Summarized Detainee Unsworn Statement

While the Tribunal President explained the Convening order to the Detainee, the Detainee stated he wanted his hands released.

Tribunal President: That is not within our power to do that.

Detainee: There is a difference between the law and being brutal.

Tribunal President: We are here to only discuss your enemy combatant status and the handcuffs will stay on.

Detainee: Before we start, I have a question for you.

Tribunal President: Certainly.

Detainee: You bombed Afghanistan with one hundred thousand bombs and you are calling me an enemy combatant. What about yourself?

Tribunal President: Let's set the ground rules right now. We are here to talk about the allegations on the Unclassified Summary that has been shown to you, and your enemy combatant status. That is the only thing we will discuss with you. That is the only thing within our power to discuss with you.

Detainee: As far as I am concerned you are the enemy combatant. You should be going to court, not me.

Tribunal President: This is the only warning I will give you. If we have to stop and talk about this some more, you will be escorted out of the room and we will continue in your absence.

Detainee: Is your point based on legal issues or is your purpose to use force?

Tribunal President: I don't understand the question.

Translator to Tribunal President: The Detainee was replying to what you suggested. If he doesn't obey the rules he will not be allowed to participate here.

Tribunal President: We will call the guards back in and remove you from the room.

Detainee: I am willing to obey but you are the ones not obeying the law.

Tribunal President: Just remember the warning. We will stick with the purpose of the enemy combatant status and that is all.

Detainee: You asked your questions and I have questions also. I am listening to what you have to say.

Tribunal President: Good. Thank you.

While the Tribunal President was reading the Detainee election form, the Detainee asked the following question:

Detainee: Do Detainees of other nationalities have the same courts, or are they different?

Tribunal President: All Detainees receive the same Tribunal with the exception of the Translator with the appropriate language.

Detainee: According to your laws, are we suppose to be in this court because we were captured in our own country? We were not captured elsewhere.

Tribunal President: This has to do with enemy combatant status only. It doesn't matter where you are from.

Detainee: This is not a court. This is stubbornness. You are doing this by force.

Tribunal President: You have a choice not to be here.

Detainee: I want to go to a court with freedom so I can speak my mind.

Tribunal President: You will have the opportunity to do that today.

Detainee: In the beginning, you told me I couldn't speak in court.

Tribunal President: I said you needed to confine your comments to the Unclassified Summary issues.

Detainee: I will talk to you according to the law.

Tribunal President: Thank you.

Detainee: You still have to answer my question regarding the fact we were captured as Afghans in our own country. We are not supposed to be enemy combatants. Why have you brought me here? There is a difference between us, and them. If someone is caught in their own country they shouldn't be enemy combatants. If they are caught in a different country, that person is an enemy combatant.

Tribunal President: Again, we are not here to debate that today.

Detainee: This is not right.

While the Recorder was summarizing the unclassified evidence, the Detainee asked the following question:

Detainee: I have not said those things.

Tribunal President: Right now all the Recorder is doing is reading it. You will have a chance to reply to it in just a couple of minutes.

After the recorder finished summarizing the Unclassified Summary of evidence, the Detainee made the following statement:

Detainee: These are just allegations there are no truth to them. I have not done any of those.

Tribunal President: Like I have said, you will have an opportunity in just a couple of minutes to give your side of the story.

Detainee: Are you going to talk now, or are you going to let me talk.

Tribunal President: Right now I am going to talk. We will ask you in just a couple of minutes.

After electing not to take an Oath, the Detainee made the following statement:

Detainee: I don't know how this process is going to benefit me you won't give me answers.

Tribunal President: We are ready to listen to any statement that you have. We are here to determine whether you are an enemy combatant or not. We are going to base that decision on two things: what the Recorder tells us, and what you want to tell us. You can tell us anything you want that will help us make that decision.

Detainee: What is the benefit of this court? I cannot speak freely. It's not going to do me any good. I want to go in front of a judge and speak freely. You are using force. There is a difference between justice and force.

Tribunal President: It is totally up to you whether you want make a statement. We are ready to listen if you want to.

Detainee. Either way I am going to lose. If I talk I'm going to lose and if I don't talk I am going to lose.

Tribunal President: We are not going to debate it any further. If you would like to address the issues before us we are willing to listen.

Detainee: I am going to talk, are you willing to answer my questions?

Tribunal President: We are not here to answer your questions. If they have to do with these proceedings we will answer them. Other than that, we are not going to answer.

Detainee: I have been interrogated for the last two years. Don't you know if I am a criminal or an enemy or not? You haven't determined that yet have you? I'm not going to talk. You do your own justice.

Tribunal President: I will tell you, the only thing this panel has seen about you is this one sheet of paper [referring to the Unclassified Summary of Evidence]. That's all we know at this point.

Detainee: What are the allegations? I refute all of them. One is fake blaming me for something. One is the truth. Those are not the truth.

Tribunal President: Does that conclude your statement that you have to make about those points?

Detainee: If you give me each of the allegations one more time, I will tell you one by one if they are correct or not.

Paragraph 3.a.1, [The Detainee admitted to voluntarily joining the Taliban.] The Taliban was supposed to take me by force to go to Konduz to fight over there. I knew someone in Kabul who told me to come back and work with him for a while so you won't have to go to Konduz to fight. I never voluntarily joined them or anything. That was my work with the Taliban.

Paragraph 3.a.2, [The Detainee was a member of a 40-man unit of the Taliban that received support from al Qaida.] This question has been asked several times by interrogators. I told them I didn't even know what al Qaida was until I got here. If you are referring to the al Qaida and they were created after I came here, I don't know about that.

Paragraph 3.b.1, [The Detainee participated in a rocket attack directed against U.S. forces located at Kandahar Airfield, Afghanistan in the spring of 2002.] This is a long story. I am going to tell you the whole thing. Our hometown is very close to the Kandahar airport. When the American bombardment started the Taliban came out to our region in the orchard and forest areas. When the Taliban escaped they left behind ammunition, guns, bullets, blankets, cars and other items. Someone by the name of Shamashar hid six rockets under the ground. The Afghani soldiers came and took some of the items. Several people stole the items left by the Taliban. Whatever items were left, were taken by the Afghani forces. The guy that buried the rockets asked me to carry them. He sold them and we needed to transport them during the night so we weren't seen. We each took two rockets and two rockets were left. He returned and apparently shot the rockets at the airport. I wasn't with him when that occurred. He shot three of the four rockets that he had with him. The rumors spread about the rockets being fired and the

government found out about the incident. They came and got me. I told them I carried the two rockets for him for money. I told the Afghani soldiers there were still two buried there. I didn't participate in the attack I only carried them for money. Because of that I am here. Now you do your own justice.

Paragraph 3.b.2, [The Detainee participated in two rocket attacks directed against U.S. forces located at Kandahar Airfield, Afghanistan in early November 2002.] You have two rockets it was actually three.

Paragraph 3.b.3, [The Detainee participated in a BM 12 missile attack against a U.S.A.F. transport aircraft while it was departing Kandahar Airfield, Afghanistan.] I haven't even heard this question asked by my interrogators. This is not true.

Tribunal President: Does that conclude your statement?

Detainee: I have questions but you won't answer them.

Tribunal President: I just want to note for the record we are not forcing you here today. You are seated and have been treated like all the others, as it is customary to do with Detainees.

Detainee: You can't even answer my question. Tomorrow when the real courts start what is going to happen?

Tribunal President: We have to confine any questions to the proceedings and the allegations. We may have some questions for you at this time, will you be willing to answer them.

Detainee: I will answer one question and I will ask one question.

Tribunal President: I already told you the questions I can answer. If it isn't in reference to that I won't be able to answer it for you.

Detainee: This is regarding the proceedings.

Tribunal President: Certainly, you may ask.

Detainee: Why didn't you take me to court and punish me in the very beginning when you brought me here? Punish me or kill me. Why am I having court now after all this time?

Tribunal President: I have no knowledge of that. This is what we are doing here and now.

Detainee: This is related to the court. You told me if it was related to the court proceeding you could answer me. You yourself mentioned that.

Tribunal President: Time frames unfortunately are outside of this proceeding. Keep in mind this is not a legal proceeding this is an administrative proceeding.

Detainee: If it were a real proceeding they would have answered my question regarding why they brought me in here.

Tribunal President: I will ask you one more time, are you willing to answer our questions that we may have relating to the allegations against you?

Detainee: Yes.

Tribunal President: Thank you.

Summarized Answers in Response to Questions by the Tribunal Members

Q: Would you tell me if you ever had military training?

A: No.

Q: What is your usual occupation?

A: I was a farmer.

Q: Would you explain to us about the person who brought you into the Taliban, you said forced you into the Taliban?

A: I have said it before. It is in my file. Look at those papers. The interrogator has written down the name.

Q: Do you know who Shamashar is and who he sold the rockets to?

A: He only told me that he sold them, he didn't tell me their name.

Q: How much did he pay you?

A: One thousand in Pakistani currency.

Detainee: You all have questions, but you don't answer my questions.

Q: You made a statement that you didn't conduct two rocket attacks against U.S. forces, but three rocket attacks is this correct?

A: I didn't fire the rockets Shamashar fired the rockets. He gave 1000 in Pakistani currency to carry the rockets during the night. I didn't know I was going to get in to this much trouble.

Q: Did you see him fire the rockets?

A: No, I didn't see. He later told me how he fired the rockets. He put a match underneath it and some explosives at the end of the rocket and he fired it. They put a cigarette in there and when the heat from the cigarette got closer to the rocket it made it explode.

Q: You've always lived in Afghanistan?

A: Yes.

Q: What type of crops did you grow?

A: Wheat. I also did labor work, such as digging ditches, for people.

Q: Are you saying you didn't fight against the Americans or Northern Alliance?

A: I didn't fight against them. I don't have anything against the Americans and I didn't fight against the Northern Alliance either. How can I be America's enemy? How can I fight with you?

Q: Do you belong to any charity organization?

A: Which kind of organization, like an American funded organization?

Q: Charity organizations in Afghanistan?

A: I have seen these organizations but I didn't participate or work with them. I have taken things from them. They have helped me. I have seen them but I haven't worked for them.

Q: Do you believe in Jihad?

A: Why not? I am a Muslim. We fought Jihad against the Russians.

Q: You were not called to fight Jihad against the Americans?

A: I was already captured. I never heard of such a thing. If they are saying it now, I don't know.

Q: Were the rockets buried on your land?

A: No. It wasn't on my property. They were hidden in a dry creek bed.

Q: I know you said your property was near the airport. Did he fire the rockets near where you lived or away from there?

A: When I carried those rockets in a sheet on our backs and went through the orchard and forest. We walked for about two hours away from our village.

AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

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

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

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

The Tribunal President opened the session to the Detainee to make his statement and informed him that he would have the assistance of the Personal Representative in doing so.

The Tribunal President asked the Detainee if he wished to present information or make a statement and if so, did if he wished to make his statement under oath.

Detainee: I don't have anything, but what I have I told to the Personal Representative already.

Tribunal President: We may have some questions later, would you like to take an oath and any statement that you make later would be under oath?

Detainee: There is no problem. I will take it.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: You may begin.

Personal Representative: Yes ma'am. Yasim and I met on 4 November for about 40 minutes approximately. We reviewed the Unclassified Summary of Evidence and based on our meeting I would like to recap the replies that Yasim has given. Like we spoke about, I'll go over the individual items. After I present to you the essence of our conversation, he will certainly have the opportunity to add anything he would like. Regarding the evidence Exhibit R-1…

3.a.1. The Detainee admitted that he traveled to Afghanistan in March 2001 for the jihad.

Detainee: Yes I did go to Afghanistan for the jihad. I went there to make money to get a salary as a jihadist (ph).

3.a.2. The Detainee stayed at a Taliban safe house in Quetta, Pakistan during his travel to Afghanistan.

Detainee: I did stay at the Taliban safe house in Pakistan.

3.a.3. The Detainee stayed at Taliban safe houses in Kandahar, Afghanistan.

Detainee: I did stay at the Taliban safe house in Kandahar.

3.a.4. In April 2001, Usama bin Ladin spoke at one of the Taliban safe houses while the Detainee was in residence.

Detainee: I was at the house when Usama bin Ladin spoke.

3.a.5. The Detainee trained at al Farouq training camp.

Detainee: Yes I did train at al Farouq training camp.

3.a.6. The Detainee received training on the Kalashnikov, Pakistan machine gun, explosives, and the rocket propelled grenade (RPG) at the al Farouq camp.

Detainee: Yes, I trained on the Kalashnikov. I didn't train on the machine gun, explosives, or the rocket propelled grenades.

3.a.7. Usama Bin Ladin spoke at the al Farouq camp while the Detainee was in training.

Detainee: I was at the al Farouq camp when Usama Bin Ladin spoke.

3.a.8. The Detainee was at a Taliban house in Kabul, Afghanistan when the U.S. bombing campaign began.

Detainee: I was at the house in Kabul when U.S. bombing campaign began. It was not a Taliban safe house. It was Usama Bin Ladin's private house and there was another house that is for one of the Taliban commanders. It was a house for one of the commanders of Usama Bin Ladin's followers. That person is now in prison in Yemen.

3.b.1. The Detainee fought on the front lines in Taloqan after his training at al Farouq.

Detainee: Yes I did fight on the front lines.

3.b.2. The Detainee suffered a chest injury while fighting on the front lines.

Detainee: Yes I did suffer a chest injury.

3.b.3. The Detainee fled to the Tora Bora region in November 2001.

Detainee: I fled to the Tora Bora region.

3.b.4. The Detainee stayed in a cave with Usama Bin Ladin in Tora Bora.

Detainee: I was in the cave for approximately 15 minutes but I did not stay at the cave.

3.b.5. The Detainee fled Tora Bora for Pakistan and was captured by the Pakistani military.

Detainee: This is true.

Personal Representative: During our session also he relayed to me some of things about being in this camp. Number one, he has cooperated his entire stay while here. He was actually over in Camp 4 and prior to Ramadan, he was beaten by other Detainees who believe he is a spy. He wanted to be moved to this camp. He continues to be cooperative. In the other, he was threatened many times to be killed by other Detainees.

Detainee: The latest threat, I just received this passed Saturday.

Personal Representative: You (the Detainee) also stated to me that you have been truthful for your time here. That you are not an enemy nor have you ever been against America and that you eventually want to be a refugee and live in America. You have no bad or ill feeling against America. Ma'am, that is the essence of the notes from our 4 November meeting. Would you like to add anything (to the Detainee)?

Detainee: I want to mention that these threats against my life are continuously happening from the Detainees here. From some high ranking Detainees. Me going to Afghanistan, my main motivation was money because they give money to people who go and fight, that was my main motivation. I have no grudge or no hatred against America or any other country. All my life I never thought I would have hatred against European country or any other country.

Tribunal President: Does that conclude you statement?

Detainee: Yes

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

Detainee: Yes I will.

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

Personal Representative: Just one or two ma'am. When you went to fight the jihad, you went because they were going to pay you?

Detainee: Yes, because they were supposed to give my wife the salary but it was the salary it was the lost debt.

Personal Representative: Was that money for your training? While you were training did you get paid?

Detainee: In the beginning when I traveled, I had some money.

Personal Representative: Did you know who you would ultimately end up fighting?

Detainee: It was the Northern Alliance.

The Tribunal President confirmed that the Recorder had no additional questions.

Tribunal Members' Questions

Q. Your background, specifically what was your occupation?

A. I didn't have a specific job. I didn't have a job.

Q. You were living where, just before traveling for the jihad?

A. First, I used to live in Saudi Arabia then I stayed in Yemen.

Q. Your family, your wife was living in Saudi Arabia at that time?

A. No, they stayed in Yemen.

Q. Timeline, when did you go from Yemen to fight the jihad?

A. One day in 2001.

Q. Jihad, what is your understanding of that term?

A. All that I know is that you fight in the name of Allah or for Allah's cause and I all that I know was in becoming a dedicated Muslim is the jihad, to do the jihad. That's all I know. Most of my life, when I was in Saudi Arabia, I spent it in jails because I used to deal in drugs.

Q. The specific individuals that told you about the jihad, do you remember who that was?

A. Yes, I know them yes. I know them since childhood, since I was a child.

Q. You contacted them in Yemen?

A. They were in Saudi Arabia and those people have contacts with other people that work with them in Yemen and send us with those people there.

Q. You went from where in Yemen to Pakistan?

A. I went from Sana'a, which is in Yemen, to Dubai, which is in Emirate United, to Pakistan.

Q. In fighting on the front lines, specifically how did you fight? What weapon did you use when you were fighting?

A. I actually only stayed one day on the front line. So I went to the front line and the next morning I participated and then I got injured. At that time I had a Kalashnikov. Actually, my injury was the result of friendly fire. It was from one of our guys. The car I was injured in, there is a drawing, a very exact drawing with the investigator.

Q. One last question. When you were on the front line fighting, did you see your enemy, who you were fighting against?

A. No, they were very far away. We just saw the tanks or the artillery going but we didn't see them.

Q. Okay, the follow up on that, were you able to identify what type tanks or artillery they were or whom they belonged to?

A. No I don't know. All my life I never seen a tank until I saw it in Afghanistan.

Q. Where were you when you heard of the attacks against the United States on September 11th?

A. I was in a city called Kaliban (ph) in northern Afghanistan.

Q. Were you told that the Americans or the United States forces were coming after 9/11?

A. They were expecting something like this.

Q. In relation to Ramadan, when were you captured? I'm just using Ramadan as a reference if that makes it easier so I can figure out when...

A. Do you want when or where?

Q. When. I'm sorry when? Thank you.

A. It was on the 28th day of Ramadan. In a border area called Bachnika (ph).

Q. From the time that the United States started bombing until time that you were captured, did you continue to fight?

A. I wasn't fighting. After I was injured I was brought to the back lines and I stayed in like a safehouse or guesthouse and I was transported from one area to another after I was injured.

Q. Do you have any timeframe of when you believe you were injured?

A. I believe before the American hit. About two weeks before that (before 9/11).

Q. Therefore, you just laid either in a hospital or at the house recuperating until captured?

A. I was in a guesthouse or safehouse.

Q. How do you feel now about jihad?

A. When I went to Afghanistan I realized it was not a jihad because the people they were fighting were Muslims too. So it was clear that it wasn't really jihad. When the American forces captured us we knew the truth by then.

Q. Would you fight jihad again?

A. No, three years is more than enough. That is true, three years, I don't know anything about my family…

Q. Please verify, the safe house in Kabul, did you say that it belonged to Usama Bin Ladin or the commander?

A. There were actually four houses. Three of them were Usama Bin Ladin's and one, the second floor was occupied family and the first floor was like a guesthouse.

Q. So the one that you stayed in belonged to Usama Bin Ladin?

A. I used to go between the two houses, between Usama Bin Ladin's house and the other gentlemen's house.

Q. In Yemen, did you go to a Mosque and meet someone who motivated you to go fight jihad?

A. No, I didn't meet anybody then. It was from Saudi Arabia because I came from there they arranged all my travel and everything to come here.

Q. How did that all start? How did the people in Saudi Arabia know that you wanted to fight jihad?

A. I really interested in jihad or anything but these people in Saudi Arabia they motivating us and exciting us convincing us to go to jihad. I was ignorant about religious things. I didn't know anything religion.

Q. Did they come to a mosque to talk to you? How did you meet?

A. They were my neighbors, we used to be in the same neighborhood. Some of them were also drug dealers that repented.

Q. Was there any one particular person that recruited you or paid for your travels?

A. There was one person that really motivated me and kind of recruited me but it was another person who financed my travel. He not only financed mine, he financed a lot of other people's travels.

Q. Do you remember the names of these two, the recruiter and the financer?

A. Their names are all mentioned in the file from the interrogations. They even brought me a map and I showed them the houses and everything.

Tribunal President's questions

Q. I just have a question reference that you indicated that you were in fact in a house in Kabul when the U.S. bombing began. Is that when you left to go to the Tora Bora region?

A. No this was in Kabul.

Q. Okay, but how did you get from Kabul to Tora Bora?

A. In a car. First of all I went from Kabul to Jalalabad and then from Jalalabad city to Tora Bora.

Q. Were you still injured at this point?

A. Just a little bit left on the wound but I was fine.

Q. Once you got to Tora Bora, what did you do there?

A. In Tora Bora I was a fighter, I still had the Kalashnikov and also I was a cook at the same time.

Q. How long would you say that you stayed there before you left to go to the border?

A. About two months.

Tribunal President: I'd like to thank you for your participation in this Tribunal today.

Detainee: No problem.

Tribunal President: For the record, I...

Detainee: You mentioned that you need a closed session to talk about the classified information. I'm I going to attend this session?

Tribunal President: No. Unfortunately, it is classified because it's sensitive information.

Detainee: No problem.

Tribunal President: So that you know for the record, we will pass up through our channels that you are receiving threats here in Camp 5.

Detainee: The threats started are related to the classified information I gave during the interrogations. That information was about high level people in al Qaida.

The Tribunal President confirmed with the Personal Representative that the Detainee had no further evidence and/or witnesses.

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

The Tribunal President explains the remainder of the Tribunal process to the Detainee

Detainee: I requested refugee status because I can't go back to my country. I have been threatened to be killed by many people.

Tribunal President: We will note that for the record.

The Tribunal President continued to explain 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 Sworn Detainee Statement

The Detainee was sworn.

The Personal Representative made the following statement on behalf of the Detainee, and addressed each point on the Unclassified Summary.

- **3(a) The Detainee is associated with the Taliban and Al Qaeda.**

  This statement is not true.

- **3(a)1 Originally from Syria, the Detainee arrived in Afghanistan in 2000 after spending several months in Iran.**

  This is correct, but I entered Afghanistan alone, and no one came with me. I was trying to find work in Iran, but couldn't find any, so I went to Afghanistan. When I went to Afghanistan, I didn't know anything about fighting going on there. What kept me there was the lack of money to travel to Pakistan.

- **3(a)2 The Detainee stayed in a house reserved for Syrians, which was located in Kabul, Afghanistan.**

  This statement is true; there were seven Syrians that stayed there. The house belonged to another guy, who was also a refugee. He had no ties to the Taliban. The reason the owner came to Afghanistan was because it was an Islamic country.

- **3(a)3 The host of the house made training available to people going to fight coalition forces.**

  This statement is not true. When I was there, I never saw any weapons and no one carried one. The people from the Red Cross, who lived in the neighborhood around the house, knew that all of us were not fighters or Taliban, just refugees.

- **3(a)4 The Detainee's name or alias appears on a document recovered from safehouse raids on suspected Al Qaeda.**

  This statement is not true. My interrogator brought that paper to me and told me "this is your name," but it is not my name. The name on the paper is Abu Omar Mohammad. My name is Abu Omar Al-Hamawe. There is no one named Mohammad in my family.

- **3(a)5 A foreign intelligence organization has provided information that indicates that the Detainee joined an Al Qaeda training camp upon arriving in Afghanistan.**

  This statement is not true. The interrogator said that I had trained in Kandahar; I don't even know where that is. I never went to any camp to train.

Tribunal Members Questions to Detainee

Q: You are originally from Syria. Is that correct?

A: Yes, that is true.

Q: What were you doing in Syria before you left to go to Iran?

A: I was a butcher.

Q: Was that not sufficient to make a living in Syria?

A: It was sufficient, but I'd never be able to make enough to get my own house and to get married.

Q: So, what kind of work were you looking to find in Iran?

A: The same line of work.

Q: The Iranians would allow people from outside their country come look for work, when they have so many people trying to find work themselves?

A: I worked in Iran for a short period of time. It didn't work out very well for me, and I left.

Q: Your intent was to go to Pakistan after that?

A: My intention was to stay in Afghanistan for a little while and then go somewhere else, but the money issue didn't help me. A friend of mine promised to send me money from outside Afghanistan to help me get out.

Q: But he didn't?

A: Because of the problems that happened, we just left.

Q: Do you remember what time frame you entered Afghanistan?

A: I don't remember exactly, but it was the end of 2000 or the beginning of 2001.

Q: Did you find work in Afghanistan when you first arrived there?

A: Yes. I stayed in the house for approximately four months and then I found a job in the store. I worked in the store for about four months, but not for the money. It was just to get out. The money was very little. I worked there for fun and to interact.

Q: If you didn't make enough money working in the store, how were you ever going to make enough to leave Afghanistan?

A: As I told you, I was waiting for money to come in from the outside; I wasn't counting on the money from the store. I just worked there for entertainment and for interaction.

