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.

Tribunal President: Oibek, do you understand this process?

Detainee: Yes, I do.

Tribunal President: Could you please speak up, so we can hear you.

Detainee: I speak in Farsi, and you wouldn't understand anyways.

Tribunal President: It doesn't matter; we want to make sure that we recognize that you are answering the questions.

Detainee: That's fine.

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

The Tribunal President stated that the detainee wants to participate and that the detainee has a written statement to submit.

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

Tribunal President: Oibek, you may now present any evidence you have to the tribunal or you may respond to any of the allegations on the unclassified summary. You have the assistance of your Personal Representative in doing so.

Detainee: I would like him to read my statement.

The Detainee did take the Muslim oath.

Tribunal President: Oibek, will the statement respond to the allegations on the unclassified summary?

Detainee: You mean, the allegations that she (the recorder) wrote, that she read?

Tribunal President: That she read, and that you were presented during your initial interview.

Detainee: These allegations are not true.

Personal Representative: May I?

Tribunal President: Yes.

Personal Representative: What I recommend we do is that I will provide the tribunal your story, as we discussed. I can read to you each allegation and you can provide a short response, true, not true, to support the facts.

Detainee: That's fine.

The Personal Representative submits the detainee's statement as exhibit D-b.

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

3.a. The detainee has supported the Taliban and al Qaida.

3.a.1. The detainee admitted that he was a member of the Islamic Movement of Uzbekistan (IMU).

Detainee: Should I answer now? I never admitted to this, I have never been part of this.

3.a.2. The IMU appears in the United States Department of Homeland Security, "Terrorist Organization Reference Guide."

Detainee: Should I answer? Yes, I served in the national army of Uzbekistan; and I've been fighting against this IMU and these Islamic terrorist organizations. I agree that the IMU is a terrorist organization, but I have nothing to do with them. As a soldier in Uzbekistan, I have been fighting against these groups. I took the oath and I swear it, that I will fight these groups, as a soldier, I took the oath.

3.a.3. The detainee admitted to attending IMU terrorist training camps.

Detainee: No, I never did that; I never did any of it in Afghanistan or Tajikistan. I never did any training. I received my training from the Uzbekistan National Army, while serving as a soldier. That's the law of Uzbekistan.

3.a.4. While in Afghanistan, the detainee stayed in a safe house owned by the Libyan Islamic Fighting Group (LIFG).

Detainee: No, I have seen Arabs here, in Cuba, I have never seen Arabs before in my life. In twenty-five years of my life, when I was twenty-five years old, before they brought me here, I never seen Arabs before in my life.

3.a.5. The Libyan Islamic Fighting Group (LIFG) appears in the United States Department of Homeland Security, "Terrorist Organization Reference Guide."

Detainee: I have heard about this group here. Two days ago, my P.R. told me about it. Before that, I never knew such a thing existed, the Libyan Islamic Fighting Group.

3.a.6. The Libyan Islamic Fighting Group, a listed terrorist organization with black market contacts, reportedly is used by al Qaida to obtain travel documents.

Detainee: Which group was that? I just heard about it from you. I didn't know what you are talking about.

3.b. The detainee participated in military operations against the United States and its coalition partners.

3.b.1. The detainee made a conscious decision to fight with the Taliban.

Detainee: That's not true. I never made that decision. I never supported the Taliban and I'm against their laws and rules.

3.b.2. The detainee participated in fighting between the Taliban and the Northern Alliance.

Detainee: I am 26 years old, and so far I haven't seen any war. I never picked up or touched a gun. I never have been hurt by gun or by war.

Detainee: Is she a judge? Are you a judge? (Directing this question to the Tribunal President)

Tribunal President: No, I'm a Tribunal Military Officer. This is not a court.

Detainee: I have a question for this Major.... (Referring to the Recorder)

Tribunal President: You will present all of your questions to this Tribunal team.

Detainee: That's fine. (Still facing the Recorder)

Tribunal President: That question still needs to come to us.

Detainee: This young lady, with five or six accusations, I would like to ask you, where did she get all this information? Does she have any proof?

Tribunal President: The Government is presenting this information to this Tribunal.

Detainee: At least if one of these had evidence, if it was true, people could read. What she said, I have been in Afghanistan for approximately one year and seven months. I had

a wife, I had a mother, I had two kids to support, and you're telling me that I did all these findings, and I was supporting and cooperating with all these groups. I mean, who would give the time? Who will get the time to take care of his family and fight? I have to work there to support my family. These things are kind of funny because if at least one of them were true then somebody could believe in them. I still don't know where you got that information. How would I have divided my time? To work, support my family, and at the same time, get military training, terrorist training, and go to war; logically, it's impossible. It wasn't up to me to go to Afghanistan. I don't take any responsibility for going there. I know that Afghanistan is a horrible place. While I was there, I was busy selling and buying sheep and chickens that would support my family. I'm not guilty of going to Afghanistan. The government of Uzbekistan lied to us. They are responsible for us, and they kicked us out of Uzbekistan and sent us to Afghanistan. They forced us to go.

Tribunal President: Does this complete your statement?

Detainee: At this point, yes, but, I would like to talk more about these allegations.

Tribunal President: We will ask you some questions.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. When you were in Afghanistan, what was your job?
A. While I was in Afghanistan, I was buying and selling sheep, chickens and goats in the city of Sheberghan, in the provinces of Meymaneh, and Aqchan. Between these cities and provinces I would bring my trading business. I also went to two more places, Mazar-E-Sharif and Kondoz.

Q. Did you live around other people from Uzbekistan?
A. No.

Q. Did you associate with anybody that was a member of the IMU? (Islamic Movement of Uzbekistan?)
A. No.

Q. In reading your statement, I see that part of your trip was made by helicopter. Were there any soldiers on that helicopter?
A. Yes. There was a Russian general, with security guards, and Russian soldiers that were working on the border. They were there also.

Q. Why do you think you were sent to Afghanistan?
A. They didn't tell us in the beginning. In the beginning, they told us that the Foreign Minister of Uzbekistan had said that we can come back to our country and that they aren't going to put us in jail. There will be some work for us and we thought what they

said was true. But, instead of taking us to Uzbekistan, they just brought us to Afghanistan. They fooled us.

Q. Did they force you to get on the helicopter?
A. Yes. Nobody can complain over there. It was like a desert. At the border, it was like a desert. There was a military building, and Russian soldiers. We didn't have much of a choice because if somebody complained, there were soldiers there that could've killed us.

Q. Is Uzbekistan a Muslim country?
A. Yes.

Q. How would you describe the government of Uzbekistan?
A. Uzbekistan used to be under Russian control. After the communist government fell apart, Uzbekistan became a separate country. Now it's an independent country.

Q. I'm trying to figure out why he says his brother was jailed once for growing his beard long and going to a mosque. Why would he go to jail for growing his beard long, and going to a mosque?
A. I was in the military service at that time. I did not witness this. My cousin came to meet us there. After my cousin told me that my brother was in prison for growing his beard and going to a mosque, they freed him. He was in jail for one week. They just questioned him and then they released him. The government asked him why did he grow his beard and go to the mosque. They punished him a little, and then they let him go.

Q. Does the government dislike Muslims?
A. Twenty-four million of the population in Uzbekistan is Muslim.

Q. You said you went to Tajikistan; you left Uzbekistan to go to Tajikistan?
A. I didn't leave Uzbekistan; I went with my brother to Tajikistan and I lost my passport over there, I have no way of returning back home.

Q. Why didn't you go to the Uzbekistan Embassy and get it replaced?
A. Well, actually, in Tajikistan, the area where we were, there wasn't an embassy. It's very hard to go contact the embassy and get a passport. Usually they don't give passports to anybody. In Tajikistan, every city or province is located like in the mountains. I had no way of going to the embassy and replacing my passport. I was packing in Tajikistan about four months and the United Nations hospital. Without a passport, being there in the hospital, you can't travel, and you can't travel anywhere in Tajikistan. I wanted to go back to Uzbekistan, but I couldn't without a passport.

Q. Ok, I read this to say that someone, an Uzbekistan official, somehow conveyed to you that it was okay for you to return back to Uzbekistan, is that right?
A. That's true. I heard it over the radio, television and the President of Uzbekistan advertised it and told all the refugees. He invited all Uzbek refugees back from Tajikistan because they couldn't cross the border without a passport. He promised us that he's not going to put us in jail, and he was going to provide us some jobs.

Q. But when you tried to go back to Uzbekistan, the Uzbekistan government caused you to be sent to Afghanistan?
A. That was the government of Tajikistan who sent us to Afghanistan. This is how it was. When I was in Tajikistan, somebody, some official from Tajikistan government, came and told us that Abdul Aziz Kamilov, the foreign minister of Uzbekistan, promised that if you guys go back to your country they aren't going to put you in jail. Abdul Aziz Kamilov didn't say that to us, an official from Tajikistan told us that the foreign minister of Uzbekistan, Abdul Aziz Kamilov, told our government to send all refugees. Send all Uzbekistan refugees back to Uzbekistan, and we aren't going to put them in jail. That person lied to us, and we believed him.

Q. Why do you suppose that Tajikistan wanted to send you to Afghanistan rather than send you home?
A. This is a big headache for myself. I still don't know why they did that, and I still don't know why they told us they are going to send us back home. Instead, they send us to Afghanistan. Its bothering me a lot too.

Q. Where did they first leave you in Afghanistan?
A. It was in the desert, the other side of the border. There wasn't any houses, or anything; I don't know the name of that area.

Q. Did you think about trying, once you got in Afghanistan, to go back to Uzbekistan?
A. I tried twice.

Q. What happened?
A. Once, while I was in Sheberghan, I asked the Afghan Uzbeks over there, is there any way for me to go back to my country, Uzbekistan? They told me there's only one way to go from Afghanistan to Uzbekistan. From that city of Sheberghan, through the country of Turkmenistan. But you need to have a passport to cross through immigration. I didn't have a passport, and nobody would give me an Afghan passport because I was from Uzbekistan, and nobody would give me a Turkmenistan passport. So, I was stuck there.

<u>Tribunal President's questions.</u>

Q. I'm still not clear as to the reason you left Uzbekistan?
A. My brother is four years older than me, OlegBek. I was at my home with my brother, when Olegbek called me. I was in my village called Manangegan. He asked me what I was doing and have I gotten married. I said no. I finished my service in the Army and I'm planning on getting married. He asked me to come to Tashkent, the capital of Uzbekistan, to meet him over there. There was a big bazaar, called World Market; he called me to come over there. He told me to come over there; he was going to give me some money so I can get married, and buy a car. Six hundred dollars, that's what he told me he was going to give me.

Q. So you went to Tashkent, and then what happened?
A. He told me in the city of Tashkent that we got to take some products and go to Tajikistan to make some money. The Tajikistan guards have some very nice apples. We are going to buy some apples from Tajikistan and go to Russia and sell them over there. In order to make the money, he took me with him to Tajikistan. He said he must meet some of his business friends over there in Tajikistan, and there is where I lost my passport. I didn't know if my brother took it, or somebody else stole it from me. I was sleeping and I woke up in the morning I couldn't find my passport. I had three documents with me. I had my military identification card, I had a regular identification card, and I had my passport.

Q. Are all of those lost?
A. Yes, somebody took it during the night. At least if I had one of these I.D's from one of these three documents that I had with me, I could go back to Uzbekistan. But, they took all of them from me.

Q. How did you get into Afghanistan without a passport?
A. Our trip had been arranged by the Tajikistan government. They brought a bus; they asked us to get on it. We believed in that, and I don't know how they are going to send us over there.

Q. So, when you got to the Afghanistan border, they didn't stop the bus and ask everybody to show some type of I.D. or a passport?
A. Actually, the Tajikistan Government was happy to get rid of all the refugees because of all these hungry refugees used to come to Tajikistan. They were trying to clean Tajikistan. There are policemen there, they were all happy that we were leaving their country. They gave us food; they were so happy that we had to go to Afghanistan. They provided us food and they were very nice to us.

Q. But, that's not answering my question. Why would Afghanistan allow you to come in to that country without passport or identification?
A. In Afghanistan, the government doesn't have any control over the borders. There's nobody there. It's deserted. There's no trees, no people, and there are no houses. There wasn't even a bird there, nothing.

Q. And you said you arrived in Afghanistan in 1999?
A. November.

Q. November 1999?
A. Approximately.

Q. Okay. So, you'd spent two years, when were you captured?
A. No, one year and seven months. Approximately.

Q. When were you captured?
A. It was 2001. I'm not sure.

Q. Was it cold or warm, summer, spring?
A. October, I think. October 25th.

Q. Where were you captured?
A. I was given to the Americans in Bagram AB. That's what they told me, it was Bagram.

Q. Where you in the city of Bagram? Where exactly were you captured?
A. Nobody captured me. I voluntarily came to Bagram AB. There was a soldier there, Astad Atha. These people brought me to Bagram AB.

Q. Why?
A. Those people told me that we are going to take you to General Fahim. They told us, there's a new government in Afghanistan, the government of Karzai. Since you are immigrants from Tajikistan, the new government will give you a new identification card. They told me they were going to take us somewhere in Kabul or close to there. Once we arrived at Bagram AB, they told me where I was, and they told us to get out of the car. There, I saw American soldiers. They just took me inside, they questioned me, and they kept me for a few days. I've been detained since then.

Q. You indicated at one point that you were in the hospital, why were you in the hospital?
A. I have a liver disease. Hepatitis C. I have Hepatitis C. (The detainee answers this question in clear English.)

Tribunal President: You speak English?

Detainee: Yes.

Tribunal President: A little bit? Hepatitis C?

Detainee: Because of that disease, I was in U.N. hospital in Tajikistan.

Q. Had any of the fighting begun by the time you volunteered and turned yourself in?
A. There wasn't any fighting. All the fighting was over by then. The government of Karzai was established by that time. It was a new government.

Q. The U.S. had not started bombing in the Kabul area?
A. That was over, and everything was in American control then.

Q. You indicated, when you were answering the allegations in the unclassified summary, that you were fighting against the IMU. Why were you fighting them?
A. I wasn't fighting. I was serving in our national army of Uzbekistan. In our country, as a soldier, when you take the oath, you have to serve your army, serve your country and government. I was part of that army that was fighting the IMU. I was serving in the

border of Uzbekistan and Afghanistan. I was protecting the borders of Uzbekistan. We have commanders, they taught us, and I heard of IMU over there. They taught us that there's a group over there, they might attack us, and my job as a soldier was to protect Uzbekistan's borders. I was doing my job. I served approximately for six months in the borders of Uzbekistan and Afghanistan. We have been told there are some bad Uzbeks over there. After that, they transferred me to Tashkent, Uzbekistan, and I was serving there in the airport, a civilian airport.

Tribunal President: That's all the questions I have, does anyone else have any more questions?

Detainee: I have one question, that you haven't answered. Again, I would like to know where the Recorder got her evidence of all those accusations. They are not true.

Tribunal President: The government provided the information to the Recorder, and the Recorder is just presenting it for the government. We don't know exactly where it came from at this point. If you remember earlier, the Recorder indicated that she had classified information for us. It's our responsibility to consider your information, your comments, your statements, as well as the government's information.

Detainee: I'm a little person, of course, it's your job and you will make the decision. But, I'm just wondering about these five or six allegations. At least, if one of them were true, it wouldn't have been so funny. But, all of them are so wrong. Practically nobody will have the time to run the family and do whatever you're telling me that I did.

Tribunal President: Do you have any other comments?

Tribunal President: Personal Representative, do you have questions?

Personal Representative: Yes, a point of clarification is Gorham in Tajikistan or Uzbekistan?

Detainee: Tajikistan.

Personal Representative: That needs to be corrected on the detainee's statement.

Tribunal President: I see. Okay, thank you.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The detainee has a question about the process.

Detainee: Where are going to send me, exactly?

Tribunal President: Is Uzbekistan your country?

Detainee: But my mother, my wife, and my two kids they are not in Uzbekistan. They are somewhere else.

Tribunal President: Where are they?

Detainee: They are in Saudi.

Tribunal President: Ok, we'll take note of that. We don't make the decision of where you need to go, the government makes that decision, but we will take note. If I understand you correctly, you're requesting to go to Saudi Arabia?

Detainee: No, I don't want to go to Saudi.

Tribunal President: Where do you want to go?

Detainee: I want to go to the United States. First, I want to go to the United States, that's my first wish. But, if the United States won't let me go there, then I would like to go back to my country, Uzbekistan.

The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

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

Colonel, United States Army
Tribunal President

Summarized Unsworn Detainee Statement

Pres: I have reviewed exhibit D-a and the Detainee has elected to participate in the Tribunal and has no witnesses to call.

Det: I have no witnesses in the camp. I have witnesses in my homeland.

Pres: Since they are not here, those witnesses are not reasonably available. Had you identified any witnesses in your previous interviews, we may have been able to contact them, but, at this time, they are not reasonably available.

Det: She (Personal Representative) didn't mention anything about witnesses in Afghanistan. She just mentioned the camp here.

Pres: We will continue. We cannot make your witnesses available at this time, since they were not mentioned earlier.

Summarized Sworn Detainee Statement

It is said that I was captured in Konduz, Afghanistan, but I was not. It was in a place called Pol I Khomri District. I was captured in a mall. I was captured with some Hazaris and some Tajiks. I was in prison with them for a little while.

They said they wanted to bribe me and when I refused the bribery, they handed me over to the Americans. I was happier when they banded me over because at least the Americans will ask me what charges. I had no money to bribe my way out. I am a poor person.

The Americans were going to ask me who I was and for what reason I was in prison, so I was happy.

It was all about money. When they put you in prison, they ask you for dollars and try to bribe you there. They don't ask you what charges you are in prison for.

I never had weapons with me. I was working with the current government in Afghanistan and they took me off the streets. I was in a car and one of the warlords of my current government forced me into a car and captured me.

When I was in prison, Americans took me to Kandahar and from Kandahar, I was taken to Bagram. I told a lot when I was in Bagram. While in interrogation, I was trying to tell what charges...maybe these people could figure out what I was in prison for.

I was telling the people in Bagram that they can understand that there is no proof behind what they are alleging against me. Maybe I have a case. After that, I was being transferred from place to place and I was brought here.

Since I've been here, they are always interrogating. I haven't had anything else to say since I've been here.

This concludes my statement. I have been in prison with no evidence and I have been wrongfully imprisoned. I would like the facts to be stated.

We can get the facts out. I will give proof, even my fingerprints, as long as the facts can get out. I'm sitting here in prison for no reason for three years now.

If you have proof against me, that's understandable, but if there is no proof, this is oppression. For three years I've been in prison for no reason. Everyone has a house, children and a mother and father.

The stuff you are saying, that helping certain regimes, like the Taliban...it is understandable that a person is in prison if they help out the Taliban and Al Qaida, but in my case...

Summarized Answers to Questions by Personal Representative

Q: Did you have any personal identification papers when you were turned over to the Americans?

A: No.

Q: Have you ever owned identification papers?

A: At my house I do. I have my families. I don't know if it is exactly at home, we put all of our family names in there. I have a very old one, about 15 years old. The ID just states where you are from and who your mother and father are.

Summarized Answers to Questions by the Recorder

Q: Have you been interviewed while you were here as a Detainee?

A: Yes, I have done a recorded interview.

Q: Were you interviewed more than one time?

A: I have been interviewed twice, and they recorded it.

Q: Did you tell them you worked for the Taliban?

A: No. I mentioned to them that they forcefully took people from the North and I was taken forcefully. They took the whole North, not just me. If someone doesn't have money, they are libel to be taken. Either they wanted bribery or they were going to force you. We couldn't pay them all the time to bribe our way out.

Summarized Answers to Questions by Tribunal Members

Q: Where were you born?

A: Sherberghan, Afghanistan.

Q: Have you lived there all your life?

A: We are Nomads and we travel from place to place.

Q: What work did you do?

A: We were Nomads. We just traveled from place to place and tried to trade. Sometimes we just stayed at home if we had nothing to trade.

Q: Do you have any specialties?

A: I know how to work with animals, like goats, cows and sheep.

Q: Have you ever received payment from the Taliban government?

A: When they forcefully took people, they would obviously give each soldier food, cigarettes, smokeless tobacco and that's it.

Q: Do you know how to use a weapon?

A: We have a rifle only for the protection of our house. To protect our women and goods.

Q: Is that a private, personal weapon?

A: Yes, because we have to. We are Nomads and we travel. We need to protect our women and goods from the other people. The government lets us go from place to place. They don't really deal with us.

Q: Did the Taliban ever give you a weapon?

A: No.

Q: How many languages do you speak and understand?

A: Two. Pashtu and Persian.

Q: You do not speak or understand English?

A: No.

Q: What is the highest level of education you were able to receive?

A: 8th grade. Because we were Nomads, we would skip off and on because we would travel with our tribe. Out of 12 months, 4 months we would travel as Nomads and try to trade. Out of 8 years I probably went 4 years because of the time that was skipped.

Q: How old are you now?

A: I'm trying to count…I think 31. I was 26 or 27 when I was captured, so I think I'm 31.

Q: Do you have a wife and children back home in Afghanistan?

A: Yes.

Q: In the Summary of the Evidence given to us, it states you served as a guard in at least one Taliban camp. Did you perform these duties?

A: When I was forcefully taken, because I didn't know how to fight or use a weapon, they allowed me to be security. They threw us in a room and whatever food or drink there was, we would just have that. Everybody in the North, the people from Kandahar were forcefully taken. They would take us for months, or 20 days. Sometimes a month and a half. Every village had their turn.

Q: It also says here that you provided the Taliban with information about other members of your village.

A: That is not true. I never mentioned that. We don't deal with other villages. The only thing I mentioned to the interrogators is that people in other villages spread rumors about our village, saying that he has a son and he should be recruited into the Army. That's the only thing I mentioned.

The process would be…when the other villages' sons were taken, they would say well, so and so's son is in the other village and he hasn't been taken. That is how they would get information and try to recruit them into the Army.

Q: To whom would this information go?

A: They sent a Taliban representative. They would forcefully take people from their villages.

Q: It also says here that one of your responsibilities was to serve as Chief of Intelligence.

A: I haven't even spent a night, or that much time with them. How can I even be in the leadership ranks of the Taliban? If you're talking about being a leader and being the head...the only process that would take place when a representative would come is that either they wanted money or they wanted information. That's how the process worked.

Q: If you did not have money, you needed to give them information?

A: No, I didn't provide information. On a personal level, every two months, they would come and we couldn't pay them every two months. I didn't give information. They would come every two months and if they couldn't take the son, they would take the older father, so I would say and others would say, rather than the older person, they [we] would go.

