Summarized Sworn Detainee Statement

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

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

Detainee: What kind of questions?

Tribunal President: Anything having to do with the information thus far.

Detainee: That's okay I don't have any.

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 had originally requested five witnesses, two that have been ruled as relevant.

The Detainee did want to take the Muslim oath.

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

3.a.1. The detainee was a member of the Taliban.

Detainee: Before Taliban captured Kabul, only they served in the beginning, and then they captured Kandahar and I don't know what a member means. I don't have a position.

3.a.2. The detainee assisted Mullah Omar in establishing a temporary government following the Taliban conquest of Kabul.

Detainee: I was not in this position and I don't know that term at all, and I don't know his name, I don't know any contact with him, and I don't know that I'm in a position or situation to over throw the government.

3.a.3. The detainee was the Taliban Deputy of Defense during the last days of the Taliban.

Detainee: I was never in Kabul. If I was an assistant of the defense ministry I should be in Kabul and stay in Kabul. I was never in Kabul. I was in Takhar. I never had this position.

Personal Representative: Just something else I had in my notes, that you told me last time, was that if you were deputy of defense, you needed an official letter and you didn't have an official letter.

Detainee: Yes, there should be an official letter from high-ranking government official and also their office is in Kabul and I never been in Kabul. Why are they saying this, I've never been in this position.

3.a.4. In November 2001, the detainee spoke with Mullah Omar about supplies for his troops.

Detainee: I never talked to Omar. I never was in a position to talk to Omar. That was other people's job to contact (inaudible, doors slamming in background, drowning out interpreter)

Personal Representative: I also have something else in my notes, that you would request supplies from the Logistician, not someone higher up.

Detainee: Yes.

3.a.5. The detainee was aware the Taliban was providing the Islamic Movement of Uzbekistan (IMU) with financial, weapons, and logistic support in exchange for IMU providing the Taliban with soldiers.

Detainee: I was not in the position to know these things. I was not in position to provide help to these people and I don't know what the deal was, that was other people's job. I was just a regular person.

3.a.6. The detainee is listed on a United Nations Security Council Resolution requiring member states to freeze his assets due to his association with the Taliban.

Detainee: I don't know anything.

3.a.7. The detainee was at the al Farouq training camp.

Detainee: I was never at this camp. I never heard of this camp, and I was not at that area. I only heard that I was at al Farouq in Guantanamo Bay.

3.b.1. The detainee was a Taliban commander of approximately 3,000 front-line troops in the Takhar province in October 2001.

Detainee: This is totally wrong; I have only fifty or sixty people to help, a small group. The other people, they surrender to the Northern Alliance. Everybody have their own group that even women from the village for stability for some other tribes. I have no position to help; they would come up to me. I only have between fifty and sixty people. That was all that was in my group.

3.b.2. The detainee was directly commanded by the Taliban Defense Minister.

Detainee: I was never in this position to talk directly to the Defense Minister or work for the Defense Ministry. That was other people's job. That was other people's job, not my job.

3.b.3. The detainee communicated directly with the Taliban Defense Minister on military objectives.

Detainee: If I was not in this position or not assistant of defense ministry, how could I help the defense ministry?

3.b.4. The detainee was preparing to engage opposition forces on 30 November 2001, when the Taliban Defense Minister ordered him to surrender to the Northern Alliance.

Detainee: I never heard, never told by anybody like the defense minister, when they started to surrender that was on our decision. I never prepared to fight, or prepare to fight, we would've fought, if we had prepared. That was our decision to surrender to this one, we were not prepared to attack or fight war.

3.b.5. The detainee was captured on the front lines in Mazar-E-Sharif.

Detainee: This is totally wrong, I do not agree with this allegation. Mazar-E-Sharif is three / four hours away from us. The people, they are wrong, I do not agree with this. General Dostum sent two or three commanders with his delegation to talk to us, to surrender. After we went to Mazar-E-Sharif to talk with General Dostum and his commander, we came to this agreement to surrender all the weapons, and after that, we will let everyone go home. After three days, General Dostum came with his delegation to Kunduz and General Dostum told us surrender all weapons and all transportation. After that, we will be able to go home. After this whole thing, there's another commander named General Ustard Attah, from the Tajak faction. There was another commander named Mohacake from another faction called Hazara. There were American personnel there also. After talks, we came to an agreement. We went back to Kunduz, and after that we went to the desert. We took all the weapons and the people surrendered peacefully to General Dostum. At that time we went to General Dostum, who was in Mazar-E-Sharif at that time. There were cameramen, and journalists there. He says there's twenty-five year war between person-to-person, village by village, city by city, province by province, and tribe against tribe. If you think this is crime, then every single person in Afghanistan should be in prison or bring them here. When you come to this point, I never, ever fought against the new government. I never ever fought against America and I didn't do anything wrong against them. Then why am I an enemy combatant?

Personal Representative: I have from my notes that you told me that it was a big deal that it was on television and radio?

Detainee: Yes, it made television. We made a place for talks, for discussion. Yes, there was a photographer and newspaper reporters. They were all there. (Inaudible, door slamming in background) They took pictures. Talked about war.

Personal Representative: Did you have anything else you wanted to tell the Tribunal?

Detainee: Before, there was a lot of war between people, between this person and that person, tribe against tribe, lots of crimes, that's everybody in Afghanistan. But, when you come to the point to the new government, I can't fight the new government; I could do nothing. I could never fight against America; I don't know why I am here. Because, I only help them, I didn't fight new government, not America, not against America.

Tribunal President: Does that conclude your statement?

Detainee: Yes.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. How old are you, Sir?
A. I don't know the exact year, when I surrender, I was thirty-four, now since, I've been captured or in prison. It's been about three years, so thirty-seven.

Q. Are you a native of Afghanistan?
A. Yes.

Q. Have you ever traveled outside of Afghanistan?
A. Only to Pakistan and also to Bagram after my capture.

Q. How many times have you traveled to Pakistan?
A. I went only there because of the Russian tribe and I was refugee there and I went to school there.

Q. How long before your capture did you start working for the Taliban?
A. I don't know exactly. After they captured Kabul, temporary, sometimes I was going with them, and sometimes I stay home.

Q. You started working for the Taliban when?
A. Before they captured Kabul, I don't remember the exact year and time.

Q. The Jihad presence on how many months or years it was?
A. I think the Taliban was total, five or six years, but I don't know exactly. I was not strict all the time with the Taliban. Two or three years, as a temporary, sometimes I joined Taliban; sometimes I stayed home, on and off.

Q. It sounds like you commanded fifty or sixty people for the Taliban?
A. Yes, sometimes more, sometimes less, sometimes thirty people, sometimes hundred people, sometimes fifty-sixty people.

Q. You managed these troops in battle against the Northern Alliance?
A. Yes, we fought against Dostum and the Northern Alliance groups.

Q. Can you confirm to me if you are Muslim?
A. Yes

Q. Is it ok for Muslims to lie to infidels?
A. I do not have that information, I am not Mullah, I'm not that religious or preacher.

Tribunal President's questions.

Q. You indicated when we went through the bullets (unclassified summary) that you hadn't been to al Farouq; didn't know about it. Have you received any formal military training?
A. No, I didn't, only the weapon that I shoot but everyone has one in Afghanistan. Every single time they have a fight, they know how to fire it. No, I don't have any military training.

Q. Where exactly are you from in Afghanistan?
A. I'm from the Gosnia (ph) and headmon (ph) Province, and Chochino (ph) district.

Q. And what larger city is that near?
A. There's no big city; it's just a small, small village inside mountain.

Q. And when you weren't being a soldier, did you have another profession?
A. No, I don't have another profession. I study, I home study and stay home, and also (inaudible).

Q. Do you have anything else you would like to tell us at this time?
A. No, I don't have anything.

The Tribunal President confirms that the detainee does have further evidence to present to the Tribunal. They are statements from two witnesses. The are being read by the Personal Representative and were entered as an exhibit

Personal Representative: The first statement is from Mullah Norullah Noori.
Q. How did Mullah Mohammed Fazl get arrested?
A. We left Konduz then crossed the big desert, traveling by foot. We got tired and asked for a ride in a passing car. We all were traveling to surrender to Dostum of the Northern Alliance.

Q. Where did he get arrested?

A. We surrendered at Yarghanic in Konduz. We voluntarily surrendered and were not really captured. They told us no fighting would happen and we could all go home after we surrendered.

Q. Did he fight the Northern Alliance, the new Afghani government, or the U.S?
A. I have no knowledge of him fighting the Northern Alliance. At our surrender, we did not fight. I don't know anything about him before that because I do not know his background.

The next witness statements are from Abdul Haq Wasiq. (A note, the detainee promised to tell the truth.)

Q. About how many people did Mullah Mohammed Fazl command?
A. I had heard of Fazl's name but did not know him well enough. My boss was the governor of Takhar, but as to who is the military leader? There were very many commanders. Fazl was the military commander of Takhar.

Q. The second question Was Mullah Mohammed Fazl ever the Taliban Deputy of Defense?
A. Abdul Razaq was the Deputy of Defense, not Fazl.

Q. Did he communicate directly with the Taliban Defense Minister on military matters?
A. I don't know. I didn't know him well enough.

Q. Where did he get arrested?
A. It was on the radio, Fazl would surrender to Dostum in Konduz. There was no fighting and Fazl went on his own will.

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

AUTHENTICATION

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

Colonel, United States Army
Tribunal President

Summarized UnSworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee.

Tribunal President: Abdul Razzaq do you understand this process?

Detainee: I cannot understand the political pronunciations and speaking. I will give you answers like I gave at the interrogations. I am very happy to be here to prove my innocence.

Tribunal President: Do you have any questions at this time concerning the tribunal process?

Detainee: This is my question: why I am in here? You must look at my case so I can go.

Tribunal President: Is that a question or just a statement?

Detainee: This is my issue and I can say this.

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

Detainee: What kind of proof do you have that I came by my own free will?

Tribunal President: You told the Personal Representative that you wanted to come.

Detainee: Yes

Tribunal President: You had also requested two witnesses?

