Summarized Unsworn Detainee Statement

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

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

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

Tribunal President stated that the detainee wants to participate and has requested one in camp witness. The in camp witness was Omar Allad Wassim.

Detainee: Wassim Allad Omar.

Tribunal President: Thank you. This witness we did approve, but due to his medical condition, he will not be here today. In lieu of the witness being here, you requested a piece of documentary evidence. This evidence was the transcript of the testimony provided during the unclassified portion of this particular witness. As such, this is approved and the Personal Representative will provide it to the tribunal during the classified portion of this hearing.

Rashid Abd Al Muslih Qa'id Al Qa'id, you may now present any evidence to the tribunal, and you have the assistance of your Personal Representative in doing so. Do you wish to present information to this tribunal, and would you like to make statement under oath?

Detainee: I want the P.R. to give it to you.

Tribunal President: And he's going to read it. Do you wish to take an oath, so, that when we ask you questions later, you can say that you answered them truthfully?

The Reporter administers the Muslim oath to the detainee.

The Personal Representative, per the request of the detainee, will present the tribunal with the written statement, and will read it aloud as well. It will be marked as Exhibit D-b.

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

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

3.a.1. On 29 September 2001, the detainee traveled from his home in Saudi Arabia via Jordan, Syria, Iraq, and Iran; finally arriving in Afghanistan on 3 October 2001.

Detainee: (As read from statement by the Personal Representative) The detainee wrote, I don't have any relation not far or up close with the Al Qaida or any another organization. The evidence for that, myself and other two persons traveled there. Our occupation is teachers for the public schools, which is under the Ministry of Education for the Saudi Government. We traveled for humanitarian purposes and we were still employed. We left for a short vacation just to deliver that mere mission. You can go back and check our job folders. You'll find that clear. Seventeen years I worked in an education field and never left al-Jouf regions throughout the past period of time, in seventeen years. How will I have connections with any organizations when I never left my job at all?

We did not intend to travel to Afghanistan, but we intended to go to Iran. Because we heard from news agencies that there are a lot of refugees on the Iranian border, we rushed to relieve them. We never traveled to Iraq as you pretense. That is not right. How can we travel to a country that Saudi Arabia doesn't have a diplomatic relations with? You know that is very good and you know what happened to Iraq in the past period of time. Iraq and its government was isolated. Also, you can check our passports. There is no Visa to go to Iraq. Our goal was to travel via Syria to get treatment for our teeth, which cost less than it does in Saudi Arabia. Plus, that way there's a shortcut to Iran and our city is close to Jordan and Syria, which costs less too. When we arrived in Iran, they told us that the refugees are inside the Afghanistan border. We were forced to enter Afghanistan. We had to use or passports both times entering and leaving Afghanistan through the Iranian borders. But, after we delivered contribution to the refugees in the village on the border of Iran and Afghanistan, we came back after three or four days. The Iranian border officials refused to give us permission to do so, alleging that the borders are closed. We tried many times, but no luck. My friend Wasim called his brother to help us. We waited on the border in a hotel for one month and several days. I want you to know that we could cross the borders to Iran in an unlawful day. An offer was given to us from some clerks with the Iranian border police and also two smugglers. We preferred not to.

3.a.2. The detainee traveled with two associates from Saudi Arabia.

Detainee: (As read from statement by the Personal Representative) The detainee wrote, I traveled with my two friends Al Nur and Wasim, yes. I traveled with them where I found that they had the same goal that I had, which was to deliver humanitarian aid to the needy, personally, according to our religion. It is more requital, especially in Ramadan. By doing this, I don't think that makes us members with al Qaida organization or any other organizations. Traveling to help refugees is a charge? It doesn't make sense.

3.a.3. The detainee and both of his traveling companions, ((Al Nur)) and ((Wasim)) traveled to carry out charity work in conjunction with a Saudi charity, ((al-ighatha al-khairiq)).

Detainee: (As read from statement by the Personal Representative) The detainee wrote, I don't have anything to do with that organization. Nor my friends. They work for the

Ministry of Education as teachers. But they do cooperate with two Saudi organizations inside Saudi Arabia in the boundary of al-Jouf region. These two organizations are under supervision of Internal Ministry of Saudi Arabia government. Their cooperation is in support of orphans inside and outside of Saudi, one named al-Harmain, is who Wasim cooperates with, and the other named Islamic al-Igatha al Khairia, is who Al-Nur cooperates with.

3.a.4. Al Ighatha is a large Saudi NGO with field offices worldwide, many of which is staffed by or support terrorists or mujahidin. The NGO is link to Al Qaida and other extremist NGO's.

Detainee: Response is same as point number three.

3.a.5. ((Al Nur)) was on a list of al Qaida Mujahidin and their al Qaida trust accounts recovered from various computer media seized during raids against al Qaida associated safehouses.

Detainee: (As read from statement by the Personal Representative) The detainee wrote, from my personal knowledge, al Nur has no relation with al Qaida or any other organization. My evidence is that he works for the Public Administration of the Ministry of Education for the Saudi Arabian government and he is still employed. You can check his folder. He has been employed for more than ten years and never has left the area. He never joined any military training, and he is under superintendent of his country. How can you accuse him of this untrue accusation? I know he is a good man and if he weren't, the government of Saudi Arabia would never put faith in him to educate their sons. And, in your allegation that his name is found on a computer belonging al Qaida, it is not right. Maybe there is a similar name to his name. You have to look to his incomplete and his mother's name too. When were people kidnapped from streets and cities and accused with false accusations. We are in the twenty first century and the laws forbid that.

3.a.6. The Saudi government designated Al Nur as a priority target and lists him on the "watch and arrest list" for travel to Afghanistan.

Detainee: (As read from statement by the Personal Representative) The detainee wrote, If this accusation to brother al Nur is correct, he will never have a passport. I want to tell you that my brother al Nur crossed the border from Saudi Arabia to Jordan in an official way. If my brother al Nur was on arrest list, the Saudi Government will never have let him go. He met with Saudi delegation in Cuba more than once and they never mentioned that to him. There is a diplomatic relation between Saudi Arabia and Afghanistan- there is no problem to any citizen to travel to Afghanistan for humanitarian purposes. I want you to know that Saudi Arabia deals with great precaution in the matter of issuing passports. There is no forged passports or selling them like in other countries.

3.a.7. The Saudi government designated the detainee as a priority target and put him on a watch and arrest order.

Detainee: (As read from statement by the Personal Representative) The detainee wrote, this is not right. I left in an official way with a passport and if there was such thinking, they will arrest me at the border with Jordan. I met with a Saudi delegation three times in Cuba and they never mentioned that to me. Also, they said to me that there is nothing against you. You traveled to Afghanistan for a good purpose. Traveling to Afghanistan is not a crime. There are no forged passports or selling them like in other countries.

3.a.8. The detainee was captured by Pakistani forces when he attempted to cross the border from Afghanistan.

Detainee: (As read from statement by the Personal Representative) The detainee wrote, we were not arrested by Pakistani forces, but when we crossed Pakistan borders we gave our passports to the Pakistani police to give us a Visa. They promised to do that. They said that they would give us a ride to the embassy of Saudi Arabia. We were very happy. If we were accused by our government, we would never accept that. This is more proof that we are innocent from all charges that we have been charged with. Our government knows we are not criminals or terrorists. We never supported terrorist acts. Handing us to the Americans was not because of a charge to be criminals or terrorists but the reason behind is the money paid for every single head handed to the American intelligence. That is what happened truly, but we are very respectful people in our country. We work in an education field working hard to raise generations.

We want to emphasize that we have been kind to the people, and our history speaks for us. We don't agree with the killing of innocent peoples or attacking others because of their skin, religion, race, and color. As long as they are human beings they have the right to live. All religions forbid aggression to others, killing women, children, and old people. We hope that you on the board will look at our case in an objective and right justice. Particularly, you swear to do that. I want you to know that square deal is the basic of rule.

Personal Representative: That completes the detainee's statement.

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

Detainee: No.

Tribunal President: At this time, we may have some questions for you. Will you be willing to answers the questions?

Detainee: Yes.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Did you actually get teeth worked on in Syria?
A. No, I didn't, but I was thinking on my way back to do that. But, they took care of my tooth here, and that is it.

Q. Did you drive a private automobile or take a train, or fly? How did you travel?
A. We traveled by car from Saudi Arabia to Jordan to Syria. Then, we took an airplane from Syria to Iran.

Q. Did you take any supplies or equipment with you?
A. No.

Q. Did someone pay for your travel?
A. I paid myself.

Q. As far as working for a charitable organization, what is it that you plan to do?
A. I have never been part of any charity organization. But my friends, the ones that traveled with me, as I said in my statement, they have some relation with two charity organizations. What I did was that I decided to do it by myself and I paid for it. There is no other side I have any relation with what I did.

Q. Why did the three of you choose Afghanistan?
A. Because, we heard that there were some refugees getting inside there.

Q. If the refugees were in Iran, why would you not go to Iran?
A. We heard from the news that the refugees are inside there, and we went to find out, but they are not, they are still in Afghanistan, but very close to the border of Iran.

Q. What subject do you teach in school?
A. Social (Studies).

Q. Can you describe what education you have? High school?
A. Bachelor's degree.

Q. In what subject?
A. Geography.

Q. While you were in Afghanistan, did you see any fighting at all?
A. No, we were on the border close to Iran.

Q. Where did you spend your nights? The follow up question, I'll give to you now is, did you stay in any homes and if so, were there any weapons in those homes?
A. No, I didn't see any.

Q. Where did you stay, specifically?
A. For three or four days, we were in a village close to a border with Iran. After we finished distributing the charities, we went back to the Iran border to get to Saudi Arabia. We found out that there's no way we can cross the borders. We spent a month and some days in a hotel.

Q. It says you were captured by Pakistani forces. This doesn't say where, the border is a big border; can you give me some insight where you were captured?
A. I don't like to say. I wasn't a criminal, or we didn't cross the border and (inaudible). I don't remember exactly where. All that I remember it's close to the city of Qota, because they took us to the Qota-i prison.

Q. I'm not sure where Qota-i is. Is it south? If you look at the border, there is a southern border and an eastern border with Pakistan. Is it the southern border or eastern border?
A. I'm not familiar with that area. It's my first time going there. All that I know is that they took us to the Qota-i prison and we stayed there for two months. In general, all this information, all these questions, you are asking me -- it is with the Pakistani officials.

Q. The two people that traveled with you, are they both kept here?
A. Yes.

Q. How long have you known Al Nur and Wasim?
A. Three years, more than before I left.

Q. Do you have any military training?
A. Never.

Q. Do you speak or understand English?
A. No.

Q. Question #8, there was a statement that says we do not agree with the killing of innocent people. What about the killing of infidels?
A. I don't agree with killing. I live all my time with the kids at schools.

Q. And I just wanted to clarify one thing with question #3; he says he had nothing to do with the charity organizations. And the next sentence states, nor my friends, but then it says at the end of the statement he acknowledges that his friends did in fact work for the charity. I just want to understand if they did or didn't.
A. For myself, I don't have relations with any of them. I mentioned that during the interrogation. What I meant was that they didn't have any "official" relation with those two charities. Not as a job, they are teachers, and yes they dealt with them, not as a clerk working there. They work for the Saudi Arabian government. When they worked with those organizations there's no salary, it's all volunteer.

Q. Are you married?
A. Yes.

Q. Do you have children?
A. Yes.

Q. What ages are they?
A. I forget their birthdays, but I can tell you approximately. The older one, she's a girl, 11 years old, a son, 9 years old, another son, 6 years old, and a son, maybe 4 or 5 years old.

Q. As far as Al Nur and Wasim, please describe how often you saw them. For example, how close were you? Were you social friends? Did you see each other once a week, twice a week?
A. Wasim, I don't have that good of a relation; not that tight of a relation with him. I saw him twice. Al Nur, I have some relation with him.

Q. Would you, for example... I know since you are a teacher, you see the other teachers on a professional basis, but with al Nur, if you have a social relationship, would you describe it? Is it fairly close? Would you discuss politics and ideology?
A. Never. We only talk about problems with the education system or if we have any problems. Where I live, there are a lot of farms; we talk about farming, or any family problems.

Q. You said you went to Afghanistan on 29 September 2001; I just wanted to ask when is school in session in Saudi Arabia?
A. Yes, it was in session.

Q. School is in session at that time? Were you not needed as a teacher?
A. At that time, I was the principal and I have an assistant, and I left him in charge of the school.

Q. When you were in Qandahar, or any other time, do you recall either al Nur, or Wasim meeting with individuals that you didn't know?
A. No.

Tribunal President's questions.

Q. You indicated that the Saudi Government sponsored the school where you taught.
A. Yes.

Q. What type of screening did they do for their teachers? Do they perform background checks, that sort of thing?
A. There are three things that they check. Your license, what degree you have, in what subject; and there's a government piece of paper you have to present that tells whoever hires him that he is a good man, good behavior; and the third thing, every area (Saudi Arabia) there is somebody in charge to tell the government how this guy behaves in the community.

Q. Am I safe to assume that your wife didn't work?
A. She worked.

Q. I was just wondering, with the wife and four kids, I know in the United States, they don't pay teachers all that well, and I was curious whether they paid you well enough to have a surplus?
A. Do you want to know in dollars? The Saudi government, they pay $4,000 (USD) a month.

Q. In Saudi money?
A. Yes. Do you want to know how much in Saudi money? In Saudi money, it's $13,000.

Q. What type of assistance were you planning to provide the refugees?
A. Money, which can help them with their daily expenses.

Q. I'm just curious, I'm assuming that they needed things like food and clothes, and that sort of thing...
A. I'll give them the money, and they will go and do whatever. Buy clothes, food whatever is necessary for them.

Q. I noticed that you entered Afghanistan near the Iranian border, and then ultimately left Afghanistan near the Pakistani border. How did you get from the Iranian border to the Pakistani border? Where else in Afghanistan did you go?
A. I started at the border of Iran and Afghanistan by renting a car. Then, the same way, we rented a car from Afghanistan to Pakistan border.

Q. I guess my question is, did you go to any major cities or did you simply go along the border? How did you get from point A to point B in Afghanistan?
A. Yes, we passed Kandahar. We reached Kandahar at night and we spent the night there. There is lodging, food, and supplies there, like a motel. In the morning, we continued on to Pakistan.

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

Personal Representative: Yes Ma'am, I have. As stated on the detainee admission form, I would like to submit the transcript of his witness's tribunal during the closed session.

Detainee: I want you to look at that statement from Wasim my friend he gave before in his tribunal. Also, if it's possible, if you can look at my records when they took care of my tooth. Also, I want you, if it's possible, if you can, to look at my behavior while I have been here, with the detainees--or any other military confinement. That's what will prove to you, that I'm not violent, and I don't believe in violence, as they accuse me to me, a member of al Qaida.

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

AUTHENTICATION

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

[redacted]

Colonel, United States Army
Tribunal President

ISN 344 Statement
4 Dec 2004

The detainee is associated with al Qaida.

1. On 29 Sep 2001, the detainee traveled from his home in Saudi Arabia via Jordan, Syria, Iraq, and Iran; finally arriving in Afghanistan on 03 Oct 2001.

I don't have any relation, not far or close, with al Qaida, or another organization. The evidence for that, myself and other two persons traveled with. Our occupation is teachers in public schools, which is under Ministry of Education for the Saudi government. We traveled for humanitarian purposes and were still employed. We left for a short vacation just to deliver that mere mission. You can go back and check our job folders. You will find that clear. Since seventeen years I worked in an education field, never left al-Jouf region throughout the past period of time (17 years.) How will I have connection with any organization when I never left my job at all?

We did not intend to travel to Afghanistan, but we intended to go to Iran. Because we heard from news agencies that there is a lot of refugees on the Iranian Border we rush to relieve them. We never traveled to Iraq as you pretense – this is not right. (How can we travel to a country that Saudi Arabia doesn't have diplomatic relations with? You know that is very good and you know what happened to Iraq in the past period of time. Iraq and its government were isolated. Also, you can check [our] passports. There is no VISA to go to Iraq. Our goal was to travel via Syria to get treatment for our teeth, which cost less [than in Saudi Arabia.] Plus that way is a short cut [to Iran] and our city it close to Jordan and Syria, which cost less too. When we arrived in Iran, they told us that the refugees are inside Afghanistan border. We were forced to enter Afghanistan. We used our passports in both times entering and leaving Afghanistan from Iranian borders. But after we deliver contribution to the refugees in the village on the border of Iran and Afghanistan we came back after three or four days. Iranian [border officials] refused to give us permission to do so.

Alleging that the borders are closed, we tried many times but no luck. My friend Wasim called his brother to help us. We waited on the border in a hotel for one month and several days. I want you to know that we could cross the border into Iran in an unlawful way. An offer was given to us from some clerks with Iranian border police and also from two smugglers. We preferred not to.

2. The detainee traveled with two associates from Saudi Arabia.

I traveled with my two friends, Al Nur and Wasim, yes. I traveled with them where I found they have same goal that I have which was to deliver humanitarian aid to the needy, personally, according to our religion. It is more requital especially in Ramadan. By doing this, I don't think that makes us members with al Qaida organization or any other organizations. Traveling to help refugees is a charge - it doesn't make sense.