Q: How would the Taliban representative know whether the information being given to him was true or false?

A: They would go to the Bazaars or street vendors and get the information there. Then they would go to the villages and ask information.

After they got some people at the Bazaars, they would go to the Mosque, gather the elderly and say that we need your children to be with us.

When the gatherings would take place, if a person's son was mentioned, another one would say well if my son is taken, so aud so has a son also.

People didn't have money and couldn't always bribe their way out of the Taliban. It wasn't on a yearly basis, it was every two months or so. No one had that much money.

Q: So, if I understand the process, if someone from a neighboring village gives information on someone from your village, and then you return the favor, all of the fathers and all of the sons end up in the Taliban?

A: I never dealt with the other villages and wouldn't tell them the information. I have no enmity against other villages and wouldn't do that.

Q: It also says here, that, on several occasions, you accompanied the Taliban to help point out people who escaped from one of their camps. What do you say about this?

A: I have never mentioned that. I, myself, was trying to run away from them. It was not necessary to do that. We would hear about people escaping. That was up to the Taliban, whoever escaped and their required laws, according to them.

Q: During the time you were providing security for them, they did not ask you to provide this information?

A: I wasn't a security guard. I was thrown in a place and given food. I would usually help out in the food process. The people from our village would be thrown in a two or three room space and told to stay in there. We had seven to eight people and sometimes up to fifteen.

Q: One of the points that you had mentioned in an earlier interview is that you served as a guard.

A: I wasn't a security guard. They threw me in there and told us to stay. We never had weapons or anything to handle. We were just in the one room with the people from our village.

Q: What did you do for them? Why would they take you if...?

A: We were told to stay in there and serve them by bringing their firewood and food.

Q: For how long?

A: For every village there were seven to eight people that they would forcefully bring. Each village had their own time.

Q: How long did you do it?

A: Each village would take turns for 20 days a month.

Q: I'd like you to answer the question directly. How long did you personally perform those duties?

A: It was a three-year process, off and on for the people.

Q: I'm not interested in the people. I'm interested in you. How many days, out of those three years did you spend serving the Taliban?

A: I don't really remember. It was an off and on process.

Q: Was it one day?

A: Three months would be at home and they would take us for 20 days. It would differ at different times.

Q: So, if I understand, 20 days every 3 months?

A: It would differ. Sometimes it would be 15 days.

Q: So, in a year, you would spend 2-3 months working for the Taliban?

A: I never counted. I can't really comment on that question.

Q: While you worked for them, I understand that you were a servant.

A: I wouldn't say I was a servant; I was taken by force.

Q: What would you say?

A: I was forcefully taken from my home and told we would spend a month or so with the Taliban. A servant is one who serves and receives money. I didn't.

Q: When they took you, how far from your home did you work for them?

A: I was taken in a car, I can't estimate.

Q: One day drive?

A: It was less than that. They threw us in big trucks, about 4 hours.

Q: When you were working for them, did people escape? Did you know of anyone that escaped?

A: I never saw them, but they would mention that some people escaped.

Q: So, you never knew anyone who escaped?

A: No. They would tell us. Not that I know of.

Q: Did you try to escape?

A: No, we knew that if we escaped we would get punished.

Q: How would they punish you?

A: I had land and property, and they would punish us if we escaped. We knew that they beat up people and punished people.

Q: Would they shoot you if you escaped?

A: If they saw you face to face…if they saw us escaping, they would shoot us. They would bring us from home. It was our house and we didn't have any other place to go. My old father and everybody else lives there, so they knew our location. If it was just me, I could escape, but if you have a family and land it's a different story.

Q: Is it normal for Nomads to have a house and land?

A: Yes. In the North, all of the Nomads have a house. From the beginning we all have settled homes.

Summarized Answers to Questions by Tribunal President

Q: When the Taliban picked you up, did they take your ID?

A: No, they didn't check my ID.

Q: They did not know your name?

A: They didn't really look at it, they just looked at the people they needed.

Q: Mohammad Sharif, is that your full name?

A: Yes.

Q: Have you ever used any other name?

A: No. My father called me Mohammad Sharif. My full name is Mohammad Sharif. Outside, no one else knows me, except by that name. Outside my family, we tend to not share our names. My name being Sharif Mohammad, [that] is my family name, Mohammad Sharif Uddin. Everybody doesn't know me by that; my family name is Mohammad Sharif. The villagers know me as Mohammad Sharif, that's it.

Q: By what name does the Taliban know you hy?

A: Mohammad Sharif. Everyone in the streets knew me by Mohammad Sharif, so the Taliban knew me as Mohammad Sharif too.

Summarized Answers to Questions by Tribunal Members

Mem: In your translation, interpreter, you mentioned Mohammad Sharif Uddin?

Interpreter: Yes.

Q: Is that an additional name?

A: In my home, Mohammad Uddin…the people know me as Mohammad Sharif.

Q: Yes, but Uddin is a name associated with you?

A: No, it's only in my house. When I was a little kid my father and my grandfather called me Mohammad Sharif Uddin.

Q: Are there any other names, like Uddin, that you are also known as?

A: No.

Q: Do you have any other information to present to this tribunal today?

A: The time I've been here, and in my interrogations, I want them to provide proof against me. When they told me about this committee, who knows which way they will take it…my way? Who are they going to listen to? I did swear. Look at the facts. We have a country, people and a tribe.

You can ask in the local district and ask any kind of information. The people who handed me over should be asked questions. You can ask the people who were captured with me.

Some kind of proof that I was serving the government…any kind of proof that is against me. If there isn't any proof. I want to ask, if there is no information or proof, why am I in prison still?

I just want to hear the reason. If you have proof, that is totally understandable that I'm a prisoner, but I want to hear the facts. If you call me a prisoner, I guess I'm a prisoner. If there is no proof against me, this is oppression. Isn't this oppression?

Everyone has a home, country and goods. Life doesn't pass by like this.

They asked me about Al Qaida in the interrogations and I swear to Almighty God that I don't even know what Al Qaida means. Then they told me, in interrogation what Al Qaida means. It would be very logical that there should be proof. In this Tribunal, you ask me all kinds of questions.

You guys make the decision and gather the proof. If there is no proof against me, that is another story. If you have facts or evidence against me, you can call me a prisoner.

I am happy with the condition of Afghanistan and the present government. There is peace and people are living happily. I have nothing further.

Do you have anything against me, or any statements or proof of facts?

Q: You mentioned that if we had facts or proof against you, you would understand why you were a prisoner, is that correct?

A: Yes.

Q: What could you have possibly done, that we might discover some of those facts?

A: That's my point. There are no facts. I'm trying to make the question, like this is ridiculous. I know for a fact there is no proof.

AUTHENTICATION

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

b(6)

[redacted]

Colonel, U.S. Marine Corps
Tribunal President

IN ABSENTIA

The Tribunal President confirmed the Detainee elected not to participate in the Tribunal process, despite originally opting to participate on the Detainee Election Form Exhibit D-A.

The Tribunal continued "In Absentia".

Tribunal President: I note from the Detainee election form that the Detainee chose not to be present. Is that correct?

Personal Representative: Yes sir.

Tribunal President: How did he indicate that choice?

Personal Representative: Sir during the preparation with the Detainee prior to this Tribunal, in which he was originally willing to attend, I told him that his Tribunal was about to be undertaken. At that time, he stated to me that he does not desire to participate or present information to this Tribunal because everything is a lie and this is all a game.

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

3.a. The Detainee is associated with Al Qaida.

3.a.1. The Detainee traveled from Yemen to Afghanistan via Pakistan in August 2001.

3.a.2. The Detainee participated in military training at a camp in Kandahar, Afghanistan between 26 July and 18 September 2001.

3.a.3. The Detainee was in Nabras guesthouse where he spoke to Osama bin Laden.

3.a.4. The Detainee was captured in a group of Arab fighters while attempting to flee Afghanistan by Pakistani forces in December 2001.

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

Tribunal President: Personal Representative you previously communicated that the Detainee requested one witness from Yemen identified as Abdullah Hemyari, his father. And he also gave a location and address. I received that request on or about the 16 of November and I determined from the expected testimony that it would be relevant to this hearing. I requested the United States government attempt to locate this witness and contact him. The Department of State did contact the Yemen government on or about 22 November. As of the date of this hearing, the Yemen government has not responded to the United States government request for assistance. I have determined that there has been a reasonable amount of time for the government to respond and without the cooperation of that government; we are unable to contact the witness for testimony. I therefore reconfirm my previous ruling, which is that I am forced to find that this

witness is not reasonably available. An alternative method of obtaining that witness' testimony is also not available because of the lack of cooperation from the Yemen government.

Tribunal President: Did Abdullah Mohammed Al-Hamiri desire that you present information to this Tribunal on his behalf?

Personal Representative: Yes, sir. He did.

Tribunal President: You may present that [statement] at this time.

Personal Representative: Thank you sir. I first met with the Detainee on 6 November 2004. At that time the Detainee determined that he did not want to participate in the Tribunal. He did make some comments regarding unclassified summary of evidence. He stated that I would provide that information to the Tribunal. During a follow up and final interview on 15 November 2004, the Detainee had elected then to participate in the Tribunal. At that time he also stated that he would participate in the Tribunal but would merely sit there passively and allow his PR to present the information as he observed the process. Finally, prior to this Tribunal and pending the witness request statement from the Yemeni government, I met with the Detainee and as previously mentioned he determined that he does not want to participate in the Tribunal and that I may present the information. I only have a few comments regarding the Unclassified Summary of Evidence. During all of the pre-interviews, the remained surprised, disbelief, believing that all the charges against him were made up by the United States government to keep Muslims in the prison. That all the information except that he did travel from Yemen to Afghanistan via Pakistan on August 2001, are simply not true. He did not participate in military training at a camp in Kandahar, Afghanistan. He also stated that he was not at the guesthouse where Osama Bin Laden spoke. He was captured with Arab fighters but not while attempting to flee Afghanistan. He says that he has been here three years speaking with interrogators and that he would listen to me out of respect as we proceeded through the interview. He said that everything is in his file from the moment that he stepped out of his house to the moment he was arrested. He also informed me that Americans got any Muslims they could in order to serve their own purpose. He never had a weapon, never carried one and never even killed a chicken. He said he trained, he never met Osama Bin Laden. He did go to Jordan but he was captured in the end by himself as previously mentioned not as he was fleeing nor was he with a group of Arabs. He continued to remain frustrated at the allegations and the evidence against him. His only and sole reason to travel was to go for medical reasons and surgery was in Pakistan. He never did make it make it to the hospital in Pakistan. They did not do the operation. They only did an initial check up and that in essence was the extent of the interview. To sum it all up, the only piece of evidence he had admitted to on the unclassified summary was item number one. He vehemently denies items number two, three and four. All of those charges he said were made up in order to keep him and other Muslims at this camp.

The Recorder has no questions.

<u>Questions from the Tribunal Members to the Personal Representative</u>

Q. You mentioned Jordan?

A. If you would give me a moment to review through my notes. I stand corrected. My hand-scribed notes have "went to Jordan" but after looking at the Unclassified summary it says from Yemen to Afghanistan. I don't recall if during our initial interview he mentioned Jordan or not but he may have mentioned it, however his ultimate destination was from Yemen to Afghanistan through Pakistan. Jordan may have been one of his stops (Tribunal President interrupts).

Q. Or a previous trip at a previous time, maybe?

A. Sir, I don't recall there being a previous trip. I just started taking notes about going to Jordan and then he went off on a different topic.

Questions from the Tribunal President

Q. The only question I have is that you mentioned that he went for medical reasons, did he ever say why he was going there? For what medical condition?

A. Yes sir. Apparently he had either a metal plate or metal pieces lodged in to his head; which he had for quite some time and he was going to Pakistan to have those removed. And one of the reasons, sir, that he wanted the witness statement from his father was that his father could not only attest to the fact that he had this medical condition but also that he did travel to Pakistan and he may have even provided some documentation.

The Personal Representative has no further evidence to present on behalf of the Detainee.

The Tribunal President explains the remainder of the Tribunal process and adjourns the Tribunal.

AUTHENTICATION

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

[redacted]Colonel, USAF
Tribunal President

Summarized Unsworn Detainee Statement

Tribunal President: I just want to verify before we get started that you feel comfortable with listening to us in English and just use your translator when you have a question. Is that the way you'd like to proceed?

Detainee: Yes.

Tribunal President: Ok.

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

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

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

Tribunal President stated that the detainee wants to participate and requested one witness. The witness request was deemed was relevant, but, after several attempts to contact the Department of State, we have not received a response on the status of this witness. The witness has been deemed not reasonably available. However, if the witness's testimony does come available, this tribunal may reopen this case.

Initially, the detainee wasn't sure on taking the Muslim oath, but, after clarification from the Tribunal President, and his Personal Representative, The detainee did want to take the Muslim oath.

The Personal Representative read the accusations to the detainee so that he could respond to the allegations. The Personal Representative read from notes taken from a previous interview with the detainee. The allegations appear in italics, below.

3.a. The detainee is associated with the Taliban or al Qaida

3.a.1. The detainee worked at a U.S. military base in Kabul, Afghanistan.

Personal Representative: (speaking on behalf of detainee from notes taken): That is not true. He worked for an American company, not at a military camp, not at a military base. Not at a military base for Special Forces, or Army. He worked for the Dyne Corporation. He was a translator, driver for Mr. Jerry Williams, and American program officer at site 3. This company was located in downtown Afghanistan, only a quarter mile from the presidential palace. Not a military base. The military base was actually in Bagram some fifty miles drive away.

Tribunal President: I'm sorry, could you please repeat the name of the town?

Personal Representative: Sure, it was Kabul.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.2. The detainee assisted a member of a terrorist organization, Hezb-E-Islami Gulduddin, who had plans to plant a bomb at a U.S. military base in Afghanistan.

Personal Representative: (speaking on behalf of detainee from notes taken): No, I did not assist any member. I mentioned that I worked for a person named Chamman, who worked for the Dyne Corporation. He was a commander to escort equipment from Herot to Kabul. That's what Chamman did. His job was a contractor for the Dyne Corporation. He had heard of his name before as a commander of the HIG and as a famous thief between Herat and Kabul. (The detainee interrupts, to correct Personal Representative) No, between Kabul and Chava (ph). And then I saw him at the Dyne office. After I was accused at the office, I ran away to home, I told my father what happened and then two days later went back with my father to the Dyne Corporation.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.3. Hezb-E-Islami Gulduddin is a known terrorist organization that has long established ties to al Qaida.

Personal Representative: (speaking on behalf of detainee from notes taken): I did not know it was identified as a terrorist group, I only knew Chamman, all I knew was that Chamman was part of HIG. At capture, I told them that I worked for the Dyne Corporation but no one would listen to me, when they captured me, they would not listen.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.4. The detainee provided a list of personnel assigned to the Karzai Protection Detail and the serial numbers to their weapons to a member Hezb-E-Islami Gulduddin.

Personal Representative: (speaking on behalf of detainee from notes taken): I said this under torture. I said I worked for Chamman, because they were threatening me. Julio is the specific name, Julio; an American civilian, told me if I don't say whom I worked for, I kept saying Jerry Williams, but they would not believe me. And after sixty-eight hours, I said Chamman, so that I could be released. Again, Julio was an American, tortured and threatened me with a gun to my mouth, to try to make me say something. Also, regarding that same one, I did say these things under pressure, I had to lie, and they exist in the files because I lied thinking that I would be released.

3.a.5. The detainee provided photographs of a U.S. military base in Afghanistan to a member of Hezb-E-Islami Gulduddin.

Personal Representative: (speaking on behalf of detainee from notes taken): I never took any pictures of any base. I was never at any military base. Again the corporation I worked for was downtown. (The detainee interrupts; making sure that the name of the company was mentioned.) It was the Dyne Corporation. It wasn't at a military base.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.6. The detainee provided computer media containing a template of the security badge used at a U.S. military base in Afghanistan and digital images of personnel involved with security at the aforementioned base.

Personal Representative: (speaking on behalf of detainee from notes taken): Part of my job was to take pictures for security badges. I did not give any template of badges to anyone. I did say this, but, under distress. They kept saying, what info did you give, to show them, we will not release you, until I tell them the info. So, I made up this lie as well. Part of my job was to take photographs but, during the pressure, he told them that he provided them to the terrorist organization. But, again, in actuality, part of his job for the Dyne Corporation was taking photographs, laminating them and making security badges for people.

Detainee: For the staff, for the members of the staff for the Dyne Corp staff.

3.a.7. The detainee stole his work computer and transferred the information to computer media for the purpose of providing it to a member Hezb-E-Islami Gulduddin.

Personal Representative: (speaking on behalf of detainee from notes taken): I never said this. I never stole this. Jerry Williams allowed me to take the computer home to use it for a computer course. He allowed me to use it at home a lot.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no".)

3.a.8. The detainee applied for a visa to the United States under a different name.

Personal Representative: (speaking on behalf of detainee from notes taken): I did, but it was with my entire family in Paris. I never tried to use a different name. He denies that he tried to use a different name.

Detainee: (speaking without translator) Because, I did it because of the lack of education in Afghanistan. When we apply, we do it with our whole families to go to a foreign countries. It wasn't, I didn't mention anything to the embassy (inaudible) office, so I didn't mention that I wanted to go to the U.S., but I mentioned, to any foreign countries.

(The Personal Representative then asks the detainee if he has anything else to add or say, the detainee responds, "no". The Personal Representative once again, explains to the detainee he can make a general statement if he wants to at this time, and if not, then his section will be done. The detainee declines.)

Personal Representative: Tell us, in detail, what it is that you did for the Dyne Corporation, what your responsibilities were.

Detainee: At first, when I joined the Dyne Corporation, I was translator, with driver. Then, I become a purchase and finance clerk.

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

Recorder: Yes Ma'am. What type of computer course were you enrolled in?

Detainee: HTML

Recorder: Through what agency was this possible?

Detainee: The course?

Recorder: Yes.

Detainee: It was private.

Recorder: Private?

Detainee: Yes.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Sir, you are a native of what country?
A. Afghanistan.

Q. Have you ever traveled outside of Afghanistan, other than this opportunity?
A. Pakistan.

Q. When was the last time you traveled to Pakistan on your own?
A. It was at the end of Taliban. 2000.

Q. And, what was the purpose in that travel?
A. Because, during the war in Afghanistan, that, we all went to Pakistan. The war when the Americans take Afghanistan, so we went to Pakistan.

Q. How old are you?
A. I'm twenty-four.

Q. And, before you worked for Dyne Corporation, first of all, when did you start working for Dyne Corporation?
A. I worked from 17 October 2002.

Q. And before that, what did you do?
A. I worked for the E(inaudible) Foundation Organization, American angels (inaudible) .

Q. And what did you do for them?
A. Admin and finance assistant.

Q. What other types of job have you held?
A. I was making the reports, making the financial.

Q. Before working for them, whom did you work for?
A. I was working as a computer instructor.

Q. Have you ever been a member of any political party or group?
A. No.

Q. What's the highest grade level you've completed?
A. High school.

Q. Did you know that being a member of the HIG would be considered wrongful in the view of the United States?
A. I didn't know what that is.

Q. The Hezb-E-Islami Gulduddin, did you know that the United States viewed that group as a, for lack of better term, a bad group?
A. I don't know about that.

Q. You didn't know that the United States...
A. Yes, I know its an organization, an Islami Organization, I don't know anything about that.

Q. Okay. Did you even know what their purpose was? What they existed for.
A. No. Yes, I know during the Russian war they were fighting in front of the Russians.

Q. So, you didn't know they were fighting the United States?
A. No.

Q. You said that you were tortured, corrected? Tortured?
A. Yes.

Q. Specifically, your personal representative mentioned that somebody put a gun in your mouth?
A. Yes.

Q. Other than that, did anybody torture you?
A. After that, two Afghani's guys came; down in Kabul, in a place which where Mr. Julio was interrogator. So, they came, start the same questions for me. And they start beating, so, when I was bleeding, one of the American guy told them to stop the beating, so, he stop beating, and then they left. After that, they put me in all night, in cold weather, in a cage, in a dog cage.

Q. And this torture was being done where?
A. Kabul.

Q. At a U.S. facility?
A. Yes.

Q. And when was the first time, when you reported all this torture?
A. In Bagram.

Q. In Bagram? How long after it happened did you tell somebody?
A. Like to every interrogators.

Q. You don't remember the first time, how long it had been since you were tortured, until you told somebody?
A. One and half years ago.

Q. The man who beat you, do you think he was American?
A. Yes.

Q. This man, that, I think who was asking you questions, that started this whole thing to provide information. Did you know him before?
A. No.

Q. He just came up to you and started talking?
A. Yes.

Q. And, you said, you had informed your father, about this? Is that what I understood? Who did you inform, and when?
A. The first thing, the first stop, when I came back to home, I said to my father, I got problem? He told me, are you working for anybody? Are you working for any political people, or to any organization? I told him no. He told me then, why are you scared? Go back to office. Then on Saturday, because Friday was off, in Afghanistan, so, on Saturday, I went to office. When I went there, with my father, so, if I'm working with any of the organizations, or if I'm Taliban, or al Qaida then why, I go back to office?

Q. Did this man threaten you?
A. The Chamman?

Q. Yes.
A. No.

Q. How did this meeting start? Were you just walking down the street, eating somewhere, did he just approach you, how did this start?
A. Who approach me?

Q. The Chamman. Who is the one that asked for this information?
A. Nobody asked for information.

Q. Nobody?
A. Nobody.

Q. So, who is this particular guy that...?
A. I said lie when I was in Kabul, to get released. I was scared; I said I give information to bad guy. I said to Mr. Julio, because, he said just tell us who you are working, if you don't say, we will send you to Cuba, and you will never see your family, and we will send you forever. So, just say to whom you are working. And, then I thought, say lie, and I said lie.

Q. Oh, so nobody asked you for information?
A. No, nobody.

Q. Then, why do you think they arrested you?
A. I don't know. Because, I was scared, scared from office, then I thought, that they thought that this guy, yeah, he's working for somebody. And that was the first time that I thought I got that problem, and I got scared. I go home. So, when I went back to office, they thought, oh maybe he's working for somebody.

Q. Nobody asked for information, but what did you tell your father, again?
A. I told my father, that, I have this problem at my office. They are saying that you are working for anybody, for any organization? And he asked are you? And I said no. And he said go back to office.