Detainee: Yes, I requested two witnesses, but they are in Afghanistan.

Tribunal President: Your witness request was approved by this panel. The government made a request to the Afghanistan Embassy. But, as of today, we have not received a response from the Afghanistan government.

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

Reorders summary of the evidence

- ***3. The detainee is a member of the Taliban.***

- ***3.1. The detainee worked for the Taliban as a cook for five months prior to his capture.***

- ***3.2. The detainee also worked directly for a Taliban member.***

- ***3.3. The detainee received hand –on military training when he fought on the front lines against the Soviets during an earlier jihad.***

- ***3.4. Upon his capture the detainee possessed a list of 24 recruits for a Taliban military unit.***

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

Tribunal President: Abdul you may now present any information to the Tribunal. You may have the assistance of your Personal Representative if you wish.

Detainee: I do wish to talk.

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

Detainee: For three years I was a storekeeper and before that I was farmer at the time of the Taliban. We had this person named Raucide. I had a dispute over some land with him. When the new government came to power, he was working for them and had me arrested and put to jail.

Tribunal President: Before we go any further, would you like to take the Muslim oath?

Detainee: Yes.

The detainee was sworn.

Tribunal President: Would you like to respond?

Detainee: Yes

Tribunal President: Personal Representative please read the allegations.

Summarized Sworn Detainee Statement

Personal Representative: The Detainee worked for the Taliban as a cook for five months prior to his capture.

Detainee: Yes, this is true. I went with the Taliban to earn some money as a cook until my dispute had been settled in court. After my dispute was settled, I came back and

started my store. When I get home, I will bring Raucide in front of the Americans because of these lies. He has cost me money.

Personal Representative: The second item said that he worked for a Taliban member.

Detainee: Like I said before, I had my business for three years. If I was with the Taliban, how could I work at my store? If I were Taliban, I would have left the country. Raucide took the money I had paid him and turned me over to the Americans. I do not know where my children are, what they are eating, or what happened to my store.

Personal Representative: The next item said that you received hands-on training when you fought on the front line against the Soviets during an earlier jihad.

Detainee: That was twenty-six years ago and no longer an issue. I cannot remember it very well. I was only with them for five or six months.

Personal Representative: The last item said upon his capture, the detainee possessed a list of twenty-four recruits for a Taliban military unit.

Detainee: No, this allegation is all wrong. When I was arrested, I had a notebook with the name of the people that I owed money. I was working on my farm and at my store, when would I have time to recruit people for the Taliban?

Personal Representative: You said to me earlier that it was a list of people that you had transactions with in your store.

Detainee: Yes, that is true. The list of people in the book were the people that I needed to pay for supplies like wheat, baking soda, cooking oil, baking power, food color, and wood. Some of the people owe me money, some I owe money to. The people that owe me did not pay because my store is out of business after I was sent here.

Personal Representative: That was the last of the allegations.

Detainee: Of course, this evidence is all lies. Do you believe me when I tell you that I just had a dispute over land with some people?

Tribunal President: We will consider anything that you have to say. Is there any other evidence that you would like to offer to the tribunal?

Detainee: No, that is all I have to say.

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

Personal Representative: No, Ma'am.

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

Recorder: No, ma'am.

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

Tribunal Members' questions

Q: Where are you from?

A: I am from Kandahar.

Q: Where were you when you heard of the attacks on the United States?

A: Do you mean when America was under attack?

Q: Yes, I mean on September 11th?

A: I did not know about it. I was in Kandahar. I do not know anything about it. I was working at my store.

Q: Are any of the people on that list – the list of people you owe money to and who owe to you - are any of those people Taliban?

A: I do not know al Qaida; I do not know these people.

Q: I did not say al Qaida. I asked if any of the names on your list were Taliban?

A: No, they are storekeepers and people who brought me supplies.

Q: When were the dates that you cooked for the Taliban, do you recall?

A: I cannot remember the exact dates. But, it was six years before the Taliban lost power. No, it should be eight years.

Q: When you cooked for the Taliban, was that in Kandahar also?

A: Yes, but this Tribunal must think about my situation. If I was a member of Taliban, I would not have my own business. If I were a member, I would have escaped from my country. I am here because of my dispute.

Q: When you were a member of the Taliban, did you have other duties like guard duty?

A: No, I was not a guard, just a cook.

Q: Have you worked with the Taliban in the last six years?

A: No, I have not.

Q: When you fought against the Soviet Union, did you know about Usama Bin Laden?

A: I was a small child at the time. I went with them for a few months and then came home.

Q: What kind of weapons did you use back then?

A: They did not give us any weapons. I was just walking.

Q: The list of names that was found on you, is that an account for money you owe?

A: It is a list of storekeepers. I do not know if they owe or not.

Q: So, if we see this list, we will see figures for money owed, dates, that sort of thing?

A: Yes, when I received the supplies I would pay the money back.

Q: And then you would write the amounts on that list?

A: Yes, of course.

Tribunal Presidents' questions

Q: Abdul where were you captured?

A: I was in Kandahar.

Q: Where in Kandahar?

A: I was in my store, which is on the road to Kabul.

Q: Can you give me a general idea of when you were arrested?

A: About two years ago.

Q: So, 2001 or 2002?

A: I do not know the exact date, but I built my store one year after the new government came to power.

Q: What type of items did you sell in your store again?

A: I was selling cookies and cake in my store.

Q: I need to be clear on one of the items on the unclass summary. It said that you worked for a Taliban member. What was the name of the member you worked for?

A: I did not work for them directly. If I worked for them, why would I have a store?

Q: Before you had a store, did you do anything for a Taliban member?

A: All of the people in Afghanistan were working for Taliban. If you blame me for that, are you going to arrest everyone?

Q: My question was, who was the person?

A: I do not know.

Detainee: Does this tribunal believe me that I had a dispute with that person and that is why I am here?

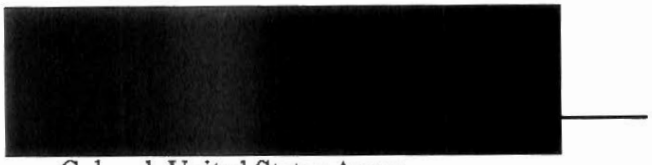
Tribunal President: We will consider your comments.

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

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

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

Summarized Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and the Detainee had questions.

Detainee: What do you mean by testimony?

Tribunal President: Your oral statement. What you have to say to us.

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

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

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

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

The Tribunal President, referring to the Detainee Election Form, made the following statement:

Tribunal President: I see by the Detainee Election Form that you have elected to participate today as evidenced by your being here. Issam Hamid Ali Bin Al Jayfi 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 this Tribunal and would you like to make your statement under oath?

Detainee: If you wish me to swear that is fine, I have no problem with that.

Tribunal President: That is totally your choice. We will take your statement either way.

Detainee: I will swear.

The Recorder administered the Muslim oath to the Detainee.

The Tribunal President opened the Tribunal to the Detainee to make his statement.

Tribunal President: You may now begin.

Personal Representative: I'm giving you a copy of the unclassified summary to the detainee to assist you in making your statement.

Detainee: Can I start to speak?

Tribunal President: Certainly.

3.a. The detainee is associated with al Qaida:

Detainee: I want them to explain to me how I am associated with al Qaida. I never participated in jihad or with weapons. I never did anything to America, Yemen or any country in my life. How can I be associated with al Qaida? I never even knew about al Qaida until I came to prison.

3.a.1. The detainee was told that the Saudi Arabian and Yemeni governments had issued Fatwahs to the jihad in Afghanistan.

Detainee: What do I have to do with Saudi Arabia and the scholars whether they issued a Fatwah or not? As I told you yesterday, my life in Yemen was a completely different world, a completely different life. I didn't have anything to do with the scholars or the Fatwahs or anything of that nature. Should I speak?

Tribunal President: Yes please.

3.a.2. The detainee voluntarily traveled to Afghanistan from Yemen via Pakistan in August 2001.

Detainee: I don't remember exactly what date I went to Afghanistan, I can't recall. In Yemen, they have it in a computer what date I traveled exactly. Let me speak and say what I want and then if you don't understand anything you can I ask me.

Translator: He asked me to read and explain the third accusation to him.

3.a.3. The detainee believes that a jihad recruiter and financier obtained his passport and paid for his travel to Afghanistan.

Detainee: This recruiter, do you mean is he my friend? Is this my friend that you are talking about?

Tribunal President: The only information we have on you is this document, the unclassified summary so we can't help you with that.

Personal Representative: Can I offer…

Detainee: I don't understand the accusation in the first place.

Personal Representative: I think it is in reference to your friend Sammy.

Detainee: How, do you mean is he the recruiter?

Personal Representative: That's whom they are referring to.

Detainee: I had stated that all my expenses, my travel documents and everything were provided to me by my friend Sammy. Whether or not he is a recruiter, I don't know. I just know that he paid for everything.

3.a.4. The detainee stayed at a guesthouse in Kabul for seven weeks.

Detainee: I stayed in a guesthouse for a month and two weeks up to a month and three weeks. I'm not sure of the exact period of time.

3.a.5. The detainee stayed at a guesthouse in Jalalabad for one month.

Detainee: Yes. I did stay at a guesthouse in Jalalabad for a month. Of course I was staying in Kabul and Jalalabad I was in the company of Sammy. I didn't know Jalalabad. I didn't know anything.

3.a.6. The detainee advised that he was provided his accommodations, food and necessities at no cost.

Detainee: Yes that's true. The whole time I was there I didn't pay for anything. It was Sammy that was paying.

3.a.7. The detainee has familial ties to an individual who was scheduled to travel to California/San Francisco with associates of the 11 September hijackers.

Detainee: How is this? I haven't traveled. I haven't done anything. How is this possible? I don't have ties with any person.

3.a.8. The detainee's telephone number was found in the pocket litter of another detainee along with the telephone number of a Mujahideen who trained at an al Qaida camp and extensive notes on electronic and radio theory.

Detainee: What is this? I'm sure that I never gave my phone number to anyone.

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

Detainee: How did I participate? The whole time I was in Afghanistan I never carried a weapon. I never participated in military operations in Yemen, Afghanistan or in any other country.