Q: Were your decisions to go from Syria to Iran and then to Afghanistan based on religious reasons?

A: No, it wasn't based on religion. My plan was to go to Iran, hopefully make enough money and then go to Saudi Arabia. When I was stuck in Iran, because I didn't have enough money, I couldn't go to Syria and I couldn't stay there, so that's why I went to Afghanistan.

Q: Did you say part of your plan was to go to Iran and then Saudi Arabia?

A: Yes, that's true. Going to Saudi Arabia is not easy. You need a lot of money; you have to get a visa and permits. That's why I was trying to get money in Iran.

Q: So, while you were working in Afghanistan, you stayed at the house with the other Syrians?

A: Yes.

Q: What did they do for a living?

A: The owner of the house was a refugee and he used to get money from his family. Most of the others were refugees as well and they just used to study.

Q: So, they just relied on the generosity of the owner?

A: They also used to receive help from their homes.

Q: Did the government authorities ever approach you, or other people in the house, and ask you to do things for them?

A: No.

Q: When did you first realize that Afghanistan was in the middle of a civil war?

A: When I went to Afghanistan, there was no civil war. I don't know if it was in another area of Afghanistan, but it wasn't in the place I was.

Q: What caused you to leave Afghanistan?

A: After the fall of Afghanistan, I had to leave because the Northern Alliance was killing Arabs and all of the Arabs were targets.

Q: Even then, the Taliban didn't try to make you fight for them?

A: I never heard the Taliban asking us to do anything for them, besides we had no connection whatsoever with the Taliban.

Q: Please describe the circumstances of how you were captured.

A: We had an Afghani guide take us from Afghanistan to Pakistan. We got close to the border and there were three or four thousand soldiers between the Afghanistan/Pakistan border. They asked me for my passport and my documents; I told them I didn't have them. After that they took us and I thought they were going to deliver us to our country's embassy, but instead they delivered us to the Americans.

Q: Did any Syrian embassy representatives come to visit you?

A: No, because we only stayed one day in Pakistan. Our capture was around noon, and by the time we were taken to another area, it was night. The next day, they took us to another prison where they delivered us to the Americans. The whole thing was just one day.

Q: Why didn't you have your passport and documents with you when you left Afghanistan?

A: My documents were in the house. I was sick that day, so I went to get some medical attention. On my way back, I met a Palestinian and he asked me where I was going. I told him, and he said the Northern guys were already there, so I left with him in the car.

I didn't have a chance to go back to the house and get my passport, plus I wasn't really thinking of that, I was just thinking of getting out.

Q: You didn't have anything with you when you left? No money? No weapons? Just what you were carrying?

A: I had a little money, that's all.

Q: Have you ever seen your passport again?

A: No.

Q: Have you ever had any military training at all, in your life?

A: No, never. In my life, I've never carried a weapon. Not in Syria, Iran or in Afghanistan.

Q: In the house with the other Syrians, you said your neighbors were Red Cross. What Red Cross organization is that?

A: I said that all the houses had families and kids; all refugees. The Red Cross was around because Red Cross helps people.

Q: The International Red Cross, or an Islamic version of the Red Cross?

A: I don't know. I think it was the International because I don't know the difference. I just saw the Red Cross on the cars and the houses. I assume it was the International.

Q: You said you were expecting money from Syria. Who was going to send you that money?

A: No, the money wasn't going to come from Syria; it was going to come from Saudi Arabia. I used to have a friend that would visit us and he went to Saudi Arabia and promised he's send money from there.

Q: So, it was a friend?

A: He was a friend who used to come play dominos.

Q: Do you remember his name?

A: I really don't remember his name, but I had his address and phone number in my wallet when I was in Afghanistan.

Q: What city did he live in?

A: It's all in the paper. I really don't remember. I don't really know the areas of Saudi Arabia, I just hear about it from the guys here that someone is from Riyadh, that's all.

Q: Are you very religious?

A: I'm just a normal Muslim. I'm not an extremist; I just pray and fast.

Q: Were you aware of any of the fatwas that were looking for people to come to Afghanistan?

A: I didn't hear of any fatwas. I just went there because everyone there is Muslim.

Q: Where in Afghanistan were you located?

A: I was in a village in Kabul. The house was close to the Pakistan embassy in Kabul.

Q: That wasn't very far from Jalalabad and Pakistan? Pretty close to where you wanted to go?

A: The only time I went to Jalalabad was when Kabul fell into the Northern Alliance hands. It's about a six-hour drive from there to Pakistan.

Q: When you were working as a butcher in Afghanistan, whom did you work for?

A: I wasn't working in a butcher shop in Afghanistan; it was just a convenience store.

Q: What was the owner's name?

A: He was an Algerian guy, but the guy that worked in the store was a Pakistani named Abdullah. This Pakistani guy used to know the dialects of Pashtu, Dari and all those languages.

Tribunal President's Questions to Detainee

Q: What was the total number of months you stayed in Afghanistan?

A: It was less than a year, maybe 10 or 11 months, but definitely less than a year.

Q: How long did you work in the convenience store?

A: Approximately four months.

Q: What other types of employment did you have in Afghanistan?

A: I didn't have any other job. I just attended classes on Islam and the Koran about religion and all things related to prayer. I just wanted to learn and I wanted some entertainment because I was bored sitting in the house all day.

Q: The house you stayed in, did you have to pay rent or buy your own food?

A: Yes, we used to all participate and give something. Some of us received help from home, but mostly the owner of the house used to get a lot of help from his home in Syria.

Q: Who was the owner of the house?

A: His name is Moad.

Q: You indicated he was a refugee as well?

A: Yes, he was a refugee in an Islamic country. He was an immigrant to an Islamic country.

Q: What was the total number of people that lived in this house?

A: Seven.

Q: When you were captured by the Northern Alliance, how many people were with you?

A: I wasn't captured by the Northern Alliance; I was captured by the Pakistanis.

Q: Oh, how did you get into Pakistan?

A: He just asked me a few minutes ago. We went to the village at the border between Afghanistan and Pakistan and that's how we got captured.

Q: Please tell me again, how many were with you when you were captured by the Pakistani authorities?

A: Four of us.

Q: Were they also Arabs?

A: Yes, Syrian Arabs and they are all here.

Q: You knew them all?

A: Yes, and they are all here.

Q: Were these the same individuals that stayed in the house with you?

A: Yes.

Detainee: You mentioned that a foreign country said that I went to...who is this foreign country and where did they get this information?

Tribunal President: We don't know that either, at this point.

Detainee: How?

Tribunal President: It may be identified to us when we look at the classified evidence.

Detainee: Okay, good.

AUTHENTICATION

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

Colonel, U.S. Marine Corps
Tribunal President

Summarized Unsworn Detainee Statement

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

The Recorder presented Exhibits R1 through R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

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

Tribunal President: Muhammad, 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: What has been said is not true.

Tribunal President: Mohammad, would you like to answer or respond to the allegations that are in the Unclassified Summary of Evidence?

Detainee: I have nothing to say. All that has been said is not true. I have told my story five hundred times. I went to Pakistan for drugs. I was sick and I wanted to heal myself, so I went to Pakistan.

Tribunal President asked the detainee if he would like to make his statement under oath. The detainee replied he would and the Recorder administered the Muslim oath to the detainee. The Personal Representative then asked if the detainee wanted him to read the accusations so that he could respond to each one.

Detainee: I really don't want to respond to each one. All that I am saying is this. I went to Pakistan to get married and relax and to get out of what I was in.

Tribal President: Mohammad, is there anything else?

Detainee: That is all. This is my story.

Personal Representative: I could read the allegation and you can respond, or you can say what you would like to. Yes or No.

Detainee: I cannot respond to this because I have not relation to this evidence. So how could I respond to this?

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. You said you went to Pakistan to find a wife?
A. Yes.

Q. Do you speak Pashtu?
A. No, I don't. I can speak a little bit.

Q. Where were you living before you went to Pakistan?
A. I was living in Italy.

Q. Did you get a Pakistani visa in order to travel?
A. Yes, I did.

Q. Have you ever traveled to Afghanistan? Why?
A. Yes, I did. There was a campaign against Arabs in Pakistan. I was a little scared, and so I went to Afghanistan for a little bit, then came back.

Q. When you came back into Pakistan, is that when you were captured?
A. No. I stayed there for a while. I was planning on going back to Europe, but I was unsuccessful.

Q. Where in Afghanistan did you stay?
A. In the place you just said, Jalalabad.

Q. When you were captured, did you have your passport with you?
A. No. I didn't have it.

Q. Where was it?
A. It was in another place and I couldn't get to it, so you can say that I lost it.

Q. While you were in Afghanistan, did you have any weapon training?
A. No.

Q. When did you go to Afghanistan?
A. I don't remember.

Q. Was it after the attacks on the World Trade Center in 2001?
A. I really don't know if it was before or after. All that I can tell you is that I was there just a short time.

Q. When were you captured? Where?
A. I don't remember. It was a border town. I don't remember the name.

Tribunal President's questions.

Q. Can you give us a general idea of how long you stayed in Afghanistan?
A. I didn't stay long.

Q. Was it one day, one week, one month?
A. Around one month, or more than that.

Q. How did you pay for you trip back and forth from Pakistan to Afghanistan?
A. I had my own money.

Q. Were you working in Pakistan?
A. No.

Q. Are you a member of Al Qaida or the Taliban?
A. No.

Q. Have you ever fought with Al Qaida or the Taliban?
A. No, I didn't fight with the Taliban or Al Qaida.

Q. Did you stay in a guesthouse when you were in Afghanistan?
A. No.

Q. Where did you stay while you were in Afghanistan when you were there for a month?
A. I was renting a house.

Q. You paid to stay in this house?
A. Yes, of course.

Q. Were there any soldiers or fighters at the house?
A. How could somebody stay in my house? My wife was there.

Q. You had your family there with you?
A. Yes.

Q. Were there other people staying there?
A. No. There was nobody.

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 unclassified session of the Tribunal.

AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions and opened the Unclassified session of the Tribunal.

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

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 she had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The Tribunal President stated for the record that the Detainee has elected not to participate in this tribunal proceedings.

The Tribunal President stated for the record that the Detainee requested to have his passport to prove he was in Afghanistan before 9-11. The passport was not produced for this hearing.

The Personal Representative read a statement on behalf of the Detainee by reading each point on the Unclassified Summary of Evidence.

Tribunal President: Personal Representative did the Detainee desire to have you present information on his behalf.

Personal Representative: Yes Ma'am

Tribunal President: Please do so at this time.

3.a. The Detainee is associated with the Taliban and al Qaida.

Not True

3.1. The Detainee departed Yemen for Afghanistan on 16 July 2002

I am aware of the attacks on New York and I went to Afghanistan prior to those attacks by two weeks.

In Yemen the military service was compulsory. I was rejected due to a head injury I sustained in a car accident. I felt it was important in coming of age. I tried to go to college but the head injury prevented from concentrating so I went to Afghanistan for weapons training not to fight anyone. I could not get this kind of training in Yemen.

3.2. The Detainee was recruited in Yemen for jihad training in Afghanistan.

No that is False

3.3. The Detainee along with other received travel documents and instructions from a facilitator in Yemen.

I went to Sanaa alone to arrange my travel I am not sure if the facilitator helped others.

3.4. The Detainee received tickets from a facilitator in Yemen.

I don't know who had the tickets produced. He was the person that gave me money to make my travel to Afghanistan.

3.5. The Detainee along with others were required to leave passport, money, all other forms of identification at a guest house (Mudafa) in Kandahar, Afghanistan in return for a receipt of these inventoried items.

I never received any items but I was asked to leave them at the guest house.

3.6. The Detainee's name alias, along with other personal property information was found on a list recovered during raids against al Qaida associated safe houses.

I am not sure what a guesthouse is, but I have no connection or ties al Qaida.

3.7. The Detainee received training on the Kalashnikov rifle at al Farouq.

Yes this is true

3.8. The Detainee received additional military training at another camp located near Jalalabad, Afghanistan.

That place is not a camp and that was an interpreter error that was something discussed during my interrogations. It was only to get used to holding a weapon. There was no firing weapons at that camp.

3.8.b. The Detainee participated in military operations against the United States and its coalition partners.

No

3.8.b.1. The Detainee was assigned to augment Taliban and al Qaida forces already in defensive positions in Tora Bora.

I never aided al Qaida or the Taliban, but I was in Tora Bora

3.8.b.2. The Detainee was armed with a Kalashnikov rifle during the Tora Bora campaign.

I was fleeing for my life with many other people to Tora Bora to avoid the bombing that was imminent. It was in Tora Bora when I heard of the attacks in New York City on September 11. I was holding a weapon but I had no bullets.

3.8.b.3 The Detainee was injured by a United States air strike while retreating to Pakistan with other soldiers.

I went with a group to Pakistan to go home, we were bombed and I was the sole survivor. I had no participation with al Qaida or the Taliban or anyone that was a soldier.

3.8.b.4. The Detainee's group surrendered to Northern Alliance forces.

Not True, I was in a hospital Pakistani villagers in Jalalabad and the American caught me in the hospital, I was caught in a war zone but had nothing to do with the war.

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.

The Tribunal President concluded the Tribunal session.

AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President

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 CSRT process, the Detainee answered:

Detainee: What kind of questions?

Tribunal President: Do you have any questions about why we are here and what we are going to do?

Detainee: I have a question, why am I here?

Tribunal President: Here in this Tribunal?

Detainee: I don't understand.

Tribunal President: I am asking if you have a question about why we are here today and what we are going to do here today?

Detainee: You are here to find out if I am a criminal or not.

Tribunal President: We are not here to decide if you are a criminal. We are going to decide from information if you are an enemy combatant.

Detainee: Okay.

Tribunal President: At any time during this session you have a question of what we are doing you may ask me at anytime.

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

Detainee: I have already told my story to my Personal Representative.

Tribunal President: The Personal Representative will provide us the same information that you discussed previously and I understand that. During this part you will have a chance and an opportunity to add, change, confirm, or deny whatever he says. Before we start this I would like to ask you to promise to tell the truth. And we have a statement that we call an oath, the Muslim oath to tell the truth. Do you want to take that oath?

Detainee: Yes.

[The detainee was sworn using the Muslim oath.]

Tribunal President: Personal Representative you may assist the detainee in his statement.

Personal Representative: I am going to tell the Tribunal what we talked about last week. If I say something wrong you correct it.

Detainee: I don't want to talk about it because I have already talked about it. You go ahead and read and that will be okay.

Personal Representative: Okay.

Detainee: I will tell my whole story for you guys but you promise me that you will listen to me and believe me. I will tell you everything how I got captured and how I got there. But you have to be honest with me. If you have any proof or you prove that I am a criminal I am ready for any punishment. I want you to go by the law.

Personal Representative [reading from notes taken during his earlier interview with the detainee]: My uncle gave me some money to go buy something at the market but it was prayer time so I went to the Mosque to say my prayers. At the Mosque I was approached by a man who asked where I was from, where did I live, and did I have a job? I didn't have a job. The man said everybody needs to be doing something. The man said that he would give me a job to clear mines in Afghanistan. I wanted this job but I wanted to talk to my mother first. The man convinced me not to talk to my mother about clearing mines but just tell her I got a job in Afghanistan.

Detainee: My mother wasn't home. She was at my father's house. I didn't tell my mother. I went to Pakistan. My mother wasn't in Pakistan. She went to Khost to visit my father in Afghanistan.

Personal Representative: [reading] My family told me I was just a little guy and I didn't need to go to Afghanistan but I wanted to go to work. So the next day I met the same two men in front of the Mosque. I talked to them then went home and spent the night and packed. The next day I went back to the Mosque and I saw the two men in a white Corolla car. The motioned for me to come to the car. I got in the car and we drove to a mountain area, which was a center for mine training where I met more people. We spent the night there. In the morning a list of names was presented. I got an ID card and they told me I would be clearing mines with equipment and dogs. I saw a piece of paper and it had the name Hezb-E-Islamic on it and a list of things.

Detainee: I didn't see any names on the list but it talked about the training and how we would clear the mines.

Personal Representative: [reading] The man gave me two small pills each day, which made me sleepy and forget about my family. Two men came and told me to fire guns they said everybody does this and it is fun. These men's names were number two and number three.

Detainee: No.

Personal Representative: Do you remember what their names were?

Detainee: Their names were Aziz and Hasan.

Personal Representative: [reading] Aziz was from Kashmir, Pakistan.

Detainee: I didn't know him and I am not sure. The other person that introduced him to me said he was from Kashmir, Pakistan.

Personal Representative: [reading] The men gave me injections in the leg and I hallucinated about many things, like my nose coming off and giving my ear to people. We were at the camp for twelve days.

Detainee: I am not sure about the twelve days, he told me we were going to be staying for twelve days. I think we stayed for 2 to 5 days. I think I am not sure.

Personal Representative: [reading] I wanted to go see my mom in Khost before leaving to Kabul.

Detainee: I didn't say that. When I went to Khost I was thinking about my mother.

Personal Representative: Okay, but you saw your mother and you told her good-bye.

Detainee: Yes.

Personal Representative: [reading] I went to Khost in a taxi. There was another man with me and his name was number forty-two.

Detainee: Including me there was four people, me, Nadir, number thirty-nine and number forty-two.

Personal Representative: [reading] Then we ate lunch and went to Kabul and stayed in a hotel. Number thirty-nine told me to stay in my hotel room. So I spent the night there and number thirty-nine gave me some money and four bombs in a bag.

Detainee: No they didn't give me that.

Personal Representative: [reading] I then went to a Bazaar in Kabul.

Detainee: Yes I went to the Bazaar but they did not give me the bomb and the money. They gave it to Nadir.

Personal Representative: They gave the bombs to Nadir?

Detainee: Yes they gave it to Nadir.

Personal Representative: [reading] Nadir took two of the bombs and put them in my pocket. Nadir threatened to kill me.

Detainee: No.

Personal Representative: [reading] Something happened; I don't know what it was but people were running everywhere. Then somebody arrested me and took to Bagram and then here.

Personal Representative: That is the end of what we spoke about. The detainee was arrested with Nadir, number thirty-nine and number forty-two.

Detainee: I don't know about the others. I know I was captured at that time.

Personal Representative: Do you know the name of the man that was captured at the same time?

Detainee: I am not sure about the rest of them if they got captured or not. But when they captured me I told them about the (inaudible). I don't have the right information.

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

Detainee: What do you want me to tell you?

Tribunal President: Anything more about what we were given. Where you were recruited, what training you had, and how you were arrested. Anything more about that, which you can add from what the Personal Representative, said.

Detainee: There was some more information that my Personal Representative did not talk about. They showed me how to use the grenade, how to throw the bomb. They told me there is an organization in Afghanistan, an office were I could work with clearing mines. One mine exploded next to me but I did not get hurt.

Tribunal President: Does that conclude your statements?

Detainee: Before I was captured in Kabul they gave me orange chewing gum, chocolate candy and a tablet. When I took this pill I didn't know what I did. I was out of my mind I couldn't think clearly.

Tribunal President: Anything else?

Detainee: No.

Tribunal President: 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: Do the board members have any questions for the detainee?

Tribunal Members: No sir.

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

Detainee: What kind of evidence?

Tribunal President: Do you have any documents for example?

Detainee: I think I want the witnesses, the people that were captured with me. I want them to be here also. If they give testimony against me as being a member of the Taliban or Al-Qaida that is okay. All of my statements are true. If my witnesses are here they can hear all my statements and say they are true.

Tribunal President: These witnesses do you have their names and where they can be found?

Detainee: I have been told that they are here and then I was told that they were killed. I have also been told that they were back in Afghanistan with the government. I am not sure where they are.

Tribunal President: Do you have a complete name for them so we can attempt to find them?

Detainee: I don't know their complete names and I don't have any information about them.

Tribunal President: Without a complete name we are unable to find them and locate them for you so it is not reasonable for us to provide them at this time. We will consider your statements during our deliberations.

Tribunal President: Personal Representative do you have any other evidence to present to this Tribunal?

Personal Representative: No sir.

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

Tribunal President: I note that you wanted to participate in this Tribunal and that originally you had asked for a witness, but then you chose to, decided not to have a witness. Is that correct?

Detainee: Where would he come from? Saudi Arabia?

Tribunal President: No, your witness could have written a statement and provided a statement and sent it here.

Detainee: I have a witness. The Saudi government.

Tribunal President: I didn't understand.

Detainee: I have a witness. The Saudi government could be my witness.

Tribunal President: The Saudi government is your witness?

Detainee: Yes. My Personal Representative said I left Saudi Arabia after September 11th, but the Saudi government can be a witness for me and say I left before September 11th.

Tribunal President: And how can the Saudi Arabia government notify us or let us know or testify that you left after September 11th?

Detainee: No one can leave the airport without being registered: departure date, what time of day.

Tribunal President: Are you saying that was in your passport or your visa?

Detainee: It was in my passport.

Tribunal President: And where is your passport?

Detainee: It was taken by the Massoud government and when I left, I left all my belongings behind.

Tribunal President: Okay. Would the Saudi government be able to dispute any of the other allegations that were presented to you by your Personal Representative?

Detainee: They can get in contact with my parents and ask them why I left Saudi Arabia.

Tribunal President: Okay, will you be able to tell us that information as well?

Detainee: I was accompanied by my cousin.

Tribunal President: We will go into your statement in just a moment. I just wanted to verify that you did withdraw your request for your witness. Your original witness request.

Detainee: I am a prisoner. How am I going to get my witness here, from all the way at the end of the world?

Tribunal President: During one of the interviews that you had with your Personal Representative, you asked him to have your father make a statement for you, as a witness. The Personal Representative did come back to this Tribunal and ask if you could have this witness.

Detainee: But you refused.

Tribunal President: We asked you a question. We asked you if your father could testify to any of the allegations on this, on the Unclassified Summary and you made the decision to withdraw; my understanding is you made the decision to withdraw your witness request.

Detainee: I never said that. No, but my Personal Representative told me the witness will not be available to me, available or being anything else, I said okay then.

Tribunal President: You said, "Okay then?" What does that mean?

Detainee: I didn't say anything, but if you can bring that witness, then I'll be happy.

Tribunal President: Are you saying that about your father? Is that the witness you're talking about now?

Detainee: Yes, my father.

Tribunal President: Okay, Personal Representative, would you give me an explanation as to what happened during the interview?

Personal Representative: Yes, ma'am. I asked the detainee if his father would be able to shed any light on any of the other allegations that are in the unclassified summary. To the best of my recollection, the detainee said no.

Detainee: I did not say no. When I was told that I was refused that request, I told him okay man, the Saudi government would be my other witness. That's the best witness to have.

Personal Representative: I don't remember the Saudi government being called as a witness.

Detainee: I asked if he could ask Saudi Arabia what time I left.

Personal Representative: I don't remember that.

Tribunal President: Abd Al Salam, would the Saudi government be able to dispute any of the other allegations on the unclassified summary besides the one of when you left Saudi Arabia?

Detainee: They could also contact my parents, my parents know everything.

Tribunal President: We will take a brief recess and allow the Tribunal to discuss this and we will decide whether we should go on or not.

The Tribunal recessed to discuss the issue.

The Tribunal reopened with all persons once again present.

Tribunal President: Abd Al Salam, are you okay?

Detainee: Yes.

Tribunal President: You were just tired?

Detainee: Yes.

Tribunal President: We have discussed your witness request and it is our understanding that your witness request for your father and the Saudi Arabian government would testify that you traveled to Afghanistan prior to September 11, 2001. We are willing to accept your statement that you did travel to Afghanistan prior to September 11, 2001, and we will continue to review the other allegations on the Unclassified Summary of Evidence. You have the opportunity to respond or make a statement or comment to the other allegations on the Unclassified Summary. I will let you know when it is time to do that. Do you understand?

Detainee: Yes.

The Tribunal President continued with the Tribunal process.

Tribunal President: Abd Al Salam, you may now present any evidence you have to the Tribunal and make a statement and you have the assistance of your Personal Representative in doing so. Do you want to present information to the Tribunal?

Detainee: How did I become an enemy combatant? Why do they call me that?

Tribunal President: There's supporting evidence that gives us an idea that you may be an enemy combatant. We did not, this Tribunal did not make that decision. Our decision is to determine if you are still considered or should be considered an enemy combatant.

Detainee: First I am not an enemy combatant, and second, I am not a member of Al Qaida. Who am I that I can be a member of Al Qaida? Why would I be so important to be in Al Qaida? I am not in Al Qaida and second, I went to Afghanistan to visit only, not to fight, not to be a member of an organization, or not to do anything. I went there to visit. That's what I am contesting.