Q. Did somebody at your office accuse you of possibly working with somebody?
A. At first, I say yes.

Q. And that's when you told your father that somebody at work is accusing you of working with somebody?
A. Yes.

Q. What type of relation did you have with Jerry Williams, was it a pretty open, pretty friendly relation?
A. Just my program officer.

Q. Do you feel that he would've been able to give us a lot more information on what you did?
A. Yes, because I worked with him six months, like I went to office from six in the morning to eleven o'clock or ten o-clock at night, like more than with my families, I work with Jerry Williams, so, he knew everything about me.

Q. He worked in the same office with you saw you daily?
A. Yes.

Q. Do you think he would've told us that you were not involved with any of these groups? What do you think he would've told us?
A. He will tell you that I work with him; nobody came to our office like a politician or from government. He will tell you like that, I know him, he isn't linked to anybody.

Q. Do you think he was ever suspicious of you working with anybody else?
A. No.

Q. And he never made any comments to you, asking you?
A. No.

Q. You had made a comment that you wanted a Visa to go to any country? Is that what you were saying?
A. Yes, that was during the Taliban, because, during the Taliban, there's no education in Afghanistan, and also economic problems with all people, so, all people applied to U. S. office. United Nations for refugees (inaudible). So, we applied for that, so we applied for any foreign countries. Europe or Americas.

Tribunal President's questions.

Q. Can you tell us a little about your arrest, capture, when it occurred, and how did they come to your office, how did they take you into custody?
A. It was Saturday morning; I came to office with my father, when I came, Mr. Chris and Mr. J, they were working on.... They told the guy, they said, to sit down, and take your hands out of pockets, so, when I took them out, they put handcuff on me, and they took me. Mr. David.

Tribunal member: So, was that after you were accused?
A. Yes.

Q. (Tribunal President): That was when you came back to the office, when they picked you up?
A. Yes.

Q. And you know, about what time, when that was, as far as month, day, year, was it in 2000, 2002?
A. 5th April 2002

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

Detainee: You're welcome.

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

Personal Representative: Actually, can I ask another question Ma'am? I know I was given an opportunity already, but one has come up.

Tribunal President: Yes, certainly.

Personal Representative: Who, originally, you went to work one day, somebody originally accused you of something, because, that's why you ran. Who was that?

Detainee: Who accused me?

Personal Representative: Yes.

Detainee: That was David. Mr. David.

Personal Representative: What did he say to you that day. You came into work, you thought everything was fine, and then David came up to you, what was said, that made you run home?

Detainee: When, the first, or when David came, or at the end or first?

Personal Representative: Yes, the very first time you were every accused of anything. Who was it and what was said?

Detainee: David. I come outside from dining room, so when I come to office David, Chris and one other guy, they came and they asked me to who are you working for? I told them I 'm not working with anybody. They said, no, you are working with somebody. At first, they told me they would send you to Cuba forever, David told me, that was in the office. At first, I was scared, that's why I ran home.

Personal Representative: And the matter of the second question is, if I may, is when we chatted, you saw Chamman, in the office, and you recognized Chamman, and you said that Chamman worked for the Dyne Corporation. Is that right?

Detainee: I didn't recognize him. I, that guy was, he came with Chamman, and he was working in the fuels section with Dyne Corp. That was (inaudible). So, Chamman came

with him to the office, he introduced me, he was escorting the equipments from Herat to Kabul. So, in that time, he told me, he's Commander Chamman, he's from Southern Kabul, in western Kabul. So, in that time, I said, I say, yeah, that's, he's the Chamman, a famous thief in Kabul and (inaudible).

Personal Representative: Now, did you ever give him, Chamman, any information, about the work, did you ever provide him anything?

Detainee: No. Yes, I did provide him legal. Mr. Bill, he was the project manager, he give me translate acquisition letters to him, and I translate them, make in computer, and give him two copies. I gave one copy to Chamman and one copy to Bill.

Personal Representative: You were kinda ordered to do that, that was part of your job? Your boss made you do that and give it to Chamman?

Detainee: Yes, Bill Taylor (ph) he was project manager, he told me.

Tribunal Member: Just to clarify, are we talking about David and Chris, they are employees of Dyne Corp?

Detainee: No. We had a contract with them, Global Securities in Afghanistan, so we had a contract between Dyne Corp and Global. Chris, he was working with Global. And David, I don't know whom he worked for, I guess he came with Chris to the office.

Tribunal Member: Why do you think they were suspicious? Do you know what started this whole thing? Have they ever given you problems before?

Detainee: No.

Tribunal Member: They just all of a sudden started one day?

Detainee: Yes.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

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

Colonel, United States Army
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President explained the hearing instructions to the Detainee. The Tribunal asked the Detainee if he had any question concerning the Tribunal process.

Detainee: No, I'm just asking information on the allegations against me. I want to give an answer for every allegation.

Tribunal President: Very well, and we will give you an opportunity to do that and we will welcome your statements here today.

Summarized Sworn Detainee Statement

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

The Personal Representative addressed issues in the Unclassified Summary of Evidence, as were discussed while assisting the Detainee in preparation for the Tribunal.

- **3(a)(1) The Detainee is a citizen of Afghanistan who was conscripted into the Taliban and served 2-3 months fighting in Mazar-E-Sharif, Afghanistan.**

  I spent only two months with the Taliban in Mazar-E-Sharif. Five nights I was in Mazar-E-Sharif, and the rest of the time I was in Kabul. In the five days I was in Mazar-E-Sharif, they showed us how to open the Kalashnikov and how to clean it, but they didn't let us touch it. Of the entire 25 days, for 10 days of that I was a secretary to Abdul Razzaq. In the 20 days in which I was in Mazar-E-Sharif, I was like a detainee; I didn't have permission to go into Mazar-E-Sharif bazaar or anything else. I just stayed there and did not do anything.

- **3(a)(2) The Detainee was instructed on how to operate and fire the Kalashnikov rifle and a handgun sometime in 1997 or 1998.**

  I was conscripted into the Taliban during the second attack on Mazar-E-Sharif. They attacked and had complete control of Mazar-E-Sharif, and I was for part of the 25 days conscripted with them. If you look at my conscription, it was during the second time when the Taliban had fallen on Mazar-E-Sharif. That is not the date that the Americans came into Afghanistan. It was years before the Americans attacked in Afghanistan. It should be a mistake, because I never confessed during my interrogation that I was ever against the Americans or Allied Forces. I never fought against them.

From the time I was conscripted, to the Mazar-E-Sharif attack, and the time the Americans attacked Afghanistan it was five to eight years between them. Besides, you can ask the translators; I never confessed I fought against the Americans.

All people that were under the government of the Taliban and living in Afghanistan were obligated to do service and no one would be released from the doing service. They had no way to escape into another country, and without service they could not live in Afghanistan.

In this camp, if you are bringing people from Afghanistan, you should bring all of the people from Afghanistan. Because all people of Afghanistan were serving with the Taliban and it would be a lot of expense for the United States. These are all lies and that was the kind of dealings that took place. Between the government and the people, no one could be free from that kind of service.

- **3(a)(3) The Detainee stayed with other Taliban fighters at a military base in Kabul, Afghanistan, and worked as a clerk for the Taliban.**

  Basically, this question is related to the previous question, question number 2. It is the same thing and not a separate issue. Yes, I was over there. Out of 25 days, five days I was in the weapons training, 10 days as a secretary for Abdul Razzaq and the rest of the time, I was in Kabul. These are the kind of lies that are placed on me. I was kind of the secretary for Razzaq, but I didn't do anything more than that.

- **3(a)(4) The Detainee would assist commanders from other Taliban units who would submit requests for funds and repairs.**

  I was a secretary for 10 days, like I told you. The secretary was not a big job. It was a kind of person that was always accepting orders. Always do this and do that. It was like a recorder and it wasn't a big issue that I helped the commanders. I did help them. The only thing that I did was like an expense keeper and record those expenses in a book.

- **3(a)(5) The Detainee traveled with and worked as a secretary for Abdul Razzaq.**

  For 10 days I worked as a secretary for Abdul Razzaq, but after that I never saw him or went with him.

- **3(a)(6) Razzaq is an al Qaida leader who acted as a smuggler and facilitator.**

I don't know about it that much. I have never been with him deep enough to work with him on those issues. If he is a smuggler or doing something illegal, I don't know about it and never was with him in that kind of job.

- **3(a)(7) The Detainee and a Taliban leader/commander traveled from Trin Kowt to Oruzgan, Afghanistan, to deliver a letter to a Taliban leader.**

That letter was with my cousin. Our uncle came to visit in Afghanistan. Our uncle from my mother side came to me in a car and told me that my cousin, Ismatullah, is over there. Ismatullah sent a message for me to get his car from our uncle and come to visit him. When I went over there in Trin Kowt, he showed me on the way to Oruzgan, a letter. He asked me to read it and asked if it was dangerous or not. I read the letter to him. As far as the letter read, it said, hi from Mr. Obaidullah, you can come and visit me in a very short time. As soon as I read the letter to him, I told him you could understand whether it is dangerous or not. But I did not see anything dangerous in the letter. When I told him that the letter was just saying hello, he said since it was not dangerous, we had to deliver it for him.

We went to Oruzgan and delivered the letter. But, personally, I did not see if he delivered the letter or not. This is our crime. We went there and delivered the letter and when we left Oruzgan to go back they sent another guy with us. On our way, the forces from Oruzgan stopped us and we were arrested. This is our crime.

The interrogators asked us what was the letter we were carrying and we told them this was a letter that we had to deliver. They did not ask us anymore than that. Two nights we passed with Afghan soldiers and on the third night they delivered us to American soldiers.

You have to understand that since the chaos started in Afghanistan the animosity was growing among the people. Some people had animosity since the Taliban and the other issues were growing in Afghanistan. Some people were stealing from other people. In all, it seems to me that there was animosity going on all over, even with the people trying to steal the cars. All Muslims were accused by the Taliban. These Taliban and the thieves were our enemies but they now have positions in our government. These Muslims here are accused in the name of Taliban, and Arab parties, and were brought here.

He pointed me out and said I was a translator, and I was a Pashto from Afghanistan. For example, if you know that I am not Taliban and never worked with Taliban. But if you send me north in Afghanistan, you will see that I will be accused in the name of the Taliban by someone and on the second day be delivered to you as an enemy of the government. This was the situation and in the chaos in Afghanistan that is common now. A lot of people will be accused.

- **3(a)(8) The letter was from Taliban leaders in hiding.**

  This is not completely right. Neither my cousin nor I knew whom this letter was from. But if my cousin knew that it belonged to a Taliban leader, he would have never been willing to deliver the letter. If I knew that this was a dangerous letter or it was from a Taliban leader, I would have told him it was dangerous and we would not have delivered the letter to whom it was to be delivered to. My cousin didn't know the guy that the letter was to be delivered to.

  In Afghanistan, all people are ready to accuse someone in passing and turn them over to the Americans.

- **3(a)(9) The Detainee admitted that he fought for the Taliban against the United States Forces while in Mazar-E-Sharif.**

  I never said that. Since this translator and the other translator were in my interrogation, you could ask them. I never said such an allegation was true and I never fought against the Americans. You can calculate the time I was Mazar-E-Sharif, and that was long before the Americans came to Afghanistan. The time does not match. This is a kind of lie and all translators were in my interrogations and you can ask them and I did not say that. This is the kind of issue that you can ask of the translators. I was in the interrogations and they were translating. If they were afraid of the guards and confessed that I said such a thing, I will bring the translators and the interrogators as witnesses. I never said that I was involved in the fighting. This is not a kind of issue written by computers or recorded by computers; this is an issue that was written by the translators and interrogators. I'm sure they have the recording and I never said that.

  I'm not making an allegation that this is a decision that it was to be written like that. It must just be a mistake. No one controls the words that come from one mouth to another mouth. It's possible that the translator who didn't catch my every word mistook it or it's possible that it was mistaken from one of the interrogators at the time of translation; maybe he didn't catch it very well. But I never said such a thing that I was involved in the fighting.

  You all have a higher education and you can understand that it is hard transferring information from one mouth to another mouth.

- **3(a)(10) The Detainee was captured in a vehicle with his cousin, another Taliban fighter.**

  No, this is not exactly true. When we went from Trin Kowt to Oruzgan in my cousin's car. We delivered the letter, and when we were returning there was a guy that was a friend of my cousin. The car belonged to my cousin and that is why he climbed up on the car. He was going with us to Oruzgan. The forces

stopped us and arrested us. They didn't bring that guy with us, although he was traveling with us. They released him.

Detainee: If you look at all these issues and all the allegations against me, I will tell you in two points.

The first issue is that this is not the kind of crime that I served with the Taliban government because that was a powerful government in Afghanistan at that time and everyone could go for service. I admit of doing service, but I didn't do anything against the Americans. At that time, the Americans were not in Afghanistan.

The second issue is the training on weapons. Even nowadays, the ladies are training on weapons in Afghanistan when previously they were not familiar with the weapons and couldn't fight. They are familiar with the weapons now since the chaos has been going on in Afghanistan.

Weapons are something that even kids and ladies are familiar with, since the chaos started in Afghanistan. The fighting started with the Russians, and at that time it was very common.

You are all educated people and should know that the allegations that are against me are conflicting with the dates that I did service for the Taliban government. You can calculate that. My interrogators and translators are witnesses that I did not say that I was against the Americans. I don't have anything more.

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

Detainee: Yes.

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

Personal Representative: Yes, sir.

The Personal Representative questions the Detainee.

Personal Representative: You may have mentioned this but did you say why you were chosen to be Razzaq's secretary?

Detainee: The reason I was a secretary for Abdul Razzaq was because the person that was my commander conscripted me and recruited me for that service. He asked me to work as a secretary for Abdul Razzaq. Abdul Razzaq's secretary was going away and he needed a person that was able to read and write. It was for 10 days and no more than that.

Personal Representative: Do you know how long a typical conscription in the Taliban lasts?

Detainee: As to recruiting people, it was different for everyone. For some people it was for three months and some were more than that and some people were two months. In my situation, they estimated no more than two months and I did the two months.

Basically, the recruiting and conscription was only for the people who had a piece of land, but if the people were working on the land, they would hire someone else. Since those people understood that the Taliban hired them to fight against each other, nobody was willing to fight each other. They pulled themselves aside and did not serve the Taliban military. They escaped or hid. But the Taliban understood what was going on and took cars to each village to collect these people. I was doing cloth masterwork. I was a tailor and when soldiers came behind my door, I didn't have my turban on or shoes on my feet and they pulled my out for the service. This is why I went to the service. It was an obligation.

In the two months while I was in service, we were not allowed to go outside. We were not even allowed to go to the public washing places where we would wash ourselves or take a shower. In these two months, ten days I was a secretary for that guy. You guys are with higher knowledge. If I did service as a secretary and you count it as a crime, yes I am a criminal.

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

Recorder: I have one question clarifying the Detainee's statement.

The Recorder questions the Detainee.

Recorder: A few minutes ago, you mentioned you were coming back from Oruzgan back by car and your cousin got into the car also. When you were stopped and arrested, I'm a little confused. I think it was you, your cousin and a third man?

Detainee: Yes.

Recorder: Who was arrested and who was let go?

Detainee: In the car it was my cousin, one other person and I. From the three of us, my cousin and I were arrested. The third person went to the office but they did not deliver him to the Americans. But the person that was supposed to receive the letter was also arrested. My cousin and I were in a separate car from them on the way to the office.

<u>Tribunal Members' Questions to Detainee</u>

Q: Thank you for coming today to explain your situation to us. The reason your testimony is so valuable is because we have not seen anything about you prior to

this Tribunal. We want to better understand what happened here and you are the person who can best help us to do that. During the entire time that the Taliban was in power the total time that you were conscripted for them was two months or was it longer than that?

A: Only two months.

Q: When you were not working for the Taliban, what were you doing?

A: A tailor.

Q: Is that your profession?

A: Yes.

Q: How long were you working as a tailor?

A: As far as you know, the Afghans never write the date. They never write when they were born, when they went somewhere or what day it would be when they started on this job. But as far as I know, since I know what is good and I know what is bad, I started work as a tailor.

Q: We don't need exact dates but can you tell us approximately how many years have you worked as a tailor?

A: Approximately 10 to 12 years. I'm not sure but it was a long time before the Taliban started a government.

Q: You explained to us how the Taliban came to get you. Did that happened the same way both times you were conscripted for them, where they just came and forcibly took you away from the tailor shop?

A: Yes, I was still working as a tailor, but I wasn't in my store. I was in the home and they pulled me out for the service and at that time I was trying to make some clothes at the home because you all know at the time of Eid (the holiday) the Afghanistan people are making new clothes.

Q: Had the Taliban previously tried to get you to work for them, but you were avoiding them?

A: No. Even before the two months service never did they ask me to work for them, or after the two months, they never asked me to work for them.

Q: Were you surprised when they came to take you by force?

A: Yes, I was surprised because the first time I heard a sound, I thought that whoever was outside was bringing in work for me to do – sewing. But, when I stepped out, my turban and my shoes were not on. I asked if I could get my turban and shoes, and they would not let me.

Q: Was this one time that they came to get you for two months, or was it more than one time and the total time adds up to two months?

A: It was the first time.

Q: The time where you learned about the Kalashnikov rifle, was that before or after the two months of time with the Taliban?

A: That was during the five nights of the 25 days I passed with them.

Q: Was that within the two-month period or was it during a different time?

A: Yes, it was during the two-month period.

Q: Now, it says here in point number two, which you spoke about earlier, that it was sometime in 1997 or 1998. Is that the time of the two-month period when the Taliban took you?

A: I don't know about the years, because during the interrogations the interrogators and translators figured it out and they wrote it down. I never said the exact years to them. All I know is that my service was when the Taliban captured Mazar-E-Sharif for the second time.

Q: Let me see if I have it correct now. You were with them for two months. During the two months, one of the things you did was work for Abdul Razzaq and at the end of that time you were captured. Do I have it right?

A: No, I was arrested four or five years after that. According to these years, if you counted from the second period the Taliban attacked Mazar-E-Sharif and the days in which I am accused, it's a lot of years and they don't match up with each other.

Q: I think it's getting clearer now. You are in the car and you were captured with your cousin and the other man you spoke of. At that time, did you have the letter with you?

A: About the letter, at that time I was arrested. I don't know because in the first day we were traveling from Trin Kowt to Oruzgan he showed it to me. After that I didn't ask him where was the letter or I didn't know where was the letter or I didn't know the letter was with him at the time of our arrest.

Q: Who is "he," your cousin?

A: Yes. At the time when we were arrested, I didn't know the letter was with him or not.

Q: During the time you were arrested was when you were working for Abdul Razzaq. Is that right?

A: No.

Q: So Abdul Razzaq had nothing to do with the letter?

A: No. I didn't know the main issue of the letter. He just showed it to me and the topic was the sentence I read for him. More than that, I don't know.

Q: Again, who is "him" that you are speaking of?

A: My cousin.

Q: Point seven speaks of you and the Taliban leader/commander traveling together. Who does that refer to, your cousin or someone else?

A: It refers to my cousin, but I don't know. In this question, it refers to my cousin. But I don't know if he was in Taliban or he was one of the Taliban leaders or not. But I know that he was in the Taliban.

Q: As far as you know, what were his responsibilities with them?

A: At the time, I was recruited to the Taliban by force. When they brought me to the main office, my cousin was there and he asked me why I was in there. You are not supposed to be recruited because the condition doesn't affect you; you don't have a piece of land. And he asked me that much and he was at that time with the Taliban. I asked him if he was working in that office. He said he was not working in that office, but I don't know where he was working.

Q: So you think your cousin was a recruiter for the Taliban?

A: No.

Q: So, the letter was from your cousin to another Taliban person. So that's where you were going when you were captured? Is that right?

A: The issue is when we went to the person we had to deliver the letter to, we went to his house and stayed one night. I didn't see my cousin give the letter to him for that guy. I'm not sure. When we returned from his home from Oruzgan to Mazar-E-Sharif, the forces of Oruzgan arrested us.

Q: So, the person whose house you spent the night at apparently received the letter but you don't know? Was he a Taliban person?

A: I don't know him and never heard his name; I just read his name on the letter.

Q: Now, your cousin asked you to read this letter to him because you are more educated than he is and can read and write?

A: Yes. I'm not that good at it, but I can tell he can't read and write and that is why he passed it to me to read it, and I read it.

Q: So, at the time that you were captured, you were doing a favor for your cousin by reading the letter. Were you helping any other Taliban people at the time or only him?

A: No, he only showed it to me, to read it and determine whether it was dangerous or not. And I didn't read for anybody else.

Q: You believe that you were captured because he is with the Taliban and you were with him? Is that right?

A: Yes. That was the only night I went to visit him. We delivered that letter and as we returned we were arrested. I am not saying that because he is my cousin, I will not reject his relationship or friendship, but because he asked me I read it for him and went with him to deliver the letter. I didn't know more than that. This is my crime.

Q: And he is the one that you have asked to be a witness for you today?

A: When I was talking to my Personal Representative, my cousin and I are on the same block. I was passing by and he asked me if I saw my Personal Representative. I told him yes, and he asked if I needed a witness and I told him yes because as much as I saw you one night and I was arrested from that time, I saw you and after then I was arrested. I need a witness. I don't want more than that. I was not aware of his situation and he was not aware of my situation. We were separated and far away from each other. These are the things I can bring as proof about my situation.

Q: There is only one cousin and it is Ismatullah, and he will talk to us shortly as your witness. Is that correct?

A: Yes. I don't know anybody else. And if he wants to be my witness he can be here.

Q: Your concern is that he is much more involved in the Taliban than you were but both of you are being treated the same way? Being treated as if both of you are deeply involved with the Taliban?

A: I was only two days with him because he brought the letter. We went and spent the night at the house of the person we delivered the letter to. During our return, we were arrested. But mainly, he was living in Pakistan and I was living in Afghanistan.

Q: Is there any other reason besides the letter that you think you are being detained in the camp?

A: Yes. That is the only reason I can see that I am in here. Is that the kind of reason that I am supposed to remain in here?

Q: Besides the things that we have talked about so far, you haven't done anything else to help the Taliban?

A: No. I didn't do anything else. If I have done anything else and you have a witness, bring him over.

Q: Very well. Thank you, I don't have any more questions.

Tribunal President's Questions to Detainee

Q: I have a few questions because I'm not sure if I was following everything clearly. Your witness, that will appear here shortly, is your cousin. Is that correct?

A: Yes.

Q: It is the same cousin that you were arrested with in Afghanistan. Is that correct?

A: Yes.

Q: What time of year was that and was it in 2001?