3. The detainee and both of his traveling companions, ((Al Nur)) and ((Wasim)), traveled to carry out charity work in conjunction with a Saudi charity, ((al-ighatha al-khairia)).

I don't have anything to do with that organization. Nor my friends, they work for the Ministry of Education as teachers. But they cooperate with two Saudi organizations inside Saudi Arabia in the boundary of al-Juof region. Those two organizations are under supervision of internal ministry of Saudi Arabia government. Their cooperation is in support of orphans inside

and outside of Saudi, one named al-Harmain Wasim cooperates with and the other one named Islamic al-Igatha al Khairia which Al Nur cooperates with.

4. Al Ighatha is a large Saudi NGO with field offices worldwide, many of which are staffed by or support terrorists or mujahidin. The NGO is Linked to al-Qaida and other extremist NGO's.
[Same as #3 above.]

5. ((Al Nur)) was on a list of al Qaida mujahidin and their al Qaida trust accounts recovered from various computer media seized during raids against al Qaida associated safehouses.
For my personal knowledge, Al Nur has no relation with al Qaida or any other organization. My evidence is he works for the Public Administration at the Ministry of Educcation for Saudi Arabian government and he still employed. You can check his folder. He has been employed for more than ten years. Never left the area. Never joined any military training and he is under superintendent of his country. How do you accuse him by this untrue accusation? I know he is a good man and if he wasn't, the government of Saudi Arabia would never put faith in him to education their sons. And in your allegation that his name is found in a computer belonging to al Qaida it is not right. Maybe there is a similar name to his name you have to look to his incomplete and his mothers name too. When were people kidnapped from streets and cities and accused with false accusations. We are in the twenty first century and the laws forbid that.

6. The Saudi government designated Al Nur as a priority target and lists him on the "watch and arrest list" for travel to Afghanistan.
If this accusation to brother Al Nur is correct he will never have a passport. I want to tell you that my brother Al Nur crossed the border from Saudi Arabia to Jordan in an official way. If my brother Al Nur was on arrest list, the Saudi Government will never have let him go. He met with Saudi delegation in Cuba more than once and they never mentioned that to him. There is a diplomatic relation between Saudi Arabia and Afghanistan – there is no problem to any citizen to travel to Afghanistan for humanitarian purposes. I want you to know that Saudi Arabia deals with great precaution in the matter of issuing passports. There is no forged passports or selling them like in other countries.

7. The Saudi government designated detainee as a priority target and put him on a watch and arrest order.
This is not right. I left in an official way with a passport and if there was such a thinking, they will arrest me at the border with Jordan. I met with a Saudi delegation three times in Cuba and they never mentioned that to me. Also, they said to me that there is nothing against you. You traveled to Afghanistan for a good purpose. Traveling to Afghanistan is not a crime. There are no forged passports or selling them like in other countries.

8. The detainee was captured by Pakistani forces when he attempted to cross the border from Afghanistan.
We were not arrested by Pakistani forces. But when we crossed Pakistan borders we gave our passports to the Pakistani police to give us a Visa. They promised to do that. They said that they will give us a ride to the embassy of Saudi Arabia. We were very happy. If we were accused by our government we would never accept that. This is more proof that we are

innocent from all charges we have been charged. Our government knows we are not criminals or terrorists. We never supported terrorist acts. Handing us to the Americans [was not because of] a charge to be criminals or terrorists but the reason behind is the money paid for every single head handed to the American intelligence. That is what happened truly, but we are very respectful people in our country. We work in an education field working hard to raise generations.

We want to emphasize that we have been kind to the people and our history speaks for us. We don't agree with the killing of innocent peoples or attacking other because of their skin, religion, race, and color. As long as they are human beings they have the right to live. All religions forbid aggression to others, killing women, children, and old people. We hope that you [on the board] will look at our case in an objective and right justice. Particularly you swear to do that. I want you to know that square deal is the basic of rule.

☆- الرد على النقطة الأساسية وهي أن المحتجز أرتبط مع القاعده :-
- ليس لدي أي إرتباط لا من قريب ولا من بعيد بتنظيم القاعده أو تنظيم آخر والدليل على ذلك أنني و الشخصين المسافرين معي نعمل كمعلمون بالمدارس الحكومية التابعه لوزارة المعارف لحكومة المملكة العربية السعودية ونحن سافرنا لمهمة إنسانية ونحن مازلنا مرتبطين بوظائفنا الحكومية وقد تركنا تعمداً بعد أن تحملنا إجراء إجازه قصيره لأداء هذه المهمة الإنسانيه البحته، ويمكنكم الرجوع إلى ملفات العمل تجدون ذلك واضحاً، ومنذ سبعة عشر سنة وأنا أعمل في مجال التعليم ولم أغادر منطقة الجوف خلال تلك الفتره الماضيه فكيف يكون لي إرتباط بأي تنظيم وأنا لم أغادر عملي تماماً.

☆- النقطة الفرعية الأولى وهي السفر من المملكة العربية السعودية إلى الأردن ثم إلى سوريا ثم إلى العراق ثم إلى ~~[illegible]~~ إيران ثم إلى أفغانستان :-
لم يكن حقيقتاً في ~~[illegible]~~ نيتنا السفر إلى أفغانستان ولكن كانت النيه السفر إلى إيران لعلمنا من وكالات الأنباء أن عدداً كبيراً من المهاجرين قد ~~[illegible]~~ تدفق على الحدود الإيرانيه فأسرعنا لنجدتهم وإغاثتهم ولم نسافر إلى العراق كما زعمتم وهذا زعم باطل ولا دليل عليه من الصحة فكيف نذهب إلى بلد لا توجد للمملكة العربية السعودية علاقات دبلوماسيه معه وأنتم تعلمون ذلك جيداً وما حصل من العراق خلال الفترة الماضيه وحكومته المعزوله، وكذلك يمكنكم النظر في جوازات السفر التي هي بحوزتكم تجدون ذلك واضحاً أنه لا توجد فيها أي تأشيرة دخول أو خروج من العراق وكان من أهداف السفر عن طريق سوريا هو علاج أسناننا في سوريا حيث العلاج فيها غير مكلف ثم أن هذا الطريق هو أقرب الطرق لنا ~~[illegible]~~ بسبب قرب مدينتنا من الأردن وسوريا وبسبب قلة التكاليف، وعند ~~[illegible]~~ وصولنا لإيران أخبرونا أنهم أن اللاجئين على الحدود الإيرانيه الأفغانيه وعند وصولنا الحدود الإيرانيه الأفغانيه أخبرونا أنهم داخل الحدود الأفغانيه فاضطررنا لدخول أفغانستان لمساعدة اللاجئين وقد عبرنا الحدود الإيرانيه الأفغانيه خروجاً ودخولاً بطريقة رسميه وجوازات رسميه وبعد تقديم المساعدات للمهاجرين بالقرى على الحدود الإيرانيه الأفغانيه رجعنا بعد شهرين أو أربع أيام فامتنع الإيرانيون بالسماح لنا بدخول إيران بحجة إغلاق الحدود وقد حاولنا عدة مرات ولكنها باءت بالفشل فما تصل زميلي وسم بأخيه لكي يساعدنا وقد طال إنتظارنا بالحدود في قندهار لمدة شهر وعدة أيام دون جدوى ونفيدكم علماً بأننا عرض علينا الدخول إلى إيران بطريقة غير قانونيه أو غير رسميه من قبل بعض الموظفين بشرطة الحدود الإيرانيه وكذلك عدد من المهربين ولكننا لم نلجأ إلى هذه

الطريقة الملتوية لأننا لم يسبق لنا التعامل بها ولا نرى أي ضرورة للجوء إلى هذه الطريقة الملتوية طالما أننا نحمل جوازات سفر رسمية ونريد أن نؤكد لكم أننا لم نتعامل من قبل بهذه الطريقة الملتوية.

* - النقطة الفرعية الثانية وهي أن المتهم سافر مع زميله وسم وأنور :-
نعم سافرت معهما لهذه المهمة الإنسانية حيث وجدتهما يحملان نفس الهدف ويريدان إيصال المساعدات الإنسانية لمستحقيها من الفقراء والمساكين والمحتاجين بأيديهما وبصورة شخصية حتى يكون الأجر أعظم لاسيما وأن ديننا الحنيف يحض على أعمال الخير والبر خصوصاً في شهر رمضان وأننا كنا على مقربة من ذلك الشهر المبارك وليس في هذا العمل أو في هذه الصحبة أي تهمة تدل على أنني من القاعدة بل أنني وزملائي بريئين براءة كل البراءة من الإنتساب لهذا التنظيم أو أي تنظيم آخر، وهل السفر من أجل مساعدة المحتاجين والملاجئين يعتبر تهمة يتهم بها المرء هذا ما لا يصدقه العقل.

الثالثة والرابع RA

* - النقطة الفرعية الثالثة وهي أن وسم وأنور لهم علاقة بهيئة إغاثية خيرية واسعة تدعم الإرهاب والمجاهدين للقاعدة :-
ليس لي أي علاقة بهيئة خيرية واسعة ولا لزملائي أي علاقة بهيئة خيرية واسعة إنما هم يعملون كموظفين بوزارة التربية والتعليم كمعلمين ولهم تعاون مع هيئتين سعوديتين تعاوناً داخلياً فيما أعلم ضمن حدود منطقة الجوف هاتين المؤسستين الإغاثيتين تحت إشراف وزارة الداخلية لحكومة المملكة العربية السعودية ويتمثل هذا التعاون في كفالة الأيتام في الداخل والخارج وهاتين المؤسستين إحداهما مؤسسة الحرمين الخيرية والأخرى هيئة الإغاثة الإسلامية والمؤخ وسم تعاونه مع مؤسسة الحرمين والمؤخ أنور مع هيئة الإغاثة الإسلامية.

النقطة الخامسة RA

* - النقطة الفرعية الرابعة أن المتهم أنور عضو مهم في تنظيم القاعدة وقد وجد اسمه في أجهزة الحاسب الآلي للقاعدة أشار إلى أحد البيوت المؤمنة للقاعدة :-
لا توجد على حسب علمي ومعرفتي الشخصية بأنور أي علاقة له بتنظيم القاعدة أو أي تنظيم آخر لا من قريب ولا من بعيد والدليل على ذلك أنه يعمل في الإدارة العامة للتعليم التابعة لوزارة التعليم العالي لحكومة المملكة العربية السعودية

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وما زال مرتبطاً بوظيفته الحكومية ويمكنكم الرجوع إلى ملفات العمل تجدون ذلك واضحاً وهو يعمل في إدارة التعليم منذ عدة سنوات حوالي أكثر من ١٠ سنوات ولم يغادر المنطقة على حسب علمي ولم يتلقى تدريباً عسكرياً على حسب علمي وهو من هذه الفترة تحت رقابة أمن بلاده فكيف تتهمونه بهذه التهمة الباطلة... الغير صحيحة ومن خلال علاقتي به لم ألاحظ أي أدلة تدل على أن له علاقة بأي تنظيم وحيث أنني أعرفه بأنه إنسان ~~سلوكه~~ خيري يحب الخير للناس ويعمل في مجال التربية والتعليم وهذا مجال إنساني تربوي خيري ولو لم يكن كذلك لما ائتمنته حكومة المملكة العربية السعودية في تربية أبنائها وإدعائكم بأن اسمه موجود بأجهزة الحاسوب الآلي التابع للقاعدة غير صحيح واتهام لا توجد له أدلة من الصحة ~~وقد توجد أسماء~~ وقد توجد أسماء البعض المطلوبين من تنظيم القاعدة أو أي ~~منهم~~ تنظيم آخر مشابه للاسم والكنية وهذا وحده لا يكفي دليلاً على أن هذا هو الشخص بعينه ولكن لا بد من توافر الأدلة كاملة كالاسم كاملاً ثم اسم الأم ومطابقة الصورة وبقية البيانات لنفس الشخص المتهم وذلك أنور لا توجد لديه أي علاقة بهذا التنظيم ونحن نعتبر هذا الاتهام باطل وليس له أدلة من الصحة ومتى كان الناس ينطقون من الشوارع ومن المدن وتوجه إليهم تهم غير صحيحة ونحن في القرن الحادي والعشرين والشرائع السماوية والقوانين الوضعية تحرم خطف البشر وتلفيق التهم إليهم بغير دليل واضح.

السادسة R4

٢. النقطة الفرعية ~~الخامسة~~ أن الأخ أنور نزل اسمه من الحكومة السعودية كهدف للمراقبة وإلقاء القبض عليه بسبب سفره إلى أفغانستان:-

هذا الإتهام للأخ أنور غير صحيح ولو كان صحيحاً لما حصل أنور على جواز سفر رسمي باسمه الأصلي من حكومة المملكة العربية السعودية ونفيدكم علماً بأن ~~حكومة~~ بأن الأخ أنور خرج بصورة طبيعية ورسمية عبر الحدود السعودية الأردنية ولو كان الأخ مطلوباً لما سمح له بعبور الحدود من المملكة العربية السعودية إلى الأردن ولأمر القبض عليه وقد سبق له وأن قابل الوفد السعودي الزائر للسفارة بكوبا أكثر من مرة ولم يذكر له ذلك. ثم أن الحكومة السعودية تعترف لحكومة أفغانستان بصورة رسمية ولا ترى بأساً بأن يسافر أي مواطن سعودي لأفغانستان بغرض الأغاثة والعمل الخيري والحكومة أفغانستان سفارة بالمملكة ولا يعتبر دخول أفغانستان جريمة يعاقب عليها القانون الدولي إلا في حالة الدخول بطريقة غير رسمية لأهداف وأغراض غير إنسانية، ونفيدكم علماً بأن حكومة المملكة العربية السعودية تتعامل بحيطة شديدة وهذا في أمر جوازات السفر حيث لا توجد جوازات ضرورة وكذلك لا توجد جوازات شاملة كما في بعض الدول.

(4)

RA

السابعة

* - النقطة الفرعية ~~السادسة~~ وهي أن الحجز - أشد نزل إسمه كهدف للمراقبة والقاء القبض عليه من الحكومة السعودية !.

هذا الإتهام غير صحيح وقد خرجت بصورة طبيعية ورسمية وبجواز سفر سعودي سليم من المنفذ السعودي إلى الحدود الأردنية ولو كنت مطلوباً لما سُمح لي بالسفر ولتم القبض علي وقد سبق وأن قابلت الوفد السعودي الزائر للسينا بكوبا شهرين مرات وكان إستقباله لي جيداً ولم يخبرني بأني مطلوب بل أنه ~~لم يخبرني~~ أخبرني بأن وضعي سليم وأنه ليس علي أي شيء فقضيتي إنسانية وجوازي سليم ثم أنني أعلم أن الحكومة السعودية تعترف بحكومة ~~باكستان~~ أفغانستان رسمياً ولا ترى بأساً بأن يسافر أي مواطن سعودي إلى أفغانستان بغرض الأغاثة والعمل الخيري ولحكومة أفغانستان سفارة بالمملكة العربية السعودية ولا يعتبر دخول أفغانستان جريمة يعاقب عليها القانون الدولي إلا في حالة الدخول بطريقة غير رسمية ولأهداف وأغراض غير إنسانية وبنفس الوقت أعلم بأن الحكومة السعودية تتعامل بحيطة شديدة وحذر في أمر الجوازات حيث لا يوجد جوازات مزورة ولا يوجد جوازات لبنانية.

* - النقطة الفرعية ~~السابعة~~ الثامنة RA وهي أنه تم إلقاء القبض علينا من قبل القوات الباكستانية:

لم يقبض علينا من قبل القوات الباكستانية بل نحن عند دخولنا لباكستان من الحدود سلمنا جوازات سفرنا لشرطة الحدود الباكستانية ليعملوا لنا تأشيرة دخول رسمية وقد قابلونا بطريقة حسنة ووعدونا بالتأشيرة وأخذوا منا الجوازات وقالوا لنا سنوصلكم لسفارة المملكة العربية السعودية ونحن قد سررنا لذلك ولو كنا متهمين من قبل بلادنا ومطلوبين لما وافقنا ~~ورحبنا~~ ورحبنا بهذه الفكرة وهذا كذلك دليل ~~حجة~~ على ~~كل تحركاتنا~~ براءة ساحتنا من التهم السابقة ويدل على أننا أشخاص رسميين في كل تحركاتنا وكذلك معروفين لدى حكومتنا بأننا لسنا إرهابيين ولا مجرمين ولا نؤيد الأعمال الإرهابية بل أننا نحب الخير لكل الناس ثم إن ~~تسليم الباكستانيين~~ تسليمنا من قبل الحكومة الباكستانية للأمريكان ليس دليل على أننا إرهابيين أو مجرمين أو أن لنا أي صلة بالإرهاب ولكن سبب تسليمنا من قبل الباكستانيين للأمريكان هو ما يدفع لهم من المال على كل رأس يسلمونه للإستخبارات الأمريكية وقد سال لعابهم لوجود رأسين لم يكلفوهم أي جهد بل جاءوا بكل براءة وأمنوهم وسلموهم وجوازاتهم هذا كل ما حدث بكل صدق ولكن نحن في بلادنا نجد كل إحترام وتقدير من قبل حكومتنا ولنا كذلك وزناً في مجتمعنا حيث أننا نعمل في مجال التعليم لمربين للأجيال ولو لم نكن كذلك لما أئتمنتنا حكومتنا للعمل في مجال التربية والتعليم

(5)

ونحن نؤكد لكم أننا نحمل في قلوبنا الخير للناس وتاريخنا يشهد بذلك من خلال
وصيتنا وعطاءنا للفقراء والمحتاجين ولا نؤيد قتل الأبرياء والإعتداء على الآخرين
الآمنين في بلادهم أي كان إعتقادهم ولونهم وجنسهم ودينهم طالما أنهم
من بنو البشر يحق لهم أن ينعموا بالحياة والأمن والشرائع السماوية حرمت
الإعتداء على الغير وترويع الآمنين وقتل النساء والأطفال والشيوخ
وإننا لنرجوا من مجلسكم النظر في قضيتنا بكل تجرد وعدل وإنصاف لاسيما
وأنكم قد أقسمتم على ذلك واعلموا أن العدل أساس الحكم وبقاءه
وأن الظلم زوال الحكم الهلاك وإنتهاءه.

