Summarized Unsworn Personal Representative Statement with absent Detainee

Personal Representative states Detainee declined to participate in Tribunal proceedings.

Personal Representative states the Detainee was advised of his right to be present during all open sessions of the hearing; advised of his right to make a statement; under oath or unsworn; advised of his right to representation by a Personal Representative; advised of his right to provide evidence and present witnesses on his behalf; and advised of his right to examine and review all unclassified evidence/documents. Personal Representative stated the Detainee indicated he did understand the Tribunal process.

The Personal Representative submits the Detainee Election form D-A.

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

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

President was convinced Detainee was aware of his rights and had an understanding of the Tribunal process. President announced Tribunal hearing would proceed without the presence of the Detainee.

Tribunal President: Originally the detainee requested three witnesses. Basically they were from his home village in Afghanistan. The detainee offered that the proposed witnesses would testify that he lived in the village and they knew him well. If that is true, it is in the nature of a character witness; so deemed that is not relevant. My understanding is you went back to and told him that decision and he asked for another witness named Mohammed Ibrahim to testify for him. We did deem that the testimony would be relevant to his case on the points of the unclassified summary and we forwarded that to the Department of State on the 9th of November. The Department of State did follow up attempts to try to contact his country on the 22nd and the 30th of November. As of this date, the Department of State has not received any response as to the status to this witness request, therefore the Tribunal President made the determination that based on the attempt of contact and the lack of response, the witness is not reasonably available. Should that testimony become available at a later date, as a tribunal we will decide if we should reopen his case or not.

The Personal Representative read the accusations and followed each allegation up with a response from the detainee at a previous meeting. The allegations appear in italics, below.

3.1. The detainee was the chief of logistics for a company providing support directly to the Taliban government.

Detainee Statement: This is false; I did work for a company that transported goods like groceries, toothbrushes and daily use items. I would buy them at a bizarre at a low price and take them back to a store. It is a government store. It sells the products to the government employees at a lower price then what they can get it at a local market. This company had two stores. The company had workers that worked for the old government, and maybe some of them drove for the Taliban, but I don't know.

Personal Representative: He told me that his stores did not sell clothes, shoes or weapons. He didn't know or remember how long he worked for them. He said he would work for a month, and then he would go back to Kabul where he lived. So he would go work at the store for a month then go home and work on the farm for a month. He told me this morning that he did this for about 2-3 years. He also told me how it came to be that he worked for the company. He said the Taliban came and took him out of his house and drafted him. They wanted him to go to the battlefield to fight. The district officer of Taliban took him to Ghazni province where he spent the night. In the morning they took him by bus with about 15 other people to Kabul. In Kabul, the military division of Taliban took everybody but him to fight because he was sick. So they put him to work for some division of the government. He told me about how the Taliban used 2% of the workers salary to buy goods from the market to supply the government's store where he worked. He would get a list of goods to buy, like soap, and then transport them back to the store. This morning he told me when he went back home that he was a farmer and he had land and a garden where he grew wheat, corn, barley and apricots.

3.2. The detainee worked for the Taliban Intelligence Office.

Detainee Statement: This is false; I am a very innocent poor man. I don't know why they put these allegations on me. I was scared and didn't want to fight when the Taliban came for me. If I didn't work for the company, they would have sent me to fight. I don't know anything about the Taliban intelligence office. This is outrageous; I am innocent.

3.3. The detainee controlled a large weapons cache including 122MM rockets, 122MM Artillery rounds, and 140MM rockets.

Detainee Statement: This doesn't make sense; I was captured in my house. I have no information on these weapons.

Personal Representative: I then asked him is there anything that he wants to add onto your statement.

Detainee Statement: I am uneducated, I didn't go to school and I told you the truth. I worked two to three years for the company every other month. I am not a liar; I don't know how to lie. I trust my Personal Representative.

Personal Representative: I did tell him I am not a liar; I am not his enemy, or his friend. I will just tell you what he told me. That is what I have done here today.

The Personal Representative had nothing further on the behalf of the detainee for this unclassified session of the tribunal.

The Tribunal President concludes the open tribunal session.

AUTHENTICATION

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

Sharon D. Allen
Colonel, United States Army
Tribunal President

Summarized Sworn Detainee Statement

The Tribunal President was explaining the hearing instructions to the Detainee. The Tribunal President asked the Detainee if he had any questions about the Tribunal process.

Detainee: I have a question.

Tribunal President: Any questions concerning what is going to happen in this Tribunal and the process that you will be involved with here today?

Detainee: I talked to my Personal Representative previously, and I had a request for a witness. I gave a name for my witness and he told me it takes a month to get a response back. Two days ago, I talked to my Personal Representative, and he told me again that he did not get a response back for my witness. Then he asked me if I wanted to go to the Tribunal without the witness or without the response for the witness. I told my Personal Representative, that I did not want to go to the Tribunal before he got a response for my witness. What kind of tribunal is this, when you don't know anything about me? It's been more than a month and I still have not gotten a response from the witness. The names that I gave for my witnesses; they are very easy to find. They are all available, they all are in the bazaar, and they all have a shop, so it is not hard to find them. How do you make a determination in the Tribunal without knowing me or what kind of person I am or who I am?

Tribunal President: OK, let me explain the process. We the Tribunal, the three of us, have come here with an open mind, we know very little except your name. We know very little about you. The Recorder on behalf of the United States government will present unclassified evidence. You with the assistance of your Personal Representative will present information or make statements on your own behalf. If witnesses that you requested were relevant and reasonably available, then they would be produced today. In camp witnesses, we can work those logistics here on the island. For request for off-island witnesses, we have to work through the United States State Department. The State Department contacts that embassy of the particular country and that particular country has the request and will work the request and get the information back to the United States State Department. Some countries have responded; some countries are unable to located requested witnesses. After all unclassified evidence is presented to this Tribunal, then we close the open session of the Tribunal hearing. We then convene a closed session, in the absence of the Detainee. Due to national security reasons, the Detainee cannot be present when classified information is presented as evidence. After we have reviewed all of the evidence, the unclassified evidence, the classified evidence, and have heard your statement and any other witness statements or affidavits, then we make a determination as to whether or not you have been properly classified as an enemy combatant. Then we send our decision in a final report to the convening authority in Washington, DC. After the convening authority approves our decision, you will be notified of the results of that decision. We estimate that you will be notified of the results

between 30 and 60 days from today. I will explain more later on as we progress but basically if our decision is determined that you are not an enemy combatant you will be released to your home country. But if we confirm your status as an enemy combatant, then you will be eligible for an Administrative Review Board hearing at a future date and I will explain the make-up of that board. Does that give you a better understanding of the process today?

Detainee: Because the accusations they have on me, it is important for the witnesses to be here. I believe it will help me.

Tribunal President: I will address the witness availability here later on, but basically the witnesses that you have requested are not reasonably available. Did you request any in-camp witnesses? And they withdrew that?

Personal Representative: Yes sir, his concern is with as he stated in our follow up interview, the eight out of camp witnesses.

Tribunal President: We made an effort; go ahead. (Directing the translator to translate what the Personal Representative had stated to the Detainee).

Detainee: The person that is in camp only know about one of the five accusations that is charged against me. He did not know anything that could help on the other accusations. I wanted to contact the witnesses in Afghanistan because they would know about all the other allegations.

Tribunal President: I understand. and that is why I approved and determined that the witness request would be relevant. And we made the effort through the State Department, contacting the Afghanistan government but unfortunately, the Afghanistan government is either unable to locate the witnesses or has chosen not to respond to our request. And your Tribunal is scheduled for today and I will not be delayed any longer. We do have the authority that should the affidavits from those requested witnesses come in after we have convened this Tribunal, then we'll take those affidavits and reopen this Tribunal with your presence. But today we will continue with all of the information that we have at this time. Do you have any other questions at this time?

Detainee: No. Go ahead and begin.

Tribunal President: Thank you very much.

The Tribunal President continued explaining the hearing instructions to the Detainee.

Detainee: I did not understand the last question about the documents.

Tribunal President: That there was no request by you to produce any documents of evidence on your behalf. Documents would be like passports or birth certificates or good conduct certificates.

Detainee: In Afghanistan at that time I was there, the government was not stable and there was no birth certificates, no passports, there were no documents for me to produce.

Tribunal President: And that is what I was indicating that you had made no request for any type of documents like that.

Detainee: My Personal Representative did not ask me about that.

Tribunal President: Personal Representative, would you like to add to that statement?

Personal Representative: Yes sir. (Talking to Detainee) You may not recall, but during our interview we followed a checklist. And in that we asked about witnesses or documentary evidence. We talked about the money that you had on you when you were apprehended, and that you had no passport or papers on you. I remember this conversation because you asked if you would receive, because you had been in here for three years, interest on the money that was taken from you. I did follow up on that request to find out if interest would be provided. And I was told by Detainee property that no, Detainees would only have returned what items they had on them when they arrived. I then scheduled a meeting where I relayed that information with Abdullah. If it wasn't clear during the interview about you being able to have documentary evidence, I apologize for that but we did discuss it.

Detainee: It was a question that you were asking me. The question was when I was captured at the time of the apprehension, if I had any documents with me? But we did not have a passport as a document.

Tribunal President: OK. Just so that you understand, we are not going to hold that against you because you don't have any documents to produce. We just want to make it clear, if you requested any documents, we would make every effort to produce those for today, if they were available. For instance, if the money or whatever you had in your possession when you were captured, if you wanted them here today then we would try them available. We certainly will not hold it against you because you don't have any witnesses or there was no response from the Afghanistan government on helping us produce witnesses for you today. We will take only what we have and what we receive here today into consideration, for instance like you statement and any evidence is before us. Would you like to make your statement under oath?

Detainee: What kind of oath?

Tribunal President: We have a Muslim oath that we are prepared to administer if you would like.

Detainee: What about the oath; about what?

Tribunal President: The Muslim oath, when you are promising to tell the truth.

Detainee: Yes. I will.

Summarized Sworn Detainee Statement

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

Personal Representative: When we read the unclassified evidence, he initially and still disputes all of the items on here and has explanations for them. As he stated, he is a well known, and respected shopkeeper in Afghanistan.

- **3(a) The Detainee is a member of, or associated with, al Qaida and the Taliban.**

  I am not a member or associated with al Qaida or the Taliban.

- **3(a)(1) The Detainee associates with a known al Qaida cell leader and explosives expert.**

  I did not associate with a known al Qaida cell leader.

- **3(a)(2) The Detainee received AK-47 training.**

  I have never fired, owned or used an AK-47 or any other weapon.

- **3(a)(3) The Detainee was identified as a member of the Taliban and was seen working in the Kandahar military district office while carrying a handgun.**

  Kandahar is very far away from my shop is in Khost, Afghanistan. I was constantly at work around the clock. I could not go down to Kandahar, as it is a one-day travel.

- **3(a)(4) The Detainee has expressed pro-Taliban views.**

  I did missionary work every few months for about one or two days. The Taliban did not like missionaries.

- **3(a)(5) The Detainee was apprehended on 13 August 2002 without papers while riding a bus into Pakistan with a known al Qaida cell leader and explosives expert. Additionally, he was apprehended with a satellite cell phone and a large amount of Pakistani and Afghan Rupees.**

I did not need any papers to go. I was on a flying coach bus, which carries about 20 to 25 people. I had money on me, but I am a well-known shopkeeper and was going into Pakistan to get my cell phone repaired. What is a big deal about having a cell phone? A lot of people, especially shopkeepers who have some money, have cell phones or satellite phones. When I got to the checkpoint in Pakistan, someone saw my cell phone and I was told that the Pakistani police were corrupt and may try to take my money; if they knew I had money because I had a cell phone. I was sitting at the back of the bus and as I departed the bus, I slipped my cell phone in someone else's seat next to another person.

Personal Representative: Would you like to specifically respond in more details to each one of these pieces of evidence?

Detainee: Do you have any questions for me? Are you going to ask me questions?

Tribunal President: Yes. We will probably have some questions for you to clarify anything that is on our mind.

Personal Representative: (To Detainee) Is there anything based on the meeting we had, that you would like to add or emphasize to the Tribunal?

Detainee: Yes. I want to talk about it.

Personal Representative: Please.

Detainee: Do you want me to start or do you want to ask questions?

Tribunal President: Go right ahead and talk, and then we'll ask questions later.

Detainee: I have a shop in Khost. I was very young and didn't have a beard at the time I started at the shop. I was working as a shopkeeper since the age of 15 years old. That day I was going to Pakistan to buy batteries and tires for my shop.

The glass of my cell phone was broken and I was going to get it repaired when I got to Pakistan. In the province of Khost, most people have a satellite phone and do not have a regular phone. Most shopkeepers or wealthy people have a satellite phone. The regular phone is not readily available and most people have a satellite phone. For communication, they must have one.

The day I was going to buy tires for my shop and have my phone repaired, I departed from Khost and when I arrived in Pakistan, I went to another bus station to get on another bus to buy tires and batteries. There was a driver and a driver assistant. I was trying to get a bus to Bannu. I went to Bannu flying coach bus

station. When I got on the bus, Kareem was sitting on the front seat. I sat on the fourth seat.

Before I saw Kareem on the flying coach, I had not seen him in five years. We spent three days preaching together. When I saw him on the bus, I said hello to him. I asked him where was he going, ask he told me he was going to buy some things also. Then the bus took off. It was full of passengers. Before you get to Bannu, there is a bazaar called Mianwali.

At the checkpoint, they call it Kajudi project. When we got to the checkpoint, they stopped and searched the bus. The police boarded the bus and asked everybody, where you were coming from? When they asked me, I told him Khost. Then he told me to get off the bus so I could be searched. When I got off the bus and the police were busy asking the other passengers where they were coming from, I had my cell phone in my pocket and was thinking how much it cost. I spent some time in Pakistan and knew how the police were. If they saw that you had some thing or money, they would ask you for a bribe. Then I thought if they found the phone on me, they would torture me and ask for money. I slowly gave my phone to Kareem and asked him to hold it for two minutes. At the time I gave my phone to Kareem, a soldier on top of the bus saw me give the phone to Kareem. He told another soldier that I had passed something to another person. He searched Kareem and I and found the phone.

The soldier made Kareem and I get off the bus and they took us to jail. In the Pakistan jail they interrogated me. The shop people in Pakistan knew that I was going to get the materials that I needed, so I named them as witnesses. The boss of the jail told me that I would be released tomorrow. In the afternoon, they handcuffed our hands and took us somewhere else. We spent six to seven months at the place they took us.

From there, they brought me here. In here you tell me I'm Taliban, you say that I learned how to use a Kalashnikov, I had a hand gun with me, I supported the Taliban, and that I had an association with Kareem. All these accusations are in writing about me.

I was living in Khost and there were a lot of Americans in Khost at that time. If you wanted to capture me, why didn't you just come to my house in Khost and capture me there? When I was in the shop, the Americans were always walking around in the bazaar and around my shop. They could have come to my shop and arrested me there.

Now because I am a Detainee, my case and file is in your hands. You can write a lot of accusations about me. I have no choice and can do nothing about it. I told my Personal Representative, in the market where I work, it was more than one hundred shops. And those hundred shopkeepers can be my witnesses. I told my

Personal Representative he could ask all of them if they saw me with the Taliban, and if I was a member of the Taliban. If they tell him yes, then I would accept it.

Tribunal President: Does this conclude your statement?

Detainee: Yes.

Tribunal President: We may have some questions.

Detainee: Please. Go ahead.

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

Personal Representative: If I may, Sir, just a few.

Personal Representative Questions to Detainee

Q: Do you know where Kareem is right now?

A: You told me that he is in Camp 5 right now.

Q: Better clarification, please.

A: I'm not sure if it was you or the Personal Representative for Kareem. He came to me as a witness for Kareem.

Personal Representative: For clarification of the record, I did not tell the Detainee the location of the individual.

A: I think, but I'm not sure. I think it was Kareem's Personal Representative. He came to talk to me. Kareem wanted to use me as a witness and he told me he was in Camp 5.

Personal Representative: And also for clarification, in the notes from our sessions, you told me that an interrogator told you Kareem was in Camp 5.

A: The interrogator did not say anything about that.

Personal Representative: I'm just referring to my notes.

Q: How well did you know Kareem?

A: Before my capture, five years ago I spent three days preaching with him.

Q: You did not know him very well?

A: All my life I was with him for the three days of preaching.

Q: And you withdrew him as a witness request as you said in your statement because he could only dispute only one of the pieces of evidence?

A: Yes.

Q: And that piece of evidence was the circumstances of your capture?

A: Yes.

Q: When you got on the bus, was Kareem already on the bus?

A: Yes.

Q: Did you get on the bus at a different stop?

A: The bus was at the station. The assistant of the driver was telling the passengers that this bus was going to Bannu. I went to the bus and Kareem was already on the bus.

Q: Are you required to have a passport in order to go into Pakistan?

A: At the time I was going to Pakistan, there was no stable government, and there was not passports allowed or even ID cards allowed.

Q: You didn't need a passport, you didn't need an ID card, and you didn't need a visa?

A: At the time I was going to Pakistan, it was common that everybody was going without their passports, without their visas and without their ID cards.

Tribunal Members' Questions to Detainee

Q: We appreciate the opportunity to speak to you today, so we can try to better understand what happened here. Did you say earlier that you had only known Kareem only three days in your whole life?

A: Yes. Five years prior to my capture, we went together for preaching for three days.

Q: Is this the person the US government says is an al Qaida cell leader and explosive expert?

A: The time that I knew him, I only knew him as a preacher. At that time there was no al Qaida or leader of al Qaida.

Q: It sounds like that he could be associated with them and you would not have any way of knowing that.

A: When we go for missionary work and preaching, we are not allowed to talk about other things. We are there to read the Koran, taught how to read the Koran, how to pray and how to wash your body. These are the things that were being concentrated on during our preaching.

