Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the Detainee. The Tribunal President stops reading the instructions and asks:

Tribunal President: Are you having difficulty hearing? We can turn the air conditioning down if you wish to do so.

Detainee: No, thank you.

Tribunal President: Mohammed Hussein Abdallah, you are hereby advised that the following applies during this hearing:

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

The Personal Representative provides the Tribunal with the Detainee Election Form labeled Exhibit D-a.

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

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

The Detainee did elect to participate.

Tribunal President: I see you had originally put in a request for three witnesses. One of which was an off-island request for your wife, which you later withdrew that request. The second request was for a Detainee here on island; it would appear that his information is relevant to the allegations on the unclassified summary. This witness is Fethi Boucetta.

Personal Representative: I have the first part of it, ma'am, which is Abu Mohammed.

Tribunal President: OK, Abu Mohammed. That request is approved and he should be heard here later in these proceedings. The third request was for Abu de Janna and as such you offered that his testimony would be that he worked with you from 1986 – 1992 and then you saw him several times a year since then. After reviewing the allegations on the unclassified summary, it would appear that this particular witness request would not be relevant to your situation. Therefore, this witness request is denied; however, if we deem it relevant at a later point in the proceedings we will reconsider this request.

The Detainee wants to present an oral presentation. The Detainee would like to take the Muslim oath. Recorder administers the Muslim oath.

The Tribunal President asks the Detainee to speak up in order to record his testimony.

Detainee: First of all, you classified me as a terrorist or associated with this organization; that has no founding or no truth to it at all. I am just a teacher. I teach orphans, seven or eight year old orphans. They came and picked me up at 2 AM from my house. I have no relations or no connections with anybody. All that I used to do was go to work and come back. I stayed with my children and my family. I did not have any relations with any organizations whatsoever. So if teaching orphan children who lost their father how to read and write is a terrorist act, therefore I am a terrorist. If teaching the Koran to children is a terrorist act, then I am a terrorist. Besides this, I have nothing else. I don't know how they classified me as a terrorist.

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

3.a. The Detainee is associated with the Taliban or Al Qaida forces, which are engaged in hostility with the United States.

3.a.1. The Detainee is a Somali who lives in Peshawar, Pakistan under the United Nations Refugee Status.

Detainee: Yes, I was there since 1993 until they came and captured me.

3.a.2. The Detainee provided information on several non-government organizations.

Detainee: All organizations I worked with were government organizations. Most were Saudis and one of them was Kuwaiti. And I know precisely which part of the government they belong to or fall under. These organizations are really humanitarian organizations, helping children, refugees and orphan children. These organizations are recognized by official governments including the Saudi government, the Pakistani government, and the Kuwaiti government also. So, they are recognized by all these governments. Of all these organizations I worked with, I lived with the last one for about 12 years. The only one I was working for the last 2 years was the Saudi Red Crescent. If these organizations were terrorist organizations, it's contrary to what I knew about them. They were official government organizations, recognized as I said, by official governments. So why don't you bring the officials, the Saudi government, the Kuwaiti government, the Pakistani government and ask them? Check with them. And also the founders of these organizations. But to come and pick me up from my house and say that I am connected to these organizations that I worked with a long time ago - I did not have any knowledge. All that I knew was that they were official organizations. This does not make sense to me. And you bring me here for three years to tell me this. This does not make sense to me.

3.a.3. The Detainee was arrested in a raid on suspected Al Qaida residences and support facilities connected with the Afghan Support Committee (ASC).

Detainee: This house I was living in, I was renting. It had nothing to do with al Qaida or with anybody. I don't know anyone from al Qaida and I never met with anybody from this organization. In regard to ASC, I have no connection with this organization. I don't know much about it. All that I know was that my son-in-law used to work with them. And if this organization is a terrorist organization, four people who worked in this organization were brought here. One of them was the head of the orphan's department; and his is considered the number two man in the Peshawar office. He went back to Sudan and was not charged with anything. The second one was also head of one of the departments in that office in Peshawar and he is Jordanian and he went back to Jordan with no charges. He was released. The third one was principal of the school. And he also went back with no charges against him. And the fourth one, they told him it was very probable that he would leave soon, also. And this organization falls under the Kuwaiti government. I have no relation with this organization. This means I never worked with them, took anything from them or have no connection at all. And the house, it was my house. I rented it because I have family. I have children and grandchildren. My daughter and her husband live with me and that's why I rented the house for my family. This house has nothing to do with al Qaida. I am wondering when they raided my house and they took my computer, my documents, and my money and took pictures and did all that. I am wondering, did they find anything that connects me to terrorism in there? And is there also any proof that they have any connection between me and the ASC that was in my house that connected me to this organization? So if there is anybody here that should be called a terrorist, it should be the people that came to my house that took me at 2 o'clock in the morning in front of my children and grandchildren. The women were crying and the children were terrorized crying and screaming. They took me in the middle of all that. Those people should be called terrorists.

3.a.4. ASC is listed on the United States Secretary of States terrorist exclusion list as an organization who is engaged in terrorist activities.

Detainee: This organization falls under another called Ihyat Attourat Al-Islami (ph). This falls under the supervision of the social building that belongs to the education social affairs ministry in Kuwait. So if this organization is a terrorist organization, talk to the Kuwaiti government and the founders. This organization has been doing work for years and years. I have nothing to do with that, just check with them. Check with the founders and the people who are in charge of this organization. So if you have confirmed that this organization is a terrorist organization, so you judge them. I have nothing to do with them. The people that were released from here, why don't you bring them back? That's all.

3.a.5. The Detainee was a resident of Jolazai refuge camp.

Detainee: This camp was actually called "Camp for Afghani refugees." It was like a city, with schools and hospitals. And the school I was working in used to be in this city. All the time that I was working in this school, I was living in this camp for refugees. This camp falls under the Peshawar county or Peshawar region. And there is no military training or no training in this camp. This is all.

Personal Representative: He also mentioned that there were approximately 50,000 people in this city.

Detainee: I even believe it is more that 50,000.

Personal Representative: And that the city of Peshawar is about 30 kilometers away.

Detainee: Approximately, yes.

3.a.6. Arab militants have been associated with the Jolazai refugee camp since the 1980's when it was a reception station in the North West Frontier Providence, where newly arrived recruits would receive training prior to being sent to fight the Soviet troops.

Detainee: The camp was mainly for Afghani refugees only. There were a few Arabs. Many Afghanis that were in that camp are now members of the newly elected Afghani government. And the Afghanis that fought with America, which fought against the Taliban, were living there and most of them are, as I said, members of the government now. All of the leaders of the organizations that were fighting the Russians were with Americans. They all brought those people in charge with them. And also the United States used to help them with tons of money and weapons. So in this case, bring the United States government, because that means that they are terrorists too. But when it comes to me, I have no say in this. I have no relation with that. And this is the first time I hear that this camp was training camp. Believe me that if I tell you that all my life I never touched a rifle or a weapon. And I don't know how to open it. So I don't know how I became a terrorist.

3.a.7. Militants associated with Osama bin Laden's Al Qaida organization were traveling through the Jolazai refugee camp in route to India.

Detainee: I don't know about that. This is the first time I hear this thing. As far as I know that I thought that al Qaida was a secret organization. I just know about it through the media, radio and newspapers and things like that but as people or as a person, I don't know.

Detainee: If I may, I would like to read from my notes about some of the organizations that were qualified or were categorized as terrorist organizations. I would like to show you under which organizations or government agencies they fall under. If I may read that. I never worked before in any terrorist organization. I worked only in humanitarian organizations - to help the Afghani refugees and my job was to help the children who lost their parents. Most of these organizations were Saudi organizations. One of them is Lajnat Al-Berr (ph); which belonged to the International Organization of Islam that falls under the Saudi government. And this organization was shut down a long time ago. And also I have Haiat Al-Ighata (ph), which is another organization that belongs to the Saudi government also. The office of construction that is for Maktab Attaamir (ph), which

means the Office of Rebuilding. The person that was in charge or head of this organization was King Fahd of Syria. So I have no relation to this thing, talk to King Fahd; he is still alive. And this organization I just mentioned is a recognized organization and the Pakistani government recognized it. It was funded; it was created in Saudi Arabia. So if this organization in the United States government's view is a terrorist organization, what is my crime? What do I have to do with it? So the people who should answer for this organization are the people who founded this organization or the people who are in charge of it. You didn't detain the founders or the people who are in charge of this organization or the government who supported this organization. So I am wondering, you could find my house and you couldn't find the Saudi government, the Pakistani government and the Kuwaiti government? On the other hand, if terrorism is to scare people and to kill people and harm the innocent; the people who came to my house were Pakistani soldiers but the people who were in charge of them were one American man and one American woman. And they scared my children and my grandchildren and my wife. They took me in the middle of the night. It's almost been two and a half years and I don't know anything about my children and my wife. And I always wonder all the time, I keep asking myself and I keep asking them: What is my crime? What did I do? And no one answers me. And finally I was shocked and surprised to hear that I am a terrorist combatant and I am an enemy combatant. And also about the house – anyway we mentioned this already. And lastly, I am just a simple man. I have never been to America. I never wish to go to America. And I never took a penny or a dime or a dollar from them. And I never harmed anybody from the United States or from anywhere in the world. I never wrote anything about you. And despite of all this, you took me without cause or without reason. And God will be the judge between us, and God is the best judge. This is not difficult for God, for Allah.