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As the Tribunal President was stating the Convening Authority, the Detainee made the following unsworn statements:

I am not an enemy combatant. I never carried a weapon or fought against the United States.

The Tribunal President asked the Detainee to hold his comments and he will be provided an opportunity to present his information in a few minutes.

Do I have a right to reply to all of the words that have been said against me? I know that about court, that people can defend themselves.

The Tribunal President stated the Detainee would have a chance to reply, but there were some administrative steps that must be completed first.

As the Recorder started reading the Unclassified Summary, 3(a), the Detainee stated it was not true. The Recorder continued with the Unclassified Summary without further interruption.

Tribunal President: Referencing D-a, you chose to participate in this tribunal and you requested three witnesses. One is a Detainee and will be here later. You requested two non-detainee witnesses and stated they would testify about your travel to Pakistan and you used your work vacation to assist refugees fleeing Afghanistan. This Tribunal panel has determined those witnesses to not be relevant.

Detainee: How can they not be relevant when they are witnesses to the truth and they are relatives?

Tribunal President: Basically, we look for your actions and what you did in Afghanistan, in particular, and unless they were right there with you, they can't determine that.

Detainee: But they knew before…they knew I was going there.

Tribunal President: Unfortunately, that just shows intent.

Detainee: I also spoke to them on the telephone.

Tribunal President: As far as that statement, you are here today to provide us with your actions and we will accept that.

Detainee: I didn't have any activities in Pakistan; only the border with the refugees. I don't know anything about Afghanistan.

Tribunal President: Just for your knowledge, the only thing we have seen about you, so far, is the Unclassified Summary.

Detainee: I will tell you the information that I've told the investigators before, but the information that I do not know, I cannot provide you with that.

Tribunal President: That makes sense. You may now present any evidence you have to this Tribunal and you have the assistance of your Personal Representative in doing so.

Detainee: Will the witness be here?

Tribunal President: He'll be here later; we want to hear from you first. Do you want to present information to this Tribunal and would you like to make your statement under oath?

Detainee: For sure. Are you going to believe in my oath?

Tribunal President: Certainly. If you take an oath, we will consider what you say to be true.

The Detainee was sworn.

Summarized Sworn Detainee Statement

I want you to know, by taking this oath; I will be judged to the end if I lie.

The Personal Representative assisted the Detainee in his statement by reading the points on the Unclassified Summary to the Detainee.

- **3(a)1 The Detainee traveled to Afghanistan from Saudi Arabia in late September 2001 via Jordan, Syria and Iran.**

  I never traveled to Afghanistan and we never intended to travel there. We wanted to travel to Iran. After September 11 and after watching the news, that large population of refugees were pushed to the Iranian borders, so we went there to help aid them.

  We traveled by vehicle from Jordan to Syria and from Syria to Iran by plane because it was cheaper and it was close to our area, which is Joff. It's close to the Jordan/Syrian border. Also, I went for a dental appointment in Syria.

  When we got to the Iranian/Afghanistan borders, we asked about the refugees and immigrants. We were told they were on the Iranian/Afghani border. We thought they were inside Iran's border, but when we got to the border, the custom's man told us that the refugees were inside Afghanistan's border. They told us to enter Afghanistan to help the refugees and immigrants there.

After we offered help in some villages on the Iran border, we returned to the borders after three or four days and the Iranians did not allow us to enter Iran. We asked them if the borders were closed or open and were told to come back in a few days and we'd be able to leave and enter, with no problems.

We tried multiple times to enter Iran, but we were not successful. It appears to be due to prejudice; we were Sunni and they were Shiite. You know the conflict between the Sunni and Shiite Muslims. The immigrants and refugees were all Sunni. If the refugees were Shiite, we would have been allowed to enter without problems.

After trying and failing multiple times, I called my brother to help us. My brother told me to wait on the borders. We waited in a hotel on the Iran/Afghan border for a month and a few days. We were forced to go through Pakistan; it was the only way left for us to go.

The border police were telling us to go in an unofficial way, by bribing them. Also, a lot of smugglers offered us the same thing, a way to cross the border in an unofficial way for a bribe, for money. We strongly refused because we entered officially and we wanted to leave officially. We refused because we never worked that way before. That's what we get for being honest.

After that, we were forced to go through Pakistan, hoping to get back to our country. We had no other intent.

- **3(a)2 The Detainee reportedly traveled with an individual identified as another Detainee.**

Yes, my partner in travel is detained, just like me. That does not mean he was involved in any problems or something bad. We will find, in this prison, a lot of innocents who have no connections to terrorist activities. The Pakistani Intelligence sold us to you, even though we offered them our official passports, with our true names, to get an official permit to enter the country, through the Pakistani officials in the border office.

We never sought unlawful ways, even though we were offered, we strongly refused them. We entered all the countries officially, with our official passports, with our true names. That's what happens when you tell the truth, the tax for telling the truth.

- **3(a)3 The individual's name or alias is included on a list of Al Qaeda Mujahidin found on files recovered during a raid of Al Qaeda safehouses.**

If it is wanted, any organization can find the same names, but it could be another person. That alone, is not enough proof to prove it is the same person. But, if you

provide complete evidence, a complete name, the mother's name, pictures and other documents on the accused person.

My friend does not have any connection to this organization or other organizations. We consider those accusations to be false and you have no evidence to support them.

Personal Representative: I would like to clarify a few points. Point 2 says the Detainee traveled with another person, who is a Detainee. Point 3 says the individual's name appears on a list. It is not the Detainee's name, but the individual's name that appears on the list.

Detainee: The reply was for my friend, my partner that traveled with me, not for me.

Personal Representative: It was not the Detainee's name on...

- **3(a)4 The Detainee is associated with Al Haramain.**

  I did not have anything [to do] with Al Haramain, work wise, but I am a teacher and I work with administrative (inaudible) in Saudi Arabia. You can contact Saudi Arabia to verify this. I am still a teacher in Saudi Arabia and I work in the education field.

  There was a cooperation with the humanitarian organization to adopt some of the orphans in Bangladesh and help some of the poor and needy in my city and the surrounding cities.

  I would offer clothing and food to that program and some food to the people fasting during Ramadan, because their situation was difficult.

- **3(a)5 Al Haramain is a non-governmental organization (NGO) with ties to Islamic terrorism.**

  Al Haramain is an official governmental organization, registered under the administration of the government in the Kingdom of Saudi Arabia. It is officially registered and included in the Humanitarian Aid Association, and under the Administration of Internal Affairs, led by the Minister of Internal Affairs.

  I have knowledge that the United States apologized to the Kingdom of Saudi Arabia for accusing this humanitarian association for being a terrorist organization.

- **3(a)6 The Detainee is associated with Al Ighatha.**

  See Below.

- **3(a)7 Al Ighatha is a non-governmental organization (NGO) with ties to Islamic terrorism.**

  The sixth and seventh points are connected. These have never been mentioned before and I've never been asked about being connected to this organization.

  I have no connection to that organization, either close or from a distance. I've never been told about this organization and I have no information about it.

  You accusing me of being connected to this organization; it is false and you have no truthful evidence.

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

  I have no connection or association with Al Qaeda close or from a distance. My proof is that the person who traveled with me and I worked as teachers in governmental schools that belonged to the Ministry of Education of the Kingdom of Saudi Arabia.

  We traveled for a humanitarian mission and we were not connected to our governmental jobs. We left work after taking a short vacation to help out with this humanitarian mission.

  If you look at my work files, it will be clear. I've been working in the education field for 20 years. I've never left my country or my area the whole time. So, how can I have a connection to any organization if I've never left my work.

  In my own country, I was never called for investigation or questioning for any reason whatsoever. That proves my innocence from any accusation or any suspicion.

  Even the person I traveled with worked for approximately 17 years in the education field, and he's never been questioned by the security of my country and never left the country, to my knowledge.

  This assures that we do not have any connections to any terrorist organizations. We were working for the humanitarian, in general, and it is

our goal in life. We were taught truth, work, honesty with others and understanding.

An additional point I'd like to make is that we were never trained in the military to be viewed as enemy combatants or soldier combatants. How can a soldier be called a soldier if he never carried a weapon?

In the Kingdom of Saudi Arabia, thank God, we do not have mandatory military service. We were never forced to join the military; it is voluntary only. We never traveled to any country to train for the military.

When we were arrested in Pakistan, we didn't have weapons, papers, books, or letters to indicate that we are connected to these organizations or any organizations.

Leaving our country was done officially, using an official, not a fake passport with our real names. Passing those countries we passed was also done officially.

When it [border] was closed, we never sought unlawful ways, even though the ways were provided and were there. We were offered [unlawful entry] by the Iranian border police, for a bribe. Also there were a lot of smugglers that made the same offer, but we strongly refused them.

I have two letters with me, and I had approximately 20 letters that indicate that our visit was official, true and that we went for humanitarian reasons to help the refugees at the border. After a search last year by the administration here in prison, they never gave back the letters. All those letters will prove the truth. Those [the 2 letters] are new letters because if they were old, I wouldn't have them, they would have been taken. Those letters prove our innocence, our humanitarian aid, which is the reason for our travel.

I called my brother from Iran's border and asked him to do whatever was necessary for the Iranian officials to allow us to return to our country, through Iran.

There is no reason for Pakistani's to give us to the United States. This board needs to know the truth.

The whole reason was that we were exchanged for money, that's why they refused to let us to return through their country and we were not allowed to call our embassy to help us go back to our country, even though we had official passports and we entered the country officially.

All Saudi humanitarian organizations are registered and included in the Ministry of Internal Affairs of Saudi Arabia because they are governmental, so why are they called a non-governmental organization?

There is no reason for us to be arrested and kept away from our families and children for this long period of time. We've done no crimes. When have people ever been arrested with no accusation and then later were given false charges, which have no truth to them? The truth is very clear.

For your information, I personally was supposed to be released with that group of Saudis that were released about a year and a half ago. The investigators told me my name was with them, in newspapers. That's more proof of my innocence and that I'm telling you the truth.

The Detainee read excerpts from a letter he received from his brother.

"Dear Brother,

It's hard for us with you being away from the family. It's sad to hear that you are imprisoned and they detained you while you were doing your duty for your Muslim brothers in Al Ighatha camp. May God listen to your hardship and release you."

The Detainee read excerpts from a letter he received from his uncle.

"Looking at your situation as a whole, you are in a prison better than us, My God, because you went to help aid the poor and the needy on the borders of Afghanistan. That's what God has caused. God is well and everything will be well because the reason you went there was for Him for a purely humanitarian reason. May God have your destiny."

Personal Representative Questions to Detainee

Q: How long have you known about Al Haramain?

A: It's a very well known organization in Saudi Arabia and outside too. It's not a secret organization; it's a governmental organization.

Q: You told me, in our interview, about two children from Bangladesh.

A: Yes, I adopted them, at my house.

Q: You adopted them through Al Haramain?

A: Yes.

Q: How long ago was that?

A: Six or seven years before my arrest.

Q: Also, for clarification from our interview, did you tell me you are still employed as a teacher from Saudi Arabia?

A: Yes, that's true.

Q: You're still being paid?

A: Right now?

Q: Or your family.

A: I do not know anything about that situation. I've been away from my family for three years. They are supposed to [pay me] because I'm still assigned to work.

Tribunal Members Questions to Detainee

Q: Will you provide us with some additional information about your background?

A: Can you clarify?

Q: Of course, I will ask.

A: Go ahead.

Q: In Saudi Arabia, tell us about your family, about your wife, how many children...

A: My children?

Q: How many?

A: I have four children, two girls and two boys.

Q: That's including the two children you adopted from Bangladesh?

A: Yes. I'm not the only one who adopted them, my whole family adopted those children. My sister, brother and mother did too.

Q: Your usual occupation is a teacher?

A: Correct.

Q: What areas did you teach? What grades did you teach?

A: I teach art, but I can teach any other subject as well. I have the authority to teach any field that is open.

Q: You were predominately a teacher of secular subjects, not religious subjects?

A: Correct. If other fields were open, like math, science or religion, I'd have no problem teaching that because I took an oath to honestly do my job as a teacher.

Q: You told us you traveled to the Iranian border in order to help refugees, and you did this as part of a governmental organization.

A: No, it was personal.

Q: It was a family, personal decision and not directed by the government or by Al Haramain?

A: I was never under control of that organization, but as I mentioned before, I cooperated with them in my country, but not outside my country. It was a personal thing for me and my family.

Q: Your traveling partner was doing the same thing?

A: Yes, that's true.

Q: You told us that you traveled openly with your official passport and under your own name.

A: Yes, you have my passport with you.

Q: That was my next question. You had your passport with you when you were arrested in Pakistan?

A: For sure. I'd never leave my country without my official passport. That's my only proof of travel.

Q: You told us that you didn't want to travel unofficially into Pakistan.

A: Yeah, I refused.

Q: How did you then get into Pakistan? Did you obtain a visa or did you cross at a border point?

A: I passed through a checkpoint. They took my passport and that's where I was put in prison with no reason

Q: You were arrested when you tried to get into Pakistan?

A: It was official, too.

Q: Do you remember that date?

A: It's in Arabic. It was the 8th month, 28th day, year 1024. It was about 3 days before Ramadan. I don't know the Latin calendar.

Q: You said that you were sold for money by the Pakistanis. How do you know this?

A: That's true.

Q: How do you know that? Did you see them...

A: I heard from the people over there. They have seen...

Q: While you were in prison in Pakistan?

A: When I was handed over.

Q: Do you know how much?

A: I don't know, but they were saying from $5,000 to $8,000. It's a hard truth when human beings are sold and bought. That makes us go all the way back, when humans had no value. It's a shame for all human beings, in general, and all the people who believe in human rights.

Q: Did you pay for your own travel from the money you made as a teacher, or did someone else give you money to travel?

A: I am a worker; I get about 11,000 Riyals a month.

Q: You described that when you tried to return from Afghanistan to Iran, you believed it was discrimination on the difference between the two religious groups.

A: There is no other explanation for it, except that. I left officially, with an official passport, and I was going back officially, with an official passport.

There is information about what Iranians do in Mecca, an incident in a hatch.

Q: You stayed in a house or in a hotel in Afghanistan before you left...

A: No, I stayed at a hotel on the border.

Q: Do you remember the name of the city or the town?

A: Custom Islam Kallah (phoenetic).

Q: Who do your adopted children stay with?

A: I adopted them through the Al Haramain organization. They are the ones…I adopted them by providing financial support. The connection between us is the Al Haramain organization. I think they are in an orphanage.

Q: They do not physically live with the family?

A: No, they are adopted, but they are in their country. I financially support those two children.

Q: When you crossed from Afghanistan to Pakistan, were you near the Iranian border?

A: Yes, we passed through the borders.

Q: So, you walked down the Iranian border until you reached Pakistan?

A: No, in a taxi.

Q: How were you going to assist the refugees?

A: By giving them money.

Q: That's all you intended to do, just hand money to the refugees?

A: It's very difficult to take things with you. The easiest thing is money. You know that Afghanistan was not stable at that time. There were smugglers and problems, so money was the easiest thing to give.

Q: There were thousands of refugees. You were going to hand money out to these thousands of refugees?

A: I wish I was able to help them all; I only helped a small amount of them.

Q: How much vacation did you ask for to do this humanitarian work?

A: I took 7-10 days of vacation.

Q: Your route from Saudi Arabia went through Syria and Jordan and into Iran?

A: What are you wanting to clarify?

Q: I wanted to verify. Was that your route? Saudi Arabia, Syria, Jordan and then Iran?

A: Saudi Arabia, Jordan, Syria, then Iran. From Saudi Arabia to Jordan by vehicle. From Jordan to Syria by car also, and from Syria to Iran, by airplane.

Q: Did you say you stopped in Syria to have your teeth fixed?

A: Yes, for two days.

Q: Was this planned before you left Saudi Arabia? Do they not have dentists in Saudi Arabia?

A: It was all planned; the humanitarian aid and to also fix my teeth.

Q: Do they not have dentists in Saudi Arabia?

A: Dentistry in Syria is very well known. We have doctors in bigger cities, but not many where I'm from. We usually go to Jordan or Syria for treatment; it's close to the border.

Q: Did you respond to any fatwa to assist the refugees?

A: No, it was without fatwa, but my religion and my belief told me to help the poor. I do not need fatwa to help the poor.