Q: We do not know anything about Kareem other than what you are telling us today. All we know is that you have known him for a short time and that you were with him on this religious retreat. You said earlier that the Taliban didn't approve of you doing missionary work?

A: No.

Q: I thought the Taliban was very forceful in it's thoughts on Islamic matters. Why wouldn't they want you to do missionary work?

A: The reason the Taliban did not like you doing missionary work was because they always wanted people to fight for them and they were asking us to fight. You get in the fight and go to the battle but we did not want to do that and that is the reason they did not like the missionary work.

Q: Do you have any idea who may have said that you said things that were favorable about the Taliban?

A: I didn't spend any time with the Taliban and I don't have a lot of information about them because I was busy with my shop.

Q: Do you have enemies that tried to stay these things about you?

A: As far as I know, I don't have any enemies.

Q: No business competitors that might try to get you out of the way so that they could take all of your business?

A: From an outside view they were all good with me and I could call none of them as an enemy, but I don't know from their hearts and what was inside their hearts for me.

Q: Besides being a shopkeeper was there any other way that you supported yourself?

A: No.

Q: You have done this ever since you were a younger man until right before you came here?

A: Yes.

Q: How many years approximately was that?

A: Almost ten years.

Q: Do you have a family that you support back home?

A: Yes.

Q: Was there anything particular special or distinctive about your cell phone or was it just an ordinary satellite phone that many people carried?

A: When I was in Khost, the cell phone was very common. It was an ordinary phone and everyone had it. Having a phone in Khost was like you drink water in here, everybody had it. Wealthy people had them.

Q: You said the reason you had the money with you was to buy supplies for your shop in Pakistan?

A: Yes. It was for buying a supply of tires and batteries.

Q: While you were running your shop, have the Taliban people ever bothered you or harassed you or tried to get you to do things for them?

A: No. They did not ask me to go with them or ask for anything else. Sometimes we were busy doing shopping and putting in our shop and selling supplies and we did not pray because we were busy and they would come and beat us up a little asking why we were not going to the mosque to pray?

Q: During the time of the war, did that affect you and your business?

A: Which war?

Q: Between the Taliban and the Northern Alliance most recently.

A: Khost is far from away from all these wars. It was very quiet in Khost. Khost is close to Pakistan and is far away from the Northern Alliance war.

Q: I remembered that you said they were always trying to get people to fight for them. Did they every try to get you to do that?

A: They were coming to the village a lot and asking for people, drafting people to come with them but they never came to my shop. They didn't ask for the shopkeepers.

Q: Did they try to get you to pay money instead?

A: They didn't ask about money and they didn't ask me to go with them to fight.

Q: Were you ever required to have any kind of military training ever before?

A: No. I never had any kind of military training. When I was a child, we were in Pakistan at that time and I was going to school there. Since we came to Afghanistan, I started a job as a shopkeeper. I was working at my shop.

Tribunal Members' Questions to Detainee

Q: How much money did you have when you went to Pakistan?

A: 70,000 Afghani rupees, 3,500 Pakistani rupees and 2,700 dollars.

Q: You converted it for me?

A: No. I had 2,700 dollars, 3,500 Pakistani rupees, and 70,000 Afghani rupees.

Q: And you were going to buy batteries and tires?

A: Yes.

Q: What type of store do you have?

A: It was selling tires and batteries.

Q: Automobiles, motorbikes and things like that?

A: It was a shop for different cars, different tires like an auto shop. Different batteries for different cars, like Datsuns, Toyotas, and trucks.

Q: Did you have many employees working for you?

A: My brother was working with me.

Q: Did you make the trip to Bannu many times for supplies over the years?

A: When my supplies were getting low I would make a trip.

Q: That where you would get all your supplies, in Bannu?

A: Yes.

Q: You didn't send your brother to get the supplies?

A: Sometimes my brother would go and sometimes I would go, whenever we needed to go.

Q: Was most of your life spent in Khost?

A: No. I spent 15 years in Pakistan and the rest of my life in Afghanistan.

Q: You were in business for 10 years, you said. How long were you working at the store you were operating before you were arrested?

A: Almost nine to 10 years.

Q: How old are you?

A: In Afghanistan sometimes they don't write the exact date of birth. I'm not sure but I think I was 27.

Q: Being in business, I imagine you were pretty familiar with what was going on in the town?

A: Yes.

Q: There was a place in town referred to as Manan. Are you familiar with that place?

A: Is it a name of a person, name of a car or name of a village?

Q: Name of a village or a place.

A: No.

Q: Lezi?

A: No.

Q: Khaldan?

A: Khaldan?

Q: Were there any areas in town where there was training for military?

A: I don't know anything about that.

Q: So you are not aware of anything close to your town, Khost?

A: I don't know about whatever camps they were hiding somewhere. I don't know about that. I was going from my house, a straight street to my shop. There was nothing on this street. I was going from my house to the shop and taking this street.

Q: I was interested in knowing of anything that may have been going on around the town. Not that you were involved with it, but just whether you were aware that there were some camps in that area?

A: It's not around my village. I have not seen around our villages. I actually mentioned my village and the Americans are around Khost. So ask them if they see anything around my village; any camp.

Tribunal President's Questions to Detainee

Q: I have only one question. You seem to have gotten into business at a very young age of 15?

A: Yes.

Q: How was it that you were able to get into business, you and your brother?

A: It was inherited from my father. My father use to be a shopkeeper also and he was training us. It was my father's shop.

Tribunal President: We want to thank you for your testimony today.

Detainee: Please consider and get the responses from the witnesses and you can find out about me. I'm sure the witnesses can help in my case. There will be clarification about me being a shopkeeper and I've been here almost three years in jail. It's not fair, it's oppressive.

Tribunal President: I understand. I think we may have one more question.

Tribunal Members' Questions to Detainee

Q: If any of the witnesses had been able to come here or had written something for you, what would you have expected them to say?

A: They will tell the truth what ever they saw. They know me, and they would tell the truth about me. The people I provided as my witnesses are not my relatives and I don't have any contact with them. I'm in jail and don't have any contact or conversations with them. But I listed them as witnesses because they will tell you that they saw me in the shop, they didn't see me with the Taliban and they didn't see any of them with me. They will just clarify me job, my position.

Q: Thank you. One more question. Is your brother running the shop now?

A: Yes.

Q: Have you been able to correspond with your brother at all? Through letters?

A: Yes.

Q: When was the last time you heard from your brother?

A: Three to four months ago. I received a letter from my brother through the Red Cross but it's been eight months ago since I received it.

Q: Have you sent him letters?

A: I sent him a letter but I did not get any response. I sent a lot of letters since I have been here and only received two letters from there. Some of the letters are not clear and things are crossed out and not very clear.

Tribunal Member: Thank you, no more questions.

Tribunal President: I think the Personal Representative has another question.

Personal Representative Questions to Detainee

Q: Yes sir, I would like to make a clarification about the dollar figures that he had on him while he was traveling. Did you ever have any US dollars?

A: Yes.

Q: Sir (to the Tribunal President). That was to clarify what was in my notes because we only talked about the Afghani money and the Pakistani money and not US dollars. So I wanted to clarify that. (To Detainee): How often did you travel a year on average to go and pick up supplies?

A: It depended on business. If the business sold more tires or other supplies we would go sooner and buy more supplies. Sometimes we didn't sell many supplies and we would not have to go.

Q: Did you always take that flying coach bus to go pick up your supplies?

A: Actually, these are the city buses. The buses are used on a regular basis.

Q: But is this the way you always went to pick up your supplies?

A: Yes.

Q: Did you own a car?

A: No. I was always going places using the flying coach.

Personal Representative: Thank you, sir.

Tribunal President: I would like to follow up on that train of thought a little more now that you have brought it up.

Tribunal President's Questions to Detainee

Q: I would suppose that you had your supply products delivered to your store in Khost?

A: No.

Q: You would take back the supplies by yourself?

A: Yes. Sometimes, I would go and sometimes my brother would go.

Q: How, if you were traveling by bus, how would you carry those supplies back?

A: Actually, it worked like that. I would go buy the supplies and I would give them the money and I would get a receipt. I would come back by myself. Actually, the place would pile everyone's supplies on a truck and they would bring you the supplies.

Q: They delivered it to your shop?

A: Yes.

Q: Now, are you familiar with the events that happened on September 11, 2001?

A: Which events?

Q: The events where the United States was attacked in New York, in Pennsylvania and in Washington, DC?

A: Yes, I read it in the newspaper.

Q: After that time and after the Americans began their presence in Afghanistan, how many times did you travel back and forth across the border to get new supplies for your business?

A: Actually, when the Americans came to Afghanistan, it was like being in prison for three months because they wanted to make sure all the Taliban were gone and the security came. So we were waiting for security and peace. So for three months I moved everything from my shop and I put it in my house and after three months I moved all the supplies back to my shop and restarted my positions as a shopkeeper.

Q: So you were captured in August 2002 in Bannu, Pakistan, is that correct?

A: Yes.

Q: We here stories from other Detainees, when they attempt to cross from Afghanistan to Pakistan, that's when they were arrested by the Pakistani border patrol, guards and Pakistani police. How is it that after the United States was driving out the Taliban in Afghanistan were you able to so easily to go back and forth across the border to get supplies in Bannu for your business in Khost?

A: First of all, the Detainees from Afghanistan captured by the Pakistan police were all speaking for their party and will not answer any questions. My relatives and I are from Gardez and that is really close to the border of Pakistan. Whenever people are going from Gardez into Pakistan, they have a relationship with them and will not say anything to them.

Q: I thought you were from Khost? I thought your business was in Khost?

A: Khost is a province in the name of the bazaar, but Khost has villages and I'm living in one of these villages.

Q: OK. Did you have to payoff the Pakistani border guards to get free access, because you didn't have a passport, right?

A: No. They never took any money from me.

Q: You were never robbed at anytime? Never had any trouble carrying so much money on any of your trips going across the border?

A: No.

Q: You always traveled by yourself?

A: Yes.

Q: Do you have anything else about your story or may have to add to what you've told us to this point in reference to the unclassified summary of evidence?

A: I told my story. I told whatever that happened to me and now it is your time and your job to find out and investigate. It's been three years. The money I had with me it was for business purposes and I was using it to make money out of it. How about that money, it is not in the business now. The money is not being used. How about the interest? How about the money I had?

Tribunal President: I don't have authority over any of your property. All we are here today is to address whether you have been properly classified as an enemy combatant. After that, someone else will deal with the process or the circumstances that our decision present.

Detainee: Can you talk to them about that?

Tribunal President: I'm sure that you discussed this with the Detainee control folks and that's whom you need to talk to about that.

Detainee: Is someone else going to see me about that?

Tribunal President: Yes, your interrogators. What have they told you when you asked about it?

Detainee: The two interrogators, I ask about that and they would talk to me and have a response, but I have not seen it yet.

Personal Representative: Sir (to the Tribunal President), please also note that I did check into from the Detainee property and the Detainee property people said they do not get interest on their money and is something that would have to be brought up should he be released or through other legal channels.

Detainee: Why?

Tribunal President: Why? That's the way it is, that's why.
Detainee: That's not a good law. Somebody puts you in jail and their money is stopped without making profit for their business. If somebody is guilty, that is OK, if you catch his property and taking his money away, that is fine. But somebody who is innocent, they should get their money back with interest.

Tribunal President: You are talking to the wrong guy, because all I'm concerned about is the information here that is going to confirm your status as an enemy combatant or identify the fact that you have not been properly classified as an enemy combatant.

AUTHENTICATION

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

[redacted]

Colonel, U.S. Marine Corps
Tribunal President

Summarized 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 his own oath.]

Tribunal President: You may now proceed.

Detainee: First I am grateful that you are giving me the chance to defend myself. I apologize for my weak English; if I need help I will ask the interpreter for help. I am disappointed with this Tribunal because if I am in a court and you accuse me of anything I should be allowed to know what the accusations are and to see the evidence. You tell me that these accusations are unclassified but there are other classified accusations. How can I defend myself if I don't know what the evidence is about the other accusations? Maybe the accusations are right maybe there wrong. If they are correct I will admit to them if they are wrong I will deny them. But what I understand is I have no choice. But this is the process.

Tribunal Member: If I can clarify a little bit before you start. These are all the accusations. What we will get in the classified session is in theory evidence to support these accusations, but there are no other accusations against you besides what is listed here.

Detainee: I understand that but what I mean is if you say I am an enemy combatant and you say you have evidence, I don't get to see it. Then I will stay here.

Tribunal President: You understand this is an administrative review not a trial or a criminal court?

Detainee: Yes I understand.

Detainee: I am also disappointed and frustrated at the same time because you are now using my cooperation against me. I gave you the information you need against me now.

You didn't know anything about it until I gave it to you. I don't understand this. The interrogators used to tell us to be cooperative, assist us and then we will release you. So, they asked me many questions about many things. If I knew anything I would tell them, if I didn't I would tell them I didn't know. Now that I have given them the information they needed, and it is not against the Unites States, they are using it against me. This is not fair it is not justice.

Anyhow, because I have no choice and I am here and I am cuffed, I have to be. Okay, let's discuss the accusations.

Detainee: 3.a.1. (Detainee became a member of the Lashkar-e-Tayyiba (LT) in 2000.) I am not a member of that organization. I never said in any interrogations that I was a member. I met some of these people but that does not mean I am a member. Suppose now that I have met you. You are in the American Army; this doesn't mean I am in the American Army. Yes I met some of them. I told my interrogator everything about this organization, but I don't know why anybody said that I was a member of this organization. For your knowledge this organization is a Pakistani organization. The Pakistani Intelligence has assisted this organization. By their own rules only Pakistani nationals are allowed to join the LT organization. I know you have a lot of cooperation with the Pakistani Government, you can ask them this.

Tribunal Member: I assume you are not Pakistani. What is your nationality?

Detainee: I am Egyptian.

Detainee: 3.a.2. (The LT is the armed wing of the Pakistan based religious organization, Markaz-ud-Dawa-wal-Irshad. LT is also an anti-U.S. terrorist organization.) Let me give you a small history lesson about Pakistan. This will help you to understand. In 1947 Pakistan separated from India. It used to be one country and they had a large revolution and separated. They went to the United Nations to solve the fight. The United Nations decided by the end of 1947 that the area of Kashmir should belong to the Pakistan Government, because about 85% of this area was Muslim. India refused because this area is a very strategic location for India. Since that time three or four large fights have occurred between the two countries because of this area. Pakistan had the assistance of many organizations to help the Pakistani Army fight against India for freedom of this area. So, LT is one of the organizations, which was established by the Pakistani Government. This organization has more than 4,000 offices in Pakistan. They are working out in the open not hiding. All the financial affairs, all the military affairs, such as weapons and ammunition is controlled by the Pakistani Army. The Pakistani Army gives this organization everything to fight in Kashmir against India. So if you consider this organization a terrorist organization then you should consider the Pakistani Government a terrorist country. I think this is not correct and Pakistan is your strong hand in that area. I will mention this now and again at the end. LT is the biggest enemy against Al-Qaida and Taliban. They are against them because when Taliban came to Afghanistan, LT already had a camp in Afghanistan. The Taliban came, closed the camp

and threw them out of Afghanistan. Another reason for this animosity is because in the Islamic belief there are four sects. Taliban is following one sect or scholar called Apohanifa and LT is following another scholar named Ipnhanpal. Maybe more than a thousand years ago the two sects were enemies and because of that LT is against Al-Qaida and Taliban. I know if anybody from LT went to Afghanistan even for a visit they would be immediately discharged from the organization. I don't know how you can consider this organization against the United States. I am not defending them because I am not a member. I am just telling you their history and maybe it will help in your decision.

3.a.3. (The detainee admitted being present at the LT-controlled major training facility in Northern Pakistan referred to as "Al Aqsa" in January 2001. Al Aqsa was created to facilitate the training and movement of Pakistani Muslim guerilla fighters.) This is correct. I visited the camp for two days. I didn't train there. I was an Egyptian Officer I don't need any kind of training. I visited the camp after I was invited by the LT. It is not actually a camp it is a joke. It's not a camp it is several tents on the top of a mountain. They take people from the streets and give them training on the Kalashnikov AK-47 then send them to Kashmir to fight. About 95% of them are killed crossing the border by India. If you want to visit this camp you can go to Pakistan and ask anybody and they will tell you where it is. It is not a secret camp. The Pakistani Government established this camp. Anybody can visit there it is an open camp.

Personal Representative: You said quite a bit with me about this. I'll read what you said. A little a bit is repetitive but I will read what you said to me.

Detainee: Yes.

Personal Representative: I visited the camp for two days. I did not receive any training at the base. It was not a secret camp. The Pakistan Intelligence Government created the camp. They provided everything, food, water, arms, and all the supplies. They trained people there to fight in Kashmir. Because I am not Pakistan they wouldn't let me train anyway. If the camp is a terrorist camp, then the point could be made that the Pakistan Government is a terrorist organization. I went to Pakistan for Dawa. When I reached Lahur, Pakistan, I found the organization Lashkar-e-Tayyiba an open public organization sponsored by Pakistan. I went to the office to get to know them and they were happy for my visit because I was an Arab. I went to a Mosque in Pakistan to lecture. I went to the camp for two days to see how things were running. I went back down and lectured the people. I then heard on the BBC radio from London that the government had classified Lashkar-e-Tayyiba as a terrorist organization. I was surprised so I quit.

Detainee: Right. Kashmir is a national crisis. The Pakistanis consider this their land. They go and fight the Indians even if they are the same religion, just for the land. As the Representative told you I heard it on the BBC radio, I think in February 2001, that they considered the Lashkar-e-Tayyiba a terrorist organization. I was surprised really because

it is a Pakistani organization. But I told myself there was no reason to be associated with anybody who is considered a terrorist organization whether they are or not.

