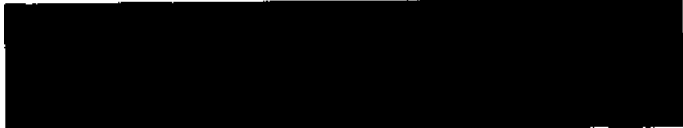


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The Tribunal President confirmed that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explained the remainder of the Tribunal process to the detainee and adjourned the Tribunal.

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

Relative to the US Government's Summary of Evidence for the Combatant Status Review Tribunal, I, Al Jabri, Bandar Ahmad Mubarak, provide the following information:

3. a. 1.1 have never admitted to be to being a member of the Taliban. I used the Taliban's available resources for training but never fought against the Northern Alliance or the US. I wanted to use the training provided to fight in Chechnya.

2. The training received is individually provided. It was not a military camp with group training. Weapons were available for training and I did learn to use these weapons: Kalashnikov rifle, Bika, hand gun, RPG, hand grenade, 82mm canon. I also learned navigation by stars, crawling and other physical training. I never used the weapons against the Northern Alliance.

3. b. 1.1 traveled to Afghanistan to receive the available Taliban weapons training but not for the purposes of fighting against the Northern Alliance nor to join or support the Taliban.

2. and 3. (see 3.a.2. above)

4. I did travel with a group of people to Konduz but I only knew why I was going and not why they were going. I was going to receive anti-aircraft artillery training (3. b. 5.) in order to fight in Chechnya. I returned to Kabul after this training and then went to Jalalabad (about one day before Kaadafesrfell). I left Jalalabad to go to Tora Bora and on to Pakistan with the intention of continuing home to Saudi Arabia because my mother was sick and insisted I come home right away. I contacted Pakistani officials who ultimately turned me over to the Americans. \

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5. (see 3. b. 4. above)

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6. I did not fight against the Northern Alliance nor did I provide any support to the Taliban.

7. The training area was located approximately one km from the front line but I was not fighting, I was training.

Bandar Ahmad Mubarak al Jabri ٢٨

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Exhibit D-b

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Summarized Detainee Statement

Tribunal President: Bandar Ahmad Mubarak Al Jabri, you may now present any evidence you have to the Tribunal. You have the assistance of your Personal Representative in doing so. Do you want to present any information to this Tribunal?

Personal Representative: Mr. President, the Detainee **would** like to make an oral statement. I am also going to provide him a written, translated statement that he made during our session. I will subsequently submit this document as exhibit "D-b."

The Detainee is handed a typed statement prepared with the assistance of his Personal Representative for reading and presentation to the Tribunal. The detainee's typed statement is set up in such a way that it addresses each point on the Unclassified Summary of Evidence in order. The written and signed version of the detainee's statement is attached as Exhibit D-b. The detainee's verbal statement, which generally corresponds to his written statement, is set forth below (summarized).

I am Bandar Al Jabri. I did not admit that I was a member of the Taliban. I used the Taliban to get my training. I did not fight against the United States and the Northern Alliance. I wanted to get all the training so I could fight in Chechnya.

The training that was given to me was not good training. There were no military people providing the training or training me on any weaponry.

I learned how to use the following weapons: Kalashnikov rifle, Bika, pistol, RPG, hand grenade, and the 82mm cannon against the aircraft. Then afterwards, I went to Afghanistan so I could practice on the available weaponry. I also learned to crawl and received physical training. I did not want to use my training against the United States and its allies. I did not want to help or enroll in the Taliban army.

Afterwards, I went with a group of people to Konduz. I knew why I was going there, but did not know why they were going there. I was mere to learn how to use the anti-aircraft missile in order to fight in the Chechnya. I came back to Kabul after the training. Then I went to Jalalabad about one day prior to the downfall of Kandahar.

At this point, the Personal Representative interjected and asked if the word "Kandahar" should be corrected to "Kabul" After confirming that the answer was yes, the Translator made a pen and ink change to the detainee's written statement. The Translator initialed the change.

Tribunal President: To make it clear, you went to Jalalabad one day prior to the fall of Kabul?

Translator: That is what he said, but the document read Kandahar.

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Tribunal President: Okay.

Detainee: Then I left Jalalabad for Tora Bora. From there I went to Pakistan. My intention was to return back to my country, Saudi Arabia. My mother was sick and insisted upon my return immediately. From there, I called the proper authorities or responsible people in Pakistan. In turn, they turned me over to the American Government.

When the detainee read his answer to point 3.b.5 on the Unclassified Summary of Evidence (*Detainee was trained in the Northern part of Afghanistan on the 40mm anti-aircraft guns*), he referenced the same answer he gave to point 3.b.4. This is best understood by looking at the detainee's written statement, Exhibit D-b. He then continued.

I did not fight against the United States and its allies, and I gave no assistance to the Taliban. The place of training was about one kilometer from the front lines. I was not fighting, I was just training.

Tribunal President: Does that complete the statement?

Detainee: Yes.

Tribunal President: Will the Detainee answer questions?

Detainee: Yes.

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

Personal Representative: Yes, Sir, I just have one question for the Detainee. When did you depart for the training in Afghanistan?

Detainee: I do not remember the date.

Personal Representative: Was it before or after September 11th, 2001.

Detainee: It was after.

[NOTE: During a recess in the classified portion of the Tribunal, the Tribunal was informed that the Translator had erroneously interpreted the Personal Representative's question posed to the detainee. Thus the question the detainee was asked, and subsequently answered, was "When did you depart training in Afghanistan?" The translation error was rectified during a subsequent unclassified session at which the detainee was present on 26 August 2004, and the Tribunal

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disregarded the detainee's answer to the erroneously translated question. A full discussion of this issue appears in Enclosure (1) to the CSRT Decision Report]

Tribunal President: Recorder, do you have any questions for the Detainee?

Recorder: Yes, Sir. You stated you were training about one kilometer from the front lines.

Detainee: Yes.

Recorder: Was it at a training camp?

Detainee: No.

Recorder: Was there any specific reason why the training was so close to the front lines?

Detainee: There is no reason. I trained on the M-82 there because that was the only place I could get the training.

Tribunal President: Do any Tribunal Members have questions for the Detainee?

Tribunal Member: I have a couple of questions. When you were framing about one kilometer from the front, who was training you?

Detainee: Abu Ahmad Al Ilmani.

Tribunal Member: I don't want the name of the person. Was this person a Taliban soldier?

Detainee: Yes, he was Taliban.

Tribunal Member: So when you were a kilometer from the front, you were with Taliban soldiers?

Detainee: There were people of different nationalities, but not all Taliban.

Tribunal Member: Some of the people were Taliban?

Detainee: Yes.

Tribunal Member: When you went to Tora Bora whom did you travel with? I am not asking for their names, but I only want to know if you traveled with Taliban soldiers to Tora Bora?

Detainee: No, I was by myself.

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Tribunal Member: So there was no one else traveling with you?

Detainee: It was I and other soldiers. There were approximately four people who were all Arabs.

Tribunal Member: Were they armed?

Detainee: No, Sir. The reason we went in that direction was because we wanted to go to Saudi Arabia and all the other routes were closed.

Tribunal Member: When you were at the front training, did you ever fight the Northern Alliance?

Detainee: No. In addition, when I was there I did not fire one single shot at the Northern Alliance. My going there was simply for the training. Not to fight.

Tribunal Member: So when you trained on the mortar, you never fired the mortar?

Detainee: The training was not practical or hands on. They only showed me how to use **it.**

Tribunal Member: How long were you at the training site?

Detainee: Approximately two months.

Tribunal Member: Okay, thank you.

Tribunal President: Bandar Al Jabri, do you have any other evidence to present?

Detainee: I have no other evidence.

Tribunal President: Okay, I just want to make sure. Personal Representative, do you have any other evidence you want to present to this Tribunal?

Personal Representative: Yes, Sir. I am submitting Exhibit "D-b" which is the Detainee's written statement. It has been signed by the Detainee. I have previously provided a copy to the Recorder.

Tribunal President: Personal Representative, do you have any further questions?

Personal Representative: No, Sir. I do not.

Tribunal President: Recorder, do you have any further questions?

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Recorder: No, Sir.

Tribunal President: Tribunal Members, do you have any final questions?

Tribunal Member: I have one question for the Personal Representative. The handwritten portion at the bottom of Exhibit "D-b," is that the Detainee's signature in Arabic?

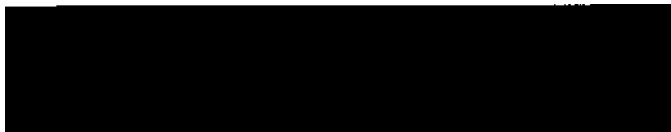
Personal Representative: Yes, Sir. There are two elements there. On the first page, it indicates it is page one of two of the document. The signature is on the second page.

Tribunal Member: Thank you.

That concluded the detainee's presentation of evidence.

AUTHENTICATION

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



COL, USA
Tribunal President

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At 1051 on 25 August 2004, the President reopened the unclassified session of the Tribunal. The Tribunal members, the Recorder, the Personal Representative, and the Reporter were present. The detainee was absent. The purpose of the session was to resolve certain translation errors that had been brought to the attention of the Tribunal President during a recess of the classified portion of the Tribunal. To address the translation errors, a CSRT staff linguist who had observed the erroneous translations, was called by the Tribunal to testify regarding the matter.

• • • H u H V A r a b i c Linguist, Office for the Administrative Review of the Detention of Enemy Combatants, Guantanamo Bay Naval Station, Cuba, was called as a witness, sworn, and testified as follows (summarized):

I witnessed the translation errors and can testify regarding what was said.

The actual question that was posed to the Detainee by the Personal Representative was "when did you depart for the training camp." The question posed to the detainee after translation was "when did you depart from or leave the training camp?" The reply was "after September 11th." I think there was a misunderstanding. The Detainee did not say when he actually left for the training camp.

The other thing was the Northern Alliance was frequently translated as the United States. So the Detainee did actually state two or three times that he did not ever fight or pick up a weapon and use it against the Northern Alliance, as well against the United States. I noticed the Detainee was asked that question at the end and the Detainee stated he had not. Also, the Detainee stated he did not realize the training camps were actual training camps against the United States; and also he did not realize that they had any intentions against the Northern Alliance, as well.

Tribunal President: Thank you and we appreciate your testimony.

The witness was excused from the proceedings and left the Tribunal Room. The unclassified session adjourned at 1056 hours, 25 August 2004.

AUTHENTICATION

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


**COL, USA
Tribunal President**

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At 1330 on 26 August 2004, the President reopened the unclassified session of the Tribunal. The Tribunal members, the Recorder, the Personal Representative, the Reporter, and the detainee were present. The purpose of the session was to resolve certain translation errors that had been brought to the attention of the Tribunal President during a recess of the classified portion of the Tribunal. To address the translation errors, a CSRT staff linguist who had observed the erroneous translations, was called by the Tribunal to testify regarding the matter.

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fIHfIHfHBfifArab Linguist, Office for the Administrative Review of the detention of Enemy Combatants, Guantanamo Bay Naval Station, Cuba, was called as a witness, sworn, and testified in substance as follows:

Witness: I noticed a couple of mistakes yesterday. First, the question was asked when did you leave for the training camp in Afghanistan. It was translated as when did you leave Afghanistan. It was answered I left Afghanistan after September 11th. The other thing was the Northern Alliance was translated as the United States. So when the Detainee was asked had you ever fought against the Northern Alliance; he was really being asked if he had fought against the United States. The Detainee's answer was no.

Tribunal President: Do you have anything further to say?

Witness: No.

Tribunal President: Bandar Al Jabri, it is now your turn to ask any questions you may have.

Detainee: I don't have any questions.

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

Personal Representative: No, Sir, other than re-stating my questions from yesterday. When did you depart Saudi Arabia and when did you travel to Afghanistan to begin your training?

Detainee: I left Saudi Arabia before September 11th. One year prior to September 11th.

Tribunal President: Anything else Personal Representative?

Personal Representative: No, Sir.

Tribunal President: Recorder, do you have any further questions?

Recorder: Sir, I would suggest the second question the witness brought up be asked again, which is whether the Detainee ever fought against the Northern Alliance?

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Detainee: No. My reason for going to Afghanistan was for training.

Recorder: That is all I have, Sir.

Tribunal President: Any of the Tribunal Members have any questions?

Tribunal Member: Just one question for the witness. You heard the initial translation of the questions, the erroneous translations. Is this how you were able to formulate what the correct translations should have been?

Witness: Yes. >

Tribunal President: Is it your opinion that throughout yesterday's open session, whenever the term United States was spoken it really meant Northern Alliance.

Witness: Yes, Sir. Northern Alliance.

Tribunal President: Having cleared the record and answered all the questions pertaining to yesterday's misunderstanding, this session is closed at 1340 hours. The Tribunal members will adjourn to deliberate.

AUTHENTICATION

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


COL, USA
Tribunal President

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

Personal Representative: Yes Ma'am, I do.

Personal Representative Questions

Q. Abdullah Khan, are you or have you ever been known as Khiruliah Khairkhwa?

A. No. Since I was born from father I go by Abdullah Khan or Abdullah.

Q. When you were captured you said that people accused you of being Khiruliah Khairkhwa. Do you know why they would have accused you of that?

A. Americans did not know me. Americans were giving an announcement that if you turn over a high-ranking Taliban member or the governor, we will give you a lot of money. That's why they gave that Khiruliah Khairkhwa name because he was the governor of Herat. They wanted to get some more money out of me.

Q. How did you know Haji Shahzada?

A. I was working for him doing labor. Like a servant I was harvesting his grapes. Then I saw Haji Shahzada in Oruzgan. We were doing dog fighting and I saw him there in Oruzgan. I asked him what he was doing there. He said he was there to get a dog. I gave one of my dogs to him. The third time I saw him was in the city when he invited me to spend the night at his house.

Personal Representative: That's all the questions that I have.

Tribunal President: Recorder do you have any questions for the detainee?

Recorder: No Ma'am.

Tribunal Member's questions

Q. Shahzada, do you see him everyday here at camp?

A. I don't know where he is. I think he is in camp four. I don't even know where he is.

Q. He's not in your same area?

A. No, he not in the same area. He used to be for some time in the block but not now. He is not here with me.

Q. I think you asked the question about jihad. Being a member of jihad against the Russians isn't important in some respects of you being here for this hearing, other than it may show military training. Really what we are interested in is what type of military training have you had?

Translator: He thought it was about school, so I had to say no it's military training. I had to repeat that back to him.

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- A. No I did not receive any military training. I just have one book in Farsi; I know that. I have one for the Koran to read that I am a shopkeeper and you can ask me anything about the shop.
- Q. You said you were a laborer for Shahzada?
- A. It was a long time ago. I just did one day of work of labor for him. We were working in his field or someone else's field we were working in, it was a long time ago I don't remember. I did work for him for one day.
- Q. The government person here will give us more evidence later. Right now, you said you've been accused of being Khairkhwa? Who is he?
- A. I don't know. Khairkhwa is here with you guys. You probably know him better. He is here.
- Q. You mentioned two enemies that you saw at the bazaar that had killed some relatives of yours. Do you know their names?
- A. Their father killed my father, my father's father and my brothers. One is Mullah Jan (ph); he was a big commander during the Taliban. The other one is Mullah Bujan (ph). I had another enemy, he was not a very, very important enemy, but he had some hostility against us. His name was Omar Jan. I saw him that day at the bazaar to.
- Q. You mentioned meeting a boy on the way to Haji Shahzada's house and you said you took the boy to dinner. Is that a normal custom or did you know this boy before?
- A. Actually this is our culture. We are Muslim; sometimes we have twenty people in the Mosque. If there are twenty people in the Mosque we have to take food for all twenty people and feed them. This is part of our culture.
- Q. He was a complete stranger? You had never met this boy before?
- A. I knew him. He was from our village. Somebody had killed his father. I just felt bad for him. He was selling the same stuff that I did. His supply was in the car too. His car did not arrive at that time either.
- Q. Was the boy arrested with you?
- A. Yes. A lot of people got arrested with us at the same time. I have no idea what has happened to him. Only Haji Shahzada and I have been brought here to Cuba.
- Q. Do you own a weapon for personal protection?
- A. No I don't have any for my house for my protection. I have like two pieces of Kalashnikovs; which was given to me from the (inaudible) officer. They still have this weapon for their security.

Q. Have you ever fired a weapon?

A. Yes. I did fire once it was while hunting. I was trying to hit the bird. What I did was turn my face and I shot like this. (*Detainee motioned that he shot the gun with his head turned away*)

Q. Do you have a formal education?

A. No.

Q. One of the accusations or allegations is that you were an airfield commander. Have you ever been a pilot or flown an airplane?

A. The question that you are asking me I don't even understand. What is a pilot? For my entire life I have never been in school. The question that you are asking me, I am wondering because I don't even know. You can ask me about the shopkeeper, about the shop.

Q. You indicated that you had only see Haji Shahzada three times. My question is, is spending the night with somebody that you do not know that well, is that a common occurrence? That you would just spend the night with someone you know so little about.

A. It is no big deal. Even if you only see somebody once and you go to their house they will feed you.

Tribunal President's questions

Q. You told us the types of goods you had taken to Kandahar bazaar to sell. Are those the same kind of goods that you sell in your own shop?

A. In my shop it is different things. I sell things like fabric, tea, sugar, salt and candy. These kinds of things. I also sell things like necklaces and things. These kinds of things we just buy and sell them. We buy it just to sell and we bring it outside of the city to sell.

Q. This is another business that you do?

A. We exchange things with the poor people that do not have money. They give us some of these things and we give them the things that they need. We take this stuff to the other bazaar and sell it there.

Q. The goods in your truck were actually goods that you exchange at your shop?

A. In the car there was ISO animal skins and five mang (ph) beans. It is a small green bean.

Q. Lima bean?

A. No, mang (ph) beans. It was five. Two harwar was mine; three harwar I borrowed and I said I would pay for three harwar. I had some other stuff but I don't remember. I had some slippers and dry yogurt; I don't remember how much I had. I just remember the animal skins and the beans.

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- Q. Once you got to the bazaar in Kandahar did you usually sell to individuals or to other businesses there?
- A. No. They are like the big businessmen. There are different people. Like one is just selling the skin to them and one is just buying the beans and the other one is just buying the slippers for different people.
- Q. You are selling that to businesses rather than to people who happen to be in the market.
- A. To the people.
- Q. Maybe it's just a... like other shop owners who are going to in turn sell it in the market or are you actually opening up a place in the market to sell these directly to the people?
- A. No. Not to the other shoppers. We just put our stuff in the bazaar, like slippers and beans and leather. People come and buy what they need.
- Q. How long did you plan to stay at the bazaar? How long would it take for you to sell the goods you had in your truck?
- A. It depends on the customers. Sometimes it takes two to three days, sometimes if we don't have any customers it could take five days to sell.
- Q. You estimated you did this once or twice a year? How often did you go to Kandahar?
- A. It depends. If you need something for our shop and we finish all the stuff we have in our shop. If we are still full we don't need to go to Kandahar. We just go on need.
- Q. Are you telling me then you are not only selling the goods you have in your truck but you also in turn buy things for your shop?
- A. Yes. Whatever I make on a list for me, like what I need for my shop, I write the name of what I need then when I sell my stuff I give it to the other shopkeeper and tell them I need to buy this stuff from you.
- Q. Did you own the truck your goods were in?
- A. I was actually in a small car but my goods were in the truck, which was a rental. It was from the people in our area. We rented their car and then we gave them money.
- Q. The truck itself was rented and the car you owned?
- A. In the truck it was not only my goods there were a lot of other peoples goods as well. I wasn't the only passenger in the car even, there were a lot of people in those two vehicles. So we rent, yeah I rented the car.
- Q. You're saying that it wasn't just you that took the goods. Obviously it was whoever was driving the truck plus some other passengers in the car?

A. Yes.

Q. You stayed over night with your friend. Did the other people do the same? Stay with other people in the area?

A. I don't know where they went. It's just passengers. Everybody has to get in the car and they ask the driver where he is going and he says I'm going to Kandahar and the other passengers get a ride in the car to. I don't know where they went.

Q. They weren't helping sell the goods, they didn't own goods in the truck, they just happened to be people along for the ride that needed to go to Kandahar?

A. I don't know, I didn't ask them where they were going. Some people go. They may go to Pakistan, they may go to do business, and some of them probably need some water. I did not ask those people what they were going to Kandahar for because that was their own business.

Q. Tell me about the dinner at your friend's house. You said there were several people there?

A. Yes.

Q. Did you know everyone that was there?

A. No I did not know any of them.

Q. You only knew the host?

A. I only knew Haji Shahzada and the boy that went with me.

Q. Tell me what did you talk about at the dinner?

A. Haji Shahzada is the representative for his whole area. He was the Mayor. He brought one of the organizations that he was working with. This organization was paying him. We also talked about Karzai and how he was doing. We also talked about government and politics.

Q. What would you say the tone was? Generally you got the impression everybody supported Karzai or pro-government or were some of them grumbling a little bit?

A. When Karzai came everybody welcomed him because he brought some jobs and some work for us. Everybody was very happy because he brought some charity organizations for work.

Q. Are you a native Afghan?

A. Yes, I am a native of Afghanistan and I was born in my place and I was still there. My brother and father are still living there.

Q. Did you ever travel much? I know you said you went to Kandahar obviously, but did you travel anywhere else?

A. No. I didn't need to go anywhere else, to other areas.

Tribunal President: I would like to thank you for participating in this Tribunal today.

Detainee: I thank all of you too.

Tribunal President: At this point is there anything else that you would like to tell us?

Detainee: Yes. I have a question. For fifty years I worked very hard. That was all my money. All I saved. It was all of my savings from my very hard work of fifty years. I lost all of it when I got captured. I lost all of these things. Then I have very small kids and I don't know what my kids are doing. The Americans took this away from me, all of my savings that I had. This is my question. I don't know, what about my kids?

Tribunal President: I'm afraid I can't help you out much there. Our purpose is to decide whether you are properly classified as an Enemy Combatant or not. I'm sorry.

The Tribunal President confirmed with the Personal Representative that he had further evidence and if the Detainee had any previously approved witnesses to present to the Tribunal.

Personal Representative: Yes Ma'am I do. I first would like to present to the Tribunal the Witness Data Worksheet for Haji Shahzada who provided responses to questions to me during a 7 January witness interview. I have reviewed these with Abdullah Khan and he has agreed that he would like them submitted as evidence in his case. They do support his statements so far.

Tribunal President: Let the record show I have in my possession exhibit D-B.

Personal Representative: I also have another exhibit that the detainee requested. It is a polygraph report of an examination. It is exhibit D-C. It does confirm his statement that he had passed his polygraph exam.

Tribunal President: Let the record show I have in my possession exhibit D-C. Is that everything?

Personal Representative: Yes.

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

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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. Army
Tribunal President

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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. Army
Tribunal President

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Summarized Unsworn Detainee Statement

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

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

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

Tribunal President stated that the detainee wants to participate and has requested one witness, which will be present later on during the tribunal hearing.

The Recorder administers the Muslim oath to the detainee.

Detainee: I swear to Allah, to what I say in this tribunal will be all truth.

Tribunal President: I understand at this time, you have prepared a map for us, and at this time, your Personal Representative is going to enter that into evidence.

The Personal Representative enters Exhibit D-b and D-c, maps drawn by the detainee.

The Detainee showed the Tribunal members how to properly fit the two pieces of the map together. He identified the border between Pakistan and Afghanistan and various mountain ranges. He showed the main road, which crossed the border and the checkpoints on the road. Finally, he pointed out different locations on the map, such as his residence, his clinic, and the bazaar at the border, the firehose, and a refugee camp that was southwest of his residence.

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 forces that are engaged in hostilities against the United States or its coalition partners.

3.a. 1. On 14 Oct 02, six rockets were launched from the east, firing on Firehose (FB) LWARA, a U.S. Facility in Afghanistan. The FB then observed a vehicle with its headlights off drive away from the scene of the launch and stop at a dwelling.

Detainee: My English isn't so strong, so I will ask the interpreter to help me when needed. The vehicle came to my home from the LWARA, the Firebase. I already told them, there is no way to get there by car. To get to that area from where they fired the rocket It is impossible to drive a car from the area where the rockets were fired, leading to my house. There is no road, and nobody drives there in the past. The other thing, from the other forces, the Army check posts, so, the whole area is easily visualized. This

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area, it's not the first time, that they fired a rocket, this is the second, or third or fourth time in the whole area there was not ringing, with the help of the posts. Which also, half the time, there were mobile, the soldiers, they were mobile in this area. In this area, so how is it possible to come and mortar, and drive up the mountain, fire the missile, how is this possible, that he is going to watch this, his enemy was because when he was coming to my home, he will be faced with one of these posts. So, I think, they will be listening to the sound of the racket and they're not sleeping in the tent and if they weren't sleeping, men why did they not send (sound) the vehicle to us coming towards my home. The bad thing is ok, the sad thing, if they didn't send (sound) the vehicle nobody can drive there. This road isn't even driven in the daytime. Half light, this streak of light, how can you get the vehicle any person who wants to drive the vehicle in the half light. The purpose of the half light, is not to be seen by the other people. But, if he's visualized, from the other sides, then why didn't he switch off the light? The other thing, the light, when he was between the vehicle, passing the checkpoints in the middle of the road, there is no way, to come to that area. So I think the soldiers are those people who are working there, They are the ones who are seen, they are going to send those people, they know about those people, and they know about those vehicles. This is light, is not seen by all these people. They, who fired the rockets, it was coming towards my home. He's coming from east, towards the base, and these forces, this Firebase, for what purpose was he coming? He came, how did he leave the area, did he fly, then what, there's no way to escape. You will need to cross, you would have to pass one checkpoint by the west side and by the east side. So, how is it possible?

3. a. 2. The detainee was found in the dwelling in which the FB observed the vehicle with its headlights off drive away from the scene of the launch.

Detainee: I already mentioned this thing; there is no way to escape. When would he leave the area, he would have to pass one of the checkpoints.

3.a. 3. A search of the compound revealed batteries, Kalashnikov rifles with loaded magazines, a signal mirror and a pistol.

Detainee: Yes, there were two Kalashnikov's and one pistol at my home. There were batteries and also a mirror. Not one, maybe two, maybe five, maybe there will be six. This is my birthright, to keep a weapon at my home. This will not, the last ten years of my life, this is from my past, we got permission from the government of Afghanistan. We got permission to keep weapon because there is no police, there's no army, no forces, in the past. This area there's nothing, everybody is responsible for his own security. Everybody held weapons at their homes. The first time, when the soldiers came when we were attacking one another, I offered them. You want the weapons? I will give you the weapons. I don't like these things, you can ask them, because, it's not far off from you, with the help of telephone, or Internet or anything, you can take me, within five minutes. As for the mirrors, these mirrors are not meant to be for signals. These are just to see your face because in this area, not everyone hangs the mirrors in their bathrooms. So, everybody held these mirrors, in their pocket, and they keep it in their homes. Dozens of people, this is one of the few things, traditions. If you see everybody he will hold a

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mirror and these aren't for signals these are for personal use. The batteries, we don't have electricity and when you want to listen to music you want to use your radio, tape recorder, television there is no other way you have to use the battery. So, these things are for my personal use not for that thing.

3.O.4. The detainee is associated and was involved in a meeting with a suspect arrested by United States during a raid on a suspected Taliban facility.

Detainee: First, I am a doctor. Everybody is coming to me. This is my right to do this. But there is nobody is bringing anything and he's friend, and nobody is introducing something, and he's going to be noted that he Taliban and he's from al Qaida and he's from any other. As for this meeting, I never, throughout my life, I never joined any political party. I never took any relationship, with any political party, and trust me in these things. If I wasn't trusted, then in that area, I'm the first person who got an education, and know something about these things, but, my profession is totally different from these things. That is about these things, and as for those people, who belong to Taliban if I wasn't trusted in these things, then why did I leave my home why did I live in Pakistan? If I wasn't trusted there was a good chance for me to join this party, they gave the facility to those people who are working with them. But, I don't like them, from the beginning, if you ask them, the Taliban, I wasn't in that position. For example, they are like the people who are religious, the religious books, religious knowledge. The proof is there, that when there was Taliban, there was no school, university, and no college in Afghanistan. So, my family is uneducated. My brothers and me, also my father was uneducated and he was trying to keep us from all these things. Therefore, I studied five to ten years outside my country, and as for the Taliban, they never came to my home. Because I was studying, you know, throughout Afghanistan, there was no person who was studying and who stayed inside of Afghanistan. If you are studying and you go inside Afghanistan you will go to prison still, (inaudible) Who is this person, this person, the people who have been arrested by the United States soldiers. I don't know, nobody introduced me to this person, the time that he ran, can you please help me. But, if he was, why did they not arrest him, if he was a soldier, why is he arrested, and he left, they know, this person is against the U.S.A. So, I think that you can say he is helping them. They are helping him, if he's an enemy and they can see, this person he's arresting a person, who just said hi, and a real enemy, they let him free. If you tell me the name of the person then, if I know about him, then I will tell you everything that he did, that person. Blindly, it comes to anything, I can't say anything about those people, who he was, and how he was, I don't know, I can't say at this time. The soldiers came, they stamped the road as well, against the Taliban and al Qaida. So, first, a different area I'm the first one who has a facility, x-rays, and laboratory. In the whole area, there isn't a doctor. I was working with other doctors for one or two years and they are coming back and they are starting their practice. They don't know how to use the laboratory, or x-ray machine, all these things, for the medical profession. This is my plan, an injured person can come and he can take advantage of my clinic. All the people, who become injured, everywhere, I give, I will talk to you, social, and they question me, that any person who is coming that they are thinking that they have been injured in the war so, if you can please inform us. First nobody will be so stupid that he will come to his enemy, because I was

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just near the firebase and no way, no person could be escaping from the U.S. soldiers. The second thing, all those people who came to my clinic that I treated, he was there and was admitted and I send him in, if he's injured, the injury and everything I send this to U.S. soldier because sometimes, I was busy there, and then later, I (inaudible). So, all the people that I treated, I give the names, the area from where he is living, when he became injured, which type of injury, bomb blasting injury, this is another type of injury, all these things.

3. a. 5. Prior to the rocket attacks, the detainee had sent a handwritten threat to the FB LWARA leadership implying that there would be problems if more locals were not hired to work on the base.