3.b.1. The detainee most likely carried an AK-47 rifle in Afghanistan.

Detainee: In Afghanistan I didn't carry any weapon whatsoever, nothing.

3.b.2. The detainee joined the Taliban forces for approximately one month before Kabul fell to the Northern Alliance.

Detainee: I do not know the Taliban. I did not join any forces. Of course you have my story in detail; how I went, how I came and all that.

3.b.3. The detainee surrendered to Dostun Forces at Mazar-E-Sharif without identification documents.

Detainee: The first time I heard of Mazar-E-Sharif was yesterday when you told me. Like I told you before if you wish to verify or know anything about me you can contact Yemen and they can tell you about me, my lifestyle, anything you need to know about me. If you have any questions that come to your mind, I am here, anything that you wish to ask.

Personal Representative: I would like to make a recommendation. As I said to you yesterday the tribunal has not seen anything about your case. I would recommend that you briefly tell your story to them as you did to me yesterday.

Detainee: If you wish me to say the story from the beginning I have no problem.

Tribunal President: It might help us so that we don't have to ask as many questions because you'll probably answer a lot of them.

Detainee: If you have many questions to ask it is not a problem because I don't have anything. You can ask as many questions as you like but if you want me to tell my story, I will tell my story, I don't have a problem with that.

Tribunal President: Okay.

Detainee: Should I tell my story?

Tribunal President: That would probably make it easier for us.

Detainee: I told you the story before how I am identified as the person who used to love women. I partook in drinking alcohol and you know that the society that I lived in frowned upon such acts. In the neighborhood that I was living in, I was known for this. I used to chew tobacco. I used to go to gatherings where we would partake in the dip and we would use that as a way to pass the time. In the same neighborhood where I lived, there was this person Sammy. He used to tell me that these things, like drinking, are against our religion. I used to ignore what he was saying. I was playful and I did not listen to what he said. One time I was coming back from a night out and Sammy caught up with me. He talked to me and said you should follow God, you should not do these things that you are doing, how can you live your life like this when you know at any time death could overcome you, how could you live this lifestyle? Sammy said he would propose something to me. He said, what do you think about coming with me to Afghanistan? I said I would think about it. I thought about it for two weeks and then I thought that

Afghanistan was a European country. I'm not sure where other countries are. I don't know much about that. I thought that I would go to Europe and I would be free to practice the lifestyle that I wanted. I would have my freedom and my rights and practice my lifestyle the way that I wanted. After two weeks, I told Sammy that I would go but I didn't have the fees for the flight or the trip. Sammy said that's fine he would take care of it and we went to Pakistan. After a short while, he arranged everything. He arranged the passport and the papers. When we got to Pakistan we went from Karachi to Quetta and from Quetta to Kandahar. We stayed in Kandahar for one day. We got there at sunset or a little before sunset and spent the night. The next morning we went to Kabul. We went from Kandahar to Kabul and stayed there for about a week. During that first week, Sammy started talking to me about jihad and telling me about it. When I first got into Afghanistan I was in a state of shock over what I saw in front of me. When you go there and you look and you can't believe what is around, you don't really realize. Sammy started trying to convince me about jihad, telling me about jihad and about fighting. My thoughts and my ideas were something other than that completely. I asked Sammy why he didn't he tell me about this before in Yemen, why didn't he tell me how it was and that he wanted me to come here and fight. Why did he tell me this now? He said he just wanted what was best for me. He said that he saw that the way I was living my life was not good, with the women and the alcohol. He didn't want me to live my life in that way. He tried to convince me for a long time but he was not able to convince me. My thoughts were something else, very far away from that. While we were in that same guesthouse he told me that he was going to the north to fight and that if I wanted to come fight with him, then come fight with him. If I did not wish to go fight with him he would give me two hundred and fifty dollars and he told me to speak to the manager of the guesthouse and he would arrange my transportation. I spoke to the manager of the guesthouse and he said to be patient and wait and he would arrange for me to leave. In the same week or maybe the next week the problems started in Kabul. He said to me that he couldn't make any arrangements for me now. I was bothering him and telling him all the time that I wished to leave, I wished to leave. He said he couldn't do anything for me right then so be patient. I was in Kabul for a month and three weeks, by then the fighters had come into Kabul so we left Kabul to Jalalabad. We stayed in Jalalabad for about a month. It was the same thing I told them, I wished to leave. I wished to leave. He would say be patient. I would always bother them and tell them that I wished to leave but they told me that the war is everywhere so be patient. After a month the same thing happened, fighters came into Jalalabad so we fled Jalalabad and we went to a small village near Jalalabad. I was one of ten people that fled Jalalabad. We stayed in that village for fifteen days, a month, twenty days; I'm not sure exactly how long we stayed there. We left after that through the mountains into Pakistan. In the village in Pakistan they dispersed us throughout the village to different people. I told the village people that I wanted to go to the Yemen Embassy and they said that was not a problem they would take me to the Yemen Embassy. I was sleeping at night and they took me to the Pakistani police. Then they took me to the Americans. That's my story.

Tribunal President: At this time as you indicated before, we do have some questions we would like to ask you. Is that all right with you?

Detainee: Yes.

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

Personal Representative: Yes Ma'am.

Personal Representative's questions

Q. I'm going to ask you a couple of questions based on your statement to clarify to the Tribunal. You said that fighters came into Kabul and you went to Jalalabad. Who were those fighters?
A. I don't know who the fighter's were. I know that at the guesthouse they used to say the fighters have come in. I didn't see them. I don't know who they were. I heard them say at the guesthouse that outside was chaos. I don't know who they were. They used to say the opposition fighters. That's what I heard or the hypocrites, the opposition.

Q. Do you think it was the Northern Alliance fighters?
A. I don't know the Northern Alliance.

Q. Why did you flee Kabul and Jalalabad if you weren't fighting?
A. I was sitting there and I didn't know anything. At first I heard the manager of the guesthouse say go flee all of you.

Q. At that point you were still hoping the manager would arrange your travel back to Yemen?
A. I don't know. I didn't know anything. I thought that he would help me travel but I don't know. His words reassured me. He said that I would travel, just be patient.

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

Recorder: Yes Ma'am.

Recorder's questions

Q. What kind of job did you have before you came here?
A. In Yemen? I was working in a ministry. It was the Council for the Protection of the Environment. I was working administrative work in the employee's office in the same ministry.

Q. Did you tell your family you were leaving to go to Afghanistan?
A. If my father knew he would have stopped me at the airport. He didn't know.

Q. Is your family wealthy, middleclass or poor?
A. Middleclass. In the middle.

Q. The person that you refer to as Sammy, does he go by other names?
A. When we got to Afghanistan he changed his name and told me to call him Musab. He gave me a name; he said my name was Sirha.

Q. How long did you know him before you left to go to Afghanistan with him?
A. We knew each other. We lived in the same neighborhood. We used to meet each other. He was into religion and I had other thoughts.

Q. At the guesthouse, were there any weapons or did anyone have any weapons at the guesthouse that you stayed in?
A. People were coming in and out of the guesthouse; Afghanis and Pakistanis and they were capturing the Kalashnikovs.

Q. Did you have a weapon?
A. No.

Q. Have you ever fired a weapon?
A. In Yemen.

Q. When you decided you didn't want to stay there anymore, why didn't you just leave? Why didn't call your family to get help to get out of Afghanistan?
A. First of all, imagine you're in a new place, you're a stranger, you don't know anything and you don't know what's going on. Second of all, the manager was always telling me to be patient, wait and we will help you travel. Quite to the contrary I was asking him all of the time, I was telling him I wanted to go but he was saying be patient.

Q. When did your friend Sammy leave?
A. When we got to the guesthouse we stayed for about a week to two weeks and then he left.

Q. Why didn't you go with him?
A. He wanted me to go with him to fight in the jihad but that wasn't why I came. I didn't know about jihad until we got to the guesthouse and he started talking to me about jihad. Even when he was talking to me about this it was the first time I had heard about such things. I didn't know what jihad was. When he was telling me about it, he was telling me about these things for the first time.

Q. Have you been to any other countries besides Yemen, Afghanistan or Pakistan?
A. No.

A. Do you have any family members in the United States?
A. In the United States, no.

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

Tribunal Member's questions

Q. In Yemen did you participate in the any fighting during the civil war?
A. No.

Q. Have any relatives visited the United States?
A. As far as I know I think the answer is no. I don't know anything about them but I think it's no.

Q. You said you fired a weapon when you were in Yemen. Why were you firing a weapon?
A. In the village where we live in Yemen, it is customary if there is a wedding or for celebrations you would fire the weapons.

Q. That's the only time you fired a weapon?
A. When I was young my father used to teach me. As you know in Yemen when a person is young, eight years old or so he carries a Kalashnikov or a pistol, he knows how to use these things.

Q. How old are you?
A. Now about twenty-five years.

Q. How old was Sammy?
A. I don't know what his age was. He looked older than me.

Q. He wasn't older like a grandfather, like sixty or something like that? He is approximately the same age?
A. No. How could he be sixty?

Q. Have you seen Sammy since you were in Afghanistan?
A. No. Since he went up north I never saw him again.

Q. You indicated that when you were in Yemen, Sammy talked to you about your lifestyle being bad and that he wanted to help you find religion. You indicated that when you were going to Afghanistan, you thought it was Europe so you could be free to travel with your lifestyle. I'm curious, if Sammy was preaching religion to you, why did you go with Sammy to Afghanistan?
A. I thought that he just wanted me to have a change of lifestyle or change of environment. He probably felt that when I was with him I wouldn't be able to practice the lifestyle that I wanted and so I couldn't do anything like that when I was with him. When I was in Yemen, I thought that Afghanistan was a European country. To me if it wasn't an Arab country, it was a European country. Those were the two things that I knew. Honestly, there were a lot of things going through my mind at that point.

Q. The ten other people that you left Afghanistan with, were they Arabs as well or were they Afghanis or Pakistanis?
A. No, Arabs.