3.a.4. (Detainee voluntarily traveled from Pakistan to Afghanistan after September 11, 2001.) This is correct. I traveled, I don't remember the date, it was in Ramadan I think the end of November 2001. I was working with the Saudi Red Crescent. They have a large camp at the border between Pakistan and Afghanistan. This camp was built for the refugees. They gave them medicine, tents, food and clothes. The Red Crescent is considered the brother of the Red Cross. They are one team but Red Crescent works in Islamic countries and the Red Cross works in Christianity countries. So, I crossed the border to help the refugees in Afghanistan and two hours later an American raid occurred. I saw a light and heard a voice and then I lost consciousness. When I woke up I was in a Pakistani hospital. I lost my coat, my passport, my money, everything. And I lost my leg also. Then I found my self in Pakistani custody. I spent seven days in this hospital and then the Red Crescent came to the hospital and told me I was in Pakistani custody and they were going to take me to their hospital. I was in this hospital for about twenty-five days. Pakistani Army Officers and even the Governor visited me. The city is called Quetta. I talked to them about Lashkar-e-Tayyiba and they told me not to speak to anybody about that, don't tell anybody our secrets. One night the Governor and some people from the Pakistani Intelligence came to the hospital. They told me they had a meeting yesterday and decided to move you from this hospital to a large modern hospital with good facilities and surgeons to take care of my leg. I still had my leg I lost it here in Cuba. They took me in an ambulance and then I found myself with you. The American forces took me to Kandahar for eleven days and then I came to Cuba.

3.a.5. (The Egyptian government has stated that detainee is a member of the Egyptian terrorist organization Al Wa'ad and was part of the plot to assassinate President Mubarek in 1995.) This has got to be a very big joke. I was in Egypt from 1995 to 2000. I didn't leave Egypt until August 2000. The attempt occurred in 1995, which means I stayed there for five years after this attempt. Do you think I would stay there for five years if I were involved in such a thing? Besides that in January 2004, the Egyptian Government sent a delegation to Guantanamo. They met me twice here. After the interview they sent a report to the CIA. They mentioned in the report that I am not a member of any organization either in Egypt or outside Egypt and that I was not involved in the assassination attempt. They said I should be released at once because I was innocent. This report is in my file. I was told about the report from the Egyptian delegation and from my interrogator Big Jim. After the delegation left the island, Big Jim, stood up when I entered the room, shook my hand, said thank you and said I would be released.

Personal Representative: You said one more thing. Everything else was exactly from the notes I took. They said you had no part in the assignation attempt and that the plot and attempt actually took place in Ethiopia.

Detainee: Yes. The assignation attempt did not take place in Egypt it was in another country called Ethiopia in Africa. I was in Egypt during this time.

The other two accusations: 3.b.1. (The detainee was injured during a U.S. bombing campaign. He was wounded by shrapnel in the leg.) 3.b.2. (While being treated for his leg wound, the detainee was captured by the Pakistani Intelligence Service, then turned over to U.S. forces.) I have already answered them. I was wounded in the American campaign and I was arrested in Pakistan. I was unconscious after my injury and when I woke up I was in Pakistan. I now I am here.

Detainee: In conclusion about my defense. If you have unclassified evidence against me I have evidence I am not guilty. I am innocent and should not have stayed here one day. The best evidence is the polygraph. In April 2004 a team came from Washington D.C. came and gave me a polygraph test. After they finished, the [sic] polygrapher's name was [redacted] he shook my hand and thanked me for being honest. He said I should leave here on the first flight. This is the best evidence that I am innocent. The other evidence is the Egyptian delegation report. They said I should be released at once. I think my country knows me better than anyone else. Also my interrogator [redacted] You can read his recommendation that I should be released at once. My fourth piece of evidence. Suppose I am a member of Lashkar-e-Tayyiba as you said. According to your definition of an enemy combatant; an enemy combatant is a member of Al-Qaida or Taliban or other organizations, which support these two organizations. As I told you before Lashkar-e-Tayyiba is against these two organizations, but I am not a member. My fifth and last piece of evidence. My God and your God knows better than you and I. He knows that I am innocent and I will ask you in the Day of Judgment about everything. Thank you very much.

Tribunal President: Does this conclude your statement?

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?

Summarized Answers in Response to Questions by the Tribunal Members

Q. You said prior to your capture the only time you were in Afghanistan was two hours prior to the raid?

A. Yes.

Q. Where in Pakistan did you start from that day?

A. A small village between the border of Pakistan and Afghanistan. It is called Chamen. It is a very small village. Actually there is Chamen, Pakistan and Chamen, Afghanistan.

Q. Where were you when the raid occurred?

A. I was near the camp.

Q. On the road?

A. Yes.

Q. Were you in a vehicle?

A. When I crossed the border I took a taxi. Not a taxi…it doesn't have a name in English. I went to the first village. Its name is Bulac.

Q. You said you were working with the Red Crescent, so were you an employee.

A. No a volunteer.

Q. Were you identified by any insignia?

A. No. There are many volunteers working in this organization.

Q. When you went into Afghanistan did you have your papers with you?

A. Yes.

Q. Where did you lose them?

A. After my injury, I told you I was unconscious, when I woke up I was in Pakistan and I didn't have my coat. My passport, money and papers were in my coat.

Q. Why did you originally go to Pakistan?

A. Missionary work, spreading the religion.

Q. So as a missionary?

A. Yes, I studied religion in Egypt. I can talk to people about their religion and guide them to the correct way.

Q. Were you on your own or did a certain Mosque sponsor you?

A. No, I was on my own.

Q. You went from Egypt to Pakistan in 2001?

A. 2000. My route was from Egypt to Saudi Arabia from there I went to Iran and from Iran I entered Pakistan.

Q. I think you said you left Egypt in August 2000?

A. Yes.

Q. When you went to the camp, were you just observing or as a former Army Officer were you giving training or advise?

A. No, just observing.

Q. While you were at the camp did you see in Pakistani military officer or soldiers?

A. No they wear their own clothes its not uniforms, they are civilians.

Q. You mentioned after you went to the camp, you came down from the camp and you talked about the camp to people?

A. No I went to the Mosque and lectured about their religion. The camp as I told you is famous. If you go to Pakistan you will find the offices of Lashkar-e-Tayyiba. Their ads are in the streets, supermarkets and everywhere.

Q. You said you heard on the BBC around February of 2001 that LT was now considered a terrorist organization so you stopped…

A. Yes I heard it on the radio that the Britain Government issued a report about terrorist organizations, about twenty of them, and one of them was Lashkar-e-Tayyiba.

Q. So after February of 2001, you had no contact with them at all?

A. Never.

Q. So when you actually went to Afghanistan, you said at the end of November beginning of December, that's the only time you ever went to Afghanistan.

A. Yes sir.

Q. When you were in the hospital and they took you to the Red Crescent hospital, why do you think the Governor and the Intelligence people would come and visit you?

A. I don't know how to describe to you that they were very happy with me. The Governor himself, everyday, would bring food and clothes and even ice cream and chocolates to me.

Q. Why you were in the hospital?

A. Yes. He told me I would stay in the hospital until I could walk again and then I could go home or stay in Pakistan. He said I was their guest, but he was a very big liar.

Q. What was your association with the Red Crescent before you departed to Afghanistan? How did you become a volunteer?

A. After the American attacks I was like everybody else, watching TV and seeing what happened to Afghanistan. There was about two million Afghani civilians that were scared of the war and going to Pakistan. Because of that Pakistan closed the border. Other people would cross the border illegally. It is not really a border. It's just a dessert. In the middle of the dessert there is a gate on a road. On the right and left there is nothing you can cross where you want. Even at the gate they don't stamp you. There is just one soldier from Pakistan and one soldier on the other side from Afghanistan.

Q. And you were leading into how that led to your association with the Red Crescent.

A. After that I traveled from Lahur to Quetta where there is a Red Crescent office.

Q. Were you required to register with the Red Crescent as a volunteer?

A. Yes, I went there and met the man in charge. I told him I wanted to help in these refugee camps. This is part of humanity and part of my religion. It is not only for the Muslims. If I know, even you in a critical situation, I have to help you, whether you are of my religion or not.

Q. Because of your prior experience in the Egyptian Army did they consider you more of a leader or organizer of humanitarian aid or were you just a ...

A. The Red Crescent doesn't know that I was in the Egyptian Army. I left the Army in 1990.

Q. Do you have any theories about why the Governor and the Pakistani Intel folks would sell you out and turn you over to the Americans? Did they think you were something else? Any ideas why they would be so nice to you and then turn you over?

A. Come on man you know what happened. In Pakistan you can buy people for $10.00. So what about $5,000.00.

Q. So they sold you?

A. Yes.

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

Detainee: No.

AUTHENTICATION

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

[redacted], Col, USAF
Tribunal President

Summarized Detainee Statement

Tribunal President: Sobit, I understand that you have asked for a witness?

Detainee: Yes.

Tribunal President: Your witness is here.

Detainee: Yes, he is in this place.

Tribunal President: We will bring the witness in after we talk to you. We would like to review the allegations on the Unclassified Summary, and then we will ask you questions, and then we will bring in the witness. We will ask the witness questions and then you may ask the witness questions. Do you understand?

Detainee: Yes.

Tribunal President: Sobit, you may now present any evidence you have to the Tribunal, and you have the assistance of your Personal Representative in doing so.

Detainee: Well, previously I told the Personal Representative, and he can explain everything.

Tribunal President: Okay. Do you want to comment after the Personal Representative makes his responses?

Detainee: Whatever I told him earlier or before the Tribunal, I want him to explain everything.

Tribunal President: Would you like to make a Muslim oath?

Detainee: Yes, I do.

The Detainee was sworn using the Muslim oath.

Tribunal President: Personal Representative, would you please assist us with reading the allegations?

Personal Representative: Yes, ma'am.

3.a. The detainee is a supporter of the Taliban and /or Al Qaida.

Personal Representative: He said this is not true.

Detainee: Yes.

3.a.1. The detainee was recruited by the Islamic Movement of Uzbekistan (IMU) to work in Tolidara, Tajikistan.

Detainee: Yes, I was there.

Personal Representative: Yes, he was not aware that the organization was the Islamic Movement of Uzbekistan.

Detainee: Yes, I didn't know about it.

Personal Representative: He further said that he thought he was going to join the Tajik army as a member.

Detainee: Yes, in Tajikistan.

Personal Representative: And the man who lied to them about this was named Rostam.

Detainee: Yes.

Personal Representative: He is not aware of any Uzbekis in Tajikistan.

Detainee: I didn't know.

Personal Representative: Yes, and so when we referred to the Islamic Movement of Uzbekistan, he is not aware of them existing in Tajikistan.

Detainee: Yes, I did not know.

Personal Representative: And there were three people in this group who were lied to.

Detainee: There were three of us.

Personal Representative: Yes, and one of them will be a witness today.

3.a.2. The State Department lists the IMU as a foreign terrorist organization.

Personal Representative: He has no knowledge of this organization.

Detainee: When I went there, I did not know, and I was not aware.

Personal Representative: He first heard of the organization when he arrived in Afghanistan.

Detainee: Yes.

3.a.3. The detainee was then transported by helicopter from Tajikistan to Afghanistan in January 2001.

Detainee: I did not want to come to Afghanistan.

Personal Representative: Yes, he did not want to go and he did not know what the destination was.

Detainee: Well, they took away our passport, so I was kind of forced to go with them.

Personal Representative: And Zakir was the man who took his passport. Men around Zakir had guns.

Detainee: Yes.

Personal Representative: And it was clear if anyone asked questions, they would be shot.

Detainee: They told me not to ask too many questions. I was asking about my passport and they told me do not ask any more questions.

3.a.4. The detainee spent time at three offices of the IMU while in Afghanistan.

Detainee: Yes, I was there.

Personal Representative: And Konduz, Afghanistan was his first stop.

Detainee: Yes.

Personal Representative: And two days later he was taken to Kabul, and that is where he found out about the existence of the IMU.

Detainee: Yes.

Personal Representative: He wanted, but was unable, to leave Afghanistan.

Detainee: Yes.

Personal Representative: The closest he could get to escaping was to go to a madrasa in Kabul.

Detainee: Yes.

Personal Representative: And for 5 months, he tried to plan leaving Afghanistan.

Detainee: Yes. I wanted to run away.

Personal Representative: And the teacher at the madrasa, advised him that Mazir-e-Sharif was the place to go to get out.

Detainee: There was another gentleman that came, and he told me to go with him.

Personal Representative: And he spent 3 months in Mazir-e-Sharif trying to get home.

Detainee: Yes.

Personal Representative: And then that is where he was captured.

Detainee: Yes.

3.a.5. While in Afghanistan, the detainee received training on the Kalashnikov, and learned how to assemble and disassemble the rifle.

Detainee: I learned how to us the Kalashnikov in my hometown.

Personal Representative: Yes, he said that all males in the 10th grade in Tajikistan took a one-week camp.

Detainee: Yes.

Personal Representative: And part of that training was firing the Kalashnikov rifle.

3.a.6. The detainee admitted carrying a Kalashnikov rifle and standing guard duty in Afghanistan.

Detainee: That Kalashnikov did not belong to me, but since I was staying at the madrasa, I had to be a guard for the place.

Personal Representative: And this guarding was not as a soldier.

Detainee: It was only for the security of the madrasa. They told us there were a lot of thieves around the madrasa, so it was just for safety and we never even held the Kalashnikov in our hands. It was hanging by the door.

3.b.1. The detainee claims to be an IMU fighter who was expelled from Tajikistan, with other IMU members, by the Tajik government.

Detainee: I never said that I fought for the IMU and I am not part of the IMU. The only thing is I went to the office of the IMU was to get my passport. I did not go for any other reason.

Personal Representative: And he also said that he has never fought against the United States.

Detainee: Never. I never fought against any country.

Personal Representative: And he later learned that it was the Tajik government that provided the helicopter to take him from Tajikistan to Afghanistan.

Detainee: Yes.

3.a.2. After spending about nine months in Afghanistan, the detainee was captured by General Dostum's Northern Alliance forces in November 2001.

Detainee: Yes, that's correct.

Personal Representative: He said that was true.

Personal Representative: That summarizes our discussions from the unclassified evidence.

Detainee: Yes.

Tribunal President: Sobit, would like to add anything else to those comments?

Detainee: No, there is nothing.

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

Personal Representative: No, ma'am.

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

Recorder: No, ma'am.

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

Member: Yes, ma'am. Who else were you captured with?

Detainee: When I was captured by the Afghans?

Member: By Afghans. By the Northern Alliance. General Dostum.

Detainee: It was early in the morning. We were in the room. There were three other people, two I did not know, but the other one was a doctor. Somebody knocked on the

door, and I opened it, and this person came and without saying anything, he just said, "Who are you?" I told him I was a Tajik, and then he arrested me.

Member: Did he arrest everyone?

Detainee: I did not see who they arrested because they took me right away and removed me from the room.

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

Member: Were there any fighters at the madrasa at all?

Detainee: They were very young boys.

Member: So what were you doing at the madrasa?

Detainee: We were learning religion. Islamic lessons.

Member: Weren't you much older than the other people attending the madrasa?

Detainee: Yes, I was older.

Member: Then why did they allow you to stay there?

Detainee: Because I did not know how to do the Islamic prayers. So I went there, I wanted to learn how to do pray. I wanted to learn the Islamic rules and prayers.

Member: Did you ever do any fighting against the Northern Alliance or General Dostum's forces?

Detainee: Prior to my arrest, I'd never seen them. When they arrested me, I came to know who they were. Until they arrested me, I never heard of them before, so I had nothing to do with them.

Member: The person that we are going to have as a witness a little later – how was he captured? Was he captured with you?

Detainee: He was arrested somewhere else.

Member: Was he arrested by General Dostum?

Detainee: I believe so.

Member: And he came to Afghanistan at the same time you did?

Detainee: Almost the same time. Maybe a day or two difference.

Member: So he wasn't on the helicopter with you?

Detainee: No, he was not.

Member: Did you get any type of military training at all in Afghanistan?

Detainee: The only thing they taught me was they showed me how to hold the Kalashnikov and how to fire it. But I knew that, because I learned it in my country.

Member: Who showed you that?

Detainee: It was a man. I don't remember his name.

Member: Was he part of the madrasa, or was he someplace else?

Detainee: I am not really sure if he was studying in the madrasa or not.

Member: So for the three months before you were captured, you were in Mazir-e-Sharif the whole time?

Detainee: Yes, I was.

Member: I have no further questions.

Detainee: Thank you.

Tribunal President: Help me to understand what the madrasa is?

Detainee: It is like a school, where you learn religious education.

Tribunal President: Where did you live while you were attending the madrasa?

Detainee: I was in the madrasa.

Tribunal President: Do you feel like you've ever joined any other organization, like Al Qaida or the Taliban, or any other terrorist organizations?

Detainee: I never heard of Al Qaida before. When I came here, I heard there was an Al Qaida group. In the interrogation, they asked me if I knew about Al Qaida, and I said I don't know. Then the interrogator explained it to me.

Tribunal President: What did you do when you were visiting the IMU offices. At one time, you said you went to get your passport and you went to two other offices. What did you do there?

Detainee: The President of IMU promised that he was going to return my passport, and that why I was waiting there.

Tribunal President: Okay. That was at the Konduz office, or was it at the Kabul office?

Detainee: I spent the night in (inaudible) while going to Kabul, and there was a family, they were Uzbek, who lived there.

Tribunal President: Okay. The question was, you went to each of these offices to try to get your passport. Which office was it that you stayed to get your passport?

Detainee: I went to the offices, but I did not get my passport.

Tribunal President: You said that you were recruited by someone. What was the man's name?

Personal Representative: Zakir.

Tribunal President: Zakir. What did he say to you to get you to go with him?

Detainee: He took away my passport. He promised me that once everything goes smoothly, we will work for him.

Tribunal President: And at that point you thought you were going to be working for the Tajikistan army?

