

Summarized Unsworn Detainee Statement

I do not accept the accusations.

When the Detainee made no further comments, the Personal Representative read each bullet of the Unclassified Summary and the Detainee had the following responses.

- **3(a)(1) The Detainee traveled to Kabul, Afghanistan from Kazakhstan in September, 2000.**

I forgot. It's been 2 ½ years. I don't remember which month.

- **3(a)(2) Detainee's travel route took him through Karachi, Islamabad and Peshawar, Pakistan and through Kandahar, Afghanistan.**

That's right.

- **3(a)(3) The Detainee has family ties to known terrorists in Pakistan.**

What kind of ties?

The Personal Representative rephrased the question. Is anyone related to you a terrorist in Pakistan?

I have no relatives in Pakistan. How can...?

- **3(a)(4) One of Detainee's "family ties" is a member of a terrorist group responsible for attacks in Uzbekistan.**

None of my family members have ties with the terrorist group in Uzbekistan.

- **3(a)(5) The Detainee resided in Taliban provided housing and worked as a cook in a Taliban camp.**

I told you last time. I wasn't a cook, I just grew the vegetables. I don't even know how to cook. My mother was cooking for me all of the time.

- **3(a)(6) The Detainee was captured in December 2001 at his house in Kabul.**

Yes, that's right it was 2001, but I don't remember the month. It was the middle of Ramadan in 2001.

Questions by the Personal Representative

Q: Can you tell us who you traveled to Afghanistan with?

A: There were 10 people, my grandmother, sisters and brothers.

Questions by the Tribunal Members

Q: Good morning.

A: Thank God.

Q: We don't know much information about you. The only information we have about you is from the Unclassified Summary and what you have told us today. We have a few questions so we can figure out your story. Are you a citizen of Kazakhstan?

A: Yes.

Q: Can you tell us why you went from Kazakhstan to Afghanistan with your family?

A: In Kazakhstan there are no jobs. It's hard to make money.

Q: You and your entire family went to Afghanistan to look for work?

A: We heard that any immigrants to Afghanistan from other countries are provided with food.

Q: Was that true? When you went to Afghanistan, did they provide you with food and a place to live?

A: Yes, they provided.

Q: How did you know how to get from Kazakhstan all the way to Afghanistan?

A: *The Detainee did not respond to the question.*

Q: It was a very long journey. How did you know how to do it?

A: There was no money. A guy named Jacob who knows the route. I went with Jacob.

- Q: Do you remember how long it took you to get from Kazakhstan to Kabul?
- A: Approximately 2-3 days.
- Q: How did you get there [Kabul]. By plane, car?
- A: We went by plane from Kazakhstan to Karachi, Pakistan and then by bus from Karachi to Kabul.
- Q: So, you were in a house in Kabul and the only thing you did was grow vegetables. Did you do anything else?
- A: I looked on the house. Nothing else.
- Q: All of your family members lived in the same house?
- A: The rest of them were in the house. Jacob was working in the kitchen as a cook. The rest just stayed in the house.
- Q: You and your family didn't have to pay for any food or housing costs?
- A: We don't pay anything. All of the food and stuff is free. Jacob gets paid money from them [Afghanistan government].
- Q: Did they [Afghanistan government] ask anything from you in return?
- A: No.
- Q: The government in Afghanistan didn't require any service from you?
- A: No.
- Q: You lived in Kabul for a year or so? Maybe a little longer?
- A: Approximately a year.
- Q: You found the situation in Afghanistan better than your home country of Kazakhstan?
- A: It was not a hard life. They bring everything, like food, to us. I helped with the back yard.

- Q: When did you first realize that Afghanistan was in the middle of a civil war?
- A: Please repeat the question.
- Q: At some point did you realize that the country was at civil war?
- A: When you traveled on the road, you can see the broken houses and tanks and realize there is a war going on.
- Q: Was the place where you and your family lived ever in any danger of the civil war?
- A: No. The houses are safe.
- Q: Did anybody from the Taliban ever approach you and ask you to assist them?
- A: No.
- Q: Did they approach any members of your family?
- A: No. Most of my family is just kids and a woman.
- Q: It seems most unusual that the government would be so generous to you and your family, but not ask anything of you in return. Can you explain this for us?
- A: *The Detainee did not respond to the question.*
- Q: What can you tell us about the other accusations you said were false? When it says you have "family ties" to known terrorists in Pakistan and Uzbekistan, what is the government talking about when it says these things?
- A: You mean how the Taliban government...how they feel about the terrorist groups in Pakistan and Uzbekistan, right?
- Q: No. What does the United States government mean when it says you have "family ties" to terrorists?
- A: They are just blaming me. It's false.
- Q: Do you think this is about someone else in your family?
- A: We came to Afghanistan because we are all Muslim. They provide all the food and housing because of the Muslim religion.

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Q: We're trying to figure out why you're here. The United States wouldn't detain someone for more than 2 years for simply growing vegetables. Can you help us understand?

A: *The Detainee did not respond to the question.*

Q: Do you want to tell us why you think you're here?

A: I'm here because I went to Afghanistan with my family for a better life. They captured me at that house. That's the reason I'm here.

Q: Who captured you in Kabul?

A: *The Detainee did not respond to the question.*

Q: Was it Americans?

A: The Afghan people captured me. When I was in prison, I heard Massoud's people captured me.

Q: When you were captured, were members of your family in the house also?

A: There were 3 people in the house. Abdul was in that house too?

Q: Jacob too?

A: Yes.

Q: Was there any resistance to the arrest?

A: I don't know; they just captured me at my house.

Q: You had nothing to defend yourself with?

A: There is nothing.

Q: Do you have any idea where the rest of your family is?

A: God knows.

Q: Did you ever have the opportunity to have any type of training while in Afghanistan?

A: For what reason?

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Q: To do something other than growing vegetables, maybe help the government.

A: I can't do anything except grow vegetables.

Q: Did anyone ask you if you wanted to do something else?

A: No.

Q: What kind of vegetables did you grow?

A: Green peppers, tomatoes, green beans and some potatoes.

Questions by the Tribunal President

Q: Was your garden large or confined to a small yard?

A: It was only for my family.

Q: The house you stayed in, did it house just your immediate family members or were other people living in this house?

A: No, just my family members.

Q: Yet, when you were captured, other people were with you, other than your family. Right?

A: *The Detainee did not respond to the question.*

Q: You said earlier other people were arrested with you at your house.

A: I told you there were 3 people arrested in the house.

Q: You were with 3 people when you were arrested?

A: Yes.

Q: What work did these people do to earn a living?

A: They just ate whatever God provided.

Q: They too were living off the good graces of the Taliban government in Afghanistan?

A: *The Detainee did not respond to the question.*

- Q: Do you know if the others received military training while in Afghanistan?
- A: Jacob was a cook for the back-up forces. Abdullah came from Pakistan, studying Islamic studies and came from Pakistan to Kabul.
- Q: Do you know if they received military training from the Taliban?
- A: I don't know.
- Q: Did you receive military training from the Taliban or Al Qaeda while you were in Afghanistan?
- A: No.
- Q: In your vegetable garden, did you also grow poppies?
- A: I do not know what a poppy is.
- Q: Flowers.
- A: Like a kind of drug?
- Q: Yes, opium.
- A: No, what I am going to do growing this?
- Q: It's pretty popular in Afghanistan, and it's a pretty good cash crop from what I understand. So, your garden was for your family's use only? You didn't provide those vegetables to anyone else?
- A: The ground is not good. Vegetables don't grow well.

Questions by the Tribunal Members

- Q: You were not able to sell any vegetables to make any money for yourself?
- A: *The Detainee did not respond to the question.*
- Q: It seems unusual to us that you would be in Afghanistan for over a year, but have no money yourself and have no source of income. Can you explain this for us, please?
- A: *The Detainee did not respond to the question.*

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- Q: If you were released from Guantanamo Bay, where would you like to go?
- A: Mecca, it's a holy place. I know they are [Saudi Arabia is] a Muslim country.
- Q: I don't have any more questions, but I'll give you one more chance to say anything you might want to say to help us understand why many of these things don't seem to make sense.
- A: *The Detainee did not respond to the question.*
- Q: Is there anything else you can tell us to help us understand why you're here?
- A: *The Detainee did not respond to the question.*
- Q: At your house, did you have neighbors?
- A: *The Detainee did not respond to the question.*
- Q: Was there anyone close by?
- A: It's a community and there are other houses around.
- Q: They all grew vegetables?
- A: I don't know.
- Q: Did Jacob get vegetables from you?
- A: *The Detainee did not respond to the question.*
- Q: He was a cook; he needed vegetables.
- A: *The Detainee did not respond.*
- Q: No answer?
- A: Sir, I told you the ground is really bad and it doesn't really grow anything. It doesn't really grow vegetables.

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Questions by the Tribunal President

Q: Do you have any other information that you would like to present to this Tribunal today?

A: *The Detainee did not respond to the question.*

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

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000009

Summarized Unsworn Detainee Statement (as delivered by his Personal Representative due to the Detainee declining to participate in the Tribunal)

Personal Representative reads statement on behalf of detainee marked as exhibit D-B.

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

I do not know al Qaida, of course. I have no relations with al Qaida. As for the Taliban, I went to see them according to the Fatwa, which says if they applied the conditions in the Fatwa, I will go for Jihad with them. I went to see if they applied these conditions and this is all in my file. The Fatwa is photocopied from a Pakistani newspaper in Arabic. It has been declared in a Pakistani Newspaper and the associated Scholar's name is also there. He is a Saudi. All of the details of the above account are available in my file.

3a1. The detainee was recruited at a mosque in Saudi Arabia to participate in Jihad.

I have not been recruited. I only took an address for Jihad in Kashmir [for a man]. (He is one of the Mujahadin.) All details are in my file.

3a2. Detainee received two weeks of weapons training on the Kalashnikov rifle.

The part that refers to 2 weeks of training is correct.

3a3. In November and December 2001, detainee met with al Qaida members while in Tora Bora, Afghanistan.

I passed through Tora Bora just to go to Pakistan. I truly meet some people who were Arabs but I truly did not know whether they were Taliban or Al Qaida. I thought they were with me because we were all retreating. I was late getting to the Front because I was part of the last group. Al Qaida do [does] not have a special uniform for me to recognize and avoid them.

3a4. One of the detainee's known aliases was on a list of captured al Qaida members that was discovered on a computer hard drive associated with a senior al Qaida member.

I know nothing about this. I gave my name to nobody. The front line where I went had no electricity. As for the aliases, there is more than one person with the same name. My nickname is Abu Grafar or Abu Ibrahim. How would they prove that this Abu Grafar or Abu Ibrahim is me? For example, David is so common a name among interrogators. It will be true only if there is a picture with the name. This question is to be turned to the owner of the computer.

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

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It is true I was in the front line but I did not fight because I went to see whether they applied the Fatwa conditions only.

3b1. Detainee was issued a Kalashnikov rifle in Bagram, Afghanistan to fight on the lines.

It is obligatory to receive a gun in [the] front line. It is not my choice but I did not use it. I was only observing if the Fatwa applied and not fighting. I was even transferred to the back lines. I was not even able to share the fighting. Actually there was no fighting during my time there.

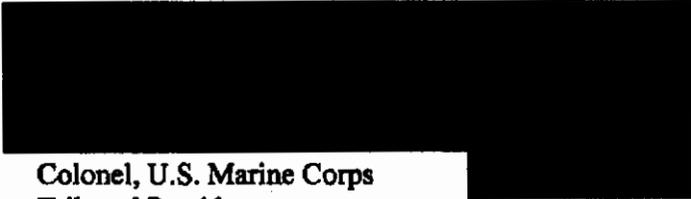
3b2. Detainee fought the Northern Alliance from September through December 2001.

3b3. Detainee was instructed to flee Afghanistan and go to Pakistan via the mountains.