3. a. 6. The detainee sent vaguely worded letters to the commander of the U.S. facility prior to the rocket attack

Detainee: In the last two and a half years, I have been thinking I was confused, for what the reason why Pm here. Last week, when they announced the position then I understand the reason, that's why I'm here. Can I get permission to tell you this sad story about these things? This is coming from a person who speaks English. The first time they (inaudible) the area, all the (inaudible) introduced me. Because there was no way to get traffic there. They have all my pictures, the people who are living, those guys they are (inaudible) and they are doing things, they decided to from area drive they will pick three persons, here are four persons. He will be responsible for all the activities for the tribe. So, first, I was working like an interpreter. Anybody who needed my help, from my home or my clinic to the firebase and they were attacking one another. With the center, the U.S. soldiers, not five times, not ten times, not fifteen times, a lot of times, they were coming to my home, and also to my clinic. Also, the firebase. In this area there aren't any educated people so when the soldiers came, these people are thinking they will help us. So, everybody was excited, the soldiers were coming to my home, to my clinic, and I'm living there and you are attacking one another. They are thinking that in their faith and the U.S. soldiers are listening to him. So, when they were (inaudible) the U.S. soldiers, wasn't any work, so finally they came to me, and I will meet with them. This became a headache for me, because, not only one person they are leading (leaving) thousands of people and everybody was thinking the U.S. soldiers they came for aid and to be helping and the people for what the soldiers, what are the soldiers. So some people are coming for that we need a bridge, some people said that we need a school, we need a hospital, all these things. The commander of the U.S. soldiers, he told me mat you are wasting your time and most of the time you are busy waiting for a long time for you. You are just giving me your radio, your problem. This person, he isn't asking about anything, you are to hire them. That will help us, when these people aren't thinking about the essentials that they don't want to help you, the needy people. If you refuse, you are thinking that the people don't want to help me. The second thing, about the problems about the area, and also the hesitation they think that these people and the U.S. soldiers they will have time to (inaudible) with you, if they don't finish, nobody will have the hesitation from the U.S. soldiers. So, anyways, everybody was coming to me, what does he say, I will write down, either this was legal, or this was illegal. I told them, I knew that the U.S. soldiers and your job is not here to construct buildings, you have to be

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constructing schools. But, one of the things that they came to this very area and there were selling (salvaging) the area to identify the problems in the area. Particularly the schools, and one school was under construction in a different town. But, to identify the problems in the different areas like they were at this one, they were doing that and there was no rain so, other people were suffering from no water supply, water was not available in a lot of the areas. So, I was writing everything. I already told them that this is my necessity, if someone is coming I'm refusing his request he was thinking about the people, they aren't good people, and they don't want to help, they don't want to help the needy people, and they also thinking about me. He's friends with the U.S. soldiers and that he going to his home and that he's leaving there like this, this and this they are coming to, they are eating food for one place, they are making tea parties like these things, and it sounds like he is jealous, he doesn't want to help the U.S. soldiers and these needy people. My job was just to write down these problems and either this is acceptable, and this was my job, I lost my job, and I already told them, you can ask them, what to write on, but, he's not the person I knew. And most of you, you can say, this, useless if a person came, not from your area, and a person came, and he cut his leg, and then he (inaudible) with artificial legs he's just preparing you see. This is a leg, you can walk easily. So, he came, and he told me you are living here, this U.S. soldier, that I need a leg, an artificial leg so, this is not possible, but, I (inaudible), write it down, here, my business is not a racket, my business, I see you later, I was just (inaudible) and before I was having no problems with the U.S.A., not like I have now, this is just a misunderstanding. This is just a misunderstanding like this. Before, the soldiers, there were no running into one another. There was reality. I sent a lot of letters, and in my own head, and my own handwriting. This time, this week, the other soldiers that were there, they left, and a new unit came in there, when I send the letter the new commander he was thinking that (inaudible). New duties. And he minded this letter. He considered them like a threat; so, he thinks it's a threat. I think that the new person and the U.S. soldiers, but if a person was really a threat, the U.S. soldiers; nobody can say he is mentally right Maybe he has some psych problem; maybe he has some other problem. But, (inaudible) I'm hundred percent that it looks like a problem. It's not my personal problem. It's not my headache. I held on to the letters. More than sixty, more than one hundred letters, that in the last six months duration, a lot of people are coming and a lot of letters from a lot of people. (Inaudible) I agree you should be punishing me, why I (inaudible) why I trust you. The other soldiers they were well known to me. But, this is a new guy and I will not go with his activities, with his mind, with his attitude, so why send letter. This letter, this is the letter, that brought me here, that punished me, and I'm upset. But it's just a suggestion, this is nothing but a letter, one, it's everything, last time, she told me he also used, he said that it was a hate letter, these are the hate letters, there are twenty, seventy. These are the letters; I sent seventy letters, which are helpful I think. For example, two times, in the mountainous areas, the shepherd, they are the people who helped catch the sheep and goats, sheepherder, I write everything in the letter. There's no phone facility. There's no Internet, there's no fix. So, this I do anyways, a form of communication. A letter, a different area, we hear the ruckus, the war is there, for the duration, is where the barracks are, (inaudible) Firebase, they came and they removed it. So, if I was any hostility with the U.S. soldiers, then what is my headache? These are far away from me. What are they from? If I was a (inaudible) then, I should be tried to be

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kept, had, not to the U.S. soldiers. These are also hate letters. Two times, the second thing, any one person, this is psychology, when any person reads something, they prey upon his mentality. This mentality is leading you to a different profession. Either he wants to become a soldier, either he wants to become a doctor, either you want to become an engineer, first, for eighteen years, I was at my home. But, two to three years I never saw my parents. Not for the sake to be (inaudible) people. The medical profession is in itself, humane, it's to save people, not kill people. One thing, if I was entrusted with these things, then why did I leave my country. Throughout the world, I think Afghanistan was more a busy place than any can enter there; he was ever to take advantages from all these things. Because of the weapons that are available. If you ask to, to get the training, these people are available and mere are a lot of you in that profession, getting arrested I think the people who came from other countries they came from (inaudible) away, to test these things, but, I left my own country, away from my family. So, if I wasn't tested enough, I will be in this field, I would be a world leader, I would be a politician, all of these things, if I wasn't testing these things, but my job is not to accuse these people. Also, the first day here, when I got here, I give everything about my life, I never hide anything, and I swear that I never told a lie. During these last two and a half years. If I heard from my homeland, I would only say one word. Not that this is my job to be cheat or such a person. Any question they ask me, I answer, according to my knowledge. All these things, if you just ask them, to please yourself, only me, about my area, then you are going to see everything, and if you ask your own soldiers, then either, in different area, the only other person was just about more than me, I'm not a duty person, I don't need help from any other person. Because I'm a doctor I can give money to pass my life. But, I'm not a (inaudible) person who wants to be in jail for life. I want my life to service the poor and needy people. That is the reason to become a doctor. I live, out of the facilities, and I come back to the area, where I was living out of my home, it's six meters height. It's not that all, the other reason, for the sake of security. If you are not secure, and you have family, your children are not secure, how can you pass your life? Also, if I wasn't entrusted with this thing, why did I spend my whole life in the profession which is totally different than from these things. Here, my business is not due to the rocket, not due to the belong to the Taliban, the al Qaida, or from any terrorists, my (inaudible) before I was confused, I was neverminded, because in Afghanistan, for the last twenty five years or more than this the people have been driving in different groups, so most of them, they have some problems with one another. I was thinking that maybe somebody could be complaining that he is from al Qaida because for the last two and a half years you people have been searching from someone, in my letters, but there was nothing. That's okay, but I am confused. Maybe different, last week, when I read the acquisition then I understand, understood, the reason is nothing. Just my letter, I don't know. Who the person was who distributed to send the letters to the U.S. soldiers, without any purpose. I am not a world leader, I'm not a politician, and I'm not any other high authority person. I'm a doctor. I never asked them, this thing, for me, they were dozens of people who were more needy than me. This is not possible for me to help me them. They are acting, (inaudible) also to be disturbing. The second thing, give me one reason, give me some reason, how you can you say that I was in the (inaudible) to U.S. soldiers? Why would I say that, they were fishing, they were this, that were that, they were other people. I never, I'm not the person who to be said that he did that, I'm

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thinking about just hearing me, look no (inaudible) those people who are taking practice, I don't like those because (inaudible) you should be poor, you should be well off, you should be educated, he would be handsome, the other would not be, he would be one of the white ones, one is Christian, one is Muslim, this is no problem, I am Muslim, if you are my friend, and we are taking the elevator you can ask me, Doctor why are you doing this? This, this and this (inaudible) I would say this already, if I wanted to, I would ask you why did you become Christian, or why did you become Jew, or you become this, it's not my enemy. The enemy of the U.S.A., we have two reasons, either, you are a political person, you be not a person to accept the other religions, either you will be a leader you will be some personal (inaudible) I am not a leader, I'm not a person who is in the mind to say, he is this or this. Pardon me, are you hearing me? (inaudible) He is a book writer, you'd be likely to, if he's like my brother, and if he's cruel, if he's ruthless, in the mind, to be disturbed, he's not my brother. By relation, he is my brother, that's it. But here, I would not speak for him. I love him for my parents, my father, never told me this, (inaudible) All the time, he did just, it (inaudible) me, and worked for eighteen years outside the country. The money, he got as a laborer he was working as a laborer, and sending money for me to become a doctor, to get and education. If you are interested in this things, then put me on the other side. Because in my country there is no education. All the other things, they were easily available. There was no problem for any person to begin the military training, to begin the rifle training. All these things, you can get. These people, from the dozens of people in the village, await, they are coming, for this rifle, to use the facility. No one goes there.

Tribunal President: Is there anything else that at this time you would like to tell us?

Detainee: Nothing.

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

Personal Representative: No, Ma'am.

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

Recorder: Yes Ma'am. Where are you from, and where were you captured, what country were you captured?

Detainee: I'm from Afghanistan.

Recorder: Originally?

Detainee: Originally. I was captured in my home, which is situated in Afghanistan.

Recorder: You said that you studied outside of Afghanistan. What other countries have you been to?

Detainee: Pakistan.

Recorder: Have you been to the United States?

Detainee: No.

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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."

[The Tribunal President made the following comments regarding the previous witness request by the Detainee:]

Tribunal President: The Detainee had previously requested three witnesses.

Detainee: Yes.

Tribunal President: One of the three witnesses refused to testify.

Detainee: Who refused?

Tribunal President: He is referenced in the request as Detainee 005. I rule because he did not wish to testify, he is not reasonably available.

Detainee: He refused or was he prohibited?

Tribunal President: He refused to see us. The other two witnesses were willing to testify, but I understand that you withdrew your request for them to be here and provide testimony. Is that correct?

Detainee: My Personal Representative told me after he had met with my two witnesses, they told him they were not with the al-Wafa organization. When I was talking to investigators they told me the two Detainees were from the al-Wafa organization, but after the Personal Representative asked them and they said they were not from al-Wafa then they would have no value in testifying for me.

Tribunal President: There will be no witnesses at this hearing today.

[After taking the Muslim Oath, the Detainee made the following statement]:

Detainee: The first accusation that I traveled from my country voluntarily to Pakistan in 1994. There was a civil war inside Somalia and anyone who wanted to leave Somalia was able to. Whoever was capable of leaving, they left. Several Somalis left and are now living in the United States, Europe, and other countries. I left the country because of the continuing civil war. The places I was allowed to go was one of the countries I mentioned before. I don't understand what you mean by voluntarily leaving my country.

I will ask the President, is leaving the country because of civil wars a crime?

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Tribunal President: We are not here on a criminal case. We just want to understand what may make you an enemy combatant. Moving from one country to another in itself does not make you an enemy combatant. It was why you left the country is something we can consider and we appreciate your statement on that fact.

Detainee: I lived in the North of Somalia, it is now independent, but not believed by other countries to be a country. It is called the Republic of Somalia. Before Somalia was reunited it was called North West Somalia. That is the area I left and it was the first area to start a civil war in 1978 or 1988. During that time, I was studying at the University of Agriculture that was close to Mogadishu. My family lived in the area where the civil war was. I was completely cut off from my family. I continued my studies in a difficult situation. During that time the Somalian government was headed by President Mohammed Said Budee. He was a dictator and several people suffered under that dictator. While I was studying at the University, I was cutoff from my family. The war continued until I finished my studies, then the war spread to all of Somalia. The last area the war started was the capital of Somalia. That is where the President was located.

Previously, the war was between the North and the Army, then the war turned into a Tribal war. After the war started in the Capital, everyone had to return to where they were from. I went to my neighborhood, the North area. After the government and Capital fell, the North entered the battle they were fighting against the government. They announced their independence from the rest of Somalia, but up until now the war continues. The continuing war forced me to leave my country. I wanted to seek a safer place to live. I was hoping to go to a country, such as the Gulf countries, Europe, or the United States where I could find a job. I was unable to financially. My family suffered through the war. They were unable to support me. I was capable of going to India then on to Pakistan. My goal wasn't to stay in that country. I wanted to go to an economical country such as Europe or the United States. Several Somalians went to those countries. As I mentioned before, that is the reason I went to Pakistan.

I left the country under the United Nations umbrella. I was a refugee in Pakistan. Life there was very difficult and help from the United Nations was limited. It was hard to find work because jobs were limited. I arrived in Pakistan in 1994 via India. I forgot to mention earlier, that I went from the North of Somalia to India and from India to Pakistan. I have been telling this story for three years now. Since so much time has passed, I may have missed some steps because I can't remember. I was able to become a refugee and got help. Without help, how could you live there?

I lived there until 1995 and then went to Karachi. I found a job, but it wasn't stable. It involved people who wanted a translator for real estate. It was similar to a social real estate worker.

Regarding the second point, I got a job at the Dehabshiil Company. The Dehabshiil Company is a company that transfers money similar to a bank. During the war, whatever Somalians got from the government ended there. The civil wars caused several people to

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flee the country. This Dehabshiil company helped transfer money to those people that needed it, especially those who couldn't use banks. There are no banks in Somalia. Dehabshiil is a large company, with several branches all over the world especially in places where there are a lot of Somali people. It is a well-known international company and you can find out any information about it on its website. My office was just like all the other offices. My name and address is on their website and anyone with internet access was capable of getting in contact with me. My job was to receive the money and transfer it to students and families who needed it in Somalia. The people in Somalia were not there to work and they weren't capable of transferring a lot of money, however their families were capable of sending them money. This money was transferred directly to the main office in Somalia. That was the work I did for the company. It was the same work the other agents did, including the agents in the United States.

I want to thank my Personal Representative. When I provided him with this information he honestly went on the internet into Dehabshiil's website and downloaded important information. He promised he would present it in the Tribunal. Hopefully you will see it.

[Detainee asked Personal Representative if he would like to present the information from the internet.]

Tribunal President: I would like to get through your statement first. There will be a place where we will ask for additional evidence.

Detainee: Good.

[Detainee continued statement:]

The information you receive from the Personal Representative will show you that the Dehabshiil is a clean company and does clean work. If they weren't, they wouldn't have offices in the United States.

The third point [referring to the Unclassified Summary of Evidence] is not one hundred percent correct. It is an exaggeration. I never heard of the al-Wafa organization until I entered the prison in Pakistan and I have never worked for them. The people that interrogated me for the last three years know this. It appears they didn't tell the truth when those accusations were presented. I wasn't arrested in the streets or mountains but inside my home, where I also worked. My office was inside of my house. All of the equipment I used for the Dehabshiil Company was in my house. I had a computer, files, books, fax machine, and a telephone. Everything I needed was in my house. After I was arrested at my house, you should have had enough evidence to show whether or not I was connected to al-Wafa. All the accusations against me are based on some telephone numbers found on a list. As I have mentioned before, my work at Dehabshiil has a website on the internet and anyone can access that website. My name and phone number was popular on that page. I would get several calls a day, some were from people I knew and some weren't. The accusations against me are based on those phone numbers.

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The interrogators told me the members were with them when the accusations were made about me. I told interrogators if all of the members are here they can testify and the truth will come out. They might have told the truth, only God knows. I heard the guy who was the President of the organization was at Camp 5. My Personal Representative told me that the President of the Tribunal refused the witness because that person refused to talk to my Personal Representative. I'm not surprised, a lot of people are sick of talking after all this time.

I just wanted to ask the witness if I was from his organization or not. It didn't concern him, it concerned me. This person matters because he is the President and he would know who is in his organization and who wasn't. That was a very important point for me but it was laziness on your part.

If it were possible to bring that witness with a Translator and my Personal Representative and if that person could have testified that would have been enough. One of the other witnesses' phone number was found on one of the lists of phone numbers that Al Allah was accused of getting in contact with al-Wafa with. Investigators told me he was from the al-Wafa organization and because of the phone call that is why I was accused of being with al-Wafa. That is why I wanted him to testify.

When my Personal Representative came back and told me the witnesses were denying they were from the al-Wafa organization, I told myself how can they testify? All the accusations against me are unjust. I am innocent of them all.

Here is a summary of my story from the day I was arrested until the day I got here. I was arrested in my house on the first of November 2001, between 02:30 till 03:00. The Pakistani Intelligence came to my home and investigated me on three occasions. The time period between those three investigations was about three weeks. After each visit they asked me about my job, and what I did. During this time I wasn't worried because I didn't feel like I had done anything wrong. If I thought I had done anything wrong against any region or organization I wouldn't have stayed in my home until I was arrested.

When they took me to prison, I was told they were investigating me and in the morning I could go home. My wife was with me at home when I was arrested. It was just her and I in the house. No one else was with us. When I was kidnapped at 02:30 they left my family alone at the house. Up to now, I haven't learned anything about what has happened to her. I stayed at that prison for about four months. The investigators said they were Pakistani and Americans. The Pakistani's told me those English men were investigating me. They talked to me twice. The third time they brought pictures and showed them to me. During that time I was told by the Pakistanis, I was going to be released and sent home since the investigation was completed. They told me I was a suspect because of those telephone calls but because you worked for that large company (Dehabshiil) they told me it wasn't unusual to talk to so many people on the phone. They

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would tell me every now and then maybe I would be released to Islamabad or sent back to Somalia. After I completed four months in prison, they blindfolded me with a group that was arrested in Karachi and handed me over to the American forces. The Pakistanis told me I would go to a neighboring country. I was taken to an American base in Afghanistan. I was told the Americans would investigate me then release me. A soldier called my name only and I was put on a military airplane. It appears to me they made up the case against me. The Pakistani government is corrupt I believe they sold me. I was taken to Kandahar, an area I'm not familiar with. I was there for about three days and an investigation was done. After three days I was taken with three other individuals from the same group that came with me from Pakistan. We were transferred to another area. I found out through the Red Cross it was Baghram. It took about twelve hours to get there. They interrogated me and one of the interrogators told me I was from al-Wafa and I needed to confess to that. You have no choice. I told them it wasn't true. They pressured me. They were whispered something then spoke to the guard. The guard came in, grabbed me by my neck and threw me. He took me in a bad way to isolation. All my blankets, except one, were taken from me. It was freezing cold. They didn't feed me lunch and sometimes they didn't feed me twice. At night it is very cold and if you don't eat dinner it gets colder. This torture lasted fifteen to twenty days. My feet and hands were swollen. I wasn't able to stand because I was in so much pain. I asked for treatment and an interrogator brought a nurse and asked if I wanted treatment. They told me they could cut my legs to stop the pain. They did this so I would confess to the accusations that I didn't do. Nothing happened. After the torture ended, I met another interrogator who told me- injustice was done to me and I didn't have anything to do with this. He said he would do a report so I could go home. He told me I would be released. Suddenly, I was taken back to Kandahar and then to Cuba. The investigations and interrogations continue to this day and the accusation is still made against me. During the time I was here, the interrogators have never accused me of being from al-Wafa. When my Personal Representative gave me the Unclassified Summary I thought the accusation was cleared up until I saw it back on the paper.

When I was in Pakistan, the Pakistanis told me I would likely travel back to my country. They asked if I wanted to take my family with me back home. They even went to my family and asked if they wanted to go with me to our country. My father-in-law is here and he is the one who told them that they asked my wife if she wanted to go back home with me. From what he heard they were serious. What changed since then?

For example, if they found a phone and your calling list and that phone number belonged to someone who was wanted by the authorities, would that be a crime against you? Does that prove the person that received the call worked for the person calling? Just because someone had a list with names and phone numbers it doesn't prove they were part of that organization, especially after long interrogations. I think you know and have studied the law. From where I sit, this isn't proof that I am part of that organization (al-Wafa). Do you have any other proof that shows I am part of al Wafa?

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[The Personal Representative presented additional evidence {D-b} from the Dehabshiil's website to the Tribunal and made the following comment.]

Personal Representative: This is information from the Dehabshiil's website. It gives some information about the company, what the company does, and it also shows there are branches around the world, including the United States. It also gives a Due Diligence policy with regards to money transfers post 11 September.

Tribunal President: I would like to ask the Detainee a question about the Due Diligence Policy.

Summarized Answers in Response to Questions by the Tribunal Members:

Q: Were you aware of the Due Diligence Policy after the 11 September attacks?

[A Tribunal member explained due diligence and the policy of the Dehabshiil Company to the Translator (by reading from Exhibit D-b) to ensure an accurate translation.]

[Tribunal President changed his question to the following:]

Q: Did you received training on "Know Your Customer" procedures?

A: No, I never received the training. The orders usually came to me via the fax machine. This must of happened while I was in prison. My work was very simple my office was very small.

Q: Do you remember the name of your supervisor?

A: The owner of the company Mohammed Said.

Personal Representative: That information is on the first page of exhibit D-b.

Q: What was the name of your immediate supervisor, the person you reported and received payment for working?

A: The President, but there were other managers and their names are in that paper (Ex D-b). I don't remember their names. The main office is in the neighborhood north of Somalia. I called directly through the fax.

[The Tribunal was recessed to remove the Detainee from the room.]

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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.

[REDACTED]

Col, USAF

Tribunal President

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Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee interrupts as follows:

Tribunal President: Adel Hassan Hussein, you are hereby advised that the following applies during this hearing.

Detainee: (interrupting the Tribunal President through interpreter) It's Adel Hassan Hamad, not Adel Hassan Hussein.

Tribunal President: Last name again, I'm sorry.

Interpreter: Adel Hassan Hamad (detainee spells out last name)

Tribunal President: Thank you.

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

The Recorder presented Exhibit R-1 and R-2 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 want participate and will present an oral presentation from notes and the Personal Representative will provide a translated copy as an exhibit D-b. The detainee asks if he is to read, and that the interpreter will translate. The Tribunal President agrees.

The detainee would like to take the Muslim oath. Recorder administers the Muslim oath.

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

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

3.a.1. The detainee was employed by the World Assembly of Muslim Youth (WAMY) in Afghanistan and Pakistan for approximately one and one half years until the time of his capture 18 July 2002.

3. a. 2. WAMY supports terrorist ideals and causes.

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3.a.3. During the Period 1986 through 1999, the detainee was employed by Lajanat Dawa Islamiya (LDI) in Afghanistan and Pakistan.

3.a.4. LDI has been one of the most active Islamic non-governmental organizations to give logistical and financial support to mujahaddin operating in Afghanistan and Pakistan Area.

3.a. 5. During the course of his duties with LDI, the detainee came in contact with persons who held positions of responsibility in al Qaida.

The following is the sworn statement written statement provided by detainee. (See exhibit D-b)

Detainee: Replying to the main accusation (A) which states that Pm a member of al Qaida Organization First, I would like to answer honestly and sincerely that I don't have any association with al Qaida Organization and I don't possess their views because I see them conflicting with the teachings of Islam. Our religion forbids killing of the innocents. Almighty said, " He who kills himself not by himself corrupting the earth is like killing all the people." Killing of pure person with a good soul will bring nothing but harm.

Islam forbids assaulting others without a reason and that is mentioned in more than one Koranic verse. Almighty said, " Don't change that God does not love the attackers;" therefore there may not be any relationship between me and those attackers and killers of the innocent. Nothing connects me to them and there is no connection between them and I, ideological nor organizational. Rather I hate them and I pray to God not to let people among the Muslims carry their ideas.

Second, if I was a member in al Qaida or if I had association to them I would've not traveled in June 2002 to Sudan with my family on an annual vacation and after the vacation ended, I voluntarily returned to Pakistan. If I was a criminal, with association to those criminals, why would I return to Pakistan knowing that the Pakistani intelligence was arresting al Qaida members?

Replying to the sub point number (2) which states the World Scientific Islamic Assembly for the Youth supports al Qaida Organization. WAMY did not support al Qaida Organization and it's a charity organization that works to help the Afghan refugees providing them with food, medicine, clothes, and education, building charter schools which is made of an orphanage, educational training, and also works in the health department by establishing hospitals, small clinics, and also digging water wells, building mosques, and all this were done for the Afghan refugees. Al Qaida members are not from WAMY and they are not Afghan, so how would this assembly support them? That is what my eyes have seen as ray testimony by my work before September 2001 as an employee of WAMY and my job there was a manager of the Assembly hospital where I was treating Afghan refugees who came to the hospital for medicine and food.

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After September 2001, I returned to the main office in Pakistan where the nature of my work was to distribute aid supplies to the refugee camps in Pakistan where I was legal with official papers and with authorization permit in my passport in Pakistan. I was arrested after returning from Sudan on my annual vacation. I was arrested in my house at 1:30 at night when I woke up and found myself in front of policemen from the Pakistani Intelligence pointing their weapons in my face like I was in a dream or a disturbing nightmare. They were screaming at me " don't move!" So I told them what is it, what do you want from me? And with them was a tall man who did not look Pakistani which I think he was American. So they hand cuffed me and they told me "where are your papers?" (meaning my passport.) So I told them in my shirt pocket. So the tall man checked my passport and he told me that I came back early from the trip. I told him yes. He spoke in poor Arabic. He saw a legal official Pakistani permit by the date that was in my passport which had a legal official authorization posted for two years, Visa, resident in it. So the guard hesitated at the end and asked the tall man "do we take him?" And the man said, "yes take him." So they took me and detained me in jail in Pakistan for six months and ten days. Later I was moved to Bagram and then to Cuba.

Replying to the secondary accusation, which states that I'm in LDI and I contacted members in al Qaida organization. I worked from 1986 to 1999 in LDI as an administrator, teacher, and orphanage administrator for a period of time and when working in LDI, I did not have any association with any person from al Qaida organization and they were not as popular as they became after September 2001. I assure you that I did not contact anyone from al Qaida organization. Let us suggest that I contacted someone who associated with al Qaida, so I must have contacted him in 1999 or 1986 or between 1999-1986 so what's the connection to September 11 of 2001 and before that time period, I left my job with LDI and there was no connection between us.

Replying to the other accusation, I would like to make it clear to the presiding tribunal some important points according to my point of view, which I see as the truth.

You're accusing this organization without affirmation even the rational mind and justice would not accept it and I assure you that this organization does good work according to what I have seen and viewed through 17 years of charity work away from politics, political parties, organizations and terrorists. These charities that have limited resources are not capable of helping terrorists. Terrorists need countries to do something like they did in Washington D.C. Nobody can cause such a big incident with the financial help of charity organization and you know that they were living in Afghanistan with service of Taliban. Financial, weapons, fighters were directly supported by Pakistan government so if they were getting support from two countries and one of them is a nuclear power so why would they need help from a small charity with limited resources. Lets assume that this charity is involved with them however, arresting simple employees like myself is not capable of supporting terrorists financially; is this justice? I am an employee who works for a living and I have no connection to the political views or its financial resources, so why do you punish me for a crime I did not commit. Why don't you arrest the charities' presidents or the people who support financially instead of arresting a simple employee

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with no informational value? Needed important information doesn't come from a simple employee because a simple employee only knows how to do his job.

I ask of you, finally, to call upon your moral consciousness and the oath that you promised to bring justice which is known about you, and I assure you that I did not and don't pose a threat to the United States government, and I have no enmity towards them and I never was with any organization or any group that was planning to disarray the U.S government. Rather, I give you all my respect and appreciation for your good treatment of the prisoners and for providing everything we need when we are in Cuba. I hope those words will find its course to the officials and I am not telling you this out of fear or greed. And I thank you very much.

Tribunal President: Does that conclude your statement or is there anything else you would like to add?

Detainee: There's a point I forgot to mention. According to my information, the WAMY, no, the LDI did not support terrorists. They were supporting refugees when I was working for them.

Tribunal President: At this point, I usually like to say that the only piece of information we've seen on you to this point is the unclassified summary. Would you be open to us asking questions of you?

Detainee: I'm ready.

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

Personal Representative: No Ma'am, however, I would like to provide the tribunal the detainee's written statement translated as Exhibit D-b.

Tribunal President: Let the record show I have in possession, Exhibit D-b.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Sir, you testified that Islam forbids assaulting others without a reason. What would be a reason to assault somebody?

A. Only the killer would be killed in Islam. But an innocent person would not be killed.

Q. You alluded to it as well, what your job was for WAMY, but, what specifically did you do?

A. Administration in the hospital. This is before September 2000. And after September I know there was something happened to Afghanistan so as I foreigner, I was a afraid for my life so I left and I was working in Pakistan with the charity, helping with the refugees there, because there were a lot of refugees there.

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Q. Did you have any specific training or experience that qualified you for that hospital administrative position?

A. What training?

Q. I don't know that's what I'm asking you?

A. What do you exactly mean by training?

Q. Well, did you have any experience as a hospital administrator before you worked for World Assembly of Muslim Youth?

A. I had an administrative experience my job before was administrative and I worked as administrator there also.

Q. And you are native of which country?

A. I'm from Sudan.

Q. And what's the highest education level that you achieved?

A. I have a diploma in air conditioning or central air conditioning, and a master in Islamic studies.

Q. Can you name a few components in an air conditioning system?

A. 17 years I haven't done anything in that field. I have forgotten most of them. Any air conditioner has a compressor, which is air pressure. And the compressor has Freon in it and condenser.

Q. That's ok I thought it was recent. 17 years ago.

A. 17 years, 20 years now I didn't do.

Q. Why did you leave LDI?

A. After the Gulf War, after Sudaam had invaded Kuwait. The organization was Kuwaiti. So, the support was to my liking to that organization. So, they reduced a lot of the employers work. And I was one of them I guess. Temp workers, a lot of them were laid off. Working for them for fourteen years I was laid off.

Q. So you've been in Pakistan, or Afghanistan for how long? How long did you live in Pakistan or Afghanistan?

A. All my life I was in Pakistan until that year. But I worked in the hospital in Afghanistan.

Q. In the hospital, would you just go over there once in awhile?

A. In every month, when I was working in the hospital, I have in every month I have five days off. Sometimes I would work in the hospital for a month and a half and go back on vacation, or off a week.

Tribunal President's questions.

Q. What actually got you started working in the charity field? Its kind of a long ways from air conditioning?

A. The salaries where I'm from, in my country is very low, very low, in comparing to what the charity pays it's much higher than what they pay.

Q. Did you have your family with you?

A. My family was with me the last time I went on vacation.

Q. And at that point, did you leave your family to go on vacation or took them with you on vacation?

A. I took them with me on vacation and I left them in Sudan.

Q. That just leads me to a follow on question, was it intended that you were going to leave them, because they wanted to stay longer or, you had to get back, or?