Detainee: Yes, I was in Tajikistan. I was thinking the same thing.

Personal Representative: As a clarification, Rostam first invited him to join the Tajik army.

Detainee: Yes.

Personal Representative: And then Zakir took his passport and made other promises.

Tribunal President: Okay.

Detainee: Yes.

Tribunal President: Now I understand. Thank you. Do any other Tribunal members have any other questions?

Member: Just one follow-up. Where were you when you learned about the attacks on the buildings in the United States on September 11, 2001?

Detainee: I was in Uzbek's office.

Member: In what country?

Detainee: Afghanistan.

Member: No further questions.

Detainee: Thank you.

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

Personal Representative: Yes, ma'am. Rukniddin Sharipov.

Tribunal President: Okay. We are going to take a brief recess to allow the witness to come in.

The hearing recessed at 1355. The hearing re-opened at 1400. All parties present prior to recess were again present, together with the witness and two guards.

Tribunal President: Rukniddin? Is that correct?

Witness: Yes.

Tribunal President: Do you understand that you are here as a witness for Sobit?

Witness: Yes.

Tribunal President: And that this is not your Tribunal?

Witness: I understand.

Tribunal President: This Tribunal will ask you questions, and also Sobit will ask you questions. And you will be allowed to make any statement that you would like. Do you understand?

Witness: Yes.

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

Recorder: No, ma'am.

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

Personal Representative: Yes, ma'am.

Tribunal President: Rukniddin, would you like to take the Muslim oath?

Witness: Yes.

The Witness was sworn using the Muslim oath.

Tribunal President: Thank you. Personal Representative, you may proceed.

Personal Representative: How long have you known Sobit?

Witness: Since I was a child.

Personal Representative: And can you tell us about Rostam and him inviting you to join the Tajik army?

Witness: Yes. We met Rostam at the train, and he offered us a job to work for the Tajik army. So we would work for the Tajik army and we will get a military I. D. and also money. We agreed. That's it.

Personal Representative: And when did you realize that you weren't going to be joining the Tajik army?

Witness: Me, personally, I found out in Afghanistan. In Afghanistan I found out.

Personal Representative: How did you get to Afghanistan?

Witness: Is that question for me or Sobit?

Personal Representative: For you.

Witness: Who's Tribunal is that?

Tribunal President: This is Sobit's Tribunal.

Witness: Okay, I am here as Sobit's witness, so those questions are not relevant to me.

Tribunal President: And you are not compelled to answer these questions, but it may help us to understand Sobit's story.

Witness: Okay, I am a witness for Sobit, not for myself.

Tribunal President: So, do I understand that you do not want to answer that question?

Witness: Okay. Any pertaining to myself, I am not going to answer. But if it is relevant to Sobit's case, I will answer it.

Tribunal President: Personal Representative, do you want to re-word your question?

Personal Representative: Did you travel with Sobit to Afghanistan.

Witness: No.

Personal Representative: Yet you arrived in Afghanistan at about the same time?

Witness: I arrived the next day.

Personal Representative: Did you stay together in Afghanistan?

Witness: We were in jail together.

Personal Representative: Where were you in jail together?

Witness: Sheberghan. There is a jail there.

Personal Representative: That's all I have.

Tribunal President: Do any of the Tribunal members have questions for the witness?

Member: I have one. Were you captured with Sobit?

Witness: No.

Member: No. That's all I have, ma'am.

Member: You found out that you were IMU when you arrived in Afghanistan. Was Sobit also IMU?

Witness: I didn't see Sobit in Afghanistan. I only saw him in jail.

Member: Do you know if he was IMU, like you?

Witness: No, I don't know.

Member: Did you and Sobit try to go back to Tajikistan once you learned that you weren't going to be joining the Tajik army?

Witness: When I found out, I didn't see Sobit anymore.

Member: No further questions.

Tribunal President: When was the last time you saw Sobit?

Witness: Where?

Tribunal President: When was the last time you saw Sobit, before coming here?

Witness: In Tajikistan.

Tribunal President: And where were you at that time?

Witness: In Lajar.

Tribunal President: Is Lajar a city?

Witness: It is a military base where Rostam took us.

Tribunal President: Okay, was Rostam the person that invited or encouraged you and Sobit to join the army?

Witness: Yes.

Tribunal President: And how did you know Rostam?

Witness: We just met him in the train.

Tribunal President: Did you ever see Sobit receive any military training in Tajikistan or Afghanistan?

Witness: No.

Tribunal President: Sobit indicated that his passport was taken away from while he was at the military base. Can you tell me about that story?

Witness: I don't know how he lost his passport or how it got taken from him.

Tribunal President: Was your passport taken away from you while you were at the military base?

Witness: Yes.

Tribunal President: Do you why they took your passport away from you?

Witness: They told us that when basic training is over, we will return your passport.

Tribunal President: What type of training did you and Sobit receive while you were at the military base?

Witness: We did not have any training.

Tribunal President: How long were you there at the military base?

Witness: Two weeks.

Tribunal President: What did you do for the two weeks that you were there?

Witness: Who?

Tribunal President: You and Sobit.

Witness: I did not understand the question.

Tribunal President: What did you and Sobit do for the two weeks you were at the military base?

Witness: Just work.

Tribunal President: What type of work did you do?

Witness: I collected wood.

Tribunal President: Collecting what?

Witness: Wood. Fire wood.

Tribunal President: Sobit, was that part of military training to collect wood?

Detainee: No, I did not collect wood.

Tribunal President: What did you do the two weeks you were there?

Detainee: There was wood in the house and we would break them to burn it in the fire.

Tribunal President: Sobit, would you like to ask your witness any questions?

Detainee: No, I do not.

Tribunal President: Do any Tribunal members have any questions.

Members: No, ma'am.

Tribunal President: We will take a brief recess while the witness is taken out of the room.

The hearing recessed at 1415. The hearing re-opened at 1422. All parties present prior to recess were again present. The witness and the two guards are now absent.

Tribunal President: Sobit, do you have anything else that you would like to add?

Detainee: No, thank you. I do not.

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

AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President

Summarized Sworn Detainee Statement

[When the Tribunal President explained to the Detainee that the following applied during the hearing, the Detainee asked for an explanation on the statement. The Tribunal President responded by explaining to the Detainee how the process was going to proceed.]

[The Detainee nodded his head that he understood. The Tribunal President requested the Detainee respond verbally, since the Tribunal was being recorded.]

When asked by the Tribunal President if he understood the CSRT Process, the Detainee answered, "this is the first time I have been to a Tribunal and I don't know."

Tribunal President: If you have any questions as we go through, please ask them and we will answer them.

Detainee: Fine.

Tribunal President: Do you have any questions now regarding what we just told you?

Detainee: No.

[Personal Representative presented D-A {Detainee Election Form} to the Tribunal President.]

[Recorder presented Unclassified Exhibits R-1 through R-4 to the Tribunal President.]

Detainee: I don't know what Exhibits R-1 through R-4 are.

Tribunal President: I will Describe what each piece of evidence is, as we get to them.

Detainee: Who are the three impartial people in the Tribunal?

[The Tribunal President explained to the Detainee that the three impartial people were the three Tribunal members.]

Detainee: Are you a judge?

Tribunal President: I am not a judge, but I am the Tribunal President.

Detainee: You are the people that are supposed to be impartial?

Tribunal President: Correct.

Detainee: Fine.

[The Tribunal President explained each piece of unclassified evidence to the Detainee, which was already shown to him by his Personal Representative. The Detainee requested the Translator re-read the unclassified summary to him, which he did.]

[When the Tribunal President explained Exhibit R-2 {the FBI redaction letter}, the Detainee stated if they are classified, what if they are incorrect? The Detainee was concerned over his fate if the documents presented were not correct. He wanted to see the classified documents.]

Tribunal President: The classified information cannot be shown to you due to national security reasons. By you participating today, we want to hear your story as well. We haven't seen any information prior to this. We will take everything into consideration.

Detainee: All the statements are clear and I have clarified them each time I have met with other people.

[The Detainee made the statement to the Tribunal President that this was between you and God. The Tribunal President responded by answering yes.]

Tribunal President to Detainee: I see that you have two requests for witnesses. The first request was for a statement from the Minister of Interior from Saudi Arabia to prove you were a police officer. Specifically that you were working as a police officer in 1996, and you had also met with the Saudi Ambassador in Sudan.

Detainee: Yes.

Tribunal President: I denied that request because your employment prior to the events we are looking at isn't relevant to our case.

Detainee: You are the one that asked about that.

Tribunal President: I understand that. You may have been addressing the bullet on the Unclassified Summary that talks about 1996? I will tell you that even though the bullet is on that piece of paper, this Tribunal won't consider that when we determine whether you are an enemy combatant or not.

[The Detainee requested the Translator re-read paragraph 3.a.4, which he did.]

Detainee: When you researched that last point, did that prove I was telling the truth? Or is that just a waste of time?

Tribunal President: I denied researching it, because we won't consider it. It is not relevant to this hearing.

Detainee: The Personal Representative told me I was accused because of the first three bullets.

Tribunal President: Correct. The fourth one will not be used against you, true or not.

Detainee: I didn't go to Bosnia. If you think I was arrested or captured, then why don't you provide evidence, such as pictures, to prove I was?

Tribunal President: Because it is not relevant to what we are doing.

Detainee: If it has no relevance, why is it among the evidence?

Tribunal President: I can't answer that question.

Detainee: If you can't answer that, then who can?

Tribunal President: The members that prepared this document. We receive it; we don't prepare it.

Detainee: As impartial members, I want to prove to you that if I am being accused of something regarding point three, if you are not going to take it into consideration, why is it on the Unclassified Summary?

Tribunal President: It is up to us what we consider and I can tell you we are not concerned with the time frame of 1996.

Detainee: Fine.

Tribunal President: As to the second request, you asked us to check with the Saudi police in Riyadh. It could prove you were on a humanitarian mission while on leave.

Detainee: Yes.

Tribunal President: I denied that request as well, because an employer has no knowledge of what their employees do when they are on leave.

Detainee: Even though the employer doesn't know what I was doing, I gave you my route and the date I went to Sudan. I met the Saudi Ambassador in Sudan. He knew I was there for charity work. My second request would prove when I made this trip to Sudan.

Tribunal President: The date we understood from your Personal Representative referencing the Sudan Ambassador was in 1996.

Detainee: I don't know the Gregorian calendar, I gave the Personal Representative approximate dates.

Tribunal President: Again I think it centers a round the 1996 time frame. We are concerned mostly about September 2001 and beyond.

Detainee: That is fine if that is your concern. You made accusations, and I wanted to respond to them.

Tribunal President: We appreciate your participation.

Detainee: Whether it is relevant or irrelevant, I responded to the question.

Tribunal President: Thank you.

When asked by the Tribunal President if he wanted to make a statement the detainee stated yes and provided his statement after electing to be sworn.

[The Personal Representative stated the Detainee and he had agreed he would read a statement and the Detainee would respond to it.]

Detainee: Yes. I want something positive for you to consider. I want to defend myself, if given the time.

Tribunal President: You have the time now.

Personal Representative: 3.a.1, [The Detainee was captured in Pakistan as he crossed the border shortly after Ramadan in December 2001.]

This is incorrect. I met a civilian in a village after crossing the Pakistani boarder in Selban. This civilian was supposed to take me to the Saudi Embassy. I stayed in the village in Pakistan for approximately one day before the Pakistan Army arrived. I turned myself in to them. I was then taken to Bash Auer. I was allowed to meet with one representative of the Saudi delegation. He took my history, but the Pakistanis would not release me.

Detainee: Can I expound on that?

Tribunal President: Please do.

Detainee: When I entered Pakistan, I met the Pakistani guide and the Pakistani Army who requested I accompany them. I told them I wanted to go to my Embassy. They said official arrangements had to be made. I asked why? They told me because I had entered the country illegally. I asked what was the proper way to enter the country? They told me because I had entered illegally, they had to follow some type of procedures to handle the situation. They said after they filled out the official forms, they would turn me back over to my country. They treated me normal. I didn't think they were going to do anything to me. I proved to them with my passport and tickets that I was there legally. We were getting along famously. They didn't put me in prison or place any restrictions

on me. I was told they were making the necessary arrangements to return me to my country. Suddenly, I was turned over to the United States. I don't know why I was turned over to the U.S. There was nothing going on between the U.S. and me, and there were no problems between my country and the U.S. My only problem was with the Pakistani government. Why did they do that? Pakistan is the reason I am here. Pakistan was greedy and wanted money, so they sold me. This might have put the U.S. in a very precarious position.

Personal Representative: When we spoke, the Detainee added he went to Pakistan for a private trip.

Detainee: Yes.

Personal Representative: He went for charity purposes to build houses.

Detainee: I agree with what the Personal Representative has said. I didn't only go to build houses but anything that would help the poor and needy. I wanted to build a mosque, but I didn't finish it. I read Afghanistan was very poor and I wanted to do a lot of good work there. It would cost me two to three hundred thousand dollars to build a mosque in Saudi Arabia, however, in Afghanistan it would only cost about two thousand dollars. Saudi Arabia had several charities and they didn't need my help.

Personal Representative: The Detainee went to Afghanistan alone. He remembered going to Afghanistan about twelve to thirteen days before 11September.

Detainee: I agree with what the Personal Representative has said, but the dates are approximate. This is a big event that I won't forget, but I can't remember the dates. I entered Afghanistan in 1422.

Tribunal President: We have a calendar to translate the dates into our time frame.

Personal Representative: Paragraph 3.a.2, [the Detainee worked as a volunteer for al Haramain, an Islamic charity.]

Detainee: I didn't work for them. I donated my time to be charitable. I have no connection to al Haramain. I went there for twenty days, but I don't know anything about them. I was surprised when I was told they have an association with al Qaida. It was a known fact that al Haramain was a charitable organization. Everyone was aware of the charity work they were involved with. I donated my time, for twenty days, doing anything I could to help. If you want to know about my trip, I have no problem telling you about it.

Personal Representative: The Detainee and I discussed that the trip was for twenty days to Sudan during the time of the floods. He recalled that to be about six or seven years ago.

Detainee: I don't recall the exact dates.

Personal Representative: Six or seven years would take us back to 1996 or 1997.

Detainee: When I asked you to get the paperwork from Sudan, it was to prove that point and the dates.

Personal Representative: The Detainee told me while he was in Sudan he met with the Saudi Ambassador. He remembered it was more than twice, possibly three or four times.

Detainee: Approximately.

Personal Representative to the Detainee: That is all that I have, do you have anything to add?

Detainee: That was everything I told you. Thank you very much for speaking. I told the interrogators before that I was the head of my family. I have a wife and kids. You can ask my country regarding my behavior. You can find out everything about me starting when I was young. I didn't have any problems with the courts because I didn't travel out of the country very often. I joined the Army when I was seventeen and I got married at eighteen. I have a wife, daughters, and a stable job. I had no problems whatsoever. Why am I here? I will try to prove anything you want.

Personal Representative: Paragraph 3.a.3, [al Haramain is a non-governmental organization with known ties to al Qaida and Usama Bin Laden.]

Detainee: I don't know anything about that whatsoever. I am surprised this is even being brought up. This is an unbelievable accusation. Even though it isn't a government organization, it is a semi-government organization. Americans and the American Embassy know about this organization. You can ask about that organization and the past years they have been in operation. Because of Usama Bin Laden, all Muslims are being attacked. Just because someone has become a Muslim, they are associated with al Qaida? This is a disaster.

Personal Representative: The Detainee and I also discussed at the time (approximately 1996, 1997 time frame) the charity group was recognized by the Saudi government and the Saudi Ambassador also knew about it.

Detainee: It was one of the largest organizations in Saudi Arabia, if not in the Muslim countries. What happened to this organization? This must have happened since I have been here.

Personal Representative: The Detainee said the trip was documented by video [Personal Representative stated this was in 1996 or 1997].

Detainee: I told the interrogator the trip was all on video.

Personal Representative: The Detainee asked was the organization even on a list back then (1996, 1997) as a terrorist organization?

Detainee: If al Haramain is a terrorist organization, why is it my problem? Am I guilty because they are terrorists?

Personal Representative: The Detainee also mentioned, even though the Saudi Ambassador knew about it, he never said anything to me when he knew I was going to travel.

Detainee: It was just a regular visit. I was checking on them and telling them about their needs and how I could help them. Sudan televised the story and the Sudan government was fully aware of it. There are several villages in Sudan. I rebuilt houses that had been destroyed. A clinical van delivered blankets. Seed was provided for planting. Everything was done to help the poor and needy. You can check this out with the Saudi and Pakistani governments. If this is not the truth you can keep me here, but if it is, why am I here?

Personal Representative to Tribunal President: The Detainee and I did discuss 3.a.4, [Detainee is suspected of being a Bosnian Mujahadin fighter that was previously captured in 1996.] Do you want to hear the Detainee's comments, or is it not relevant?

Tribunal President: Go ahead and discuss it since the Detainee told you the information.

Personal Representative: Paragraph 3.a.4, [Detainee is suspected of being a Bosnian Mujahadin fighter that was previously captured in 1996.]

[Personal Representative explained to the Detainee that even though the Tribunal President has said paragraph 4 was not relevant, we are allowed to discuss what we talked about in order to be heard.]

Detainee: This point is very important to me because I was accused on the previous three statements. By proving they are incorrect, I have proved I am innocent. I am accused of being a member or associated with al Qaida based on the three or four points of the evidence. That is why the interrogators believed I was guilty and a member because of this evidence. When you realize what I have said is the truth and compare it with the incorrect evidence provided by the interrogators, this will help me.

Personal Representative: Regarding paragraph 4 of the Unclassified Summary, the Detainee said, never. He was a Saudi policeman at that time. He joined when he was seventeen years old. He has a wife and kids. He even received awards during the time he was (inaudible).