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

AUTHENTICATION

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


Colonel, U.S. Marine Corps
Tribunal President

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188 Statement (LOW-SIDE WORD FILE) (1/2)

A. I DO NOT KNOW ALQUAIDA OF COURSE. I HAVE NO RELATION WITH ALQUAIDA. AS FOR THE TALIBAN, I WENT TO THEM ACCORDING TO THE FATWA, WHICH SAYS IF THEY APPLIED THE CONDITIONS IN THE FATWA I WILL GO FOR JIHAD WITH THEM.

I WENT TO SEE IF THEY APPLY THESE CONDITIONS AND THIS IS ALL IN MY FILE. THE FATWA IS PHOTOCOPIED FROM A PAKISTANI NEWSPAPER IN ARABIC. IT HAS BEEN DECLARED IN A PAKISTANI NEWSPAPER AND THE ASSOCIATED SCHOLARS NAME IS ALSO THERE. HE IS A SAUDI. ALL OF THE DETAILS OF THE ABOVE ACCOUNT ARE AVAILABLE IN MY FILE.

A-1 - I HAVE NOT BEEN RECRUITED. I ONLY TOOK AN ADDRESS FOR A JIHAD IN KASHMIR. HE IS ONE OF THE MUJAHIDEEN. ALL DETAILS ARE IN MY FILE.

A-2 - CORRECT

A-3 - I PASSED THROUGH TORA BORA JUST TO GO TO PAKISTAN. I TRULY MET SOME PEOPLE WHO WERE ARABS, BUT I TRULY DID NOT KNOW WHETHER THEY WERE TALIBAN OR ALQUAIDA. I THOUGHT THEY WERE WITH ME BECAUSE WE WERE ALL RETREATING. I WAS LATE GETTING TO THE FRONT BECAUSE I WAS PART OF THE LAST GROUP. ALQUAIDA DO NOT HAVE A SPECIAL UNIFORM FOR ME TO AVOID THEM.

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EXHIBIT D-B

188 Statement

(2/3)

A-4- I KNOW NOTHING ABOUT THIS. I GAVE MY NAME TO NOBODY. THE FRONT LINE WHERE I WENT HAD NO ELECTRICITY. AS FOR THE ALIASES, THERE ARE MORE THAN ONE PERSON WITH THE SAME NAME. MY NICKNAME IS ABU GRAAFER OR ABU IBRAHIM (ABRAHEEM). HOW WILL THEY PROVE THAT THIS ABU GRAAFER OR ABU IBRAHEEM IS ME? e.g. DAVID IS SO COMMON A NAME AMONG INTERROGATORS. IT WILL BE TRUE ONLY IF THERE IS A PICTURE WITH THE NAME. THIS QUESTION IS TO BE TURNED TO THE OWNER OF THE COMPUTER.

B- IT IS TRUE I WERE IN THE FRONT LINE BUT I DID NOT FIGHT. BECAUSE I WENT TO SEE WHETHER THEY APPLIED THE FATWA CONDITIONS.

B-1: IT IS OBLIGATORY TO RECEIVE A GUN IN THE FRONT LINE. IT IS NOT MY CHOICE, BUT I DID NOT USE IT. I WAS ONLY OBSERVING IF THE FATWA APPLIES AND NOT FIGHTING. I WAS EVEN TRANSFERRED TO THE BACK LINES. I AM NOT EVEN ABLE TO SHARE IN THE FIGHTING. ACTUALLY THERE WAS NO FIGHTING DURING MY TIME THERE.

EXHIBIT D-B 000013

Summarized Detainee Statement

The Tribunal President called the open session of the Tribunal to order and went on to explain the Tribunal process to the Detainee. The Detainee had the following question:

Detainee: What is testifying?

Tribunal President: You may speak at this Tribunal.

The Tribunal President continued to explain the Tribunal instructions. The Tribunal President confirmed that the Detainee understood the process and asked if the Detainee had any questions concerning it.

Detainee: When will I swear?

Tribunal President: In just a moment, I'll give you instructions on when to swear.

The Tribunal President continued to conduct the Tribunal by instructing the Personal Representative to submit the Detainee Election form (Exhibit D-a).

Detainee: Is this the paper with my approval or with my consent?

Tribunal President: Yes. You consented to participate in the Tribunal. Is that correct?

Detainee: Yes.

The Tribunal President then instructed the Recorder to provide the Tribunal with the Unclassified Summary of the Evidence (Exhibit R-1).

Detainee: The one that was with the Personal Representative before?

Tribunal President: Yes.

Recorder: In addition, I am handing to the Tribunal the following Unclassified Exhibit marked as Exhibit R-2. Copies of this exhibit have previously been provided to the Personal Representative.

Detainee: It's the same one that's with the Personal Representative?

Tribunal President: Yes. We'll review it in just a second. Recorder, please summarize the nature of the unclassified evidence.

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The Recorder read the Unclassified Summary of the Evidence (Exhibit R-1).

The Tribunal President confirmed that the Recorder had no further unclassified evidence or witnesses to present to the Tribunal. The Recorder then requested a closed Tribunal session to present classified evidence relevant to the detainee's status as an Enemy Combatant at a later time.

The Tribunal President opened the session to the detainee to make his statement.

Tribunal President: Do you want to present information to the Tribunal?

Detainee: Yes.

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

Detainee: If you don't mind.

Tribunal President: No. We would like for you to do that. Recorder, please present the Muslim oath.

Detainee: Should I stand?

Tribunal President: No, it's not necessary.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: Mazin, how would you like to present your statement? Will the Personal Representative assist you?

Detainee: Yes.

Tribunal President: Will the Personal Representative be reviewing the allegations, and then Mazin will make a statement based on allegations?

Personal Representative: Ma'am I will present each of the allocations on the Unclassified Summary, and I will provide to the Tribunal the information that Mazin had provided. After, I have reviewed my notes I will give him the opportunity if he would like to add anything further.

Tribunal President: Mazin, I just need you to verify that the information that's being presented by the Personal Representative is what you want us to know. You are allowed to make statements after the Personal Representative has given us the response that's on the paper.

Tribunal President: Proceed.

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Personal Representative: Yes ma'am. Mazin and I met for our initial interview on 21 October. Our meeting lasted approximately one hour. He was very cooperative during the interview. When I presented the Summary of Unclassified Evidence, however, he was in disbelief as to the nature of the evidence. We went over each piece of evidence, one point at a time, and I took notes as to what he had provided me. I conducted a follow-up meeting with Mazin just yesterday. We reviewed the notes that were taken during the first session and made any updates in preparation for today.

The Personal Representative begins going through the allegations on the Unclassified Summary one at a time, providing the Detainee's response to each one.

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

3.a.1. Detainee's name and telephone number were on a list of Al Qaida members that was discovered on a computer hard drive seized during raids on Al Qaida safe houses in Pakistan.

Personal Representative on behalf of the Detainee: The name on that list was not my name, nor was the phone number. During one of these interrogations approximately one and half years ago, an interrogator showed me a list from the Al Qaida. He showed me a list of the names of people. The rest of the names were darkened out. When I looked at the name, I told the interrogator that is not my name. The name on the list was Salah Al Awfi. That was the name I saw on list, but my name is Mazin Salih Musaid. My phone number is 831-2425. The telephone number on the list was not that number. The interrogator looked into this and came back to me and told me that Allah is with me, this is not your name. In the same meeting.

3.a.2. Detainee, at capture, had in his possession a Casio watch, model # F-91W, which has been used in bombings linked to Al Qaida.

Personal Representative on behalf of the Detainee: I am a bit surprised as to this piece of evidence. Millions and millions of people have these types of Casio watches. If that is a crime, why doesn't the United States arrest and sentence all the shops and people who own them. This is not a logical or reasonable piece of evidence, because I had a watch.

3.a.3. Detainee stated he offered to help the Taliban.

Personal Representative on behalf of the Detainee: I did offer to help the Taliban. Like many Saudis did, to a legitimate government. Like many, I went for humanitarian (sic) and purposes of goodwill. Once I went to Afghanistan, I had later changed my mind about wanting to be back in Saudi Arabia. I did not go to fight. I did not go to kill. I went solely for goodwill reasons. My departure from Saudi Arabia was before any problems happened with America. If had known, I would not have left.

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3.b.1. Detainee stated that he traveled to Afghanistan to fight the Jihad and fought with the Taliban in Kabul from June to December 2001.

Personal Representative on behalf of the Detainee: I did, in fact, state that I went to Afghanistan to support the Taliban, not to fight with them. It says that I was in Kabul from June through December 2001. However, I was in Afghanistan a maximum of four months. Not more than four months. I was in Kabul for less than two weeks. You can verify this through the Saudi government, or any of the paperwork that's required to travel.

Detainee: During our first meeting (with the Personal Representative), we did not discuss the period of June through December 2001. During the second meeting, in the review, it became clear through the translation, the translated document of the Unclassified Summary, which I believe states that I was in Kabul between, sometime between, June and December 2001. The point I want to get across is that during the first meeting, I did not have the opportunity to dispute this piece of evidence on the dates because the translation said I was there *between* June and December. The evidence being presented to this Tribunal says that I was there *from* June to December 2001. I did not even leave for Afghanistan until the sixth month.

Personal Representative: Sixth month? Sixth month of Ramadan?

Detainee: No. Sixth month of the Islamic calendar, which is three months before Ramadan.

Personal Representative: Do you need more clarification on that, ma'am?

Tribunal President: No.

Personal Representative on behalf of the Detainee: Two or three points to walk away with this piece of evidence is one, yes, I did go to Afghanistan; point two is no, I did not go to fight with the Jihad and no, I was not there for the seven month period between June and December 2001. My entire time in Afghanistan was not more than a four-month period. I went with good intentions and then realized things bad were happening and I wanted to get out.

3.b.2. Detainee was captured on the Pakistan border, by border guards, and processed into United States custody in Kandahar.

Personal Representative on behalf of the Detainee: Yes, that is true. I went to Pakistan because I wanted to get back to my country. Because I had no passport, I was trying to get to the Saudi Embassy. I never made it to the embassy and I am here.

Personal Representative: Did I capture the content of our meeting?

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Detainee: Yes.

Personal Representative: Regarding the evidence, is there anything you would like to add or change?

Detainee: No.

Personal Representative: Then that concludes the presentation of the evidence as reflected in our meetings.

Tribunal President: Mazin, you may present more information if you like.

Detainee: Just that my departure was before the problems, not after the problems.

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

Personal Representative: Ma'am, I just have one question. You stated to me that you wanted to go to the Jihad. Can you explain what Jihad is?

Detainee: The term Jihad encompasses many things. One of these things is fighting. Another thing is helping people. This includes all kinds of help, for example, getting water or giving them food or any kind of humanitarian work.

Personal Representative: That is all, ma'am.

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

Recorder: No ma'am.

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

Tribunal Members' Questions

Q. Mazin, how did you get from Saudi Arabia to Afghanistan?

A. From Saudi Arabia to Pakistan and then to Afghanistan.

Q. Did you get a visa for Pakistan?

A. No. I forgot a point. I'm sorry. From Saudi Arabia to Dubai, and then United Arab Emirates to Pakistan to Afghanistan.

Q. And you had your passport with you when you traveled?

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A. Yes.

Q. You said that you lost or did not have your passport when you were going into Pakistan. What happened to it?

A. As soon as I entered Afghanistan, in one of the places a person said to me, "Keep this here so that nothing happens to it. So it doesn't get lost or anything. If you wish, you can come back and get it."

Q. Do you remember who that person was?

A. Yes.

Q. Who?

A. Saqer.

Q. Who was Saqer? Why did you give this person your passport?

A. They're the ones that escorted me from Pakistan to Afghanistan. They took me to a house in Kandahar. He said this place would be a safe place for the passport. Because problems might come up, it might get lost or stolen and then you would not be able to return. So I left it with him.

