equipment, or medicine. A lot of sick people, a lot of injured people, it is too crowded. He brought some old man, and put some wood on my leg and gave me some medicine. I was in great pain. I asked him to take me, or send me to Kabul. He told me that tomorrow is Friday; I will take you in my own car to Kabul. We waited one more day, and one more night. The next morning we went to his car, I sat in his car and he drove the car. He took me directly to the side common, where he was a resident of the intelligent of the Marzar. There are boats from Ozbek tribe side common is also Ozbek when I went to his house for help this is also Ozbek. The first time I thought I asked him, when we went to this office, they take me to a room, and I ask them to take me to Kabul. I thought that maybe he needed something, or some directions or talk before he took me to Kabul. When he took me there, I asked why I am here? He said wait. He took me to the room, we went to the room, and that's when they asked me for the money. Give us the money and we take you to Kabul. If you don't us the money we don't take you to Kabul. I asked him, I'm in great pain I need medical attention, please take me to Kabul. I asked him repeatedly, please help me. I'm injured, I'm in pain, and I need doctor's attention, he said no. First of all, you give us the money, if you don't give us the money, then you aren't getting to Kabul. The only reason, the number one reason is the money, if I would give them the money I would be free, I would never be Taliban, I never be al Qaida or otherwise, the only thing, is the money for this person. That is enough information.

*3. a. 5. The detainee passed messages to high-ranking Taliban and al Qaida officials.*

Detainee: I think when I talk in the past numbers 1,2,3,5 and 61 think they maybe answered from before when I spoke earlier. The reason a person, not involved with the

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group or government, for one day, for one minute, or one hour, it's not work for them, and you are not involved with them, and no connection with them, no related to them, how can I take message from one to another, what was the reason? The only reason, because without this allegation, American will not take me, not arrest me, not detain me, that's the only thing he wrote, about the one thing, was about the money, but upset about American, I wish, and also he gave me a different name. American before they bring me here, they should at least talk to me before and get information before. They did not get information about the whole thing. The reason, if you don't know the person, if you don't work with the person, if you have any knowledge of the people what kind of connection, what kind message do you take from who to who, if you don't know the person, what kind of message you take, and to who?

*3.a.6. This individual is a former Taliban commander.*

Detainee: I want to tell you a story. The reason for the story is because I was employed with the intelligent force, and then I was messenger, and now I'm commander, this is a person married and when married, he left home to travel to other country, when he come back home, he saw some little boy in front him, came and says who is this guy he said his name is Karmadeen. He said who is Karmadeen? That's your son. And I said, what are you talking about, I was not here, and when he was in discussion, he heard another name, Urmadeen. Who is Urmadeen? His other son is this story on me, Karmadeen and Urmadeen one time, I'm intelligence, one time I'm a messenger, one time I'm a commander. I don't know. Like I told you before, if I didn't work for one day, one minute, or I was involved one day with these people it's impossible this allegation on me, I wish, I hope my leg, or my thigh, or my feet will talk, and they will tell you, this person, Diaeb (ph) straight for five days, he physically abuse me, tortured me. If I was Taliban, or if I were a messenger, or I was a commander, how come Taliban hate me that much and put my in jail for six months and physically abuse me and torture me for six months. Who hit me, who give me the torture the person is here. He torture me, he physically abuse me he's still here, he's not truly Afghan, he's Pakistani but he was employed by Taliban in Afghanistan, but he's Taliban, he work with Taliban and he's the one to torture and abuse me, and he's still here. That will be enough of an explanation to you, if I were Taliban or member of them, or work with them, I would not be in jail, I would not be physically abused or tortured by them, because I was not with them, I was not part of them. I will prove that, because I was against the idea, against the thought, against their government. That's my one proof, or my important witness is here, actually he denied everything, but, he thinks I'm only a store worker, or store clerk, or shop keeper, but, he was the main enemy, through the Taliban. The interrogator brought me a lot of pictures I found him, this is the one, he's the one that tortured me and put me in jail. I think he's in Camp 4. One other thing, but I'm sorry to say, but I saw a lot of unjust because, they tortured and killed people, there was the minister, there was governor, all in Camp 4. We, the poor people, we do nothing, innocent people but we are in orange clothing. I like your attention about your reason to here, and this unjust because this is a tribunal. Again, I'm sorry to say, to my knowledge, this is not right. The main we come to this point, we come to the all killing for all misery, for all problem around those are the people who are the governors, they are ministers, they are killing and torturing people. That is the main