Detainee: I am a peaceful man. Even before Bosnia, there was the Gulf war. I was there and received an award for appreciation. I was not involved with Bosnia. I'm not

supposed to say anything or defend myself. You indicated I was arrested. If I was arrested and there is proof, then there is no reason for you to ask me about it. It's better if you have to prove it.

Detainee: I praise God and his Prophet. I would like to remind everyone that God is watching us, and God doesn't like cruelty. God is between us. He will be the judge. Don't condemn him and condemn yourself. That is all I can do I am in prison. That is all I can say.

[When asked by the Tribunal President if Detainee had anything else to say.]

Detainee: I have nothing else to say. I am not associated with al Qaida. If the charity was an illegal terrorist organization, I knew nothing about it. I have nothing else to say, the rest is up to God. You have all the evidence that proves what I have just told you.

Detainee: Did you have any questions? You have to look at this from a humanitarian point of view. I have wasted three years in prison. I have nothing else to give. The Pakistani people were very greedy. Once I am finished here, I will have a case against Pakistan.

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Summarized Answers in Response to Questions by the Tribunal Members

Q. You mentioned you were in the military. Would you please tell me something about your time in the Saudi military.

A. I was with the police. I'm not going to tell you that because this is my country and I don't want to reveal anything. Even though I spoke to the interrogator about it, it's not my right to talk about it. There isn't anything secret, I just don't want to talk about it. I ask your forgiveness.

Tribunal member. Of course.

Q. How old are you?

A. Do you want the truth?

Tribunal member: Yes. Please.

Detainee: Thirty-three or thirty-four.

Q. How did you travel to Afghanistan?

A. It's all clear. I went from Riyadh to Qatar to Pakistan.

Q. How long were you in Afghanistan before you went to Pakistan?

A. I don't recall dates but I believe about two or three days before the fall of Kabul. I left Kabul to go a surrounding city. The time was six ten 1442.

Q. While you were in Afghanistan, did you carry a weapon or have any guns or ammunition?

A. Never.

Q. Did you bring your own money with you to Afghanistan, or did the charity provide for you?

A. It was my money. I had nothing to do with the organization.

Q. Did you have your passport with you when you came into Pakistan?

A. I had my passport and return plane ticket.

Q. Did you complete the mosque that you went to Afghanistan to build?

A. No. I put in the foundation, but didn't have a chance to finish because the attacks took place in Kabul. I left someone there and gave him money to finish it.

Q. Were you employed by the police force when you left for Afghanistan?

A. Yes and I'm still with them, unless they have let me go.

Q. Does the police force give you so many weeks of leave or can you just leave for anytime and come back?

A. I got two months of vacation time per year.

Q. What places or cities did you visit in Afghanistan?

A. Kandahar was the first place I visited. I stayed there for about eight or nine days. After that, I spent most of my time in a city near Kabul. I don't really know because I was staying in one place and another until I got to Pakistan. I can't even remember what places I visited in Pakistan. The name of the village in Pakistan is in the Pakistani report.

Q. Why did you cross from Afghanistan into Pakistan?

A. What type of question is this? I was escaping.

Tribunal member: That's what I wanted to verify.

Detainee: I was trying to locate the closest city or place to run to.

Q. What mosque did you attend in Saudi Arabia?

A. Any place I could go and pray. When it is time to pray here, I will pray.

[Translator: For the record, the Detainee asked me if I was Muslim and I ignored him.]

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

A. No. I went because it was a poor Muslim country. I had read a lot about it in magazines and papers and decided to go there on my own to do charity work.

Tribunal President: Just a point of clarification. I hate to make you repeat yourself again.

Detainee: Anything you have, you can throw at me. I have a family that I have left behind and it is too bad that I am here.

Q. When you were in Afghanistan, it is my understanding you were not affiliated with al Haramain at that time?

A. No. I was not associated with them. The first and last time was when he went to Sudan. After that, there was no connection whatsoever not with al Haramain or any other organization. I just like to help the poor and needy. From this point on I will do charity work in my own country.

Q. Have you seen your passport since you have been here in such as an interrogation or anything?

A. They brought me pictures about a year ago.

[The Tribunal President asked the Detainee if he had any other evidence to present to the Tribunal.]

Detainee: You can ask my Personal Representative if he has anything else?

I have nothing to submit. They took my blood, hair, and (inaudible). They have taken my picture and have thoroughly examined me. You have all the evidence. What do you want my heart?

Q. Personal Representative do you have any other evidence to present to this Tribunal?

Personal Representative: I have no witnesses, but I would like to provide the Tribunal with Exhibit D-B, which is a unclassified copy of an evidence property custody document that I have received from the evidence room. This document supports the Detainee's comments regarding his passport and airline ticket which were in his custody when he was captured. The passport shows the different places he went and where it was stamped and his airline ticket shows the dates he had to use it by.

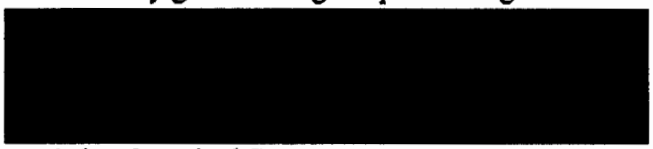
[During instructions to the Detainee regarding the Tribunal process, he prayed to God.]

[After the Tribunal was adjourned the Detainee asked how could he be classified as an enemy combatant?]

Tribunal President to Detainee: We have not made that determination yet.

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

Summarized Detainee Statement

The following is a summarized transcript of the detainee's testimony. Although a qualified Arabic translator was present, the detainee often preferred to speak in English, and would go back and forth between English and Arabic. The Tribunal permitted the detainee to testify in both English and Arabic because he was obviously comfortable doing so and because the Tribunal understood what he was saying. The following is a summary of his testimony.

Tribunal President: Abdul Hakim Bukhary, you may now present any evidence you have to the Tribunal, and you have the assistance of your Personal Representative in doing so. Do you want to present information to this Tribunal?

Detainee: I don't have any information. If I did have it, I would tell you, but I don't.

Tribunal President: Would you like to respond to the allegations that were just read?

Detainee: Yes, I will answer.

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

Detainee: I am alone now, okay? I am a Muslim. You are a Christian. Maybe if I make an oath to you, maybe I will be lying, but I cannot.

Tribunal President: It would be a Muslim oath.

Detainee: I am a Muslim, yeah, sure.

Tribunal President: Would you like to take a Muslim oath?

Detainee: I swear if I believe in everything in my home with a judge. She [referring to the Tribunal President] is not a Muslim, so I cannot swear.

Tribunal President: Okay.

Detainee: But what I'm telling you is that everything I am saying is the truth. I had no problem with the Americans troops when they took me from Kandahar to here. My story has been the same.

Tribunal President: Would you like to respond to each of the allegations? We can read the allegation to you and give you an opportunity to respond to each.

Detainee: Sure. No problem.

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

Personal Representative: Yes, ma'am.

In the following section of the summarized transcript, the Personal Representative reads to the Tribunal the allegations found on the Unclassified Summary of Evidence. The detainee then responds to each allegation. Any comments made by the detainee or others are summarized, as well.

Personal Representative: The detainee is a member of Al Qaida.

Detainee: Not true.

Personal Representative: The detainee traveled from his native Saudi Arabia to Afghanistan after 11 September 2001, to participate in armed Jihad against the United States.

Detainee: Yes.

Personal Representative: The detainee met Usama Bin Laden in Afghanistan.

Detainee: I meet him before 11 September. I met before all this. I met him a long, long time ago. I met him maybe 14 or 15 years ago, while on Jihad, in the war against Russia.

Personal Representative: You mentioned when we spoke previously – do you know why Usama Bin Laden visited where you were at the time?

Detainee: I don't know exactly. I don't know. Everybody knows he is the boss. He is the big boss. He just went there to see. That's all. This is what I understand. But what exactly the purpose for his visit was, I don't know. I don't have any idea. I could not ask any questions. If there are other things I would like to add to my answers, would that be a problem?

Tribunal President: No problem.

Detainee: About this question, why Usama Bin Laden came, I don't know. The problem today is this. President Bush declared war against the Taliban. After that, the Taliban called for a Jihad. They called all Muslims. I am a Muslim. I answered the call. When I came to the mujahidin guesthouse, I did not have any idea of anything, except I came for Jihad. I followed some of the leaders of the mujahidin in the past. At the same time, I think there is one they call Massoud. I liked him and thought he was a very good man. I said to the mujahidin, who are about 90% Arab people, that he is good and God bless him. They got mad when I said I liked Massoud. They are crazy. They don't like him. If I had known they didn't like him, I wouldn't have spoken. For saying that, they punished me; they bothered me; they beat me; they hit me very badly. They accused me

of being a spy. They are stupid. I did answer "yes" – I came – I am a Muslim. I don't want to talk too much – I can talk for three years.

Tribunal President: You can talk for three years?

Detainee: I talked to American troops at Kandahar airport, and I am still talking here.

Detainee talks to translator in Arabic.

Tribunal President: What was his question?

Translator: He asked what is the word for "bothered."

Detainee: I am talking, talking. I've been talking for three years. But I like it.

Tribunal President: You like to talk?

Detainee: I like to talk because I found that nobody bothers me. Nobody beats me. Nobody hits me. They have an art in interrogation. Suppose they accused me in my home. My God! They would beat me. The difference between the United States and Europe and our people is so different, a very big difference. When they told me that I would be going to a Tribunal here, I knew I would be getting some justice. I am sure of it. I trust in it 100%. I don't care. I don't have anything to hide. Everything I have told you is true.

Tribunal President: May we move on to the next question?

Personal Representative: The detainee attended the Al Qaida training camp at Al Farouq for one day.

Detainee: Yes.

Personal Representative: The detainee stayed at a guesthouse in Afghanistan.

Detainee: Yes.

Personal Representative: When we spoke about that earlier, you mentioned that you did not know who ran the guesthouse, but you did go there for Jihad?

Detainee: That is a good question. I am a Muslim. I came and answered the call to Jihad. We usually cannot ask [questions at the guesthouse]. Suppose she is with me [pointing to Tribunal President], I cannot ask her real name, just a nickname. I cannot ask who is who. It is very bad. They are crazy. Maybe they would shoot me. Really, they are crazy. I cannot ask any personal questions. Forget it – I cannot.

Personal Representative: The detainee admits long time affiliations with Jama'at Tablighi.

Detainee: Yes.

Personal Representative: You mentioned during our previous conversations that was for religious conversions?

Detainee: That is correct. I am a Muslim. If I saw a Muslim who is not following a good way, I would advise him – talk to him about this and that. Then I'd call him. I'd invite him to this mosque. We'd pray and we'd talk. I'd talk to him about Jama'at Tablighi and two issues. I'd talk to him about the Koran – what God says – and what the prophet says. That's all. There was nothing else. We didn't even talk about politics.

Translator talks to detainee in Arabic.

Translator: He is asking for words I am not familiar with. It has something to do with banks.

Tribunal President: Safe deposit box? Trust accounts?

Detainee: Suppose you are a bank and I came to you and you lend me about $100,000.

Translator: Loan?

Detainee: And then after one year or two years, I have to give you $20,000 more, or $30,000 more.

Tribunal President: Interest.

Detainee: Interest! In Jama'at Tablighi, we did not talk about interest. We did not talk about politics. We didn't talk about what was good or bad for men or women. We talked about the Koran and the prophet.

Personal Representative: The detainee stayed with Jama'at Tablighi prior to 11 September 2001.

Detainee: Yes, I did.

Personal Representative: Jama'at 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.

Detainee: As I have told you, Jama'at Tablighi did not talk about Jihad. We did not talk about Jihad. Suppose one of you guys comes in and we had this guy that talked all the

time about Jihad. They would kick him. They did not talk about Jihad. I don't have any idea about this. This is my answer.

Personal Representative: The detainee engaged in hostilities against the United States and its coalition partners.

Detainee: I did not participate. This is really a strange question. This sentence is very, very strange. Before the war, yes, I came and answered the Jihad. I came to Afghanistan and then to the mujahidin guesthouse. In the guesthouse, they put me with a sub group, and took some people to the airport – before the war. I stayed there [at the airport] about three days. After three days, they accused me of being a spy. They beat me. They hit me very badly for a long time. They deprived me of food or water for a long time. Then they took me to the Taliban jail, from Kandahar airport to Kandahar City. They took me to the main jail. I stayed for about a week, and then the bombing started. Then the guards all escaped like rats.

Personal Representative: Now, you also mentioned that it was the Taliban that imprisoned you.

Detainee: Yes, in the Taliban prison.

Personal Representative: And that they tortured you in a cellar?

Detainee: First of all, there was no food in prison. In the prison we would receive only one piece of bread in 24 hours. All this time and we would get one piece of bread. When we broke fasting, we would receive cold water. They did not give us anything else. If anyone would talk too loud, they would kill him. There were about 1600 prisoners. We could not do anything. We could not talk. It was a terrible time, horrible. I was sick. I had hemorrhoids. They did not take me to the hospital. They did not give me anything. Some prisoners gave me some ointment and antibiotic liquid. This was from the prisoners. From the Taliban, all we got was that we could not talk.

Detainee (continued): Prisoners here are in paradise. American people are very good. Really. They give us three meals, juice, fruit and everything! My God! Here they [i.e., the Arab detainees] bother me everyday, every time. Now about 30 months to this day, they bother me. They call me a hypocrite. They call me a spy. You have to say, "thank God!" I thank you for America! If you are in a Taliban prison, they do not treat you well. Here we are in paradise. It is 100% paradise. Yes, really. Thank you!

Detainee (continued): I wrote a letter last month to my son to explain to him about democracy. Yes, we have heard about democracy through television and radio, and read about it in newspapers and magazines. However, I have never tasted democracy until I got here. I like it. I don't have anything to say, except to say thank you very much. Excuse me judge?

Detainee talks to translator in Arabic.

Translator: He said, "Can I call her judge?"

Tribunal President: I am not a judge, I'm just a Tribunal Member.

Detainee: Excuse me, ma'am. I forgot what I wanted to say. I will tell you if I remember.

Tribunal President: Does that conclude your answers and responses to the questions?

Detainee: When I remember, I will tell you some more.

Tribunal President: Is there one more?

Personal Representative: There is.

Detainee: Excuse me. Yes, I remember.

Tribunal President: Okay.

Detainee: About democracy. It is really good. It is a right of Islam. Islam calls for the right to have a democracy, for everything. It is good for detainees, it is good for prisoners, good for anyone, so no one can be accused without proof. This is the real Islam. Centuries ago, they were a real democracy. Today we know only one thing. Why most of the people from Arab countries run away from their homes to go to Europe and America. They want democracy. They want justice. They feel it is fair. They want to stay there. They leave families and their homes. They leave their kids, wife, father and mother. They are looking for justice. They are looking for fairness. They are looking democracy. I hope to learn from the people here about democracy. I am 100% sure that if people back home got to understand about democracy, they would be a wiser people. I am so sorry. They are still kids. The average age is about 22 years old. I will give you an example. Today, they are like a Pepsi. You take a Pepsi and, before you open it, you shake it. When you open it, it pops out. After that, it fizzles. Yes, they are just like this. But I hope to understand. This I hope from my heart. I hope from my mind to understand this situation. If you did wrong you should get punishment. Not from America, but from God. I am so sorry – I talked too much.

Tribunal President: Did we end all of the questions? I think he answered the last one about Kandahar airport.

Personal Representative: Yes ma'am, there were a few comments he made for clarity he might want to add. After the Taliban lost power, you mentioned that the new government held you for three months, then handed you to the Americans.

Detainee: Yes. When the Taliban fell and the new government took over, I was very happy. We were, as I told you, prisoners – about 1600 of us. Twelve of us were foreigners, the rest were Afghanis. I am from Saudi Arabia. The others were from Syria, Russia, England, the other guy from Saudi Arabia was killed. This is five. Another was from Pakistan, the rest were from Iran.

Detainee (continued): The new government took us from jail to jail. From a big prison to a small prison. The other Afghanis prisoners were released. They were very lucky. Then from the twelve prisoners, they held them [the Iranians] for a week to ten days maximum, then they sent them home. Through the new government, they gave them permission, gave them papers, wrote their names and gave them some money, to pass the border. The ICRC gave them two boxes of food. Jam, cheese, butter, white bread, some fruits and some money to pass the border. Now there were only five of us left. They kept us. They kept telling us we would be released in two weeks. Three months went by, and still we were not released. Everyone started talking about our situation to CNN, the Washington Post, and Time. They took pictures of the five of us. We talked to the press from Europe, Japan, Philippines, Hong Kong, from everywhere.

Detainee (continued): After three months, the American Troops took us and told us that they would take us to Kandahar airport and ask some questions. They told us they would question us for about three or four days and then send us home. Three or four days turned into three years here. Three or four months ago, two of the five people I came here with went home. The one from England and the one from Russia. Now there are only three of us left. I was a prisoner and they took me from the prison. That is really strange. I hope to understand my situation, and I hope to get justice from the United States.

Tribunal President: Does that conclude your statement?

Detainee: Unless you have any more questions. Regarding the last question, I did not fight against the United States. Before the war, the other people, they caught me, and bothered me. They beat me very badly. Then they sent me to the Taliban prison. Oh my God! What a horrible time I spent there. It was a very bad time.

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

Personal Representative: No, ma'am.

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

Recorder: No.

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

Members: No ma'am.

Tribunal President: How long were you in Afghanistan?

Detainee: Maybe 10 days. That's all.

Tribunal President: From the time you left Saudi Arabia?

Detainee: Yes, about 10 days. Two weeks they accused me, they bothered me, and they sent me to the prison.

Tribunal President: When did you leave Saudi Arabia?

Detainee: Right after the United States declared war on the Taliban. Maybe a few days later.

Tribunal President: Before or after?

Detainee: No, after, after your president declared the war and then the Taliban government declared Jihad.

Tribunal President: So let me make sure I am clear of this. You left Saudi Arabia before or after the attack on the Twin Towers in New York?