Q: Do you believe in jihad?

A: No, I don't have any information about jihad.

Tribunal President's Questions to Detainee

Q: I'm assuming when you left Saudi Arabia, you had a visa to go into Iran?

A: No, you don't need a visa; you only need a passport.

Q: Did you anticipate having a problem going into Pakistan? Does it require a visa?

A: No, the opposite. If I faced problems it would have been in Iran, not in Pakistan. The relationship with Saudi Arabia and Pakistan are better than the relationship between Saudi Arabia and Iran.

Q: I thought you said your brother was trying to help you on the Iranian border.

A: Yes, in the old letters I used to receive, my wife told me that she mentioned my brother tried to help me. How my brother sent someone from the embassy to help me at the borders. It took a long, long time and I was afraid. I spent all of my money and the situation was getting more difficult and I was forced to go a different way…through Pakistan.

Q: Your travel partner is also a teacher?

A: Yes, he's not just a teacher, he's a school principal also. He was a teacher, but now he's a principal.

Q: How well do you feel you know him?

A: I know him through teaching. There was no relationship between us, just as teachers.

Q: It was only a professional relationship?

A: Yes.

Q: You were probably not aware of what he did outside of teaching, then?

A: No, I know he's a good person. If he wasn't a good person, I wouldn't have chosen to travel with him. He is a good man and he has a family, just like me.

Q: Thank you for participating today. Is there anything else you'd like to share with us?

A: I hope for the Tribunal members and everyone here to have mercy on me and my family. The only thing I have done is to try to help the poor. I hope you have mercy on me, do your best and do justice. I hope that justice will prevail.

The Personal Representative called the Witness, Rashid Abd Al Muslih Al Qaid.

The Tribunal President explained the process for questioning the witness to the Detainee.

The Witness was sworn.

When given the opportunity to ask questions of the witness, the Detainee asked his Personal Representative to question the witness.

Personal Representative's Questions to the Witness

Q: How long have you known Al Wasm?

A: About 3 years before leaving to help the refugees.

Q: Are you a school principal?

A: Yes.

Q: Did Al Wasm work at your same school?

A: No.

Q: Did you know him from another school?

A: Yes, he works in another school.

Q: How did the two of you meet?

A: Through teaching.

Q: Did you know each other very well?

A: There is no strong relationship between us; we met twice.

Q: Whose idea was it to go help the refugees?

A: It was our idea.

Q: Was there a lot of news in Saudi Arabia about the refugees?

A: Yes, I heard it on a radio station.

Q: Were there a lot of people from Saudi Arabia that went to help?

A: I don't know.

Q: Was school in session when you decided to go help?

A: Yes.

Q: You also took a vacation, to go with Al Wasm?

A: Yes.

Q: Both of you had official passports to go?

A: Yes.

Q: The part of Pakistan that you wanted to help...why did you choose that place?

A: I don't understand the question.

Q: What made you decide to go to the refugee camps in that part of Pakistan?

A: In Pakistan?

Q: In Afghanistan, on the border.

A: Because I heard there were refugees there on the radio, and we went to Iran.

Q: How did the two of you want to help the refugees?

A: With humanitarian work.

Q: Food, clothing, money...?

A: Money.

Q: Did you carry money with you?

A: Yes.

Q: Did you actually go into the refugee camps at any time?

A: Yes.

Q: And you gave away the money you could?

A: Yes.

Q: The two of you were together the whole time during your travels?

A: Yes.

Q: How long did you plan on staying in the refugee camp to help?

A: Three or four days to give the money out.

Q: You were planning on being away from Saudi Arabia for how long?

A: Until our mission was finished.

Q: A month, two months, three months…?

A: No, less than 10 days, but the mission was three or four days.

The Detainee and the witness started talking back and forth, without allowing time for translation. The Tribunal President advised both to stop the cross-conversations and allow translation.

Detainee: They asked you [Witness] if we were going to stay there for 2-3 months for our humanitarian mission. I don't think the Witness understood the question. It should be repeated to him.

Q: How long did you plan on helping out at the refugee camp? How many days?

A: Until the money was gone; three or four days. I understood the question to mean after leaving Saudi Arabia, how long were we planning to stay.

Q: While at the refugee camp, is that when the Iranian border closed?

A: Yes, after a period of time we returned and that's when we found out it was closed.

Q: The two of you were on the border of Pakistan/Afghanistan. Were you on a small piece of Afghanistan or not? Close to or into Afghanistan?

A: We were on the border of Iran, trying to enter Iran.

Q: Did you ever go into Afghanistan? Either one of you?

A: The mission was on the border of Iran, but inside Afghanistan.

Q: How far into Afghanistan did either of you go?

A: Directly on the borders, close to Iranian villages.

Personal Representative: I bring this up to the Tribunal because of the evidence of going into Afghanistan.

Q: How do you view Al Wasm as a person? With respect? Kindness? What kind of person is he?

A: A humanitarian person who has no connection to any terrorist organizations.

Tribunal Member's Questions to the Witness

Q: Why did you choose the travel route through Jordan and Syria to Iran?

A: Because our city is very close to the Syrian border and also because we were both seeking dental treatment. I was planning, on my return trip, to go to the same doctor for dental work. The cost of treatment is cheaper in Syria and Jordan, as well.

Q: What about the cost of travel? Was that the most efficient way to travel to Iran?

A: I don't know the other ways, but because Syria is close, it's cheaper.

Q: Did you see the same dentist that Al Wasm saw?

A: Yes, I went with Al Wasm to the same doctor, but I did not get treated there. I was waiting to return to get treated.

Q: We've been told your name appeared on a list of Al Qaeda Mujahidin fighters in a raid on a safehouse. Do you know about this? Is this true?

A: It's not true. I'm shocked about the accusations.

Detainee: I think he answered this question completely and he has said enough about this question. This is about me, and he [Witness] is just a witness.

Witness: I can talk about it. It's no problem. All the evidence Al Wasm has provided to the Tribunal proves that I have no connection to any organizations. How can an educational person, who spent their whole life teaching, who never carried a weapon in Saudi Arabia or outside be Al Qaeda? I think this is just an accusation. It is not the truth and it will now be proven. I know myself better than anyone else knows me.

I hope you do justice now on this point and on other points. Be fair.

Q: Do you know anything about an organization called Al Ighatha?

A: I do not know anything about the organization and I have no connection to that organization or any other. Our mission was a personal, humanitarian mission.

Q: Do you or Al Wasm belong to Al Haramain?

A: I have no connection to Al Haramain. Al Wasm cooperated with them inside the city.

Tribunal President: Thank you for participating. You are excused.

Witness: I hope you will be fair with this case and away from other influences. If you can prove he's [Detainee] Al Qaeda, present him to a hanging.

As the Tribunal President was explaining the ARB process, the Detainee wanted a definition of "threat". The Tribunal President advised it was someone that could harm us or our interests.

Detainee: I am not capable of that. That's not part of my interests...Coalition forces or others. I have been detained for no reason up to this minute.

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

SHARON D. ALLEN
Colonel, United States Army
Tribunal President

Summarized Detainee Statement

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

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

The Recorder presented Exhibit R-1 (the Unclassified Summary of Evidence) and Exhibit R-2 to the Tribunal.

The Recorder 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.

Referring to Exhibit D-A, the Detainee Election Form, the Tribunal President made the following statement:

Tribunal President: I see by the Detainee Election Form that you have elected to participate here today as evidenced by your being here. I also see that you requested to have a witness. You also requested for us to see if we could get your passport.

Detainee: I just want to let you know that I actually went to that person, not to ask for my passport, but my passport should be back in Uzbekistan.

Tribunal President: As such, based on your request we did go to our Department of State to ask for the witness and the document to be produced. They requested these things on the 26th of November with follow-ups on the 10th of December and 17th of December. To date, the Department of State has received no response back from the foreign embassy. As such, I have determined that based on the attempt to locate and the lack of response, this witness and this document at this time are not reasonably available. Should they become available at a later time, the Tribunal will consider whether to re-open your case or not. Kamalludin Kasimbekov, 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 wish to present information to the Tribunal and would you like to make your statement under oath?

Detainee: Yes.

Tribunal President: Recorder, would you please administer the oath?

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: You may now begin.

Personal Representative: First we would like to enter as an Exhibit D-B, a hand written statement by Kasimbekov.

Tribunal President: Let's take a moment to read this.

The Tribunal paused to read the Detainee's written statement.

Tribunal President: Is there anything else in addition to this written statement that you would like to tell us?

Detainee: I just want to let you know about the item number in my summary of evidence, it is item number three which says that I received training on the AK-47 and the other two weapons. I just want to let you know that I only trained on the AK-47. I just saw the other two weapons at that time and I never received training on them.

3.a.3. The Detainee received weapons training on the AK-47 rifle, rocket-propelled grenade launcher, and PK machine gun.

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

Detainee: Item number six says that I went to the leader of the IMU and gave him my passport. I didn't give him my passport. I went to him to ask for my military I.D. back so I could go home.

3.a.6. The Detainee met with a particular individual in Kabul, to whom he gave his passport.

Detainee: Can I take a look at the evidence? I may have a question? Can I have a couple of minutes to read this?

Personal Representative: He has the Uzbek translation.

Tribunal President: Okay, yes certainly.

The Tribunal paused to allow the Detainee to re- read the translated version of Exhibit R-1.

Detainee: Okay, again about number six, I didn't give him my passport. I just went to him to ask for my military I.D. My passport is actually in Tajikistan. My passport was in Uzbekistan at that time but when I was in Tajikistan, they took my military I.D.

Personal Representative: Who are they?

Detainee: The members of IMU.

Translator: How can I explain "coalition" to him?

Personal Representative: It's a group of, in this case countries or organizations, who support each other toward one common goal.

The translator relayed the definition of culture to the Detainee who appeared to understand.

Detainee: I am concerned that my combatant status review board is a fake and it was presented to me previously. There was a definition of what an Enemy Combatant is and it was saying that anybody who is against or participated against America or it's allies. By that definition, I've never done anything against America and this definition is not relevant to me. The main reason that I joined the IMU was because back in Uzbekistan my brother was jailed with false accusations. When their representative from Uzbekistan came here to the camp I talked to them and they were also giving us all kinds of false accusations. When that delegation came back they read some sort of summary of evidence to me about my case, they read things that I had never heard of and that I never participated in. There were all kinds of charges that I never heard of. Even from his words, they'd be writing some notes and I noticed that they were adding lots things to it that I never talked about.

Tribunal President: Does that conclude your statement?

Detainee: Yes. If there is need for me to write a statement in more detail I can. I didn't have enough time at that moment when they gave me the piece of paper so I just wrote initial portion.

Tribunal President: I think I speak for my fellow Tribunal Members, that I think your statement is very detailed and provides us a lot of information. At this time though we may have some questions for you. Would you be willing to answer some questions for us?

Detainee: Yes.

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

Personal Representative: Yes ma'am I do.

<u>Personal Representative's questions:</u>

Q. There were a few things that you mentioned to me in our interview that I think is relevant to the Tribunal and therefore I'd like to ask you a few questions. Why were the members of the IMU holding your military I.D.?

A. At that time between Tajikistan and Uzbekistan there was no border. I'm not sure about right now, there may be one now but at that time they didn't have a border so everybody could easily go through from one country to another country if they had

a passport, military I.D., or some kind of document. For that reason, if you had any kind of document, they would take that document so you won't be able to travel freely. This was to keep you there with them.

Q. You had requested a witness, Commander [redacted] (ph). What did you want to ask Commander [redacted] (ph) and why?

A. I just wanted him to confirm that I actually surrendered myself voluntarily and nobody pushed to that and that I gave him my weapon.

Q. Why did you decide to surrender to General Fahim's (ph) men?

A. The main reason was because I wanted to go back home and I thought the opportunity to surrender myself would be easier for me get home and sooner.

Q. You were captured in Mazar-e-Sharif while you were helping the IMU. Why did you agree to help the IMU?

A. I agreed to help them out because that was the way I could be released from the jail, that's why I agreed to help them. The jail was in a basement and they didn't have any kind of descent living conditions and it was very hard there. I wanted to get out of the jail and I thought would be a perfect opportunity for me to go back home after that.

Personal Representative: That's all the questions I have.

Detainee: Can I add something?

Tribunal President: Sure.

Detainee: Just for your record I want to let you know that on my previous interrogations, I never had a descent interpreters. Once they brought me two interpreters, which our languages are not even close enough to understand what I was talking about. I'm just guessing that all those items on my summary of evidence that you wrote here, could be the misunderstanding or mistranslation.

Personal Representative: I don't have anything else ma'am.

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

Recorder: No ma'am I don't.

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

Tribunal Members' questions:

Q. You say you have a military I.D. card, were you in the Uzbekistan military?

A. Yes.

Q. How old are you?

A. I'm now 27. I was born in 1977 on November the 9th.

Q. Education level?

A. I graduated from 8th grade in the middle school. Then I went to Lesay (ph) it's a kind of college level school. I did three years at Lesay (ph). I turned in my documents to the college but I had to leave the country at that time.

Q. How long were you in the Uzbek Army or the Uzbek military?

A. They would assign you to some kind of job and you would work there and 20% of your salary would go to the military as a donation.

Q. Did you have a particular job in the military? Were you a cook, a soldier, or a mechanic?

A. I didn't actually work where they assigned me. I was trading jobs. It was like bribing them. You give them money so they don't bother you.

Q. You said you were jail. Where were you in jail?

A. In Afghanistan, IMU members actually put me in jail.

Q. Are you having any problems with the translator today?

A. No no no.

Q. Have you been back to Uzbekistan since 1999?

A. No.

Q. Do you believe that you are wanted for the policemen's murder? (Referring to information stated in Exhibit D-B)

A. When the representative from Uzbekistan came here, they gave me a summary of evidence and read me some charges. I was totally shocked hearing those kinds of things because it never happened.

Q. But the Uzbek representative did accuse you of that?

A. Yes.

Tribunal President's questions:

Q. I know in your statement you said that after the U.S. started bombing in Afghanistan is when you decided to leave? When approximately did you surrender?

A. It was about four or five days before Ramadan. I'm not sure about the date but I'm sure it was right before Ramadan. It was approximately four or five days before.

Q. Were you by yourself or did you surrender with a group?

A. When I came to that place I saw lots of people over there, other people who had come to surrender.

Q. Other IMU members?

A. Some Pakistani people, I saw one Arab, and one other person who is actually here at this moment. He speaks Russian.

Q. When you surrendered to them, what did they tell you?

A. They let me go but I was staying with them. They told me not to go far, but to stay around them.

Q. Did they promise you that they would try to help you get home?

A. They just promise me but they even told me that I could just leave right then if I wanted to but I didn't want to go through Tajikistan because I didn't know that particular (area) and didn't know what to do there.

Q. So I guess the follow on question is how did you end up here in Cuba?

A. I believe American intelligence somehow found out that there were lots of people on that side and they came to get us. I believe the date was May 1st.

Tribunal President: I'd like to thank you for participating in this Tribunal today. Kamalludin Kasibekov, do you have any other thing you would like to tell this Tribunal at this time?

Detainee: No, that is pretty much it.

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

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

As the open session was being adjourned the Detainee asked the following question:

Detainee: I have one question.

Tribunal President: Certainly.

Detainee: If the Tribunal determines me as a Non-Enemy Combatant, you said that you are going to send me back to my homeland but in Uzbekistan as you know I may be jailed again because of all the false accusations against me. That is not the place for me to go back to.

Tribunal President: I'll tell you that we don't make that determination. The only thing that we consider is whether you are an Enemy Combatant or not and then the Department of State works to decide where you are actually released to.

AUTHENTICATION

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

Colonel, USA
Tribunal President

UNCLASSIFIED / FOUO

Жангчи статусни қайта кўриб чиқиш кенгаши

Шахсий Вакилга

Ҳукумат Вакилидан (27 Октябрь 2004)

Мавзу – Жангчи статусни қайта кўриб чиқиш Суд учун исбот-далилларнинг қисқача мазмуни – КАСИМБЕКОВ, Комолидин.

1. 2004 йил 16-Июль билан саналанган Ҳарбий денгиз флоти департмент бўлими баённомасининг талабларига биноан – **Кубадаги Гвантанамо Курфази Ҳарбий Базасида Ушлаб Қолинган Душман Жангчиларга нисбатан жангчи статусни қайта кўриб чиқиш Судни Амалларини Ижро Қилиш** – Трибунал, ушлаб олинганларни душман жангчиси деб белгиланганини (аниқланганини) қайта кўриб чиқиш учун тайинланган.

2. Америка Қўшма Штатлари ва унинг иттифоқдошларига қарши жанг қилган Толибон ёки Ал Қойда, ва уларга қўшилган кучларнинг аъзоси бўлган ёки уларга ёрдам берганлар, душман жангчиси деб ҳисобланади. Бунинг ичига жанг қилганлар ва уларга тўғридан тўғри ёрдам берган ҳамма инсонлар киради.