A: I don't know about the year. I believe the second year has completed since I was arrested. More than that, I don't know which year it was.

Q: This might be easier for you as a reference in time. In Afghanistan after the Americans arrived. Was your arrest after that time?

A: Yes. When the Americans came to Afghanistan approximately one year later, I was arrested. This is approximately.

Q: You said it was after Ramadan? Was it that time of year?

A: It was in the month of Ramadan.

Q: Good, that helps. It gives me a better time and reference, too. Let's go back into the time you were conscripted into the Taliban. That was evidently about four years before your arrest?

A: It was more than five years.

Q: After the time of your conscription until the time you were arrested with your cousin, you only worked as a tailor in Afghanistan? Is that correct?

A: Yes. After that day, I was trying to buy a prescription from the bazaar, a medicine prescription, and in the bazaar Ismatullah's uncle told me that Ismatullah was over there. He gave me the car to go and see him. I was working as a tailor after that.

Q: Where was that in Afghanistan, the town or city?

A: This is not a very big town or city. This belonged to a village in the Trin Kowt district, province of Oruzgan. The bazaar has a few small stores. Basically, Oruzgan was the center of the Oruzgan province. But, nowadays they make Trin Kowt as the center of Oruzgan province.

Q: Do you have family in Afghanistan, a wife, and children?

A: Yes.

Q: You went to the bazaar and it was by coincidence that you met your cousin?

A: Which bazaar?

Q: Where you met your cousin.

A: I came from my district to another district to buy the prescription. I saw Ismatullah's uncle and he told me that Ismatullah was in Trin Kowt and for me to go see him.

Q: You saw his uncle and he said your cousin wanted to see you. Is that correct?

A: Basically, he didn't tell me that Ismatullah wanted to see me, he told me that Ismatullah came to the center of government, Trin Kowt, and if you want to go and see him, this is the car.

Q: How far away is this from your home?

A: You mean from Trin Kowt to center of the government?

Q: Yes.

A: It's six hours from my district to the center of the government where you meet Trin Kowt.

Q: So, you went to see your cousin?

A: Yes. When I went to see Ismatullah, we had to go to Oruzgan to sell the car. This is what he told me at first, and did not tell me about delivering the letter. He said he wanted me to go with him to sell the car.

Q: Whose car was it?

A: The car belonged to Ismatullah. His uncle was driving a passenger in the car. I didn't know how much the passenger was paying.

Q: You drove the car to meet your cousin and your cousin asked you to read this letter. Right?

A: Yes.

Q: You made reference to the fact that your cousin wanted to know if it was dangerous or not, meaning the content or the wording in the letter. Do you recall anything that was in the letter?

A: I don't remember anything in the letter besides this sentence. Peace be upon you; if you could please come to my house and see me. At the end of the sentence it was it was a signature.

Q: Who was it from?

A: Obaidullah.

Q: Then you and your cousin took the letter and you traveled in the vehicle to deliver the letter?

A: Yes. When we went there, I didn't know whether he gave him the letter or not.

Q: Did you spend the night at the house?

A: Yes.

Q: Did your wife and children wonder where you had gone? You had just gone to the bazaar to get the prescription and didn't show up the next day.

A: Of course they were surprised because I told them I had to go and buy the prescription. When I went there, I thought I was just going to go there and come back. It was a six-hour drive. But when I got there, my cousin said let's go. And until now I have disappeared. Maybe they are surprised very much and if you think about it, I was the person that was supporting my home. I have one sister, one mother, one wife and my kids.

Yes. Now the Afghanistan people are very happy; but before that I would want to disappear. We were kind of in a harsh situation from the recruiting of the Taliban service and when the Americans came we got the idea that our situation would get better. I did two months of service with the Taliban a long time ago and I'm in here and accused for that. I don't know what kind of judgment that is.

Q: How is it that since the Taliban had control of Afghanistan, you only had to serve for two months? Did they ever come back to you and ask you to serve further? Did your business or the businessman that you worked for as a tailor ever have to pay support or taxes to the Taliban?

A: No, that business that I had was not very big. It didn't even complete my economic requirements at the home. It was just a little money I was getting from that business. I never paid them. If I was able to collect some money, the two years I've been in here, my wife and my mother could have that money, then I would be very happy. That is why I'm very upset. I'm concerned what they will do for their economic support.

Q: Prior to that day you ran into your cousin and he asked you for your assistance with the letter, how long had it been since you had seen him before that day?

A: It was a long time before that day before we had seen each other. I was in Afghanistan and he has been in Pakistan since his father got murdered and his mother and brothers took care of him.

Q: The picture is much clearer and thank you very much. Does anyone have any more questions?

Tribunal Members' Questions to Detainee

Q: You mentioned that Obaidullah signed the letter your cousin had when you read it for him. Is that correct?

A: Yes.

Q: Do you know who Obaidullah is?

A: No.

Q: And you don't know what responsibilities he had?

A: No. I haven't seen him and I don't know who this guy is.

Q: He is not the same man whose house you stayed at overnight?

A: No. That was the person's house that we were to deliver the letter to.

Tribunal President: Is there anything else that you feeling as important that you want us to be aware of here today?

Detainee: The important issue for me to ask is that I need to understand why I am in here and on what issue I am detained these many years? I want to understand what is my status. America's judgment is famous in the entire world. Every country knows the Americans by good judgment. When I asked them what is my crime, they didn't say anything to me about it. This situation is hitting me like if it was skin off the animal and you press the air in it and it is becoming bigger and bigger and one time it will explode. That is why I am asking that. If you guys are bringing stability into Afghanistan, and you are asking for the people and are having good judgment, why are we in here with this situation? They are coming and asking you one question about one person and then ten days later they are asking me about the habits of that person, the color of the face, the color of the hair, eyes and everything repeatedly whether I know that person or not. What kind of judgment is that?

Tribunal President: All I can tell you is the reason that we are here today is to determine whether or not you have been properly classified as an enemy combatant.

Detainee: This kind of situation is unfortunate also. You guys came in there after two years and wanted to tell me whether I am classified as an enemy combatant. This is kind of mean, being after two years and I didn't do anything.

Tribunal President: Well, you have not been here as long as some others. So you should be not feeling as bad as others that have been here longer. But, we are here today to focus on your situation. And all the detainees are going through this Combatant Status Review Tribunal process. And this tribunal today has come here with an open mind. We have known nothing about you until today, when we sat down here and received these two pieces of evidence. We have opened up this session and we will produce a witness that will testify on your behalf. We will not make any determination and we will not come to a decision until we have viewed all of the evidence pertaining to your status. And after we make a decision and the convening authority reviews it, then you will be notified of the results. If you are determined not to be an enemy combatant, then we will release you to your home country as soon as arrangements can be made. But, if we decide that you have been properly classified as an enemy combatant, then you will be eligible for an Administrative Review Board and I will explain that more later on after we hear the witness.

Detainee: This is kind of a mean situation. I can hear it from your voice and you are telling me after two years that I have been in here that now you are reviewing my status. Your government is very painless in justice but I cannot understand only after two years you are going to see my status?

You guys are very painless in the justice and right now you are telling me by yourself that you want to be aware by those two pieces of paper that you received, maybe by the interrogators or someone else. This is not correct justice. Two years have gone by since I have been in here although I was delivered for nothing and somebody lied on me and you heard it from somebody else. This situation is supposed to be good justice. The president of your country should know what the situation is of this Detainee, and he has to hire somebody to be completely aware of the situation. What is the guilt and what is not the guilt? And on the first day, these determinations should be made and not after two years.

Tribunal President: Is there more? You are continuing on and on and on. Is there more?

Detainee: This is a kind of hearing where you guys are speaking very mean to me and this situation is not good justice for me. This is very mean to me because I didn't do anything but one thing I am ensuring is that I believe in God. God is my witness and he will bring down the mean people. I don't have anything else. I appreciate it very much.

Tribunal President: We are about to call the witness. Personal Representative, do you have any other evidence? Or does the Detainee have any previously approved witnesses for this Tribunal?

Personal Representative: Yes. The Detainee calls Ismatullah.

Translator: He was asking for the time (what time it was) so he could pray.

Tribunal President: While we are waiting for the witness, I want to make sure the Detainee understands that this is a non-judicial hearing. This is not a court of law, which is probably good for timeliness. And we are not here to punish you today. We're here as you've witnessed; we've taken an oath to weigh all of the unclassified evidence as well as the classified evidence that we will receive in a closed session. And it is our duty to determine whether or not you have been properly classified as an enemy combatant. And we have sworn to that duty to make sure we do it in a fair and just manner.

When the witness is brought in, I will ask him to identify himself and then I will ask you if this is the witness that you'd requested and for you to confirm that. Then you would have the first option to ask the witness questions.

Detainee: What should I ask?

Tribunal President: That is up to you; whatever you want him to tell us or what you think is important that will provide testimony on your behalf. And then the Personal

Representative will have an opportunity to ask questions as well as the Recorder and then we (the Tribunal Members) will ask questions.

The Detainee's witness enters the Tribunal.

Tribunal President: Good afternoon.

Witness: How are you?

Tribunal President: Very well, thank you. You've been called here to testify on behalf of Nasrullah. Please identify yourself.

Witness: My name is Ismatullah.

Tribunal President: Nasrullah, is this the witness that you have requested?

Detainee: Yes.

Tribunal President: Very good. We will ask the witness to take an oath before he makes any statements. Recorder, please administer the Muslim oath to the witness.

The Recorder administers the Muslim oath to the witness.

Tribunal President: Nasrullah, do you have any questions for this witness?

Detainee: Ismatullah, please give this conference on my situation, which you know about me, and you are aware of my situation and more than that I have never been with you and I never lived with you. We are far away from each other.

Witness: Are you asking me or what should I say?

Tribunal President: If you would, please respond to Nasrullah's question.

Detainee: The first issue that they accused me of was that I was in Mazar-E-Sharif and I was fighting against American forces. In this issue the translators and interrogators, they know that I never confessed to fighting against the American forces. And you know about my situation and you can confess, did I do that or not. And the thing is how you were arrested and came in here. I told them that you guys know that I was serving on Mazar-E-Sharif but I didn't fight against anybody. You are my witness that you brought the letter from Pakistan. You came to the Trin Kowt center and then your uncle from mother side asked me if I wanted to see Ismatullah. I took the car and came to visit you and you told me that we want to sale the car in Oruzgan and on the way to Oruzgan you showed my a letter and asked me to read the letter to you. I read it for you to see if it was dangerous or not.

Tribunal President: Excuse me. Could you ask him in a form of a question instead of providing him your story, so he can respond? If your story is true, he should know your story.

Detainee: What should I ask him? He will give information about my situation as a witness.

Witness: You can ask me whatever lies came on you and I will give you the answer.

Detainee: I want to hear one thing from you.

Witness: Do you all have a question according to his situation for his being guilty or anything or if he was arrested in the fighting or anything? If I were aware of the question, I would give you an answer. If I am not aware, I will tell you I don't know. It is not necessary that he tell me the story. You can ask me questions.

Tribunal President: I want to be sure the Detainee has an opportunity to ask questions rather than providing the whole story to the witness. Please address the witness with a question.

Detainee: Ismatullah, did I fight against the Americans?

Witness: No. I didn't see it.

Tribunal President: Good. This is the sequence we want to maintain.

Translator: I told them one at a time.

Tribunal President: Thank you.

Detainee: When you brought that letter, did I know that letter belonged one of the Taliban commanders?

Witness: No, you didn't know that this letter belonged to one of the commanders. Because, if you knew at that time, you would have told me that this letter belonged to one of the commanders.

Detainee: You know that you were living in Pakistan and I was living in Afghanistan?

Witness: Yes.

Detainee: Do you know if the Taliban pulled me for service for a second time?

Witness: No. I know you did service one time. I don't know about a second time.

Detainee: I forgot the questions and allegations. What I mean is, the allegations against me. Did I fight against the American forces with the Taliban?

Witness: No. You never fought against Americans. I didn't hear anything like that and since he was serving one time for the Taliban and I didn't hear about a second time.

Detainee: Are you the witness when I was recruited for the service of the Taliban was during the second attack on Mazar-E-Sharif?

Witness: Yes. That was an issue of a long time before the Americans came into Afghanistan. And that was only one time.

Detainee: Do you know it was not possible to get rid of service to the Taliban if you were living in Afghanistan?

Witness: Yes.

Detainee: Do you know that I worked as a secretary in my service?

Witness: I don't know about that.

Detainee: I don't have any other questions.

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

Personal Representative: Yes, sir, I do.

The Personal Representative questions the witness.

Personal Representative: When did you leave Afghanistan?

Witness: When Karzai came under power.

Personal Representative: Why did you leave Afghanistan?

Witness: For six months I went over there because I didn't have my place and I couldn't survive. That is why temporarily I went to Pakistan. I went to Pakistan and I have been living over there.

Personal Representative: Why did you return to Afghanistan?

Witness: Afghanistan is my country. Every six months I would go to Afghanistan. This time I came my wife and my family was supposed to come with me but I didn't have any money on me and that is why I came to sell my place. I wanted to sell it or rent it to survive when my family came.

Personal Representative: Can you read?

Witness: If it is a kind of lettering or very hard writing, I can't read it. If it is my handwriting, I can read it a little.

Personal Representative: Were you surprised when Nasrullah showed up in your car in Trin Kowt instead of your uncle?

Witness: No, because I talked with my uncle in Kandahar and he told me that he would go to him or I would send my son.

Personal Representative: Did Nasrullah know anything about the letter you were supposed to deliver?

Witness: No. He didn't know about it. The reason I asked him to read the letter for me is because I couldn't read it and it was not in simple writing. It was kind of a complicated writing from a person that knew literature very well and I do not have the ability to read that kind of letter. The reason I asked Nasrullah to read it because I wanted to know if it was dangerous or not. I wanted to keep myself safe also. And, when he read it, he told me it was not dangerous and I understood it as not being dangerous.

Personal Representative: Did you tell Nasrullah that you were going to Oruzgan to sell your car?

Witness: Yes, I told him that.

Personal Representative: Did you sell your car?

Witness: When we went there to the mechanic, Nasrullah was inside of the store napping. I talked to the mechanic about the car and he told me the car was very old and can't work here because the streets were not paved and the car cannot hold up here. I was disturbed that the car could not be sold because that meant no money for me.

Personal Representative: What were your reactions when you heard Nasrullah was conscripted by the Taliban?

Witness: When I saw Nasrullah, I didn't hear about it when he was conscripted. I saw him personally in Mazar and I asked him, "Why did they bring you in here? You are not suppose to be conscripted because you are younger than me and you don't have that much land and you do not fall under the circumstances where they would call you out for the service." He told me that they brought him by force and after that I got separated from him and didn't see. Although I was conscripted regarding the obligation I was working for the Taliban and I didn't see him and I didn't have that much power to make such a situation that I could release him from the hand of the Taliban and after that I didn't see him.

The Tribunal Members' Questions to the Witness.

Q: Good afternoon. Thank you for serving as a witness for your cousin. I'm sure he appreciates it very much. We have been trying very hard to understand his story of how he came to be here. I will ask you a few things to make sure we understand it correctly. We learned that when he read the letter to you it was signed by a man name Obaidullah. Is that correct?

A: That's correct.

Q: Do you know who Obaidullah is?

A: No. I didn't know who Obaidullah was or what was his position or what kind of person he was but this letter was by Abdul Razzaq.

Q: Abdul Razzaq asked you to deliver the letter to another person?

A: Yes. The letter was in his pocket and he gave it to me to give it to that guy.

Q: At that time were you working for Abdul Razzaq?

A: At what time, at the time of the Taliban?

Q: At the time he gave you the letter to deliver?

A: No. Basically, in one of the places we saw each other and said hello. After awhile I saw him in an intersection of a street and that is when he gave me the letter to deliver.

Q: And he said please deliver it to this other person?

A: Yes.

Q: But you were concerned because you didn't really know what it said?

A: I asked him to tell me what did he write because I didn't understand what was in the letter. Since he repeated the letter for me and I understood it was nothing important in the letter, it was written to say, come and visit me after the Salaam (ph). It was not an important issue, and I put the letter in my pocket until I got to Trin Kowt because I knew it was not an important issue. If I understood that something was very serious and dangerous about the letter and I would not have taken my car to that guy. Instead I would have taken the letter very secretly to that guy.

Q: We haven't seen either one of your files, but I am going to tell you what I think happened and have you tell me whether or not it's correct. From other Tribunals

where Afghan detainees have come before us, we heard that Obaidullah is a very senior member of the Taliban. Is that correct?

A: Basically, I was working and knew Abdul Razzaq and didn't know Obaidullah and haven't seen what you are saying. One of Abdul Razzaq's commanders gave me a letter to stay for a while in the place of the rented rooms. For a while I knew Abdul Razzaq from that issue and he gave me the letter and he did well by me so I took that letter and delivered it to that guy to do a favor for Abdul Razzaq.

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 Detainee Sworn Statement

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

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

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

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

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

Detainee: Yes.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: You may begin.

3. The Detainee is a member of the Taliban.

3.1. The Detainee is a former intelligence officer for the Taliban.

Detainee: Everybody who is one hundred percent Malab (ph) can get a job in the Taliban. Using the Taliban, I did not enter into any of their offices.

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

The Detainee had no comment.

3.3. The Detainee had approximately six truckloads of weapon and ammunition including mortars and artillery stored in his house.

Detainee: This is completely wrong about me, I don't know if Americans made this up against me or if somebody else made this up. Is there any proof of this, or evidence against me, so I can say I would like to stay for another year in this prison? I was working in the military in Khost and the Americans took these weapons. It was maybe six trucks, or maybe more. The Americans took those weapons from this fighter base or military division off post. My house is in Shaif Dagain (ph), and the military division is in Bazaar-I-Tuscan (ph). About the question you asked me - that I had in back of my truck the two

ID cards - this is from the (inaudible) government, it was not from the Taliban. I had a job with the (inaudible). This card is from the Police.

3.4. The Detainee was selling weapons and ammunition that were allegedly used against coalition forces.

Detainee: I was a police officer for the Afghan government. If I was selling any of these weapons, I would be probably be captured by the Afghan government. Why did the Americans capture me? This is not right. Because the Afghans have more information than the Americans, they probably know me better than the Americans.

3.5. The Detainee swore written allegiance to the Union of Mujahadin under commander Malem Jan Sobari.

Detainee: Yes. This is right. By the time I was with Malem Jan, that time Malem Jan was working for the Americans. He was one of the commanders of the Americans. I worked with him because he would give me my salary. It was during the time of the Americans that I went and worked with Malem Jan.

Personal Representative: In my notes, you said you signed the document so you could get paid.

Detainee: Actually, that time the central government was not stable yet, and the Americans were there. They hired some to people to work as police officers. There were about two thousand or five thousand compareit (ph) that they would give to each of the employees.

3.6. *Commander Malem Jan Sobari is a Taliban guerrilla warfare leader in certain areas of Afghanistan.*

Detainee: Since I remember, nobody shot any warplane, gun or bullets against the Americans. If Malem Jan believes the Americans came too close, I don't know about that. Maybe the Americans know him better, but during the time the Americans were there, nobody fired any weapons or guns against them.

Personal Representative: I have in my notes that you did not even know Malem Jan until he was working with the Americans.

Detainee: Yes. The first time I saw him was before the Americans came to Khost. Malem Jan came with his commander Zakim Khan; they both came in a helicopter. That was the first time in Khost, and then the Americans came. The reason that Malem Jan came to Khost was to take over security for the Americans; he was a guard for the Americans.

Personal Representative: One more thing I have in my notes, you talked to me last time about Habib Noor.

Detainee: Yes, we talked about Habib Noor. During the time of President Najib, he was the intelligence officer or intelligence manger in Khost. At the time, I was working for Mustafa; he was the commander of the police. And there was another commander in Khost, Majah Ha Adrif (ph), and Mustafa was with him. No, I'm sorry, Habib Noor was with Mustafa. I was working with Mustafa and Habib Noor was with Majah Ha. We were police and Mustafa gave me a job as commander. He was the commander of security in town and we were police, too. He came to the city to take over the security of the city, and we told him no, not to come, because we can take care of the city. Habib Noor got into a fight between them and a lot of innocent people got killed. After that, we got mad at each other and we became enemies. That is why he was saying bad things about me. I'm not sure, but he got a job about five days before, I don't know the exact date, but he got a job with the Americans. I was getting ready for work and putting my uniform on when Habib Noor came and said the Americans wanted to talk to me. I was captured, and it has been two years since I have been here. I don't know a lot of these allegations against me. My Personal Representative told me some of these allegations, and I just found out now what some of the allegations are. About the letter that he told me I signed from Malem Jan, they changed the date on it. The date I signed this letter was ten months ago, they put the date ten months later than the time I signed it. I have the proof of my signature of these documents because somebody who signed this paper died six or seven months ago, and his signature is on that paper too. His file is in the criminal court. An American even knows the day the person died. He just makes a conspiracy for money and sold me to the Americans. If somebody dies, how can he become alive and sign these documents? But, I have the governor's telephone number and I have the internal commander – a person who you can call and ask about death of this person. If there any proof in my house, like an empty bullet, I will agree to stay a half a year in the prison, I swear. I said all of my statements under the oath, so it's up to you to believe me or not. I had my police uniform on, but the Americans removed the uniform from me. I'm not mad at the Americans about these allegations. But, about one allegation about me having a weapon in my house, I'm really mad at them for saying that. I have no weapons in my house. Where do they find weapons in my house? About the other allegations, I know that maybe Afghans had a conspiracy or trick. But about the weapons, where do they find weapons in my house?

Tribunal President: We may have some questions for you. Does that conclude your statement?

Detainee: Yes. My statement is concluded. If you have any questions, you may ask your questions.

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

The Personal Representative had no further questions.

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

Recorder: Yes, sir.

Recorder: Can you tell me why the Union of Mujahedin was formed?

Detainee: What do you mean by that?

Recorder: What was the reason it came into existence? Who was the leader?

Detainee: There were seven leaders and seven organizations

Recorder: Is this the same organization that is in bullet three? Is that the same organization that you are talking about? If you look at the bullet, it says Union of Mujahedin. I want to know why that was formed, to his knowledge.

Detainee: You mean the one that I signed; with my signature?

Recorder: Is the group of Mujahedin a group of people?

Detainee: I don't know about the other because there were a lot of organizations from Mujahedin. But, if you are talking about the one I signed, this one did not belong to the Taliban. That was after the new government.

Recorder: So this person Commander Malem Jan was the head of the Union of Mujahedin?