A. I have older daughters in post education, Arabic. They wanted to stay in Sudan and study there because we don't have Arabic schools in Pakistan.

Q. So was your plan to continue working in Pakistan to support them in Sudan?

A. I planned to work in the hospital in Afghanistan for a year and a half then go back home. But, I don't know exactly from here, but up to now their hospital's now working.

Q. Just so that I understand, you went back to Pakistan you intended to go back to Afghanistan and work at that hospital?

A. Yes, in Afghanistan, because they needed me to work there.

Tribunal President: I want to thank you for participating in this tribunal today. Is there anything else you would like to say to the tribunal?

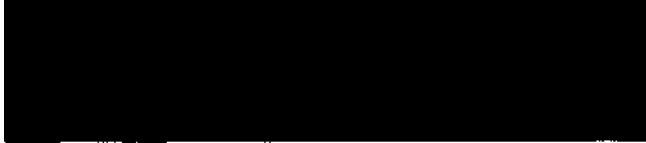
Detainee:' This classification of me as an enemy combatant is an injustice, all my interrogators they told me that I'm innocent that I would be released soon they told me after a month and a month came and I wasn't released. I never had any military training; I don't know anything about any weapons. And I have no connection or relationship to any of those criminals, those killers. That charity was aiding people and it had nothing to do 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.

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AUTHENTICATION

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



Colonel, United States Army
Tribunal President

Statement of ISN 940

Replying to the accusation number (A), the main accusation.
Replying to the main accusation (A) which states that I'm a member of al Qaida Organization. First -1 would like to answer honestly and sincerely that I don't have any association with al Qaida Organization and I don't possess their views because I see them conflicting with the teachings of Islam. Our religion forbids killing of the innocents. Almighty said " He who kills himself not by himself corrupting the earth is like killing all the people" Pure person with a good soul will bring something good".

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Second- If I was a member in al Qaida or if I had association to them I Would've not traveled in June 2002 to Sudan with my family on annual vacation and after the vacation ended I voluntary returned to Pakistan if I was a criminal with association to those criminals why would I return to Pakistan knowing that the Pakistani intelligence were arresting al Qaida Members.

Replying to the sub point number (2) which states the World Scientific Islamic Assembly for the Youth supports al Qaida Organization. WAMY did not support al Qaida Organization and it's a charity organization works To help the Afghan refugees providing them with food, medicine, clothes, and in the educational field, building charter schools which is made of an orphanage, educational training, and also works in the health department by establishing hospitals, small clinics, and also digging water wells, building mosques, and all this were done for the Afghan refugees. Al Qaida members are not from WAMY and they are not Afghan so how would this assembly support them and that is what my eyes have seen as my testimony by my work before September 20001 as an employee of WAMY and my job there

was a manager of the Assembly hospital where I was treating afghan refugees who came to the hospital for medicine and food.

After September 2001 I returned to the main office in Pakistan where the nature of my work was to distribute aid supplies to the refugee camps in Pakistan where I was legal with official papers and with a authorization permit in my passport in Pakistan. I was arrested after returning from Sudan on my annual vacation. I was arrested in my house at 1:30 at night when I woke up and found myself in front of policemen from the Pakistani intelligence pointing their weapons in my face like I was in a dream or a disturbing nightmare they were screaming at me " don't move!" so I told them what is it, what do you want from me And with them was a tall man who did not look Pakistani which I think he was American so they hand cuffed me and they told me "where are your papers?" Meaning my passport so I told them in my shirt pocket so the tall man checked my passport and he told me that I came back early from the trip, I told him yes, he spoke in poor Arabic, he saw a legal official Pakistani permit by the date that was in my passport which had a legal official authorization posted for two years resident in it so the guard hesitated at the end and asked the tall man "do we take him?" And the man said "yes take him" so they took me and detained me in jail in Pakistan for six months and ten days. Later I was moved to Bagram and later to Cuba.

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Replying to the other accusation, I would like to make it clear to the presiding tribunal some important points according to my point of view, which I see as the truth.

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Conclusion:

I ask of you, finally, to call upon moral consciousness and the oath that you promised to bring justice which is known about you, and I assure you that I did not and don't pose a threat to the United States government, and I have no enmity towards them and I never was with any organization or any group that was planning to disarray the U.S government. Rather, I give you all my respect and appreciation for your good treatment of prisoners and for providing everything we need when we are in Cuba. I hope those words will find its course to the officials and I am not telling you this out of fear or greed.

Summarized Sworn Detainee Statement

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

Detainee: What process?

Tribunal President: The Tribunal process.

Detainee: Yes; if someone is not an enemy combatant, they will be released. If he is an enemy combatant, they will keep them.

Tribunal President: That's correct. Do you have any questions concerning the Tribunal process?

Detainee: What kind of questions?

Tribunal President: Questions about your testimony or what will happen here today?

Detainee: I don't know what kind of questions to ask.

Tribunal President: Just in case you have a question or are unsure of the process of the unclassified evidence being presented, there is ample opportunity for you to make a statement. The Tribunal has come here today with an open mind. We have not seen any evidence or know any information about you other than your name and Internment Serial Number.

Detainee: Are you finished?

Tribunal President: Just about; we will give you an opportunity to make a statement after I take some evidence from the Recorder. Do you have any other questions? Does that give you a good idea about the process?

Detainee: We are so happy about the Tribunal. We heard that some of them or most of them are being released; we have a difficult life, a real hardship here.

Tribunal President: That's what we understand. We, too, are happy to be here, and are focusing on your situation, whether or not you have been properly classified as an enemy combatant. If you have no other questions, we'll go ahead and continue at this time.

Detainee: Yes, please.

The Unclassified Summary of Evidence was read in full to the Tribunal by the Recorder. The Detainee interrupted the proceedings immediately after all the evidence was read to ask a question.

Detainee: What do you want to do to me? What is the time?

Tribunal President: I don't understand.

Detainee: I thought you were telling me.

Tribunal President: The Detainee thought I was talking to him, but I was talking to the Recorder.

The Tribunal President then addressed the Detainee Election Form and the Detainee's request for Witnesses.

Tribunal President: This indicates that the Detainee has chosen to participate in the Tribunal, which is evident by your (Detainee's) presence here today. The Detainee had requested two witnesses, the Detainee's father and brother. The Personal Representative had sent this request to me to make a witness determination. I felt these witnesses would be relevant to the Detainee's situation, and I recommended that we attempt to produce these witnesses, or statements from the witnesses for the Detainee's Tribunal. That attempt was made in the form of contacting the U.S. State Department, which in turn contacted the embassy of that country, which is Afghanistan. The names of the two witnesses were identified to that country's embassy and requested they be contacted. This request was sent on 27 October 2004, and it also was conveyed a suspense date of 17 November 2004 to be used as a timeline to receive an answer. The second notice was sent on 9 November 2004, and as of this date, 27 November 2004, the State Department has yet to hear back from the embassy of Afghanistan. I made the determination that we would proceed with the Tribunal, and after this reasonable attempt and effort was made, although unsuccessful, I decided that we would proceed with the Tribunal, as these witnesses are determined not reasonably available. Therefore, any requests for witnesses or documentation for this Tribunal today are determined to be not reasonably available. Keep in mind this will not be held against you; this will not be a negative reflection on the Detainee as we make a determination whether he is properly classified as an enemy combatant. We will keep this matter open for a reasonable period of time; that is, if we receive back from Afghanistan this witness request, even if we close the proceedings today, with new evidence, we would be open to introducing or re-introducing any witness statements we might receive. You may now present any information you have to this Tribunal, and have the assistance of your Personal Representative in doing so. Do you still wish, or want to present information to this Tribunal?

Detainee: What can I do; should I talk?

Tribunal President: You can make your statement under oath if you like; at this time, we'll give you this opportunity.

Detainee: What kind of oath?

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Tribunal President: We have the Muslim oath available for you to take if you would like.

Detainee: You will give me the oath?

Tribunal President: Yes.

The Recorder then administered the Muslim oath to the Detainee.

The Tribunal President then directed the Personal Representative to read the Unclassified Summary of Evidence one at a time to allow the Detainee the opportunity to respond.

Personal Representative: He [the Detainee] asked me to read each allegation, and then he will respond.

3a. The Detainee is associated with forces engaged in hostilities against the United States and its coalition partners.

Detainee: Before I begin my statement, can I say two or three words?

Tribunal President: Certainly.

Detainee: The Americans have my phone number. I will call my brother, and within 2-3 days, he can bring my whole tribe, and they can testify for me. America can go there and my brother will bring the whole tribe to testify and give evidence about me. I will not say one word more or less; I want to ask just one thing: that God bring the tribe to the Americans to talk about the allegations about me.

Tribunal President: All the opportunity to provide that information was given to you earlier, and the information we had, we went with. We will not make any effort more than what we already have for today's Tribunal.

Detainee: Two or three days will finish the whole thing.

Tribunal President: This has now been over a month that attempt was made to contact your father and brother. The Afghan embassy has given no response.

Detainee: That's not my family or my brother's fault That is the fault of the Afghan government.

Tribunal President: As I said, we not hold it against you as we make our determination. We will be moving forward today with or without witnesses. We are proceeding today.

Detainee: In the future; it's okay.

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Tribunal President: It's okay?

Detainee: Yes.

Tribunal President: May we continue, please?

Detainee: May I say one other word? About our oath in our region; it is a very important subject. If a judge is going to give the oath to someone, it is only if someone dies or kills someone else. If someone is willing to raise his hand for an oath, the whole thing is finished and the case is closed; he is forgiven.

Tribunal President: Here in the Tribunal process, when you take an oath, you are promising to tell the truth.

Detainee: Yes, sir. I am just asking if you give me the oath, if you will release me or not?

Tribunal President: Whether giving your statement under oath or not under oath, it will be accepted either way. That statement will be part of everything that we take into consideration as we make our determination of your enemy combatant status. If we determine that you should not be classified as an enemy combatant, you will be released to your home country as soon as arrangements can be made; but, if we determine that you are properly or confirmed as an enemy combatant, then you will be further detained but be eligible for an Administrative Review Board that will review your detained situation. Do you have any other questions?

Detainee: No. I'm just waiting for my representative.

At this time, the Personal Representative resumed reading the Unclassified Summary of Evidence one point at a time.

3a. 1. The Detainee is associated with an individual known to have illegally procured and stockpiled several mortars, artillery pieces and rounds, a BM 12, rockets, DSHKs, and various small arms.

Detainee: Before I answer, I want to ask the representative who that is; what kind of relationship did I have with that person? Did I sell or collect weapons? Do I know that person?

Tribunal President: We don't know either; we were hoping you could provide that information.

Detainee: In the name of God, I have thought of this so many times. I don't know this person or have any relation to this person. I have no contact or relation, and if I did, I would say if I did or didn't

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3a. 2. The Detainee is a commander in a Jihadi Battalion.

Detainee: You can't hide the sun in the sky with two fingers. If I were a commander in Afghanistan, the whole world would know. These commanders have different bases. Who was under my command? Where was this base? Show me one person, or one soldier, one militia; if I was in command, whom did I command?

Tribunal President: Because we haven't seen your file, we don't know that either. (Addressing the Personal Representative) Please continue.

3a. 3. The Detainee was a member of an organization known to have committed a terrorist act.

Detainee: The terrorists killing people; are you talking about this thing?

Tribunal President: It could be; do you know of any other terrorist acts that don't kill people?

Detainee: Interrogators told me maybe you are a terrorist and you are killing people.

Tribunal President: Do you have any other comments about this item?

Detainee: I will answer. That's the law in Khost; if anyone kills in our village or area at anytime, especially if it's a little girl or boy; you cannot kill people, that's impossible. If you do this thing, or kill someone, that's it; you then can't live in this area, and must leave your home or country and go to the border or to Pakistan; your whole family may have to go to Pakistan because you can't live there any more. We have a pump to sell gas at a gas station, and also we have a yard. We can't leave our business or wealth, and don't want to run away from our city or homeland. If I kill anyone, they have the right to take me to court; even here under the law of the United States. They should come here to court and prove to me if I ever killed someone.

3b. and 3b. 1. The Detainee participated in military operations against the United States and its Coalition Partners. The Detainee participated in planning the attack on U.S. Forces located at Forward Operating Base Salerno, 01 December 2002.

Detainee: The day the Karzai government came to power, I was a part of it I was a part of the government up until the day they arrested me. The first time the Americans arrived, I was the first and only one to stand up to protect them; I ran to help them. If I were going to kill them, I would've shot them down at that time, and killed all the Americans. You guys are intelligent and smart. When Americans were asleep in Tora Bora, I protected them. I could've killed them while they were sleeping, but I was helping them. I don't need to make plans with other people, because I was a part of the government. I could go anywhere I wanted, when I wanted. I had many golden

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opportunities to kill Americans, anywhere, anytime, but I would not do that. Should I explain more, how they captured me because I had some problems with some people?

Tribunal President: You are welcomed to continue as long as you like. We will have some questions for you, though, when you are finished with your statement.

Detainee: When I travel from my village to the center of Khost village, I had so many things in my mind. I would like to go to the president of the secret police, and also to find out the gas prices for my gas station. When I traveled in the middle of the day, they arrested me, and they said there's an American campaign going on. The people are all together at a checkpoint. At this checkpoint there were some people I had a dispute with. I think these people at the checkpoint told the American soldiers a lie, and then after they came, they arrested me. There's a name of a person named Hazrat Uddin; he was appointed as a secret officer of the Khost area. He asked me to go to Kabul and ask the Karzai government's permission to open a secret office in Khost; secret police for secret intelligence. I told him two or three things. One, that I cannot read or write; second, my people are at war in the Middle East, and my brother takes care of the gas station, and there's no one else to take care of the family and kids. I told him I have to be here. The guy is still keeping me, and left me no choice, so I went with him. Two things come to my mind; this is our home and our time to do something for our country, and the Americans will be good for our future, our family and our kids. Finally he got some money from the American government, about \$150 per month. He promised us this, but he kept the money. We kept asking and asking, but he did not give it to us. This is why we have a dispute with him. Also, in his secret office, there was another person that was a former Communist. His name is Mohammad Asan (ph); we fought with him, too. Our dispute got bigger, and they wrote a letter to the Kabul government, and they let the Communists go; there was still a dispute between them and us. Another person named Khial (ph), he was a commander of Mr. Saif s (ph) force. Another was Atik Ular (ph); he was a big commander or two star general of the government of Mr. Karzai. Mr. Khial (ph) went to Atik Ular (ph) and asked for some new bases somewhere else, and open in a new area, and we joined Mohammed in the new base. At that time, the government and two other government officials were angry about opening the new base. They went to the Americans because they did not like this. Americans told us that President Karzai said to go to the new base, to go there and close the base. This is another dispute to know because a lot of people were upset about this thing. One group is former Communist government people and the other group is the majority, and they are very different. One thing about the Communists is that they can read and write like the Americans. That's the only reason, because we fought them for so long, and their reading and writing was good. One other thing; in Afghanistan if someone has a dispute, and one has money and the other does not, then the one with money can get them into trouble with the Americans, even if that person is working and helping the Americans. They find some excuse; I will give you so much money if you make something up against him, and make a problem for him. There are a lot of disputes between families and tribes and political parties in Afghanistan now. If someone does something good for you, he does something good for himself, too. Please understand these disputes. It is my only wish or hope to sit

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with people someday that would listen to my story. My heart is now empty and happy to be in front of you. Please, if you have questions for me, ask.

Tribunal President: We do have some questions, but does this conclude your statement at this time?

Detainee: For now, yes, but in future, if I have other statements, I will let you know.

Tribunal Members' Questions of Detainee

Q: Good afternoon. We appreciate the opportunity to speak to you today.

A: I'm so happy and glad I am here.

Q: I was trying very hard to follow your story; it seems there's a lot of fighting going on in Afghanistan all the time.

A: We are sick and tired of war. When a jihad comes to an end, the leaders and commanders try to start another war between their own people for personal reasons. God only knows if jihad is the right or wrong thing. We are so tired, and we need no more war. We can't wait for the peace, and we pray to God for peace in Afghanistan.

Q: Of the names that you gave, I took down four of them that I heard. I am wondering if any one of them that I heard; I was wondering whether any of them; Hazrat Uddin, Mohammed Issa, Atik Ular are members of any group against the Americans?

A: Mr. Khial is a commander of Mr. Saif. He gets military business from Atik Ular, a commander under control of President Karzai. Hazrat Uddin is a secret police chief under Mr. Karzai's presidency. Mohammed Issa is a former secret police chief of the former Communist government with Najibullah. I didn't directly fight for or use bad words about Issa, but he had another person working for him like as a manager or supervisor, and I fight with him or use bad words with him.

Q: These people perhaps on die outside say they are with Karzai and the Americans; is there a chance that secretly they are against the Americans?

A: I don't think they are against the Americans or the new government; there was a dispute against me.

Q: Are any of these people, do you know, part of any groups like HiG or any groups against the Americans?

A: No, they are commanders of the military, and the other is a governor for Mr. Karzai. One is secret police. Under former President Rabbani.

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Q: Of the people that you mentioned, who is the most likely person to have made accusations against you?

A: I just named that person in general because that was the reason we opened a new base. A lot of people against this place, and told the wrong things to Americans, and they came to the base and made us close this base.

Q: Earlier you mentioned that Hazrat Uddin approached you to open a secret police office. Why would he ask you to do this; do you have a background in this type of work?

A: I don't have any experience. The only reason he came to me is because I know some people that are my cousins. When he was looking for help, I was the only one to get eight people, including me, to help him open this office in Khost. There was a lot of war going on there, and no security. I had two or three cousins that helped him. Finally, our help to them was to get each of us \$150 per month as a salary from the government to work here. Instead, he put the money in his pocket, and that was our problem here. That was when we started the dispute.

Q: Why do you think he came to originally; did you have a prior relationship with you or have a reason to trust you from your past dealings?

A: We knew each other.

Q: A long time?

A: He has a nephew named Ashew who was a commander; I knew Ashew. Mr. Ashew was a commander under Rabbani.

Q: Do you think Hazrat Uddin may have stockpiled all these weapons that we heard about earlier?

A: I really don't know.

Q: One of the things I noticed here is that it says you are a battalion commander; in the American armed forces, that is a position of great prestige and respect

A: Like I told you before, you cannot cover the sun with two fingers; everybody knows them. He would have a lot of militia and soldiers and everybody knows him. He would have a lot of area under his control. For example, Jalaladin is a commander; every single person, boy and girl knows him. If you are a commander, everybody knows you. A lot of people would work for him. If one person says I was their commander, that would be different.

Q: Did you help fight against the Russians when they were in Afghanistan?

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A: I didn't fight directly with Russians at that time. Inside the government, I fought against the Communists that were in Afghanistan.

Q: How long did you do that; do you remember?

A: I don't remember how many years, because we went somewhere and fought under the last President. When the holy war ended until the Communists fell, I dropped everything and came home.

Q: During the time that you were fighting Najibullah, did you have any position of responsibility or leadership?

A: No. I told this to the interrogators that I work for another commander; I was only a soldier or mujahidin. I had a dispute with this commander, so we moved to another commander. He slapped me, physically abused me and hit me so hard. This man was against the Taliban.

Q: When the Taliban was in charge of Afghanistan, did you fight with them or against them?

A: No, I didn't fight with them and didn't work with them. I am nobody, not a strong person. They took me one day to prison.

Q: The Taliban?

A: The reason was that when they called for the prayer, a policeman asked why I didn't go to prayer. I was in the gas station, so he took me to prison for missing the prayer.

Q: When you were not fighting or involved in all these disputes, was the primary means of supporting yourself running your gas business?

A: We didn't have the gas pump before; we just opened it up during Mr. Karzai's time.

Q: How did you support yourself when you didn't have the gas pump business?

A: We are six brothers; three working outside in the Arab world. One brother drives his car, and one is sick at home, and one to take care of family and kids and works on the farm.

Q: So the only way to feed your family was to work on the farm?

A: We are a big family, and need one other person to control and watch over the whole thing; in sickness and in health. I have one driving car for money and the others in the Arab world give us money. They need one other to take care of everything for the family.

Q: Thank you for all the information; you seen very cooperative and willing to help. I noticed in the camp, that there are three colors to the uniforms (orange, tan and white). What do you do to still be in an orange uniform as opposed to tan or white?

A: I don't know. I heard only people having problems with MP's wear these colors, or go to a different camp. I don't know why they keep me there.

At this time, the Tribunal Member thanked the Detainee for his testimony, and the Detainee made a statement

Detainee: I am so sick. I have been sick for two years and no one has taken care of it.

Tribunal President: You made mention of that in the Detainee Election Form, and the Personal Representative has identified that.

Detainee: I thank him for helping me because my teeth were in pain, and the doctor took my tooth out I asked him for a book and he gave me a book. I pray for him every day.

Tribunal President: You are absolutely correct; you are represented by one of our best Personal Representatives.

Detainee: Yes.

Tribunal President: I just have one last question for you. Have you ever been a part of or a supporter of the Taliban?

Detainee: Again, you can't hide the sun with two fingers. In the whole Khost area there was only 5 or 6 Taliban. In whole camp, there were more than 30 people, and if you asked them, they would say no more than 5 or 6.

The Tribunal President men thanked the Detainee for his testimony and asked the Tribunal if there were any further questions. A Tribunal Member then posed one final question.

Tribunal Member: Of those 5 people in Khost that were a part of the Taliban, hopefully you were not one of them.

Detainee: Everybody knows, the whole world knows, one cannot hide if they are Taliban. If I stayed one night with the Taliban, you could keep me here for 20 years. I did not spend one day with the Taliban.

Tribunal Member: Thank you.

Detainee: I ask you for help. I never had a problem or have never been angry at America. I am angry with my own country's people. I hope you find who made these allegations against me, and destroyed my whole life. I hope in the future, you will give the just punishment for them because they hurt me a lot I have no problems, and I am not mad at America.

Tribunal President: Do you have any other information to present to this Tribunal today?

Detainee: Which, or what kind of information?

Tribunal President: Anything else that you feel is important as we make our determination.

Detainee: Like before, when I talked to my dear representative, I have thought many times and have many thoughts about the person that collected the ammunition. If I knew who this was I would tell you the name willingly or gladly, and I would tell you if I was with them or not with them.

At this time, the Personal Representative submitted into evidence Exhibit D-b; the Exhibit contained the questions the Detainee would've asked the Witnesses had they been there, to assess the thought processes of the Detainee,

Tribunal President: As with all the evidence that we've received today, we'll take all of it into serious consideration.

Detainee: Could I ask one more question?

Tribunal President: Certainly.

Detainee: I was working as a part of the government If you find me guilty, you should keep me here. If I am not an enemy combatant, I ask to be released to my home country, and receive my salary for the last two years.

Tribunal President: If we determine that you were not properly classified as an enemy combatant, all I can tell you is that you'll be released to your home country as soon as arrangements can be made. Anything other than that, you'll have to pursue by other means at that time.

Detainee: They will not give me anything because America took [detained] me, not us. They say America owes me. They want it from you.

The Tribunal President confirmed the Detainee had no additional information or questions for the Tribunal, and thanked him for his participation and testimony.

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The Tribunal President then began to explain the remainder of the Tribunal process to the Detainee, but was interrupted when the Detainee stated the following,

Detainee: When will I see you [the Tribunal] again?

Tribunal President: We [the Tribunal] won't see you again. In about 30-60 days, someone will see you and identify the Tribunal results for you.


Detainee: What kind of news will you bring to me?

Tribunal President: That has yet to be determined; good day.

The Tribunal President then 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. Marine Corps
Tribunal President

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Summarized Detainee's Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and had questions.

Detainee: Yes, I have a question and you will have an answer for me.

Tribunal President: Run that by me one more time, I'm sorry.

Detainee: Yes, I have a question and then you will answer it for me.

Tribunal President: You can ask, but I can't guarantee I can answer it, but you can ask.

Detainee: Yes I can ask a question? Right now?

Tribunal President: If it's concerning the Tribunal process.

Detainee: No it's out of the Tribunal. The question is about myself. The question is about the detainees.

Tribunal President: Unfortunately we are only here today to discuss your particular situation and at this moment we know nothing about you, so we can't even answer your question about that.

Detainee: Okay.

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

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

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

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

The Tribunal President, referring to the Detainee Election Form, made the following statement:

Tribunal President: I see by the Detainee Election Form that you have elected to participate today as evidenced to your being here. I also see that you have requested one witness.

Detainee: Yes.

Tribunal President: The Personal Representative has arranged for that information to be provided. Abdullah Khan 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 wish to present information to this Tribunal and would you like to make your statement under oath?

Detainee: Yes.

Tribunal President: Recorder would you please administer the oath?

The Recorder administered the Muslim oath to the Detainee.

The Tribunal President opened the Tribunal to the Detainee to make his statement

Detainee (to Personal Representative): Whatever allegation you have against me, you will read each one and I will answer each question.

Personal Representative: Right. The first item is that this government believes that the detainee is a member of the Taliban for these three reasons:

3.a. The detainee is a member of the Taliban:

3.a. I. The detainee was a Taliban cook for about two and one half months.

Detainee: I will answer for that and then you can ask a question.

Tribunal President: At this point we probably won't interrupt you. We will ask questions later. Right now we are just interested in hearing your oral statement.

Detainee: What do you want me to say? You ask me a question I will answer it. You go ahead and start your questioning and then I will answer.

Tribunal President: At this point if you want to just reply to the allegations first. In telling us your story you may answer a lot of questions we have for you.

Detainee: I had some wheat, like five thousand pounds, I'm not sure about the Afghani measurement and some animal skins and I put them in a big truck and I was going to Kandahar. I bought each animal skin for fifteen hundred Kaldar (ph). Actually I was in the small vehicle and the big truck was behind me. I wanted to first ask what was the price of my supply that I had and then I could sell my stuff. When I came to the big shopping center in Kandahar, it's like a trade market where people sell and buy things. I came to that side of the bazaar to find out the prices. I met Haji Shahzada there. Then Haji Shahzada asked me what I was doing there and I said I had some stuff like beans, wheat and some other stuff like animal skins in my car and I wanted to sell them. At that time,

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Haji Shahzada told me that my car is getting out of there and I could spend the night at his house and in the morning I could come back here. In the meantime, there were two of my enemies there who killed my brother and father. I saw them at the bazaar and they came and greeted me. They have room at that bazaar and they asked me to come and spend the night with them. I was scared of them. I was scared that if I went with them they might kill me. I said no, I was going to spend the night at Haji Shahzada's house and I would be back in the morning. I was going toward Haji Shahzada's house and I saw a boy with his mother and without a father. I asked him to come and spend the night at Haji Shahzada's house. We were going towards Haji Shahzada's house and I saw those two people sitting by the front of the group and they asked me again to spend the night in their house. I told them no, I am going to Haji Shahzada's house tonight, but I would be back in the morning; so whatever they wanted to tell they could tell me in the morning. They knew where Haji Shahzada's house was and where he lived. Haji Shahzada had already gone home. There was the other boy and myself and another person from Haji Shahzada's village. We started walking toward Haji Shahzada's house. When we went to Haji Shahzada's house there were three to four other guests there too. It was dinnertime and Haji Shahzada brought out the dinner and we ate. They started playing cards. I was with Haji Shahzada's small kids and I was listening to the music on the American station. After the music was finished, there was a commercial on the radio and the Americans said that if you turn over an enemy to us we will pay you a lot of money. We spent the night and it was raining. It was raining through the morning. Then Haji Shahzada told me that it was still raining and not to worry about my stuff and stay one more day. When the rain is finished then you can go to Kandahar. That night only two of the guests were left with Haji Shahzada. I told him that I didn't get enough sleep because we were playing cards and I wanted to go to sleep early. I wanted to get some sleep. Then Haji Shahzada went home and I stayed with the other guy and we were trying to go to bed. Actually we were sleeping and they entered inside and asked me if I was Khirullah Khairkhwa, the governor of Herat.

Tribunal President: Could you clarify. Did you say that Haji Shahzada went home?

Translator: Yes he said that.

Tribunal President: Could you ask him again?

Detainee: Actually they have guesthouse outside their house, and Haji Shahzada went to his house and I was in the guesthouse. Men don't go inside the house; they stay outside. They asked me if I was Khirullah Khairkhwa (the governor of Herat) and they said don't move. I said no I am not Khirullah Khairkhwa. My name is Abdullah. Then they put my hands in handcuffs and the Americans took me with them. Since the Russians, from house to house people are enemies of each other. There is a lot of hostility. When someone is being turned over to Americans they are supposed to ask about them first. They were not Americans. They told me let's go inside Haji Shahzada's house. Then they lied to me and said that there were Americans standing outside, but the Americans were not there. We went inside his house and then his yard. We saw that they had handcuffed Haji Shahzada as well; he was standing in his yard. The same night, they turned us over to Americans. A lot of people got captured that night, but I did not know the others. They kept asking me if

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I was Khirullah Khairkhwa. I told them no, I am Abdullah. I was in the custody of the Americans and I did not know what happened to my stuff or whatever I had in my car. Maybe they would get lost or someone else would take them. I have no information about my supplies. Then they brought us here.

Personal Representative: Would he like to address specifically these accusations now? I will read them again.

Detainee: Yes.

The Personal Representative repeated the first allegation (3.0.1.) from the Unclassified Summary of Evidence to allow the detainee to respond this specific allegation.

Detainee: The Taliban did the same thing to me. They were a government and they had power. I had no control over them because they were very powerful people. I came from the province of Oruzgan, Kandahar for labor type work. There were like fifty people harvesting the grapes. They came and surrounded us and they handcuffed us, like the draft, and took us with them. I had no choice and I had no power because that was their government. Just like how the Americans brought me, it was exactly the same thing they did to me. When they took us to their center, they asked me to take a weapon and fight for them. I told them I was scared, I cannot fight and I don't the ability to fight. They said that I had to do something for mem. They would not leave me alone like that. I said okay I could be a cook for them. I was very scared and I thought that if I didn't accept the job they would kill me.

3.a.2. The detainee fought for two years in the jihad against the Soviets.

Detainee: I don't remember if I did jihad for two years or two months. My job in jihad was I was in charge of ammunition. I gave my commander's name to my interrogator. His name was Neymatullah. I would watch the ammunition and people would come to me and tell me they needed ten of them or twenty of them. I would just give them a supply of ammunition.

3.a.3. The detainee was in charge of ammunition distribution during the Russian jihad.

Detainee: I was not distributing ammunition; it was just the bullets.

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

3.b.1. The detainee is alleged to have been a Taliban airfield commander.

Detainee: Of course they said that. The Russians have been in Afghanistan and since that time there has been a lot of hostility and a lot of people are enemies against each other. Of course they would make something up like this to report or turn you over to Americans to get some money. I'm not a commander; you can do your investigation and ask about me. My enemies made some name or made some allegation about me and just reported me.