Q. Did any of them have weapons?
A. I think that maybe four or five of them had weapons.

Tribunal President's questions

Q. When you lived in Yemen did you have any problems with the law there?
A. No. With the government I did not have any problem whatsoever or with any other people. Sometimes there were little disputes within the tribes but nothing with the government.

Q. Did you give Sammy your phone number or did he know it?
A. I don't know. I don't think I gave him my number.

Q. The village that you went to where the villagers turned you over to the Pakistani police, do you remember the name of the village?
A. No.

Q. Do you remember what you had on you when you were captured? Money, passport? I know you said you no weapons but other things that you may have had on you.
A. No I didn't have anything. Just my watch.

Q. Any particular reason why you wouldn't have brought your passport with you?
A. The reason is when I was in the guesthouse in Kabul, the time came when the manager was telling everyone to leave. There was no time to get our things. I said I wanted to get my things, my possessions. He said there was no time; everyone has to leave.

Tribunal President: I would like thank you for participating in this Tribunal today.

Detainee: Now I told you my story and I told you about my entire life. If you wish to verify any of the things I said you can call the government of Yemen or the people in my neighborhood and ask them about me. I'm sure that after a few days you will come back and say that I'm an Enemy Combatant. I've heard from other detainees that everyone in this proceeding is an Enemy Combatant. That is my story.

Tribunal President: Thank you.

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

The Tribunal President explained the remainder of the Tribunal process to the Detainee.

Detainee: It doesn't matter to me. Don't come after three or four days and tell me I'm an Enemy Combatant. Now that you know my story, you know that I've never been a fighter or anything like that. If it comes time for them to release me, I do not wish to return to my country because I have problems there and I do not wish to go back.

Tribunal President: Unfortunately we only make the determination as to whether or not we feel that you should be continued to be classified as an Enemy Combatant. The Department of State would be the one to actually make the arrangements.

Detainee: I feel that I will be an Enemy Combatant. Now that you know my story and you know I'm not a fighter, you know everything about me, so do the interrogators, so does the U.S. government. They know everything about me. How can you find me an Enemy Combatant? I never participated in a fight or a war. Is it not enough that I have been here for the last three years without a wife, without a girlfriend, without anything?

Tribunal President: We look at two things when making our determination; your oral statement and the information that the recorder presents to us.

Detainee: I don't have any crime against me or anything.

Tribunal President: Okay.

The Tribunal President adjourned the open session.

AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President

-Summarized Unsworn Detainee Statement

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

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

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

Tribunal President stated that the detainee wants to participate and has requested one witness, who is currently located in Afghanistan. The witness has been ruled relevant to this case. The first witness request was sent to the Department of State on 7 January 2005, the second on 20 January 2005 both contacting the Afghanistan embassy. As of this date, 22 January 2005, we have not received a response from the embassy on the status of this witness. The witness has been deemed not reasonably available. However, if the witness's testimony does come available, this tribunal may reopen this case.

The Recorder administers the Muslim oath to the detainee.

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

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

3.a.1. In 2002, the detainee admitted he traveled to Pakistan to purchase a Kalashnikov.

Detainee: I went to Miram Shah in Pakistan. I buy this Kalashnikov for my personal safety because there is no government in that area, and so you have to protect yourself because it's a tribal area. The Americans also gave us permission to at least carry one Kalashnikov in that area, every person is allowed to carry one Kalashnikov.

3.a.2. The detainee traveled between Afghanistan and Pakistan using routes that did not require a passport.

Detainee: The area we are living, the border of Pakistan you don't need any passport to travel on each side, they don't ask for your passport. You are allowed; you can go freely on either side of the border. As you probably know that even between both countries there is no passport for the people, because they are living on each side, and they usually go everyday. The government of Pakistan doesn't ask for any passport.

3.a.3. The detainee has been involved with a money transfer process between Afghanistan, Pakistan and the United Arab Emirates.

Detainee: It was by business and this is the business that people do in our area. They send money to our homes, through the people there that are running the business. I did not do anything that I should be punished for, anything wrong. A lot of people are doing that business. It was to support my family, and it was how to make money for my family, and this was the business that I chose. I was doing a business, and it was my business. The business was for the people of Bermal and Bermal is the area. Those people send money from overseas to their families and they send it to us and then we give it to the families. The families come and pick it up, and we get small share of the money to give the money to them. That's why I was doing that business to make money for my family.

3.a.4. The detainee opened a Hawala business located in Bermal, Afghanistan, which has suspected ties to al Qaida.

Detainee: There was no al Qaida in relation to my business. The business I was doing was for the people of Bermal. When their relatives send the money, when they come to pick the money up, we usually check their I.D. We ask them their names, their house and what village they live, what area to make sure the information match with the person who is sending the money. All the time, we keep a record of that. How much money they are sending, usually five thousand, ten thousand Afghanis is our local currency. They check who is going to, and when the person come they usually check it to make sure, that it is possible, in the future to give it to the wrong person, so the whole time, I did not give money to al Qaida or Taliban. It was always for the people, living in Bermal area.

3.a.5. Two significant customers of the detainee's Hawala have suspected links to al Qaida.

Detainee: The two people I give money, what kind of two people?

Tribunal President: Unfortunately, this is, to this point, this is the only information we've seen on you, so we can't help clarify that, I would say, it say it's a customer, so that would be someone who benefited by your services.

Detainee: Two people, they are running their own business, one is running in the Orgune area, another city in Afghanistan and his name was Gulzar. Another person, he's living in Saroobi area, and that person who is running this business in Saroobi is Jacho. When the people of those areas sending money to their relatives, their businesses are so small so they get the money through us, through United Arab Emirates the people send it to us, and those people, those people from those offices, they come to us, and we give them the money and we get small share of that also because they are so small, they can't get money direct from the U.A.E. so they have to go through us, those are the two people also were giving money, but those were for the local people, the people living in their area.

3.a.6. The detainee was arrested with an individual whose brother is reported to be a local Pakistan al Qaida leader.

Detainee: I was captured in my shop, in my office, and I was captured by myself. My brother got captured in the house. One of my cousins got captured in the bazaar, in the market, because he was a guard for the market, so I did not get captured with anyone, who is any relations, or has links to al Qaida in Pakistan.

3.a.7. The detainee's brother is a suspected senior Taliban financial facilitator.

Detainee: Me and my brother are running the same business; it was just one business that we ran together. It's a business that I explained earlier, that people living in this area either one or two of the relatives are working overseas, like in United Arab Emirates. They supported their family from there. They send money from either every month, or once in awhile. They can't send it straight to their house so they send it through us, or people like us working that business, and we get a small share of it and then we give it to their family when they come and pick that money up. So, we were both running the same business. There was no relation with al Qaida or Taliban, either my brother didn't have any neither did or business or our business have anything with those.

3.a.8. The detainee was arrested with several contracts/documents, one of which was executed by Taliban authorities.

Detainee: I never did not sign any documents or any agreement with Taliban and I'm sure they can't find anything, or prove anything on me that I signed something with them, and if they prove it, and then I will say that I'm responsible for it. But there was nothing. If they find something else which did not belong to me, and I didn't know anything about it. I was not captured with anything, which was specifically from the Taliban, and I never signed anything with them, not with the Taliban or al Qaida.

3.a.9. The detainee is suspected of having connections to, and knowledge of, a local arms dealer, Faiz Muhammad.

Detainee: There's a Mohammed person is living in the same area. About ten minute walking distance from our house, and he is running a telephone, PCO, Public Com Office in the local bazaar. Before, from my knowledge, he was a weapons dealer, he was selling weapons, and now he is running the PCO and that's how I know him. Plus he is living in the same area; I did not have anything else, or any other relation with him, just because he is living in the same area and know each other. Even if he was doing the business now, why would I go to Pakistan to buy a Kalashnikov while the person here, is selling weapons. But, he was doing this business before, but now he is running a PCO.

3.a.10. The detainee was arrested during a sweep of the Bermal Town Bazaar, in which his brother, a suspected al Qaida money transfer agent was also apprehended.

Detainee: They captured me in my store, in my office, and my cousin got captured in the bazaar. He was a guard for the bazaar. My brother got captured in the house he wasn't in the bazaar. Like I said earlier, we both were running the same business and we did not have any links or relations to Taliban or al Qaida, we never give any money to anyone who was working for them, or any knowledge of any of the members. We did it for the local people, for our own people living in the area. So, we did not have any knowledge, or why they captured and ask for us. My knowledge, we are innocent. They are both gone, and I'm still here.

Tribunal President: Is there anything else you'd like to tell us about your case?

Detainee: What kind of things?

Tribunal President: Just anything else that you would like to tell us at this time.

Detainee: One more time, I am innocent, we got captured, we are innocent, we did not do anything wrong. There was no allegation on all of us, and my brother, he got captured, like I said earlier, in his house, and I got captured in my store, and my cousin was captured in the bazaar, he was a guard for the bazaar. There was no allegation, they left those two, and I'm still here, and there's not anything on me to prove that I did something wrong, so I'm innocent, that's all I can say, I don't know why they are keeping me for all this time.

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

Detainee: Yes.

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

Personal Representative: Yes Ma'am. Regarding Faiz Muhammad, about how many years ago did he stop dealing weapons?

Detainee: About ten or twelve years ago, we knew that he was a weapons dealer. After this time I don't know if he's still doing it but, right now, he's running a PCO, and that's all we know of his business. In the bazaar he has a PCO now, and nobody knows if he is still doing the same business but, we all know before, ten or twelve years ago, that he was doing that business.

Personal Representative: Where is your brother now, and how do you know this?

Detainee: He was there, (here) and then he got released. They said they were going to send him home. He did not send any letter yet from Afghanistan to where he is. So, I'm

not for sure, I can't say for sure where he is now, whether he is at home or if he is still in custody. But, personally, he did not send me any letter yet, but from my family, they said they are sending me a letter and they said that he looked at it.

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

Recorder: Yes Ma'am. Does he know who he was arrested by; was he arrested by U.S. Forces or local security forces?

Detainee: American and Afghanistan forces.

Recorder: Why does he believe he was arrested and detained?