Detainee: Actually, there are still people in Afghanistan who will call someone from the communist regime Mujahedin. But, the people that were Mujahedin during the Russian times, they called them Jahadeen. Communist and Mujahedin never get together. Actually, if you want to capture Mujahedin, half of Afghanistan is Mujahedin. You could probably imprison them here, because there are a lot of them. We were telling the Mujahedin people there were supposed to be refugees supported by Americans. We called those people Mujahedin. We called people communists who were aided by Russia.

Recorder: Were you ever a member of a group of that type?

Detainee: Because Malem Jan was a commander for America, I don't think he was Mujahedin.

Recorder: What do you mean, he was a commander for the Americans?

Detainee: He had a group of eighty to a hundred working under his supervision and he was appointed by America as a commander of this eight to hundred. And each person was supposed to get one hundred and fifty dollars each paycheck. He had like eighty to a hundred people on his list. Americans were spending more money for the food and clothes and for the family of these people; it was a lot of money. I have a relative, he was one of the drivers and there were a lot of people who were working as drivers to transfer Americans from one place to another place, and they were getting paid too.

Recorder: Those were the question that I have, thank you.

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

Tribunal Members' questions

Q. You did not serve as an intelligence officer? Is this correct?

A. Yes.

Q. Some people who serve with the police also have duties with intelligence? Is that right?

A. Yes, they can do that job also. But, they have a different office in the police department and they have another office where they can work as an intelligence officer and they have the ID.

Q. Your duties were only police duties, and then only for the Karzai government?

A. Yes.

Q. How long did you work for the Karzai government? From its very beginning and until you got arrested?

A. At that time Karzai was not in the government. Rabbani was, and it was during Rabbani's time that I went to see Mazahart (ph).

Q. So you worked as a policeman under more than one government?

A. No, it was just Abede(ph). Abede(ph) was there for two to three months and he turned it over to Kazako(ph). We didn't work for Rabbani at that time. We were just working for some people from the force who made their commission. We were working, and we didn't get paid from Rabbani. We were just working for the security force.

Q. What is the total amount of time, if you remember, that you served as a police officer?

A. I'm not sure how long, but it was since the Taliban were gone from Khost. It was like ten days. They must have come to the government, and then I came after about ten days. I am assuming about a year.

Q. What were your specific duties as a police officer?

A. Actually there were thirty people. One group of people, which includes about thirty people, and we were all on call and waiting. We were waiting for whatever

was happening that we were waiting for doing the job. For five to six months, I was keeping the security in the bazaar. For three months, I was the guarding the weapons. Later, Americans came and took weapons from me. After that, I stayed in the office for two to three months and two months after that I went to Khost. During the Taliban, I wanted to go and work for the organization. They were coming to help Afghanistan. But, at the time I wanted to do that, these organizations left Afghanistan. I put in my application, and I have identification card too. I got ready to give it to them, but it didn't happen. I haven't have identification since that time. I got my identification card - they call it Tuskideer(ph) - during the Taliban and I have it here. I don't know about the Americans. What are the rules of America? Whatever king is coming, you get a new ID card, too? I don't know.

Q. During the time of the Taliban, did you fight in the war? How did you support yourself?

A. I was driving a taxi and I have the documents showing that I had a taxi, and Americans have this document too. I had the taxi for a year, and this is how I was supporting myself. After a year, I sold my taxi and then I had a lot of land. Then I was working in my land. The Taliban did not pay any salary to anybody. If they had paid me a salary, I would have probably (inaudible). The Taliban did not even pay for their school or teacher in our village. We had a teacher, she was teaching for the children and we all donated money to pay for the teacher. You can get this information from a lot of Afghans. It is not only me saying these things about Taliban.

Q. Sounds like life was pretty difficult for most Afghan people under the Taliban. Is that right?

A. Our life was not bad. But, our life was getting a bit harder later on because of the drought in the winter.

Q. In the beginning, you told us that during the time of the Taliban everyone had to be a mullah. Do you carry the title of mullah in Afghanistan?

A. It is not easy to become a mullah. You have to go to (inaudible)(a madrassa?) or have a lot of religious studies.

Q. We have heard that, by virtue of education and study, that they sometimes are given that title. We were wondering if you had achieved that?

A. No.

Q. Concerning the weapons and ammunition, did we understand you correctly to say that, yes, there were truckloads of weapons and ammunition that were taken, but they were stored at a military installation and not your house?

A. Yes. It was a (inaudible), a warehouse. Americans took some of these important weapons from there, but there are still a lot of weapons there. Some of the weapons are still there, but they are damaged.

Q. Did you ever know anything about people trying to sell those weapons that were later used against the Americans?

A. As a police officer, that is my job. If I knew of anyone, I would report them to Mustafa.

Q. Concerning Malem Jan, you said you believe he was with the Americans. Is that accurate?

A. Yes, he was with the Americans, obviously.

Q. Is there any chance in your mind that he may have become disenchanted with our presence there and decided to oppose the Americans?

A. I'm not sure about that.

Q. So, either before the Americans came or after we had been there a while, you are not aware that he ever opposed the American presence in Afghanistan?

A. I swear I did not know before the Americans (inaudible). There were two commanders, name Sal Daz(ph) and Ja Boz(ph). They were very trusted commanders of the Americans. Each was getting five thousand dollars a month in salary. When I was taken to Bagram, I saw them in jail. Both of these commanders were in Bagram jail with me. Americans do surprising things. They were in the same building. One spent six months in jail; the other spent two months in jail.

Q. Are they here with you also in the camp?

A. No. They did not bring them here. I'm not sure if they are still in Bagram or released by now. Maja Han Adroft(ph) was very trusted by the Americans. He went with the Americans to the German city of Bonn, to a meeting. He has a picture with Bush and shook hands with Bush. In a checkpoint, he probably took money from someone. But, the Americans shot him and killed him. The reason I'm telling you these things about Malem Jan, I don't know, maybe he was against the Americans later or what he did later. But I don't have any information about that.

Q. Sometimes it is hard to tell who your friends are.

A. Yes, it is very hard. Look at me. I was in the police uniform, and now look at me. I'm in camp, and the government now in Afghanistan is supported by Americans, and now I have chains on my hands.

Q. Tell us the name of the people who made the accusations against you. I think you name them earlier, but I want to make sure I have it right.

A. I'm not sure. God knows, but I will blame it on Habib Noor because he was the one who played games with me. He came and said: "Let's go, the Americans want to see you" and then he was blaming me for selling some of these weapons. I gave some (inaudible). You have to give them permission and then each car has to pay like ten dollars to go (inaudible) and he was blaming me. This money is for the government. He said I was taking the money and putting it in my pocket. This was not true. For this reason, he accused me and deported me. It must be Habib Noor.

Q. Could you spell his name please?

A. Habib Noor.

Q. You provided a timeline when you were working as a policeman in a (inaudible) post. When were talking about your duties in the group of thirty people. You worked five to six months around the bazaar.

A. At the time I was in the bazaar, I didn't have thirty people. That time I was included, but thirty people were on call.

Q. Your area of responsibility was the bazaar area?

A. Yes, it was just for five to six months. Me and the other police officers, we were just walking around in the bazaar and doing security checks.

Q. After that, you did three months guarding weapons?

A. Yes, in Kalfivick(ph). There was a big house; it was a big place and I was standing by the door.

Q. When the Americans came, you stayed in the office for about two months and then went to Khost?

A. The Americans were there the whole time, but they were in the airport. Americans were not in the bazaar, but they were in the airport. They had their own place in the airport. There are two airports, and Americans were in both airports.

Q. When you told us the story the first time, I got the impression that maybe you were working a different area and then towards the end of this one-year period you moved into the city of Khost.

A. Actually, the whole time it was in the bazaar of Khost. The City of Khost is as big as this camp: from camp (inaudible) to the end of this camp.

Q. Prior to working with the police, you worked with your taxi. This was while the Taliban was in town?

A. No. It was during the Taliban that I had a taxi.

Q. Yes. During the Taliban you had a taxi. You worked the farm or the land after the taxi or before the taxi?

A. Before I had the taxi I was working in my land too. Then, I had a taxi for a year. When I saw the person I bought the taxi from, I sold it back to him. Then, after a year the Taliban vanished. Then I worked in my land.

Q. This is all in the area of Khost?

A. Yes.

Q. So you knew the area pretty well?

A. Yes.

Q. Did you ever take taxi customers to any of the military camps around Khost?

A. It's been two years; I don't remember.

Q. Well...you knew where the camps were. I guess you knew the area?

A. Of course I know; this is my place. I've been there. I know the whole bazaar of Khost. I know where the military division is. I may have taken some of these customers, but I don't remember. It's been four years.

Q. Were you aware they were al Qaida camps?

A. You mean people other than the Taliban people were not allowed to go military compound or military bases? You can just go to the police department and file the charges. But, other than that, nobody was allowed to go to the important places.

Q. The important places?

A. During the Taliban, people were not allowed to go to their military bases or training bases. When the Majike (ph) regime falls out, people were going someplace for seeing these government places. They were going to these government offices, and

they were being there and taking the wood off the ceiling and the building was cement. They could not do anything to the building but destroy the whole building.

Q. I'm going back again to one of the original allegations. It has to do with this sworn allegiance to the Union of Mujahedin under Malem Jan. I think I understood a statement, the written statement was signing for a paycheck. Is that is correct?

A. I'm sorry. What was the question?

Q. Was that the actual written statement?

A. Actually there were two pieces of paper. One paper had like two thousand, and the other has the name of the people. They signed Malem Jan as their agent or their contact person. They had their names on that paper to give them their salary and my signature was on one of these documents too. When he was paying us salary, and he was showing those documents to Americans that he pays us.

Tribunal President's questions

Q. Have you ever in your life received military training?

A. No, I did not.

Q. During the rule of the Taliban, did they ever recruit you to serve with them?

A. Our tribe is named Kanight tribe (ph) and the Taliban did not do anything with us because we have more power over them. I have to admit I did this crime because they were collecting one hundred dollars (inaudible) from each house on the street. We have to pay that hundred dollars, because we had no choice. Whenever somebody wanted to go with them willingly, whatever money they collected, the Taliban would give the money to the person that would go with them. Every district in the entire (inaudible) was doing this because they had to.

Q. When you were working for the police or the office of intelligence, and as a security guard and your duties in the bazaar, did you ever carry a weapon?

A. Yes.

Q. Tribunal President: As I indicated earlier, the witnesses you requested are not reasonably available. But, had they been available to testify or provide an affidavit for this tribunal on your behalf, what would they have said?

A. The witness I requested, I wrote the phone number also. You can call them and they will tell you about me.

Q. We can't call them. That is why we have to go through the State Department and the foreign embassy of Afghanistan. They were unable to provide that information or contact. They were not able to give word back to us. But, I'm asking you, what would they have provided on your behalf?

A. They would say good things about me; they would not say bad things about me because they were very important people and one guy was a commander of the police, the other one was the manager, which gave me these two ID cards. So, they would tell the truth about me. If these two witnesses are not available, I will go with more witnesses; I will give more names for witnesses.

Tribunal President: That won't be necessary. We'd like to thank you for testimony today. I'm about to request from your Personal Representative your ID card and the other documents you requested to be produced. Before I do that, I want to provide you an opportunity to give us any other information or tell us anything else that you feel that is important as we make our determination.

Detainee: I want to say one more thing about Habib Noor. He has a very close friend his name is Maseade (ph). Maseade (ph) is from my village and from my district. Maseade (ph) was with Habib Noor when he became president. Later on, he was the bodyguard of Habib Noor and Maseade (ph) was killing one of the (inaudible). The owner of the Datsun car had five charges against him. Mustafa gave us the order. Whenever you find Maseade (ph), you must capture him. That made the commander of the post promoted to higher rank of general and for that ceremony Mustafa, Habib Noor, and Masede was with them too. I ask Mustafa, is this a good time to capture Masede? He said yes, just talk to him and get him in the corner and you can capture him. I went and talked to him, and got him in the corner of the meeting, and then I escorted him in the car and took him to the police office. Maseade was in the jail for one month and Habib Noor tried very hard to bond him and release him, but he couldn't. Then he had to return the car back to its owner and then he got released after a month. Maseade became a bodyguard with Habib Noor again. He was a very good friend of Habib Noor and I'm thinking he was the cause of the problem between Habib Noor and me. From the first day, I told the interrogator the whole process and that was it.

Tribunal President: Thank you. Are there any more questions from the tribunal?

Tribunal Members: No. sir.

The Tribunal President confirmed that the Personal Representative had further evidence to present.

Personal Representative: Yes, sir, I would like to present Exhibit D-b, the Detainee's police identification cards form the transitional Afghan government.

Tribunal President: Very well, thank you.

Tribunal President: This concludes the tribunal session.

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

AUTHENTICATION

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

Colonel, U.S. Marine Corps
Tribunal President

Summarized Detainee Statement

Tribunal President: Nabil Said Hadjarab, you may now present any evidence you have for the tribunal and you may have the assistance of your Personal Representative in doing so.

Tribunal President: I understand from earlier conversation that you want your Personal Representative to present that information.

In response to allegation 3a, detainee is a member of al Qaeda.
Personal Representative: Not true.

In response to allegation 3a(1), the detainee traveled to London, United Kingdom from Paris at the end of November 2000.
Personal Representative: Most likely is true. He did travel from Paris to London end of November 2000. The goal was to work for a short time and return to France to be a citizen of France.

In response to allegation 3a(2), while in London, the detainee attended Finsbury Park Mosque, a known al Qaida facility, where known terrorist were recruited.
Personal Representative: Lots of people go there not knowing their association with al Qaida. If he had known it was associated with al Qaida he would not have gone. He talked with an interrogator with the British Secret Service who knew about the Mosque and told him that he did not know. He went to London to work and was told that this Mosque would help him get situated. Any Muslim could and would go there.

In response to allegation 3a(3), the detainee flew to Pakistani International Airlines into Islamabad, Pakistan March 2001 3a(4), the detainee traveled to Afghanistan in March 2001.
Personal Representative: True. Around the end of February and beginning of March to Pakistan. For one or two nights in Pakistan only. On his way to Afghanistan. But it was his goal to go to Afghanistan to study the Koran in Arabic.

In response to allegation 3b(1), the detainee was taught how to use an AK-47 assault rifle in Jalalabad, Afghanistan in July 2001.
Personal Representative: They taught me to learn in the house where he studied. To learn to use it for protection against Afghani thieves. Not against Americans. In the United States, it is allowed for use in houses for protection.

In response to allegation 3b(2), the detainee attended the Al Farouq training camp.
Personal Representative: Not true. Did not attend any training camp. Other ~~integrators~~ interrogators two years ago said something similar and the ~~integrator~~ interrogator told him he was right and was not at the camp. He was told his number was mistaken with another detainee.

In response to allegation 3b(3), the detainee stated he was encamped for approximately 20 to 25 days in a trench in Afghanistan. The trench was equipped with an AK-47 assault rifle and some hand grenades.
Personal Representative: Part of the statement is true. I was in a "safe place". I did have an AK-47 for protection there only.

Detainee: I did not have it personally, but it was there in the trench.

Personal Representative: No grenades.

Detainee: As I've said before it was not a trench, it's just refuge. A safe place.

Personal Representative: When Jalalabad fell, he fled because of Afghans chasing all foreigners. That is why he ended up in that place.

In response to allegation 3b(4), the detainee was captured December 2001 and turned over to U. S. Forces.
Personal Representative: That is true. Not far from the place, but he was not captured. He followed Afghanis who said they would help him get out of there. So he followed them and they delivered him to the Americans. Afghans he trusted first delivered him to second people, then they sold him to the Americans.

Personal Representative: Madame President I know he said he did not want to participate. Do I have the opportunity to ask him if he does want to say anymore?

Tribunal President: I will.

Tribunal President: Based on your earlier comments I understand that you do not wish to answer any questions from participants here in this tribunal. Is that still the situation?

Detainee: Yes.

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

Personal Representative: Madame President I have no witnesses nor do I have any further information to present.

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

AUTHENTICATION

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Colonel, US Army
Tribunal President

Summarized Detainee Statement Under Affirmation

When asked by the Tribunal President, the detainee stated he understood the process and had one question:

Q. I want to know what law I am being tried under. Are they the same laws that apply to the detainees in the United States?

A. You have been classified by the U.S. government as an enemy combatant. It is the purpose of this Tribunal to determine if that classification is correct or not. You have not been charged with any crime at this point.

When asked by the Tribunal President if he wanted to make a statement the detainee stated yes but stated swearing was against his religion. He agreed to make a statement under affirmation, so the Recorder led the detainee through the Statement of Affirmation found in Enclosure 8 of the CSRT Implementing Directive.

The Personal Representative handed the detainee the translated portion of the unclassified evidence.

I don't understand how they came to the conclusion that I was recruited in Morocco. I refute it, but will not talk about it since it comes from classified information. I would like to know where the information came from saying I admitted to training at the al-Farouq training camp. I did say these things but I said them when I was captured and being beaten and threatened with death. I have spoken with a lawyer here and the Red Cross in Kandahar. I told the Red Cross in Kandahar, I and others were being beaten and admitted to things that were not true. All the things written here are not true. I was beaten until I said they were true. This happened in Afghanistan and it was from both Afghanistan and the United States [referring to the nationality of the captors who allegedly beat him]. About me being arrested by the Northern Alliance in Tora Boja, I was never there; I was in a village in Jalalabad.

Summarized Answers in Response to Questions by the Recorder

Q. Who captured you and where?

A. I was captured in a small village in Jalalabad by Afghans. I did not have a weapon.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Where are you from?

A. From Morocco.

Q. You stated you were captured in Jalalabad, is that in Pakistan?

A. It is in Afghanistan.

Q. What brought you to Afghanistan?

A. This is something that concerns me and I don't know what laws apply here. Do you have the right to ask the questions you have asked and the ones you are about to ask?

Tribunal President: We have the right to ask any question; you have the right not to answer.

A. I went to Afghanistan as a pilgrimage.

Q. When did you go?

A. I really can't remember, maybe 2000 or 2001.

Q. Did you travel from Morocco directly to Afghanistan?

A. No, I traveled from Morocco to Iran and then to Afghanistan.

Q. Were you traveling by yourself or with a group?

A. With my family.

Q. Once in Jalalabad, did you have any acquaintances or did you meet anybody there?

A. No.

Q. You just went with your family on a pilgrimage?

A. Yes.

Q. Was there a particular site you visited?

A. No.

Q. Is there an Islamic holy site in Jalalabad?

A. What do you mean a holy site?

Q. Where was he making his pilgrimage?

A. Pilgrimage can mean it is for religion, but I meant when you leave a place for good it is a pilgrimage.

Q. When you were captured by Northern Alliance forces, were you captured with your family or alone?

A. Alone.

Q. Do you have any affiliation with al-Qaida?

A. No.

Q. Are you aware of al-Qaida?

A. Yes.

Q. Are you aware of the Taliban?

A. To a certain extent.

Q. Were you in Taliban controlled areas when you were captured?

A. Yes.

Q. When you were in Jalalabad, what was your work?

A. I wasn't working.

Q. How long were you in Jalalabad?

A. 2 months.

Q. Do you have any other evidence or anything else you would like to say?

A. No.

AUTHENTICATION

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_____
, USAF

Tribunal President

Summarized Detainee Statement

The detainee stated that he understood the process of the tribunal and did not have any questions.

The detainee stated that he would like to make a statement under oath.

Summarized Detainee Sworn Statement

With regard to the 1st Charge I did not confess that I met someone in Saudi Arabia. But I did say that I know him in Afghanistan.

With regard to the 2nd Charge I did not confess that I fought the Americans in Tora Bora or any other place. When I went with these people from Tora Bora I had no knowledge that they were Al-Qaida or Taliban members.

The Charge that I traveled from Saudi Arabia to Afghanistan should not be considered a charge because Afghanistan is my home country, I don't think this is a charge.

I did confess that I went from Tora Bora to Pakistan where I turned myself in, with a group of Arabs, Pakistanis, and Afghanistans. I did say I was given a Kalishnikov and I had it with me in the trench, the cave that we were sleeping in.

I did not know that they were an armed group till I hear it on the radio. I heard that there was a war on Tora Bora, on the radio they were talking about Al-Qaida members.

Questions by the Government Recorder

Q. You were interviewed by members of the United States, interviewers from the United States?

A. Yes.

Q. And he was asked about who he know while in Afghanistan?

A. Yes.

Q. And that was around the 2001 time frame?

A. I went to Afghanistan a short while after the events of September 11th.

Q. At a certain point you were in Jalalabad, Afghanistan?

A. Yes.

Q. And he stayed with someone at their residence?

A. Yes.

Q. And he left that persons house after Kabul and Jalalabad fell to the Northern Alliance?

A. Yes, everyone that was in the house retreated.

Q. And did they leave in a pick-up truck?

A. Yes.

Q. And they people that left had Kalishnikov Rifles and RPGs?

A. Not in the initial, we picked up 10 more and the Kalishnikov and RPGs.

Q. And they also had walk-talkies or two-way radios?

A. Yes.

Q. And was it at that point when they went to the cave?

A. We went to Tora Bora Mountains about two hours from Jalalabad.

Q. And they stayed there in the cave, trench?

A. Yes.

Q. And the people there were armed?

A. Some people were armed, yes.

Q. Was food was brought to the people in the cave?

A. Yes.

Q. And at some point, a month later they went and surrendered to the Coalition Forces with their weapons?

A. Not to the Coalition Forces but to the Pakistan.

Q. And they were turned over to the Coalition Forces?

A. To the Americans.

Questions by Tribunal Members

Q. Sir, when you left Tora Bora for Pakistan, you said that you turned yourself in, why?

A. That was the only choice, the border was sealed. I did not expect them to hand me over to the Americans; I thought they would treat me like an Afghani.

Q. When you were in the cave, were there any women or children with you?

A. No.

Q. Was everyone in the cave armed?

A. Yes. That is what I say.

When asked the detainee stated that he did not have any more evidence to present.

AUTHENTICATION

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

_____
Col, USAF

Tribunal President

Summarized Sworn Detainee Statement

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

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

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

Detainee: Yes.

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

Detainee: Yes.

[The detainee was sworn using the Muslim oath.]

Tribunal President: You may now proceed with your statement.

Detainee: I have a question for the Tribunal.

Tribunal President: Please.

Detainee: What percentage of the evidence will it take to prove I'm guilty?

Tribunal President: The Tribunal does not work off of percentages. We review all evidence including statements and will consider them to determine your status as an enemy combatant.