3. АҚШ ҳукумати ушлаб олинган инсонни душман жангчиси деб олдиндан аниқлаган. Бу аниқлаш АҚШнинг қўлидаги маълумотдан келиб чиқади ва бу маълумот ушлаб олинган инсоннинг Толибон билан қўшилганини ва Америка Қўшма Штатлари ва унинг коалиция иттифоқдошларига қарши ҳарбий амалиётларда иштирок этганини кўрсатади.

    a. Ушлаб олинган инсон Толибон билан қўшилган:
        1. Ушлаб олинган инсон Май ёки Июнь ойида 2000 йилда Ўзбекистондан, Тожикистон орқали Афғонистонга етиб келди.
        2. Ушлаб олинган инсон Тожикистонда ҳарбий машқ тугатди.
        3. Ушлаб олинган инсон АК–47 милтиғи, граната учирадиган ракета отувчи, ва ПК пулемёти бўйича машқ олди.
        4. Ушлаб олинган инсон Ўзбекистоннинг Исломий Ҳаракати билан (тарафида) жанг қилди.
        5. Ўзбекистоннинг Исломий Ҳаракати Афғонистонда Толибон билан (тарафида) жанг қиладиган террористик ташкилоти.
        6. Ушлаб олинган инсон Қабулда алоҳида бир шахс (инсон) билан учрашди. Ушлаб олинган инсон унга паспортини берди.

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Exhibit D-b

7. Бу инсон Ўзбекистоннинг Исломий Ҳаракатининг бошлиғи.

b. Ушлаб олинган инсон коалицияга қарши ҳарбий амалиётларда иштирок этди.

1. Ушлаб олинган инсон Афғонистонда қурол ва ўқ–дори билан қўлга олинган.
2. Ушлаб олинган инсон Афғонистонда жанг қилди.

4. Ушлаб олинган одам ўзини душман жангчиси деб аниқланганини мунозара қилиш учун имконияти бўлади. Трибунал, иштироқ этиши мумкин бўлган гувоҳларни келтиришга харакат қилади. Хамда, ушлаб олинган инсон душман жангчиси эмаслигини исбот қиладиган далилларни келтиришга имконият беради. Исбот ёки гувоҳларни мумкин бўлган даражада иштирок этишини Суд Раҳбари қарор қилади.

Kamoliddin Tohirjonovich Kacimbekov's statement.

In the beginning of August 1999, in Tashkent, my friend Abdurouf, wanted to borrow my car for a short period of time. I gave it to him and waited for him near the hospital of Tashkent medical institute. He came vary late around 10-11 at night. He called me from the car, without getting off. I set in the car and He drove the car for about a half in hour through the beltway in to vineyard. I was wondering that He didn't say a word while driving. Later He told me that my passport, driver's license and registration (could be a title) are gone and where He left them. When He was giving a ride to His friends, who are in inquiry (wanted), police stopped Him and asked for documents. When police realized that documents are do not belong to Abdurouf, He wanted to repossess the car. At that moment His friends got scared and they killed the police. My documents were with that policeman and Abdurof left His friends and came back to me. I had my military ID with me. Than Abdurouf apologized to me and requested that I'll go with Him to Kazakstan. Involuntarily I had to leave. In Kazakstan I stayed approximately 1 week. Than during one day, Abdurouf got the address of some place from His friends and we left with Him towards that address. We came back to Tashkent, went to the South Station and left to Yangier by bus. From there we went to Leninobod, city in Tajikistan and then to Dushanbe city by taxi. Than by minivan we travel to Tajik opposition and met with the IMU representative. After one day we travel to Hoyit by a hitch hiking truck. I came to Hoyit. There, another person took my military ID and asked me several questions about myself. Then He took only me to the place in Hoyit, which previously belong to some auto shop and was surrounded by wall. People of all kind off ages were there and they were also newcomers. I stayed at that place 1 week. During that week I received training on the AK-47 rifle and shoot 10 bullets for practice only. I also saw grenade launcher and PK gun machine there, but we didn't have training on them. After about 1 week or 10 days, truck came and at nighttime we drove for a 1 or 2 hours and came to Tajikistan

mountainous area near the border of Kyrgyzstan. After one day with ammunitions we walked up to the mountains 1 day and down 1day. And came to the Batkent region of Kyrgyzstan. If you walk another half a day from that place, you would've end up at the battlefront (for reason to cross to Uzbekistan) of IMU. I didn't go there. I left behind. I was having problems with my health. 1 month later I took care of (improved) my health and went back to Tajikistan again. I came to the Lojir village of Tajikistan. At that place IMU had a hospital. There I was getting treatment for about 7 month or so. Then, truck came and took us all. On the way other cars, trucks, busses joined us (in month of May) and we all went (came) to the border of Afghanistan through (via) the city Kulob of Tajikistan. Then Tajik government and Russian army by helicopter and ship transported us to Afghanistan. Then on our trucks again we came to city Kunduz, Afghanistan. We stayed 1 day there and than left to city Masar-E-Sharif. After staying in Masar-E-Sharif for about 1week, me and 5-6 other people were transported to city Kabul by airplane. In Kabul they placed me to work at auto shop on Vazir Akbarhon street or region. That auto shop belongs to IMU and after working there for some period of time I've been appoint to drive the IMU's ambulance. In the year of 2001, because I've missed my home and my parents, I went to the leader of IMU and ask permition to go home and also for my military ID and money. After the third time, still not getting result, I borrowed approximately $80 from my friends and runaway, because anyone who decides to live that place for good will be jailed. While riding a minivan taxi from Kabul through Masar-E-Sharif in order to get to Uzbekistan, I've been captured and jailed for 6 month by people from IMU between Kabul and Masar-E-Sharif. I've been released on September 16th 2001 with agreement that I will help in a battle. I came to the front line in Dashti Archi district of Kunduz city and was helping with all kind of household work for about a month or so. In 2001 US bombarded those places and because of lots of dead bodies they gave me AK-47 weapon. IMU retreat front line. I didn't follow them. I went to the US Alliance commander Abdul Mumin in Dashti Archi's Mulla Quli village and turn in my weapon. There were no bullets shot from my weapon.

P.S. Because of time, months and days might not be very accurate.

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Summarized Sworn Detainee Statement

Before the Tribunal could begin, the Detainee stated the following:

Detainee: Is it time for someone to loosen my handcuffs a little bit?

Tribunal President: We have spoken to the guards, and the handcuffs are per the SOP, so they will remain as they are.

Detainee: It's OK to be tied up, but they are amazingly tight and making marks on my arm.

Tribunal President: Try moving them down your wrist a little bit, that would probably help.

Detainee: It hurts a lot.

At this time, the Tribunal President paused the Tribunal briefly to allow the guards to loosen the handcuffs for the Detainee.

The Tribunal Members and Personal Representative were sworn in by the Recorder. The Tribunal President then advised the Tribunal of a change in Reporters, and stated that the Reporter had previously been sworn.

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that he understood the process. The Tribunal President then asked the Detainee if he had any questions about the Tribunal process.

Detainee: Do I have permission to say something?

Tribunal President: Yes.

Detainee: I am very sick, and I am a person of the desert. If I have done something not in accordance with the rules of this court I am sorry; this is the first time I have seen people of a particular government.

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

The Unclassified Summary of Evidence, Exhibit R-1, as well as Exhibits R-2 and R-3 were presented to the Tribunal by the Recorder. The Unclassified Summary of Evidence (Exhibit R-1) was then read in full to the Tribunal.

The Tribunal President then addressed the Detainee Election Form (Exhibit D-A).

The Tribunal President informed the Detainee he could respond to the allegations with the assistance of his Personal Representative, and asked if he wished to take the Muslim oath. The Detainee was administered the Muslim oath by the Recorder.

The Personal Representative then presented Exhibits D-B (Detainee written statement), and Exhibits D-C through D-F to the Tribunal. The Tribunal President paused briefly to permit Tribunal Members to review Exhibits D-B through D-F.

Tribunal President: (addressing the Detainee) Thank you; we appreciate your written statement.

Detainee: I had more to say, but I didn't have a pen.

Tribunal President: And we'll allow you an opportunity at this time, with the assistance of your Personal Representative.

3-1. The Detainee purchased a vehicle for the Taliban with Pakistani rupees.

Detainee: In the name of Allah, I have never bought a car; no one has seen me with a car, and I don't have that type of financing or money. I question my own ability to afford my own life, or run my own house. The whole house and all my assets were taken by the Taliban. All the people in my village and the governor and people around me know that my enemies supported by the Taliban confiscated my assets. How could a person that could not release his assets from the enemy do an operation like this? I did not buy a car for anyone, I did not have a car, and no one saw me drive a car. The people in my district know about this fact. I can present as many witnesses as you want from around my town, district and province. Nobody has ever seen me driving a car, or even sitting in one; I did not drive a car at all. Haji Bars Sahib, Mohammad Khan Kaka, and Haji Mohammad Rahim all are totally aware of the facts and will testify for me that I did not have a car. All these people I've mentioned are not the people of Taliban and never supported them; they are believers in the new government. On top of that, not me, and no member of my family have ever become part of the Taliban or their army; this is a fact. On top of that, they were not Taliban, but were very involved with the mujahidin during the time of the Russians.

3-2. The Detainee was with four other Taliban soldiers, who were his security force, when he purchased the vehicle.

Detainee: As before, I was in no position, and it was not possible in any way to purchase a car; how is it then possible to have or afford bodyguards? I did not have a lifestyle such as this. Every day, I was anxious to make enough money for food for my family at home. Having bodyguards and a car was not possible. The people I have letters from will witness and testify to this. If I had that many bodyguards, then I should've been able to fight the people who took my assets. I should've been able to rescue my land.

3-3. The Detainee was in charge of and gave orders to the four Taliban soldiers, who were with him when he purchased the vehicle.

Detainee: Again, giving people orders; I was in pain and had difficulties in life, and I was throwing dust and dirt in my face for being unable to make my living, and then here we are, I'm giving orders to people? All I wanted to do was try to get my store going so I can survive and feed my family. Everybody knows I'm a shopkeeper. It is ironic that you could be a shopkeeper, and at the same time have enough power in the government to give people orders.

During a pause, the Personal Representative went on to allegation # 4; however, the Detainee wished to add more to allegation # 3.

Detainee: Let me talk more about # 3. You have the letters and the evidence of the people; it shows I had a shop and people I borrowed money from. I was working hard to find a way to pay all those loans meaning I'm not very capable of commanding people and buying cars. The people I've received letters from aren't just anybody; they are some of the most respected people in the village; all of these people are very well-known; they are saying I had so many problems and had so many people after me for money, and my shop may be destroyed; this is who I am. Everybody in my town was aware of the situation and that hopefully, since we had Americans coming, our living conditions would be enhanced. We hoped it would make our lives better, and we didn't know they were after shopkeepers. We have been doomed people, with so many poor people and so many problems.

3-4. The Detainee was wearing a "Poge" turban during the vehicle purchase.

Detainee: This is a common piece or headdress or custom for everyday wear. Muslims and non-Muslims all wear turbans there. You can see Sieks and Pashtuns everywhere have their turbans on. It has been inherited by our fathers and elders. The Pashtu people will never put their turbans on the ground; it is a part of our heritage and custom. Even on CNN and radio stations talk about people wearing these turbans, and they will never give them up. According to customs, my father and my village I wear a turban; it was not a special type of turban; it was a part of the custom of that area just like the ones my father and grandfather wore. If I had wore any other turban in my area different than what my family wore, then I would look odd, and people would say, 'look at this guy; does he know what he's wearing, or what?' I was not wearing any special kind of turban; when I was in my shop in Kondoz, I would sometimes wear a hat. When I was caught by Dostum's followers, I had a hat on. Sometimes I wore a hat, and sometimes I wore a turban; they all wear turbans over there and they know what kinds of turbans we were wearing and can witness to this.

3-5. The detainee traveled to Yerghanak, Afghanistan, with a large number of Pashtuns and Taliban soldiers to surrender to General Dostum's forces, and was then held a

Mazar-e-Sharif for approximately forty days before being turned over to the United States.

Detainee: It was not Mazar-e-Sharif, it was Shebergan. I was in my shop in Kondoz, doing my everyday thing, when the Americans started bombing. They were also dropping leaflets and telling on the radio they were coming, saying their fight was not with the public. It was only against the Taliban and al Qaida. I felt good at that time when I read these leaflets, because we wouldn't be threatened by the Americans. I was thinking about getting back home, and I was happy the roads would be open, and I could go home without paying a huge fare. There would be security within our place. What happened was Fahim's people blocked the roads, except for the Tajik and Farsi people; General Fahim's people were pinpointing Pashtuns and taking them out of cars, taking their money and started beating them up. It's very obvious and everyone has seen this. When making a trip between Kondoz and Kalat, you must go through Kabul, and this area belongs to Tajik people. All of the Pashtu speaking merchants from all the areas got together. People were telling us that us merchants should get together and get out of here as soon as you can, because Fahim's people might hurt you. Got to Yerghanak and you will see American forces, and the people from the Red Cross. If we went there, we were told that they would give us fares and take us to our homes. We started our journey with all these other shopkeepers towards Yerghanak; when we got close, we ran into Dostum's people blocking the way and they stopped us. I told them about the Americans and the Red Cross and asked them to take us to them for transporting us. They told us when we see you Pashtun people, we will tie you up and beat you up. They did as promised, and a lot of Pashtun people in Afghanistan got beaten up. When we got there, they tied us up, and we stayed there for a night without food or water. I think they buried about 50 people alive into the ground. They kept on shouting and screaming, and they kept putting dirt on them. When we spent the night, we were hungry and thirsty, and the next morning, they threw us in cars. After a while, we got somewhere, and someone said we were in Mazar-e-Sharif. There were some huge semi-trucks, like U-hauls, and the cars we were in were put behind these containers, and they put us in one-by-one into these trucks. About 200-300 people were thrown in these trucks, and they closed the doors or gates. We did not see any light, and there was no air in it. Due to lack of air, a lot of people died there; I fainted somehow. There was a time when we came to Shebergan; they dropped us off in front of that province's jail. We were in bad shape, and they left the dead behind. You must've heard of these rumors of people being taken into these containers, and a lot of them were killed. When we were in Yerghanak before Shebergan, I saw Taliban had gotten away because they bribed these people. We were imprisoned in Shebergan; they were small rooms with a lot of people, and we were sitting on the dirt. There was no food or water or anything. The Red Cross people had come there, but no one would listen to them. The Red Cross people asked Dostum's people to feed us, but they said they wouldn't. Those were dark nights for us. Among all of this hardship, we managed to stay there between 40-45 nights, and we were finally handed to the Americans. I was thinking that I know that Americans will not harm anybody, and will be nice to us. I had really believed in this situation, that I know, if I see Americans, that they will believe what happened to me. I'm telling the members of the Tribunal that

this was a real court, and I wish I could say more to show you what happened to us. The only thing I can think of that all of this would have to be a result of a misunderstanding, because I don't believe Americans would do this to anyone. I always heard that Americans don't brutalize people. I'm amazed and shocked I've been put in this cage for three years, and no one has listened to us so far. I will say one more thing. Please, I am not capable of performing because I am a very sick man; there is some damage in my eyes, and I have nothing to hide from you. I am just a shopkeeper; please, take care of me. In order to prove this, I have letters, I've been sworn, and everything you want I will prove to you that it is a fact.

Personal Representative Questions to Detainee

Q: What city was your store in?

A: Kondoz.

Q: What city did your family live in?

A: It says in the letters that was in Afghanistan, the Province of Zabol, in Kalat, the capital.

Q: Why did you have a store in Kondoz if your family was in Kalat? How far away is it?

A: That's a very good question. Afghanistan is my country, and wherever there is business, we go there and do business. In Kalat, the Province of Zabol, there were a lot of natural disasters; drought had caused people to not have a lot of money to buy things. In the north, things were a little better, and people had shops there. Even the delegation from Afghanistan had been asked that question, and when they referred to the day I opened the store, they agreed on the day I registered that things were not good in Kalat.

Q: How far apart was Kalat and Kondoz, and how did you travel?

A: There were cars that would carry up to 18 people; when there were wars, it could take up to three nights. The main or asphalt road was blocked, so we had to take side roads.

Q: How often did you make it home to see your family?

A: Whenever I accumulated enough money in Kondoz for my family to live on, I would then go back; most of the time, it was once a year.

Q: When was the last time you were in Kalat?

A: We don't write dates, but the last time I had stayed less than a year in Kondoz before I was captured.

Q: Can you give me a month in relation to Ramadan or a holiday?

A: It was during the Ead (ph), or towards the end of Ramadan; we have two Eads; it may have been during haaj, or during the great Ead after the Ramadan.

Q: Which year?

A: We don't write dates, but it was about 10 months prior to my capture.

Q: How many shopkeepers surrendered with you in Yerghanak?

A: I don't know the number exactly.

Q: What percentage of them were civilian versus Taliban soldiers?

A: There were a lot of people, and I don't know; I could not recognize who was or wasn't Taliban. I know the people who were selling tobacco and all that were among us from Kondoz.

Tribunal Member Questions to Detainee

Q: How long had you owned the house in Kalat?

A: The house the enemies took?

Q: Actually, that was my next question; tell me about the house the Taliban took, and where you were before you lived in Kalat.

A: The Taliban did not capture anything; they did not capture a house from us. We had enemies that had taken our assets that were supported by the Taliban. If they didn't have the support of the Taliban, they couldn't have taken it from us.

Q: Is that the property that's in Kalat?