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Our people are very hungry. They will report their son for the money; they will turn their son over for money. In the meantime, they know the Americans will release them back; sometimes they will come back.

3.b.2. The detainee may have information regarding attacks against the United States and coalition forces.

Detainee: No. I don't have any information. I heard Karzai when he did the announcement to the people that Americans are our friends and he is supporting the Americans. I am the same way.

3. b. 3. The detainee is suspected of moving weapons.

Detainee: When and where? Once they told me it was the time of the Russians. I don't know when and where. Where did this come from?

3. b.4. The detainee discussed plans to conduct attacks against the United States and/or Coalition Forces.

Detainee: I did not talk about that If you have any proof, please present the proof to me.

3. b. 5. United States Forces arrested the detainee with two other detainees in Kandahar Province.

Detainee: It was more than two. It was almost thirty people who got captured the same night with me.

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

Detainee: The other thing I want to review is that they have a lot of suspicious stuff about me and they told me that they were going to give me a polygraph. Then they should know if I was telling the truth or not. I said okay, I was ready. I know myself and I was not scared of a polygraph. I did the polygraph and they told me that I passed the polygraph and they congratulated me and told me that I was going home.

Tribunal President: Can you tell us where this polygraph was done? Was it in Afghanistan or was it here.

Detainee: Here in Cuba.

Tribunal President: At this point we may have some questions for you. Would you be willing to answer some questions for us?

Detainee: Yes. If I know I will answer your questions. If I don't know I will say that I don't know that question.

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Recorder: What time of the day was it when these attacks occurred, when the missiles were fired on LWARA?

Detainee: I think it was the midnight time. It will be about 1230,1 o'clock. Like it would be this time.

Recorder: Were you on the inside of your house or outside of your house?

Detainee: I was inside my house.

Recorder: Did you see any cars approaching your house?

Detainee: No.

Recorder: So, you did not see any cars approach your house?

Detainee: No, because, I already told you, I can draw, take a picture of my house for you, the wall of my house, is six meters, around, a high one, and the second thing I can't see, if you are inside the home, in your room, from six meters, no one can see anything. Other from the outside of your room. The second thing, I'm a doctor and when you have guests coming at nighttime, I'm only the one person, who is going to check on my home. I have no problems with any person. If you wanted to, somebody is hurting (hunting) me, that is a separate matter. But, if a person that is crying from pain, and he needs my help I will come outside. Anytime. If it is a different area, it's not like other areas, nobody is going to go outside without a weapon, (inaudible) nobody is going outside, and no one leaves their homes.

Recorder: That night, did anyone come to your home?

Detainee: Yes. That night, one of the first times, Abdullah Hackeem(ph). He's family. He came to my home. He is bleeding, and he came from where the rockets were being fired. When, the first time I already mentioned, is (inaudible) when he listened to these sounds, then you understand, that like three stamps, you say you heard the bombings in the surrounding area. So, for the sake of security, he came to my home, he was screaming (bleeding). When he arrived with his wife and children. And when the soldiers came to my home, his wife and children were inside. My family and he was outside in the guesthouse, because according to traditions, we have separate rooms for the guests and I have a picture, of my home and my guesthouse. The guesthouse is situated on the outside, from the main gate. The guesthouse and the family was inside my home, when the soldiers came. When I come outside, he was already arrested by these soldiers because he was outside my home. This guy once, he said, this is the person, who is the family, the U.S. soldiers, the rockets, (inaudible) I run the sheep and goats up the hill, up the mountains, this time, the rockets, and they find me, I sent a letter to the U.S. soldiers, they came and they also awarded him, they gave him money to be a farmer. These U.S. soldiers. This man is fifty or fifty-five years old. It's not possible for him to climb up the mountain and come down. This is not the person. A very healthy person, now, he can climb up. The second thing, when there are any person who wants to do, things, I think that nobody, in the past, would take his family, wife, and children and fire around them. Fire the rockets around them. The U.S. soldiers arrested me, in the beginning; they asked me, why did they come to your home. This Abdullah Hackeen, I already mentioned to you, he's from Afghanistan, but, he's a refugee, because, are you home, he's from a far different area. He's a professional shopkeeper, he's in the shop, (inaudible), this I know,

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it's not possible for him because his home, behind his home, is a military post. So, he came for security, the sake of safety. (Inaudible) He lives at the base of the mountain, very mountainous area. So, these soldiers, they came at the same time, on a different day, and a different night, but at the same time.

Recorder: Were you the only two people taken by U.S. soldiers that night?

Detainee: He was also. Me, my brother and him.

Recorder: Three people?

Detainee: Three people.

Recorder: How did they take you away, did they take you away by vehicle?

Detainee: Yes.

Recorder: So, they drove to your house?

Detainee: Yes.

Recorder: How many letters did you write to the commander?

Detainee: I can't say. More letters. I already told you. I already mentioned to you, he told me, the commander, they aren't asking any questions. Those people were coming to me. They were Christians, for example, you are welcome into my home, because I am not a leader, nobody (inaudible) No terrorists, anybody who belongs to these groups are having an invitation to my home. Who are those people, they are the enemy. Why would they be coming to me, and they would be introducing themselves to the U.S. soldiers, that I'm this person. All these people, all the poor people who came to my home, I never did that. (Inaudible) Next time, that somebody is coming, you say, soldiers, commanders, give me permission, I will be right out, because, I can't ignore any person. Why he told me, these people were asking, you would write them. The reason I tell you all these things, I never thought, before I never thought that he would mind. For example, I did this mistake, but, for this area, in the letter, if you minded, this is the right to be teaching, to be punished for a year, and put him in the (inaudible). This is my mistake. Because, he minded, it was my mistake. But, if I, I accept this mistake. This is the way, (inaudible). The nearest city, the thing, if I didn't send the letter, and he's been arrested, he's a teacher, (inaudible) he's been sent away from his home. (Twenty kilometers) He's been gone for three and a half years in prison. When someone makes a mistake and they punish him, and give him, a punishment, like me. I send letters, to the president, to the U.S. soldiers, not only one, not only two, not only three, a lot of letters, I never said no.

Recorder: My last question is, the first bullet, I just wanted to know if it's true or false, did you say that there would be trouble if more locals are not hired? Is this a true or false statement?

Detainee: It's not. Whenever, if you think, you have to keep in mind, if I was thinking, (inaudible). No, somebody told me anything, I don't If this is my mistake, I know. I'm accepting it's my mistake. But, say it's a suggestion. Because, this isn't the first time. Why did I welcome them to my home? If, I was a person, who was dirty, I would give them a lot of meds, I give them, a lot of, and when they first came they were nobody. Just to say to the Firebase, later on, dinner, sometimes, in the summertime, tea parties. I was the person, who was dealing with (inaudible), to be everywhere. They were

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unfamiliar with this area. They asked me, could you please show me the area where somebody can use, where somebody can hide himself. So, I asked him, if there were any problems, if I were thinking that they would be cheating me that was my problem. That is why I send the letters. Behind this letter there is something, a purpose, like, if you are mad, before, if you send a lot of letters, you would mention everything, and I was not familiar, and you were not thinking that this person would mind. If I were thinking this that he would do this that is my problem. I requested money, my personal check, those are the people who are coming from different area and I would asking you, like this, in my own words, still in my own village, a lot of people didn't know about the laboratory. They use the doctor. The person is there asking you something, I need permission of them, I'm writing something for him, it's just a little mistake, I'm accepting this. I wasn't not thinking before, this was a mistake, so be it.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. She asked for another session, the only thing we know right now is this, and what you've told us, I don't know what she is going to present us later, but I do want to ask you questions about mostly the other two individuals. Your brother is coming to testify? What does he do for an occupation?

A. He' s a laboratory technician.

Q. Did he work for you?

A. Yes, he was working with me. He was running the laboratory and x-ray, and I was doing doctor's work.

Q. What about the other individual? You said he owned a shop?

A. Yes, I mentioned that too. This has to do with the laboratory. From last year, I was there, he was living in the same area and he was coming from my home. He wasn't the person to do this thing, he can't think, he's a poor person, he has no relationship with anybody, he has a small shop, the maximum property will less be five hundred dollars in his shop. So, that person who has this, how can he do these things? But, as I know, these things, two times, these people are doing these things. You are very poor, but for the sake of money he can do anything. Either he will be out of control, a maniac; I know he was not from this tribe.

Q. Have you seen him in this facility, have you talked to him at all in Cuba, is he here in Cuba? The shopkeeper, is he here?

A. No, he has been released from camp, because this lie, one proof for this is a lie, proof for me. He was here, and then there is no way I want to be kept here. The reason he has been released, last night I was thinking, that why has he been released. Because they came from secondary (inaudible) person, there some people who came to your home. Why he has been released? Because the commander has minded my letter and this was the lie of proof, that he was with me, he would tell the whole story, he was the third person. This is the solution, I think he was the one to punish me.

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Q. How do you know; I noticed there are different people from different camps. Are you sure he was released or maybe he was moved?

A. My brother told me that. When we were back in Bagram, he was not there. When we got here, he was not here. It's clear that he has been released. But, I'm confused. My brother told me that he has been released, from the U.S.A., before we came, there are two that are the same, in the alike room, under ground, I was inside, I did not see him. But, I think he was in the other room with my brother. My brother will be no better than me, when he is released. He's been released. He was not in Bagram, and if he's not here in Cuba, there is no other way.

Q. Were you sleeping when the visitor came? When the visitor came to your house that night, were you asleep?

A. At home?

Q. Yes.

A. Yes, usually. What happened then? Before this, my dead father, he was suffering from brain hemorrhage, so at that time he was living in Pakistan. One of my younger brothers came and he told me that my father is sick. When I left there and I took him to the big hospital when I was working there, before, so in the city, when I saw the results, we saw the brain hemorrhage. There's no treatment in the entire world. It's (inaudible) problem. Nobody can tell me how long he will be alive. So, I took my father with me to Afghanistan. He was thinking of something, when I was watching him, I was thinking that maybe he will be alive for one day, or two days.. .and he was in trouble, because of the brain hemorrhage, the bleeding inside the brain, so he was more in trouble. His eyes would become red, and I was giving him the medicine, which I brought from the Pakistan hospital. The painkillers, during this time, I became very depressed. At times, wintertime, I was very depressed. This medicine, I was taking three or four types of medicine. But, professionally, to become a physician, I will work in psychiatry so; I know something about these things. I was taking with these medicines, a name of (inaudible), I think it's a sleeping pill. In this time, I was taking all this medicine on the table. Near my bed. When I was sleeping, I would take this very medicine. The whole night, for five or six hours, I would sleep. This time, I already take the medicine, I was sleeping. Also, here, I took this medicine, for one and half years, round about. So, at this time, I was sleeping in my room.

Q. Your brother was asleep?

A. Yes. But, not in the same room, in the other room, my brother was sleeping.

Q. So, when his family came, did they knock on the door?

A. I can't say this, because, my brother is living in the other room, situated, the good side. I can't see, I listen, but my brother opened the door for them, and they came inside. I'm confused. I listen them, I can't open the window, except the door to my room, but, I can't say at this time, if I listened for them or not.

Q. Where did your brother go to school also, Pakistan?

A. Yes, Pakistan.

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Q. Does he share the same philosophies on lack of politics?

A. No, he never partook, my whole family, there's no politicians, no.

Q. You said that the U.S. forces drove to your house. But, I thought you said you couldn't drive to your house?

A. No, you can drive very easily to my house. My house is situated in the plain area. You can't drive to the area where from where they fire the rockets. You can easily drive to my home.

Q. Okay.

Q. Do you have a vehicle?

A. No.

Q. How do you get around? Do you walk?

A. Me, yes, I walk. Wait, it depends. If I was leaving for my clinic, I walk, I come back, I walk. But, when I was leaving for father, if any further distance, so when my father died, I become the legal one on my family, so, this goes back to tradition. For example, all these things, (inaudible), This is my responsibility. So, when I was leaving, I would take a taxi.

Q. When you would go to bed, I wear this during the day, at night, I wear a t-shirt.

A. Yeah.

Q. When the security forces came, do you remember what you were wearing?

A. I was wearing pants, but not the real pants, which is used, but the other one was a t-shirt. I don't know the colour of the pants, but the t-shirt was not completely yellow, but yellow like. Yeah.

Q. How about your brother, was he dressed?

A. I was the only person in that area using who is using a t-shirt, like these things. Nobody, my brother never used things. When I was in the hospital, all the doctors in there are using these things. I'm following the old rules on these things. It's easy to do that, for example. I don't have any restriction for the uniform, or other things. I'm only one person, for example, when I'm doing exercise, (inaudible) I use the exercise (inaudible) uniform. But, at night, my brother was using the same uniform, in this very area. This is known as a chemise, the shirt, and chemise shallah, its' like a shirt and pants, that's what we say, but, it's open and different

Q. I guess my question is did you and your brother both look like you were ready to go to bed? Were either of you dressed as if you were going to go somewhere?

A. I don't know about my brother, but I know, when I come back from my clinic, I change my uniform. For example, at this time, if I wear the same uniform, which is what I'm using during the daytime, in my bit of money, I hold a small wallet There's nothing but a t-shirt.

Q. I guess, if I'm a U.S. person, I'm a policeman, and I just saw a rocket go off, and someone in the mountains, I'm going to be looking for someone with hiking boots,

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sweaty, with clothes, not someone who is in pajamas, or light chemise. That's why I wanted to know what you were wearing, and what your brother was wearing.

A. That's ok. I just answer the questions. Nobody can come that way. It's not easy from those mountains. A lot of trees, big stones, easy to get injuries. One thing, the second thing, if you are coming that way, during the night, it will take a long time. Particularly, my brother, this sickness, when someone is coming down from the mountains. He can climb up, I cannot. I can't run. It's impossible for me and my brother, it's impossible, not only for us, anyone. To come back from that area, without any injuries.

Q. Did the U.S. do any tests on you? Like, if you were to fire a gun in the United States, they do any atomic absorption test. Did they do any tests like that on you?

A. When I was in the firebase, the doctor told me, they had pieces of the rocket, and anybody touched it, the fingerprints will be there. The second thing, when I come out from my home, me and my brother, I don't know about the other guy, but, they wear the gloves. In Bagram, they took blood, hair samples, everything.

Q. Can you actually park the vehicle outside your house? Do you have a driveway?

A. Yes. If somebody wants to come to by home, and he's driving, he can stop before my home, nobody is living in that area. The one side is an empty home and the other side the neighbor with many stairs with a plain area.

Q. You indicated that you were sleeping when Hakeem (ph) came to your house. Did you hear the rocket attack?

A. I already mentioned, I was taking sleeping pills in those days. I hear, but, I can't differentiate at the same time, there was an aircraft, circling the area. Also, they started bombing in the mountains, I can't differentiate, and if it's the rocket they fired by the people, or if it's the other thing, fired by the U.S.A. aircraft. One thing, the second thing, is the name of the (inaudible) firebase, they came, they said this is the firebase. In those days, in ray town, most of the time, they fired. The new soldiers, who have been in Afghanistan, they give me training. So, the sounds of the weapons, this adds to everything. Nobody can think, or hear, of if someone is listening, anything becomes jumbled, and they realized that it's the weapon. In the areas especially at night, you are facing the same things, so, nobody can, what happened, and why it happened. To think about what is the problem, I can say either, I was at my home and I listen. I listen to the sounds, the daytime, I was asleep, I can't differentiate that this is the rocket sound, or this is from the rockets fired by the aircrafts.

Q. But you do remember Hakeem and his family showing up at your house. How long after they showed up, did the U.S. Forces come?

A. I was sleeping, my brother opened up the door, they came, but, when I come outside, I didn't see them there. I can't see. I listened to him, he said to come out I'm confused.

Q. How many people were in your area or the village?

A. It's not a village. It was houses, there was a house for the refugee. So, in this area, near the firebase, and not in a different area. It was a different area, this is the Pakistani

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area. So, they know this, this house has only been built for five or six years. Before, there was no population; there was nobody there. There was a problem between the Afghani and the Pakistani's. The Pakistani's said that this is the area for Pakistani's. The Afghani's said that this area for Afghanistan. The second thing, three or four times, we were meeting with the Afghani soldiers, the U.S. soldiers and the Pakistani soldiers. They were trying to come and work there. The Afghani's took the local jobs. These people were against these things. So, three times I wrote down these the letter to the U.S. soldiers because the Pakistani soldiers were coming to the area you have no other person, and I was living near the bazaar, and my clinic was near the bazaar. So, I give the letter to my servant and to please, take it to the U.S. soldiers. At this time, the Pakistani soldiers, commander, they want to meet with me.

Q. Were you the only person writing letters?

A. No, I don't know, near the area, there is only one doctor whose studied in Afghanistan and, maybe because, he can write the medicine but, he's studying Pashto. I studied in Pakistan, so, in Pakistan, the courses are in English. Maybe there will be other people, but, when I write anything, I use my personal pad. I was always told, that when you write something, you use your personal pad. This is your letter.

Q. But you wrote in English?

A. Yes.

Q. You indicated that if injured people came to your clinic, that you wrote letters to the base, to let them know their names, where they were from, where they were injured.

A. Yes, during this time, I got only three injuries. One was a drug abuser guy, I performed surgery on him. He shot himself on the right side of his chest There was people celebrating, they were eating but, this was before, when the soldiers came. There was an celebration so, they are using the weapon, and they are fighting. During these two different parties at the opposite. They confront one another and they start fighting. I got five injuries at the same time. Three of them dead, three died, the remaining, after first aid, I sent them to Pakistan to another facility. I was not certain how to treat them better. All these things, I found, the letter is the only form of communication.

Q. That was my question, were any of these people arrested based on your reporting their injuries?

A. No.

Q. Prior to the night that he came to your house, how many times, prior to that, had Hakeem been to your house? Did you ever eat, or drink tea with him and his family?

A. At the same time, at the same night?

Q. No, before that night. Had he been there on other occasions?

A. Yes.

Q. Frequently?

A. No. For example, he came to me, he had some crops in the area, so, and he asked me if I needed these things. He was also (inaudible) you are using the wood; I can bring you some from the mountains. Like this, silver, wire, he was also coming to my home. Other than this, there are no other relationships that I can say that I'm having.

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Q. You indicated that he was fifty or fifty-five years old.

A. Yes.

Q. Were his children small?

A. Yes. He has only one son that will be four, five or six years. I don't know. He has two or three daughters. No other person with him, or other relatives.

Q. So, he didn't have any teenagers, or people in their twenties who could've been firing rockets.

A. No.

Q. You told us about your personal beliefs, were any known Taliban or al Qaida members did they ever visit these bazaars? I know you told me that they don't wear their identification on their hat. Were there people in the town that others, how long have you been in this area?

A. One year. You asked if there I saw any person from the Taliban.

Q. Yes.

A. In this area, it's good. There's no leader. To say he's leading Taliban or al Qaida. Twenty, or seventeen there was no Taliban were not at rest, this was the reason why I was shaving. For example, because, in those areas when the area was completely under Taliban, you can't shave. Not only me, but a lot of people they were shaving. Twenty, in different area. This starts from the beginning, when you are under government control. The other two, because in the history, there was no problem. Nobody can say that this way. Every problem is like the other. If Afghanistan, for example, the war between the different groups, the war between the different religions, like Shiite and Muslims. Here you are talking about Afghanistan and the last several years. There was war due to the religions, and also different languages. For example, Pashto speaking people, the Taliban were fighting those people. In different area, the people have the same religion, same language, these other things that aren't problems. Also, another thing, sometimes this happens. But, this is the (inaudible) leader. If you go to your area, you will solve your problem. Because, if you didn't know, there is no army, there's no police, so this is it. If there is some problem between the people, these leaders they are solving the problems.

Q. I just want to make sure I understood, you have no formal military training, you have never been in the army?

A. No.

Q. The day you were captured, had you fired your personal weapons for any reason?

A. No. If I was being decent, (inaudible)

Tribunal President's questions.

Q. You said you were originally from Afghanistan. Are you originally from the area?

A. My other village, it is situated around north, nine, ten meters, there are different ways. If you don't have a vehicle, you can climb, you can use the mountains. So, you have to come like this, but, if you want to go straight, the maximum distance is five

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kilometers. I already mentioned, the construction of this house, just around five or six years before.

Q. So, you're original area from where you are from isn't that far away?

A. No.

Q. You said that you had your clinic by where you lived for about a year, or so, in this area. How long have you practiced medicine?

A. I initially when I came back to my country, after two months, I started my own clinic. From approximately one year I had my practice there.

Q. But, that's the only time you practiced medicine, or did you practice in Pakistan as well?

A. No, I practiced medicine in Pakistan. But, not as a private, I was working in the hospital. I was working in psychiatry, and I worked a little bit, for three or four months in Psychiatrist. Before I was in the learning stage. We are finishing our learning stage, then you will join the hospital for one year.

Q. We call it an internship.

A. Yes.

Tribunal President: At this time, is there anything else you'd like to tell us?

Detainee: No.

Tribunal President: Personal Representative, did you have any other evidence or does the detainee have any previously approved witnesses to present to this tribunal?

Personal Representative: Yes, Ma'am we have a pre-approved witness.

Tribunal President: At this time, let me explain to you how the witness process occurs. Please feel free to ask for a translation if you need any. Basically, we will have the witness brought in, and I'll ask him to state his name for the record. The Recorder will administer the oath. At that time, then you will be allowed the first opportunity to ask him questions to get him to present information that you think is relevant to your case. Then the Personal Representative, the Recorder, and the Tribunal Members will be able to ask questions. Does your brother have as good command of the English language as you do?

Detainee: No.

Tribunal President: Please keep in mind everything needs to be translated, and please allow time for that as you are asking questions. You are certainly welcome to give him a brief greeting or brief exit greeting, orally. Again, please remember, that it all needs to be translated. Do you have any questions?

Detainee: No.

The Tribunal President called for a brief recess while the witness is brought into the room,

Hearing is reconvened with witness and detainee present

The detainee and witness exchange greetings.

Tribunal President: This tribunal has been reconvened with the witness in the room. Would you please state your name for the record?

Witness: My name is Razool Mohammed

Tribunal President: You are here today to testify for Naquibullah Shaheen, are you still willing to do so, and are you willing to do so under oath?

Witness: Yes, I do.

The recorder administered the oath to the witness.

Witness: That all of my witnessing will be truth.

Tribunal President: Naquibullah, do you have any questions for the witness?

Detainee: No.

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

Personal Representative: Yes Ma'am, I do. In reference to his brother, on 14 Oct 02, six rockets were launched from the east, firing on Firebase (FB) LWARA, a U.S. Facility in Afghanistan. The FB then observed a vehicle with its headlights off drive away from the scene of the launch and stop at a dwelling.

Witness: I testify to that There was no car coming or stop right in front of our property. But, the main road on the other side of our house, there were cars going back and forth, and that was, it was always like that. Cars were going from one direction to another direction. No cars came towards our property and parked out in front of it.

Personal Representative: In addition to that, he stated that Abdullah Hakeem came to the house with a family, because when the rockets were fired, they weren't secure.

Witness: Yes, I did state that, Hakeem was a lot closer to the mountain and more bombs are usually dropped there and so, he came to our house to refuge himself and his family.

Personal Representative: Explain the purpose of the battery, the Kalashnikov rifles with loaded magazines, a signal mirror and a pistol, which was found at the house.

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Witness: They are all true, we did have a couple of loaded guns, and a couple of Kalashnikov's and some batteries, but, as far as the signal mirror goes, they are not signal mirrors, they are mirrors you see yourself in them. That's the purpose of all those mirrors. The battery that was mentioned here, they were almost as big as car batteries. They were used to activate my stereo system and my cassette player through the battery. There is no electricity in my region, so, whenever you want to listen to music, you have to use those batteries to activate the appliances or stereo system.

Personal Representative: In reference to his brother, the association and was involvement in a meeting with a suspect arrested by United States during a raid on a suspected Taliban facility.

Witness: First of all, my brother is a doctor there, and he has a lot of visitors all the time. I do not know of any specific person you are talking about, as I said earlier, a lot of people were coming themselves, or they were bringing another injured or sick people to my brother so he can do his testing and everything. If you were anybody in particular then you can tell me who you are talking about I do not know people by name, I mean he doesn't know, there are a lot of people coming from everywhere, we do not know them personally they are just his clients, the people who are coming there to be visited by him.

Tribunal President: Recorder, do you have any questions for the witness?

Recorder: Yes Ma'am. What was your job when you were captured?

Witness: I was working with my brother in his laboratory.

Recorder: Have you always worked with your brother?

Witness: Since he opened the clinic, I started working with him.

Recorder: What about before that?

Witness: Before I started working with him, I was studying about laboratories, about lab work and everything.

Recorder: That night, that the rockets were fired, did you hear them going off, were you awake?

Witness: I definitely heard them, yes, they fired from a very close area I was right next to the mountain there, I definitely heard them.

Personal Representative: How many people were in the house that night, in your house?

Witness: Me and my brother and our wives.

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Personal Representative: That's it?

Witness: After the rockets were fired, Abdullah Hakeem did come there that night

Personal Representative: What type of clothing were you wearing when you were captured?

Witness: I was wearing the same clothes that I was wearing in the daytime, in the lab.

Personal Representative: These are the same clothes that you slept it?

Witness: Sometimes I change into some different clothes, cleaner clothes. Sometimes, I don't, this time I had the same clothes on, and I was planning on going to sleep with the same clothes.

Personal Representative: Were there any type of stains or residue on them?

Witness: There was a mark on my clothes that night.

Tribunal Members' questions

Q. How did Hakeem get there?

A. It's a flat area, there's the east and Hakeem's house is over there, the flat area. He had walked to our house.

Q. Is there a moon, was it hard for him to walk?

A. It was black, dark.

Q. Did he come alone?

A. Him and his wife, and his two children. Two daughters were older, teenagers, but all together it was probably six to seven people.

Q. You said you had a mark on your clothes. Did it look like gunpowder?

A. I work with batteries; there are a lot of chemicals there. We have containers of oil that we use for cooking purposes at all times. I had those containers at one time and transferred them from one place to another. My clothes got spots from that.

Q. Did you go out at all after dark that evening?

A. No, I did not go out that night.

Q. Do you know if your brother belongs to any political party?

A. No. No brother does not have any ties.

Q. Were you in your house or your brother's house when you were arrested?

A. There one house with four rooms, we live in separate rooms.

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Q. You heard the rocket attack. How long after Hakeem's family showed up at the house did the U.S. forces come?

A. After we heard the rockets, Hakeem was there for fifteen minutes.

Q. How long until the U.S. Forces or Afghan show up to arrest them?

A. Another fifteen minutes after that.

Tribunal President's questions

Q. Your brother indicated that you told him that Hakeem had been released. How did you know that?

A. In the beginning, in our area, I was with my brother I did not see Hakeem in that area or in the plane, or in Bagram detention center or at the base.

Q. So, basically, based on the fact that you didn't see him, you assumed that he wasn't arrested, or that he was released?

A. At that time, when we were in our own area, Hakeem was there. But, after that, I did not see him on the plane. Whether he was transferred, or what? We never saw him in Bagram.

Detainee: Hakeem was at the firebase. But, this is the firebase and the helicopter is coming from Bagram to this area. There is another plane area. My brother and I, we are living there, he should be with us. When we got to the firebase, there was only us. No other person.

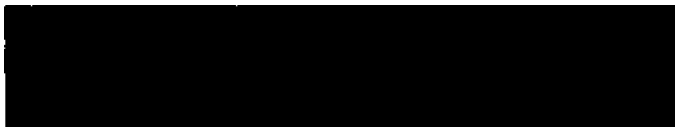
Tribunal President: Thank you. We will take a brief recess while the witness is removed from the room.

Tribunal is recessed until after witness is removed from the room.

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

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 but made the following statement:

Detainee: I don't have any questions but I wish for him (Personal Representative) to read the accusations to me and I can answer them.

Tribunal President: We will do that in just a couple of minutes. If you have any questions as we go along please feel free to ask them.

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

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

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

Tribunal President: I see by the Detainee Election form that you have elected to participate today as evidenced by your being here. I also understand that originally you had asked for three Detainee witnesses.

Detainee: Yes, but they refused. I talked to them and they refused.

Tribunal President: That was going to be my follow on statement is that then you withdrew that request. So there will be no witnesses here today.

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

Detainee: Yes, if there is an oath I will swear, it's no problem.

Tribunal President: Thank you. Recorder, would you administer the oath.

The Recorder administered the Muslim oath to the Detainee.

Personal Representative: Yes ma'am, per our meeting on 23 Oct. We met for approximately one hour's time. We reviewed the Unclassified Summary of Evidence. AH was very respectful and cooperative during the meeting but he was a little bit surprised by some of the evidence brought against him. I gave him the option of how he would like the evidence presented. We agreed that we would provide each piece, one at a

time, I will provide my notes, and he will add to them. Is this still how you would like to proceed (to the Detainee)?

Detainee: Yes.

3.a.1. The Detainee left Syria on 3 July 2000, traveled through turkey and Iran, and arrived in Afghanistan.

Detainee: Yes, I did leave Syria in July 2000, well over a year prior to the September 11^h attacks. Also, the traveling in itself is not crime. There was no law at that time against my traveling from Syria.

3.a.2. The Detainee resided for approximately one year, with five to six other Syrians, in a house rented by a Syrian in Kabul, Afghanistan.

Detainee: Yes, that is true. Where is the crime against renting a house? Also, I was staying with brothers from my own country. I was staying with Syrians not anyone else, who else would understand our culture and the things that we do besides other Syrians.

3.a.3. Four of the Syrians from the house (including the Detainee) have been captured and are being held by the United States and coalition partners.

Detainee: Does that make me an Enemy Combatant because these other three were picked up? I mean that my presence here does not mean I'm an Enemy Combatant. Not Everyone that is present here is an Enemy Combatant. This is something that the United States did was to bring me here, I didn't come here of my own accord.

Personal Representative: I believe, correct me on this please, that the other three that were captured were the three witnesses that you had originally requested?

Detainee: Yes, that's correct.

Personal Representative: Ma'am that's just a point of clarification for the Tribunal because in the piece it states the captured are being held by the United States and its coalition partners. Point being is that they are here at Guantanamo.

3.a.4. The Detainee fled to Afghanistan to join a Syrian camp under the supervision of a leader allied with Usama Bin Laden.

Detainee: This point says fled from Syria to Afghanistan. How can they say I fled from Syria to Afghanistan? I did not flee from Syria to Afghanistan. I was traveling from Syria to Afghanistan. It was just traveling. I was not fleeing. Regarding the other part of the point where it said that it was rented by a person who was allied with Usama Bin Laden this is not true. This house was rented from the man's own personal expenses and he did not have any relationship with anyone. I never heard him once speak of al Qaida

or see anyone from al Qaida visit him or hear him talk to anyone from al Qaida. I never saw any identification or any piece of paper with him that would indicate that he was part of al Qaida.

