Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "Yes."

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process, the Detainee answered, "Yes."

Detainee: I was told I had the right or the opportunity to have a witness. There is a witness here in the detention facility that I want to present.

Tribunal President: I will address your witness request later in the process.

Detainee: When the documents were given to me explaining this Tribunal, I did not understand the classified information. If there is a secret witness that testified against me and secret information how can I defend myself if I don't know what this information is?

Tribunal President: First about what is classified. I will read you our definition. This might help you. Classified information, what you called secret information, is information that the owning government agency has decided could cause damage to our National Security if released. This Tribunal does not have the authority to change that decision. I will add to that to answer your second question about how you can defend yourself.

Detainee: How can I against a witness that testified against me?

Tribunal President: I will explain that. We can have the information as a Tribunal, which we will hear later. We have not seen it. If you remember our oath, we will promise to do our best to judge it in this case. Your Personal Representative has also reviewed it and will point anything out to us that we need to consider in our decision. We cannot provide this information to you because of its classification. Does that help explain?

Detainee: I understand.

[After the Recorder requested a closed session to present classified information the detainee wanted to ask a question.]

Detainee: What he read, the unclassified, and what the Personal Representative read to me, there are differences.

Tribunal President: Yes there are differences, I understand, shortly you will be given a chance to address them.

[The above exchange is addressed on page 5 of this document.]

Tribunal President: I notice from your election form that you requested a witness who was with you when you were fleeing Jalalabad into Tora Bora and was also with you when you were captured. It that correct?

Detainee: Yes.

Tribunal President: You also believe that the witness would testify that you did not distribute weapons and did not fight in Kandahar.

Detainee: The witness was going to testify that I was not in Tora Bora and that I had no kind of weapon to distribute and that I was not fighting. There were no weapons in the area that I was staying in. This is important to me. Because I didn't know how to use a weapon, I did not carry a weapon, and this person was with me in Tora Bora.

Tribunal President: I have determined that the witness is not available to attend any of your open sessions. I have directed the Personal Representative to investigate available other information to present to this Tribunal in an appropriate session. That is my ruling on the availability of your witness at this session. The information may be available in another part of this hearing.

Detainee: To me it is not important that this witness is not here now, but it is important that you hear what this witness has to say.

Tribunal President: Do you wish to make a statement to this Tribunal?

Detainee: Yes.

Tribunal President: Would you like to make your statement under oath?

Detainee: Yes.

[The detainee was sworn using the Muslim oath.]

Tribunal President: You may now proceed.

Personal Representative: Do you wish to address each of the points as we did in our interview?

Detainee: Yes

Personal Representative: 3.a.1. (The detainee left Mashad, Iran and headed to Afghanistan seven to eight days before the 11 September 2001 terrorist attacks in the United States.)

Detainee: I went to Mashad, which is in Iran. I went from Mashad to Afghanistan seven to eight days before the incident. I am not a resident of Mashad. I went there ten days before I went to Afghanistan. The reason I went to Mashad was because I was going to Quetta city in Pakistan. There is a U.N. office in Quetta. I am Palestinian and I have a wife and two children and we don't have any official identification. I wanted to go to the U.N. to solve that problem. My children are growing up and they will soon need identification and official papers for school. I went to the U.N. to get the paperwork but the U.N. takes a lot of time before you can get an appointment. The time period was a problem for me for two reasons. Because my family has no identification or paperwork and I would have stayed in Iran or Pakistan any longer we would have had a problem with the government. For that reason I decided to stay in a place where there was not a problem if you did not have identification. That is why I chose to go to Afghanistan. I chose Jalalabad because I heard it was the quietest city with few problems. The second reason was to get a job so I could support my family. I looked for a job and a house. At that time the problems began happening and I was forced to go to Tora Bora.

Personal Representative: 3.a.2. (While in the Al-Farouq training camp in Afghanistan, the detainee was in charge of delivering food to caves.)

Detainee: I asked one of the detainees here that was at the Al-Farouq training camp to describe the camp to me. He said the camp did not have any caves. As far as food, the people gather in one place to eat. The people who give the food are cooks. The cooks are Afghani citizens. I asked the detainee who gave me the information about the camp to be a witness, but he told me no. He will not talk to anybody and did not attend his Tribunal.

About the accusation that says I trained in the camp. I also asked the detainee about this and he said during the incident of 9/11 there was nobody at the camp training. It would be impossible for me to get training in seven or eight days.

Personal Representative: 3.a.3. (When Jalalabad was overrun by the Northern Alliance, the detainee fled into the Tora Bora mountain region.)

Detainee: Like I said before I was in Jalalabad. I had a job and when the coalition forces entered Jalalabad I was not fired and had no problems with the coalition forces. So why would I run away. The problem happened when the coalition forces accused the Arabs of killing Massoud. He was their top leader. They were looking for any Arabs. People said they were killing Arabs. For that reason I was afraid and ran away. If you look at a map, the coalition forces were coming from this direction so of course I am going to run the other way. And the way I ran was toward the Tora Bora Mountains. I was forced I had to go that way.

Personal Representative: I would like to go back to the second point. 3.a.2. (While in the Al-Farouq training camp in Afghanistan, the detainee was in charge of delivering

food to caves.) You stated to me in our interview prior to coming here you had never heard of or knew of Al-Farouq, and that you never entered or went to Al-Farouq.

Detainee: Yes.

Personal Representative: 3.a.4. (The detainee admits that he was at the Tora Bora camp and was responsible for distributing supplies from the central supply point.)

Detainee: I would like to ask a question to clarify something. Can someone explain to me responsible? What do you mean by being responsible?

Tribunal President: All I have is what you have. I read this as you admitted to being responsible for distributing supplies. In charge of moving the supplies out. We don't know what the supplies are. It could be anything.

Detainee: Responsible means two things to me. To me it means that I take this product and then I go to a place and give it to them and then go to another place and give them the same product. Or it could be that I was responsible for the paperwork.

If I was responsible for distributing a product from one place to another then I am not responsible for the product. I didn't know this area so this was not my job. The place I was at had six Afghans that were responsible for distributing the food. So I wasn't responsible for distributing.

I was not responsible for the paperwork. A person by the name of Abdul Kadus was responsible for the paperwork. The paperwork came from a man for moving the product from one place to another. My only responsibility was to look at the paper and tell the Afghan to get only what was on the paper. When I went to the mountain I met with Abdul Kadus and he was responsible for the mountain. He asked me if I knew how to use a weapon. I told him I didn't know how to use any weapon. For that reason he sent me to where the food was at. The next day he told me I could stay there until they got me someone who could help me to the border of Afghanistan. There was no kind of weapons there.

Personal Representative: 3.a.5. (The detainee was trying to get to Pakistan and was captured by Northern Alliance forces as he fled Tora Bora, through Wazir village and on the way to Jaloalabad.)

Detainee: Kadus came and told me this Afghani will take you to the Pakistan border. The Afghani took me to a village called Wazir at night. We went to a house in the village where the Afghani spoke with the person from the house. I couldn't understand what they were saying. I stayed at the house with the family for about a week to ten days. One night an Afghani came to the house and told me he would take me to Jalalabad. He said he would take me there until they could get me to Pakistan. He had a pickup with two boxes. The person sitting next to the driver had a weapon. There were also six or seven

Afghans in the back that had weapons. We were supposed to go secretly and I did not understand what they were doing and I couldn't do anything. When you first get to Jalalabad there is a security checkpoint. They stopped the vehicle and the driver and the passengers got out. Three people from the checkpoint came over to us said we were Arab and told us to come with them. They took us and the others got back in the vehicle and left. They took us to a prison. The next day the commander of the checkpoint told me they would get paid $5000.00 for me. He said if I could pay him more than that he would release me. I didn't have any money. The next day vehicles came and they took me from Jalalabad to a Kabul prison. The commander of the prison told me they got paid $10,000.00 for me. One month later I was given to the Americans in Bagram.

Personal Representative: Who was with you during the capture and on the mountain?

Detainee: Fouad Al-rabia he came down from the mountain with me. It was him, some Afghans and I. The same amount of money that was offered for me was also offered for him. We were given to the Americans in Bagram and I haven't seen him since.

Personal Representative: 3.b.1. (The detainee trained in hand weapons at Al-Farouq and later fought at Kandahar.)

Detainee: That is the difference from what I was read and what he (the Recorder) read before. What he read there says military action against the coalition forces or the United States. And it says I fought in Kandahar. To me this is very important because the word fight has no limit. The accusation against me is that I fought against the coalition forces in Kandahar?

Tribunal President: That's the allegation.

[Note: The Tribunal recognizes that the recorder's summary of the unclassified evidence may have confused the detainee in the hearing, specifically the reference to paragraph 3.b in general as compared to the specific subparagraphs under 3.b. The detainee recognized the difference as indicated in the transcript above and responds to the specific accusation of paragraph 3.b.1 from exhibit R-1. After the hearing, the Personal Representative confirmed that he did not specifically address paragraph 3.b with the detainee but concentrated the detainee's attention to the specific accusations of the subparagraphs under 3.b. The Personal Representative stated that the entire Unclassified Summary was read to the detainee in the initial interview and that the detainee understood the allegations.]

Detainee: As far as the Al-Farouq training camp. I mentioned before I came to Afghanistan seven or eight days prior to the incident in the United States. From the information I got from the detainee about the camp in Kandaher. I asked the detainee to describe Kandahar. From what you have told me I trained for seven or eight days on weapons. Let's say the detainee was not telling the truth. The Americans start attacking Afghanistan about a month later. After the attack there was on one at the training camp

because I am sure the Americans knew where it was. It would be attacked no one would be there. For that reason I would have about a month and seven days. Is this enough time for me to get trained and then distribute weapons?

There is something I would like to note in the accusations. They keep saying that I am responsible, responsible, and responsible. Is it possible for a person to be responsible after being in Afghanistan for only eight days?

About fighting in Kandahar. From the time I left Mashad to Jalalabad. I came from Mashad to Herat, to Kandahar, to Kabul, and then to Jalalabad. This is the way I traveled. So when I see Kandahar and Kabul and Jalalabad. Kabul is between Kandahar and Jalalabad. You know the first city to fall was Kabul, then Jalalabad, and then Kandahar. If I was at the attack in Jalalabad when the coalition forces entered I was in the Tora Bora Mountains. So when Jalalabad fell Kandahar had not. So when was it that I was fighting? Let's say that I was in Kandahar fighting the American forces. I was in Kandahar, it was the last city to fall. Then I was arrested in Kandahar because it was the last city to fall. But I was arrested at the beginning in Jalalabad.

Personal Representative: 3.b.2. (The detainee was at Tora Bora and had responsibility for distributing food and weapons supplies to Taliban and Al-Qaida soldiers throughout the Tora Bora area, and he often met with and talked on the radio with Usama Bin Laden.)

Detainee: There were no weapons in Tora Bora. In the investigation I was never accused of distributing weapons. They showed me a picture of a detainee here and told me he was responsible for distributing weapons in Tora Bora. They asked if I knew him and saw him on the mountain. There were no weapons and I didn't see this person. So why now am I being accused of distributing weapons? You can ask the witness I requested about the weapons. There was food only. I did not carry weapons.

Imagine the mountains being attacked twenty-four hours a day. Under these conditions I would be meeting with Usama Bin Laden whenever I want? And I was calling Usama Bin Laden. You are military, you know what I am saying. If we used the radio, wouldn't the American forces know exactly where we were at. And they would hear his voice. Why did they come to the Tora Bora Mountains to hear me talk to Usama Bin Laden? There is no reason for me to call Usama Bin Laden. Usama Bin Laden is not stupid. You are in Afghanistan and you have not seen Usama Bin Laden. This proves that he is smart. He wouldn't be stupid and take a call from me. He is not stupid enough to have some one that has been in Afghanistan for only a few days at a level of that importance. If I had met him I would have used the way he did to escape. The accusations say I am a close friend of Bin Laden so why wouldn't I take the same way through Tora Bora. Why am I here handcuffed and Bin Laden is not.

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

Summarized Answers in Response to Questions by the Personal Representative

Q. The evidence says that you were in charge of delivering food, responsible for supplies and that you talked with Usama Bin Laden many times on the radio. I want this to be clear. The point you were trying to make to the Tribunal was how could you be so important in so many places and be in the position to be friends with Usama Bin Laden, if only in Afghanistan for approximately one month.

A. It's impossible.

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

Personal Representative: No sir.

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

Summarized Answers in Response to Questions by the Tribunal Members

Q. Where was your family during your travels to Iran and then into Afghanistan?

A. They were in Iran.

Q. So they stay in Iran while you went to get the papers?

A. They were in Iran and I was to go to Afghanistan and find a good place to live, a good job, and then I would bring them over.

Q. You were not able to bring your family to Afghanistan yet?

A. Because of the pressure of not having a place to live or hard times, my family could not survive there alone.

Q. Had you ever been in Afghanistan before this trip?

A. No.

Q. Were you ever in the Al-Farouq camp?

A. No.

Q. You stayed in Jalalabad for a number of weeks, did you find a job there?

A. Yes.

Q. What was that job?

A. I met a person there and this person worked in sheep trading. He had an Afghani partner with him. I became the third partner. That was my job.

Q. When you described your time in Jalalabad you said that people there accused the Arabs of killing an important person. Who was accusing? Were they coalition forces or Jalalabad leaders, Taliban, who?

A. The Northern Alliance, which are the forces of Massoud, they were the ones that said it. When I was in the Kabul prison they tortured us for the month we were there.

Q. You provided statements regarding your work in the Tora Bora Mountains. And if you would just confirm for me that you were in the Tora Bora Mountains and if you can explain a village or a place in the mountains. It is a very large area.

A. Tora Bora is a mountain area. It is a group of mountains. When I went from Jalalabad to the mountains I met the person named Kadus, it was at night. From what I understand from walking the area was on a slope of the mountain. We walked for a long time. There were caves and we stayed in the caves.

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

Detainee: No.

AUTHENTICATION

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

[redacted] Col, USAF
Tribunal President

Summarized Detainee Statement

When asked by the Tribunal President if he understood the CSRT Process, the Detainee answered, "yes."

[The Tribunal President requested a short recess to have a loud noise outside the Tribunal room squelched.]

After electing not to take an oath, the Detainee made the following statement with respect to the allegations on the Unclassified Summary of Evidence:

In regards to number one, [which reads, "The Detainee arrived in Afghanistan from Yemen via Pakistan."] I traveled officially from Yemen to Pakistan. I had an official passport from the government. I was given the visa by Pakistan to go from Yemen to Pakistan.

Number two, [which reads, "The Detainee traveled to Afghanistan for military training to prepare to fight."] I didn't travel to prepare for the fight. I went there to get married and for a change of environment.

Number four, [which reads, "The Detainee provided general information about an Al Wafa office in Kabul."] I had no relationship with Al Wafa or any other organization. To prove I have no relationship with the Al Wafa organization, the interrogators told me the President of Al Wafa is here at this prison. Go and ask him if I had any relationship with the organization or if I worked for them.

Number eight, [which reads, "The Detainee received mortar training while serving in the back lines."] I never received any mortar training. When I was in the Kandahar prison, the interrogator hit my arm and told me I received training in mortars. As he was hitting me, I kept telling him, no I didn't receive training. I was crying and finally I told him I did receive the training. My hands were tied behind my back and my knees were on the ground and my head was bleeding. I was in a lot of pain, so I said I had the training. At that point, with all my suffering, if he had asked me if I was Usama Bin Ladin, I would have said yes.

Regarding 3.b, [which reads, "The Detainee participated in military operations against the coalition."] Two, three, four, and five are all related to the same thing. I had never been to Tora Bora. It is true I was injured in the American raid in Afghanistan, but it wasn't in Tora Bora. I had nothing to do with Tora Bora, and no one from here or anywhere else can tell me I was there.

What is my crime? Because of the United States, my hand is handicapped. I can't work. I can't do anything because of my hand. Am I an enemy of the United States? I never knew any Americans until I came to this prison. Americans should know who their real enemies are. What is my crime for being here for three years? That is all I would like to say.

Questions to Detainee by Tribunal Members

Q: You speak Arabic, correct?

A: Yes.

Q: You went to Pakistan for a wife?

A: Yes, I did.

Q: They speak Pashtu in Pakistan, correct?

A: I don't know.

Q: You didn't answer allegations in section a, numbers 3, 5, 6 and 7. Are those true?

A: I'd rather keep silent.

Q: You say the President of Al Wafa is here. If you know that, what is his name?

A: I don't know.

Q: How did you pay for your trip from Yemen to Pakistan?

Detainee: Am I free to answer or not?

Tribunal President: Yes.

Detainee: I already talked about this before.

Tribunal President: We are not privileged to any of the information that you may have given to interrogators. We need to have answers to these questions to make an appropriate decision.

Detainee: I can't answer.

Tribunal President: Are you willing to answer any other questions?

Detainee: I am complaining and holding the United States responsible for what happened to my arm. They threw things and shot at anyone that was on the ground. First, they have to know who was fighting them and who wasn't, not just bombarding and throwing bombs at everyone on the ground.

Tribunal President: Does that conclude your statement?

Detainee: Yes, that is it.

Tribunal President: Would you like to answer some questions?

Detainee: No, I don't want to.

AUTHENTICATION

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

[redacted]

Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

[The detainee elected not to be present at this Tribunal]

Tribunal President: Personal Representative I understand that you have information to present to the Tribunal on the detainee's behalf.

Personal Representative: Yes sir. After the detainee looked at the unclassified evidence we went over the individual points. I will be grouping some of the points together as many of them are related.

Personal Representative: On the first two points:
3.a.1. (The detainee voluntarily traveled from Yemen to Afghanistan in November 2000 to fight the Jihad.)

3.a.2. (The detainee stayed at a Taliban guesthouse in Quetta, Pakistan during his travel to Afghanistan.)

Yes he did voluntarily travel from Yemen to Afghanistan. He noted that this was well before the September 11th 2001 attacks. He was there in November 2000 and he did admit that he went there to fight in the Jihad not against the Northern Alliance and against the Americans.

Regarding him staying in a Taliban guesthouse. Yes he did stay in a Taliban guesthouse. The Taliban was the recognized government by many countries prior to September 11th.

Personal Representative: 3.a.3 (The detainee stayed at an Al-Qaida guesthouse in Kandahar, Afghanistan.) He did stay at a guesthouse in Kandahar but had no idea or purpose or understanding that it was an Al-Qaida guesthouse. He stated many Arabs stayed there. It was before 2001 and there was no sign stating it was an Al-Qaida guesthouse.

Personal Representative: On 3.a.4. through 3.a.9. all relating to the training, I will group those together:

3.a.4. (The detainee trained at the Al-Farouq training camp.)

3.a.5. (While at the Al-Farouq camp; the detainee was trained on the Kalashnikov rifle, PK machinegun, Makarov pistol, and Rocket Propelled Grenades RPG's).)

3.a.6. (The detainee was also trained in trench digging, disguise, mountain climbing, map reading, and orienteering at Al-Farouq.)

3.a.7. (The detainee returned to the Al-Farouq camp for advanced training, which consisted of preparation for fighting and reconnaissance techniques.)

3.a.8. (The detainee was at Al-Farouq on the separate occasions when Usama Bin Laden lectured.)

3.a.9. (The detainee also received training at the Kandahar airport. This training was in personal security, survival skills, how to obtain a passport without drawing attention to one's self and how to get through customs.)

The detainee stated that when he was captured and brought to the Karachi prison lots of people were being tortured. The detainee had his papers and passport going into prison. He was told that he would go home. He was taken to a prison known as the prison of darkness. At that prison there was very bad torture conducted on people in there to include the detainee. He said his testicles were disfigured to the point where they cannot be repaired and he showed me some dark scar marks on his face and said they would never heal. He said the torture was so bad that he knew by making up and agreeing to the training that it would stop the torture. When he was first brought to the United States he was terrified thinking he would be tortured. Later he found out that he would not be hurt or tortured. This was true. As a result of the lessening of the fear he told the interrogators the truth about when he was in Afghanistan.

Personal Representative: On 3.a.10. through 3.a.13.

3.a.10. (The detainee assisted the Taliban on the front lines near Kabul, Afghanistan.)

3.a.11. (The detainee stated that he fought on the front lines for one week.)

3.a.12. (The detainee was in Afghanistan during the fall of Kabul.)

3.a.13. (The detainee was arrested in a guesthouse in Karachi, Pakistan on 11 September 2002.)

The detainee stated he was in Afghanistan for one week. He was only on the front lines for one week. He had no military experience therefore he was not put on the line permanently. There was no action or no fighting and he was there out of curiosity and to stand guard.

Tribunal Member: Did he say when this was roughly?

Personal Representative: He said he went to the front line in 2000. In 3.a.10., he said yes, but he had no experience, he was at the back of the lines and his functions were to bring supplies back and forth. He assisted with bringing the supplies and went to the front line for a one-week period. But he did not fight.