Tribunal President: Does that conclude your statement?

Detainee: Yes, that's it. I don't have any more and thank you.

Tribunal President: We may have some questions for you. Would you be willing to answer them for us?

Detainee: Yes I would.

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

Personal Representative: No, Ma'am.

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

Recorder: Yes, Ma'am. On question one it says you are a Somali, when did you leave Somalia?

Detainee: I left Somalia in 1967.

Recorder: You stated you had a large family; how many people are in your family and did they travel from Somalia with you?

Detainee: My children are eleven children, girls and boys. My grandchildren are even more. Around 79 or 80 I traveled to Libya with some of my children, my wife and the children that were born at that time. We traveled from Libya to Somalia. Then I went back. We stayed there, my children, and me for six months, and then I went back to Libya. So from that period which is 1967 until now, I might have traveled to Somalia three or four times.

Recorder: What is your occupation?

Detainee: Teacher.

Recorder: How did you afford to get your family back and forth from Somalia to Libya?

Detainee: At that time I had only three children. The Libyan government used to give us free tickets. And the rest of my children were born either in Yemen or in Pakistan.

Recorder: It says you were a refugee, when did you start your refugee status?

Detainee: Around 1993.

Recorder: From 1993 to the time you were captured, did you have a job?

Detainee: When it comes to a job, I didn't have a job. I only had a job at the last two years. About two years or less.

Recorder: How did you support eleven people in your family without working?

Detainee: From those eleven, one daughter was in Canada with her family and her children. One daughter was in Saudi Arabia and the third one was living with me and her husband. And the fourth one, her husband is a Detainee here also. And we had some aid, some help from the United Nations organization. And also, my daughter used to send us money from Saudi Arabia or from Canada. And also when I was in Libya, I saved a nice amount of money in the bank and I used to use that.

Recorder: The daughter whose son lived with you, what was his job? What was her husband's job?

Detainee: He was in charge of the education department.

Recorder: Is that the husband that is a Detainee here.

Detainee: That is another one.

Recorder: OK. Tell me the name of the husband that is a Detainee here.

Detainee: Mohammed Sulaiman (ph)

Recorder: Was he captured the same night that they woke you up at 2 o'clock? Was he also taken?

Detainee: He was in Karachi and I was in Peshawar. Karachi is a very far city from Peshawar. Before me, about two months before me, they went to his house at night also and they took him. We were crying about what was happening to him and then I was taken.

Recorder: Did you call your son-in-law as a witness?

Detainee: No I didn't. He can be witness if you want but I didn't see the need for him. But if you want, he can participate, no problem.

Recorder: In the refugee camp, the Jolazai refugee camp, were there any people with weapons?

Detainee: No, but again the people that were in charge of the camp, the security of the camp, yes, of course they were armed. But they were designated by the government. They were there to provide safety and to provide protection. Yes, they were. Besides them, there was nobody else.

Recorder: Thank you.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Sir, how old are you?

A. I am about 60.

Q. Who did you live with?

A. When?

Q. When you were arrested?

A. In my house with my wife, with my children and some of my grandchildren.

Q. Are any of your children adults?

A. They were students. Some of them are 17, 18, 19. They were students. The girls were older than the boys.

Q. How long did you live in this house?

A. I think I lived in that house for about two years.

Q. Who did you rent it from?

A: From the owner of the house, that is who I rented it from.

Q. And who is that?

A. The name exactly I really don't remember but you have his address and his phone number. It is in my file. You have all that, it is there and you can check that.

Q. How did you find this house to rent?

A. It was like a broker agency or a real estate agency that does this thing. So we go to the office and we asked them if they had any available houses. So when you go and ask them, they ask you first what is the size of the house you are looking for? And initially I went with my son-in-law and we described our needs and they said that this house would be good for you and that's how we took it. The house had two stories. My son-in-law was living on the second floor and I was living on the first floor.

Q. Did you ever let anyone stay at your house besides your family?

A. First of all the house was really small and also it's not right, it's not really good to bring somebody where your family lives and let them stay. That is not really right in our country and on top of that the house was really small.

Q. You need to answer the question. Did you let anybody else stay in your house besides your family?

A. No.

Q. Was anybody else arrested with you?

A. Just me by myself.

Q. This camp that is being referred to as the Jolazai refuge camp, do you have an estimate of how many people were there when you stayed there?

A. What do you mean? You mean the population?

Q. Right.

A. I really don't know exactly, all that I know is that it is a big number. It is around 50,000 or maybe more. If you want the exact number you can check with the Pakistani government that was in charge there. The person who was in charge of this camp was head of the education ministry in Afghanistan so this number you can check with him. Again I don't know how they left all these people and they came to me – how they left all the government that was allowing this camp to be there. The people that were in charge of this camp were government officials, high-ranking officials. And the government that supported this camp was also the official government.

Q. At this camp, were people allowed to come and go freely?

A. As I said it was like a city. People leave and come and travel and go. It was like any normal city.

Q. Why was your daughter's husband arrested?

A. I really don't know. All that I know is that they took him at night.

Q. Is it OK for Muslims to lie to non-believers, non-Muslims?

A. We have a religion. Our religion is the religion of Allah, which is God of all the people. This God does not favor one person over the other. He sees everybody the same. He gives rules and limits to everybody. Muslims have their limitations and his rules and non-Muslims have his own limitations. Every act a human being does they will answer for to God. Just like you are an official working for the North American government; the American government will judge you and you have to answer for your responsibilities and what you do for them. For the same thing God will judge you or you have to answer to him for all you do in your life since you became aware of things until you die. Our religion does not allow lying. It does not allow lying to Muslims or non-Muslims. But if a Muslim lies, his judgment will be with God. I want to ask you, this Islam you are talking about, is it the Islam put up by people or is it the real Islam put up by God? If it is the Islam from God, then it is the truth. So if it is from humans than that proves that it is not from God. This might be interesting for you.

Tribunal President's questions.

Q. The refugee camp, I believe you said it was to house Afghanis?

A. Originally it is for the families or the people who are from Afghanistan but there were some Arabs, not a whole lot of them.

Q. And these were Afghanis who were fleeing from Afghan trying to get in to Pakistan?

A. Yes, the Pakistani government gave them that spot. The government gave it to Sheik Sayaf (ph) and he started housing people and organizing this camp.

Q. And he was Pakistani or Afghan?

A. This Sheik, when the temporary government, the American government, entered Afghanistan and they formed temporary government at that time, this Sheik was the minister of education in the Afghan government.

Q. Do you have anything else at this moment that you would like to say to the tribunal?

A. The only thing and the main thing I really want to add is that how did you put my name as a terrorist? You would suppose that you would make sure that I am really a terrorist, and then you classify me as a terrorist. But if I am not classified as a terrorist, I would like to know if my name will be cleared from this association? In my belief I am not a terrorist and I never have been a terrorist. I would ask that you go back to being wise and to see the truth as it is and clear my name from this terrorist type. Thank you.

The Tribunal President confirms that the Detainee had one witness to present to the Tribunal. The witnesses name is Abu Mohammed. The Tribunal President explains to the Detainee how process adhered to for witnesses.

The witness is brought in and agrees to participate under the Muslim oath. The Recorder administers the Muslim oath.