Detainee: One evidence is fruitful based on evidence if I'm guilty. One evidence is noticed by some other people like my enemy. How will that be proof that I am an enemy combatant or not?

Tribunal President: That's why we are here to examine the evidence. We cannot answer before we hear it. This is the first time any of the Tribunal Members have seen this information this is all we know. Does this answer your question? Does it help you?

Detainee: I hope so.

Tribunal President: Any time you have questions about what we are doing here you may ask them.

Detainee: Okay.

Tribunal President: Personal Representative will you assist the detainee in making your statements.

Personal Representative: 3.a.1. (The detainee was identified as being in charge of Hisb-I Islami Gulbuddin (HIG) operations in Jalalabad, Nangarhar Province, Afghanistan.)

Detainee: Do you want an answer?

Personal Representative: Yes please, is this correct?

Detainee: I'm a resident and was born in Patta. I have never in my life been in Jalalabad. I have only heard if it's name. No American soldiers knew me before they arrested me. I was never on TV, I was never in the news, and my name or my face was never in the newspaper. I think my personal enemy gave some wrong information and the Americans came to my house to arrest me. I am not an important person in Afghanistan. Only the United States military or government has the evidence. The information by my enemy and my personal information is all wrong, it will not prove anything. The point that I belong to Hisb-I Islami. In my files I told my whole life story everything that has happened to me from the beginning to the end and nobody has ever mentioned Hisb-I Islami in my interrogations. No one has ever mentioned or asked me about Hisb-I Islami. This is the first time I have heard of it. The first time I went to Bagram, I was told I was a butcher, the interrogator. It was a surprise. Someone told me I had the wrong visa and I was a possible dealer or smuggler of people. I was interrogated for three months and they told me I fired a rocket. The people I mentioned before gave the wrong information to the American soldiers. I lived in Afghanistan until I was 14 or 15 years of age. We then moved to Pakistan for about nine years and then moved back to Afghanistan. I have never been a member of any organization. I have never worked for anybody; I have never worked for the government or any political or military organization.

Detainee: Read the first accusation again.

Personal Representative: The detainee was identified as being in charge of Hisb-I Islami Gulbuddin (HIG) operations in Jalalabad, Nangarhar Province, Afghanistan.

Detainee: I have never been in or seen Jalalabad. I don't know anything about Hisb-I Islami. When we moved to Pakistan I just went to school and came home to do homework with my family. When we moved back to Afghanistan there was only the Taliban Government. None of my family members were members of Hisb-I Islami.

[The detainee did not speak to 3.a.2. (HIG has been designated as a terrorist organization by the United States Department of Homeland Security.)]

Personal Representative: 3.a.3. (The detainee attended a meeting in Pakistan with other leaders of HIG and the Taliban to discuss operations against United States forces in December 2002.)

Detainee: I don't know anybody that belongs to Hisb-I Islami and nobody that belongs to the Taliban group. How is this possible if I don't know anybody from either group. And I am supposed to have gone to another country and made plans against America, this is impossible. I was the only one to take care of my family. It was impossible for me to leave my home for one day. I hope you have some knowledge of Afghanistan. People have disputes that last for so long. I have a personal enemy. Some people can't go face to face and have to wait for a reason. Now there is a reason and they gave the wrong information to the Americans who put me in prison.

Personal Representative: 3.a.3. (Mullah "Qasim" was the Chief of Investigations and Interrogations for the Taliban in Zormat, Afghanistan.)

Detainee: I don't know the exact date but when we returned to Afghanistan from Pakistan, it was the Taliban Government. They were in power for about another one and a half years. I stayed at home for about six months. Then I started building streets for the government. I did this for about five or six months. About a month later the Taliban Government was thrown out. There is a person called (inaudible) who was high ranking in the Taliban Government. He is very powerful and my personal enemy. How is it possible that I can work with him? My father worked for the last communist government on the Supreme Council. (Inaudible) This guy mentioned (inaudible) and his father killed my father. Then they came and robbed our house. His family is powerful (inaudiable) then they killed my father and robbed our house. With him working in the Taliban Government, it would be impossible for me to work with them.

Detainee: I would like to (inaudible.)

Tribunal President: Please.

Detainee: I don't know anybody in our area that is a Hisb-I Islami member. There is no Hisb-I Islami in our area, I have only heard of them on the radio. Like I mentioned before about my personal enemy. The American soldiers did not know me or recognize me. I asked the interrogators about anybody that gave information about me. I asked them to sit and talk about it and I would prove it was my personal enemy and the information that he gave was wrong. Some people in our area were very rich and powerful and worked with the government and the American forces. They would get people to come and write about different things. There were poor people and they would give them money to put things down. This is a very rich and powerful businessman. He has worked with all the governments to include the present government. If he doesn't like some one or he has a dispute with some one he will give the money to the people and they will be given to the Americans...(inaudible.) The night they arrested me and put me in a car there were Afghan soldiers there also. I asked the soldier what was going on and why the Americans came to my house? The soldier told me that they didn't know me nor did the Americans know me. He said some people from my village came the day before and gave a report. The Americans said they couldn't go at that time and told them to go and get me. Maybe there were more reports before this one, but they know I had

problems with this person. I asked the interrogators to give me the time to prove this was my personal enemy. I was never an enemy of the present government or America. I have never spoken against America. About me meeting with the other leaders, that is impossible. If I were meeting with these people I would have to have a very important position and be an important person. How is this possible? No member of my family is part of this; I don't know any of these people. I have always been a small person. I have always just helped my father and mother. My job for the Taliban government was for only four or five months. I would work in a warehouse in the morning then drive a car up the mountain and bring rock back down for the street. The interrogators asked me if I worked for Ahmed Shah. I don't know him; maybe he had seventy or eighty other workers like me. I only know him by face, the Minister of Public Affairs, but he doesn't know me. He had a lot of workers like me. I have no connection with him.

Tribunal President: I'll ask a question. I'm not sure why this Ahmed Shah is part of the evidence that has been presented.

Detainee: (inaudible)

Tribunal President: Does this conclude your statement?

Detainee: What does that mean?

Tribunal President: Have you provided all the information you would like on the unclassified information?

Detainee: Yes. I'm sorry, I'm still not clear on what...

Tribunal President: Are you finished with providing us information?

Detainee: Yes.

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?

Personal Representative: No sir.

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

Personal Representative: Yes sir.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Can you clarify? You said you moved to Pakistan when you were fourteen, when did you move back to Afghanistan?

A. Almost nine years.

Q. Nines years so you were 23, 24. Do you know what year that was?

A. I don't know the year.

Q. You are not sure what year it was, but I think you said it was about a year and a half before the fall of the Taliban?

A. Almost.

Q. But when the Taliban was in charge you only lived in Afghanistan for about a year and a half?

A. Yes.

Q. In the last point of the evidence, it says you may have been in Zormat, Afghanistan. Have you ever lived or visited Zormat?

A. Yes, until I was fourteen or fifteen years old. Then I went to Pakistan for nine years and came back to Zormat. They arrested me in Zormat.

Q. You mentioned earlier that you had enemies. And these were family disputes for many years. You named at least one member of that family that is now in a high position in the current government. What is his name again?

A. Nur Mohammed. He may not have direct contact with American forces but he gives the money to other people and they...(inaudible.)

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

Detainee: There are a lot of things to talk about...(inaudible)...I was not arrested in a war zone or a battlefield, they did not get any weapon from me, they don't have any evidence on me, they just came to my home and arrested me. I didn't do anything wrong or break any law.

AUTHENTICATION

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

_____
[illegible], USAF
Tribunal President

Summarized Unsworn Detainee Statement (but see page 2 where the Detainee agrees to take his own oath and makes a sworn statement):

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

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

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

The Tribunal President stated that the Detainee wants to participate and has requested two witnesses, one witness from Pakistan and one witness from Yemen. The Tribunal President ruled that these two witnesses are relevant to this tribunal hearing. The witness request was sent to the United States Department of State on 22 November 2004 with a request to contact both governments for assistance. As of this date, 7 December 2004, the Department of State has received an acknowledgment response for the request from both embassies, but they appear not to be supportive of the request. The witnesses have therefore been deemed not reasonably available.

Tribunal President: Mohammad Ahmad Ali Tahar, you may now present any evidence or information you have to this tribunal, and you have the assistance of your Personal Representative in doing so. Do you still wish to present information to this tribunal?

Detainee: Do I talk now?

Tribunal President: Yes, and would you like to make your statement under oath?

Detainee: Yes. That means do I give an oath? As you see fit; I have no problem with taking that oath.

Tribunal President: We have a Muslim oath prepared if you would like to take the oath.

Detainee: No problem.

Tribunal President: Very well, thank you. Recorder, please administer the Muslim oath to the Detainee.

At this point, the Recorder begins to administer the oath, but was interrupted by the Detainee.

Detainee: You are not Muslims. I want to do an oath without him talking. He is not a Muslim.

Tribunal President: Very well. Would you like to take an oath in your own words? You may do so at this time.

Detainee: I swear to tell the truth. I swear to tell the truth.

Tribunal President: Very well, thank you.

Summarized Sworn Detainee Statement

The Personal Representative read the accusations to the Detainee so that he could respond to the allegations. The Detainee has a question before starting his statements. The allegations appear in italics, below.

Detainee: Do I have to respond to each point, including the title, saying that the Detainee is associated with the Taliban or al Qaida?

Tribunal President: You can respond to any of the items on the unclassified summary as you choose to.

Personal Representative: (To interpreter) Please relate to him that I recommend that we go one at a time, because that's how we could get his story out about each one of these accusations.

Detainee: That's good.

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

3.a.1. The Detainee traveled to Yemen for (from) Pakistan in September 2001.

(The personal representative clarifies that the 3.a.1. should read "from" instead of "for".)

Detainee: My response, first of all, was that I was captured inside Pakistan. Second of all, I don't belong to nor am I associated with any group. I never had any association with any organization even before. I'm just a student that went there to collect and gather information to help me with my studies. I didn't have any intention; I had only personal intentions of doing the things related to my studies. I didn't have any intentions to help or to do anything with any organization. Or, not even having anything to do with Jama'at al-Tablighi, which is like propaganda, or try to give the Islamic word out there. I didn't even have that intention. I just went for personal reasons to gain knowledge and come back. I never heard of this Taliban or al Qaida before. It's the first time I ever heard of these two names in all of this, is when I got here, to Guantanamo Bay, Cuba. I didn't know what these names were, I didn't hear about them, and I didn't have intel, or anything about them, until I got here, at the Guantanamo camp. Up to now, I really still don't know what these people's goals are. What they are, and what is the definition of these people, and what are they trying to do (referring to al Qaida and Taliban). From

what I know, all the interrogators, and as I mentioned with my meeting with the P.R., that these people, the Americans, are just trying to tie some people to the incident of 9/11, and to have someone pay for that. They are trying to find the connection and to put me in that connection, the connection to these people. I heard earlier that you really wanted to get to the truth and to be just. I love that and I appreciate that. What you are doing is a good job, very good. But, I only hope that there will be no injustice in this world. Because, you know, that injustice will come back to you anyway. Because I have no means, or no ways of defending myself; I have no lawyer. I don't have any way to get witnesses to prove that I am really innocent of all this. I was hoping that all the time that I have been here, that they would look, look at my file, and search the information for them to prove, and to read and get to a reasonable conclusion to clear me from all this.

This is my entire story about me traveling from Yemen to Pakistan. I traveled by official means. I traveled through a Tabligh organization; I didn't hear or didn't know that this organization favored or was encouraging the Jihad or doing Jihad activities. This organization existed in the United States and even in Tel Aviv. And if I had known that this organization was a terrorist organization, I would never be associated with them. Because I didn't have enough money, I chose Pakistan. That's why I chose to go there and study medicine. I saved up some money and I was told that some organization would help me, and they helped me immediately. They gave me all the information, and they said yes, Pakistan has a good medical program; it's not that hard, it's a good program and it's not that expensive. That's why I went there to find out for myself to see if I would be able to study medicine there or not. So if my plan was successful then, and if I found out that it's really good for me and they can do it, I would stay, and if not then I would go back.

I wrote many letters to my family, but I didn't get any response or any help from them or the military. I didn't get any letters back. I wanted to ask my family to gather information and to help me prove that I finished high school, and that I was fine, to prove that all this is not funded, not based on any reasonable proof. That's what I was trying to get my family to give me.

I was not even twenty at that time. They (apparently Jama'at al Tablighi) wanted to do something humanitarian and I wanted to go and do my duty, study with civilians and help people. Look, I'm not involved in this big problem and all this mess, and I have nothing to do with them. That is really all my story, really, and I wasn't given the chance to prepare my defense, or help myself, gather witnesses or to see if this is not correct or not true. If you check the Pakistani government and the Yemeni government, they know everything about me. All I wanted was just for you to look deeply into my case and to take into consideration all these things. I would like the Americans not to be unjust or judge me at all, really, because that will reflect badly on the Americans. They preach justice and they don't want to be unjust against anybody or to do wrong to anybody and that's what they swore to do. You and I hope that you will be just.

Tribunal President: I can assure you of that, and you witnessed that we took an oath and we are bound to be fair and offer justice. We are here to determine whether you have

been properly classified as an enemy combatant. We have come here with an open mind. We have seen nothing about you until today, with these two pieces of paper. We have determined your witness request to be relevant and asked for responses from the two governments that you requested. For whatever reason, those two governments have chosen not to respond. We will not hold that against you. We will still look at all the evidence, all the files, and all the information and with an open mind and with a fair and just purpose make a determination whether you have been properly classified as an enemy combatant.

Detainee: I have reason to tell you why I chose the Yemeni government. When Pakistan captured us, I made a mistake, I did something wrong in Pakistan. I was really surprised to see these allegations from people who are not Pakistani. After that, Pakistani and American Intelligence interrogated me. The Pakistani government put a condition that if there is no proof against me, and I didn't do anything, that they would leave me with the Pakistani government and the Pakistani government will deliver me to my country, Yemen. The interrogation station was in front of me and it was the army translator and the interrogator from the Pakistani intelligence said yes, all of what this man said is correct and all he said about his story in Pakistan is correct and therefore that is why we are going to give him back his passport that we took. I would not stay long in Pakistan; I planned on going back to Yemen. I was really surprised that the American intelligence refused all of those proofs and they said no. We still need him, they said, and then they took me. That's why for these reasons I chose the Pakistani government as a witness because they have all this information and they know everything. I also chose the Yemeni government because I'm sure my government will confirm what the Pakistanis are saying. That's why I am very confident that will be the case. I have great confidence that you will find out too, that what I'm really saying is true and that I really don't have anything to do with all these things that are being said about me. That's why when you make your conclusion, your decision, you'll be confident and you will have no doubt about it, you'll be comfortable with it.

Tribunal President: I'm sure we will have no doubt about it, because we will make sure that there's a preponderance of evidence that will guide us in our decision.

Personal Representative: Now, I need to mention some things that we talked about in the interview. And I'll say that, and he can talk about it.

Detainee: OK, if you want to make comments about each point, that's fine. But, really, I'm not going to respond or say anything, because this is all that I have to say. This is my story. But, you can go ahead and read every point.

Personal Representative: OK. Tell him I will because when we first met I told him that as his P.R., everything that we discuss might be compelled to say at his tribunal. Does he remember me telling him that?

Detainee: Yes.

Personal Representative: So, I will mention that if he feels compelled to say something he should; if he doesn't want to, then he doesn't have to.

Detainee: Yes, I would like you to read the points, and I will just confirm it or deny it. And we will go from there.

Personal Representative: (Reading from notes taken from previous interview) Good. When we met, we discussed, regarding number one, that yes, what he did was travel from Yemen to Pakistan, he had a passport, a plane ticket, money, all legally traveled. He went to study medicine at the University. However, he did not get a chance, or an opportunity to register to attend the classes when he got there. He was there about three to four months then he was arrested. He got there and met the Jama'at al-Tablighi, and was using them as a way to start to study medicine. They asked him to study the Koran.

Detainee: Yes, that's true.

Personal Representative: That's all the notes I took for number one.

Detainee: Yes.

3.a.2. The Detainee was sent by the Jama'at al-Tablighi to travel.

Personal Representative: (Reading from notes taken from previous interview) During our discussion, he said that he paid for himself to get to Afghanistan, and he was accepted from them to travel to Pakistan to attend a school. I'm saying he paid for himself to get there, and that he was accepted to attend the school. It was his intention to go there and study medicine.

3.a.3. The Detainee obtained his travel visa through Jama'at al-Tablighi.

Personal Representative: (Reading from notes taken from previous interview) Yes, that's true. Everyone knows they have no relationship with the Taliban or al Qaida, after September 11 the Americans started to say they were associated with the Taliban and the al Qaida.

Detainee: These are my words to you?

Personal Representative: This is from my notes of what you said.

3.a.4. The Detainee was met by a member of Jama'at al-Tablighi in Pakistan.

Personal Representative: This is true.

3.a.5. Jama'at al-Tablighi, a Pakistan based Islamic missionary organization is being used as a cover to mask travel and activities of terrorists including members of al Qaida.

Personal Representative: (Reading from notes taken from previous interview) He said that he never had any idea that this was used as a cover. He never knew that it was ever associated with al Qaida.

Detainee: If I've known that they were a terrorist organization I would have never gone to them.

3.a.6. The Detainee was sent a personal greeting from the Taliban Deputy Minister of Intelligence.

Personal Representative: (Reading from notes taken from previous interview) Per our conversation, he said that he never received a greeting; he does not know the meaning of the Taliban, he said, I never ever was in Afghanistan.

Detainee: May I talk here?

Personal Representative: Of course.

Detainee: When we talked about this specific point last time, and I said that I did not know the Taliban or have association with them. He said yes but again they are trying to find any connection or any relation between you and Taliban or al Qaida. Somehow they are trying hard to find any connection. I was wondering if the Americans are going to force the issue, force me in connection with these people, even if it wasn't true? And he told me no, no, and so I said, I came to Pakistan; I have no relation with these people. I lived a winter in Pakistan so what's the relation? I don't know, it looks like they want to put these accusations on me, and somehow, they want me to give out a witness (inaudible) This guy, this minister of intelligence, he's a hotshot, a big guy so, I'm just a simple man, what do I have to do with him? I'm sure it was just a mistake that it was somebody else that was mentioned there, and thought that it was me. It could be the name of another person. They know these things and somehow they still have to connect me one way or another. I would like you to read it more, seriously and deeply to this point.

Personal Representative: Also, if I may, I think I told him that later on in a closed session that I may have some information to present to what he may be talking about.

3.a.7. A senior al Qaida lieutenant recognized the Detainee in a photograph.

Personal Representative: (Reading from notes taken from previous interview) His response I don't know al Qaida, I don't know the meaning. He doesn't know the meaning of al Qaida.

Detainee: I'm sure that he is mistaken by looking at this picture. I'm sure he's looking at this picture, and looked at that picture. It might be of another man, and he said it's me. Because sometimes when you look at the pictures, you think that you are sure that this is the right person. But you need to see the person physically and you realize that is not.

That's why I'd like to meet this person and see if he can see, and show him that it's not me. That's all.

3.a.8. The senior al Qaida lieutenant ran an al Qaida safe house where a number of al Qaida members were captured.

Personal Representative: (Reading from notes taken from previous interview) His response was that the person who was running the house where he stayed at was a part of the University. The name of the person who that ran it was Issa, a Pakistan who was from the University.

Detainee: That's true.

Personal Representative: (Continues from notes) I never thought or believed in or do not believe that Issa, who ran the house, was al Qaida. He would come and go and run the house.

Detainee: That is correct.

3.a.9. The Detainee was captured in this safe house.

Personal Representative: (Reading from notes taken from previous interview) This was the house he was captured in. I had no idea why the Pakistani government raided us. The Pakistani told him that, I think this is what he was alluding to earlier, that this was not a safe house.

Detainee: And also, I wanted to add that for me being with the people that were in that house, me talking to them, and being with them, I never noticed anything that had to do with terrorism or Jihad or anything. I never noticed anything that would indicate that they were in these things. If I have noticed any slightest thing, I would not say anything. I was just staying there, listening to lessons, learning that information, doing our duties, our religious practices, eating and just waiting for the results, or response from the University to see if we were going to be accepted and be able to stay there and study or not. That's all we were doing. I didn't have any information and I didn't have any knowledge or any indication that this house belongs to, or was a safe house or anything. From what I knew, this house belongs to Jama'at al-Tablighi and this has nothing to do with anything else. I used to ask Issa, the guy who was in charge of managing the house when am I going to leave, when am I going to get a response…? He said just wait, just wait, be patient, you'll get a response.

3.a.10. The Detainee stated that he is a terrorist.

Personal Representative: (Reading from notes taken from previous interview) His response to me was I must've been misunderstood. Some stuff I did not understand.

Detainee: I admit that I don't understand everything. And I'm just a simple person and maybe during these interrogations I might have understood in my way but I started saying yes, to how I understood it, but it was the wrong word. That's why I may have said something I didn't understand too. That's all.

Personal Representative: Do you have anything else to add?

Detainee: No, I'm fine. No, I don't have anything else.

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

Personal Representative: Thank you, Sir. Yes, I do have a couple. It was about a three or four month timeframe that you were waiting to get into the University; what did you do (during that time)?

Detainee: I was just trying to memorize the Koran.

Personal Representative. Okay, my second question. Did you ever participate in any terrorist activity?

Detainee: I don't know what this is. What is the meaning the meaning of terrorist? I don't even know what that term is.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Good morning. We are pleased that you took the time to explain your situation to us today. As the president mentioned, we haven't seen your file prior to coming to the tribunal. However, there are some things that you said that make us familiar with your story because some of your Yemeni brothers in the house have come before us in the tribunal. When you left Yemen to go to Pakistan, was it your understanding that you had already been accepted at this school for medicine?
A. No, I didn't know. I went there to find out, I just had tbe information about this University.

Q. But, they have a medical school there?
A. Yes.

Q. You mentioned the Jama Salafia (ph); was this the University that you were trying to attend?
A. No, I didn't have the knowledge. The Pakistani (inaudible) introduced me to this. Before I traveled, and one of the guys who interviewed me told me that there are so many Universities in Pakistan that would interest you in medicine. But on one condition, you have to memorize the Koran; you have to learn the Koran. This happened in Yemen.