In 3.a.11., it states that he fought on the front lines. The detainee stated that he did not. There was no fighting but he was given a weapon.

On 3.a.12., yes he was in Afghanistan during the fall of Kabul and was subsequently arrested in Karachi Pakistan on 11 September 2002.

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

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.

Tribunal President: The detainee election form states you want to participate in the Tribunal. It also identifies you requested 3 witnesses; this Tribunal approved your request for witnesses. We made a request to the Department of State to contact your embassy of Afghanistan. The Afghanistan Embassy was to locate your Brothers. We didn't get a response from the Embassy. We have not heard from the witnesses. Do you understand?

Detainee: Yes, I understood, I live close to where the American forces are. Americans can even take it to them.

Tribunal President: I understand but if we don't have cooperation from the Afghanistan Embassy then we cannot do anything without their authorization. Do you understand?

Detainee: Yes.

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 states to the detainee he may now present any evidence/information to the Tribunal with the assistance of his Personal Representative.

Detainee: About these allegations, the Personal Representative talked to me about them. These allegations are not based on the truth; they are lies. It was in the evening when Afghan and American forces came to my door and....

Tribunal President: Before you continue would you like to make your statement under oath?

The Detainee took the Muslim oath.

Tribunal President: Would you like the Personal Representative to read the allegations one by one; then you respond to the allegations. You will then have the opportunity to add any statement after that.

Detainee: Yes

3.a.1. The detainee purchased explosives from an individual who is known to sell high explosives to anti-coalition militants.

Detainee: This is all not correct.

3.a.2. The detainee is an anti-coalition militia member.

Detainee: This is all not correct.

3.a.3. The detainee purchased a Kalashnikov rifle, six magazines, two hand grenades and one American Bolt-Action Clip-Fed rifle from a shop in Kabul.

Detainee: This is a lie that I bought this from Kabul. I bought it in Gardeyz, and that was a long time ago – when the mujahideen were fighting against Russia.

3.b.1. The detainee is responsible for a rocket attack on the Gardeyz Firebase.

Detainee: This is not completely correct.

Tribunal President: Would you like to add any additional information.

Detainee: I am innocent. Why have I been here for two years? Well not two years, but one year and a few months. I am innocent. Why are you keeping me here? This is my statement: if someone has proof on me; they have to bring it forward. Otherwise, they don't have to keep me in here; it's a waste of time.

Personal Representative Questions.

Q. The weapons you had, do you remember what year you got them.
A. I bought the Kalashnikov when the mujahideen were fighting the Russians. The rest of them I bought at that time. I am not sure of the year.

Q. Why did you buy the gun?
A. We were scared; the location of my house is out alone. This was for our protection, for the house.

Q. Was the gun bought or did your father give it to you?
A. The gun was from the United States; it was bought by my father. I purchased the rest of them.

Neither the Personal Representative nor the Recorder had any further questions.

Tribunal Members' Questions.

Q. Did you ever buy hand grenades?
A. Only 2 of them.

Q. Did you ever use them?
A. No.

Q. What is your occupation?
A. My father was a jeweler, and I knew a little about it. My father was a cattleman and sheep farmer, and that is what I like to do. I would also take them to the center to sell them.

Q. What province are you from?
A. Gardeyz.

Q. When you were arrested, was anyone with you or were you alone?
A. My brother was with me.

Q. Just one of your brothers?
A. Yes, only one.

Q. Did you have any weapons when you were arrested?
A. No, it was at my house.

Q. Not with you?
A. No.

Q. As far as you know, is your brother still in custody? Or, was he released?
A. When I asked the translator, he said that my brother was released.

Q. Did you know about the attack at the Fire Base?
A. No.

Q. Did you hear rockets or grenades going off in the distance?
A. Yes, sometimes I could hear the sounds of guns.

Q. Why did you have hand grenades?
A. When I bought that gun, the owner told me if I want them he would give them to me.

Q. Did you ever tell anyone that you were responsible for a rocket attack on a firebase?
A. No, I didn't.

Q. Do you know if anyone has reason to lie about you?
A. I just know that, when they brought me here, they asked me: why are you here? I told them I didn't know why. They asked me if I used rockets against the military place, and I said, "No". They asked me about my enemies. Do I have animosity with anyone? I told them "Yes".

Q. Do you have enemies who made up these allegation against you?
A. When I was interrogated, I said the names of two people. Then, later on, I thought that maybe it wasn't them.

Q. Have you ever fought with Taliban against anyone?
A. I have never fought in my life.

Q. Do you have any association with anyone from al Qaida?
A. No, I swear to God I didn't know what al Qaida was. When I came to the camp, they described them to me. I thought all Taliban was supposed to be al Qaida.

Tribunal President's Questions.

Q. Did you use the weapon that you purchased?
A. No, only one time at a wedding party. I used two magazines.

Q. Were you ever approached to join the Taliban or al Qaida?
A. No. Why should I do that? I was too busy working.

Q. Are there groups of Taliban in your province?
A. I swear I don't know anybody in our area. We only have 10 to 12 houses over there. The rest of the people from those houses went to Pakistan as refugees. Most of them left when Russia attacked.

Q. Is anyone in your town a Taliban soldier?
A. Yes. At the checkpoint, not too far from us, they are there.

Q. Did they have any control of the area?
A. Only the checkpoint.

Tribunal President: Is there any other comments you want to add?

Detainee: No I have said all I wanted to say. I am innocent.

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

Summarized Detainee Statement

Tribunal President: Hani Abdul Muslih Al Shulan, you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so.

Tribunal President: Do you wish to present information to this Tribunal and would you like to make your statement under oath?

Detainee: I do not wish to take the oath, but I will answer the questions.

Tribunal President: Good, you may begin.

In response to allegation 3a, Detainee supported the Taliban and allegation 3a(1), the Detainee arrived in Afghanistan in approximately July 2001, from Yemen via Pakistan.
Detainee: Please repeat that information.

Personal Representative read the allegations to the Detainee again.

Detainee: I do not recall the date that I arrived in Pakistan.

In response to allegation 3a(2), the Detainee resided in Taliban safe houses during his travel to and within Afghanistan.
Detainee: I had to stay in a place that was safe.

Tribunal President: I would just like to remind everyone to speak up, so that the reporter can hear it on the tape.

Detainee: Do you speak Arabic?

Tribunal President: No, but we have to record everything.

Detainee: Fine.

In response to allegation 3a(3), the Detainee traveled to Afghanistan in response to a fatwa for the purpose of fighting coalition forces.
Detainee: I did not say that during the interrogation.

Personal Representative: Do you have more to add to that?

Detainee: I did not go for the fatwa purpose. An interrogator asked me that question, there are other people that go for the purpose of fatwa but I did not go there for that purpose.

In response to allegation 3a(4), the Detainee had in his possession at capture a Casio watch, model # A159W, which has been used in bombings linked to al Qaida.
Detainee: I had a Casio watch but don't know the number. Please present the evidence that I used it as an explosive device.

In response to allegation 3a(5), the Detainee was proficient with a Kalashnikov rife.
Detainee: Everybody uses that particular weapon.

In response to allegation 3b, the Detainee engaged in hostilities against the United States and its coalition partners and allegation 3b(1), the Detainee was armed with an AK-47 rifle.
Detainee: I said that I had this type of weapon, but it's not for any enemy activities or to fire at the coalition.

In response to allegation 3b(2), the Detainee was present in the Tora Bora region during the U. S. air campaign.
Detainee: That's not true, I left that place. To leave Afghanistan or exit Afghanistan there was no other way for me to leave except for that place. I did not stay in the mountain.

In response to allegation 3b(3), the Detainee was captured in Pakistan near the Afghanistan border by Pakistani forces.
Detainee: They did not capture me. I turned myself over to them, so I can exit.

Personal Representative: Do you have any final statements you want to tell the Tribunal about the information that says you are a Taliban and that you engaged in hostilities against the United States?

Detainee: I was not doing that.

Personal Representative: That was all there is.

Detainee: That's all I got.

Tribunal President: Would you be willing to answer questions for us?

Detainee: As long as it is related to these accusations I have no problem with that.

Tribunal President: Thank you.

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?

Member: Yes, ma'am. Could you please tell us what your purpose was in going to Afghanistan?

Detainee: To get employment and save money.

Member: Who paid for your travel to Afghanistan?

Detainee: I took the money from my father.

Member: Are you a Yemeni citizen?

Detainee: Yes, I am.

Member: And what was your usual occupation in Yemen?

Detainee: I was not employed; I was a student.

Member: Did you ever have military training?

Detainee: No, I did not.

Member: In the houses you stayed in Afghanistan did you see any members of the Taliban or al Qaida?

Detainee: I don't know which one of these people I saw, al Qaida or Taliban. I did not hear about al Qaida until I was put in jail.

Member: Did you travel with anyone when you went through Tora Bora on your way out of Afghanistan?

Detainee: There were a lot of people.

Member: Were any of them armed?

Detainee: Some of them, they were carrying weapons.

Member: Were you carrying one at the same time?

Detainee: Yes, I was.

Member: Did you receive any injuries while you were in Afghanistan?

Detainee: No, I did not.

Member: That's all the questions I have; thank you.

Member: I have questions ma'am. Who told you that there were jobs in Afghanistan?

Detainee: Nobody told me I went there on my own.

Member: So you did not know if there were jobs there, but you went anyway?

Detainee: I wanted to go to any city or state where I could get a job.

Member: Why did you pick Afghanistan?

Detainee: Because I did not need residence or visas.

Member: How did you know where to go when you reached Pakistan or Afghanistan?

Detainee: There was a man who gave me directions and was guiding me how to get there.

Member: Where did you meet this man?

Detainee: In Yemen.

Member: Who is this man?

Detainee: The name of that man was Saleh Al Raeni.

Member: Was Saleh Al Raeni associated with any mosque?

Detainee: Yes, for sure.

Member: Do you recall the name of the mosque?

Detainee: I meet him at a mosque called Al Forkan.

Member: Do you believe in jihad?

Detainee: That is not included in my unclassified evidence.

Member: Did you go to Afghanistan to fight jihad?

Detainee: The first question was why I went to Afghanistan. I have already answered that question.

Member: I have no further questions.

Tribunal President: Where did you go once you arrived in Afghanistan?

Detainee: I went to Quetta before Afghanistan.

Tribunal President: And then where did you go?

Detainee: And then I went to Kandahar.

Tribunal President: Were you successful in finding employment?

Detainee: In Kandahar I was not successful in getting employment.

Tribunal President: Did you go somewhere else then to go and find work?

Detainee: Yes, I did.

Tribunal President: And where was that?

Detainee: I went to Kabul.

Tribunal President: And you found employment there?

Detainee: No, I did not.

Tribunal President: Did you move on from there?

Detainee: Yes, I did.

Tribunal President: Okay. Where was your next stop?

Detainee: I went past Kabul to a place I can't remember the name.

Tribunal President: I guess long and short of it is, did you find employment ultimately?

Detainee: Yes, I did.

Tribunal President: Okay, and where did you finally find employment at?

Detainee: In the place past Kabul.

Tribunal President: North of Kabul?

Detainee: I do not know, north of Kabul or south Kabul.

Tribunal President: Okay. And what type of work did you finally find?

Detainee: I was a chef's assistant.

Tribunal President: Okay. If you found work, then what caused you to want to leave Afghanistan?

Detainee: All the problems that had taken place between the States and I had no intention of getting involved.

Tribunal President: How did you go, leaving from the area around Kabul headed out of Afghanistan?

Detainee: I took the car.

Tribunal President: Okay. You said that you did go through the Tora Bora region?

Detainee: Yes, I did.

Tribunal President: What was your destination? Was it to go to Pakistan?

Detainee: I wanted to go back to Pakistan.

Tribunal President: According to this, I understand you didn't make it out of Afghanistan?

Detainee: Can you repeat the question?

Tribunal President: It is my understanding you did not make it out of Afghanistan. You were captured in and surrendered--

Detainee: I turned myself over to the Pakistani.

Tribunal President: In Afghanistan?

Detainee: Not in Afghanistan.

Tribunal President: In Pakistan.

Detainee: In Pakistan.

Tribunal President: Can you remember when you were captured?

Detainee: August 3rd.

Tribunal President: Can you tell us what year?

Detainee: I don't remember the year, but it is the same year I turned myself over.

Tribunal President: I want to thank you for participating in this Tribunal today. Hani Abdul Muslih Al Shulan, do you have any other evidence to present to this Tribunal?

Detainee: I have no further questions or statement to make, but do you have any proof to support these allegations that you presented to me?

Tribunal President: The only thing that we have seen at this point is the unclassified summary. That's all the information that we have.

Detainee: On what basis do you accuse me of all these allegations?

Tribunal President: This was prepared for us. So until we see the other documents we have no idea.

Detainee: Fine.

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

Personal Representative: No, ma'am.

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

AUTHENTICATION

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

[redacted]

Colonel, US Army
Tribunal President

Summarized Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. When asked if he understood the process the Detainee made the following statement:

Detainee: I know that these people are gathered together here.

Tribunal President: Do you understand the process that you are getting ready to go into?

Detainee: I don't understand. I know that you are asking me questions.

Tribunal President: Yes that is correct. We will ask you questions. You will also have the opportunity to respond to any of the allegations that are read to you today. Do you have any questions?

Detainee: I don't have any questions.

Tribunal President: Personal Representative, please provide the Tribunal with the Detainee Election Form.

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

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

Tribunal President: Faiz, you will have an opportunity to respond to these questions a little later. Do you understand?

Detainee: I don't understand what's going on with the Taliban and Gulbuddin.

Tribunal President: We will go through it in just a moment.

Detainee: Can I talk now?

Tribunal President: In just one moment.

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

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

Detainee: First, I will say hello to you. I don't know the story about Gulbuddin. I don't know the story about Taliban. I am a poor person. I have not gone to Khamard, if I had gone to Khamard it was because the commander of security asked me to go.

Tribunal President: Just one moment. Would you like to make your statement under a Muslim oath?

Detainee: It's up to you. I don't understand. I am a poor person. It's up to you. If you want I will swear. Taliban, they killed my uncle they killed my son they killed my sister's husband. They burned our houses. It's up to you people.

Tribunal President: Faiz, let's administer the Muslim oath and then you can continue your comments.

Detainee: I will swear. I am innocent. I am innocent and being that I am innocent it's up to you. Even in here I have been beaten they have thrown urine on me and even in this place here. We were all happy, male and female, that America came and gave us security and it was calm.

Tribunal President: Let's administer. Recorder, please administer the Muslim oath.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: Would you like to respond to the allegations?

Detainee: Yes.

Tribunal President: Personal Representative would you assist us with that please?

3.a.1. U.S. forces raided a compound associated with the HIG commander in November 2002.

Detainee: How do I know this story? How do I know this attack? Mr. Translator, I don't understand these allegations.

Tribunal President: Okay. We will go on.

Personal Representative: I can read from my notes what we discussed if he would like.

Detainee: Yes.

Personal Representative: He says he is not Taliban. The Taliban killed his uncle and brother in law. In his area the Taliban killed several hundred Shia'as. He has heard of HIG (Hizb-I Islami Gulbuddin). He thinks they killed his mother.

Detainee: They took our land. They killed my mother. You can ask. This is true information. They killed my family. My wife said they came with a weapon and drew it on her. I asked the Red Cross to go and investigate if this was true or not. Ask my family.

3.a.2. The Hizb-l Islami Gulbuddin (HIG) has been identified as an organization which sponsors terrorism.

Detainee: Mr. Translator, I do not understand this Hizb-l Islami Gulbuddin which is partly of Islamic (inaudible). If the Americans didn't come to Afghanistan they [Taliban] would have killed all of us. You people [Americans] you are the ones who helped us to be alive. Even in here they beat me, spit at me, and throw urine at me. You can ask that these Arabs and the rest, they won't even speak to me. You can ask.

Personal Representative: Then further from the notes. The HIG took the land deeds from the people. His family fled and became refugees.

Detainee: Yes.

3.a.3. The Detainee is associated with a commander in the Hizb-l Islami, Hulbuddin (HIG).

Detainee: No, No. You think about it. When they killed my mother, when they don't like me and even in here they spit at me and when the confiscate my land you can think for yourself. It's up to you to decide.

3.a.4. The Detainee was found carrying messages for a HIG commander and Taliban intelligence agent at the time of his capture.

Detainee: Mr. Translator, the note that was with me was for Marlim Mahurdam (ph). The note that was with me was for Marlim Mahurdam (ph) and Zahir Isar (ph) and Abdul Arhim (ph) and Padam Hussen (ph) the other names I have forgotten. They had asked for apologies. It's not like this and it's up to you. The reason that I have this (inaudible) was because the commander of security was my friend. I went to get the documents for my land back. If I didn't do this, the commander of security would have captured me himself. For a year and half my house was very close to a location where Americans were staying. The American forces, they dropped food and everything for us. They would help us. I don't know all this. I don't really understand this question. There is one person over there, his name is Shir Alrah (ph) he is friends with Kalele (ph). When Kalele (ph) was in Bamian, I was detained for ten days. Before the Taliban they detained me for eleven days. The reason was that Shir Alrah (ph) was interested in marrying my sister. That's why he made up these allegations. I told him that it was up to my sister who she wants to marry. I cannot force her to marry a person that she doesn't want. I have respect for you because you saved our lives. If you people didn't come, they would have killed us all. From my village, plus or minus two hundred Shia'as were killed. You

can ask yourself. This is not a lie. If you people weren't here to come and help us, we would have all died of hunger because you give us food. At our house we didn't have even a little bit of oil. You can ask. Even my children were barefoot. I am a poor person and I don't understand all this stuff. We thought America came over there and brought security for us. I went with the commander of security to get the documents to get my land back. Four American vehicles came and took the weapons from the person. When people saw the American vehicles, they were very happy and they came to greet them. After the vehicles came to Bamian, Shir Alrah's (ph) brother and his uncle were going to apologize to the Governor. Because (inaudible) they forced me to go and do this. They give me this letter and I brought it back. Now my poor family have no food, they don't have anything, and I was detained. I took the letter to Shir Alrah's (ph) room. They told us that they were sending me to the office of security and I told them I would go in the morning. I stayed at my uncle's house and rested. Americans came and asked where is Fas Alah (ph)? They showed me the letter and I told them to go investigate the names of the people in the letter, I am a poor person. They told me and up until today I don't understand what happened and what didn't happen. I don't know what happened to my family. I don't know what happened to my children. Fas Alah (ph) went through a lot of trouble. God knows that for one or two years the only thing we ate was bread made out of rye. You know yourself.

3.b. The Detainee participated in military operations against the United States or its coalition partners:

Detainee: You think about it yourself. I don't understand this. People know where I was and what I did.

3.b.1. The Detainee laid mines for the Taliban and has laid mines in Madr, Afghanistan for the HIG and Taliban force in the Khamard Valley.

Detainee: God knows that I don't know how to do all of this. My hands are scarred by sickles, you can see my hands. My hands are a farmer's hands, marked by sickles. I don't know how to do all of that. I wasn't a big person. I didn't have all that power. You think about it yourself. When they beat us and they took our land. If the Americans hadn't come, they would have killed us all. At home we don't have fuel. In this country, look at the food we are given. If we could find fuel, then we couldn't find salt; we find salt, we can't find oil or we couldn't find matches. You can ask about my life, what can I say? You can think about it yourself. Even in here the Taliban doesn't like me. Even in here they throw water on me they throw urine on me and they beat me. If the Americans hadn't come, they would have killed us. They took our land. You cannot find one Hazara (ph) who is a supporter of Taliban or Gulbuddin. I said that we have to respect these people [Americans], they have served us. It's up to you.

3.b.2. The Detainee was suspected of traveling to Bamian, Afghanistan with the intent to conduct or coordinate mining operations against the United States Special Forces.

Detainee: For a year and a half, I was very close to Americans. I didn't do anything. Do I travel far to do anything like that? I loaned land to them for so much wheat. There is one organization and the name of it is Solidarity and every year they give me one hundred forty units of wheat.

Tribunal President: The organization again is what?

Detainee: Solidarity. The same as you [translator] said it.

Translator: I don't know what he said… It's the same as you [translator] said it.

Tribunal President: You said?

Translator: Solidarity.

Detainee: Solidarity. Yes.

Translator: May I ask my fellow Afghan linguist if she knows?

Tribunal President: We'll just go with what he said. Faiz, do you have any other comments that you would like to add to the allegations?

Detainee: I don't have anything else to say. You can think yourself.

Tribunal President: Does this conclude your statement?

Detainee: I am a poor person and it's known for you.

Tribunal President: Does this conclude your statement?

Detainee: Yes. I don't have anything else to say. It's up to you.

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?

<u>Tribunal Members' questions</u>

Q. Can you tell me what the name of your village was?

A. I lived in two different places. One village is Mader in the district of Kamald. One is the village of Sarasiab in center of Bombia (ph).