Questions from the Detainee to the Witness

Q. How long did we work together?

A. I worked with him for a year.

Q. What do you know about my house?

A. It was a normal family house where he used to live with his children and his son-in-law. And I used to pick him up early everyday to go to the school to work. We go together and we come back together.

Q. During this year have you ever heard that my house had any association with al Qaida or belongs to al Qaida or something like that?

A. No, never. He is basically a family man. He just goes from home to work and he does not really associate with people, period. Very rarely do you see him with other people.

Questions from the Personal Representative

Q. Approximately how many people lived in Mohammed's house?

A. I believe it was more than ten and they were his family, his children and his grandchildren. His daughter's children.

Q. Were there any people outside the family who ever lived there?

A. No, never.

Q. Did you ever know Mohammed to take any trips away from home?

A. No, never. You can always find him at home. He never goes anywhere really. Just rare times like holidays. Or sometimes he goes visit people but rarely. Just holiday times once a year you can find him outside, but besides that, he is always home.

The Recorder has no questions for the witness.

Questions from the Tribunal Members

Q. Do you know why he was arrested?

A. I am really surprised and confused that they brought him here. All the people that are here are really surprised and shocked about this man being here because he doesn't have any relations with people. And he is an old man.

Q. How about yourself? Why were you arrested?

A. I work with him in the same organization but for two different schools and when they picked him up, they picked me up the same night.

Q. How do you know that?

A. Because they took us to the same prison at the same time in Pakistan. Same day.

Q. Who was arrested first, yourself or him?

A. I really don't know. All that I know is that they picked up most of the people that worked for this organization at the same time.

Q. What is the name of the organization you work for?

A. The Red Crescent, which falls under the health ministry.

Q. Do you know his son-in-law, which is detained here?

A. No I don't.

Q. Did you know that his son-in-law is detained here?

A. When I went to Camp 4 I saw him for the first time, but I did not know him before that. He didn't live in Peshawar.

Q. Did he ever tell you why his son-in-law was arrested?

A. I am talking about another son, not the same one that was living with him. He has another daughter and that's the other one. The son-in-law that was living with him is not here.

Q. I am talking about the son-in-law who is here.

A. I don't know.

Q. Has the Detainee ever told you why his son-in-law, who is here, was arrested?

A. He didn't tell me and I didn't ask him.

Q. Did you ever talk to him about it?

A. I never inquired about the subject. There are lots of people here and I didn't talk to him about it.

Q. Does the Detainee work for any other organizations or groups?

A. When I used to work with him, we would leave at 7 o'clock in the morning and we used to come back at 2 in the afternoon and after that he did not have a job.

Q. What does the Detainee do at his job?

A. He is a teacher. He teaches orphans.

Questions from the Tribunal President

Q. How large would you say that the Jolazai refugee camp that you lived at was?

A. At the time that I worked with him, he lived in Peshawar city not at the village where the camp was.

Q. Did you work in the camp? You just didn't live in the camp?

A. When we used to work with the Red Crescent, we used to work and live in the city. We had no relation with the camp.

Q. So you lived and worked in Peshawar?

A. Yes. He too was living and working at Peshawar.

Q. So you didn't work at the same school but were they close together? Is that why you would ride together?

A. This organization had two schools, not too far from each other. So when we ride in the morning, I used to be dropped first because the school I worked in was first and then they used to drop him off.

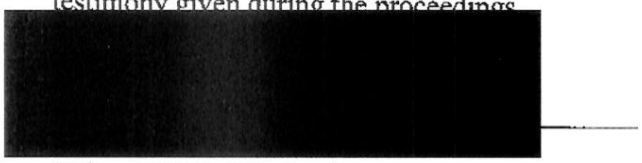
Q. So I understand because of how you stated that, that it wasn't your car? It was like a bus you were riding, furnished by the company?

A. It was a school bus that provided transportation for the teachers. They would pick us up in the morning and drop us off.

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 and had to explain in layman's terms before it was confirmed that the Detainee understood and had no questions.

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 and gave a brief description of its contents. The Recorder also presented R-2 to the Tribunal as evidence.

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 confirmed that the Detainee had no documents that he wished to present to the Tribunal as per the Detainee Election Form. The Tribunal President also confirmed that the Detainee requested to have one off-island witness participate in the Tribunal on his behalf. This witness could testify that the Detainee was not associated with Al Qaida or Taliban. The witness could also testify that the Detainee was just a farmer. The witness request was sent to the Department of State on 29 December 2004, and a second request was sent on 10 January 2005 both contacting the Afghanistan embassy. As of this date, 14 January 2005, we have not received a response from the embassy on the status of this witness. The witness has been deemed not reasonably available. The Tribunal President reassured the Detainee that this would not be held against him for any reason.

The Recorder administered the Muslim oath to the Detainee.

The Tribunal President opened the Tribunal to the Detainee to make his statement with the assistance of his Personal Representative.

The Tribunal President took a brief recessed.

The Tribunal President reconvened.

Summarized Sworn Detainee Statement

3.a.1. The detainee was to assume a prominent leadership role in Qandahar, Afghanistan via the negotiations between the Taliban Leadership and Pashtun Commanders (note: The detainee's future position fell through when the Taliban realized they had maintained their hold on the city).

Detainee: I don't know. I swear about it. I don't know about it at all. I was a labor worker. I was working for anybody that called me to work I would work for them as a laborer. I don't know about these issues.

3.a.2. The detainee was identified as a Taliban official.

Detainee: I swear I don't know about it.

3.a.3. On April 12, 2002, the detainee was captured by American forces at a compound utilized by Mullah Berader.

Detainee: When they arrested me, I was in my home and it was night and I was sleeping in my bed and they woke me up and arrested me. I am not aware of that place and I haven't seen Mullah Berader in my life.

3.a.4. Mullah Berader is a Taliban Commander, who, along with another senior Taliban facilitator plotted to kill the current Afghanistan President Hamid Karzai.

Detainee: I swear to God, I don't know about this issue. I didn't hear about it at all.

Tribunal President: Is there anything else you'd like to tell us about yourself?

Detainee: I swear to God I don't know why they arrested me. It was the middle of the night. They woke me up from my bed and I was at my home and they brought me to Qandahar. I am a poor guy and I don't know these issues at all. I never drank water or ate food with Taliban at all. I don't know what is Taliban. I never been with them and they brought me in here and I swear to God why they arrested me and today I am working; if you asked for me for you as a laborer; if somebody else was asking another day I would work for him; as a laborer if somebody else ask me, the next day I would work for him.

Tribunal President: At this time we might have some questions we'd like to ask you. Would you be willing to answer some questions for us?

Detainee: Any kind of question you have; if I know I will tell you.

Tribunal Members' Questions to Detainee

Q: Where did you live?

A: I'm living in this camp.

Q: In Afghanistan, where did you live?

A: In my home.

Q: Did you live with anybody?

A: No except my children and my family. I don't have dealings with anybody. I was living with my family.

Q: Do you live in a house?

A: Yes, I was in my house.

Q: Do you have to pay to live there; like rent?

A: No. This is my home. I have made it myself.

Q: Is your home in a village? Is the village that your home is in it is Tarkqetemak? Is that the name of your village?

A: Yes, I am from Tarkqetemak.

Q: How far is that away from Qandarhar?

A: We are far away in the mountains. It's all mountains over there where I live.

Q: How many people live in your village?

A: It's two big houses. One is mine and one is my cousin's. That's all. There are no people up there.

Q: Did anyone from the Taliban ever come and visit you?

A: No. I swear I haven't seen any of the Taliban to talk and come see me. I was a laborer and I was working outside of the home up to the lunchtime. At lunchtime I would come and eat then I would go back to my labor work.

Q: When you were doing labor work, do you know if you ever did labor work for the Taliban?

A: No. I was working for my family. I did not work for them.

Q: Can you describe some work that you would do? Like would you do digging, painting? Can you just tell us the kind of stuff that you did?

A: I was shoveling and mud working.

Q: Did you ever serve in the military?

A: No.

Q: Did you ever go to school?

A: No.

Q: Can you read or write?

A: No. I swear I don't know at all.

Q: Do you have weapons in your home?

A: No I don't have it. I haven't seen it in my life.

Tribunal Members' Questions to Detainee

Q: Have you ever traveled outside of Afghanistan?

A: I swear I didn't come out from my area to another area.

Q: When you were working, what's the closest city that you would work in?

A: There is no close city by us. It's all mountains in those villages.