Q. Who else was in the house where you left your passport?

A. There were a few Afghani people, that's it.

Q. Did anyone have any weapons?

A. No.

Q. When you left Saudi Arabia for goodwill, were you traveling with an organization, or were just out by yourself?

A. By myself.

Q. How did you pay for your trip?

A. I was a worker in Saudi Arabia.

Q. While you were in Saudi, did you ever have any military or police training?

A. Yes.

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Q. What type?

A. Military.

Translator: I'm sorry, can I just clarify that, because yesterday a person who said "military" meant "police"? [Translator determines that it was not military training, but police training.]

Q. When you were arrested trying to get to the Saudi Embassy, were you by yourself or were there other people with you?

A. With other people.

Q. Do you know who they were? If you do, who were they?

A. When we got to the borders, there were Pakistani individuals. At the borders, there was a big group, and they all got arrested with me.

Q. Did you know anybody from the group?

A. Now or before?

Q. Before.

A. Those who were with me were the Pakistanis.

Q. You said that your trip from Saudi to Afghanistan was only four months and you were arrested in December. So did you go there in September? Does that sound correct?

A. I don't know the English months.

Q. Okay.

A. If you speak in Arabic months then I would know.

Q. I don't know the Arabic months. That's okay. You said that you traveled to Afghanistan before the problems. What problems are you talking about?

A. What happened to America.

Q. Okay. When you were in Afghanistan, did you ever see any of the bombing or fighting?

A. Fighting no.

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- A. You knew of it. Was I sure, no.
- Q. You said that persons brought you to the house in Kandahar from Pakistan. Who were those people that brought you to the house in Kandahar?
- A. After I arrived at the airport in Quetta they took me. Two of them, they looked Afghan. To the house.
- Q. How did they know to pick up at the airport?
- A. After I arrived in Pakistan. I got to one of the hotels, someone from the outside, an Arab, came to me, he said are you going out to the airport in Quetta? He said as soon as you get there two people will come and get you, they will know you. I don't know how they could have known me. Maybe by my clothes, maybe the man gave them a description. So they came and they got me.
- Q. How did this man know to arrange these people? Did you ask them, or had someone helped arrange your travel into Afghanistan?
- A. No, he did not arrange my trip. Before, a person in Saudi Arabia had given me a number that was in Pakistan. So I called him and then what happened, happened.
- Q. When you were in Afghanistan did you receive any type of military training at all.
- A. No. I did have a weapon. When I got to Kabul someone gave me a weapon. I had a weapon for about four or five days.
- Q. Why did they give you a weapon in Kabul.
- A. He said to me here, maybe you'll need this for protection. I didn't know if I was going to need it or not need it, he gave it to me and then after I was done he took it back from me and said you don't need protection.
- Q. What were you doing at the time that you needed to carry the weapon for?
- A. I didn't understand what their process was when you got into Afghanistan. So he gave me the weapon and I just carried it.
- Q. Was it an AK47?
- A. Yes. I said I know this one because I trained on it in Saudi Arabia. The time period, it was impossible for me to use it. It was only about four or five days.
- Q. Was this at a house in Kabul, where the person gave you the weapon?

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- Q. Was this at a house in Kabul, where the person gave you the weapon?
- A. Yes. It's considered a house in Kabul.
- Q. Were other people staying at the house, too?
- A. Yes.
- Q. Did they carry weapons, as well?
- A. Some people had and some people did not have them.
- Q. Were any of those people fighters that were coming back from the front around Kabul?
- A. The people were Pakistanis. It was hard to communicate with them, except for those who knew Arabic. I wasn't able to speak with every one of them.
- Q. Was this near the time when you first arrived in Afghanistan, or was this when you were getting ready to leave Afghanistan to go back to Saudi Arabia, when you had a weapon?
- A. After I arrived in Afghanistan, in the beginning.
- Q. How did you get out of Afghanistan to Pakistan? What route did you take?
- A. I don't know the routes in Afghanistan because I was new. But I told them – one of the people in the group that I was with, the person who was responsible, a Pakistani – that I wished to go to Pakistan to go back to Saudi Arabia. Before that, I wanted to go back to Kandahar for my passport, and he said it's not possible. So he said, okay, we'll all go to Pakistan. So we went to Pakistan.
- Q. Through Jalalabad and then through the mountains?
- A. Yes.
- Q. The Tora Bora Mountains?
- A. I found out from the interrogators that they're called the Tora Bora Mountains. They might have been different mountains, I don't know. I was with the Pakistanis and they were guiding me.
- Q. Did you see any fighting at all, or any bombing up in the Tora Bora Mountains when you were going through them?

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- A. No. I can't tell you. You might be talking about mountains that I wasn't in, so I do not know.
- Q. But in the mountains that you were in, did you see any fighting or any bombing?
- A. The bombing, obviously in Jalalabad, we saw it, but it was very far away. In the mountains, I did not see it.
- Q. The people that you were captured with or that you were crossing with. Were any of those people fighters?
- A. They were with me in the same house. I did not know them from before in Kabul. I don't know if they were fighters or not.
- Q. Were they carrying weapons? At any time along the trip, did they have weapons?
- A. Yes, I think so.

Tribunal President's Questions

- Q. You said that you went to Afghanistan to provide humanitarian aid. What type of aid did you provide and to whom?
- A. Truthfully, my time in Kandahar, I was not able to provide anything.
- Q. What did you do while you were in Kandahar?
- A. I sat there. I told them that I wanted to help the Taliban, and he said stay here for a certain time. After I stayed for a few days, he told me "then you can go."
- Q. So it was someone at the house that told you to wait at the house?
- A. Yes, I said that before.
- Q. They told you that you could help with the Taliban?
- A. Yes, because I said I would like to help the Taliban, and he said okay.
- Q. What kind of help did you give the Taliban?
- A. I did not help. I went to Kabul to help. After I got to Kabul, I was not able to help them because the person there said wait, be patient, and then you can help.
- Q. So what did you do the whole time you were in Afghanistan?

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A. In Kandahar, I was there for a short while. In Kabul, my time was about two weeks, so I stayed in the house. Based on the fact that I was going to help them, I was waiting for him to tell me what I was supposed to do. But the people were Pakistanis and it was hard for me to deal with them. After a short while, I saw that I had not done anything and it changed my mind. I got scared and I said I would like to go to Pakistan.

Q. You said that while you were in Saudi Arabia, you met someone who told you to go to Afghanistan.

A. Yes.

Q. Who was that person that told you to go to Afghanistan?

A. A friend of mine. My cousin. One of the first reasons for me going to Afghanistan was to bring back my cousin to Saudi Arabia to his family.

Q. Was your cousin in Afghanistan?

A. Yes, he had gone to Afghanistan.

Q. So there were actually two reasons that you went? You went for the Jihad and to bring back your cousin?

A. The first reason was to bring back my cousin. I did not mention this because you were talking about the accusations and there was no need to deviate from those points.

Q. What was the name of your friend and your other cousin in Saudi Arabia?

A. It's in my interrogation.

Q. Can you tell me now? I don't have the interrogation papers.

A. My friend was Abdullah. My cousin's name was Maher.

Q. Abdullah -- is that his first name or only name?

A. Yes, his name is Abdullah. Yes, he has his father's name and his tribe name, obviously, but that's his name.

The Tribunal President asked if the Detainee had any further evidence to present to the Tribunal.

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Detainee: I'm just a little shocked because they told me I would be an enemy combatant to America. I don't have anything to do with these accusations. That I'm involved against the United States of America – I'm very surprised at this.

Tribunal President: Why do you think you are here?

Detainee: Of course I know why I'm here.

Tribunal President: Why?

Detainee: Three years I've been here, and all the interrogations. I know why I'm here.

Tribunal President: You're saying you don't know why or you do know why?

Detainee: I know.

Tribunal President: Why?

Detainee: Because, as far as I know, Al Qaida did things against America.

Tribunal President: Are you Al Qaida?

Detainee: No. Impossible. Also, these are the words of the interrogators, not my words.

The Tribunal President asked if the Personal Representative had any further questions.

Personal Representative: Just one, ma'am, based upon some of the questions that were presented. You went to Afghanistan for what you believed were good reasons. You wanted to help the Taliban for good reasons. Do you believe that the Taliban wanted to recruit you to be one of their fighters? You said no, which is why you might have wanted leave Afghanistan?

Detainee: No. They didn't give anything to do in the first place.

Personal Representative: Right. Okay.

Detainee: Then I changed my mind. I just wanted to return to Saudi Arabia.

Personal Representative: That is all.

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

The Tribunal President confirmed the Tribunal Members had no additional questions for the Detainee and closed the open session of the Tribunal.

AUTHENTICATION

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



Colonel, U.S. Army
Tribunal President

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Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee said he understood the process. The unclassified summary of evidence was read in full to the Tribunal by the Recorder. After the evidence was read, the Detainee interrupted the proceedings and stated the following:

Detainee: Please tell me when it's my turn to speak, because I don't know what is going on here.

Tribunal President: We will tell you. I'll address you by name and the translator will let you know when it is your turn.

Detainee: Sure, no problem. Any time my name is mentioned, I will start speaking.

The Tribunal President then asked the Detainee if he would like to take the Muslim oath.

Detainee: Anything to make you believe, I will do that. If it's your wishes for me to swear, I will do so.

Tribunal President: It's up to you if you wish to. We will accept your oral statement either way.

Detainee: Anything to make you believe me. I will do it that way. I will present you with my verbal statement.

Tribunal President: Either way will be accepted.

Detainee: If you tell me to swear, I will swear. If you tell me not to swear, I will not swear. I have the witnesses all over my province.

Tribunal President: We can't make that selection for you, so why don't we just proceed.

Detainee: Please start.

Personal Representative: When we met, we discussed that I would read these first, and then you could say more, do you still wish to do it that way?

Detainee: What do you mean? What should I say?

Personal Representative: When we met, I wrote notes down. Do you want me to read these first, then say more if you want to?

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Detainee: If you want to read it, read it. I know what I told you, so I could say the same thing.

Personal Representative: OK. I'm going to read it, and ask you if you want to say more. On 3.a-1, it states that on 22 February 2003, you were involved in a firefight with United States Special Forces. The detainee's written response to the Personal Representative (as read by the Personal Representative) was as follows:

It was nighttime. I heard firing about midnight, or between 3 and 4 a.m. Where I lived, there was lots of fighting going on all the time between each other, and lots of thieves in the area that robbed people's homes at night and killed the owner. I was sleeping when I woke up because of the fighting. I came out of my bedroom to the center of the courtyard. I heard firing. This time I was scared and I thought some thieves were coming.

Personal Representative: (3.a-2) Regarding that the detainee admitted to firing his weapon in the firefight (the Detainee then interrupted).

Detainee: I didn't say I fired my weapon in a firefight.

Personal Representative: That is the second accusation, and I'm going to explaining it. He (the Detainee) stated the following (in previous discussion):

I fired three times in the air to scare the burglars away. Then after that, flares went up into the sky and lit up the sky. When I saw the light, I stopped firing. I was able to see muzzle fire from weapons. So I stood in the courtyard for 5-10 minutes, and did not move. Then aircraft came and I understood then that it was not a burglar. The airplanes came a second time and dropped a bomb, and I was injured. After that, I don't know what happened. I never worked with the Taliban, or talked with them or ate with them. I was a bus driver.

Personal Representative: (3.a-3) Detainee knew that he was fighting soldiers during the firefight. He (Detainee) said to me (from notes previously gathered):

I never saw soldiers to fire at. I never knew which way the firing was coming from. The only time I fired was three shots into the air when I came out of my bedroom.

Personal Representative: (3.a-4) During search of compound for weapons cache, detainee fired with intent to kill or harm U.S. forces. We talked and the detainee had stated the following:

I never fired during any search. After the bombing, I was injured and laid there until morning. My dad and mom took me from the courtyard to a room in my house. My younger brother was outside the house and came back in to tell my father that lots of cars were coming. My father said, "No problem, it's good they are coming." When the

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American Army came inside, they helped him to control the blood, and took me to a hospital. My father told me the Army was coming there to help him.