Q. Where did you own the land that you lost?

A. That land was in the district of Kamald village of Mader. This was 15 drad (ph), that is a unit of land.

Q. Where were you apprehended or arrested?

A. The center of Bamain in the village of Sarasiab.

Q. You say that you were carrying a note from the commander of security. Commander of security for what?

A. Bamian is very cold and they had burned our houses and I had fixed the house. The Bamian security office they are the ones who gave me the note.

Q. Did you travel to Bamian to get this note?

A. I was going from Bamian to Kamald.

Q. But you got the note in Bamian?

A. I took the letter from Bamian to Kamald.

Q. Just to clarify; you were handed the letter by the commander of security?

A. The chief of security of Bamian and his deputy.

Q. Did you see the letter, did you see what it said?

A. No. They told me to send a picture and the registration number for the weapon. Ten days later, the Americans came and took his weapons. Adel who was the deputy commander of security said we going to come to Kamald to collect the weapons. That's when the Americans came with four vehicles. People were very happy. They greeted them. I saw Shir Alrah's (ph) brother and his uncle. They wanted to go and apologize to the Governor, so I brought the letter. I brought the letter to Shir Alrah (ph) and I went to my uncle's house. Then they came and arrested me. That's the story.

Q. Were you armed when they arrested you?

A. Where would I get a weapon?

Q. Do you have any training in how to use weapons?

A. No. God knows I don't understand.

Detainee: Even during Miger Halidin (ph) I was still poor and didn't do anything. All my life there was only one time I had a weapon. There was one time a guy came from Kabul to Bamian. We were in the service and they gave a weapon to me and when I saluted with the weapon they beat me and threw me on the ground. All my life, the only thing I remember from the military is that.

Q. What province are you from in Afghanistan?

A. I'm from Bamian.

Q. Was Shir Alrah Taliban or Gulbuddin?

A. He was with Kalele (ph)? Before Taliban Kalele (ph) was in Bamian in Afghanistan. I don't know what he is.

Q. You said before that you were beaten and they threw urine on you. You are talking other Detainees here correct?

A. In here they did.

Q. Other Detainees?

A. The Detainees asked for translators. My back still hurts and the doctors gave me injections. The doctor gave me medication. Still my back hurts. They threw urine at me. They spit at me. Right now I'm close to the MPs and they see me and I am comfortable and nobody bothers me. I don't know any other language except Farsi. I wish I knew other languages. Two years here and I didn't learn any. I wanted to go to classes to learn words like MP and cup. If I learn some of these English words then my problem is solved.

Q. And you have never had any experience with landmines, anti-personnel mines, anti-vehicle mines?

A. God knows I don't know anything about that. Now I hear these stories. Now I hear these allegations.

Tribunal President's questions

Q. Earlier you said that you think Shir Alrah (ph) made some allegations against you. What allegations?

A. I told you that he was interested in marrying my sister. Kalele (ph) also had put me in prison for eleven days. Then Padam Hussen (ph) had taken our land. I couldn't go to Kabul. I went to get the deed for my land. It's tough to obtain these documents because there are two types of documents. In the Khamard region there's five to ten Shia'a families. During the Taliban they came in and stole our belongings. They treated us very badly, with cruelty. I wanted Shir Alrah's (ph) help because Shir Alrah (ph) knew the governor so he could help me to get my land back. I was resting when they came and got me. Everybody knew that I didn't do anything wrong. Day and night I was very close to Americans. They gave us food. We were very happy to see the American presence over there.

Q. The question was, you accused him allegations. Was there a specific allegation or were there any allegations on this unclassified summary that you thought Shir Alrah (ph) had developed?

A. During the Kalele (ph inaudible) I know that the governor knew him. God knows and he himself knows. Whoever has treated me bad God will take care of that. Here as a Detainee we are treated good. We are like guests here. They give us good food. They give us good clothing.

Q. Do you know name of the commander of security?

A. No. I know his Deputy. His name is Adel. I knew him from school. I saw him also in the Loya Jirga. The Loya Jirga is a commission of people who set laws. I told him that these people were mean to us and they were cruel to us. Because in the strip of Khamard people grow opium and there is not enough water for us. The deputy commander of security told us to give him the names of people who grow opium. After that I ended up here. They have killed my mother and what can I do?

Q. Who actually arrested you?

A. The Americans. He was American. He couldn't speak Farsi. There was one translator. Where we were is close to where Americans were staying.

Q. Did you support the Taliban or U.S. at any time?

A. I was a refugee. The Americans came and previously they had burned our houses. We came over there to Faut (ph) in Bamian. One help organization gave us enough wood to build a house. Because the weather was so cold and my wife was pregnant and Bamian was cold we decided to go to Khamard. I didn't have any wood, we didn't have anything. They gave us twenty pieces of lumber so we

covered the house. The help organization had given a door to me and I haven't even put the door in. I covered the house and the door was at the house of the husband of my sister. In wintertime it gets cold and it's freezing. When they make bread, the heat heats the house. When Taliban burned the houses, we didn't have equipment to make bread with.

Q. Earlier you said that there were people in your village that had weapons. Why did they have weapons?

A. They said Padam Hussen (ph) has weapons. The relatives of Padam Hussen (ph) were the ones who had taken our land. The person who had taken my land was named Bis Malah (ph). Aldin (ph) came and told me he was going to take some of these weapons and I was happy. I saw four American cars come, with a translator. I told them to come have tea with us. It was the month of Ramadan. They told me that they had their own food. They stayed there until dinnertime and then they left for Bamian.

Q. Did you have the weapons with you?

A. No.

Q. Were there weapons in the house that you were in?

A. No.

Tribunal President: Any other Tribunal members have questions?

Q. Before you left, while you were in Afghanistan, were you very religious, medium? How often did you go to the mosque?

A. I'm from Khamard and mosque is one hour away from me. The Sunni, they tried to teach us how to pray and everything and tried to teach me something but I didn't learn it. Once a year there is a special place that we pray. Once a year we go to that special place and pray. The Taliban had killed the mullah. His name was Salabar (ph). We don't have anything.

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

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

AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee confirmed that he understood the process by answering as follows:

Detainee: So so.

Tribunal President: Do you have any questions concerning the Tribunal process?

Detainee: I don't have any questions.

Tribunal President: If you have any questions as we go along, please feel free to ask them.

Detainee: I just wanted to find out if whatever I'm going to say to the Tribunal, is it going to be considered as refuting the evidence against me? Will it have any weight?

Tribunal President: I'll tell you that we look at two things when we come to this Tribunal. We look at the evidence that the Recorder presents to us and we listen to what you have to say in your oral statement.

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.

The Personal Representative assisted the Detainee by reading each point on the Unclassified Summary of Evidence and giving the Detainee the opportunity to reply.

The Detainee stated that he would like to make his statement under oath

The Recorder administered the Muslim oath.

3.a.1. The Detainee traveled from Yemen to Afghanistan.

Detainee: That is true. There is no law that prevents any person from traveling to any city or state. The Taliban is a Muslim state. Because I am Muslim person, I can travel to any Muslim country. If having gone to the Taliban makes me an Enemy; that means that all of the Afghanistan people are accused of being Enemy Combatants. Because the

Taliban was the governing authority there and they were just following their orders. That's unreasonable.

3.a.2. The Detainee trained at al Farouq camp.

Detainee: That's true.

3.a.3. While at al Farouq, the Detainee was trained on the Kalashnikov rifle, rocket propelled grenade (RPG) and pistol.

Detainee: That's also true. It's my right to learn anything as long as I do not hurt other people or hurt myself. Also, when I went to al Farouq camp, I did not know anything about that camp. All I knew about it is that it is a charity camp. I told that to the interrogator during my interrogations.

3.a.4. The Detainee stayed at a Taliban house in Afghanistan.

Detainee: That's also true. Because I am a foreigner, it's necessary for me to establish some kind of rapport or some kind of connection with the government there. I was dealing with the government in a lawful way.

3.a.5. The Detainee was in Kabul during the U.S. bombing campaign.

Detainee: That's also true but that's beyond my control.

3.b.1. The Detainee spent three weeks on the lines in Kabul.

Detainee: That's true. I did spend three weeks but I was not in the front lines.

3.b.2. The Detainee delivered food to the soldiers on the front lines who were fighting against the Northern Alliance.

Detainee: For those who know about the front lines, they know that food is not made in the front line. I did not distribute the food. I was in the car that was distributing the food. I also told that to the interrogators during my interrogations. I'm not sure if they translated it properly.

3.b.3. The Detainee was apprehended by the Pakistani Police in the mountains near the border.

Detainee: I do not know what is meant by the mountain. I was in a village and I turned myself over.

Tribunal President: Do you have any other statements you would like to make at this time.

Detainee: What about the information in part number four.

The translator read the contents of part number four of the Unclassified Summary to the Detainee.

Tribunal President: Does that conclude your statement or would you like to share any other information with us?

Detainee: I want to discuss part B.

3.b. The Detainee participated in military operations against the United States or its coalition partners:

Detainee: I never knew that any one of these days that I would be fighting against the United States. I also did not even know what the Northern Alliance was. If you are referring to the Northern Alliance in Afghanistan… When I was in Afghanistan the Northern Alliance did not even have anything going with the United States. If there was any agreement between the United States and the Northern Alliance, until after September 11th and during that time I was not in the front line, I was on the front line a few months before that time.

Tribunal President: Does that conclude your statement?

Detainee: Yes it does.

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

Detainee: I have no problem answering the questions.

Tribunal President: Thank you.

The Tribunal President confirmed that neither the Personal Representative nor Recorder had any further questions for the Detainee.

Tribunal Members' questions

Q. Are you a Yemeni citizen?

A. Yes I am.

Q. What is your age?

A. Exactly 29 years old.

Q. Would you describe for us your education? How far did you progress in your studies.

A. I was a student at the University but I did not finish my studies.

Q. What was your usual occupation in Yemen?

A. I was only going to school.

Q. Did you have military training in Yemen?

A. Yes I did.

Q. Please describe that.

A. After high school, there is a one year compulsory training going into the army. That's the only year that I have training.

Q. I'd like to ask you now about your travel into Afghanistan. First, when did you leave Yemen to proceed to Afghanistan?

A. I do not remember the exact date.

Q. Was it before the events of September 11th or after?

A. Five to seven months before that.

Q. What was your purpose in going to Afghanistan?

A. As I told you before, it's a Muslim state. I heard there was a lot of justice in that part of the world. Another reason there was some Choshyn (ph) problem there. There was a way for me to go from Afghanistan to the Choshyn (ph).

Q. Explain, I'm not familiar with Choshyn (ph) what is the Choshyn (ph).

A. It's another state that was involved with the Russians.

Q. Oh, Chechnya.

A. I was not sure about the name.

Q. How did you travel? Describe your travel route, plane, car...

A. I went from Yemen to Pakistan and Pakistan to Afghanistan.

Q. Did you fly from Yemen to Pakistan and then drive into Afghanistan?

A. Yes I did.

Q. Did you travel alone or did you have companions?

A. There was another guy with me.

Q. He traveled as the same purpose as you?

A. No, he lived there. His house and family were there.

Q. When you were in Afghanistan, September 11th happened and you were still training and working with the Taliban at that time?

A. No I was not.

Q. Please tell us what you were doing then.

A. During that time I was in Kabul. I was trying to get married.

Q. How were supporting yourself then while you in Kabul?

A. I had some money on me. There were some people there that would help you find houses to be in and food.

Q. So after September 11th, you were living in Kabul looking for a wife and just supporting yourself?

A. Yes I was.

Q. Did you go to bring food after September 11th or before September 11th?

A. I was not in the front line but way in the back. Something like relaxing there. When I decided to go to the front line to visit, I hopped in the car that was carrying the food. Then I came back with the same car at the end of the day.

Q. Your training with al Farouq, did that end before September 11th or after September 11th?

A. A few months before that.

Q. I'd like to ask you now about your surrender to the Pakistanis. Were you alone at the time or were you traveling with companions?

A. There were some Afghanis or Pakistanis with me in the same car.

Q. Were there any other Arabs?

A. I was the only one.

Q. Did you have your passport with you at the time?

A. I didn't have my passport with me.

Q. You'd given it to somebody at the Taliban safe house?

A. No, I had it with somebody, an Arabic individual there.

Q. Did you have a weapon with you at the time of your surrender?

A. I didn't have any weapons. You can't carry weapons with you when you're in the city.

Q. What was the approximate date of your surrender to the Pakistanis?

A. Gregorian dates I'm not familiar with. The Muslim month is Shaban and that equals harvest.

Q. So you surrendered before September 11th to the Pakistanis?

A. What year?

Q. Just to make it easy, did you surrender before of after the attacks of September 11th?

A. After.

Q. Who invited you to al Farouq?

A. I arrived to the house there were some Arabs there and I'm new in the area and know nothing about the town. They were going to the al Farouq camp and because I'm new I wanted to find out more about this Farouq camp and I went with them.

Q. Did you train on anything else besides the Kalashnikov rifle, rocket propelled grenade, and pistol?

A. Yes I did.

Q. What was the purpose for this training?

A. I'm a new person in the area and I wanted learn something new. Other people have certain hobbies, mine is weapons. You have plenty of time and you're not going to lose anything, you can pick up any kind of weapon. In the al Farouq camp, nobody is going to tell you what to do there. Whatever your desire is if you pick up a gun and say I want to learn this, you learn it.

Q. Do you feel that you could have walked out at any time?

A. Yes.

Q. Why did you not hold on to your own passport?

A. I cannot keep it on my person all the time, because I might lose it or it might become torn. I kept it in the house where I was living.

Q. Why did you not bring it with you when you went to Pakistan?

A. The passport is a simple matter. When you turn yourself over to the Pakistani government and once you've been turned over to the Yemeni government, I can get a new passport over there.

Q. How did you pay for your travels? How did you have extra money if you did not have a job?

A. It's true that I didn't have any work but I was able to get money from my brothers my father, from other people.

Q. Did anyone or any Fatwa motivate you to go to Afghanistan?

A. There were a lot of religious people and they talked about Afghanistan being one of the best countries for the Muslim to be in. There was encouragement to go there.

Q. Was this someone in Yemen that encouraged you to go?

A. Yes.

Q. Do you remember who this person was?

A. Sometimes they were just advertising it on the radio or talking about it on T.V... encouraging people to go to Afghanistan.

Q. How long did you stay in the Taliban house?

A. I spent a great deal of time at different houses. With the Taliban for at least a month.

Q. What would you do at these houses?

A. I used to spend my time reading. I also used to go to the market. Sometimes I was playing soccer.

Q. So the Taliban allowed you to stay for free? They asked for nothing in return?

A. I don't know what you mean when you say the Taliban house. All I know is that it's a house.

Q. Okay, did you have to pay any rent?

A. No, I did not.

Q. So therefore at this house, you did not have to do anything, they allowed you to stay for free the entire time?

A. They treated me as a guest.

Q. Did you drive the car that distributed the food to the front line?

A. I was not driving. I am new. They will not allow me to drive that car.

Q. Then why did you go to the front line in this car?

A. I wanted to visit the front line to see what it was like.

Q. Last question. What was this other person that you traveled with during in Yemen?

A. I do not know what's his reason for being in Yemen. In Afghanistan he used to own some kind of perfume shop. I believe he may have the same thing going on in Yemen.

Tribunal President's questions

Q. How long did you plan to stay when you went to Afghanistan?

A. I was not sure but I was thinking if I like it I'd stay there.

Q. What did your family think about that?

A. My family knew about that.

Q. When you left to go into Afghanistan what was your destination? Where were you headed to?

A. I went to Saana to Pakistan and then Afghanistan.

Q. My question is, once you entered Afghanistan where were you headed for?

A. For sure I wasn't. I didn't know.

Q. Where did you go when you were in Afghanistan?

A. I knew that Afghanis like Arabs and I could find somebody to help me out if I'm looking for a house for food.

Q. We knew you went to Kabul, did you go to any other large cities?

A. No, just Kabul.

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

The Tribunal President confirmed that the Detainee had no further evidence or any additional statements to present to the Tribunal.

The Tribunal President confirmed that the Personal Representative had no further evidence or previously approved witnesses to present to the Tribunal

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, 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.

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.

The Personal Representative assisted the Detainee by reading each point on the Unclassified Summary of Evidence and giving the Detainee the opportunity to reply.

The Detainee stated that he would like to make a statement but did not wish to take the oath.

Personal Representative: If I may ma'am. On the 25th of October the two of us (the Personal Representative and the Detainee) met for the initial interview. The meeting lasted approximately 70 minutes. At the meeting we discussed how we would present the information to the Tribunal. We reviewed each of the four pieces evidence presented on the Unclassified Summary and I have taken written notes based upon the things that he stated. We will present the evidence by, I will review each of the points with the Detainee and he will respond to each piece of evidence and if there is anything additional to add, I will do that based upon my notes. Is that still okay with you (to Detainee)?

Detainee: Yes.

3(1) The Detainee voluntarily traveled from Saudi Arabia to Afghanistan in November 2001.

Detainee: I traveled from August until about the 29th of September that was the length of my travel. The purpose for my visit was because I was a tourist going to visit the area and visit the refuge camps.

Personal Representative: Just for clarification. Could you please tell us why did you actually go into Afghanistan?

Detainee: I did not go to Afghanistan.

Personal Representative: The evidence states that he traveled from Saudi Arabia to Afghanistan. He stated to me and he's reiterating to you that he did not go to Afghanistan. You (to the Detainee) told me you were arrested in Pakistan and as he stated the purpose of his visit was to visit refuge camps in Pakistan.

3(2) The detainee traveled and shared hotels rooms with an Afghani.

3(3) The Afghani the Detainee traveled with is a member of the Taliban Government.

Detainee: He was not Afghani. He's Iranian. I traveled with him to refuge camps in Pakistan. From Iran to Pakistan.

3(4) The Detainee was captured on 10 December 2001 on the border of Pakistan and Afghanistan.

Detainee: I did not go to any border city between Afghanistan and Pakistan. I went to a city called Chaman.

Personal Representative: Some additional notes on our meeting I would like to provide. You say that you were gone on your whole trip from your country to Pakistan for about five weeks? The man that you met was not an Afghani but was an Iranian. You told me that you met him in a store in Iran. You had no previous knowledge of this man. You got acquainted with him in the store and one time you asked him where the refuge camp was. He said he would take you there. I think you also stated that from Iran to Pakistan you did not need a Visa. In most of the five weeks you were gone were not spent in Pakistan but in Syria and Bahrain and that you not arrested you were captured. You also stated that the Pakistanis were capturing every Arab after September 11th. Ma'am, that's the best of my recollection on the notes regarding our meeting on the 25th of October.

Tribunal President: Would you like to add anything else to that or does that conclude your statement?

Detainee: No I don't.

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. Are you a citizen of Saudi Arabia?

A. Yes I am.

Q. Have you had Military training?

A. No I did not.

Q. What is your usual occupation in Saudi Arabia?

A. Cleaning supervisor.

Q. Would you please tell us how much education you've had?

A. Ninth grade.

Q. Did you have a Saudi passport?

A. Yes I did.

Q. Were you captured with that passport?

A. The passport was not with me when I got captured.

Q. It was not with him when he captured. Was anyone else with you when you got captured?

A. No I was by myself.

Q. Did you have any weapons with you at the time?

A. No I didn't have any weapons.

Q. Did you carry a weapon with you at anytime while you in Pakistan?

A. No I didn't have any weapons on me.

Q. You told us the man you traveled with was an Iranian but was he never the less a member of the Taliban government to your knowledge?

A. No, I don't think so because I don't know him very well.

Q. Where were you during the attacks against the United States?

A. In the house.

Q. In Saudi Arabia?

A. Yes, in Saudi Arabia.

Q. How long after the attacks before you traveled to Pakistan?

A. I don't recall the exact date but it was sometime thereafter. My trip lasted for about one month approximately.

Q. Explain your travel route. How did you get from Saudi Arabia to Pakistan?

A. I went from my hometown Kohbar to Bahrain and then from Bahrain's airport to Syria. I stayed in Syria and then from I went to Iran. I stayed in Iran and then from I went Pakistan.

Q. Did you fly, drive, take a bus, take a cab?

A. To Bahrain I took the car. From Bahrain to Syria I took the plane. From Syria to Iran I took another plane. Then from Iran to Pakistan I used a car.

Q. Why did you not go direct to Pakistan from Bahrain?

A. I was touring.

Q. I take it you were by yourself up to Iran? Did you travel by yourself?

A. I traveled initially by myself and then I met some other people during my travel.

Q. Other people, one, two, three?

A. One.

Q. Where did you meet this person?

A. I met the guy because he was the man who was carrying the people to different locations.

Q. Did you meet him in Syria?

A. He was going to Syria himself.

Q. So you met him in Bahrain?

A. I didn't stay in Bahrain; I went to Bahrain just long enough to hop on the bus and get a taxi to get to where I was going.

