

Summarized Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee and asked if he understood the process.

Detainee: Should I speak?

Tribunal President: As far as if you understand the process that we just described to you.

Detainee: It's not fair for me if you mask some of the secret information. How can I defend myself?

Tribunal President: The Tribunal is an impartial panel that looks at two things. The things we take into account are the information that the recorder provides us; the second thing that we look at is the oral statement that you will provide today, we hope. We have to weigh both things.

Detainee: I don't know what I should say. It is unfair that the government is going to be talking about me and I don't have an attorney, a civil attorney, and that attorney can come up with evidence that proves my innocence. As all people who commit crimes, they have an attorney defending them. If that's the only thing we have to do, what else can I say?

Tribunal President: I just want to remind you that this is an administrative process only, No punishment will be derived from the things that we do here today.

Detainee: You are right, but the thing that is the worse punishment is when you have determined that I am guilty when I am not I feel that anybody that comes before any Tribunal is going to be classified as an Enemy Combatant. I'm not putting you down because I don't know you and you don't know me. I respect the Tribunal but the way it's formed is unjust.

Tribunal President: We will note your concerns for the record. I would like to tell you though that we do look at each case on its own merits. So basically, at least what information I have given you; do you understand the process up to this point?

Detainee: Yes.

Tribunal President: And I will again note your concerns.

Translator: Excuse me, may I ask him if he speaks English? If he wants to say something in English, because I just heard him say something in English.

Tribunal President: He did respond in English. Yes, you certainly can ask him.

Translator: He just said that he only knows a few words.

Tribunal President: I was going to say that you don't have to use the translator if you don't want to. Feel free to engage us directly.

Detainee: I really wish I knew how to speak the English, this way I would have explained it much better and I will know them and they will know me.

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal

Tribunal President: Recorder, please provide the Tribunal with the unclassified evidence.

Detainee: What is this D-A?

Tribunal President: It's an exhibit that your Personal Representative prepares based on your initial interview that you had with him. We'll talk about it here in just a minute.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

The Recorder presented Exhibits R~2 and R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

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

The Tribunal President opened the Tribunal to the Detainee to make his statement noting that he, per the Detainee Election Form, would read a translated copy of the summary of evidence addressing each point and that the Personal Representative will submit a written statement on his behalf

The Tribunal President asked if the Detainee would like to make his oral statement under oath.

Detainee: I am so confident of myself that I have no problems with taking the oath.

The Recorder administered the Muslim oath to the Detainee,

Detainee: I hope that my oath will have some weight with this Tribunal.

Tribunal President: You may begin.

3.a. I. The Detainee is a member of al Qaida.

Detainee: This is not true. It is impossible. I am surprised that they said that I am. Everybody who is here in the prison, are aware of the fact that I am not al Qaida.

3.a.2. The Detainee assisted members of the Egyptian Islamic Jihad through facilitation of movement out of Yemen and by obtaining them passports.

Detainee: That is not true. I did not help anybody and whoever is saying that I did, let them present their evidence. If I know that somebody presented any evidence, then somebody can tell me what that evidence is so that I can respond to it. If there is any evidence at all.

3. a. 3. The Egyptian Islamic Jihad is a terrorist organization associated with al Qaida.

Detainee: How does that concern me?

3.a.4. The Detainee assisted members of the Al-Gama'a al-islamiyya.

Detainee: That's not true. Again, whoever has any evidence to prove, let them present it. If somebody submitted any evidence, I'd like to take a look at it to find out if that evidence is true.

3.a.5. The Al-Gama'a al-islamiyya is a designated foreign terrorist organization associated with al Qaida.

Detainee: What business is it of mine? If that was part of the investigation or does it make it (my business)?

3.a.6. The Detainee provided false passports to associates of Usama Bin Laden.

Detainee: I don't know anybody that have followed Usama Bin Laden or anybody else. I did not help anybody with false passport or real passport. Whoever said that I did, let them present the evidence. These are all words and reports from the Embassy (inaudible). You are attorneys and you know the law and it applies to all evidence that you bring against me.

3.a. 7. The Detainee is associated with a convicted terrorist and visited him in prison.

Detainee: This just in general, I don't know anybody in prison. That is not true and I don't what you mean by it All of these that are not true and all the evidence against me, I don't know why they have these allegations against me and for whose benefits.

3. a. 8. The Detainee has had meetings with representatives of al Haramayn,

Detainee: I don't know this organization and I don't know anyone in that organization, absolutely nobody.

3.a.P. The Detainee arranged the release of imprisoned al Qaida members.

Detainee: I don't know anyone who is a member of al Qaida and I am not a government to have the authority to release anybody from prison. How do I know it would be (inaudible)? That is not true.

3.b. The Detainee supported military operations against the United States and its coalition partners.

Detainee: This is a large allegation. I don't know how to start with this accusation. All events are obvious to you and whoever committed these crimes is known and they are in prison. If there was anybody of them, who spoke against me at that point in time, you should accuse him. Other than that, you have no right to accuse me. All that has been said about me is untrue, you can go back to all of them and say untrue, untrue, untrue. The cuffs are on my hands and I don't have freedom to move my hands (Detainee dropped his paperwork). That's what you are saying that I should have cuffs on, so I guess I'm going to have to stay with the cuffs on.

3.b. 1. The Detainee's brother was extremely close to those who conducted the terrorist attack on the U.S.S. Cole.

Detainee: I repeat again. If there is any live conscience, that allegation is proof that all these allegations against me, I don't know how you obtained them or who gave them to you (inaudible). I hope that you can take that into consideration. I want to tell you something that I'd like you to understand. Supposing that my brother was and that's not true. If he had any connection to these people, how does that concern me? Number two and must important. If my brother knew these when he was a young person, he went to fight in Bosnia; without any of my family's approval when he was a very young man. Maybe he knew these guys in Bosnia. Then he came back to Yemen and stayed there for a while. Then went back to Bosnia to live there. That again was without our approval as well. We don't what happened until he got arrested and was jailed. He was in six years. He was in prison from 1997 up until the time I got jailed in the year 2002, my brother was still in jail. The meaning of that is that all connections between him and all the people was broken. How can he have any knowledge of all these acts, and the attacks took place in 2001? Don't you see that this allegation is unjust against me? You can measure this off the allegations as well, if you want to find out the truth. Unless the Tribunal was formed just to give a decision on keeping us here, I request that you look this evidence and my statement because you are looking for the truth. The future will determine.

3. b. 2. The Detainee possessed detailed knowledge of a planned terrorist attack on a U.S. embassy.

Detainee: I don't know what is meant by that. Again, I don't know what is meant by that. Especially until the time I got imprisoned, I didn't know there was any attack on the U.S. Embassy. This allegation is in my favor and not against me.

3. b. 3. The Detainee possessed detailed knowledge of a terrorist attack against a western oil company.

Detainee: Again, I say I don't know what they mean by that. Whoever made that accusation how did they know that? If they heard that from me, again it is considered as evidence in my favor. When I know information like that, I would contact the police or the security in Yemen so that the Yemeni government can take all necessary precautions. That should be considered as evidence for me and not against me. Will you allow me to speak more?

Tribunal President: Yes.

Detainee: Having read the definition of an Enemy Combatant in the letter that I received a few months ago, is anybody that helped al Qaida or is a supporter. I am a businessman. I have no connection to al Qaida or any terrorist organization, I have never joined in any task or operations and I was never an enemy to the United States or other countries. I did not fight America or anybody else. I will not be considered as an enemy to anybody. I will not fight anybody. I hate fighting from the bottom of my heart. This is not because I'm here today; this is a tact. My religion, which I respect, as you well know is the Muslim religion, they forbid such a thing. My country is against terrorist and terrorism. As I told you earlier, I hate terrorists and terrorism and I give you evidence that terrorism is against my personal beliefs as I am a businessman in Yemen. Eighty percent of my trade depends, as I'm an exclusive dealer for international companies. They come to Yemen to conduct business there. I help these companies to get all kinds of contracts and get business in Yemen. I receive some kind of commission from them. Which company do you think is going to come to Yemen if there was terrorist and terrorism in Yemen? All these international companies need stability so they can come there and conduct their business. Any of these terrorist or terrorist activities is against my trade. How can I be supporting terrorist or terrorism? I hope you consider that in your decision. I repeat, all of these attacks that shook the world, is bad. Whoever committed these crimes is known and they are here. Is there anyone of them, who accuses me that I had anything to do with all these events? At that point in time you people can go ahead and accuse him. Other than that, nobody has a right to accuse me of anything. Just because of the fact that I am a prisoner, (inaudible). And you know that the CIA depends on a lot of information and some of it is incorrect. These people make mistakes and they depend on other agents and pay them so much money and only suffer because of it. They bring some information to the CIA, and it is usually is incorrect so they can take as much money as possible. So myself and other people like me, we are the victims and the CIA could also be a victim because they concentrate their effort on people that don't have anything to do with the events. These people, once they give the information to the CIA sometimes they give the wrong information and they know that they are feeding them. I hope you consider all this information. I want to let you know that I am a father. Even though I am not important in the American people's eyes because I am a prisoner, I am very important to myself. My kids and my wife think that I am important as do my mother and family. I hope that you consider that. I've already spent 28 months. I am in prison without any reason for being there. Don't be confused and misled by all these allegations. I swear that the truth is totally different. I have nothing to do with terrorist or terrorism. I have nothing to do with all the attacks, as I told you before. I want to let you know that I lost a lot of money in my

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trade. I lost my place in the congress because of prison here. Don't you think that the time I have spent over here and the amount of money that I have lost and I lost the congress, don't that is a high price to pay? Don't you think that is a high price to pay? Don't you think that is a high price to pay? I apologize for taking too much of your time. I hope that you will be the people that will put an end to this situation so I can go back to my family. So I can live my life as a normal person. Don't be the cause for my continued imprisonment and give the CIA reason to keep me here. I hope so. Thank you.

Tribunal President: Does that conclude your statement?

Detainee: Yes.

Tribunal President: I'd like to at this point indicate that the only that we have seen about you to this point, is the Unclassified Summary. Would you be willing to answer some questions that we may have for you?

Detainee: If you ask questions that I know the answer to, I will answer.

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

Personal Representative: Yes ma'am I do. I would just like to remind you that you had made a statement earlier when discussing with me, that you were a facilitator for the Yemeni Government?

Detainee: My Personal Representative is supposed to be with me. Not against me. Now he is talking like he is an interrogator. How can he be an attorney? I said all of these allegations were fabricated and I told you I had nothing to do with them. It's up to the Recorder or Reporter to respond or provide the proof. I'm afraid to say anything that you might use against me. As you know, there is no attorney here today and I don't know anything about the law. I don't know which of these statements are going to be used for me or against me. Whoever is representing the government needs to provide evidence.

Tribunal President: The Personal Representative is here simply just to help you and I don't know how it worked out in the translation, but the statement he made was not a negative one.

Detainee: I cannot say anything that can be used against me. I am even afraid to say what my name is.

Personal Representative: I was just trying to help him cover all the aspects of the response that he provided in his defense.

Detainee: All of my statements were accurate. Whatever you wanted to know I've already talked to you about. Nobody can mistreat me or get me counting or do you want me to, I'll count for everyone. You can condemn on something that I did against the United States or

1SN# 1463
Enclosure (3)
Page 6 of 8

UNCLASSIFIED//FOUO

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anything or any mistakes I committed. But if you wanted to look at me from time of World War I and World War II, that is unreasonable. Any unclassified information that you have; you need to come up with the answer. Once you give me the unclassified accusation or allegations I will respond to it

Tribunal President: Is that all you have Personal Representative?

Personal Representative: I guess based on his response, I'm questioning rather or not he would want me to submit anything in writing or just stick with his oral statement.

Detainee: I'm not going to keep repeating myself. What I just told you is just re-hashing the situation. Anything else I say, I am afraid is going to be used against me. I hope that you can forgive me.

Tribunal President: Do I take that to mean that you don't wish to answer anymore questions?

Detainee: Are you looking for the truth or you going to be interrogators?

Tribunal President: Like I said, this is the only information we have on you and occasionally we do have questions to clarify some things.

Detainee: The are allegations that I am accused of. There should be some material evidence. Not just words. Anything that was fabricated (inaudible). If you are aware of the laws, you know what I'm talking about when I say material facts. Give me all the evidence then I will answer these questions. Other than that, anything I say might me used against me.

Tribunal President: Do you have any other evidence you would like to present to this Tribunal?

Detainee: You give me the evidence against all these allegations and then I will answer questions.

Tribunal President: We have shown you all the unclassified evidence that we can show you.

Detainee: These are only accusations and I have already told you that there is no truth in them. Whoever is saying that these are accurate, then come up with the proof. If there is no evidence then it's considered implied. You know the law

Tribunal President: Okay. At this point your Personal Representative would submit your written statement to us, or would you prefer that he does not do that?

Detainee: I don't want him to give you the document. I wanted to speak to you myself. I don't think that the information that the Personal Representative wrote down is accurate. I

ISN# 1463
Enclosure (3)
Page 7 of 8

UNCLASSIFIED//FOUO

000326

UNCLASSIFIED//FOUO

will talk you directly if you like. If there is anything that you don't understand, everything is all recorded and you can go back to it.

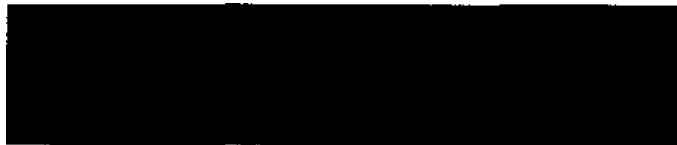
Tribunal President: Okay. Thank you,

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee had no previously approved witnesses to present to the Tribunal and closed the open session,

The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

AUTHENTICATION

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



Colonel, U.S. Army
Tribunal President

ISN# 1463
Enclosure (3)
Page 8 of 8

UNCLASSIFIED//FOUO

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Summarized Unsworn Detainee Statement

The Tribunal President was explaining the hearing instructions to the Detainee. The Recorder read the summary of unclassified evidence and the Detainee had a question.

Detainee: What kind of evidence?

Tribunal President: In reference to the unclassified summary.

Detainee: Yes.

Tribunal President: That is the unclassified evidence.

Detainee: I do not agree with all of them (the allegations).

Tribunal President: You will have an opportunity to make your statement here shortly. Thank you.

The Tribunal President asked the Detainee if he (the Detainee) would like to make a statement under oath.

Detainee: I would agree to provide an oath under my religious oath.

Tribunal President: We do have a Muslim oath prepared.

Detainee: We are taking oath with the Koran.

Tribunal President: Recorder, could you read the Muslim oath and see if it is acceptable to the Detainee.

The Recorder reads the Muslim oath.

Tribunal President: If that is acceptable, he can take the oath that was just read, or he can give us his own oath, or he can decide not to take an oath.

Detainee: I will take an oath of my religion. It will be verbally by myself.

Tribunal President: You may do so now.

Detainee: I will tell the truth. I will not lie. I will swear with my God that everything is the truth.

Tribunal President: Very well. We will accept that as taking an oath. Thank you.

Summarized Sworn Detainee Statement

ISN# 320
Enclosure (3)
Page 1 of 12

The Tribunal President instructed the Detainee that he (the Detainee) could make an oral statement and could present any evidence with the assistance of his Personal Representative.

The Personal Representative addressed issues in the Unclassified Summary of Evidence (Exhibit R-1), as was discussed while assisting the Detainee in preparation for the Tribunal

- **3(a)(1) The Detainee departed China in May 2001 and traveled to Tora Bora, Afghanistan via Pakistan.**

That is true.

- **3(a)(2) The Detainee received training on the Kalashnikov AK-47 assault rifle and other light weapons at a Uighur training camp in Tora Bora, Afghanistan.**

I just trained on two different kinds of weapons.

- **3(a)(3) The training camp was provided to the Uighurs by the Taliban.**

I don't know who provided the training camp.

- **3(a)(4) The East Turkistan Islamic Movement (ETIM) operated facilities in the Tora Bora region of Afghanistan in which Uighur expatriates underwent small arms training. These camps were funded by Bin Laden and the Taliban.**

I believe that the Uighur people were trying to get back their country from China, and I don't believe Osama bin Laden or the Taliban were financially providing for the camp.

- **3(a)(5) The Detainee lived at the Uighur training camp from early June through mid-October 2001 until the United States bombing campaign that destroyed the camp.**

That is true.

- **3(b)(1) The Detainee stated that the Uighur training camp was destroyed during the first night of the United States bombing campaign.**

I do not know if it's the first night that the US bombing started. I don't know if they bombed some other place and then came to the place where we stayed. But we did leave the camp when we heard the US bombing.

- **3(b)(2) The Detainee fled along with others farther into the mountains of Tora Bora with the initiation of the United States bombing campaign.**

Yes, all the Turkistani people fled together (NOTE: The Uighurs often refer to themselves as "Turkistani").

- **3(b)(3) The Detainee was captured in Pakistan fleeing Afghanistan with other Uighur and Arab personnel in 2001.**

That is true.

Tribunal President: Is there anything else that you would like to add?

Detainee: Yes.

Tribunal President: Please, go ahead.

Detainee: They are saying that we are against the United States. Is that right?

Tribunal President: Yes.

Detainee: That is not true because from the time of our great grandparents centuries ago, we have never been against the United States and we do not want to be against the United States. We will not stand against the United States because we don't have anything to do with the United States. Also, I can represent for 25 million Uighur people by saying that we will not do anything against the United States. We are willing to be united with the United States. I think that the United States understands the Uighur people much better than other people.

The reason we went into Pakistan was because in China there is torture and too much pressure on the Uighur people. Lately they have laid off the Uighur people from their jobs. Recently, they laid off a lot of Uighur people and filled all the jobs with immigrant Chinese.

The Uighurs have families and need support to eat and if we don't *do* something, then how are we going to live? If they (fellow Uighurs) wanted to go and farm they would have to pay a lot of taxes. If they can't pay the taxes, they would take away their property.

So many people are without an education because they (apparently the Chinese) are asking too much money for an education. Now, there are a great number of young people on the streets with no education. The Uighur people only have the privilege of having two children. If a female gets pregnant with a third child, the government will forcibly take the kid through abortion.

Lots of Uighur people are so poor that we can't afford to eat meat weeks to months at a time. Turkistan has a lot of natural resources and they (the Chinese) don't use one or two percent of it for Turkistan. They take the majority of the resources day and night to the mainland in China. If they torture us everyday and pressure us too much, then what are we going to do? How are we going to live? In the future, what will our next generation do? How will they survive? That is why I left my country to try to get something, get back and liberate my people and get our country independence. If you to go to Kazakhstan, they will not let us get property, training or anything. They will not let us in; as soon as they know we are in Kyrgyzstan and Kazakhstan, they will turn us back to the Chinese. That is the reason we went to Afghanistan.

I can't think of any more evidence but that is all I wanted to say.

Tribunal President: We may have some questions, but does this conclude your statement?

Detainee: That is the reason that we went to Afghanistan. We didn't associate with the Taliban or other people.

Tribunal President: Do you mind if we ask some questions, as long as you are finished with your statement.

Detainee: OK. Yes, you may ask.

Tribunal Members* Questions to Detainee

Q: Thank you for coming to talk to us today and for educating us on the plight of the Uighur people. We haven't seen anything about you prior to the start of this Tribunal. But we have a general familiarity with your situation because some of your other Uighur brothers have come before us in Tribunals. Before you left your home country to go to Afghanistan, how did you support yourself?

A: I did some kind of business.

Q: What kind of business is that?

A: Fruit business.

Q: Were you able to support yourself and your family with a fruit business?

A: It was barely enough because so many other people were doing the same business. It was not much profit.

Q: It says here that you went from your home country to Pakistan and Afghanistan. Did you go to any other countries along the way?

A: No.

Q: Have you ever traveled to Kyrgyzstan?

A: No.

Q: In the recent past, the American consulate was attacked there and I was wondering if you knew anything about that?

A: No, I don't know anything about it. How could I have knowledge about it?

Q: It was before you came to the camp.

A: I don't know.

Q: Have you ever had any association with Uzbek Muslims?

A: No.

Q: There is a group that we have heard of called the Islamic Movement of Uzbekistan. I was wondering if you knew anything about that group?

A: No.

Q: When you traveled to Afghanistan, did you go by yourself or with a group of other Uighur people?

A: We were four people that traveled together.

Q: There is a group of you here at the camp. Are the other three people who were with you also here at the camp?

A: No.

Q: What happened to the other people?

A: When the bombing campaign started we split up.

Q: So the other three people that you traveled with after the bombing, you never saw them again?

A: No.

Q: When you were in Afghanistan and you were in the Uighur camp, did you go to any other places besides the Uighur camp?

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A: No, I just stayed there until the bombing started.

Q: Did the Taliban people ever approach you and ask you to fight with them against their enemies?

A: No. In four months we built a house at the camp and we didn't see any other people there.

Q: Was it only Uighur people you saw everyday when you were there?

A: Yes.

Q: Earlier when we were talking about the weapons at the camp, you said that you only trained on two different kinds of weapons. Which kinds were those?

A: Kalashnikov and a pistol.

Q: During your training did your instructors or your camp leaders ever talk to you about fighting Americans?

A: No.

Q: There is an important gentleman in the Uighur community by the name of Hassan Maksum; do you know who this man is?

A: Yes. I saw that person.

Q: Who is he, please?

A: He is a Turkistani person.

Q: Is he the leader of your Uighur group?

A: Yes.

Q: Would he give the Uighurs in the camp guidance and instruction on what to do?

A: Maybe he would do that and there was another person and he was the leader of the camp guiding all the people. I saw this person twice at the camp. I forgot the leader name.

Q: Would that be Mr. Abdul Haq?

A: Yes.

Q: We heard his name from the other Uighur people.

A: I told that to the interrogators.

Q: There is a concern that Mr. Hassan Maksum may have relationships with al Qaida people. Do you know any thing about this?

A: I don't think so. The people in Turkistan will not associate with al Qaida.

Q: We noticed that during these Tribunals that some Detainees come to us in different colors. We have orange, beige and white. You are in beige. What is the significance of you being in beige?

A: That means level one.

Q: Is that for good behavior or for some other reason?

A: Yes, I believe so. If you do not have good behavior they will not put you in level one.

Q: We know you don't want to be here, but, given that, how have you been treated at the camp since you have been here?

A: What, do you mean by soldiers?

Q: Yes.

A: OK. Good.

Q: Besides the Chinese people, do the Uighurs have any other people they consider their enemy?

A: No.

Q: If you were to be released, where would you want to go and what would you want to do?

A: Not China. If the US government sends me to another country, I'll go.

Q: Very good. Thank you very much. I don't have anything else.

Tribunal Members* Questions to Detainee

Q: After the bombing in the mountains when you fled that first night, who was bringing you food for the next couple of days?

A: There were two guys and they brought us food.

Q: They were the people that normally brought food to the camp?

A: **Yes.**

Q: Were they were non-Uighurs?

A: They were Uighurs too.

Q: They were also Uighurs. So, they went to town and brought food back to you before the bombing and then after the bombing?

A: They brought food before the bombing.

Q: And then after the bombing?

A: A guy by the name of Hamat brought us food. I don't know where he got the food. I remember he brought us food after the bombing.

Q: Hamat was part of the Uighur group and part of the eighteen Uighurs that fled?

A: Yes.

Q: At least one or two Uighurs were going back and forth to town for food before the bombing and after the bombing?

A: Before the bombing they go into the city get food and bring it to the camp.

Q: And then after the bombing?

A: I can't really remember now. I forgot. Hamat brought us food.

Q: You had food with you when you went through the mountains?

A: I can't really remember right now.

Q: Through all of the interrogations since you've been captured, is there anything that you have said that you would like to change or anything that you would like to explain that you have said in the past to help us better understand your story?

A: I already told everything correctly during all the interrogations.

Q: So whatever I read during the classified portion is pretty much the way you said it?

A: Yes.

Q: How much time did you spend in the mountains before you made it to Pakistan?

A: I forgot and again, I told them during the interrogations. I've been here three years and can't remember everything at that time.

Q: Was it a matter of week or months, like one month, two months?

A: I already told them in the past and if I now say something wrong then it will cost me and I don't want to give you any wrong information.

Q: Did you stay in one place or did you move around on your way to Pakistan? Did you find one place to stay or were you constantly moving?

A: Yes, I was moving around from one place to another place.

Q: Did you have enough food with you that you didn't have to find food anywhere?

A: Hamat got some food for us and I really don't remember the rest of it.

Q: And there was no one other than Hamat who gave you food while you were in the mountains?

A: I forgot and if you look in my file, then you will see.

Tribunal President's Questions to Detainee

Q: Just to remind you, we haven't seen your file. We only know what these two pieces of papers have told us about you. Pardon us if we ask you questions that you've answered repeatedly since you've been here. But since we've come here with an open mind, your answers will help us develop a picture about your situation. I'd like to go back to the time when you were in your home country before you traveled to Afghanistan in 2001. Did you ever receive military training in your life prior to 2001 in Afghanistan?

A: No.

Q: Have you ever traveled outside your home country prior to traveling to Afghanistan in 2001?

A: No.

Q: When you traveled to Afghanistan in 2001, how many people traveled with you or did you travel alone?

A: In Kazakhstan, two more people joined us and we were four total.

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Q: Did you travel into Pakistan first and then into Afghanistan?

A: Yes.

Q: While you were traveling, did you ever encounter any Arabs in Pakistan?

A: No.

Q: During your time at the Uighur camp in Afghanistan, did you ever see any Arabs?

A: No.

Q: After the bombing of the training camp and during the time you were fleeing through the mountains toward Pakistan, did you encounter any Arabs?