Personal Representative (to the Detainee): Would you like to add more?

Detainee: I have one question to ask the American forces. How did you know where I lived and how did you find me? Who told you the wrong accusation that you came to my house?

Tribunal President: The only information we have about you at this point is the unclassified summary.

Detainee: My house is in the middle of all the other houses. From my house, you cannot fire upon anyone. When I thought the thieves were coming to steal from my house, I went outside and fired my weapon three times in the air.

Personal Representative: (3.a-5) I'll go on to the last two accusations. This one says the Detainee received wounds consistent with grenade injuries.

Detainee: All I can say is I was not wounded by a hand grenade. The aircraft threw a bomb, and one could see it broke all the windows in my house, and everybody knows about that.

Personal Representative (to the Tribunal): That is what he said to me. He only remembers being injured from the bomb in the courtyard.

Detainee: Yes. The aircraft threw a bomb.

Personal Representative: (3.a-6) The last accusation says the detainee knew that the compound to be searched belonged to a member of the Taliban.

Detainee: Nobody could tell me that the place I was arrested belonged to the Taliban. No Taliban checkpoints existed in my area. Everybody in my area knows we have a large compound. There is no Taliban around us.

Personal Representative (to the Tribunal): He also stated that he has lived there all his life and has never left there.

Detainee: I want to add that even my father was born in the same compound, in the same house.

Personal Representative: One last statement that he said to me was (from notes):

If I was fighting Americans, why did they not take me that night? My dad got them, the Americans, and brought them to me because I was injured.

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Detainee: All I want to add is, why when I was injured did they not capture me? Why did they go back to the bazaar or marketplace, then come back the next morning to capture me at my house? If I did something wrong, they should've captured me that night.

Personal Representative: That's the end of the accusations. Are there any more statements you'd like to make?

Detainee: I want to add that we were not the Taliban, and didn't need to be afraid of Americans. The Americans did not know where I lived to arrest me; my father went to them (Americans) to bring them over. My father is still writing in the letters that the Americans took me because I was injured, and when you are better, they will release me. He is still saying this. (*The Detainee had letters with him*) I wrote him to tell him that my leg is better and am not in hospital, and I'm ready to come home. My father wrote and asked, why then if you are not in the hospital and your wounds are better are you still in jail? My father said the Americans promised me they would let you go; why aren't you coming home?

The Personal Representative then presented the Detainee's father's letters to the Tribunal President.

Tribunal President: Had you previously talked to your Personal Representative about witnesses?

Detainee: I spoke to him. He knows and I told him I would swear when he asked me about witnesses. The whole province knows me, that I was a driver and not working with the Taliban whatsoever. I am very happy to be in the Tribunal, because for the past one-and-a-half years, nobody asked me any questions. My father keeps writing me asking me why I am not coming home. What should I write him?

Tribunal President: I'm sure it would be difficult to answer that for you. The people that knew you that could say you weren't Taliban would not be relevant. Right now we have no accusation against you that says you were Taliban. Would that be all right if we asked you some questions?

Detainee: I am ready to answer all of your questions. If any individual comes forward and tells you that I was a member of the Taliban, then I am wrong and I told you lies. I was not a member of the Taliban.

Tribunal President: Thank you.

The Tribunal President then asked the Personal Representative if he had any questions for the Detainee. The Personal Representative stated he would, and asked the Detainee the following questions:

Q: Could you explain what kind of driver you were?

A: I had a big bus to drive, and the bus was next to my compound when the Americans came. They saw it. I was driving that bus for a long time. Recently, before my capture, I bought a station wagon.

Q: Do you have any idea why the Americans came to your village?

A: You should answer that question because we were against the Taliban. During the Taliban rule, we could not play tapes or cassettes. After that, we could play tapes. We were happy. They (Americans) came to build our roads.

Q: Did you ever see any uniformed fighters or any fighters firing at you in your direction?

A: I did not see any soldiers with uniforms. I thought that it was thieves. When I heard the gunshot, I went outside and fired my weapon towards the air. I did not know they were Americans, or that they belonged to any government. I did not see anybody.

The Personal Representative then stated he had no further questions. The Tribunal President then asked the Recorder if he had any further questions. The Tribunal President then asked if any Tribunal Members had questions for the Detainee. At this time, one Tribunal Member wished to address the Detainee.

Tribunal Member Questions

Tribunal Member: (to the Personal Representative) Before I address this gentleman, I would like for him (the Detainee) to give us a sketch; is there a particular pen they are allowed to use?

The Detainee then interrupted and addressed the Tribunal Member

Detainee: I don't know how to write even my name, how could I draw something?

Tribunal Member: (to Detainee) And just so you know I'm not interested in any words, I'm more interested in a stick picture or sketch of your compound.

Detainee: I could tell you my house was in the middle, and surrounded by different homes. You could have the pen and draw it. You could go to my area and see the compound to see if I'm telling the truth or not. You could go to my area and see. This is not a lie; this is not the time to lie, I would not lie.

The Recorder then excused himself momentarily to locate the supplies needed for the sketch. The Tribunal Member announced that the Tribunal would wait until the

Recorder returned with the materials. Upon the Recorder's return, the Tribunal Member announced that the Detainee indicated he would be more comfortable describing the layout of his compound (for the sketch) to the Tribunal Member. At that time, the Tribunal Member approached the Detainee with the blank paper and pen for the drawing. The Tribunal Member knelt in front of the Detainee and took instructions from him describing his compound. The paper was also placed in front of the Detainee so he could draw directly on it to clarify the layout of the area he was from. This layout included the Detainee's home, surrounding homes, the courtyard, a garden and area roads and rivers.

Detainee: When you go to my house, you will see that it is surrounded by other houses. This is the front of my house (referring to drawing), and you can't see anything because these houses block our view.

Tribunal Member: I am going to place the letter "D" for the Detainee's house in the middle of the circle (on the drawing).

Detainee: This area is a big garden. We have a pomegranate garden.

Tribunal Member: (still knelt in front of Detainee) Then I'll write garden here. When you say garden, what kinds of things are in this area?

Detainee: We have huge garden. There are grapes, plants, and pomegranate trees.

Tribunal Member: Is there a road anywhere near by (referring to the drawing)?

Detainee: The road is all the way up in front of our house.

The Tribunal Member continued to take direction from the Detainee as to the layout of the area, and applied it to the sketch. The Tribunal Member remained directly in front of the Detainee, and referring the Detainee's attention to the sketch, asked the following:

Tribunal Member: When you stepped out into the courtyard, where did you step out to? Put a dot where you stepped out to.

Detainee: Just (place a dot) in the middle of it. We have lots of rooms in our compound. I left the room, I went to the courtyard and I stood in the middle of it.

Tribunal Member: In the middle of this circle, here, that I'm pointing at now?

Detainee: The dot is where I was standing.

Personal Representative: His house has a specific courtyard.

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Detainee: You did not see the compounds in Afghanistan? Our house was 40 meters by 40 meters. For example, my compound has rooms with 6-7 meter tall walls. We built a huge door and 6, 7 or 8 rooms inside.

Tribunal Member: I think I understand the layout of the compound. Would the Personal Representative mind if we submitted this exhibit (drawing; labeled D-C) on the Personal Representative or Detainee's behalf?

Detainee: It's good you understand about my house. When you stand in the middle of the compound, the walls are too tall to see outside.

Tribunal Member: I understand that. I just have a few more questions for you.

Detainee: Please, I'm ready for your questions.

Tribunal Member: At your house, who did you live with?

Detainee: My father and my mother.

Tribunal Member: Anybody else?

Detainee: My mother, father, my baby brothers, chickens and cows all live together in my compound.

Tribunal Member: How old are your brothers?

Detainee: I swear I don't know about my own age. We are five brothers.

Tribunal Member: Are you the oldest?

Detainee: Yes.

Tribunal Member: You don't know what your age is?

Detainee: No.

Tribunal Member: What type of weapon did you use?

Detainee: Everybody has a machine gun, or Kalashnikov in their home.

Tribunal Member: How many Kalashnikovs do you have in your home?

Detainee: I had one.

Tribunal Member: Did anybody else in your house have a Kalashnikov?

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Detainee: No, we had only one.

Tribunal Member: Did you have any other weapons in your house?

Detainee: I did not need to have any other weapons. The reason this was kept was to defend our home from thieves, or someone that might come to take our ladies away.

Tribunal Member: I just want to clarify. So there weren't any other weapons, just the one Kalashnikov?

Detainee: Yes.

Tribunal Member: Are you the member of any political party?

Detainee: No, no. I don't know about any political group. Everyone knows me as a driver.

Tribunal Member: Have you ever been a part of the military?

Detainee: No, no, no. I never went to the military. I was a bus driver; I was driving my bus.

Tribunal Member: Ever had any weapons training at all?

Detainee: Nobody trained me but everybody has a machine gun and knows how to use it.

Tribunal Member: Do you have any enemies?

Detainee: I don't have an obvious enemy. In Afghanistan, everyone has enemies. This letter (from my father) indicates thieves came and stole my station wagon. When I bought the station wagon, I was taking passengers from one point to the other. My father's letter makes reference to a time when my car was stolen at gunpoint, and the thieves took me out of the car and took it away from me. You could see the exhibit here (letters) that my father makes reference to the time my station wagon was stolen. He (the father) says things are that bad (still).

Tribunal Member: When did that happen in relation to your arrest?

Detainee: I have been here almost two years, so it was the Ramadan before that. It was two Ramadan's prior. This is the third Ramadan (now). I spent two Ramadan here.

Tribunal Member: Describe for us the gunfire that you heard.

Detainee: Basically I left my room to the middle of the compound when I heard the gun's firing. I did not know from which direction it was coming from. When I heard the gun firing, I thought they were thieves, so I fired three rounds into the air. After that, I saw two big lights (flares), and thought to myself, what is going on.

Tribunal Member: Could you tell the direction the gunfire was coming from?

Detainee: I don't know. When I left my room to go into the middle of the compound, I did not know from which direction it was coming from. I was standing at the same point for 5-10 minutes. After that, I saw two big lights on top of my house. Then I decided that no, these are not thieves; this is something else. The thieves cannot have this (flares). I was standing for 5-10 minutes and saw an aircraft pass my house first. Then when it returned and threw a bomb on me while I was standing there.

Tribunal Member: One thing you testified about I'm a little confused about. You said you lived in this location your whole life. You also mentioned there was some Taliban near where you were living. Is that correct?

Detainee: I did not see (the Taliban). If you can prove to me that a Taliban or member of the Taliban crossed my house or area then I am guilty.

Tribunal Member: Did you ever tell anybody that members of Taliban lived in your area?

Detainee: I am responsible for my own house and my own neighborhood. I did not see any Taliban members come to my neighborhood, but I'm not responsible for the village. Probably the Taliban came to the village; I don't know. I'm not responsible for the village; I don't know if the Taliban came to the village or not.

Tribunal Member: Was anybody else arrested with you?

Detainee: I don't know; I was wounded. I could not even see. I don't think somebody else was arrested.

Tribunal Member: Were you unconscious?

Detainee: I could not see or speak, but I could hear the background noises. I could hear my brother say there were cars coming.

Tribunal Member: Was it dark?

Detainee: No. I told you it was the next morning. A big piece of shrapnel hit my head; I don't know. It took a piece of bone out of my head. I also have a wound under my right eye you can see. My eye was blinded because I could not see; my eyes were closed.

Tribunal Member: Both eyes?

Detainee: One piece of shrapnel wounded me in the left side of my head; the other one wounded me under my right eye. Both were bloody and I could not see anything. My cheekbone was broken, then my leg and then my body (were hurt). That was too much to talk about.

Tribunal Member: What did your father do for a job?