Q. When did you get together with this Iranian?

A. In Iran.

Q. Where in Iran?

A. Do you want the city?

Q. Yes.

A. In Zahedan.

Q. Is this where you landed when you flew from Syria to Iran?

A. No. I landed in Tehran. Then from Tehran I went to Zahedan.

Q. How far away, one hour, two hour, or three hour drive?

A. I took the plane.

Q. Took a plane from Tehran to Zahedan, Iran?

A. Yes.

Q. How did you meet this man? Did you know him? Was he at the airport?

A. In the market. He had a store in the market. I went to the market and that's where I met him.

Q. What motivated you to travel to Pakistan?

A. I wanted to visit the camp, the refuge camp.

Q. Did any fatwa motivate you to go to Pakistan?

A. No.

Q. Who paid for your travels?

A. I paid it myself.

Q. What happened to your passport?

A. I lost it when I got captured.

Q. Lost prior to being captured?

A. My passport was in the car. When they captured me they asked me to get out of the car and told the taxi to takeoff.

Tribunal President questions

Q. Typically, when you stayed places during your trip you said you stayed in certain places, where did you stay? Did you stay in hotels or private homes?

A. In a hotel.

Q. You said that you were going to visit the refuge camps, was this still sight seeing or were looking for someone or were you going to provide help?

A. I went there to visit. I didn't have a lot of money but if I found out that their conditions were bad, I would help them in the future.

The Tribunal President confirmed that the Detainee had no further evidence or any additional statements to present to the Tribunal.

The Tribunal President confirmed that the Personal Representative had no further evidence or previously approved witnesses to present to the Tribunal. The Personal Representative stated that he had no further evidence but made the following statement:

Personal Representative: He had told me that he went to the camp out of curiosity to see if he could help with the return back to Saudi Arabia. I just want the record to reflect the content of our meeting. No more additional evidence.

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, United States Army
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee understood the process but posed the following question:

You said that I have been advised that whatever follows in this Tribunal is going to affect me. You said that I am hereby advised that the following applies during the hearing.

The Tribunal President answered the Detainee and clarified how the Tribunal would be structured. The Detainee answered that he was satisfied with the answer by stating that everything was fine.

The Tribunal President informed the Detainee that she was aware that he would like to participate in the Tribunal process and would be speaking on his own behalf.

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

If the decision is going to be yes or no, go home, then I will swear. If it's going to be, take it to the next level and do this back and forth meetings and follow ups then I'm not going to swear.

The Tribunal President advised that until all the evidence was viewed the decision couldn't be made and that he could make his statement without being sworn.

I don't like to take the oath because it is very sacred.

The Personal Representative asked the translator to inform the Detainee that taking the oath now to affirm that what he is about to say is true in an effort to clarify why he was being asked to take the oath.

Yes. I understand that. If you are going to let me go home, I will take the oath. If not, I will not take the oath. All the information and statements that I am going to make to the Tribunal are true and nothing but the truth. Once you make the final decision that you are ready to let me go home, I will take the oath.

Addressing the third point of the Unclassified Summary the Detainee was prepared to make his statement but first asked the Tribunal to confirm that:

If I tell my story and make a statement that I will not be subjected to any torture or any mistreatment when I go back to my cell.

The Tribunal confirmed that everything done in the Tribunal was administrative in nature and there was no punishment value.

I made that statement because during my interrogation, I was forced to say certain things to avoid torture.

The Tribunal President confirmed that there would be no torture as a product of what he says to the Tribunal.

The Detainee read part three of the Unclassified Summary.

This is based on information possessed by the United States. Is that information based on my information or from somebody else? I'm trying to find out if the information that based your decision on me as an Enemy Combatant; was it from information from me or somebody else.

The Tribunal President stated that the only information that the board has seen is what is in the Unclassified Summary.

I'm saying this because during the interrogation, my name, number, and picture… all that information should have been my name but it was somebody else's. That happened and I spoke with the interrogators a number of times and the same thing still existed. The name, number, and picture of the wrong individual were still there but they (the interrogators) to referred me. They took me to another camp and had some kind of an I.D. The I.D. and the picture did not match me.

The Tribunal President informed the Detainee that all they could do was base their decision on what was viewed in the Tribunal that day.

I am concerned that they have taken my name and my number, the other Detainees over there they don't know the picture that was shown to them rather it was my picture or somebody else's picture. They are saying that such and such individual is number such and such and that's his picture. In reality it was not my picture and people (other Detainees) say oh yes, that's him.

Any information that was given to the interrogator that you based all these accusations on is information from me but I was being threatened and tortured. Whatever information, that was given to the interrogator was under duress. It was physical torture and psychological as well. My brother is here with me here in camp. Whenever they wanted to get some information from me they go to my brother or separate us or create movement. They separated two brothers for a period of two years. The letters I used to get from back home were never given to me and that affected me psychologically. The thing you based your judgment on to arrive at this evidence and these accusations are not accurate.

The Detainee's response to paragraph 3.a of the Unclassified Summary.

I never attend, known, or seen anybody from the al Qaeda organization. I never even associated myself with them.

The Detainee responses to paragraph 3a.1 and 3a.2.

1. Yes I did leave after September 11th. My departure had nothing to do with the attacks or anything political that was happening. My whole purpose for going to Afghanistan was to meet my brother who was there and convince him to go back to Saudi Arabia. My intent was to go to Afghanistan before September 11th but what delayed me was taking my final at the university. I had my final exam on the 23rd of September. After I took my on exam after the 23rd of September that's when I left to go to Afghanistan which was after the attack. Therefore, my leaving Saudi Arabia and going to Afghanistan had nothing to do with what was happening on the 11th of September. To summarize, my goal and main purpose is to bring my brother back to Saudi Arabia from Afghanistan. My delay was because of my final examination at the university.

2. I didn't even know about this guest house until I was faced with all these accusations. I went to that guest house because there was available space at the hotels or some place where I could either rent a house or rent a room. The taxi that took me that place told me that the Taliban made the house and specified that the house was free for anybody that wanted to come to it. As far as I am concerned I was at the guest house and was paying for all my food and drinking and all expenses and it was like I was a guest. I did not have any training on weapons in the guest house. I saw someone who was an Afghani and I asked him what he was carrying and I was told it was a Kalishnakov (audio)(2099).

The Detainee responses to paragraph 3b

I am a civilian and I did not participate in anything that has to do military or anything else.

The Detainee responses to paragraph 3b.1; 3b.2; 3b.3; 3b.4

1. I never carried any weapon in my lifetime. I never went anywhere on the battlefield.

2. The fact that I am a civilian I was never able to go to the front lines or anyplace where they were fighting. I didn't have positions on the front line or on the back line or anywhere. I met my brother in the city Khawajah Ghar but it's not a battlefield.

3. I was not detained or captured but I went there myself to turn myself over. So they could take me to safer places where I could exit Afghanistan. It was during the time specified here (25 to 28 November 2001).

4. I went to Northern Alliance and found myself being tied down and taken with other detainees. You are talking about the uprising. They called it an uprising and it's not; it's some kind of massacre. I was even wounded when I was there. I was even wounded when I was there.

I have answered all the accusations and evidence and I have some more points I would like to bring to your attention. Repeating the same thing, my goal for going to Afghanistan was to bring home my brother from Afghanistan to Saudi Arabia. Nobody received me there and nobody sent me from Saudi Arabia. Again, I paid all my expenses, from my own finances. I did not speak against the United States or its Coalition partner or any other organization against the United States. When I looked at the definition of an Enemy Combatant, it didn't say anything to me about me because I am not an Enemy Combatant. If I am tortured after this Tribunal I will just withdraw all these statements; I will deny them. I am just giving you all this information based on the fact you that are telling me that there will be no torture and not on the interrogations.

The Tribunal President confirms that the Detainees statement has concluded and asks if he is willing to answer questions from the Tribunal regarding his statements.

If it's pertaining to my situation, yes.

The Tribunal President confirms that neither the Personal Representative nor the Recorder has further questions for the detainee.

Tribunal Member questions

Q. How old is the Detainee?

A. Approximately 25 years old.

Q. What was your occupation in Saudi Arabia before you traveled to Syria to Afghanistan?

A. I was a student at the university.

Q. Did you travel with anyone when you went to find your brother?

A. Yes I did.

Q. Who were they?

A. The university gives me a monthly a monthly allowance, 150 Saudi Riyals. And any odds and ends jobs that I could do. Whatever money I earned from that I saved.

Q. What was name of his University?

A. Al-Imam Mohamed ibn Saud Islamic University.

Q. Did he have a passport in his possession when he traveled?

A. Yes.

Q. What country issued it? From Saudi Arabia?

A. Yes.

Q. And that was with the name that he told us today?

A. The name that's in the Unclassified Summary is missing one of the family names… Abdul Aziz Sa'ad Alfaldi (ph 3012). Maybe they have it recorded in the passport department, maybe they didn't. Some documents carry last name (audio)(3042) other documents did not.

Q. You told us that you were going to attempt to bring your brother back from Afghanistan. Why was your brother in Afghanistan?

A. I don't know why my brother went to Afghanistan but my brother is here in the detention and anybody can ask him.

Q. You told us that you believe that your identity has been mistaken by us.

A. Yes.

Q. Who do you think we are confusing you with?

A. Maybe with somebody else that has bigger beard, larger beard, I don't know.

Q. Who is that person's name, if he knows it?

A. I never looked the pictured very closely but if you bring that picture again I can identify if it's the same guy or not.

Q. Just to be clear. The brother that he went to bring back from Afghanistan is the same that is in the camp with him?

A. I was accompanied by a guy named Ulsir Yumani (ph 2705).

Q. Was he a Saudi as well?

A. Yes.

Q. And why was he traveling to Afghanistan?

A. I believe he went there to find out what was going on in Afghanistan.

Q. Was he attempting to join the fight against the Northern Alliance or the U.S. forces?

A. I don't believe so. I felt he was an ordinary guy. I never felt he was that type of guy to go over there and fight.

Q. How long did it take to travel?

A. I went Syria as well, which one are you talking about?

Q. Traveling from Syria to Afghanistan.

A. No more than three days.

Q. How did he travel?

A. I took the plane from Syria to Iran.

Q. The detainee stated that he paid for his travel out of his own expenses, is that correct?

A. Yes that is correct.

Q. How much money did he have with him when he left from Saudi to Syria to Afghanistan.

A. I don't recall. It's been three years. I don't recall. I had enough money to go from Saudi Arabia, Syria to Afghanistan and then come back with along with my brother. Enough for two guys.

Q. Who provided him with that money?

A. My own personal funds.

Q. From a job that he had or his family.

A. Yes.

Q. He denies knowledge of al Qaeda. Has he ever met al Qaeda members or (audio)(3189) al Qaeda associates ?

A. Never. I never met anybody that said to me he was from the al Qaeda.

Q. In the guest house that he was staying in, were any of the other guests in that house in possession of weapons?

A. Earlier I saw an Afghani guy with a (audio)(3239) Kalishnakov AK47. In Afghanistan, any place you go, houses, market you will find people are carrying guns.

Q. How much did he pay to stay at this house?

A. As I indicated earlier, everything that I paid for my food my stay came from my own funds. I was buying my food and cooking there and coming and going, it's open to anybody.

Q. Did he find his brother in Afghanistan?

A. Yes I did.

Q. What was he doing when he found him?

A. I went to Khawajah Ghar and my brother was informed that I was there and he came to see me.

Q. What was your brother doing?

A. I do not know. When he came to me he did not have any weapons on him or anything.

Q. When his brother came to him; what did they then do?

A. We talked about the two of us going back to Saudi Arabia. My brother agreed with me, our decision was to go back to Saudi Arabia.

Q. When did they leave for Saudi Arabia?

A. When we were captured, arrested, our plan was to by Ramadan to be in Saudi Arabia.

Q. So you convinced you brother to return with to Saudi Arabia with you when you first met with him?

A. Yes I did. I explained to him that we should go back to Saudi Arabia and I felt that my brother was in agreement with me.

Q. Was his brother free to go at that time?

A. Yes he was ready to go.

Q. You told us that you turned yourself over to the Northern Alliance?

A. I did so they could take me back to Saudi Arabia.

Q. And his brother was with him?

A. There was a whole bunch of people there and I thought my brother was there but I did not see him.

Q. Was the man he traveled with, Ulsir (ph 3577), still with him?

A. I believe so.

Q. And again, he has no explanation as why his brother was in Afghanistan? Is he unable to tell us.

A. He left Saudi Arabia, I didn't even know he left Saudi Arabia to go to Afghanistan. I say I believe I believe because I want to give you an accurate picture of what my statements are. I cannot say my brother went to Afghanistan unless I was sure that's why he went there. So I do not know why he went there.

Q. I'm trying to understand why he wanted his brother to return to Saudi from Afghanistan? Why did he want him to return?

A. Because the whole family, my Mom and Dad and everybody else were sad that my brother had left the country and went to Afghanistan so I wanted to mediate his return to bring peace to the family.

Q. How did you communicate with your brother prior to your arrival in Afghanistan?

A. My brother used to call and speak with the family.

Q. Is your brother younger or older than you?

A. Younger.

Q. How long was your brother in Afghanistan before you arrived in Afghanistan?

A. I can tell you when he left Saudi Arabia but when he went to Afghanistan, I don't know. How long he stayed there, I don't know. Before I left from Saudi Arabia I believe it was about a year and a half.

Q. To clarify, you had stated that your brother had gone to Afghanistan, because why?

A. I don't know. He never told me.

Q. While studying in school, were you aware of the Taliban and al Qaeda?

A. At the university there was nothing there that discussed al Qaeda or Taliban. From what I read in the paper, magazines, radio, T.V. I have an idea that there is something called al Qaeda and Taliban.

Tribunal President questions

Q. The only thing I have to ask you is, since you raised the issue of being tortured. Can you tell us who? Who tortured you?

A. During torture I had my eyes masked.

Q. Was that since you arrived in Cuba?

A. Yes. I don't understand. When I was first captured; it was the Afghani police there. They were threatening me and torturing me. If I didn't say that I was from al Qaeda or Taliban I was tortured. I went to Khandarhr and was tortured there. The guy was speaking English saying al Qaeda? Taliban? al Qaeda? Taliban? Evidence of the torture is that they broke my tooth which was fixed here.

Q. And your treatment here, physically, you have been treated fairly well?

A. Once I arrived here, things were a little bit better. There was no torture or things like that but, because of what happened in the past I was dwelling on the fact that, are these people treating me good and they are going to come back and torture me again? I was thinking that anything I told the interrogator in Khandarhar and Afghanistan to just save myself torture. If that's what's going to happen here, I will lie to these people as well. When I spoke the truth here, I was subjected to physical torture which I mentioned earlier in the Tribunal.

Q. Let me clarify, he was subjected to physical torture here?

A. Physical torture didn't happen to me. There was threatening and psychological affect, by parting me from my brother which is not any less than physical torture.

Q. I have just one question about his travel to Afghanistan. Were you not concerned about your own personal safety going there?

A. I didn't have any fear whatsoever because the way that went to Afghanistan was all legal, I had my passport which was stamped and there was nothing to fear.

Q. Could you not leave Afghanistan the same way you entered Afghanistan since you had your passport? Or was it because your brother was with you? What was the problem?

A. I wanted to go back the same way, but the area was in such an uproar and everybody was fighting, we go to turn ourselves in so we could be assured safe return to Saudi Arabia.

Q. So the circumstances prevented you from doing that?

A. The reason is because we were captured and put in jail. I wanted to spend Ramadan with my family but ended up spending it in jail.

The Tribunal President confirms that the Detainee had no other evidence.

The Detainee states that if you check back in Saudi Arabia and check you will find that there is nothing to classify me as an Enemy Combatant. You can check my file at the university where I was studying to find that all the dates I told you about... I was there and doing my final exam on September 23rd.

The Tribunal President thanks the Detainee for his participation in the Tribunal. The Personal Representative had no other evidence and the Detainee had no previously approved witnesses to present to the Tribunal.

All that I said is very plain and very clear. Anyone who wants to accuse me otherwise is the one who is supposed to be here. What you brought for Unclassified these are not accusations or evidence. Looking at paragraph three, the first word on the third line where it says "indicates", means that there is no evidence.

The Tribunal President determines that all the Unclassified evidence has been presented and concludes the session.

About the Classified information, what if there some that are not true? Maybe you got it from unreliable sources.

The Tribunal President confirms that the Tribunal has yet to view the Classified evidence and that all evidence will be considered.

I suggest that any individual that you talk to, with information about me, is to go back and speak to individual because there was a mix up.

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 Statement

The Detainee indicated that he did not wish to be sworn. The following is a summary of his unsworn testimony before the Tribunal:

Tribunal President: Muhibullah, 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: Right now or later?

Tribunal President: This is his time right now. We have already discussed the fact that he is going to make a statement without taking the oath. So that's fine.

Detainee: Can I start my speech?

Tribunal President: Yes. If he would like to clarify the dates, he may do so now.

[Earlier in the proceeding, when the Recorder went over the Unclassified Summary of Evidence (Exhibit R-1), the Detainee indicated he did not understand the western dates used in the exhibit. The Tribunal President informed the Detainee at that time that he would have the opportunity to clarify the dates when it came time for the Detainee to present evidence. The Tribunal President's statement – "*If he would like to clarify the dates, he may do so now*" – refers to that earlier discussion with the Detainee.]

Detainee: I do not know the months from this month to that month. All I can verify is the number of months, like if I was with the Taliban for two months or three months. I know how many months I was there. I can't tell you if a specific month is wrong – but I can tell you if I was there for less than or more than that time.

Tribunal President: I am sure that will come out in your statement.

Personal Representative: I am providing the Detainee with the translated portion of the unclassified evidence.

The Personal Representative handed a copy of the Unclassified Summary of Evidence, translated into the Pashtu language, to the Detainee for reference during his testimony.

Detainee: Shall I start answering your questions or how can I start?

Tribunal President: You can give your statement any way you wish. If it is easier to do it one by one following the unclassified summary, then by all means go ahead.

Detainee: I will answer each question one by one.

The Detainee proceeded to address each point on the Unclassified Summary of Evidence in order. To put his comments into context, the points from the Unclassified Summary of Evidence are provided below in italics. The detainee's comments follow each point (summarized).

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

1. Detainee was recruited by Syed Sha Agha in late 1998/early 1999 to serve in the Taliban Security Force. The detainee worked in Kabul and carried a Kalashnikov rifle and ammunition for approximately one and a half years.

This statement is not true – I disagree with that point. I did work with Syed Sha Agha. At that time, groups were fighting against each other in Afghanistan. It was not a fight against the US or its allies. At that time, the tribe would pick people to fight. I was against fighting, so I went to Syed Sha Agha and told him I would work with him instead of fighting with the other people. He told me he would work with me and they would leave my family alone.

I was with him the first time for two months. The second time I was with him for two months again. So it was like two months and two months. It was not for a year and a half. I did not carry a Kalashnikov during that time. Both times I went there with him, it was for a total of four months. I worked with Syed Sha Agha. Each time when I was with him, I was doing guard duty at nighttime in the street. I had to guard the house to make sure nobody went out at nighttime and robbed people or took their property. While I was doing guard duty, they did give me an AK-47. I would carry it for that one hour time period while I was doing the guard duty. Once I was done with my guard duty, I would bring the weapon back and give it to the next person doing guard duty. It was not my personal weapon. I would have it just for that one-hour time I was doing guard duty.

That year-and-a-half time period is not true. I was there for four months total. Maybe I was there a week less or more. After the four months were done, I went home and stayed. My duties were just guard duty and helping in the kitchen and cleaning the house. That is all I did during that time. Once I was done, I went home. If you have any questions, I can answer them now, or I can go on to the next question.

Tribunal President: Okay. We will move on then.

2. Detainee worked for Syed Shah Agha or Abdul Bari, an official in the Shebreghan region, in Shebreghan, AF, from November 2000 to February of 2001 and again from September 2001 to November 2001. The Detainee was responsible for civil dispute mediation.

I did work for Syed Sha Agha and Abdul Bari in the Shebreghan region for three months. I then went home for six months. Then I came back for three more months. So the total was six months I worked over there. I did not want to do it. I was picked for that job. I did not have a choice. The officials would come to the village and pick people to come with them and work with them. I did that twice for three months each time. Afterwards, I went home. The last time I was doing it, that was when the Americans came to Afghanistan. One thing I would like to add to that question is Syed Sha Agha got sick. Then his brother took over. He was in charge of the area and I worked with Abdul Bari.

The last part of the question stated I was responsible for civil dispute mediation. Yes, I was responsible for that there. Since I am from Kandahar, which is out of the area, I told them I would serve as the mediator for people with personal disputes, like fighting over land or water. Since I was from out of the area, I would tell them I would help them and I would do the best I could. I did this a couple of times. Sometimes they would accept my help because I was not one-sided. I did not know either party. So they would accept whatever I told them, although sometimes they would say no.

Tribunal President to the Interpreter: The Detainee is making some statements that are very long. Are you sure you are not losing anything in the translation?