Tribunal President: Abd Al Salam, would you like to make your statement or any other comments under oath? We will offer you a Muslim oath.

Detainee: Okay, if there is an oath, I will take it. I am ready to.

Tribunal President: Recorder, please administer the Muslim oath.

The Detainee was sworn using the Muslim oath.

Tribunal President: Abd Al Salam, would you like to respond to the other allegations on the Unclassified Summary?

Detainee: Yes, I would.

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

The Personal Representative read the allegations to the detainee and the detainee answered as follows:

3.a. The detainee is a member of Al Qaida and the Taliban.

Detainee: How could I be a member of Al Qaida and the Taliban if I was only there for three months? That was the first time for me to leave Saudi Arabia. That was the first time I left Saudi Arabia. I left when I was 17 years old and there are proof in the papers that were found by the Northern Alliance that show that we went there to get treatment in a hospital in Pakistan. I am not a member of Al Qaida or the Taliban, and I never thought of it and they never came up to me.

3.a.1. The detainee traveled to Afghanistan after 11 September 2001.

Detainee: That is not correct. First that is not true. I left Saudi Arabia before the September 11 incident and I went to Pakistan to seek medical treatment. We took an appointment with the doctor. The appointment was about a month to two months, a

month and a half to two months. So during the short period of time we were in Pakistan, we met a man there and we spoke about Afghanistan, so we decided to go and visit Afghanistan. So I went from Pakistan to Afghanistan. I stayed there for a short period of time and went back to Pakistan for the treatment. When we got to Pakistan, we stayed in the border in a city call Quetta. We stayed for five days to get to the airport. The fifth day of being there, the United States was attacked. The borders were closed, the airports were closed, every means of transportation was closed. They told us to go back to Afghanistan until everything settles down. Then you can come back to Pakistan. We were told in Pakistan that they were arresting any Arabs. Any Arab that was visiting or whatever you were doing there, you were being arrested. So they told us to go back to Afghanistan and stay there a month, and then come back. And my leaving there was before the attack. And you can check the computers, the travel computers in Saudi Arabia. You have connections, a relationship between the United States and Saudi Arabia, and I don't think Saudi Arabia would lose that information.

3.a.2. The detainee assisted anti-coalition troops while at a Taliban Center near Khwajajaghar, Afghanistan.

Detainee: I never fought. I have never said that in any interrogation. I went there just to wait until it was time for me to go back across the border. I did not go there to fight. I never fought, never. Any person who would fight is probably someone who is trained or part of the military or he knows how to use--he knows how to fight. I was only there a few months, so how could I be a fighter?

3.a.3. The detainee received weapons training in Afghanistan.

Detainee: When I was waiting in Khwajajaghar, there were youth there who were training on Kalashnikov rifles. I did not have anything else to do, so I stayed there and I fired weapons. They had a dummy person, or a target, and I fired at that.

3.a.4. One of the detainee's known aliases was on a list of captured Al Qaida members that was discovered on a computer hard drive in an alleged Al Qaida residence.

Detainee: What is that name that was found in the computer?

Tribunal President: Are you saying that your name was not on the computer list?

Detainee: What is the name that was found and what was my job there?

Tribunal President: On the allegation, it does not say what name or what the job was. Are you familiar with or has anyone ever spoken to you about your name being on a list found in an Al Qaida house?

Detainee: I only heard it from my Personal Representative. I have never heard it from anyone else before, and I have heard from the other detainees that they have the same allegation and accusations against them, and I think this accusation is false. It is made up, cooked up, against us. That dress is not my size.

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

Detainee: How could I participate in fighting when I was just waiting in one spot and never did that. If this is true, just show me where I participated in those fights. Where? How can my Personal Representative bring a list of accusations? There is no explanation whatsoever that explains what I was part of. No explanation.

3.b.1. The detainee admitted he went to Afghanistan to fight.

Detainee: Lies! I have never said that before. I am sure that my investigation, interrogation files does not have any of that in it.

3.b.2. The detainee was captured with an AK-47 rifle near Mazar-e-Sharif.

Detainee: When we were moved from one place to another, we were each given a weapon to protect ourselves from the public. The public was attacking us and we walked about three kilometers and we were put in buses or transportation vehicles and the weapons were taken away from us. So when we were arrested, we did not have a weapon on us and that's not the weapon [referring to "AK-47"]. I only know the weapon is called the Kalashnikov. I don't know if that is the true name. I know it as being called the Kalashnikov. I never mentioned that name ["AK-47"] in the interrogation, I've only said Kalashnikov.

Tribunal President: That is another name for the Kalashnikov.

Detainee: I did not know that.

Tribunal President: Do you have any other comments that you would like to add?

Detainee: After I saw my Personal Representative, I went back and asked for interrogators and investigators and I wanted to ask how did they bring those accusations against me.

Tribunal President: Do you have any other comments, or is that the end of your statement?

Detainee: Do you have a witness that can prove those accusations? If so, then I want a witness, too.

Tribunal President: You had an opportunity to request a witness.

Detainee: But I want a witness from you.

Tribunal President: This is the witness [referring to the Unclassified Summary of Evidence]. This is the government's witness. These are the government's statements.

Detainee: You have a witness with you, which is my file, and my file will be the opposite of those accusations. Those accusations are not in my file.

Tribunal President: We'll consider all the information that is being provided to us, which includes your comments, the accusations from the government and the classified information. 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 questions for the detainee?

Member: Yes, ma'am. Where in Pakistan were you going for medical treatment?

Detainee: Am I in an interrogation or am I in court?

Member: Neither.

Detainee: So, what is this then?

Tribunal President: This is a Tribunal. Do you understand? We explained the process of the Tribunal; this is not a court.

Detainee: I am ready to answer now.

Tribunal President: Okay. Would you please repeat the question?

Member: Where in Pakistan were you going for the treatment?

Detainee: Karachi.

Member: What was the name of the doctor?

Detainee: I do not know, but I was just accompanying my cousin. My cousin had all the papers, all the forms, everything in the bag and it was locked. I am sure 100% that all my

paperwork, passport, all the medical forms and everything else was in the bag and taken by the Northern Alliance or the Massoud government.

Member: Your cousin had the bag and had your passport in it?

Detainee: Yes, everything was there.

Member: When you went to Afghanistan, what did you go to do? You said, you did not say why, you just said you met a man who talked about Afghanistan and you traveled. Why did you go there?

Detainee: I went to visit only. We had a hard time. It was a long time because the doctor was on vacation. The doctor was on vacation, so we had to wait a long time, so we decided to go and visit.

Member: I have no further questions. Thank you.

Member: You mentioned that when you were moving from one place to another in Afghanistan, you were given a weapon to protect yourself.

Detainee: How?

Member: That's what you told us. You said that you were given a weapon to protect yourself when you were moving from one place to another.

Detainee: When we were forced to move from Konduz to the city of Mazar-e-Sharif. So Konduz was given without a fight.

Member: You said the city of Rukundose and Duston?

Detainee: Konduz and Mazar-e-Sharif.

Member: Okay, got it. And were you still traveling with your cousin at that time?

Detainee: My cousin was killed when we pulled away from Khwajajaghar.

Member: Who were you – when you were pulling away, is it Khwajajaghar? – who were you with at that time? What group of people?

Detainee: The people in the first line were Afghanis, Uzbeks, and there were Arabs. The people that cook and everyone else, they gathered together.

Member: What part of the line were you? Were you part of the front line? Or were you part of the cooks?

Detainee: There was a place I stayed in. I was in a stop station where the cooks and the visitors were.

Member: And when they left, you left with them?

Detainee: When we pulled away? Yes.

Member: Is that when they gave you the weapon?

Detainee: Yes.

Member: And who was it that gave you the weapon? I am not looking for a name of a person, but was it the Taliban soldiers, or who was it that gave you the weapon?

Detainee: Of course it was a soldier from the Taliban. He brought his vehicle. It had weapons in it and everyone took one.

Member: And then you withdrew from there to Mazar-e-Sharif, is that what happened?

Detainee: No we pulled away from Konduz.

Member: Konduz, okay.

Detainee: And from Konduz to Mazar-e-Sharif.

Member: And were you, did you continue to travel with those, that group of people from Khwajajaghar, to Konduz, and then to Mazar-e-Sharif, same group of people the same way?

Detainee: Yes, but when we got to Konduz, we stayed there for about nine days. But when we got there, everyone went their separate ways. The Uzbeks went in one vehicle, the Arabs went in one, and everyone separated in a vehicle according to what they were.

Member: And did you turn your weapon back to the people in Mazar-e-Sharif, is that where you gave up your weapon?

Detainee: Yes. We were told to put our weapons down, give it to them, and go to the bus for transportation. I told them that I did not have anything, and that I just wanted to go back to Pakistan to go to any embassy and get another passport.

Member: I just want to make sure I understand, so you turned in your weapon in Mazar-e-Sharif, went on the buses, and that's when they took you away?

Detainee: Before Mazar-e-Sharif. Three kilometers before Mazar-e-Sharif.

Member: Where you turned in the weapons?

Detainee: Yes, before the city.

Member: Okay, I have no further questions.

Tribunal President: You said that you traveled to Pakistan and Afghanistan prior to September. Can you tell me what month that you traveled to Pakistan and Afghanistan?

Detainee: I forgot, I don't know exactly. But the Saudi government can tell you exactly when I left.

Tribunal President: Was it one week, or a couple of months? Can you just give me a general idea?

Detainee: About two months.

Tribunal President: About two months before?

Detainee: Two months or a month and a half approximately. Before the attack.

Tribunal President: Okay. You said that you had a doctor's appointment with a doctor in Pakistan.

Detainee: Yes.

Tribunal President: Well, if you had an appointment, why was it that when you got there, the doctor was gone on vacation?

Detainee: It was not an appointment with the same doctor. A person in Saudi Arabia gave us the doctor, where he was located, and told us when to go. When we got there, we found out he was on vacation. They told us about a month or a month and a half, two months, then come back.

Tribunal President: So did you spend some time in Pakistan while you were waiting for the doctor to come back from vacation?

Detainee: Shortly.

Tribunal President: So when you traveled to Afghanistan to visit, was it before the bombing of September 11th or after?

Detainee: Before.

Tribunal President: Do you know how far before? Was it one week, two weeks?

Detainee: I do not know.

Tribunal President: How long were you in Afghanistan after the bombing?

Detainee: I do not remember. Nine Ramadan, which is September 9th.
Tribunal President: So it was before or during or after Ramadan?

Detainee: September 9th, that's Ramadan. I know the Islamic calendar, which is September.

Tribunal President: Okay, that's when you, how long did you stay in Afghanistan before you were captured, or when were you captured?

Detainee: About three months.

Tribunal President: So we are looking at probably November, December you were captured?

Detainee: I do not know. It was before Ramadan. I do not know exactly.

Tribunal President: Okay. Were you trying to get back to Pakistan to try to make it to the doctor's appointment?

Detainee: Yes, we came back to Pakistan. We got to Quetta, which is a city and Pakistan was the borderline.

Tribunal President: Is that where the doctor was located?

Detainee: No, not for sure, no.

Tribunal President: Where was the doctor located?

Detainee: We came to Quetta to buy tickets to go to Karachi where the doctor was located. On the fifth day, we stayed in Quetta, the incident happened.

Tribunal President: Did you receive any type of training while you were in Afghanistan?

Detainee: We only got trained on the Kalashnikov.

Tribunal President: And can you identify who was giving the training? Were they soldiers?

Detainee: Soldiers.

Tribunal President: Did you have to fire any weapons while you were in Afghanistan or while you were leaving Afghanistan?

Detainee: Never. I did not have a weapon. The only time I had a weapon was at the stop station.

Tribunal President: Okay, that's all the questions that I have.

Tribunal President: Are there any comments or statements that you would like to make to us?

Detainee: I want to know what will happen now.

Tribunal President: This Tribunal will consider all the information that has been given to us, by you, by the government and all the classified information. We will determine whether you should remain as an enemy combatant or not. And then I will further explain it as we go through the Tribunal process.

Detainee: I can guarantee you that none of us will be innocent, not even one prisoner will be leaving. I hope that someone will be fair and just. I hope you follow the oath you took under the supervision of the United States.

Tribunal President: I promise you that we did take an oath and we will abide by the oath and there is a higher authority above us that will review all of the proceedings.

Detainee: I am not saying you are liars.

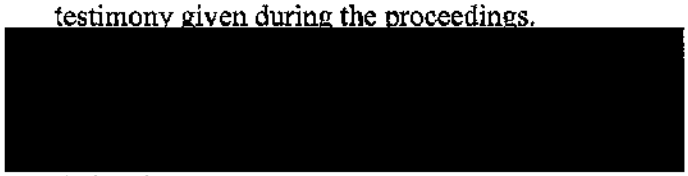
Tribunal President: Personal Representative, do you have any other evidence, or does the detainee have previously approved witnesses to present to the Tribunal?

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.



Colonel, U.S. Army
Tribunal President

Summarized Detainee Statement

Tribunal President: I understand there may be some confusion about the name that we should use. Personal Representative would you clarify that information for us please?

Personal Representative: Yes, ma'am. The government has his name as Abdul Hafiz, but the detainee prefers to use the name Abdul Qawi.

Detainee: Yes.

The Tribunal President informed the detainee regarding the Convening Authority for the Tribunal, the purpose of the Tribunal, and his rights under this Tribunal.

Tribunal President: Abdul Qawi, do you understand this process?

Detainee: I am listening and sitting here; yes, I understand.

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

Detainee: Yes.

Tribunal President: You have questions?

Detainee: Yes.

Tribunal President: What are the questions?

Detainee: Should I ask now or at the end of the Tribunal?

Tribunal President: If you have a question in reference to the process, you can ask the question now.

Detainee: I am asking about all the evidence and the classified information about me. If someone has accused me of all these accusations about me, I would like to look at all the evidence and documents to find out if it is true or not. I am not sure, so I don't understand why I cannot see these documents.

Tribunal President: You have had the opportunity to look at the unclassified evidence, and you will have the opportunity to response to the unclassified evidence in just one moment. The classified information cannot be seen by you for reasons of national security. Do you have any other questions?

Detainee: Actually, I am a human, a member of this world. But I don't know which documents or which evidence you are basing your decision on concerning my status. If

some classified information states something about me, I would like the opportunity see it and refute it. I feel I have the right to know about the classified information.

Tribunal President: This Tribunal has not seen the classified information yet. Our decision will be based on the unclassified evidence, as well as your statement, and also the classified information.

Detainee: Actually, I have never been in a Tribunal. This is my first. In our culture, if someone is accused of something, they are shown the evidence. In Afghanistan, when they accuse someone, they tell them all the evidence.

Tribunal President: I understand. This Tribunal does not make the rules. These are rules that are determined by higher authority in Washington, D.C. This Tribunal cannot change the rules at this time.

The Tribunal President continued with the Tribunal process. The Recorder introduced the Unclassified Summary of Evidence (Exhibit R-1) and the FBI redaction certification (Exhibit R-2). The Recorder then began to explained the Unclassified Summary of Evidence.

Recorder: Madame President, I direct your attention to the Unclassified Summary, paragraph three, point number one, and I will read through all eight points. The detainee was affiliated with the death of two individuals in Kabul, Afghanistan, and worked for the Taliban 40-Man Militia group under a known Taliban commander.

Detainee: Is it okay if I answer that question?

Tribunal President: Allow us to go through each point first, and then we will go over it again and allow you to answer the allegations.

Detainee: I have a sickness, and I may forget from number one to number eight, which allegation is which.

Tribunal President: Abdul, we will read each point again, and after each point, you can respond to each point.

Detainee: Okay.

The Recorder read the rest of the Unclassified Summary of Evidence, and had no more evidence to present during the unclassified portion of the Tribunal.

Tribunal President: Abdul Qawi, you may now present any evidence you have to the Tribunal, and you have the assistance of your Personal Representative in doing so. I understand that you want to present information to this Tribunal. Would like to make your statement under oath?

Detainee: I don't know about the laws and regulations. Whatever it is, I will do it.

Tribunal President: Abdul, we can administer a Muslim oath to you.

Detainee: Actually, I don't have any claim on Americans. I don't have anything to claim on Americans, but Americans have claims on me as an enemy combatant. America brought me here.

Tribunal President: My question to you Abdul, is if you would like to take a Muslim oath. Yes or no.

Detainee: Whatever the law is, because all these statement I have said are all true. So I don't know if it is still necessary for me to do the oath (inaudible). I was just in my home when they captured me and brought me here. I didn't do anything. So whatever I said is true. It is all true. If I have to take an oath, so I don't know.

Tribunal President: Recorder, administer the Muslim oath.

Personal Representative: Your Honor, before in our in interview yesterday, I went over this issue with him, and he told me that he did not want to take the Muslim oath for some cultural reasons. He might feel more pressure because of the Tribunal.

Detainee: I talked with my representative yesterday that our culture in our country is, if you take the Islamic oath, and in a situation where the witness is not available or not present, then the next person takes the oath. I don't know. I told my representative, if that's the first time, I could take the oath. But if there is another Tribunal, then I don't feel comfortable in taking the oath. But if there is only going to be one Tribunal, then I can take the oath.

Tribunal President: Abdul, this is the only Tribunal that you will be before. There is another board, depending on if we decide you are an enemy combatant or not. You are not required to take the Muslim oath, and we will still consider your statement whether you take the Muslim oath or not. We want to consider your religious beliefs and we will administer a Muslim oath if you would like. Abdul, I need an answer, yes or no, right now, so we can move on.

Detainee: If it is needed of me, if this is your law or regulation, then I will.

Tribunal President: Recorder, please administer the Muslim oath.

The Detainee was sworn using the Muslim oath.

Tribunal President: Abdul Qawi you may begin, and please remember to speak in shorter sentences so we can make sure we can translate everything that you say.

Detainee: I don't know. Sometimes the Pashtu language is the way it is. It is longer.

Tribunal President: I understand. We will use the Personal Representative to read each allegation and you will be able to respond to each allegation.

3.1. Detainee was affiliated with the death of two individuals in Kabul, Afghanistan, and worked for the Taliban 40-Man Militia group under a known Taliban commander.

Detainee: I don't know about killing anybody or those two people that got killed. I do not work for the Taliban. You can ask about me, if you have any Taliban members here. I am a poor person.

3.2. When captured, the detainee was in possession of a personnel (sic) phonebook and a satellite telephone.

Detainee: Actually that was not mine. The telephone was not mine. I don't even know how to use that telephone. It belonged to somebody named Abdul Hafiz. I was working to bring peace. I was working for him as a laborer. He gave me the telephone and I had it with me when I was captured. That is how they found the telephone on me when I was captured.

Tribunal President: Abdul, can you repeat the name of the person who owned the telephone, and please spell it.

Detainee: Actually, his name was Abdul Hafiz. Abdul. A-B-D-U-L. Hafiz. H-A-F-I-Z. [Spellings provided by translator.] I am not educated. I don't know how to spell his name. I was working for him to bring peace. He gave me the telephone in the morning and told me to put it in my pocket. He told me to work and preach to the people not to fight. That war is not good. This is the reason that I lost my leg. Fighting is not good. War does not have good consequences. I had this phone with me until I got captured.

3.3 The detainee's fingerprints were found on the phone.

Detainee: Of course, I held it and grabbed it with my hands. At the time he gave me the phone, I held it with both of my hands and I put it in my pocket until the time I got captured. Then I took it out from my pocket and held it with both hands. Of course my fingerprints would show on the phone. This is obvious.

3.4. The detainee attempted to call an Al Qaida member who is linked to the murder of an International Committee of the Red Cross worker.

Detainee: The telephone was not mine. I don't know how to use it. I don't have any information or know what Al Qaida is. I heard about Al Qaida in the (inaudible) and here in Cuba.

3.5. The Al Qaida member is identified as a Taliban and Al Qaida commander.

Detainee: Me? The detainee?

Personal Representative: The member that he is accused of calling.

Detainee: There is a big difference, because I was working to bring peace. These allegations accuse me of causing war and fighting in Afghanistan. I did not call anybody because I don't know how to use the telephone and it did not belong to me. It does not make any sense because I working to bring peace and would not call someone to do such a thing.

3.6. The detainee's satellite phone has been linked to the International Committee of the Red Cross murder.

Detainee: I don't know about that because that telephone was not mine. If I was using that telephone, or any other evidence on me, or any proof that I was killing someone, I don't know about that. It might be, but that telephone was not mine.

3.7. The detainee admitted he knew that the phone in his possession contained telephone numbers of individuals who were enemies of the U.S.

Detainee: That is not right because I still say that phone was not mine. If I could not use the phone, how would I know whose number is on the phone? I never admitted to a thing like that. Perhaps it was a mistake or misunderstanding in the translation. It does not make sense. The telephone was not mine and I did not know how to use the phone, so how was I to know whose number is on the phone?

3.8. When the detainee was queried regarding his knowledge of the International Committee of the Red Cross murder, he stated he did not know where "he" was killed. Detainee was then advised that he was not provided information regarding the International Committee of the Red Cross' (sic) gender.

Detainee: I did not know anything about it. That's why I did not give any information. I did not know anything about this killing, this member of the International Committee of the Red Cross. If someone gets killed close to my village, close to my house, then maybe I would know. But he got killed in Afghanistan, somewhere that I don't know. I don't have any information because I did not know anything about it. I am from Kandahar, the city of Kandahar, where we have a village. I am from the village called Marroof. Sometimes the water hits the ground, like a channel. There is a water pump near my house.

Tribunal President: Abdul, that is the end of the allegations. Would you like to add anything else to your statement?

Detainee: Actually, since they brought me here, I told all the information regarding my file or chart. Everything I knew. But I would like to ask where the International Committee of the Red Cross person was killed? The reason I gave my address was because my house was there. So if that person was killed near my house, I would like to know.

Tribunal President: Abdul, we don't know where. We don't have that information here. We only have the information in front of us now.

Detainee: If you guys don't know, I don't know either. This is one of the allegations in my chart, in my file, that a member of the International Committee of the Red Cross has been killed. So if you guys don't know, then I don't know either. Why then, are you blaming me for these deaths? I am not guilty, so why do you claim that I am guilty?

Tribunal President: We will ask you, Abdul, some more questions and then maybe we will be able to determine some answers. We are not able to answer the questions in reference to the International Committee of the Red Cross member.

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

Personal Representative: No ma'am, I do not.

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

Recorder: I have one.

Recorder: Abdul Qawi, point number seven says the telephone contained numbers of individuals who are enemies of the U.S. Can you tell me what you meant by a possible translation problem?

Detainee: The reason I said that was that the telephone was not mine, and it did not belong to me, and I did not know how to use it. I could not operate it, and I don't know whose number it was on the phone because I don't know how to see the number or use the phone. But someone gave the phone to me, and I had it until I got captured, and I took it out of my pocket and gave it to the Americans.

Recorder: And was that mistranslated?

Detainee: Actually, if I knew the telephone had some numbers, which would cause trouble for me, how do I say that? Of course I am saying my situation may not be right,

because I never used the phone or I did not know how to use the phone. So how can they accuse me of knowing these people's numbers?

Recorder: Thank you. That's all I have, ma'am.

Tribunal President: Thank you. Do any Tribunal members have any questions for the detainee?

Member: Yes, ma'am. Earlier you mentioned that you had a sickness that might make you not remember. What is that?

Detainee: Actually, I have the disease of forgetting everything. I remember something and in the next minute, I can't remember. Even when I pray, when I use beads for prayer, sometimes I forget to say the verses when I use it. This is the kind of disease I have. I told them on the first day I was brought here that I have this kind of disease.

Member: When you worked for Abdul Hafiz, what exactly did you do?

Detainee: He told me, let's work to bring peace, that war is not good, and I said, okay, I will work for you.

Member: That's all I have, ma'am.

Member: Was Abdul Hafiz a good person?

Detainee: I saw nothing wrong with him. I did not see anything that would tell me he was a bad person. I did not ask him any questions. He had this motorcycle. That was it. I did not see any bad behavior.

Member: Did he work for an organization?

Detainee: No, I don't know about any organization. They were like a tribe, a kind of organization to try to bring peace.

Member: Did Abdul Hafiz work for any organizations?

Detainee: You mean an organization like the obvious organizations in Afghanistan, like an Islamic organization? Do you mean these organizations? What do you mean?

Member: Yes. Like some type of organization that would be an international organization coming and working for peace.