Personal Representative: Ma'am, also in the meeting, Ali made reference to the fact that in point number four it says he fled to Afghanistan to join the Syrian camp. Which is inconsistent with the first point, which states that he left Syria in July of 2000 and made his travels through Turkey and Iran to get to Afghanistan. As he stated he did it voluntarily, he traveled legally. Is this, to the best of your knowledge, what we talked about (to the Detainee)?

Detainee: Yes, that is what has happened.

3.A.5. The Detainee reportedly attempted to convince his brother to receive flight training in the United States.

Personal Representative: Ali expressed a little bit of shock on this piece of evidence (referring back to the interview).

Detainee: I had never even finished school. What qualification or what right do I have to tell my brother to go to the United States for flight training school? In the beginning of the statement it said "Reportedly," so it's not even concrete or a real piece of evidence against me. It's just reportedly. It cannot be held against as a piece of evidence. My brother did not finish his studies and in the first year of middle school he left school and did not complete it. Also, another point, let's just say that this was true. We come from a poor family and it would not have been possible for brother to fly to the United States and go to school in the United States. We would not have been able to afford it. Another point, if anything I would have been the one to go. I would have had the priority to go and take this training in the United States because I reached high school and my brother only reached middle school. I would have been the one to go and get this training. Getting flight training, in it self, is not a crime; if it was crime then you should take all the Air Force members and arrest them if that was a crime. If it is a crime, you are the ones who have these flight schools operating in the United States. So if just getting the flight training is a crime, then why do you have these flight schools open and operating in the United States?

Personal Representative: Ma'am, that is consistent with the discussions we had during our interview.

3.a. 6. The Detainee received basic training on the Kalashnikov rifle.

Detainee: Yes, I did receive training. I received training for the purpose of being able to defend myself and defending one's self and getting training is the absolute norm in Afghanistan. You cannot accuse me because I have trained on the Kalashnikov. If anyone goes there and trains on any weapons or takes part in military exercises, that

cannot be a crime in itself. If a person had taken up this training with the intent to go and kill or fight then that is a crime, but just to get this kind training by itself is not a crime. You can't group these two separate things and treat them as them as the same thing, as an accusation.

3.b.1. The Detainee left Kabul, after its fall to the Northern Alliance, and stayed in a trench that was supplied with food, water and weapons.

Detainee: I, like many, fled Kabul after its fall. But, as it says in this piece of evidence weapons as being plural, meaning many pieces of weapons. There was one AK47 rifle. I left Kabul to go to Jalalabad. If I had stayed in Kabul I would have been subjecting my life to danger so it was better for me to leave. The circumstances made me leave. I stayed in this place that is correct. There were no weapons but one and that is the Kalashnikov.

3.b.2. The detainee stated that there were three Yemenis in the trench that had Kalashnikov rifles.

Detainee: Where we fled for protection there were not three Yemenis in that trench. I did not state that there were three Yemenis. There were three Syrian and one Yemeni and it was the Yemeni that had the one Kalashnikov rifle.

3.b.3. When the bombing campaign started, the Detainee drove with three others to unidentified mountains in the direction of Jalalabad, Afghanistan.

Detainee: I am surprised at how this piece of evidence is being brought against me. I did not leave when the bombing campaign started. It also says that I drove with three others to unidentified mountains... we did not drive. There wasn't a car, we walked. In the mountains, you cannot drive so that's why we walked. Also, you wrote here that I am the one that drove the car, I do not know how to drive and I don't even have a driver's license. I knew that I was moving away from the fighting but I did not know that I was moving in the direction of Jalalabad. You stated that at the beginning of the bombing campaign we left and I told you in the meetings (speaking to the Personal Representative) that it is not true. When we left there was bombing at the time so we left before the bombing started.

3. b.4. The Detainee and three others surrendered to Pakistani authorities when the group arrived in Pakistan.

Detainee: We never arrived in Pakistan. We were stopped before at a border checkpoint. We were on the border when we were actually arrested. I did not surrender. We did not surrender ourselves to the Pakistanis. The Pakistanis were the ones that arrested us. We got to the borders and the Pakistanis arrested us on the border. Even if this were true, it is not a crime to surrender yourself to the Pakistani forces. For example, right now we were in Afghanistan, you are in a state of danger and we do not know what's going to happen

or what's going on around us. There was no government to protect us, like the Taliban was in the beginning. If we had thought that the Pakistani government was able to help us and protect us and we surrender ourselves to them then it wouldn't have been a crime. Like I said before, we did not surrender ourselves but we were arrested at the borders.

Personal Representative: Yes ma'am, in the final notes from our meeting, I want to clarify that you (to the Detainee) and the three people that were arrested, those three people were who you wanted as your witness and are here in the camp?

Detainee: Yes, they are the three that are present here.

Personal Representative: The final thoughts that he had on our meeting on 23 Oct, and I think he expressed them as we moved through each one of the points; was that much of these statements and much of this evidence, how could these be accusations? There seems to be many misrepresentations within the evidence being presented.

Detainee: For example, a lot of the things here I said. A lot of things that are stated here, I'm the one who stated them to the interrogators. They come from me but they changed some of the things for example, when they said surrendered, the Detainee surrendered himself to Pakistani forces. I did not surrender myself; they changed it. So, all this information, I'm the one who gave all this information to the interrogators. It's in my file. If you go back to my file you will be able to find all this information.

Personal Representative: The final point being, is that according to the evidence in the way that it is presented, and I'm paraphrasing so please bear with me on this final point. With all this evidence and the way it's presented how could this make me (the Detainee) meet the definition of an Enemy Combatant?

Detainee: Just the points that are in front of you. You have the points in front of you. How do these points make me a threat to the United States or its allies.

Tribunal President: I always like to tell people that at this point this is the only information that we have seen on you (Exhibit R-1 and R-2).

Detainee: Good, but you judge me based on these points.

Tribunal President: We look at two things. The first thing we look at is the information as presented by the Recorder. The second thing is the information that you give us that clarify the points or tell your story. We appreciate the input that you have.

Detainee: No problem.

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

Detainee: No nothing.

Tribunal President: Would you be willing to answer some questions that we may have?

Detainee: Not a problem.

Tribunal President: Thank you.

The Tribunal President confirmed that the Personal Representative had no questions for the Detainee.

The Tribunal President confirmed that the Recorder had no questions for the Detainee.

Tribunal Members' questions

Q. Could you provide us with a little background information because we don't know very much about you at this point?

A. It's no problem. If you have anything to ask me I will answer.

Q. Thank you. What is your usual occupation after you completed school?

A. I traveled right after I finished school at the end of the high school examinations I left right away. During school, any breaks that we had, I would work in the store with my father. I worked as an ironsmith.

Q. Had you received any military training while in Syria?

A. No, I did not enter the military.

Q. How did you pay for your travel to Afghanistan with your Syrian friends?

A. When I was in Syria, the allowance that I would get from my father, I would save. Also, during school my father would give me some money and I would save some it or keep some of it.

Q. What was your purpose in traveling to Afghanistan with your brother Syrians?

A. I traveled to move to Afghanistan from Syria.

Q. You were going to make your home and live in Afghanistan?

A. Yes, I was going to live in Afghanistan.

Q. Did you seek employment when you were in Afghanistan?

- A. In the period when I was in Afghanistan, no I did not.
- Q. How then did you support yourself, with the money you saved, or from other means?
- A. In the house we would all help each other. If someone was in need of money we would pitch in or help out. The cost of living in Afghanistan is very cheap it does not require large sums of money.
- Q. Did you have a Syrian passport throughout your travels and when you were captured?
- A. No, I did not have it with me.
- Q. Did you have one when you left Syria?
- A. Yes, it was with me.
- Q. So you lost it or gave it to someone?
- A. When we were traveling from Jalalabad to the borders, somewhere in that distance I lost it.
- Q. You told us that it was a usual thing to learn how to use a Kalashnikov or a rifle.
- A. Yes. I told the reason was to defend myself. It was the only reason why I learned how to use it, not for any other reason.
- Q. I understand. Who helped you or who showed you how to use it?
- A. A person called Khalid (ph).
- Q. Was Khalid (ph) traveling with you or someone you met in Afghanistan?
- A. No, I met him in Afghanistan.
- Q. Do you know if he was associated with the Taliban?
- A. I don't know because it was a very short period of time that I spent with him. Maybe it was a week or a week and a half.
- Q. Did you learn how to use any other weapon while in Afghanistan?
- A. No, only the Kalashnikov.

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Q. Did you have occasion to fire it or use it?

A. Yes, during the training I fired a little bit.

Q. Did you or any of your companions have a rifle with you when you were captured by the Pakistanis?

A. No we did not.

Q. So you were not given one to hold with you. You were only shown how to use one?

A. Yes, I did not personally have a weapon.

Q. You stated that your roommates pitched in so that you could live in Afghanistan, is that correct?

A. Yes, we would all help each other in that house.

Q. What did you pitch in if you did not have a job?

A. I'm not the only who helped all the time. If I had money, I would pitch in. If my friend found money he would pitch in. Also, in envelopes they would come. We would get donations or other forms of help, contributions. They would come to us in envelopes.

Q. What employment did your friends have?

A. Do you mean what job did they have to get money that they had or what was their job inside the house?

Q. What jobs did they have to make money to live on?

A. Most of them did not work.

Q. So basically all of you live in Afghanistan and lived off contributions the entire time?

A. I'm talking about myself. Maybe they had money that they brought with them from Syria, I don't know.

Q. If I can ask again, what was your purpose then for moving from Syria to Afghanistan?

A. I told him before; I went there to live my life in Afghanistan.

Q. I understand that, but what was so bad about Syria and what drew you to Afghanistan?

A. There was nothing. I was just a person who wanted to move to Afghanistan from Syria. There was nothing bad.

Q. Did you belong to or help the al Qaida or Taliban forces?

A. No, I wasn't helping any.

Q. Have you ever belonged to a charitable organization?

A. No, never.

Tribunal President's questions

Q. Did your father approve of you moving to Afghanistan?

A. I did not speak to him.

Q. The people that you were captured with, were they your original friends from Syria that you traveled with?

A. No, I met them at a house in Kabul.

Q. Did you travel with somebody to Afghanistan or did you go by yourself?

A. From Syria to Iran I traveled by myself and then in Iran I met up with some people and I traveled with them.

Q. The people that you were captured with, did you know them very well?

A. Just the period of time that I spent with them since I met them, it was about a year that I spent with them.

Q. So they were in fact the people that you were living with in the house?

A. Yes.

Tribunal President: I want to thank you for participating in this Tribunal today.

Detainee: It's not a problem. It's good for me.

Tribunal President: Is there anything else that you would like to state to this tribunal?

Detainee: No, nothing.

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: No ma'am I do not.

The Tribunal President confirmed that all unclassified evidence had been presented to the Tribunal and closed the open session of the Tribunal

The Tribunal President explained the remainder of the Tribunal process to the Detainee.

The Detainee had the following question:

Detainee: Contacting your family. Do you mean by letters or by telephone?

Tribunal President: By the normal procedures that you are allowed now.

The Tribunal President adjourned the open session.

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

Summarized Sworn Detainee Statement

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

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

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

The Detainee took the Muslim oath.

The detainee submitted a written statement with answers in regards to the accusations; it was translated into English for the tribunal The detainee entered this document as Exhibit D-B.

The Tribunal President stated a short recess would be necessary so that the tribunal panel can read the detainee's statement Exhibit D-B. Then the tribunal members will ask the detainee questions in regards to his statement

Recorders' Questions

Q. What type of airline or flight did you fly your family on to get to Afghanistan?

A. I didn't use the airliner.

Q. How did your family get to Afghanistan?

A. I contacted them at my sisters' house, and then they came by vehicle.

Q. Your family did not fly to Afghanistan?

A. No.

Q. How many people in your family traveled to Afghanistan?

A, My mother, wife, youngest son, the son that is here with me, and then my brother and his wife and children came down. They came to Afghanistan this way.

Recorder: Thank You.

Tribunal Members' Questions

Q. You arrived in Afghanistan in 1999, is that right?

A. Yes.

Q. When did your family join you in Afghanistan?

A. I personally don't know the time frame, my son told me it was in 2001. I don't know how to count the months.

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Q. Do you know if that was before or after September 11?

A. Before.

Q. You were staying in Kabul?

A. Yes.

Q. When did you leave Kabul?

A. We heard about the problems that happened in America, and we wanted to leave Afghanistan.

Q. Before the bombing started in Kabul?

A. Before everything. We wanted to save our lives, and that's why we wanted to leave before it started.

Q. When did you get separated from your family?

A. I don't know exactly, it might have been the first of Ramadan or the second of Ramadan.

Q. How did that happen?

A. The guide that was helping us to leave told us to leave. He came and said we have to leave quickly because things are getting worse.

Q. How did the family get separated?

A. When we were all together, the guide told us we had to leave from Jalalabad to the village. The family and I stayed there for two days. The guide came to this village and said we cannot take all of you; we cannot take the men.

Detainee: The guide said that we have to choose two men; two men "will have to stay here. We can manage to take all the women and the children. I then watched my family get into the car, after that my son and I stood there. Everyone else left. I am not sure which way they went.

Q. There are statements in here that you have been tortured and abused. Have you been tortured or abused by any United States personnel?

A. I don't know if they were Americans or not. They did not torture us personally or physically, but the Pakistan authorities were torturing us really hard, and they were looking and standing right there. The Americans were present. I am sure about that because they were the one who interrogated us.

Tribunal President's Questions.

Q. You indicated in your statement that your family was very poor. How did you pay for your trip from your country to Afghanistan?

A. I didn't say that my family was really poor; I said we have economic problems and poverty problems in Syria.

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Q. So you traveled by land in a car, bus or taxi?

A. I used mainly the big bus; like Greyhound.

Q. When you left Syria, did you go to any other country before going to Afghanistan?

A. I went through Turkey, Iran, then Afghanistan.

Q. At any time when you were in Afghanistan, did you or your family have to have weapons to protect yourself?

A. No, I didn't have to have a weapon to protect my family. The city was usually very peaceful and you didn't need protection. I never had any problems.

Q. Did you need any financial support from anybody in Afghanistan while you there? When you first got there?

A. No.

Q. Where did you stay when you first arrived in Afghanistan?

A. You mean which region in Afghanistan?

Q. The city or village?

A. Kabul.

Q. You spent the entire time you were there in Kabul?

A. Yes.

Q. Why did you pick Kabul?

A. There is economic activity, which means work.

Q. While you were in Kabul, did you see any fighters or soldiers in and around the city or the place you were staying?

A. No.

Q. When you first arrived in Kabul, did you stay in an apartment, hotel, or guesthouse?

A. When I first arrived I stayed in a hotel. After that, four of the Afghani intelligence came at night to talk to me in Arabic. They said there is an Arabic man here, and they took me to that man the following morning. They introduced me to this man, gave me his name, and said you are going to stay with me. That is how I stayed with him for free.

Q. Do you know the name of this man?

A. Abu Abdullah Al-Shami.

Q. You identified him in your document?

A. Yes.

Q. Did you have to pay him to stay at his place?

A. No.

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Q. Did you have to perform any duties or responsibilities while you were there?

A. No. I used to prepare my food and sometimes they ate what I cooked.

Q. Was this place a hotel, guesthouse or the house of your friend?

A. It was just his house. I stayed for nine months with him and I never saw anyone at his house.

Q. He was there all alone? It was just you two?

A. He had a family.

Q. Once your family arrived, you moved into your own place?

A. Yes, I went to get us a place. Also, once my family arrived, I saw less and less of the man.

Q. You had your passport when you left Syria?

A. Yes. My passport was legal; it had all me stamps in it.

Q. When you were captured, you had your passport?

A. Yes, it was in my son's jacket

Q. Your son told you he had your passport?

A. Yes.

Personal Representative Questions

Q. You sent for your family in July 2001 then arrived in Kabul, Afghanistan, via Taliban airline plane?

A. This was a civilian plane, for everybody. It is not Taliban plane,

Q. When we first met, you said you contacted your family, you waited for them in Herat, then they traveled on Ariana Airlines, a civilian airline. Is this true?

A. When I contacted my family, they came to a border area called Harivat, a border city. I was there at the reception area.

Q. Did your family arrive on Ariana Airlines, a civilian airline?

A. I told you they traveled by land.

Q. Were you ever actually on the transport vehicle that was overpowered by the prisoners?

A. No. I did go into details in my statement about all of this. We were in prison, my son and I, and the Pakistanis tortured us to the point that we admitted we were on the bus. They said to be careful. If we changed just one word in what you say to the Americans, they were going to bring us back kill us. So, we were told not to change a word. You are looking for the truth right?

Tribunal President: Yes.

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Detainee: As I said, the land trip was from Turkey to Iran to Afghanistan. Our trip was legal; we had our documents with our passports. I did mention that I brought my brother's wife just one week before the incident that happened in America, Do you think if I knew these things were going to happen that I would take my family and my brother's family there? My mom is 70 years old. I have grand kids; the baby is 8 months old. By looking at that, you will see I am not a terrorist Let me ask you, would you take your family there if you knew that has happening? It is up to you, just be fair and just. I was looking for happiness for my family and look at me now. You can go to Afghanistan without any papers and I have all my families' passports. Before I went to Afghanistan, I first went to Saudi Arabia just to see the cost of living. It was too expensive though. This white hair that you see is proof I have worked hard. My father died when I was really young. When he died, I had to support my family. My younger sister was only one year old. Since I was 9 years old, I have had many hard jobs.

Tribunal Member: How did you get your family from Herat to Kabul?

Detainee: By plane.

Tribunal Member What type of plane?

Detainee: Ariana. It is the only normal, civilian airline. They are well known; you can look them up if you like.

The Tribunal President stated a recess is necessary to bring in the witness.

The witness was brought in to testify on behalf of his father (the detainee).

Tribunal President: What is your name?

Witness: Muhammad Khantumani.

Tribunal President: Muhammad I want you to understand you are a witness for your fathers' tribunal. The tribunal will ask you questions to clarify some issues on the unclassified summary that your father made. Then your rather will ask you some questions. This is not your tribunal.

The witness took the Muslim Oath,

Personal Representative: Why did only you and your father travel to Pakistan, and not your whole family?

Witness: When we arrived at the village, we were all together. The guide told my rather that there robbers in the roads. Of course, we had women and children with us. There were about 14 to 16 people: 4 women, 8 children, and us. The guide said it was dangerous for us if people see us traveling with women and children and men. They might kill the men and keep the women.

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They told us that we had to choose: leave two men here and we'll will take two of the men with us. So, my uncle and my brother in law went with the family, and my father and I stayed there. After that, we went to Pakistan in separate directions. We heard that they were killed. I was even told here 3 times that the Americans killed our family. The soldiers here even threatened to kill me. If you don't believe me go, back to my file and look on the computer and you will find that information. At that time, I even did something really good. I found a piece of metal about 26cm long, and I gave it to the soldier right away. After that, he brought me back to my cell. He wanted me to wash up. Then he started threatening me. He said "I will cut off your head." After that, some other people that were in charge came in and threw that soldier out. They took my father to the emergency room because he was really sick and in had shape cause he was upset at that time. Just now, I found another piece of metal and the guard came in the room to get it.

TYibunal Members' Questions

Q. Why did your father go to Afghanistan?

A. The only thing I knew was that he was going to Saudi Arabia. Why he went there, I don't know. He first told the family he was going to Saudi Arabia to work. That is all.

Q. Once he arrived to Afghanistan, did he call or write letters to let you know he was in Afghanistan?

A. We don't have a phone at home. But he did call my aunt and told her to tell us to come and join him. Then we first went to Iran. He called my aunt's house after 4 days to ask where we were at, and she told him we had just left. We got to the hotel in Iran and called our aunt to tell her what hotel we were at. Then he called my aunt and she gave him the information about us. Then he called the hotel. After that, we came to join him.

Q. You all had passports and visa's with all the stamps?

A. Yes, everybody did.

Q. Were you arrested with your father? Captured with your father?

A. Yes.

Q. Where were your two passports when you were captured?

A. They were with me.

Q. Both of them?

A. Yes. He didn't know his passport was with me.

Q. Were both passports picked up when you were captured?

A. Yes, they were taken by the Pakistani authorities.

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Q. After you were captured, were you ever involved in an escape?

A. The interrogators talked about this incident with us so many times. If you look at my nose, you can see it is broken. They took us to the first prison where we stayed for five days. Then, we went to the second prison where there were a lot of people. Then, we were sent to the third prison. After that, they asked us who was in the bus. We didn't know anything about a bus. I don't know why they took me and they separated us. They tortured me a lot. I know that you can see that by looking at my nose and see that it was broken.

Q. Was that done by a Pakistani or an American?

A. Pakistani. It was an unfortunate thing that Americans were present and they could see that they were torturing us. All that torture was just for us to say we were on the bus. We didn't know anything about this bus. We tried to say no, no, no, but they just keep torturing us. Then they broke my nose and I said I was on the bus. After they tortured us, the Pakistanis said we were going to America for two days. They said if we changed what we said, they would come and kill you, definitely for sure.

Q. How old are you?

A. I think about 22 years old.

Q. What did you do in Syria before you went to Kabul?

A. I was a student.

Q. What did you do in Kabul?

A. I came to visit my father, with my family.

Q. You went to Kabul to stay permanently, didn't you?

A. I didn't know in the beginning where I was going. All that I knew when I left Syria was that we were going to Iran, and from Iran to Saudi Arabia. At that time I was only 17. At that age, it was not my place to ask where we are going.

Q. Was life in Kabul better than life in Syria?

A. I didn't go anywhere. I went to the store and then went right back. I had some problems with my dad, because I really wanted to go back and finish school.

Q. Do you know Abu Abdullah Al-Shami?

A. No.

Q. You never met him?

A. No.

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Q. Have you ever used a weapon?

A. No.

Tribunal President's Questions.

Q. What was your father's business in Afghanistan?

A. He was preparing food for a restaurant I've never seen or been to the restaurant

Q. The place that you lived, was it a house or a hotel?

A. It was my father's house; we were renting it

Q. Do you remember seeing any people coming and going from your house? Renting a room?

A. To begin with, the house was really small. There were 16 people living in that house.

Q. Is that a yes or no?

A. No. Sorry, I meant to answer the question.

Q. Were there any weapons in the house? Any weapons for protection?

A. When we were in Jalalabad, there was a gentleman who used to walk with my father who had given a small pistol to my dad for protection.

Q. Did you ever have to use the pistol?

A. No.

Q. Did anyone in your family have to use the pistol?

A. No, we never used it at all.

Q. When you were leaving Jalalabad, did you have to flee or escape to the mountains?

A. Yes, after we went to the first village and the second village, there was no other way and there were no roads open. So, we had to go to the mountains.

Q. Did you have to stay in the mountains?

A. Yes, when we rested at night

Q. How long did it take you to get through the mountains?

A. I really don't know. But I think it was 3 days.

Q. Did you have assistance leaving the country? Did you have a guide?

A. Yes, we were forced to have someone guide us since we didn't know the area. Whenever we got to the village, people would help us to the next village. Then we got to the road leading into the mountains. We had two guides help us since we didn't know where to go.

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Q. Did you travel with a group of people to get to Pakistan?

A. It was just those two Afghanis that were with us; they said they will stay with us to Pakistan.

Q. Where you actually across the border into Pakistan when you were arrested?

A. Those to guy took us to a village and said this was it, they said it was our Embassy and they will be able to help us; but instead it was a jail.

Q. Did the people that took you to the jail. Did they have weapons with them?

A. No.

Witness: If I may add something, you were talking about weapons. In Syria you are not allowed to have a big knife, if you have one they will take you jail and they will give you a big fine. That is why I have no knowledge nor do I have anything to do with weapons. I went from home to school, and from school back home.

Tribunal President asks the detainee if he has any questions for his son?

Detainee: When you asked me if I had a weapon to defend my family or something of that nature. It was different in the question you asked my son. The question to me didn't guide me answer the same thing about the pistol.

Tribunal President: If I asked you the same question that I asked your son what would be your answer?

Detainee: I would have told you that yes; I had the pistol to protect the house from robbers.

Witness: Tell her in all reality we had no problems with nobody. I know it is not my tribunal by I wanted to clarify, that you would an enemy combatant that I would have spent three years hear without ever causing a problem. Also this metal issue, I found it and told the guard. In Echo block room 24,1 seen a big hole/opening there and I reported it. Even now when I was waiting to come into here I found some metal and told the guard that is standing outside.

Tribunal President stated a brief recess is necessary to remove the witness.

Tribunal President: Abd al Nasir do you have any other evidence to present to the tribunal?

Detainee: No, that is all I have. I just wanted to thank you. I want you to really take into consideration; you should really want the truth or if you don't that is up to you. I have been telling you the truth. We are all going to die and everybody will get his share in this or another life.

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The Tribunal President confirmed that the detainee had no further evidence or witnesses to present to the Tribunal The Tribunal President explained the remainder of the Tribunal process to the detainee and adjourned the Tribunal

AUTHENTICATION

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

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

Colonel, United States Army
Tribunal President

When I was gone for three days, the first day I spent in a village called Marzak. Second night in broken truck. After the truck in the way back I saw two dead people. After that I [r-j. : • spent a night in a village which was towards my home from Marzak. I had some peas, raisins, and Parata (bread). I had picked up a radio and two hand grenades and I was on my way. When I came down from mountains, I got to the open area and saw the coalition forces and before I got to them I got rid of the hand grenades meaning at the time of capture they were not caught with me. I was captured with the radio. After I was beaten two or three times by the Afghan soldiers I was handed over to the Americans. Then, they sent to Gardez with Afghan soldier. Then, after two days I was sent to Bagram.

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Summarized Sworn Detainee Statement

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

The Recorder presented Exhibits R-1 and R-2 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 addressed the detainee's two requested witnesses. The first witness was ruled as not being reasonably available after efforts were made to obtain the assistance of the Afghanistan government to contact the requested witness, General Kahoon. The second witness, the detainee's father, GTMO detainee #1009, was located by the Tribunal but was not able to testify in person due to national security reasons. An alternate means was used to provide testimony for the hearing. The Personal Representative asked the witness questions provided by the detainee and prepared a transcription of the witness testimony. After reviewing the transcription, the detainee asked his Personal Representative to submit the written statement of detainee #1009 to the tribunal. The Personal Representative provided the witness statement marked as Exhibit D-B. The Tribunal President obtained an affirmative reply when he asked the detainee if the alternative means of witness testimony was acceptable. The detainee then provided the following statement

Detainee: All the things that you mentioned have truth, I would like to say that at that time the people from the defense ministry was present there. They came in and they had people from foreign ministry and Americans accompanied them. They took all the heavy weapons with them and the light weapons were in jurisdiction of the government it wasn't somewhere that the government didn't have control. The commander of the south gave us money to protect these weapons at that location. They told us that all of these weapons were collected from the people and we have to turn them in to the government I have more that 1000 witness to confirm that, but I don't have access to them at this time.

Tribunal President: We would like to proceed to another part of the hearing were you could provide more statements to us. Do you have anything else to say about your father's statement?

Detainee: That was our agreement between my father and us that we support the government of Afghanistan, and to work with them as security.

Tribunal President: Ok, would you like to make your statement under a Muslim oath?

The detainee took the Muslim oath.

Personal Representative stated that he and the detainee would go through the allegations so that the detainee could respond one by one.

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The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The Personal Representative also gave answers from a previous meeting. The allegations appear in italics, below.

3.a.1. The detainee commanded HIG forces in the area of Surubee, Afghanistan during the period 1992-96,

Personal Representative: During our meeting this is what he said: "True. At the time of the communists; as the commander against the Russians, and after against the communist government. Afghanistan was in two parts; one supported the communist and one fighting it. There were lots of groups against communists. I didn't care with what group I was fighting with as long as I could fight against communists. During the fighting with the Russians, with aid the Americans helped us."

Detainee: You know that and understand that at that time when the revolution came in, the communists came into Afghanistan. When the Russians came, Afghanistan split in two. Mostly the capitol was under the control of the communists and the suburbs and the outskirts were in control of the opposition. As you know in Afghanistan people that lived outside the capital, near the provinces, not a big majority of them are illiterate. I swear as of that time when they were fighting I never heard of the name communist. I didn't know who Majaki was. Because the fighting started and they were saying one side was communist and the other side was Majaki's. The Russians intervened in the supporting government and they would kill innocent people and do bad things. At that time many people joined the Holy War against the communism and people didn't think under which leader they served. (Detainee listed several leaders.) Most people didn't know which leader was good or bad. The entire world knows about this; you know about this. In that region that we were, the Gulbuddin was in control and we were there. The Gulbuddin was in support of the U.S. and in support of U.N. also. After 1375 when the government of the communists was toppled, I have never been apart of any organization after that. I have never had any communication with them, not by phone, by writing, or by talking; I have not had any communication since that time. There is nothing that can prove that I have. If you have proof and can show me I can take any type of punishment for that. When the communist regime was toppled Gulbuddin and the commander of Mazzol was in conflict with one another; and was always fighting one another. For that reason, as an Afghan I knew we cannot fight amongst each other, and that is when I separated myself from Gulbuddin. Before that it was Russians and after that it was the communist regime in Afghanistan and after that within themselves. Aider the time I departed from this organization from Gulbuddin, he was known as a terrorist and then was involved with terrorist acts. From that time I decided to not be with him anymore; you cannot prove that. I have never been in combat; I have had no interaction with him after that.

3.a.2. The detainee received a shipment of arms financed by HIG leadership on 03 January 03, located at GEOCOORD: 344550N/0694820E.

Personal Representative: (Reading from his interview notes.) "The weapons had already been there for many years, until the Taliban captured the compound. They told us to keep the weapons in the compound and to stay with them. We never received new or more weapons from

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the HIG in January 2000. Many of us commanders said that we would leave Taliban, because of the Americans. First time the Americans came we gave them the heavy weapons. They came again the second time and found small weapons. That is when they arrested me."

Detainee: Those heavy weapons you are talking about, they were from the period Najibullah; Najibullah was a communist; he was the President. Those weapons were from that era. During the Gulbuddin era those weapons were in the same place. During the Taliban era, those weapons were there. When Osama and the Taliban were against the United States; the United States started their operation. It was announced on the media and also on the BBC that people working for Taliban should separate themselves from the Taliban. Once we heard about this on the media and radio a lot of the commanders got together and talked about this. We decided to turn ourselves in; and the control was turned over between us. At that time the Taliban fell apart and the government was no longer there. We were guarding/protecting the weapons in there, and once the American and the Afghan government requested from us to turn in the weapons, we did that. About the light weapons, they instructed that we collect them and protect those weapons in there. They created jobs for them, for the weapons for these guys who use those weapons. All the serial numbers from the weapons were logged, it wasn't something that was hidden from the government; it wasn't something we were hiding. If you can prove against me you can give me any type of punishment you want.