Interpreter: No Sir, I am fine.

Detainee: Should I answer any questions now or should I move to the next question?

Tribunal President: We will ask questions after you are completely done with your statement.

3. Detainee attended a dinner hosted by Commandant Kamal at his home in Towraghondi, AF. Kamal was warlord for Ismail Khan.

I did attend this dinner, but I did not know Kamal. He is not my friend. When the war started I left Shebreghan. I went to his place because I did not want to go to Kandahar. There was a war was going on in Kandahar also. I was staying at Commander Kamal's place when the war started. People were coming and fighting each other. The Pashtu were fighting. Many people were coming and staying there.

I did not know if Kamal was working with Ismail Khan. Since all the Pashtu were coming to that area and staying, I stayed also. I went to Kamal's place because I have relatives in that area who know him. My relatives told me since they knew Kamal, we could ask him to see if he could help me get home without seeing or fighting anybody.

Everybody was fighting at that time. I went with my relatives to Commandant Kamal's place to live there. Commandant Kamal stated it would not be a problem and he would help us. He also stated that he took money and property from many people coming from different areas to stay with him. But since I knew people living in his village, he said he would help me. I went there that evening to stay that night.

That night I stayed with Commandant Kamal. The next morning, Commandant Kamal was supposed to hand me over to some person he knew who was supposed to help me get back to my home. Instead, he took from me 300,000 Pakistani Rupees, my watch and everything I had in my pockets. Then he placed me in a jail for fifteen to sixteen days. After that I was handed over to Warlord Ismail Khan. Ismail Khan took me to Kandahar and I was placed in another jail. After the Kandahar jail, I was handed over to the American Government. I was then brought here, spending my life in Cuba.

The Detainee skipped to item 3.a.5 on the Unclassified Summary of Evidence.

5. Detainee surrendered to Northern Alliance forces in November of 2001.

I do not agree with this point. I did not surrender to the Northern Alliance. I did go to Commandant Kamal to stay with him that night on the promise that he would help me go back to my home village. I do not know if this was a surrender or not. I thought surrender meant you go to someone and say "take me with you," and you give everything to the person. I did not do that. I went there so Commandant Kamal could help me and send me back home. But instead Commandant Kamal put me in jail. I did not surrender.

After that, Commandant Kamal gave me to the Warlord Ismail Khan. It was not a surrender. What happened to me in jail, I am not sure if I should tell the Tribunal, but they beat me. When Ismail Khan put me in jail, it was hard times. I don't know if it is important to the Tribunal, but I wanted to tell you that part.

After completing his response to item 3.a.5, the detainee went back to item 3.a.4, which he had previously overlooked.

4. The Detainee acquired a rifle from a Mujahideen fighter, Abdul Ghafar.

I do not know this person. I do not know Abdul Ghafar. I do not know if he is working with the Americans or against the American Government. I did not have any rifle or any type of weapon from this person. If the Tribunal can explain this question to me in detail - who is this person, where or when - then I might know something. But with that point, I totally disagree because I cannot remember that person.

Tribunal President: That is fine. We have no further evidence.

Detainee: I did have one rifle at my house. It was my uncle's. I did use it sometimes to fire at a wedding or celebration. The rifle was not mine. I do not know where they got this accusation - that I got a rifle from Abdul Ghafar, a person I do not know. I know no person by this name. They said he was a Mujahideen fighter. At that time, that is when the Russians were there. Everybody was fighting the Russians. Look at my age. I was not in a position that I would go and get a weapon from somebody. That weapon was not mine. If they said I had a weapon at the house, then it belonged to my uncle. Can I say something else? I remember some more stuff.

Tribunal President: This is your time.

Detainee: One thing I can assure you of - and you can go back to Afghanistan to my village and find people that know me - I did not fight Americans, or any of their allies. I have not fought with any other person before. Three years before the US came into Afghanistan, I may have used the weapon at the house to fire at a wedding or any other celebration. The whole time, no one can say I fought any person or any army, either the Americans or its allies or the Massoud. I did not fight.

As for Al Qaida, Americans spied on us in Afghanistan and your people are here in the jail. They can find out that I had never seen an Arab in Afghanistan. I did not see an Arab until I came here. If they were with Al Qaida or working with them, I didn't see them. The only time I've seen Arabs is here in jail. That was the first time I saw any Arabs. Before then, I'd never seen any Arabs in Afghanistan.

I am from Kandahar, Afghanistan. The only time I went to other places was when I was sick and I went to Pakistan. That is the only time, other than that, nobody can prove I went somewhere else. I was in Afghanistan, I was born in Afghanistan, and I grew up in Afghanistan. And as far fighting against somebody, I can assure the Tribunal - if anyone has any proof against me, any person who may have seen my picture and stated I was the person that fought with or against them - I can take any punishment for that. I can go and take a polygraph if the US Government wants me to. It can prove that I am telling the truth. I am ready for that. Any person you can bring, if they have evidence against me, I will face them and answer those questions.

I like the Americans. I like the new Afghan Government. I answered that before and I can answer it again now. If you cannot trust me, you can put me on any kind of machine. I can take a polygraph and you will see me answering the questions and that I am telling the truth. I liked Americans before. I did not even know when I was in Afghanistan which side was America; either north, west or east. If I did not know them before, how could they be my enemies? Right now, they are not my enemies like some people in the cell are saying. They describe what the American Government did to them or what they are going to do. I am not like that. I am happy with Americans. They are good. They are helping our country. I can answer any questions at any time, and you can check that on the machine.

The time I spent with Syed Sha Agha, the two months at a time twice; and then the second time, where it was three months at a time; I did that time but I did not volunteer. They picked me for that. At that time, the officials were coming to the villages and picking people to go with them to spend two to three months. Sometimes they would take one hundred and fifty to two hundred people from a village at a time for two to three months. If you lived there, you did not have any choice. Once the American Government came, all those people that did that time, they turned around and fought against the Taliban. Because they were tired of the Taliban, and the Taliban forced them to work for them.

I needed to go and work to support my family. Why should I go and fight or help the Taliban and fight for nothing, when I have a family? I don't think any wise person would go and fight while his family is starving. I did not volunteer. They came and took me by force. Like when I was in the jail in Afghanistan, I told my interrogator in the beginning what happened to me and what Ismail Khan did to me. I am sure he (Ismail Khan) is not a friend of the US and maybe the US realizes it now. He is playing with them now, but at the time he was not. I told them everything along with stories of what happened in the jail. I told them how we were beaten and how we did not have any rights over there.

In Cuba, the way the American Government treats us, we like them. It is humane, they give us our rights. I trust the US Government and I trust this Tribunal. I am sure whatever decision you will make, I will accept it. I hope you will go by the truth and you will look at all the evidence. In Afghanistan, it was different than all of this. It is a lot different than what I was facing in Afghanistan. In Afghanistan in Ismail Kahn's jail, how they were treating us. They were asking us questions, but they would not listen to us. Over there, when the interrogator told me to answer all the questions, I did. When the time was done we would go back. But it is easier here than what we were facing in Afghanistan.

Tribunal President: Muhibullah, does that complete your statement?

Detainee: Yes, I am done now. I can answer questions. But after your questions, I would like to make one request. I told my Personal Representative, and he said I could make this request to the Tribunal.

Tribunal President: Okay, do you want us to do that after questions?

Detainee: Yes, I would like to do that after the questions. It is just a request.

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

Personal Representative: No, Sir. I have no questions for the Detainee. I just request that he tell you what his request is now.

Detainee: Should I make the request now?

Tribunal President: It's your choice. The Personal Representative recommended you make it now. I will give you an opportunity after all the questions to present any last evidence that you have. You will get another opportunity.

Detainee: Then I will say it at the end.

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

Recorder: No Sir, I do not.

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

Tribunal Member: When you worked for Sha Agha or Abdul Bari after the September 11th attacks in the United States, what were your duties?

Detainee: I was doing the civil dispute mediation for them. The people told me what happened in the United States. I was helping people solve their problems when they brought their matters to me.

Tribunal Member: So that was the only duty you had, simply being a civil dispute mediator?

Detainee: That was the only thing I did.

Tribunal Member: Did you carry a weapon at all during that time period?

Detainee: No, I did not have any kind of weapon.

Tribunal Member: Was Syed Sha Aghad or Abdul Bari, at that time period, were they Taliban leaders?

Detainee: Abdul Bari was the brother of Syed Sha Aghad. Yes, they were working for the Taliban. They were not working for the Northern Alliance because they were in the Taliban area.

Tribunal Member: Were they military leaders, or were they some sort of Government leader in the village?

Detainee: They were Government officials in that area.

Tribunal Member: Did they control or command any Taliban military forces?

Detainee: I was far from this area. They were in one area, and I was working in a different area which was under another commander, Mula Sattar. Abdul Bari was a government official, and I am sure he would have some people, like bodyguards, and use them. But I did not see them personally. I was not in that area under him, so I could not see.

Tribunal Member: In the area where you were working, were you a part of Taliban forces?

Detainee: I did that job because talking between two people, they would solve their dispute. It was a good thing in our village and that is why I did it. To help make peace between people fighting. The other thing I did, the guard duty, was because it was an easy job and I told them I could do that. Those are the two things I did.

Tribunal Member: When you did the guard duty, you were issued the Kalashnikov for the time you stood guard duty, then you would give it back at the end?

Detainee: The weapon did not belong to me. But I did that guard duty when I was in Kabul, not Shebreghan. My guard duty was not every night, but every second night. When I was doing guard duty, I would get the weapon. When I would finish my duty, then I would give the weapon to the next person. I was carrying the weapon during the guard duty time, but it was not assigned to me.

Tribunal Member: I want to make sure I am not confusing two time periods. Right now, I am only asking about after the September 11th attacks. So it is your very last period when you were working with the Taliban officials. Were you doing guard duty at that time also?

Detainee: No. The guard duty, I did it in Kabul. After the September 11th, I only did the civil dispute mediation.

Tribunal Member: During that time, were there Taliban soldiers with you?

Detainee: No, there were no soldiers with me at that time. And I was in a different area when I was doing this. This was so people could trust me, that I was not taking anyone's side.

Tribunal Member: Was Commandant Kamal a member of the Taliban?

Detainee: Kamal was working for Ismail Khan. Actually he was a thief. **[It is not clear whether "he" refers to Kamal or Ismail Khan.]** He is not a commander or anything anymore.

Tribunal Member: Was Ismail Kahn Taliban at the time?

Detainee: Ismail Kahn was against the Taliban. He was not with the Taliban. The whole story with that is, in that time, the Taliban captured him. Then he got released. So Ismail Kahn started fighting against the Taliban. So basically he was against the Taliban.

Tribunal Member: So when you attended that dinner that was hosted by the Commandant, he was working for someone who was against the Taliban?

Detainee: Yes. They were against the Taliban because they were against the Pashtu speakers. Kamal and Ismail Kahn were catching the Pashtu speakers. Since the Taliban were Pashtu speakers, Kamal and Ismail Kahn were against the Taliban. They were thinking every Pashtu speaker is a Taliban.

Tribunal Member: Anytime after the September 11th attacks in the United States, did you carry a weapon?

Detainee: No. Never. Even before that, the only time I carried a weapon was when I was doing guard duty in Kabul. When I was staying with Kamal, there were other people there. Those people were carrying AK-47s. I did not have any weapons.

Tribunal Member: In the area in Shebreghan, was there any fighting going on between Northern Alliance and Taliban forces? After September 11th?

Detainee: I did not know anything about any fighting at that time. I did not see any fighting. The people there, they were not fighting or saying anything about fighting. I did not see any fighting. The question you had asked at that time, who was fighting who? Can I ask if it was the American bombers were fighting Taliban, or the Americans were fighting the Northern Alliance?

Tribunal Member: In Shebreghan, was there any fighting and if so, who was it between after September 11th?

Detainee: No. I have not seen any fighting. Nobody said anything if there was a fight in that area. I do not know if any group was fighting.

Tribunal Member: I think that's all I have. Thank you.

Detainee: You are welcome.

Tribunal President: You mentioned at one point, you were not recruited. You were taken by force and that groups in Afghanistan were fighting. What were the groups that were fighting each other?

Detainee: I think there was no foreign Government at that time. So it must be Massoud or Dostum or from the Northern side. The Taliban were probably fighting those guys and needed people to help them. The Americans were not there at that time.

Tribunal President: What group forced you from your village to work for them?

Detainee: It was the people working for the Taliban Government. It was their job to go to different areas and pick people from villages. They would train them to help them.

Tribunal President: Did you receive any military type training from this Taliban support group?.

Detainee: No, I did not receive any kind of training. The only thing I did was work with Syed Agha in Kabul. I helped him with cooking and cleaning. In the nighttime, I helped him with guard duty. But I never received any kind of training.

Tribunal President: When you answered question three, you said you stopped with Kamal when the war started; and then in one point you said the fighting was all around you. Who was the war between?

Detainee: It was not a fight. I heard on the radio that those guys, those people were Pashtu speakers. They were going to different villages getting the Pashtu speakers. They were taking stuff from them and from their houses and making them prisoners or in the future using them as prisoners. Those guys - that group - actually were going to different locations and bringing people everyday from different areas and putting them in prison. Those people are Pashtu speakers.

Tribunal President: Who were the Farsi speakers and who were the Pashtu speakers? Are they from different countries? How do we separate them? By country? By religion? Are we talking Taliban verses Northern Alliance? Who are the Pashtu and who are the Farsi?

Detainee: At that time, Ismail Khan and Kamal were Farsi speakers. Not every Pashtu was working for the Taliban Government. Most people were Pashtu speakers in the Taliban Government. Those guys were just capturing the Pashtu speaking people. Just because they were from the north and spoke Farsi. That's why there was fighting between Farsi speakers and Pashtu speakers.

Tribunal President: So the Farsi speakers were from the north. Were they the Northern Alliance?

Detainee: Northern Alliance were Farsi speakers. That difference happened in President Najeeb's Government time period. People were divided on language based on who is Pashtu and who is Farsi speaker. From that time until now, people are fighting. The north is speaking Farsi, and other people from east are speaking Pashtu. They do not like each other.

Tribunal President: So when you said that the fighting was all around you, you meant the Northern Alliance came into your area to round up the Taliban or the Pashtu speakers?

Detainee: I did not see any Northern Alliance or Massoud or those kinds of people. But Ismail was also Farsi speaker, and I am sure he was helping the Northern Alliance. They were trying to catch the Pashtu speakers.

Tribunal Member: Were Ismail and Kamal from the area where you were assigned and working as a mediator? I think it was Shebreghan.

Detainee: Shebreghan is so far from Herat. [Inaudible] in Afghanistan. Ismail Kahn and Kamal, that area of Herat was under them. When I was in the jail, that was the first time I'd seen that area of Herat, under their jail. But Herat is far from Shebreghan. Shebreghan was not under their control.

Tribunal Member: I just want to understand, if Kamal was a Farsi speaker and someone who would be hostile to Pashtu speakers, why would you and your relatives go to Kamal to ask for help?

Detainee: I knew Kamal was a Farsi speaker, but my relatives were living in that area and said since they had been living in that area for a long time, they knew Kamal. Kamal was a Farsi speaker, but he could still help me because of my relatives. They knew each other. They took me over there to Kamal. When I went there, Kamal took all my money and everything, and I ended up in jail.

Tribunal Member: Are your relatives Farsi speakers?

Detainee: My relatives are Pashtu speakers. In that area there were a lot of Pashtu speakers. They call it koochi. Koochi means they go in one season to one area, and when the season changes, they move to a different location.

Tribunal Member: When you said you did not voluntarily go to join those forces but were picked by force; by what means or force did they use? Did they threaten you or anything like that?

Detainee: They were in the Government. They would ask that we had to provide one person out of every ten houses. This type of thing has been going on since King Zahir Shah died. When he was the king, he would ask people for service in the military. After that regime ended, the practice continued with President Najeeb, and into Taliban times. We know this is the rule. When a village is told they need so many people per house or from the village, we had to provide those people because they were the Government officials.

Tribunal President: Muhibullah, do you have any other evidence to present?

Detainee: I answered those five questions. If any one has any other questions, I will be happy to answer those. I do not have any evidence here in Cuba, but I do know people back in my country, Afghanistan, that will tell you I went by force there. I did not volunteer. I did not fight in my life against anyone. You can bring them here. I cannot bring them here. But I can tell you a lot of people back home, and they can tell you all those things about me.

Tribunal President: Okay. You mentioned earlier that you had something more you wanted to say. Was that your statement there?

Detainee: No, but I do have another request. It was just those five questions and I disagreed with the last two questions. They were wrong. I did not know Abdul Ghafar and the Tribunal can ask me questions on it. Regarding the last question, I did not surrender to the Northern Alliance. You surrender when you are fighting and there is somebody behind you or you cannot fight anymore. You surrender yourself. There was no situation like that. That was not the case. So the last two questions, I do not agree with them. I agree with the other three but we already talked about those other three questions.

Tribunal President: Be sure to understand this is your last chance to speak. So if you have a statement, or more statements, they need to come out now.

Detainee: Those five questions, I answered them. If the Tribunal trusts me that I tell them the truth, it is good. If you want me to take an oath and answer questions again, I will say everything I said is true. I can do that to make sure the Tribunal knows I am telling them the truth. **[Offering to take the oath was the request the Detainee referred to earlier, as confirmed by the Personal Representative.]** Other than that, I do have people at home and they can tell you the same thing. That I am innocent. I have never done anything wrong. That is all I can say about those persons. I did not fight Americans or its allies. I did not even know before which side was American when I was living in my village. How could I not like Americans when I did not even know them?

Tribunal President: Okay. Personal Representative, did you discuss the witness process with the Detainee prior to this?

Personal Representative: I discussed the witness process with the Detainee prior to the proceedings.

Detainee: I know the whole process. But I just wanted to make sure that if the Tribunal needed names of people they may want to call, I can give you those names. Otherwise, I answered all those questions truthfully. If you accept my answers, that is fine. If you want me to swear, I can swear also.

Tribunal President: We will not swear you. You have already gone on the record saying you did not want to make a sworn statement. We have proceeded and gotten past that.

We are not going to re-address that. The witness issue was discussed during the interview process, so we are not going to discuss that now. If you have more to add to your statement, then that is fine. But we understand what has been said so far. We have that on the record and we have taken good notes. We will use this in our deliberations.

Detainee: So the decision will be after the hearing and you will consider everything.

Tribunal President: Yes, and you will hear more about that as we continue on.

Detainee: Okay.

Tribunal President: Personal Representative, do you have any additional evidence to present?

Personal Representative: No, Sir. I have no other evidence to present to the Tribunal.

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

Recorder: No Sir, I do not.

Tribunal President: Any Tribunal Members have any final questions for the Detainee?

Tribunal Members: No, Sir.

Tribunal President: All evidence having been provided to this Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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

[redacted]

Colonel, USA
Tribunal President

Summarized Sworn Detainee Statement

The Tribunal President advised the Detainee that one of his requested witnesses was not relevant to the Detainee's classification as an Enemy Combatant, and his other two witnesses were denied because they were not reasonably available.

Detainee: Why are the witnesses I requested not allowed?

Tribunal President: Two of them are considered not reasonably available.

Detainee: How can we get the truth if they are not here?

Tribunal President: They are not here, although we will be willing to hear your oral statement.

Detainee: How would you like me to start?

Personal Representative: The Detainee requested I state the evidence and his response to the evidence on the Unclassified Summary and then the Detainee will elaborate. If the Detainee has any corrections to his statement, he can make them at that time.

Paragraph 3, [The Detainee is a member of the Taliban and al Qaida.] First of all I am not a member of the Taliban and I'm not a member of al Qaida. I'm a businessman. I have two stores. In one store, I sell plastic flowers. In the other store, I rent furniture and dishes for special occasions. I am a missionary; I go house-to-house, village-to-village spreading my religion.

Detainee: Americans attacked Afghanistan ten days before my year in the mosque was complete. If I would have been home when the Americans attacked my village, I would have been actively involved against them, but I was away from my village. Three months prior to the Americans arrival, the missionaries had a big meeting in our village. The Taliban came in and tore down our tents and speakers. They didn't want us to have the meeting. Right now the Americans are there and we can now do those types of things. The Taliban told us we were not strong because we weren't fighting against Americans. Therefore, the Taliban gave us a hard time. The Taliban was upset because no one attended their meeting and people from all over attended our missionary meeting.

I have never been a part of or had ties with the Taliban or al Qiada. You will have to show me that you have proof that I am a member of the Taliban.

Regarding paragraph 3.a.1, [Detainee was possibly identified as an al Qaida associate, planning landmine attacks in Khost, Afghanistan.] This is not true. On this allegation, there is one prisoner named Obaidullah that can refute this allegation. The authorities found landmines in his house. The authorities didn't find any landmines in my possession. I have not laid any mines. I have nothing to do with mines. Obaidullah was my business partner for two months about seven months before my capture. I am not at

all responsible for that and had nothing to do with it. If I can get him at the Tribunal, we can clear this up once and for all. We broke our partnership because of a dispute over money. He owes me 80,000 rupees and claims to owe me only 60,000 rupees, so we broke off our partnership.