A: We were staying in the mountainside and the Arab people traveled to Pakistan and we followed them.

Q: Could you have possibly gotten some support on your travels through the mountains from these Arab travelers?

A: We followed them while they traveled to Pakistan. There was one Afghan and he was leading those people to Pakistan.

Q: How did you know they were going to Pakistan?

A: We asked them, they said Pakistan, and we followed.

Q: When we had an opportunity to hear the stories of some of your Uighur brothers, they told us about difficult times fleeing through the mountains hiding out in caves and even encountering aggressive monkeys. I understand it's been a long time since you've experienced that, but does that sound familiar to you as well?

A: It's been a long time and I can't remember most of it

Q: How about the time of your capture by the Pakistan authorities? Can you tell us about that? It says here that you were captured with Arab personnel as well.

A: Yes.

Q: Can you tell us more about that? How many were there and was it Pakistani police, Pakistani military (who captured you)?

A: We crossed into Pakistan and there were tribal people there and they took us to their houses and they killed a sheep and cooked the meat and we ate. At night, they told us that we were going to travel now. We said OK and they took us to one mosque. On our way to the mosque, they provided us tea and bread. We sat down and had tea and three people walked into the mosque, looked around at the people and walked out. They repeated this three or four times. Then they came into to the mosque and said we need to go in groups often. They took us to the truck and took us directly to the Pakistani prison.

Q: Were there Arabs in this group when you were captured?

A: Yes.

Q: How did that come to be?

A: I told you earlier, when we traveled we followed them and we were captured together.

Q: There were eighteen Uighurs and how many Arabs?

A: I don't know the exact number maybe, 60 or 70 people.

Q: Since you've been here at Guantanamo Bay, has the Chinese delegation visited you?

A: Yes.

Q: How did they treat you?

A: They did not treat me good.

Q: Did they offer you a safe return to China?

A: (They said) when you go home you have family and we don't think you will be in prison that long. The most is three or four years and then you can live with your family. If they are lying, I will go back to jail for more years.

Q: Have you ever been in touch with your family since you have been here?

A: No.

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Tribunal President: I want to thank you for your testimony today. As we make our determination whether or not you have been properly classified as an enemy combatant, is there anything else that you feel is important and that you want us to know?

Detainee: I have nothing to say. I want to tell you one thing. Because I didn't answer all your questions, I didn't tell exactly the truth or because I forgot and didn't want it to count against me and ask you to forgive me for not knowing the answer.

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

ISN# 320
Enclosure (3)
Page J2 of 12

UNCLASSIFIED//FOUO

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Summarized Detainee Statement

I don't have nothing. I didn't fight. I was behind the front line, the line of fighting. I was 20 days behind the fighting line. I did not enter the line of fight. I don't have nothing.

Answers in response to questions by the Personal Representative:

For immigration purposes, I was in Afghanistan because I was Muslim. I went there to study for al Jihad. I was in Bagrara Camp. I don't know Malik Camp. I bought a Kalishnakov. The Pakistan people give me a place to stay for studying. There were 4 or 5 of us and they give us the Kalishnakov to us from the Taliban. Taliban sold me the Kalishnakov. We bought it from them. There were no Americans on the line. I didn't fight the Northern Alliance. I would never fight. I would not kill Americans or the Northern Alliance if I'm released.

Answers in response to questions by the Recorder:

I was living in London before going to Afghanistan. I paid for my trip myself. I was in the camp of Bagram when I got the Kalishnakov. I was with 5 Arab people. I was 20 days or a month behind the front line. I wasn't on my way to the front line. I had the Kalishnakov with me.

Answers in response to questions by the Tribunal Members:

I was working in a factory in England. The Christian Company. I don't know why the Kalishnakov was provided to me, but I went to study. When I was there with the 4 guys the Taliban came. They were selling the Kalishnakov. I bought a Kalishnakov when the other guys with me bought one, I felt a little threatened. It wasn't like a threat, but I was scared if I didn't take it from the Taliban. When I had the Kalishnakov, a Pakistani showed me how to use it.

AUTHENTICATION

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



Col,USAF
Tribunal President

ISN #070
Enclosure (3)
Page of

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Summarized Unsworn Detainee Statement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tribunal President: Who is they?

Detainee: [General] Dostum's prisoners.

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

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

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

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

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

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

Detainee: Correct.

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

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

Detainee: Correct.

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

Detainee: Correct.

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

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

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

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

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

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

Detainee: God Willing.

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

Recorder: You mentioned training and only seeing hand grenades.

Detainee: Yes.

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

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

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

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

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

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

Recorder: Which problem?

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

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

Detainee: Explain your question.

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

Detainee: Yes

Recorder: Which events?

Detainee; The events that happened in America.

Recorder: The September 11th attack.

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

Tribunal Members question Detainee.

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

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

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

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

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

Detainee: If you could clarify the question.

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

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

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

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

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

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

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

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

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

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

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

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

Tribunal Member: Was this in Mazar E Sharif?

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

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

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

Tribunal Member: What injuries did you have?

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

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

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

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

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

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

Detainee: Yes

Tribunal Member: How about Taliban?

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

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

Personal Representative: No.

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

Detainee: Yes.

Tribunal President: Were not Massoud and Dostum Muslims too?

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

Tribunal President: Thank you for your testimony today.

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

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

Detainee: What information?

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

Detainee: If you can remind me, Personal Representative?

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

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

Personal Representative has no further evidence or witnesses.

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

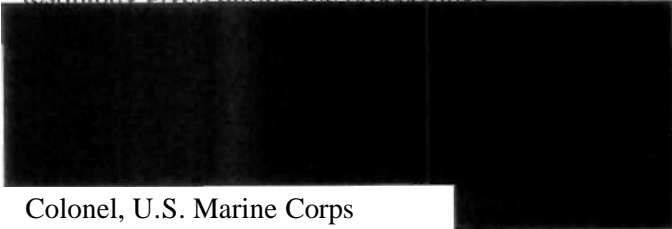
Detainee: All the evidence and classified evidence has been entered, I didn't understand this part.

Tribunal President: All unclassified evidence.

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AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

ISN# 074
Enclosure (3)
Page 8 of 8

UNCLASSIFIED//FOUO

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The Tribunal President explained the hearing instructions to the Detainee

Summarized Unsworn Detainee's Statement

Tribunal President: I have noticed from the Detainee election form, that you requested two witnesses for this hearing. Is that correct?

Detainee: Yes. They asked me if I had witnesses and I told them that I don't know anyone in Afghanistan, but I do have witnesses in my hometown.

Tribunal President: I have listed here two names as witnesses, Saidaharaad Sharipov and Ziyarat Khojaev. I determined that these witnesses would be relevant to testify in your Tribunal. The United States government has requested on 13 October 2004, that the Tajikistan government locate these witnesses for us. As of 3 November 2004, the Tajikistan government has not replied to our request. Without the cooperation of the Tajikistan government, we are unable to obtain the witnesses for your Tribunal. And the ruling is that they are not reasonably available.

Summarized Sworn Detainee's Statement

Detainee: How I came to Afghanistan, how I came to Pakistan, you want me to start with that?

Tribunal President: We would appreciate if you would address the unclassified summary of information that is most helpful to us. But you are able to provide us with any statement, you so choose. You can cover this or provide any statement

Detainee: I would like to tell my story of how I came to Afghanistan and how I was arrested. In April 2001, I crossed the border from Tajikistan to Afghanistan. I came to Amman Sahib, it is a name of a place in northern Afghanistan, and from there I went to Cantos province. From Cantos, I took a taxi to Kabul. I looked for my son in Kabul and didn't find him and people told me that the refugees are going to Pakistan and your son has gone to Pakistan.

I took a taxi from Kabul to Khost and took another taxi from Khost to the border of Pakistan, which was about one hour of driving. Then I crossed the border to Pakistan. I went to where there were many taxis and other transportation vehicles. I went to the center of the city with a taxi. And then I asked people how do I get to Karachi. They showed me the bus station where I could take a bus to Karachi. It took me about 24 to 26 hours to get to Karachi.

From Karachi I went to Madras and I found my son in Madras. In the month of June I returned back. They told me that at the border of Pakistan and Afghanistan was a shorter distance at Torah and I went to Torah. Then I took a taxi from Torah to Kabul.

It was in the month of June, and I went to Kudoz province. It was about the 27th of June when I got there to the area in Kudoz. There was a river and by the banks of the river, I stayed for a long time. I wanted to cross over and go to my hometown, but I couldn't, so I just stayed there.

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The month of September arrived and this tragedy happened in the United States and it became even more impossible to cross over into my country. People were saying that any foreigner who was in that area were going to be arrested and handed to the Russian government. I was really afraid and escaped from that area and went to Kudoz. When I came to the center of Kudoz, there were too many people in the city and it was overcrowded.

Two Afghan strangers, with an accent that I couldn't understand their language very well, they gave me a very old AK-47. I didn't accept the gun from them and they beat me with the base of the gun. I couldn't do anything so I took the gun and threw it on the truck and I got on the truck. This truck was very crowded with too many people and I couldn't move. It was in the evening and I could see the mountains. As we were traveling, I could feel that the streets were made of asphalt. We came to a rest area and we used the bathroom, we washed ourselves a little and it became morning.

In the morning, I noticed there were seven or eight vehicles by the side of the road. In that area, you could only see the paved street and on the side of the street there was nothing else you could see but the desert. Very far away you could see suburb type houses. The vehicles were coming and going and I didn't understand what was going on. When we got back on the truck, I noticed on the side of the street, there were a lot of AK-47's there.

As we start moving toward the town, it became even more crowded and you could see the center of the town. There were homes and people there. Once we got to the town, there were a few vehicles there and people were on these vehicles and we got out of one of the vehicles and we were searched. They took what ever that was in our pockets. There was a small house and we were taken into this house. This type of house I had never seen before. You could see these types of houses in Kabul, but not in our area.

They pushed us inside of this house. They took us in the basement. The basement was cooler and they kept the food items there. They gave us some blankets and pillows and brought us some food. It was dark but you could see a light at the end of the basement and people were trying to reach the light, heading towards the light. I did the same. But at this time, I could hear a few explosions and I didn't know from what area the explosions were coming from.

When we reached the entrance of this place, we saw a guy standing there with a Kalashnikov and allowed one person at a time to exit this place. When I got there he told me to take off my shoes. He examined my shoes and the back of the shoes was torn. He told me to put it on again. When I went up top, they took the shoes away from me. They tied my hands behind my back.

They took me out of the house and I saw other people with their hands tied behind their backs and they were on their knees. There were a few rows of these people with their hands tied behind their backs. There was my row and a row behind me. At this time, I heard more explosions and some gunshots. I lay down when I heard the shots and I saw people running everywhere and everyone was trying to get out of that area. I stood up and went back inside the house. I went back into the basement and was there for about seven to eight days. And when I look up I could see the fires and what seemed like fireworks, because of the shooting.

I smelled gasoline and someone was pouring gasoline from atop. It was in the morning when water began flowing into the basement I could see daylight but I couldn't tell what time it was. The water was flowing into the basement all day until the evening. I went back to the exit, the opening where you could get outside. As I exited, a line of people was leaving this place.

I was taken and one person gave me water. They brought fruit to me and I could open my eyes at this time because, now I had energy. They brought me a jacket and soft shoes and I think it was from the Red Cross. They put us in a car that was covered with cloth. It was nighttime and I didn't understand where we were going. We traveled some distance and we got out of the covered truck.

They took us to a guy and someone said this is Dostom. Then we were taken his guesthouse. This guesthouse turned out to be a jailhouse. The cells were very small and too many people were there and I don't know where all these people came from or where he got them. It was the month of Ramadan and we didn't even have water to drink. I stayed there for about one month.

On a cold day during the daytime they took us out of this place. I saw men in uniforms. I think they were Americans. They stripped searched us and examined our bodies for medical reasons. They put us on this truck and took us to an area where I could hear the sound of an airplane. They put us on the airplane and it took us to Kandahar. I heard the name Kandahar from our radio, but I never had seen it or didn't know much about it. When we arrived in Kandahar, things were a lot better. We had tents and more freedom. We were given medicine if we needed it and food and water. If you refused water they insisted that you drink the water. I didn't know at that time that drinking water is good for you. The water was bottled and in our country we called it mineral water. They were nice to us. Now I'm in your prisons. I am here.

Tribunal President: Does that conclude your statement?

Detainee: Yes.

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

Personal Representative Questions for the Detainee

Personal Representative: Yes sir. You went to Pakistan and saw your son and then you traveled back to Kudus, Afghanistan and you wanted to cross the river to go to your home country. Why didn't you cross the river?

Detainee: You could see our villages from Kudoz.

Personal Representative: Why didn't you cross the river?

Detainee: They asked me about this during interrogations and I said it many times that crossing this river, from Tajikistan to Afghanistan is much easier because people were working on their farms and from the banks of the river, the farms extend and you could sit by the river and you would be on your farm. So it is easier to cross the river to Afghanistan but going from

Afghanistan to Tajikistan, they have barbed wire. You have to cross the wire and then go to the river and then cross the river. It is difficult

Personal Representative: You were in Kudoz in July and August? Maybe more.

Detainee: All the time until September 11th happened, I was in that area between Kudoz and a small area that is in the province of Kudoz.

Personal Representative: What did you do there? Did you have a job?

Detainee: I was there by the border and I was thinking the whole time, how to cross the river and how to get back home. I'm sorry, if I am not clear but if you take me over there, I will show you the point where I was trying to cross the river.

Personal Representative: Then you said two strangers from Afghanistan that you couldn't understand because of their accent gave you a very old Kalashnikov, is that correct?

Detainee: At the time that they took us on the truck, this was about the time that September 11th happened. This was around the same time that these things happened.

Personal Representative: So when they gave you the gun and you said you didn't want the gun. What did they want you to do with the gun?

Detainee: I was just a stranger there. Doesn't matter how hard I tried, people notice a stranger and I had to obey the citizens of that city and I didn't understand what was going on. At that time, that was all I could see. I couldn't see beyond that and now that I'm here, I think the whole thing happened for the money. It was a deal between people. Some money was taken or passed. This is what happened. I'm not complaining and I don't have anything against you nice gentlemen here. I do obey my faith, which is from God. I don't have any choice but to accept my fate or destiny.

Tribunal President's Questions for the Detainee

Q: When you were given the Kalashnikov, did you know if it had ammunition?

A: You need to check the magazine and visually check it to see if there were bullets in it. I didn't do that but there was a little bag and it was kind of heavy and it felt like stones in the bag but I think they were bullets and I think there was a magazine in the bag. The machine gun and the bag was part of the whole package, and it was given to me, which I threw in the truck.

Q: In your statement you said that you traveled on this truck into the mountains and got out. It's not clear to me if you had a weapon from that point to the town.

A: It wasn't a town, it was a rest area where I spent the night over there and I saw cars also.

Q: While you were at the rest area did you hold the weapon?

A: It was lying on the floor of the truck.

Q: After you got out of the truck, you went to a town. Is that correct?

A: When we started to go towards this town, we saw a lot of weapons on the side of the street. A large pile of weapons.

Q: Did you walk from the rest area to the town?

A: They put us on this truck and we could see the other vehicles were coming and going to this town. When we got to this town we saw that people and businesses were there and they took us to this house.

Q: When you entered the house, did you give up your weapon at that time?

A: No, I didn't have my machine gun with me because the people of the town were searching everyone and I don't know what they did with it. So I didn't have a gun or anything on me.

Tribunal Members' Questions for the Detainee

Q: The last time you touched the gun was when you threw it in the truck and you didn't touch it after that?

A: I don't know who took it and at what time they took it from the truck, but I didn't see it again. They asked me in Kandahar and soon as I started to talk, they stopped me and didn't let me finish me story. But here, everyone listens to my story and I told you in detail.

Q: Have you ever fought with the Taliban?

A: I'm sorry, no; I have nothing to do with the Taliban.

AUTHENTICATION

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

Tribunal President

Colonel, USAF

UNCLASSIFIED

Summarized Detainee Statement

In the name of Allah, the most compassionate, the most merciful, I swear by almighty God that my testimony before this tribunal shall be the truth.

The detainee was sworn and testified as follows:

If the Tribunal would allow me, I would like to say something before I answer all those questions on the paper. The first time I left the house and joined the Taliban, I was just a soldier with them, a small person in their organization who was working with them. I did not have a problem with anyone before and I wasn't going to fight with anyone. There was a time when the Taliban were ruling the country. So if I were still at home I would still be under their administration of the country. I would go and join them, and work for them to make money for my family. That's what I did, I went and joined them and worked as a small soldier for them. Some of the things on the paper that my Personal Representative read to me couldn't be an accurate statement in what my job role was when I was working at the Governor's house. It says, "I was more than a commander. I was a big leader in the Taliban." If I'm wrong there was a Governor, a ruler of the country I worked for, and if that was wrong for doing that, then yes I did that, but I had no choice because the whole country were ruled by the Taliban. There were no other options or choices that I could do, but I was free. I would go anywhere. It wasn't as if I was bound to their training or anything. It was just that I was working with them to make money for my family. Before all the fights in Afghanistan when the Russian people were there fighting each other, I never acquired a weapon before in any of those fights. Now I can answer some of the questions. I could explain most of the questions and that could be included in my statement.

Answers in response to questions by the Personal Representative:

I wasn't a member of the Taliban. I work with them. I was a soldier with them, if that counts me as being a member of the Taliban then yes, but I am not a Taliban. Basically like where they came from, going to Madesta, or like going to school. I wasn't that kind of Taliban, but I work with them and if that makes me a Taliban then you can decide. I didn't have a personal AK-47 or a Kalashnikov. Where I worked, they would usually give it to you when I was a guard being the guard for someone, yes they would provide me that, but as far as a personal one that I would carry all the time. When I was in Kabul I was working with the Taliban, the Security Chief actually give me a weapon to do the guard for them. I was not the active governor for Masar-E-Sharif. I was a bodyguard for the Governor of Masar-E-Sharif. If he was to go anywhere I was going with him. If he entered the room I would open the door for him, but I had no relations to him. I worked for the governor. I didn't serve as the acting governor. When the governor left town to go visit his family in his village, nobody was in the governor's mansion, only his bodyguards. So he would tell us that if anyone comes in if you guys could solve the problem that's fine, if not, tell them to come back on this date and I'll be here. So I was the in-door guard who was present while the governor was absent. So if they got the impression that I was the acting governor, it wasn't that I was the acting governor, I was just a guard in the governor's palace. In the question it says that I was the acting governor, I was not. I was just a bodyguard. I might have helped some people while the governor wasn't there, and I might have solved some

ISN#006
Enclosure (3)

UNCLASSIFIED

00357

UNCLASSIFIED

problems, like I told my Personal Representative. I could say it again, would you like to hear it again. When the governor was away some people would come. We couldn't just close the doors. If two people were fighting they would come to the governor and if the governor wasn't there, we would tell them to go to this person, the commander or to the police. If someone needed financial help they could go somewhere else or come back another time and meet the governor. The question that says that I was there for 8 or 9 months as acting governor, it wasn't 8 or 9 months continuously that I worked there. In those 8 or 9 months the governor was there, but he would go home for like 10 days or a week, then yes we were staying in the governor house. Then he would come back and he was the governor, and then after about a month he would go back to his family. So we were there for those 8, 9 months, and he was actually in position or in charge at the whole time. He was actually coming time after time. So in those 8,9 months he visited his family numerous of times and when he leaves he would tell us, okay you guys stay and keep the door open and help people. If you can't help them, tell them that I'll be back. So we were there for the whole time working in the governor's house, and he was still the governor and he was coming time and time after. I did not participate in any military operations. In the Government's evidence of question number 1, it says I was fighting on the front lines of Marsha Ree as a Taliban fighter. It never happened like that. I mentioned and I said before in the Russian times I never fought. I never entered any fight. Even though the American government and the other Allies came to the country and they would fight against anyone of them. The fight was far from the city and I was living in Masar-E-Sarif, the governor's house. I was going to Kunduz to see my family, but when I was going the road was blocked. I was leaving Kabul province in Afghanistan and there were two roads there, one going to Kunduz and the other to Sabangan. The Sabangan road, which was going to my house, was closed so I took the other road to go around it, and that's why I went towards the direction of Kunduz. In the question it says that I worked with other Taliban soldiers to go to Kunduz and reunite them. Nothing happened like that. I didn't travel with any soldiers, and I did not go to liberate any soldiers. I went to visit my family. I took the road to Kunduz because I wanted to visit my family. There was nothing I could, it was getting dark so I thought I could stay there for the night and in the morning I would continue my trail to the house. I didn't know the Kunduz area and I didn't know anyone there so. I was looking for someone who could guide me as to how to get to my village from Kunduz. Which road should I take? How could I get there? There were no cars or any transportation. So that's why I stayed there the night and in the morning I could get someone to help me. I went to see this person, he wasn't a Taliban commander, he was just an elder of the village, and that's why I went to him because usually you could go to the elder. I went to ask him why the road was closed, and to tell him that's why I came this way, and now I don't know which way to go and if he could tell me which is the quickest way to go to get to the village where my family is, and if he could tell me where I can get transportation. He told me that I couldn't make it by myself because people are fighting and it will be hard to go through them by myself. He told me that there are other people staying over there who are Taliban and they are going to surrender to the Northern Alliance, so you can go with them tomorrow. They are going to surrender and it's close to your village. Then once they surrender then they won't do anything and you could just tell them okay, and they would let them go to their house. So you can go with them and when you get there you can either go to your house or you can go and tell the Northern Alliance that you are working with them or you are with them and they will let you

ISN#006
Enclosure (3)

UNCLASSIFIED

UNCLASSIFIED

go home. Since that group was taking the same road that I was supposed to take to get to my house, I didn't know any of them. They were coming from Kandahar and going to the Northern Alliance. So I thought since they were going in the same direction I could join them and make the way safely to my house. I was only thinking about getting to my house. I didn't think about surrendering because I wasn't fighting with anyone. I wasn't thinking that I would be captured. Once we left Kunduz, after the city was a big dessert and a lot of people were going in the same direction. Some were walking; some were going in a car. Our group was going in the same direction by foot. Once we crossed the dessert to a place called Eargarnert, once we got there we got surrendered to the Northern Alliance. When I left Kunduz, we were walking and we walked a lot and I was tired and I was fasting at the time and it was hard for me. A lot of people were walking and we were walking and I was actually asking for a lift from a lot of cars, and finally one car stopped. I didn't know how many people were in there, I didn't know who was in there, and I never seen them before. When I got to the car there were 3 or 4 other guys in there and the Taliban leader and the elder was in the car also. It's not like I know them. It's not like I know the car because I never saw it before. I was stopping a lot of other vehicles and this was the only one that stopped for me, and I was tired of walking and that's why I got in. Since I was fasting I was trying to get into any vehicle because I couldn't walk anymore, this car stopped for me and I got in and soon after they got captured and they said that I was a part of their group. I was questioned. They asked me if I was a bodyguard in Jalalabad, and I did work with them as a small soldier and it was the Taliban government. They did ask me questions and when I answered them they took different points and put it together, but it didn't actually happen this way the way they showed it in the paper. I assured under the oath that against the United States or its Allies, I never thought about fighting against them and I'm not thinking in the future to ever fight against them. The only thing I did was that I served in the Taliban government, which I was living at the time in their country so I served as a soldier and that is the only mistake I made. Other than that I didn't do anything illegal or was I part of the Taliban. That's all and if anyone would like to ask me questions they can go ahead.

Answers in response to questions by the Recorder:

In Taliban time in their government, anyone working for them or a part of their government, as I was a small soldier for them, that's how I got the name Mullah. I can read and write because I went to school in my village for a year or two, but I didn't get the title because of my education. In our country, they call a Talib who go to the religious school and read only the religious study get religious education by reading the Koran and research the Koran that's how they become a Talib. In my school they teach you how to read and write. I don't know about the whole country, but where I am from, not a lot, but some of the people could read and write. They weren't recruiting people because they could read or write.

Answers in response to questions by the Tribunal Members:

He told us any concerns to the government we couldn't touch or do anything with it or help anyone. He told us we were only staying in the Governor's mansion and if anyone comes just direct them to get help, and if they need to get financial help or they need to go somewhere direct them where they need to go. Whether it's to the police or they should go to the other security

ISN#006
Enclosure (3)

UNCLASSIFIED

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forces. Yes, we did that, but we cannot touch any government matters when we were there. No we didn't solve any disputes between people. Yes, there were people coming to the governor house, but we were directing them to go to where they should go, like to the elders or whether they should go to the police. The highest-ranking Taliban people I knew were the Governors of Jalalabad because I worked with them. I heard other names, but I don't know if they were higher-ranking people. I was a bodyguard for both the governors, but the only difference was I was in his house most of the time because he visited his family a lot. When I was captured I did not have a weapon on me. I only had my clothes on. In addition, I would like to say one more thing. Like I told my Personal Representative, I am really a poor person to my family and I didn't have a lot of resources, so I did it to survive and I had to work somewhere, and that's why I worked for the government and to help my family. If you ask anyone in my village and they can tell you that I was never a part of any organization. I never worked with them. I only worked for my family. I needed to survive, so I did work with the government, which was at the time the Taliban government and I work with them and that's the only mistake I made if you want to call it that, or that's the only thing I did. That's probably why I'm here because that's the only mistake I made, but I didn't have a choice because I had to provide for my family. The Taliban was there in the country. It's not like I could go somewhere else because they were all over the country so I worked there with them. I had to do something to provide for my family. So that's the only mistake I made and in the future I'm not thinking about working with them again or an organization. I am a good man. I just want to go and raise my family and provide for them. That's all I can say. Other than that, I don't have anything else. This concludes my statement. Before I worked for the Taliban, I was a tailor and I did farming. That's how I supported my family.