Detainee: Actually, I don't know about that because I wasn't given permission to ask him, because I just worked for him and he was my boss. I was just a worker. Normally, in our country, bosses ask all the questions from the worker. The worker does not ask the

boss questions. He told me the Pashtu government, and all these people that speak Pashtu, that this was our government and let's work for the peace. He was preaching in the village to bring the peace, for the peace.

Member: What was Abdul Hafiz doing on the morning that you were captured?

Detainee: Actually, he was with me, but we separated because his motorcycle was not working. He had some problems and he told me he was going to fix his motorcycle. We went our separate ways and that's when I was captured.

Member: Why would Abdul Hafiz give you the telephone if you did not know how to use it?

Detainee: Actually, he told me we were coming from Kandahar to Mazat, and he asked because there was a checkpoint, a place we were not supposed to pass. He told me that he did not have any documents to have the phone with him. So he said, "You can have my phone because you are handicapped and I don't think they will search you. They would probably search me and ask me where the documents or the permission to carry the phone with me [is]." This is the reason he gave me the phone. I even told him that I did not know how to use the phone and he told me don't worry about it. If they asked me why I have the phone, he said he will talk to them about that. I am sorry if I say anything, because from the first day my brain is [not] working properly. If I said something in my interrogation that was different from what I am saying today.

Member: Just a minute ago, you indicated that the man with the motorcycle went to get it fixed and you split up. You kept the phone. But you also said that he would tell them why you had the phone if you got captured with it. But if you weren't with him, how could he help you?

Detainee: I don't know. Like I said, we were coming from Kandahar to Azarga, I was in the car and he was riding his motorcycle. This is when he gave me his phone, because he did not have permission or the right documents to carry the satellite telephone. He told me if I was to be caught with the phone, that he would speak up for me. That was when I was coming from Kandahar. This is when he gave me the phone. It was before my capture. He did not tell me anything. He would help me with the phone or something. If I knew that this would get me in trouble or put me in jail, I would have never carried the phone with me.

Member: No further questions.

Tribunal President: Abdul, have you lived in Afghanistan all your life?

Detainee: Actually, I have lived in Afghanistan all my life except for the times in Sheen, Pakistan. Then from Pakistan we went to Spin Buldak, and then we came to our place. So sometimes, yes I went to Pakistan, and then to Sheen, to come to my house. But my

family, since I got captured, moved to Sheen. They are living in Sheen now, which is in Pakistan.

Tribunal President: Did you get paid for working for Hafiz?

Detainee: Actually, not Abdul Hafiz, but Abdullah, who promised me that he will pay me five to six thousand (inaudible) a month. This is why I was working. Otherwise I would not have worked.

Tribunal President: Who is Abdullah?

Detainee: Abdullah was the one – it is in my file and my chart – Abdullah was the one who sent me to Abdul Hafiz. He gave me the job to work for Abdul Hafiz.

Tribunal President: Did Abdullah pay you?

Detainee: No, I did not get anything because we would get paid at the end of the month. But before my month was over, I was captured.

Tribunal President: So you worked for Hafiz for less than one month?

Detainee: Actually, I did not even spend a day with him. Because that day we went to work, and his motorcycle was damaged, and he went fix it, and I got captured.

Tribunal President: Abdul, what did you do before going to work for Hafiz?

Detainee: Actually, I did not work because I was handicapped, and I could not do any job. I would just ask people to help me. I would ask for charity or donations. I was living my life this way.

Tribunal President: And where were you living at that time?

Detainee: When?

Tribunal President: Just before you went to work for Hafiz.

Detainee: I was in Chamoot.

Tribunal President: How long were you living in Chamoot?

Detainee: About eight to nine days.

Tribunal President: And where did you come from before Chamoot?

Detainee: I came from Marroof. I am from Marroof.

Tribunal President: Did you see any fighters while you were moving from Marroof to Chamoot?

Detainee: No, because it has mountains and houses. Very poor people.

Tribunal President: Can you tell me what month and year you left to go to work for Hafiz?

Detainee: I don't know about the year or the date. If you can, see the date I got captured. I am not sure. I think I have spent 17 months here already. I got captured before Ramadan. Again, right now, I am not sure. But you can just figure it out from the date of my capture.

Tribunal President: Okay. Where were you arrested?

Detainee: There is another district of Kandahar, they call it Kahqraz. This is near Kandahar, and there is the village of Zaboodacon.

Tribunal President: Did you have to have a passport or visa with you while you were traveling from place to another?

Detainee: No, they don't use passports for people from Afghanistan. I am Afghani. I have the right to go from one place to another.

Tribunal President: Was there an I.D., or identification papers needed?

Detainee: No, it was not necessary because I was an Afghan. My nationality was Afghan, therefore I could go.

Tribunal President: Do you know why you were arrested?

Detainee: The reason, yes. I think I was captured because of this telephone. They told me all this stuff was in the phone, all these accusations about me are due to this telephone. Because of this telephone, I was captured. I still say I have nothing to do with this phone and was just working to bring peace. If I knew, I would not carry the phone.

Tribunal President: Who was it that arrested you?

Detainee: Americans.

Tribunal President: So Americans were at the checkpoint?

Detainee: Actually, it was not at a checkpoint, it was on a plane. I just ate and slept in the room and they came and captured me.

Tribunal President: It was a what?

Translator interjection: Plane, maybe it was a helicopter, maybe he does not know.

Tribunal President: Abdul, were you attempting to board the airplane?

Detainee: Actually, they told me to go with them. I said, "Will you give me clothes?" They told me yes. I said, "Okay, I'll go with you." Then they put handcuffs on my hands.

Tribunal President: Do any Tribunal members have any other questions?

Members: No, ma'am.

Tribunal President: Abdul, do you have any other evidence you would like to present to the Tribunal?

Detainee: Evidence for what?

Tribunal President: Any other information that will help us to make the right decision.

Detainee: Actually, no, I don't have any other evidence or information. This is the condition that they brought me here for. I just told you about it and that was it. And I didn't do any bad or anything wrong. If I was doing something, then I probably--in that time I was in Afghanistan to defend myself.

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

Personal Representative: No, ma'am.

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.

Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

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

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents. A closed session was requested at a later time to present the classified evidence to the Tribunal.

The Detainee opted to take the Islamic oath before making his statement to the Tribunal.

In regard to the Taliban, I didn't go to Afghanistan to be part of the Taliban. I went there for my brother. I have an older brother who was already there in Afghanistan. My intention was to go and stay with him for four months and come back. I used to love him a lot. That is true; I heard one of the Sheiks, one of the Imams, talking about the fatwa. This that you mentioned, that is true I heard it. I didn't go there because of this fatwa. I went to our home and my brother called me from Afghanistan. He was trying to convince me, to tell that, you heard the fatwa and the Sheiks and the Imams talking about it and tried to convince me, but I didn't hear any of that. Then he tried to get through the affection side and said you know I missed you and I love you, my brother, come and see me and stay with me for a little while. So therefore, I really, the reason that pushed me to leave my house is not the Taliban or anything like that. I went to go see my brother. To hear the fatwa is not an accusation or it's not a charge or a crime.

The Personal Representative was then requested to read each statements from the Unclassified Summary of Evidence (Exhibit R-1) to assist the Detainee in addressing each point. He went on say that the Detainee had already addressed the first allegation and he would therefore begin with point number two.

3.a.2. Detainee traveled in the summer of 2001 from Saudi Arabia to Pakistan then into Quetta, Afghanistan, where he sought out Taliban members.

I cannot get to my brother only through the Taliban. That's the only way to get to my brother. Even if he were with the Coalition Forces, I would have gotten to him. My goal was to get to my brother by any means possible.

3.a.3. Detainee traveled to Khawaja Ghar and received weapons training in the use of hand grenades.

Yes. My brother taught me how to use it then. I really don't know; is it a crime or is it an accusation; somebody learning about this weapon? You have to keep in mind that I did not use any weapons when I was with my brother. Even to take my turn as a guard, they wouldn't let me take my turn. On top of that I was really young at that time. I was

only 17 or 18. So I didn't use nor did I participate in anything, but my brother taught me how to use it.

3.a.4. Detainee was already familiar with the use of the Kalashnikov rifle.

That is true.

3.a.5. Detainee retreated to Konduz after bombing raids began in North Afghanistan.

When the operation started they ordered me and my brother to go back to Saudi Arabia. The guy who was in charge of us told us that Nososurie (ph) was already in the hands of the enemy. In the hands of Dostum , who was one of the warlords. He said all roads are blocked so there is no way you can get out. So we waited and everybody was going to Kondus which was the only way to go.

3.a.6. Detainee surrendered in Mazar-e-Sharif and was put in Jenki prison where he was wounded in the prison uprising.

Yes. That is true. Yes, it was an uprising in the prison and I was hurt just by standing in my spot. Again, I really don't know, is this an accusation just being there and being injured.

3.b.1. Detainee was on the frontlines in Khawaja Ghar manning a foxhole for five months.

Yes, I was with my brother on the front lines but being in charge for five months, that's the first time I ever heard of this. I was in charge? They never even let me do my guard turn so how could I be in charge.

3.b.2. The Detainee admitted that he fought with the Taliban.

No. I never fought with the Taliban. I just was with my brother. And I never even shot one shot.

The Tribunal President confirmed that the Detainee had concluded he's statement. The Personal Representative had the following question:

Personal Representative question

Q. When was the last time you saw your brother?

A. My brother was with me in the same prison. I saw him when I was getting out of that prison and that was the last time I saw him. After when I was injured I don't know what happened to him

The Personal Representative had no further questions. The Tribunal members posed the following questions:

Tribunal Members' questions

Q. How old are you?

A. I think I'm 22 going of my year calendar which is 1403. I think I'm 24 going on 25.

Q. Please tell us about your education. How far did you advance in your studies?

A. I reached college and stayed in college only for two months and then…

Q. What is the approximate age of your brother and his name?

A. His name is Adjhar Rhaman (ph). He is older than me about two or three years.

Q. Have you had military training?

A. No. Just the Kalashnikov and as I told you my brother taught me how to use hand grenades.

Q. How did you learn to use the Kalashnikov? Who taught you?

A. I had one previous trip to Afghanistan. It was like training to learn how to use the Kalashnikov.

Q. Was that with your brother as well?

A. Yes, he was with me too. My brother was with me but he wasn't the one who taught me.

Q. So was your brother then a member of the Taliban?

A. I really don't know. He was with me so I didn't stay there long and then came back.

Q. Did you participate in the intafadah at Jenki?

A. No. I was hurt, right in my spot I was actually tied and I was hurt.

Q. Where were you wounded?

A. In my stomach.

Q. Gunshot?

A. I really don't know what it is.

Q. Did you still have a weapon with you when you surrendered at Mazar-e-Sharif?

A. Yeah, when we got to the check point at Mazar-e-Sharif they told us to put our weapons down.

Q. And you had a Kalashnikov and any grenades with you?

A. Yes, I had Kalashnikov and some hand grenades.

Q. How long was your brother in Afghanistan?

A. I really don't know. I think you can find through the computer or through the (inaudible) because the Saudi Government ordered his travel his passport (inaudible). The first time I worked with him, we entered Afghanistan together. I stayed only a month, I came back but he stayed there. That's the first time.

Q. Why did you go the first time to Afghanistan?

A. The first time my brother when he was there he came back and I wasn't actually a dedicated Muslim. I wasn't dedicated or anything. He saw me and said look at you. You are not a man. You are wasting your time. He started talking to me and you don't know how to do anything. No weapons, no training, no education. You have to be a man. You have to learn. This kind of talking got to me.

Q. What did your brother do in Afghanistan?

A. He didn't really much. We used eat and sleep and he used to take his guard duties and that's it really. Not much.

Q. Do you believe in jihad?

A. I never went to jihad.

Tribunal Member's questions

Q. Did you travel to Afghanistan on a Saudi Arabian passport?

A. Yes.

Q. And who paid for your travel to go there?

A. My brother.

The Tribunal President thanked the Detainee for participating in the process and confirmed that he 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

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

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

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

Detainee: Yes.

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

Detainee: What ever I say you will hear.

Tribunal President: The oath is just a statement that you promise to tell the truth.

Detainee: I don't know your oath. When we say it is under god, that is our way of swearing in. I don't know how you do it.

Tribunal President: If you would like to take an oath, we will give you the oath we have.

Detainee: You will not have difficulties to what I have to say.

Tribunal President: Please make your statement.

Detainee: I talk in the name of Allah. First I want to say hello to all of you. I want to talk because we are human beings and we need to communicate. If there are any misunderstandings between us it should be solved through communications. A person usually swears if he has stolen something or told a lie to someone. If that is the case the person will swear on the Koran. I am not lying I am telling the truth. People have told me that I will be sworn to say if I have worked with the Taliban or not. I am saying, yes I have worked with the Taliban. Yes I have worked with the Taliban and interviewed for the Voice of America and the BBC. The reason I worked for the Taliban is because at that time the conditions required me to work for the Taliban. Not only me, whoever was in our country, it was very difficult times and you had to except those conditions. Working for the Taliban had nothing to do with being against the Americans. I worked with the Taliban to make things easy, not to fight against the Americans or make animosity with any country. My only purpose was to make transportation and communication easy for the people and to make bribery go away. This is a general view of me so you can have a general understanding of me. But concerning the specific allegations I would like to talk about them one by one. No one could imagine prior to the Taliban Governments fall what would happen. It was just something that happened and I

still don't know how it happened. I now want to talk about the specific allegations against me.

3.a.1. (Detainee was appointed the Taliban spokesperson for the BBC and Voice of America.) I was working for the BBC and the Voice of America just to provide information about the situation in the country. It was not to hurt anybody or any side.

3.a.2. (Detainee was appointed the governor of Herat Providence in Afghanistan from 1999 to 2001. Detainee worked for Mullah Omar while serving as governor. The detainee had control over police and military functions in Herat to include the administration of the Taliban's two largest divisions. Detainee was required to route all decisions through Mullah Omar.) When I was governor of Herat I was not working for one person, I was working for the people and the people in the government. I have not worked for the leader of the Taliban. I didn't know him prior to that time and I didn't know him afterwards. When I worked as governor the people benefited from my services. When I was governor of Herat, the military branch was under the Department of Defense. The governor has nothing to do with the military. The Ministry of Defense sent orders to the military for whatever needed to be done. The governor has nothing to do with that. This can be verified by anyone in Afghanistan.

3.a.3. (Detainee was present at a clandestine meeting in October 2001 between Taliban and Iranian officials in which Iran pledged to assist the Taliban in their war with the United States.) Yes, I participated in that meeting with the Iranians. There was a committee that came from Kandahar and I joined them and was just sitting there. They were conducting the meeting. My job was for the security of this committee. I was not the sole representative of this committee to talk with the Iranians. They were responsible; my job was to provide security and safety for the committee. If I were responsible for the meeting, conducting the meeting, and I was the representative then why would the committee come from Kandahar. The security was needed because they were not in a safe building. It was not on a highway where everything would be safe. The meeting took place in an area off the main road where safety and security was necessary. That's the reason I went to the meeting.

Detainee: This is not the only witness I asked for you to provide. The reason I asked for this witness is because he is a very well known person. The government of Afghanistan knows this person and it should be easy for you to find him. There are many other witnesses that could testify for me. Yes, I have worked for the Taliban and do not ignore that. I did this to serve my people and my country. If you say I have done something against Americans or any harm to Americans, I need to see the proof. This is all I had to say. If you have any questions you may ask me at this time. I thank you very much for giving me the opportunity to talk.

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

Personal Representative: Yes sir.

Summarized Answers in Response to Questions by the Personal Representative

Q. When you worked for the (inaudible) when you did the BBC and Voice of America, approximately what date did you start that work and what date did you finish that work?

A. I want to say a small joke. I thought you were on my side now you are asking questions. When the Taliban took over Kandahar that was the beginning of the interviews.

Q. What year?

A. I don't remember the year, but it was when the Taliban took over Kandahar. It was at the time I was going to be appointed governor of Herat.

Q. When you provided security at this meeting with the Iranians, was the security police officers or military? What type of security was it?

A. There were armed post, they were doing the security. I knew the area and the crossing points, I knew how to get to that area safely, so I was like a guide for them. There were post and they would not let people across the border, this was like a restricted area. I went with them and told the post this was an official meeting and told them to let us cross the area. I didn't have a gun.

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

RECORDER: ~~Personal Representative~~: I have one sir.

Summarized Answers in Response to Questions by the Recorder

Q. Regarding the point about your control over the police and military functions, you said that the Department of Defense has that control. As the political leader in Herat what was your relationship with the military leaders?

A. As the government we have the police as a branch. The military is a different entity. But if there were a danger in Herat, we would inform the military branch and tell them about the dangers, so they could take extra safety measures. There were hardly any in our area because they were busy fighting the Northern Alliance. Most of them were in Konduz and Tehar, which is north.

Q. Okay for clarification, did you say the Taliban was fighting the regional war, is this correct? And they were not available for the governor for local defense?

A. Herat Providence was relatively safe; there was not much going on as far as fighting. If need be I could inform them and they would send forces to Herat. But there was no need for them.

Tribunal President: Does the board have any questions for the Detainee?

Personal Representative: Yes sir.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Why did you go to Pakistan in early 2002.

A. Is it okay if I take a little time to answer this question?

Tribunal President: Yes.

A. When Herat was taken over I talked to Karzi over the phone. From Herat I went to my home in Kandahar. I asked Karzi if it was okay for me to stay at home, he told me yes. Karzi's brother, (inaudible) Ali, sent a person that told me they had spoken with Americans. They told me to come and talk to them for three days and then I would be freed. At this time I was sick. I told them I would be there but I had to speak to my people first. I told them not to worry I was going there for three days and then I would be back. My village is near Pakistan. Every other day a car goes to Pakistan and returns. There is constant transportation between my village and Pakistan. For most vacations people will go to Pakistan. I went there to get some medications because I wasn't feeling good. I left my family at home I didn't take them with me. If a person had the purpose to leave forever, he would take his family with him. Most people will send there families ahead and then leave. I had my medication with me when I got arrested and it was confiscated. The person's house I was living in, in Pakistan, left and went somewhere. I was then arrested and brought here.

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

A. One night, I got arrested the next day.

Q. How long were you the governor of the providence?

A. Two years.

Q. You know the United States suspects that there were many Al-Qaida training camps in Afghanistan. Were there any in your providence?

A. I have been asked this question previously. There were no camps in that area.

Q. Was there any other sort of Al-Qaida presents that you were aware of in your providence?

A. There were some Arabs, but not to many of them. Prior to that time I had not heard of Al-Qaida. I first heard of Al-Qaida on the radio. But I saw some Arabs and they were with them.

Q. Can you clarify about the Arabs.

A. There was an assistance governor after Herat, (inaudible) Heran was his name. He was the governor before I went to Herat. After I got to Herat he was the assistant governor. These people were with him.

Q. The Arabs were?

A. Yes. I have said this in previous interrogations.

Q. What is the significance of that? That the Arabs were with him? What are you saying?

A. What is your question? Ask me again?

Q. When you say that the Arabs were with the assistant governor, are you saying that they were Al-Qaida? What do mean by that?

A. As far as foreigners, they were the only ones I saw there.

Q. So you have no knowledge of any Al-Qaida presence in your providence?

A. After the United States entered Afghanistan we heard that Al-Qaida was a party, a big organization. Before that we didn't know. We had heard that Usama was in Afghanistan, but that was about it.

Q. The United States has accused the Taliban of harboring some Al-Qaida fugitives to include Usama, but you have no knowledge of that?

A. Please do not accuse any of the Taliban as being Al-Qaida. In Afghanistan we had a different system of government. We had one Amir or the leader of the nation. We didn't have a parliament or representatives, whatever Amir said the people obeyed. We all lived under those rules. But we would not do anything for Al-Qaida. I had to work for that government because the government required it. If I didn't they probably would of hurt me. I now hear that there is an election in Afghanistan and people are allowed to vote. Before we had an oppressive type of government. All the governments in Afghanistan have been that way.

Q. So at the time that you were governor the Amir would give orders to the Taliban members or the governors and you had to do what the Amir said?

A. Yes, people would give you orders and you would have to do it. It was not the type of government where people would come together and come to an agreement on important decisions. It was not that way. You were told what to do and you did it. These events went on throughout the country. I had some say to what happened in providence. But beyond that, those events were out of my control.

Q. How did they come to choose you to be governor, had you had previous experience as a politician or a governor?

A. I was doing the interviews with BBC and Voice of America to help my people and to inform the people of the world about the situation in Afghanistan. That was the way I served my country. I didn't know about my appointment. The first time I heard it was over the radio. People told me I was the governor, it was true, I became the governor. The radio of Kabul announced this. I was not alone it happened to other people to.

Q. So first you were the radio voice and because of that you were appointed governor?

A. Yes I was doing that job for a while and then I was appointed governor along with other people. I then went to Herat to do my job.

Q. Now I am going to change the subject a little bit. You mentioned that there were other witnesses that you would call, what would those witnesses testify to?

A. A lot of witnesses can be found to confirm that the military branch is not working under the governor. The military branch is working under the Department of Defense.

Q. Is there anything else that they would testify to?

A. Just to clarify that the military branch was separate from the governor's authority.

Q. In your statement you said the Ministry of Defense would send orders to the military. Did they send those directly to the military leaders or did they send them to you and then you gave them to the military leaders.

A. They have their own military (inaudible) and they have their own communication systems, they would contact each other that way.

Q. As governor did you work directly for the Amir?

A. My only relation with the Amir was a financial relation. Herat was producing a lot of money because people were paying a sort of tax. This money was not to be given to the banks. This money was to be sent directly to the Amir. It was documented and the documents were sent to Amir. Some of the documents were above my authority so I had to send them. I had my own share and the rest of it would go to the central government and it was shared with other providences.

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

Detainee: The meeting with the Iranians, it was designed and conducted by the committee that came from Kandahar, which was the central government at the time. I was just a security member. If you have any questions about that, or do you believe me on that? I would like to know.

Tribunal President: I have no questions about your statement concerning that at this time.

Detainee: If I were the only person to talk to the Iranians, then there would have been no reason for the committee to come from Kandahar. I could speak directly to Iranians but I don't have that authority. In the past I have not worked for one person. I have worked for the people and I have worked for my country. In the future if I ever work it will not be for one person it will be for my people and my country. I say that to confirm that I did not just work for the leader of the Taliban, I worked for my country. I don't have anything else to say.

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 Sworn Statement

Tribunal President: Slah Muhamed Salih Al Zabe, 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: In response to the evidence, I have nothing except for my defense and that is present with my Personal Representative. If she finishes with what she has and I have something I want to add, then I will do that.

Tribunal President to the Personal Representative: That's your understanding of the proceeding?

Personal Representative: Yes, Sir. The Detainee wished me to provide his oral statement for him. He cannot read because he requires prescription eyeglasses. I have an oral presentation that he dictated to me earlier and was translated by the linguist.

President: The Personal Representative will read it to us, the linguist will translate it, and if you have more to add, you will do so.

Detainee: Yes.

The President asked the Detainee if he wanted to be sworn. The Detainee elected to affirm his testimony, rather than swear to it. Accordingly, the Detainee provided an appropriate oath, affirming the truthfulness of his testimony.

The Personal Representative then read the Detainee's dictated statement. The linguist translated the statement for the Detainee as it was being read. The detainee's statement follows (summarized).

My story is in my file and I have repeated this story over the past 2½ years. I am surprised at these accusations as these answers are in my file. I will cover each point in the following.

I voluntarily traveled to Afghanistan. I will explain my reasons. I was born and raised in Saudi Arabia and lived there until the Gulf War in 1991. After the Gulf War, the treatment of Yemenis by the Saudi Arabian government changed. I wasn't happy, so I left for Yemen.

Yemen is a poor country and has a lot of problems. I sought a country to relocate to. The Taliban was a new government in Afghanistan and it was supposed to be a good government. There were a lot of advertisements and news articles about this. Many countries don't issue visas to people with Yemeni passports. But Afghanistan did. So I

went to Afghanistan to see if I liked the country. The first of my two trips to Afghanistan was to explore the country.

It's true I stayed at the Taliban guesthouses, but most were run by the Taliban, as were hospitals, the police force, and the whole country was under their control.

During my first trip, I was approached about a camp called Al-Sadeeq. I went there and stayed one week or less. I discovered I wasn't cut out for the training after that week. I estimate this time to be 1997 or 1998. I trained on the BEKA and Kalashnikov weapons, but left when the RPG training began. This was in 1997 and there wasn't any talk about the United States in the country at the time. So I decided to move to Afghanistan permanently. The cost of living is cheaper in Afghanistan and they treat foreigners with more respect. So I brought my family to Afghanistan to live in 1999. The exact date is on my passport.