Detainee: At one point he was a shopkeeper, but he does not have the shop any more.

Tribunal Member: Was he Taliban?

Detainee: No, no. If anybody tells you that he was a Taliban member, then I am guilty. The Taliban did not even cross my house or the surrounding compound.

Tribunal Member: Thank you for answering my questions.

At this time, the Tribunal Member then allowed the other Tribunal Member to question the Detainee.

Tribunal Member: Is that letter from your father?

Detainee: All of them are from my father.

Tribunal Member: What does that letter right there say?

Detainee: My father wrote in the letter that the Americans promised him that they were going to take me to the hospital in order for my wounds to get better. They (the Americans) promised they would release me. My father is writing asking why I wasn't released. They promised him.

The translator then read a passage directly from the Detainee's father's letter.

Translator (from Detainee's father's letter): The Americans told me you don't have any problem, so why aren't you released? You try your best to cooperate, and I will send letters to the Americans asking them why you are not released. It indicates in the letter that they took you to heal your wounds.

Detainee: Please read the whole letter.

Tribunal Member: Earlier when we asked you to draw a picture, you stated you could not read or write, so how could you draw?

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Detainee: I told you that they put me through Pashtu class here over the past two years. I learned how to write and I learned how to read.

Tribunal Member: That's not what you told us earlier when we asked. You said you could not read or write. The reason I bring this up is that I would like for you to tell us the truth, so we could ask questions.

Detainee: I told you that they put me through school here. All I know is how to read a little bit, and how to write my name. When the gentleman asked me to draw, I drew circles of my house.

Tribunal Member: Did you hear a lot of gunfire before you fired your gun?

Detainee: I was asleep and was awakened by the sound of the gunfight. Then I went to the compound and heard another round of firing. At that point, I fired three rounds into the air.

Tribunal Member: How many guns did it sound like shooting?

Detainee: When I was awakened by the sound of the guns, I didn't see which direction they were coming from or the weapons that they were using. At that point, I was afraid. I was scared. When I heard the second round of gunfire, I took my weapon and fired three rounds into the air. After that, I saw two flares, then the aircraft on top of my house. After that, I did not see. I do not know what happened.

Tribunal Member: I understand that. If you thought they were thieves, who did you think they were firing at?

Detainee: I don't know who they were firing towards. When I came outside I thought if they were thieves, they'd run away when I fired my weapon. I'm not lying to you. You could go to my area and see that you couldn't fire at anyone from inside the compound. You could ask the people about me. My father will take you to my compound and you could see the bomb crater in the middle of the courtyard.

Tribunal Member: Did you see anyone in the compound firing at what you thought were thieves?

Detainee: No, no. Nobody else was in the middle of the compound. I confess that I fired three rounds into the air. I confess that. I'm not against the Americans and I am not lying. I was not working for any government or against any government. I told you I fired my weapon, and that is what I confessed to.

Tribunal Member: Did you live in a small or large village? How many houses?

Detainee: 15-20 homes in the village

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Tribunal Member: You lived there all your life?

Detainee: Yes. I told you my father was born there.

Tribunal Member: Did you know the other people in the 15-20 homes?

Detainee: Obviously, they are my villagers.

Tribunal Member: You did not know if they were Taliban?

Detainee: No. No Taliban in our village. I cannot recall that I witnessed the Taliban. Probably Taliban came to try to contact some people. I left in the morning for work, and at nighttime I came back. I was busy. Every morning I took my car to the bazaar, and every evening I came home.

Tribunal Member: Where is your village in relation to a larger city in Afghanistan?

Detainee: No more large cities; I am close to the province.

Tribunal Member: Your village is not near Kanduz, Kandahar, Jalalabad or Khost?

Detainee: Only city that I went to was Kandahar to buy stuff, but it was not close to my village.

Tribunal Member: No more questions; thank you.

Detainee: I am ready to answer all of the questions that you have. My dear brother, you could ask anybody, even the ladies or little kids in my area, that I was a bus driver and nothing else.

Tribunal President: Did the bus belong to you or a company you worked for?

Detainee: No. It was my personal bus. I would go to the bazaar and pick up passengers. We buy our own car and pick our own passengers.

Tribunal President: Where did you normally take your passengers to?

Detainee: Every morning, I started my bus, and went towards the bazaar. I was driving down a road, and anybody that raised their hand I would pick up. I took them to the bazaar. At the bazaar I would take the rent. I was stopped at the bazaar until my bus was full again. When it was full, I left and went towards the village.

Tribunal President: So your normal passengers were villagers from your home?

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Detainee: They are not all my villagers. They are people from my province. I go to the main road and pick up anyone that raises their hand. I take them to the bazaar and then I take them home.

Tribunal President: Could any of your passengers been Taliban? Would you have known?

Detainee: How would I know? Anybody that raised their hand I would pick up. Probably they could be Taliban, but I did not know if they were Taliban.

Tribunal President: Is there any way that you could identify that someone was with the Taliban?

Detainee: No. I don't know. If they were Taliban I could not know. There were 60-70 passengers, ladies, in my bus, how could I know?

Tribunal President: You traveled the roads a lot, had you already seen U.S. forces in your area?

Detainee: No, I did not see. Nobody told me the American forces were in our area. In the marketplace, though, I saw the Americans riding in their cars.

Tribunal President: How far is the bazaar from your village?

Detainee: Approximately one hour or less than an hour driving. It takes one hour because of stop and go; you don't drive fast. I have to drive slow so I can pick up passengers.

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

Detainee: I thank you for coming, because I want you to tell me why I am still here in jail. If you did not bring me here, I would be in my cell and nobody would ask.

Tribunal President: And again, all we know about you at this point is what they put on this piece of paper. We appreciate hearing your side of the story.

Detainee: I swear I will do anything to make you believe me.

Tribunal President: Do you have anything else you'd like to say to this Tribunal?

Detainee: Only thing I want to say, is that I was not Taliban. I was not against the Americans. I was a bus driver. Why am I still here? I want to go home.

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At this time, the Personal Representative submitted 2 documents (exhibits D-B and D-C) on the Detainee's behalf. Exhibit D-B were letters from the Detainee's father, and D-C was the drawing provided by the Detainee.

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

AUTHENTICATION

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



Colonel, U.S. Army
Tribunal President

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974

Type:	INCOMING	Format:	ICRC
Item Number:	I-007393	ISN:	JJJ-LJD
Date Translated:	June 19, 2003		
Sender's Name:	Hajji Yar Mohammad		
Addressee:	Muhebullah		
Address:	Uberda village, Treenkoot district		
City:	Urozgan	Country:	Afghanistan
Language Used:	Pashto	Family:	Yes
		Translator:	[REDACTED]

Greetings from Yar Mohamad Kaka to my dear son Muhebullah. I present to you my greetings full of love to you. I hope you accept it. After greetings, Dear we are thankfully well and fine. And wishing for your health from Allah.

Your letter arrived my happiness was without boundaries. But I couldn't understand where are you. Next time when you write please write your complete address. We are also will try to work for your release. The Americans have promised us that they know that you haven't committed a crime and as soon as your injuries are healed you will be released.

Interpreter's Comment:

- (1) Allah's peace and blessing on his messenger and prophet Mohammed.
- (2) Peace and Allah's mercy and blessing upon you/family.
- (3) I bear witness that there is no God but Allah, and Mohammed is his servant and messenger.
- (4) God willing.
- (5) All praise due to Allah.
- (6) God the great, and almighty

Date On Mail: 22/03/03

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26 APR 2003

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7. RED CROSS MESSAGE

پیغام خانواده گمی صلیب سرخ / دوسره صلیب کوزلی پیغام

8. SENDER / فرستنده ایچورنکی

ICRC No. { شماره صلیب سرخ / دوسره صلیب نپرواله کمیته صلیب سرخ }

Full name Haji YAR MHD حاجی یار محمد { نام کامل / مکمل نوم / نام پدر / دیلاتر نوم }

Father's name { نام پدر بزرگ / دینگی نوم / نام مادر / دوسره نوم / تابعیت / هیواد }

Grand-father's name JJJIGD

Mother's name I-007393

Nationality { جنس }

Date of birth { تاریخ تولد / ولایت / هیواد / Sex F M I }

Place of birth { village / کلي / قريه / district / ولسوالی / province / ولایت / country / هیواد } اوروزگان { محل تولد / دله پانوغای }

Refugee camp / Detention place { نام اردوگاه پناهندگان / محل اسارت / پناهندگان و کسب نوم / دیند دطای نوم / کوچه / دگوشی نوم }

Street **KAD**

Village, District or City { قریه، ولسوالی، ولایت / کلی، ولسوالی، ولایت }

Province/Country { ولایت هیواد / ولایت هیواد } House No. { نمبر خانه / دکور نوم }

REPL Y / ...

9. ADDRESSEE / گولده / ایچورنکی

ICRC No. A32 010138 T. 396 974 { شماره صلیب سرخ / دوسره صلیب نپرواله کمیته صلیب سرخ }

Full name Muhebulah محمد علی { نام کامل / مکمل نوم / نام پدر / دیلاتر نوم }

Father's name Haji Yar MHD حاجی یار محمد { نام پدر بزرگ / دینگی نوم / نام مادر / دوسره نوم / تابعیت / هیواد }

Grand-father's name { جنس }

Mother's name { تاریخ تولد / دله پانوغای / Sex F M I }

Nationality { محل تولد / دله پانوغای }

Date of birth { نام اردوگاه پناهندگان / محل اسارت / پناهندگان و کسب نوم / دیند دطای نوم / کوچه / دگوشی نوم }

Place of birth { village / کلي / قريه / district / ولسوالی / province / ولایت / country / هیواد } اوروزگان { محل تولد / دله پانوغای }

Refugee camp / Detention place QATLO 21 03 03

Street { قریه، ولسوالی، ولایت / کلی، ولسوالی، ولایت }

Village, District or City { نمبر خانه / دکور نوم }

Province/Country { ولایت هیواد / ولایت هیواد } House No.

10. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین المللی صلیب سرخ / دوسره صلیب نپرواله کمیته
19, av. de la Paix - 1202 Geneva, Switzerland
MCR/EN-DA-FU/10.01/ACR