AUTHENTICATION

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



COLONEL, USMCR
Tribunal President

ISN#006
Enclosure (3)

UNCLASSIFIED

00357

Summarized Unsworn Detainee Statement

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

The Recorder presented Exhibits R-1 through R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

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

The Detainee did not take the Muslim oath, but promised to tell the truth..

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

3.a. The detainee is associated with the Taliban:

3. a. 1. The detainee traveled to Pakistan to study the Koran, even though he did not understand the language in which it was being taught.

Detainee: This is the rule of Islam. Once you accept this religion you must read the Koran; it is the order of Allah. It doesn't matter whether you understand Arabic or the Koran or not; you must read it. People who do not read the Koran are not Muslims.

3. a. 2. The detainee traveled from Pakistan to Afghanistan after 11 September 2001.

Detainee: Yes I did.

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

3.b.1. The detainee was at Mazar e Sharif.

Detainee: That's not true. I was captured in Mazar e Sharif while I was traveling through the city. I was not there.

3.a.2. The detainee received training on the AK-47.

Detainee: I got the AK-47 training when I was thirteen or fourteen years old. I was a refugee in Afghanistan and someone in the mosque just taught us three or four times how to assemble and disassemble the AK-47.

3.b.3. Northern Alliance Forces captured the detainee.

Detainee: Dostam captured me.

Tribunal President: Is there anything else you would like to tell us?

Detainee: I would like to tell my story why I ended up here out of my country. When they say that I got training on the AK-47 that is a big lie. The reason for me leaving my country was because of the civil war in Tajikistan. I had to leave my country because of the civil war and I had to serve the Army and participate in that war. There was a good chance that I could have been killed. That is why I ran away from that war and the Army and left my country. I came to Pakistan to learn the Koran. My goal was to go to Russia, but I could not do that, so I went to Pakistan. I studied the Koran in Pakistan for five or six months. After that I went to a city called Molton. There was a place called Kerokapa (ph) and I had my own little shop there in that place. The reason I entered Afghanistan: I wanted to return back to my country. When they say that I was with the Taliban or associating with the Taliban that is a big lie. I ran away from a small civil war that was going on in my country. How am I going to run away from a small war and participate in a big war? Taliban are Pashtu and I am Tajik, there is a big difference between us. I have an example for you. When there is a big and dangerous bird over there and a small bird, the small bird would never dare to fight with the big bird because he knows that he will lose the fight and die. The United States is a big power in the world. Why would a man like me dare to fight against the United States? You are accusing of me of fighting against the Northern Alliance. That is a big lie also. They are Farsi speakers; they are my own blood and why would I fight against my own people? We know it and you probably know it, that there has been a long war going on in Afghanistan and it was mostly the tribal war between different tribes. Also you are accusing me of getting training on AK-47. The proper training on the AK-47 takes people one or two years to learn how to use. When they taught me how to assemble and disassemble it two or three times they wanted to use me in the war against Tajikistan, not the United States. After I was shown the AK-47 training two or three times, I went back with my parents to Tajikistan. I have never used that training. The people who captured me in the northern part of Afghanistan, I was just a traveler, traveling through their city. They did not capture me with a weapon; I didn't have a weapon on me. They didn't capture me while fighting; I was traveling like a passenger when they captured me. That was my story and my problems why I left my country and ended up here.

The Personal Representative had questions for the detainee

Personal Representative: I'm looking at my note of the conversation that we had. You told me that you felt comfortable going to Pakistan through Afghanistan because during the twenty-five years of fighting, the Afghans were fighting each other and they would not bother travelers.

Detainee: Yes that is true.

Personal Representative: But when you got there after September 11, this had all changed and that the Afghans were picking up all foreigners. Is this basically what you told me?

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Detainee: Yes that is true. I wasn't aware that if I entered Afghanistan they would just arrest and capture me. When I entered Afghanistan and when I arrived at the city of Konduz, that is when I realized things had changed. Before I entered into Afghanistan I did not know that things had changed there. If I had known that the United States would have arrested me, I would not have gone to Afghanistan.

Personal Representative: You told me about how you found out that foreigners were being picked up. I would like for you to explain to the Tribunal how you found that out and what events lead up to your capture.

Detainee: I came from Pakistan to Konduz. I came from Pakistan and went to Jalalabad then to Kabul and then Konduz. I came to a small restaurant that the Afghans call a cafe. I was sitting there eating and drinking tea. Someone approach me, the person who used to work in the restaurant. He talked to me. I have a Tajiki accent and you can tell I'm not Afghan; I'm Tajik so he recognized me. He asked me where are you going. I told him I wanted to get back to my country Tajikistan. He told me that there was fighting going on around the city of Konduz and you can't go anywhere. If people capture you or find you they will just turn you over to Americans. So I asked him what should I do. He brought me somewhere where there were a lot of cars. There were a few people from the providence of Badakshan in Afghanistan. There were a few Badakshani people over there also. They told me to stick with these few people from Badakshan and they are going to take you to Mazar e Sharif, then to Qandahar and from there to Pakistan. Once you get to Pakistan you just go on with your life and then come back. I was happy to hear that because I knew if I went back to Pakistan there would not be any problems. We were riding in cars and we came to Mazar e Sharif. We were close to entering the city of Mazar e Sharif and people of Jalalabad asked us to get out of the car and they handcuffed us. They made us sit on the ground. I don't know what happened; maybe someone was trying to runaway or something because I heard some shooting. When I open my eyes I found myself in the hospital. I did two petitions, one for the Red Cross and one for the United Nations, saying that I was just traveling and they captured me. They never answered. Some Americans came and questioned me. They told us don't worry and don't be upset we are going to send you back to Tajikistan. They brought me to Qandahar and then here.

The Personal Representative had no further questions.

Tribunal Members' questions

Q. How old are you?

A. Three years ago I was twenty-three years old but now I feel like one hundred years old.

Q. Prior to leaving Tajikistan, where did you live in Tajikistan?

A. The capital of Tajikistan is Dushanda and there is area of close to that called Khaplan, I lived there.

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What did you do there?

It was in time of war, I was at home, and there wasn't any work.

You said at one point you wanted to go to Russia. Why did you want to go to Russia?

I already told you that I was trying to run away from the Army. I did not want to serve the Army in the time of war. Also financially I wasn't doing well. Our houses were burned and we didn't have any money to fix it. We had a tough life over there.

That doesn't really tell me why you wanted to go to Russia. What about Russia in particular was attractive to you?

Half of Tajikistan is working in Russia; there was work over there.

So why then did you go to Pakistan?

I didn't have any money, how could I go to Russia?

Before you left Pakistan, did you have a passport?

No I didn't. Afghanistan doesn't require any passport.

But you were going to Pakistan. Do they not require a passport?

There is a huge border between Afghanistan and Pakistan and there has never been a problem entering from one country to another. Afghans can go and enter Pakistan easily.

So you had traveled to Pakistan before Afghanistan?

From Tajikistan.

Yes, but there is no common border between Tajikistan and Pakistan, so I gathered you went to Afghanistan, is that right?

I flew from Tajikistan directly to Pakistan.

So in Pakistan you intended to study the Koran, is that right?

Yes.

It is not possible to study the Koran in any language other than Arabic?

Yes, especially when Muslims do five-time prayers. The prayers have to be done in original language, which is Arabic. Other than prayers you can read the Koran, you can read the translations but you have to have the Koran in your hand and read the Koran first and then read the translation. The prayers have to be in original language, which is Arabic.

When you arrived in Pakistan did you study the Koran?

Five or six months.

Was this the same time you had the shop or before that?

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A. No, after the five or six months of learning the Koran then I went and worked in that store.

Q. What was your reason for leaving your store and heading back to Tajikistan?

A. The war in Tajikistan was finished and everything was fine. I wanted to see my parents.

Q. Why didn't you fly back from Pakistan to Tajikistan?

A. How can I do that without a passport?

Q. The same way you did it from Tajikistan to Pakistan I would guess.

A. I flew from Tajikistan to Pakistan with a passport. On the way back my passport was expired, I didn't have any other documents.

Q. Couldn't you simply just get another before you traveled?

A. I wasn't familiar with the process. I was a stranger in Pakistan and then I want to save some money. I thought it would be cheaper to travel through Afghanistan.

Q. When you left Tajikistan how long did you expect to be away?

A. I was waiting for the war to be over. I wasn't sure how long I was going to leave for.

Q. How long was it actually from the time you left Tajikistan until the time you were apprehended?

A. It was the end of 1997 or the beginning of 1998 when I left Tajikistan.

Q. Do remember when you left Pakistan to go home?

A. It was the time or Ramadan.

Q. In 2001 after the September 11th attacks?

A. That right

Q. Were you ever a part of, or have you ever heard of the Islamic Movement of Uzbekistan?

A. I have heard about it here but before I didn't know anything about it.

Q. When you originally left Pakistan, were you traveling with a group or were you traveling alone?

A. I was traveling with one of those personal cars like a taxi. I was traveling in those.

Q. You didn't know any of the other people on the taxi?

A. There were some other passengers, a woman and a man but I didn't know them.

Tribunal President's questions.

- Q. You said you didn't go to Russia because you didn't have the funds to travel there. How did you fund your travel from Tajikistan to Pakistan?
- A. I saw on my way a Russian-made car called Camels(ph). I stopped the car, I got in the car with the driver and someone else and we just traveled. They asked me where do you want to go? I told my story to them. The guy introduced himself as Hamza. He told me I can help you get into Pakistan but under one condition that you study Koran. I accepted that offer. At that point I told him all I want to do is just get out of Tajikistan, just help me get out of Tajikistan and I will read the Koran. That guy took me to Dushanda the capital of Tajikistan. I spent two or three days with him. He was a businessman. He was in the business of long leather coats. When I entered his house I saw a lot of leather coats. He took my picture and he made a passport within two or three days. Then he took me to Pakistan. In Pakistan I lived with the same guy almost for a month in the same house. Then he took me to a Madrassa. The name of the Madrassa was Anwar al Koran. He asked me to stay and he said that he would check on me later. I never saw him again.
- Q. You said you went to the capitol and then he took you to Pakistan, is how it was translated, but did you mean that you flew from the capital to Pakistan?
- A. Yes.
- Q. What did you sell in your store?
- A. It was dry foods like almonds, walnuts and pistachios. I wasn't the real shopkeeper. There was another man working with me. His name was Abdul Rahim. I was with him.
- Q. Did he actually own the shop or did you own the shop?
- A. He was the owner?
- Q. Rahim was the owner?
- A. Abdul Rahim was the owner.
- Q. The gentleman that helped you to get to Pakistan to study the Koran. Did he not want anything in return for his assistance? Did he eventually want you to come back and share that knowledge?
- A. This is part of Islam. A Muslim just does things for the sake of God. Like if they make a young boy read the Koran. That would be big thanks to God. They do that just for the sake of God. When he talked to me he liked me a lot and he said that I was a good boy and I deserve to read the Koran.
- Q. Did you marry while you were in Pakistan?
- A. No.

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- Q. When you thought about heading back to Tajikistan, did you have any concerns that the government might not want you to come back?
- A. Yes I was scared and I had that concern. I wanted to go for a brief period just to see my family and get out. I was planning to leave the Tajikistan land. My goal was, when I arrived in the city of Konduz I was hoping the United Nations would help me and send me back to Tajikistan with the other refugees.
- Q. Ultimately you were just going to stay there a brief period? Were you planning on returning back to Pakistan?
- A. No. I did not want to go back to Pakistan.
- Q. Where was the cafe that you were at?
- A. In Konduz.
- Q. Previous to your meeting in the cafe" you didn't know that person that approached you?
- A. No. I had not seen him before.
- Q. Would you normally trust a total stranger to help you?
- A. My situation was unique because I am Tajik and the Afghans could clearly tell that I was not an Afghan because I have an accent. When he told me about the danger and the war that was going on around the city, I had no choice but to trust him. He was a Farsi speaker like me. When I was in Konduz in Afghanistan, their hospitality and especially those Tajik tribes, they helped us a lot. They treated us really well so I trusted them.
- Q. I know you said that you went in Afghanistan after September 11th. How much after that?
- A. I'm not sure but it was close to Ramadan. I think it was the beginning of Ramadan.
- Q. You said he took you to a place that had a lot of cars and you met some other people. Did you leave promptly from there?
- A. Yes the people were just sitting there and they told us that those few people that are here, they are all to enter the Madrassa, and they ask me to sit with them.

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

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

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Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee said something but the Translator could not hear him. The Tribunal President told the Translator to ask the Detainee to speak up. The Detainee said he couldn't speak any louder than that. The Detainee told the Tribunal President to continue.

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process the detainee answered, "No."

When asked by the Tribunal President if the detainee wished to make a statement to the Tribunal the Detainee asked: "Where did you get the information for all the accusations that were just read?"

Tribunal President: The information was gathered from classified sources.

Detainee: What can I do if the information is classified and it's all lies.

Tribunal President: You can tell us your version of the truth.

Detainee: I can't figure out where you got the information that I escaped to Tora Bora.

[Tribunal President asked if the Detainee wanted to make a statement under oath]

Detainee: You have all the statements.

Tribunal President: Would you like to make a statement to this Tribunal under oath stating you will tell the truth?

Detainee: You have the truth.

[The Personal Representative asked and was granted permission by the Tribunal President to speak to the Detainee.]

Personal Representative: They have not seen any information prior to this. This is your opportunity to explain your side of the story, if you would like to do so.

Detainee: How is it that you are holding a meeting and you haven't looked at the statements?

Tribunal President: The purpose of this Tribunal is to give a neutral look at the evidence and to make a decision as to whether or not you have been properly classified as an enemy combatant.

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[The Translator began translating what the Tribunal President stated and was interrupted by the Detainee.]

Detainee: Read the first one.

Tribunal President: Very well, we will proceed with his statement, un-sworn.

[The Tribunal President then asked the Translator to read the unclassified summary starting with the first one.]

[The Translator read 3.a.1. "The detainee voluntarily traveled from Yemen to Afghanistan to receive weapons training for use in a tribal war in Yemen in 2001."]

Detainee: Is that the accusation?

Tribunal President: That is a statement of evidence.

Detainee: Why are the Americans asking me about this? Why is it their business?

Tribunal President: You have been classified as an enemy combatant against the United States. This is the evidence we are using to determine whether that classification is correct or not.

Detainee: Regarding number one; it is not the United States business and it shouldn't be the Yemeni government's business. Logically it does not make sense to include that into evidence.

Tribunal President: Go to number two.

Detainee: Since you asked and I answered you, why don't you answer me. Tell me what business is it of the Americans or the Yemeni government?

Tribunal President: We are here to ask questions not answer them.

Detainee: If it doesn't concern you then why classify me as an enemy combatant?

Tribunal President: I didn't say it didn't concern me.

Detainee: Being an enemy combatant, does that mean I went against the United States?

Tribunal President: You have been classified by the United States as an enemy combatant.

Detainee: We will discuss this one point at a time. In regards to number one, being classified as an enemy combatant, what kind of evidence do you have?

ISN#253~)(*-
Enclosure (3)
Page 2 of 8

UNCLASSIFIED / FOUO

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Tribunal President: This is the unclassified summary of evidence we have read to him.

Detainee: Number one is the most important part because it determines if I am staying here or leaving. I still don't understand why you are concerned with that. If this does or doesn't concern you, why treat me as an enemy combatant?

Tribunal President: Our reasons are not an issue here, what is an issue is the facts.

Detainee: You either misunderstood or you are accusing me of something I never did. Why are the Americans concerned about them? This is the most important question to me.

Tribunal President [referring to 3.a.1.]: Is it true or not?

Detainee: It's true, but is that reason enough to classify me as an enemy combatant?

Tribunal President: Individually it is not but in compilation with the rest it may be.

Detainee: We will look at all the items here and see what you people come up. So, the first of the seven points is what helped classify me as an enemy combatant?

Tribunal President: "Yes."

Detainee: Explain to me each of these seven points and if you don't have an answer, just say you don't have an answer.

[One of the Tribunal Members asked the Tribunal President if he could try and explain the process to the Detainee.]

Tribunal Member: Let me try to explain what we are doing here. Your interrogators and others that work for the United States have decided that you are an enemy combatant. We are an independent group that is supposed to look at all the evidence. We look at the evidence that your accusers give us and we listen to what you say. Then we decide whether your accusers are right and you should be classified as an enemy combatant or if they are wrong we should send you home. So, we might look at number one and say, "you're right that doesn't have anything to do with you being an enemy combatant," and ignore it. But before today we haven't looked at any of this evidence or heard anything you had to say. We don't know anything about this case until right now when we look at it all.

Detainee: How do you classify me as an enemy combatant if you don't know what the interrogator said? You haven't looked at the file yet.

ISN#253- 1^~
Enclosure (3)
Page 3 of 8

UNCLASSIFIED / FOUO

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Tribunal Member: The government has classified you as an enemy combatant. We are going to look at the files to see if we believe it or not. If we don't believe it, we will say they are wrong and that you shouldn't be an enemy combatant.

Detainee: That means at this point and time, you have no response to question number one.

Tribunal Member: Correct, we are not here to answer questions. We are here to look at all the evidence.

Detainee: Fine.

[The Translator read 3.a.2.: "While awaiting transportation from Kandahar to Al-Farouq, the detainee stayed at Al-Nabrass, an Al-Qaida safe house,"]

Detainee: That's true.

[The Translator read 3.a.3.: "The Al-Nabrass safe house was frequented by Usama Bin Laden."]

Detainee: What difference does it make?

Tribunal President: We don't know at this time.

Detainee: What difference does it make, if it was Usama Bin Laden or somebody else?

Tribunal President: It shows a connection to the Al-Qaida organization.

Detainee: What difference does it make if Usama Bin Laden visited our place?

Tribunal President: It's understood, go to number four.

[The Translator read 3.a.4.: "The Detainee attended the Al-Farouq training camp in 2001."]

Detainee: That's true.

[The Translator read 3.a.5.: "At the Al-Farouq training camp, the detainee received training on the AK-47 rifle."]

Detainee: That's true.

[The Translator read 3.a.6.: "The Detainee fled the Al-Farouq training camp to the Tora Bora Mountains in September 2001."]

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Detainee: That's false.

[The Translator read 3.a.7.: "Pakistani Authorities held the detainee at the Pakistan/Afghan border when attempting to flee the Tora Bora region in October 2001."]

Detainee: That's false.

[Tribunal President asked if the Detainee had any other evidence to present to the Tribunal]

Detainee: I would like for you to answer me when I ask you a question.

Tribunal President: I will answer any questions you have about the process, but I will not answer any of the questions you have asked so far.

Detainee: That's the most important thing, if you were going to answer me. My leaving Yemen and going to Afghanistan has nothing to do with Al-Qaida or fighting.

Summarized Answers in Response to Questions by the Recorder

Q. At what time and under what circumstances did you leave Al-Farouq?

A. They took us from there and I didn't know where we were going. They took me to another place to finish my training.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Why were you in Afghanistan, just for training?

A. That concerns the first part of the evidence.

Q. Why didn't you receive training in Yemen?

A. You mean from the Yemeni government?

Q. No, just in the country of Yemen?

A. I am confused.

Q. Why did you have to go to Afghanistan?

A. That concerns part one of the unclassified evidence.

Q. Having said that, you went there to receive weapons training, correct?

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A. Yes. In Yemen it is hard to get training and it takes so long, about three years. In Afghanistan it takes only two months.

Q. Do you know who Al-Qaida or the Taliban are?

A. No.

Q. When you left the mountains from Afghanistan and went into Pakistan were you carrying weapons?

A. I had heard of the Taliban but never Al-Qaida until I came to Cuba.

Q. Did you know that the Taliban were in control of Afghanistan when you went there?

A. I also knew that Al-Masood was in control of certain areas.

Q. Did you know that Al-Masood's forces were fighting against the Taliban?

A. I didn't know until I got to Afghanistan.

Q. Did you know that some of the people trained at Al-Farouq were fighting against Al-Masood?

A. No.

Q. In Al-Farouq did you learn how to use weapons?

A. The AK-47.

Q. Explain how you were captured or arrested.

A. The money was mine, I turned myself over.

Q. To whom?

A. Pakistani Police.

Q. Where?

A. I don't recall.

Q. Was it in Al-Farouq, or the mountains, was it?

Inside Pakistan. I didn't have a passport and was looking for the Yemeni

ISN#2<< !fc>^
Enclosure (3)
Page 6 of 8

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embassy.

Q. Did you have any weapons with you?

A. No.

Q. Why do you think you were handed over to the Americans?

A. I turned myself over so they would send me to the proper embassy; instead they turned me over to the American forces.

Q. Can you tell me how you got to Afghanistan, the mode of travel and who paid for it?

A. I paid for the trip. I took the plane from Yemen to Pakistan.

Q. Then from Pakistan to Afghanistan?

A. I took the bus.

Q. Where in Pakistan did you stay?

A. In a hotel.

Q. How long were you in the hotel?

A. A few days.

Q. Did you have any trouble getting across the border? Did you go straight to Al-Farouq?

A. No.

Q. Explain how you got there.

A. From the safe house to the camp, I took a bus. There were no problems taking the bus. Because of this I was classified as an enemy combatant.

Q. What happened to your passport?

A. It's in Kandahar at the guesthouse. If I had it with me I wouldn't have turned myself in and I wouldn't be here.

Q. Did you give your passport to some one in Kandahar? How did you lose it?

rsN#35a |U»-
Enclosure (3)
Page 7 of 8

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A. I didn't lose it or give it to no one. When you arrive you are suppose to hand it over to some one.

Q. Someone in the government?

A. No, in the house where I was staying.

Q. So, you gave your passport to some one in the house where you were staying in Kandahar?

A. Yes.

Q. Why did you want to get training?

A. If you read the evidence, the information is in there. There were so many problems in Yemen, tribal problems, to protect myself.

Q. So, after your training you planned on returning to Yemen to protect yourself?

A. Yes.

[Tribunal President asked if the Detainee had any further evidence to present to the Tribunal]

Detainee: What kind of evidence are you looking for?

Tribunal President: Are there any other statements you would like to make to explain your actions?

Detainee: No.

AUTHENTICATION

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

[Redacted Signature]

Col, USAF

Tribunal President

ISN #25T~ \\Q_
Enclosure (3)
Page 8 of 8

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Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the detainee stated, "yes."

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process the detainee asked, "Like what." [The Tribunal President asked if he had any questions about what we were doing here today.] [The Detainee answered:] I don't know how to answer your question. [The Tribunal President stated]: If you have a question about the process as we go along you may ask it and we will answer it.

When asked by the Tribunal President if the detainee wanted to make a statement the detainee stated yes and had his Personal Representative provide a written statement to the Tribunal. [The Personal Representative read the following statement]:

Regarding the allegation 3. A 1. [The detainee admitted that he traveled from Yemen to Afghanistan to help fight in the war during the middle of 2001.]

I did not want to leave Yemen for Afghanistan. My parents were already in Afghanistan and forced me to come there. I tried to bribe an official with \$50.00 to not allow me through the customs at the airport. Something went wrong and I was not stopped. If I had been stopped by legal authorities, I could have told my parents that the government would not let me leave. My friend Salah Hassan is the one who found an officer who knew the customs people. We met with this officer (Omar Al-Hamily) about an hour prior to the departure of my plane. He took the money and copied down my passport number. They can prove that I did not want to leave the country. Salah Hassan will be easy to find as he has written to me here and you have his address. Both of them live in Sanaa, Yemen.

Regarding the allegation 3. A 2. [The detainee stated that he attended the Al-Farouq training camp during late August 2001.]

Yes, I did go to the Al-Farouq training camp. How I got there is important. My parents went first to Afghanistan. They sent for me and when I got there I told them I did not want to stay. My father said just stay for two months and attend this camp and then I will send you home to Yemen. Both my father and older brother told me this, so I had to do it. I accepted going to the Al-Farouq camp as it was my ticket home.

Regarding the allegation 3. A 3* [The detainee stated that he traveled to the Tora Bora Mountains during late 2001.]

The statement is essentially correct. However, I was leaving Afghanistan to go to Pakistan and was taking the only route available. I was traveling without a weapon of any kind. The reason I was traveling was to leave Afghanistan to go through Pakistan to

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get home in Yemen. I did not know the name of the mountains; I learned they were the Tora Bora Mountains when I arrived in Pakistan.

Regarding the allegation 3. B 1. [The detainee stated that he was trained on and carried an AK-47 while at the Al-Farouq training camp.]

Yes, I trained some on the AK-47, even in Yemen we were familiar with this weapon, it is very common. I only learned to take it apart, clean it and put it back together. I was only in the camp for four days when 9/11 occurred and the training stopped and the camp was shut down.

Regarding the allegation 3. B 2. [The detainee stated that he had an AK-47 when he left the Al-Farouq training camp.]

This statement is not true, when I left the camp; I had no weapon at all. The weapons in the camp were for training only, they were taken away every day after training.

Regarding the allegation 3. B 3. [The detainee stated that he was arrested by the Pakistani Army and was sent to the Peshawar prison prior to being taken to the prison in Kandahar by the American forces.]

This statement is essentially true. I intended to turn myself over to the Pakistani authorities. With no money, friends or relatives they would be obligated to send me back to my home in Yemen. Instead they turned me over to the Americans.

[The Tribunal President asked the Detainee if he had anything else he would like to say.] The Detainee stated, yes I want to add something.

Just to clarify, the officer Omar Al-Hamily he is not the customs officer, he knew the customs officer. My intentions were to go to my friends at the customs office and they would stop me and prevent me from leaving Yemen. I use to work in customs so I have friends there. When I got to the Al-Farouq camp I got sick, so I went back to Kandahar. After I got well I came back to the camp for 24 days.