Q: You said your village only had houses, so whom did you work for?

A: I was going farther in my home country and somebody was coming asking me and I was going with him to work. I was doing labor work in my homeland.

Q: Do you own a vehicle?

A: No I don't know how to drive. I swear I can't find enough money to support myself for food and I can't buy a car.

Q: I'd just like to clarify that he does or does not know Mullah Berader?

A: I swear I have seen him only from far away when I was cutting the grasses for myself and my kid was with me also. But after that and people told me that that's Mullah Berader and after that I swear to God I haven't seen or I don't know who is this guy. Usually, I was doing labor work and somebody would come to my house or see me on the way and ask me could I work as a laborer for them. I was that type of person. I don't know him.

Tribunal President's Questions to Detainee

Q: What about during the time of the Russian occupation. Did you participate in any military activities during the Russian War?

A: No I swear to God that I did not participate in any kind of fighting activities because I had my children and my family. I don't have a father to support my family and me. I was only working during the day to get food at the end of the day for my kids and my family and live up to another day until I gain more money. We could support ourselves with food, how should I go for fighting?

Q: You indicated, when you asked for your witness, that he could testify that, what I understood that, you were a farmer as well. Did you own land and farm?

A: No I was working for other people on their land if they asked me. They would give me lunch and I was working with a shovel for them on their land. Then at the end I would get some gain some (money) and support my family.

Q: When you worked for other people did you sometimes leave your house for like a long time? Did it sometimes take you a day to travel where you were going to work and come back? Did you stay overnight?

A: No I was going everyday. During the day I was working and at night I was back to my home.

Q: So you never traveled further than you could return in one day, right?

A: No.

Q: Tell us a little bit about your capture. I know that you said that it was at night and you were in your bed sleeping.

A: I was laying with my children in the same room and it was completely dark and suddenly the door was opened and they came inside and put the gun on me and told me to stand up and they searched my and pull me out of my home. After that, they searched my home and they put me in the helicopter and brought me to Qandarhar city.

In Qandahar city, they didn't ask me too much. They asked me questions a couple of times and then they said that I was innocent and we will release you. After questionings, they brought me to Cuba. I don't know, they told me that they would release me but I ended up in here. In here I got questioned a lot. They asked me questions and finally they said that I was innocent and we will release you. After these questions, I ended in here and now I am in here and I am answering in here. I don't anything else.

Q: Do you know who arrested you? Was it Afghan soldiers or U.S. soldiers?

A: It was soldiers.

Q: Can you tell if they were Afghan or U.S. soldiers?

A: I swear I don't know. I don't know if they were Americans. I don't know.

Q: Were they wearing a uniform though?

A: Yes, they had military suits and they were talking Farsi.

Tribunal President: I'd like to thank you for participating in the Tribunal today. Is there anything else you'd like to tell us before we close?

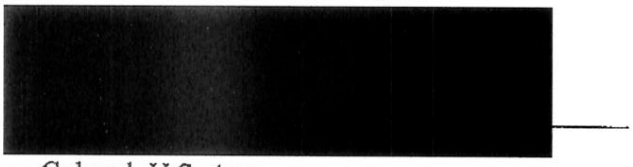
Detainee: No I swear I don't have anything to say because I don't know anything.

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

The Tribunal President adjourned the unclassified open session.

AUTHENTICATION

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



Colonel, U.S. Army
Tribunal President

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, R-2, and R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

There is a brief moment of silence due to the Tribunal President and Tribunal members reading the unclassified Exhibit R-3, New York Times Article dated 2 February 2002.

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.

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

Detainee: Should I answer now? (The detainee said this during initial reading of the allegations by the Recorder.)

Tribunal President: You will be provided that opportunity in just a few minutes. He (the Recorder) is just going to read the bullets.

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

3.a.1. The detainee's family and village members stated an important Taliban member used the detainee's brother's guesthouse.

Detainee: No, this is not true. The tribunal should look at this, at whoever said that, is not here, and I'm here. I am here, and I'm talking under oath. This is not true, that person wasn't there and whoever said it, maybe they have personal differences back home. The person, who said that, maybe is my enemy. The tribunal should not consider whoever said that.

3.a.2. The detainee's brother is Haji Sarajudeen.

Detainee: That's true.

3.a.3. The detainee's brother worked as a recruiter for Pacha Khan.

Detainee: This is not true, that he worked for him directly. He did help him, but not in this way. Hagikan(ph) and their village elder Nazin (ph), they both were commanders for another person named Pir and they have known each other for a long time. During the last days of Taliban, the Americans brought Hagikan to the province of Khost, they appointed him as the governor, and he asked the village elder that he needed help against the Taliban, because there were still Taliban in the area. The village elder asked his brother to go to the other villages; the villages were to get together and that's what he did. He did that because they were against the Taliban and they did help him because he was working for Americans. My brother did this because village elder Nazin told him to do it, directly from Hagikan. There were still Taliban in area, and Hagikan was brought in by the Americans and the new government at that time, which was still president Karzai. They brought him in as a governor and whatever he did, he did it against the Taliban. So whatever help my brother did, work for him, it was because of the Americans and new government in Afghanistan.

3.a.4. Pacha Khan, a renegade Pashtun Commander, has been conducting military operations against the Afghan Transitional Administration (ATA) and coalition forces.

Detainee: At that time, American and the new Afghan government was with Pacha Khan, when my brother helped him with Nazin. And in that time, against the Americans, we should not be responsible for it, because it's been three years that we are here, and in that time, the Americans brought him in and he was working for the Americans. For example, if President Karzai is working with the Americans and after three years, he started working against the Americans, then he should be responsible. The Afghan people, working for him now, because he was working with Karzai and the Americans brought him, after the deals. If he turned over on the Americans, we should not be responsible for it.

3.a.5. The detainee was captured with communications equipment.

Detainee: When we got captured, we did not have any kind of communications or radio. Neither in our house nor in our village had any radio.

3.a.6. The detainee's nephew (who was captured along with the detainee) admits seeing this type of equipment in the possession of Taliban members.

Detainee: In Taliban time, they were using the radio. If anybody saw them using it, it's not a crime, and if they saw them using it then, then it was hidden, but, when we got captured, there was not. There wasn't any radio captured with us.

3.a.7. The detainee's home was bombed by U.S. Forces on or about 16 November 2001, because a high-ranking Taliban was believed to be at the home.

Detainee: I'm uneducated. I don't know exact date. We've been here three years or maybe a month over that, so you can count when it was bombed. Yes it was bombed, but it was like I said before; there was no commander or any Taliban person in our house. Maybe it was a mistake because somebody gave them the wrong information. That person probably did that maybe because of personal differences, maybe because of the money somebody paid him. Sometimes people doing other things to other people, because they don't like them. Something happened, but whoever told them it was a lie, and there was no such commander or Taliban leader at this time in our house.

3.a.8. Coalition forces were fired upon during the capture of the detainee and three associates.

Detainee: I did not hear fire that night. Nobody fired on the soldiers that night. When the soldiers came to our house, we were sleeping.

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

Detainee: No.

Tribunal President: At this point, we may have some questions for you, would you be willing to answer some of our questions?

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

Personal Representative: Yes Ma'am. Were you home at night of the bombing?

Detainee: No, I wasn't at the house.

Personal Representative: Where were you?

Detainee: I was in another city, Gardez.

Personal Representative: Did you recruit any people for Pacha Khan?

Detainee: No, I heard of his name, Pacha Khan. Other than that I never saw him, and I don't know him.

Personal Representative: Was it just the one time that your brother recruited for Pacha Khan because the village elder Nazin asked him, or did he do it subsequent to that?

Detainee: No, that was the only time that he went and told other people because of the village elder Nazin. Other than that, he never did it again.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. I don't' know if you recognize me or not, but you were a witness in a case that I did, normally Tribunal members don't know anything about your case when we walk in here, and those two don't (indicating to Tribunal President and other Tribunal member).

Detainee: No problem.

Q. What I want to ask you, is that you said, a big Taliban member did not stay at your brother's guesthouse, did you see any. Let me take a step back. When did you go to Gardez?
A. Three, four, five days before it happened, the bombing.

Q. Do you know anything about Haqqani? Do you know where his hometown is? Do you know where he is from?
A. I hear his name on the radio. I never saw him, and I don't' know where he is from, or where he lives.