Detainee: Obaidullah has been unfair to me. The court should have him here so I could talk to him face-to-face. I would ask him questions on what he had and how he got it and why I had it. He could answer my questions. I will go to any camp. I just want the truth about what he has said. I would be happy if Obaidullah came in here and told the truth and it satisfied you. I again ask the court to bring Obaidullah here. Without him, the truth will not come out. Afghani people are use to getting someone in trouble over nothing.

Paragraph 3.a.2, [Detainee was possibly identified as a person likely to have communicated with Arab al Qaida members operating in Peshawar, Afghanistan, and working directly for Arab al Qaida in the Khost province.] This is nonsense. I'm as far from this thing as the ground from the sky. I never knew any Arab, never talked to any Arab, I have no association with any Arab. I'm shocked to hear the allegation. It is totally false.

Detainee: If you are associated with or work for someone of course you have a title, such as a cook. I was always busy with my business and didn't have time to become involved with al Qaida. I was never part of al Qaida. Al Qaida is gone; it isn't in Afghanistan anymore. This allegation is totally false. You don't have any proof that shows I was part of al Qaida, because I wasn't.

I went to Peshawar to take merchandise. The shopkeepers name was Momtaz.

Paragraph 3.a.3, [The Detainee recruited others to lay mines that would harm American and Afghan forces.] I'm so far from this thing. When the Americans came to Afghanistan, I was in Jalalabad for almost one year to do my duty to bring people to the religion. I went to the Lalpora district, Gushta District, Batikud District, Kuth District, and Kanikhil District to spread the religion.

Detainee: I wasn't in Khost for almost a year because I was out spreading religion. You can ask anyone in Khost.

[Detainee requested the Personal Representative re-read the allegation {3.a.3} from the Unclassified Summary.]

Detainee: This is totally false. I was a missionary and I don't deny that. As far as I know, it is not illegal over there and it's not illegal in the United States. The United States has rules and principles that you can preach anywhere you want to. I am uneducated and haven't gone to school. The only thing I have learned was from the Koran and that is what I preached. There are six principles I preach. It has nothing to do

with terrorism or Jihad. I told people to pray and read their Koran. If I talked against the United States, show me the proof.

Paragraph 3.a.4, [The Detainee offered to pay others to lay mines that would harm Americans and Afghan forces.] This is totally incorrect. Find one person I paid or offered to pay to plant a mine. There are none. There is no proof.

Detainee: Four months prior to my capture, I borrowed 78,000 in Pakistani currency from my cousin. I wanted to use the money for business. I borrowed the money to go to Pakistan to buy goods to sell in Afghanistan. Twice I bought merchandise for my shop with that money. I made a profit of 9,000 in Pakistani currency. I gave my cousin 4,500 rupees of the profit. If I had so much money to give to people, why did I go to my cousin and ask for money to make money? I worked very hard earning the money by traveling around buying the merchandise and bringing it back to sell. My cousin sold land. After he sold the property, he gave me additional money so I could work with the money and split the profit with him. My cousin didn't do anything but sit at home and make a profit. My cousin is (inaudible). Before I was captured, I had his money in my shop. I'm not sure if it is still there or if it was given back to him. I don't know what the story is. My nephew can verify my story and if the money is still there. I'm not stupid. I didn't have money for food. I wasn't going to go over there and give people money to do something. If you tell me I did that, then provide me the proof. I can give you the address of my nephew.

Paragraph 3.a.5, [The Detainee was arrested by the Pakistan Police authorities on 13 August 2002 at the Khurgi, Pakistan checkpoint. In the Detainee's possession was a Thuraya Satellite telephone, 2700 United States Dollars, 3,600 Pakistan Rupees, and 70,000 Afghan Rupees.] I have a store in Khost. I was going to Peshawar, Pakistan. On my way to Peshawar, there was a small city named Miramshaw. I met a person named Abdullah Wazir. I knew him six years ago. We were in the same van from Miramshaw to Peshawar and I was in the front seat. My friend, Abdullah Wazir, was in the middle of the van. Between the two cities, there was a checkpoint with the Pakistani police. We stopped at the checkpoint and then they opened the door and asked three people to come down and be checked. My friend Abdullah Wazir was one of the three chosen that was checked. As he was getting out of the van, he handed me something, I didn't know what it was, I thought it was a camera. The police saw him do this so they told me to get out of the van as well. The satellite phone was not mine. When they searched Abdullah Wazir, the money was with him, not me. It was all his money, not mine. I had 3500 Rupees with me.

Detainee: I wish Abdullah were here so he could tell you what happened. I didn't know about the satellite phone, even a minute prior (inaudible), I wasn't aware of anything. I didn't know he had those things or that he was going to give them to me. You should ask Abdullah the questions regarding the cell phone.

Paragraph 3.a.6, [A doctors examination of Detainee's hands indicated that extant scaring appeared to be caused by explosives.] I burned myself when I was two years old on a flat

stove, not with explosives. My aunt, my cousins, my brother can verify this. If it were with explosives, I wouldn't have a hand.

Detainee: I know you would not punish me or take me to court if I had fought against the Russians. What I have told you is the truth. What I told you about my scars was according to what my mother told me. I was too young to remember exactly what happened to my hands. My mother told me I was crawling while she was cooking on the stove. She left for a minute then, she heard me scream. Part of my knee and hand were on the stove. My skin was stuck on the stove. I haven't seen an injury caused by a bomb that only damaged your knee and hand. That is impossible. Most people injured by bombs lose their legs or hands. You can verify this with my family. If you can prove this was done other than by the stove, such as explosives, you can cut off both my hands. Not just my brother, thirty or forty people can verify what happened to my hands. This allegation was made based on what Obaidullah had said. There is no truth to it. When I was doing business with Obaidullah, had never asked me what happened to my hands and he doesn't know what happened to my hands. Whatever he said was a lie. You can verify this by asking Obaidullah if he knew what happened to my hands before he was captured?

I have been waiting for this court to tell about all the injustice that has occurred. I didn't see the sky for six months when I was in Pakistan or Bagram, Afghanistan. The first time in six months I saw the sky was in Cuba. I have been waiting for the day of this court so I could talk freely about what I have to say and tell the truth. I request you bring Obaidullah and Abdullah here, so I can talk to them in front of you. You have no evidence against me. The carpets and money were found with (inaudible) Wazir had the money and the cell phone with him. The only thing you found was a gun from my house and my identity from this house. Bring those people involved in front of me. How will we get to the truth if they are not brought here? If you bring them here, they have to tell the truth because they cannot lie. The truth will come out. If you bring them here, I will accept whatever they say, even if it is a lie. Why has so much injustice been done to me? My nephew was in prison, and my brother was given a hard time. I was brought to Cuba and wasn't allowed to sleep.

In Peshawar there is a proverb, prove it and kill me. You haven't done anything. At one time my weight was 156 and now I weigh 120. There is so much injustice and cruelty.

The two most important things are those two people (Obaidullah and Abdullah). They should sit in front of me and answer questions. They won't hide anything from you. All the items were found on them, not me. All the truth lies with them, not with me. I have no questions, but if you have questions I will answer them.

Tribunal President: It is not within the power of this Tribunal to bring the witnesses before you, but we have listened to your oral statement. The only information we have right now is the things presented to us in the Unclassified Summary. We do have questions and I appreciate your willingness to answer them.

Summarized Answers in Response to Questions by the Tribunal Members

Q. You told us you were a missionary. Would you tell us the difference between the religion you taught and the religion of the Taliban?

A. We talk about six things. First when you are Taliban you say you are Taliban, when you are Muslim, you say you are Muslim. We are very calm and soft. We don't want to cause any problems or be harsh to anyone. We treat Muslims and non-Muslims the same, we are not mean to them. Our purpose is not to harm anyone from different countries. We only preach our purpose and our cause. We don't have any plans or ideas about getting power and having a military, or obtaining weapons. We preach Islam.

Q. When the Taliban destroyed your tent at the meeting you were having, explain why they did that.

A. One reason they gave us was because we didn't participate in Jihad. They told us if we were good Muslims we would not walk in America or London. They told us we were weak Muslims.

Q. Would you take your missionary work outside of Afghanistan or only in Afghanistan?

A. Pakistan and Afghanistan.

Q. Were you part of a group of missionaries or did you act by yourself?

A. Eight or nine people altogether.

Q. You mentioned your partner, Obaidullah. Was he Taliban or al Qaida?

A. When he was my partner, he wasn't Taliban or al Qaida.

Q. How long did you know him?

A. He was my partner for three months. I knew him for six years prior to the time I was captured.

Q. Do you have a family? If so, how many (wife and children)?

A. I have one wife and six children.

Q. You mentioned something about not being punished if you fought the Russians. Did you fight the Russians and have you had any military training?

A. I have not fought against the Russians.

Q. And no military training?

A. No.

Q. Is your business partner and Abdullah Wazir the same person?

A. They are different people.

Q. How many people were you arrested with at the Pakistani checkpoint?

A. Two people.

Q. You have confirmed that your business partner was not part of Taliban or al Qaida, but was Abdullah Wazir part of Taliban or al Qaida?

Tribunal member: To clarify the question asked earlier by the other Tribunal member, he asked if his business partner was al Qaida or Taliban, I am trying to verify if Abdullah Wazir was Taliban or al Qaida.

A. I have no idea.

Q. Do you know what Abdullah Wazir was doing with the satellite phone?

A. He was a businessman with a shop.

Q. Have you received any physical abuse since you have been in captivity?

A. For fifteen days in Bagram, I wasn't allowed to sleep.

Q. Was this in U.S. custody?

A. Yes.

Q. How about since coming here to Cuba?

A. When they brought me from the airport they tied me very tight and put me in a big truck. I almost lost my life because I was getting pulled every which way for a long time. I yelled and told them I was dying. They told me I was almost there. My hands were tied very tight and I was getting pulled back and forth. If it lasted ten more minutes, I would have died. When we reached our destination, they took me to the hospital. They had a hard time finding my veins. They cleaned up my wounds and they were finally able to put in an I.V.

Tribunal President: Thank you for participating in this Tribunal today.

Detainee: (Inaudible).

Tribunal President: We will certainly make note of that.

Detainee: I have been waiting for this day for a long time so you could hear my case. I ask that you pay close attention to my case.

AUTHENTICATION

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

(b)(6)

[redacted]

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 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 Recorder administered 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.

a. The detainee is associated with Al Qaida and the Taliban.

Detainee: I heard of Al Qaida when I came to this camp. I was never with the Taliban.

a.1. The detainee worked for Samoud Khan as a bodyguard and cook in his Mousauwal Compound in Zormat, Afghanistan in December 2001.

Detainee: Yes, I was very poor and I worked as a cook to support my family. I was paid three to four thousand per month.

a.2. A senior Taliban commander, and Al Qaida supporter, in Gardez frequently visited Samoud at the Mousauwal Compound.

Detainee: I have no such information because I have not worked with him very long. Ask Samoud. He's in Bagram.

a.3. Samoud Khan has claimed to be on a jihad against the United States and instructed his men they must do the same.

Detainee: No. It's impossible to fight the Americans with just Kalashnikovs. Samoud had lots of personal enemies and was fighting against them.

b. The detainee engaged in hostilities against the United States or its coalition partners.

Detainee: I never fought against the Americans. I was a poor person working as a cook and I don't know anything.

Personal Representative: In addition to that, the detainee made statements to me earlier. Can I remind him of those?

Tribunal President: Yes

Personal Representative: the detainee also said people worked for Americans, in fact the detainee worked for a general his name it's just in the detainee's files. The detainee worked for the general but does not know how long.

Detainee: There was an American there. The head of the campaign, I was working for him.

Tribunal President: Let me just clarify, those are statements Habib made to you during an interview.

Personal Representative: Correct

Detainee: Yes

b.1. The detainee admitted to being on a jihad.

Detainee: No, I didn't do it.

b.2. Samoud Khan, with the assistance of others, was responsible for rocket attacks against United States forces from firing positions on Laywan Mountain.

Detainee: Yes, I made the statement, but I am not sure if those people were Samoud's enemies or if they were Americans.

b.3. The detainee was instructed to fight to the death when American forces raided the Mousauwal Compound on 11 December 2002, but surrendered instead.

Detainee: No, I didn't want to fight with Americans. Totally I surrendered I never fought.

b.4. Just prior to the U.S. forces raid on the Mousauwal compound, the detainee instructed his compatriots to all provide the same false story if captured.

Detainee: I have never lied. If I have lied, what kind of proof do you have? Show me proof that I have lied.

Tribunal President: Habib would you like to add anything else to the allegations or your responses to the allegations?

Detainee: I don't have anything else to say. My commander is detained. You should refer any questions to him.

Tribunal President: Habib, this is your opportunity to speak. We don't have the commander here in front of us now. We may not have the opportunity to talk to the commander. This is your opportunity to tell your story.

Detainee: I told you I was a poor person, and that I was working over there to support my mom and my dad to support them financially. I was just working for money. I never worked for Al Qaida or the Taliban.

The Personal Representative and the Recorder had no questions.

Tribunal Members' questions

Q. When you worked for the American General, what did you do?
A. One of our village's representatives, named Abdul, was working for Americans and I was working for him.

Q. Doing what?
A. I was a guarding and also cooking.

Q. What village was that?
A. Zormat

Q. I understand you said you are not Taliban or Al Qaida, but is Samoud Khan associated?
A. Samoud – I don't know about him being with Al Qaida, but he was against the Taliban. He had killed a Taliban and ran to Pakistan to hide.

Q. Why do you think the U.S. attacked the compound at Mousauwal?
A. I don't know; maybe someone spied on us.

Q. When the rocket attacks took place, where were you? What were you doing? Cooking?
A. I wasn't with him at that time. I hadn't been with him for a long time, like 2 months or so.

Q. So you stopped working for him before the attacks?
A. No, I wasn't with him.

Q. So you joined him after the rocket attacks?
A. After the fight, I started working with him.

Q. How did you learn about the attacks?
A. He himself had told me, and also people from the village.

Q. So did he tell you they were attacks on U.S. forces?
A. Who?

Q. Samoud Khan?
A. Samoud Khan had told me so, and also the people of the village. They said it was on Gardez people.

Q. Initially you were told it was on U.S. forces?
A. Yes.

Q. How long did you work for Samoud Khan?
A. Two months, or so maybe a little less.

Q. Were you given instructions to fight to the death?
A. By whom?

Q. The allegation reads that you were instructed to fight to the death when American forces raided the Mousauwal compound on 11 December.
A. No. Why would I fight because Americans came in to search, so there was no reason to fight.

Q. Were you given instructions to fight to the death?
A. If I wanted to fight, no, the Americans were standing in front of us, we would have fought. But we didn't fight.

Q. I am not asking if you fought or surrendered. I am asking you if you were given instructions to fight to the death?
A. By who?

Q. Samoud Khan.
A. He had told me to tell the Americans we are people of Hafiz Zula (phonetic). I work for him. First, when we were in Gardez, they had taken all our clothes off. I was naked with 8 other people with us when I made that statement at that time. Americans were beating us really hard, and they had dogs behind us and they said if we didn't say this, they would release the dogs. After that, an American grabbed me by the throat and said, "Has this happened to you?" and then I said "yes," and that is why I made the statement "Samoud told me to fight."

Tribunal President's questions.

Q. Where were you born?
A. What do you mean?

Q. Where were you born? Where were you raised?
A. I was raised in Pakistan.

Q. Why did you go to Afghanistan?

A. That is my place. That is my homeland. My mom and dad are there. My house is there.

Q. Were you born in Afghanistan or Pakistan?
A. I am not sure. Maybe Pakistan.

Q. Then your family moved back to Afghanistan?
A. Yes.

Q. Where was your family living?
A. Zormat.

Q. Where was the compound located?
A. Zormat.

Q. What type of compound was Mousauwal?
A. It was a region with a lot of houses over there.

Q. Help me to understand. Is Samoud Khan the ruler or the governor of this compound?
A. He was the commander.

Q. So there were military troops at this compound?
A. Yes. They were our friends.

Q. It was a training camp?
A. What do you mean?

Q. Military training?
A. There were just some Kalashnikovs there.

Q. So was it a supply compound?
A. It was a house.

Q. Did they store weapons in the house?
A. Rockets.

Q. Did you also work as a bodyguard?
A. I was a cook.

Q. Did you also have to carry a weapon as a cook?
A. Yes, totally. I had a Kalashnikov.

Q. You were protecting yourself and the compound from who?
A. I am telling you, Samoud had personal enemies in Zormat. That caused us to fear for our own lives, so we carried the Kalashnikovs.

Q. Did you have to receive any training to use the AK-47?
A. I don't even know how to use the Kalashnikov properly. I used it at weddings and during the Eid festival. I just shot the Kalashnikov up in the air.

Q. My question is, did you have to receive any training? Is that yes or no?
A. No, I don't know how to use the Kalashnikov properly. If I have a target right there, and this point, I don't know how to fire at that target properly.

Q. Have you ever worked with any Al Qaida or Taliban soldiers or fighters?
A. No.

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.

[redacted]

Colonel, U.S. Army
Tribunal President

Summarized Detainee Statement

Tribunal President: Ismat, as you remember we met on 13 October 2004.

Detainee: Yes.

Tribunal President: We recessed the Tribunal because we felt all of your comments were not being translated properly. We also felt our comments were not being translated properly. We want to make sure that you understand the process. So I will review the process with you again this morning. Forgive me if I repeat myself from the other day.

Detainee: That is okay.

Tribunal President: We previously swore the Tribunal and the Personal Representative. Today we swore in a new translator and reporter.

Detainee: Okay.

Tribunal President informs the detainee of his rights during the Tribunal hearing.

The Detainee stated he understood the Tribunal process.

Tribunal President: Everything that you said to us on 13 October 2004 is still on record. Please feel free to repeat anything you said to the Tribunal on that day.

Detainee: Okay.

The Recorder reviews the Unclassified Summary of Evidence (exhibit R-1) with the Tribunal and the detainee.

Tribunal President: Ismat, you made a request for witnesses?

Detainee: I did not want to present anybody or bring anybody in as a witness because I did not have anybody here. But when I talked to my P/R and he asked me if I had any witnesses, I told my P/R I had my cousin with me here. You can bring in my cousin and ask him for whatever information he has regarding the evidence you have on me. My cousin will give you that information, if he knows anything.

Tribunal President: Ismat, you also asked for....

Detainee: May I finish my sentence?

Tribunal President: Yes, I am sorry.

Detainee: I did tell my P/R there were two people in Afghanistan I wanted as my witnesses. I gave my P/R the names. They can testify why I was in the Taliban and the reasons I served. These witnesses would tell you most of the things in the unclassified summary are not true. I do have evidence to provide to you, or I can explain to you my reasons for doing it? But most of the summary, I do not agree with it.

Tribunal President: Ismat, I do understand that you did ask for your cousin to appear as a witness at this Tribunal.

Detainee: You can ask my cousin about whatever he knows and he will tell you. Also form Bagram all the way to Cuba, I did tell my interrogators the truth. It is in my file. You can look at my file and find it. Most of the things in the classified files are not true and I do not agree with it. I can tell you why I did it, what I did not know about. Also, there are a lot of people in Afghanistan that could tell you I did not do the things I am accused of in the Unclassified Summary. The American Government is wise and they should do justice by reviewing my file and my statements, then they should do justice with me. America should know, that is why America is a great power today.

Tribunal President: We will have the opportunity to hear your comments. We will also have the opportunity to hear the comments from your cousin, who is a witness appearing today. But, I wanted to let you know that the State Department attempted to make contact with your uncle and brother-in-law. The State Department was unable to contact these individuals.

Detainee: I am a detainee here. I cannot bring any witnesses to the Tribunal. Your Government or the Tribunal can try to bring the witnesses. When you do make a decision, you should keep in mind whatever I say, plus my witnesses. Don't make a decision without actually looking into the whole matter. What I can do, you can explain each question to me one by one. I will answer if it is true or not true. I want to go briefly, one by one, each bullet on the Unclassified Summary and explain to the Tribunal.

Tribunal President: Yes, Ismat. The Tribunal will look at all of the evidence we have before us. We will listen to your statement, which we will go into after we finish talking here. And, we will also listen to and consider the statement from your witness before we make a decision.

Detainee: Okay.

Tribunal President: Ismat, you may now present any evidence you have to the Tribunal, and you have the assistance of your Personal Representative in doing so. Would you like to present information or make a statement to this Tribunal?

Detainee: Yes.

Tribunal President: Ismat, would you like to make your statement under oath?

Detainee: Yes.

Tribunal President: Recorder, would you please administer the Muslim oath.

The Detainee was sworn using the Muslim oath. The Detainee testified to the Tribunal in substance as follows:

Tribunal President: Ismat would you like to make a statement or would you like to respond to the allegations?