Detainee: After. Because President Bush declared war after they attacked the United States.

Tribunal President: But you were there for only ten days before you were arrested?

Detainee: Before I was arrested? Yes, about ten days.

Tribunal President: You said that you went to the Al Farouq training camp for one day.

Detainee: Yes, for one day. I was sick. I was very, very sick.

Tribunal President: You were sick when you arrived, or you got sick when you got there?

Detainee: No, I was sick before I got there. I had hemorrhoids for a long time. But I did not do anything because it's too different between Saudi Arabia and Pakistan or Bangladesh or Afghanistan. These places are very poor. In my home we have medicine. When I came to Afghanistan, it hurt my hemorrhoids because the roads were in poor condition and the car would bounce up and down. Thus I only stayed one night and then returned back.

Tribunal President: Where did you go after you left Al Farouq?

Detainee: To Pakistan.

Tribunal President: You went to Pakistan?

Detainee: Yes, and from Pakistan I went home.

Tribunal President: You went back to Saudi Arabia?

Detainee: Yes, sure. Before I went back to my home, for three days I got laser surgery on my eyes. Then I returned back home. I stayed home for about a week, and then went to Jordan. I stayed there for about three weeks, where I heard about what happened in the United States when they attacked New York and Washington.

Tribunal President: How many years was it, when you went to al Farouq? How many years before going back to Afghanistan for the Jihad?

Detainee: Maybe 2 months. When I went to Al Farouq, I stayed one day and I came back to Pakistan. I stayed for three days in Pakistan for my eye surgery and went back home. After about a month, then the attack on the United States happened.

Tribunal President: While you were in Afghanistan, did you join the Taliban or Al Qaida?

Detainee: Oh, yes. Everybody knows about the Taliban government. The Taliban was established around 1994. As far as Al Qaida, I don't know. I don't have any idea about Al Qaida. They talk about Al Qaida. They are crazy. Yes, I knew about Usama Bin Laden for a long time. When I met him, he was not famous. This was about 15 years ago during the war with Russia. When the Russians attacked Afghanistan, Usama Bin Laden was like anyone else. After the Gulf War, he became famous. Who made him famous? Do you know who made Usama Bin Laden famous?

Tribunal President: You tell me.

Detainee: I will tell you. America. By the media and television and by magazines. Everybody is talking about Usama Bin Laden. Through information, though the media, you made him famous. The big boss. He is nothing. I understand and believe 100% that you can run, but you can't hide. We go back in history into the seventies. What happened in Lebanon? What happened in Palestine? What happened in Egypt? What happened with the Minister of Petroleum in Saudi Arabia and Kuwait? Who was the big boss? At that time in the seventies, it was Carlos in Venezuela. Today, it is Usama Bin Laden. After 27 or 26 years, they caught him. Now he is in prison. They caught him. In time it's coming. To who? To Usama Bin Laden. I am sure. You can run, but you cannot hide. They will catch him. The police smell out people. This is what I mean.

Detainee (continued): When I came from Kandahar to this island, I said to a guy in the next cell to me, " I hope Usama Bin Laden would surrender so they will let us go." I was happy. To this day, the other detainee's bother me and call me a spy.

Tribunal President: Abdul Hakim Bukhary, do you have any other evidence to present to this Tribunal?

Detainee: I do not.

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

Personal Representative: No, ma'am.

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

AUTHENTICATION

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

[redacted]

Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement given by the Personal Representative

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

Personal Representative: I Mohammad Bin Abdul Rahman Al Shamrani, detainee in Cuba, No. 195. I tell you I don't believe in the American Justice Department and your Supreme Court. So judge me the way you like. I'm looking forward for god to judge between me and you.

AUTHENTICATION

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

[redacted]

Tribunal President

Statement ISN 195

أنا محمد بن عبد الرحمن الشمراني . المحتجز في كوبا برقم
١٩٥.

أقول لكم أني ~~لست~~ كافر بوزارة العدل الأمريكية وبالمحكمة العليا
فاحكموا بما شئتم . فإني أنتظر أن يحكم الله بيني وبينكم .

محمد عبد الرحمن الشمراني
٢٨/٨/١٤٢٥هـ
١٢/١٠/٢٠٠٤م

Translation

I MOHAMMAD BIN ABDUL RAHMAN AL SHAMRANI
DETANEE IN CUBA NO 195
I TELL YOU I DON'T BELEAVE IN THE
AMERICAN JUSTICE DEPARTMENT AND YOUR
SUPREME COURT SO JUDGE ME THE
WAY YOU LIKE I'M LOOKING FORWARD FOR
GOD TO JUDGE BETWEEN ME AND YOU.

MOHAMMAD ABDUL RAHMAN
AL SHAMRANI
SIGNATURE
28/8/1425 H.
12/10/2004

Exhibit D-B

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Summarized Sworn Detainee Statement

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

Detainee: The only question I have is that I have been to a tribunal and you were the president at that time and the other two members were different and this person here (recorder) I don't know if it was him or somebody else and my P/R is different at that time. You told me in the last tribunal that I would be notified with in two weeks about the decision and it has been three months. I have been waiting for the decision to come, and now they ask me to come to a tribunal again and do the whole thing all over. So the only question is: why did they make me come a second time and I did not know the decision from the first tribunal?

Tribunal President: If we told you that it was going to take two weeks for you to receive a decision, that was not correct.

Detainee: I asked you that question - when should I know about the decision? - and you told me that it should take two weeks to get the decision and let me know what happened. Those people were not here, and I think this guy was here. I don't know if he remembers. I remember I asked you and you gave me the answer because the linguist told me that she said two weeks and the last time when the tribunal took the oath I was pretty satisfied that they will look at all the evidence and make the decision. But after three months I did not hear anything about what happen and now I am here. I don't have a problem to come back, but the thing is I was waiting and now I don't know how long this process will take again this time.

Tribunal President: This tribunal does not have any control over how long it takes for you to be notified; that is out of our hands. We will consider the information that you give to us today and additional information that has been given to us by the government and then we will proceed with this new tribunal. This new tribunal has not seen any of the evidence that was provided to the old tribunal, so they have to look at all of the evidence that is being presented.

Detainee: They should not have told me that I would know the decision in a certain amount of time. They should have said just wait and we will let you know, we will bring you back to the tribunal, we will then notify you about the decision. That is why I was thinking I should know the decision within two weeks and now they bring me back to a tribunal and do the whole process again.

Tribunal President: That is correct. I don't know exactly what was said, but it is to your benefit for the new tribunal to consider all of the evidence that the government has given us and this is your opportunity to tell your story again.

Detainee: I have been here for three years and I have told them the whole story of what I did. It was three times that they put allegations on me that was wrong, "I never did it".

Now they want me to say it all over again and explain the whole thing and answer the questions of the allegations that I never did it. It's like they are just keeping me here and they do not have any evidence to prove what they are saying is true and I don't know if they believe that I'm telling them the truth. The entire time I've been here, I have not seen anything proving that I did anything wrong. If they have evidence to show that I did wrong things, I'm here. I want to see what is going to happen next.

Tribunal President: Should we move on? Any more questions?

Detainee: Yes, we should start. But, the thing is, I have been here for three years and the past three years, whatever I say, nobody believes me. They listen, but they don't believe me when I tell them that I did not do anything wrong. I never harmed any Americans. I did not go against the allies. What did I do wrong? I was just living my life in my country, in my village and never did anything wrong. I don't know where they got those things. I am here because of those wrong accusations or wrong information people give them. For three years I'm just here telling them, but nobody seems to believe me.

Tribunal President: Shed let's look at the allegations and then you will have the opportunity to respond to each of the allegations.

Detainee: Okay.

Tribunal President: Personal Representative please provide the tribunal with the detainee election form.

Personal Representative: I am providing the tribunal with the detainee election form that had been marked as exhibit D-A.

Tribunal President: Shed, this form lets us know that you want to participate in the tribunal.

Detainee: Okay.

Tribunal President: It also indicates that you have written a statement.

Detainee: Yes, my Personal Representative has it and he will read it.

Tribunal President: Okay, I understand that the Personal Representative is going to read it and also that you have two personal letters that you would like to submit into evidence.

Detainee: Yes, I want to present this as evidence.

Tribunal President: And you want us to keep those letters?

Detainee: Yes, that's all the evidence I have and yes you can keep it for the record.

Tribunal President: Okay, thank you.

The Recorder presented Exhibits R-1 thru 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.

Detainee: Why can't I see those documents?

Tribunal President: Remember earlier I indicated that there will be some documents that you cannot see because of national security.

The Detainee did take the Muslim oath.

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

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

3.a.1. The detainee was born in Pishin, Pakistan.

Detainee Statement: This is true. I was born in Pishin, Pakistan.

Personal Representative: Can I go to the second one?

Detainee: Yes. You can answer for each one and then if I want to add I will add.

Personal Representative: Thank-you.

3.a.2. The detainee joined the Taliban shortly after the Taliban took control of Kabul, Afghanistan in 1992.

Detainee: I was never a member; I never went and joined the Taliban, I never worked with them, I did not know any people in that group and I'm sure he will read you the same thing. I was just a poor person living my life in my village.

Detainee Statement: This is not true. I was never a member of the Taliban and I have never been to Kabul, Afghanistan. I have never worked with the Taliban.

Detainee: If you don't know them, how would you go and work for them or work with them. I don not know anyone in the Taliban, so how would I go and work?

3.a.3. The detainee has been identified as holding a high-ranking position in the Taliban as a military judge.

Detainee Statement: This is not true. Since my incarceration, I have been accused of holding three different positions with the Taliban. Initially I was accused of being a deputy foreign minister in Kandahar by an interrogator who spoke Pashto. This is when the Americans were there. This turned out to be false. One month later, I was accused of being a Taliban security guard in Kandahar. A female translator accused me of working in a prison and told me my name was Botcha, a security guard in this prison in Kandahar.

Detainee: The female was the interrogator with a translator. She had a male translator with her.

Detainee Statement: This was false as well as I've never even heard of the name Botcha. Now, I'm being accused of being a military judge for the Taliban. I have no idea why someone would make these accusations, as it is not true. I can only speculate that it was someone from a rival village close to my village in Pakistan. However, I have no proof because I am here at Guantanamo.

Personal Representative: Is there anything you would like to add, you want me to go to the next one?

Detainee: That is the same answer that I would have told the tribunal but you told, so just go to the next one.

3.a.4. In his position with the Taliban, the detainee tortured, maimed, and murdered Afghani nationals who were being held in Taliban jails.

Detainee: I never even hit my own child at home and I never hurt anyone. Why would I go and torture and murder someone?

Detainee Statement: This is totally false. The only time I have ever been in Afghanistan was for two days to attend a funeral. A neighbor in my village of Pishin had a relative in Afghanistan that died. I went with him to Afghanistan to attend a funeral service. I was only there for two days and then I returned home. How could I do all of these things in two days? It is simply not possible. During the Taliban reign, I never even talked to them. I never had any contact with Taliban at all. The two days I was in Afghanistan to attend a funeral were the only two days I spent in Afghanistan during the time of the Taliban, this was in 1999.

Detainee: Those were the only two days I went from my home to Kandahar, Afghanistan.

Detainee Statement: Many Afghanis lived in Pakistan and they traveled back and forth. So rivalries or differences might have occurred on both sides of the border.

Detainee: They tell wrong stories or give wrong accusation to give the other person a hard time.

Detainee Statement: I was never a judge at Pakistan or Afghanistan, nor was I ever a deputy foreign minister in either of these two countries, nor was I ever a security guard in these two countries. I was only a chicken farmer in Pakistan. I also would occasionally earn some extra by helping out at the local mosque. I would teach children how to pray and to perform absolution, I would teach them right from wrong. However, my main income was as a chicken farmer.

3.a.5. Pakistani authorities arrested the detainee in Fall 2001

Detainee Statement: No, it was the end of January 2002.

Detainee: It was the last days in the month of January 2002. It would either be the 25th, 26th or the 28th, but it was the last week.

Detainee Statement: I was in my home. I didn't live on a chicken farm; I worked on one. Pakistani authorities knocked and told me they wanted to search my home. I ask them why they wanted to search my house; they told me that they were searching for ancient artifacts that were looted. I didn't know what they were about and I had nothing to hide. They didn't find any artifacts because I didn't have any to find. However, the Pakistani authorities told me that I had to go with them to the police station. I asked them why, they search the house and they found nothing. I was told I had to go. At the police station, the questions were about the ancient artifacts. I pointed out to them that they searched my house and found nothing. The police then told me that even though they didn't find any artifacts, if I didn't give them money or a bribe I was gone. I told them that I didn't have any money to give them but even if I did wasn't going to give it to them. I asked what I had done.

Detainee: I told them even if I have money I would not give it to you because what did I do wrong? Why are you asking me for money?

Detainee Statement: I asked what have I done that I need to pay you for? They said it doesn't matter; we just want the money. Since I refused to pay the bribe, we never discussed the amount of money they wanted.

Detainee: I never asked them that.

Detainee Statement: They told me I would sit until I paid them, and they took me to a cell. They put me in a cell for a few hours and then blindfolded me and put me in a car with someone else and drove us to another location. I was kept in a Pakistani jail for thirty-six days. During this time, a Pakistani solider asked me if there was someone else in my village with the same name as I. I told them it could be, but I didn't know for sure. The solider then told me that they were looking for someone else and they had found me. That was all he said to me. After thirty-six days in the Pakistani jail, they came and got me one night. They tied my hands behind my back, put a hood over my face, and put me into a car. Although I couldn't see anything there were other prisoners in this car. One of the soldiers was speaking Pashto and several others were speaking (inaudible).

Detainee: One of the soldiers was speaking Pashto because I could understand and the other was speaking (inaudible) which I did not understand.

Detainee Statement: When the car stopped, I could hear airplanes. They took me from the car and put me into an aircraft. There were Americans in this aircraft.

Detainee: My eyes were closed. I could not see if they were Americans, but the language changed - before it was our language and then it was people who speak English like Americans here - that is why I made the assumption that it was Americans.

Detainee Statement: I still could not see anything because I was blindfolded, but they were speaking English. When we landed, they asked for my name and I told them Abdur Rahman. The translator who was speaking Pashto asked me what languages I spoke. I answered that I only spoke Pashto. I was then told that I was not Abdur Rahman and that I was Abdur Rahman Zahid. That was not correct, my name Abdur Sayed Rahaman. Abdur Sayed Rahman was the deputy foreign minister of the Taliban. I was taken to this camp and they begin to interrogate me. An American told me that I was wrongfully taken and that in a couple of days I would be free. I never saw this American again and I'm still here. Since then, I have also been accused of being a security guard, which is not true. Now I have this new accusation that I am a military judge of the Taliban. This is simply not true. I am innocent.

Tribunal President: Do you want to add anything else to this statement?

Detainee: That is all I have to say and I have told the tribunal before, like I told you before in the last tribunal. What I told you today, what I have been telling you for the past two years, that's what I did. I have been wrongfully accused. The past two years, I have been telling you that I'm innocent, that I didn't do anything wrong and that I've been wrongfully accused, but nobody believes me. Even when I told you what you told me last time from the last tribunal, you did not agree with me; you said that you never said that. That's my luck that I cannot prove anything, how you told me one thing before and now you say something else. That is all I have been saying for the past two years to everyone, but nobody listen to me.

The Personal Representative had no further questions.

Recorder: Am I correct, because of your statement a moment ago, that your real name is Abdur Sayed Rahman

Detainee: My full name is Abdur Rahman. Sayed is a tribe. We usually use the Sayed name when we make ID from our own country so people sometimes use the tribe name because it easy for some people to locate, to see where the tribe village is. That is why they use the tribe name on their ID to know the location. If you go to my village and ask anybody in the village, like my relatives, if you say Abdur Sayed Rahman they will not know me because we don't use the Sayed name with us all of the time in the village.

Usually we people put the tribe name on their ID, but if you just ask them about Abdur Rahman, yes they will tell you that they know me, they will tell you where I live, and tell you everything about me because people over there just know me by Abdur Rahman not Abdur Sayed Rahman. We use Sayed for paperwork.

Tribunal Members' questions

Q. You said the only time you went to Afghanistan was for the two days in 1999 correct?

A. Yes, during the Taliban time I went for two days. I don't know the exact date or year, but they asked me: "did you ever go to Afghanistan during the time of the Taliban?" I said yes, for those two days. They asked me when, and I said it was two years before when the Taliban collapsed. Two years before when I went for two days it was 1999 or 1998, you can figure it out because I don't know the exact year.

Q. Before the Taliban, did you fight in Afghanistan against the Russians at all?

A. Yes, I was in Afghanistan, but I was young - probably 15 years of age. Russia was there, but I'm not sure how old I was; maybe 15, 16, 20 at the most.

Q. While you were in Pakistan, were you ever associated with any of the Taliban offices in Pakistan?

A. I swear that I did not know about the embassy, I did not know of any Taliban offices in Pakistan. I swear I never went to their office to work with them.

Q. How many chickens were on the farm that you worked at?

A. It is not an exact number that you keep all the time. It depends on how much money you've got. You can bring a thousand pieces and next time maybe you have more money and then you will bring two thousand and if you don't have enough and then probably like five hundred. But it is not an exact number that you keep all the time.

Q. Where you just working or were you in charge?

A. It was not a big farm or anything, it was just like this room and you just put chickens in this room or maybe two rooms and just feed them, you can keep the chickens in there. It's not liked any big farm or land.

Q. How many other people worked with you?

A. It was just my brother, and if I need any extra help to clean the room, then I would hire someone and pay twenty pieces and just use them for a couple of days. But most of the time it was just me and my brother.

Q. Is your brother still back in Pakistan?

A. Yes.

Q. What did you feed the chickens?

A. It was a mixture of food they sell in the bazaar.

Q. What city were you arrested in?

A. In my home.

Q. Was it in Pishin or was it some other place?

A. The village we were living in is named Kuclagh and that is between Pishin and Borta, Pakistan. The village is between those two cities but we fall under the Pishin district.