I continued to live in Afghanistan and then the events happened in the United States. I started to think of leaving Afghanistan. But the Taliban was the government and I didn't think that recognizing the government would be a crime against the United States.

It is a tradition for all families to have a weapon, and so did I. It never occurred to me that I would be fighting the United States specifically. Then the events in the United States happened and the war was started. I thought the events would not start a war, but they did. Then I thought the war would end quickly. After the war started, I remained in Kabul until about a week before the city fell. At this time chaos ensued, looting and robbing were everywhere. I decided to return to Yemen to escape this chaos. I took my weapon to defend myself. My family had left earlier. I got to a checkpoint outside the city limits of Kabul and they asked me to surrender my weapon, and I did. This should be proof I was not a combatant.

I was smuggled into Pakistan as I did not know the way. This was the only way to leave. When I got to Pakistan, I was arrested. I believed I was innocent of any wrongdoing, so I went willingly. And here I am today. I am not a Taliban fighter. I did not have a weapon, I did not use a weapon against the United States or any of its coalition partners in any armed conflict, and I was not at any front line at any time. All my life I have never fought. I never met any Americans until my first interrogator in Karachi.

My training was so long ago, I can't remember much about it, but this training was not illegal, so I did not think anything about it at the time. My trip to Afghanistan was done long before any of the events in the United States occurred. This proves I did not have any bad intentions.

That concluded the dictated statement being read by the Personal Representative. The Detainee then provided the following additional comments (summarized):

I may not be able to say it exactly as I want to say it, but I will say what I have to say. Regarding the fighting against the United States or its allies, I never fought against any of them. And the whole time I was living in Afghanistan, I never fought against the United States, I never went to the United States, and there was never any war going on with the United States. And when I left Afghanistan, no one was fighting in Afghanistan, it was the Americans fighting in Afghanistan.

I'd also like to confirm that the training was a very long time ago. I forget everything that happened at that point. When I was in the training camp, I found out that it wasn't for me and I left. I think that is all that comes to me now. If I think of anything else, then I will say it.

The Detainee then answered questions, beginning with a question posed by the Personal Representative. The questions and answers are summarized as follows:

Personal Representative: During our interview, you said you never were at any armed conflict or fired a weapon at the United States or its coalition partners, is that true?

Detainee: Yes.

The Personal Representative had no more questions, and the Recorder had no questions. The Tribunal then questioned the Detainee, with the questions and answers summarized as follows.

Tribunal Member: When you were captured, were you alone?

Detainee: No.

Tribunal Member: Who were you arrested with? Who were the other people?

Detainee: There was a group of people I did not know.

Tribunal Member: I'm not interested in names, but can you tell me what type of people they were? Were they soldiers?

Detainee: They were all civilians. The place I was arrested in, I was only there of about a day, so it was new to me. I didn't know anything about it.

Tribunal Member: How were you smuggled out of Afghanistan into Pakistan?

Detainee: The Afghans would transfer me from place to place until I finally got out.

Tribunal Member: And when you says Afghans, who are you referring to? Civilians, Taliban soldiers, government officials? Who were the people transferring him from place to place?

Detainee: I did not know them personally. None of them ever told me they were soldiers or government officials, so it was my understanding that they were civilians.

Tribunal Member: And why did they help smuggle you out?

Detainee: There was a war in Afghanistan, and it was the nature of people to help other people. That was it.

Tribunal Member: When you were arrested, did you have any weapons with you at all?

Detainee: I did not have any weapons, except the weapons I had given up at Kabul.

Tribunal Member: What about the people you were arrested with, were any of those people armed?

Detainee: Do you mean the people who helped me get out?

Tribunal Member: I thought you said there were other people in a group that were also arrested the same time he was?

Detainee: I did not see any weapons with any of the people that were with me.

Tribunal Member: You indicated that your family left Kabul before you did. Why did you stay behind and not travel with them?

Detainee: My family left at the beginning of the war, and I stayed because I had things to take care of like my house. So I thought I'd stay because I thought the war would be over soon. I didn't think things would get to the point where the whole country fell.

Tribunal Member: At any time after the events of September 11th in the United States, did you fight against the Northern Alliance or Massoud?

Detainee: No.

Tribunal Member: Did you ever help the Taliban soldiers in any way?

Detainee: No. Quite the opposite, they were the country, and I was the individual, that's the way it was.

Tribunal Member: What were the weapons you turned in at the checkpoint?

Detainee: Kalashnikov.

Tribunal Member: Any other weapons at all?

Detainee: No.

Tribunal Member: When were you arrested when being smuggled out of Afghanistan?.

Detainee: I don't remember the date, but the whole journey started about a week before Kabul fell.

Tribunal Member: In your statement, you mentioned you took your weapon to defend yourself. Defend against whom?

Detainee: As I mentioned in my statement, there was chaos everywhere at that time. Everyone in the city had a weapon. I didn't know who was a robber or a thief. I didn't intend to use the weapon to kill. I thought it would discourage anyone form approaching me if they saw it.

Tribunal Member: When receiving your training at the Al-Sadeeq Camp, why did you want to go there?

Detainee: For the same reason I said at my interrogation. The matter of this training was such a long time ago, I can't remember. But, what I can remember is it was offered to me, so I went. I didn't have any intentions at that time, just curiosity.

Tribunal President: You said you made your first trip to Afghanistan in 1997/1998?

Detainee: Yes.

Tribunal President: But then you stayed there, so when was your second trip?

Detainee: Around 1999. The first trip I was only there for 4 or 5 months.

Tribunal President: It was on the first trip you went to the training camp?

Detainee: Yes.

Tribunal President: So when did you leave after the first trip?

Detainee: I do not understand.

Tribunal President: You left from Yemen, went to Afghanistan, went to the training camp, spent some time there, where did you go after that?

Detainee: Like I said, 4 or 5 months, at the most. The dates are in my passport.

Tribunal President: So after the first trip, you went back to Yemen, and then back to Afghanistan in 1999, for good.

Detainee: Yes.

Tribunal President: In your summary, you made a statement that I did not understand, so I'm going to read it back. "When I left Afghanistan, it was Americans fighting in Afghanistan, with no one fighting against them."

Detainee: There was bombing from the sky by the Americans, and I did not see any fighters or anyone who was actually fighting in Kabul.

Tribunal Member: What is the nature of your job, your work?

Detainee: I am a worker.

Tribunal Member: What do you do?

Detainee: I work many different jobs.

Tribunal Member: How can you support your family for 4 to 5 months with these trips to Afghanistan? Where was your money coming from?

Detainee: The first trip I was alone. The rest of the time I was in Saudi Arabia, I had money saved.

Tribunal Member: So who paid for the trip to Afghanistan the first time?

Detainee: I did.

Tribunal Member: And who paid the second time?

Detainee: Also, I did.

Tribunal Member: And how did you earn your money?

Detainee: I had saved from work all my life.

Tribunal Member: And what do you do, what is your job?

Detainee: I used to work in Mecca, I used to work as a cab driver. During the season of the Hajj, I used to work and I saved money. There is a lot of money in Saudi Arabia.

Tribunal Member: What did you do in Kabul?

Detainee: I was living.

Tribunal Member: Doing what?

Detainee: I was working. I was always looking for a new project to work on, and I worked in the trade of honey, exporting.

Tribunal Member: Where would you export honey to?

Detainee: I was thinking of working in other areas but the events happened. I would buy it from the market and sell it.

Tribunal Member: And you did that for the whole time you were in Afghanistan?

Detainee: No just for a short time. I was trying to explore other areas, but then the events happened.

Tribunal Member: What did you do before you did the honey?

Detainee: Nothing, I wasn't doing anything.

Tribunal Member: So how did you pay for you and your family to live?

Detainee: I had money.

The Tribunal members had no further questions.

Tribunal President: Slah Muhamed Salih Al Zabe, do you have any other evidence to present?

Detainee: I have no other evidence, but I would like to reiterate my statement that I am not an enemy combatant because I never fought against the United States or any other person. No one thought it was bad to go to Afghanistan. So I do not know if this is a crime. Even my trip to Afghanistan was very official. I had my passport stamped - there was nothing for me to hide.

A brief discussion followed with the Detainee regarding how he would be notified of the findings. That concluded the statement of the Detainee.

AUTHENTICATION

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

[redacted]
COL, USA
Tribunal President

Summarized Unsworn Detainee Statement

Pres: Do you have any questions about the process?

Det: How can I bring evidence or witnesses if I have no way of getting them?

Pres: You have the opportunity today and we will provide it to you in this Tribunal session, to make a statement.

Det: I have other evidence, passports, and pictures, available in Washington.

Pres: Documents probably won't be needed at this Tribunal session. You have had an opportunity in previous interviews to identify any witnesses you would like, and you have identified no witnesses.

Det: I was not asked if I had factual or material evidence.

Pres: An opportunity should have been given to bring that to the attention of the Personal Representative.

PR: I read the Notice to Detainees, which had been provided, and we went over it paragraph by paragraph, and this included that he would have the opportunity to present witnesses or documentary evidence.

Det: I probably misunderstood.

Pres: What evidence do you think would be relevant that might be available?

Det: I don't have any. All of my paperwork is available in Washington. It's nothing more than passports and some personal pictures. You can use these documents as evidence.

Pres: If we feel that we need those, we will make them available to the tribunal as we deliberate on your enemy combatant status.

Pres: Do you think any of that paperwork would have any relevance on your enemy combatant status?

Det: It depends on what questions you ask me.

Pres: We will take that into consideration and if we feel that it will, we will ask for that information.

Det: I have no more questions at this time.

Recorder handed exhibits R-1 and R-2 to Tribunal President.

Det: What is written in R-2 and R-1?

Pres: That information has been made available to you through your Personal Representative.

As the Recorder stated the nature of the evidence in the Unclassified Summary, exhibit R-1, the Detainee stated that the translation was different. The document he saw stated something different. Detainee asks if the document says he was a trainer or was being trained.

The Recorder re-read item.

The Personal Representative stated that item 3a in his copy of the Unclassified Summary, R-1 was slightly different than what the Recorder was reading.

Upon comparing the R-1 document in the possession of the Personal Representative and the R-1 document in the possession of the Recorder, the President noted that there was a bit of a difference in the documents and ordered a recess to further investigate.

The President stated the reason for recess. Exhibit R-1, the Unclassified Summary of Evidence, was an erroneous document, and the Unclassified Summary of Evidence that was made available to the Personal Representative, and subsequently to the Detainee is, in fact, the correct document and will be re-submitted. That version of the Unclassified Summary of Evidence will be submitted to this Tribunal as exhibit R-1. Once submitted, that will be the only exhibit R-1 considered when the Tribunal goes into deliberations.

Det: Will you repeat the allegations?

Pres: Yes, we will.

Summarized Sworn Detainee Statement

The Detainee will address each point in the Unclassified Summary, with the assistance of the interpreter, reading each point to him.

3.a. Detainee is a member of Al Qaida.

1. Detainee admits being a member of Al Qaida.

From the beginning, I never admitted to being an Al Qaida member. I was in Afghanistan and with Arabic fighters in Kabul.

2. ***Detainee traveled to Afghanistan and joined Al Qaida to fight against the United States and the Northern Alliance.***

When I went to Afghanistan, it was not to fight; it was an emigration from Bosnia with my family. In Bosnia, we were told we had to leave the country. Because I was a printer in the Bosnian Army and I was in the military, I could not go back to Egypt. I couldn't go anywhere. Some chose to go to Afghanistan because it's a Muslim state. I left first to see the conditions there and then was trying to go back to get my family. Life was not good.

If you say that I left Bosnia to go to Afghanistan to fight America, it is not reasonable. There were already many American troops and United Nations troops in Bosnia. If I had the inclination to do that, there had already been 4 years of fighting. If I wanted to do that, I would do it in Bosnia. Why would I leave Bosnia to go to Afghanistan to fight Americans?

I left Bosnia before 9/11, before anything happened in America. I was already in Afghanistan.

You say I left Bosnia to Afghanistan to fight Americans. How can you know what is in my mind and in my heart or my intentions?

3. ***Detainee admits that he attended explosives training at Al Farouq training camp and went on to be a trainer on IED components at Tarnak Farms.***

I already trained people there because I have (inaudible) civilians before. Massoud and Dostum were our enemies before. They are fighting Muslims. There are no rules in the United States to prevent it if you want to fight for religion. There are no rules to direct me not to defend people.

To make it clear, I wanted to fight Massoud and Dostum because they were fighting other Muslims.

I had left my country, Bosnia. I had Bosnian citizenship. When I went to Afghanistan, I was trying to find a home and live there and to bring my family from Bosnia. There, they spoke too much about aggressive doings of Massoud and Dostum and his brother Fahim. They killed a lot of Muslims in Afghanistan. It is my belief to defend weak people, anywhere. Massoud and Dostum killed people in this country. I had to go to fight. It is my belief.

If Massoud and Dostum are American allies, they were not an alliance before September 11th, were they? I think they were not American allies. Did you have an alliance with Massoud and Dostum before September 11th? No. The alliance was formed after September 11th.

4. ***Detainee met Usama bin Ladin.***

I agree with that. I saw him at a meeting. There was a big meeting. I saw him face to face, but I never talked to him. He is hard to speak directly with because he is always surrounded with guards and protection around him. What is the point if I saw Usama bin Ladin? I saw many people there. It doesn't present a charge.

This meeting occurred at the end of July, 2001; before September 11th. There were about 250 people at that meeting. He (UBL) was surrounded by guards. I saw him (UBL) through the people. I was anxious to see him face to face, but I don't think that is anything against me.

3.b. Detainee engaged in hostilities against the United States.

At that time, there were no Americans in Afghanistan. There was no army and no civilians. The only fighting was between people who were escaping from (inaudible) the people of Afghanistan.

Because the Americans offered $5,000.00 to anyone who captured us, they were fighting us and they kept us alive to get the $5,000.00. Fighting against the American Army, and Air Forces, and any kind of military operations...There was no one in Afghanistan to fight...no one. There was no fighting against Americans. If there were any American soldiers saying they were fighting in Afghanistan, bring them here to me and show the evidence.

The American people formed an alliance with Massoud and Dostum and these people are against Muslims. According to Geneva, and the United Nations rules, it's against the international war rules.

1. ***Detainee fled Jalalabad, AF on 18 November 2001, after the area fell to allied forces. Detainee traveled with fighters armed with Kalashnikovs, RPGs, ammunition and hand grenades.***

Because of the bombing and American airplanes and many killed and wounded people, the military and army left and escaped their positions and left everything. I was fighting and preventing the advancing of Dostum and Fahim. Because of that, there were more wounded people and more bombing, we left to escape from there to Pakistan.

We left everything. We were moving through mountains and caves; there were hundreds of families, children, women and people were climbing through the mountains. What were we to do? Some people were escaping from other fronts, near Jalalabad and Kabul. There were too many people there.

With all the bombing and people dying, there was crazy killing and bombing. Some people were fine and others were already scattered everywhere.

We were running and escaping toward Pakistan. Also, there were no American soldiers to fight there. People were trying to capture us for money, the $5,000.00.

There were no American forces there.

I was not armed. We left everything in Bagram. It is hard to carry weapons over mountains; it's a very long distance and takes about 3-5 days to walk through the mountains to Pakistan. It was not reasonable to carry weapons with us. The weapons were too heavy.

2. ***Detainee was injured by shrapnel, captured, and turned over to Northern Alliance forces.***

I was hurt only because of the bombings of the American Air Force. I was in the mountains for many months. Someone took me to a house. This man helped me and another man in Jalalabad.

I was wounded already. Because I was wounded, does it mean I am an enemy of the United States? I don't think so. I had wounds on my hand, shrapnel in my back because the Americans bombed me. To me, America was trying to kill me.

Det: I have read the definition of Enemy Combatant in the Arabic translation, and it means that you are aggressive against the United States, right?

Pres: The Tribunal will determine if you are properly classified as an enemy combatant and the interpreter will read the definition to you.

Det: This definition is different from what we were told. I understand your statement.

Summarized Answers in Response to Questions by the Personal Representative

Q: Previously, it was indicated that there was an error and that was that Al Farouq had been listed as a location for training when it should have been Abu Ubaida.

A: There were two camps for training. I was training people at Abu Ubaida, not Al Farouq.

It said that I trained people in IEDs (Improvised Explosive Device); that is not right. I trained people in military explosives, mines and grenades. I told interrogators about it. They said that if I can help them, help them. I told the

interrogators that I would help them to know everything because I have prior experience. I did it in the past; there is a difference.

Summarized Answers to Questions by Tribunal Members

Q: Thank you for being candid. You mentioned seeing Usama bin Ladin. Would Usama Bin Ladin recognize you?

A: No.

Q: He would not know you from anyone else in the world?

A: No.

Q: So, you were merely present at a place he came through and you were part of a group that went, oh, there he is over there. You saw him, but he doesn't know who you are. Is that correct?

A: He does not know me. That was the first and only time I saw him. It was said that I spoke with him, but that did not happen. He wouldn't recognize me; he does not know me.

Q: You mentioned that once you went to Afghanistan to find a place to move your family, you became aware of the violence or atrocities that were being done to the Afghanistan people by the troops in the North. You felt it an obligation to assist the Muslims. Were the people in the North also Muslims?

A: Yes.

Q: So, it was, as you referred to it, a republic or civil war, between people inside a country; people of the same religious beliefs, similar backgrounds, fighting for power?

A: Yes.

Q: And you believed that the innocent people of Afghanistan were being harmed by military force, is that correct?

A: Yes.

Q: So, once you went to Afghanistan and saw this, you desired to assist those innocent people?

A: Yes. I would like to add something. The Taliban people (inaudible) were being killed by Massoud and Dostum, even without fighting.

The Taliban and other people haven't experienced in fighting war. Massoud had a long time of fighting against the Russian Army. They were killing people who didn't have a chance to defend themselves. I think that is very bad.

Q: Do you believe that the aggression by the groups in the North was as bad as the aggression you experienced when you were in Bosnia?

A: It was not. In Bosnia, it was genocide against Muslims. What happened in Bosnia was big genocide. It started a long time ago. In Bosnia, events took place very quickly; in Afghanistan, everything was going slowly.

One time in a jihad, Massoud killed about 10,000 Muslims in about an hour. It was bad. People can't fight him because he has very strong military experience in fighting. We should support these people to live.

Q: When you were in Bosnia, did you appreciate the United States involvement and the United Nations involvement to stop the genocide against the Muslims?

A: Of course.

Q: After September 11th, you had already been part of the Taliban military as a military trainer?

A: Not officially.

Q: As a contractor, perhaps?

A: Yes.

Q: Assisting them or training them on the areas where you have your knowledge. What occurred after September 11th? Were you still training them?

A: After September 11th, I tried to leave Afghanistan. I wasn't involved anymore.

Q: At what point did you leave your employment, as a contractor, with the Taliban? Physically? When did you say, I'm not going to work today, I'm leaving?

A: I'm not working.

Q: You were training, though. You were, perhaps, a contractor.

A: People had training on mines, hand grenades and everything. I trained them in August.

Q: After August…

A: I went to the front…

Q: You went to the front and you were fighting. How long were you there?

A: I was there in September. I heard about September 11th when I was there on the front.

Q: When did you leave there?

A: I tried to go out.

Q: When?

A: After September 11th, directly.

Q: September 12th? The same day, a month later, two months later?

A: I can't remember, really. My story is very complicated because I was there in the front, and I left and tried to leave Afghanistan to go back to Bosnia. At that time, I went back to Kabul and I tried to go out. There was no way out. I went to the Bagram front.

Q: How did you receive your injuries in Afghanistan?

A: In Tora Bora.

Q: Had you been injured in Afghanistan prior to that?

A: No.

Q: As you left the front, you mentioned that you did not take any heavy weapons with you?

A: When we were escaping, no.

Q: Correct. They would have slowed you down in your travel?

A: Yes.

Q: Did you carry even a pistol for personal safety, or a small rifle?

A: We didn't have them. We only had Kalashnikovs.

Q: And those you left behind?

A: Yes. The Kalashnikovs are very heavy.

Q: Yes, we know…very heavy.

A: It is very heavy and I couldn't carry it, with other things.

Q: You are Egyptian, by heritage?

A: Yes. I was born in Egypt.

Q: How did you learn English so well?

A: I have studied it in college. I have a Bachelors of Science in Geology.

Q: You attained all of your education in Egypt?

A: Yes.

Q: Did you serve in the military in Egypt also?

A: No, I had medical problems.

Q: At some point, you went from Egypt to Bosnia to assist the Muslims in Bosnia?

A: I was in Greece. I went to Greece in 1990. I lived there for 2 years, until 1992. In 1992 we heard about the massacres in Bosnia, I went to work as a human relief worker.

Q: When you were in Bosnia, was that the first time you received military training?

A: Yes.

Q: Your total amount of training in the military would be from 1992 until 2001?

A: 1993

Q: All the way through until 2001?

A: I had training in Bosnia in 1993.

Q: Was there any period of time between Bosnia and Afghanistan where you were somewhere else?

A: No.

Q: You mentioned earlier that you were at Tora Bora?

A: Yes.

Q: Was that when you were retreating and trying to get to Pakistan?

A: Yes.

Q: How long were you in Tora Bora?

A: During Ramadan. We were moving, escaping, hiding…

Q: Would you say a month…a week?

A: About two months.

Q: Did you hear anything about Usama bin Ladin being in Tora Bora when you were there?

A: No.

Q: How long have you been here, at the camp?

A: 2 ½ years.

Q: How would you characterize your treatment here?

A: My treatment is very good.

Summarized Answers to Questions by Tribunal President

Q: Do you have any other information that you would like us to know?

A: People are taken from their homes, their countries. All of them are considered Enemy Combatants and I don't think it's right.

Q: We appreciate your participation in the Tribunal today.

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

Summarized Unsworn Detainee Statement

When advised by Tribunal President that Detainee would be removed if he were to become disorderly the Detainee stated that he isn't going to do anything wrong, and that he is sure that he will be here for the whole trial.

When advised by Tribunal President that he may provide evidence at this tribunal, including witnesses that are reasonably available and have testimony relevant to this tribunal, the Detainee stated that he has no witnesses because all of his witnesses have gone home. Detainee wanted to know if Tribunal could get his witness here for the tribunal so he could talk to them.

When advised that he could examine documents and statements offered into evidence other than classified information, that Detainee asks if there is information or documents about him, he should know about them.

The Detainee stated that he understood the tribunal process.

When asked if he had any questions concerning the process, the Detainee stated that he has questions for everyone sitting there. Detainee stated that he has been here for 3 ½ years and his status still is not clear. He doesn't know if he is guilty or not. Why has it taken 3 ½ for him to know his status, and so long for them to find out about him?

When advised that the United States government has classified him as an enemy combatant and that the job of the Tribunal is to find out if that classification is correct, the Detainee asked if the United States has documents listing him as an enemy combatant, did they catch him in a fight or some other reason? He was not with the Taliban or Al Quada. The Taliban threatened him to join them. The American government brought him here.

When advised that the Tribunal would explain to him the evidence that we have concerning his status as an enemy combatant, the Detainee states that if the documents or evidence prove he is an enemy combatant, he won't have any questions. He can get any punishment, or the Tribunal can punish him. He won't say anything. He can stay here forever.

The Detainee stated that he has witnesses that he will never be against the United States. That he will never do anything against the United States and that he is not against the United States and is not an enemy combatant.

The Detainee stated that if the Tribunal has evidence that he is an enemy combatant, even if he is sent home, the Tribunal can bring him back and put him in jail.

When the Recorder was stating the nature of the evidence, he stated that the Detainee was a cook. The Detainee stated that he was not a cook; he was an assistant to the cook. He

cleaned dishes, peeled potatoes and tomatoes and got the stuff ready for them. He was not actually a cook. The Detainee stated that he didn't do it. He is not a cook and he can not cook. If the Tribunal were to ask him to cook, he would not be able to. It is a lie if the Recorder says he is a cook.

When the Recorder stated that the Detainee was captured during the Northern Alliance attach, and surrendered to the Northern Alliance in Kabul, Afghanistan, the Detainee stated it wasn't like that.

The Detainee went on to say that he was in Narim and there was a fighting there. He came to Kabul to avoid the fight and surrendered myself to the Taliban. The Detainee states he was far away from the fight.