Detainee: I have no knowledge why they captured me. I was sitting in my shop doing my business and there was nothing wrong with that business there was nothing wrong that I was doing. I knew they were searching the bazaar to see if I was doing something, I would run and hide. But I was still sitting there, doing my business. They showed up at my store and they just captured me. That's why I'm here. I can ask today, do you have any knowledge why did I get captured. I don't know why I got captured, I was doing my business and that business I'm not doing today, a couple months. I've been doing this for a long time. Before the Taliban time, I was running this business, for all this time. During Taliban time I didn't stop. So, that's not a business I was hiding, if everybody knew it, and I was doing it for a long time.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. How many customers did you have in a week?
A. I don't understand?

Q. How many customers did you help in one week?
A. It depends on the people, how much money they are asking their relatives to send to them. So, usually, in a month, sometimes, two million Pakistani rupees, or currency, that the people are sending to their families, different families, sometimes, it's a little less than that. Depends on how they are asking the relatives to send to the family.

Q. You named Gulzar from the Orgune; do you think he might be Taliban or al Qaida?
A. It's from my knowledge, he doesn't have any relation with Taliban or al Qaida because he's still running a business in the Saroobi area. He's running this to give to the people living in the area. I ask him, before, in my interrogation, when they asked me, and I told them this is the person, who is running the stores, and you can ask the people in the area or ask him, because he's running the business, he's not hiding. He's doing this for a long time also. We know each other because we are running the same business. He was running it for the people, not for the Taliban or al Qaida, and he's still running it, you can ask him.

Q. What business does he run?
A. He has the same Hawala business in Orgune and also running a PCO office and he also has a business, store in United Arab Emirates they have a store there, and the people give money to that store in Dubai, United Arab Emirates, and they send it to us, and they come and pick up the money. He has been doing this for a long time, it's not like he just started.

Q. What business does Jacho run?
A. He has his own Hawala business in the Saroobi area. Both of them are getting, receiving money through us because we have a business in Bermal and then also in Miram Shah Pakistan. So, the money get to Miram Shah Pakistan and then they go pick it up at Miram Shah and bring it to Bermal. Then the other people come and get their money.

Q. Did you get any formal schooling? Did you go to school?
A. In Miram Shah, we have a business for a long time, and I was living there. I went to school there for 4th or 5th grade, and then I stopped. I was helping in the business. That's all the education that I have.

Q. How old are you?
A. 30 or 31 now.

Q. Have you had any formal military training?
A. No, I don't have any military training.

Q. Other than the AK-47 for personal protection, do you own any other weapons?
A. Now, this was for personal safety, the AK-47 and I have a shotgun, which one of my uncles get it, and a hand gun. I also have a BB gun for hunting. Kids are now using to hunt birds, which are all the weapons.

Q. Were guns not for sale in Afghanistan? Why did you go to Pakistan to buy a gun?
A. No, they are not allowed to sell weapons in the bazaar. There were no weapons in that area. I had to go to Miram Shah to buy it.

Q. Do you have a passport?
A. No. I don't' have a passport.

Q. Other than Afghanistan and Pakistan, have you been to any other countries?
A. No, I did not go anywhere.

Q. Are you originally from Afghanistan?
A. Yes.

Q. You went to school to 4th or 5th grade and then started working in Miram Shah; was that a family business you started working in?

A. Yes, it's a family business, and we still have that business, store, in Miram Shah.

Q. You said you ran your store during the Taliban reign, did they not bother you, and did they license your store? Did you have to pay them taxes? How did that work?
A. The Taliban did not do anything in our area. They did not tax any people.

Q. What is the nearest biggest city? Kandahar or Kabul to Bermal?
A. In the area, the border area, it is Pakistan and in the area, there is a new bazaar they call it new Argil (ph). It's a new bazaar, in Bermal area. Across the border, there's another bazaar by the border they call it Angoor. After that, there is a big city Wanna, Pakistan, this is the next biggest city closest to that area.

Q. Your business was it in a building was it in a tent, was it in a stall in the bazaar, what kind of building was it in?
A. It's a big store, like this room, and it's usually marked, month-by-month, it's concrete, cement flooring. The whole bazaar is like that.

Q. What kind of equipment did you have in your business? Can you explain what was inside?
A. What do you mean, what kind of equipment?

Q. Telephones, fax machines, computer…
A. Just one telephone, no fax.

Q. How did you get notified that someone was sending money?
A. They called us and told us on the phone.

Q. Can you explain what you did once you got a phone call so we can understand how you operated the business?
A. The person in the area, the village, asked the relatives to send money to them. That relative, living overseas go to a store of the same business, either one of their own people give it to them that money to send to this business man, or person, and then they call us, the business people because we don't usually do business with them. They only call us on the phone and then tell us, this person, his name, his father's name and his village name, where he lives. He will come to you either today or tomorrow and give him this amount of money. The person who called his relative knows when he is going to get the money because the relative told him on the phone. Sometimes the relative calls that person back, okay, I sent you that much money, go and pick it up from the store or the business. They come to us and then we identify it, we check the I.D. and ask any questions, like about his father in the area, once we know that's the person, we give them the money.

Q. Where would you actually get the money, the actually cash, where would you get the cash to provide to the family members?
A. The people, the person from the U.A.E. sends it to a big business, like in Miram Shah. Miram Shah has big businesses, one of their stores, or some other big store in Miram

Shah, the send that money to that store. They send it together, not person-by-person. They get together, ten or twenty people together, either 100 or 200 thousand or more than that. Once to that store, then they call us and tell us to go ahead and pick up your money from the Miram Shah business, and then we go and pick up this money at once, and bring it here, and then we use that, and then the next time when we are out, we ask them to send it again.

Q. The day you were arrested, you said your brother and your cousin were also arrested. Were you the only three that were picked up that day?
A. There were a total of four people arrested. The forth one was another villager and that he has a PCO office in the bazaar also, they brought him. He was in Cuba also. He went back, so, we got four people together when we got captured.

Q. So, your brother, the villager, and your cousin were here in Cuba, and they aren't now?
A. Yes.

Q. Faiz Mohammed, you indicated that he sold weapons about ten or twelve years ago. Do you know who he sold them to?
A. I heard from other people that this person was doing the weapons dealing. He was doing that before. His business was in Orgullada, on the border of Pakistan. Now, he's a PCO in our bazaar. I did not deal any weapons at that time, because I was young but I heard from people that before he was doing that business, and now he's running the PCO.

Q. As far as authority goes, were you the boss of your brother? Or were you equal power in the business, or was your brother the boss?
A. There are four brothers, and I'm the youngest one. I'm helping them with the same business, so we all share together. In the country, we are all living together, so there not he's younger, and he's younger, there's a share, we all work together. We did not divide the business how much share each one got; it's a family business. We are working together.

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

Q. You said that your family lived in Pakistan. When did they, or you return to Afghanistan?
A. Our family was living in Bermal Afghanistan but my uncle has that store, or that business for the past 30 years. I was living with him there, and then I went back to Bermal Afghanistan.

Q. When did you go back to Bermal?
A. For the first four or five years, I was going to school over there, then I stopped going to school, and I was helping my uncle but, I was still coming home to visit my family, and then I would go back to help my uncle because he was by himself.

Q. So, you just went back and forth?

A. Yes.

Q. I know you said there was a business in Miram Shah, when did they set up a business in Afghanistan, or was that also going on the whole time?
A. In Miram Shah, it was a grocery store before. But, for the past 15 or 16 years they started doing this business, the Hawala business. Then they also opened up on in Afghanistan, also, for the past 15 years.

Q. Do you also do business with the same other businesses? Like the one in U.A.E.? Is it always the same businesses you deal with?
A. The customer, some of them have been there for 10 to 15 years, and they are sending money to their family every time. Sometimes there are new people go, because you get a Visa, a Visa to go and work there. The new people get a Visa and go there and start working. Then they start sending money to their families. Some people work there for a year or two and then come back and cancel their Visa. So, it's like new people going to the business and sending money to their families. Or it's the old people that have been there 10, 12, 15 years and send money to their families.

Q. I understood you to say, that U.A.E., when somebody wanted to send money to their family, they went to business similar to yours, and then they called and said that this person is going to send this amount of money. The business's that would call you, that those people, in those countries that they would deal with, were they pretty much set business that you were use to dealing with all the time?
A. Mostly all the time, I was dealing with two brothers living in the U.A.E., one of the brothers, he got captured with me and he was here, and the other brother is still living there. Those two brothers are always changing. One would stay there, and the other would come to Afghanistan and help him, and then switch again, and the other brother would come back.

Q. Even there, it's all a family type of organization.
A. From other people?

Q. I meant, as far as who is exchanging to money? From brother to brother, it's a family?
A. Yes, their business over there also. One brother always stays there, and then they switch. They send money from there to Miram Shah to their uncle's business. Then they go from Bermal Afghanistan to get that money from Miram Shah and take it and give it to the people. So, it's a family business, all together.

Q. Are you licensed by the government to conduct this business?
A. Where?

Q. First off, in Afghanistan, that's the one in question.
A. With the new government, I'm not sure to start something now, because I'm here. But before that, the area of Bermal was an independent open area, there was no government in that area and there was no license needed for anything in that area. So, we

were free to do that business, we don't need any license from that government. But, with the new government, I don't know if they started something now.

Q. What about in Pakistan and U.A.E., I'm assuming you had to have a license there?
A. In Miram Shah, the government knew, but, it's still a travel area, and they don't issue any license. But the government knows that this person is doing this business. In U.A.E., I never been there and doesn't know if you need a license for over there.

Q. You kept records for your business. I'm assuming at least, when you left, no one reviewed those records; no government agencies reviewed those records?
A. When they came and captured me, they did not ask me why they are capturing me, they did not check it, they just left it there, and so I don't know what happened to it. I don't if somebody went again and checked it.

Q. I meant it as a regular routine; no one came to check your records about your business. Obviously if you're not licensed they probably didn't, that's why I'm asking.
A. In Bermal, the started to put people in the area that was a government official appointed for the area, but they didn't start those things yet. Since I was arrested, they may be doing something now. But, before that, there was nothing like that.