Q. How far from the Afghan border is that?

A. Sir, I don't know exactly how far it is, but if you're going in a car, it can take about two hours. But, if you take a bus, it can take maybe three to four hours, because the bus usually stop different places and picks up people and drops people off. I'm not sure. It depends on how fast the car is going; it can take two to four hours.

Q. Did you sell your chickens in Afghanistan or only in Pakistan?

A. We keep the chicken on a farm and when they get bigger then the seller would come and buy from us and put it in the store, market, or the bazaar and sell it to the locals. The storeowners would come and buy from us.

Tribunal President's questions.

Q. You said in your statement that there are rivalries and differences between the Afghans and Pakistanis, what did you mean by that?

A. I mean when the Afghans went to Pakistan as refugees during the wartime, a lot of people are living in Pakistan, a lot of people born there are living there all this time in this country. They have relatives on the other side of the border. They usually go and visit each other. You have people on both sides and sometimes you have differences in your village. Some people have family differences. They

don't like each other. So, when you travel, they are looking for the right time to give you a hard time. They cannot give you a hard time in one country, but when you go over the border they will say something on the other side to just give you a hard time there to see you get in trouble. The Pashto culture, we have a lot of differences and they will not forget that. Their differences can be personal, family-to-family, or tribe-to-tribe. If you are living in that tribe, it doesn't matter if you never did anything wrong to them. People still will give you a hard time because you belong to that tribe.

Q. Is that your translation of what he said or is that your explanation?

Translator: No that is what he said.

Q. Did you have any rivals in Pakistan or in Afghanistan?

A. Yes, everybody has (inaudible) in Pashto people because if you and another kid get into a fight it goes to their parents. Even if they solve the problem, it is still in their heart. When they get a chance, they will give you a hard time.

Q. When you went to Afghanistan to fight the Russians, whom did you fight with?

A. When the Russians came, we were living in Afghanistan, in Kandahar. Half of my family moved to Pakistan. I was living in Kandahar with my eldest. I was maybe 15 or 16 years old. I did not know any groups or organization at that time but later on I asked someone, who are the people fighting against the Russians? One person told me it was commander President (inaudible), he was the commander.

Q. Did you have to receive any training before you started fighting?

A. I don't know if I received any training. Nobody gave me any training, but I was young. The only thing they would do is send me to the houses because they were living far from the village to go and get food from the village. I would go get some tea, I would get some food for lunch and dinner and bring them the food. Since I was young, I did not fight. I would bring them food.

Q. Was it a requirement of your family to participate in a jihad?

A. I was young and I did not know all of those things. Most people in that time were fighting momentarily because they had been told that the Russians wanted to invade the country. I was young, I didn't know. I asked people: where was the food and the help coming from to fight against the Russians? They said that the American government was providing support to the Afghans to fight against the Russians. Weapons and food were coming from the United States.

Q. Is it a requirement of your religion to fight against the Americans?

A. I have been here the whole time. I have been here for three years. I have been here in Cuba for two and a half years. I was in Kandahar for three to five months, and now I am here for two and a half years.

Q. When did you leave Afghanistan to go to Pakistan?

A. During the Russian time my family left. They never came back to Afghanistan. I was living with them, but I would go to Afghanistan. There was only a certain amount of time I could stay there. I have friends and relatives there and I would go and visit them. Jihad was also one other thing. I was going in and out, but it was no specific time on how long I stayed in Afghanistan.

Q. Do you have an alias?

A. You can go to either country, Afghanistan or Pakistan, this is the only name that people know me by.

Detainee: What will happen now? I have a lot of expectation from this tribunal, so what will happen next?

Tribunal President: I will explain to you all the procedures in the process. Do you have anything else that you will like to add?

Detainee: No, that is all.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal.

Personal Representative: I have two letters that I will give the tribunal, which are marked as exhibits D-c and D-d.

Tribunal President: These are letters from whom?

Detainee: One is from my brother and the other one is from my son.

Tribunal President: Any other questions from the tribunal members?

Tribunal Members: Is that the same brother that worked with you with the chickens?

Detainee: Yes. I have only one brother.

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

Detainee: When is the next review board going to happen?

Tribunal President: I can't say exactly when that is going to happen. There will be someone else administering that board.

Detainee: I have been living in Pakistan for all this time. I don't care what is going on in Afghanistan. The fight is in Afghanistan and I'm going to Pakistan to my home. I'm not concern about Afghanistan what is going on there.

Tribunal President: Sayed, it is very important that you allow your translator to complete your sentences so that we make sure that we understand everything that you want us to hear.

Detainee: Okay, I was just saying that I'm going to Pakistan because I have house and family in Pakistan. Whatever is going on in Afghanistan, I don't care about. There is no fight in Pakistan, everything is happening in Afghanistan.

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

On 9 Dec 2004, I (PR 100) conducted an interview with 581 to inform him that his tribunal was re-convening to consider new classified information, and that he had the option to attend the unclassified portion of the tribunal if he wanted to. He indicated to me that he wanted to attend the tribunal, have me read a statement regarding each allegation, and then he would make comments if he wanted to. I went over each allegation in the unclassified summary and then read the detainee's original response to each, as documented by the original PR (PR 23). In a few instances the detainee wanted to make corrections to the written statement, which are indicated below (the original text is marked by ~~strikethrough~~; added text is indicated in **bold**).

[The following information was originally obtained by PR 23 in an interview with 581 on 13 Sep 2004.]

Detainee Sayed Abdur Rahman dictated the following written statement on 13 Sept 2004 in response to his unclassified summary of evidence dated 4 Sept 2004.

1. In response to (A1) of the unclassified summary, this is true. I was born in Pishin, Pakistan

2. In response to (A2) of the unclassified summary, this is not true. I was never a member of the Taliban and I have never been to Kabul Afghanistan. I have never worked with the Taliban.

3. In response to (A3) of the unclassified summary, this is not true. Since my incarceration, I have been accused of holding three different positions with the Taliban. Initially I was accused of being a Deputy Foreign Minister in Kandahar by an interrogator who spoke Pastu. This was when the Americans were there. This turned out to be false. One month later, I was accused of being a Taliban Security guard in a prison in Kandahar. A female ~~translator~~ interrogator accused me of working in a prison and told me my name was Bacha, a security guard in this prison in Kandahar. This was false as well as I've never even heard of the name Bacha. Now I am being accused of being a military judge for the Taliban. I have no idea why

someone would make this accusation, as it is not true. I can only speculate that it was someone from rival village close to my village in Pakistan. However, I have no proof because I am here at GTMO.

4. In response to (A4) of the unclassified summary, this is totally false. The only time I have ever been in Afghanistan was for two days to attend a funeral. A neighbor in my village of Pishin had a relative in Afghanistan who died. I went with him to Afghanistan to attend the funeral service. I was only there for two days and then I returned home. How could I do all this things in two days, it is simply not possible. During the Taliban's reign I never even talked to them. I never had any contacts with the Taliban at all. The two days I was in Afghanistan to attend the funeral were the only two days I spent in Afghanistan ~~in my entire life~~ **during the time of the Taliban (This was in 1999).** Many Afghanis lived in Pakistan and they traveled back and forth. So rivalries or differences might have occurred on both sides of the border. I was never a judge in Pakistan or Afghanistan, nor was I ever a Deputy Foreign Minister in either of these two countries, nor was I ever a security guard in these two countries. I am only a chicken farmer in Pakistan. I also would occasionally earn some extra money by helping out at the local ~~school~~ **mosque**. I would teach children how to pray and how to perform absolution, I would teach them right from wrong. However, my main income and occupation was as a chicken farmer.

5. In response to (A5) of the unclassified summary, no it was the end of Jan 2002. I was in my home. I didn't live on the chicken farm I worked on one. The Pakistani authorities knocked on my door and told me that they wanted to search my house. I asked them why they wanted

to search my house and I was told that they were looking for ancient artifacts that were looted. I didn't know what they were talking about and I had nothing to hide. They didn't find any artifacts, as I didn't have any to find. However, the Pakistani authorities told me that I had to go with them to the police station. I asked them why; they searched the house and found nothing? I was told I had to go. At the police station they questioned me more about the ancient artifacts. I told them you searched my house and you found nothing. The police then told me that even though they didn't find any artifacts, if I didn't give them money, a bribe, I was gone. I told them that I didn't have any money to give them, but even if I did I wasn't going to give it to them. I asked, "What have I done that I need to pay you for?" They said it doesn't matter we just want the money. Since I had refused to pay the bribe, we never even discussed the amount of money they wanted. They told me I'd sit until I paid them and took me to a cell. They kept me in this cell for a few hours, and then blind folded me and put me in a car with someone else and drove us to another location. I was kept in a Pakistani jail for 36 days. During this time, a Pakistani soldier asked me if there was someone else in my village with the same name as I. I told them there could be, but I didn't know for sure. This soldier then told me that they were looking for someone else and they had found ~~him~~ **me**. That was all he said to me. After 36 days in the Pakistani jail, they came and got me one night, tied my hands behind my back, put a hood over my face and put me into a car. Although I couldn't see anything, there were other prisoners in this car. One **of the soldiers** was speaking Pastu and several others were speaking Urdu. When the car stopped I could hear airplanes. They took me from the car and put me into an aircraft. There were Americans in this aircraft. I still couldn't see anything because I was blindfolded, but they were speaking English. When we landed they asked for my name and I told them Abdur

Rahman. Then a translator who was speaking Pastu asked me what languages I spoke. I answered that I only spoke Pastu. I was then told that I was not Abdur Rahman; I was Abdur ~~Zahid Rahman~~ **Rahman Zahid**. That was not correct, my name is Abdur Sayed Rahman. Abdur Zahid Rahman was the Deputy Foreign Minister of the Taliban. I was taken to this camp and they began to interrogate me. An American later told me that I was wrongfully taken and that in a couple of days I would be free. I never saw this American again and I'm still here. Since then, I have also been accused of being a Security Guard, which is not true. Now I have this new accusation, that I am a military judge of the Taliban. This is simply not true, I am innocent.

This letter was translated by OL 4, it reads:

> From (*CENSORED*) to (*CENSORED*), greetings. We are, thank god, doing good. We want your happiness from God. Your school is going well, everyone in the family is doing well. Your chicken farm is there, and we check on your school. We are praying for you. Wish you luck, salam.

Note: On the front of the letter, from Sayed Abdul Salam-Sayed Abdul Haq to Sayed Abdul Rehman

EXHIBIT D-C
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Ekhd Ekhd

from blank to Blank greetings. We are thank God doing good, we want your happiness from God. Your school is going well everyone in the family is doing well. Your chicken farm is there, and we check on your school. We are praying for you. Wish you luck — Salam

on the front letter names appear in letter they concealed.

from Sayed Abdol Salam — Sayed Abdul Haq —

(E2)

7. RED CROSS MESSAGE

پیغام خانواد گی صلیب سرخ/دسره صلیب کورلي پیغام

8. SENDER فرستنده/لیږونکی

ICRC No. [redacted]

Full name ..... نام کامل / مکمل نوم

Father's name ..... نام پدر / دپلار نوم

Grand-father's name ..... نام پدر بزرگ / دنیکی نوم

Mother's name ..... نام مادر / دمور نوم

Nationality ..... تابعیت / هیواد

Date of birth ..... تاریخ تولد / کږ پدلوبه — Sex F M ذ أ جنس

Place of birth { village/کلی/قریه district/ولسوالی province/ولایت country/مملکت/هیواد } محل تولد / دزیږ پدلوځای

Refugee camp/Detention place ..... نام اردوگاه پناهندگان/محل اسارت / دپناهندگانو دکمپ نوم/ دبند دځای نوم

Street ..... کوچه / دکوڅی نوم

Village, District or City ..... قریه، ولسوالی، ولایت / کلی، ولسوالی، ولایت

Province/Country ..... ولایت مملکت / ولایت هیواد — House No. ..... کورنمبر / دکورنمبر

ICRC No. 581 — گیرنده / ABZ-005727-01 — شماره صلیب سرخ / دسره صلیب نړیواله کمیټی نمبر

Full name Sayed Abdul Rahman — نام کامل / مکمل نوم

Father's name S. Abdul Aziz — نام پدر / دپلار نوم

Grand-father's name ..... نام پدر بزرگ / دنیکی نوم

Mother's name ..... نام مادر / دمور نوم

Nationality ..... تابعیت / هیواد

Date of birth ..... تاریخ تولد / کږ پدلوبه — Sex F M ذ أ جنس

Place of birth { village/کلی/قریه district/ولسوالی province/ولایت country/مملکت/هیواد } محل تولد / دزیږ پدلوځای

Refugee camp/Detention place ..... نام اردوگاه پناهندگان/محل اسارت / دپناهندگانو دکمپ نوم/ دبند دځای نوم

Street ..... کوچه / دکوڅی نوم

Village, District or City ..... قریه، ولسوالی، ولایت / کلی، ولسوالی، ولایت

Province/Country ..... ولایت مملکت / ولایت هیواد — House No. ..... کورنمبر / دکورنمبر

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10. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین المللي صلیب سرخ

دسره صلیب نړیواله کمیټی

19, av. de la Paix - 1202 Geneva, Switzerland

MCR/EN-DA-PU/10.01/ACR

REPLY/جواب

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11. REPLY TO THE MESSAGE

جواب/خواب

Family and/or private news only

احوال خانوادگی که محض ماهیت شخصی داشته باشد
کوزنی پیغام چه یواری شخصی احوال بیان کری

[redacted] السلام د طرف [redacted] و طرفته
ورته سپرلی. شکر الحمد لله موب ته خو ب او روغ
یو ستاجوړ تیا او روغتیا لره دعوا خدای
غواړو.
نور سلام تخه [redacted] د خط ما د کلیلی
دیا
موب تخیل سپاس [redacted] ورته شکر جو ب او
روغ دعا یه ته لره کو رکی خیریت دعا
موب ستا [redacted] انشاء الله
ولوی خدای ته امید ستا چه ستا کار به وسی
او کم نه چرته نو ما دم وسی هم سته او ستا
پر ساحت به دعا هم پاتنه کوو.
موب یه تا ته دعاوی کوو او ته به موب ته دعاوی
کوی. نور دعا پر لوی خدای سپارو.
والسلام [redacted]
د مرسل د نمره
آدرس له د نمره طبیب دختر [redacted] د دیوورپه آدرس موږ ته
خط راليږه

12

Date ..... { تاریخ نیټه } Signature ..... { امضاء لاسلیک }

The addressee is my ..... { نسبت خانوادگی با گیرنده اخیستونکی سره کوزنی اړیکی }

KAD

OL 4 translated this letter, it reads:

From your brothers Abdul Haq Agha, Abdul Salam Agha and the whole family and friends to our brother. Our brother at home everything is fine, from young to old thank God everyone is fine. Everyone else is doing good, we want your happiness from God. We want your happiness from God like Abraham when he was in the middle of the fire and God protected him. We tried to release you but we haven't found any response, we will try God willing, and we hope that you will be released, and your chicken farm is there. CENSORED is also sending his greetings. Your letter you sent to Quetta, you wrote that you wrote us a lot of letters and you haven't sent responses, we've replied to all of your letters. I don't know why it hasn't gotten there. We are praying for you and we will pray.

Sept 26, 2002

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EXHIBIT D-D

from your brothers Abdul Haq Agha, Abdul Saboor Agha and the whole family and friends to our brother Our brother at home everything is fine, from young to old thank God everyone is fine. Everyone else is doing good, we want your happiness from God. We want your happiness from God like Abraham when he was in the middle of the fire and God protected him. We tried to release you but we haven't found any response, We will try God willing, and we hope that you will be released, and your chicken farm is there. Blank is also sending his greetings. your letter you sent to Quetta, you wrote that you wrote us alot of letters and you haven't sent responses, we've replied to all of your letters, I don't know why I hasn't gotten there. We are praying for you and we will pray.