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problem, we are facing those are the people, and they are living a comfortable life in Camp 4, they are relaxing. Then, there are people like me, and someone asked me for money, and I didn't give the money, and they put all wrong information and I'm not in a comfortable position. I say that, just to think about this, and to your friends, to your military personnel, and in general, not a specific thing. I will accept any proof, of any person or any allegation, or any proof, I will be glad, I will accept it. Another thing, from the beginning to today, in my old file, from the last two to two and a half years, I didn't say one word wrong or right, because I'm teacher myself, my knowledge, my mind, not let me to tell you lie, teacher does not lie. The beginning of the time I arrived here, I wrote all information, all my bibliography, from the beginning, from the day I was born, to the day I was arrested. I challenge them that time; I challenge you, if all the bibliography I wrote from two to two and a half years ago, if you found one word wrong or nonsense, or I lie, I will accept the harsh punishment that you would give to a person, or maybe I accept one or ten years more than anyone else take. That's all the allegation, I think it comes from one person Syiad Komen that's nothing, there's no proof, no evidence, no paper, no picture, no signature, in the whole thing is, just for personal. Again, I challenge you with the entire allegation by any person, by any country, by any organization. If anything is found, and I'm claiming, that I'm a teacher, if I'm claiming a teacher, and I tell you wrong thing, I will accept all harsh punishment you give me, but, this is on one information of this only, if I did work one day in the intelligence office, or if I was a messenger for one place to another place, or if I was a commander for one day only, if you guys have proof I will accept it. I don't know what to do, I can't do anything I'm detained in here, because a lot of reasons, information I give you, in my file, everything especially, the principal of the teachers, I hope you guys get the principal, ask him, he will tell you from the last seven years, every single day I was a teacher, I didn't work anywhere else, for anyone else, I was not al Qaida or Taliban, I hope you guys get that information from that person, he will tell you the true thing, which I claim. One of the reasons, there is no Taliban even the name of Taliban was in Afghanistan I was teaching at that school, when the Taliban was gone for good, forever, I was still teaching at that school. The whole teacher, the whole student, and the whole area the student and people came from the whole area, every single person know me by name, and knew me I worked there, and knew that I worked there, and they would tell you I worked there and also they know the knowledge that I was arrested by the Taliban, and that I was tortured and abused and they knew the whole story. For this reason I was never associated with the Taliban or al Qaida, or any other group. I think that will be enough for this allegation.

*3. a. 7. The detainee claims to have spent over 7 years as a science teacher, but failed to demonstrate knowledge of the subject.*

Detainee: I don't have that much talk, but I challenge you right now, here, at this place, from the first grade, to all grade, to high school, in science. I'm proficient in Physics, Algebra, Chemistry, this is my subject, I'm really, from first class to twelfth, any book, any question. You choose the book, you choose the question, just give it to me right now. I don't have any other thing I just really right now I can solve the problem. Just one other reason, for one or two or three years I've been in prison, I think it affected my

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mind a lot of things I forgot a lot of stuff, I challenge you right now, as a science teacher I will prove you any solving, any problem, right now, right here. We don't have to talk that much about this, but I will prove you right now. This is also not right, the allegation is wrong. If I was not a teacher or, I lie, whatever, why I came, I now challenge you right now, that will be enough. I have my documents from the beginning, of first class to the end of my school, I was number one, I get hundred number, in every subject I'm number one, I have my degree, I was number one, with honors, student, if you want me, I can ask them, my home, to send a photocopy of my document. I think that will be enough, I don't want to talk too much, and I'm really running out of time, and tomorrow is another day, another day to pass the test. I ask my interrogator, if you have a question about this allegation or not sure, just please, you chose the book, just give me twenty-four hours today, tomorrow, I am reading, I challenge you, I give you the book, any problem, ask me I will solve the problem. That will show you that I'm a teacher. That will be enough. If still, if you doubt, I am ready.