When advised by the Tribunal President that the Government has no more unclassified evidence, but has some evidence that the Detainee is not allowed to see and will present it to the Tribunal at a later time, the Detainee states that his witnesses are gone, but the Tribunal could bring him here. The Detainee wants to know why he cannot see classified information, and why would it be shown on behalf of him when he is not present.

When asked if he wanted to make a sworn or unsworn statement, the Detainee stated that he would like to say 2 or 3 things before he is under oath and then he will talk under oath.

The detainee stated that he is Level 3 and that the Tribunal can ask relatives and friends in Afghanistan what kind of person he is.

When asked by a Tribunal Member what he meant by level three the Detainee stated that he is telling that he is Level 3 and he doesn't lie. The Tribunal can ask in Afghanistan if he is against Americans or not.

The Detainee states that he swears to God that he never was an enemy of Americans and he never did. The Detainee states that if the Tribunal has any evidence or documents that he is really an enemy of America, to please show them to him.

When the Detainee was asked if there is anything else he would like to say before he took an oath, the Detainee stated that he is swearing and he is faithful to Allah and he promises that he never was an enemy of America and never will be. American never did any harm to him.

The Tribunal President accepted the Detainee's statement as his oath.

Summarized Sworn Detainee Statement

When advised by the Tribunal President that the Detainee could tell the Tribunal about whatever he wanted to tell them, the Detainee stated that before the Taliban, his father was buying sheep and the Detainee was helping him raise the sheep. After the Taliban came, he was at his house making bricks, and the Taliban made him go with them.

When the Taliban captured him, he was in another district making bricks and building houses. The Detainee states that the Tribunal President can ask "inaudible" because he knew that the Detainee was just making bricks and building a house when the Taliban captured and took him.

The Detainee stated that is what happened to him.

When asked if there was anything else the Detainee wanted to tell the Tribunal, he asked what they wanted him to tell them.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Why did you go with the Taliban when they came to you?

A. The Detainee states that he was grocery shopping close to his house and the Taliban was drafting people. While he was in the store, the Taliban came and asked for him. When he stated his identity, they put the sheet around his hands, tied them with the sheet and captured him.

Q. And then what did they do?

A. The Detainee states they then threw him in a car. They drove about an hour and then stopped at a house. They knocked on the door, the Detainee could not hear what was said, but he assumed they asked for the Dad. When they knocked on the door, the kids came and they asked where their father was. In the meantime, the Detainee saw they were far away, and tried to escape. The Detainee jumped from the car. They came back, threw him back in the car and then took him to Kandahar. Another town ***SANGIN*** then to Kandahar, from Kandahar to Kabul then to Narim.

Q. Were your hands tied the whole time?

A. The Detainee states that until they reached Kandahar his hands were tied. After Kandahar, his hands were released.

Q. What happened after that?

A. The Detainee states they spent 1 to 2 nights in Kandahar and then 1 to 2 nights in Kabul.

Q. Were the guards with you all of the time?

A. The Detainee states the guards were with him all the time. They didn't just give him to the driver and tell the driver to take him. There were 2 Taliban in the car with the Detainee.

Q. Were they armed?

A. The Detainee states, yes, they were armed.

Q. If you had walked away from them, what do you think would have happened to you?

A. The Detainee states that he was not familiar with the road and which way he was supposed to go. The Detainee states that he did not know his way back home.

Q. Where did you go then?

A. The Detainee states that they took him to Narim and that he spent 1 night on the way to Narim.

Q. And then where?

A. The Detainee states that in Narim they were taken to the Taliban. For 10-15 days the Detainee just walked around doing nothing, but after that, they gave a Kalishnikov to each of the groups, the members. The Detainee stated that the Taliban asked people if they could shoot and fire the weapon. The Detainee stated that he told the Taliban that he was not familiar with the weapon and they gave him a job as an assistant cook.

Q. Did they ever give you weapons training?

A. The Detainee states that he did not receive weapons training. They asked if he knew how to use the Kalishnikov and he stated no. The Taliban then told him he would be the assistant cook, peeling potatoes and washing dishes and give the food to people.

Q. Were there guards keeping you there at this time? Were there guards preventing you from leaving?

A. The Detainee states that there were 2 guards from when he was captured at home to Kandahar. Then he got 2 more from Kandahar to Kabul and Narim. In Narim

the Detainee does not have special guards, but there is always a guard at the door outside the building.

Q. Did you try to leave at that point?

A. The Detainee stated that he tried to leave. He asked people for directions to find out how to get home. He stated that he tried to escape and he did escape, but the Taliban had the chain up. They caught him and brought him back.

Q. How long did you serve as the cook's assistant before you were captured?

A. Detainee asks if he means the people from Kabul or the Taliban. The Detainee stated that when he escaped, the Taliban captured him, gave him 2 slaps on his face and put him in prison for 2 to 3 days.

Q. How long were you a cook's assistant?

A. The Detainee states that he was a cook's assistant for 1 ½ months. There was a rumor that the Detainee put something in the food to try to kill all of the Taliban. So after 1 month, the Taliban didn't trust him in the kitchen, so he could only take food to the other people. The Detainee was not allowed near the kitchen.

Q. Dawd, do you have anything else you would like to tell this Tribunal?

A. The Detainee stated he wants the Tribunal to pay attention to him and listen to him. The Tribunal can get information about him and find out about him. The Detainee stated that he believes he is innocent, but if he is guilty, the Tribunal can keep him as long as they want. The Detainee stated that he is innocent and has already spent 2 ½ years here and doesn't know why he is here.

The Detainee stated that it is very easy for the Tribunal to get information about him from Afghanistan. His house is very close. He states the Tribunal can go to his village in Afghanistan and ask what kind of person he is. The Detainee stated that he has never been a threat to the United States government and he never will. The Detainee stated that if he is, the Tribunal can keep him in jail 2 more years.

The Detainee stated that his name is Dawd Gul and that if he is kept for 2 more years, he will still be the same person he is today, and he will not change. The Detainee stated that if he is let go and goes home, there will still be no threat from him.

Continuation of Summarized Sworn Detainee Statement

When the Personal Representative was asked if he had any questions to ask of the Detainee and stated no, the Detainee stated that the Personal Representative could tell the Tribunal about the moral sentence he talked to him about.

The Personal Representative stated that it was a lesson for him that the monkey was worth $20.00 and the chain is worth $100.00 and that can be interpreted as the Tribunal wishes.

The Detainee stated that the United States is wasting food and time on him, because he is not worth it.

The Detainee stated that the Tribunal had all the information about him at his house, and they have access to his file.

The Detainee asked the Tribunal President to look at him, to see his face and his body. Does he look like an enemy? Just look at the Detainee good, does he look like an enemy? Just see him. What kind of person do you see? The Detainee stated that if you believe that he helped or assisted the Taliban or he is considered an enemy combatant, it is not true. He stated that he did not help the Taliban.

When the Tribunal President was giving the Detainee instructions on the Tribunal decision, the Detainee asked if that would be determined now, and the President stated that the decision would be made after the classified hearing, review of evidence, deliberation and the decision would be sent to Washington, D.C.

The Detainee asked the Tribunal to look at his orange clothes. The Detainee stated that the Tribunal can turn those black. The Detainee stated that it is all in the Tribunal's hands. The Tribunal can accuse or believe the Detainee is an enemy combatant, Taliban or Al Quada. The Detainee stated that he is not Al Quada or enemy combatant. The Detainee stated that truthfully, he is not any of them.

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

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

When asked by the Tribunal President if he wanted to make a statement the detainee stated yes and provided his statement after electing to be sworn.

I have never committed a hostile act against the United States or its allies. I was never a part of or supported any forces while in Afghanistan or outside of Afghanistan that were hostile against the United States or its allies. I never carried any type of weapon, I never wore military clothing, and I never went to any training camp or fought. After I finished my training I went to Kabul. I was trying to leave Afghanistan from there. I discussed leaving Afghanistan with a few Afghanis and a Saudi man. The Saudi was a person that helps other people. The borders were closed and it was difficult to leave Afghanistan. This was after the death of the leader Masood on 9 September 2001. After the events of September 11th accusations were made against groups in Afghanistan, which made it more difficult for me to leave.

About me being a member of al-Qaida, that's wrong. This organization defies and goes against every value or principle I was raised with. I have never agreed with the way they interpret my religion, which is of peace and forgiveness. The fatwa's issued by my religious leaders go against the teachings of that organization. I have never participated, acted or was loyal to that organization.

I traveled to Afghanistan in the summer of 2001 to learn how to fight. This was three or four months prior to the events of September 11th and before the American forces got there. While in Afghanistan, I planned on returning to my country prior to the events of September 11th. I began looking for a way to leave but all the borders to Pakistan were closed. I was told by some of the villagers to start going toward the mountains. I also heard Masood's group was killing Arabs for revenge, so the mountains were my only escape.

The reason I began training was to learn to how to defend myself. When the gulf war began in 1991, I had many relatives living in Kuwait. My family members were victims of that war. Some of them were killed and some were taken as prisoners of war. My remaining family members scattered and came to Saudi Arabia. At the end of 2000 the problems with Iraq began again. Saddam threatened to occupy Saudi Arabia and Kuwait. I felt the need to defend my country and family. I am also compelled by my religion to defend my family and country. There is no draft, reserves or voluntary military in Saudi Arabia. There are no camps where civilians can learn to defend themselves. I offered my services to the Saudi Arabian Navy for the chance to train, but never heard back from them. That's when I began my quest to find a place where I could learn to defend myself, and ended up in Afghanistan. My intensions were to go and train for a month or two and return to Saudi Arabia.

My understanding of the training camp I attended in Afghanistan, is that it was a general camp not under any group or organizations control. I knew this because we were not allowed to talk about politics or religion. The Taliban had closed all the other camps with the exception of this one. The training camp was funded by Muslim charitable organizations that also funded schools, hospitals and orphanages. When I heard the name of the camp, it meant nothing to me, because I had never heard of it before. This was the only camp for Arabs all the other camps were for Afghans.

During my stay at the camp I was trained on small arms, physical fitness, digging tunnels, constructing tents, mountain climbing, and walking through deserts. I never completed my training because I became ill. Every week I had to travel to Kandahar to receive medical treatment or I was at the camp hospital.

Regarding my stay at a safe house. The house I stayed at was affiliated with the camp I trained at. It was a guesthouse run by the camp. It was more profitable for me to stay there because it was free. I was sick at the time and the guesthouse was more comfortable and safer for me to stay at. It was also close to the hospital.

Regarding the al-Qaida member, Abu Zubair Al Haylee. I only met him once at a mosque called Al-Ghar. We spoke about me fighting for the Taliban. I made it clear to him, the fighting was between Muslims and it was against my religion to participate in such a fight. We spoke for about thirty minutes and I never saw him again.

I never met Usama Bin Laden I only saw him. It was outside the campgrounds on a desert road near the camp. He was in a car that past by me as I was washing my clothes at a well. The following day he spoke at the mosque in the camp. I did not attend because it was voluntary, I was sick and it gave me a chance to sleep. Also Usama Bin Laden is a radical with radical thoughts and I didn't want to be influenced by him.

The accusations of me participating in hostilities against the United Sates and the Northern Alliance are not true. I am not affiliated with any organization or group. I trained for personal reasons, to defend my family and myself. Also, the Northern Alliance is Muslims and it is against my religion to fight against them. I did not have any weapons, wear military attire or guard any checkpoints. I was in the mountains with a group of Arab civilians who fled the war. I got to the mountains with the help of an Afghan villager who said it was a safe place to go. We fled to the Mountains near the Pakistani border not the Tora Bora Mountains. I was with a group of civilians who were not armed or fighting. We made it through the Tora Bora Mountains before the fighting began.

My injuries were the result of random bombing not specific targets. We were in the Mountains with a Kuwaiti man who was affiliated with a Kuwaiti charity organization. He promised me we could cross the Pakistani borders to our embassy so we could go home. As we were making our way to the Pakistani border we came to a village and the bombing started. Some Afghanis told me, the people who bombed the village thought

there were fighters in the village. Sixty to seventy villagers were killed during the bombing. The bombings were occurring in all the mountains around Tora Bora. Forty of the Arabs with me were killed and twenty were injured. After I was injured, I went to the Northern Alliance for assistance. They treated me in their hospital in Jalalabad for a month and a half. The leader of the Northern Alliance in Jalalabad visited me twice and was helping me. They understood my situation and I asked them to take me to my embassy in Pakistan. They told me it would be difficult, so I asked them to release me to the American forces. I wanted the Americans to take me to my country or to one of its embassies. I was released to the Americans and taken to a base in Bagram. I was in the wrong place at the wrong time.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Where are you from in Saudi Arabia?

A. From the east.

Q. Which area?

A. About fifty kilometers from Bahrain.

Q. You spoke about your religion, which religion are you?

A. Sunni.

Q. When you decided to train, you left your home in Saudi Arabia and you went to Afghanistan?

A. Do you mean directly?

Q. Tell me which way you went.

A. I left Daman by bus and went to Bahrain. I then flew to Karachi, then to Lahoor and then to Quetta. I then took a car to Kandahar.

Q. How did you hear about this training camp in Afghanistan?

A. He was asking at his mosque where he could get training and was told about this place.

Q. The mosque in Daman?

A. Yes.

Q. Did you use your own money to travel or did you get it from an organization?

A. Personal finances.

Q. What type of small arms training did you receive; can you be more specific?

A. Handgun, Kalashnikov and several rifles. I also received training on how to tell the distance between two points, how to tell time without a watch, and the direction of the wind.

Q. Do you remember the name of the camp?

A. Al Farouq.

Q. Are you familiar with al-Qaida and what they preach?

A. I have heard about them on the news and in the newspapers.

Q. Did your Imam in Daman ever issue a fatwa for a jihad?

A. No.

Q. You said the camp was funded by private organizations, was one of them al-Wafa or can you tell me who was funding it?

A. It was a charity-funded camp.

Q. So you could just go there? They would accept you or did you give them money or did you have to call ahead and make arrangements?

A. I spoke to one of the Imams and they gave me the address. I was given a phone number and the man told me to meet him in Mecca. The person in Mecca told me about the camp and how it ran. I told him what I wanted from the training. I was given the address of a person in Lahoor.

Q. Did you know the man in Mecca; was he a stranger?

A. I got the name from my Imam.

Q. Were you injured in Tora Bora?

A. Outside Tora Bora on the outskirts of a village.

Q. Were you injured by a plane?

A. Just bombing from the sky.

Q. What was the extent of your injuries?

A. My entire leg and stomach.

Q. What is your occupation?

A. I am a government employee of a charitable organization.

Q. What is the name of the charitable organization?

A. IIRO, International Islam Relief Organization.

Q. How long did you work for IIRO?

A. I was still in training, so just a few months.

Q. What did you do before that?

A. Teaching and working at my father's car dealership.

Q. When you were trying to get out of Afghanistan what organization did you represent?

A. A Kuwaiti organization, I don't know the name.

Q. Was this organization suppose to help people get out of Afghanistan?

A. I was part of the organization, I was in Afghanistan to help the people in need. I left my charity work and was just trying to leave.

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

A. No.

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

A. No.

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

[While administering the Oath to the Personnel Representative, the detainee interrupted and stated that he didn't understand the wording used by the translator. The translator again described to the Detainee the swearing in process of the Tribunal team and the Personnel Representative.]

[When the Tribunal President stated for the Record that the Recorder, Reporter and Translator had previously been sworn, the detainee interrupted and asked what the Recorder was. The President asked the Translator to explain the role to the Detainee.]

When asked by the Tribunal President if the detainee understood the CSRT process, the detainee stated, "No I don't."

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process the Detainee answered: "I will see what you ask me, and according to that I will answer."

The Tribunal President asked the Detainee what parts of the Tribunal process did he not understand.

Detainee: "I am not literate and don't understand what you mean when you say 'process.' I need you to breakdown what you mean by process because I don't understand the word, I haven't gone to school."

Tribunal President: "If you have a question about the process as we go along you may ask it and we will answer it."

[The Detainee then asked the Translator to clarify what the Tribunal President meant about asking questions. The Translator explained to the Detainee that if during the Tribunal the Detainee had any questions, the Detainee could ask the question and the Tribunal President would answer the question.]

Detainee: "Okay."

The Tribunal President then asked if the detainee wanted to make a statement.

Detainee: "Yes."

The detainee then began giving his statement and testified essentially as follows:

Only one of the charges against me is the true. The others are not. If you say they are, show me the proof. [The Personnel Representative interrupted after the Detainee made his comment and stated, "I want to reiterate what we talked about in our

interview. This Tribunal is the part where you can talk to the Tribunal members who have not talked to you yet."]

Detainee: "I want to talk to the Tribunal members." [The Personnel Representative told the Detainee: "This is not the time for asking questions or asking the Tribunal members to provide you with reasons, this is the time for you to provide the {information to} Tribunal members."]

Detainee: "I understand, I am sorry that I am illiterate and don't know. Sorry."

Personnel Representative: "That is what I am here to help out with. Do you want to go through this point-by- point very quickly?"

Detainee: "Yes."

Tribunal President (to the Detainee): "Let me clarify. This is the time you may talk to us if you want. You don't have to say anything to us at all if you don't want.

Detainee: "I want to talk."

Tribunal President: "It's totally up to you."

[The Detainee then indicated he wanted to make his statement under oath and was sworn by the Recorder. He continued his statement essentially as follows]:

Before I start, I was never part of nor have I seen the Taliban. I told everything to my interrogator. I was a poor person in my country and I was running away from the Taliban. You stated I was protecting the Taliban and was working with them. Who has seen me working with them? I was nobody over there. It is hard for me to believe you have any witnesses that will say I worked for the Taliban. If you have someone who says I worked with the Taliban from that Region, then bring me that person. Secondly, I have never held any weapons in my hands or fought against anyone. I have never been injured. I haven't even had a needle in my body. I am trying to answer the allegations against me. What was the third allegation? [The Personnel Representative responded to the Detainee: "You were placed in charge of the Taliban office and you worked as Chief of the Taliban office."]

[The Detainee continued his statement]:

I was never in charge, I have never been there, and I have never worked for them. I have already told you the story, and I will tell you again. I was poor. I left my house to look for work. I went to work in the hotel I had in Jalalabad, Afghanistan. I had a partner in the business and a helper. The helper was in training. My partner and I had a dispute over this trainee. My partner told me he wasn't going to do business with me

anymore. He was going to sell the property, take his share of the money, and get out. You asked me for evidence regarding this. You swore me in the name of Allah that I will tell the truth and now there is no one who will witness this for me from Afghanistan. No one wants to go through all the trouble to here. I don't have a witness here or anyone to testify for me. The only thing I have is my word. I can give you an address and you can contact and verify everything from the people that came out to the house. You tell me it is impossible for me to bring in a witness from Afghanistan. You can call a neighbor and verify that I had a business and was working over there. For example, if you call my neighbors they will tell you I was selling sandals, then that will prove I was right.

I will tell the real story now. For almost two years I was in the hotel business. At the intersection called Palashi. My business was across from the customs door. There was a guy named Ali Jahn that worked in the customs office. Other Taliban officials that worked there came to our hotel and eat. Ali Jahn told me he was my countryman from the North. We got acquainted when he came to get food for his guests. When my partner and I got in a dispute over the hotel, my partner told me he was going to sell everything and split the proceeds. I asked him not to sell everything. We had been here for two years and had spent a lot of money on the hotel. I ask him to make a deal. I asked Ali Jahn's advice about what to do with the business. Ali Jahn said not to sell everything at once. We should first find out what the prices were and continue from there.

[The Translator clarified that a "hotel" actually refers to what Americans would call a restaurant]

Based on the prices, my partner would give me money. I could then go home, take care of business there, then come back and get the rest of my money. My partner said he would sell everything at the original purchase price, not the used price. I told my partner it was hard for me here because I didn't know anyone. My partner told me he was going to find another partner for me. My partner found someone from the customs office. I made a list of everything; it was worth about three hundred and seventy or three hundred and eighty thousand in Afghani money. My new partner gave me half the money and told me to continue working at the hotel. He didn't know anything about running the business. There were businesses across from us that would fry things in a big bowl. For one kilo of meat, they would profit one hundred thousand Afghani rupies. I decided I was also going to use a big bowl to fry things. The other businesses got angry when they saw I was using their idea. They thought I was going to take all of their business. If I started the business the way I had planned, I would have sold one hundred kilos of meat each day, which would have been equivalent to one hundred thousand Afghanis. About one hundred dollars per week. The person working with me was my handyman. As I was trying to start this business, the handyman disappeared. I went after him and crossed the Torhan Boarder, which is between Pakistan and Afghanistan. I went to Pashwar and looked for him for a week. When I couldn't find him, I came back. That was the main road and next to the main road was the sidewalk and next to the sidewalk was the customs office.

[A Tribunal member interjected: "For the purpose of the record, the Detainee was describing the layout of the land he was drawing a picture on the floor for the benefit of the Tribunal members. He was explaining his business location in reference to the sidewalk.]

[The Detainee continued]: I swore and promised I would tell you the truth. If I am not a criminal and I haven't committed any crimes, why are my hands handcuffed? In Afghanistan, there are people who will sell people for money. They use the name boss and whatever name they used to hand me over; you will find out why. This is my true story and I am going to tell it. When I came back all the other shops joined in filed a claim against me at City Hall. The government closed my business. Joining the Taliban is very hard. The shops around me looted all my goods from my business. They told each other I had skipped town. I contacted the security office and reported the incident. The shop owners went to the Security Commander with their families and stated they had not looted my store. They told the Commander the Taliban ruined my business. Each shopkeeper admitted they had taken one or two items from my shop. They told the Commander they were safeguarding the items until I got back. The shopkeepers also said if they had to go to prison for this, then their wives and children would be left alone without income. The Commander told me and the other people in the dispute to resolve our issues amongst ourselves, wasn't going to do anything about it. After a month of trying to resolve this, I hadn't got anything back from them. It was the month of Ramadan and I didn't have any money to buy food. My two years of hard work and effort went to waste. I went back to Ali Jahn and told him the story. My new partner said because I opened an illegal business, I should give him his money back. Another person told my partner I was a poor guy and that he wouldn't be able to get anything from me. They gave me a job in the customs office as a laborer so I could pay my partner back. I was sponsored by another person, so I could work at the customs office. My other partner was involved in security and told them I was a good guy and to do business with. Ali Jahn assured them I was okay to work with. I was a laborer for six or seven months. One of my friends took the money I earned and paid the people I owed. It was hard work. I got depressed every day. I ended up getting sick. After four months my partner gave me some of my money back and told me to keep it for myself. In those last four months I collected about nine to fifteen thousand dollars (inaudible). I was sad and went to Mazar-e-Sharif without permission from Ali Jahn. I owed a lot of people in Mazar and where I am from. I decided I would stay in Mazar and work.

After saving money I planned to return to my village. I rented a little shopping space near an intersection under an apartment complex. I would buy pairs of sandals and sell them in my shop. I had customers who purchased sandals from me everyday. I never earned less than five hundred thousand a day and sometimes earned up to fifteen hundred thousand a day. I would buy forty dozen and I would make a hundred thousand per dozen for the sandals I sold. I was sitting with some friends when a couple of Talibs showed up. They asked me where I was from and what type of business I was doing. I was surprised and suspicious. I wondered why he was so kind and why he asked me what I was doing and how was my business? I thought maybe he had seen me someplace

before. I was very excited to go back to my village. I had collected some money and I could pay back some of the people I owed. He asked me if I had worked in any other providence of Afghanistan? And, what kind of work had I done? I was surprised by his questions.

[Tribunal member]: I don't understand. Who came and asked him these questions?

[Detainee]: The Talibs came in and asked him the questions. One of the Talibs took a letter out of their pocket and asked me to read it. The letter said to report to the First Regional Intelligence Office as soon as possible. I was afraid after I read the letter. I told them to wait a minute. I wanted to tell my friends and take care of my business before I left. They told me I had to leave now. I told the interrogators this the first time I spoke with them. For some reason, the interrogators misunderstood what I told them. I have told you the true story. When I got in the taxi with them to leave, they asked me if I knew Ali Jahn? When I got to the office, they told another person to take me underground. It was a two-story building with a basement. When they took me downstairs, one side of the floor was covered in dirt and the other side was covered with empty bullet shells. They left me there alone for a long time in the dark. After dark, the recorder (the person who puts names in the book) finally showed up. They told me their boss was "pissed off" with me. I was told to talk or I was going to get beat up. I told them to take me upstairs to talk to the boss. He told me he would take me to the boss but I had to promise not to try and leave. I was very young at the time and I didn't have a beard. I was a pretty boy. Ali Jahn had come from Jalalabad to Mazar-e-Sharif. They were all gathered around and he asked me why I skipped out on him after they had sponsored me. I said I was sick and missed my family. They told me they were going to beat me up and send me to Jalalabad to court. I told them I made a mistake and asked what I could do? For one year I had to work as a chef and take care of the people in that building.