Detainee: I can make my own statement, but it's been two and a half years and it's in my file. It has been a long time and I forgot some of the stuff. But I would like to go over each question and answer each one whether it is true or not. Then the Tribunal or anyone else can ask me any question on that. I would like to answer each question.

Tribunal President: Ismat, we do not have your file here today, so it is important for you to say as much as you would like to. Then we will go over each of the statements.

Detainee: I can tell you the whole details of when I left the house, where I stayed, where I was and where I had been. But it is a long story and I don't want the Tribunal to get frustrated with me.

Tribunal President: We won't be frustrated.

Detainee: I was asked questions from my childhood and about what I did as I was growing up. I can start from there, but it is a long story. I can tell you from the beginning from my childhood or I can start from the place in Pakistan when I was handed the letter to give to that person. The time I was serving as a soldier. So where should I start?

Tribunal President: I think for this Tribunal it would be better for you to start when you were in Pakistan and you were handed the letter. Your childhood information will not help the Tribunal in determining whether you are an enemy combatant or not. Ismat, we could just start with the allegations that are on the Unclassified Summary, if that would help you with your story.

Detainee: We can do that. We can answer each question.

Tribunal President: P/R, would you like to read those please?

Personal Representative: Yes, Ma'am. 3-a, "the Detainee is a member of the Taliban and associated with Al Qaida."

Detainee: I did serve in Taliban for a year as a soldier. I did so for a reason, but not as a volunteer. The reason was I had a guesthouse in Kandahar. People were trying to take my guesthouse. Since I did not have anything, the way I saw it, I joined the Taliban and they gave me a letter allowing me to keep my guesthouse. Then I was a soldier with the Taliban, but I was an ordinary soldier. I stayed with them in small places or houses. It was not like staying with them in the city or the bazaars. I was in that area, Dara Sufe, with the Taliban soldiers. I was not a commander or anything like that. I was a soldier with Commander Abdull Razzaq. One time he did have almost forty soldiers under his command. I worked with him for three and a half to four months, then I would go back home, then I would go back with the soldiers. So the entire time I served with the soldiers and spent time at home was about a one-year period. I don't know the exact date, but when Commander Massoud, a leader of the Northern Alliance died, then our commander told us we were going home. So we left and we went back home. After two months after Commander Massoud's death, the Americans came. Their coming was announced everywhere over the loud speaker throughout the bazaar and we were told to move our families elsewhere. So that is what I did. I moved my family to Dara Woo, another place in Uruzgan. When the war was over, I moved my family back to Khandahar and began living with my father-in-law. I sold the guesthouse I had in Uruzgan. It was winter time, so I moved my family to Pakistan for six months. It was not a good time to buy another guesthouse or start a new business.

I forgot something. Before I left for Pakistan, I bought a taxi car for my uncle on my mother's side. My uncle said he would take care of the taxi service for me and send me the money from the taxi service. I bought myself a motorcycle and took it to Pakistan. When I was living in Pakistan after some time I went to the government park. I saw Commander Razzaq sitting in the park with a few other people. I recognized Commander Razzaq and introduced myself, but he did not recognize me. I told Commander Razzaq that I was serving for another Commander, Akhund Zada, under him (Razzaq). Then Commander Razzaq remembered me. I left, then I saw him again one month later by the park. Razzaq asked me if I knew if anyone was going to Afghanistan. I told him that I was leaving for Afghanistan a few days later to check on my taxi. I had not received any money from the taxi service and two or three months had passed. If my business was not turning a profit, I was going to sell the taxi. Razzaq told me he had a letter he needed to send to Afghanistan to a person named Sangar Rihad. Razzaq said he would give me money to pay for my fare from Pakistan to Afghanistan in order to deliver the letter. I asked Razzaq what was in the letter because I could not read it. Razzaq said the letter was asking Sangar Rihad to come to Quetta. I did show the letter to other people to read, and they told me the same thing. After that, I went grocery shopping for my house and I put the letter in my pocket. The next day, I had gotten the money to go to Afghanistan.

Detainee: Since I had nothing else planned and I had received the money to go to Afghanistan, I planned on leaving the next morning. I still had the letter in my pocket. I did not know the letter had anything related to the Taliban in it. If I had known delivering that letter was going to be dangerous for me, I would not have taken it. Razzaq told me Sanger Rihad was a well-known person and everyone in the tribe knew who he was. I did not know of any relation between Rihad and the Taliban. I was thinking Commander Razzaq left after the death of Commander Massoud. I was thinking Razzaq was against the Taliban. Why would he write to someone who dealt with the Taliban. That day I left my house in Chaman and I went to Wāeji, another city in Pakistan by the border. I spent the night there with some relatives. The next morning, I rode my motorcycle to Kandahar. I was thinking about selling both my car and motorcycle. I asked my uncle about the taxi service and how much money was made. My uncle said only one thousand Pakistani Rupees. So we decided to sell the car because there was no profit. My uncle was a passenger in the car and he went to Dara Woo in Uruzgan. I drove my motorcycle to Dara Woo. The next day, my uncle's son brought the car to Dara Woo. Since I had not seen my cousin in a long time, my cousin wanted to visit me in Dara Woo. I asked another friend to go with me to show me how to get to the place I had to deliver the letter to. So the next morning the three of us [detainee, cousin and detainee's friend] left together in the car and went to deliver the letter to Sangar Rihad. We stopped only once to fix the car. When we got to Sangar Rihad, it was late afternoon or early evening time. Since it was late, we would not make it back on the same day, so we spent the night at Rihad's. Rihad was fixing his house. That night I gave Razzaq's letter to Rihad. It was Ramadan time. I saw the letter on the ground. I read it and saw it said Allah, the name of God written on it. I picked up the paper. In our religion it is bad if you throw such papers on the ground and do not properly dispose of it. You either have to burn it or place it in water. So I picked up that paper and I gave my car keys to my friend. I told my friend to start the car. We left that morning right after the sun came up. We were headed back home. Midway of our trip we stopped in a bazar area, Chinartoo. When we got there, the Governor and five other guards turned on their headlights to stop us. I did have an AK-47 in the car for personal safety. I was going to sell the car, but I thought when the car was sold I would keep the money in my pocket. It is not safe to keep any money in your pockets without having a weapon on your person. That was why we had the weapon and why they found the AK-47 with me in the car. They authorities searched the car and found the AK-47. The Governor told us to go with him and the guards. I tried to explain to the guards the AK-47 was for my personal safety and it was just one weapon, so it was not a big deal. The guards told us to go with them. So we left with the guards. They guards were staying with the person I sold my guesthouse to. The Governor asked me who the car belonged to, and I told him it was mine. The Governor asked me when I bought the car, and I told him after I sold the guesthouse. The Governor asked those people owning the guesthouse, and they verified they did buy the guesthouse from me. Then the Governor asked me where I came from and where did I stay the night before. I told the Governor me, my friend and my cousin stayed and Sangar Rihad's.

Detainee: I guess Sangar Rihad was either an enemy or did not have good relations with the Governor because soon as the Governor heard the name, he got upset. The Governor took us back to Sangar Rihad's house. When we got back, they brought all of us and Sangar Rihad to Khandahar. We were there for three days. After that, I never saw the Governor again. No one came and talked to us. They took my car keys from me on the first day and I never saw my car again. After three days, we all were handed over to the Americans. I was asked what happened and I told them the whole story about the letter, the Governor and how we all were arrested. At the end of my story, they told me to tell them the truth. I told them I was telling the truth, but they did not believe me. So that night they handcuffed me. The Americans were telling me, or the interrogator with a linguist told me to tell them the truth so I can go home. So I was telling them okay and I would tell them the whole story. The Americans did not find out about my being a soldier with the Taliban in Dara Sufe until I told them about it. They did not find any papers or weapons on me. I told them about how I was in Pakistan and I was given the letter that I delivered. I told them all this because they said they would set me free and I would go home. After a day or two in Kandahar, I was brought to Bagram. In Bagram I was asked the same questions. I told the same story and I was telling the truth, but they did not believe me. Finally an interrogator shook my hand and told me I was going home. I did not see this interrogator again. After two months in Bagram, I was brought here to Cuba. In Cuba, it is the same thing again. I tell them the same story, which is the truth. Now all this in my Unclassified Summary, I did not do. Whatever I told my interrogators, it was voluntary. No one had any evidence on me. Everything in that Unclassified Summary, the Americans had no evidence on that. I swear to the Tribunal that I am telling you the truth and most of the things in that Unclassified Summary, I did not do.

Tribunal President: Ismat, will you allow us to ask you question?

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 of the Tribunal Members have questions for the Detainee?

Tribunal Member: Yes, Ma'am.

Tribunal Member: Ismat, where did you receive your military training?

Detainee: I never received any training from the Taliban. The only thing I knew before joining the Taliban as a soldier was how to fire my AK-47. I joined the Taliban without any training. I was just spending my time with them and wearing the clothes like they were wearing.

Tribunal Member: When you crossed the border from Pakistan to Afghanistan, how did you get across the border? Did you have to present papers? How did you cross?

Detainee: With the border between Kandahar and Quetta, there was no problem. A lot of Afghans live on each side and they just go freely from one side to the other. Maybe in other parts of the country you might need papers, but not in that part. One time, when America was fighting in Afghanistan, the borders were sealed. They were checking papers. But at the time when I was coming back there was no checking. No problems.

Tribunal Member: When was that? You said during Ramadan, but what year?

Detainee: When I got captured?

Tribunal Member: Yes.

Detainee: I don't know the exact year, but I got captured two years ago. So it was the twentieth day of Ramadan, and today is the first day of Ramadan.

Tribunal Member: The AK-47 you had with you when you traveled, whose gun was that?

Detainee: A person names Issa Muhammed or Issa Ahmed. It was his gun and we borrowed it from him. Actually, my friend borrowed it from this person because they were friends.

Tribunal Member: Ismat, to clarify the date you were captured when you said it was two years ago, was that the same year that Massoud was killed?

Detainee: Massoud died before that. I was captured after his death.

Tribunal Member: Was it the same year?

Detainee: I do not know the year or month, but it was after Massoud was dead.

Tribunal Member: Did you ever fight in the Tora Bora area?

Detainee: I never saw Tora Bora in my life. The only time I saw it was on TV in Pakistan. The TV was showing the fighting going on there. I never personally had been there. I am fasting and I was wondering if the Tribunal was going to take a break.

Tribunal President: No, we can't take a break. We have a lot of questions we need to ask you. We also still have the witness to come in and you will be allowed to ask the witness questions. So we have to move on.

Detainee: Okay. I drank too much water because I have been fasting. May I use the restroom.

Tribunal President: Certainly. We will take a brief recess to allow the detainee to go to the restroom.

Recorder: All rise.

Tribunal Hearing recessed and re-opened. All parties present prior to recess were again present.

Tribunal President: Do you remember what year you were a soldier?

Detainee: I never kept track of the year and month. I do not know. I was with them almost a year, close to the year before Commander Massoud died. So if you have the date for Massoud's death, then it was a year before that.

Tribunal President: Was that prior to the US bombings?

Detainee: At that time, I was at my house in Dara Woo. They announced there was going to be fighting with the Americans. We were told to get our families out of the area. That was why I took my family from Khandahar to Dara Woo.

Tribunal President: Was that during one of the breaks that you took from being a soldier? You said you were a soldier for three to four months, then you took a break and then you went back. Or was that after you completed being a soldier?

Detainee: No. I was in my house and I was done with being a soldier. When I left it was two months before Massoud died. My Commander had quit so I went home also. The Americans came after Massoud died.

Tribunal President: Where were you when 9/11 or the attacks on the twin towers in New York happened?

Detainee: I was in my house.

Tribunal President: Earlier you said someone was going to take your guesthouse from you. Can you explain that please?

Detainee: People were saying the guesthouse was built on government land. The people working for the government were soldiers or worked in the Taliban offices. They would come and bother me, threatening to take my land. So I got tired of that, so I went and got a letter from Abdul Razzaq, the Commander. Once I got that letter, I was bound to work with him. So that is what I did. I went and worked for him.

Tribunal President: You said the Taliban claimed they owned the land. So in order for you to keep the guesthouse, you had to work for the Taliban. How does Commander Razzaq fit in there?

Detainee: Most of my time I spent it in Pakistan. For fifteen to seventeen years. I went to Khandahar and I had been there about three years. I was looking to buy property like the guesthouse. This guesthouse had belonged to another person. I asked the owner if I could buy the property. I paid him some money and the owner left it for me. The people that came to ask me about moving were regular soldiers. They would come and bother me by asking for the land because it belonged to the government. The person who owned the guesthouse before me was named Gul Muhammed. I told Gul Muhammed that people were bothering me about the guesthouse. Gul Muhammed told me he would take me to someone to fix the problem. Gul Muhammed took me to Commander Abdull Razzaq. Gul Muhammed told Commander Razzaq I was a poor person and people were bothering me about the guesthouse. Gul Muhammed asked Razzaq if he could help me out. Abdull Razzaq asked me if I had any people in the house that could work for him and I told him I was the only person. Razzaq asked if I wanted to be one of his soldiers and I told him I wasn't ready and would think about it; but in the future if I felt I could, I would go and work for him. So Razzaq wrote me a letter for the guesthouse so people would not bother me anymore. Then I was in the guesthouse for two years. Things were changing and it was hard to run the house. My uncle came and joined me. I left the guesthouse for him to run. At that time I decided to go and work for Commander Razzaq. That is how I joined the Taliban in Dara Sufe and I worked as a soldier.

Tribunal President: Who stayed in the guesthouse? Were they soldiers? Were they Taliban members?

Detainee: It was not a nice building. It was an old building. The people with money did not stay in a place like that. The soldiers were coming and staying in the guesthouse. The building was so old that there were snakes in the roof.

Detainee: People were scared to live in that house. That is why the big people did not come and stay there in a place like that.

Tribunal President: When the letter was written for you by the Commander, did the Commander take the letter to the Taliban Government? Or did you have to take the letter to the Taliban government?

Detainee: I took that letter with me and I kept it. It was written on Taliban letterhead. It said the Government of the Taliban. So every time people would come and bother me, I would show them the letter. When they saw the letter, they would leave and not bother me again.

Tribunal President: What did the letter say?

Detainee: I don't remember the whole thing, but it said I was a soldier. I was a member. I was a poor man and not to bother me. If there were any questions to see the Commander. Usually people would come on a bicycle or motorcycle, or walking without weapons. I knew those people were soldiers or working for another commander. Then there were people coming in cars with bodyguards. I knew that was a Commander. Always there would be just one or two people. The way you would know, they were wearing a white or black turban.

Tribunal President: Were there any weapons in the guesthouse?

Detainee: No, I did not have any weapons with me.

Tribunal President: Did any of the soldiers carry weapons with them into the guesthouse?

Detainee: Sometimes the soldiers would carry it, but not all the time. Not everyone.

Tribunal President: When you were fighting with the Taliban, who did you fight against? Was it the Northern Alliance?

Detainee: It was the area of Rashid Dostom, the Northern Alliance Commander. He was operating in that area. I never went to fight with them. I was a guard. Whenever we heard gunfire in the daytime, we would tell people at nighttime there was gunfire and people were coming. Like one time, I got wounded and a bullet hit me in the leg. But I never went with them specifically to fight.

Tribunal President: What were you guarding?

Detainee: It was one house with two or three rooms in it. We were doing guard duty there.

Tribunal President: Do you know what was in the house?

Detainee: Soldiers and all our friends were staying in that house. Some of the people would be on guard duty. Some were sleeping. Some were watching for the enemy to make sure the enemy did not come and fight us.

Tribunal President: We will bring in the witness. Ismat, you will have the opportunity to ask the witness questions. Then we will also have the opportunity to ask the witness questions. The P/R would like to ask one more question.

Personal Representative: On the unclassified evidence, paragraph B-3, it says the Detainee and another Taliban member planned to kidnap the son of the Uruzgan Governor. Did you plan to do this?

Detainee: No, that is not true. I never did this before. Even when and if I go back, I am not planning to do things like that. You can ask the witness. He was with me and he can tell you that we were not planning something like that. The witness will tell you the truth when he makes his statement under oath.

Tribunal President: Any other questions?

Personal Representative: No, Ma'am.

Tribunal Hearing recessed and re-opened. All parties present prior to recess were again present.

Tribunal President: I'd like to identify that we have another witness or Detainee here as a witness. Please give us your full name.

Witness: Nasrullah.

Tribunal President: Is that a first name or last name?

Witness: That is my full name.

Tribunal President: Nasrullah, we are here for the tribunal of Ismat. We would like to be able to ask you some questions. Ismat will ask you questions, this Tribunal will ask you questions. Would you like to make your statement under oath or not under oath?

Witness: Any information I have, I would like to take an oath for it.

Tribunal President: Recorder, would you please provide the Muslim oath for Nasrullah.

Recorder: Muslim oath.

The Witness was sworn using the Muslim oath. The Witness testified to the Tribunal in substance as follows:

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

Personal Representative: Yes, Ma'am. Do you know of any plans to kidnap Jan Muhammed's son?

Witness: I never heard that before and I never had any idea of somebody saying that. Also, that person [pointing to Ismat] never told me of any such kind of plan before.

Personal Representative: Can you tell me what happened to the car that you were traveling in when you were stopped by the Governor?

Witness: They stop us. They searched us and the vehicle. Then they told us to follow them. So we got back into our car and went and followed them.

Personal Representative: Then what happened?

Witness: They told us to follow them. They said they were taking us to meet some people we were going to meet and stay with. They asked us so politely, so we went with them. Then after that, they asked us questions.

Personal Representative: Can you tell us anything about your cousin's whereabouts prior to the Americans coming to Afghanistan?

Witness: He is my cousin. Whatever you heard about him is all wrong. He did not do anything. If he did anything, he was with me and I should know. Or somebody would have told me. When we were in the country, no one told us of such things before. There is no witness that my cousin actually did all those things.

Personal Representative: I have no further questions.

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

Recorder: Yes, Ma'am. Were you with your cousin when he delivered the letter?

Witness: When I heard that my cousin was in the town or province, I went to see him. I spent the night and the next morning with him. He told me he was going to a different district to sell his car. We left.

Witness (continued): He told me on the way to sell the car, he had to deliver a letter. He asked me to read it and tell him what the letter said because he was not able to read the letter by himself. So I looked at the letter and there was not anything in the letter. I did not know who gave my cousin the letter or where he got it from. When we got to the place, I did not know the person and I did not know who my cousin gave the letter to. That is all I know about this letter.

Recorder: Was there more than one letter.

Witness: There was only one letter.

Recorder: No further questions.

Tribunal President: Do any of the Tribunal Members have any questions for the witness?

Tribunal Member: When you were stopped, did you have any weapons in the car?

Witness: I did not see the weapon myself. Since I was not with my cousin that long, I did not know what he had in the car. But he did tell me there was an AK-47 in the car for personal safety. I told the interrogators also that I did not personally see any weapon in the car.

Tribunal Member: Did Ismat fight with the Taliban at all?

Witness: Against the Taliban or with the Taliban fighting against somebody else?

Witness: No, I do not know if Ismat has been in or to a fight. The only thing I knew was he was with the Taliban. I did not know where he was working with them. I did not know anything about the fight.

Tribunal Member: Was Ismat a soldier with the Taliban?

Witness: I do not know. The only thing that I knew, he was working with the Taliban. I did not know if he was a soldier or a commander.

Tribunal Member: When was Ismat with the Taliban?

Witness: I don't know the time or how long Ismat was with the Taliban. The only thing I knew was one of my uncles on my mother's side was telling me that Ismat was working with the Taliban.

Tribunal Member: Do you recall when the attacks occurred in the United States on the World Trade Centers on September 11th, 2001?

Witness: Yes, I heard about it on the radio and I heard about it from the people.

Tribunal Member: Do you know if Ismat was working for the Taliban before or after that time?

Witness: Ismat told me that he went home before that happened. So he was in the house way before that. I never heard from anybody if Ismat was still working with the Taliban. That's all I know about that.

Tribunal Member: When were you arrested?

Witness: We got arrested at the same time.

Tribunal Member: What year was that?

Witness: I don't know the year, but it was Ramadan time. The twentieth day of Ramadan. So starting today the twentieth of this month will be two years. We got captured by Afghans. Then later on, they handed us over to the Americans.

Tribunal Member: Thank you.

Tribunal President: What did the both of you have on you when you were arrested?

Witness: What kind of stuff are you talking about?

Tribunal President: Passports, IDs, and weapons?

Witness: We did not have any passports. The only weapon I knew about was the AK-47. Other than that, just the money in our pockets, but I don't remember the amount. Just enough to travel on, not a lot of money.

Tribunal President: Was a letter from the government or a Commander on you or with Ismat?

Witness: No.

Tribunal President: How long were you with Ismat before you were arrested?