Q. If I can get you to explain something to me. In the United States, if we have a house, all the rooms are always under the same roof. So, if there is a space in between rooms, there is always a roof on it. That's what we call a house. Somehow, when I get in some of these discussions when I hear about the guesthouses, whether I get confused because sometimes, they say, we only have one house it was these rooms, that maybe off set from the other rooms, but don't share the same roof. When you say, you lived in my brother's house, were you always under the same roof as him, or was your room separated by space from your brother?
A. The house that we had was surrounded by walls, and all the rooms are inside the compound. All the rooms are on one side of the wall facing to the yard of house, but all the rooms are all in one line. The top, the roof is all one roof. There's no space in between each room, we did not have any guesthouse.

Q. Is there a guesthouse?
A. There's no guesthouse.

Q. When house was destroyed, where did you go, where did you stay after that?
A. We moved to another house, which was owned by another villager. They had their own people living there, but they give us a couple rooms to stay there for the time being.

Q. Was the owner of house?
A. The owner is not our relatives or anything, he just a villager.

Q. Is the owner a detainee here?
A. No.

Q. Were there four people arrested when you were arrested?
A. Yes.

Q. Are all four of you related?
A. Three of us are relatives. The one person is a villager, and his house is far from our house. We know him because he is our villager, but we don't have any relation to him.

Q. Does your village have any commercial business, any stores, any village center or are home just located around the area?
A. Residential area, just like housing. We do have a store, but it is far from village.

Q. Name of villager who loaned you the two rooms after your house was destroyed?
A. Taza Gul, he also has another brother, Zaheed Gul but they aren't living together. They are living separately; we are living in Taza Gul's house.

Q. What was the name of fourth villager who was arrested? What was his name, who's not related to you.
A. Mohammed Gul.

Q. Are Taza Gul and Mohammed Gul related?
A. No.

Q. How far was Taza Gul's house from your house?
A. We did not measure how far from each other. But, between our house and his house, it was just flat ground. I don't know how many meters it was, but you can see from each other from our house to his house.

Q. Is Taza Gul one of your closest neighbors?
A. It's not just his house, there are other houses with him, between our house and other people houses, there just empty space there.

Q. Where was Mohammed Gul's house, was it near Taza's Gul's house?
A. He is the closest to Taza's Gul's house.

Q. The night you were arrested, did they search the house you were in?
A. We were sleeping and they came and woke us up, hand tied us, and took us outside. I don't know how they got there. I don't know how many people they searched, the whole village, or just some of the houses. Whether they searched the house before then, or if they did it after that, I don't know. Later on, they searched Mohammed Gul's house also.

Q. Do you have any training in electronic equipment?
A. No, I have no education. All I did in my life was farming. I was a farmer. I don't know anything about electronics.

Q. I just want to mention one thing; I think your brother testified to this. It's about your cousin that talked to the newspaper reporter; you said it was some enemy that might have

said that Haqqani was there? Is there any reason why your cousin would say that Haqqani was at the house?
A. I'm not sure who told the reporter that, whether it was the cousin or someone else, maybe our enemy. But usually it was a hard time in Afghanistan. People were doing that kind of stuff like giving wrong information, sometimes for the money, sometimes they did it because they have personal differences with other people. Their enemies you know, other families don't like each other; so those things people did it before, so whatever they also, I don't know what his reason but, it was not true. There was nobody that came to our house.

Q. If you're at the house, and Haqqani did show up with guys with guns, and bodyguards, and said that I want to spend the night, what would have you said?
A. I'm sure that Americans know by now that what kind of people we are. We are normal; we never worked with the Taliban. We are just farmers, never worked with the Taliban and al Qaida, and we don't have any kind of relation with that person, with Haqqani. We do not know him. So, why would he just come to our house and want to stay there? He wasn't there and he never came to our house. If he did, then we would deal with that at that time. But no, he would go to someone who does know him. I said you could ask the people, the Americans know by now that we did not know that person and we have no association with this group of people. The last time, you said it was your last questions, but I don't mind how many questions you ask me, I'll answer them. But you should also look, if you want to believe someone send them the newspaper article to someone who is telling you the truth.

Q. Can you write?
A. No I can't write. After all this time, sometimes the soldiers give me a pen, and I just make alphabet of my name. That's all I can do. You can look at my hands, you know, all I did was a farmer. You can look at my hands all I did was farmer, you can see my hand and they are cuts everywhere.

Q. Which hand do you use to draw you name with the alphabet?
A. I don't write. Depends, sometimes I use left or right hand.

Q. What kind of crops did you grow?
A. Depends on the season, if it's summertime, then we grow wheat, and then after that corn. Sometimes if there is too much rain, water, then we grow rice.

Q. Have you ever had military training?
A. No. The two provinces, Khost and Gardez, the president/ king of Afghanistan, the Shah, he actually took them out of military training, and military duty, if the people volunteered to be in the military that was fine. We don't need to serve in the military. So, other people they did it in other parts of the country. The two provinces, they were not forced to do the military, which is why I chose not to do it.

Q. Do you own a weapon for self-protection or to protect your family of any kind?
A. Yes, we did, but it's (inaudible), before the Russians. But, he did for these two provinces, three things for the people. They don't need to do it, don't need to join the military, they don't need to pay taxes on their land, and the last thing was that they allowed us to have weapons in our house for personal safety, just because of the border area and all the mountains around it. So, they allowed the people to keep small weapons in their house.

Q. What kind of weapon was it? What kind was it, was it a pistol, rifle, AK-47?
A. Before this, I had other guns, but right now we can keep AK-47.

Q. What was your relationship with your brother, were you very close to your brother, did you live in the same village, and did you see him all the time?
A. Like I said before, we live in the same house, and so same it's the same village, same area.

Q. You said earlier that your brother used a radio. What was he using a radio for?
A. Did I say that?

Q. I think you had stated that you heard about Haqqani on the radio, that was the comment.
A. Must've been someone other than me.

Q. Well, statement number one says the detainee the detainee's family and village members stated an important Taliban member used the detainee's brother's guesthouse, but you're saying that you guys were in the same house. I just want to make sure I understand that. The fact is that you were staying in the same compound, that the compound is small enough that it's physically the same house and it says that he is denying that. I just want to make sure I understand. My earlier question was you know, how close you were, and they said that they lived in the same house and this says that the brothers guesthouse, and he said that he didn't have a guesthouse, so I just want to make sure that we are talking about the same thing, no Taliban members were in as he described, in his house in that compound?
A. No, we did not have any guesthouse.

Q. Do you own a vehicle, or vehicles?
A. Yes we do.

Q. What type and how many?
A. One is a van and the other is a small taxi.

Q. You said when you were captured you had no telecommunication or radio equipment. Did you have any thing else, or any other equipment with you when you were captured?
A. There was nothing captured with us, it was just us and the clothes, when the guards came into the room there is nothing in the room. When they brought us outside, we did not bring anything with us.

Tribunal President's questions.

Q. How many rooms would you say are in your house, kitchen?
A. It's been three years, I've been here, and I'm actually forgetting my kids' names, and my family name. But what I can remember it can be eight, nine or ten rooms, but they are in one line.

Q. The article alludes to the fact that your brother was at the house when it was bombed.
A. Yes, he was in the house.

Q. And you said, you indicated that you were not there.
A. Yes, I wasn't there.

Q. So, if therefore, if we are theorizing, just for a moment, it's possible that your brother had a visitor there in the house without your knowledge, is it not?
A. When I came home, I did ask everyone at the home, outside the village, you know, what happened, and why they did it. Everyone said the same thing, it must be a mistake, and they are saying someone is here, but there was nobody. After three or four days after that, and they even said on the BBC radio, that the Americans bombed a house in the area, which was a total mistake and it was the wrong information. There was nobody there, if there was, I should know.

Q. How far away was Gardez from where you were?
A. In Afghanistan, we don't have measurement, you don't know how much a mile or kilometer they are talking each other, in the house in Gardez. The roads aren't paved, when I got in the car, it took me three and a half or four hour to get to Gardez. You can see how far that goes.

Q. After the bombing, how quickly did you arrive back home?
A. I came the next day.

Q. You were there the next day after the bomb?
A. They bombed the house that night, and I came the next day.

Q. You said you had left your home three to four days before it was bombed?
A. Yes.

Q. Were there U.S. Forces in the area when you left?
A. No, I did not see any American soldiers in our village.

Q. How about Afghan soldiers?
A. I did not see any in my village, but there were soldiers in Khost province. Pacha Khan was the governor at that time, and he has Afghan soldiers with him in the province.