[Tribunal member]: In Mazar-e-Sharif?

Detainee: Yes. Ali Jahn told me he was fired from the customs office for trusting everyone. Ali Jahn came to Mazar-e-Sharif and got a job working in intelligence. The next day I would begin working as a chef and servant. Whenever I left the office they would follow me or send a soldier with me. I believe I was there a month and a half before Ramadan.

[The translator asks the Detainee to clarify his last statement]

[Detainee]: I was in Mazar-e-Sharif with Ali Jahn for about a month or month and a half. I didn't stay there very long you can verify that. During Ramadan, Ali Jahn told me he was leaving for fifteen days and I had to stay. I didn't know it, but Ali Jahn had taken a bribe from someone. A few days after Ali Jahn left, people from the Intelligence came and arrested everyone. They took us to the Intelligence office. I don't

know what happen to everyone else, but I was put in a separate room. The next day they asked me what I was doing there? They asked me if I was Taliban? I told them no. They asked if I was a murrah and if I had read the books? I told them no. They asked if I wasn't Taliban or murrah, what was I doing here? They told me I didn't have enough of a beard and that I was a pretty boy. That night, I told them I was Ali Jahn's friend, but I didn't tell them what kind of friend I was. I have never said this to anyone before. They asked me if I knew why I was here? I replied no. In Afghanistan, they ask your name, where you were, and what you did? They told me I was arrested and would have to go to court because Ali Jahn had taken bribes from people. I said to myself, "god what is going on, I went from the dripping to the running water." They kept me with the intelligence officer three days before moving me to a different location. They told me to cooperate and wanted me to work for them. If I didn't they told me I would have to go to court. I asked them what kind of friendship or cooperation did they want? They wanted me to take care of their friends and prepare food and cleanup. I told them I would do this instead of going to court. I was young and they were looking for boys like me and paid good money. When fighting broke out in Sanchara my brothers came to Mazar-e-Sharif with their camels. In Khamerabahn we rented a house in the Taliban area from Agi Ader Reckman. When my boss saw my brother and nephew, who are both young and pretty boys, my boss asked me who they were and why are they here? I am telling you this very hesitantly and this is something that has to be kept a secret because this is a shame in the Afghan culture to disclose this type of information. There were no other motives or anything else going on besides what I am telling you.

I'm not Hadi, I am not a professor and I am not educated. I am just an ordinary person. They gave me a free place to live. After they saw my brother and nephew, they were even more interested in us and asked us to come back and forth to the office. The house we were staying in had lots of rooms with sealed locks. Those locks were checked on a daily basis to ensure they had not been opened. The houses use to belong to the Afghani Army who opposed the Taliban. When the Afghan Army fled the Taliban took the houses. The furnishings for the homes are locked in those rooms. We did not touch any of those items. Every three months people working in the Intelligence office get rotated and new people come in. They gave me a job in the Second District with Abdul Rek Mahl and (inaudible). I worked there for six to seven months and sometimes we worked at different locations. There were rumors between the workers that I was the new boss' lover. I bought a car and every couple of months we would get to see our family. We had very little to do and we weren't quite sure of our positions or duties. We would go there for a couple hours a week and sign papers. After working for about five or six months they were toppled.

I told the interrogator in detail what happened during that time. This is my story and you guys must decide whether or not I am a criminal. I am not aware nor have I committed the charges against me. If you want to verify what I have told you, I can provide addresses. I am finished and if you have any questions, I will answer them.

[The Tribunal President asked the Personal Representative if he had any other questions for the Detainee.]

[Detainee]: No Sir. Thank you for your attention and listening to my story.

Summarized Answers in Response to Questions by the Tribunal Members

Q. When you worked for the Taliban as a chef, did you consider yourself a Tali?

A. Where was I a chef?

Q. In Mazar-e-Sharif in the Intelligence Office.

A. I was a chef at my hotel. At Mazar-e-Sharif I wasn't only a chef, I also took care of cleaning and serving. I wore the same clothes as the Taliban, so no one could tell if I was or wasn't Taliban.

Q. Did they consider you Talib?

A. Who?

Q. The Talib you were working for?

A. No, they didn't consider me Taliban. I wasn't educated. They knew I wasn't Taliban.

Q. Why do you think they treated you so well?

A. I don't know. The big boss was the only one that treated me well. I can't tell you what was on his mind or what his motives were.

Q. I'm sure you can understand that if you dressed like them, they gave you a nice house for your family, you made enough money to have a car that others might consider you Talib?

A. They didn't buy me a car and it's not unusual for them to bring a chef in to work for them. It is not unusual for them to pick someone off the street and bring them there. I told you before I got there when I was a very young boy and I don't know why they were nice to me.

Q. You state that it was an Intelligence office you were working at. Did you ever witness intelligence or military operations?

A. I have already told the interrogator everything. It will take me a long time to tell you everything again.

Q. That's all right. Did you ever consider yourself a prisoner of the Taliban?

A. I wasn't physically in handcuffs but because I was watched all the time I felt mentally and psychologically I was a prisoner. Before my family came back from Sanchara, I wasn't able to leave. Once my family returned, they were more assured I wouldn't leave.

Q. They treated you rather well for being a prisoner. Did you agree to work with them?

A. You are right. They did have an ulterior motive. I can't exactly tell you want they wanted, but you should have been able to figure it out by now. I know they had a reason for treating us well.

[The Tribunal President asks the Detainee if he had any other statements or evidence to present to the Tribunal.]

[Detainee]: I told the interrogator there was no other way for me to provide any type of proof unless you can bring me someone who has worked with me or knows me. Otherwise there is nothing else. The interrogator told me it is not American justice to sit two prisoners face to face to talk for or against each other. I see in your justice system you are very educated, smart and reasonable and you should unite us. The tensions between the people over here are going to continue unless you do something about it. You are wasting your time on these people. If you have evidence against us, you need to show us and prove it. If not why are we here and our families over there? You are wasting our time over here. There is no benefit by keeping us here. By keeping us here and having us face to face will only add to the animosity and deepen the hatred. No one will provide any evidence for or against me or anyone else here.

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

A. No.

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

A. I have one statement to back up. The fact the Tribunal member asked a question and I can reiterate the answer. In regards to the unclassified summary A-2 the Detainee did consider himself to be a prisoner when he worked in that office. I have that information in my notes.

[Detainee]: After I took the oath, I will not tell you anything different. I swore to God and I told you the entire story and now it is up to you guys to make the decision. I am from Afghanistan and if you ask the people there, they will confirm what I have told you is the truth. I have lots of friends in Mazar-e-Sharif who know me from my sandal shop. You can contact them and they will confirm my story. Yasam Ghoreaei is the man who

sold me the sandals. He can check his book and confirm my story. His shop is at the very end of the street.

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 Unsworn Detainee Statement

When the Recorder stated he had no further unclassified evidence to present, but requested a closed session at a later time to present classified evidence, the Detainee asked where the classified evidence was, and how we could accuse him without showing him the evidence against him.

The Tribunal President told the Detainee that he was not entitled to see the classified evidence for reasons of national security, and the Detainee could refute any of the unclassified evidence by making a statement or presenting evidence.

The Detainee requested the Personal Representative read his statement for him, and the Personal Representative obliged by addressing each point in the Unclassified Summary (R-1).

- **3(a)(1) Detainee joined the Taliban to fight against the Northern Alliance and United States.**

  This is not true. I went to fight Farsi people in the North, not the United States. Massoud was one of the people in the North, [and] all of them were [part of the] Northern Alliance. My purpose was to defend the Pashtu people against the Northern Alliance.

- **3(a)(2) Detainee stated that he attended an anti-western rally and then joined the jihad against the Americans**

  That happened before I went to Afghanistan, in Pakistan. It was a jirga, not an anti-western rally. At the jirga, I was told there was oppression against the Pashtuns in Afghanistan. This oppression had been going on in a 15-20 year conflict. The roots of this conflict have nothing to do with America and there was no mention of America.

- **3(a)(3) Detainee claims to be connected with the Tarik Nafaz Shariati Muhammed Molakand Organization (TNSIMM) or Tarik Nafaz Shariati Muhammedi Molakan Danija (TNSMMD) which brought over five thousand people to Mazer-e-Sharif from Pakistan for Jihad in November of 2001.**

  That is correct.

- **4. The Tarik Nafaz Shariati Muhammedi Molakan Danija is a Pakistan-based Islamic militant group that is based in the Northeast portion of Pakistan that was sent to Mazer-E-Sharif to fight with the Taliban forces.**

I am aware of the group, but not aware of any relation [it has] to the Taliban. I changed my mind in Afghanistan at Mazer-e-Sharif about jihad. At that time, the Americans took me from Mazer-e-Sharif because I was an English speaker.

The Personal Representative stated that was the end of their discussion. The Detainee added the following:

When I was in Mazer [Mazer-e-Sharif], I was in prison at the jail. When we were in prison, we were all tied up in the cell and were being questioned. When they [unknown] asked me if I speak English, I said yes. Then they [unknown] took me to Kandahar and interrogated me there. They [unknown] told me they were going to send me home. From Kandahar they sent me to Cuba and said I was going to go home.

It doesn't matter to me if you have some evidence against me, if I get a prison sentence of 20-25 years. You guys are saying I was fighting the U.S. forces. The claim is that I was captured with weapons. I never had any weapons or any ammunition when I surrendered.

[For] The time I spent in Kandahar and here, who is going to give me an answer for all the time I've been in prison for?

I can understand if you guys have some evidence against me or if I am guilty, but I am here for no reason. I've been held for 3 years for no reason.

The Tribunal President stated that our mission is to evaluate or analyze all of the fact based information to determine the Detainee's enemy combatant status.

I would like you to make your determination and I would like the evidence to be brought against me. I'd be happy if you could show some evidence saying I did this crime or that. Otherwise, I'm just being held for no reason.

The Tribunal President stated that we have made available all unclassified information that we have the authority to provide to you. We do not have the authority to provide the classified information to you due to its classified nature and the national security risk involved with that information.

What decision are you going to make now? Am I an enemy combatant or not?

The Tribunal President stated the Tribunal will make that determination after observing and analyzing all facts, information and evidence available and also after the Detainee has the opportunity to make his statements to the Tribunal.

<u>Summarized Answers to Questions by Tribunal Members</u>

Q: Do you speak English?

A: Yes, not too much, but I understand [some].

Q: Where did you learn English?

A: In school.

Q: What is a jirga?

A: When the Pashtun people gather, it is called a jirga.

Q: How is that different from a rally?

A: It could be the same. At a jirga, the elders gather and make decisions.

Q: Are you trained to use any weapons?

The translator mentioned the word "Kalashnikov" when asking the question and the Tribunal member told the translator to translate directly what is asked. He did not mention "Kalashnikov".

A: I don't have training on weapons.

Q: Have you ever used a rifle?

A: Yes, for hunting.

Q: Have you ever received military training?

A: None.

Q: What value would you be fighting the Northern Alliance if you had no training?

A: Not everyone knows how to fight. Some people just serve and others fight.

Q: Have you ever fought in Kashmir?

A: No.

Q: How were you captured?

A: We surrendered.

Q: Who were you with?

A: We were with the Pashtuns in Mazar-E-Sharif.

Q: How many?

A: 400-500.

Q: What weapons did your group have when they surrendered?

A: Kalashnikovs.

Q: How old are you?

A: I was born in 1980.

Q: You are a native of what part of Afghanistan?

A: I am from Pakistan.

Q: Could you tell us how you became connected with the Tariq Nafaz Organization?

A: It was my first time attending the jirga and that's how I was associated with them.

Q: Was it that organization that put together the rally, or the jirga?

A: Yes, I was the leader of that group that organized the jirga.

Q: How does one get to be a leader to organize an event like that?

A: Elders are known leaders, and Pashtun people only. Not other people.

Q: If that was normally a job for elders, and you were allowed to do it, they must have had great confidence in your ability?

A: The interpreter is also Pashtun and that he [interpreter] should know that they respect elders very much.

Q: Were you a leader or an attendee at the jirga?

A: I was just an attendee.

Q: After you attended the jirga, or rally, did people approach you and ask you to assume certain responsibilities?

A: No.

Q: How was it that you traveled to Afghanistan?

A: We went in cars…trucks.

Q: Why was it that you went to Afghanistan?

A: Because of the Pashtun people. We wanted to defend them. I want to clarify something. Pashtuns live on both sides of the border of Pakistan and Afghanistan. They are the same people and the same families; just the border is dividing them.

Q: At the rally, you heard that it was the non-Pashtun people, the Farsi, Uzbek, Tajik, [and] people like that, who were fighting against the Pashtuns?

A: We call them the Northern Alliance.

Q: Was your intent to fight against them because they were attacking the Pashtuns?

A: Yes.

Q: When did you travel to Afghanistan?

A: November 2001.

Q: Were you aware that the United States military was in Afghanistan?

A: Just [that] the bombing had started.

Q: Did you think that if you went to Afghanistan, you might be bombed?

A: No. I wasn't concerned about being bombed.

Q: Were you aware that the people you were going to fight with, the people on your side, were the ones that were being bombed?

A: No. We weren't thinking about that. Our intention was different.

Q: Did you know who was being bombed?

A: No, we had no information because we were in a different area than where the bombing was taking place.

Q: Did you realize that when you were going to fight against the Northern Alliance that the United States was fighting on the same side as the Northern Alliance?

A: Yes, I knew that they were assisting the United States.

Q: Do you understand why that was?

A: No, I don't.

Q: You were not told anything by your leadership?

A: I never saw the leaders afterwards. We just had that meeting and we just left. That was it.

There were no further questions by the Tribunal members or President.

Det: I have a question. Some detainees that I have heard of have been released, even without Tribunals. I have heard of about 100. How is that fair?

Pres: I have also heard a little information about that. I have no direct knowledge of that process. We are only involved with these tribunal proceedings to determine your enemy combatant status.

Det: How is this fair? Everyone should go through the same process.

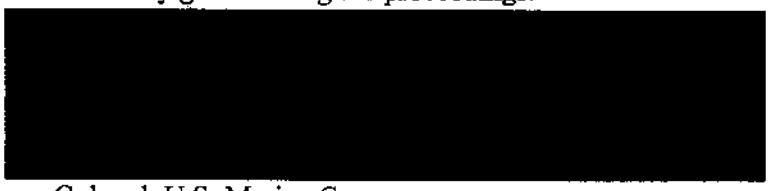
Pres: I am only assigned for this tribunal process and I do not know what happened with those other cases. Possibly in your communication network, you may be able to find out more than we can.

Det: I am a prisoner. What kind of information can I get? Even my letters from my mother and father are marked and edited. I don't even have that information.

The Tribunal President continued to explain the notification process to the Detainee and the Detainee indicated that he understood.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

Summarized Transcript of Detainee Statement and Witness Testimony

Before testimony began, the Detainee indicated he did not understand the Tribunal process. Specifically, the Detainee asked the Tribunal to clarify the difference between unclassified documents and classified documents. The Personal Representative explained to the Detainee the unclassified documents were shown and discussed with him during the interview sessions. The Detainee indicated that he understood that unclassified evidence was evidence that he would be able to hear during the proceedings. The detainee then made the following unsworn statement (summarized):

Detainee: I did not know that the Al-Farouq camp was a part of Al Qaida or associated with Al Qaida. I did not know they were against the United States. That is all I have.

Personal Representative: May I make a comment? What Faizal did not add from what we talked about before was that he actually did not participate in fighting. He was simply a guard at an outpost camp.

Detainee: Yes that is true. I was a guard on some land, but not at the camp.

Personal Representative: He was a guard on a border. That is the only thing we discussed that was not included in his statement.

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

Personal Representative: No, Sir. I do not.

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

Recorder: No, Sir, I do not.

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

Tribunal Member: Yes, Sir, I have one question. When you left from your home country to go to Afghanistan, were you aware that you were going to be training with the Taliban?

Tribunal President: Before you answer, I want you to understand that you do not have to answer any of our questions. Just as your statement was optional, so is answering any questions.

Tribunal Member: Did you want to answer the question?

Detainee: I was not aware that I was going to be fighting with the Taliban. I thought I was going to be learning from the Taliban, not fighting.

Tribunal Member: When you were a guard, were you a guard for Taliban forces?

Detainee: Yes, for the Taliban.

Tribunal Member: When you were wounded, were you also with the Taliban at that time?

Detainee: Yes, I was with them.

Tribunal President: Any further questions?

Tribunal Member: No, Sir, no further questions.

Tribunal President: Faizal Salih Al Nasir, do you have any further evidence to present to this Tribunal?

Detainee *(To the Personal Representative)*: Do you want to say anything that I have not mentioned?

Personal Representative: I think we have pretty much covered everything. The points I'd like to reiterate are the Detainee did not know he was going to fight or guard against the Northern Alliance; the Detainee did not know the United States was involved; and the Detainee never shot his rifle at anyone. He was simply a guard for a piece of land. That is pretty much what we discussed.

Detainee: Yes, that is true.

Tribunal President: Personal Representative, do you have any final evidence to offer the Tribunal?

Personal Representative: No, Sir.

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

Recorder: No, Sir, I do not.

Tribunal President: Tribunal, any final questions?

Tribunal Members: No, Sir.

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

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

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

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

Detainee: I need help; I want my Personal Representative to remind me.

[The detainee elected not to be sworn prior to his statement.]

Personal Representative: How do you want me to help you? Do you want me to read what you told me this morning?

Detainee: Yes.

Personal Representative: 3.a.1, (The detainee admitted he traveled to Afghanistan in order to fight in the jihad after reading that the Taliban needed support from Muslims.) The detainee said he didn't travel anywhere except where he had to. He was looking for work in Afghanistan because he couldn't find work in Saudi Arabia. He traveled to Afghanistan because they needed help because they were fighting the Russians. After he read about the Taliban and their need of fellow Muslims he thought he could find work in Afghanistan. And like all religions whether it be Islam, Christians, Judaism, they each help their brothers who are in need. He saw it as his duty to help people who needed it.

Personal Representative: 3.a.2, (The detainee spent ten (10) months with the Taliban prior to being captured.) He did not spend ten months with the Taliban. He stayed on the front lines for only three months in Kabul. And then spent three more months in Konduz. With the travel time and all a total of about 7 months. He was there to help his Muslim brothers and carry out his duties.

Personal Representative: 3.a.3, (The detainee received weapons training at the Al-Farouq training camp for six weeks.) He did not know that Al-Farouq was an Al-Qaida camp until he arrived at Guantanamo. He saw it as a duty to learn how to use a weapon prior to going to the front lines.

Personal Representative: 3.a.4, (The detainee was captured by Northern Alliances forces in mid-November 2001.) He surrendered peacefully to the Northern Alliance forces and he did not have a weapon. He was told he would be turned over to his own country and was detained for about a month and a half. One guard spoke with him about getting his name, address and phone number, so they could contact his family, so he could be returned home. But instead he was turned over to U.S. forces.

Tribunal President: Do you have anything else you would like to add to that statement?

Detainee: No.

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

Personal Representative: No sir.

Summarized Answers in Response to Questions by the Tribunal Members

Q. You said you traveled to Afghanistan to help Muslim brothers fight the Russians. Do you remember what year that was?

A. No.

Q. You said you were going to fight the Russians in Afghanistan or were you going to go somewhere else?

A. In Afghanistan.

Q. Was it right after the plane crash into the World Trade Center, in New York?

A. Before.

Q. Do you know the Russians left Afghanistan?

A. Some of them are still there. In some places there are still Russians. The Taliban said there were Russians there.

Q. And you went to fight with the Taliban?

A. Yes.

Q. Did you know that the Northern Alliance is Muslim as well?

A. I didn't know the Northern Alliance would be there, I thought it was Russians.

Q. How did you get there?

A. I read on the Internet about the Taliban. I was looking for a job. The page said they need Muslims and their help. So I thought they would have jobs helping Muslims.

Q. Did they help you travel there?

A. Some of the Afghans in Saudi Arabia helped us.

Q. Did you fight with just Afghans or other Arabs?

A. Only Afghans.

Q. So, the Afghanis paid money and helped you fly to Afghanistan?

A. No, it was all my money.

Q. You fought around Kabul with the Taliban?

A. Yes.

Q. Who were you fighting?

A. The Russians there. I wasn't on the line, I was just a guard.

Q. And then you went to Konduz?

A. Yes.

Q. Who were you fighting there?

A. There are Russians there. And afterwards we were told they were Afghanis. I was obligated to guard, I didn't have a choice.

Q. Did you perform guard duties in Konduz as well?

A. Yes.

Q. And at that time it was after the plane crash into the World Trade Center? When you were in Konduz.

A. I don't remember.

Q. How long did you train at Al-Farouq?

A. Six weeks.

Q. Did you just receive AK-47 and RPG training?

A. Kalashnikov and handguns.

Q. Did you receive any other type of training?

A. No, I never got a chance. After I trained for a month I hurt my back. I received treatment and was out for about a week. I returned and tried to continue my training but couldn't.

Q. When you were captured by the Northern Alliance, were you carrying any weapons?

A. No.

Q. Were you fighting up to the time where you surrendered?

A. Not the whole time, only some of the time. I was only a guard. We only fought once or twice a week.

Q. Were you ordered to surrender by your superiors?

A. No, there was a retreat and everyone left. Because of my back pain I couldn't go. So I surrendered to the Northern Alliance.

Q. What happened to your weapon?

A. Some one took it from me.

Q. One of the Taliban?

A. An Afghan.

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

Detainee: No.

AUTHENTICATION

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[redacted] Col, USAF
Tribunal President

Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process:

[The Detainee asked the Tribunal President]: Is the masked information in addition to the information I received from my Personal Representative?
[Tribunal President]: Yes.
[Detainee]: So everything I spoke with the Personal Representative about yesterday will not be hidden, just the classified information.
[Tribunal President]: That's correct.

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

When asked by the Tribunal President if the detainee wished to make a statement to the Tribunal the detainee stated, "It is written and the Personal Representative will read it and present it to the Tribunal."

[The Personal Representative read the following statement, which was presented to the Tribunal as exhibit D-B]:

Detainee Faris Muslim Al Ansari dictated the following written statement on 20 Sept 2004 in response to his unclassified summary of evidence dated 17 Aug 2004.

In response to 3. a. of the unclassified summary [The detainee is a Taliban fighter.]

I was never a fighter for the Taliban. I never went to meetings for Taliban members and I never rode in a car with Taliban members. I had no interaction with the Taliban at all. Not everyone in Afghanistan was a member of the Taliban. The Taliban liked Arabs and tended to help out Arabs as a favor. This is because Arabs helped them fight the Russians. My father was one of those Arabs who helped the Afghans fight the Russians. The Taliban were nice to people like my father because it is a good, humane thing to do. That is to treat someone nicely, with respect, who has helped you.

In response to 3. a. 1. of the unclassified summary [The detainee lived with his family in Kabul, Afghanistan.]

This is true. I did live with my family in Kabul, Afghanistan.

In response to 3. a. 2. of the unclassified summary [The detainee's home was given to his father by the Taliban.]

The Taliban would help any Arab who came to Afghanistan. However, I never said that the Taliban gave my father a home. I only said that the Taliban helped him. For example, we asked for permission to live in Kabul and the Taliban gave it to us because

we were Arabs and my dad had helped them fight against the Russians. I told the interrogator that I thought the house might be from the Taliban. However, it could also be the home of a friend of my father's, or the Red Cross in Afghanistan could have provided it. It could even have been my father's house, I don't know for sure because I don't know how my father paid for it. This is speculation on my part because it is disrespectful for a son to ask his father how he paid for the house. I wasn't concerned about this, it was my father's business and I respected by father. However, I did know that my father wasn't working, so he had to get the money from somewhere, but I never asked him and he didn't tell me.

In response to 3. a. 3. of the unclassified summary [The detainee's father was given rewards for his service to the Taliban.]