A: Yes; in the little village I had the house, they had taken it away. It's a well-known situation, and if you asked the governor of Kalat today, he'd tell you the same thing. The land was inherited by us, but there were two different tribes; the Nasseran (ph) and the Shemoziz (ph). They, the Shemoziz, took it, and you could inquire about that today, if you want.

Q: You indicated you could not tell if someone was Taliban; could you tell if you saw a Taliban soldier?

A: No, when I was in Kondoz it was not common to see a Taliban soldier; I didn't know them. If there was a disaster, people don't stand and say who are you, they just run away.

Q: What did you sell in your store?

A: Candy, tea, and soap and all small retail stuff.

Q: Can you tell if your customers are Taliban?

A: When I sell stuff, I don't ask who they were; I don't ask my customers who they are. I would sell things to Muslims, atheists, Hindu's I don't care, I was just selling my stuff.

Q: That was my next question; were all or most your customers Pashtuns?

A: There were Farsi speaking, Sieks and Uzbeks, but mostly Pashtuns. Even the Sieks have shops there, too.

Q: What language do you speak?

A: Pashtu.

Q: Can you understand Uzbek or Farsi at all?

A: No, I do not. The Uzbek language is more difficult than English.

Q: You said about 200-300 shopkeepers with you going to Yerghanak; do you see any of those people here?

A: I cannot even recognize my own face; how could I recognize anybody else?

Q: Is there anything that happened where you were singled out among the shopkeepers? Do you know of anything that cause them to separate you from them?

A: I was never alone.

Q: Did you injure your eye after you were captured?

A: It was prior to my capture; at least 6, 7 or 8 years ago. Again, we don't count years, but it's maybe about 8 years.

Q: How do the different tribes identify each other? How do you know if someone is in your tribe?

A: You always recognize people from your own town; the cousin from your mother or father's side, or people from your town.

Q: Are tribes small in number?

A: There were more than 50 families in my village.

Q: So they wore nothing distinctive? There is nothing they would wear that would separate them by what they wore? Do they wear certain color turbans or distinctive clothing? How would you know if they were from your tribe?

A: Most of the people in my village would wear one type of clothing and turbans. It was like a tribal custom for everyone to wear the same thing.

Q: Have you ever had any military training, or owned any weapons?

A: No; no training and no weapons. We only had knives for cutting potatoes and onions.

Q: Have you been in Afghanistan all your life? Have you ever traveled outside Afghanistan?

A: I was born there, and have spent all of my life there.

Q: In reference to # 2 where they talk about four other people; are you aware of who these people might be?

A: That never happened, and I was never with those people. I'm ready to prove it.

Tribunal President Questions to Detainee

Q: If you had enemies that took your property, why would you be willing to leave your family and work in Kondoz?

A: Our enemies are not there to kill. They attacked, but I was trying to get back to get my stuff, but I never did. They just took my house and my assets.

Q: In my experience it's usual that a lot of Afghan people can't read and write; how is it you were fortunate enough to be able to write?

A: If one is given quality parenthood, they will always tell you to not tell lies, and do their best to tell you A, B and C and don't do bad things, and teach you writing at home.

Q: So you're saying your parents taught you to read and write?

A: Most of it I learned in my village; some at home, and some over here to keep up with my work whenever I had a pen.

Q: Other than the training your parents gave you, you had no formal education?

A: I never went to school; everything I learned was in my village. There were no schools there anyway.

Q: During the time the Russians were there, did you also participate in the fighting against them?

A: I was very little at that time. I'm just 28 years old now; I was too young. I was just hopeful that my village would have schools there now, but now I'm here.

Q: The letters indicate the shop in Kondoz had been destroyed; do you know how that happened?

A: I think my store is destroyed, and my guess is my parents love me so much, they are hiding something from me; they're saying that to not make me worry. My guess is that the store is gone.

Q: At this time, is there anything else you'd like to tell us?

A: Yes, I sure do. Thank you so much for listening to me. I just want to tell you that I've lost everything in my life. I don't have my shop anymore; I don't have my home anymore, and please do something to expedite my situation. I don't want to be in prison any more.

The Tribunal President then queried the Tribunal Members and Personal Representative to confirm there was no additional evidence or Witnesses to present at this time; the Detainee then interrupted with the following:

Detainee: What is the result of the polygraph?

Tribunal President: (addressing the Detainee) The polygraph your Personal Representative presented to us?

Detainee: I think it says I was telling the truth.

Tribunal President: Yes; it indicated that there was no deception.

Detainee: I am telling you that everything I've said is all true.

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

AUTHENTICATION

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

[redacted]

Colonel, U.S. Army
Tribunal President

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In the name of Allah

1) I myself was never a driver, nor ever drove a car in my life, or ever owned one. Not an adult nor a child or anyone else has ever seen me driving a car. All my life in the district and in the province or in Afghanistan, nobody would testify this, that I ever had a car. I never had such a relationship with anyone who could provide me a car. All the people of the region, the tribe, the district and the village are witness to this. I was always alone getting around and was doing hard labor & surviving. Haji Bars Sahib, who is the head of the whole tribe and region and everyone knows him, and also the Imam of he Tatak Mosque and Shair Mohammad Khan, Daulat Khan, Mohammad Khan Kaka (uncle), Atta Mohammad, Haji Mohammad Rahim (who is a popular merchant in Kalat Province), all of the above and also much more people are witness to this, and moreover other people who I have not mentioned their names are ready (willing to) to testify that I never owned a car or had any security guards or even been with Taliban.

So how could I ever receive a car from them? My enemies who were supported by the government confiscated my house, my land. Everything I owned they had taken away.

All the Kalat province people are absolutely aware of this that other people (strangers) had taken our land. The governor of Kalat province and other people of the government of Zabul province of Afghanistan know and are witness to that our assets (land) were in the hands of others. Haji Barras, Haji Abdul Bari, Abdul Hannan, Haji Mannan, Mirza Khan Haji, Shair Mohammad and Mohammad Rahim and other people as well. I have also received a letter from home that Haji Barras had made a trip to Kabul concerning our land. A delegation has told me that an inquiry about our land might begin soon. An American Secret Service Unit was also present there and have mentioned that a Pashto translator has heard about the situation and has told your representative that he has also heard about it and has also said that an American representative will contact he governor of Kalat province so (God willing) he would do something about it.

I had a store in Kunduz province and I was staying there. It was a retail store. People of Kunduz and the other shopkeepers have seen my store and know about it. Also the people of my village and the people of my district and some people of the Bazaar (market) in Kalat know about my store and will testify and are my witness. People like Haji Mohammad Rahim a storekeeper in Kalat bazaar, Haji Barras, Agha Jan, Tatak, Aziz Khan, Atta Mohammad, Haider, Atta-ur-Rahman, Nizamuddin, Daulat Khan, Sardar Mohammad, Shair Mohammad, Haji Essamuddin, Haji Saifuddin, Haji Abdul Mannan, Abdul Ghaffar, Abdul Khaliq, Allauddin, all these people are my witness and will testify for me. And I have received a letter from them through Red Cross. I still have them. There is information about my store in these letters.

First letter: The store in Kunduz is destroyed, three of your borrowers have come to the Sheen Kai district and have paid half of their loan and will be given to you when you return (God willing). Haji Barras has gone to Kabul concerning our land.

UNCLASSIFIED / FOUO

Exhibit D-b

The above Letter sent by: Aziz Khan Kaka, Mohammad Khan, Nizamuddin, Atta-ur-Rahman, Habib-ur-Rahman, Haji Barras, Haji Mohammad Rahim

2nd Letter: Your store in Kunduz is functioning and doing business, don't worry. (from Haji Barras, Agha Jan) all of them are witness to my store.

3rd Letter: Don't worry about the store in Kunduz, it is safe. (Letter from Sardar Mohammad, Atta Mohammad and Said Akbar).

4th Letter: As you asked about your store and your loans, we paid some of them and some are still outstanding. We told your lenders the rest will be paid by yourself. (Letter from mother Sharifah, Mohammad Khan, Aziz Khan Kaka, Mohammad Khan, Nizamuddin, Atta-ur-Rahman, Habib-ur-Rahman, Haji Barras, Haji Mohammad Rahim and Tatak.

There are more letters that verify that my store in Kunduz and I am a shopkeeper.

American holds all these letters as well. All of the names I have mentioned and some more in the village and in the district or witness to this matter. They know about my store. Therefore the judges should decide about my release ASAP and do not keep me any longer and do not keep me in prison any longer because this is a very clear situation and it is proven that I am a shopkeeper and was thrown in jail by mistake.

2: Turban: Wearing a Turban (Langotai) is a common custom in Afghanistan, the Muslim, Sikhs and non-Muslims and for all men this is a tribal matter. Every region has its own custom. In the province of Helmund, Urzagan, Zabul people wear Black and white Turban and in some areas they wear just a hat, and so in my area and among my tribe people wear turban but I did not wear any special kind. My villagers know this situation. Abdul Mannan, Shair Mohammad, Tatak, Mohammad Khan, Atta-ur-Rahman, Daulat Khan, Nizamuddin these people are all my witness to the matter and they live in my village. But in my store I used to wear just a hat. Dostum handed me over to Americans when I had a hat on not a turban. This is clear and true that I did not wear a special turban. If I did do that then people would know it. There were acts of violence in America against the people who were wearing turbans; this is a Pashtun peoples' tradition.

I was in my store when Americans were dropping bombs in Afghanistan. They were also dropping leaflets indicating that they do not want to harm or bother general public. And your radio stations were also saying that your fight is not against the public only against Talibans. And you were saying that you are rebuilding Afghanistan, and that's why I was sitting calmly in my store and minding my own business, I was thinking that all the local roads would be open and I would be able to go home without any difficulties. And I will be paying less fare to get home and I will get there sooner as well. But later General Fahim blocked all the roads and was collecting money from ordinary Pashtun

people and throwing them in jail. When General Fahim's Tajik people were coming to Kunduz province, the Pashtun storeowners and other shopkeepers were told that you poor shopkeepers of Kalat and Kandhar leave this place because Fahim's Tajik people will cause you losses and may kill you as well. The Red Cross workers and other Americans were standing in Sargang (name of a place) and they were sending the shopkeepers and the other poor people to their homes and were also paying the fare and were helping them too. When I came to Sargang General Dostum's Uzbek people were standing there and took all of our money and clothes and handcuffed me. I told them to send me home but they said where ever we see any Pashtun people or their shops so we take everything they have and would not let them go and I was handcuffed. There were other shopkeepers who were handcuffed as well. We spent the day and night over there, there was no food and water. Some Talibans got away by bribing Dostum's Uzbek people and then they threw lots of people in cars and buried some people alive. I was watching them myself that were screaming and Dostum's followers were dumping dirt on them and they were transferring some from these large cars into containers (train wagon types) and people were thinking, "now they are in Mizar-e-sharif". When they threw all of these people in those wagons that had lack of air and the gates were shut down tightly. And eventually they were taken out of the wagon trucks in Sheberghan province in front of a prison while many people had already been dead, you might have heard about this act of brutality on radio. There we were kept for 40 days under sever brutality, hardship and hunger. In the prison people were talking that a lots of Taliban leaders and others were freed by paying a lots of money. Then they handed me over to American soldiers and even then I told them that I am just a shopkeeper. And I was glad to be in the hands of Americans. Because I was saying to myself that I am only a shopkeeper and hopefully I will be released soon. I believed that Americans are not cruel and will listen to me and they care a lot about human rights. All I said are true and I say the truth, and I also have witness. Even your telegraph machines (media) say the same thing. And they are agreeing with me and I am honest. So I am hoping and kindly expecting that judges will expedite deciding about my release and waste no time, because I always believe that the justice will prevail. So it is only fair that you help me. I am very poor and victim of brutality and owe a lot of people money. My shop was destroyed and my house is there. I have been in prison here for the past 3 years and some months and I a saying one more time, I shouldn't be in prison any longer. They should give a very quick order of my release. I had been thinking that American Government might have forgotten about me!
If they did not forget me then at the same time I know they are good people then what is going on! You should take care of me and help me out. And if I've ever said anything rude in this tribunal or in front of my representative, please forgive me. Because I am very sick and I am person of desert not a city person (meanings I am not a big shot).
I never had any conversation with government official before and you people are very educated people, please do not let my saying bother you.

GUAN2003I01361

Date Translated: October 16, 2003

Date on Mail: SEPT, 2003

Sender's Name: AZIZ KHAN

Addressee: ABDULRAHMAN
Address: SHINGER VILLAGE OF HAJI BARISH
City/Zip code: ZABAL, AFGHANISTAN
Language: FARSI
Family: Yes

In the Name of Allah the Compassionate the Merciful

Text:

& your respectfull

Lots of greetings from here Aziz Khan ~~to Sharif~~'s Mom, Muhammad Khan, uncle Nizamudeen, Attaurahman, Habibrahman, Haji Barish, Tatak, Haji Muhammad Rahim, and Abdurahman greetings!
Out here thanks God we are all fine and hoping you all are fine as well. Received your letters and ~~let find out that~~ every thing is alright at home and don't worry be patience God is merciful and powerful and God is with those who's being patience. Also you asked about the loan
Debt and store if they ask has paid out what ever left I'll be paying it

Linguist Comments:
Used Farsi and Pushtu.

Pashto. as you Asked about the shop & loans, we paid them, and a few are outstanding. We told them those will be Paid by yourself.

Exhibit D-c

GUAN20031 01361

KAD

JJJCEG

7. RED CROSS MESSAGE

پیغام خانواد گی صلیب سرخ/دسره صلیب کورلي پیغام

4116

8. SENDER / فرستده /ایرونکی

ICRC No. 5569

Full name

Father's name

Grand-father's name

Mother's name

Nationality

Date of birth — تاریخ تولد / دزیږدلوئیه

Sex F M ذ أ

Place of birth — village/قریه/کلی — district/ولسوالی — province/ولایت — country/مملکت/هیواد

Refugee camp/Detention place

Street

Village, District or City

Province/Country — ولایت مملکت / ولایت هیواد

House No.

REPLY

9. ADDRESSEE / گیرنده /اخیستونکی

ICRC No. 3369

Full name 357

Father's name

Grand-father's name

Mother's name

Nationality

Date of birth — تاریخ تولد / دزیږدلوئیه

Sex F M ذ أ

Place of birth — village/قریه/کلی — district/ولسوالی — province/ولایت — country/مملکت/هیواد

Refugee camp/Detention place Gantanamo

Street

Village, District or City

Province/Country — ولایت مملکت / ولایت هیواد

House No.

10. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین المللي صلیب سرخ

دسره صلیب نړیواله کمیټه

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

MCR/EN-DA-PU/10.01/ACR

003357

GUAN2003I 01361

11. REPLY MESSAGE

جواب/جواب

Family and/or private news only

احوال خانوادگی که محض ماهیت شخصی داشته باشد
کوډنی پیغام چه یوازې شخصی احوال بیان کړی

سلام فراوان از طرف عزیز خان و والدۀ محترمه و خان و کاکا و نظام الدین
و عطا الرحمن و جیب رحمن و حاجی بادشاه و تاج ملک و حاجی محمد رحیم و برادر
عبدالرحمن باشم علیکم و رحمت الله و برکاته! شکر الحمد الله ما تا الحال حضرت
حضرت خان از خدا وند رح در خمسش الا و قامت علی الدوام طلب خیر و صحت
بعد رسیده خط های خان تا بشما رسیده در خانه بعمل از برای حضرت
هیچ اندیشه و فکر نکنند خاطر جمع دارند هر کس خدا وند کریم رحمن
و رحیم است ان الله معنا کما ترین

هفته تا چی دوکان او د پور
پوښتنا کړی وه هغه
پورته موږ ځمیر ورکړی دی او یو څه پاته دی
هغو ته موږ ولیکی دی چا به هغه نوټ دی بخیله ورکړی

12.

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

The addressee is my ..... { نسبت خانوادگی یا گیرنده اخیستونکی سره کوډنی اړیکی }

003258

5523

(UNCLASSIFIED) JOUD

Greetings from your Father & Loving mother & remaining for at your home, are being sent to Abdul-Rahman, hope To ~~g~~ God you are accepting.

Up to writing this letter, we are sending you complete assurance of our well being and wishing you complete health & success from ~~great~~ great & able God.

Dear Abdul Rahman, We recieved 4 letters from you and please address your letters to Mohammad Rahim's store. They will reach us and don't worry about your store in Kunduz at all. It is safe. Allah protect you. Sardar Mohammad, ATA Mohammad and Said Akbar are also sending their greetings.

1381/9/9 equals Year 2001.