Q. I'm just wondering, after they leveled your house, did forces come, either Afghan or U.S. come and search the rubble?
A. No, we did not see anyone. The day that they bombed, there were no American soldiers there on the ground.

Tribunal President: I'd like to thank you for participating in this tribunal today. At this time, is there anything else you'd like to say to 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: No further documentary evidence, Ma'am, but he does have a pre-approved witness.

Tribunal President: At this time, let me explain to you how the witness process occurs. I'm sure you are familiar with it, since you have been a witness. Basically, we will take a brief recess while the witness is brought in. I'll ask the witness to state his name for the record. I'll ask him if he is still willing to testify for you. The Recorder will administer the oath and then we'll be able to ask him questions. You have the first opportunity to do that, followed by the Personal Representative, the Recorder, and the Tribunal Members. I would like to remind you everything must be translated. Once we bring him in, and you are settled, you are more than welcome to give him a brief greeting and likewise, you are able to give him brief exit greeting, orally. Again, please remember, that it all needs to be translated.

Detainee: Okay.

Tribunal President: 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 Gul Zaman.

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

Witness: Yes.

The recorder administered the oath to the witness.

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

Detainee: My Personal Representative will ask the questions for me.

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

Personal Representative: Yes Ma'am, I do. Were you at the house the night it was bombed?

Witness: No.

Personal Representative: Where were you?
Witness: I was in Saudi Arabia.

Personal Representative: You had admitted to seeing similar type of equipment used for communication used by the Taliban, is that true?
Witness: I did tell them that I saw a radio in my life during the Taliban when I went to the bazaar, and to market. The soldiers were using that kind of radio. But they did not capture any radio with us and I did not see that kind of radio in our village with anyone.

Personal Representative: Do you remember enough about the radios that you saw the Taliban using to be able to describe it?
Witness: I saw it with the soldiers, but I did not look at it closely. But they did tell me that this is the radio they used for communication. But I never saw it closely, and I never saw it with anyone in the village. I never saw it in the house.

Personal Representative: The night you were captured, or soon after, did the soldiers ever show you the radio that they supposedly found?
Witness: No. I did not see at that time, and neither did they capture it with me, and if the other people that were captured together with me, they did not show me anything and they did not capture any kind of radio.

Personal Representative: The night you were captured, were you at your house, or at your neighbor's house?
Witness: In the villager's house.

Personal Representative: Villager's? Is that the neighbor's house?
Witness: Yes.

Personal Representative: Do you know if the soldiers searched your house, the house that was damaged by the bombing?
Witness: That night we were sleeping, when they came and woke us up, and then we got captured. I don't know how much searching they did that night. Whether they searched the whole village, they searched that house I'm not sure. When they brought us outside of the house and handcuffed us, we could see the soldiers walking around in the village. They were probably searching the houses in the village.

Personal Representative: How large was the neighbor's house where you were staying?
Witness: It was a big house. In that house, it was like four or five families including us staying in that big compound. Inside the big compound, they have rooms for all the families.

Personal Representative: About how many people would you say were staying in the house during the night of your capture?
Witness: I'm not sure how many people, like our family and four other families. A total of five families were in that compound.

Personal Representative: Do you know how many individual people were there all together, how many people were in a family?
Witness: Some are including children, and female, are together.

Personal Representative: Men, women, and children?
Witness: So I'm not sure exactly sure how many family members were there in each family, because you don't know about other family females, you know, you see the kids. I'm not exactly sure how many were there that night; just five families were there. Within my family, me, my father, my uncle, and other children, and other kids with the four families also.

Personal Representative: Have you heard of Jalaluddin (ph) Haqqani?
Witness: I've heard the name from other people before, but I don't know who he is, what he does, and where he's from.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Are you too cold, are you okay?
A. Very good.

Q. Did you hear any shooting when you were arrested?
A. No.

Q. How long were you in Saudi Arabia?
A. Five or five and half months, not exactly sure, maybe less, maybe more, but around that time.

Q. Where did you live in Afghanistan before you went to Saudi Arabia?
A. At our house.

Q. With your father?
A. Yes.

Q. Who did you work for when you were Saudi Arabia?
A. The Afghani's.

Q. Do you know if they were Taliban supporters or do you know anything about who you worked for?
A. No, they were just people. I just did daily with them.

Q. What type of work did you do?
A. I was a shopkeeper and farming in Afghanistan. In Saudi, I worked as building the buildings, and I helped in one store, one time.

Q. Did you have any children that were hurt in bombing?
A. There were twelve people of my family died, my children and my brother's children and other family members.

Tribunal Member: We are sorry for their deaths and your loss.

Detainee: Thank you for that.

Q. How many rooms are in your father's house?
A. Probably eight or nine and we have rooms for like a cow, storage, to put food for the animals.

Q. Do you have barns, or storage buildings for crops?
A. We don't have anything specific for it, people use the same room, sleeping, and in the corner they are storing wheat, or corn.

Q. Were all rooms together in the same house or were they separated, like a guesthouse?
A. We did not have a guesthouse in our house.

Q. Do you have training in radio equipment?
A. No, I never had that kind of training or work. I heard the name, people saying this is the radio, but, I but don't know.

Q. I want to make sure I understand. You said you were in Saudi Arabia when the bombing occurred. Is this correct? Why did you return to Afghanistan?
A. I came to my own house, to see my family. That shouldn't be a crime to come. So if I had returned to my home, that shouldn't be a crime. That shouldn't be any kind of questions, why should, why did I come?

Q. How long after bombing did he come home?
A. The bombing happened during the first week of Ramadan, the 5th or 6th day of Ramadan, I came back on the 17th of Ramadan.

Q. How long after bombing were you arrested?
A. A month, month and a half.

Witness: Can I ask you one question?

Tribunal Member: Yes.

Witness: I'm here for a witness, you're interrogating me.

Tribunal Member: I'm just trying to understand what happened.

Witness: You brought me here about his allegations, and you didn't ask me any of his allegations, you actually kind of are asking me questions like an interrogation. I don't mind it, you can ask me a whole day, and I'm here for his help.

Tribunal Member: Okay.

Witness: You can ask me the questions, even his Personal Representative didn't ask me any of his allegations, he asked me other questions.

Tribunal Member: Okay. Can I continue?

Witness: Yes.

Q. You were arrested with the detainee at the same time?
A. Yes.

Q. You said there were three of you that were arrested?
A. Yes.

Q. You were the only three in the entire village?
A. There were three of us and one other villager.

Q. Why were you arrested?
A. I'm asking the same thing. Did you know why we got captured? What did we do wrong that we got captured? Even the villager, also said that that the reason they gave us

that they captured us is not true. I don't know why they are still keeping us here. All allegations on us, and the villager, took oath, and said that this wasn't true. I should ask you that question, that why did we get arrested?

Tribunal Member: You can ask me, but I don't know. That's what I'm trying to find out.

Witness: You ask me how did I get captured, and I know that, but I can ask you why we got captured, if you have any knowledge on that. The way you are asking me questions, I think I know that you probably have knowledge of why we got arrested.

Tribunal Member: Me personally, I have no knowledge of that.

Q. I shouldn't have asked you if you have training in electronics, but does Khan have electrical training?
A. No, he did not have any training, including me, and my family and neighbor, I saw any radio at our house, any radio captured with us at our house.

Q. Do you know if your uncle has any military training?
A. No, he was a farmer his whole life. He can't write his own name, he can't read the Koran. So, how can he go and do military training?

Q. Is he a member of any groups that promotes violence? Do you know if he is a member of any group at all?
A. No.

Tribunal President questions

Q. The detainee indicated that he didn't fire upon anybody the night you guys were captured. Is it possible the owner of house may have engaged with them before you were awakened?
A. No one fired in that house, and we did not hear anyone firing. I don't know about any other area.

Q. But, I'm assuming that when they came into the house, they did it by force? It wasn't they knocked and someone let them in?
A. We didn't know it they were coming to capture us. We were not waiting for them we were sleeping. Also, we didn't do anything that we were scared of that the Americans would come and capture us. We were sleeping.

Q. Was it fairly noisy and confused and lots of noise, when they captured everybody?
A. We did not hear any noise before our capture, but I've seen the soldiers walking around in the village, searching other houses. Little did we know that the Americans would come and capture us, we didn't do anything.