*3.a.8. The detainee is associated with a terrorist attack in Afghanistan in 1995.*

Detainee: About the day and the year, I was always in Pakistan; I never ever come to Afghanistan my prison was not in Afghanistan never. I came to Afghanistan two years later that was 1337 Afghan calendar. I think 1997. At that time, the Taliban was never came to north Afghanistan or to Mazar because that was (inaudible) country. There was not a northern Afghanistan, there was only that was in southern Afghanistan. Also, what was that terrorist that terrorist attack what was that attack, where was that attack how was that attack, where, when, and how? I don't know what they are talking about. I hope they can make sure, what was that attack it was in. Was it an explosion in car, explosion in building, killing someone, what kind of terrorist attack was that? This whole big allegation they are wrong to my knowledge, they are not correct, only on one question, and only half the question is right, of the words you have a Casio watch, I have a Casio watch. I think the watch is still here, with my clothes, if you are allowed, you can come and see the watch. You guys know, all the MP's, more than twenty have the same watch the same name, everybody has the watch here. That was the reason the American took me, of this reason, and they took me by all the lies, a person lied and put this wrong information because Americans took me otherwise they would not take me. Also, for your information, please right write this day of 1995 terrorist attack ask my witness, or that principal of mat school ask them, if I miss one day of school, one day, of that year, you will get that information, the honest information. Those teachers, or those schools, or those principals they know I were with them for the last seven years any information that you need you ask them, they will give you information, any doubt of my talk. Please, you have your representative of that area or military personnel, please call them, or let them know to go to the school check for the last seven years of documents and time cards for the time sheets for every class that I go. If I miss one day yes, I am terrorist, or I was with al Qaida, or Taliban. Otherwise, I don't have anything to do with the allegation or anything. My record at school will tell you everything.

Tribunal President: Does that conclude your statement?

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Detainee: Before your judgment, please make sure that's my hope and my wish, to make sure everything you read classified, unclassified, everything. Make sure my evidence, my document, my radio, please. Otherwise, make sure my file, is everything like I hope to close one forever, please don't destroy my life, anymore, and please don't destroy my kids life anymore. If I'm not innocent, hundred percent, keep me wherever you like. You have one small evidence on all allegation, give me the harshest punishment whatever you give me but otherwise I ask you for fair judgment, fair knowledge, before any judgment, get information make sure I'm innocent. Also, nobody, as I know, hundred percent nobody, but this one person is Mr. Kami, and he is still here maybe in Mazar-E-Sharif, he is still there, and your guys are still there if he put these all these allegations on me all these terrible things on me you guys have the power to ask this person, if you put all these allegations on me, give me one proof, a picture, a radio, a signature, a document, an other person, ask them for one proof, ask this person for one proof, if you give this person to us, turn over to this person, for what reason? A witness, please, ask this person ask for witness or some document. This is the only reason, because I was in the same office of this person for ten months for my detainment, for the money thing, they ask me for money, and also I give three hundred to red cross for help and also if they know, the Red Cross knows or anybody else knows because we know you deserve because he was that one person he worked there, he was that type of person, he was Taliban, he was al Qaida, but the Red Cross didn't say, only the person who asked for the money that's the only thing. For a personal dispute I owe the money. That's all. That will be enough.

Tribunal President: At this point, we may have some questions to ask you, would you be willing to answer them?

Detainee: Yes please.

*The Personal Representative and the Recorder had no further questions.*

Tribunal Members' questions

Q. Later we may get some classified documents to read and you've given some names and I will be watching for these names, but I didn't write down the names very well; one of the names I thought you gave was your personal enemy was that Mr. Syed Kami?