3.a.3. When captured, detainee had in his possession a list containing the name "Jalozai Camp", a known training camp for terrorists/anti coalition groups, along with the names of several unknown individuals.

Detainee: Our families were in Pakistan in Habakpool (ph) that area our families live. The Jalozai camp was a very, very big refugee camp. The United Nations is aware of that as well as you know that over 500,000 refugees live there. At the camp obviously I have some friends that I know; some families that I know, this camp was totally legal it was listed in the United Nations. It is very possible that the paper I had in my possession had some friends names. Those were my personal notes that had addresses and personal information. It had lots of addresses; one of my personal friends; so I could go visit, and there were over five hundred thousand people that camp. I did not have any name of dangerous people or any people that was doing anything against the government. I have done nothing like that or anything that would suggest that

Personal Representative: He said all of that; there is one thing that he didn't say from a previous session that he mentioned right now. He never went to that camp.

Detainee: I have never been to that camp. I have not been to that camp at all.

3. a. 4. When captured, detainee had in his possession a business card belonging to Chaman.

Detainee: That is totally true, Chaman was living in the Surubee (ph) area and I had contact with him. We happened to see each other in the street and we said hello to each other, he said where he lived and gave me his address. He told me his address and if I was unable to find an address here is my card and I took it. He gave me the card and I didn't take the card from him for any other reason other than he told me where I could find him. He is the president of the camp.

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Personal Representative: (Reading from his interview notes.) "Chaman and myself left at the same time."

Detainee: Yes, I went to join Massoud and he went and joined Dostum.

Personal Representative: That is all I have.

Tribal President: Is that the end of your statement?

Detainee: What I have said to you and responded to you, if you find anything false about this you can give me the worst punishment possible. About the weapons that were found there, they were all in the region that was under control of the government. In Afghanistan they've been at war for over 25 years and many people and many commanders have animosity and they fight amongst one another all the time. There were lots of conflicts between Massoud's and HIG's also. It is clear for you too see the fighting and conflicts between Taliban and the Massoud's. During the Taliban and Massoud's conflict the land issue became very serious. These were all things that had to do with plots. They plotted against each other to get each other in trouble. We have good memories about America, because America helped us to fight against Russians.

Personal Representative: Did people from the village bring weapons to your compound?

Detainee: Those weapons were from the people of the village area.

Personal Representative: Was that because the Afghanistan government asked them to turn in all those weapons?

Detainee: They were saying that the government wants us to turn in the weapons. We did whatever the government asked.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. You gave a date of 1375. Looking at the calendar that would be 1954 was that the right date?

A. 1375 is what it was, I don't know what is equivalent to your era.

Q. How many years ago from today?

A. I don't even know what the date is or (what) the year is. But 8 years maybe.

Q. You and the other commanders had a meeting and decided to turn in all the weapons?

A. What I said was when they announced it on the radio and BBC, people should distance themselves from the Taliban. Therefore all of the commanders got together for a meeting

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that we want to show the American our support and that we are not with the Taliban anymore and the weapons are under our control.

Q. What were you a commander of at that time?

A. I was a commander from prior years, it was a title that was given to me and there was a conflict between the government and the Massoud people also there was a conflict. We got together to free ourselves from that conflict and at the same time free ourselves from Taliban.

Q. You kept control of weapons in your compound, is that correct?

A. Yes.

Q. Did you ever allow anyone to take weapons out for training or for any use?

A. I have instructed them to give or release the weapons only to the government or the Americans if they want to take them out. I told them not to release the weapons to anyone else.

Q. You said you had an inventory of all serial numbers of the weapons you had in your possession is that correct?

A. The commander of the zone was in charge of that area and had taken all the numbers from us.

Q. Do you know if the commander of the zone or you yourself inventoried the weapons in your possession?

A. He had a representative to do that.

Tribal President: Do you have any other evidence or information to present to this tribunal?

Detainee: I have helped before. I am willing to help now, in the future also. I have some psychological problems and I am hopeful for your help in this regard.

The Tribunal President confirmed that the detainee had no further evidence or witnesses to present to the Tribunal The Tribunal President explained 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, USAF

Tribunal President

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MEMORANDUM

From: [REDACTED]

To: Tribunal Members

Subj: MEMORANDUM FOR THE RECORD

1. The following is the dictated witness statement of ISN-1009 who testified on the behave of ISN-977.

First I want you to know, that the Defense Ministry of Karzi came first and took all the heavy weapons. We wanted to help so to prove it, we turned over the heavy weapons. His son helped out a lot with the new Karzi GVT and the Americans. The day the Karzi GVT was established, they called for all AFG people to bring and turn in all heavy weapons over to the GVT. Then they said to collect all light weapons, so we collected all the light weapons. Then we waited for further instructions on what to do with the light weapons.

At the time of my son's arrest, all that was left was a small weapons depot with about 50 people guarding it. The new AFG GVT supported this. We were told to turn in all weapons and guard them. I was not present at my son's arrest, but heard that the Americans arrested his son.

We never had any dispute with any people, the Americans, or the new AFG GVT. Our wish was to help the new GVT and the Americans, yet they turned against us, but we still forgive them. The new AFG GVT even gave his son and all the guards a salary and food to guard the remaining weapons. We never resisted and never fought back. All Afghans will never be against the Americans; we remember what the Americans did to help us against the Russians.

Exhibit: D-B

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Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee; the Tribunal President then addressed the Detainee to answer questions and conform he understood the process.

Tribunal President: Do you understand this process?

Detainee: I understand everything; it would be good for me if you would do it in a question and answer session type setting, and let me defend myself.

Tribunal President: We understand; later in this Tribunal we will have that opportunity. Do you have any questions concerning the Tribunal process?

Detainee: My only concern is when you are talking about the classified documents, because I don't understand what you could possibly have against me.

Tribunal President: It might be helpful if I give you a definition of a classified document.

Detainee: I understand the definition, but I'm just wondering if and how you're going to use those materials to place charges against me.

Tribunal President: The Unclassified Summary of Evidence you've been read is based on a number of things. Some of that information may be classified; and as you know, the classified definition means information we cannot release to you, because it may damage our country. If you remember the promise we took of what we would do here today; we have not seen any of your information. We promise to review everything that is given to us, and consider your classification as an enemy combatant. Recognize that this is not a criminal or court proceeding; this is an administrative review to determine if the government has properly classified you as an enemy combatant. The members here are not intelligence officers or security officers [the translator was having difficulty explaining this point, so the Tribunal President re-worded this statement]; we are not combat, fighters or intelligence officers, so we are independent in reviewing all this information to determine if the classification was done properly. I know you may be a little concerned about the classified information and what it contains. Your Personal Representative has access to the classified information.

Detainee: But he (Personal Representative) didn't see it yet?

Tribunal President: The Personal Representative has seen the classified information; later, in a closed session, we may be provided classified information. The Personal Representative's responsibility is to identify to the Tribunal any information in that classified information that would show that you have not been classified properly. I hope that explains the procedures, and why we are going through this process. I would like to proceed with more information, and at any time, if you have any other questions about what we're doing and why, you may ask.

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The Tribunal President then requested the Detainee Election Form (Exhibit D-A). The Detainee inquired about the nature and contents of the form; the Personal Representative and the Tribunal President explained that the form indicated that the Detainee had requested to participate in the proceedings, and wished to make a statement The Tribunal President confirmed the Detainee understood the nature and contents of the form.

The Recorder submitted Exhibits R-1 (Unclassified Summary of Evidence), and Exhibits R~2 through R-3 to the Tribunal Copies had previously been provided to the Personal Representative.

The Recorder read in full the Unclassified Summary of Evidence to the Tribunal. The Tribunal President addressed the Detainee to explain that this evidence was identical to information he was provided previously by his Personal Representative, and that he understood why it was being presented at this time.

The Tribunal President then addressed the Detainee Election Form (Exhibit D-A), to explain in further detail Us contents to the Detainee. The Tribunal President also confirmed the identity of the two Witnesses requested by the Detainee.

Tribunal President: As the Personal Representative has informed you, I determined these Witnesses would provide relevant testimony to this Tribunal. I directed the United States government contact these individuals through the Pakistan government. The Pakistan government was contacted on or about the 26th of November. As of today, the government of Pakistan has not responded to our request This has been a reasonable amount of time for the government to respond. Without the cooperation of that government, the United States government is unable to contact the Witnesses to obtain testimony. I make the ruling, at this time, that I am forced to find these Witnesses are not reasonably available. That addresses your request for Witnesses, and I am sorry that we are not able to provide your Witnesses today.

The Tribunal President confirmed the Detainee still wished to make a statement, and could do so with the assistance of his Personal Representative; the Tribunal President then asked if the Detainee wished to be administered the Muslim oath.

Detainee: I am actually ready to give my statements either way.

Tribunal President: The oath is your choice; it is a promise to tell the truth. We do not require an oath; it is your choice.

Detainee: I'm going to tell the truth whether under oath, or not under oath. Still, it's up to you.

Tribunal President: It is your choice. From what I understand, you said you would tell the truth, and that is fine with us.

Detainee: I'm actually promising I'll be telling only the truth.

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Tribunal President: That is fine with us; you may proceed. You are free to tell us anything about this information at all; we are not interrogators, so this is your first opportunity, maybe, to present information to the United States government.

The President determined that the Detainee had made a personal oath and considered his testimony would be considered sworn. With the assistance of the Personal Representative, the Detainee addressed the allegations.

3-1. When arrested by Pakistani authorities, the Detainee had a falsified Turkish passport that he had purchased from a Turk

Detainee: First of all, the reason why I ended up having this passport, was because, as you know, there was a war in Afghanistan for the past 28 years. Afghani people didn't have many occupations, and even in Pakistan, could not find a decent job there. As you know, there's been war for so many years, and the people were never able to do something; they only knew how to fight. Even if they wanted a decent job, or join the government, it was impossible. That's the reason a lot of Afghans had to leave the country for Pakistan. In order to provide food for the family, as the head of the family, I had to find something to do. Of course, a decent person cannot commit crimes or steal, so everyone wants a decent job. There are too many refugees coming from Afghanistan, so Pakistan never supported them, and gave them a hard time; they were actually pushing people to bribe them. It's very hard to find a job over there, so if you find a decent job, at least for one day, you can get 80 rupees. Eighty rupees is not much money, just to support yourself, you still have to have a place to live, so it's pretty much nothing even for just one person. Eighty rupees, is about one and a half dollars, so it's nothing. It's not possible to support the whole family with that type of money. Since this money is not enough, we were living in something like a cave, or shelter, not even a house; we are very poor since we're not making enough money. You wonder how a human being can live this kind of lifestyle; it's very emotional [and] difficult. That's the reason most people look for something different, so they sometimes go and borrow money from somebody. That's the reason the people try to go somewhere, like Russia or Turkey, to make a better living and provide for their families. After the first time I was captured, I told them my story and they released me. After that, I went to Mousad, and he said he would help me out. He actually promised, after I told my story, to help me go to whatever foreign country I wanted to, and would provide everything I needed for that matter. He personally didn't know what I needed, so he brought somebody else to his house and found out how much money I needed to go to a foreign country. I heard there are people [who are] somehow able to go to foreign countries, and I needed to know what it took to coordinate all that. While I was in Afghanistan, I had never used or even held a passport. Mousad's friend told me he could make me a passport; he asked me which country I wanted to go. When I was a little boy, I went to Turkey, so I told him that's where I wanted to go. Back then, my father was living in Turkey and had several friends there. I stayed there for about two and a half years, and came back; the conditions weren't that good in Turkey. When I was in Turkey, my father wanted me to get an education, but it didn't happen that way, and I had to go back to Afghanistan; it didn't happen the way my father wanted. In Turkey, I was living at my father's friend's house. [My father's friend's name was Hiatollat, and his friend was Mohoud also. I stayed in their house for two and a half to three years. When Mousad's friend told me it would be hard to find a job if you don't know anyone; I told him that my father's friend Hiatollat and Mohoud were there, and

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could help me to find a job. Since to go there you have to spend lots of money, you have to borrow money just to start some kind of job. If you're not able to get your business going, you have to come back even more in debt. I talked to him on the phone, and asked if he would be able to help me out; he said we'd be able to help you, so just come over. I got confirmation from my father's friend [that] he'd help me out, so I told Mousad's friend to prepare the papers to help me go there. The Uzbek and Turkish language are close to each other, so you can understand each other; if you have a passport you can go there, and you can understand [the language].

Tribunal President: I think we fully understand how you obtained the passport now; is there anything else you'd like to tell us on that point?

Detainee: I just want to add that while I was in the process of getting the passport, I was in their house, and the Pakistani authorities came there to arrest Masoud's friend at that moment. Since I was there, they just took me along with him.

Tribunal President: I understand.

Detainee: At that moment, I had that ID card of Jamiat Al Islamiya. It's not the name of the madrassas like it says here on the allegation; it's like an Islamic university ID card.

Tribunal President: OK.

Personal Representative: (addressing the Detainee) Do you want me to go to allegation # 4, about the Jamiat Al Islamiya identification card?

Detainee: No; I just want to let you know it's not just the first point I'm talking about I just want to let you know they were [also] making a false ID for me for that university.

The Personal Representative then read allegation # 2, but was interrupted by the Detainee,

Detainee: Does that mean we're done with the first point?

Personal Representative: Unless there's something else you'd like to add?

Detainee: Again, I just wanted to let you know that at that point [when I was arrested], I had that ID card.

Tribunal President: Are you ready to move to the next point?

Detainee: Was I able to convince you with the first point? Is that enough?

Tribunal President: We may have some questions later, and we'd like to get through all your testimony first, so we can organize our questions. That's why we're taking notes, so please proceed with the second point.

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3-2. The Detainee attended a "physical fitness" camp in Jalalabad, Afghanistan for six months.

Detainee: One interrogator asked me about being pretty physically fit, and they asked me if I ever did any sports activities. At that time, I told them that in Peshawar, Pakistan, they had a gym, and I went there for five or six months to keep myself in shape. My understanding is that this is just a mistranslation, and I don't know how they got Jalalabad from this. I didn't go to Jalalabad for this specific reason. The truth of this is that I was in Peshawar attending a gym for five or six months.

Personal Representative: And I have in my notes that this was about five years ago?

Detainee: Yes, that's about right, because I've been here about three years, and it was about two years before that.

3-3. The Detainee was at the Khana Gulam Bacha guesthouse on the Taliban front lines in Kabul, Afghanistan in late J 999 and early 2000.

Detainee: Like I have told you before, I have never heard of this place, I don't know of this place, and I was never associated with the Taliban. Like I told you before, this was never mentioned in any of my interrogations, so I don't know where this is coming from. I never stayed even one month in any kind of guesthouse; not even for a month when I was living in Kabul. Any person with responsibility for a family wouldn't just stay in a guesthouse for a month. From Peshawar, we were going through Jalalabad to Kabul; that was our route. At that time, when we got to Kabul, if you can find a car, you can continue by road to Maazar-e-Sharif, but we didn't, so we had to stay overnight somewhere. Even if you have transportation, no one travels at night because it's dangerous; everyone travels during the daytime. For that reason, people will just find some kind of guesthouse or someplace to eat and stop for the night. After spending the night, after morning prayers and breakfast, you try to continue traveling to Maazar-e-Sharif. You also don't just stay in any place, because it is dangerous; there's all kinds of people around when you're sleeping, and they might steal whatever belongings you have. You don't usually think about who this place might belong to, Taliban or anyone else, you just stay there overnight, take a rest, and continue your travels in the morning. There's so many nationalities in Afghanistan, so you just try to find a nice, decent place to stay overnight. If you stay at someplace, you don't know if it belongs to the Taliban or other different kinds of people. Again, that place I went I didn't know who it belonged to; it was close to the road, and we had to stay there overnight, and continue in the morning.

Tribunal President: I think that's very complete; thank you.

Detainee: Yes; that's it.

3-4. The Detainee stated he had a Jamiat Al Islamiya identification card.

Detainee: Before I had a passport, I had never had that ID or that kind of document. The person who made the ID said it would be hard to go around without any other documentation, and that the police would give me a hard time, stop me on the street, take everything you have, and won't

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let you go. He told me that there was an Islamic university in Turkey with lots of students; if you have that ID and show it to the police, they will let you go and not give you a hard time. That was the reason I agreed to have that ID, so it would be easier for me to get around Turkey. If you want to find out if I'm speaking the truth, you can actually request this from that Islamic university, and you would find out my ID was false, and I never went there. If you show them a picture, they will tell you I am not a student over there; that's pretty much it

3-5. Jamiat Al Islamiya is designated as a non-governmental organization that supports terrorist activities.

Detainee: The reason you put this item is just because you found the ID of that university, but since I never studied over there, I guess that proves this is not related to me.

Personal Representative: What was the name of the university?

Detainee: You can call it Islamiya Jamiat, but it's kind of connected to a big, huge [inaudible] in Islamabad, and it's the one I saw.

3-6. The Detainee was arrested in Islamabad, Pakistan by Pakistani authorities while living in a house used by Arabs, and was later turned over to U.S. custody.

Detainee: I just want to ask you how was I related to the owner of that house? The madrassas where I was studying had a huge library, and I used to go there. That library was open for the public, and everyone wanting to seek knowledge and read books; it had places to sit. At that time, I actually met Mousad, and you know when you are in a foreign place, you want to talk to somebody who speaks your language, and that's how we started to know each other. That person introduced himself to me as Turkish, because he lived a long time in Turkey. We used to talk a lot, and we connected, and we started a friendship. I told him that I am an Uzbek from Afghanistan, and we had conversation with a little Turkish and a little bit Uzbek. He told me how he came to Pakistan, and that he had a family here, and had relatives here. He went there because he had an injury on his leg. He told me he used to live in Afghanistan, and had a problem with his leg, and while he was in Turkey, he heard the only cure was in Pakistan, and the place they had the cure was in Peshawar. That's how we became friends; he told me his story and I told mine. He was always calling for me at the madrassas so we could talk. One time he actually invited me to his house; I went and was a guest at his house. We ate together and had a very good time. I had been to his house several times for conversation and food, and never saw anything suspicious; he had his family and a nurse and his own kids. He seemed like a very normal person. At some point he had to move from Islamabad; when he moved, I never visited him. One time he called from his house to the madrassas asking for me, and at that time, he gave me his telephone number. Previously in Peshawar I had been captured, but released after that. The Pakistani government actually captured me. At one point, I was at a friend's house, he was a Turk man in Pakistan; when I was in his house, they came to get him. There were three people in the house; me, a person named Imatubbha (ph), and a third person; I forgot his name. It was midnight when they came and captured us. When they captured us they put us in jail, and asked lots of questions and interrogated us. We gave them all the information they needed. The second person, I just remembered, was named Abdul Bakhid (ph). When they asked questions,

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they were trying to find out if I was telling the truth; they went around comparing stories to see if I was lying. After they got all the information I knew, they compared it, and I'd been in jail 28 days; one of your representatives was there, and I spoke to him. He got some information from me, too. After they found out and were convinced I was telling the truth, they released me after that 28 days in jail. After that, I contacted Mousad, and told him what happened. He told me to come over, see the place he lives, and we would talk about these issues. I called him and told him I was coming, and I confirmed his address and everything. I took a bus to Islamabad, and he picked me up at the bus stop and took me to his home. At his house, I told him everything, and now we are coming back to the first item, about the passport. His friend explained to me what it takes and how much money for his service to get the passport. When he got all that, he went back to Peshawar to prepare all that. It was around the 10th day after Ramadan, and I went home to talk to my father about this and my family and friends [too]. After I got everything and all the money I needed for the passport, I went back to Islamabad to Mousad's house. Before I went to Islamabad to discuss this issue, I actually had to call to Turkey and ask to make sure my father's friend was able to help me first. After getting permission from my parents and confirming my father's friend would help me in Turkey, I went back to Islamabad. After everything was ready I went to Islamabad. I went to Mousad's house, and talked to his friend and gave him all the money he requested; he said it would take some time, so I stayed there about three days. At that point, when everything was ready on the third day, there were still papers I needed to leave Pakistan, a visa, to get permission to leave. I still didn't have that paper yet. We had almost everything ready, and it was at that time that the Pakistani government came in. Of course, when traveling, you have to have extra clothes, and when they came, I had suitcases with everything I needed, and they saw that They took all of us to jail, and whatever I told you now, I told them, too. Mousad pretty much told them everything I told them. Before I was captured, I always thought the other guy was Turkish, so I told them this; they told me no, he's not Turkish, he's Arab. While I was in Mousad's house, I only knew the person doing my passport, and his name was Abdul Latif; I didn't see anybody else while I was living in his house. I just knew Mousad as a normal person, and I saw nothing suspicious except Latif visiting the house; he just lived with his family and was doing normal things. Obviously, I didn't even possibly think he was Arab; I though he was nothing else but Turkish. After the first time I was captured, I was interrogated; they compared all I said and then released me when they learned it was all true. They asked me a lot of questions, and they asked if I knew of conflicts in the mountains with Arabs; that was the first I heard of this. Thank God I was held in jail at that time; otherwise, I might have even more evidence here, too. I am an innocent person that's been held here 3 years in these conditions; I don't think any one of you could make it even a month here. I've been here three years, and I have lots of problems I've never had before, that happened here; I wonder if any one of you could make it even one or two days in my condition here. I believe that none of you could be away from your family that long, and there won't be a home to come back to.

Tribunal President: I'd like to get back to the hearing, and ask some questions if you're done with your statement.

Detainee: OK.

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Tribunal Member Questions to Detainee

Q: You said that the name on the ID card was not yours; what was the name on the ID card?

A: Whatever the name I had on the passport, was the same as the name on the ID card; right now, I don't honestly remember that.

Q: Does the name Jamiat al-Ta'awun al-Islamiyya sound familiar?

A: The name was Islamiya Jamiat university.

Q: Have you ever heard of this other group?

A: I never heard of it.

Q: What was Mousad's full name?

A: I knew it was Mousad; I never heard any other name.

Q: He never told you any name other than Mousad?

A: I knew he had a little son, named Abu Hamsa (ph). He also had a daughter, but at this moment, I don't remember her name.

Q: Earlier you said you'd traveled from Peshawar through Jalalabad, through Kabul towards Maazar-E-Sharif; I understand that must be a long journey, and you would have to stay at a guesthouse. I would like to know why you were traveling to Maazar-E-Sharif; was that where your family's from, friends, or a part of work? I would like to know more.

A: My previous place to live was Baglon; it was actually close to Maazar-E-Sharif. There is another place named Samangon (ph), and you must go through mat province. After that, there is Maazar-E-Sharif; after that, there is Shebergen, and after that there is the place my family was.

Q: So you used to live there?

A: Actually the place I used to live was Totukolat (ph). I used to live there and travel there, and that was the place I grew up.

Q: When was the last time you were there?

A: After I had been released after my first capture, I actually went there to discuss that issue with my parents and friends over there. I went back to my parent's house, and I got their approval, and collected about \$300 from them; I then went back to Peshawar to see Abdul Bakhid for \$700. After I had \$1000, so I went back to Islamabad.

The Tribunal President confirmed no other Tribunal Members had additional questions or information to present. The Tribunal President thanked the Detainee for his testimony and participation.

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

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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.

[REDACTED]

Colonel, USAF

Tribunal President

Summarized Sworn Detainee Statement

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

The Recorder presented Exhibits R-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 Detainee took a Muslim oath of his own electing not to take one provided by the Tribunal

The Personal Representative stated to the Tribunal President the detainee had asked that he present his list of questions that the detainee had written for his witness as evidence, the President agreed. Then, the Personal Representative commented On the evidence, submitted as Exhibit D-B. Next the Personal Representative read the accusations to the detainee so that he could respond. The allegations appear in italics, below the detainee's statement

Detainee: I want the tribunal to read the statement first; then I will make a statement from my notes that I have prepared.

Tribunal President: Would you like to start with the unclassified summary of evidence?

Detainee: I would like to start with my background and then answer the accusations.

Detainee: First of all I would like to thank the United States of America on how they have treated us as enemy combatants and how they respect our religion. Especially when it was time for prayer; we could pray at any time of the day and prayer rugs were given to us as well. We would like to thank them for allowing us to fast and bring us meals when the sun has set during the month of Ramadan. I like to thank the government for allowing us to write home and to receive letters, especially the involvement of the Red Cross. Thank you for not abusing us by mentally and physically; the guards have been kind and respectful to us at all times. Thank you for the fitness equipment that you have made available. This tribunal process shows the government of the United States is interested in the truth and will punish those who are bad and will release those of us who are innocent. Finally I like to thank the government for everyone in this tribunal here today. I wrote down notes so that I didn't forget anything. Now I would like to give you a brief summary about myself.

My name is Usama Hassan Ahmend Abu Kabir. I am 34 years old; of Jordanian citizenship. I am married and have four children, and both of my parents are still alive. I have three younger brothers and six younger sisters, who all are married. I have achieved

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my education until high school. I have served the Jordanian military for one and a half years.

The job I had in the military was all administration work; I worked for the division of the attorney general. My record in the military was very good and they never took any pay from me for any reason. My occupation is a driver, taxi, car, truck. I have done this since 1986. I worked most of my life in that field. I have had other occupations as well. I learned to speak English working at a videocassette store. The last job I had was selling women's clothing; gloves, socks, veils, with my wife in my house. I have never had a criminal record or committed a felony in my country and I have never been in jail. I have had a moving violation in my vehicle, which only happened once. My record in the Jordanian system is very clean. I have never belonged to any terrorist party, Jihad group or any group that the government didn't approved of. My activities within the government were very professional. I even printed some papers that prove the real Shia religion. I am telling you all these things since I know you could confirm all this information. Since I have been here I have cooperated with the interrogators; I have never demeaned any soldier; I have not said or done anything to any one here whether it was orally or by action.

3.(1.) The detainee, who claims Jordanian citizenship, traveled to Pakistan in October 2001 to preach and to participate in a conference for the Jama' at al Tablighi organization.

Detainee: I am really a Jordanian citizen; I'm not making it up as I told you a little while ago. The Jordanian group identified me here at Guantanamo Bay. The Jordanian government sent me a color copy of my passport and supporting documents to me attaining my visa legally. That happened the first week of my detention in Kabul. I went to the Pakistani Embassy in Jordan to get some legal papers to do business in Pakistan. In regards to my participation in Jama at al Tablighi it was only meant to hear all the scientists in that field, and to hear the news from around the world.

3. (2.) The detainee is an admitted member of Jama' at al Tablighi.

Detainee: I am a member of Jama at al Tablighi. I have been a member for two years, since I left to Pakistan, It is an Islamic organization, it's not political, and it is only religion. It is not Jihad, it is not for charity purposes, it's only social with peace. It calls for all people to do good. One of its goals is to get close to God, and to really spiritual. You are supposed to be respectful and have mercy on others and to get ready for the day of passion. One of its principals is to never get involved with politics, problems or be part of a bad society. This is why Jama at al Tablighi is authorized to preach in all the different countries.

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

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Detainee: If you mean by saying this you are accusing the Jama at al Tablighi itself, this is a wrong and false. The purpose of Jama at al Tablighi is noble and is welcomed all over the world. It has never invited, encouraged, participated in a violent situation. They are very careful so they are not persuaded, by any group, so they will not ruin the basic principals of their goals. You need to have special permission and proper paperwork in order to travel and preach for Jama at al Tablighi; and they also have a special stamp they will put in your visa if you are traveling using Jama at al Tablighi. I wasn't using Jama at al Tablighi to travel to Afghanistan I went there using my business visa. Some people will use Jama at al Tablighi as a cover-up to get into other countries and again in my case I was using ray business visa. I had intentions to travel through Jama at al Tablighi before September 11. I have asked the Jordanian government for a copy of my visa or just proof of my passport. The response was negative from your side at this time.

3. (4.) *The detainee stated he traveled to Afghanistan in November 2001.*

Detainee: True.

3. (5.) *The detainee stated that after his arrival in Pakistan, he responded to a fatwa that encouraged him to travel to Afghanistan in order to join the Jihad.*

Detainee: I traveled to Afghanistan to help the Afghani people. They were exposed to a lot of murdering and injustice. I went to help the government of Taliban. The Northern Alliance and the groups of Massoud attacked them. By me helping them, this is in compliance with fatwa. These are the rules of fatwa. I haven't done anything, not military, not civil, not as an interrogator, and I never even carried a weapon. I never met anyone from Taliban, al Qaida or any other kind of group. After my arrival in Afghanistan, it was two days later when the city of Kabul was captured; then I fled to the mountains; and I went back to the city of Jalalabad by taxi. I was then captured from a group of Mossoud's on my way to Jalalabad. My intentions were to meet with Jihad but I didn't meet with any of them. I would like to point out something very important. I spend almost a month in Karachi and I had no intention to be on Jihad. All I did was preach to the people; then my intentions changed from preaching to join Jihad. The media showed the misery and the poverty of the people and it was being said on the radio as well. The second reason for changing from preaching to Jihad; the emotion and the excitement from the Afghani people at the demonstration in the road. They all were holding up signs, had writing on t-shirts; it was their love that I had seen, I can explain it to you, but you won't understand how it felt that day. Most of the town talk was about the Afghan matter, so that was when I decided to want to be with the Jihad and the Taliban. That was a social gesture in general. The third thing was the biggest scientist of fatwa (the detainee gives examples of the 5 principles of fatwa's service). I think that most of the Arab people that are here at Guantanamo that are from Jama at al Tablighi; they were probably preaching in Pakistan or they were waiting for a conference. I think waiting around they might have changed their decision, the same as I. Jama at al Tablighi is not a terrorist group or organization but a few members could have just been influenced like me.

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3(6.) While in Pakistan, the detainee became a close associate of a member of the Jema 'ah Islamiyah organization.

Detainee: This is a false accusation, period. There is no relationship between him and I what so ever. Only that we really entered into Afghanistan together. God is my witness for this. If you can prove otherwise, I will accept it from the United States government. You then you can give me the most severe punishment How can we have a relationship when we don't know one another? How could we have a relationship if we have only know one another for three days? Another thing I didn't know: he was a member of Islamic organization? He never mentioned it He never told me about his personal life. He did mention a few things about his work. He was a decorative designer and he owned a house and car, he was married and had children, and that he was in his thirtys. I am not sure. His father was deceased; brother was executed for drug involvement. His family gave him money to go help the needy. He has never spoken about any group involvement to me. The reason why I met him was by a coincidence; the reason for the acquaintance was I was dressed in the Arabic traditional gown and he was in his Asian like outfit and his small tight eyes made him stand out. The two of us were distinguished among the rest of the people in the mosque. In the mosque there were only Pakistanis in traditional gowns.

Tribunal President: What was the name of the guy you said you met?

Detainee: His name was Muhammad Islam.