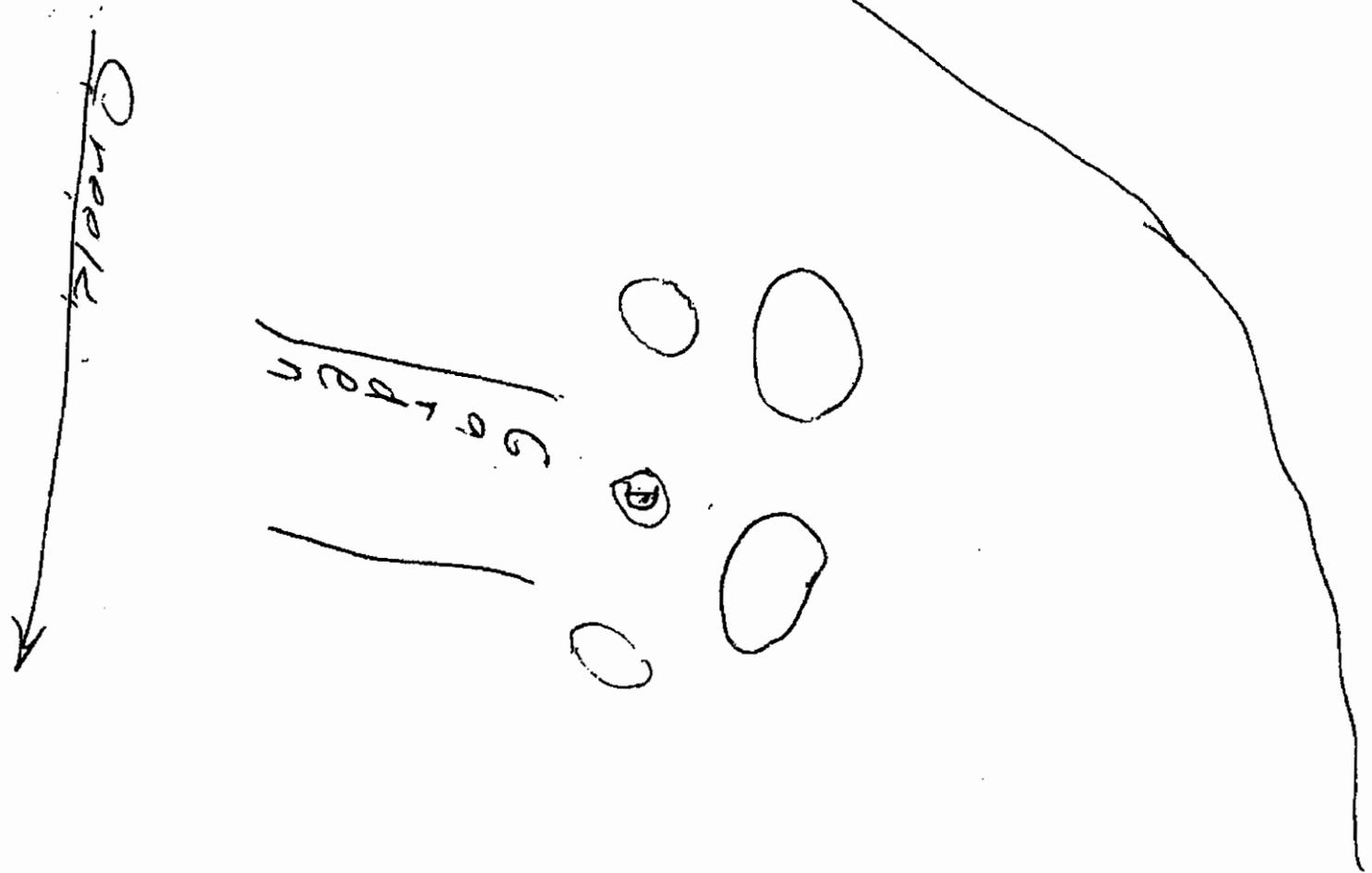
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PS-263

Exhibit: D-B

unclassified



000044

ps: 1091

Exhibit: 0-C

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Summarized Detainee Statement

[Regarding the Unclassified evidence, the Personal Representative commented he doesn't show Detainees the FBI redaction letter, which in this case was Exhibit R-2.]

The Personal Representative provided the following statement based on comments the Detainee made on the unclassified evidence:

Regarding paragraph 3.a, [The Detainee is a member of al Qaida.] the Detainee stated he wasn't Taliban or al Qaida.

Paragraph 3.a.1, [The detainee traveled to Afghanistan via Kyrgystan to receive training at a Uighur training camp/safe house.] the Detainee said east Turkistan was his home country.

Paragraph 3.a.2, [The Detainee arrived in Kabul on 26 July 2001 to begin training.] the Detainee had no comments.

Paragraph 3.a.3, [The Detainee received training on the AK-47 rifle and a Makarov pistol while at the Kabul Uighur training camp/safehouse.] the Detainee saw these things, but did not train on them. It was a small house and not a training camp. There wasn't any room for training.

Paragraph 3.a.4, [When the bombing began in Kabul, the Detainee and all of the Uighurs ran in all directions for safety.] The Detainee said that is correct.

Paragraph 3.a.5, [When the bombing began in Kabul, the Detainee and all three others were arrested by the Pakistani police while trying to evade detection {dressed in burkas}.] The Detainee said he threw away his burka before he was captured.

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

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Summarized Unsworn Detainee Statement

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

Detainee: No. My Personal Representative will let me know everything that is said and if I have to speak, do I speak about my life history?

Tribunal President: You will have the opportunity to address the allegations or the summary of evidence against you. And then you are welcome to tell the Tribunal anything else that you feel is relevant to our determination of your enemy combatant status. We may have questions for you and will allow an opportunity for your Personal Representative to present anything else on your behalf. Do you have any other questions?

Detainee: No.

The Recorder read the summary of evidence and the Detainee had a question.

Detainee: The charges you are alleging against me, are these during the period when I was in Indonesia or span across the entire period of my life?

Tribunal President: These charges would expand on your entire life activities. I can't be for certain, as we have not seen your entire file. At this point, we have only seen these two pieces of evidence and we know nothing else about you.

The Tribunal President was covering the Detainee Election Form and the Detainee had a question.

Detainee: I did not understand the points that you addressed before. What time period are you talking about?

Tribunal President: The time period would take in all of these actions listed on the summary of evidence.

Summarized Sworn Detainee Statement

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

- 3(a)(1) The Detainee is a member of al Qaida. The Detainee is an al Qaida operative.

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First of all, I would like to say that in my past, I had no links with any organization, political or religious. I have never signed any card and I never had a card from any organization. That will prove that I wasn't a member of any organization. I am not talking about any specific organization, I am not a member of any organization. There were several reasons for me to go to Indonesia. If you want to listen to those reasons, I can explain. When I came back to Pakistan, in June 1992, I did not travel until 2001. I would like to explain two things. If I had links with any organization, I would not go to Indonesia. Instead, I should have gone to Afghanistan. Instead of going from Pakistan to Indonesia, I would have gone to Afghanistan for the Jihad and fight against you people.

The other reason is that many traveled from Pakistan to Indonesia. I took all of the documents with me about my entire life. Those documents held the proof that I went with very quiet intentions. If someone goes for terrorism, they would not leave proof behind. What kind of terrorism is this, that at the time I was captured, I held all the documentation with me about my entire life? When the American government started the war in Afghanistan, our religious organizations in Afghanistan were known to have the Jihad against America, or fighting against America.

I ignored the Jihad and the fighting against America. I went to Indonesia. Anyone from my family or relatives can prove this. They have never seen me with links to any political organization or religious organization. Whatever reports you need from me, I can give you the proof for any year and I can give you the proof for all those things with the dates and the times. They represent that I am innocent.

The traveling to Indonesia in the year of 2001 was because my father passed away. He died on February 17, 2000. He was working in Indonesia from 1992 to 1998 for the government of Saudi Arabia. He was a diplomat from the Saudi Arabia government. If any member of my family or I had ties to terrorist groups or any other organizations, they would not give us a diplomatic position.

My father had a stroke and he was paralyzed in 1998 and he came back to Pakistan. He died in 2000. There were many reasons for me to go back to Indonesia in 2000.

First of all, I went to see my stepmother and my brother because, since she got married to my father, I did not see her and she was not the reason for the death of my father. She is an Indonesian national. The other reason was that I wanted to bring back my brother and the other mother back to Pakistan.

The third reason was that I wanted to go to the office where my father once worked to let them know about his death and to complete my education and apply

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for my father's position. The whole family knows of the reasons I went to Indonesia.

For the first charge, I have explained everything. I am not a member of any organization, even if it is al Qaida or any organization. As I told in one of my interrogations, I liked one of the organizations, but I was not a member of that organization. Do you understand this point?

Tribunal President: Yes.

Detainee: I don't say that I didn't have links with any organization. What I am saying is this, that I was not a member of any organization, especially al Qaida. When I was in school in Pakistan, there was a religious organization in Pakistan. I liked that organization and I used to go to the meeting in the open sessions. Beside this organization, I never physically dealt with any other organization. That organization was against the Shiites.

- **3(a)(2) The Detainee ascertained the plans and movements of a US government official for the purposes of inflicting harm or death to that official.**

The second charge that you are trying to place on me, that I was trying to kill an American officer or I was watching his movements is totally baseless. I don't know any American in the world or in Pakistan. But, I have two friends that work in two American departments. One name is Fazzi Mohammed; he works at the World Bank in America. That person is now in Pakistan. The other person that I know that works for America works for American Express in Pakistan. He is the President for American Express in Pakistan. He is the General Manager, and his name is Igbar. Besides those two people, I don't know any Americans all over the world.

- **3(a)(3) The Detainee claimed prior knowledge of a terrorist act.**

I have not confessed to any planning for any terrorist act.

- **3(a)(4) The Detainee engaged in planning of and surveillance for, a proposed terrorist act.**

The fourth charge that you say, that I was planning for a terrorist act. I told you before that I never dealt with any terrorism organization, physically, nominally or in any way.

Detainee: I have this question, that you people did not capture me from Afghanistan. You arrested me from Indonesia, how are you charging that I am an enemy combatant?

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Tribunal President: That is what we are going to determine; whether there is sufficient evidence or preponderance of evidence that will confirm your classification as an enemy combatant. We want to be certain that you are properly classified.

Detainee: I have already told you that during that period I stayed in Indonesia for 52 days, what I was doing there and who I met while I was there. I want to talk about points four and five.

Tribunal President: If I may interject on something. Keep in mind we have not seen your file. We do not know what you and the interrogators discussed.

Detainee: That's why I want to explain in front of you those four and five points. After I went to Indonesia, I got introduced to some people who were not good. They were bad people. Maybe I can say they were terrorists. When someone gets introduced to someone else, it is not written on their foreheads that they are bad or good. After dealing with the person, you can figure out if he is good or bad. Due to these reasons, I got introduced to four terrorists in Indonesia.

I have taken the oath and I am telling you the facts and truth. The first person's name was Hani Yahya Saqqaq. The other person's name is Lupfi Faisal Al-Haneb (ph). The third person's name is Habib Rizq. Habib Rizq is the President of an organization, IDF, like, Islamic Defense Front. It is said about him that he has connections with Usama bin Laden. Telephone connections. Habib Rizq and bin Laden talks through the telephone. Habib Rizq is also the guardian of the al Qaida organization in Indonesia.

I can't remember the name of the fourth person. If during the process, I remember the name, I will let you know. They were getting the fourth person ready for some terrorist act. I got introduced to these four individuals and I believe that is why I am here today. The first reason of how I got introduced to these four people is that I went into the area where my father used to live. We stayed there before for three years. There was one of my mother's friends there and her name was Lulu. She invited me to breakfast at her house on the second of Mandan (ph) and I accepted. One of these three men was at her house.

All three of the people that I met were Yemeni nationals. I got introduced to Lupfi Faisal Al Haneb (ph) at Lulu's house. He asked to see me again at the hotel where I was staying. I said OK. He came over to see me and Hani Yahya Saqqaq was with him. Hani Yahya Saqqaq introduced himself to me, saying he was a journalist for the general public. But inside he was a "Ma Jihad," the Secretary General of IDF. I showed Hani Yahya a picture that I took with the scientist who made the nuclear bomb for Pakistan. His name is Abdul Khalid Kahn (ph). The picture had some other assembly members also. That is when Hani thought I was such a high level person. He said that I was a "Ma Jihad," and I told him that I was.

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After that, he explained to me that one year ago, he tried to blow up the American embassy in Jakarta. Then he took me to see the President of his organization. The name of the President is Habib Rizq. When I went there, I saw approximately 50 to 100 people sitting in the rooms and they were having a meeting. I asked, what are these people are doing over here? He told me that the New Year is coming and the actions we are taking, the terrorism acts; we are having a meeting about that. He asked me for economic help. He also told me that he has a group of people from Indonesia to Pakistan to fight against the Americans.

When I found out about this, that these were very bad people, I tried to get away from them. There are many other points; if you want, I can also explain those.

Tribunal President: We may have some questions for ask you to clear up some items, but please, feel free to continue to tell us any information that you feel will be important for us.