A. At that time, I was in prison; there was two. intelligence offices in Mazar-E-Sharif. One belonged to Dostum (Uzbek), and one belonged to Professor Atah, he belonged to a Jamid (inaudible), which belonged to Rabbani, which is in Tarjek. He was the president of the Intelligence office Syed Kami was from Dostum area, Dostum intelligence and also I think he is an assistant of Dostum also.

Q. Is he the same person Syed Kami who tortured you?

A. No, that's two different things. When I came in 1997, Afghan calendar 1377, he was captured by Taliban, and physically abused and tortured by Taliban which, his name was Syed Abdul Rahman, who is in Camp 4.



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Q. Your friend that drove you in a taxi, when your leg was broken, Uzbek friend?

A. Yes, he's Uzbek, the same tribe with Syed Kami the Intelligence president. He's not a taxi person; he was the person I went to his home for help. He is the one who turned me in Syed Kami.

Q. What was his name?

A. Gulam Cakhie

Q. What city in Pakistan is the school located in?

A. Mansura. The school is also surrounded by nine camps, refugee camps. The school was the reason for the refugee camps for the children to go to the school.

Q. Does this school have a phone?

A. No. There is no electricity and no phone for all the camps.

Q. What did you do before you were a teacher?

A. I graduated on 1371, Afghan calendar, the next year, 1372, I got a job as a teacher, before I was a student.

Q. You said you lived in the same house in Pakistan for twenty years?

A. I went to Pakistan, 1360, Afghan calendar, to Mansura City in Pakistan, which is now, 1383, Afghan calendar. It looks like 23 years. For the last twenty years I lived in Mansura Pakistan. When I was a student in 1371, I graduated and my father passed away. I went to one house to another house by the same area, real close. After that, I lived in the same house until my family came to Kabul. I lived in the same house until the last day I was in Pakistan.

Q. So, I want to get this right. You're in the area for twenty years, in this house for twenty years, seven years as a teacher, and 13 years as a student?

A. No, I went to school until 8<sup>th</sup> grade in Afghanistan. At that time, I think I was sixteen years old I went to Pakistan. The reason we do nothing for a while, because there was no school for the refugees, the people there, it was hard for us to join, to go to Pakistani school, it was a different language it was Gudo, it was way hard, hardship, and way hard life, after while, so many years, we did nothing, and finally when they start school, I start beginning from 7<sup>th</sup> grade there. From 7<sup>th</sup> to 12<sup>th</sup> grade I went there, in the Pakistani school. I did nothing else, until 1371, when I graduated from school, and the next year I started as a teacher. My father has enough wealth, he was rich, he did not let his kids do something else, he was always pushing us to go to school and get educated.

Q. What was your father's occupation?

A. At that time, he was not working because he was (inaudible). When he was in Afghanistan we have a lot of wealth. We had farms and stores. In Pakistan he did not have a job position.

Q. Did he ever help Taliban or al Qaida?

A. He passed away 1371 there was no Taliban or al Qaida at that time.

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Q. You said your father was wealthy, what happened to his money when he died?

A. He left it to us, because he was our father, he left his wealth to us. That's the one reason why Syad Kami intelligence Uzbek person keep me, keep asking me for the money because that was the reason, because I have the money I have the business, my father's business and they knew I have the money, which is why they kept asking me for the money.

Q. If you had the money, why didn't you pay the ransom?

A. It was a money thing, why I didn't. For the first reason, if I didn't anything wrong why should I pay, after a long discussion, we come to the point of \$30,000.00, and it was more than that. Why I give money to one person asking me, why should I? The second reason is I thought now we are under a lawful nation, a recognized government there's no more warlord, they can't do anything to any person, there will be questions, there will be law, there will be consequences to them, that was my assurance to my heart, they will, someone someday I get help from someone he will be punished for the crime he does. Also, all American were around in every province, I was assured from you, thinking, now there's Americans here American is working by the law, why should I give to criminals money if Americans around here. I was a fool for this reason. I wish, I wasn't comfortable with Americans, because they are lawful people they are here to help, and for our central government because they will ask, they will listen to me, or who are my lies, I wouldn't give the money. The only reason I count on American, or Americans, the way they work, otherwise, it will take me five minutes to get the money and give to them, because I am forced to reconcile with all of them. I have almost forty-four, forty-five stores, and also I have four hotels. AH kinds, pharmacies, other stores, there was no problems anything of them. I could give them \$30,000.00 in five minutes. I can sell two or four stores to get the money. The only thing I count on, an American, or central lawful government.