Q. Obviously, people who are members of al Qaida or the Taliban were told that you wouldn't have an idea that they belonged to, or participated in those activities. Is it possible, that some of your customers, could in fact been al Qaida or Taliban without your knowledge?
A. I don't think so, because the people living in that area we know them, and they know their main family members overseas also. Plus, they are sending me only 5, 6, 10 thousands at a time, and that is only enough for a family to live in for a month or two, and then they ask again to send some more. So, they only send them enough only to take care of their families. It's not like they are sending money in the millions together which you would to take to some rich people or to some organization. All this money was for the family use and it wasn't that much money.

Tribunal President: I'd like to thank you for participating in this tribunal. Is there anything else you'd like to tell us?

Detainee: My only question is that we got captured without telling us why we got captured and have been here for two years. There's no evidence, or no accusations, which is showing that I did, do work or help with the al Qaida or Taliban. If they do have such kind of evidence the person then, did say that I worked with him, or helped him then if you can keep me here as long as they wanted, I will not say a word to him. But, if there's nothing that they can prove it, and there's nothing that they can say I did wrong in this business, then why are you keeping me here? I'm saying that I'm innocent, and I'm here for no reason. Maybe there's somebody that told them like, our people in our area they said there's a lot of poor people there so, if you tell someone, give some money, like a hundred dollars they will lie to you, and find you someone who is making money or running a business because they said okay, if I don't have anything why does he have

money. So, if someone did something like that, that gave him the wrong information about us, and we are here, then why all this time, they could not find, personally, I can say that I did not have any relation with either Taliban or al Qaida, I never helped them, I don't them, even in our area, the people can prove on me, or say things that I did, and the United States government should have anything to prove that I did it. The only question is that why I'm here for all this time?

Tribunal President: Unfortunately, like we said, we wish we could shed some light on that, but this is all we have seen on you at this point.

Detainee: If the Hawala business is a crime, then yes, we did that crime, because we were doing that business. But it's not a crime. The people of Afghanistan and Pakistan and other countries are doing the same thing. We did it to support our families and to help our people living in the area. All the years we did get business, it was before the Taliban time, not even during, or after that, it was before that. We only give the money to the people living in the area because we know them. We know the family we know where they live; we know they are from the area. We know that, so the person can ask people they should know us and our business, who were we helping. Even when I go home, in the future, whenever they send me home, whenever they find anything on my business, on my family, that we did wrong, or we support someone that they find out later, we are still in the Bermal, still doing some business and we still have a house and land there, they can come anytime and ask me, or bring me back, and I will answer that. But, for now, they did not have anything, and I did not do anything wrong, and kept me here for two years, and my business is now closed. My brother was here, so my business was closed, and we were supporting our family. They did not think on how we would support our families if no one is running the business. That's fine, it happened now. But, at least I need to, asking you, the tribunal to find out, why I was here for all this time, and what was my crime that I did, and in the future, they can write this down, if they need me, or if they find something on me, I'll be in my house, and they can come anytime, because the Americans that are still in the area over there, they can come anytime to ask me.

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

Personal Representative: No Ma'am.

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

Summarized Sworn Detainee Statement

When the Tribunal President instructed the Recorder to administer the Muslim oath to the Detainee, the Detainee questioned the Recorder's ability to administer the oath. The Tribunal President advised the Detainee it was the Recorder's responsibility to administer the oath to all participants.

The Detainee was sworn.

I would like to address each point.

- **3(a) The Detainee is a member of Al Qaida.**

  I have been here for 2-3 years and they keep saying I am a member of Al Qaida. I have always denied this, whenever asked by interrogators.

- **3(a)(1) In about late 2000, the Detainee traveled from his native Saudi Arabia to Afghanistan via Pakistan.**

  Nothing is wrong with this. How is it considered evidence if I traveled?

  Personal Representative: I explained it's not evidence, it's just setting the stage for the story.

  Even though the Personal Representative told me this, I told him that I would be addressing this point when I went to Tribunal. I want to discuss this situation and discuss this in front of you [Tribunal Members].

  Tribunal President: By identifying that you traveled to Afghanistan, it places you in that region during this time.

  Which law prevents me from going there [Afghanistan]?

  Tribunal President: There is no law; it [just] identifies the fact that you were in that region during that time frame.

  This should not be considered an accusation.

  Personal Representative: There is a difference between a statement and a charge. This is a statement, not a charge.

  Even though this is not evidence or an accusation, it points to it.

Tribunal President: Our effort today is to hear evidence from the United States government and you that will help us determine whether or not you are an enemy combatant.

I would like to address each point here.

Tribunal President: We want you to do that because we know nothing about your case, except what has just been presented today, [in] the Unclassified Summary of Evidence. Some of this, like the first one, identifies that you did travel to Afghanistan, which places you in that area during this time frame.

This point is true.

- **3(a)(2) The Detainee was motivated to travel to Afghanistan to become a martyr like his brother, who died in combat in Chechnya.**

  This is true. Only one brother got killed.

- **3(a)(3) Upon arriving at a safe house in Kandahar, Afghanistan, the Detainee informed the safe-house facilitator that he wanted to go to the "front lines."**

  Yes.

- **3(a)(4) The Detainee received two months of training at the Al Farouq training camp.**

  Yes, that's true.

- **3(a)(5) While at Al Farouq, the Detainee received training on small arms including the Makarov, AK-47, Dragunov SVD, RPG-7, and RGD-5 hand grenades.**

  I don't know anything about some of the machinery mentioned. Only the Makarov, AK-47, Dragunov, and the RPG-7. That's it.

- **3(a)(6) During his training at Al Farouq, the Detainee attended a speech given by Usama Bin Laden.**

  That's true.

- **3(a)(7) While at the Al Farouq training camp, the Detainee observed that the number of recruits training at the camp grew substantially during the summer months of 2001.**

This is not completely true. I discussed that with the Personal Representative. I can explain. I was not at the Al Farouq camp when I noticed that, I was on the front lines. I heard from another soldier, while on the front lines, that there were more soldiers in the Al Farouq camp. That number increases normally in the summer time, rather than the winter.

- **3(b) The Detainee participated in military operations against the coalition.**

  Yes.

- **3(b)(1) The Detainee admits that he served on the "front lines" where fighting occurred.**

  Yes.

- **3(b)(2) The Detainee used the Makarov, Dragunov SVD and AK-47 weapons while serving on the front lines.**

  Of all these, I only used the AK-47.

  Personal Representative: Was there anybody to fight on the front lines?

  None. We were in the bunkers and just shooting.

- **3(b)(3) The Detainee was captured by Pakistani police while traveling with a group of Arabs and Afghanis, some of whom were security guards for Usama Bin Laden.**

  This is not true. When I went to Pakistan, I only had two people with me. When I was turned over, they captured the Arab and Pakistani people. When they sent me to prison, I was taken along with the other group.

Questions by Tribunal Members

Q: Did you say it was true your brother died fighting in Chechnya?

A: Yes.

Q: First, we express our condolences to you on his death.

A: Thank you.

Q: Did he [brother] die while you were still in Saudi Arabia?

A: Yes.

Q: How long after that time did you decide to go to Afghanistan?

A: Two to three months.

Q: Were there people in Saudi Arabia that helped you get to Afghanistan?

A: Yes.

Q: They told you how to get there? They paid for your trip? What did they do for you?

A: Do you want me to start from the beginning?

Q: Yes, please.

A: If I'm taking too much of your time, let me know.

Q: We'll let you know.

A: When my brother died, I was traumatized because he was so dear to me. I wanted to go over there [Chechnya] so I can die and meet up with him. A friend of my brother's came to the wake to offer condolences and that's when he talked to me. He was 18 years old and said Chechnya was very hard and I wouldn't last one day there. He said if I went to Afghanistan, it would be a lot easier than Chechnya.

The Muslim scientists, or clergymen, were telling me to fight in Afghanistan. They convinced me to fight there and told me how to get there, so I went.

Q: Did you know what Al Qaida was before you left Saudi Arabia?

A: I knew nothing of Al Qaida until I got to the front lines of Afghanistan.

Q: Who first explained Usama Bin Laden to you and who he was?

A: I heard about Usama Bin Laden in Saudi Arabia. I had a short-wave radio and I heard about Usama Bin Laden through the radio, newspapers and the media.

Q: In fact, during the time before you went to Afghanistan, he [Usama Bin Laden] was spoken well of in Saudi Arabia, as he is a native Saudi. Isn't that true?

A: I don't know Usama Bin Laden's reputation, if somebody spoke of him well. I didn't hear of him to be an Islamic Clergyman, an Islamic teacher, a Sheik or a Mullah.

Q: When you were in Afghanistan, did anyone approach you about taking an "Oath of Loyalty" to Usama Bin Laden?

A: No. Before I went to Afghanistan, my brother's friend gave me some instructions to follow once I got to Afghanistan. I was warned about how the societies or organizations are working in Afghanistan. I was watching out and staying away from the organizations my brother's friend told me about. No one told me to take an oath to be loyal to Usama Bin Laden.

Q: What are some of the organizations you were supposed to stay away from?

A: Takfir (phonetic)(Note: The practice of *takfir* in Islam was the declaration that a Muslim (whether a convert or a born Muslim) had ceased being a Muslim and had departed into unbelief (had become a *ka:fir*) by virtue of some belief that he or she held or by virtue of corrupt behavior (*fisq*)).

Q: Why were you supposed to stay away from it?

A: The scientists, or the Mullah, said they are the people who do not believe in God.

Q: When they encouraged you to go to Afghanistan, who did they say you would be fighting?

A: The Northern Alliance.

Q: Who did you believe the Northern Alliance was made up of?

A: The Northern Alliance was nothing more than a group of people that got together and I was supposed to fight them.

The people were Massoud, Fahim, Rabbani…those are the people that formed the Northern Alliance.

Q: Did you realize they were also Muslims?

A: The Saudi Arabian clerics told me that even though they were Muslims, I was supposed to fight them. The Northern Alliance and the other organization I mentioned, they were attacking the Muslims. I followed the Saudi Arabia clergymen's advice to fight the Muslims of the Northern Alliance.