Detainee: We introduced ourselves and later on I told him that I read in the fatwa and I wanted to enter in Afghanistan. So I can do what I can to help them, he stated he wanted to do the same. He also read the fatwa, and wanted to help them financially. So we agreed to enter into Afghanistan together. That is the main reason we were together. We had no other motive whatsoever, we had no previous relationship. We did stay in Karachi together at a mosque for two days on the way to Kabul before it was captured, and seven days in the mountain on the way to Jalalabad. Then we were captured there together. We stayed in the same prison for four and a half months together. It was in Kabul, and we were in the same room for two months. That is when I found out about the information I just told you. He never did mention these groups; I am astonished how they accused me of such a thing. In Guantanamo Bay, no one asked me about this. This is proof interrogators don't believe this. If they really believed so, they would have asked me so many times like they did with Jama at al Tablighi. The interrogators talked with me about seven times, and with Mohammad Islam over fifty times. That should prove my innocence with him. He is in a different place than here at Guantanamo Bay. That is why I asked for his testimony as my witness. I was asked to write down some questions that I would like to ask him, as I told you earlier when I first stated. If I didn't believe I was innocent, I would have not even bothered to write any questions down or asked him to be my witness.

3. (7.) *Jema 'ah Islamiyah is a Southeast Asian terrorist network with links to al Qaida.*

Detainee: This kind of talk doesn't mean anything to me. I have nothing to do with them; I have no relationship with them. I didn't even know their existence in this country. I was informed by my Personal Representative some of the information was that they were involved with some explosive activity in 2002; and they tried to attack the Israeli, British and American Embassy. That is why I would like to reassure you I have nothing to do with that group or any other member of Jema'ah Islamiyah. I am a member of Jama at al Tablighi.

3. (8.) *After traveling to Afghanistan, the detainee fled the city of Kabul and was captured near Jalalabad, Afghanistan by the Masoudy (troops of the Northern Alliance).*

Detainee: Yes, I was on my way to go back to Pakistan, then to Jordan. When the government of the Taliban was captured, there was no need for me to be there.

Detainee: My last statement, I would like to go back to how you identify me as an enemy combatant. I would like my Personal Representative to read the definition.

Personal Representative: An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."

Detainee: According to this identification, I assure you that, while I am still under oath, I never supported any side whether it was al Qaida or Taliban; not any kind of support physical or financial. I never was, not for one moment, for the Taliban or al Qaida. I have never done any belligerent act against the United States or its allies. I will never do anything in the future against them. I never gave them any support nor was a part of their group, I assure you that this definition doesn't apply to me at all. According to what I stated to you about all these points, I would wish that the tribunal work together to prove my innocence and give me a fair trial with all the facts, and expedite my file to send me home to my wife, kids and family. I have been here three years and I am telling you the truth. I have been cooperative. I have been in my white gown for more than a year.

Tribunal President: Does that conclude your statement?

Detainee: I have one more thing I would like to say. When I was in Kabul prison, I said things I never intended to say. It was only after all the physical abuse and the suffering that I had to endure. They think that all Arabs came with one intention to fight. With all my points that I have stated these things I didn't intend to say. One is the Northern Alliance were right on the spot by fighting with Taliban. Actually, I think against that. Another point: the General Akmed sha Massou is a very decent man. As a matter of fact, he is a bad man. I just said that to satisfy them. I didn't go to Afghanistan to fight the Massoud Jardin, I only came to fight Americans and the truth is against that.

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I learned that some of the detainee's were excused they were al Qaida because they wore Casio watches. When in fact, I have a Casio watch, due to the fact they are inexpensive and they last a long time. I like my watch because it is durable. It had a calculator and was waterproof, and before prayers we have to wash up all the way to my elbows. I made a statement to a soldier when I was on my way back from interrogation. I told him that if the authorities knew about you they would think you are al Qaida because you have a Casio watch. He replied it was ridiculous. One of the detainees with me read my letter to one witness. The witness was accused that he was from one of the Islamic groups. Lastly, during one of my interrogations, they asked me about Osama Bin Laden. I stated in all sincerity about him. I didn't know he was responsible for the acts on September 11. I stated he was a good man, a symbol of Islam, he fought against the Russians and he gave up the nice life and he lives simple. I only saw him on the television. I told the interrogators that he had nothing to do with September 11. I would appreciate if you would look at this; understand I was talking in a simple manner. It was impossible that I knew he was responsible for the attack. I would not defend a man if I knew he was responsible for those actions. I think that this terrorist act is not a Muslim's beliefs; I don't know how he could do this. Our religion forbids us from killing, threatening or attacking any other nation.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. What do you think about Osama Bin Laden now that you know he was responsible for the attacks on 9-11?

A. After it has been confirmed, this is forbidden and this was a terrorist act.

Q. When you left for Afghanistan did you know if any of the bombing started yet?

A. Can you clarify this please?

Q. When you first went to Afghanistan, you went to Kabul first correct?

A. Yes.

Q. Had the U.S. bombing started yet?

A. Yes.

Q. Did you know about that before you went to Kabul or when you arrived?

A. Before I went to Afghanistan.

Q. When you were in the Jordanian Army, did you receive any weapons training?

A. Yes.

Q. What training did you receive?

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A. We trained for 60 days, mainly athletic and marching. We got trained on M-16 Rifle; we shot about 30 rounds, 20 single shot and 10 automatic. We got training on the M-1; we got 10 rounds with that. We got troop training as well.

Q. Who paid for your trip to Afghanistan?

A. Myself.

Q. When you went to Afghanistan, what aid did you want to provide?

A. I really didn't know the whole situation, my qualification was I could drive a car or use a weapon.

Q. With regards to using a weapon, you had no intentions of using a weapon against the United States?

A. This is forbidden, it is impossible, the groups that existed were Masoudy's and there were no Americans there. .

Q. Did you say you went to Kabul with the purpose of fighting the Northern alliance?

A. Yes.

Q. You knew the United States was working with the Northern Alliance?

A. The fact that the United States was, I didn't know that at all. All I knew was Northern alliance was there to control Afghanistan. My help was to prevent them from controlling Afghanistan and to help the Afghani people. Especially the government of Afghanistan after all the crimes and attacks in the streets; as far as I understood the attack from the United States were against al Qaida. I thought that was retaliation from the United States from 9-11. I had no idea that the United States was the allies of the Northern Alliance. I did know the United States asked the neighboring countries of Afghanistan.

Q. What was your business in Karachi?

A. I had a business visa to get into Karachi, it is easy access to get. I didn't really work in the business field. I did practice preaching for one month.

Tribunal President's questions.

Q. You got the business visa because it was easier, but it was your intention to work with Jama at al Tablighi?

A. Yes, it is easier.

Q. Why didn't you try to get a visa to work with Jama at al Tablighi?

A. I have only been with them for two years first of all, and they have rules and conditions. I am not qualified for all these conditions. If I were to apply through Jama at al Tablighi I would not have had the chance to go.

Q. What is the qualification? How much time do you have to work with them?

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A. I should be well known, and I am not. I should be well known within Jama at al Tablighi. I will be responsible to do all the daily work in Jama at al Tablighi. One of the rules is I am supposed to live outside the city to preach for three days every month. I had been outside of my own town for 40 days. If all the rules applied they would take it to the center of the administration board for review. I will have to provide all my expenses. I didn't have the experience to succeed.

Q. How long did you stay in Afghanistan? I know you stayed in Kabul for 2 days and is that when the bombing started? And is that why you had to leave?

A. The bombing started before I got there. It took 2 days to get to Khost then Kabul. Once I reached Kabul I stayed for 2 days. Then I went to the mountains.

Q. You were only in Afghanistan for approximately 4 days?

A. Three days. One of the days was traveling.

Q. Then you indicated earlier you did fight against the Northern Alliance?

A. If you are saying this, there is a misunderstanding.

Q. I got the impression that you did or wanted to fight against the Northern Alliance?

A. I had the intentions, but I didn't do anything.

Tribunal Member: He stated there was such a short amount of time that he didn't have the ability to do so.

Tribunal President: Ok.

Q. Where did you stay while you were in Kabul?

A. While I was in Karachi, I asked the Pakistani people how to get to Afghanistan and say you cannot go to Afghanistan since they will not allow anyone to get through. I asked well how can I go, they said you can go the illegal way if you get a guide. I looked for a guide to take me there. I stayed in his house in Kabul.

Q. Was it your intention to go to Kabul? Did you just want to go to any place in Afghanistan?

A. It was not my intention to go to Kabul. My intention was to go to any place in Afghanistan to help.

Tribunal President: Is there any other statement you wanted to make.

Detainee: I wanted to ask, the paper I gave you, will it help my case? Since there was no response from the Jordanian government, so what do you think of the paper I gave you. Will it help my case?

Tribunal President: This tribunal took an oath to consider all the information that we received. That includes your statements, the government's allegations, and all the information that is classified and your responses to the allegations. It is not going to

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affect you that the Jordanian government didn't respond in time. We will consider the fact that you requested the information. We don't consider the lack of response to be a negative response.

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

Summarized Sworn Detainee Statement

The Detainee was administered the Muslim oath.

First I want to thank all of the Tribunal Members for giving me a chance to defend myself. It was important for me to show and prove the time period and how difficult it was for me. I didn't have much time. The things I had to prepare myself with are limited or not there at all. I will try, with all my might, to prove to you with logical evidence, those accusations against me are not correct. There are things in there that are very wrong. It is taken from a fictional story about me.

I have said this in Dostum's prison from the beginning. Additionally, the dates of my travel through Pakistan...

[Dostum's people] made me write the story in prison that was not true. When I told them the true story, I was tortured. I was forced to confess to the things they wanted me to say. That's what they wrote down and used against me.

I stayed with the same story, the untrue story in Kandahar, due to the torture on me and others. I also received torture in Cuba. I feared being tortured again, all the kinds of torture you could think of, like it was in the beginning.

A Saudi agent came, and I told him the whole truth, which makes me question why that was not presented to you from the beginning. No one knows, and you don't know this because of all the accusations that were made against me.

I will try hard to prove my story to you if the Tribunal Members and Judges would like me to.

I will make a comment about my name. My name is Yusef Abdullah Saleh Al Rubesh, R-U-B-E-S-H. I left Saudi Arabia with my family, my mother, father, sisters and brothers. Before I start telling you my story and how I got to Afghanistan, which led to me being here in Guantanamo I need to tell you about my brother and his story, which caused my travel.

One day, without telling anyone, my brother traveled to Afghanistan to join the jihad. This was very difficult for the whole family. He left without his parents knowing where he was traveling to. It was very difficult on my parents, who were very old and ill.

With time passing, my parents' health started deteriorating and they were emotionally tired. My father was diabetic and suffered from blood pressure. My mother had heart problems. That affected me, my sisters and my brothers. We went through the same suffering my parents were going through..

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Months passed by and I made a decision to travel to Afghanistan. This was through him [my brother] calling us. I was able to find out where he was and the way to get to him without my parents knowing. I wanted to try to meet him, to bring him back with me. That is the door to my story.

I went there [Afghanistan]. I traveled during the 6th month of 2001, before 9/11/2001 and the war. [I traveled] from Saudi Arabia, to Bahrain and later to Dubai. I then traveled to Karachi, Pakistan and then to Quetta, Pakistan. All this travel was by air. It was local travel and everything was official and lawful.

Later, I traveled from Quetta to Kandahar, Afghanistan and then to Kabul, Afghanistan. All that travel was by land, going through checkpoints, through Kabul's borders.

My rental car was stopped and searched. Through the searching, some un-allowed substances were found on the driver. This led to his arrest. I haven't seen the driver since he was arrested.

Later, I was asked some questions, which led to.... a lot of problems, happened because they didn't speak my language. They searched me and found tapes, smokes and at that time I was shaved. Those reasons led to my arrest because, to them, they were crimes and I should be punished for them.

I didn't know Afghanistan was a religious extremist country. I was arrested and detained in Kabul in a prison that was separated. [Interrogations] didn't go well because of the language differences.

One day I was taken to interrogation and there was a new face, a person who spoke common Arabic. I told him my story and my brother's story and how I came to take him [my brother] back home. He [interrogator] told me he would release and help me if my story was true.

After a short period of time, he [interrogator] told me he got in contact with my brother. My brother was on the front lines in Northern Afghanistan. He [interrogator] gave me an address and told me to go there. The address was a Taliban government building in Konduz.

During that time, I spent 4-5 months in a Taliban prison. I traveled from Kabul to Konduz by airplane, before the attack of Kabul and before the travel was stopped. When I got to Konduz, I went to the address the interrogator gave me. I was told it wasn't possible for me to go to my brother because he was on the front lines and only soldiers were allowed to go there [the front lines]. I was a civilian with no military training, and I wasn't part of them [Taliban] or their groups, or any group at all.

I was allowed to write letters to him [my brother] and send them to him on the front lines. I stated I was his brother and I wanted to see him as soon as possible.

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One day I was surprised that my brother came. I was also very surprised with what he said to me. The front line was broken and they [fighters/defenders] were all released to Konduz. This meant I was in a very difficult situation, and so was everyone else. I told my brother what happened and that I had come to take him back to our parents, but the situation got more difficult, impossible.

Things got much worse in the city we were in. We were surrounded and not able to leave, even if we wanted to. Konduz was now surrounded by the Northern Alliance. There were constant air attacks. An agreement was made with the Northern Alliance and the Taliban in Konduz. It was a promise that was recorded in the world news for people, the defending forces, a promise the fighters could leave the area. The Northern Alliance broke the promise.

It was time for us to get released, according to the agreement between them [Northern Alliance and Taliban]. I was part of the first group of people to be exchanged between them. My brother said we would go to Konduz through Mazar E Sharif, but we would not enter Mazar E Sharif, we would go on the side and go to Balkh then Herat. In Herat we would have to get vehicles and drive to Kandahar.

We left Konduz and were on the border of Mazar E Sharif. We entered and there was the Northern Alliance and we were stuck in the middle.

There was a second agreement made. I don't know if it was reported in the news or if it was a secret. The fighters would have to give up their weapons, would be returned to Balkh and they could get the weapons back in Balkh. I wasn't one of the defenders; I never had a weapon before.

American airplanes were flying over that neighborhood. We drove from that point to Mazar E Sharif. We entered the castle of Jhangi (Qualijenki prison). I can explain what happened on television if you would like.

The Tribunal President stated the Detainee should tell us whatever he thinks...

At the castle of Jhangi, there was a place to detain our group. We were taken, searched, handcuffed, seated and later the fighters, or defenders knew this was a deception because they broke the agreement and we were now POW's.

One person, a fighter, caused problems. The media was there also. Later, we were transferred to an underground building and stayed there for one night. The next morning, we were taken out two by two. We were handcuffed and seated in a big field. Everything was taken from us, even our clothes; we only had our underclothes on. We sat there for about 2-3 hours. There was a demonstration and then the Northern Alliance started shooting at us.

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The Detainees or POWs did not have any weapons. We were handcuffed when the shooting started. The only people who had weapons were the Northern Alliance, and they were shooting at the detainees.

If I remained on the ground, sitting handcuffed, I would have got shot. I got shot and lost consciousness and my brother was killed. He was handcuffed when he was killed.

I did not carry a weapon and I never carried a weapon in this incident or the incident before.

At that time, there was more shooting and there was no resistance. There was shooting from the other side. A lot of Detainees got killed. Later on, airplanes started shooting. Finally, I found myself underground; I was unconscious when I was taken there.

After that, there was more suffering. I don't know if you know about it.. maybe you don't need to know, but if you want to know, I am ready to tell you.

The Tribunal President stated the Tribunal is interested in anything the Detainee feels is important in their determination of his Enemy Combatant status.

Good, thank you very much. For that reason I am telling you, I never carried a weapon and I did not belong to any group and did not get any training. I did not support any side, group or organization. When this incident was over, we were transferred to Dostum.

In Dostum's prison, they were interrogating me. I was tortured there because I told them the truth, the truth I am telling you now. This truth, they did not agree with. They did not mind and they did not want.. I was forced to say what they wanted me to say.

During all the meetings and investigations, I tried to clarify my story to them. I am a civilian and I don't belong to the Taliban. I didn't ever carry a weapon. I told them [Dostum] the Taliban government detained me, I had just been released from the Taliban prison and I was not fighting against them.

They [Dostum] did not like that and started torturing me in every way possible. Every time I told the truth, they tortured me to the point I was convinced they wouldn't stop until I told them what they wanted to hear.

At that time, it was clear to me that I should use my dead brother's story, the one he told me before we met in Konduz. During this time, they agreed on that story and they stopped torturing me. Later, they wrote that story and forced me to swear on it.

During that time, I had to use the fake story to stop the torture and the pain they were forcing on me. My health was getting worse and worse. I was later given to the American forces and was transferred, in a very bad way, to the prison in Kandahar.

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The treatment was the same as before. The torture remained the same. I am ready to tell you, but I feel bad telling you, the treatment by the Americans was not as good as it was with the Northern Alliance.

This is my story, the truth. I tried very hard to clarify it to you. I will tell some things to make you pay attention to some points. Today I told you the truth. I told you the Taliban government detained me for 4-5 months. I want to clarify the situation in the prison was not good. Today, Afghanistan is under your control. By time passing, it will be in your hands.

I will try very hard. I hope you will give me what I want.. what I'm asking for. I hope you will get in contact with the officials to get information about this story, about my detention in Afghanistan. You will find out I am telling you the truth. I was detained by the Taliban and you will be sure I am innocent of those accusations. I never carried a weapon against you or your coalition. In my whole life, I have never carried a weapon.

According to my understanding, the information I request from you does exist and it's there with the officials in Afghanistan. Even if the government changed, I hope you will try to get to that information.

There are other points I want to clarify. When I left Saudi Arabia, I wanted to finish my studies and finish my labs before my travel. A person who wanted to leave or go to jihad or a person who wanted to die wouldn't want to finish his studies.

My second point, you will be able to get in contact with the Saudi government and ask if I belong to any organization or if I have any ideas, if I was detained or arrested before or even stopped.

This is the information I want you to pay attention to. This is what I have.

The Tribunal President thanked the Detainee for his testimony.

Questions by the Tribunal Members

Q: First, we extend our condolences on the death of your brother.

A: Thank you.

Q: Since the only information we have about you is what you've told us today, and the accusations here, it is necessary for us to clarify some things.

A: Go ahead.

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Q: Did your brother make a free choice to go to Afghanistan?

A: Because my brother left with such a surprise, no one knows how he left or where he was going, we do not know if someone forced him or if he made that decision freely. According to the stories we heard, my brother went there because of the fatwa.

Q: Did you or any members of your family talk to your brother before you left for Afghanistan?

A: My brother's family or our family?

Q: Either.

A: I told you he left and he never told anyone.

Q: I mean when he was in Afghanistan and before you left. Did you hear anything from him at all?

A: I told you before, my brother called us once. I was able to find out where he was and the way to get him without my family knowing.

Q: Did he sound as though he wanted to be where he was or he wanted you to come get him and bring him home?

A: By his phone call, I couldn't tell what kind of situation he was in. I couldn't even change his mind about coming home. I couldn't tell if he was happy or unhappy at that point. Don't forget, he left without any family. He left Saudi Arabia because he had an idea.

Q: You told us how upset your family was when he left.

A: They were suffering because they didn't know what happened to him, if he was in Afghanistan. They didn't know.

Q: When you talked to him on the phone, did you tell the other family members you had done this?

A: The family spoke with him too, but he never mentioned where he was. Because of that, they were very worried and their health started going down hill. How would I tell them? I wouldn't want to put my family in that situation by telling them where my brother was. I would've made their health situation even worse if I had told them.

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Q: Unfortunately, it sounded like he [your brother] wanted to be where he was.

A: That's what happened.

Q: Did you consider how much more upset your family would be if you left?

A: I didn't tell them I was going because it will make their situation worse if they found out both of us... I was trying to solve the problem and heal the pain of my parents. I didn't want to make their pain worse.

Q: You were hoping you'd be able to somehow convince your brother to come home to Saudi Arabia?

A: Yes, because my family suffered. I think my brother didn't know how my family was suffering.

Q: Tell me about the conversation you had with your brother when you saw him the first time, in Afghanistan.

A: When we met, we hugged and saluted each other. I told him about my situation, what happened on the way to get to him and the situation of the family and what's happening to them. I saw the pain in his eyes. It affected him.

He told me his story, and what happened to him. It's the story you have. The training, the one I used against me. That's his story. I told the truth before, but so I wouldn't get tortured I had to adopt his story. I explained it to you.

Q: When you first saw your brother in Kandahar, was it before or after September 11th?

A: I didn't meet my brother in Kandahar, I met him in Konduz.

Q: Okay, a misunderstanding. Do you remember the time frame?

A: I don't remember the time exactly, but it was a war.. .continuous attacks.

Q: He was fighting on the side of the Taliban?

A: Yes.

Q: You mentioned when you tried to get to the front to visit him, they [Taliban] said you couldn't go because you weren't military?

Yes.

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Q: How were you able to finally get there?

A: I didn't go to the front lines; he came because the front line was broken. He came to me. I sent him letters before that

Q: He received them?

A: Yes.

Q: You said the story you first told the interrogators, the accusations are not true?

A: It's an adopted story.

Q: How long have you been telling this adopted story?

A: I mentioned before to you in Kandahar and Cuba. I told the Saudi agent my true story.

Q: When was that?

A: Before, in the old prison, X-Ray. You know the situation in the old camp. Treatment was very bad. There were pictures on television about the camp, how they transferred us to interrogation, and how they treated us during interrogation.

Q: So, you told the Saudi agent, or delegation, the story you told us?

A: After I told the Saudi delegation, I was very comfortable and felt better after that I'm surprised they didn't present that story to you today. I've said it to the investigators before.

Q: Has anyone made any reference to that, from the time of the visit until now?

A: After the Saudi delegate, I told them. I told them 3 or 4 months ago. The Saudi delegation came about 2 years and 4 months ago and gave a copy of that file to the officials.

Q: Once again, to clarify, everything in the accusations is not true?

A: The only things true are the dates of the travel. I traveled from Saudi Arabia to Bahrain to Pakistan.

Q: Volunteering to help the Taliban?

A: That's adopted. That's not my story.

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- Q: Receiving training at one of the Taliban training camps?
- A: It happened to my brother. It's my brother's story.
- Q: Being issued weapons and being told to guard valleys? That is true or not true?
- A: For my brother because that's my brother's story.
- Q: Help me understand. At the time you left Saudi Arabia, you were a student?
- A: Yes.
- Q: Did you work at all?
- A: Yes.
- Q: What did you do?
- A: I was a student and I was working, also.
- Q: Doing what?
- A: In a mechanic shop, checking the electronics and computers in vehicles.
- Q: This money was for you and the family, or basically for you? You lived at home, correct?
- A: It was mine.
- Q: Enough money to pay for air travel through Afghanistan?
- A: I used the money that I got off of my motorcycle. I sold my motorcycle and used that money.
- Q: What kind of motorcycle?
- A: Suzuki 250.
- Q: Not a Harley?
- A: Harley?
- Q: Harley Davidson?
- A: No, it was a desert motorcycle.

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Q: Were you the younger or older brother?

A: I'm older than my brother.

Q: Your younger brother, who was in Afghanistan, had a family? Wife, children?

A: No. He had his family, me and my parents.

Q: You said, when you were coming into Afghanistan, you were in a rental car with a driver.

A: Yes.

Q: Your car was stopped and your driver was searched and they found some kind of contraband.

A: Something that was forbidden, something he was not allowed to have, and that led to his arrest. It was a dark night and I didn't see exactly what they got from him. He was searched and I did not see him being arrested. The voices between the driver and the guards were getting louder as they were searching him. I know there was something not legal on him. Also they found tapes of songs on him, and I didn't mention that before. They found cigarettes or smokes on him too.

Q: You said you were searched also, and I thought you said the smokes were on you?

A: I had smokes with me also and music tapes, and I was shaved. All those things were not legal there. I did not know that.

I was not a religious person, I wanted to tell you that before. I'm not a religious person. You can ask my parents if I had a beard or if I was religious, or if I belonged to any group. You will know I am just a regular person.

What songs are on your tapes?

Arabic music, Arabic songs.

I was going to ask you the question about religion, but you answered it already. You seem to be very educated. In your testimony, you mentioned you didn't realize that Afghanistan, or the Taliban was a zealous religious country.

A: Yes.

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Q: You didn't realize things like tapes, smokes or being clean-shaven would cause you problems?

A: I didn't know that until that happened.

Q: Traveling the route you took to Afghanistan, you must have talked with people or the driver that took you to Afghanistan.

A: I do not speak their language.

Q: No one gave you any indication you would have problems if you went to Afghanistan?

A: Yes, it did happen. The road my brother told me to take to Afghanistan, showed me how to get to the next point. When I entered Kandahar, I stayed with a person and he told me some of the things. He told me about the beards, and it would create a problem, not having one. If I can, hide my face in anyway, I should do it. He told me not to show my face to them, especially at the checkpoints.

Q: The route you took, the one your brother provided information for...

A: He showed me the people. The people showed me the road.

Q: You got the information from the telephone call your brother made to you?

A: Correct.

Q: He gave you the names of several people?

A: He showed me the route to travel and then he told me the names of the people I had to get in contact with.

Q: Did he indicate if they were Taliban or Al Qaeda?

A: He did not say. He only said they knew how to get me there [to my brother].

Q: At any of these points, did they ask for your passport?

A: I forgot one point. At my last check point, my passport was taken away from me.

Q: Where was that?

A: Kabul check point. It [my passport] remained with them.

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Q: Was this after or before your arrest?

A: At the same time I was captured.

Q: They took the passport?

A: Yes.

Q: So, when you were released from prison 4-5 months later, you continued your journey without a passport?

A: I didn't belong to them [Taliban], I was not part of them. They do not trust me. They had no trust in me because of the shaving. They trusted my brother because he fights with them. They said my brother could come get my passport for me.

Q: Would they let your brother.. .at this time, you didn't know the front lines were breaking down?

A: No. If I had known, I wouldn't have gone there.

Q: Would it be reasonable to expect that your brother could come back to get your passport for you from the front lines?

A: Yes, for him it would be easy.

Q: He could leave the front lines, come back, you could pick up your passport and you could leave Afghanistan?

A: We agreed we would leave together, but the situation we were in made it impossible for us to leave. The situation did not allow it

Q: In Saudi Arabia you were clean-shaven. You went to Afghanistan clean-shaven. Now you choose to grow a beard?

A: Naturally, I'm here, so I'm not listening to any more Arabic music. I'm not growing it for religious purposes. It is part of my religion, so it's normal. In the other country, I'm forced to grow a beard and if you don't grow a beard, you get punished for it. My country does not punish us for not growing a beard.

I smoked, I listened to music and I shaved. For that reason, I want you to call my parents and ask about my behavior before I left.

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Questions by the Tribunal President

Q: In Afghanistan, you were arrested and held in prison for 4-5 months, correct?

A: Yes.

Q: This was by the Taliban government?

A: Yes.

Q: Did they, at any time, ask you to join their military forces?

A: How would they ask me to join them when they found all those things on me?
They think I'm a suspect.

Q: We've had stories where they [Taliban] didn't ask individuals, they forced them into services. They were conscripted.

A: That didn't happen to me.

Q: I find it unusual. You, being a young, strong male and the Taliban government is in a conflict.. a civil war, and now the United States is bombing them, and they don't want additional personnel? They let you run around the countryside without a passport after being released from prison?

A: If my brother did not show up there, I would still be detained in that prison. They [Taliban] didn't have any trust in me at all. I was treated like an enemy. I believe I would still be detained in that detention facility if my brother didn't show up there.

I would like to clarify a point

Q: Please, go ahead.

A: When they [Taliban] asked me about the story I adopted, I used the name Mohammad Abdullah Saleh, so in the future when the Judge [Tribunal President] looks at those stories, the name will not match my name because I was forced to say that

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Q: Is that an alias or just a made up name?

A: I only changed the first name. My name is Yusef Abdullah Saleh.

AUTHENTICATION

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


Colonel, U.S. Marine Corps
Tribunal President

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EXHIBIT

Summarized Sworn Detainee Statement- 26 October 2004

Personal Representative advises the Tribunal that he would like to review each of the points on the Unclassified Summary. Personal Representative will read each statement and read the Detainee's response to each point. The Detainee will elaborate after each response.

- **3(a)(1) - The Detainee traveled to from Saudi Arabia to Afghanistan via Syria prior to 11 September 2001.**

Detainee: That is correct

- **3(a)(2) - The Detainee was identified as having trained in mountain tactics at the al Qaida training facility in Al Farouq.**

Detainee: Not true. This is not true. I did not go to Afghanistan for the purpose to fight I went to do charity work. How can the statement say that "he was identified"? Maybe in the translation it was "admitted." How can you say "identified"? If you have previous interrogation session recordings, you can verify whether or not I said something like that I swore to tell the truth and that is the truth. I did not go there for training.

Personal Representative: I would like to add something from notes I took regarding 3(a)(2) at previous meetings with the Detainee. The Detainee stated that someone mistakenly implicated him as being at al Farouq. As stated and reflected on the Witness Relevancy request, the Detainee stated that someone was mistaken about him being there, was maybe lying about him being there, or was maybe tortured and made the accusation against him. The Detainee was adamant about meeting the individual that may have made these statements against him.

Detainee: A small correction. I asked for him to come to the Tribunal and be a witness, whether or not he would see me here.

Personal Representative: That is correct The Detainee asked that the individual that made the accusation be present at this Tribunal. The Detainee wanted this person to see his face, so he could let everyone know that it was not the Detainee that was at Al Farouq, because the Detainee was not there.

Detainee: Just to tell the truth whether he saw me or not

Personal Representative: The Detainee told me that an interrogator showed a picture of him to another detainee. The interrogator told the Detainee that another detainee identified him from the picture as being at Al Farouq.

Detainee: I am a detainee here myself. I don't know if this is true or not. I don't know if he said that or not. I don't know if he is detained here or if this is a lie from the interrogator.

Personal Representative: I looked into the Detainee's request to call this possible witness. The request was made to the President and it was determined that the person was not reasonably available.

Detainee: Not reasonably available? Is this person here?

Personal Representative: I made the request to the President, and the President tells me if the requested individuals are available or not.

Detainee: I am asking that if this person is available, to please bring him here.

Tribunal President: We don't know if he is available or not. We don't know his name. Unless, you can provide the name to us, then we cannot determine whether he is here or not or reasonably available.

Detainee: I don't know the name. This is from the interrogators. If you don't know his name and you don't know if he is available, this should be taken into consideration that the second point is not true.

Tribunal President: Your statement will be taken into consideration that this is not true. All of the information presented to us will be considered.