[The detainee was told he was not given a chance to take an oath. He was asked if he would like to do it at this time. To swear to everything he had already stated.] The Detainee stated he would like to take the oath. [After the Detainee took his oath the Tribunal stated:] Then the Tribunal will consider everything you said so far to be your sworn testimony. The Detainee agreed.

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Summarized Answers in Response to Questions by the Personal Representative

Q. Before the Tribunal came in we showed you the letter from your brother and his story is a little different than yours. I would like you to explain the difference.

A. Not all of my brother's testimony is wrong. The part about me being in school is true, but there are two differences. [The Translator asked the detainee what the differences were.] The detainee stated he didn't remember but if asked he would respond. [The Personal Representative looked at the letter and asked about the part where his brother said he disappeared] [The Translator read that part of the letter to the Detainee] [The Detainee stated]; I didn't consider this when I was given you my responses to the charges. It is true, I disappeared in Afghanistan and my family didn't stay there. They didn't see me. I told them during the interviews, I didn't see my father. We had no communication or contact When I got here to Cuba, I sent them letters.

Q. About the Yemen mission that came here, you told them one story and this is a different story.

A. [The Translator read that part of the letter to the Detainee] [The Detainee stated]: When I first got here there was a delegation from Yemen with Americans. I told them a story and after they left I changed my story. The second version is the true story.

Summarized Answers in Response to Questions by the Tribunal Members

Q. You say you went to Afghanistan to join your parents, can you tell me how you got there?

A. I left from Yemen to Karachi and stayed about a month. I then went to Quetta for a day or less and after that I went to Kandahar.

Q. Did your family pay for that or did you receive it from somebody else? Where did you get the funds to travel?

A. They left me about \$100.00. I bought some things I needed, gave \$50.00 to the officer for a bribe, and had \$40.00 left.

Q. Did you take an airplane?

A. I already had the plane ticket. My father left it before he departed.

Q. When you stopped in Quetta, how did you get across the border?

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A. I crossed the border on a bike.

Q. Were you by yourself or in the company of other people?

A. There were two people with me in the car, but we all took motorcycles across the border.

Q. Do you know if those people traveling with you were Al-Qaida or Taliban?

A. No.

Q. When you got to Kandahar where did you stay?

A. I stayed at a safe house with some Arabs.

Q. And then from Kandahar you went to Al-Farouq?

A. No I went home.

Q. Home with your parents?

A. Yes.

Q. When did you go to Al-Farouq?

A. I left home and went back to the safe house where the Arabs were staying. I left there and went to Al-Farouq.

Q. What did you learn at Al-Farouq?

A. I didn't learn a lot, just how to take the rifle apart and put it back together.

Q. After you left Al-Farouq where did you go?

A. We went to Kandahar and then to Kabul.

Q. Did you engage in any fighting when you were in Kabul?

A. No, I was sick and at the house clinic.

Q. When you were in Afghanistan, after you got well, did you engage in any fighting?

A. I tried to go home, I couldn't get in touch with my father, so I went to Pakistan.

Q. You went to the Tora Bora Mountains first and then to Pakistan, correct?

1SN#167
Enclosure (3)
Page 4 of 9

UNCLASSIFIED / FOUO

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A. I didn't know they were the Tora Bora Mountains. This was the only way to go, so I took it. When I got to Pakistan they told me I came through the Tora Bora Mountains.

Q. When you were arrested by the Pakistanis did you have weapons with you?

A. No, I was arrested in the city. I was in a car. I left a small village with a Pakistani guy and didn't have a weapon. I never had any weapons.

Q. Do you know who Al-Qaida is?

A. No.

Q. I want to ask a few background questions. Your family is from Yemen?

A. Yes.

Q. Did your parents move to Afghanistan?

A. Yes.

Q. But you remained in Yemen?

A. Yes.

Q. How old were you at this time?

A. Between 17 and 18 years old.

Q. Did you live in Yemen by yourself for a time?

A. I had Uncles.

Q. Why did your parents move to Afghanistan?

A. I don't know.

Q. Why did they want you to come and join them in Afghanistan?

A. I don't know. They wanted the whole family to be with them, so I had to go.

Q. Did they bring your brothers and sisters to Afghanistan when they moved? Or did they bring them later?

A. They went first, then my brothers, then me. My sisters didn't go.

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Q. Did your sisters stay in Yemen?

A. Yes, I have only one sister and she is married.

Q. So, when you got to Afghanistan you moved into your parent's house?

A. Yes.

Q. How long did you live there, until you went to Al-Farouq?

A. Less than a week.

Q. Why did your father and your brother want you to go to Al-Farouq?

A. I don't know, but it was the only way I could go back to Yemen. They said if I went, I could go back to Yemen. I already had a job at a restaurant and wanted to go back.

Q. But you have no idea why your father wanted you to go to Al-Farouq?

A. No.

Q. Did he send your brothers to Al-Farouq also?

A. No.

Q. Just you?

A. Yes, because I requested to go back to Yemen and this was the condition for me to go back.

Q. What does your father do in Afghanistan?

A. I don't know. I only stayed with them for less than a week.

Q. What is your father's normal occupation, does he have a trade, or run a store, or what does he do for a living?

A. He is a contractor, he does his own jobs, like construction, in Mosque, paints houses, he fixes things, he works in a bakery, what ever.

Q. When you went to Al-Farouq, you were there for only four days, the second time?

A. When I first went I stayed in the safe house for three days, then went to the camp. I stayed there for a while and then got sick. They took me-back to Kandahar and then I came back and trained for four days.. After the four days they closed the camp.

BM #167
Enclosure (3)
Page 6 of 9

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Q. Who owns the safe house that you stayed in?

A. Which safe house are you talking about? The one I stayed in when I first came or the second one.

Q. When you came first?

A. I don't know.

Q. Okay, how about when you came the second time?

A. The second time I went straight to the house clinic. I stayed there for about four days and then went to the camp.

Q. Was it a Taliban clinic?

A. I don't know, the only people there were Afghanis.

Q. Why did they close the camp?

A. I didn't know at first, they just told us to go. When we were in the car, on the road, we heard there were bombings in the United States.

Q. Where were you going in the car when you left the camp?

A. We were going back to Khandahar.

Q. And what happened when you got to Khandahar?

A. We stayed there had dinner and left early the next morning to Kabul.

Q. And after Kabul that's when you tried to get to Pakistan?

A. Yes, I went to Pakistan,

Q. Did you walk from there? How did you get through the mountains?

A. You have my story; I went with one Afghani and two of my friends.

Q. How long were you in Pakistan before you were arrested?

A. I'm not sure, 2,3, or 4 days. We left the village and went to the city. My friends succeeded but I was captured.

UNCLASSIFIED / FOUO

Q. Trying to enter the city?

A. My friends had money and succeeded getting into the city but I couldn't. Our goal was to get into the city where the embassies are and go back. My friends had no problems because they had their passports, visas, and money. But, because I didn't have any of these, I was told my best bet was to go to the embassy and surrender myself. This is what I was planning to do when I was captured. They captured me before I got to the embassy.

Q. So, you didn't have your passport with you?

A. No, my passport was with my family.

Q. When exactly were you captured?

A. I don't know the Christian calendar; it was four or five days after Ramadan. It was fifteen days before Christmas.

Q. So, you left Al-Farouq on the eleventh day of September and 10 December is when you were captured when you first entered into Pakistan. What were you doing immediately before Ramadan?

A. I was in the clinic in Kabul.

Q. No, you were in the clinic before you went to Al-Farouq the second time, weren't you?

A. The trip was really difficult and long, so when I got there I was really weak and sick.

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

A. No.

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

A. No.

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AUTHENTICATION

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

Tribunal President Col, USAF

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DETAINEE STATEMENT 167

16 September 2004

A.

1. I did not want to leave Yemen for Afghanistan. My parents were already in Afghanistan and forced me to come there. I tried to bribe an official with \$50.00 to not allow me through the customs at the airport. Something went wrong and I was not stopped. If I had been stopped by legal authorities, I could have told my parents that the government would not let me leave. My friend Salah Hassan is the one who found an officer who knew the customs people. We met with this officer (Omar Al-Hamily) about an hour prior to the departure of my plane. He took the money and copied down my passport number. They can prove that I did not want to leave the country. Salah Hassan will be easy to find as he has written to me here and you have his address. Both of them live in Sanaa, Yemen.

2. Yes, I did go to the Al-Farouq training camp. How I got there is important. My parents went first to Afghanistan. They sent for me and when I got there I told them I did not want to stay. My father said just stay for two months and attend this camp and then I will send you home to Yemen. Both my father and older brother told me this, so I had to do it. I accepted going to the Al-Farouq camp as it was my ticket home.

3. The statement is essentially correct. However, I was leaving Afghanistan to go to the Pakistan and was taking the only route available. I was traveling without a weapon of any kind. The reason I was traveling was to leave Afghanistan to go through Pakistan to get home in Yemen. I did not know the name of the mountains, I learned they were the Tora Bora mountains when I arrived in Pakistan.

B.

1. Yes, I trained some on the AK47, even in Yemen we were familiar with this weapon, it is very common. I only learned to take it apart, clean it and put it back together. I was only in the camp for four days when 9/11 occurred and the training stopped and the camp was shut down.

2. This statement is not true, when I left the camp; I had no weapon at all. The weapons in the camp were for training only, they were taken away every day after training.

3. This statement is essentially true. I intended to turn myself over to the Pakistani authorities. With no money, friends or relatives they would be obligated to send me back to my home in Yemen. Instead they turned me over to the Americans.

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Page / of /

Exhibit y h

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Summarized Sworn Detainee Statement

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

When asked by the Tribunal President if the detainee had anything to add regarding the unclassified summary, the detainee stated, "I never moved to the front lines."

[At this point the Tribunal President clarified his previous question and asked the detainee if he wanted to make a statement under oath.] The detainee indicated that he did wish to make his statement under oath and was sworn by the Recorder. He then testified essentially as follows:

'The statement I moved to the front line and participated in the fight against the Northern Alliance is not correct.'

[The Tribunal President then asked the detainee if that concluded his statement. The detainee stated that it did. The Personal Representative (PR) then informed the President that the detainee preferred to be prompted by the PR to respond to specific items in the unclassified summary. The President indicated that the PR should proceed in that manner.]

Summarized Answers in Response to Questions by the Personal Representative

[The Personal Representative read directly from the Unclassified Summary and the detainee provided the following responses:]

Q. The detainee voluntarily traveled from Yemen to Afghanistan in September 2000.

A. Yes.

Q. While waiting for transportation to Afghanistan, the detainee stayed at a safe house.

A. The place I stayed at was referred to as an office.

Q. The detainee attended the Al-Farouq training camp in September 2000.

A. Yes.

Q. At the Al-Farouq training camp, the detainee was trained on the Kalashnikov, RPK Machine gun, and the Semenov Rifle.

A. Yes.

UNCLASSIFIED / FOUO

Q. The detainee then trained at the Malek Military Center, where he received training on the Makarov Pistol, Dragonov Sniper Rifle, PK Machine-gun, RPGs, hand grenades, and map reading.

A. Regarding the map reading, they only taught me to read North, South, East and West.

Q. Following the training, the Detainee returned to Yemen, then again voluntarily traveled back to Afghanistan in August of 2001.

A. Yes. I do not know the name of each month. I refer to them as the first month, second month, etcetera. Since I am not sure of the names, it is possible it was a different month, but I know it was the eighth month.

Q. The detainee returned to the Al-Farouq training camp, where he received specialized training in positional shooting with AK-47s.

A. Yes. I attended, but I don't know if it is considered specialized training. They just taught me how to walk and sit with a weapon.

Q. The detainee participated in military operations against the coalition.

A. Not correct.

Q. The detainee participated in the retreat from Omar Seif Center, Afghanistan.

A. Yes.

Q. The detainee then fled to Karachi, Pakistan where he was captured during a raid on an apartment on September 11, 2002.

A. Yes.

Q. Why did you travel to Afghanistan?

A. To train.

Q. To fight against whom?

A. The Chechnyans.

Summarized Answers in Response to Questions by the Tribunal Members

Q. You went from Yemen to Afghanistan?

A. Yes.

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Q. Can you tell me how you traveled there?

A. I went by airplane from Yemen to Pakistan to Afghanistan.

Q. Where in Pakistan did you stay?

A. I went to the Dastar Taliban (office) in Ramsta.

Q. In Afghanistan-do you remember which city?

A. Yes. Kutah

Q. You knew there were Taliban in the office and you were going to train with the Taliban?

A. There are rooms with Afghans who just wait there until they go somewhere else.

Q. Did anyone help you get to Pakistan and then to Afghanistan?

A. Afghans.

Q. Did they give you money, a plane ticket, how did they do it?

A. No.

Q. You used your own money to go to Afghanistan?

A. Yes.

Q. What do you do in Yemen?

A. I study.

Q. You are a student?

A. Yes.

Q. Do you study the Koran?

A. I used to study nursing.

Q. Once you got into Afghanistan, what city did you go to?

A. Kandahar.

Q. And then you went to training at Al-Farouq?

UNCLASSIFIED / FOUO

A. Yes.

Q. Did you train with the Taliban in Al-Farouq?

A. I trained with all of them, the Arabs, foreigners, but not the Afghanis.

Q. Are you a member of al Qaida?

A, I don't know. I know I am an Arab fighter.

Q. An Arab fighter-and you went to Al-Farouq to fight knowing you were going to go to Chechnya?

A. I went to train and go to Chechnya.

Q. Do you remember when you were in Al-Farouq ever seeing Usama Bin Laden?

A. No.

Q. Do you know what al Qaida is?

A. No, I don't know. I've seen things on television.

Q. Are you trained as a sniper?

A. Yes.

Q. Did you ever fire your weapon in combat other than training?

A. Only for training. I trained with a person.

Q. What weapon did you use when you were a sniper?

A. Dragonov, four years ago.

Q. Do you remember who ran the training camp where you trained?

A. Yes.

Q. Who?

A. In Al-Farouq, there were several trainers. Malek Hakeem use to train me.

Q. After your training in Al-Farouq, why did you go back to Yemen?

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A. I wanted to see my family. My father was sick and I wanted to finish my studies.

Q. Did you finish your studies?

A. When I go back, I will finish.

Q. Then you decided to go back to Afghanistan after you saw your father, is that correct?

A. Yes, but I don't know exactly what you mean.

Q. Why did you go back?

A. So I could fight the Chechnyans.

Q. You said you didn't travel to the front line near Bagram?

A. Yes.

Q. But you were retreating from the Omar Seif Center?

A. Yes.

Q. Where were you retreating from when you were involved in that retreat?

A. I retreated from Omar Seif to Kabul. I was not on the front lines. I retreated from the back lines.

Q. What happened when you were captured?

A. I was brought to Cuba.

Q. You fled to Pakistan, true or not true?

A. What do you mean?

Q. You previously stated that after you retreated you went to Pakistan.

A. Yes.

Q. How long were you there before you were captured?

A. Eight to ten months.

Q. What were you doing in Pakistan?

A. I was sitting in a house.

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Q. Were you waiting for something to happen?

A. I was planning to go back to Yemen.

Q. How were you captured?

A. The Pakistanis came in and arrested me.

Q. Who were you with when you were arrested?

A. There were two people with me. One was (inaudible) and the other was Amir.

Q. Were those people also brought to Guantanamo?

A. They were arrested, but I haven't seen them.

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

[The detainee stated:] I can swear to you, I am not quite sure what to say. I was not fighting, nor did I want to fight Americans. The Americans were very far from where I was fighting and I am from Yemen. The Americans did not do anything to give me a reason to fight them.


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

A. No.

[After the Personal Representative said no, and the President concluded the tribunal session, the detainee interrupted and stated:] "Osmah Embe and Humam Yahmen Ami were also trainers in the Al-Farouq training camp."

AUTHENTICATION

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


Col, USAF

Tribunal President

ISN #837
Enclosure (3)
Page 6 of 6

UNCLASSIFIED / FOUO

00038 1

Summarized Unsworn Detainee Statement

Detainee: Yes I will answer the accusations against me.

Tribunal President: Do you want to make your statement or replies to any questions under oath?

Detainee: Whatever makes you comfortable, whatever you want.

Detainee is sworn by the Recorder administering the Muslim oath.

Detainee: They have presented to me thirteen accusations. And because of these accusations they said that I am associated with Al Qaida. Before addressing these accusations, I will give a background as to what happened to me before that. A summary of what my story is. I was on an official holiday from my job. I had taken approximately two months. In the last two weeks, I was in contact with this individual Faisal who is listed here. To visit Afghanistan and see whether the donation I had given, if it was working or not. I wanted to go there in the first place but I was hesitant So I went there during the end of my vacation. So I would only stay for a week and see the situation in Afghanistan and see the money that I contributed. It was [for] digging wells. When I left Kuwait on the 9th of September, I entered Karachi airport at night Then I left on a domestic flight to Quetta airport. This is a place on the border with Afghanistan. And afterwards I entered Afghanistan. The morning of Sept 10th I was in Afghanistan. Of course the events happened while I was in Afghanistan. I tried to leave after the events. The borders between Pakistan and Iran were closed after a day. This we heard on the world news. I tried to leave Afghanistan, in September, the same month. I couldn't, the borders were closed. I tried a number of times moving from place to place to get out but I could not So I had a problem because my holiday was only for two weeks and the holiday ended while I was in Afghanistan. So I called my family and I told them and they got a hold of the ministry and they extended my vacation for 3 additional weeks. But I still could not get out. Until about the 15th of December, I left through the borders and entered Pakistan. I entered a village. Of course I had my official passport and everything. And there were civilians there and they took me to a camp in Pakistan where the Army was. The Pakistanis told me "We will go with you to your embassy." Of course I asked for my embassy. But they took me to a prison and they handed me over to America. That is a summary of my story.

Detainee: Now I will turn to the accusations in front of me. Honestly I didn't even see them during the interrogations. And they never discussed them with me in the interrogations. Because the accused has a right to discuss what he is being accused of. For example I will go through every point and I will answer every point.

3a1. The Detainee worked for the Revival of Islamic Heritage Society.

3a2. The Revival of Islamic Heritage Society appears on the Terrorist Exclusion List of the U.S. Dept of Homeland Security Terrorist Organization Reference Guide.

ISN# 229
Enclosure (3)
Page 1 of 12

Detainee: For example the first point. I know the Revival of Islamic Heritage Society; it is an official society from the Kuwaiti government. And it doesn't have any problems inside Kuwait or outside Kuwait. And more than a third of the Kuwaiti people donate to it. Its charity work is all over the world, even in America. But I donated to them; I did not work there. I donated. But I donated to it for some charity work. Maybe my last donation was the end of the nineties, maybe '94. And this Revival of Islamic Heritage Society, donations to it are official, there's paperwork and documentation and it is watched by the Kuwaiti government. My last donation to it was about '94 to '95. But I am surprised that the accusation here is that I worked in it. I did not work in it. I am a government employee. I am also surprised that this society is considered a terrorist organization. Even though I remember that when I left Kuwait, I didn't hear anything about it being a terrorist organization or anything. To summarize, I do not work there. And I donated to it a long time ago about 6 years before the events of September 11. So if it was classified after September 11th and I was in Afghanistan, so how can I be judged about something like that? Of course I don't know what happened in Kuwait with this organization if it was shut down or what happened to it. Those are the first two points, 1 and 2.

3a3. The Detainee's name appeared on a hard drive recovered from a suspected al Qaida safe house in Islamabad, Pakistan.

Detainee: The third point, This is something also that I was surprised to see when the Personal Representative presented it to me. You say that this is a safe house that is related to Al Qaida and my name is present on the hard drive. I can't say to the American intelligence that you are liars. But I don't know these people and if my name is present on a hard drive, after our detention, we learned that our names are all over the Internet. So if my name is present with any humanitarian organization, or terrorist organization in their computers, or in any place with any intelligence in the world, does that mean that I am a part of them or associated with them? I know that right now, especially we Kuwaitis, our names are all over in computers and places all over. So if it was found in any other place, I'm thought to be part of them or associated with them? It says here that your name was found. It doesn't say anything else, for example was it a letter from me to them, or a passport, document, or anything of mine that they have. I know that the people that they caught after me, they told us that your names and your pictures are present in computers and people have contacted your family members. So I don't know the people who contacted my family or the people who added our names to their lists. So how can I be associated with them just because my name is with them? If my name was present in their computer before my detention, maybe I will be convinced, maybe I will believe, but now after the events our names are all over the world, they are all there. So I know the interrogators did not interrogate me on this issue. I think this is not important, I think if it was important they would have interrogated me. And if this is really true and this really happened and I am associated, I think that the interrogation would have centered a lot around this issue, so they would take information from me about Al Qaida.

I have been here for 2 Vz years and none of these things happened. It's obvious at this point I am innocent of this point I don't know anything.

3a4. The Detainee voluntarily traveled from Kuwait to Mecca, Saudi Arabia on Hajj in 2000, where he met Faisal (FNU), an employee of the Sanabal Charitable Committee.

Detainee: The fourth point, that I traveled to Mecca, yes, I traveled to Mecca and I met this person in the holy mosque. This mosque has many thousands of people inside. There's a lot of Muslims who know each other within that mosque. News being exchanged back and forth. So yes, I did meet that person inside that mosque and he explained to me the situation in Afghanistan. He told that it [Afghanistan] is in need of donations. I read earlier in the Kuwaiti news that there is a shortage of water in the country. He asked me why don't you Kuwaitis bring wells into that place? So I knew when I went back to Kuwait, we're not allowed to go in to that place in Afghanistan. And that is the reason that made me go to Afghanistan. I wanted to go and see for myself.

3a5. The Sanabal Charitable Committee is considered a fund raising front for the Libyan Islamic Fighting Group.

Detainee: Point number rive, I know that the Sanabal Committee is an official committee. From what I can remember its headquarters is in London. That I told to the interrogators. So I don't know if the Sanabal Charity Committee for the Libyan Group, I don't know. This is information yet from intelligence, I am just an employee. I heard this from my Personal Representative. I don't know, if he knows something and I don't know it, how can I be judged on something I don't know? We deal in our normal lives with many people. But we don't know every personal thing about them. And it's hard for a person to know.

3a6. The Libyan Islamic Fighting Group is listed as a terrorist organization in the U.S. Department of Homeland Security Terrorist Organization Reference Guide.

Detainee: The sixth point, that it is listed as a terrorist organization, I don't know this.

3a 7. The Detainee admitted to donating approximately 2, 250 dinars to the Sanabal Charitable Committee.

Detainee: Point number seven, yes I donated \$2,250. But here they say dinars. In the interrogations I said dollars. The way you are saying it, if you compared it, it's about three times the amount. Dinars is about three times the amount in dollars. If you calculate it in dinars, it would only be about 750 dinars. And this amount we consider it a small amount. So I don't [know] them well so I only gave them a little bit of money. That was for digging wells. I traveled there to make sure of this.

3a8. The Detainee voluntarily flew from Karachi, Pakistan on 9 September 2001, where he first joined Faisal and Abdul Hakeem.

Detainee: Point number eight. Yes, that happened and I told them so.

3a9. Abdul Hakeem was identified as an employee of the Sanabal Charitable Committee.

3a10. Hakeem was also identified as a major recruiter for the LIFG

Detainee: Number nine and ten. I just knew them as normal people. Whether they were part of anything, I couldn't know this and I didn't read this in the news or anything. Maybe if it was in the news someone would know, but it wasn't there.

3a11. Sometime after 9 September 2001, the Detainee, Faisal and Hakeem traveled to Kandahar, Afghanistan.

Detainee: Number eleven. It's written that sometime after September 9th the Detainee traveled to Kandahar and I told them in the interrogations I traveled before September 9th so they put it here after the 11th of September. Of course this is a big difference if they say after it means afterwards I went after the events..but this is not correct. Knowing that I told them that I went there before September 11th. They asked me if I would have gone after the events happened and I said no. Big events like this, obviously a person wants to be with his family and his children. I was surprised to see that they wrote after and that is not correct.

3a12. In December 2001, the Detainee failed at attempts to be smuggled across the Iranian border.

Detainee: Number twelve. Of course when you read something like this, looking at this, they say September, October, November, he did not leave, why did he leave in December? Of course he was still comfortable in Afghanistan or accepting of the conditions. But I told them just a few days after the events, I tried to escape by way of Iran. I went there and the borders were closed. Same thing that happened in Pakistan, the borders were also closed. Now here they have written December, of course this is a big difference.

3a13. The Detainee traveled between Kandahar, Kabul, Herat, and Jalalabad, Afghanistan during November/December 2001, before being smuggled into Pakistan, apprehended by Pakistani authorities and turned over to U.S. forces.

Detainee: The last point, number thirteen. Yes that did happen. But not just in November and December, but in September, October, November, and December. When I left and entered Pakistan, the Pakistani authorities did arrest me. I did not see any soldiers or anything like that. I entered into Pakistan, I entered into the Pakistani villages and civilians living there took me to a camp inside Pakistan to the Pakistani army. I asked for the Kuwaiti ambassador. They told me, "We will go with you to that place."

But unfortunately they sold us for money to Pakistan. And that is the truth, you saw that. Of course they pictured us as terrorists and turned us over to the United States. These points that you accused me of and because of what you said I am a member or associated with Al Qaida, and you see now the difference between the things I told them in the interrogations. And honestly I cannot be sure what is there in my classified file, I cannot be sure that it has additional accusations or information that are incorrect. I mean, I wish I could see these accusations and to answer them, like I answered what is written in front of me.

Tribunal President: As we explained before, we don't have the authority to show the Detainee the classified information. We will take your testimony, your statement today and anything else you provide to us today into consideration very strongly. Does this conclude your statement?