And then I left to go to Pakistan. I found one interviewer, his name was Ismye (ph), who showed me a University that will teach you how to memorize the Koran. I had this information in Yemen. I had to memorize the Koran. I went to this group; at the university and they didn't know if they would accept me. I might just go, to go and memorize the Koran. My decision of choosing this University is just because it was a requirement for me to go to medical school. That's what the education person said, that's why. And according to the information I had in Yemen, that is one of the condition to get accepted to medical school, you have to know the Koran. That's the only thing, that's why it was a condition, I wanted to get that condition out of the way. That was the reason why I traveled to interview.

Q. But, you could've memorized the Koran in Yemen, without having to go all the way to Pakistan. Yet you wanted to go to Pakistan to do that?
A. There is no doubt about that. That is true. Yes, but there will be a big difference in me learning the Koran in Yemen, or me learning it there, following their requirements, their conditions they put for us to get there. And I wanted to make sure myself, does this condition really exist, that you have to memorize the Koran, and I was really in doubt that this condition was really there. You have to memorize the Koran, to get into the medical school. This information was given to me by Jama'at al-Tablighi, so I was really hesitant. I had my doubts, as every medical school that you have to memorize the Koran, to be able to get into that medical school in Pakistan. That's all about that.

Q. Sounds like more of a school for religious studies than for medical school.
A. Yes, of course, there was no medical school in that University.

Q. So the Tablighi people helped you get to Pakistan and to the house where you stayed and then for three or four months you just studied the Koran the whole time?
A. Yes, this is just from the knowledge, information site, but all the expenses, I paid them. Any financial expenses, I paid them.

Q. Did you have enough money to support yourself or did you have to go out and work to earn money there?
A. I was always working since I was very young. I was going to school and working. I really had enough money to support myself for a long time. To prove that I had money, when I was captured I had some dollars with me. It was over two thousand dollars, and you have it now, with you, its here, with my passport and tickets.

Q. If everything had gone according to your plan, how would it have worked?
A. The purpose was to visit Pakistan and to gather all the information needed and see how things are going to go, and then to go back to Yemen, get all my diplomas, my credits, everything that I would need, and go back and go straight to school. I would bring all the documents necessary from the government and all that, to go to the university, that was the plan.

Q. How long were you initially planning to stay in Pakistan?
A. I really didn't know how long. I was expecting it to be a month or two.

Q. But it just kept lasting longer and longer?
A. Yes, these people were starting to make problems and they were delaying things. My passport was with them, everything was with them and they just delayed it, and there were lots of delays. I don't know the country. If I had problems I would argue with them, but if I go out, I might get lost. They had all my papers and everything that's why. They kept delaying things.

Q. Why do you think there were so many delays?
A. I asked them many times, they said oh no, wait, just wait, you know how the Pakistanis, how they are. Even their Army wasn't that good, so sometimes I leave, because I can't understand their response, so they said, wait just wait.

Q. It would seem that if they brought you all the way over there, that they would try to help you get what you wanted?
A. That was their intention, yes I had confidence in them but that's how they were behaving to me. And I wasn't comfortable at all. I was not happy with them, because, my passport had expired, my plane ticket I bought, problems with my Visa, the plane ticket, all that, I wasn't happy with it. I was very definite that the Visa was going to expire and the plane ticket also, so I wasn't happy. This is all I paid for it financially.

Q. Could you please explain the circumstances of how you were captured?
A. What conditions? You know everything, so what do you mean?

Q. I assume you were arrested in the house? Or was it from somewhere else?
A. I was in the house, I have all my documents, my passport, my plane ticket, my visa, I was legal, and everything was official. I kept my papers with the manager of that house, Issa, and he used to come on and off. During this waiting period, the Pakistani police came and they invaded the house. When they personally captured me, I didn't have any problems with them, I was calm. I gave them whatever they needed; I didn't cause them any problems. I thought they were just going to get some information from us, from me, which is their right, which was fine. The Pakistanis took me. They took us to the interrogation place, and from there, the sad story and moving started.

Q. How long have you been here at the camp?
A. I don't know the date exactly, but I think it's about two to two and a half years. In Yemen, if you have problems in country, they capture you, they investigate and interrogate you, you go to the court and see the judge, and when its done, its usually within weeks, a month at the most. But, with Americans, look, it has been three years.

Q. The concern, of course, is some of the points on the summary, which you had addressed earlier, particularly the ones concerning the greeting you supposedly received from the Taliban minister and the al Qaida officer recognizing you.
A. He says that also these two points are still a mystery for me. I mean, it doesn't make sense, you can ask a child, if you ask him, please, look into this, this hotshot, this

minister, who ever said this, or whoever, it doesn't make sense. I hope you would look at it deeply and with a strong mind.

Q. Because, that is the two bases for our concern, you say you didn't know who they were, but for some reason they seem to know who you are.
A. How did this happen? Can you bring them in front of this tribunal? Or in front of this... your law says that you can. You didn't bring them, and I even asked you, but you didn't. We are following the rules and laws. How come these laws do not apply?

Tribunal Member: Certainly if we had the ability to bring the people whom you had requested we would have done so.

Detainee: I heard in the beginning that you couldn't bring these people because of things I did.

Tribunal President: That was previously explained, and also we said, and I will say it again, that we do not hold it against you because the people did not respond to the request.

Detainee: You are referring to the Pakistan and Yemen Government, no, that's not what I was talking about. I'm talking about the videos. I heard in the beginning that you said, you said you could not bring these people, the people that saw me, and the people that saw me and said such things about me.

Tribunal President: Well, naturally, because as was explained also earlier, some of that information has national security implications for the United States and cannot be released.

Detainee: Okay.

Tribunal President: But, in any case, we accept your testimony today, in whatever form you choose to give it.

Detainee: Me, too, I listen to whatever you say, how you present it, and give it its importance to this tribunal.

Tribunal President: Thank you again.

Q. When you left Yemen for Pakistan, did you have a roundtrip ticket?
A. I really don't remember. But I know I have my ticket and it's written there, you will see. I mean, if you look at my ticket, you will see if it was a round trip ticket or not. But, I am sure it was a roundtrip ticket, but of course, it would have to be a round trip ticket.

Q. The papers that you talked about during our questions, you mentioned a passport, tickets, visa, etc., ...have you seen them since you have been here in Cuba?

A. Yes, they gave them to me one time, in the interrogation. I think they were pictures of the documents, not the original documents. But, they told me that everything is here.

Q. You had mentioned that the Tablighi organization took your passport and tickets for a while, evidently they gave them back to you, but they just took them for a little while?
A. They use to take them, bring them back, take them again, and bring them back. Yes, when they say we are going to transfer you from here to there, we are going to take you from this place to that place, they use to take the papers. I don't know what they did with them.

Q. Were you transferred to many different places?
A. I really didn't go to many, many places but I used to go to the University, then to Jama'at al-Tablighi, to the house and such.

Q. From the University, to Jama'at al- Tablighi to the house, what were you doing when you went to Jama'at al-Tablighi?
A. As I mentioned, I came to them, but, when we used to go, we would go to the mosque.

Q. You said earlier, you're just a simple, common man, but you're going to study medicine. You seem to be very intelligent; did you have any type of medical training before you went to Pakistan?
A. I'm not really that smart, but yes, if I had information, when I was in high school and when I was in Yemen, I would gather information and see how to study medicine, and use to go to the medical school there to see and gather information. Yes, I did have some training.

Q. You mentioned all through school you were working, what kind of jobs did you have? Part time, full time, what were those jobs?
A. I actually use to do only one job. Really, I use to sell grocery products. That's what I used to sell. I used to do that since I was ten or twelve years old, all the time. This is something that is a custom from our tribe that you have to take charge, and take responsibility when you are young.

Q. When you were doing your investigation for medical schools, was it only around Pakistan, that area of the world, or did you look at other areas of the world that may offer medical studies for a reasonable price?
A. Yes, I did look at other countries besides Pakistan. Yes, I would like to study medicine in other countries besides Pakistan. For example, Syria and Jordan. Medical studies are easy there, and it's in Arabic. And even in Syria, the expense is not too high; it's a lot cheaper.

Q. When you were in the house, when you were arrested, how many people were with you that got arrested also?
A. I believe it was like thirteen, fourteen. Anyways, I knew it was more than ten.

Q. They were the people you were living with?
A. Yes.

Q. Did you know them well enough to know what they were doing, I mean, were they just studying the Koran or did they maybe want to get into a medical school or something else, maybe start a business...what were they doing?
A. I found out these people were just simple and religious people who are into religion and they often didn't wear beards and I was avoiding those guys. I really didn't have any deep personal relations with these people. All that it was, is that I went to lessons, I used to sit and listen to lessons, or classes given, I just didn't go there to be personal and ask, and wonder what you are doing and all that.

Q. Do you consider yourself to be a very religious person or moderately religious?
A. Normal guy, I would say moderate, I'm not extreme. I don't have deep knowledge on the Sharia religion.

Q. To your knowledge, were any of the other people in your house extremely religious or were there because of a fatwa to come and study something more than religion, maybe, some type of military training.
A. I didn't notice anybody. Nobody talks to me about being there for Jihad, or they are going to the Jihad. As I told you before, they were just simple people, I didn't know any of them, and I didn't know what they were doing.

Q. One last question. You have been very cooperative and I appreciate that. I also noticed that you have a certain color of uniform, the orange uniform, and I noticed there are people who have tan, or beige, or white uniforms. Is there any reason that you are still in an orange uniform?
A. I really don't know. I don't like problems. I don't cause problems, but maybe it was a misunderstanding from the interrogators and investigators. They did put me in there, in that area, that gets this color. I really don't know, but I don't cause any problems. I don't try for problems. I believe the interrogators do have a role in causing problems sometimes, and causing the orientation where you are to be put because they try to talk and do things, and then they decide you need to be this way or that way, or in that area. I spent about a year and a half in first class in number one. I was fine. I didn't have any problems, but all of a sudden, after a year and a half, it was a mistake, or a misunderstanding whatever. They talk the wrong stuff about me, wrongly, and then all of a sudden, they move me to this color, and I don't know. I decided after a few months after I got here, I decided to be really cooperative and to help, and to be easily committed because I don't to be causing problems, to make things easier for them, and myself. So, everything we added, was in good terms, the right way.

Q. I understand from the last allegation on the paper, where it's stated that you admitted to being a terrorist and you said that must be some type of misunderstanding. I understand what you are saying. Is there anything you can think of, very shortly we are going to go into a classified session in this tribunal, and it will only be the three of us and we will be reviewing information. Can you think of anything that you might have said

during past interrogations that you would like to change, or maybe, think, that well, there could be some type of misunderstanding in this type of area, this is an opportunity for you to provide us more information on something you said in the past?

A. Really, I don't have anything specific. I know that in the beginning, when I got to Cuba, the first interrogations, there was a lot of misunderstanding, a lot of miscommunication between the interrogators and me. Those interrogators, they caused problems, and there was friction between us and that's why I decided to stop talking. I didn't want to talk or participate anymore. Then afterwards, they realized that it was their mistake, and then they brought me decent interrogators, very good interrogators and then I started talking again. The first interrogators really gave me a very negative impression about Americans. After that, they brought different interrogators and they were fine. I got along with them. But, still until now, it wasn't always what the interrogators said, oh, he's not good, oh he's not right, and that there would be some bad communication, and bad behavior, whatever, until now, it's ongoing. If the interrogators treat me right, I treat him right and they cooperate with me, the same thing with the guards and soldiers. Even the people I live with or, whoever I'm with, if they treat me right, I treat them right, that's all.

Q. How's your English?
A. Very weak. I was even hoping to learn a little bit here. But the behavior with the guards and stuff, if you talk to them, they don't talk to you back. Not all of them of course, just some of them. I found it really hard to learn.

Tribunal Member: I thank you for the information; I thank you for your cooperation and I have no more questions for you.

Tribunal President's questions.

Q. I'm trying to understand, and I hope you can help me understand something here. I still don't know why you chose Pakistan over all other countries to go and seek a medical education in? Was it because of their outstanding medical schools?
A. For me personally, the main reason was the financial reason. I'll tell you the reason that is important to me. Because they were the cheapest, that was the main reason, that's important to me. And the Visa and the plane ticket indicate that, because the Visa to Pakistan is not like a Visa to other countries, it's different. Even the plane ticket to Pakistan is different. Also in Pakistan, (there are) no cheats, no robbers, no nothing, so, if you go to other places, you would be scared that your money would be stolen, or you get lost or you get into trouble.

Q. But you indicated in the house you were staying in that you had difficulty communicating with the housekeepers, or your hosts because they spoke a different language.
A. This is not really a problem that would stop me from going to Salafia (ph) it would be just practical, just practical problems. It's nothing that would scare me personally.

Q. But the Pakistan people, their language is not Arabic, is that correct?
A. Yes, of course, but the places I traveled to, they have people who speak Arabic.

Q. But, would the medical school professors speak Arabic? Not likely.
A. Yes, of course, they would be in English. They had to study English there. Yes, of course I had to study English at the same time as my medical studies. That's what I'm told. That's what I think, that's the same thing in Yemen. All medical studies are in English, a very small percentage which was in Arabic, and that's even in Yemen too. You had to study English at the same time as studying other things.

Q. So, no matter what school you attended in what country, all the courses would be in English?
A. Except Syria, I believe that's they only one that had medical studies (not in English).

Q. So, you were going to have to learn English no matter where you went, unless you went to Syria?
A. Yes.

Q. In the time that you were in Pakistan, had you chosen a college that you were going to attend?
A. Of course, I couldn't. I just started by gathering the information and stuff; I couldn't because of the problems. And, I'm sad for that.

Q. Give me a couple of examples of medical schools in Pakistan. What are some of the names you were considering?
A. I don't recall the name exactly, but, when I was in high school, I had some friends that finished high school and they went to Islamabad to study medicine. That was my intention to go to Islamabad. When I was in high school I had friends, and they were talking about studying and practicing medicine. They didn't tell me the name of that college.

Q. Do you have any other information to present to this tribunal today?
A. No I don't.

Tribunal President: Thank you for your testimony today.

The Tribunal President confirms that the Detainee had no further evidence or witnesses to present to the Tribunal. The Detainee has a comment about the process.

Detainee: As of today, I have never received any letters, never got any, would it be possible to get help on this?

Tribunal President: The same procedures that you have used in the past will be available to you again, and as long as you are here, you can utilize those procedures to contact your family.

Detainee: I couldn't get in touch with them.

Tribunal President: Unfortunate as it may be from your past experience in trying to get responses from your family, hopefully, if you need to contact them, because of the Administrative Review Board, you'll have better success.

Detainee: I wish that too.

The Tribunal President explains the remainder of the Tribunal process to the Detainee and adjourns the Tribunal.

AUTHENTICATION

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

Colonel, United States Marine Corps
Tribunal President

Detainee's Preliminary Comments

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

Detainee: I asked two previous questions to my Personal Representative. First, how trustworthy is this Tribunal? Is it trustworthy?

Tribunal President: Yes, it is very trustworthy. You witnessed the swearing in of the Tribunal members.

Detainee: Previously, some people were released without having a Tribunal. They were worse than the people that are still here.

Tribunal President: I understand what you are saying. Our responsibility today is to convene this Tribunal and make a determination on your classification as an enemy combatant. I cannot speak to what has occurred prior to this, about other cases.

Detainee: I'm ready.

Tribunal President: Very well, thank you. If at anytime you have questions feel free to ask. Again to clarify, we have no control over other Detainees or why they may have been released. There may be other reasons we are not aware of. Today we are going to focus on determining the classification of enemy combatant status in your particular situation.

After the Recorder provided a summarized version of the Unclassified Summary, the Personal Representative made the following comment.

Personal Representative: Sir, I would like to make a clarification on the Unclassified Summary.

Tribunal President: On what?

Personal Representative: On one of the pieces of the unclassified evidence to help you understand it when you read it as to a location to the activities.

Tribunal President: Go ahead.

Personal Representative: When you read point 3.a.1, where it states Detainee traveled from Saudi Arabia to Afghanistan multiple times between these periods to receive a particular training at the Kubah training camp. One may lead us to believe that camp is in Afghanistan, that camp is actually in Pakistan. I am not disputing any of the training the Detainee received; I just want you to be certain as to the location; it is in Pakistan.

Tribunal President: We've got it. Thank you.

Detainee's Sworn Statement

The Detainee provided the following statement after electing to be sworn:

Personal Representative to Detainee: Would you desire that we read each of the points individually and allow you to comment?

Detainee: Yes. Regarding point 3a.

Personal Representative: The clarification that the training camp was in Pakistan and the Detainee did travel to Afghanistan but not to go to that camp.

Detainee: That is not all I wish to say.

Personal Representative: Please continue.

Detainee to Personal Representative: When we were talking about 3.a, and I told you it was just one thing.

Personal Representative: Detainee admitted he spent a day with an al Qaida official at this house in Pakistan. I believe the Detainee's point was: just because somebody stays at someone's house, who may not be the best person in the world, does that make the people who stayed at that house bad people?

Detainee: Yes, that is what I wanted to say.

Personal Representative to Detainee: That you did stay at the house.

Detainee: Yes, I stayed with him for about seven to ten days and just because I stayed with him, that doesn't make me one of them. Yes, I was with the Taliban. Everything on the Unclassified Summary is information I have given. I was trying to be truthful and honest. That's all.

Personal Representative: The other point the Detainee and I talked about during our meeting was that Saudi Arabia, Pakistan, and the United Arab Emirates recognized the Taliban government in Afghanistan just about up until 11 September 2001. The Detainee's travels were in the year 2000. The Detainee and many other people received different types of weapon training. That is what people did.

The point on paragraph 3.a.1 is that the Detainee did go to Afghanistan, but that was when it was a recognized government by his own government, and it was prior to the 11 September 2001 attacks.

Detainee: There is something I want to correct. Regarding 3.a.1, the training camp was not in Afghanistan it was in Pakistan. I told them about it before. I have traveled from Saudi Arabia three times. The first time I traveled to Pakistan. It isn't mentioned here and for that reason, I wanted to mention it. The other two times I traveled, it was to Afghanistan.

Paragraph 3.a.2, I returned to Afghanistan in April 2001 after hearing a fatwa concerning assisting the Taliban. That is correct. I went to Saudi Arabia and talked to Islamic scholars and talked to them about what was happening and they advised me to go to Afghanistan.

Paragraph 3.a.3, yes, I said I was with one of the persons in Rawalpindi, but at that time I didn't know he was from al Qaida. Someone had sent me there, and that doesn't mean I am al Qaida, just because I saw him and visited with him.

Paragraph 3.b.1, yes, I went to the training camp. The military training and small arms is correct but it wasn't at a Taliban camp. I did receive armor training at a Taliban camp.

Paragraph 3.b.2, yes, I was with the Taliban and I was in the front lines. I will talk about this later.

Paragraph 3.b.3, I already discussed this with my Personal Representative and he can explain it to you.

Personal Representative to Detainee: Yes, I would like your help because I think the way this is worded, the person that looked at the information may not have worded this properly. It states that after fleeing through Tora Bora region, the Detainee was captured by Pakistani forces on 18 December 2001 near Parachinar, Pakistan. From what I understand, that implies the Detainee was fleeing and to the point where they overcame him and he was captured, and that is not the case. Correct?

Detainee: Yes, because the situation in Afghanistan was such that no one could stay there. I went to Pakistan and I didn't have my thing that helps me get back to my country (passport). I went to the Pakistani police station by myself. They didn't capture me. This isn't correct. I went by myself.

Personal Representative: The point of clarification for the record is the Detainee voluntarily went to the Pakistani police station and because of all the trouble that was occurring, he said, here is who I am, I need your help.

Detainee: I asked them to take me to the Saudi Embassy so I could go back to my country.

Personal Representative: When you look at the details of the record and the details of the file, please take that into consideration the Detainee's side to why some of these

paragraphs of the Unclassified Summary may be misleading from the Detainee's perspective. And when you do, please look at it from this perspective.

Tribunal President: Certainly. That is why we welcome participation from individuals, so we can hear their story and have them provide us their interpretation of their activities during the time period in question. We come in here with an open mind, and we haven't seen any evidence pertaining to you until now. We also receive your statement with an open mind. We take all that and give it serious consideration as we make our determination of your enemy combatant status.

Detainee: I would like to say something. Even if you say I am right or wrong, I don't think I did anything wrong. At the time I didn't think I did anything wrong, and I still don't. I didn't do anything illegal or bad to anyone. I want you to understand this.

Tribunal President: We will take that into serious consideration. Does this conclude your statement at this time?

Detainee: If you want to ask me anything, but now, I have nothing else to say.

Personal Representative to Detainee: They will give you an opportunity to answer questions to help them further clarify.

When asked by the Tribunal President if the Personal Representative had anything else to add, the Personal Representative made the following remark:

Personal Representative to Detainee: Related to the statement you made and to help us all understand the point on the Unclassified Summary 3.a.3, you said to me and you relayed to the Tribunal that you did stay at an al Qaida person's home. You admitted that. The question I have for you (Detainee): when you made this admission, did you admit staying at a high ranking al Qaida home, or that you stayed at somebody's home but you didn't know what rank they were?

Detainee: I met him there and it was his home. At the time, I didn't know who he was. He has a different name than the one given by the Americans. His name is Tariq. I didn't know him or anything about him at that time.

Personal Representative to Detainee: So, you didn't know he was a high-ranking al Qaida official.

Detainee: I didn't know anything about him. When they (interrogators) showed me his picture, I told them I knew who he was and that I had met him at his home, and I told them what had happened. They told me his name was Abu Zubaydah and he was one of the famous people of al Qaida.

Personal Representative to Detainee: The point I want to make clear, it says you admitted staying seven to ten days with a high ranking al Qaida official.

Detainee: I just said I was with the guy in his home.

Personal Representative: The interrogators and people that wrote the Unclassified Summary, once they found out who it was, said he was a high-ranking official.

Detainee: Yes.

Tribunal Member to Personal Representative: Did you want to clarify 3.b.2, with the Detainee?

Personal Representative: Did I want to clarify 3.b.2?

Tribunal Member to Personal Representative: the Detainee said you were going to explain that to us.

Personal Representative to Detainee: Did you need me to explain something regarding 3.b.2, that you served with a Taliban unit on the front lines near Kabul?

Detainee: Did I say that?

Tribunal Member: Yes, you said I told my Personal Representative and he will tell you later.

Detainee: I told my Personal Representative I would talk about it.

Personal Representative to Tribunal members: Yes, the Detainee told me he would tell you. The Detainee told me some things in the interview, but there were things he wanted to tell you directly, and that was one. Yes, he did serve there.

Detainee: Yes, I was with the Taliban in Afghanistan. I didn't think anything was wrong with that at the time and I still don't. I went to the front lines, but I didn't stay there for very long. I can't remember exactly how long I was there. I saw everything with my own eyes and I was smart enough to know what was going on over there.