Q: What responsibilities did you have after you left the training camp and went to the front line?

A: I went over there just to fight and I didn't really fight because I was in the bunker.

Q: Was that because your commanders told you to go to the bunker?

A: Because I was too young. When I went out there to fight, there were some younger people out there fighting, so they said "you're as young as the other ones, so why don't you go out there and fight?"

Q: So there were times you had to fight the Northern Alliance soldiers?

A: There was no combat or anything like that. It was simply firing in the air. I didn't fight.

Q: But your leaders wanted you to fire your weapons at the direction of the enemy, right?

A: Yes, if there was fighting. Even if he didn't tell me to fight and there was fighting in front of me, I'd have to defend myself.

Q: Were there times when the Northern Alliance attacked you, then you and your comrades fought back?

A: No.

Q: Did you ever see any Northern Alliance soldiers shooting at your position?

A: Yes, I did.

Q: Did you fight alongside other Arabs, Taliban soldiers, or both?

A: I was on the front lines for a period of 8 months. The first 3 months, I was at the end of the line. They were Arab, Afghani and Pakistani. All this was in Kabul. When the Arabs went to the north, I went to the front line with the "Army of Mohammed." They are Pakistani.

Q: Tell us what happened when you retreated from the front lines.

A: I was at the front line for a period of 5 months. There was no fighting until the September 11th attacks, then the Northern Alliance began firing the heavy artillery.

We couldn't face that attack from the Northern Alliance, so the Taliban told us to retreat. Since we were followers there, we had to go back. This is how we were treated.

Q: So, during that time, you gradually made your way toward Pakistan?

A: Yes. Initially I went to Kandahar, then to Khost. I stayed in Khost for 2 weeks and then went back with two people from Pakistan. They were guides and they told me how to get back to Pakistan.

Q: When you were at the Pakistani border trying to get in, how many people were with you?

A: Two.

Q: Did they let you, or did they stop you right on the spot?

A: At the last stop, there was a flag. They took me to the flag and told me as soon as I went down the hill, it would be Pakistan. As soon as I went down the hill, as suggested, I told them I wanted to go back to Saudi Arabia. An Ambassador or representative from the Embassy came to see me.

Q: Tell us about the meeting between you and the Saudi representative.

A: As soon as I got captured I told him I was Saudi Arabian and I needed to go back to Saudi Arabia. The representative requested they turn me over to Saudi Arabia.

I was put in jail for 3-4 days. I requested a representative from the Saudi Arabia embassy. The representative, whose name was Khalid, came and spoke with a bunch of people from Saudi Arabia. He asked me if I was from Saudi Arabia, I told him yes and I showed him my ID.

I told him about myself and showed him my ID. I am from a very well known family. The representative knows them. He started asking me personal questions. He asked me if I knew of any Saudi Arabian people that were captured or driven out of the city.

He put me at ease. He explained it would take some time to get the paperwork so they could take me back to Saudi Arabia. A few days later, however, I was turned over to the American camp.

Q: So, there was only one meeting with Khalid? He didn't come back in time?

A: One time, and he never came back.

Q: Then you went to Kandahar and then came here?

A: I was at the American camp in Kandahar and then I was brought here.

Q: How long have you been here?

A: About 2 years and 8 or 9 months.

Q: Do you consider the United States an enemy?

A: I don't consider the United States as an enemy. The only enemy I have is if somebody attacks me, tries to kill me, things like that. They would be my enemy.

Q: Now that you understand what Al Qaida is and who Usama Bin Laden is, what are your views on them?

A: I think they fight for no reason except their personal gain.

Questions by the Tribunal President

Q: Thank you for your testimony today. Do you have any other information, or is there anything else you would like to tell this Tribunal today?

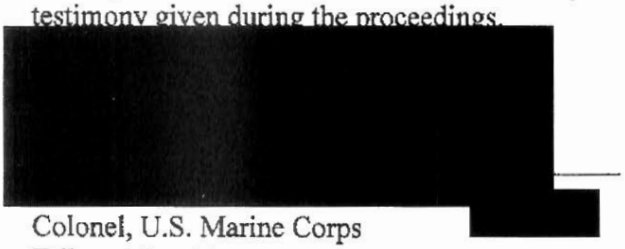
A: Anyone who travels to Afghanistan is not going over there to be an enemy of the United States. When I went to Afghanistan, I did not go because I wanted to go fight. The clergymen suggested I go there.

When I went to the Al Farouq training camp, I didn't know it was a camp for training, or that the people in the camp were Al Qaida. It was a training camp for anybody to train at.

The reason I went to the Al Farouq training camp because it was the only camp you could get training from. I'm sure that you know this.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

Summarized Unsworn Detainee Statement

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

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

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

The detainee originally asked for three witnesses and several thousand more from his country. The Tribunal President stated a recess is needed so that the detainee could talk to the Personal Representative about the witnesses. After a short recess the Detainee stated that he could have one witness that will testify on his behalf at this tribunal. Since the other witnesses were only going to be character witnesses and character evidence is not relevant to the determination of enemy combatant status, the other witness requests were denied. Only one witness would be allowed in this tribunal.

Tribunal President: The detainee requested some documents during the recess. The first one was an arrest document from al Qaida.

Detainee: Yes, I gave my file, my chart with all my information, about my situation and my case. I think that nobody has seen or read my file yet.

Tribunal President: I can tell you for the purposes of this panel, the only information we have on you right now is the Unclassified Summary. We use two things to determine your enemy combatant status. One is information given to us by the recorder and the second thing, any oral statement of you or in this case of your witness. So, in reference to the Al Qaida information based on the alleged timing of the arrest and your imprisonment, this request is denied because it doesn't address the timing allegation on the allegation summary.

Detainee: The reason it may help me, I am not involved with HIG Islami and I am not Al Qaida and I was in Itihad Islami. Now half of the HIG Islami are working for the new government and they are working as a minister, a president, and a lot of important jobs now that Pakistan has a new government and working for new government.

Tribal President: That is information that you can provide us. That is information that we don't know.

Detainee: There are three ministers right now working for the government. One of the big commanders from HIG Islami is working for the government. Like minister for the handicap, there was a minister that works the border of Afghanistan and a minister for the minerals and manufactures from the HIG Islami. The security of defense is from Islami.

Tribal President: We will give you an opportunity to testify in just a few minutes.

Tribal President: The second document that you ask for was an ID document.

Detainee: Yes

Tribal President: We have attempted to find it but have exhausted our resources here. Essentially even if we find it, it does not seem to provide us a lot of additional information. If at a later point its production becomes meaningful to your enemy combatant status, we will examine your request.

Detainee: Thank You.

Tribal President: You may now present any evidence to this tribunal and you have the assistance of your Personal Representative in doing so.

Detainee: I will forward the telephone number that you can call. They will bring you the witness to get the evidence and the documents. They will prepare it and bring it to Gardeiz or if you want it in Kabul. I can provide it in both cities.

Tribal President: We have already gone over the request for information; we can take your oral statement that something exists. At this time would you like to make a statement under oath?

The detainee took the Muslim oath.

Tribal President: Would you like your Personal Representative to help you with the points?

Detainee: If I am telling the whole information about me, it's very long and will take a lot of time so do you want me to start from the beginning?

Tribal President: It can take as long as you want to take, we are willing to listen.

Detainee: I am referring to all this unclassified information that was in here. I am thinking about these allegations are just accusations, So you want me to start on each of them or you want me to start on al Qaida or HIG's?

Tribal President: How about we start with the points first and if you think some information is not there that you think we should have, you can provide that afterwards.

Detainee: That's ok with me.

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.1. The detainee traveled from Gardeiz to Kabal, Afghanistan in May 2003.

Detainee: Actually in Gardeiz I was in my room, when I heard a shotgun from my neighbor's house. They were American, they used the fire and they shot someone. Then I heard some noise or conversations outside. I though that was their business and they might be talking to someone, and then I was still in my room. Then after 20 minutes they came to my room and they captured me and they took me to an American confine. It was like 2:30 at night. In Gardeiz, nobody asked me any questions. Nobody ever did any interrogations on me. If they asked me in Gardeiz where they captured me, I would have provided these witness and got all this for them like the commander of the military division, and the command of the police, the governor of Gardeiz. I would have provided all of these people as my witness. That night during the night they moved me to Baghram. In Baghram I showed my ID card, which my ID card showed I belonged to Itihad Islami. I was one of the members of Itihad Islami organization. Actually I show all my enemies to them. They were all the people against the new government, against any government. They were not supporting the government and all that the power in Seyyed Karam district. They were all commanders of Jalaladin al Kani. I spent 2 months in Baghram and they moved me to Cuba. The person whose name was Jalaladin, he was the one who reported me to Americans. He was one of the enemies of the government and actually he had control of this district. They had two big fights in Gardeiz.

3.a.2. The detainee is a member of Itihad Islami.

Detainee: Yes, during the Jihad I was a member of Itihad Islami.

3.a.3. The HIG is listed in the Terrorist Organization Reference Guide as having long-established ties with Usama Bin Ladin.

Detainee: I have no involvement with HIG Islami.

3.a.4. The detainee had a HIG identification card on his person when he was captured.

Detainee: No, I don't have any ID card from HIG Islami, it was from Itihad Islami.

3.a.5. The detainee received training on AK-47s, Rockets, RPGs and also, driver/operator training on APCs during his military service.

Detainee: Before the communist came to Afghanistan during the communist regime 25 year prior to the regime, I was doing military service for the government. I didn't get training in RPG's or anything. I had training at Gurandun. It was a camp.

3.b. The detainee participated in hostilities against the United States or it's coalition partners.

Detainee: I didn't participate in any fight against the United States or it's coalition and I didn't even know about this. I didn't even know about this fight against America.

3.b.1. The detainee was the HIG commander in charge of the Seyyed Karam district.

Detainee: No, I wasn't commander of HIG. The commander of HIG Islami his name was Mirzarahim. I was the commander of Itihad Islami.

3.b.2. The detainee participated in planning and attack of the governor in Seyyed Karam, Afghanistan.

Detainee: No, I didn't participate in the attack. That was the government attacked this district. The government did that.