Tribunal President: I'd like to thank you for participating in this tribunal today.

Witness: Thank you for giving me the opportunity. And if I did anything wrong, or said anything wrong I'm sorry for that.

Tribunal President: At this time, we will take a brief recess while the witness is removed.

Witness: Can I ask the President one question?

Tribunal President: Yes.

Witness: Our villager, he swore on Allah, all the allegations, two times, during the interrogation before. Yesterday, he came here to the tribunal and swore a third time, that he would tell the tribunal the truth, and he said that all the allegations are not true, that they are wrong. We already swore on the allegations also, because we have the same allegations in each one, and how long are we going to stay here because of those of those wrong accusations, or allegations.

Tribunal President: I don't have real answer for that, to be honest, we are looking at the detainee's case today. Then, that will get forwarded to Washington D.C., whatever the decision is, and it would be the same in your case.

Witness: I swore a year and a half ago on those allegations.

Tribunal President: I'm sorry; I can't help you more than that.

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

Tribunal President: Personal Representative, you desire to ask a follow up question?

Personal Representative: Yes, Ma'am. The night you were captured, you noticed that there were soldiers in the village; did they come by vehicle, or helicopter, do you remember?
Detainee: When we got captured, and they dragged us outside the house, they put us outside, and the chopper came, and they put us on the chopper.

Personal Representative: Was the helicopter flying around, or were you there for a while before the helicopters showed up to take you away?
Detainee: When we woke up, we could hear the plane, the choppers are flying, low, and when we got outside, we could hear them flying and after a short time, they brought the chopper.

Personal Representative: Was the helicopter flying pretty close to the house, was it pretty low?
Detainee: Yes, it was low, we can hear, but we can't see it because of being nighttime. But you can hear it.

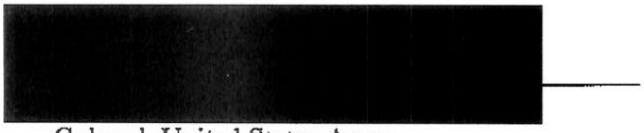
Personal Representative: Would you describe the night as being noisy or calm?

Detainee: No, it wasn't that noisy that we would wake up.

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 Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and had no questions.

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 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 your Detainee Election Form that you have elected to participate as evidenced by your being here. I also see that you have requested to have one witness and he will be brought here later in the proceedings. Adel Abdulhehim, you may now present any evidence you have to the Tribunal and you have the assistance of you Personal Representative in doing so.

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.

Tribunal President: Would you like 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.

Tribunal President: You may begin.

Personal Representative: I believe he is going to respond to each allegation as read it.

3.a.1. In June 2001, the Detainee traveled from Kyrgyzstan to Jalalabad, Afghanistan via Pakistan, then on to the Eastern Turkistan Uighur Party (ETUP) training camp at Tora Bora, Afghanistan.

Detainee: I left my country in 1999 to go to Kyrgyzstan for business. I stayed in Kyrgyzstan for more than a year and then in June of 2001, I was trying to go to Turkey but

went to Pakistan. When we got to Pakistan, we couldn't get a visa for Iran so we decided to go to Afghanistan and stay a while and go back for the visa later. Other people told us that there were Uighur people in Afghanistan. When we came to Jalalabad they took us to the mountains, which is the camp about two and a half hours away from Jalalabad by car. When we arrived, there was a little village, and when we passed it, there were some small mountains, but we didn't know the place was called the Tora Bora Mountains or some other names. The reason we went to this place was for the Uighur people to get training to fight back against the Chinese. As a Uighur person, I was trying to do my duty to help my people. Getting this training would help if anything happened to fight back against the Chinese. During that time, I didn't see any Afghanis or any other people. I didn't have any other association with any other people.

3.a.2. The Detainee received training on the AK-47 assault rifle at a Uighur training camp.

Detainee: Before I got to that place, I expected that if it were a camp, it would have a big field with training equipment. But I found that it was just a one-way street. If you're driving a car, you have drive out the same way you came in. The houses were in really bad shape. What I heard was that they just got this place and that it needed a lot of construction work, like building houses. We did that. We also learned to read the Quran with a couple of days of learning the Kalashnikov. I trained on the Kalashnikov. The reason was, if something were to happen in the future against the Chinese, then my training would be useful. I didn't train on the Kalashnikov to fight back against the Americans or other coalition forces.

3.a.3. The training camp was provided to the Uighurs by the Taliban.

Detainee: I don't know about this question. What I heard is Afghanistan has some big tribe and they have their own property and I don't know if they gave the camp to the Uighurs or the Taliban gave it to the Uighurs. I don't know anything about that.

3.a.4. The ETIM operated facilities in the Tora Bora region of Afghanistan in which Uighur expatriates underwent small arms training. These camps were funded by Bin Laden and the Taliban.

Detainee: I don't know if some Uighur people belonged to some organization in that place. When I got there, they didn't offer me any kind of party or organization. They didn't ask me if I wanted to join. They didn't ask me those kinds of questions. We didn't have enough food to eat all the time and who was paying for all the supplies and all the stuff? I didn't know if Usama Bin Laden or the Taliban funded it. I have no idea. We were at that camp just temporarily. Maybe that's the reason they didn't offer us to join some kind of party or anything like that. I don't know what party they belonged to.

3.b.1. The Detainee, along with others, fled their camp when the United States bombing campaign began.

Detainee: The U.S. had been attacked and we told each other that since we didn't have anything to do with the attack and those people were terrorist people that attacked the United States and don't have any relations with them, so we weren't worried about the U.S. bombing us. We decided to stay there and then one night the bombing started and we couldn't stay. The whole camp was flattened from the bombs. Luckily we were safe and alive so we ran into the mountains.

3.b.2. The Detainee was captured in Pakistan along with other Uighur fighters.

Detainee: I don't really understand what they meant by those Uighur people. Do they mean in here or are they saying other Uighurs as well?

Tribunal President: I don't honestly know. This is the only information we have about you at this moment.

Detainee: Well, 18 Uighur people fled into Pakistan together and were captured together and brought here together. But they called us fighters. We are not fighters. We didn't fight anyone.

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

Detainee: The reason they accuse me of all these accusations that are in the summary is because of when I left Kyrgyzstan. When I left, my goal was to go to Turkey but unfortunately I couldn't get a visa and ended up in Afghanistan. I had no intention to attack or do anything against the United States. I never had those kinds of intentions and I never will. I want you to know that I am a normal businessman. The reason I went to Afghanistan was, if there is any chance in the future that something were to happen with the Chinese, I would be able to help the Uighur people. I don't know if that will happen or not. If I get out of here, I will never do anything against the United States or the coalition forces, that's not my intention. I would like to find some place to live in peace. That is what I want you to know about who exactly I am. We have been staying here under really good conditions and we cannot say anything bad about the United States. Speaking for myself, if I get out of here, I will say good things about America because they have treated us in here really good. I could never say anything bad against the United States.

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

Detainee: Yes.

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: No ma'am.

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

Tribunal Members' questions

Q. Are you a member of any political parties or groups?

A. No, I have never been a member of any party or organization in my life.

Q. Are you aware of any Uighurs fighting against the U.S. or coalition partners?

A. No, I don't know.

Q. Have you ever heard of a group known as ETIM, Eastern Turkistan Islamic Movement?

A. No, I don't know anything about that. The camp in Tora Bora was only Uighur people. What I heard was, it was for people who wanted training to fight back against the Chinese, that's the reason why I went there. It was just temporary for me. Some people come and leave and it's their own choice if they want to stay longer and then they might offer them some kind of party membership or something. They didn't offer me any partnership or anything like that.

Q. How did you find out about that training camp?

A. When I arrived in Pakistan, I met another Uighur named Abdulla Salim (ph) who told me that since I couldn't get a visa, that I should go to Afghanistan and stay there until my paperwork was finished. He said that he would let me know when it was finished and could come back to get it and would be able to travel wherever I wanted.

Q. Why did you want to go to Turkey?

A. In Kyrgyzstan, the business wasn't really good and if you go to the market sometimes the Chinese would arrest us or fine us more for the business that we do. In Kyrgyzstan, we heard that there was a famous Uighur factory making leather jackets. This person was coloring animal skins and he was really good, so we decided to go to Turkey and work in that factory. We heard they were paying good money and so we wanted to go to Turkey.