Personal Representative wants Detainee to comment on his hospital stay.

Detainee: When I entered Afghanistan, the morning of September 10, I had eaten something. I became very sick, I had severe diarrhea. So I entered a hospital and stayed there for about four days: four days or five days. Afterwards I wanted to leave and I tried to leave to go back to my country but the borders were closed. They told me the borders were closed. I think based on what I heard here, that communications were being heard, being watched between Afghanistan and the rest of the world, because the methods of communication between Afghanistan and the rest of the world is very limited. I think the American intelligence heard my calls to my family or something and they know this. A lot of people who are detained here, some of them, they provided to them their phone calls to their families from Afghanistan. But it wasn't to their advantage. But [it] works to my advantage, these phone calls, because it was me telling my family I was trying to get out of Afghanistan. That's it

Personal Representative has no further questions. Recorder has no further questions. Tribunal Members begin questioning.

Tribunal Member comments to Recorder, "Regarding Exhibit R4, regarding the Revival of Islamic Heritage Society, the exhibit indicates the Kuwait office of this organization is not designated as a terrorist organization. The Detainee is from Kuwait; do you have any comment on this?"

Recorder: No

Tribunal Members: Personal Representative, do you have any comment on this?

Personal Representative: No.

Tribunal Member: How long have you been detained here?

Detainee: I was handed over to the American forces 1 January 2002.

Tribunal Member: You mentioned in your statement that the interrogators have never asked you about why it was your name appeared on the computer hard drive.

Detainee: No, I don't remember anyone telling me this.

Tribunal Member: They must have asked you at one point about your associations with al Qaida?

Detainee: No, they didn't mention al Qaida, they didn't ask me anything about al Qaida, they just said tell me your story. I've been here for 2 years, close to 3 years. I'm in four pictures they have shown me. I told them from the beginning, if there is an accusation against me, tell me the accusation, the Revival of Islamic Heritage Society just once did they ask me, "Did you donate to it?" I said yes, I donated to it. Even I mentioned this in the papers. They asked me about Kuwaiti organizations; just did I know of [them] in a general sense. Even the Revival of Islamic Heritage Society, they didn't ask me about it in great detail. Even if they had asked me about it, I don't know anything specific about it. Only they asked me, "How do you present any project to them?" and I told them how I did it. I signed a contract with them and I gave them the money, and then as an official organization, they draw [up] a contract with the organization in the country they are working in. All official business, you know how it is between nations. When the project [is complete] they just bring me the pictures and everything. That's what I told them.

Tribunal Member: Presuming that your name was really found on the computer hard drive, there must be some reason why this is the case.

Detainee: I swear to God, I don't know. I'm sitting here in Cuba. I don't know anything. But the people that you arrested in that house, I'm sure you will ask these people and get information from them. Ask them why they had my name on there. I cannot think of any reason or explanation why my name was on the computer. Other than what I just told you that our names now are everywhere, they're on many computers. The people that you captured in that place, obviously they know why they have my name.

Tribunal Member: As you sit here today, you truly have no idea why the government thinks you are associated with al Qaida?

Detainee: I saw the reasons that they listed and really they are just not true. As we're sitting here, I'm sure you know the political side to this. For example, in Pakistan, when they turned us over to America, they imagined they were people from al Qaida or terrorists. But after 2 V4 years in the interrogations, they haven't found anything. Either of our governments can attest to this. So I think its normal that they would bring us just any accusation like this. That's why I think there are these accusations.

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Tribunal Member: In the packet your family submitted, it indicates you are an educated man, apparently with secure employment prior to this time.

Detainee: Yes.

Tribunal Member: You are an auditor with the government of Kuwait.

Detainee: Yes, I'm an auditor.

Tribunal Member: It indicates here that you have been employed on that position since 1991, is that correct?

Detainee: Exactly from '89, my last job from '91.

Tribunal Member: And your course of study, while in University, was in Accountancy and Auditing?

Detainee: Yes.

Tribunal Member: It was in 2001, August, September time frame that you felt the need to go to Afghanistan to check on the status of your donation?

Detainee: I had the idea from a while ago, but work wouldn't allow it. I said I would wait until summer vacation. At that time in the news there was some threats and stuff going on from Bin Laden. So I was hesitant though most of my vacation had passed and I didn't do anything. When I returned Faisal called me and told me these threats and everything and these had been happening for a number of years, it's nothing. I left and the events happened. My vacation would have ended around October 3rd.

Tribunal Member: Did you not know that Afghanistan was in the midst of a civil war and had been for some time?

Detainee: In the Kuwaiti media, some people visited Afghanistan, and they described the situation inside of Afghanistan and the war was in the north of Afghanistan. The situation was better than before; there was peace in most of the cities in Afghanistan. Even this you can verify in the Kuwaiti newspapers, there were newspapers that said this.

Tribunal Member: So you were not concerned for your safety when traveling to Afghanistan?

Detainee: No, I went Afghanistan knowing that the situation was OK. We heard about the Taliban, which was responsible for security in Afghanistan.

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Tribunal Member: You said you were an auditor. We often put a bond on our auditors, which means the government checks to make sure you are not a security risk that you are not going to go off with some money. Do they do that in Kuwait?

Detainee: No, we're just accountants, we don't take the money; it's an administrative position. We verify the budgets and so on. We don't take the money. We just look at how the money was spent, was the budget spent correctly or not?

Tribunal Member: So they don't have to do a security check on you to make sure.. you have a lot of information about the government when you look at their books.

Detainee: No. its not security, our job doesn't have a lot to do with security. Our reports even go in newspapers.

Tribunal Member: You explained about how you contract a project, and that you had done that previous times, where was this project to be constructed?

Detainee: In this organization, the Revival of Islamic Heritage, it has many branches in Kuwait. In our area there's an office. They have a list of all the countries that are in need of certain projects and they present that list The list with every project says how much that project costs and how much money is needed. So you say, "I will do this project" for example. For example, a village in Indonesia needs a well or adoption of orphans, or so on. For example, if I say I want to build a mosque in this area: if it costs \$3000, I would sign a contract with the organization and they would sign a contract with an organization in that country that is recognized officially by the government. This organization would be a middleman or a way for me to communicate with the organization in the other country. So for example, I give them \$1000 to start with. After they start, after they finish a phase, and I give them the second installment until it's finished. After it's finished, they offer for me to go see it We trust the organization and we don't see the need to go see it because the charity says the work is complete.

Tribunal Member: But this particular donation or project you did in Afghanistan, you felt the need to go check on it?

Detainee: There are no Kuwaiti organizations that work inside Afghanistan. That is the reason. The Kuwaiti organizations, you can trust them because they are watched by the government. In Afghanistan, the Kuwaiti organizations said they wouldn't work inside there. [For] Kuwaiti organizations, I would just give them money while I was in Kuwait.

Tribunal Member: This project in Afghanistan that you went to check on, where was it located? Was it in a town?

Detainee: When I entered Afghanistan, the events happened so I wanted to leave, I didn't think of where the project was or anything, I was just trying to leave. You would be surprised, until now, I don't know what happened. I know about the World Trade Center

from the television, what happened there. In Afghanistan, there is no news or anything like that. So for 3 years, we still don't really know what happened, what those events were.

Tribunal Member: Because there were no Kuwaiti organizations that donate money that dealt with Afghanistan, how would the government feel about you donating money to Afghanistan?

Detainee: [The] Kuwaiti government didn't say anything, even the people in the newspaper that went to Afghanistan, it was in the paper, and they didn't say anything. And that official passport is with you right now. It is permissible for me to travel to any country in the world, there's no country I am not allowed to travel to.

Tribunal President: This charitable project in Afghanistan, was it already underway or were you traveling there to get it started?

Detainee: No, I gave the funds in Mecca to dig 5 wells, I considered it be a small project. That was just to start the project and when I went there I would go see it for myself. Like the Kuwaitis who went to Afghanistan and came back and wrote in the newspaper what they had seen.

Tribunal President: So you knew where these projects were located in Afghanistan before traveling?

Detainee: No, I did not.

Tribunal President: Who was going to show you where they were located?

Detainee: The same person I gave the donation to.

Tribunal President: When you left Kuwait and traveled to Pakistan, you traveled alone?

Detainee: Yes, by myself.

Tribunal President: And then from Pakistan to Afghanistan, you had traveling companions?

Detainee: From Karachi to Quetta airport and then I took a car and went to Afghanistan.

Tribunal President: Where in Afghanistan were you going to meet this person you gave the charitable donation to?

Detainee: He greeted me at the airport in Karachi.

Tribunal President: What is his name?

Detainee: Faisal

Tribunal President: That was Faisal?

Detainee: Yes

Tribunal President: Shortly after that, the next day, you got sick and went to the hospital?

Detainee: When we entered Afghanistan, it's true. The next day, it was because of something I ate, I went to the hospital.

Tribunal President: Other than the hospital, where did you stay when you went to Afghanistan?

Detainee; I was moving around; his house was in Kabul. I went to visit Kabul to his house. And then we tried to move from place to place until we went to the Iranian and Pakistani border, it was all movement I was with him, in his house, his family's house.

Tribunal President: Were he and his family trying to leave as well?

Detainee: Honestly, his family I don't know, he had left his family at that time, his family was in Kabul at the time I was leaving. I went to Kabul in November approximately.

Tribunal President: When you were captured who else was with you when you were captured?

Detainee: A group of people.

Tribunal President: Was Faisal with you?

Detainee: No, I left him in Afghanistan.

Tribunal President: Was Abdul Hakeem with you?

Detainee: No, people I didn't know were with me.

Tribunal President: How many?

Detainee: A group maybe nine or eight.

Tribunal President: Did you have to pay someone to smuggle you in or attempt to smuggle you in Pakistan?

Detainee: Yes, of course. Of course that's necessary.

Tribunal Member: In reviewing the packet your family provided us, we noticed that you received acknowledgements from the Islamic Heritage Society and thanksgiving for your donation, as well as an example of an actual contract itself. On one occasion, it is indicated that the farm you made a donation for was located 70 miles south of the Indonesian capital. Did you not receive a similar acknowledgment for the contract that you executed relating to your donation for Afghanistan?

Detainee: The project in Afghanistan was a very small project. It was about \$450 and five wells. Very small. That's one thing; another thing is the way of this Islamic Heritage Society. It is an official way and it differs from other associations. But this Sanabal Committee, I did not do any official business with them, so I don't know if they work the same way as the Heritage Society with contracts and stuff. I did not continue with them. I would only go see these projects if they really did happen, whether it was true or not. But this all never happened. The events happened and I couldn't do anything.

Tribunal Member: Were you concerned your donation was not being properly used?

Detainee: No, I just wanted to get out. And they felt that they had put me in a compromising situation, until someone comes and sees this and something happens while we were there, the situation didn't allow us to go and say, let's see this.

Tribunal Member: Is this the first time you ever traveled to Afghanistan?

Detainee: Yes.

Tribunal Member: It seems like quite an ordeal to go all the way from Kuwait to Afghanistan for such a small project of \$450.

Detainee: I looked at this as a start to many more projects. This was just for this project that I went to Afghanistan to see if the situation was good. If the committee was good, if I could do more charity work there. Like the Kuwaitis have done there before.

Tribunal President: Mohammed Fenaitel Mohammed Al Daihani, do you have any other information that you would like to present to this tribunal today?

Detainee: No.

Personal Representative and Recorder have no additional witnesses or evidence.

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

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AUTHENTICATION

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

A large black rectangular redaction box covers the signature area. Below the redaction, the text "Colonel, U.S. Marine Corps Tribunal President" is visible.

Colonel, U.S. Marine Corps
Tribunal President

UNCLASSIFIED//FOUO

ISN# 229
Enclosure (3)
Page 12 of 12

000401

Unsworn Detainee Statements

Detainee: I would like to know who is present with us in the Tribunal.

Tribunal President: As identified, the Tribunal Members, the Recorder, the Reporter, the Translator, and you know your Personal Representative. These other two gentlemen are journalists.

Detainee: Reporters [referring to the journalists]?

Tribunal President: Yes, for this open session,

Detainee: Tell them welcome.

Tribunal President: You have no objections that they attend this session?

Detainee: No. I have no objections, but the Commanders of the Tribunal, do they have a background in law or law diplomas, or are they just officers?

Tribunal President: They are military officers and one is a Judge Advocate General, which is a military lawyer.

Detainee: The others, do they know anything about the law?

Tribunal President: We have a general knowledge of the military and the Tribunal proceedings.

Detainee: I am a civilian, so how can you try me in a military court? Under what basis?

Tribunal President: This is not a legal proceeding. This is an administrative hearing to determine your enemy combatant status.

Detainee: Good.

The Detainee asked what the Detainee Election Form was and the Tribunal President read it to him. The Detainee then stated he would explain why he did not call any witnesses when he makes his statement.

When the Tribunal President stated the Tribunal Members needed a minute to look over the unclassified evidence to become familiar with it, the Detainee stated it would have been better if the Tribunal Members had been familiar with it [the unclassified evidence] beforehand; that way, if there were any comment about it, the Detainee would have been able to respond. Additionally, the Detainee was concerned that a question would arise after he had left the Tribunal and he would not have the opportunity to answer the question.

The Tribunal President stated he would have an opportunity to review the evidence while the Detainee was still in the Tribunal and would be able to address any questions to the Detainee.

The Tribunal President told the Detainee the reason the Tribunal Members had not looked at any evidence prior to the Tribunal was to keep a clear mind as to the Detainee and his enemy combatant status.

Sworn Detainee Statement

In the name of God, most Gracious, most Merciful. Thanks to Allah who, there is no God but him, and prayers and peace he upon our prophet Mohammed, the last of the prophets and messengers.

Hear now: From the beginning, the reason I didn't call any witnesses is because this matter does not require calling any witnesses. I know that the accused is innocent until proven guilty. In ail of the law, witnesses are brought for the accused. I haven't heard of witnesses being called to prove that someone is innocent and has not committed a crime. First of all, prove that I'm a criminal, and after that I would need to prove that I'm innocent, and I will bring witnesses. That's why I did not present any witnesses.

Regarding my answer to the accusation that I am a member of Al Qaeda, so I say: that this accusation does not have anything to support it, but it is merely words with no evidence to prove it. As if monetary receipts were found on me to indicate that I had given financial support to Al Qaeda, or that I was arrested in a place specific to Al Qaeda, or that I was seen attending their meetings, or that it was found that I have a strong relationship with Usama Bin Laden, or during the time of my arrest or capture, I was found with a weapon. So on what grounds have I been associated with Al Qaeda when none of these things have happened?

The answer to the accusations that have been brought upon me. The first point, number 1. What is the relationship between traveling to Afghanistan and Al Qaeda? How can it be that travel to a large country with millions of people is travel for Al Qaeda, which does not even represent 1% of that number or population? For is a person who traveled to China considered a communist? And is a person who traveled to Iraq considered loyal to the Baath Party? So, how did you make the fact that I traveled to Afghanistan an accusation that I am a part of Al Qaeda?

As for the fact that I traveled from my country, Kuwait, after the events of September, this is a very natural thing. These events, the events of September, occurred in America. So the chaos and confusion was not present anywhere but America only. But as for the rest of the countries in the world, the situation was very normal. People were going about their routine lives. So, there was nothing strange about my trip.

Also I had met an Afghani man on one of my trips to the "Omra" whose name was Mohamed and he lives in Iran.

The translator clarified "Omra" is when you travel to Mecca for worship. You can do it any time of year, except for the designated time for Hajj.

This "Omra," millions of people go and do it every year. So this Afghani man proposed to me to travel to Afghanistan to teach the Koran and the Arabic language and Islamic studies. Because there are so many people in Mecca at that time, it is very normal for you to meet people and say "where are you from*" and things like that. So, even though a person might have been a friend from before, it is normal to meet people during that time.

Returning to the subject. So, he proposed to me to travel to Afghanistan to teach the Quran, the Arabic language and Islamic studies. Of course, this is after he learned that I studied Islamic Studies for 4 years at the Imam Mohamed Bin Saud Islamic University. I had graduated with a "Very Good," just a few marks away from "Excellent"

I don't recall the date I met him [the Afghani man]. This man gave me his phone number and said to me "If you wish to accept my offer" and I mean traveling to Afghanistan to teach, "then call me on my phone and I will arrange everything." Then I returned to Kuwait and after a period of time when the problems happened in Afghanistan, I decided to accept the offer to teach in addition to helping some of the needy after my family had transferred some money to me. That was the idea, especially after I had seen on television the needs of the people.

That is not a peculiar thing because rescue work does not happen unless it is after a disaster or problem. In times of peace and security and prosperity, no one needs rescuing.

For your knowledge, war in Afghanistan had not stopped for many long years so there was no difference between before September or after. I had thought that the war would only be on the battlegrounds because I had seen when Iraq was in my country; I saw the fighting was only on the front lines. It would not go into the cities or villages, or that there would be an assassination attempt on certain individuals, for example, Usama Bin Laden, Mullah Omar, or any of the big figures that were wanted by America. For example, when they bombed the palaces of Moammar Khadafi in Lybia. After the event of a plane in Lockerbie [Scotland] or their kidnapping, as it had happened to the president of Panama, Noreiga, and that the matter would end at that.

I thought my trip would be via Iran, then Pakistan, and that is what I told my family, because I knew that the relationship between Iran and Afghanistan was bad because Afghanistan had killed diplomatic individuals who were Iranian, and that's when things started to deteriorate between the two countries. I thought the borders would be closed. But after calling that Afghani man Mohamed, he said to me "It is possible for us to enter

Afghanistan via Iran, for the border crossing point between them is operating," so I said "Then there is no need to travel to Pakistan, particularly since it requires another visa."

I just want to say that it is my nature to smile. I am always smiling, so it's nothing out of the ordinary. Don't think it is anything else.

The Detainee had been smiling throughout the proceedings.

And I had intended to stay for a short period then return. There are several facts that support that, including that I had sent my High school and University diplomas to the Arab Republic of Egypt so that I could continue my studies towards my Masters in Islamic Studies. I had paid my registration dues, and I was waiting for an answer to my application. This was before my travel. This was done through the Ministry of Higher Education in the country of Kuwait. It is a Government organization. My application, this ministry, was not closed until after my imprisonment

If you want to verify this point, you can get in touch with your embassies in Kuwait and they will get a hold of the Ministry of Higher Education in Kuwait and they will give them receipts or documents that will show that I had registered with them and was waiting for my acceptance into that university.

I also presented my paperwork in order to improve my position at work from a teacher at Dar Al Quran, which is a part of the Ministry of Islamic Affairs and Charity, to a teacher at the Institute of Applications after I was sent by the government to obtain a Doctorate Degree. Those institutes award diplomas higher than High School and less than Bachelors. This did not happen because I was imprisoned.

You can also verify this. I had sent an application and I was waiting for a reply to set up an interview. After I came to this prison, I heard from my family that they [Ministry of Higher Education] had called my family and were looking for me to set up an interview.

So, how could I have traveled to meet with Al Qaeda, when I had made all those arrangements? And for your knowledge, my trip was via official channels and with government issued travel documents. There was nothing in my Kuwaiti passport to indicate that it was forbidden to travel to Afghanistan, for if there was a restriction, the mistake is on my government's part that did not tell me of this restriction. But it was written in my passport, on the first page, "This passport is valid for travel to all countries in the world unless it is otherwise mentioned" and they did not mention Afghanistan.

The Kuwaiti government does not restrict travel to any countries, even any Kuwaiti national who wants to travel to Iraq; the government does not tell them that they cannot travel to Iraq. The border point between Kuwait and Iraq is closed. If someone wanted to travel there, there is no law in Kuwait that says it is forbidden.

So, how can you say that my travel to Afghanistan was a crime, when my government did not restrict that travel?

This is the answer to the second point. After the fall of the Taliban, every Arab in Afghanistan was wanted dead or alive, whether or not he was a combatant in the first place. I heard they had started buying Arabs and selling them, so I became afraid at hearing this news so I decided to escape quickly.

It is known by you that a traveler, most of the time, does not carry his passport with him but leaves it with his valuables and luggage, especially in a country like Afghanistan. There is no one to ask anyone about identification in Afghanistan. You know that there are many highway robberies in Afghanistan, so how can I carry my passport and official documents with me?

That's why I could not return to my luggage, The events had started to evolve a very fast and dangerous evolution, so I said to the man that was with me "I want to leave quickly," so he arranged my departure for me.

As you know the war or fighting inside the country started and the government fell and people started to fight amongst themselves and the weak escaped. They would not have taken refuge at the known border stations, because the armed individuals, or assassins or mercenaries had taken them over and would kill anyone who went there. That is exactly what happened in Afghanistan. Of course, you know that people in Afghanistan kill for money. Killing had become the simplest thing.

So it became natural for me to walk and escape to Afghanistan, until I could go to the embassy there which would arrange my situation. What indicates that I am not a dangerous person, and that I have no secrets, is that I turned myself into the police without a chase or resistance or anything else. I went to them.

And then what is the relationship between my crossing the border and Al Qaeda? Is everyone who crossed the border at that time a person who is loyal to Al Qaeda? Those are words that cannot be said, for when Iraq invaded my country, Kuwait, and men and children and women were escaping to Saudi Arabia, Jordan and Iran, we did not see anyone arrest them and tell them you are followers of Saddam Hussein. Knowing that they were crossing over at the border stations secretly and without travel documents, and those countries' authorities would not arrest them but would help them and construct medical tents for them to treat them in. Under those circumstances no one asks for documents because the circumstances are not normal in that part of the world.

And then let's assume that I made a mistake in this matter, I mean in my crossing the border without identification documents. The known procedure in a situation like this in all countries in the world is to detain me until the Pakistani authorities could find out my identity and country then send me back to my country. Not to turn me over to the American authorities, as a member of Al Qaeda and the Taliban, for this is an

unbelievable thing. Knowing that they asked me for my personal information and I gave it to them at the first moment, and they said to me "We will verify this with the Kuwaiti government." So, on what basis did they turn me over to you?

This is the answer to the third point. My name is Abd Al Aziz Sayer Al Shammri, and I have no other name but this name. There is no relationship between me and any person from Al Qaeda. If a name like mine was found on a list with one of the people, then this would be a likeness in names because there are millions of Arab people that have my same name. My tribe is very large in the Gulf. My tribe is present in Kuwait, Saudi Arabia, Jordan, Syria and Iraq. The name, Abdul Aziz, and the name of the tribe is very well known and spread out. For my name, many others have it as well.

You haven't found my personal identification with that man, so you could say you placed these things with him, so this indicates a relationship between you two, other than a name similar to mine was found.

And let's assume the name found was my name. I cannot prevent any person from writing my name in anything they want because this is not under my control. For example, if Hitler wrote my name, I would not go to him, and tell him why did you write my name. As long as I don't have a relationship with him, then I am not responsible for his writing. And whomever wants to, will write whatever they want. I don't have a relationship with anyone. Also, I asked my Personal Representative, "What was the title to these names?" He said they were just names, there was no title. To this, I say, besides that list is nothing but names only nothing else and nothing is known about it. How can you say it is from Al Qaeda? And you found just names, nothing else.

That is if this list is not a fake from the interrogators, for any person can type into the computer whatever they wanted any time they wanted, then say this was found on the computer.

I have a final note. How could I be associated with Al Qaeda and I never traveled to them? Not even one time. I'm sure the Kuwaiti government gave you a list of my travel, dates and locations and not one of those travel dates or locations was to Afghanistan, or the countries that are surrounding Afghanistan. So, how can I be part of an organization when I never went and traveled and met them?

Also, you know that Al Qaeda is not a political organization, so that it would give political instructions. They are people who fight. Which means, that someone that was part of them has to go and train to learn how to fight So, how can I be a part of them when I never went to train with them and I never went to their meetings?

Also, if I had wanted to fight against the Americans, the matter did not require me traveling to Afghanistan. The Americans are present in Kuwait. So, if I wanted to fight with them, I would have fought them in Kuwait. You saw how people are bombing Americans in Saudi Arabia. If I had any hatred on my part, I would have done that to the

Americans in Kuwait. There was no need for me to travel. If you're saying that the American is my enemy, these Americans are there in front of me. The mind does not say to leave my enemy when he is in front of me and go to another country to fight him. When that did not happen, it is proof that there is no hatred on my part towards the Americans.

This answer that I just read to you is based on the information that you presented to me. If you gave me any other information, I can answer it. I am sure that if all the interrogators in America came in and interrogated me, they cannot bring anything to me that will harm me because I am a peaceful person and I don't have anything.

I think the words I told you are sufficient, that is, if these proceedings are real and legal official proceedings, and it is not, as some say, a play or movie.

These are the words of Abd Al Aziz Sayer Al Shammeri, presented to you. You look at whatever you want to look at.

Based on the accusations and the points you have shown me, this concludes my statement. If there is something else that I do not know, if you tell me, I will clarify it.

I have one more thing to say. Some of the things I wrote down and some of the things I added today.

The Detainee is referring to his written statement that was entered as Exhibit D-b. The Detainee read from his statement and elaborated on certain points.

Questions by the Tribunal President

Q Referencing the family affidavit, have you seen it?

A Yes, my Personal Representative showed it to me.

Q It identifies that you joined the Kuwaiti military in 1992. Is that true?

A Yes.

Q 1990 is when Iraq invaded Kuwait. Do you recall?

A I don't remember the exact date.

Q You recall that tragic event?

A Of course I remember, but I forgot the date.

Can you tell us how that affected you and your family?

A: My older brother, God rest his soul, was killed by the Iraqi forces. I saw the tragedy in the streets. They were killing people in the streets. Yes, I saw this. One of the students that was with me at school, they killed him in front of his mother and brothers and sisters. So, yes, of course, it affected me very much.