3.b.3. The detainee participated in February 2003 rocket attack against U.S. forces in Gardeiz, Afghanistan.

Detainee: On that day I wasn't in Gardeiz, I was in Pakistan.

3.b.4. The detainee was arrested in May 2003 in Gardeiz, Afghanistan.

Detainee: Yes

3.b.5. The detainee found to have ammunition to a U.S sniper rifle.

Detainee: Actually I had an involvement with an association with the military division in my district. These people came to my house and they had a lot of weapons with them. I am thinking they probably dropped it. That didn't belong to me.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. After the attacks on the United States, September 11, what was your position in Afghanistan?
A. At that time I was running away from the Taliban. I was in my house in Pakistan. I was in my house when I found out about the attack in America.

Q. At some point did you come back to Afghanistan?
A. When the Americans got rid of Al Qaida, I went back to Afghanistan.

Q. When you came back to Afghanistan what did you do?
A. I was asking the government for a job.

Q. Did you get a job in the government?
A. Yes, they were going to give me a job; but in the mean time, I got captured by al Qaida.

Q. You were captured by al Qaida for how long?
A. One month.

Q. Then what did you do after that?
A. I had to give them a guarantee contract that I would not work for the government for nine months.

Q. Why was that?
A. Because all these people from the state was supporting me. If I went to the government, all these people will go with me. All those people were bad people. They were controlling the street. They were not supporting the government. They were against the government.

Q. What did you do to support yourself?
A. From which point?

Q. After you were arrested by al Qaida?
A. I didn't work for eight months; I spent eight months in my district. Then after eight months, I came to Gardeiz to go back to my job. Then I got captured by the Americans.

Q. During those eight months what were you doing?
A. I was in Pakistan at my house with my family.

Q. What did you do in Pakistan?
A. I just stayed at home.

Q. How did you support yourself in Pakistan?
A. We were refugees so we were getting welfare for rations and my brother was working. He was working for minimum wage as a laborer and he was supporting me too. He was helping with money.

Q. Itihad Islami, what is that?
A. Itihad Islami was one of seven organizations in Afghanistan. (Difficult to understand on the tape however, the Detainee listed the seven parties: HEZB-E ISLAMI, another Hezb-e Islami, Ittihad-e Islami, Harakat-e Inqilab-e Islami, Jebhe-ye Nejat Milli, and Mahaz-e Islami.)

Q. What did they do?
A. They were political parties like in America. They were doing jihad against the Russians.

Q. After you were released from al Qaida, did Itihad Islami have weapons?
A. All of Itihad Islami joined the government; they fought with the government against al Qaida and Taliban for five years.

Q. HIG, what do you know about them?
A. HIG was always against Itihad Islami during the time of the Jihad, during many times HIG was against Itihad Islami organizations.

Q. It is another political party?
A. Yes.

Q. The rocket attacks in February 2003, what do you know about that?
A. I have no information about that. I think about it a lot and I cannot remember any attack of rockets in Gardeiz.

Q. Did you have a home in Afghanistan and Pakistan?
A. Yes, my brother lived in Afghanistan and I lived in Pakistan. I lived in Pakistan as a refugee.

Q. The only occupation you had was working for the government?
A. Yes.

Q. Did you ever belong to a charitable organization?
A. No, I haven't. I was asking for charity.

Q. The Itihad Islami, Did you ever bear arms with this group?
A. During the Jihad?

Q. After the Jihad?
A. No, after the Jihad we gave all our weapons to the government.

Q. You didn't fight Jihad against American or the Northern Alliance?
A. No, I didn't do any Jihad against American. Actually I was with Northern Alliance during the time they were fighting the Taliban.

Q. Have you ever met Osama Bin Laden?
A. I have never seen him.

Q. Have you ever worked with or supported al Qaida?
A. No.

Q. Why do you believe you were arrested?
A. The reason I am thinking I was captured was the people against the government. I was supporting the government, I was recruiting people for the government and there was

al Qaida commander in the district he had control of the district. He was the one who reported me.

Q. This was after the Taliban was driven out by the Americans?
A. Yes, they still had the district under their control.

Q. Northern Alliance had not taken over that district yet?
A. No.

Q. Were you arrested by yourself or with anyone else?
A. By myself.

Q. You made a comment about the attacks against the governor. You felt the government attacked the governor?
A. Yes, those people were still in the power. They were the ones against the government. They attacked this district and they had control over the district.

Q. Power struggle?
A. The government wanted to have control of all the locations in Afghanistan. They wanted to have this district still in their control.

Q. Once the United States and the Northern alliance moved the Taliban out of Afghanistan why did you go back to Pakistan?
A. I lived in Pakistan for almost twenty-five years.

Q. Did you not feel comfortable after the coalition had driven the Taliban out?
A. At that time I was living at the camp, they were the ones in control. I was there with all my enemies and so I couldn't really live there, so I went to live in Pakistan.

Q. What does Jihad mean to you?
A. I don't know what that means; jihad was fighting against Russia. That is why we were fighting with Russia, they were trying to take Afghanistan. So we had to use Jihad against them.

Tribunal President's questions.

Q. Is it my understand you were born in Afghanistan?
A. Yes.

Q. Are you from Seyyed Karam district originally?
A. Yes.

Q. Is it close to Gardeiz?
A. It must be fifteen or sixteen kilometers from Gardeiz.

Q. When you decided to return to Afghanistan what made you go to Gardeiz?

A. Gardeiz was under control of the government it was very safe and secure. Seyyed Karam my enemy was there still and they had control of Seyyed Karam. I might have gotten killed so I went to Gardeiz to be safe.

Tribunal President: Thanks for your participation today.

Detainee: Thanks for your help too.

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

Detainee: If you need any more witness or evidences to help my case I can write down the phone number. You can call to get information about me.

Tribunal President explains the process of the use of the witness to the detainee.

Tribunal President: Please state your name.

Witness: Said Mohammad Alishah ISN#1154

The Witness takes the Muslim Oath.

Personal Representative: How long have you know this detainee?

Witness: It has been a long time, he is a very famous man. Everybody knew him and I knew him too as a famous man.

Personal Representative: You stated that he was a famous man. What is he famous for?

Witness: He was famous for his Jihad against Russia and his fighting against the Taliban. Especially during the Jihad against Russia.

Personal Representative: Was he a member of HIG?

Witness: No, he was a member of Itihad Islami. Not HIG Islami.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. You said that you have known this gentleman for a long time because he is famous? However do you know him personally?
A. Yes, not only did a lot of people known him during the Jihad, we worked together too.

Q. You were fighters together against the Russians?
A. Not together, but yes the same time, but a different location.

Q. After the Jihad did you have personal contact with this gentleman?
A. Yes, all us commanders knew each other, not personally though.

Q. What did you do in Afghanistan?
A. I was Mujihadeen too, fighting against the Russian at the time of Jihad. When Taliban came to Afghanistan, at that time I was in Pakistan.

Q. How about when the U.S. forces took over in Afghanistan, what did you do then?
A. I was still a refugee in Pakistan and during the Karam Assembly, I was a member of the Karam Assembly.

Q. Did you have regular contact with this gentleman?
A. I am sorry, I was in Iran not Pakistan. Most of them are refugees that were in Pakistan. When the Americans came, I was a refugee in Iran.

Q. How well do you know him other than knowing of him? What was your personal relations with this gentleman?
A. We do not have any personal relations. During the Taliban regime because I was against the Taliban and I was a commander and all of the commanders were against the Taliban too. So I knew who was working for the Taliban and who was against the Taliban and who stayed home. This is how I knew most of the commanders.

Q. You didn't have any daily interaction with the detainee?
A. No.

Q. What is the purpose of the Itihad Islami?
A. Itihad Islami means union of the people of Islami, Jihad against Russia. It was created against the Russian politics group during the Jihad against Russia to make Afghanistan free of Russian power.

Q. After the Russians were defeated, what was their primary purpose?
A. After the Russians, they join the Rabani's government, the Rabani's politics party. During the Taliban, they were against the Taliban, they were an opposite group and Itihad even joined the Masoud's politics party. These are the things I know about the Itihad Islami. Since I knew this was their goal.

Q. Did the detainee support the Northern Alliance?
A. Yes.

Q. After the Jihad where did the detainee work until the time he was captured?
A. I don't know his personal things he was doing. During the Taliban, I know he was a refugee in Pakistan. He was one of the opposite groups of Taliban. I know the Taliban robbed his house and took all his stuff, I know that for sure too. I know something else, he got captured by the opposite group that was against the government and then they

made him sign a contract that he could not work for the government. In addition to that, he still wanted to go work for the government.

Q. Was this opposite group al Qaida?
A. There were people who wanted their own government, opposite of the new government.

Q. Did you know if the detainee had any problem with Al Qaida?
A. I knew he was against Al Qaida. I don't know his problem with Al Qaida. I don't know the small details. I know the common things.

Q. Were you captured with the detainee?
A. No, we are not from the same village or the same tribe. He is Pastu and I am Farsi and we don't have any personal relationship and we are not friends, the reason I say that, I want you to understand and know about the fact and the truth about this detainee. He is Suni and I am Shite, I want to tell you the truth. I do know the truth about him.

Q. You say you don't have a close relationship with him, not a good friend?
A. Yes.

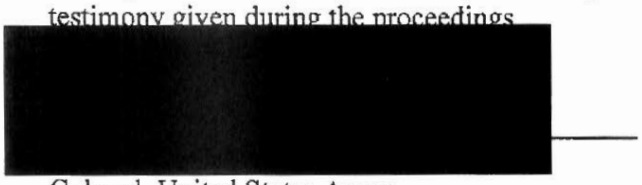
Tribunal President's questions.

Q. I have one question that you said he is not a member of HIG. Would you say that the HIG supports the Northern Alliance or the Taliban?
A. The HIG, most of them work for the government or joined the government itself, I don't know if he is against the government or if his position changed. The people that I knew that were Itihad Islami during the Jihad and now they have good positions in the government, some of them are in the government.

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

AUTHENTICATION

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



Colonel, United States Army
Tribunal President