Witness: When I heard Ismat was in the district, I went to see him. I spent that day and night with Ismat. The next morning we left to deliver that letter to the person and spent the night over there. So that was two nights total.

Translator: The witness asked the Detainee how many days exactly they were together. Whether it was one day before the letter or it was two days. The Detainee said he did not remember how many days before the letter.

Tribunal President: Where were you when you were stopped and arrested?

Witness: There is a place called Chinartoo. There was a bazaar by this place and we got stopped there.

Tribunal President: Do you know why you got stopped?

Witness: We did not know why we were stopped. There must have been some people who didn't like us, like our enemies. In Afghanistan everyone has enemies. There was always clashing between each other. So it must have been some people like that. I am not sure why we were stopped.

Tribunal President: Did they accuse you of doing anything?

Witness: No, they did not accuse us of anything. They did not say anything about what we did or why they stopped us. They did not tell us what we did wrong. When they took us to the place later on, they asked questions about who we were, our parent's names, what villages we were from, what tribe we are. They did not tell us why they were doing this or what we did wrong.

Tribunal President: What were you doing when you were arrested?

Witness: We were traveling on the road.

Tribunal President: You said you stopped. Why did you stop and what were you doing when you stopped?

Witness: I did not know why they stopped us. I can ask you why we were handed over to the Americans? I don't have any answers for that. They stopped us. They asked us questions. The next day they handed us over to the Americans. We had no idea why they did that and what we did wrong.

Tribunal President: I was under the impression you stopped in the bazaar and you were doing something. Then they stopped you?

Witness: No. We were not doing anything like that. Maybe some enemies told them and gave some wrong information on us or accused us of doing something. But no, we were not doing anything. We were traveling on the way. They stopped us. They asked us questions. Then they handed us over to the Americans. We did not know if they were with or against the government. We were not doing anything when they stopped us.

Tribunal President: Ismat, you have the opportunity now to ask your cousin any questions. Please allow each question to be translated first before you answer. Then your answer will be translated.

Witness: Am I going to ask Ismat questions?

Tribunal President: Ismat will ask you the questions if he'd like.

Detainee: I do not have any questions. What questions can I ask? But if the Tribunal has seen something in the summary, you can ask me or ask the witness. But I do not have anything for the witness.

Witness: I do not have any questions, but if anyone has any more questions for me, please ask them.

Tribunal President: Personal Representative, anymore questions?

Personal Representative: No, Ma'am.

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

Recorder: No, Ma'am.

Tribunal President: Tribunal Members, do you have any other questions for the detainee or the witness.

Tribunal Members: We will take a brief recess while the witness is escorted out.

Recorder: All rise.

Tribunal Hearing recessed and re-opened. All parties present prior to recess were again present.

Tribunal President: Ismat, do you have any other evidence to present to us or any other comments?

Detainee: No, I cannot think of anything else to say. But if anyone has any questions for me, they can ask me and I would like to answer them. The only question I have is everything on my unclassified summary, most of it is wrong. I never did this. I told you and you asked my witness some questions. You can ask questions from the people in Afghanistan if I did these things. If you can find out why they put all of this on me. That is all I have.

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

AUTHENTICATION

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

[redacted]

Colonel, US 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.

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

Tribunal President: At this time I would like to make reference to the Detainee Election Form, which indicates that the Detainee has chosen to participate in this Tribunal, which is also evident because of his presence today. He would like to respond to each of the allegations on the Unclassified Summary. He is willing to take a non-Muslim oath. He would like to tell his story and then respond to questions. He has requested that no documentary evidence to be produced and he has requested no witnesses. Abdul Majid Muhammad, you may now present any evidence or information you have to this Tribunal and you have the assistance of your Personal Representative in doing so. Do you still wish to present information to this Tribunal?

Detainee: I wasn't a Taliban.

Tribunal President: Would you like to make your statement under oath as you indicated on the Detainee Election Form?

Detainee: Yes.

Tribunal President: Very well. Recorder, would you please administer a non-Muslim oath?

The Recorder administered a non-Muslim oath to the Detainee.

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

Tribunal President: With the assistance of your Personal Representative, as necessary, you may begin.

3.1. The Detainee traveled to Afghanistan after 11 September 2001.

Detainee: In 2001 I traveled from Iran to Afghanistan. After the month of Ramadan, because of my dreams to become rich fast, I went there to trade narcotics. I am a very poor, poor person. I only went there because of the money and to make some money not for fighting or anything else. I wanted to serve myself. That was the only time I traveled by myself. I swear to God that I have no animosity against Americans or anybody else, I have not seen Taliban and I have not worked for the Taliban. All my life I never fought with anybody and I never picked up a gun. I was also serving in the Iranian military and I fled from there, so they were after me too, the Iranian government, and I wanted to obtain some money so I could pay my debts and buy my way out. You can buy your way out if you have money.

3.2. The Detainee was identified as a "Watchman" for the Taliban.

Detainee: All my life I've never done such a thing for the Taliban. Because the Taliban did not like Iranians and there was sixteen Iranians in Afghanistan that was captured by Taliban and were killed by the Taliban. That is why they do not like us. Iran has Shiite Muslims, Catholic Muslims and also Sunni Muslims. If the Taliban had known that I was Catholic, they would have killed me because the time when I was in Afghanistan things were kind of quiet. There was no problem or anything in that nation. Because there was no war there, I went to Afghanistan. That's it.

3.3. As a "Watchman," the Detainee was on patrol for the Taliban.

Detainee: No.

3.4. The Detainee was captured by the Northern Alliance in the vicinity of Ghazni, Afghanistan.

Detainee: Yes. I was captured in that area, I don't know if the name is Ghazni or not but I was captured there. I had Afghan clothes on and I was really dirty, so I went by the river to clean myself up. I took a swim and I came out. I put my Iranian clothes on and I pulled a cigarette out of my cigarette pack and I started smoking a cigarette. While I was smoking I saw four or five vehicles coming towards me they were all armed and one of them came a put a gun to my neck and said Arabi, Arabi, Arabi. They said that because the color of my skin was darker, usually Arabs have darker skin. They started speaking to me in Pashtu and they were also speaking a little bit of Farsi, they asked me if I was Arab and I told them, no, I'm from Iran. They told me that they would take me to Kandahar. On the way they showed me to everybody and they would say "He is Arab" and them some people would say "No he's not Arab, he's Iranian." When they brought me to Kandahar, they blindfolded me and they tied my hands and feet. They didn't give me any water or food. After two days they took me to the Americans.

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

Detainee: No, I have more things to say. Since I've been here for four years, I should talk. Since I've been here, nobody likes me here; everybody is against me here. All the Arabs don't like me and all of the other detainees do not like me because I am a Catholic. They tried to kill me a couple of times. I have some scars on my hands. I have been nice ever since I've been here. I have not harmed anybody, none of the detainees, and I have not done anything against the guards or anything like that. Living conditions are very hard here for me. I have nowhere to turn; it is kind of hard because they pressure me a lot. I humbly ask you to help me. I did not kill anybody, I did not do anything wrong, I just need your help.

Tribunal President: We have come here with an open mind to make a determination of whether or not you have been properly classified as an enemy combatant. Using your statement and all of the evidence, only then after we have reviewed everything will we make our determination, and we will make it in a just and fair manner. 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, or to another country yet to be determined. If we do confirm your status as an enemy combatant I will explain what would follow after that. Basically you would be eligible for an Administrative Review Board here. So we can learn more about you and your situation, we do have some questions for you.

Detainee: Today.

Tribunal President: Yes. If we may we will start with the Personal Representative. Do you have any questions for the Detainee?

Personal Representative: No, sir.

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

Recorder: No, sir.

Tribunal President: I think the Tribunal Members do have some questions, though.

Tribunal Member's questions

Q. Good afternoon. Thank you for coming to speak with us today. If your plan to travel to Afghanistan from Iran had gone exactly how you wanted it, what should have happened?

A. I haven't thought about it.

Q. Did you have a goal? You were going to go to Afghanistan for a period of time and then go back to Iran? What was your plan?

A. I only went there to work and to make some money. I was trying to go back to Iran because I have a family, a wife and kids back home in Iran.

Q. Did you have a job before you left Iran?

A. Yes, I was a well digger. It was very hard, tough job. A couple of times I went under the water and got scared so I thought about starting some other kind of work.

Q. Were you hired by a local government to dig wells? Is that how you got the job?

A. No, I did it on my own. I did it to put food on the table because I had four or five people to feed.

Q. There was somebody who would pay you for that?

A. Yes. Not a lot, just a little. Just enough to eat and survive for a while.

Q. How long did you work as a well digger?

A. For about seven or eight years.

Q. Did you do anything else to support yourself? Do you have any other skills?

A. Before that I used to work in somebody's house as a server. He was a drug dealer.

Q. Is that how you first got involved in the drug situation?

A. It started when I was working for a bad guy and I took a vacation from home and my mother passed away. When my mom passed away they took me to a psychiatric hospital because I was abnormal. When I got out of the hospital I found a friend and he told me that he was working in narcotics trading and stuff like that. He told me that he would work with me, since it was the first time that I found a friend, at the age of eighteen.

Q. How old are you now?

A. Twenty-eight.

Q. You were doing that for also seven to eight years?

A. Yes.

Q. Was it just buying and selling or did you have a problem with using it also?

A. I was selling and sometimes I was using it myself. They just gave me small amounts so I could distribute. Like in the parks or by the theatres. Because of this I was arrested two times.

Q. Did you get to go to jail for that?

A. Yes, in Iran.

Q. What kind of drugs were these?

A. Opium and...

Translator: There are two other ones. I don't have the proper English names for them. It was Hashish and Opium and there was one more.

Q. Does he know the English word for it, maybe?

A. Opium and Hashish.

Translator: And what else?

A. Opium and Hashish.

Q. That's all?

A. That's all.

Q. Before coming here did you consider yourself addicted to using drugs, as in you couldn't stop, or wasn't it that bad?

A. A little bit. My plan was to get rich and then I would put it behind me and leave it aside. I would not touch it anymore. I didn't want anything else, just money. I just wanted to make a good life for myself.

Q. Before going to Afghanistan when you did, had you ever been there before?

A. No.

Q. Did someone help you to figure out how to get there without getting caught by the border guards and things like that?

A. Before that, yes, I used to have some Afghan friends and they were Afghans in Iran and they told me about Afghanistan. They told me that I could go to Afghanistan and work there and make money and all these things. I was a simple person; I fell for their stories and I went there.

Q. Is Ghazni a place near the border or kind of far away from there?

A. It is close to Baluchistan.

Q. You went from your home city or village in Iran to Ghazni, Afghanistan? That was your travel?

A. I was passing through Ghazni from Herat, which is a city in Afghanistan. I was traveling and I wasn't staying in one place for a long time.

Q. You said earlier that you were traveling by yourself?

A. Yes.

Q. How long were you in Afghanistan before you got captured?

A. Fifteen days. One five.

Q. One five? Fifteen days? During the time you were there, did you meet people and start your drug business or did you plan to buy and sell drugs?

A. No, I did not see anyone.

Q. What did you do for fifteen days?

A. I was with the driver, he was waiting for his car and I was with him. I was just waiting for work.

Q. During that whole time you never saw any Taliban people? They never came to confront you or ask you who you were and where were you going and things like that?

A. No I did not come across any Talibs. I didn't know anything about the Talibs until I came here. So I learned here more about Talibs and Osama Bin Laden. Prior to that I did not have too much knowledge about them. I didn't know what Talibs looked like, what kind of people they were or who Osama Bin Laden was.

Q. Did you know there was a war going on in Afghanistan when you were traveling there?

A. I knew, but from what I heard from the Afghans they told me that the fighting had stopped and that there was not too much fighting going on. That is why I started my travel.

Q. For the two weeks that you were there, did you have money to support yourself? How did you eat, how did you find lodging?

A. I had a little money. I was just buying bread. Only bread and nothing else and I was sleeping in the car.

Q. This was money you brought with you from Iran?

A. Yes.

Q. Did you travel with a passport when you were in Afghanistan?

A. No I only had a letter from the HiG group, which is Hezb-e-Islami Gulbuddin.

Q. What did that letter say?

A. That was just to pass through the border. That was to show the guards on the border so they would let me go through the border.

Q. From Iran to Afghanistan?

A. Yes.

Q. How does one get a HiG card to do that?

A. I did not obtain it myself; an Afghan person did it for me. I just went to their office and gave them my picture with five thousand in Iranian money, which is not too much in dollars, I don't know exactly, and they will give it to you. He told them he was getting it for himself, the Afghani person, and all you have to tell them is that you're Afghani, living in this place and basically give them the money and they will give it to you.

Q. Did the letter have your real name or real picture on it or not?

A. Yes, it was my real name on the letter.

Q. But not the picture?

A. Yes, my picture. He told them that he was my brother.

Q. So, the name and the picture were correct but your reason for going there was not correct? Am I right?

A. Yes, I was going in the wrong direction.

Q. Was the letter supposed to be for going out of Afghanistan?

A. That was just to get into Afghanistan. From Iran to Afghanistan.

Q. Did it say how long you would be allowed to stay?

A. No it does not have an indication or anything saying that you are an Afghan and that you are going to Afghanistan. Afghanistan is not like other countries where they ask you questions. Where are you going, why are you going?

Q. Did you have to use the letter at the border to get by the guards or you didn't even really need it?

A. No I just gave the guard a little money and he let me pass. A little bribery.

Q. You were in Afghanistan for two weeks. You're going from Herat to Kabul and you're with a driver and you're eating bread and your sleeping in your car. What else are you doing during this time?

A. Yes, because I didn't have too much money and I couldn't stay in a guesthouse or eat good food. That would have cost me more money and I didn't have the money, so I was trying to do whatever I could to survive.

Q. You said you went in the month after Ramadan?

A. Yes, it was after Ramadan.

Q. That means it was pretty cold. Correct?

A. Yes. There was still snow on the ground. I had warm clothes with me. A jacket and everything.

Q. It was okay to sleep in the car like that?

A. It wasn't comfortable but I had to do it. I had no choice.

Q. You said earlier that you did not serve as a "Watchman" for the Taliban. Do you know what a "Watchman" is?

A. Yes, somebody who watches and somebody who guards maybe watch over something. Since I had served the military of Iran for ten months prior.

Q. In the time you left Iran to go to Afghanistan, were you still in your period of service to the Iranian military?

A. After my mom passed away I ran away from the service. I did not serve anymore after that. The Iranian government is still after me.

Q. Because of that?

A. I don't have an older brother and anyone else in my family.

Q. How much longer were you supposed to have served with the Iranian military?

A. Eighteen months.

Q. Eighteen and you served ten out of eighteen or you have eighteen more to go?

A. Yes that's true. I served for ten months and I only had eight more months. Since my mother passed away I couldn't do it anymore. If that situation didn't happen then maybe I would have finished my term.

Q. You were serving in the Iranian military when your mother passed away?

A. Yes.

Q. How long after she passed away did you run away from the military?

A. I served for ten months and when my mother passed away then I didn't go anymore.

Q. How much time was there in between the time you ran away from the military and the time you went to Afghanistan?

A. About three or four years.

Q. So they didn't come and get you during that whole time?

A. Yes they sent me a couple of letters to my home address and whenever I saw a police car or something I used to hide myself around. They were sending me letters all the time from the court.

Q. What kind of military training have you had?

A. Simple stuff. How to use a weapon, how to march and also some security work and stuff like that.

Q. What kind of weapons did they teach you to use?

A. AK-47.

Q. Did you ever have to fight in combat?

A. No. I don't like it. I wasn't a good soldier. I was always getting punished for not being a good soldier. They were punishing me because I didn't like it, that's why I'm not good at it. I was working in (inaudible). In the island of Abulzad (ph), Iran.

Q. Is that in the Persian Gulf somewhere?

A. No, it was a very peaceful and quiet place there. There was no fighting or anything going on there. We were just working and getting (inaudible). The only reason I joined the service was because I like the military clothing and I went for the clothing.

Q. Did you get promoted in rank?

A. No, I was just zero.

Q. So, you were in Afghanistan and you said you were washing your clothes in a river the day you were captured? Is that right?

A. Yes.

Q. In the snow? In the freezing cold?

A. Yes. I guess if you have to when you're stinking pretty bad, then you have no other choice and you have to do it.

Q. That was when the soldiers came up to you. Was that the first time you had seen soldiers while you were in Afghanistan?

A. I was out of the water.

Q. I know. When they were coming towards you and you saw soldiers with weapons, was that the first time since you had been in Afghanistan that you had seen soldiers?

A. Yes, it was my first time. I didn't know who they were, who they belonged to or what they wanted to do with me. I wasn't bothering anybody; they just came and arrested me.

Q. Do you speak any other language besides Farsi?

A. Just Farsi.

Q. And English too.

A. Yes a little bit.

Q. Which language did the soldiers speak to in?

A. A little bit of Farsi and a little bit of Pashtu.

Q. When you talked back to them in Farsi, they must have realized you were not an Arab.

A. (Inaudible) all they cared about was the money they were getting for selling me. For five dollars.

Q. For five dollars?

A. Yes.

Q. Did they try to make you pay them money also?

A. No.

Q. How did they treat you during the time they had you?

A. They tied my hands behind me. They picked me up and they threw me in the car. They weren't treating me good. They didn't give me food and they didn't give water. They beat me a lot. They hit me with a weapon on my lip.

Q. You're pointing to a scar on your lip? Is that what you're trying to show us?

A. My hands were tied. When they hit me I had a cut on my lip.

Q. Why did they hit you?

A. I asked for food and they told me there was no food for me.

Q. Did they ever try to get you to perform duties for them, to be a soldier for them?

A. No.

Q. Did they ask you to be a guard?

A. They didn't ask me any other questions. Nothing else.

Q. They didn't want you to stand watch over their camp or anything like that?

A. No, my hands were tied and I was blindfolded.

Q. How long was that for? Was that on the way to Kandahar?

A. Four or five days.

Q. That's when you went to the Americans?

A. Yes. When I got to Kandahar then I got things because Americans treated me better. All the time that I've been here nobody has done anything bad to me here. I'm good with everybody. I treat everybody like family. Only the detainees treat me bad.

Q. Even here in this camp?

A. Yes in camp one, two, three, and in camp four they tried to kill me.

Tribunal Member: Let the record show the Detainee is showing scars on his chest.

Q. How did you get those scars?

A. Four or five people jumped me at night at camp four. They were wearing white clothes.

Q. They were detainees?

A. Yes. In camp four they are free to walk around. They got me in here so nobody will bother me too much because before they use to bother me a lot. They used to spit at me, throw urine at me and say bad things to me and that's why they brought me here.

Q. Are there any other Catholic detainees that you know or you the only one that you know of?

A. I'm the only one. They don't like it because I shave my beard and when I pray I do it kneeling down.

Q. Has anyone ever talked to you about being with the Taliban or working with the Taliban before?

A. No, nobody.

Q. During all the time you were interrogated no one accused you or asked you about being with the Taliban?

A. Yes, they did ask me a couple of times but since I wasn't a Taliban and didn't know anything or anybody (inaudible). I don't know anybody and nobody knows me.

Q. Have you been visited by the Iranian delegation since you've been here?

A. No.

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

A. Anywhere as long as I can be free, I just don't want to be in jail because I'm very tired.

Q. How long have you been Catholic?

A. All my life.

Q. Your family is Catholic also?

A. My mother.

Q. Do you remember when you received First Communion and Confirmation?

A. I go to the church.

Q. You get all the sacraments at the church?

A. I didn't go a lot maybe once or twice a month something like that.

Q. Do you have a Godfather?

A. Yes.

Q. What is your Confirmation name?

A. I do not understand that question. I am Catholic.

Q. You have a Godfather?

A. Godfather. (Inaudible)

Q. No Godfather, someone who stands, a regular human being that stands with you, to help you, protect you?

A. In Farsi they call it Kashish. In English I guess they would call it a minister.

Q. What was the name of the Catholic Priest in your church?

A. His name was Issa.

Q. The time that you spent here, three plus years, you have been through a lot of interrogations, you have said many things, you've been asked a lot of questions. Is there anything that you have said in those past interrogations that you would like to change or to clarify?

A. No I don't have anything to change. I don't want to change anything.

Q. Okay, so whatever we read pretty much in the classified portion will be pretty much the way it is then?

A. Yes.

Tribunal President's questions

Q. Through your travels in Afghanistan did you have any encounters with the Taliban?

A. No.

Q. Had you heard of the al Qaida organization?

A. Not in Afghanistan but after I was captured and brought here to Cuba then I found out about it and knew what it was.

Q. What is your attitude toward the United States?

A. America has no problem with me and I don't have any problem with them.

Q. Is there anything else that you feel is important that you would like to bring to our attention today?

A. No, I don't have anything.

The Tribunal President confirmed with the Personal Representative that he had no further evidence and that the Detainee had no previously approved witnesses to present to the Tribunal.

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.

[redacted]

Colonel, U.S. Marine Corps
Tribunal President