Sept 26 2002

0937

I-004421

JJJEHA

13 OCT 2002

7. RED CROSS MESSAGE

پیغام خانواد گی صلیب سرخ/دسره صلیب کورنی پیغام

8. SENDER / فرستنده الیپونکی

ICRC No. ..... شماره صلیب سرخ / دسره صلیب نړیواله کمیټی لمبر

Full name ..... سید عبدالحق نام کامل / مکمل نوم

Father's name ..... نام پدر / دپلار نوم

Grand-father's name ..... سید عبدالعزیز نام پدر بزرگ / دپیکی نوم

Mother's name ..... نام مادر / دمور نوم

Nationality ..... تابعیت / هیواد

Date of birth ..... تاریخ تولد / دزیږدنې نېټه Sex F M جنس

Place of birth { village/قریه/کلی ..... district/ولسوالی ..... province/ولایت ..... country/مملکت/هیواد ..... } محل تولد / دزیږدنې ځای

Refugee camp/Detention place ..... نام اردوگاه پناهندگان/محل اسارت / دپناهندگانو دکمپ نوم/دبند ځای نوم

Street ..... صلیب ..... کوچه / دکوڅې نوم

Village, District or City ..... استقار قریه، ولسوالی، ولایت / کلی، ولسوالی، ولایت

Province/Country ..... Kandahar ولایت مملکت / ولایت هیواد House No. ..... نمبر خانه / دکورنمبر

KAD

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CLEARED BY U.S. FORCES

JAN 02 2004

JTF JDOG S-2

GUANTANAMO BAY CUBA

533 EHA. ABZ-005727

9. ADDRESSEE / گیرنده / اخیستونکی

ICRC No. ABZ-005727/01 US 581 شماره صلیب سرخ / دسره صلیب نړیواله کمیټی لمبر

Full name ..... Sayed Abdul Rehman سید عبدالرحمن نام کامل / مکمل نوم

Father's name ..... Sayed Abdul Aziz سید عبدالعزیز نام پدر / دپلار نوم

Grand-father's name ..... محمد امین نام پدر بزرگ / دپیکی نوم

Mother's name ..... نام مادر / دمور نوم

Nationality ..... افغان نستان کندهار تابعیت / هیواد

Date of birth ..... تاریخ تولد / دزیږدنې نېټه Sex F M ذ ا جنس

Place of birth { village/قریه/کلی ..... district/ولسوالی ..... province/ولایت ..... country/مملکت/هیواد ..... } محل تولد / دزیږدنې ځای

Refugee camp/Detention place ..... Atmo دکیوبا محبس نام اردوگاه پناهندگان/محل اسارت / دپناهندگانو دکمپ نوم/دبند ځای نوم

Street ..... کوچه / دکوڅې نوم

Village, District or City ..... GTMO قریه، ولسوالی، ولایت / کلی، ولسوالی، ولایت

Province/Country ..... ولایت مملکت / ولایت هیواد House No. ..... نمبر خانه / دکورنمبر

10. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین المللي صلیب سرخ

دسره صلیب نړیواله کمیټی

19, av. de la Paix - 1202 Geneva, Switzerland

MCR/EN-DA-PU/10.01/ACR

REPL

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11. REPLORY TO THE MESSAGE

جواب/خواب

Family and/or private news only

احوال خانوادگی که محض ماهیت شخصی داشته باشد

کمونی پیغام چه پیرازی شخصی احوال بیان کری

دوعاو سلام د طرفه د عبدالحق آغا او عبدالسلام آغا او تاج محمد او
گل محمد او عبدالمنان او د کورنی د ټولو غړو ولمونځه او د قریبانو او اشنا
والا نو لمونځه وطرفه د گرانت مشر ورور آغا صاحب ته د اسلام علیکم ورحمة الله
وبرکاته مخ ورور به گورکنی خیر خیریت موږ ټول که لوی دی کر کوچنی دی د لوی
خدای ج په فضل سره جوړ او روغ یو گران ورور ستا او مستاد اشنا والا نو جوړ
او روغتیا او حفاظت او خلاصون د لوی خدای ج څخه غواړو مخ ورور د لوی
خدای ج څخه دی روغ رمټ صحیح سلامت غواړو لکه څنګه چې ابراهیم ع په اوګنی
وساتی مخ ورور موږ چې هر څومره کوشش وکړو نو موږ او ستا د لیدو
نه وکړی او مونږ هم خپل کوشش کوو انشاء الله تعالی خدای ج ته امید
مسته یو د اخلاص به مونږ خو هیڅ زور نه غواړی مخ ورور
ورور هغه د پرګا نو پارام مسته او هغه د چرګا نو پارام مسته

او [redacted] هم مسته پوښتنه باندی گو هغه هم
سلامونه زر باندی وایی گران ورور ستا خطونه د کوټه
د لاری هم راوسیدل تاپه خط کښی لیکلی وه چې ما زر خطونه در
استولی دی تاسی جواب د خطونه دی د استو ولی موږ د هر خط
جواب در استولی دی نو چې ولی زموږ خطونه تاته نه دی رسیدلی
دا وجه نه راته معلومیږی مخ ورور دوعاوی دی دی راته گوهګوه
مورد دوعاو څخه نه دی هیر کری نه هم دوعاوی راته گوه نو ورور د خدای
سپارو والسلام

ورځ پنجشنبه

12.

Date 26 متمبر 2002 } تاریخ

Signature ..... عبدالحق } امضاء لاسلیک

The addressee is my ..... } نسبت خانوادگی یا گیرنده اخیستونکی سره گورنی اریکی

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When the Recorder stated that he had no further unclassified evidence to present, but requested a closed tribunal session to present classified evidence, the Detainee stated that he did not know what was meant by classified or unclassified.

The Tribunal President advised that unclassified information is information that the Tribunal may share with him. Additionally, the Tribunal President read the definition of classified evidence to the Detainee, who indicated he understood.

The Detainee was sworn.

Detainee's Sworn Statement

Detainee: My Personal Representative should start by asking the questions.

Personal Representative: We will begin by addressing each point in the Unclassified Summary.

The Personal Representative made the following statements on behalf of the Detainee:

- **3(a) The Detainee is a member of the Taliban.**

Personal Representative: When the Detainee and I met, he gave me a statement regarding 3(a), will I be allowed to read that?

Tribunal President: That's appropriate.

Personal Representative: I came from Pakistan to Afghanistan to run a private school ten years before my capture and ran that school for ten years.

Detainee: Before we came with our families to Afghanistan, I ran a private school in my house.

Personal Representative: I was also running a farm, trying to make land ready for the crops.

Detainee: When I came back, my whole farm was desert; it was not usable and mixed with other people's property. I started from the beginning with my hand, and fixed it to get ready for the crops.

Personal Representative: I was growing food for my farm animals.

Detainee: I asked for wheat and bartered for green grass to give during the summer and winter to the animals.

Personal Representative: All the people in the area had seen me. I had to stay in my house because I was the only elder in the house and I also cared for my sick mother.

Detainee: She is not only old, but she is also very sick. I'm always close to her. I cannot leave her alone for a minute because her pressure goes so high and low sometimes, almost to her death. I'm the only one to care about her. There is no one else to take care for our family. I have an old, sick mother and I have young kids; I'm the only man in the house to take care of all of them.

Personal Representative: My point is, I had no possible time to be a member of the Taliban.

Detainee: I don't know which part of the question I told him about the Taliban, but that is my story. I was too busy with my life and my family to be part of the Taliban.

The whole Zormat district knows me, and you are free to ask everyone about me. I was so busy with my own life and family that was the only thing I did with my life. I am not a member of Taliban; my daily life was so busy.

- **3(a)1 The Detainee is the former district officer for the Taliban in Zormat, Afghanistan.**

Personal Representative: I was not any district's officer. Before the Taliban, Rabini was the President of Afghanistan. Before the Taliban came, the district officer left office. Then, a group of elders from the area, because of tradition, (inaudible)

Detainee: That's not it; I want to explain. In the beginning in southern Afghanistan, like Zabul, Kandahar and Raznik, people had heard of Taliban names. Kabul still had Rabinin in power as the President of Afghanistan. At that time, the District Manager left the district. In Pashtun tribes, the elders handle daily disputes. This is a long-standing tradition in our culture. I was an elder in this group for some time.

Personal Representative: When the Taliban came, the group stopped.

Detainee: Before the Taliban and before I started to build my house, I didn't go to the jirga [elder's council]. The government was there, so the group automatically finished.

Personal Representative: When the Taliban was in power, they put in a governor and a district officer.

Detainee: Not a governor. Before the Taliban came to power, the group was still working and I had started to build my house so that's why I stopped going to the group. If the government comes and takes over, the jirga is automatically finished because there is no need anymore.

I would like to say one more thing. Zormat and its people are still there. You can, anytime, ask about me. Ask if was an officer a military officer, a district manager...anything.

The day the Taliban captured Kabul until the day I was arrested, from soldier to clerk to upper job. If anybody, anywhere proved that I worked for the government of the Taliban, I am 100% guilty.

The day the Taliban captured Kabul from Rabini, until my capture, if you can prove that I was with the Taliban for one month, one day or one hour, that I was with the Taliban as a soldier, clerk or high ranking or low ranking...I'm 100% guilty. To prove that is up to you.

- **3(a)2 The Detainee ordered an individual to emplace weapons caches in the Zormat district for use against U.S. forces.**

Personal Representative: This never happened. I did not do this and I don't know any individual that would say this.

Detainee: I hope that if you hurt my feelings, you will accept it. I hope you already know about me, because if I was a commander, I'd have a weapon. You are free to ask anybody, anytime, anywhere if I was ever a commander or member of any party. You will know that I did not have a weapon and I didn't belong to any party, not a high rank or a low rank.

Before the Americans came to Afghanistan, if anyone asked and if I was even a small commander that would be true that I told the people to give the weapons or put them together.

If I don't belong to these people or hold this position, how could I tell this person to do this?

There are two things, either I'd be a commander or I have my own weapon. If I don't have these two things and if I'm nobody, how would I order people to do things? Who would listen to me and take my order?

I would never say these things. I swear, and that is not easy for a Muslim to swear. I swear on my God and I swear on the holy book, I never ever told anyone to put a weapon together or put them somewhere to use them against Americans. It never happened.

I give my oath, that if I'm guilty I will accept my punishment. I apologize for taking your time.

Personal Representative: You [Detainee] said everything that I had written down here, but better.

- **3(b) The Detainee participated in military operations against the United States or its coalition partners.**

This item was not addressed by the Detainee or the Personal Representative.

- **3(b)1 The Detainee commanded a group of troops responsible for the 20-21 July 2002 bombings against the U.S. base in Gardez, Afghanistan.**

Personal Representative: This never happened, I never did it, not even for a moment. I know nothing about any bombings against the U.S. base in Gardez, Afghanistan. I know of no group.

Detainee: First of all, this did not happen and I was in no position to command people to do this job. As much as I can prove, Americans were in Gardez. If you can prove that I was a commander in Gardez, if you guys have proof, I'm still guilty.

Again, I swear, I'm a Muslim and I swear I've never known when and how in Gardez people bombed the American base.

An interrogator told me that the Police Chief in Gardez is a prisoner with us here and that he had information about me. You guys have the right, right now to bring him in front of me and ask him any information about me. You have a right to ask him if I ever broke a law. I know this information is based on Gardez, because the American base is in Gardez City, and that was his position as the Chief Commander of Police in Gardez. You have the right to bring him and ask him if I ever broke the law.

After all of this, if you guys have any proof on any of these allegations, I would punish myself. I'm ready and I'll accept it and I'll do the punishment myself, with my own hand. I ask forgiveness for taking your time.

- **3(b)2 The Detainee fired on U.S. forces when they attempted to enter his property.**

Detainee: This is the main thing.

Personal Representative: It was night, dark out and I was sleeping. There are a lot of thieves. I heard a noise outside; somebody was knocking on the door.

Detainee: First of all, I did not shoot American forces.

Personal Representative: They told the female of the house they were from the American base. She was trying to tell me what they were saying.

Detainee: It was a misunderstanding. It was during the night and there was a knock at the men's door, the big door. We all woke up and came inside. It was midnight and a horrible time. Me, the woman and my kids were so scared. I thought the people came to rob us because this kind of thing happens often.

A lady walked to the man's door and I asked her what the truth was. I was told they were people from the government and they had come to search the house. I told them the middle of the night was not the time to search the house. My house is in the middle of the desert, with no one else around, and this is the people rob people. I talked to the lady and asked her to please go back and ask nicely if they were truly people of the government, please wait here until after darkness.

She came back and said they wouldn't listen. If I didn't open the door, they would break the door down. So many times we had the same conversation, and asked them to please wait until after the darkness and then they'd be welcome, if they were truly from the government.

Around this time, there was a village called (inaudible). They were told that people of the government wanted to search the house. They were not from the government; they were thieves. The thieves took everything the villagers had in their lifetime. It's very easy for you guys to find out about this. The minute the door was opened, everything was taken by thieves. That happened very close to my arrest. This story was still very fresh in everyone's mind at that time.

In another village the same thing happened. People went to the house in the name of the government. The minute they opened the door, they took everything and also killed the owner. Everyone in the area knows about this, you can ask and find out. This also happened very close to the time I was captured. The owner was murdered.

This is common in the Zormat district, day and night. America will know this thing and so will the Police Chief in the Gardez Province. Ask him, he knows this always happened, day and night. The people who work with the Americans know about what happened in Zormat all the time.

When I heard the noise of the door and they said they'd break the door down. Most Pashtuns have a big house and the walls are too high and too strong, and we also have a very big door on the front of the house.

When I heard they wanted to break the door in, I was 100% sure they were not government people, they were thieves, and I went to the house and got my gun and went to the roof. I shot it in the air so the thieves would know and understand that there was a weapon in the house.

I did this because I was 100% sure that they were not people from the government, but they were the same people who were thieves, so I went to the roof and fired my gun into the air.

I'm sure, even if I was 100% sure, if I kill a thief, how could I answer that question? In the future, that would be a big problem for me. Because my house is in the middle of the desert, I'm alone and nobody else was in the house but me, if I injured the thief, it would be hard to protect myself from it in the future.

I just wanted to make sure that the people understood there was somebody in the house and there was a weapon, so they wouldn't go inside by force.

The minute I shot in the air, firing started in the house. The fire was all over the house.

Personal Representative: When you spoke with me, all the firing started from the outside firing back at you. You fired into the air and they all started firing at you. They fired in the house, not people in the house firing out.

Tribunal President: We understand.

Detainee: There was a lot of firing and a lot of noise. I couldn't just put my head up. In Bagram, they questioned me about a house that was far away from my house. They told me firing came from this house, to us. I asked how I should know who was firing at who. I never knew who was firing from where.

The people, Americans and the government thought that people shot at them from outside somewhere, because the interrogators always ask me this question.

On the roof, we have extra walls and I was not able to look or see where the firing was coming from and who was firing. It was like a war zone.

Maybe the people who were with the Americans know where the firing was coming from. I couldn't stand up to see what happened. I'm not sure because the soldiers and the government were all in my house. They fired from inside.

I didn't say anything in Bagram to put someone else in trouble to free myself. I didn't give the wrong information in Bagram either, to free myself.

The firing was still going on. There were light and heavy weapons. I was shocked and surprised by what happened and what was going on. At that time, I heard the airplane, or jet. After I saw the airplane, I understood that this was the government. Admittedly, I came down from the roof, went to the room my mother was in. I talked to her and told her things were wrong and these were the people of the government. I told her not to worry and I was going to open the door so they could search the house and it would be no problem.

I talked to my mother because it was a hard time. I asked her to let me open the door, with her approval. My mother didn't approve my request. She placed her hand on the holy book and asked me not to go out because they would shoot me.

My kids came to me, grabbed my leg and begged me not to open the door. They were so scared.

I still repeatedly asked my mother. They were people of the government, they just want to see the house and they aren't going to hurt me. It took me a long time to convince my mother of this.

When I went outside there were a lot of people and a lot of cars. I raised my hand and told them to come to the house to search the house. The Americans did not come, but an Afghan came up to me and put his hand on my shoulder. After that, the Americans came and handcuffed my hands behind my back and sat me outside the house when they inside the house and did the search.

After a while, they put me in back of a truck. When they were done searching the house, they started driving to Gardez. That was my story.

I would like to say one more thing. I have a mother, my wife, kids, sister and self in my house. If I fired at Americans it meant suicide for my family. That means destroying and killing your own family.

I've been here with you guys almost two years. Maybe you've found out about me in these two years that I'm that crazy to kill or destroy my own family. Maybe you've found that I'm a crazy person or a mental person. If I did anything like this, it means I don't worry about my kids or family and I don't care to die.

I was not that crazy and not that stupid to shoot at the Americans from my own roof. That'd mean I killed my own kids and family.

My house is totally flat and if I shot at anyone, and there were a lot of people, why didn't one person get wounded if I shot at them? There was no place to hide in my house. What was my plan? Shooting at Americans means the destruction of my family. That was not my intention.

If I had known they were people from the government or they were Americans, this would never had happened. I was still thinking they were thieves and they came to rob us.

Forgive me, I'm sorry I took a lot of time. I talk too much, I think.

Tribunal President: We appreciate your statement and it was very thorough. Does this conclude your statement?

Detainee: I think I explained enough. If you want to talk more, maybe we'll talk.

Tribunal President: The panel will ask questions, so you may have a chance to answer some questions.

Detainee: In three years, I don't understand. I don't get it. Why am I in Cuba? I've asked so many times in the interrogations. I asked what I did and why I was here.

Tribunal President: This Tribunal will review why you're being detained. This is a place you can provide us information, and you have done that. The information you were given is why you should be here, according to the government. It is our job to review everything and determine if you should be detained as an enemy combatant. Does that help answer your question?

Detainee: Forgive me please, I asked so many times in interrogations why I was here. Now I know and to my knowledge this is not true.

I want to thank my Personal Representative for all of his hard work on my case. I told you one time, you wrote everything down and I still told everything myself. You worked real hard on my case, thank you.

Personal Representative: That's what we're supposed to do.

Tribunal President's Questions for the Detainee

Q: You had a weapon that you used to protect your family.

A: First of all, for generations people in Afghanistan have a weapon. Before King [Zion?] was King. It is very important for me to have a gun because I live in the middle of the desert for protection. The government has never been 100% in control in our area.

Q: That answers my next question, which was did you have it all the time you were in Afghanistan? Which you have.

A: This one weapon belonged to my father, and he left it to me.

Q: May I ask what kind of weapon it was?

A: Kalashnikov, AK-47.

Q: Earlier, I believe you said you helped the Pashtun group as an elder when the previous district manager or officer left. You did that because of your family status?

A: (Inaudible)

Q: Before the Taliban came, you said elders from your group.

A: Not from my group, from the village.

Q: ...from the village served as district officers to handle disputes. Is that correct?

A: There is no position in the jirga. Everbody is supreme council. They just control the daily life and they are asked forgiveness and to solve disputes. There is no position; everybody is the same.

It's [jirga] is a very old tradition. Even when there is government, sometimes if there is a dispute between people, they don't go directly to the police, the elders or friends and relatives will sit and talk about it and finish it once and for all. It's not good for the family name to go to the government office.

Q: Just to make it clear, you were never a district officer under the Taliban?

A: Again, like I told you before. The day they [Taliban] captured the government from Rabini, ask anybody if I held any position, high or low, if anyone proves this, I am guilty and I will punish myself. I accept the guilt.

AUTHENTICATION

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

[redacted] Col, USAF
Tribunal President

Summarized Unsworn Detainee Statement (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 the 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.

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

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.

[redacted]

Colonel, United States Marine Corps
Tribunal President