Q: I am sorry about the loss of your brother.

A: Thank you, very much.

Q: Is this part of the reason you joined the military in Kuwait?

A: No, a lot of people in Kuwait join the military just as a job. It pays good wages. You know that Kuwait is a country that cannot really fight. It is a very small country; it is not capable of going to war.

Q: Your father is a retired policeman?

A: Yes, he's retired.

Q: Why did you pick September of 2001 to travel to Afghanistan?

A: It's just like I told you, because of the trouble that was over there; to help. Before the events, I had gotten the offer to go to Afghanistan. It was kind of like an excuse to travel. You know that charity organizations, they only go to places where there is trouble or need. They don't go to any other countries.

The situation in Afghanistan was not dependent on the events of September. Wars had been going on in Afghanistan for 20 or 25 years.

Q: You had no opportunity prior to that to travel to Afghanistan?

A: Travel is of my own will. There is nothing really that made me travel at this moment. It was just travel.

Q: Have you traveled to other countries with the same charitable intent?

A: It was to close neighboring countries, but just to give some money to the poor or something. For example, in Kuwait, any person who is poor, the government gives them wages. In other countries, like Saudi Arabia and the United Arab Emirates, we know that there are very poor people there and the government does not help them. Sometimes you travel; you would have some money and just distribute it because you know in those places there are people who are needy. My studies were in the United Arab Emirates, so I know that situation there.

Also, I traveled to Mecca several times and saw the beggars there. People pay or give a lot of money in Mecca because they think that place is blessed.

There was no need for me to travel to far places, except for this one time.

Q: While you were in Afghanistan, did you ever have, in your possession, a weapon?

A: No.

Q: While you were in Afghanistan, did you observe violent acts against Afghans or other individuals?

A: The nature of the reason why I went there is very far from the things you are talking about.

The Tribunal President stated that his questions were relevant for determining the Detainee's enemy combatant status. The Detainee did not understand, so the Tribunal President read the definition of enemy combatant to the Detainee. The Detainee understood.

Okay, I didn't see any violent acts.

Questions by **the Tribunal Members**

Q: Do you speak English?

A: Little.

Q: That you've learned here?

A: In Kuwait they teach us English for about 8 years. It has now been 12 years. Being around the soldiers here helps us.

Q: How long have you been here, at the camp?

A: Almost 3 years.

Q: I want to stay on the line of questioning you heard a few minutes ago. The problem we have with a certain portion of your statement is that you indicated you chose not to carry your passport with you because you said Afghanistan was such a dangerous place. We understand that there was no government functioning there because you said it was after the fall of the Taliban. We presume, therefore, virtually everyone carried weapons or sought personal protection of some kind, yet you said you did not carry a weapon, even though you were concerned with the danger. In addition, even though Afghanistan had no functioning government,

Pakistan did. We wonder how it was that you thought you could gain entry into Pakistan with no passport?

A: Good. Please continue what you were saying.

Q: Can you please reconcile these concerns for us?

A: Yes. I didn't say I left my passport in my bag just after the fall of the Taliban; I did that all the time. One of the reasons that made me not carry my passport with me, in Afghanistan no one asks you about documentation or identification. In that particular time, I was away from the place that had my luggage and my bags. It was with the people that had taken me in. I forgot the name of the place I was in, but the Afghani man that was with me told me that the forces that were followers, part of the Northern Alliance had entered the closest city to us. They started killing any Arab they saw and captured them, even if he wasn't a combatant. You know they killed some of the women as well. And you know that women in Islam are not killed; they don't fight or participate in the fighting. So, when I hear something like that, I don't think of going back and getting my passport, I just think of my life.

Like I told you, I thought if I went to Pakistan, they would detain me for a while until they found out my country and then return me to my country. I didn't think they would tell me "Since you don't have identification or a passport, that means you're a follower of Usama Bin Laden." I have never heard of this before, if you don't have a passport, you are a follower of Usama Bin Laden.

Like I told you, all they had to do was find out my identity and return me to my country. Even if it's true that I made a mistake, this doesn't have anything to do with America. This is a problem between me and the government of Pakistan. I don't know what America has to do with me crossing the border with no identification. That is in addition to the things I said before. It ties to it

Q: I'm sure that one of the major concerns surrounds your name being found on a computer hard drive, or so the U.S. Government says. We understood what you said during your statement, that perhaps the U.S. Government could have planted that document there, but there must be a more reasonable reason those names appeared on the hard drive. Is there anything else you would like to say to address that concern?

A: First, when the Pakistanis turned me over, they did not turn me over because my name was found on that list, because that list you are talking about, they only told me about it a few months ago in interrogation. They captured me 3 years ago; before you captured this person you are talking about. So, you didn't even capture me because of this list. My name was not on the international Interpol list for them to turn me over to you.

In that sense, from the beginning the Pakistani government was wrong; it was illegal for them to turn me over to you.

I will give you an example. Let's say any country in the world put my name on a list of people who are not allowed to enter that country. Are you going to come and ask me why this country put my name on their list? Or, will you go to that country and ask them why they put my name on their list? I don't have anything to do with this. This is not something I am responsible for. If Bin Laden, himself, had written my name, is this considered a crime that I committed? Your duty is, first of all, to ask Bin Laden, and second, you have to look at are the words of Bin Laden the truth? Let's say that you called him and he said I knew this person in China and his name is so and so. Are you automatically going to detain that person or will, you look for that man? Are you going to see if he had any meetings with Bin Laden? Did he meet with any people that met with Bin Laden? You have to see if the words Bin Laden said are the truth. It doesn't mean that any name you find with Bin Laden you go and catch all those people. This is not my mistake or my fault that this man wrote my name.

Right now, if you wrote my name, I don't have the ability to come and take the piece of paper and rip it up. How can you fault me for the actions of others?

Those are my words and I hope they are good.

Q: As I understand your statement and the information provided by your family, you are considered to be an educated man in Kuwait?

A: Thank you.

Q: You are, in fact, a lawyer, aren't you?

A: No, in my studies I study some things, but I am not a lawyer. If I wanted to be a lawyer, my degree would enable me to work as a lawyer.

Q: You do have a degree in Islamic law, do you not?

A: That's what brought me here to this prison, this degree.

Q: That's unfortunate,

A: God willing, when I get out of here I won't study any of this Islamic law. I'll just raise sheep or cattle and live in the desert.

Q: In your statement, you claim to be quite well informed of world events and history?

A: I don't live in the desert. I live in a city that has television and radio.

Q: At the time you made your decision to travel to Afghanistan, you were well aware of the civil war there?

A Yes.

Q And, you knew that it had been going on for quite some time?

A Yes.

Q You were not concerned for your personal safety?

I told you, when Iraq invaded Kuwait the fighting between these forces was only occurring on the front lines. You saw, in Europe, there was a war there in the days of Hitler, Italy, the fighting was on the battlegrounds or front hues, but in the cities, the people were living their normal lives.

The markets were functioning. The places of worship, mosques and churches, were functioning. The hospitals were functioning. Men would marry women and they would start new families. Life was going on; it would not be interrupted except on the battleground or places where there was fighting.

The danger is if the fighting was in the streets. In that case, the people would be scared and all aspects of life would be interrupted. I didn't think the situation would be that way in Afghanistan. I thought the lines where the fighting was, the fighting, the government would fall and that would be it.

I also did not realize or think that the government of Afghanistan would fall in the blink of an eye. Everyone there thought the war would go on for a very long time. I was just traveling there for a very short time and then would return. When I went there, I didn't think the situation would explode like that.

On September 11,2001 were you still in Kuwait?

Yes.

According to information your family provided, it says you went to Pakistan on October 15,2001. Is that close to being accurate?

A: I think it is close to the date, but I don't remember exactly.

Q: Is the October time frame reasonable?

A: Approximately.

Q: By that time, a reasonable person could infer that the conflict in Afghanistan was about to widen substantially.

A: Quite the opposite. It wasn't like that. I think maybe your watching the news was very little at that time. The Americans were saying at the time that this war would take a long time. They were saying that the Taliban fighters were very ferocious in their fighting. That is what they were saying in the news. They weren't saying their enemy was weak and they were going to finish this in moments. Maybe the news in your country was something political and they wanted to gain something political from it We, the simple people, take in the news as we hear it and that's what we heard.

Q: When you were in Afghanistan, I know you said you didn't remember the town you left your valuables in, but can you tell us a little bit about what you did before things turned bad?

A: First of all, why did I forget the name of the place? The names of these places were in a language that was not my own. It was for the first time I was hearing the names of these places. My work, the charity work, is always in villages, so it wasn't very useful to me or it didn't mean much to memorize the names of these villages. That is the reason I forgot the name.

After this Afghan man took me in and I stayed with him, by the way, I just want to make you aware that this Afghani man spoke Arabic. He was the middleman between me and the people I was going to teach. I would teach in Arabic and he would translate it into Afghan. With the Koran, you have to teach it in Arabic. We don't have any translations; it has to be read in Arabic.

So, I was moving around between different mosques and every so often I would stay with different people with this Afghani man that had offered me this opportunity. I would teach them whatever was related to that certain period of time. For example, teaching them how to pray and to read short passages. They can't pray without those passages. I would teach them things that were not disputed between Muslims.

I moved around from place to place for a short while and then everything went bad. Then, the phase of trying to escape began.

Q: I know it may be difficult, but can you estimate how long that was? A couple days or weeks?

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A: I swear to God it's difficult because I went through difficult situations at that time. These periods of time are very far away right now. It wasn't long, but I just can't remember exactly.

Q: You were on vacation from your job?

A: By God I remember that I did take a vacation, but I don't remember if it was a medical leave. I don't remember exactly, but I know there was something. Just keep in mind that when I was here, I stopped eating and drinking for about 100 days, so I have forgotten a lot of things. The details, I cannot remember. You can take that information from my interrogation files. I'm sure that I gave it to them [interrogators] in the beginning.

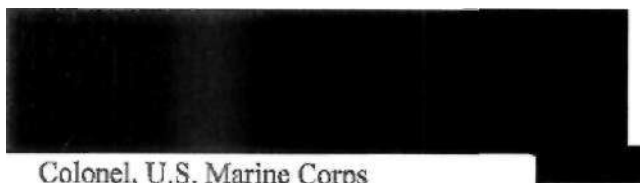
The Detainee made the following final statement:

I hope that you really are fair in this Tribunal and that you do not punish me for things that other people have done. If I made a mistake, and you want to punish me for that, I don't have a problem with that because it was something that I did. Don't place other people's mistakes on me.

The Detainee asked to speak with his Personal Representative following the Unclassified portion of the Tribunal and the Tribunal President allowed this, as long as the Personal Representative's schedule allows it

AUTHENTICATION

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

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

Colonel, U.S. Marine Corps
Tribunal President

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ISN#217
Enclosure (3)
Page 14 of 14
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In the name of God, most Gracious, most Merciful

Thanks to Allah who there is no God but mm, and prayers and peace be upon our prophet Mohammed, the last of the prophets and messengers.

Here now:

Regarding my answer to the accusation that I am a member of Al Qaeda, so I say: That this accusation does not have anything to support it, but it is merely words with no evidence to prove it, as if monetary receipts were found on me to indicate that I had given financial support to Al Qaeda, or that I was arrested in a place specific to Al Qaeda, or that I was seen attending their meetings, or that it was found that I have a strong relationship with Usama Bin Laden, so on what grounds have I been associated with Al Qaeda, when none of these things have happened.

First:

What is the relationship between traveling to Afghanistan and Al Qaeda, and how can it be that travel to a large country with millions of people is travel for Al Qaeda which does not represent 1 % of that number, for is a person who traveled to China considered a communist? And is a person who traveled to Iraq considered loyal to the Baath Party? As for the fact that I traveled from my country, Kuwait, after the events of September, this is a very natural thing, for these events occurred in America, so the chaos and confusion was not present anywhere but America, but as for the rest of the countries in the world the situation was normal, and people were going about their routine lives, so there was nothing strange about my trip.

Also I had met an Afghani man on one of my trips to the "Omra" whose name was Mohamed and he lives in Iran, so he proposed to me to travel to Afghanistan to teach the Quran and the Arabic language and Islamic studies. Of course this is after he learned that I studied Islamic Studies for 4 years at the Imam Mohamed Bin Saud Islamic University and I had graduated with a "Very Good" just a few marks away from "Excellent"-and I don't recall the date I met him because I have forgotten at this time-and this man gave me his phone number and said to me: If you wish to accept my offer, then call me on my phone and I will arrange everything.

Then I returned to Kuwait and after a period of time when the problems happened in Afghanistan I decided to accept the offer to teach in addition to helping some of the needy, after my family had transferred some money to me, that was the idea, especially after I had seen on television the need of the people, and that is not a peculiar thing because rescue work does not happen unless it is after a disaster or problem, whereas in times of peace and security and prosperity, no one needs rescuing, and for your knowledge war in Afghanistan had not stopped for many long years so there was no difference between before September or after, and I had thought that the war would be on the battlegrounds and that the fighting would not reach the cities and villages, or that there would be an assassination attempt on certain individuals or their kidnapping as it had happened to the president of Panama and that the matter would end at that. And I thought my trip would be via Iran, then Pakistan-and that is what I told my family-because I knew that the relationship between Iran and Afghanistan was bad, but after

calling that Afghani man Mohamed he said to me: It is possible for us to enter Afghanistan via Iran, for the border crossing point between them is operating, so I said: Then there is no need to travel to Pakistan, particularly since it requires another Visa. And I had intended to stay for a short period then return, and there are several facts that support that including that I had sent my High school and University diplomas to the Arab Republic of Egypt so as to continue my studies towards my Masters in Islamic Studies, and I had paid my registration dues, and I was waiting for an answer to my application, and this was done through the Ministry of Higher Education in the country of Kuwait, and it is a Government organization. And my application was not closed until after my imprisonment. Then I also presented my paperwork in order to improve my position at work from a teacher at Dar Al Quran, which is a part of the Ministry of Islamic Affairs and Charity, to a teacher at the Institute of Applications after I was sent by the government to obtain a Doctorate Degree and those institutes award diplomas • higher than High School and lower than a Bachelors and of course that did not happen because I was imprisoned, so how could I have traveled to meet with Al Qaeda, when I had made all those arrangements? And for your knowledge my trip was via official channels and with government issued travel documents and there was nothing in my Kuwaiti passport to indicate that it was forbidden to travel to Afghani stun, for if there was a restriction, then the mistake is on my government's part that did not tell me of this restriction. But it was written in my passport that "This passport is valid for travel to all countries in the world unless it is otherwise mentioned" and they did not mention Afghanistan.

Second:

After the fall of the Taliban, every Arab in Afghanistan was wanted dead or alive, whether or not he was a combatant in the first place, because as I heard they had started buying Arabs and selling them, so I became afraid at hearing this news so I decided to escape quickly, and as it is known by you that the traveler most of the time does not carry his passport with him but leaves it with his valuables and luggage, especially in a country like Afghanistan, because no one asks anyone about their identification in Afghanistan that's why I could not return to my luggage because the events had started to evolve a very fast and dangerous evolution, so I said to the man that was with me I want to leave quickly so he arranged my departure for me and as you know had the war started and the government fell and people started to fight amongst themselves and the weak escaped, they would not have taken refuge at the known border stations, as they know that armed individuals had taken over them and would kill anyone who went there, and that is exactly what happened in Afghanistan, for killing had become the simplest thing. So it became natural for me to escape to Afghani ground walking, until I could go to the embassy there which would arrange my situation, and what indicates that I am not a dangerous person, and that I have no secrets, is that I turned myself in to the police without a chase or resistance or anything else.

And then what is the relationship between my crossing the border and Al Qaeda, is everyone who crossed the border and that time a person who is loyal to Al Qaeda, those are words that cannot be said, for when Iraq invaded my country Kuwait, and men and

children and women were escaping to Saudi Arabia and Jordan and Iran we did not see anyone arrest them and tell them you are followers of Saddam Hussein.

Knowing that they were crossing over at the border stations secretly and without travel documents, and those countries' authorities would not arrest them but would help them and construct medical tents for them to treat them in, for under those circumstances no one asks for documents because the circumstances are not normal in that part of the world.

And then let's assume the assumption that I made a mistake in this matter-I mean in my crossing the border without identification documents- the known procedure in a situation like this in all countries in the world, is to detain me until the Pakistani Authorities find out my identity and country then send me back to my country not to turn me over to the American Authorities, as a member of Al Qaeda and the Taliban for this is an unbelievable thing, knowing that they asked me for my personal information and I gave it to them at the first moment, and they said to me we will verify this with the Kuwaiti government so on what basis did they turn me over to you.

Third:

My name is Abd Al Aziz Sayer Al Shammri, and I have no other name but this name, and there is no relationship between me and any person from Al Qaeda, and if a name like mine was found on a list with one of the people, then this would be a likeness in names because there are millions of Arab people that have my same name for my name many others have it as well. And then you haven't found my personal identification with hiwi so you could say you placed these things with him so this indicates a relationship between you two, other than a name similar to mine was found.

And let's assume the name found was my name, well I cannot prevent any person from writing my name in anything they want because that is not under my control, so for example if Hitler wrote my name, I would not go to him, and tell him why did you write my name, as long as I don't have a relationship with him then I am not responsible for his writing. And whoever wants to write whatever they want I don't have a relationship with anyone, besides that list is nothing but names only nothing else and nothing is known about it, so how can you say it is from Al Qaeda.

That is if this list is not a fake from the interrogators, for any person can type into the computer whatever they wanted any time they wanted, then say this was found on the computer.

And with this, prayers and peace from Allah be upon our prophet Mohammed.

Note: How could I be associated with Al Qaeda and I never traveled to them not even one time, and I did not participate in their meetings and gatherings.

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Summarized Unsworn Detainee Statement

After the Tribunal President advised the Detainee of the hearing instructions, the Detainee asked if he would have a lawyer after this session.

The Tribunal President advised that this was not a legal proceeding, but an administrative proceeding and therefore a lawyer was not needed. The Tribunal President also advised that depending on the outcome, the Detainee may or may not need a lawyer at a later date. The Detainee understood.

The Tribunal President advised the Detainee the witnesses he requested were not reasonably available, and would not appear before this Tribunal.

Detainee: I requested witnesses, but I want witnesses from you too. I want you to prove everything that has been said about me is true. Being in this place, I cannot provide any witnesses for anything. I could reference some points...

Tribunal President: Let me interrupt. It has already been identified by the Recorder, who represents the United States that she has called no witnesses to testify against you. These allegations on the unclassified summary are the only unclassified evidence that has been presented. You have the opportunity to tell us your story.

The Detainee made the following statement:

I was in Pakistan and explained, in detail, in many other interviews before this, what I was doing in Pakistan. I never went to Afghanistan, ever. You have to prove how you came to the conclusion that I am a member of the Taliban.

The Tribunal President advised the Tribunal Members are going to take and consider all the facts and determine if the Detainee is properly classified as an enemy combatant. The Tribunal President also explained that the Tribunal Members have not viewed any evidence prior to sitting down in order to maintain an open mind.

Good. I didn't realize that I was going to have to repeat my story again, but I am ready to repeat it.

I left Yemen almost 4 years ago. I left the city of Sana'a to go to Karachi, Pakistan. I went to do business. I was planning on dealing in textiles. I saved some money and I already had some money because I was already doing business in textiles. Most of the money I took to do business with was from my mother. It was \$3,500.00.

I got my plane ticket and visa from Yemen. The people who were in the textile business told me the best place to go for good quality things is Pakistan. I don't remember the date I arrived in Pakistan, but it is in my passport. You will see that there was only one trip to Pakistan in my passport. It will say the date I left Yemen. I have asked about my

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passport in interrogations here before, and they said it is not here. There is another way to find out. Check with the Yemen International Airport, and you can easily find out the date I left Yemen from the airport authorities.

I left Yemen, went to Pakistan and went to a hotel. I stayed at the hotel for a few days. I wasn't familiar with Pakistan streets and environment, but the name of the hotel is very well known. After 3 days, as I was walking the big textile market, I met a person by the name of Hussein Bashir in one of the shops. He spoke to me in Arabic, lived in Saudi Arabia for 3 years and is about 28 years old. He told me he lived in Mecca for 12 years and his original nationality is Pakistani. He told me he would help me to the right places and introduce me to the right people to buy textiles. He told me not to buy right away and to be patient.

He [Hussein Bashir] was like a friend/advisor to me. I told him I was staying at the hotel and he told me he had a modest house and I should stay with him. I got my luggage from the hotel and went to his house. I stayed at his house for 6 months. Initially, I expected to stay 2-3 weeks at the most. My plan was just to buy textiles and go back to Yemen.

We, [Detainee and Hussein Bashir] traveled all over Pakistan, and he showed me all of the landmarks and sights in Pakistan. I found out later that he [Hussein Bashir] was using me for the money.

Hussein Bashir's mother passed away and he has 2 brothers and we [Detainee, Bashir and 2 brothers] used to sit outside. His father works in Saudi Arabia and I believe he is a driver. His father used to send him about 1000 Saudi Rivals a month. He [Hussein Bashir] used to drink whiskey and smoke hashish. He used to use me to buy whiskey and hashish. He was very smart about making me pay without letting me know he was pushing me to pay. I used to play the role of a generous person, so I used to give it to him.

We used to sit and stay up nights. We spent the whole 6 months going out, having fun, ladies. After that, I realized that half of my money was gone. I used to give him [Hussein Bashir] money in Rupees, Pakistan money, not dollars. He used to spend some money himself also.

I told him [Hussein Bashir] that I needed to get a job because half of my money was gone. He said great and promised me a job. My visa, my stay in Pakistan expired. One day he told me there was a job. I didn't think about it. I just needed a job, any job. I needed to make back the money I lost. He took me to a house in Karachi by the sea on Rabia Basri Avenue. It was a big villa and the owner's name was Asadeen. He [Hussein Bashir] delivered me there, said good-bye and left.

I was to work for this gentleman [Asadeen] as a guard for this house. I stayed there 1 Vz years. After that, a problem happened in the house. Before that, he [Asadeen] used to

ISN# 688
Enclosure (3)
Page 2 of 11

UNCLASSIFIED//FOUO

0004^3

give me 2,000 Rupees a month. Then a problem happened inside the house that caused me to leave.

I contacted Hussein Bashir, [and] he came and picked me up and I went back to his house. I had accumulated a sum of money in this year and a half. I stayed with him for 3 weeks, but feared we would go back to what we were doing before.

At that time I wanted to stay residence [establish residency] in Pakistan. My stay in Pakistan was not legal at that time. This time, I didn't ask Hussein Bashir about a job, I asked him about being able to stay in Pakistan. I wanted to have official residency there so I could come and go with no problem. Hussein Bashir didn't know anything about this personally, but knew someone who did.

Bashir sent me to a person named Shaquille Murat in Lahore, Pakistan. I went to him and showed him a handwritten letter from Bashir, which explained what I needed and wanted, because I couldn't speak the Pakistani language very well. I could only speak a few words. He [Murat] took the letter, read it and didn't pay me too much attention.

In front of the house was a big cemetery and next to the cemetery were 3 restaurants that people could eat at. On the same avenue was the house of Shaquille Murat. He put me in a room on the upper floor with furniture. I lived in that room for 3 months and I used to give him 500 Rupees a month.

Shaquille Murat had the same problem.. he used to use hashish and drink with friends. He didn't pay any attention to the matter I had come for. Since I didn't have a job and I wanted to save my money, I used to eat in the free restaurants. These restaurants belonged to a gentleman who had passed away and was buried in the cemetery. He was a very holy, spiritual gentleman. He was financing the restaurants for the poor people.

I spent 3 months there and after that I insisted on doing something about my residency or fix my visa. Murat told me he was going to send me to Faisalabad, Pakistan. Murat said there was a big Arabic community in this area and the Pakistani government would give visas and arrange papers for these people. Murat told me that I would have to bribe to get my visa. This is well known about the Pakistani government. They take bribes for everything.

I went to the address Murat gave me in Faisalabad. The gentleman's name was Issa Nassir and I had his phone number. I called him and he came and picked me up at a bus station in Faisalabad. I stayed with him for 2 months. He had family with him in the house, and it was very small, so I wasn't very comfortable in the situation. He didn't do anything for me, but was always saying to be patient and to wait

I was leaving and planning to call my family, and then I met Ahmed Abdullah, who is also a prisoner here. He was speaking Arabic, and this was the first time I met him. When I heard him speak in Arabic, we introduced ourselves to each other. Abdullah

looked at me and asked what I was doing there. I was wearing jeans and a tight t-shirt. It wasn't really appropriate. I didn't have a beard at that time; I was shaven. In the picture they took when they captured me, you'll see that my head was shaved and my beard was shaved.

When I met Abdullah, I told him I was not comfortable staying with that family in that small house. He told me it wouldn't be a problem. They were all university students and they all lived in a big house and if I wanted to join them, it wouldn't be a problem. I was very happy and went with him.

I went to the house and found a lot of students in the same age group as me. We introduced ourselves to each other.

I stayed in this house for only 2 weeks. This friend of mine, Ahmed, told me that he would check with people that might have connections with the government and see if they could help me fix my problem with my visa. As I said, I stayed 2 weeks and the Pakistani government came and captured all of us.

The people in that house were from different nationalities, but the majority was from Yemen. A few were from other nations. There was one from Saudi Arabia, one from Libya, one from Palestine, and one from Russia. The rest were Yemenis, the same as me.