Q. You said your family left Afghanistan I'm assuming during the Russian war?

A. When the first communist government came in to power, which is Norama Turki (ph) because they know my father and my cousin, they are all rich, first they take my father and cousin to jail for six months. When he died, (Inaudible) his vice president, a (inaudible), he released my father by another president. And my two brothers, and my father and one cousin. And my one cousin passed away or was killed by the government at that time. (Inaudible) five people (inaudible) at one time, inside that prison. After that, they have 3,500 Jereeps (ph), I don't know what these are but how many farms, a lot of farms. The communist government they take our farms and give them to other people. At least twenty families they did this to. Only seventy-five Jereeps (ph) they left us the rest of them, the rest they gave to other people. I'm shocked and I'm surprised. We tortured and killed and detained by Russian and communist government in Afghanistan they are gone. Taliban came here, the same story to us again, torture, prison, and now, here I am, I don't know what to say what to expect Each time the government changes in Afghanistan surprisingly we get punished. The history of our family life nobody ever worked for any government or had any government position. I was the only one to teach at the school, other than the time I was in Pakistan (most of this sentence is audible, poor

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translation) otherwise, no one worked for the government, and that is our history of our family.

Q. Last question, the friend you visited in Afghanistan, you said he read and wrote for the Taliban, did you know that he was doing that for the Taliban when you visited him?

A. In Mazar-E-Sharif, in our hotel or business, or store that we have... .Shaveron, I went there, each year we lease, we signed the paper for one year lease. Sometimes we get the money up front, or sometimes we get it at the end of the year. That was the reason I went to Mazar after one year to see my work, my people, to see the business at that time, I heard my friend, Abdul Satar is working with the Taliban. Yes, I went there and visited.

Q. On #7, you may not know the answer, since you don't have a book to study from, but do you know the equation for the area of a circle or the circumference of a circle, either one.

(At this time, the Tribunal member explains to translator by making a drawing on a piece of paper what he wants the detainee to solve.)

A. From the point, to another point is 360.

Q. Does he know what the area would be? I know that you can get 360 degrees, but does he know the distance or area, the distance around that. (Indicating to circle on paper)

A. When you make sure after this thing you will find out inside of, when you put them in different positions here, or this one, or this one, how many degrees. When you find out the area of all of this, then you find out the outside area.

Q. (To the translator) do you have a translation for the concept of pi? Do you know what pi is?

A. (From translator) No.

Q. Okay, never mind. You know what, I will withdraw that question.

Detainee: I think that there's one mark in Algebra called "Pi", maybe you are talking about this thing?

Tribunal Member: Yes.

Detainee: Maybe this one is Physics and one in Algebra.

Tribunal Member: Yes, (To translator) But, because, maybe it's a limitation on you, as the translator.

Detainee: Maybe if I get some numbers in Algebra or something....

Tribunal Member: You know what, I use to teach, so I understand how important it is to have a book to research first. You are.... I don't want to ask you any more questions.

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Detainee: The reason I studied real hard from the beginning from first class to twelfth class because nobody touched me, I was number one in the whole school. From that time, I studied, otherwise, I've been in prison for three years, I don't know what I ate yesterday.

Tribunal member: Thank you.

Tribunal President's questions.

Q. I'm interested in Point #7, it states that you failed to demonstrate knowledge of the subject that you supposedly taught? I thought your point was well taken, as far as they could ask you questions about it, so, since you came here to Cuba, have they asked you Science questions?