Questions to Detainee by Tribunal Members

Q: How long were you fighting in the war?

A: I never mentioned I was fighting.

Q: Did you see conflict when you were over there at all?

A: Maybe, but it was another side that I saw. (Inaudible)

Q: What did you do before you went to Afghanistan?

A: I was a student.

Q: What were you studying?

A: Islamic law.

Q: After speaking with the Sheik and scholars, you decided it was the right thing to do, your duty to go to Afghanistan?

A: They didn't say it was my duty, they said they saw nothing wrong with me going to help the Taliban.

Q: What kinds of things were you intending to do for the Taliban, military support or other things?

A: I was thinking about training. It wasn't on my mind to go to the front line or anything like that, but sometimes when you are at a place (I'm not going to say interesting) you want to see what is going on.

Q: Did you ever receive any training before you left Saudi Arabia? Or was the first time when in Pakistan?

A: What do you mean by training?

Q: Military.

A: No. I am from the Saudi region and everyone knows how to use the Kalashnikov.

Q: Did you receive any injuries?

A: No.

Q: You were never taken prisoner in Afghanistan? The first time you were captured was when you turned yourself in?

A: Yes.

Q: Did you have your passport when you made it to Pakistan?

A: No.

Q: Where was your passport?

A: I gave it to a Pakistani guy. I told him I would meet him at the first place when we came from Saudi Arabia, but unfortunately I didn't make it.

Q: That was from Saudi Arabia to Pakistan?

A: Yes.

Q: You left your passport in Pakistan?

A: No. It was with me for most of the time, and then I gave it to someone to hold. I told him I would return to (inaudible), a city in Pakistan. Now, I am here.

Q: In helping the Taliban, it appears that your form of help was going to be physical support or military support for the Taliban?

A: I didn't say that.

Q: I am asking. You went to Afghanistan to help the Taliban?

A: Yes.

Q: Did you donate money?

A: No, I didn't have money. I just wanted to go and see. The first time I went to Pakistan, I didn't know anything about the Taliban. I didn't agree about the fighting between them and the Northern Alliance. For this reason, I went from Pakistan to Afghanistan to see what was happening there. I went back to Saudi Arabia and the Imam, and explained everything I had seen. They were already briefed about what had happened in Afghanistan. After I finished explaining to them, I was told I could go and help. They were at war for a long time and it is time for them to be at peace. They have been at war for about twenty-five to thirty years. After they finished fighting the Russians, there was the civil war. Then, after that, when the Taliban arrived, they brought peace to ninety-five percent of the country, except the places the Northern Alliance were at the time. I don't think there was anything wrong with helping to make peace after thirty years of fighting.

Q: In 3.b.3 of the Unclassified Summary, you turned yourself in to the Pakistani police station on 18 December. When did you begin to leave Afghanistan? Was it December first or sometime before that or after that?

A: Of course it was before, but I can't remember the dates because we use a different calendar.

Q: Can you tell me how many weeks before this date?

A: I don't know. About a month, and three to five days. Thirty to forty days.

Q: Explain to me how you were hoping to help the Taliban? I understand you went to Afghanistan twice. You went back to Saudi Arabia and told about what you had observed. Then you went back to Afghanistan?

A: The first time it was to Pakistan. While I was in Pakistan, I learned what was happening in Afghanistan. I went back to Saudi Arabia before I got the Fatwa. The second time I traveled, I didn't have time to get the Fatwa. I went back to Pakistan and with people from Pakistan went to Afghanistan to see what was happening. I spent about seven to eight months there.

Q: While you were in Afghanistan, how did you help the Taliban?

A: To be honest, nothing.

Q: You were just an observer?

A: Yes. Not just an observer, but I had nothing in my hands to do. Going from place to place was something for me to do. It was for my own (I'm not quite sure how to put it) knowledge.

Q: Did they offer you a weapon? Did they want you to carry a weapon at any time in Afghanistan?

A: I had a weapon in Afghanistan, but not all the time. I bought it myself.

Q: When you were with the Taliban unit, were you actually on the fighting lines of the front line?

A: I went to guard the front line, but at the time, there wasn't any fighting. There wasn't any fighting during the time I was in Afghanistan.

Q: Did you help out with guard duty or anything like that?

A: Yes.

Q: And you would have had a weapon at that time?

A: Yes.

Q: Why did you give up your passport? Why didn't you keep it yourself? Wouldn't it have helped you in getting across the border and into Pakistan?

A: One way or another I knew at the time I wasn't going to cross the border with or without a passport. I knew at the time the Pakistani government was gathering people whether they were involved in anything or not. The American government had said if anyone catches anyone they would pay five thousand dollars.

Q: Still, don't you think you would have a better chance by retaining your passport?

A: No. Not at that time. Now if I think about it, it's too late, it's already gone. Maybe I would have made a different choice but at that time, that was the choice I made. I thought if I didn't have my passport or money they wouldn't think I was Afghani and they would let me pass.

Q: You thought maybe you would have a better chance if you didn't have your passport?

A: (inaudible) Detainee laughs.

Q: You were hoping to link up with the person you gave your passport to?

A: Yes. We were going to meet up. I gave him my family phone number and I asked him to tell them to send me money so I could get back to Saudi Arabia, but nothing happened.

Q: You never saw him again?

A: No.

Q: When you crossed the border into Pakistan, back from Afghanistan into Pakistan, were there others with you?

A: Yes.

Q: How many?

A: Some of them are here.

Q: How many in the group were with you when you crossed the border?

A: I can't remember. Two of them are with me in Camp 4. There are some people in the other camps.

Q: Were there fifteen in your group?

A: Maybe less.

Q: Less?

A: Maybe.

Q: Once you crossed the border, you separated? You said you turned yourself in.

A: We went together. We discussed what we should do now. We decided to go to the Pakistani police so they would turn us over to our embassies.

Q: You went as a group to the police department?

A: Yes.

Q: Were you the leader of this group, or were you following?

A: We were together. There wasn't any leader.

Q: There was no leader?

A: We just walked together.

Q: Trying to save yourself and get out of Afghanistan?

A: Yes.

Q: Where did you learn to speak English so well?

A: Seventy-five percent here.

Q: Did you study at all in Saudi Arabia?

A: Yes.

Personal Representative to Detainee:

Q: You had stated here that there were people that were with you when you turned yourselves in, that are in this camp. I am interested as to when you had the opportunity to call witnesses?

A: Yes, they were with me but they didn't know anything about where I was. For this reason, I didn't think they would benefit me.

Q: They couldn't say we all voluntarily turned ourselves in?

A: I'm one hundred percent sure they could say it and I am sure they told the interrogators that. I told my interrogator they were with me.

Personal Representative: I just wanted to know why you didn't want to bring them here as witnesses.

Detainee: I don't have a problem if you want them to come here. They will say the same thing.

Q: The Fatwa that was issued that had you decide to go to Afghanistan, what did that Fatwa say?

A: It talked about what was happening with the war in Afghanistan and the Afghan leaders. They explained what the Taliban did. The Taliban made mistakes, but in general everything was acceptable.

Q: The Fatwa did not say come and fight the Northern Alliance and bring arms against the enemy?

A: I don't know exactly, but it supported the Taliban. I don't know if it mentioned fighting or not. I am sure they mentioned helping or supporting Taliban. I'm not sure if they mentioned fighting. I don't think they said that.

Q: You had the rifle and you were on the front lines. You didn't fire, you were guarding. The question I have is, what if the forces came? What if they started shooting at you? I know it's hard to answer what if. You had to go there thinking I might have to fire my weapon?

A: Of course if you are fighting, everything is acceptable. You think if someone comes to you, they will shoot you. Something like that.

Q: You left before the fight started. Did you leave because either you were afraid for your life or you realized it was wrong?

A: I left because everybody else left.

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 Sworn Detainee Statement

The Detainee requested that the Personal Representative make a statement on his behalf, and the Detainee would add information if he needed to.

The Personal Representative, along with the Detainee, addressed each point of the Unclassified Summary.

- **3(a)1 The Detainee, a Saudi Arabian citizen, traveled to Kabul, Afghanistan, in July 2001 to fight the jihad.**

  Personal Representative: The Detainee admits he did travel to Kabul, but did not go to fight the jihad. When he got to Kabul, the Taliban put him in jail because he was a Saudi police officer...

  Detainee: They asked me if I was a fighter, I said no, I just came to see your religion.

  Personal Representative: ...and they claimed that the Detainee was a spy.

- **3(a)2 The Detainee admitted traveling to Afghanistan to join the Taliban.**

  Personal Representative: This is much like point 1. Yes, the Detainee traveled to Afghanistan...

  Detainee: I was going to Pakistan because I had a problem with my eye and I wanted to get it treated. I wanted to see the religion of the Taliban for 10 days and then after that, I was going to go back and have the operation. That's when they captured me and put me in jail, as stated in the previous answer.

  Personal Representative: Yes, although he admitted to traveling to Afghanistan, the Detainee never admitted he went there to join the Taliban. He did not go to join the Taliban.

- **3(a)3 The Detainee stayed in a Taliban bean farm in Kabul.**

  Personal Representative: The Detainee admits he was on a farm. The Taliban had taken him out of jail, and he was given no choice.

  The Detainee told the Taliban that he wanted to go home, but they were still treating him as a spy. He was brought to this farm by the Taliban.

  Detainee: They were telling me they were going to take me to my family. There were a whole bunch of people together. They said, start moving,

and we'll take you to your country and we started walking at night. We stayed at the farm for 15 days and then we were to go to Pakistan and then back to my hometown. I was crying.

Personal Representative: The Detainee made the point, that he did not want, did not like the idea, and has no idea what happened, but did not go and did not want to fight America. The Detainee was traveling through Tora Bora with a number of other people.

Detainee: I was told I would go through Tora Bora to my hometown.

Personal Representative: Because the Detainee believed he was being treated as a spy, the Taliban shared very little information about where they were going, except to tell him they were bringing him back to his family. Instead, he was turned over with the others to the Pakistani authorities to a Pakistani jail.

Tribunal Members Questions to Detainee

Q: You mentioned you had a problem with your eye. What was the problem?

A: I was in a car accident in Saudi Arabia. I had 27 fractures in my head and something was wrong with my pupil. I heard that the medicine in Pakistan, especially for the eyes, was the best in the world.

Q: Was your vision impaired?

A: I have a loss of eyesight.

Q: Can you see us now?

A: Yes, I can.

Q: Did you have someone help you get all the way to Pakistan if you could not see well?

A: No, I didn't have anybody.

Q: It must have been quite a challenge to travel to a strange country, where you had never been before, when your vision was not 100%.

A: There were some people that spoke Arabic.

Q: They told you where to go and how to get there?

A: Yes, they did.

Q: Did you have the treatment in Pakistan?

A: I never went to the hospital. I went to the Taliban and when I came back I was going to the hospital.

Q: Because you went to Afghanistan first, you didn't have the opportunity to get the treatment, right?

A: Yes. Could you repeat that question?

Q: Because you went to Afghanistan first…

A: I did not go to Afghanistan, I went to Pakistan. From Pakistan, I went to Afghanistan.

Q: When you went to Pakistan the first time, were you able to get the treatment then?

A: I never went to the hospital?

Q: Why was that?

A: I wanted to see the Taliban religion first and then come back again and take care of my eye.

Q: Even though your eye was bothering you that much, you chose not to get it fixed first?

A: Just out of curiosity, I wanted to find out about the Taliban first and then come back and take care of my eye.

Q: How long did they keep you in jail for being a spy?

A: I don't know exactly, but approximately 2-2 ½ months.

Q: Then they released you and took you to the farm?

A: They did not release me, but they took me there.

Q: So, you went to the farm…were you allowed to move about freely?

A: No, I was not.

Q: What did they ask you to do for them while you were there?

A: They said to stay here, do nothing and don't move around. If you wanted to go out and use the bathroom, you would find a tree and go behind a tree.

Q: They didn't ask you to help with any of the farming duties?

A: No, they did not.

Q: Were there other people there who were working?

A: There wasn't anybody working there. I saw everybody just sitting there.

Q: How could there be a farm when no one is working?

A: I do not know; all I saw was a lot of trees.

Q: Were there soldiers there guarding the people?

A: There were some people there who had Kalashnikovs. They were moving back and forth. They did not speak with us.

Q: They were supposed to prevent you from leaving?

A: Yes, because you can't move without them seeing you.

Q: Was there any military training that happened at the farm?

A: No.

Q: How long were you at the farm?

A: Approximately 15 days.

Q: What happened after that?

A: After the 15 days, they took me to Tora Bora and into Pakistan. Sometimes they had us walk and sometimes they carried us with vans or trucks.

Q: Can you describe the circumstances of how you were captured?

A: Which one, the Pakistani or the Afghani?

Q: I didn't know there was more than one. You were apprehended in Pakistan, after going through Tora Bora?

A: Yes.

Q: Please describe your capture.

A: There were groups of people. You don't know who they are, whether they are Arabs or different nationalities. We arrived in Pakistan and they gave us some bread to feed us, they killed a cow for us, after we ate, they let us sleep. In the middle of the night they woke us up and said we had to move now.

We were taken to a mosque and divided us up into groups of 10. They said they'd take each group of 10 and deliver them to their families. They took a whole bunch of people and when our turn came, we were put in a car with Pakistani soldiers who were carrying all kinds of weapons. From there, they took us directly to the prison.

Q: You were in prison for a time and then given to the Americans?

A: I stayed in prison approximately 6 days.

Q: Did you have your passport and money with you when you were taken by the Pakistanis?

A: No.

Q: What happened to your passport?

A: When they told us to move in the middle of the night, I forgot them. I left without them. They told me to keep moving and they'd bring all of my belongings. I told them I didn't have my passport and money, and they told me to keep moving and they'd bring my money and passport to me.

Q: Did you have any weapons with you when you were making your journey?

A: No.

Q: When you were in jail in Pakistan, did any embassy representatives visit you?

A: Yes. They came to visit me when I was in the hospital.

Q: When did you go to the hospital?

A: I went to Pakistan in a bus.

Tribunal President Questions to the Detainee

Q: This was after you had been captured?

A: The bus flipped over and they took me to the hospital.

Tribunal Members Questions to the Detainee

Q: Was this before you went to jail?

A: In prison.

Q: So, after you left the jail?

A: While I was in prison. They were moving us from one prison to another prison. I was on the bus sleeping. I heard people firing at the bus and I got hit with a bullet in my arm and broke my arm. The bus turned over, and they just kept moving us. From that point, they took me to Pakistan and took me to the hospital there.

Q: You were shot in the arm? What other injuries did you have?

A: That was it.

Q: In the Pakistan hospital, they fixed your arm?

A: Yes, they fixed it and put it in a cast.

Q: Did they fix your eye at the same time?

A: No, they did not.

Q: How long were you in the hospital?

A: I do not recall, but my guess would be approximately 7 days.

Q: That is where the embassy representative came to visit you?

A: Yes.

Q: Can you tell us how the conversation went between the two of you?

A: I don't recall, but what I remember is he asked my name, which part of Saudi Arabia I was from, where I was captured. That's all I recall.

Q: When you finished your stay in the hospital, they took you back to jail?

A: They took me to a prison in Pakistan. From the Pakistani prison, I was turned over to the States.

Q: What did they accuse you of doing at that time?

A: They did not accuse me of anything.

Q: When you first came into the custody of the Americans, did they tell you why you were there?

A: They didn't say anything to me and there were no accusations.

Q: How long was it before somebody explained why you were there?

A: I don't recall. I was taken by plane to a prison that belongs to the States and from there they brought me to Cuba. I explained my situation and my story to them. The interrogator in Afghanistan told me not to worry and not to fear anything because I was going back to my family and my home.

I was put on a plane and I thought I was going back to my family. Instead, they brought me here. They started interrogating me again, and I kept telling them the same story.

Q: The interrogations were, that you went to help the Taliban?

A: Not to help the Taliban. They asked me if I knew the Taliban, and I said I didn't know the Taliban. I explained the situation the way I explained it here.

Q: Have you ever had any weapons training at any time in your life?

A: Only when I was working for the police department in Saudi Arabia.

Q: How long did you have that job?

A: I don't recall, approximately 5-6 years, I'm not sure. I forgot.

Q: What responsibilities did you have as a Saudi police officer?

A: In the Red Cross.

Q: You were guarding people who worked there?

A: I was sitting in the office. All the people that came there with bodily injuries, I asked them how they sustained those injuries. I asked about the location where

the injury took place, I'd contact the authority in that particular region and the interrogator would come over and interrogate the person.

If this guy had done something wrong, they [interrogators] would take him to that location and interrogate him further, and deal with him at that location.

I explained this to the interrogators here, in Cuba.

Q: Did you do the same duties for 5 or 6 years, or did you do other things also?

A: I was a driver.

Q: For important people, or for what?

A: I used to work one day, and have two days off, so instead of wasting my time I used to work for a taxi on my time off. This is how I was earning money.

Q: As a police officer, you had a responsibility to maintain proficiency on weapons?

A: All they did was give us information on pistols and how to use them. Every six or seven months they would let us fire off 20 rounds or so. That's all we would do.

Q: As a police officer, you were required to carry a pistol with you at all times?

A: No, I was not carrying a pistol. If you wanted to have a gun, you were required to clean it and submit a report. I didn't want to deal with that, so that's why I didn't have a pistol.

Q: Are there any other weapons they trained you how to use?

A: Yes.

Q: What weapons were those?

A: The Kalashnikov, [and] a Saudi made rifle; I don't know the name of it.

Q: So, it was pistol, Kalashnikov, and the Saudi rifle?

A: Yes.

Q: When the Taliban arrested you for being a spy, did you tell them you were familiar with these weapons?

A: No, I didn't.

Q: Did they know you had experience as a police officer?

A: They had no idea.

Q: When you were a police officer, did you carry special identification that showed you had that job?

A: No.

Q: You didn't have police ID?

A: They didn't give me one.

Q: When the Taliban asked what you did, what did you tell them?

A: I told them I was in the police force.

Q: So they did know you were a policeman?

A: They asked me if I was a fighter with the mujahadin. I said I'm not a fighter. They asked what I did in Saudi Arabia and I told them I was with the police force. That's when they told me I was a spy.

Q: Did they ask you to do anything for them, perhaps train some of their people on police skills?

A: No.

Q: Have you ever had treatment on your eye, after all this time?

A: No.

Q: Not even while you've been here?

A: I gave up. I'm going to wait until I go back to Saudi Arabia and I'll treat myself there.

Q: What city in Saudi Arabia were you a policeman?

A: Sakaka al-Jouf.

Q: Is that a small town or big town?

A: Small town.

Q: Does it cost much money to get to Afghanistan?

A: It doesn't cost much, roughly 1000 Saudi Riyals, or less.

Q: Did anyone help you pay to go to Afghanistan?

A: Nobody helped.

Q: Do you have any other family members in the police force?

A: No.

Q: Do you have to know anyone to get a job with the police? Do you have to be friends with anyone, or can anyone become a police officer?

A: Anybody can register to become a member of the police department.

Tribunal President Questions to Detainee

Q: Did you have to take vacation from the police force to travel to Pakistan?

A: No, I was let go from the police department a long time ago.

Q: How long ago, before you traveled to Pakistan?

A: Four months prior.

Q: What did you do after you were released from the police force?

A: I was a driver and a horse trainer.

Q: You were going to pay for your operation with the money you earned from working in Saudi Arabia?

A: Yes.

Q: How long did you anticipate the travel and the operation would take before you would be able to return to Saudi Arabia?

A: I was thinking it wouldn't take any longer than 40 days, including the time for the operation.

My wife had just had a baby and I took her to her family. In Saudi Arabia, when a woman is ready to have a baby, she is sent to her family for 40 days. Afterwards, she is taken back home. Since she was ready to have a baby and it

was going to take 40 days, I would leave my wife and family and go to Pakistan, have the operation and come back.

When I came back, I would pick her up from her family. I told this to the interrogator and it's in my file.

Q: You thought you'd have enough time to travel to Pakistan, get the operation, but before getting the operation, you'd go to Afghanistan?

A: I went to Pakistan, but I wanted to see the religion of the Taliban. I wanted to go to the Taliban for 10 days, go back to Pakistan and have the operation and then I was captured and imprisoned.

Q: Did you think of traveling to Afghanistan after you had the operation?

A: No.

Q: I'm wondering why you did not have the operation in Pakistan first and then travel to Afghanistan to observe the Taliban religion.

A: I said before I have the operation, I'll go find out about the religion and then I'll come back.

Q: Thank you for your testimony.

A: I swear by God to tell the truth.

Personal Representative's Questions to Detainee

Q: During our meeting, you stated that the Taliban in Kabul arrested you?

A: I don't know which one is Kabul and which one is not.

Q: In Afghanistan, the Taliban arrested you?

A: Yes.

Q: That's when they found out you were with the Saudi police, and said you were a spy. Did they make any accusations against you?

A: No, they did not.

Q: When you were first arrested, did the Taliban take your money and your passport?

A: Yes, and they returned it back to me.

Q: They turned it back to you at the bean farm, or later?

A: While we were moving towards Tora Bora.

Q: This is one of the reasons you believed they were taking you back to your family?

A: Yes.

Q: Did you get the eye injury the same time you had all the head fractures?

A: Yes, at the same time.

Q: Did that happen after you left the Saudi police?

A: Before I left the police. Sixteen years prior.

Q: Sixteen years prior?

A: Yes.

Q: So, your eye...you were allowed to still do day-to-day things with your bad eye?

A: Yes.

Q: You decided, since your wife was going to have a baby, that would be a good time to get your eye fixed?

A: Yes.

Q: When did you decide to see the Taliban religion?

A: When I was ready to go have my eye taken care of, I said before I do that, let me go to Afghanistan and see the Taliban's religion and then come back.

Q: Did you not go from Saudi Arabia to Afghanistan, then Pakistan? Why didn't you do that?

A: No.

Q: Went to Pakistan first...

A: From Saudi Arabia, to Bahrain to Pakistan to Afghanistan. I told the interrogator that too.

Q: That's fine. I'm just trying to determine if, while you were in Pakistan, you decided to see the Taliban?

A: Yes.

Q: When you were in Pakistan, did you have a doctor's appointment to get your eye fixed in the hospital?

A: No.

Tribunal Members Questions to the Detainee

Q: Why did you leave the police force?

A: I don't recall. The salary was very little. Working on my own, I made a lot more money.

Q: Previously, you said you were let go from the police department.

A: I said I left.

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