I didn't have any relationships with anyone in that house. They [the other students] were trying to inspire me and to do the religious things, like look at my religion because most of the students were studying the Koran and all things related to religious studies. They were asking if I wanted to join them in the university. They realized that we weren't really in harmony together because I used to use drugs and hashish and things like that. I used to read magazines. Most of the time, I would stay in the back yard, so I was keeping my distance from them. Not because they were bad, but our minds were going in different directions. They had their way and I had mine. They were just different. When they realized that we weren't getting along or on the same path, they left me alone and didn't bother me much anymore. That's why I wasn't deeply associated with them until the day the Pakistani government came and captured us.

When the Pakistani authorities captured us, there were 2 civilian Americans with them. In that house I had only one good friend and we used to get together all the time. His name was Ahmed Abd Al Khadir. We shared the same vision and he has the same opinions. He used to use hashish with me.

When the Pakistani authorities captured us, they delivered us to Lahore [Pakistan]. In Lahore, some civilian Americans interrogated us. I had only 1 interrogation with them and it was the same with the other detainees. After that, we were delivered to Islamabad. The 2 people who I mentioned, the one who took me to the house and the one I was friends with, they are both detainees here. One is Ahmed Abd Al Khadir and the one who brought me to the house is Ahmed Abdullah. These 2 guys are present in this camp.

We stayed 1 week in Lahore and then they took us to Islamabad. We stayed there for 2 months and I had 2-3 interrogations and I believe it was the same for all other detainees.

After the 2 months, we were delivered to the Islamabad airport. The airplane took us to Bagram. The American government received us from the Islamabad airport. It was an American military airplane and the soldiers were Americans. We arrived at the military base in Bagram and stayed there 2 or 3 months. I was interrogated about 4 or 6 times. Then they took us to Kandahar and it was the same thing; American airplane with American soldiers. Again, we were received by Americans. We stayed in a small camp with wires, at the Kandahar airport. After 2 or 3 weeks, we walked from the camp to a plane and they took us to Cuba.

I have a letter from my mother stating that I left for business and I believe you have this letter in the prisoner's letters file, In that letter, my mother said that if she knew I went to do something other than to do textile business, she would never have let rae go.

When I was captured the first time, I was only 22 years old, I think. I'm not sure about my date of birth.

Money was part of my belongings when I was captured. I think I had about \$1,900.00 and I think it's here in Cuba. This is all of my story.

The Personal Representative stated that when he met with the Detainee, they went over each item in the Unclassified Summary and the Detainee stated that each one of them is not true and they are false allegations.

Questions by Tribunal Members

Q: You have given us a very detailed story. You have a good memory for detail.

A: I can't remember most dates, but I've told my story, the same story 30-50 times.

Q: Where did you learn to speak English?

A: In this camp.

Q: Prior to coming to the camp, did you know English?

A: No, just letters and alphabet in school.

Q: What is the level of your education?

A: Middle school, but if you want my life story, I can give it to you.

Q: No thank you [laughter].

Q: The highest level of middle school is equivalent to 8 years? More than that?

A: For us, elementary school is 6 years, middle school is 3 years and high school is another 3 years. I stopped in the middle school, but I didn't finish middle of it. I wasn't fit for studying, so it wasn't the right thing for me. I studied a little bit of English in middle school, but I wasn't good at it; I couldn't absorb it. I only knew the letters and alphabet. Things like, excuse me, I'm sorry, how are you.

Q: From the time you left Yemen until the time you were captured in Pakistan, how long was that?

A: I believe it was close to 2 years or a little more.

Q: Your visa to stay in Pakistan was good for 1 year?

A: It was only for 3 months.

Q: So, all the time over 3 months you were in Pakistan without official permission, like you told us?

A: Yes, that is true.

Q: Who was in charge of the last house you stayed in with Ahmed Abdullah and Ahmed Abd Al Khadir?

A: His name was Issa.

Q: What do you know about Issa?

A: I do not know anything.

Q: Did he have any other responsibilities, besides managing the house?

A: He didn't stay in the house. I had heard of him but I don't know him. I saw him only once or twice, talking to the students at the house. He just comes to the door, talks to them and leaves. The guy who was in charge inside the house was a cook. He was a Pakistani man. His name was Jabran.

Q: Did you ever hear of anyone else who was in charge of the house? Anyone else to whom the house belonged?

A: No. The only thing I know is that Issa is in charge of the house and the Pakistani cook was in charge inside the house.

- Q: You told us in your story that you had never been to Afghanistan?
- A: I never went to Afghanistan.
- Q: To your knowledge, were any of the fellow students in the house in Afghanistan?
- A: I didn't hear of anything like that.
- Q: No one ever spoke of going, if they had gone and come back? Anything like that?
- A: No.
- Q: Besides the time you worked as a guard for a year and a half that you told us about, how did you sustain yourself? How were you able to live in Pakistan?
- A: My main problem, my main focus was how could I leave from the airport? It is easy for anybody to stay in Pakistan if you have the right papers.
- Q: I know you mentioned that you used to eat in the free restaurants. You could not have done that all the time.
- A: I was thinking if I could fix my papers, I would get an official job. I didn't think of staying in Pakistan and eating free. I am from a middle class family in Yemen and was never comfortable eating for free or have anyone hand me things. I was never comfortable with that.
- Q: Besides the time you worked as a guard, did you have any other source of income when you were in Pakistan?
- A: No.
- Q: You just relied on the money you brought with you from Yemen?
- A: Yes.
- Q: It was sufficient?
- A: I was never thinking of using the money I brought with. I was always thinking of getting a job, but because of my visa situation, I couldn't really get a job. When I needed to drink and eat, I had to use the money I brought with me.
- Q: It was enough for the 2 years you were in Pakistan?
- A: I didn't understand.

Q: Besides what you earned as a guard, the rest of your money was sufficient for being in Pakistan for 2 years?

A: I didn't come to Pakistan to stay. I only came to buy textiles and go back, but I was forced to stay when my money was gone. That's why I wanted to work and make up my money again. Then I would buy the textiles I came for and go back to Yemen. That was the plan.

In general, I really like Pakistan. It is a very nice country. I liked it very much. It is a lot better than Yemen, It had nice streets and buildings with designs. I liked it much better than Yemen.

Q: If you liked Pakistan better than Yemen, had you gotten a job in Pakistan, why would you want to go back to Yemen?

A: If I found a job with a decent salary in Pakistan, I wouldn't go back for a while. Job opportunities are limited and salaries are very limited. If I could make up my money I brought with me, that would be a very good thing. I'd then go back to my country in the official and legal way.

Q: You are familiar with the evidence that was read to you, and you told us it was false?

A: Yes.

Q: There are 2 parts here where it says that 2 senior Al Qaeda people have identified you as being in Afghanistan.

A: No, I don't know that person at all. It is possible he saw me someplace without me knowing it was an Al Qaeda place or something like that. I don't know anything about Al Qaeda members or anything Al Qaeda. If this person said he saw me in Afghanistan, it is wrong because I have never been to Afghanistan.

I have one question. Is it the same person who saw me in Pakistan that saw me in Afghanistan?

Q: We honestly don't know, at this point. It appears, from the way the summary is written, that it was different individuals.

A: Good, but I absolutely never went to Afghanistan. The person who said they saw me in Pakistan, I never met any members of Al Qaeda, so, if it happens that he saw me or I saw him, how did he know I'm an Al Qaeda member?

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From what I knew, all the people in the house were students at the university. It wasn't my job or my responsibility to ask every student if they were a member of Al Qaeda. I wasn't supposed to do that.

I don't think this was translated correctly. I don't want to go and be involved in other guys' lives and be nosy about their lives. It is not my job. All I knew is that they were students at the university. I don't ask them what else they do. That's not my job or occupation.

Q: Have you ever received any military training?

A: No, ever. Not in my country or any other country. I have one question.

Q: When I am finished, you can ask it. So, you are not familiar with any kind of weapons?

A: No, but the only thing is that my dad has a personal weapon and I've mentioned that in all interviews. My father was an officer in the Army. It was normal and fine that he had his weapon with him.

Q: How long did he serve?

A: All his life. He worked with the military all his life.

Q: Did you need to clarify something that was said earlier?

A: No, I don't need to clarify anything about my country, no. As you said, you said I could defend myself, and that's what I did. I don't know the rules in America if someone is defending himself. I don't know if it's enough or not. I don't know. Are you done? Can I ask now?

Q: Yes, go ahead.

A: In regard to my country, terrorism does not start just like that. I'm supposed to start being a terrorist in my country originally. My government is supposed to have cases or a file for me already and they will have all the information about me and what I did before and all the information about my life. This is known in every country. The government knows everything about their nationals. If I had any training or if I was a terrorist, or did bad things in my life. If you talk to them, they will give it to you and you will see.

All of my life in my country I lived a delinquent life. Go ask my government, they will give you all the necessary information.

Q: Did you keep in touch with your family while you were in Pakistan?

ISN# 688
Enclosure (3)
Page 9 of U

UNCLASSIFIED//FOUO

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A: Yes.

Q: They knew about your visa problems? Couldn't they help you with that?

A: I didn't explain the situation to them. My mom had big aspirations for me to be a businessman. I can't tell my mom that all the money I brought with me I spent on drinking, buying hashish and I can't tell her that.

Q: Can you tell me about how much money you brought into Pakistan with you?

A: \$3,500.00

Q: You still had a little bit to make up when you got captured? You were still trying to get that money back?

A: That is true, yes.

Questions by Tribunal President

Q: How did you injure your leg? [The Detainee has a brace on his left foot and is on crutches.]

A: I was walking and I fell down.

Q: I hope it heals quickly for you and you are back on both feet.

A: Thank you very much.

Q: Do you have anything else you'd like to add?

A: I know in this session the lawyers are not allowed, but can I look for a lawyer myself for other sessions or Tribunals?

Q: Have you been in contact with a lawyer up to this point? Do you have legal representation?

A: I don't know. I was surprised when the Personal Representative told me that I have a lawyer.

The Personal Representative stated that his notes indicated that the Detainee does not have a lawyer.

The Detainee stated that is true, he told the Personal Representative that he did not have a lawyer, but today a letter was read to him mentioning that he had a lawyer.

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The Recorder stated that Exhibit R-22 is an affidavit titled Anon it Bush U04-CV-1194-HHK, Those papers are pari ofthe 144-page exhibit. The part that pertains to the Detainee is part of Ike Vndasstfied Summary.

Detainee: Does this mean I have a lawyer?

Tribunal Member I will explain some of mis to you. From the way we view the exhibit, it appears your family, or someone on your behalf hat asked the American courts to force the United States government to justify why you are here. That is the action they have brought in the court system. You do have a lawyer representing you, as well as other detainees who are here, but his name is not given to us.

Tribunal President* That is separate ficom this proceeding. This refers to a legal proceeding that will take place in the U.S. Courts and the Tribunal today is an Administrative hearing, not a legal process. I will explain more about the Tribunal process as we continue.

Detainee: Can I make a phone call after these proceedings?

Tribunal President: That is up to the normal routine, what is normally allowed in Camp Delta. I cannot answer that

Detainee: Just know mat I have been here for 3 years and have [not] been in touch with my family. I don't think this is just and it's not right for the American legal system to not allow people to talk to their families. It is a very small right mat is allowed to all detainees around the world. I have a mother, brothers and sisters and I am the man of the house because my father is now out of our house.

Tribunal President: I understand and what you are telling us will be noted. We are here today to determine your enemy combatant status, and that alone is what we focus our attention on today.

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 Corp
Tribunal President

ISN#688
Enclosure (3)
Page 11 of 11

UNCLASSIFIED//FOUO

UNCLASSIFIED /FOUO

Summarized Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process* the Detainee answered, "Yes."

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process, the Detainee answered, "No."

Tribunal President: Do you wish to make a statement to this Tribunal?

Detainee: Yes.

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

Detainee: I will speak first and then swear.

Detainee: I first want to introduce myself. I am from the republic of Yemen. I live in a village. I am from a medium family. I lived my whole life in this village. It was a simple life. We worked planting and doing irrigation. I studied in the village until the end of middle school. I then moved to the city of Taiz and went to an institute that taught Islamic culture. I studied the Koran. The institute is known for its students who graduate and teach the Koran. I requested the three witnesses to verify that I completed my studies in 1996; this negates the accusation that I went to Afghanistan in 1995. I completed my studies in 1996 and the Yemeni government and the institute can verify this. I then returned to my village and was working as a teacher of the Koran in a Mosque until the year 2000. I then got married. My father is a tailor and some of my brother's study and the others work in restaurants. After I married I decided to travel to Pakistan. I told my family I was going to Pakistan; they did not know I was going to Afghanistan. I went to Afghanistan to teach the Koran. I am not related to any of these accusations against me. I do not know anybody in Al-Qaida or anybody associated with them. About the Taliban, if a person goes to another person's house, you can't go and eat or sleep until you get permission from the owner. That was my relation to the Taliban. I wanted to go to Afghanistan to teach and I didn't know anyone. The Taliban was the government at the time and provided me the house. They also provided me a place to teach in a mosque. I stayed in Afghanistan for almost a year. I don't understand how a person who stays there for only a year can reach such a high position in the Al-Qaida, or regarding Usama Bin Laden.

I was in Kandahar when the war started between Afghanistan and America. I decided my family and I would return to Yemen. I went to Khost to get a few things. When I went there Kabul fell and the roads were closed. Because of this I couldn't return to my family in Kandahar. I didn't know what happened to my family until about five or six months after I was captured. The Yemen government told me they were back in Yemen. I was told they found a picture of me and my daughter in a place associated with Al-Qaida. Now I am told they found it with one of the guards, so I don't know what the truth is.

1SN#037
. Enclosure (3)
Page 1 of 8

UNCLASSIFIED / FOUO

000433

UNCLASSIFIED/FOUO

My personal identification and pictures are mine but the martyr letter is not mine. I have never admitted to writing them. I told my Personal Representative I wanted to meet with the interrogator that wrote that. About my pictures and personal identification, I left them in the house with my family. I don't know how my family got out, so how could I know what happened to the things I left? I then left Khost for Pakistan. I went to the Pakistani government to turn myself into the Yemeni embassy. The Pakistanis then sold us. We were tortured in Kandahar by beatings. Since we arrived in Cuba we have been mentally persuaded.

We have been here for three years. We have nothing here, no rights, no trials, nothing. We have asked if you have any evidence to prove it to us. We first heard about the tribunals when the papers were handed out. We thought it was just an American play, but we think it may be true; it may present something, and solve this case.

Detainee: If you hand me the paper with the accusations I will reply to it point by point.

Personal Representative: The Translator has a translated copy of the unclassified summary.

Detainee: 3.a, (Detainee is a member of Al-Qaida and associated with the Taliban) As I told you before I do not have any relationships. My association with the Taliban; I told you my example before. When you go into a house you have to get permission from the owner of the house.

3A 1, (The detainee is a known member of Al-Qaida, operated as an Al-Qaida fighter, and worked at various guesthouses and offices.) Regarding, the detainee is a known member of Al-Qaida. I don't really think you believe this accusation. You know who are the known members of Al-Qaida and if I were a member of Al-Qaida, I wouldn't be here. Regarding operated as an Al-Qaida fighter. I don't understand what is meant by this sentence. Can you explain it to me?

Tribunal President: That would indicate that you fought on the frontlines or that you fought with the armed forces in Afghanistan.

Detainee: Do they have frontlines?

Tribunal President: They did. When they were fighting the Northern Alliance, the United States and the coalition. That would indicate to me that you were a fighter against those forces.

Detainee: I never fought against America or against the Northern Alliance. I was against the war in Afghanistan between the Taliban and the Northern Alliance, because it was between Muslims. And it was all for a government.

Regarding, I worked at various guesthouses and offices. What was the work?

ISN #037
Enclosure (3)
Page 2 of 8

UNCLASSIFIED / FOUO

000434

UNCLASSIFIED / FOUO

Tribunal President: I cannot answer that. This is the first time we have seen this evidence. I know nothing more than what is written here.

Detainee: The same with me, I don't know anything about this. I had a house that the Taliban gave me to live in with my wife, that's it.

3.a.2, (The detainee admitted receiving help from the Taliban.) What kind of help are you talking about?

Tribunal President: Again, I only know what is on here. Did you receive any other aid or any other assistance from the Taliban, besides the house that you rented?

Detainee: No, the house only. I admit that they gave me a house.

3.a.3, (The detainee attended the Khalden Camp in Kandahar, Afghanistan in 1995 where he received weapons, explosive, artillery, and machinegun training.) Regarding, the detainee attended the Khalden Camp in Kandahar, Afghanistan in 1995. In 1995 I told you I was still a student. That is proof that this is a lie. Regarding, where he received weapons, explosive, artillery, and machinegun training. This is completely untrue. I have never received weapons training, I have never seen weapons in Afghanistan, and this is completely untrue. I never used a weapon in Afghanistan.

3.a.4, (The detainee was very close to Usama Bin Laden and had been with him a long time. He was a known Usama Bin Laden guard and errand boy and was frequently seen at Usama Bin Ladin's side. Also, the detainee attended various other training camps and resided at a Kandahar, Afghanistan guesthouse.) Regarding, the detainee was very close to Usama Bin Laden and had been with him a long time. Like I told you, I spent a short time in Afghanistan. So this cannot be believed. What is this long time, how long? Regarding, he was a known Usama Bin Laden guard and errand boy. I can't talk about this, it is a lie. If I were an errand boy I would not be here. Regarding, and was frequently seen at Usama Bin Ladin's side. Who saw me?

Tribunal President: I do not know.

Detainee: If it says, was frequently seen, you have to prove that. I am aware of the laws and the courts. This is the first time I have been in prison and the first time in a court like this. And I know that the accused is innocent until proven guilty. You have to come up with the proof. Regarding, also, the detainee attended various other training camps and resided at a Kandahar, Afghanistan guesthouse. What training camps?

Tribunal President: Did you attend any training camps while you were in Afghanistan?

Detainee: Never.

Tribunal President: Then that answers the question.

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Detainee: That I resided at a Kandahar guesthouse. This guesthouse, do you mean my house, was my house a guesthouse?

Tribunal President: I would assume so.

Detainee: If it was my house then of course I was there. But, if it is another persons guesthouse, then no.

3.a.5, (A martyr letter, will, and a personal letter addressed to Usama Bin Laden were found in the possession of an admitted bodyguard of Usama Bin Laden. The detainee admits to authoring these documents.) Regarding, a martyr letter, will, and a personal letter addressed to Usama Bin Laden were found in the possession of an admitted bodyguard of Usama Bin Laden. They said in the beginning it was found in a car that belonged to Al-Qaida, now it's with a bodyguard for Bin Laden. I told you I left my personal identification and the pictures in my house with my family. I don't know how my family left Afghanistan. About the martyr letter, will, and personal letter, I deny this strongly. Regarding, the detainee admits to authoring these documents. I also deny this. I request to meet with the interrogator that said I admitted this.

Today the Personal Representative read me a letter from my father and a lawyer. Please take these into consideration. I also have letters from the court, you. This proves they could not have been forged. It came from you to me. These letters say that I went to teach the Koran. I believe this is strong evidence. But the other letters you accuse me of writing; there is a good possibility they were forged. Because you are the ones that came up with it and read it to me. I don't have anything to do with any of these things. I have never taken part in any act of hostility against America. I am not an enemy combatant, are you trying to force me to be an enemy combatant? That's all I can say and I swear it is the truth.

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

Personal Representative: No sir.

Summarized Answers in Response to Questions by the Tribunal Members

Q. You said you moved your family to Kandahar from Yemen, correct?

A. No, from Yemen to Pakistan.

Q. To Pakistan and then to Kandahar?

A. Yes, but I stayed for a while in Pakistan.

Q. But your family lived with you in Kandahar at the time of your capture?

ISN #037
Enclosure (3)
Page 4 of 8

UNCLASSIFIED / FOUO

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A. I left them in Kandahar when the war started and we made an agreement to travel back to Yemen. Before that I was working in Khost. I told my family I would go to Khost first to get some things that belonged to me, when I return we would go back to Yemen. It was a normal situation at the time. When I went to Khost the road closed. It was the month before Ramadan, October. When the road was closed I was cut off from my family. Today in the letter from my father I heard they returned home.

Q. Why did you leave your family in a war zone?

A. It was a normal situation at the time, the war wasn't really happening.

Q. The war with the Northern Alliance was happening, isn't that correct?

A. No, I was in a place far away from the Northern Alliance. We were in Kandahar; Kandahar is very far.

Q. The Northern Alliance forces captured Kandahar, is that correct?

A. No, Kandahar was under the Taliban.

Q. Yes, but through the progress of the war, the Northern Alliance captured Kandahar.

A. Afterwards, I had already decided to leave Afghanistan.

Q. You said you went to Khost for personal business or for your work?

A. Before I was there to teach, I had some personal things I wanted to get.

Q. Are you an Imam or a Sheik or an Emir?

A. No. A teacher of the Koran.

Q. Do you speak Pashtu?

A. No.

Q. But you taught Afghanis, is that correct?

A. Yes. The Koran is Arabic and cannot be taught in any other language.

That's why I am trying to figure out how do you teach if you don't translate it to people who don't understand Arabic?

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- A. The Koran is taught in Arabic, you can't read it unless it is in Arabic.
- Q. When you came from Yemen to Afghanistan and you went to Kandahar, why did you not go north where the Northern Alliance was? What brought you to Kandahar?
- A. Kandahar is the closest place to Pakistan. It's on the border.
- Q. Can you tell me the circumstances of your capture or your arrest in Pakistan, can you describe that for me.
- A. I traveled until I got to the border of Pakistan. I went to the Pakistani government. I told them I was from Yemen and wanted to go to my embassy. I wanted to ask the embassy if they had any news about my family. The Pakistanis told me yes so I went with them. We were placed in a prison for about ten days and then to Kandahar with the Americans.
- Q. Were you traveling with anyone?
- A. I found the three witnesses. I met them in (inaudible) and they traveled with me.
- Q. Were they carrying weapons?
- A. No.
- Q. Do you know your way around Afghanistan?
- A. There was an Afghani man who got us out.
- Q. Did you hire him or just meet up with him as well?
- A. The people I was teaching in Khost they provided me him and I paid him.
- Q. Do you remember when it was you were captured, was it before, during, or after Ramadan?
- A. During Ramadan.
- Q. When you were making your way from Afghanistan to Pakistan, were you walking or did you have a vehicle?
- A. Walking.
- Q. Do you know approximately where on the border you were captured?

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- A. A village close to Al-Kashier.
- Q. When you left Kandahar to go to Khost, how did you travel between the two cities?
- A. By taxi.
- Q. How long did it take?
- A. It is a dirt road and kind of broken. If I traveled continuously, maybe 10 to 12 hours.
- Q. You didn't travel continuously?
- A. In one day.
- Q. How long were you planning on staying in Khost?
- A. Not long, 4 to 5 days, a week at the most.
- Q. So, between the times you left for Khost and the time you started back the Northern Alliance had advanced enough to shut down the roads?
- A. They had taken Kabul and advanced a little bit further, so the roads were closed.
- Q. Even though you planned on a trip that was at least four days, maybe up to a week, you didn't take any of your personal identification or anything with you?
- A. In Afghanistan you don't need it.
- Q. So even as a Yemeni national you don't need your passport or visa or anything like that?
- A. No. The government didn't ask for these things.
- Q. Was Khost the city you normally worked in?
- A. I taught the Koran.
- Q. Is that the place you normally taught?
- A. Yes, I was there before the war.
- Q. How often did you travel back to Kandahar to see your family?

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A. Every month or two.

Q. What were the personal items you left in Khost, that you went to receive?

A. Tapes, recorder, books and I also wanted to say bye to the students as well.

Q. You said while you were in Khost, that's when Kabul fell?

A. Yes.

Q. So, that was about a week before Ramadan?

A. Yes I left Kandahar on the 20th.

Q. But, Kandahar had been bombed by American forces three weeks prior to that, so you left your family in a city that was being bombed?

A. The bombing was outside the city not in the city. It wasn't on civilians.


Tribunal President: Do you have any other evidence to present to this Tribunal?

Detainee: I just hope that this hearing is useful. It is a step forward to solve the situation on this island. If you have any evidence against me that shows I am an enemy of the United States or that I fought against the United States, I am willing to face that trial.

Tribunal President: This is not a trial. This is not a legal proceeding. This is a military Tribunal to determine whether you have properly classified as an enemy combatant. We will review additional evidence that has been classified by agencies outside our control. We will weigh that against what you have told us here today and based upon the letters you have given us. Some of the classified evidence may be in your favor we have not seen it. We will review all that and based upon that we will determine whether you have been properly classified as an enemy combatant. This is not a trial to say whether you have committed a crime or not.

AUTHENTICATION

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


Col, USAF
Tribunal President

ISN #037
Enclosure (3)
Page 8 of 8

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Detainee Mail

Type Incoming mail
Format ICRCmail
Item number: 1004597
ISN Number JJJCG
Date on mail (if any) / /2002

Sender's Name: AHMAD ABD AL-WAHAB ABOUD AL-RAHBI

Addressee: ABD AL-MALEK AHMED ABD AL-WAHAB AL-RAHBI

Address:

Country:

Language Used: Arabic
Date translated: 17/12/2002

Text: Greetings. Dear son, we are doing fine, I ask God that you receive my letter and you are in good health. I ask God for your soon return. All I have for you is prayers. I sent you a letter before this one and I have no Idea where you at. I went to Makka and I prayed for you there. The whole family send you (heir regards and they tell you mat if you went to teach the people, about God, God wont leave-you. Majed is studying in Sana's and hell keep up with your letters.

Letter 2 from Brother

Greetings. My brother, you will get only what God have for you. I ask God that you receive my letter and you're in good health. I ask God to make you leaders of Islam and teachers to his religion. I know that you went to teach the Islam, and whatever happened to you is God's will. Everybody here send you their regards. I ask you to send us more letters. Peace.