A. Yes, one time, they brought five or six questions on a paper, and it was from Algebra and Physics and also Chemistry. I think I wrote three or four answers to the questions and they asked for the paper, they told me enough. They also asked me verbal questions too. So many times, they asked me several times. I think that should be in my file. My former, last Personal Representative asked me two questions, I think. One was the formula, he asked me another questions also.

Q. And as far as you know, you answered them correctly? There wasn't any that you couldn't come up with an answer with?

A. To my knowledge, I think I answered them correctly, but I don't know, maybe, it affected my mind, two to three and a half years I have no study, I have no nothing. From my knowledge to my opinion, I think I gave them the right answer.

Tribunal President: Do you have anything else that you would like to say at this time to the tribunal?

Detainee: Now the time I came, I'm glad to talk to someone, to listen to me, and I'm asking you, cordially, please make sure, not only by writing, make sure, to find my true case, who I am, and I'm asking you, my future, for my kids future, my families future, is very important and its in your hands. I'm very disappointed, this time, in the government in Afghanistan is our idea, our choosing idea of government, now in Afghanistan, and I'm not there to help them. Again, we are sorry, that was the time for me to help Afghan people, to help kids, because they need me over there.

*The Personal Representative at this time provides the Tribunal President with unclassified exhibits D-b, D-c, D-d, D-e, and D-g.*

*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*

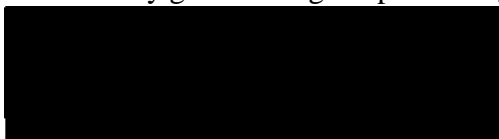
Detainee: Thank you for you, and thank you for the time you gave me. I thank all of you, my Personal Representative.

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Tribunal President: You're welcome.

**AUTHENTICATION**

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



Colonel, United States Army  
Tribunal President

To my honorable personal representative, Peace and Allah's blessing upon you. After my greetings, the three letters that I'm handing to you proves that first of all, my family was living in Pakistan and now they moved to Afghanistan with Abdul Wahb's family. Abdul Wahb is my father-in-law and my family lives with him and now they live in Kabul Afghanistan.

Second, the letter indicates that it is proof that my family lives in Kabul and it is written in this letter. When this letter was written, my family was present there. Because in Kabul Afghanistan, Teacher Mohamad Yonus is my cousin and my brother-in-law.

3. The third letter indicates that I was a teacher. And I was a teacher because any letter I receive they call me by the name of Moalem Abdul Matin and if I wasn't a teacher they would they write such a thing and I am a teacher so they call me a teacher.

4. The letter indicates that my daughter Sediqajon, that she is seven years old now and she attends school in Kabul. She is in 1<sup>st</sup> grade and now she is studying in school. I hope this letter proves to you that all the questions you have are resolved; your questions about me, about being a teacher and about my family. Peace.

**003286**



I, instructor (teacher) MOHAMMED YUNNIS and my family and dear respected mother and the family along with ABDUL WAHAB JAN want to send you our abundant greetings and well wishes. At the time of this letter we are doing very well and are in good health and we seek and request your welfare from the Almighty God. We all pray on your behalf. Your kind mother is living with me and she is very happy and she's living her life with a clear conscience and peace. Presently, with God's favor, she is in good health so do not be worried about her. Whenever she has an illness ( P H M ^ B H H B H H M who has a clinic in Kartay Mahmoreen and there she gets medication, which helps her. Be assured that she's okay. Furthermore, your kind mother often ^ H ^ B H B H ^ ^ H V B M M <sup>8 1 1</sup> ^ ABDUL SINAN and lives there as well. SIDIQA JAN, your seven-year-old daughter is in the 1^ grade and is carrying on with her studies with great enthusiasm and interest MONIBULLAH JAN, your five-years-old son and PALVASHA JAN, your three-year-old daughter are healthy and doing well, due to the grace of God, and they are in my house a lot. We were worried a lot about your leg and when we heard news about the surgery done on your leg we became extremely happy. God is kind and He will see that all your difficulties will be solved so you can come to your country again and live in a peace and calm environment. And also you can come back and help your poor grief-stricken country that has witnessed years and years of oppression from t h e £ H H H B H 1 ^ <sup>serve</sup> your country with sincerity and truthfulness. You can participate in the rebuilding of your war-torn country.