Detainee: I accept the fact that I showed actions in Indonesia to portray that I was a high level person. I didn't go to see them; those people came to see me. The fourth person's name I cannot remember. One day, Hani Yahya invited me into a classy hotel. There were four people there including myself. Hani Yahya told me that this fourth person was getting himself ready to harm himself in a terrorist type of way; self suicide. To show that I was such a big person, I talked about Osama bin Laden and they asked me, did I see Osama bin Laden and I told them yes, when I was coming from Pakistan, I heard one of his announcements, in which he announced that the Muslims should not travel on non-Muslim airlines. If the Muslims were to travel on non-Muslim airlines, then al Qaida and Osama bin Laden are not responsible for their lives. He asked me, did I know about the Ma Jihad from Pakistan. I told him yes. It is true that I met many of the leaders from the organization in Pakistan. I have pictures with them. I was on my way to Jakarta and when I reached home, I was arrested.

In the last days, I was trying to stay away from him (Hani Yahya). He was calling me and I was trying to avoid him. The second charge in the summary of evidence, I think it is about what I just explained. (Hani Yahya) told me they were planning to blow up two hotels on New Year's. An American Ambassador had a program in one of the hotels. He also introduced me to his father who was responsible for three schools that trained terrorists. When I found out about all these things, I was trying to go back to Pakistan. It is obvious that I went to Indonesia and Jakarta after ten years and I don't know anyone over there. The only people I know over there is my mother and brother.

If I have committed any crime, I am ready for the punishment, but I know that I am innocent. That is why I am here.

Tribunal President: I want you to understand that we are not here to punish you here today. We are here to determine whether you have been properly classified as an enemy

combatant. We welcome your participation and your openness in your statements. We may have some questions, but does this conclude your statement at this time?

Detainee: Yes. My statement is over.

Tribunal Members' Questions to Detainee

Q: That was quite a story that you told us today. But it will assist us to ask questions that make sense.

A: I am aware that for the truthfulness I speak, these things may harm me, but to be honest, I have told you everything.

Q: That's good because we want to be able to understand what happened and why it happened. During the time when you met these people that you told us about, you were only in Indonesia for 52 days?

A: Yes. From November 18, 2001, Sunday, 8PM until January 9, 2002, Wednesday, 4AM.

Q: You remember it very well. Are you from Pakistan originally?

A: Yes. But when I got into the census I was in Saudi Arabia. I was born October 17, 1977.

Q: Your father, you said, was a diplomat for the Saudi government?

A: Yes. He also stayed in America for one year for the Saudi government.

Q: Where did you learn your English?

A: I studied English in Indonesia for one year. And I also learned English over here. I speak nine different languages.

Q: Were there times when you lived in Indonesia - different times?

A: I traveled to Indonesia my whole life about three times. The first time was in 1990. I stayed there for six to eight months. Then I came back to Pakistan for a vacation. Then I went back to Indonesia in 1991. I stayed for one year. Then I went to Indonesia in June of 1992. I traveled over there for the third time in 2001.

Q: The first two times you went to Indonesia; was that the before your father began his duties there?

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- A: No. My father started his duties over there after that time. My father was working for Saudi Arabia. He got transferred from Saudi Arabia to Indonesia. Due to that we left Saudi Arabia and went to Indonesia.
- Q: That is the reason why you started traveling to Indonesia, because he had been sent there?
- A: Yes.
- Q: When he went there, he married another wife and had a family there also?
- A: When our entire family came back to Pakistan in 1992, my father went back to Indonesia alone. And then he got married over there for a second time. I found out about his other marriage when my father came back when he got sick in 1998.
- Q: The main reason, the only reason you wanted to go in 2001 was to take care of business when he died?
- A: Yes, for that and for my stepmother and brother.
- Q: That was when you met these people you talked about and all the bad things happened to you?
- A: Yes.
- Q: Before that time, have you ever been in trouble with the authorities anywhere?
- A: No.
- Q: Did you have a job or were you a student? What were you doing during this time?
- A: In which country?
- Q: In Pakistan.
- A: I worked for three departments. From 1998 to 2001, I did not travel. The first department was the Per-Continental Hotel. I was a chaplain in a five star hotel. I was a translator for an Arabic delegation. I worked this job for one year. I worked in an institute, the Institute of Leadership. Then an institute in Pakistan. It was a university in Karachi.
- Q: How many years of formal education have you had?

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- A: I got an education in different countries. For 10 years in Saudi Arabia, for two years in Indonesia, and four years in Pakistan.
- Q: You were telling us about a conversation you had with the men in Indonesia. You said, he asked you if you were Ma Jihad and you said yes. Was that true or were you trying to impress him?
- A: What I said was true. It has two different meanings. People think to shoot a bullet is Jihad. My education has taught me that if you stay away from bad things, it is also Jihad. The verbal meaning of Jihad is that you stay away from the bad things and to do the good things.
- Q: Is that what you meant when you told the Yemeni men that you were a fighter?
- A: Yes.
- Q: Did they think that you meant fighter?
- A: Yes.
- Q: Have you ever actually been a fighter in the military?
- A: I have never had any training and I have never been in the military. I remember one incident, in my life; I picked up a weapon only once. It was a small pistol. When I tried to chamber a round and load it, I cut my finger and I still have the scar today. After that, I have not picked up a weapon.
- Q: Have you ever fought in any wars?
- A: No.
- Q: It sounds like you had prior knowledge of a terrorist act that concerns the fourth man who was getting ready to do the suicide attack on the hotel. Is that right?
- A: I am giving you my opinion. Maybe it is about that.
- Q: Did the three Yemeni men tell you about other things that were planned to happen?
- A: They told me about another actions. There was an island inside Indonesia, where there is war going on between the Muslims and the Christians. Hani Yahya and the people of his organization were getting ready to send people over to the island to fight against the Christians.
- Q: This is Aceh or Timor or one of those places?

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A: Yes. They also told me that Hani Yahya's aunt lives in America in San Diego. They also told me the aunt and her husband eloped because the American government wanted to arrest them. They asked me if I knew anybody in America that could help my aunt. He asked me if I knew a person that could act as a sponsor that could help his aunt.

Q: I think you were right before. Conversations like that is probably why you are here.

A: Yes, I accept that.

Q: Do you believe they said you were with Hani Yahya, you were with Lupfi, you were with Habib, and therefore, you did all these things with them?

A: Yes.

Q: But you tell us today that you didn't do these things with them?

A: No. I have not done anything bad in my whole life. I am not a heathen person, everybody knows about me. Even the scientist who made the nuclear bomb for Pakistan, I took pictures with him.

Q: How was it that you were able to get your picture taken with Doctor Kahn?

A: I was in a program as a guest. Doctor Kahn was there as a chief guest. I recited the Holy Koran. After I did my recital, they took the pictures. And I took those pictures with him. I have over 100 prizes for that recitation. I also saw King Fahd from Saudi Arabia. I have an award from King Fahd and I have an award from Indonesia and I have a gold medal from the government of Pakistan. In every Muslim country, every program starts with the recital of the Holy Koran. I saw many leaders in the programs. Leaders from "Maha Jahdid" organizations.

Q: What are your feelings about the United States?

A: On what topic?

Q: Do you consider the United States a friend, an enemy? How do you feel about the United States?

A: American is the second host because one of my aunt's is an American citizen. When my uncle went to America, he started a business. And due to that, our family got a strong position and we started three businesses in Pakistan, one factory and two plazas. My father also stayed in America for one year. Also, more than five million Muslims live in America.

Tribunal Members' Questions to Detainee

- Q: What business is your uncle in, in New Jersey, you said?
- A: His business is in New York. His home is in New Jersey.
- Q: Is that the business that generated three factories in Pakistan?
- A: Yes.
- Q: What is that business?
- A: Medical. Pharmaceutical.
- Q: Distributing or manufacturing?
- A: Distributors.
- Q: And the factories in Pakistan, distributors or manufacturing?
- A: They make leather shoes.
- Q: OK, complete line of business then?
- A: Yes. My uncle and his wife are both doctors.
- Q: It amazes me that you would associate with people that you associated with. You must have a very big ego and want to be a popular person.
- A: I think I'm stupid; otherwise, I would not be here today.
- Q: You are very cooperative, very truthful, you seem to want to make amends and I've met many individuals doing my job here and I notice that you are wearing an orange uniform. Why is that?
- A: I don't know.
- Q: You don't know that there are other colors or you don't know why you are still in orange?
- A: I know about the other colors, I think I am still in this color of uniform, because once I tried to commit suicide after being here 191 days.

Tribunal President's Questions to Detainee

- Q: I understand your father to be a Saudi Arabia diplomat. How did he acquire residence in Pakistan?
- A: Before going to Saudi Arabia, my father had three bungalows in Pakistan. We put them up for rent and we lived with our grandfather. The rent we received for the bungalows, we took care of everyday business.
- Q: You maintained your Saudi Arabian citizenship?
- A: No.
- Q: You have a Pakistani citizenship?
- A: Yes.
- Q: You wanted to attempt to replace your father's position after his death?
- A: Yes.
- Q: How could you work for the Saudi government as a Pakistani citizen?
- A: We were using the passport from Pakistan as Pakistani, but the stamp they put on the passport, this gives us the facilities to the Saudi government. The organization at the department where my father was working, there were also other people working but they were working as Saudi nationals. And they were from different nations.
- Q: You indicated that you spent 52 days in Indonesia. Why did it take you so long to take care of that business?
- A: I saw the director of the office where my father worked only once and I presented him the file and told me that he would see me after our holiday. It was the holy month. After that, I went to my grandfather's home. Then I started the process for my mother to go back to Pakistan. Another obstacle we were facing was my younger brother has to be eligible to use my father's passport. It's according to the law of Indonesia. But my father was dead. My brother didn't have the passport and was not allowed to have it.

Detainee: Will there be another Tribunal session?

Tribunal President: No.

Detainee: When will I know about the outcome of this?

Tribunal President: I will explain what lies ahead after this process and hopefully within 30 to 60 days, no longer than that, once the convening authority reviews our decision, then you will be notified of our decision.

Detainee: There is one more point that I want to make. When I was talking to Hani Yahya Saqqaq, he asked me one question. And I told him that when Osama bin Laden said not to travel on non-Muslim planes, he asked me what I thought about that? I said, I think there will be more terrorism. He asked me how it's going to happen? He also asked me what did I know about the "Majahdid?"

I told him three things. I told him there was a type of glasses that once placed on your face, you can find out what weapons your enemy has, like X-ray glasses. I also told him that there was a type of chewing gum, if you chew it and throw it, it would explode like a bomb. I also told him that there was a type of shoes in which you could hide the bombs.

I want to ask a question. My briefcase; all of my papers are in my briefcase. How can I get my briefcase?

Tribunal President: We will go to review all the other evidence and if we feel that this information that might be in your briefcase may be of relevance then we will have that evidence produced.

Detainee: Is this the final Tribunal?

Tribunal President: I will explain that. But we have one more question.

Tribunal Members' Questions to Detainee

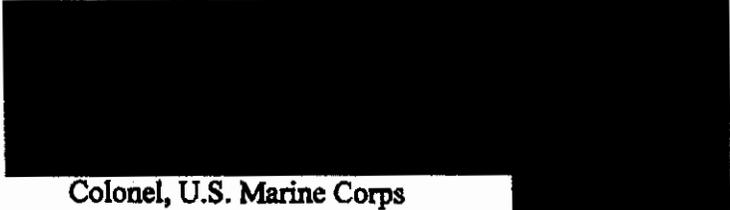
Q: Your memory is better than mine but, you arrived in March 22, 2003 and you mentioned you spent 92 days in Cairo, Egypt in detention. Early I believe you said it was 2002. How many different places have you been detained and when were you initially arrested?

A: They arrest me, January 9, 2002 in Jakarta. I stayed in Jakarta for two days. They sent me to Egypt. I stayed in Egypt from January 11, 2002 to April 12, 2002. Then they sent me to Afghanistan by Pakistan. I was in Afghanistan April 13, 2002 to March 22, 2003.

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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

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Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the Detainee. The Detainee confirmed that he understood the process, but made a statement.

Detainee: Yes, I'm ready.

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

Detainee: First of all, peace be upon you. I have been here for almost two years; what kind of government do you have that no one understands why I've been here two years for no reason?