Interpreters Comments [REDACTED]

Has all handwritten information been translated? Yes

Family? Yes

Name: [REDACTED]

Rank: [REDACTED]

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Mail Incoming
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31/12/2002

Format: tFC £C-
ISN: JJJ-JCG
Date Translated March 27,2003

Sender's Name:	Adel Ahmad Abd El wahab Ayood El Rahaby	
Addressee:	Abd El malek Ahmad Abd Elwahab	
Sender's Address:	GTMO	
City:	Cuba	Country: Yemen
Language Used	Arabic	

Text:

In the name of Allah the compassionate the merciful

Praise be to Allah, Lord of the Universe, and peace and prayers be upon His final prophet and messenger. To the beloved brother Abd El malek Ahmad Abd Elwahab.we are sending you a million peace and every one in good health and we ask how is your health. we do not missing any thing but to see you and set with you .With Allah permit you will be release since you are not belong to any organization, and we ask Allah to release you ,we are praying to Allah every day and night for this reason .If you are asking about your wife ,she is in good health and we are washing for her and your daughter and your sister, I am paying for their monthly living expense until Allah permit to release you .Pray for us and we also pray for you. All of us send you our regards and Allah be with you.

Your brother Adel Ahmad Abd El wahab

Interpreter's Comment: this letter is coming from his brother to ask about his health.

Family: Yes

Name Of Translator^

UNCLASSIFIED//FOUO

Summarized Detainee Statement

Tribunal President: Jamal, you may now present any evidence you have to the Tribunal, and you have the assistance of your Personal Representative in doing so. Do you want to present information to this Tribunal?

Detainee: I wrote information and I gave it to the Personal Representative. I would like to read it

Tribunal President: That's fine.

Detainee: I want to make sure that he translates as I read it exactly.

Tribunal President: Okay. Jamal, would you like to make your statement under oath?

Detainee: It's up to you.

Tribunal President: It's up to him.

Detainee: I want to be administered the oath then.

The Detainee was sworn using the Muslim oath.

Tribunal President: Jamal, you may begin.

Translator: May I just ask him just to read in shorter sentences, because he wants it exact. You know so this way we can...

Tribunal President (to the Translator): Okay, repeat what I said first, and then say what you need.

Translator informs the Detainee that he may begin his statement.

In the following section of the summarized transcript, the Detainee reads his written statement (attached as Exhibit D-B) to the Tribunal. The statement addresses each point on the Unclassified Summary of Evidence in order. Because the statement does not always indicate the text of the point being addressed, the points from the Unclassified Summary of Evidence are provided below in italics to put the detainee's statement into context. A copy of the translation given in the hearing has also been attached to Exhibit D-B.

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3.a. The detainee has worked for various Non-Governmental Organizations (NGO) with Al Qaida and Taliban connections.

Detainee: They accused me of working for different organizations and there weren't many organizations, there is only one organization, which is Al-Wafa. And even Al Wafa, I challenge anybody to present any kind evidence that I have worked with them. I used to buy medicine for the Al-Wafa organization, and they use to distribute it. I did not take any money from Al-Wafa and they did not pay with any money. I do not know anybody from the Al-Wafa organization. I did not get a paycheck from them and I did not work with them. But people were just, you know, buying, them medicines and I was working with them. And I can prove all that, because I have witnesses. These people, they are here in prison. And you can ask them if anybody knows me from before. If they don't know me and I don't know them, how can I work with them? With the organization? That covers the main point.

1. Detainee admitted he was the director of the Baku, Azerbaijan branch of the Al Haramayn.

Detainee: I was not the director. Working for the Al Haramayn, I was a representative. The director made me a representative until he comes back from his trip. So they can replace the director. I have the witnesses and they are with the Al Haramayn organization. The Al Haramayn organization is a governmental agency. How is it classified as non-governmental and the person in charge is the Minister of the Muslim Association.

Personal Representative: Minister of Islamic Affairs.

2. Al Haramayn is an NGO with known Al Qaida connections.

Detainee: When you are talking about my connection to Al Qaida, I am not the director and I don't know them. I was an employee in one of the offices and they had many offices there. According to my knowledge, I thought that this particular organization is one of the best and the most well recognized organizations in that part of the world.

3. Detainee admitted traveling to Kandahar (AF) in May 2001 to work in the Al Wafa office.

Detainee: I did not go to Afghanistan to work there, I was there just to visit. How can you contradict yourself? One time you are saying that I am a director in one of the organizations and I am traveling to Afghanistan, not to work for Al-Wafa. I went there for two weeks just to find out how the work was done and how the medicine is distributed. I have witnesses for every point that I have discussed.

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4. Detainee admitted he was the director of the Karachi (PK) branch of Al Wqfa.

Detainee: There's no official office for the Al-Wafa organization in Pakistan. And the people there, before I got there, were doing the same work. There was no director and I was not a director either. I was working for somebody that was in the United Arab Emirates. And you know his name. He is the one that gave me the money and I bought the medicine for Afghanistan. In this case, who would be the director, me or him? Also, I do not work for Al-Wafa. By what reason do you claim I worked for Al-Wafa?

5. Al Wqfa is an NGO with known Al Qaida connections.

Detainee: As far as you know, Al-Wafa being a non-governmental organization, I don't know that because I never worked with them. I was never given any salaries, and wasn't getting paid from them. You say that it has connection to Al Qaida? I never heard that from anyone else except from you. I didn't see anything wrong that they've done other than charity work. There's a point I would like you to keep in mind. They don't know that the Al Haramayn and Al-Wafa organizations, both of them were operating before the attack on September 11th and before that attack, we never heard that it was a terrorist organization. How would an individual who's looking for work to support his family, know if that organization is a terrorist organization or not? You know that my going to Pakistan, the idea was to get a job to support my family and extended family. I have all the witnesses and they are over here in Guantanamo.

6. Detainee was apprehended during a raid on his residence on 23 September 2001 in Karachi (PK).

Detainee: I admit that they apprehended me on September 23rd 2001. They didn't capture me, but some people simply kidnapped me while I was asleep. I was captured with a Pakistani cook. There was nobody else with us. An American interrogator interrogated me, then we were given to Pakistan. That's all they had was me and the cook. They say that they found some documentation or papers indicating some information about weapons. That's false. I had some money, about \$13,000 and furniture because I planned to bring my family over. The Pakistanis found out about my money and furniture, so they accused me of being a sympathizer and wanted to turn me over. During my lifetime, I have never touched a weapon. I have never taken any kind of training or things like that. So where did I get the papers from? They're lies.

7. Alawi was captured in a facility with other individuals now detained by DoD and information related to weapons, explosives and tactics were found in that facility at the time of capture.

Detainee: The American Forces did not capture me. They must have been following me and checking up on me and things like that. They are all lies by the Pakistanis so they can take control of my money and possessions. I came to Pakistan with a legal passport and entered legally. I was renting a place and working there because I was trying to bring

ISN #577
Enclosure (3)
Page 3 of 11

UNCLASSIFIED//FOUO

000448

UNCLASSIFIED//FOUO

my family over. They can accuse me of a lot of accusations, the Pakistanis, but they wrote that information. It wasn't me that wrote that information. That's all I have to say.

Tribunal President: Jamal, does that conclude your statement?

Detainee: Yes. I answered all the seven points, isn't that true? Do you have any other points?

Tribunal President: Yes we do. We would like to ask you some questions.

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

Personal Representative: No, I do not, Ma'am. We covered everything we covered in the interview.

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

Recorder: No, Ma'am.

Tribunal President: Do any Tribunal members have any questions for the detainee?

Tribunal Member: You indicated that it would be hard for someone who is looking for work to support his family to know that Al-Wafa was a terrorist organization, is that right?

Detainee: Yes.

Tribunal Member: But a little earlier before that you mentioned that you did not get a salary from Al-Wafa. So were you working for Al-Wafa and getting a salary or not?

Detainee: I deny that I worked with Al-Wafa because I never took any money from them. But I worked for my work and took my money from the man who gave me the money in the Emirates.

Tribunal Member: Who is the man who gives you the money in the Emirates?

Detainee: OmranAlOwais

Tribunal Member: Could I just ask you to repeat that more slowly?

Detainee: OmranAlOwais

Translator spells name.

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Tribunal Member: Omran Al Owais?

Translator: His name is Omran Al Owais. And he is known - not an alias - everybody over there, knows your name by your oldest son's name. You see, his name is Abu Omran.

Detainee: This guy was working doing the same thing I was doing before I got into the picture. I would need the money, so I asked him if I could do the job.

Tribunal Member: So where did he get the money? Where did Omran Al Owais get the money from?

Detainee: From the Emirates.

Tribunal Member: So was he fund raising?

Detainee: He was a businessman. I don't know if he was fund raising.

Tribunal Member: So Omran Al Owais would send money to you in Afghanistan?

Detainee: Yes, and you can check my bank record.

Tribunal Member: And then what would you do with the money?

Detainee: It was limited to buying medicine for the hospital.

Tribunal Member: Would you work with Al-Wafa? But not necessarily for Al-Wafa, so would you assist Al-Wafa.?

Detainee: I was not working with Al-Wafa.

Tribunal Member: Did you associate with any people that worked for Al-Wafa?

Detainee: When I went to Afghanistan, I saw some people from Al-Wafa. Because when I was there for 15 days, I was in the Al-Wafa organization's offices to find out how they distribute the medicine.

Tribunal Member: Relating to Al Haramayn, there was a time when you were serving as the director's representative while he left the country? Is that correct?

Detainee: Yes.

Tribunal Member: And was Al Haramayn paying you salary?

Detainee: Yes.

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Tribunal Member: And that was in Azerbaijan?

Detainee: Yes.

Tribunal Member: When you visited the Al-Wafa office to see how they were distributing medicine, was that in May of 2001?

Detainee: Yes, that's true.

Tribunal Member: What was name of the person that you were arrested with in Pakistan - the cook?

Detainee: His name is Fadle Rahman [spelled by translator].

Tribunal Member: Fadle Rahman?

Translator: Yes.

Detainee: Even the CIA, I believe they have met with him.

Tribunal member: Was Fadle Rahman a member of Al Qaida or the Taliban?

Detainee: He was a cook and he rented his services to help me and the neighborhood people. He's a Pakistani.

Tribunal Member: But was he a member of Al Qaida or the Taliban?

Detainee: I don't think knew of the Taliban or Al Qaida.

Tribunal Member: Were you at anytime a member of Al Qaida or the Taliban?

Detainee: No, that never happened.

Tribunal member: When you traveled to Kandahar in May of 2001...

Detainee: Yes.

Tribunal Member: Were you going from Pakistan to Afghanistan?

Detainee: Yes.

Tribunal Member: How did you affect that travel? How did you get into Afghanistan?

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Detainee: I went to Karachi, from Yemen, to Karachi, and then from Karachi to Quetta. One of the Afghans was waiting for me and took me to Kandahar.

Tribunal President: When you bought the medicine, where were you taking the medicine?

Detainee: I take it to Afghanistan.

Tribunal President: Where in Afghanistan?

Detainee: The Al-Wafa organization receives it.

Tribunal President: I'm sorry. I didn't hear you.

Detainee: The Al-Wafa organization receives it because the Al-Wafa organization was the organization that oversees the distribution of the medicine.

Tribunal President: Where did you get the medicine from?

Detainee: It's all from Pakistan.

Tribunal President: Where in Pakistan?

Detainee: From Karachi.

Tribunal President: Specifically, is it a hospital? Is it a store?

Detainee: Medical stores or organizations, they sell it. There are some stores that specialize in medication and wheelchairs and beds and things like that. We were getting it from there. And all the invoices are available to you. And all these stores are very well known stores.

Tribunal President: So, I just need to be clear. It was your responsibility to pick up the medicine and supplies in Pakistan and take it to Afghanistan to Al-Wafa?

Detainee: -I want to explain to you. When you work in Pakistan, there were other people before me doing the same work. They organized it in such a way that they will buy the medicine. I was working with, another guy whose name is Dr. Iman, who is also a detainee here. And another guy whose name is Jamil. Jamil was set free, he was set free.

Tribunal President: Can he give me Jamil's last name?

Detainee: Jamil Qassem.

Tribunal President: Can you spell that for me please?

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Translator: Qassem.

Tribunal President: Okay, and can he give me the Doctor's full name?

Detainee: Iman Said Da Darfi [translator spells],

Tribunal President: Is this the same place or organization that you said you were a representative?

Detainee: Is your question when I was in or in Al Haramayn?

Tribunal President: Were you a representative at Al Haramayn? Did you have the same duties and responsibilities in both organizations?

Detainee: I never heard anything about that.

Translator: He said he never heard anything about that. I was asking him about the same responsibilities in the two different places and he said he's never heard of Al-Wafa.

Detainee: Al Haramayn organization is a governmental agency I worked for.

Tribunal President: I need to be clear what his duties and responsibilities were for the Al Haramayn.

Detainee: To help the refugees. We had a bunch of projects such as building mosques, taking care of orphans during the fest of Ramadan and the Eid, which follows after Ramadan. Its main purpose is to establish five different camps for the refugees. To distribute all kinds of things, such as food, medicine, so forth.

Tribunal President: Okay, you have described what the organization does. I'd like to know exactly what did you do?

Detainee: I was responsible for overseeing the refugee camp.

Tribunal President: So like a manager?

Detainee: I was not the manager, but I was responsible for it.

Tribunal President: And at the Azerbaijan branch, what did he do there?

Detainee: I was a student studying there and working while I was studying for the Al Haramayn.

Tribunal President: What did he study?

ISN#577
Enclosure (3)
Page 8 of 11

UNCLASSIFIED//FOUO

000453

UNCLASSIFIED//FOUO

Detainee: Petroleum Engineering.

Tribunal President: I'm sorry.

Translator: Petroleum Engineering.

Tribunal President: You said that you went to Pakistan to find a job and support your family. What type of job did you have in Pakistan?

Detainee: I was the assistant to Dr. Iman and I was buying the medicine. The guy who was giving us the money would come and see us and then go back to the Emirates.

Tribunal President: While you were in Pakistan, where did you live?

Detainee: A hotel, and I rented a house and that's where I got kidnapped from.

Tribunal President: Do you know who kidnapped you?

Detainee: I found out later that it was the Pakistani government.

Tribunal President: Did the Pakistani government accuse you of anything?

Detainee: To the contrary, the Pakistani government said that they had nothing against me. My work is legal, my staying here is legal, everything is fine with me. You entered in a legal way and you're residing here legally. The United States is watching the Al-Wafa organization along with other organizations.

Tribunal President: Okay, so if I understand correctly what happened when the Pakistani government said he was legal - did they release him?

Detainee: They did not release me. They turned me over to the United States. They took me from Pakistan to Jordan. Four months later, I was turned over to the American government. But I didn't have any problems in Pakistan.

Tribunal President: So the Pakistani government took you to Jordan and turned you over to the U.S. government in Jordan, not in Pakistan?

Detainee: The United States Government is the one who took me Jordan. The Pakistan government told me that the United States would take me to Jordan. After Jordan, I was coming back to Pakistan. And they never told me where I was going. And I found out later on that they had taken me Jordan.

Tribunal President: Does anybody else have any other questions?

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Tribunal Member: Just for the information of the panel, how was he treated in Jordan?

Detainee: I was in Jordan in a cell, but I wasn't mistreated or anything like that.

Tribunal Member: Just wanted to make sure.

Tribunal President: PR, the detainee indicated that there were people he'd like for us to talk to verify his story. Did he at anytime, ask you to ask us for a witness?

Personal Representative: No, as I indicated on the form, there were no witnesses requested.

Detainee: Even though we didn't talk about that, I have given you all the information about these people and these are in here.

Tribunal President: Is there anything else you would like to add to his statement?

Detainee: I've told you all I had. The only thing I can say is that they arrested me before the attack. I was sitting in my home. How can you consider me an enemy combatant when I was just sitting in my home? My own home where I was arrested. I am not an enemy combatant, I am a sleeping combatant because I was sleeping in my home.

Tribunal President: Let me make a clarification. You initially said that you were kidnapped, and this time you said you were arrested.

Detainee: It's repeated so many times, they arrest you, they arrest you, they arrest you. That's the thing sticks in your mind. How can you call a person an enemy combatant when you're sleeping in your own home and somebody comes to your home and takes you somewhere and you don't know where that is?

Tribunal President: Has it always been your story that you were kidnapped?

Detainee: I'm using the word kidnapped as synonymous with the word arrested.

Tribunal President: I need to be clear, were you arrested or were you kidnapped?

Detainee: I consider it a kidnapping.

Tribunal President: Do you have any questions?

Tribunal Member: Yes, Ma'am, if I could. He mentioned just a couple of minutes ago where he was arrested/kidnapped before the attack, but it shows here, 23 September 2001. Is he talking about 9/11 or some other attack?

Detainee: Before that.

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Tribunal Member: He was arrested before September 11th, 2001?

Detainee: After.

Tribunal President: Personal Representative, do you have any other evidence or does the detainee have any previously approved witnesses to present to the Tribunal?

Personal Representative: I have just one exhibit and that is the copy marked D-B, which is the same as the sworn oral statement by the detainee.

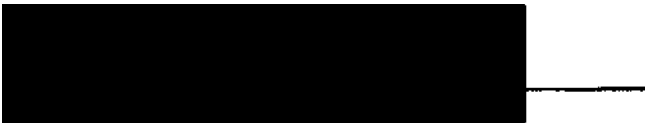
Tribunal President: I just want to clarify that this is the statement that was read by the Detainee earlier today during this Tribunal.

Detainee: In addition to that, what I have written there.

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

AUTHENTICATION

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

A large black rectangular redaction box covers the signature area. A horizontal line extends from the right side of the box.

Colonel, U.S. Army
Tribunal President

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In the following section of the summarized transcript, the Detainee reads his written statement (attached as Exhibit D-B) to the Tribunal. The statement addresses each point on the Unclassified Summary of Evidence in order. Because the statement does not always indicate the text of the point being addressed, the points from the Unclassified Summary of Evidence are provided below in italics to put the detainee's statement into context. A copy of the translation given in the hearing has also been attached to Exhibit D-B.

3.a. The detainee has worked for various Non-Governmental Organizations (NGO) with Al Qaida and Taliban connections.

Detainee: They accused me of working for different organizations and there weren't many organizations, there is only one organization, which is Al-Wafa. And even Al Wafa, I challenge anybody to present any kind evidence that I have worked with them. I used to buy medicine for the Al-Wafa organization, and they use to distribute it. I did not take any money from Al-Wafa and they did not pay with any money. I do not know anybody from the Al-Wafa organization. I did not get a paycheck from them and I did not work with them. But people were just, you know, buying, them medicines and I was working with them. And I can prove all that, because I have witnesses. These people, they are here in prison. And you can ask them if anybody knows me from before. If they don't know me and I don't know them, how can I work with them? With the organization? That covers the main point.

1. Detainee admitted he was the director of the Baku, Azerbaijan branch of the Al Haramayn.

Detainee: I was not the director. Working for the Al Haramayn, I was a representative. The director made me a representative until he comes back from his trip. So they can replace the director. I have the witnesses and they are with the Al Haramayn organization. The Al Haramayn organization is a governmental agency. How is it classified as non-governmental and the person in charge is the Minister of the Muslim Association.

Personal Representative: Minister of Islamic Affairs.

2. Al Haramayn is an NGO with known Al Qaida connections.

Detainee: When you are talking about my connection to Al Qaida, I am not the director and I don't know them. I was an employee in one of the offices and they had many offices there. According to my knowledge, I thought that this particular organization is one of the best and the most well recognized organizations in that part of the world.

3. Detainee admitted traveling to Kandahar (AF) in May 2001 to work in the Al Wafa office.

Detainee: I did not go to Afghanistan to work there, I was there just to visit. How can you contradict yourself? One time you are saying that I am a director in one of the organizations and I am traveling to Afghanistan, not to work for Al-Wafa. I went there for two weeks just to find out how the work was done and how the medicine is distributed. I have witnesses for every point that I have discussed.

4. Detainee admitted he was the director of the Karachi (PK) branch of Al Wafa.

Detainee: There's no official office for the Al-Wafa organization in Pakistan. And the people there, before I got there, were doing the same work. There was no director and I was not a director either. I was working for somebody that was in the United Arab Emirates. And you know his name. He is the one that gave me the money and I bought the medicine for Afghanistan. In this case, who would be the director, me or him? Also, I do not work for Al-Wafa. By what reason do you claim I worked for Al-Wafa?

5. Al Wafa is an NGO with known Al Qaida connections.

Detainee: As far as you know, Al-Wafa being a non-governmental organization, I don't know that because I never worked with them. I was never given any salaries, and wasn't getting paid from them. You say that it has connection to Al Qaida? I never heard that from anyone else except from you. I didn't see anything wrong that they've done other than charity work. There's a point I would like you to keep in mind. They don't know that the Al Haramayn and Al-Wafa organizations, both of them were operating before the attack on September 11th and before that attack, we never heard that it was a terrorist organization. How would an individual who's looking for work to support his family, know if that organization is a terrorist organization or not? You know that my going to Pakistan, the idea was to get a job to support my family and extended family. I have all the witnesses and they are over here in Guantanamo.

6. Detainee was apprehended during a raid on his residence on 23 September 2001 in Karachi (PK).

Detainee: I admit that they apprehended me on September 23rd 2001. They didn't capture me, but some people simply kidnapped me while I was asleep. I was captured with a Pakistani cook. There was nobody else with us. An American interrogator interrogated me, then we were given to Pakistan. That's all they had was me and the cook. They say that they found some documentation or papers indicating some information about weapons. That's false. I had some money, about \$13,000 and furniture because I planned to bring my family over. The Pakistanis found out about my money and furniture, so they accused me of being a sympathizer and wanted to turn me over. During my lifetime, I have never touched a weapon. I have never taken any kind of training or things like that. So where did I get the papers from? They're lies.

7. Alawi was captured in a facility with other individuals now detained by DoD and information related to weapons, explosives and tactics were found in that facility at the time of capture.

Detainee: The American Forces did not capture me. They must have been following me and checking up on me and things like that. They are all lies by the Pakistanis so they can take control of my money and possessions. I came to Pakistan with a legal passport and entered legally. I was renting a place and working there because I was trying to bring my family over. They can accuse me of a lot of accusations, the Pakistanis, but they wrote that information. It wasn't me that wrote that information. That's all I have to say.

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Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "Yes."

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process the detainee answered, "No."

[The Recorder read paragraph 3.a], "The detainee is a member of, or associated with, the Taliban."

Detainee: No.

[The Recorder read paragraph 3.a.1], "The detainee admitted he traveled from Yemen to Afghanistan via Pakistan in May 2001 to receive combat arms training."

Detainee: I'm not sure of the date, but the training was not for fighting.

Tribunal President: You will be given an opportunity to address each of these in just a moment. For now just let the Recorder read those to us, we have not heard them before.

[The Tribunal President asked if the Detainee wanted to make a statement under oath.]

Detainee: A lot of the statements here are incorrect.

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

Detainee: You read and I'll tell you if it's wrong or right.

Tribunal President: Very well. Personal Representative would you like to go through these with the Detainee please.

Personal Representative: Concerning item 3.a.1, the detainee admitted he traveled from Yemen to Afghanistan via Pakistan in May 2001 to receive combat arms training.

Detainee: I don't know the date and the training was without fighting.

Personal Representative: Previously he discussed that the training is a type of preparation and is a religious obligation.

Detainee: I did not say that I said training only.

Personal Representative: Concerning item 3.a.2, upon entering Afghanistan, detainee sought out Taliban members.

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Detainee: Yes.

Personal Representative: Concerning item 3.a.3, the detainee served as a courier for a Taliban member, making approximately ten trips between Kabul and Kandahar during a three month period.

Detainee: The trips were not as a courier and it was nine trips not ten.

Personal Representative: Concerning item 3.b, the detainee participated in military operations against the United States and its coalition partners.

Detainee: No.

Personal Representative: Concerning item 3.b.1, the detainee was present in Kabul during the United States air campaign.

Detainee: I was starting to leave.

Personal Representative: Concerning item 3.b.2, the detainee was injured in an aerial bombing attack near Khowst, Afghanistan.

Detainee: Yes.

Personal Representative: Concerning item 3.b.3, the detainee was identified as a Yemeni mujahid who trained at Al-Farouq training camp and was captured at Tora Bora, Afghanistan.

Detainee: No.

Personal Representative: And when we spoke, he reiterated that he was not mujahid.

Detainee: Yes.

Personal Representative: He never trained and was captured in Pakistan.

Detainee: Yes.

[Tribunal President asked if the Detainee had any other evidence to present to the Tribunal]

Detainee: No.

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Summarized Answers in Response to Questions by the Tribunal Members

Q. Why did you travel to Afghanistan?

A. For training.

Q. What kind of training?

A. Anything.

Q. Any kind of training?

A. Nothing, just small things like the Kalashnikov.

Q. So, military training?

A. I don't know. Does everyone know this is military training?

Q. You said yes to the question about when you entered Afghanistan you sought out Taliban members? Why did you seek out Taliban members?

A. Just something for me. I take what I want and then leave.

Q. When you say take what you want, are you talking about the training you wanted?

A. Yes.

Q. And the Taliban was providing the training?

A. No, I didn't see them.

Q. You said you took nine or ten trips between Kabul and Kandahar if they were not for a courier, what were those trips for?

A. To search for training.

[Tribunal President asked if the Detainee had any further evidence to present to the Tribunal]

Detainee: No.

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AUTHENTICATION

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

Nfl? _____., Col, USAF
Tribunal President

ISN#069
Enclosure (3)
Page 4 of 4

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