I also want to mention that your letters don't get to us fast enough so if you would please pay more attention to this matter and send your letters as fast as you can. The letter that you wrote on fMHfll I received on •HfIMi Peace.

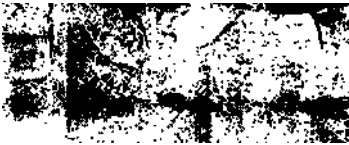
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**In the Name of Allah the Compassionate the Merciful**

Many greetings from here every one Muhammad Yunus, Muhammad Ismeal, Muhammad Isa, Muhammad Qasim, Muhammad Hamid, Muhibullah, mom and Muhibullah's mom, Sidiqa, Palwasha, your sisters all sending there greetings to teacher Abdul Matin. We out here, God's willing, are so far so good, hoping for your well being not to mention that your mom and your family are just doing fine not needing any thing so you please rest assure and don't worry. 2 letters through Pakistan Red Cross mailed to you but no return yet hope you write more often so we be assured of you. Abdul Wahab's family are returned from Pakistan and living in their villa and they are alright sending you there best, how is your leg that you had problems with? write to us, your family are present in here sending there greetings and prayers to you. You are never forgotten of our prayers.

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**00329/**

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^EDCRVXSS FAMILY MESSAGE



2. SENJQEt

FULL NAME:

(as expressed locally)

Father's name:

Grand Father's-najie^ 4 2004

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Street and number Cr-<\_Jy^vU^ ^C\*Xr '

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FULL NAME: Mfc ^t- /LfJ \*r/yV - J>— rj A^ J-\*\* ru  
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Father's name: Ai2.M%j\_£&gnLTTr'- Mhff^TP~ ^ j / ,  
Grand Father's name. M^ ^ „ ' (V. ..••.

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4. INTERNATIONAL COMMITTEE

OF THE RED CROSS

Jd. AVENUE OB LA JAIX

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# MESSAGE

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(FAMILY NEWS OF A STRICTLY PERSONAL NATURE)

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Greetings from Malim Mohammed Younus, your mother, sisters, nephews, and Monirullah jan, Sudiqa jan, Pal wash jan and their mother and the rest of the family to dear respected Malim Sahib Abdul Matin jan. up to writing this letter we are all in good health and ask God Almighty for your good health and we pray for you we received one of your letter from Bagram through Red Cross we send the reply but we didn't get any answer back. We have been going all the time to the Red Cross office and received one of your letter that was written on 2003/06/08 that you send it to Abdul Baqi I received it on 2003/08/27 the good behavior that they are doing with you and you are very happy from them we got very happy because we were worrying about you and now we don't send us news about your leg that you were complaining about it. I am always going to the Red Cross office to ask about your letter the Red Cross employees have a very good behavior towards me and also don't worry about your mother and your family every body is in good health and they are in my house and sending their greetings and Abdul Wa Khan and Abdul Baqi Khan they came with their family from Peshawar to Kabul they are in good health and send you greetings. At the end all of us are praying for you

Sincerely yours,  
Mohammed Younus Malim  
2003/08/28

**003294**





5. MESSAGE

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Memo for Record Detainee # 1002

13 December 2004

During my initial interview on Detainee 1002 on 20 Nov 2004, the detainee satisfactorily answered several science related questions thereby showing that he has a working knowledge of science and higher mathematics. I specifically asked him several physics problems and mathematics problems and he was able to solve the problems with ease. This makes me believe that the detainee was in fact a science teacher as he has stated and the allegation that he was not a teacher is not accurate. Additionally, the detainee provided three letters from home that address him as "teacher", and the three witnesses he requested were fellow teachers at the school he taught at.

PR #96