I never said this and I don't know if it is true. My father never gave any services to the Taliban. He never fought for them, he never worked for them, and he never did anything for them. The Taliban don't speak Arabic, so they like to talk to Arabs in the street to practice their Arabic. They were like the guards here in the camp. They are learning a new language and are anxious to practice their Arabic, like when the guards here speak in Arabic to the Detainees to show what they know. When the Taliban would speak with my father in the street, they were practicing their Arabic. Their discussions with my father would be small talk, things like, "How are you?" or "Where are you from?" My father would often say I was in your country fighting the Russians and it would make them happy. However, just because he fought the Russians doesn't make him a Taliban member or an enemy combatant. My father was just proud of the fact that he had fought against the Russians in his past.

[The Detainee interrupted and stated he had additional information to add.] I have two points. Just because some one was fighting the Russians, that doesn't make them an enemy combatant. At the time, America was helping the Muslims fight the Russians. My father nor anybody from my family worked for the Taliban, Al Queda, or any organization, or in their offices. We didn't have any enemies.

In response to 3. b. of the unclassified summary [The detainee participated in military operations against the coalition.]

This is not true. This allegation is totally false. I never participated in hostilities or fought against the United States or the Northern Alliance. I have never done anything military related at all, and I don't know anything about military fighting. I never fought against the United States or Northern Alliance or any other person before or after September 11. I simply didn't do it.

In response to 3. b. 1. through 3. b. 3. of the unclassified summary [3.b.1. The detainee fought in the Mehjin Region in Tora Bora; 3.b.2. While fighting in the Mehjin Region in Tora Bora, the detainee carried a Kalashnikov rifle and an RPG-7; 3.b.3. While

engaged in combat with the Northern Alliance, the detainee fired his Kalashnikov rifle and RPG-7.]

They are not true. I don't know anything about guns or military weapons. My father had a Kalashnikov that he kept in his room, but I was not allowed to use it and I never fired it. I didn't even know how to load it, let alone clean and repair it. The only thing I know about guns is that you pull the trigger to make them fire. However, I never fired it and I never saw my father fire it. As for a RPG-7, I've only heard about it in interrogations. When I was in Afghanistan I didn't even know what a RPG-7 was, I had never even heard of it. The only possible explanation I have regarding these allegations is that I was in Jalalabad and Al Qaida was there. I was living in Jalalabad with my mother and father in the house. At that time what I knew of Al Qaida was that they were in Kandahar. I didn't know that Al Qaida was outside Jalalabad until I came here and the interrogators told me that Al Qaida fought the US outside of Jalalabad. However, I do know that fighting started when I was living in Jalalabad. The Americans would target any Arabs, not just Al Qaida or the Taliban. They would bomb Arab houses and Arab cars. Jalalabad fell to the Northern Alliance and the Northern Alliance would kill any Arab they saw. Even if you surrendered, they would just kill you. So naturally being Arab, my family decided to flee. We split up as soon as we left Jalalabad and planned to meet up again in Pakistan. The women and children were separated from the men. My father went with my mother and younger siblings. They traveled to Pakistan by automobile. I fled on foot with Abu Jahad Al-Yemani, Abu Mohamed Al-Tonasi and Jelaybeeb. Abu Jahad Al-Yemani's wife and son traveled by car with my family. My family fled by car because the Northern Alliance didn't bother with women and children. However they would inspect the cars to see if they contained Arabs or non-Arabs, Taliban or non-Taliban.

[The Detainee interrupted and stated he had additional information to add.] It is very sensitive for a foreign man to speak to an Arabic woman. When the Northern Alliance inspected the vehicle my father was able to speak to them in Pashtu, so they wouldn't know they were Arabs

The Northern Alliance was seeking out Arabs and my father could speak Pastu because he had fought with the Afghans against the Russians. I don't know much Pastu at all; I just know a few words, a very basic understanding. I speak Arabic so I would have been apprehended by the Northern Alliance, that is why we split up. Abu Jahad, Abu Mohamed and Jelaybeeb and I traveled about 20 minutes by car to get out of Jalalabad, and then we started walking. The road that we took was very treacherous. We walked an extremely long distance and passed many villages. Always there were Afghans walking with us. Afghans from the local areas would help us get through the villages and would escort us to the next village. We would always enter the villages secretly. Sometimes we would spend the night in a villager's house, we would eat and sleep and then we would start walking again in the morning. About two days before we made it to Pakistan, we arrived in an area that had high mountains. It was very icy and cold; there were no houses in this area. We climbed up the mountain and climbed down the other side. The

Afghan who was our guide told us that we were in Pakistan. We continued to walk a long distance until we saw what looked like a small village. That was when we saw the Pakistan Army. When I first saw them, they were very friendly. They welcomed us in their huts; they weren't houses but small rooms made out of wood. They gave us food, clothes and a place to sleep. I stayed there approximately 5 days. During this time was the holiday of Eid. During Eid we stayed here and prayed with the Pakistanis and celebrated the Eid holiday. We stayed in a hut with a Pakistani who stayed there with us and we didn't venture out much unless it was to go to the bathroom or to fetch water. About 2 days after the Eid holiday, very late at night, we were told that we would be taken to Beshawar. This is the city that I was supposed to meet my father. We were told that they couldn't take us together and that they would have to take us one at a time. At this time they started treating us very rough. They bound our hands, covered our eyes and searched us. We weren't allowed to talk. If we moved they would hit us. I was the second one to be taken to Beshawar. I got in the vehicle and I haven't seen my friends Abu Jahad, Abu Mohamed and Jelaybeeb since. I requested to call Abu Jahad Al-Yemani, Abu Mohamed Al-Tonasi and Jelaybeeb as witnesses to testify that what I have told you is the truth, but I was told that they could not be found and were not reasonably available. I also tried to call my father as a witness, but he could not be located either. Before I arrived in Beshawar, they put me in a jail in another city. I don't recall the name of this city, but it should be in my file. I don't know if anyone was with me because I was blindfolded and wasn't allowed to take it off. That was when they tied my feet with chains. I was in this prison a day or two, and then they put me in a large truck that took me to Beshawar. I was in the truck about a day, but most of the time it wasn't moving. When I arrived at the prison in Beshawar, they took off my handcuffs but my feet were still bound. I got there at night and around night time the next day I was put in a room with other Arabs and we were allowed to talk. I stayed there for about 10 days, and then the Americans took me from Beshawar to Kandahar. I stayed in Kandahar for about 7 months, and then I was brought here.

[The Detainee interrupted and stated he wanted to add additional information.] Abu Mohamed and Abu Jahad were old friends of my father. They were friends from the war against the Russians. The first time I met Jelaybeeb is when we escaped from Jalalabad. The Pakistanis took the money I had when they searched us. I then spoke with one of the Sheiks at the Mosque and pointed out the soldier that took my money. The Sheik spoke with the solider and made him give me my money back. I had about 500 Saudi that was given to me by Jelaybeeb, $100.00 from my father, and very little Afghani money that was mine.

In response to 3. b. 4. of the unclassified summary [The detainee was captured without identification as he attempted to flee into Afghanistan.]

This is true because I didn't have any papers. I was fleeing for my life and I have never had any identification paper work. I have never had a license, passport or even an Identification card. I've never had anything like that. I had money, but one of the Pakistani's who searched me took away my money. This was during the 5 days I stayed

in the village after crossing the boarder into Pakistan. I spoke to the Sheik at the mosque where I prayed during the 5 days I spent in the Pakistani village and I pointed out the Pakistani who took my money. The Sheik made him give it back to me. However, when they took me to jail, they took all our belongings.

[The Personal Representative then stated that the detainee affirmed that the written testimony was accurate and signed and dated the form.]

[The Tribunal President then asked the detainee if he swore that everything the Personal Representative read was true.] [The Detainee answered]: "Yes." [The Tribunal then considered the information presented by the PR and the detainee to be under oath.]

When asked by the Tribunal President if the Detainee had any other statements he would like to make at this time, the Detainee stated, "yes" and provided the following: From the interrogations I found out that witnesses have spoken concerning me. And they told me the name of one of these witnesses. While this witness was detained here he switched religions from Muslim to Atheist. So, there were problems between he and I, so that might cause this man to say something that was not true. It is possible that some one might have seen a face, looked at a picture, or heard a name. A lot of the detainee pictures look alike and a lot of the names sound alike. This is what they told me in the interrogation. They said they had witnesses and in the end they told me the witnesses weren't sure.

About point (a) in the unclassified summary. I noticed that most of the accusations are against my father, not me. I didn't have the means or was I able to leave or go somewhere else other than where my father was.

Summarized Answers in Response to Questions by the Tribunal Members

Q. You say you are of Arab descent, where do you come from?

A. From Yemen.

Q. Did you move to Yemen with your family or did you move by yourself?

A. I don't remember when I left Yemen, I was only about four years old. My whole family moved to Pakistan. We lived in Pakistan during the war with the Russians. My father would leave and go to Afghanistan to fight the Russians. After the Taliban entered Afghanistan and the condition were good for living we moved there.

Q. You moved to Kabul, correct?

A. We first moved to Jalalabad, then to Kabul, and back to Jalalabad.

Q. Did you know about the fighting between the Taliban and the Northern Alliance?

A. Yes, when we were in Kabul. That's the reason we left and went to Jalalabad. The Northern Alliance would drop bombs on Arab houses in Kabul. Kabul was very close to the fighting.

Q. Did you ever believe, or did you think, or was it ever explained to you that there was a Jihad against the Northern Alliance by the Taliban?

A. I just knew that the Taliban had been fighting since they came in, they were always fighting. After the Russians left Afghanistan, the Afghanis started fighting each other. So, the Taliban was formed as an Islamic government. They began fighting until the fighting reach Kabul.

Q. Did you participate or help the Taliban against the Northern Alliance in anyway?

A. No.

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

A. No.

Q. Have you ever received any military training?

A. No.

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

A. No.

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

A. No.

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

Detainee Faris Muslim Al Ansari dictated the following written statement on 20 Sept 2004 in response to his unclassified summary of evidence dated 17 Aug 2004.

1. In response to A of the unclassified summary, I was never a fighter for the Taliban. I never went to meetings for Taliban members and I never rode in a car with Taliban members. I had no interaction with the Taliban at all. Not everyone in Afghanistan was a member of the Taliban. The Taliban liked Arabs and tended to help out Arabs as a favor. This is because Arabs helped them fight the Russians. My father was one of those Arabs who helped the Afghans fight the Russians. The Taliban were nice to people like my father because it is a good, humane thing to do. That is to treat someone nicely, with respect, who has helped you.

2. In response to A1 of the unclassified summary, this is true. I did live with my family in Kabul Afghanistan.

3. In response to A2 of the unclassified summary, The Taliban would help any Arab who came to Afghanistan. However, I never said that the Taliban gave my father a home. I only said that the Taliban helped him. For example, we asked for permission to live in Kabul and the Taliban gave it to us because we were Arabs and my dad had helped them fight against the Russians. I told the interrogator that I thought the house might be from the Taliban. However, it could also be the home of a friend of my father's, or the Red Cross in Afghanistan could have provided it. It could even have been my father's house, I don't know for sure because I don't know how my father paid for it. This is speculation on my part because it is disrespectful for a son to ask his father how he paid for the house. I wasn't concerned about this, it was my father's business and I respected by father. However, I did know that my father wasn't working, so he had to get the money from somewhere, but I never asked him and he didn't tell me.

EXHIBIT D-B

4. In response to A3 of the unclassified summary, I never said this and I don't know if it is true. My father never gave any services to the Taliban. He never fought for them, he never worked for them, and he never did anything for them. The Taliban don't speak Arabic, so they like to talk to Arabs in the street to practice their Arabic. They were like the guards here in the camp. They are learning a new language and are anxious to practice their Arabic, like when the guards here speak in Arabic to the Detainees to show what they know. When the Taliban would speak with my father in the street, they were practicing their Arabic. Their discussions with my father would be small talk, things like, "How are you?" or "Where are you from?" My father would often say I was in your country fighting the Russians and it would make them happy. However, just because he fought the Russians doesn't make him a Taliban member or an enemy combatant. My father was just proud of the fact that he had fought against the Russians in his past.
5. In response to B of the unclassified summary, this is not true. This allegation is totally false. I never participated in hostilities or fought against the United States or the Northern Alliance. I have never done anything military related at all, and I don't know anything about military fighting. I never fought against the United States or Northern Alliance or any ~~person~~ other person before for after September 11. I simply didn't do it.
6. In response to B1 through B3 of the unclassified summary, they are not true. I don't know anything about guns or military weapons. My father had a Kalashnikov that he kept in his room, but I was not allowed to use it and I never fired it. I didn't even know how to load it, let alone clean and repair it. The only thing I know about guns is that you pull the trigger to make them fire. However, I never fired it and I never saw my father fire it. As for a RPG-7, I've only heard about it in interrogations. When I was in Afghanistan I didn't even know

what a PRG-7 was, I had never even heard of it. The only possible explanation I have regarding these allegations is that I was in Jalalabad and Al Qaida was there. I was living in Jalalabad with my mother and father in the house. At that time what I knew of Al Qaida was that they were in Kandahar. I didn't know that Al Qaida was outside Jalalabad until I came here and the interrogators told me that Al Qaida fought the US outside of Jalalabad. However, I do know that fighting started when I was living in Jalalabad. The Americans would target any Arabs, not just Al Qaida or the Taliban. They would bomb Arab houses and Arab cars. Jalalabad fell to the Northern Alliance and the Northern Alliance would kill any Arab they saw. Even if you surrendered, they would just kill you. So naturally being Arab, my family decided to flee. We split up as soon as we left Jalalabad and planned to meet up again in Pakistan. The women and children were separated from the men. My father went with my mother and younger siblings. They traveled to Pakistan by automobile. I fled [redacted] on foot with Abu Jahad Al-Yemani, Abu Mohamed Al-Tonasi and Jelaybeeb. Abu Jahad Al-Yemani's wife and son traveled by car with my family. My family fled by car because the Northern Alliance didn't bother with women and children. However they would inspect the cars to see if they contained Arabs or non-Arabs, Taliban or non-Taliban. The Northern Alliance was seeking out Arabs and my father could speak Pastu because he had fought with the Afghans against the Russians. I don't know much Pastu at all; I just know a few words, a very basic understanding. I speak Arabic so I would have been apprehended by the Northern Alliance, that is why we split up. Abu Jahad, Abu Mohamed and Jelaybeeb and I traveled about 20 minutes by car to get out of Jalalabad, and then we started walking. The road that we took was very treacherous. We walked an extremely long distance and passed many villages. Always there were Afghans walking with us. Afghans from the local

areas would help us get through the villages and would escort us to the next village. We would always enter the villages ~~very cautiously~~ Secretly. Sometimes we would spend the night in a villager's house, we would eat and sleep and then we would start walking again in the morning. About two days before we made it to Pakistan, we arrived in an area that had high mountains. It was very icy and cold; there were no houses in this area. We climbed up the mountain and climbed down the other side. The Afghan who was our guide told us that we were in Pakistan. We continued to walk a long distance until we saw what looked like a small village. That was when we saw the Pakistan Army. When I first saw them, they were very friendly. They welcomed us in their huts; they weren't houses but small rooms made out of wood. They gave us food, clothes and a place to sleep. I stayed there Approximately 5 days. During this time was the holiday of Eid. During Eid we stayed here and prayed with the Pakistanis and celebrated the Eid holiday. We stayed in a hut with a Pakistani who stayed there with us and we didn't venture out much unless it was to go to the bathroom or to fetch water. About 2 days after the Eid holiday, very late at night, we were told that we would be taken to Beshawar. This is the city that I was supposed to meet my father. We were told that they couldn't take us together and that they would have to take us one at a time. At this time they started treating us very rough. They bound our hands, covered our eyes and searched us. We weren't allowed to talk. If we moved they would hit us. I was the second one to be taken to Beshawar. I got in the vehicle and I haven't seen my friends Abu Jahad, Abu Mohamed and Jelaybeeb since. I requested to call Abu Jahad Al-Yemani, Abu Mohamed Al-Tonasi and Jelaybeeb as witnesses to testify that what I have told you is the truth, but I was told that they could not be found and were not reasonably available. I also tried to call my father as a witness, but he could not be located either. Before I arrived in Beshawar, they put me in a

jail in another city. I don't recall the name of this city, but it should be in my file. I don't know if anyone was with me because I was blindfolded and wasn't allowed to take it off. That was when they tied my feet with chains. I was in this prison a day or two, and then they put me in a large truck that took me to Beshawar. I was in the truck about a day, but most of the time it wasn't moving. When I arrived at the prison in Beshawar, they took off my handcuffs but my feet were still bound. I got there at night and around ~~noon~~ night time the next day I was put in a room with other Arabs and we were allowed to talk. I stayed there for about 10 days, and then the Americans took me from Beshawar to Kandahar. I stayed in Kandahar for about 7 months, and then I was brought here.

7. In response to ~~B1 through B3~~ B4 of the unclassified summary, this is true because I didn't have any papers. I was fleeing for my life and I have never had any identification paper work. I have never had a license, passport or even an Identification card. I've never had anything like that. I had money, but one of the Pakistani's who searched me took away my money. This was during the 5 days I stayed in the village after crossing the boarder into Pakistan. I spoke to the Sheik at the mosque where I prayed during the 5 days I spent in the Pakistani village and I pointed out the Pakistani who took my money. The Sheik made him give it back to me. However, when they took me to jail, they took all our belongings.

8. I affirm that the written testimony above is accurate.

NAME: فارس مسلم الأنصاري DATE: ٢٠٠٤/٩/٢٢

SUMMARIZED WITNESS TESTIMONY:

Tribunal President: Ashraf Salim, you are here by advised that the following applies during this hearing. You may be present at all open sessions of the Tribunal. However, if you become disorderly, you will be removed from the hearing and the Tribunal will con... [Detainee interrupts Tribunal President before she could complete her sentence.]

Detainee: How would I disturb order?

Tribunal President: Becoming too emotional. Not listening to the Tribunal.

Detainee: I will not do any of that.

Tribunal President: It was a warning, just in case.

Detainee: I just understood that, disturbing the order. That I am not going to be doing that.

Tribunal President: I'll start that sentence over. If you become disorderly, you will be removed from the hearing and the Tribunal will continue to hear evidence in your absence. You may not be compelled to testify at this Tribunal, however you may testify if you wish to do so. Your testimony can be under oath or not under oath. You may have the assistance of a Personal Representative at the hearing. Your assigned Personal Representative is present. You may present evidence to this Tribunal, including the testimony of witnesses who are reasonably available and whose testimony is relevant to this hearing. You may examine documents or statements offered into evidence other than classified information. However, some documents may be partially masked for security reasons. Ashraf Salim, do you understand this process?

Detainee: Yes, I understand, but I think some of these procedures are reasonable and others are not reasonable.

Tribunal President: Okay, so noted. Do you have any questions concerning the Tribunal process?

Detainee: We are getting into classified and unclassified. All this is just about me proving what I did. If I did the things I did, I would admit that I did. Things I didn't do, I will say clearly I didn't do them. But if the Tribunal is saying there are classified things, classified information - they have to prove that. I am not asking to see the witnesses, if you have any. I need just their names to prove that your documents are true. I think this is not justice if you accuse someone based on the classified information. This is not justice; it is not right. It hasn't been witnessed in the whole human history. If you base your judgments or the accusations against me on classified information, then there is not need to continue. Let's just stop it right here.

Tribunal President: Ashraf Salim, I have classified information that is being presented by the Government. If we release all of that information, it could cause harm to the national security of the United States.

Detainee: What harm or danger could you expect from someone in shackles who cannot even move, like me?

Tribunal President: There is an opportunity later on in this process for you to communicate with your family or other people outside of this compound. If you have information that could harm the United States, we cannot release that information at this point.

Detainee: So if I want to help myself by bringing witnesses or documents of things that are outside this place, how can I do that?

Tribunal President: You had the opportunity to ask for witnesses. Personal Representative, did you offer the Detainee the opportunity to ask for witnesses?

Personal Representative: Yes, Ma'am.

Detainee: That is true, the Representative told me I could contact witnesses. But I had to go through the Representative. I refused that and I want to talk to my witnesses personally.

Tribunal President: The only way that you can ask for a witness is through the Personal Representative. We must involve the U.S. Government to communicate with your Government to find the witness.

Detainee: I guess they will not contact these people, but will imprison them. As far as I know, in all the history of the human race, I don't think there have been any Tribunals of this forum or this kind. You did swear to do your job rightfully and just. Unfortunately, now you are just following orders or a pre-determined way of conducting this Tribunal.

Tribunal President: Ashraf Salim, you are correct. There is a higher authority and we have to follow the rules of this Tribunal. I cannot change the rules of this Tribunal. Right now you have the option of participating in this Tribunal or not participating.

Detainee: I will participate under one condition. I want to be allowed to talk personally to the witnesses. You control the forum, but I want to talk to the witnesses personally. For me to give you the name and numbers of somebody, I know soon I will see that person here next to me.

Tribunal President: Ashraf Salim, you do have the option of communicating with a witness through the U.S. Government. That is the only option.

Detainee: I know my fate is already predetermined and the judgment has been pronounced already. So this Tribunal is just for show and it is not real. Everybody is reading from papers that are already printed and everything is already pre-determined. I know for sure my destiny is already determined. The judgment against me is already made up. My presence, me defending myself or not defending myself, will have no importance whatsoever.

Tribunal President: Ashraf Salim, we have not seen any classified information. We will base our decision on unclassified and classified information. If you want to have a witness here, we will allow for a witness. But we have to make a decision right now on whether you want to participate or you do not want to participate. Ashraf Salim, I will ask you one more time. Do you want to participate in this Tribunal?

Detainee: One thing, is this unclassified document [referring to the Unclassified Summary of Evidence] what the Personal Representative showed me? Or is it something else?

Tribunal President: Yes, that is the unclassified summary of evidence.

Detainee: There is no proof of all this. So give me the proof. You just swore to be fair and just. But again, don't just go by what is given to you. You have to go by what's right and what's correct.

Tribunal President: Ashraf Salim, you have the opportunity to give us your statement. If you don't want to give us a statement right now, then we will stop this proceeding and allow you to go back to your room.

Detainee: Before I answer this question, I would like to ask you one more question. The classified information is going to stay classified until when?

Tribunal President: It will stay classified forever.

Detainee: I will not have a chance to take a look at the information?

Tribunal President: No.

Detainee: Then there is no need for us to continue talking. That means you just made your decision and that is it.

Tribunal President: Ashraf Salim.

Detainee: You are telling me that you have classified information or classified proof and I am not allowed to read it or see it? So where is the justice here?

Tribunal President: Ashraf Salim, do you want to participate in this Tribunal? Yes or no?

Detainee: No. Under this way, no. But I want to participate in a just way. Not this way.

Tribunal President: This Tribunal is in recess until the Detainee can be removed.

Recorder: All rise.

The hearing recessed and reopened. All parties, with the exception of the Detainee were present.

Recorder: All rise.

Tribunal President: Be seated. We will continue without the Detainee being present. We will go to the in absentia script. Okay, we are going to start at the point where we decided to admit the Detainee form. But first let's confirm the Detainee received his rights and understood his rights.

The Personal Representative stated he notified the Detainee of his right to be present; his right to make a sworn or unsworn statement; his right to the assistance of a Personal Representative; his right to present witnesses and evidence; and his right to review unclassified evidence. The Personal Representative stated the Detainee verified he understood those rights, as well as the Tribunal process.

The Personal Representative submitted Exhibit D-A as evidence to the Tribunal.

The Tribunal President was satisfied the Detainee understood his rights and ordered the proceedings to continue without the presence of the Detainee.

The Recorder submitted Exhibits R-1 and R-2 as evidence to the Tribunal. The Recorder summarized the general nature of the unclassified evidence. The Recorder had no further evidence and no witnesses to present to the Tribunal and requested a closed, classified session for presentation of classified evidence.

The Personal Representative had no evidence from the Detainee to present to the Tribunal.

The Personal Representative then presented notes from the previously assigned Personal Representative (Personal Representative #31), who had to turn over the case to the current Personal Representative because the previously signed Personal Representative transferred.

Personal Representative: The Detainee stated he surrendered and he was not arrested or captured. Detainee was a teacher at an elementary/high school. Detainee denies all fighting in Afghanistan. Detainee denies any relationship with Al Qaeda. Detainee stated he fled Kabul prior to the bombing and stayed in Jalalabad. Detainee stated he left the LIFG four years prior to September 11th 2001 and has had no connection since.

Tribunal President: Thank you. Personal Representative, do you have any other evidence to present to this Tribunal on behalf of the Detainee?

Personal Representative: No, Ma'am.

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

AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President

ISN#263
ENCLOSURE (3)