Exhibit D-d

(UNCLASSIFIED) JOUD

MESSAGE

پیغام

(Family news of a strictly personal nature)

احوال خانوادگی که محض ماهیت شخصی داشته باشد

کورنی پیغام چه پوازی شخصی احوال بیان کړی

سلامونه له طرفه د قبیله‌گاه د والیه د شریعت او نور د کور ټول
اوسېدونکي د عبدالرحمن تد خپل سلامونه وړاندې کوي خدای
دې وکړي چه قبول ټول کړي سوب شکر دی د دې پلار
تر ټیکو پورې د خپل صحت کامل اطلاع درکوي او ستا سو
صحت او موفقیت هیشه له لوی او قوانا خدای څخه غواړي
محمد شتاج مطمئن ګیکوند سوب تد راورسېدل او هیشه د مدیرم
د دوګان په اورګی ګیکوند راپیژ ه سوب تد رسیږي او د کندوز
په دوګان چیچ اندېشنه مکوه هوز محفوظ دی نور سو پر خدای
سپارم او سردار محمد او عطا محمد د سلام اګیر هم سلامونه وایي
ختم

Date ..... تاریخ
Signature ..... امضا 1391/9/9

WWC Cultural Group / FWO

003360

UNCLASSIFIED

JJJCEG

(2)

7510

5. MESSAGE

پیام

Family and/or private news only

احوال خانواد گی که محض ماهیت شخصی داشته باشد
کمدنی پیغام جه بواری شخصی احوال بیان کری

[redacted]

[redacted]

سلام از طرف عزیزان و کاکا و والد و تعجب و تعالی الذی وعطاء الرحمن و عبد الرحمن و حاجی بادر
و محمد رحیم و جمیع عزیزان سلام به عبد الرحمن تقدیم دارد. شکر الحمد الله ما را حیرت است
از خداوند ج عزیز خواهم بود. روی این لقب ملا احمد علی میرزا که والدین ما را تسلیم شوند
و دوکان قندوکی از ما بیرون رفته است. نصف قرضدار دوکان تنها به شفاعی و لقبوالی آمده
بودند نصف قرضدار ما در دم دیگر لوازم تا آمدن عالت دالله عمر رحیم و حاجی بادر
به کابل رفته در حال ارزیابی وقایع دیگر خواهند رفت عرض میکنم و تقریباً ۲۰ خطی رسید
مقطع ۷ ثور ۸۲

محمد رحیم دوکاندار مکلا

6.

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

The addressee is my ..... { نسبت خانوادگی با گیرنده اجیونکی سره کوونی اریکی }

Exhibit D-e

UNCLASSIFIED

003361

(2) 7510 UNCLASSIFIED FOUO

Hello from Aziz khan, Uncle and dear mom Mohammad khan, Nizamudin, Attaul Rahmon, Habibul Rahmon, Haji Barrshi and the rest of the family to Abdul Ramon. thank God we are fine, and hoping God that you are doing fine too. There is lots hope that we could get our old landback.
~~there is no more~~ 1' middle shop doesn't exist anymore. the gravitated shop by three debt collectors and County will be released soon because I paid half of the debt with the help of God. and I will pay the rest untill your arival. Also Haji Barshi went to Kabul to negotiate our land there. May God be with you. We recieved about twenty letters from you untill now.

April 28, 2002

Mohamad Rahim the Shop Keeper from Kalot

name of County ✓

UNCLASSIFIED FOUO

0403

UNCLASSIFIED | FOUO

My dear friend Abdul-Rahman jan peace be upon you:

Thanks to gracious god, everything is fine up to now. hope to great god you're doing Good as well. Everyone is doing great at home, be sure about that. Your store in Kunduz is functioning. Business is going good, ~~don't~~ don't worry. Other than that, ~~get~~ we pray to god to protect you.

With All respect: Haji Barrish

accept my regards as well

Aghajan Nasser.

dated 21/6/03

UNCLASSIFIED | FOUO

Exhibit D-f

GUAN2003100403

UNCLASSIFIED / FOUO

11. REPLY TO THE MESSAGE

جواب/خواب

Family and/or private news only

که صرف ماهیت شخصی داشته باشد

کوداس پیغام چه پیرازی شخصی احوال بیان کری

CLEARED BY U.S. FORCES

دوستت عزیزم عبدالرحمن خان اشرم علیکم

شکر فضل دی خدای ج ده موږ ته او شه لوی

له هره بابه خیریت ده. شتا شو خیریت له خدایه

غواړم مه. لوکو دکتی هم خیریت ده. مطیع او شه

شتا دوکان لو کندز کتی هم فعال ده. کاندری

کیشی یا فکر مه کوه لودی لو پاک خدای

شپاو خدا حافظ باداخرم حال باداش ناصر

زما اغابو هم طرف هم سلامونه قبول کړه

2003

12.

Date 20/6/2003 تاریخ نیټه Signature ..... امضاو لاسلیک

The addressee is my ..... نسبت خانوادگی یا گیرنده اغیسترلکی سره گوری اړیکی

UNCLASSIFIED / FOUO

003364

Summarized Sworn Detainee Statement – 26 October 2004

Personal Representative advises the Tribunal that he would like to review each of the points on the Unclassified Summary. Personal Representative will read each statement and read the Detainee's response to each point. The Detainee will elaborate after each response.

- **3(a)(1) - The Detainee traveled to from Saudi Arabia to Afghanistan via Syria prior to 11 September 2001.**

Detainee: That is correct.

- **3(a)(2) - The Detainee was identified as having trained in mountain tactics at the al Qaida training facililty in Al Farouq.**

Detainee: Not true. This is not true. I did not go to Afghanistan for the purpose to fight. I went to do charity work. How can the statement say that "he was identified"? Maybe in the translation it was "admitted." How can you say "identified"? If you have previous interrogation session recordings, you can verify whether or not I said something like that. I swore to tell the truth and that is the truth. I did not go there for training.

- Personal Representative: I would like to add something from notes I took regarding 3(a)(2) at previous meetings with the Detainee. The Detainee stated that someone mistakenly implicated him as being at al Farouq. As stated and reflected on the Witness Relevancy request, the Detainee stated that someone was mistaken about him being there, was maybe lying about him being there, or was maybe tortured and made the accusation against him. The Detainee was adamant about meeting the individual that may have made these statements against him.

Detainee: A small correction. I asked for him to come to the Tribunal and be a witness, whether or not he would see me here.

Personal Representative: That is correct. The Detainee asked that the individual that made the accusation be present at this Tribunal. The Detainee wanted this person to see his face, so he could let everyone know that it was not the Detainee that was at Al Farouq, because the Detainee was not there.

Detainee: Just to tell the truth whether he saw me or not.

Personal Representative: The Detainee told me that an interrogator showed a picture of him to another detainee. The interrogator told the Detainee that another detainee identified him from the picture as being at Al Farouq.

Detainee: I am a detainee here myself. I don't know if this is true or not. I don't know if he said that or not. I don't know if he is detained here or if this is a lie from the interrogator.

Personal Representative: I looked into the Detainee's request to call this possible witness. The request was made to the President and it was determined that the person was not reasonably available.

Detainee: Not reasonably available? Is this person here?

Personal Representative: I made the request to the President, and the President tells me if the requested individuals are available or not.

Detainee: I am asking that if this person is available, to please bring him here.

Tribunal President: We don't know if he is available or not. We don't know his name. Unless, you can provide the name to us, then we cannot determine whether he is here or not or reasonably available.

Detainee: I don't know the name. This is from the interrogators. If you don't know his name and you don't know if he is available, this should be taken into consideration that the second point is not true.

Tribunal President: Your statement will be taken into consideration that this is not true. All of the information presented to us will be considered.

- **3(a)(3) – The Detainee has given conflicting statements on the nature of his involvement with the Al Birr Foundation, his stated reason for travel to Afghanistan.**

- **3(a)(4) – The Detainee has given conflicting statements on the basic details of his family life in Saudi Arabia.**

Personal Representative on behalf of the Detainee: The response applies to both item (3) and (4). During my interview with him, the Detainee asked to see the evidence to show where conflicting statements were made. The Detainee told me that the reason he went to Afghanistan and his involvement with the Al Birr Foundation was to do good deeds and fill an emptiness in his life.

Detainee: Do you mean my spare time?

Personal Representative on behalf of the Detainee: The detainee said a lot of things were going on in his life, with his job and family. The Detainee wanted to go and do something good.

Detainee: I think that is what I said.

Personal Representative on behalf of the Detainee: The Detainee said that he told interrogators every personal detail about his life, his family and four children. The Detainee has talked over and over with interrogators. Some of the conflicting statements could be small details. It is possible that translations were not done properly. The Detainee has from the beginning tried to be honest and has told interrogators everything. Is there any thing you would like to add?

Detainee: No.

- **3(a)(5) - The Detainee was apprehended by Pakistani forces while attempting to cross the border from Afghanistan, without documentation.**

Personal Representative: Would you like to explain the circumstances of getting into Pakistan?

Detainee: Please go ahead.

Personal Representative on behalf of Detainee: As it reads on item (5), "Pakistani forces," the Detainee stated it was actually the Pakistani police.

Detainee: Yes, that is true.

Personal Representative on behalf of Detainee: As reflected in the Detainee's statement, which will be read when we complete the actual points, item (5) states that the Detainee was "apprehended." The Detainee said he was going to turn himself into the Pakistani police.

Detainee: That is what I said. As soon as I got to the police, they said I do not have the official paperwork.

Personal Representative on behalf of the Detainee: As a point of clarification, it reads on the Unclassified Summary of Evidence, "apprehended by Pakistani forces while attempting to cross the border."

Detainee: That is not true. I was already in Pakistan. It was the Pakistani police.

Personal Representative: That is what the Detainee wanted to present to the Tribunal, that the item should be clarified. The Detainee went to the Pakistani police and when he got there, they cuffed and arrested him. The Detainee also stated that a member of the Pakistani police placed his hand on the Detainee's shoulder and said that he would bring a good price.

Detainee: That is what happened.

Personal Representative: Are there are any other points you would like to add?

Detainee: No, the points are done.

Personal Representative: The Detainee would like to read his statement, which will clarify many of the points in the evidence.

Detainee: Can we return to the points for a moment? I asked for the conflicting statements in items (3) and (4) to be presented to me. You said it might have been minor details and that is the reason why they said it was conflicting statements.

Personal Representative: It could have been anything in the Detainee's record, whether it was minor or major statements.

Tribunal President: I need clarification. Saed, were you the one that said there could be minor conflicts or discrepancies?

Detainee: No. After reviewing the file, the Personal Representative said maybe there were just minor statements or minor details.

Tribunal President: That is what I needed to understand. It was not actually your statement that was being read. It was [the Personal Representative's] comments.

Personal Representative: I don't remember the exact thing. We could probably hear the recording later.

Detainee: My answers?

Tribunal President: No, what was read by the Personal Representative.

Detainee: No, these are my responses. But these are just words, thinking, trying to come up with an explanation between him and me. We met many times, maybe five times, and it was between the two of us.

Tribunal President: Does that conclude your statement?

Detainee: It is true that some of them have small details. For example, the interrogators would ask me about the nature of my work. Different situations and work would go through my mind, such as working in the traffic department. This would come to me at the time, so I would tell the interrogator. Maybe after a month or two, another interrogator would ask me about my work. Another picture would come to my mind; maybe not the same, but it would still be the truth. For example, another job of mine was to open and close doors for people in cars. This was another picture that came to mind at one time, but it is still the truth. So maybe the conflicting statements were something like that. I never hid anything from them, even personal family issues like the reason for my wife and I getting divorced. I never hid anything from them. I told them everything, the tiniest details, the

reason why I got divorced, I told them everything. This is the truth, by God. I did not lie. I told them the truth about everything.

Tribunal President: Is there anything else you would like to present to us, or does that conclude your statement?

The Personal Representative has no questions for the detainee, but notes for the record that he has met with the detainee four or five times, and that what the detainee told the Personal Representative during those meetings is the same as what the detainee has told the Tribunal. The Recorder indicates he has no questions for the detainee. Before the Tribunal asks the detainee any questions, the detainee is given the opportunity to read his written statement to the Tribunal. The detainee reads his statement, as follows:

Detainee: When I retired from my job, I had obtained approximately 100,000 Riyals. That was money I earned for the period of time I worked with the police. Afterwards, I wanted to work as a merchant buying and selling used cars. I wanted to do this because of the difficulty of military jobs.

Translator: Military can mean army or police. In this case he means police.

The Translator asks if she should fix the translation mistakes as the statement is read. The Tribunal President advises that the Translator should translate exactly what the Detainee says. The Personal Representative states that after the statement is read, he will submit an update to the translated version as Exhibit D-b. The Personal Representative had reviewed the 18 May statement (Exhibit R-3) with the Detainee. When the translations were done, the Detainee identified and requested updates.

The Detainee states if there is a mistake in the translation, it can be pointed out while reading. The Tribunal President clarifies with the Detainee that what he is reading is being recorded; therefore we will have exactly what he is saying right now. That is why the translator is to translate what the Detainee is reading now.

Detainee: I had free time in my life, so I wanted to participate in charity work. The idea of traveling came to me after I met a person by the name of Hassan. He proposed to me the idea of helping him distribute help to the poor and the needy. So I welcomed the idea. I asked Sheik Abdul Aziz Al Sheik, and Sheik Aleehidan, about this idea. They encouraged me to do this charity work. Then I obtained a passport from the city of Mecca. I traveled from the city of Jedda to Damascus in Syria, and from Syria to Iran. I met Hassan, who had gone before me. I met him there. We stayed there for a month or two months, I don't remember exactly. We would buy things like clothes, oil and dates. We would buy these things and then distribute them inside Afghanistan. After that, we entered Herat, and we stayed there for two months. Then we entered the towns and villages inside Afghanistan. We would pass buy some of the cities and buy goods, then distribute them in the villages until we got to the border of Pakistan. Then we agreed to buy goods from Pakistan and distribute them in Afghanistan. This happened until the assault on America occurred. I heard this on the radio in Afghanistan. After that, I heard

that American was going to strike back, and it would start a war with Afghanistan. We left Afghanistan and stayed in Pakistan. We started the distribution in Pakistan. We passed by several towns and villages until we arrived in Peshawar. That was over a period of a month. I don't remember exactly the time. We would buy goods in Peshawar, and then distribute them to villages near the Afghani/Pakistani border. When we realized that this was starting to take a lot of money and little money and goods were left, we split at that time so that I could go to distribute in one village and he could go to another and do the same. So that we could get done quickly and we could go back to Saudi Arabia. I entered one of the villages and went to a small mosque. I placed all my personal belongings in that mosque. I spent the night there and woke up in the morning. I started distributing the relief goods to the villagers. When I returned, I found that all of my belongings had been stolen from the mosque. I wanted to return to Peshawar, so I got in a car and got on the main road and then got into another car. When I reached a checkpoint with the Pakistani Police, they got me out of the car, handcuffed me, and took me to jail. There they turned me over to the American government. And that is the story.

The Personal Representative notes that the Recorder's translated version of the Detainee's written statement was previously submitted as Exhibit R-3. The Detainee states that there were mistakes in the translations in that copy. The Personal Representative tells the Detainee that changes were made to the translated copy that was read to the Detainee. The Personal Representative asks to review with the Tribunal President. The Tribunal President asks the Detainee if the corrections were spoken when he read his statement to the Tribunal. The Detainee states he did include the corrections in his comments. The Tribunal President asks if both copies will be submitted: the correct and incorrect translated version. The Personal Representative advises the Tribunal that the English copy was translated to the Detainee, during which translation the Detainee made corrections and the Personal Representative documented on the English copy. The Personal Representative would like to submit it as Exhibit D-b.

The Detainee states that if one word is mistranslated, it can change the meaning of the whole sentence or the whole story. This happened with the Detainee and the Personal Representative previously. The Detainee tells of an incident when he told the Personal Representative that he went to a place near Peshawar. However, the translator said the Detainee was going to the shower, instead of Peshawar. So the story ended with the Personal Representative stating that the Detainee was naked when he was inside his house. The whole story changed just because of one word. The Personal Representative asks the Tribunal to take such things into consideration because the Personal Representative reviews the previous sessions with the detainee and he did document that the Detainee was apprehended by Pakistani police while getting ready for a shower. He was not dressed when the police arrived which would explain why he had no papers on him. During the follow-up interview, the notes of the previous session were reviewed, and that is how we found out it was Peshawar he was going to. The changes are reflected in the session notes. The Detainee states the mistake would not have been found if it were not for the Personal Representative's intelligence and attention to detail. The Tribunal President advises the Detainee that it is very important that he understands his corrected statement as he read it is on record. The Detainee thanks the Tribunal.

Questions by the Tribunal Members

Q: When you began to travel, did you get your passport stamped with visas for the different countries?
A: Of course. When I went from Saudi Arabia to Syria, I have the exit visa.

Q: Did you find your passport or did you see it again after the mosque?
A: No, I never found it.

Q: While you were traveling around doing charity work, that was all for Al Birr?
A: Keep in mind that I was never officially doing work for the Al Birr charity organization. I was just offering help. I knew this organization was helping and so I was helping.

Q: Did Hassan officially work for Al Birr?
A: Before I answer this question, I would like to present a note about Hassan. I told the interrogators and the Personal Representative previously about this. There is a person I know. His name it Hassan Al Nashri in Mecca. This is not the same Hassan that was with me. There may be a likeness in names, but that is one person and this is another.

Q: Hassan that was with you worked for Al Birr?
A: That is what I thought, but I'm not positive.

Q: Did you ever see Al Birr doing anything other than charity work?
A: From what I know, the organization did charity work. I never saw the building or the organization. I heard it was a good organization.

Q: When you were passing out goods, were you ever near al Farouq?
A: I don't know where al Farouq is in the first place.

Q: When you were in the Saudi military as a policeman, did you receive weapons training?
A: I trained, but I don't remember what exactly the weapon was.