Tribunal Member: Thank you. I have no more questions.

Detainee: Let me explain some more about Kyrgyzstan. One time when I was in Kyrgyzstan, I had my passport in my jacket pocket and when I went home to change my

jacket, I forgot to get my passport from the other jacket. I went to the store to buy some things and when I finished, the police stopped and searched me. They said that they were going to arrest me because I didn't have a passport. I told them that I had a passport but I left it in my hotel room. I told them that I could bring it to them or one of them could come with me so I can show it to you. They wouldn't listen me. Another Uighur person came and tried to help me but it didn't work. We were fined 500 Tyiyn. Most of the time, even when you have all of your legal documents with you and the police stop you, the police still ask you to give them money because their salaries are way too low and they make more money from people like us.

Tribunal Member: Thank you.

Tribunal President's questions

Q. When you traveled on from Kyrgyzstan to Pakistan, did you have a passport to legally travel then?

A. Yes. It was legal and I had all the documents.

Q. And then going on to Afghanistan, likewise did you have a passport?

A. We left (inaudible). We passed through the Afghanistan and Pakistan border and there is no person there to ask you for a passport or anything. You can pass the border like you're walking on the street. There are soldiers on both sides but nobody asks for paperwork.

Q. Weren't you worried about getting back from Afghanistan into Pakistan without a passport?

A. No, because when you going into Afghanistan without a passport you can go back to Pakistan without a passport. It's the same thing because nobody asks for a passport or visa.

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

Detainee: Also, I'd like to thank you.

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

Detainee: We've been here for three years and we want you to look at our cases fairly. I do believe that America will determine our cases fairly but would like you to speed up the process.

Tribunal President: Personal Representative, do you have any evidence or does the Detainee have any previously approved witnesses to present to the Tribunal?

Personal Representative: Madame president, I have no other evidence but I do have one witness.

The Tribunal President explained to the Detainee how the Tribunal would be conducted with the witness.

The Tribunal President called for brief recess to allow the witness to be brought into the Tribunal room.

During the recess the Tribunal President directed the Tribunal to go back on the record to allow the Detainee to make an additional statement.

Tribunal President: You (the Detainee) have something to add?

Detainee: Earlier you smiled. As I've grown up, I've been unable to smile much. I don't want you to think that I am unhappy to be here in the Tribunal. I am happy but I cannot smile. My parents used to tell me all the time that I need to smile and not to look like I'm getting upset or anything.

Tribunal President: That's fine. We don't think that.

The Tribunal went back into recess to allow the witness to be brought into the room.

After a short recess the Tribunal is re-opened with the witness present.

Tribunal President: This case is now reconvened with the witness in the room. Please state your name for the record.

Witness: Abu Bakr Qasim.

Tribunal President: You are here today to testify in the case for Adel Abdulhehim?

Witness: Yes.

Tribunal President: Are you willing to do so at this time and do so under oath?

Witness: Yes, I will testify for him.

Tribunal President: Recorder, please administer the oath.

Witness: I heard that oath and I would like to do my oath under a Uighur cultural oath.

Tribunal President: Yes, as long as you swear to tell the truth.

Witness: We like to do oaths with the Quran. It makes it stronger. I will swear that this person did everything and I will tell it as accurately as I can. I promise I will tell the truth.

Tribunal President: You (Detainee) may go first. Do you have any questions for the witness?

Detainee: I have no questions.

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

Personal Representative's questions to witness:

Q. You (Witness) traveled with him (Detainee) from Kyrgyzstan to Pakistan to Afghanistan is that correct?

A. Yes.

Q. Do you know where your passport is right now?

A. I don't know.

Q. Did you take it to Afghanistan with you?

A. The person in Afghanistan was trying to get all the paperwork for my visa to Iran. He said that he needed my passport to get all the information and needed to keep my passport. I was supposed to get back my passport when the paperwork was completed.

Personal Representative: Thank you, that's all I have.

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

Recorder: No ma'am?

Tribunal President: Tribunal Members, do you have any questions for the Witness?

Tribunal Members' questions to witness:

Q. Sir, how long have you known this gentlemen, indicating the Detainee in question?

A. I went to Kyrgyzstan from my country in approximately 2000. We met in Kyrgyzstan at a Bazaar. We had about the same situation having left the country and trying to do business. We had the same business in common so we started doing business together in Kyrgyzstan.

Q. Where did you intend to travel to from Kyrgyzstan?

A. We were trying to go to Turkey to work for this manufacture. Because when I worked in my home country, I worked in manufacture as well and then this businessman from Turkey came. In Kyrgyzstan the business wasn't good. We couldn't go to the market to do business freely because the police give us a hard time and ask us for money from us. A couple of times they killed some people for not giving them money. We had a hard time doing business and wanted to go to Turkey. I told him (Detainee) and he agreed so we were going to travel together to Turkey.

Q. As far as you know is he (Detainee) a member on any political parties or groups?

A. We are Uighurs. We don't usually accept membership from any other party or organization because the Chinese government always accuse us of belonging to these groups and imprison many Uighurs. We've seen this and that's why we don't want to be members of any parties or anything like that. The Chinese will put you in prison for three or four years just for mentioning the name of Kyrgyzstan, so forget about being a member of some kind of party.

Q. Have you ever heard of the Eastern Turkistan Islamic Party?

A. When I was at home in my country, I heard of some Turkistan Uighur Liberation Party or some kind of organization's name but when I left my country, I did not see anyone from such an organization. I didn't see anyone.

Q. You were trying to get a visa in Pakistan and from there were you trying to go through Iran or direct to Turkey?

A. I mentioned in the past here that we didn't have enough money to try and purchase plane tickets. There is a bus service from Pakistan to Iran and from Iran to Turkey. We tried to get the bus because it was cheaper.

Tribunal Member: Okay, thank you very much. No more questions.

<u>Tribunal President's questions to witness:</u>

Q. Did you go to the camp with the Detainee?

A. Yes.

Q. What did you learn at that camp?

A. We stayed there approximately three months. The first two months we learned how to read the Quran and we did construction work building houses. The last month they trained us on rifles.

Q. Who ran this camp?

A. When they introduced us, there was a person named Abdul Hag (ph). He was the person running the camp.

Q. When you fled the camp and went into the mountains, what did you do there?

A. We stayed in a cave in the mountains and we were hoping that some Uighur would come up from the city to take us somewhere else. We didn't know how to get anywhere else and we stayed there until we ran out of food. We were trying to save our lives in the cave.

Tribunal President: I'd like to thank you for participating in this Tribunal today. At this point we will take a brief recess while the witness is removed from the room.

The Tribunal took a brief recess to allow the witness to be removed from the room.

The Tribunal was re-opened with the witness absent.

Tribunal President: The Tribunal is reconvened with the witness having been removed from the room. During the recess we realized we needed to verify one of the translation points. This is in reference to point number four in the Unclassified Summary of Evidence. At this point we are going to read the point again and if you could respond fairly slowly so that the translator can be sure to get what you say.

3.a.4. The ETIM operated facilities in the Tora Bora region of Afghanistan in which Uighur expatriates underwent small arms training. These camps were funded by Bin Laden and the Taliban.

Detainee: When we arrived from Pakistan to Jalalabad, they told us about the place in the mountains and took us there on the second day but I did not know the place was called Tora Bora. When I arrived in that place for the first couple of months, I read the Quran and did other construction work for the housing. After that, we had some training on the Kalashnikov. That training was for us to fight the Chinese government and not to fight the U.S. government or coalition forces or other countries. We didn't want to go right back China after training to fight them. I was trying to go to Turkey to do my business. If something were to happen, then I would go back with other young Uighur men to fight the Chinese government. That is if it happened, but I'm hoping that my country will be liberated peacefully, that would be great. The camp in Tora Bora was close to a village. If you talk about the funding issue, I don't know if it was being funded by the Taliban or Bin Laden and also what I understand that Axsom Mesom (ph) was a businessman but my personal understanding was that it did not need financial support. Usually we eat in the morning, just tea and bread and some kind of food for lunch and rice without meat dinner. We got meat twice a week so I don't think they needed financial support from anywhere else. Also, some Uighur patriots would help financially because we were trying to fight back with them for their independence and so they support our mission as well. That is all.

Tribunal President: Thank you. All unclassified evidence having been heard this concludes this Tribunal session.

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

AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President