- **3(a)(3) - The Detainee has given conflicting statements on the nature of his involvement with the Al Birr Foundation, his stated reason for travel to Afghanistan.**
- **3(a)(4) - The Detainee has given conflicting statements on the basic details of his family life in Saudi Arabia.**

Personal Representative on behalf of the Detainee: The response applies to both item (3) and (4). During my interview with him, the Detainee asked to see the evidence to show where conflicting statements were made. The Detainee told me that the reason he went to Afghanistan and his involvement with the Al Birr Foundation was to do good deeds and fill an emptiness in his life.

Detainee: Do you mean my spare time?

Personal Representative on behalf of the Detainee: The detainee said a lot of things were - going on in his life, with his job and family. The Detainee wanted to go and do something good.

Detainee: I think that is what I said.

Personal Representative on behalf of the Detainee: The Detainee said that he told interrogators every personal detail about his life, his family and four children. The Detainee has talked over and over with interrogators. Some of the conflicting statements could be small details. It is possible that translations were not done properly. The Detainee has from the beginning tried to be honest and has told interrogators everything. Is there any thing you would like to add?

Detainee: No.

- **3(a)(5) - The Detainee was apprehended by Pakistani forces while attempting to cross the border from Afghanistan, without documentation.**

Personal Representative: Would you like to explain the circumstances of getting into Pakistan?

Detainee: Please go ahead.

Personal Representative on behalf of Detainee: As it reads on item (5), "Pakistani forces," the Detainee stated it was actually the Pakistani police.

Detainee: Yes, that is true.

Personal Representative on behalf of Detainee: As reflected in the Detainee's statement, which will be read when we complete the actual points, item (5) states that the Detainee was "apprehended." The Detainee said he was going to turn himself into the Pakistani police.

Detainee: That is what I said. As soon as I got to the police, they said I do not have the official paperwork.

Personal Representative on behalf of the Detainee: As a point of clarification, it reads on the Unclassified Summary of Evidence, "apprehended by Pakistani forces while attempting to cross the border."*

Detainee: That is not true. I was already in Pakistan. It was the Pakistani police.

Personal Representative: That is what the Detainee wanted to present to the Tribunal, that the item should be clarified. The Detainee went to the Pakistani police and when he got there, they cuffed and arrested him. The Detainee also stated that a member of the Pakistani police placed his hand on the Detainee's shoulder and said that he would bring a good price.

Detainee: That is what happened.

Personal Representative: Are there are any other points you would like to add?

Detainee: No, the points are done.

Personal Representative: The Detainee would like to read his statement, which will clarify many of the points in the evidence,

Detainee: Can we return to the points for a moment? I asked for the conflicting statements in items (3) and (4) to be presented to me. You said it might have been minor details and that is the reason why they said it was conflicting statements.

Personal Representative: It could have been anything in the Detainee's record, whether it was minor or major statements.

Tribunal President: I need clarification. Saed, were you the one that said there could be minor conflicts or discrepancies?

Detainee: No. After reviewing the file, the Personal Representative said maybe there were just minor statements or minor details.

Tribunal President: That is what I needed to understand. It was not actually your statement that was being read. It was [the Personal Representative's] comments.

Personal Representative: I don't remember the exact thing. We could probably hear the recording later.

Detainee: My answers?

Tribunal President: No, what was read by the Personal Representative.

Detainee: No, these are my responses. But these are just words, thinking, trying to come up with an explanation between him and me. We met many times, maybe five times, and it was between the two of us.

Tribunal President: Does that conclude your statement?

Detainee: It is true that some of them have small details. For example, the interrogators would ask me about the nature of my work. Different situations and work would go through my mind, such as working in the traffic department. This would come to me at the time, so I would tell the interrogator. Maybe after a month or two, another interrogator would ask me about my work. Another picture would come to my mind; maybe not the same, but it would still be the truth. For example, another job of mine was to open and close doors for people in cars. This was another picture that came to mind at one time, but it is still the truth. So maybe the conflicting statements were something like that I never hid anything from them, even personal family issues like the reason for my wife and I getting divorced. I never hid anything from them. I told them everything, the tiniest details, the

reason why I got divorced, I told them everything. This is the truth, by God. I did not lie. I told them the truth about everything.

Tribunal President: Is there anything else you would like to present to us, or does that conclude your statement?

The Personal Representative has no questions for the detainee, but notes for the record that he has met with the detainee four or five times, and that what the detainee told the Personal Representative during those meetings is the same as what the detainee has told the Tribunal. The Recorder indicates he has no questions for the detainee. Before the Tribunal asks the detainee any questions, the detainee is given the opportunity to read his written statement to the Tribunal. The detainee reads his statement, as follows:

Detainee: When I retired from my job, I had obtained approximately 100,000 Rivals. That was money I earned for the period of time I worked with the police. Afterwards, I wanted to work as a merchant buying and selling used cars. I wanted to do this because of the difficulty of military jobs.

Translator: Military can mean army or police. In this case he means police.

The Translator asks if she should fix the translation mistakes as the statement is read. The Tribunal President advises that the Translator should translate exactly what the Detainee says. The Personal Representative states that after the statement is read, he will submit an update to the translated version as Exhibit D-b. The Personal Representative had reviewed the 18 May statement (Exhibit R-3) with the Detainee. When the translations were done, the Detainee identified and requested updates.

The Detainee states if there is a mistake in the translation, it can be pointed out while reading. The Tribunal President clarifies with the Detainee that what he is reading is being recorded; therefore we will have exactly what he is saying right now. That is why the translator is to translate what the Detainee is reading now.

Detainee: I had free time in my life, so I wanted to participate in charity work. The idea of traveling came to me after I met a person by the name of Hassan. He proposed to me the idea of helping him distribute help to the poor and the needy. So I welcomed the idea. I asked Sheik Abdul Aziz Al Sheik, and Sheik Aleehidan, about this idea. They encouraged me to do this charity work. Then I obtained a passport from the city of Mecca. I traveled from the city of Jeddah to Damascus in Syria, and from Syria to Iran. I met Hassan, who had gone before me. I met him there. We stayed there for a month or two months, I don't remember exactly. We would buy things like clothes, oil and dates. We would buy these things and then distribute them inside Afghanistan. After that, we entered Herat, and we stayed there for two months. Then we entered the towns and villages inside Afghanistan. We would pass buy some of the cities and buy goods, then distribute them in the villages until we got to the border of Pakistan. Then we agreed to buy goods from Pakistan and distribute them in Afghanistan. This happened until the assault on America occurred. I heard this on the radio in Afghanistan. After that, I heard

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that American was going to strike back, and it would start a war with Afghanistan. We left Afghanistan and stayed in Pakistan. We started the distribution in Pakistan. We passed by several towns and villages until we arrived in Peshawar. That was over a period of a month. I don't remember exactly the time. We would buy goods in Peshawar, and then distribute them to villages near the Afghani/Pakistani border. When we realized that this was starting to take a lot of money and little money and goods were left, we split at that time so that X could go to distribute in one village and he could go to another and do the same. So that we could get done quickly and we could go back to Saudi Arabia. I entered one of the villages and went to a small mosque. I placed all my personal belongings in that mosque. I spent the night there and woke up in the morning. I started distributing the relief goods to the villagers. When I returned, I found that all of my belongings had been stolen from the mosque. I wanted to return to Peshawar, so I got in a car and got on the main road and then got into another car. When I reached a checkpoint with the Pakistani Police, they got me out of the car, handcuffed me, and took me to jail. There they turned me over to the American government. And that is the story.

The Personal Representative notes that the Recorder's translated version of the Detainee's written statement was previously submitted as Exhibit R-S. The Detainee states that there were mistakes in the translations in that copy. The Personal Representative tells the Detainee that changes were made to the translated copy that was read to the Detainee. The Personal Representative asks to review with the Tribunal President. The Tribunal President asks the Detainee if the corrections were spoken when he read his statement to the Tribunal. The Detainee states he did include the corrections in his comments. The Tribunal President asks if both copies will be submitted: the correct and incorrect translated version. The Personal Representative advises the Tribunal that the English copy was translated to the Detainee, during which translation the Detainee made corrections and the Personal Representative documented on the English copy. The Personal Representative would like to submit it as Exhibit D-b.

The Detainee states that if one word is mistranslated, it can change the meaning of the whole sentence or the whole story. This happened with the Detainee and the Personal Representative previously. The Detainee tells of an incident when he told the Personal Representative that he went to a place near Peshawar. However, the translator said the Detainee was going to the shower, instead of Peshawar. So the story ended with the Personal Representative stating that the Detainee was naked when he was inside his house. The whole story changed just because of one word. The Personal Representative asks the Tribunal to take such things into consideration because the Personal Representative reviews the previous sessions with the detainee and he did document that the Detainee was apprehended by Pakistani police while getting ready for a shower. He was not dressed when the police arrived which would explain why he had no papers on him. During the follow-up interview, the notes of the previous session were reviewed, and that is how we found out it was Peshawar he was going to. The changes are reflected in the session notes. The Detainee states the mistake would not have been found if it were not for the Personal Representative's intelligence and attention to detail. The Tribunal President advises the Detainee that it is very important that he understands his corrected statement as he read it is on record. The Detainee thanks the Tribunal.

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Questions by the Tribunal Members

Q: When you began to travel, did you get your passport stamped with visas for the different countries?

A: Of course. When I went from Saudi Arabia to Syria, I have the exit visa.

Q: Did you find your passport or did you see it again after the mosque?

A: No, I never found it

Q: While you were traveling around doing charity work, that was all for Al Birr?

A: Keep in mind that I was never officially doing work for the Al Birr charity organization. I was just offering help. I knew this organization was helping and so I was helping.

Q: Did Hassan officially work for Al Birr?

A: Before I answer this question, I would like to present a note about Hassan. I told the interrogators and the Personal Representative previously about this. There is a person I know. His name is Hassan Al Nashri in Mecca. This is not the same Hassan that was with me. There may be a likeness in names, but that is one person and this is another.

Q: Hassan that was with you worked for Al Birr?

A: That is what I thought, but I'm not positive.

Q: Did you ever see Al Birr doing anything other than charity work?

A: From what I know, the organization did charity work. I never saw the building or the organization. I heard it was a good organization.

Q: When you were passing out goods, were you ever near al Farouq?

A: I don't know where al Farouq is in the first place.

Q: When you were in the Saudi military as a policeman, did you receive weapons training?

A: I trained, but I don't remember what exactly the weapon was.

Q: When you purchased the goods to distribute to the poor, how much would you purchase?

A: Just a small supply. Then we would go to another place to buy more. We were afraid we would buy too much and then it would go bad.

Q: What were you buying?

A: Food, dates and oil, rice sometimes.

Q: How would you distribute it?

A: In the village.

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Q: But how would you get it to the village?

A: Normally, with a car or pickup.

Q: You had a pickup that the two of you used?

A: Yes, but we would not drive. We would rent a car and driver.

Q: Is that what you were doing in Pakistan also?

A: In Pakistan, we would take some of the things to the villages on mules or donkeys.

Q: How did you split up if you had the goods? How did you split up with Hassan and go one way, and you go the other?

A: We split the goods* He went one place and I went to another. He would buy goods in one place and I would buy in another until we were done.

Q: How did you transport the goods once you were done?

A: As for me, I had to pick up with a driver.

Q: And Hassan?

A: He also took a car and driver.

Q: How long did you plan on staying in Afghanistan?

A: I did not have a clear idea, I did not know how long I was going to stay, just long enough to finish our work. But I did not intend on staying there for a long time.

Q: How long were you in Pakistan before you surrendered?

A: I don't remember, some months,

Q: Some months?

A: A few months.

Q: Where did you stay when you were in Afghanistan?

A: I would stay in a mosque in each village.

Q: When you were in Pakistan, where did you stay?

A: Same thing, our hotel was the mosque.

Q: Did you have to pay to stay in the mosque?

A: No, the advantage was that it was free.

Q: Who were you with when you surrendered?

A: Myself.

Q: Why did you feel like you had to surrender?

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A: I did not have my passport, it was stolen. I knew the safest thing to do was go to the embassy.

Q: Was there bombing going on while you were in Afghanistan?

A: There was no bombing.

Q: Did the bombing start after you left Afghanistan, while you were in Pakistan?

A: I don't know when the bombing started. I do know that when I heard about the American invasion, I left.

Q: You left before the bombing started?

A: I don't know if it started or not I know that I left when I heard it was going to start. I don't know when it started.

Q: I just wanted to understand that you were not fleeing the bombing. You just left because you thought there was going to be bombing.

A: Yes.

Q: I just want to clarify one thing about the witness request for your mother. You wanted to have your mother testify, but you wanted to call her directly. That request was denied. You were told the government had to make the call and then you decided not to call, is that correct?

A: Do you want to answer that question (Personal Representative)?

Personal Representative: At the initial interview, the Detainee requested his mother because she could testify for his reasons for going to Afghanistan. I told the Detainee that it is up to the Tribunal President to approve or disapprove all witness, but I would make the request for him. I made the request to the Tribunal President and it was approved. During the follow-up interview, I explained to the Detainee his request was approved. The Detainee was concerned that his mother was elderly, and instead of the government making the request to get the statement from his mother in Saudi Arabia, the Detainee wanted to be allowed to make a phone call to her. I told the Detainee that I did not know if it will be approved, but the request will be made. The request was denied that he make the phone call. Upon meeting with the detainee again and discussing whether or not to have the government get a witness statement, the Detainee decided to stop the process and not try to get a witness statement

Detainee: True.

Tribunal President: Did you understand that your mother could have made a written statement and submitted it to the Tribunal?

Detainee: When I went back to my room, I understood.

Tribunal President: What did you understand?

Detainee: I understood that my mother could write a statement

Tribunal President: You just chose not to continue with the written request?

Detainee: I changed my request because I thought that the police in Saudi Arabia would take her, interrogate her, and take her to the police station. I told the Personal Representative that I know the Saudi government is strict I was afraid the Saudi government would take my mother to the station, and asked her questions about me. That is why I changed my request

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

Detainee to the Personal Representative: Before I talk, do you have anything?

Personal Representative: I do, again, going through my notes of the several sessions that we've had.

The Detainee requests to take some points so he does not forget them. The Tribunal President indicates the Personal Representative can take notes for the detainee, and that the Tribunal can take a brief recess to permit the detainee and Personal Representative to prepare the notes.

The Personal Representative asks to read the last point the Detainee wants him to address before the notes. There were two key points the Detainee and Personal Representative agreed to present to the Tribunal. One point was that the Detainee went to Afghanistan prior to September 11th, and the Saudi government recognized the Taliban government at that time. The Detainee also wanted to convey that he has been an extremely good camp detainee. He does not support extreme Muslims and on four or five occasions, the Detainee has found on the ground in the camp sharp metal, a nail and pen, The Detainee immediately picked them up and turned them over to military police.

The Tribunal President states that a brief recess will be taken to allow the Detainee to write down some notes.

Recess taken at 1450, 26 October 2004.

Tribunal resumes at 1504.

Tribunal President: Saed, I understand you would like to present some additional comments to us.

Detainee: Yes. If you permit?

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Tribunal President: Please go ahead.

Detainee: Interrogators have placed some things in my file that are not mine. The first was a picture of Pakistani currency, watch, calculator and other things like that. I told them the things were not mine. Also, there is a letter in my file. I saw it myself. By coincidence, there was a test to record my voice. They did not have anything for me to read in order to get a recording of my voice. The recording was 20 minutes. I told them to give me a book and I will read it for that amount of time. They did not have a book, so I told them to give me a letter from my file. They gave me a letter and when I looked at it, I discovered that it was not mine. I told them this does not have anything to do with me. They returned it and they gave me a different letter. That was my story. Also, when Saudi representatives came here, they asked me if I knew anyone in Yemen and if I sent a letter to Yemen. I told them no, I don't know anyone in Yemen. These are the notes in regards to the file that I wanted to address. I would like to say that I know America was attacked wrongly, and it is your right to do what is right for you from the people who attacked you, that is your right; I am not saying anything about that I am also hoping that you look at things in a humanitarian point of view to some of the people that might be innocent here. I swear I do not agree with the attacks that occurred in America, I did not have any part in the attacks that happened in America. I did not leave my country to fight against America or to do any wrong towards America. When you look at my case, please look at it in a humanitarian way. This is what I am asking the Tribunal for.

Tribunal President: Thank you. Does that conclude your statement?

Detainee: Yes.

AUTHENTICATION

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

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

Colonel, U.S. Army
Tribunal President

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18May2004

Detainee wrote the following statement:

When I retired my job I obtained approximately one hundred thousand riyals. Retirement money that I earned for the period of time I worked with the police. Afterwards, I wanted to work as a merchant, buying and selling cars (used). I wanted to do this because of the difficulty in the Army jobs. So then I obtained free time and I wanted to participate in charity work. I also obtained the idea of traveling as well. Then I met a person by the name of Hassan and he wanted to help with distributing some help to the poor as well. I wanted to do the same and so I asked Sheikh Abdul Aziz ((Al Sheik) and Sheikh Aleehidan Abdul ((Aziz)) about that topic. They both encouraged me to do the charity work. I obtained a passport in Mecca, SA and traveled to Jeddah, SA. After Jeddah I traveled to Damascus, Syria and afterwards to Iran and I met Hassan there. Hassan had stayed there one to two months before I arrived, I do not remember the specifics. We used to buy merchandises like clothes, wheat, and oil. We would distribute everything we bought to the poor in Afghanistan. After that we entered Herat, Afghanistan and stayed there for two months. Then we passed by some towns in Afghanistan looking to buy some goods and distribute to the villages. We arrived the border of Afghanistan/Pakistan then we agreed to keep buying goods from Pakistan and bring them back to distribute in Afghanistan. During this time the assault of America had occurred. I heard this in the radio in Afghanistan. I also heard that America was looking to strike back. America would try to get in a war with Afghanistan. For those reasons we decided to leave Afghanistan. When we arrived in Pakistan we started the food distribution in several villages and towns until we arrived in Peshawar, PK. The amount of time I spent I cannot recall but I spent a period of months. We bought goods in Peshawar and we gave all the things away in villages near the Afghanistan/Pakistan border. Once we realized that we did not have enough money to continue distributing food for an additional amount of time we both decided to go on our separate ways. I went to one village to give away food and Hassan went to another village. As soon as we were done distributing the food we were both going to meet back up and return home. I entered a village and went inside a small mosque. I placed all of my belongings in the floor and I spent the night. I woke up in the morning and I started distributing the relief goods to the villagers. When I returned to the mosque all of my belongings were missing along with some additional relief goods. I wanted to return to Peshawar and so I decided to take a car from the road. When I reached the police station they arrested me. They handcuff me took me to jail and gave me away to the Americans.

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Detainees Signature

Exhibit #3

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18May2004

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Detainees Signature

Exhibit /?. 3

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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 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.

Summarized Detainee Statement

Tribunal President: Qari Esmhatulla, you may now present any evidence you have to the Tribunal. You have the assistance of your personal representative in doing so. Do you want to present any information to this Tribunal?

Detainee: Like what I did and what happened?

Tribunal President: You do not have to make any statement, but if you would like to make a statement to represent your interests in this Tribunal you are free to do so at this time.

Detainee: If the Tribunal needs me to say something I can.

Tribunal President: It is strictly your choice. In a few minutes, your Personal Representative will have an opportunity to speak in your behalf.

Detainee: I asked my Personal Representative that if speaking to the Tribunal would help me, then I would speak to the Tribunal. Otherwise, she can ask me questions.

Tribunal President: Okay. You will also be offered an opportunity to ask questions after the Personal Representative gives her statement. So, if you would prefer you may let the Personal Representative give a statement.

Detainee: That is good.

Tribunal President: Personal Representative, based on your interviews with the Detainee up to this point, what is your understanding of his decision relative to making a statement?

Personal Representative: Sir, the Detainee's statement will be covered, in part, by exhibits D-B, D-C and D-E. During our interviews, the Detainee did present a written statement, and I would like to ask him questions regarding that written statement.

Tribunal President: Okay.

Detainee: Okay.

Tribunal President: If there is no statement from the Detainee, then we have reached the point where the Personal Representative provides evidence.

Detainee: Okay.

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Personal Representative presents Exhibit "D-B," the Detainee's written statement; Exhibit "D'C," the witness request; and Exhibit "D-D," the Tribunal President's response to the request for witnesses,

Personal Representative: With your permission, Mr. President, I would like to ask the Detainee some questions.

Tribunal President: You may.

Personal Representative: Qari, can you tell the Tribunal Members how you came about your desire to join the Taliban?

Detainee: There was a person in our village who died and I attended the funeral. Then two people from the Taliban called me by my brother's name, Abdullah. They asked me why I was sitting at home, and why I was not coming to join them? I told them what I was capable of doing. I did not know anything. They told me that if I knew how to cook, then I could be a cook since I did not know how to fight. I did not think about it at the time. I went home, grabbed my clothes, and went with them. When I went to the bazaar from the house with the two Taliban guys, I did not know them. They found more fighters in the bazaar. These men told them that they also wanted to go to Shahi-Kwowl. We spent the night in the Madrassa close to the bazaar. I was instructed to stay there, and we would be leaving that place the following day. I asked them the next day if we were still leaving; they told me no, not today, and that we would be leaving the following day. So I said forget it, and I just left and went out by myself. I went towards the mountains. The first village I came upon, I stopped and spent my first night there. I was there in the village by myself. The next morning I left. I was walking the entire day. I did not see any other village. I saw a broken-down truck on the side of the road. I spent my second night in the truck. After spending the night in the truck, the following day I started walking back towards my village. On my way there, I saw two dead bodies. I did not recognize them nor did I know what happened to them. I did not know if they were Taliban or regular civilians. On the third night, I came across the village where I stayed the first night. I went a little further to the next village, and I spent the third night there. In the village where I was at the third night, there was a radio and grenades in the place where I was staying. I took them with me when I left. I did not see any humans during those three days I was traveling; I only saw animals and dogs. When I crossed the mountains coming close to the village, I was carrying the grenades and the radio. I saw the Afghan soldiers. They captured me and turned me over to the US soldiers. When I saw the Afghan soldiers about fifty meters away, I threw the grenades on the ground. I wanted to make sure or help the Afghan soldiers realize I was not a fighter. I wanted to show them I was not going to use it. I dropped down on the ground, and bowed to the soldiers.

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Detainee: They pointed a gun at me, and I told them, "No, don't shot me! I am unarmed and I surrender myself to you." When they searched me, the soldiers found the radio and money, and twenty two hundred Pakistani rupees on me. They took that and then they hit me with the gun. They asked me where was my AK-47, and I told them I did not have any gun with me. I just dropped those two grenades over there; you guys can go and get them, Other than that, I don't have anything. I forgot to mention from the beginning of my statement: The first night, when I was staying in the village bazaar, I was injured. I don't know what caused it. I don't know if it was a bomb from an airplane. I was hurt in the head and on the leg. The soldiers handcuffed me and gave me to the US soldiers. Then they brought me to this place where they interrogated and questioned me.

Personal Representative: How many days total from when you left the funeral to when you were captured by the Afghan soldiers elapsed?

Detainee: Four nights total. One night by the bazaar; three nights after that.

Personal Representative: At any time did you find any kind of weapon, other than the grenades? Did you ever fire at anyone?

Detainee: Just in that place?

Personal Representative: Anytime during those four days?

Detainee: No. I can swear that I did not see any weapon. I did not use or take any weapon.

Personal Representative; Mr. President when I interviewed the Detainee, he stated he was willing to provide a sworn statement. I don't know if he still wants to do that or not, but if it will add credibility to his testimony, should that be something we should do?

Tribunal President: Yes, but it is his choice though.

Detainee: Yes, I can swear.

Tribunal President: Recorder, please administer the oath to the Detainee.

The Detainee is sworn by the Recorder:

Personal Representative: I will repeat some of my questions so the Detainee can testify under oath. Did you say you spent approximately four days from when you left the funeral to when you returned back towards your home?

Detainee: Yes.

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Enclosure (3)
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Personal Representative: At any time during those four days did you pick up any weapons or firearms, other than the two grenades and the radio?

Detainee: No, not in those four days.

Personal Representative: At any time, were you a part of or did you support the Taliban or any Al Qaida forces during those or prior to those four days?

Detainee: No, I did not. The only thing I did was when I was in the Madrassa -I cooked for the students. That was the only thing I did.

Personal Representative: How are the students connected with the Taliban?

Detainee: No, they are not Taliban; they are just students.

The Personal Representative had no further questions.

Tribunal President: Be sure you understand: You do not have to answer any further questions.

Detainee: If you ask me any questions, I will tell you the truth. I would like for you to ask me questions.

Tribunal President: Okay. Recorder, do you have any questions for the Detainee?

Recorder: No, Sir.

Tribunal President: Do any of the Tribunal Members have any questions for the Detainee?

Tribunal Member: Yes, Sir. I understand you said previously you joined the Taliban for religious reasons.

Detainee: In those four days?

Tribunal Member: In that four-day time period, did you join the Taliban, even though it was for religious reason?

Detainee: They challenged me as to why are you not helping us. In our culture, Pashtu culture, it is a bad thing if you do not accept a challenge. So. I just left the house with them because they did challenge me.

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Tribunal Member: Okay. In addition to the hand grenades that we have already talked about, were there any other weapons that you did or did not carry during those four days?

Detainee: No, I did not have any kind of weapon.

Tribunal Member: Last question from me: Did you engage in any military action at all against the United States or the Northern Alliance?

Detainee: No.

Tribunal Member: That is all I have, Sir, thank you.

Tribunal Member: When were you captured?

Detainee: I do not remember the date.

Tribunal Member: Do you know if it was after September 11th 2001?

Detainee: No, I do not remember the year or month. Before, I did not care about the month or date. Right now, in this facility, we are actually counting days and months. But never before. What month does September 11th equal in the Afghan calendar?

Tribunal Member: I don't know.

Interpreter: It is the sixth month in the Afghani calendar.

Detainee: I don't remember the year, but it was before September 11th. What year was that?

Tribunal Member: It was 2001.

Detainee: I have been here almost two and a half years.

Tribunal Member: At the time you were captured, do you know if the United States was fighting in Afghanistan?

Detainee: There was no fighting on our side. They were fighting on the Northern side of Afghanistan. We knew there was fighting going on. I heard the Northern Alliance was coming to fight the Pashtu. We heard that the Farsi speakers were coming to fight the Pashtu speakers. We heard the Northern Alliance was there fighting the Taliban.

Tribunal Member: Before these four days, were you a member of the Taliban before those four days?

Detainee: No. I was a student in Madrassa.

Tribunal Member: Did you ever fight before those four days against the Northern Alliance or the United States?

Detainee: No.

Tribunal Member: Did you ever attend any type of training on weapons before or during those four days?

Detainee: At my brother's wedding, I fired three rounds from an AK-47. That is the only time I have ever fired a weapon.

Tribunal President (*addressing the Detainee*): Can you confirm if you have seen the unclassified summary?

Detainee: Yes, my Personal Representative showed it to me at the interview.

Tribunal President: Personal Representative, you went through each of these points with the Detainee?

Personal Representative: Yes, Sir.

Tribunal President: Okay. So when it says the Detainee admitted he joined the Taliban to participate in Jihad in Afghanistan, when was that?

Detainee: Out of everything on that paper, the only thing that was right was I had the radio and grenades with me. I threw the grenades away before they captured me. Other than that, everything else is false. I did not say or do any of those things.

Tribunal Member: In your request for a witness, you stated the witness would be able to indicate you joined the Taliban for religious purposes. Did you consider yourself a member of the Taliban?

Detainee: No, I requested that person to tell you I was a student in the Madrassa - not to tell you I joined the Taliban.

Tribunal Member: Why did you take the grenade and the radio if you were not a member of the Taliban?

Detainee: I took the radio so I could sell it to make money. I was thinking I would sell the radio so I could get home. As far as the grenades, I took them but I did not know how to use them. I thought I could just give them to someone who may have known how to use them. I did not take them to use them against the Northern Alliance or anybody else. I saw the radio was a Sony brand and thought it must be expensive. I thought I could sell it and make some money off of it. They told me in Bagram that it was not a radio; people use it for talking. I did not know that.

Tribunal President: Okay.

Detainee: The only thing I knew was it had no place to put a cassette, I thought it was a radio for music.

Tribunal President: One last question from me. Again, it's from the unclassified summary. I understand you feel all the points on here are invalid except the one talking about the radio and grenades.

Detainee: Yes.

Tribunal President: But the point that talks about the radio and grenades says you carried the radio and grenades while traveling to the Taliban forces to support them.

Detainee: I was carrying this when I was coming back. I did not carry this when I was going to join the Taliban. I carried this when I was coming home. There was no Taliban there.

Tribunal President: Okay. There are no further questions. Qari Esmhatulla, do you have any other evidence you wish to present this Tribunal?

Detainee: Like what? What kind of evidence?

Tribunal President: It can be anything, but this is your final opportunity (to address the Tribunal) in case we have overlooked anything. This is your final chance.

Detainee: The only thing correct on that paper (Unclassified Summary) is that the radio and grenades were with me. Other than that, everything else is wrong. The other thing incorrect is the statement that I was going to Shahi-Kwowl to fight Americans. No! I was going to Shahi-Kwowl to fight the Farsi speakers, the Northern Alliance people, because of the difference between Pashtu and Farsi speakers. I did not fight against Americans.

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Tribunal President: Is that the end of your statement?

Detainee: Yes, that is all.

Tribunal President: Personal Representative, do you have any further evidence to present or questions?

Personal Representative: No, Sir, I have no questions at this time.

Tribunal President: Recorder, do you have any questions?

Recorder: No, Sir.

Tribunal President: Tribunal Members, any further questions?

Tribunal Member: I do, Sir, have one more question based on the last thing that was said. You were on your way to Shahi-Kwot to fight the Northern Alliance?

Detainee: Yes, I was going. I did not know how to fight, and I did not have any weapons. The guys challenged me to cook for them, since I could not fight. I was just going to see how I could help them to fight against the Farsi speakers.

Tribunal Member: Was that before you found the grenades and the radio?

Detainee: Yes. All I had was my clothes. I carried money because I thought I was going to need it.

Tribunal President: Is that when the four-day window started? When you got to Shahi-Kwot?

Detainee: Yes, after the funeral. Those four days started when I left the house.

Tribunal President: Okay.

Tribunal Member: If I could re-cap: The four days started from his brother's wedding?

Interpreter: No, it was someone's funeral.

Tribunal Member: Okay. From the funeral to when you got caught is the four-day time period?

Detainee: Yes.

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Tribunal Member: Thank you.

Tribunal President: And you were going to Shahi-Kwowl to fight with the Taliban? Or to cook for the Taliban as they fought with the Northern Alliance?

Detainee: Those two guys from the funeral told me that I could help in either way. Just to go there. I was going to see how I could help them. I did not know what I was going to do there.

Tribunal President: To see how you could help the Taliban? Is that the "them?"

Detainee: Yes.

Tribunal President: Any other questions?

Tribunal Members: No, Sir.

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

AUTHENTICATION

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



COL, US Army
Tribunal President