Q: When you purchased the goods to distribute to the poor, how much would you purchase?
A: Just a small supply. Then we would go to another place to buy more. We were afraid we would buy too much and then it would go bad.

Q: What were you buying?
A: Food, dates and oil, rice sometimes.

Q: How would you distribute it?
A: In the village.

Q: But how would you get it to the village?
A: Normally, with a car or pickup.

Q: You had a pickup that the two of you used?
A: Yes, but we would not drive. We would rent a car and driver.

Q: Is that what you were doing in Pakistan also?
A: In Pakistan, we would take some of the things to the villages on mules or donkeys.

Q: How did you split up if you had the goods? How did you split up with Hassan and go one way, and you go the other?
A: We split the goods. He went one place and I went to another. He would buy goods in one place and I would buy in another until we were done.

Q: How did you transport the goods once you were done?
A: As for me, I had to pick up with a driver.

Q: And Hassan?
A: He also took a car and driver.

Q: How long did you plan on staying in Afghanistan?
A: I did not have a clear idea. I did not know how long I was going to stay, just long enough to finish our work. But I did not intend on staying there for a long time.

Q: How long were you in Pakistan before you surrendered?
A: I don't remember, some months.

Q: Some months?
A: A few months.

Q: Where did you stay when you were in Afghanistan?
A: I would stay in a mosque in each village.

Q: When you were in Pakistan, where did you stay?
A: Same thing, our hotel was the mosque.

Q: Did you have to pay to stay in the mosque?
A: No, the advantage was that it was free.

Q: Who were you with when you surrendered?
A: Myself.

Q: Why did you feel like you had to surrender?

A: I did not have my passport, it was stolen. I knew the safest thing to do was go to the embassy.

Q: Was there bombing going on while you were in Afghanistan?
A: There was no bombing.

Q: Did the bombing start after you left Afghanistan, while you were in Pakistan?
A: I don't know when the bombing started. I do know that when I heard about the American invasion, I left.

Q: You left before the bombing started?

A: I don't know if it started or not. I know that I left when I heard it was going to start. I don't know when it started.

Q: I just wanted to understand that you were not fleeing the bombing. You just left because you thought there was going to be bombing.

A: Yes.

Q: I just want to clarify one thing about the witness request for your mother. You wanted to have your mother testify, but you wanted to call her directly. That request was denied. You were told the government had to make the call and then you decided not to call, is that correct?

A: Do you want to answer that question (Personal Representative)?

Personal Representative: At the initial interview, the Detainee requested his mother because she could testify for his reasons for going to Afghanistan. I told the Detainee that it is up to the Tribunal President to approve or disapprove all witness, but I would make the request for him. I made the request to the Tribunal President and it was approved. During the follow-up interview, I explained to the Detainee his request was approved. The Detainee was concerned that his mother was elderly, and instead of the government making the request to get the statement from his mother in Saudi Arabia, the Detainee wanted to be allowed to make a phone call to her. I told the Detainee that I did not know if it will be approved, but the request will be made. The request was denied that he make the phone call. Upon meeting with the detainee again and discussing whether or not to have the government get a witness statement, the Detainee decided to stop the process and not try to get a witness statement.

Detainee: True.

Tribunal President: Did you understand that your mother could have made a written statement and submitted it to the Tribunal?

Detainee: When I went back to my room, I understood.

Tribunal President: What did you understand?

Detainee: I understood that my mother could write a statement.

Tribunal President: You just chose not to continue with the written request?

Detainee: I changed my request because I thought that the police in Saudi Arabia would take her, interrogate her, and take her to the police station. I told the Personal Representative that I know the Saudi government is strict. I was afraid the Saudi government would take my mother to the station, and asked her questions about me. That is why I changed my request.

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

Detainee to the Personal Representative: Before I talk, do you have anything?

Personal Representative: I do, again, going through my notes of the several sessions that we've had.

The Detainee requests to take some points so he does not forget them. The Tribunal President indicates the Personal Representative can take notes for the detainee, and that the Tribunal can take a brief recess to permit the detainee and Personal Representative to prepare the notes.

The Personal Representative asks to read the last point the Detainee wants him to address before the notes. There were two key points the Detainee and Personal Representative agreed to present to the Tribunal. One point was that the Detainee went to Afghanistan prior to September 11th, and the Saudi government recognized the Taliban government at that time. The Detainee also wanted to convey that he has been an extremely good camp detainee. He does not support extreme Muslims and on four or five occasions, the Detainee has found on the ground in the camp sharp metal, a nail and pen. The Detainee immediately picked them up and turned them over to military police.

The Tribunal President states that a brief recess will be taken to allow the Detainee to write down some notes.

Recess taken at 1450, 26 October 2004.

Tribunal resumes at 1504.

Tribunal President: Saed, I understand you would like to present some additional comments to us.

Detainee: Yes. If you permit?

Tribunal President: Please go ahead.

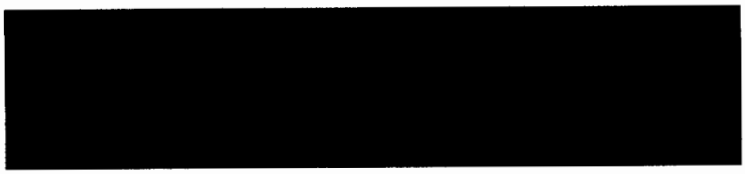
Detainee: Interrogators have placed some things in my file that are not mine. The first was a picture of Pakistani currency, watch, calculator and other things like that. I told them the things were not mine. Also, there is a letter in my file. I saw it myself. By coincidence, there was a test to record my voice. They did not have anything for me to read in order to get a recording of my voice. The recording was 20 minutes. I told them to give me a book and I will read it for that amount of time. They did not have a book, so I told them to give me a letter from my file. They gave me a letter and when I looked at it, I discovered that it was not mine. I told them this does not have anything to do with me. They returned it and they gave me a different letter. That was my story. Also, when Saudi representatives came here, they asked me if I knew anyone in Yemen and if I sent a letter to Yemen. I told them no, I don't know anyone in Yemen. These are the notes in regards to the file that I wanted to address. I would like to say that I know America was attacked wrongly, and it is your right to do what is right for you from the people who attacked you. That is your right; I am not saying anything about that. I am also hoping that you look at things in a humanitarian point of view to some of the people that might be innocent here. I swear I do not agree with the attacks that occurred in America. I did not have any part in the attacks that happened in America. I did not leave my country to fight against America or to do any wrong towards America. When you look at my case, please look at it in a humanitarian way. This is what I am asking the Tribunal for.

Tribunal President: Thank you. Does that conclude your statement?

Detainee: Yes.

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

UNCLASSIFIED

18May 2004

Detainee wrote the following statement:

When I retired my job I obtained approximately one hundred thousand riyals. Retirement money that I earned for the period of time I worked with the police. Afterwards, I wanted to work as a merchant, buying and selling cars (used). I wanted to do this because of the difficulty in the Army jobs. So then I obtained free time and I wanted to participate in charity work. I also obtained the idea of traveling as well. Then I met a person by the name of Hassan and he wanted to help with distributing some help to the poor as well. I wanted to do the same and so I asked Sheikh Abdul Aziz ((Al Sheik) and Sheikh Aleehidan Abdul ((Aziz)) about that topic. They both encouraged me to do the charity work. I obtained a passport in Mecca, SA and traveled to Jeddah, SA. After Jeddah I traveled to Damascus, Syria and afterwards to Iran and I met Hassan there. Hassan had stayed there one to two months before I arrived, I do not remember the specifics. We used to buy merchandises like clothes, wheat, and oil. We would distribute everything we bought to the poor in Afghanistan. After that we entered He rat, Afghanistan and stayed there for two months. Then we passed by some towns in Afghanistan looking to buy some goods and distribute to the villages. We arrived the border of Afghanistan/Pakistan then we agreed to keep buying goods from Pakistan and bring them back to distribute in Afghanistan. During this time the assault of America had occurred. I heard this in the radio in Afghanistan. I also heard that America was looking to strike back. America would try to get in a war with Afghanistan. For those reasons we decided to leave Afghanistan. When we arrived in Pakistan we started the food distribution in several villages and towns until we arrived in Peshawar, PK. The amount of time I spent I cannot recall but I spent a period of months. We bought goods in Peshawar and we gave all the things away in villages near the Afghanistan/Pakistan border. Once we realized that we did not have enough money to continue distributing food for an additional amount of time we both decided to go on our separate ways. I went to one village to give away food and Hassan went to another village. As soon as we were done distributing the food we were both going to meet back up and return home. I entered a village and went inside a small mosque. I placed all of my belongings in the floor and I spent the night. I woke up in the morning and I started distributing the relief goods to the villagers. When I returned to the mosque all of my belongings were missing along with some additional relief goods. I wanted to return to Peshawar and so I decided to take a car from the road. When I reached the police station they arrested me. They handcuff me took me to jail and gave me away to the Americans.

3.a.1.

Detainees Signature

Exhibit R3

(Translation of page 2) UNCLASSIFIED

3376 (1)

عندما انهيت خدماتي في وظيفتي وتقاضيت مبلغاً من المال يقارب ستة آلاف ريال تقريباً وهي مقابل مدة
خدمتي في الشرطة كنت أريد أن أعمل في مجال التجارة بالذات تجارة السيارات المستعملة ،
نظراً لصعوبة الأعمال العسكرية ، فكان هناك وقت فارغ فأحببت أن أستثمر المال
الذي [redacted] مجانية فكرة السفر [redacted] التقيت
[redacted] بشخصاً اسمه [redacted] فعرض علي مساعدته في توزيع بعض المساعدات للفقراء والمساكين
فرحبت بها فسألت الشيخ عبد العزيز آل الشيخ والشيخ عبيد الله عن ذلك
فشجعوني على العمل الخير هذه وعندها استخرجت جواز السفر من مدينة مكة المكرمة
فسافرت [redacted] من مدينة جدة إلى دمشق في سوريا ومن سوريا إلى إيران [redacted] التقيت
هناك بـ[redacted] الذي استقبلني وبقينا هناك [redacted] شهراً أو شهرين لا أذكر بالضبط وكنا
[redacted] نشتري بعض البضائع مثل الملابس والتمر والبريت [redacted] ونوزعها داخل أفغانستان
بعد ذلك دخلنا إلى هيرات وبقينا هناك شهرين ثم دخلنا داخل أفغانستان وكنا نمر بالمدن
ونشتري منها المساعدات ونوزعها في القرى حتى وصلنا إلى حدود باكستان ثم اتفقنا
[redacted] على أن نشتري البضائع من باكستان ونوزعها في أفغانستان وهكذا حتى جاء
[redacted] اعتداء على أمريكا وسمعت ذلك في [redacted] وأنا [redacted] داخل أفغانستان ، بعدها علمت أن
أمريكا ستردّ الضربة وتدخل في حرب مع أفغانستان فخرجنا من أفغانستان وبقينا
داخل الباكستان فبدأنا بالتوزيع منها فمررنا على عدة مدن وقرى إلى أن وصلنا إلى بيشاور
وذلك في مدة أشهر لا أذكر بالضبط [redacted] في بيشاور وكنا نشتري منها البضائع ونوزعها
في القرى المحاذية مع أفغانستان وعندما رأينا أن [redacted] الأمر استطال ولم يبق إلا القليل من المال والبضائع
افترقنا [redacted] بحيث أوزع في قرية وهو يوزع في قرية مجاورة [redacted] لكي تنتهي العمل
بسرعة ونعود للأردن لوطننا فدخلت القرية [redacted] ونزلت في مسجد صغير ووضعت
أغراضي الخاصة فيه فنمت ليلتي واستيقظت صباحاً وبدأت أوزع المساعدات [redacted] في أهل
القرية ... وعندما عدت وجدت أن أغراضي قد سُرقت من المسجد فأردت أن أعود إلى بيشاور
مركب [redacted] فأوصلني إلى الطريق العام فركبت سيارة وعندما وصلت إلى نقطة [redacted]
تفتيش للشرطة أنزلوني وقيدوني وأخذوني إلى المسجد ومن هناك أخذوني إلى الحكومة
الأمريكية # [redacted] بتوقيع ..

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."

When the Tribunal President stated he was referencing the Detainee Election form the detainee asked:

Detainee: What does the Detainee Election form mean?

Tribunal President: This is the comment sheet that the Personal Representative has filled out and it identifies that you wish to participate in this Tribunal. It also indicates that you have made no witness request and by you participating in this Tribunal would like to make an oral statement. Does that answer your question?

Detainee: Yes.

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

Detainee: Yes, my information is with the Personal Representative.

The Detainee chose to take an oath and was administered the Muslim oath.

Tribunal President: With the assistance of your Personal Representative you may begin.

Personal Representative: I am going to read each accusation against him and his response. He may decide to add more to that.

3.a. (The detainee is associated with forces engaged in hostilities with the United States or its coalition partners.)

This is not true. I am not associated with Al-Qaida. I have the evidence. If I were an enemy combatant, I would not have bought a round trip airline ticket.

Detainee: When you are done with this point I would like to add something.

Personal Representative: The only reason for my original statements is because I was tortured when I was captured. I was tortured in Kandahar, Kabul, and Bagram by interrogators.

Detainee: I also did not carry any weapons. I did not go to any place that there was fighting and I did not participate in any fighting against the coalition.

Personal Representative: In Kabul, an Afghani interrogator beat me and told me that they would kill me if I didn't talk. They shot and killed someone in front of me and said they would do the same to me if I didn't cooperate. I was also beaten by Iraqi and Egyptian interrogators who were asking me questions and translating to the Afghani interrogator.

Before I was sent to Bagram, the interrogator told me that they would kill me if I didn't talk or send me back to the Afghanis if I changed my story. I was then transferred to Bagram where an America soldier put a gun in my face and threatened to kill me. This soldier threw me to the ground, dragged me by my legs, injured my foot and hit me. I have a scar on my foot to prove it. The interrogator was present at the time. Then they pulled a weapon on me and threatened me. They placed a thin hood covering my head and I was kneeling down at their mercy.

Whatever I said was because I was being tortured and threatened. I told this to the Red Cross in Afghanistan.

Detainee: When I was being beaten by the soldier the interrogator was saying the law was execution.

Personal Representative: I was then transferred to Kandahar. In Kandahar, they took all my clothes and the American soldiers hit me and kept me tied up in the rain for three hours. My hands and feet were tied so tight that I couldn't move my hands for a month and I couldn't move my feet for two weeks. One soldier kicked me in my knee and wounded me. I have a scar to prove it. I told this to the doctor and he was visiting me at night and gave me shots to sleep. I told the Red Cross what was happening to my body and mind. Before I was transferred to Cuba, the barber hit me in the scalp and made me bleed. I probably have a scar there but I can't see it because it is covered with hair. Also, before I went to the interrogator tent, a male and female soldier hit me.

I was then transferred to Cuba. When I got off the airplane, the soldiers hit us. They had us shackled and had our eyes covered. They took off my clothes by the shower. The Red Cross asked them about my head wound. In the first month of detention in Cuba, the soldiers would hit me before bringing me to the interrogator.

Because of the torture I received when I was originally captured, I had to admit to things I didn't do. I said the same thing in Bagram so I would not be sent back to the Afghani who would have killed me.

There was a group of people from my country that visited me here. I told them some of the things and events then the soldiers hit me. This was about a month after I was brought here.

At that time, I asked the interrogator for a psychologist and was refused. I told the interrogators that I tried to commit suicide twice. Fortunately, other detainees convinced me that I should not.

After that I met with four American interrogators and told them whatever I said in Kabul, Bagram, and Kandahar was false and that I only said those things because I was being tortured and threatened to be killed.

Some of the interrogators here put pressure on me such as withholding medication and by withholding letters from my family. The letters that I did receive were all marked out so I couldn't read them. Some interrogators were hard and some were soft. So the interrogators could keep their jobs, they tried to force me to admit things and not get to the real truth.

Detainee: There is something I would like to add. This is only a small part of the torture that we were subjected to. The whole time in Bagram, seven to nine days, my hands and feet were bound. They would also make us stay up and not get any sleep.

Personal Representative:

3.a.1. (The detainee, a Saudi Arabian citizen, voluntarily traveled from Riyadh, Saudi Arabia to Afghanistan via Dubai, UAE and Karachi, Pakistan, in August 2001.)

This is true but I went with a friend. I was a mechanical engineering student with three years completed and two years to go and had one month off of school during break. I watched a lot of Hollywood movies and wanted to learn how to use pistols as a hobby. Since there was no place to learn how to use a weapon in my country unless you are a soldier, my friend suggested that we go to Afghanistan during the school break and learn. I had tried to apply to a military college but was not accepted because I was under weight.

I was an engineering student but it is everyone's right to learn how to use a pistol to defend themselves. In my country, there are a lot of robberies where bandits stop you in the middle of the road and rob you of all your money, possessions, and car. So I wanted to learn how to defend myself. As I said, I am a mechanical engineering student and just want to go home and complete my studies. It is a good job to be an engineer.

3.a.2. (The detainee received weapons training at the Al-Farouq training camp.)

Not true. I never went to the Al-Farouq training camp. I said this because of pressure the Afghani's put on me. I never went to this camp. After I was in Afghanistan for about two weeks, September 11th happened.