Tribunal President: I understand you don't have any questions about the process we are going through today.

Detainee: You are leaders, and we were not against the Americans; we were happy when the Americans first arrived into our area. I've been sitting here for the past two years for no reason; we were happy for the coming of Americans.

Tribunal President: We are going to proceed with the hearing. There will be an opportunity later for you to provide more information about why you were apprehended and why you believe you should be released. More specifically, why you should not be classified as an enemy combatant.

The Tribunal President then reiterated the purpose of the Tribunal, and that none of the Tribunal Members had seen any information prior to the Tribunal other than the Detainee Election Form. The Tribunal President also explained in further detail the purpose of the Tribunal and offered to allow the Detainee the opportunity to ask questions at any point during the proceeding.

The Personal Representative submitted the Detainee Election Form (Exhibit D-A).

The Recorder then read the unclassified evidence.

The Tribunal President addressed the Detainee Election Form, and confirmed with the Detainee the identity of the Witness he requested. Although the Witness was in U.S. custody, he was unable to be present due to Force Protection concerns; the Witness was, however, able to provide an alternate form of testimony by sworn statement as provided to the Personal Representative.

The Tribunal President then offered the Muslim oath to the Detainee, and that it was a promise to tell the truth.

Detainee: Yes, yes; I am ready. I am ready to testify because I was innocent. I was very happy you helped us to be freed from the oppressors; for the past two years, my interrogations never ended.

Tribunal President: As I understand, you'd like to make your statement under oath?

Detainee: I am ready to swear twenty times because I'm innocent.

The Recorder then administered the oath to the Detainee. After the Muslim oath, the Detainee stated the following:

Detainee: I'd like to notify all of the leaders, that I owe 200,000 rupees, and I was taking care of my family; I owe all that money, and now I'm here.

At the Tribunal President's request, the Personal Representative then stated each point of unclassified evidence separately, to allow the Detainee the opportunity to respond.

3-1. The Detainee, when captured, was wearing an olive drab green jacket. He was stopped at a checkpoint because he was with a group observed caching weapons, which had recently been used against United States forces.

Detainee: All lies. I assure you all over Afghanistan no one could prove this. I only had two donkeys with which I was taking care of my family.

3-2. The Detainee suffered hearing loss, which was caused by firing weapons.

Detainee: All lies. I assure you that since childhood, I had this problem, and it wasn't from firing weapons.

3-3. The Detainee had knowledge of an early warning system used to warn villagers of approaching United States or coalition forces.

Detainee: All lies. I didn't ever go very far from my house, ever.

3-4. The Detainee operated an intelligence collection network in support of a former Taliban Chief of Intelligence.

Detainee: All lies. I swear to Allah that I don't know what the Taliban is; all I know is that Karzai is the President.

3-5. The Detainee was scheduled to meet with other Taliban leaders who discussed an upcoming jihad against the coalition and Afghanistan Transitional Authority.

Detainee: I swear to Allah that I don't know these leaders as I was providing for my family; all over Afghanistan nobody would tell you I know these leaders.

Personal Representative: (addressing the Tribunal President) Sir, this concludes the Summary of Evidence for the Tribunal.

Detainee: I was working day-by-day to provide for my family; I was very happy for the coming of the United States forces. I would like to tear up my clothes in front of the Tribunal; I'd like to tell the President of the Tribunal that we were happy. I'm not al Qaida or Taliban, and they came to get rid of the oppressors of Afghanistan. God willing, in the future, anyone who accused me of these bad things I would hand over to the United States. I am ready to tear up my clothes if you want to slaughter or kill me; all over Afghanistan there are no individuals that would tell you anything wrong about me to you. I swear if I was guilty I would not swear, but I am innocent which is why I'm ready to swear. Thank you very much, and I say greetings to you, whatever you want to do.

The Tribunal President then requested that the Personal Representative present the statement from the Witness.

Personal Representative: The Witness made a statement on 16 December 2004, to each of the allegations on behalf of the Detainee. On #1, (the Witness) answered that everyone has a drab olive green jacket. Wintertime is cold, and everyone wears it. Yes, you may buy one at any bazaar, and he has a new one. At time of capture, he was outside of his house on the wall wrapped in goatskin, because he has TB and was sick. On #2, he was deaf since childhood, not from firing weapons. On #3, no one had knowledge of early warning systems; three people told lies from the village because they didn't like me or the Detainee. They had worked for the Russians. Americans had come before, and they ate at my table. On #4, the Witness stated no, he was a poor man, and Taliban never came to our area. How could he work for the Taliban? Our people were against the Taliban. He had no education, and is unable to read or write. On #5, the Witness stated no; the Detainee never stayed out of the village for a day, and never had a relationship with the Taliban, because he was just a farmer. That completes the Summary of Evidence, but I asked the Witness several other questions.

Below are questions asked by the Personal Representative (PR) and the PR's summary of the Witness (W) testimony.

PR: How long have you known the Detainee?

W: I have known him since childhood; he is the son of Kowaskakhi (ph), and the grandson of Anwar Babu; he has TB and is treated here with IV's, and he is weak. They treated him for eight to nine months for this. Next month will make it two years we have been here.

PR: Did the Detainee have any weapons?

W: No; he was a farmer for another person that is disabled. The name is Lakik (ph), and the Detainee was farming for this person, and is where he got his money. He had no weapons or education.

PR: Does he have any possessions?

W: Two donkeys.

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PR: Did the Detainee fight against American or allied forces?

W: No, he never fought the Americans. He was happy for the Americans, happy to see them, welcomed them, and supported them. We believed in them, with the same God, better than the Communists. Everything I say is true, and I will say under oath.

Tribunal Members Questions to Detainee

Q: As the Tribunal President told you, we've seen no evidence about you, so please bear with me; where do you live?

A: In my village.

Q: Where's your village?

A: Lejay.

Q: And where's the nearest large city?

A: The city is far away; our village is in a mountainous area. We are close to the District of Bagron (ph).

Q: Is there an American or coalition base near you?

A: No, no, not near my village.

Q: How were you apprehended?

A: Americans came from a different village and were going through my village when they captured me.

Q: Why did they capture you?

A: I was sitting outside my house, because the day before I'd been wearing a goatskin; I had a jacket sitting outside, and they probably thought I was al Qaida, came and arrested me, and took me to an old house. The next day they took me somewhere else.

Q: You said you'd never heard of the Taliban; is that correct?

A: Yes, yes, I didn't hear of the Taliban because they never came to my area. The people against you probably told you that Taliban exist in my area; no Taliban existed in my area.

Q: So who did you think was the governor of the area in which you lived?

A: A friend of the Americans, named Shar Mohammad (ph), was the governor of Helmond Province.

Q: Had there been any attacks on American or coalition forces in your province?

A: I swear to Allah I did not hear even one shot; my village is located between two other villages. Again, I swear I never heard a shot.

Q: It seems that you're hearing [is] fine; is the problem gone away or are you getting treatment?

A: My left ear is fine; my right ear is blocked, and I can't hear with my right ear.

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Q: Can you confirm what the Witness said that you can't read or write?

A: I cannot even write my name; I swear to Allah I can't read or write. A letter I received from Afghanistan I had to ask a translator to read.

Q: Did you travel very far from your village?

A: No, no, no; I never traveled to the cities; sometimes I went to the bazaar for sugar or candy. Sometimes I went to the next villages for work, but I did not go to the main cities.

Q: Did you ever see a group caching weapons anywhere near your village or location?

A: No, no, no; I swear I never heard someone even had a weapons cache.

Q: What were the names of the Communists you said accused you of these allegations?

A: I swear to Allah that I don't know their names, but probably my Witness would know their names; he would definitely know. I have a request, as you are my leaders, that my family doesn't have anyone to support them.

Q: You just said you had a request, what was that request?

A: I have a request that since you are my leaders, for you to know that I did not do anything wrong, that my family may have nothing to eat for dinner; all of these accusations about me are wrong accusations. If you are supporting the government for farmers, if not, I am sitting here.

Q: How do you know the Witness; how is he related to you?

A: I've known him since childhood; he's in my village, and is an older gentleman. We have a drought problem in our area, and were working day by day.

Q: You said you were a farmer; what did you farm?

A: I grow wheat. One year the profit was (incomplete; translator couldn't convert to a dollar amount).

Q: It [the profit or dollar amount] is not important; just that you were growing wheat.

A: Basically, the first season we grow wheat, and the second season, we grow corn. Except buttermilk, we had nothing else to eat. We often ask our neighbors for cornbread and buttermilk because we did not have it.

Q: Regarding the circumstances of your capture, I understood you were just standing outside of your home when they came up and took you away? Is that correct?

A: I was in the house when I saw the Americans crossing my village; I came outside and greeted them. Then they told me to sit here and they arrested me.

Q: I'd like to know about your family; do you have any brothers?

A: I have 3 half-brothers; I have a son who is 6 years old.

Q: Your half-brothers; do you know what they do?

A: We work hard, farm, bring wood from the mountains on top of the donkey and make our living.

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The Tribunal President then thanked the Detainee for his testimony, and asked if he had any further information to present to the Tribunal.

Detainee: It hurts me I've been sitting here the past two years. I did not do anything wrong; I committed no wrong, but I've been sitting here for the past two years.

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.

[REDACTED]

Colonel, USAF

Tribunal President

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Summarized Sworn Detainee Statement

When asked by the Tribunal President if the Detainee understood the Tribunal process, the Detainee stated, "yes."

After taking the Muslim Oath, the Detainee made the following sworn statement:

Detainee: First, I would like to object that I am associated with al Qaida or the Taliban. [although] I did attend training at the camps.

Regarding paragraph 3.a.1 [The Detainee traveled to the Philippines toward the end of 1996 or the beginning of 1997 to train for Jihad at Camp Vietnam], that is correct. I was in the Philippines and spent almost twenty days there. I was with MILF in Denau (the Philippines) (that is, with the Moro Islamic Liberation Front). I know they were not related to al Qaida or the Taliban because it was in the Philippines. They were fighting the Philippine government because the government took their freedom. I went there to check out the situation and I received training on the M-16 and RPG. I got the justification I needed and returned to my country. MILF is not related or associated with al Qaida or the Taliban.

I went to Afghanistan in 1997, to the Khalden Camp in Khost. The Khalden Camp is not associated with the Taliban or al Qaida. This camp has been open since 1988 during the time of the Soviet Union. At that time, al Qaida had some camps near Khalden Camp, but Khalden Camp wasn't under the direct control of al Qaida or the Taliban. It was open before the Taliban took over Afghanistan. Of course, the Taliban wanted this camp to run, but it wasn't under their control.

Paragraph 3.a.4 [The Detainee attended three courses at the Khalden Camp; The Basic, the Gunnery, and the Tactics course]. I did attend the Basic training and the artillery training. The 75mm rifle wasn't American, it was Soviet. The Urban Warfare Tactics course wasn't in the city, it was in the mountains.

I went back to my country and I stayed for a while before returning to Afghanistan in June 2001 to continue my training. I joined a private small camp outside of Jalalabad; there were only about ten of us. I skipped training to earn money, but it wasn't related to al Qaida. This camp also had no affiliation with al Qaida or the Taliban. A month later, the Taliban and al Qaida closed the camp in July 2001. I did receive training in that Camp.

Paragraph 3.a.9 [The Detainee stayed at an al Qaida guesthouse in Kandahar, Afghanistan]. I was compelled to stay there, because when I first arrived in Afghanistan in 2001, they asked where I was going. Then they took me to an al Qaida guesthouse. Everyone was required to go to the house because they checked passports and wanted to know the reason you were visiting. They asked if I wanted to receive training. I told them no, I only came here to go to (inaudible) with my friends. I spent two weeks in the

guesthouse, and they told me I was free to go wherever I wanted. I left the guesthouse and didn't return. I was compelled to go to the guesthouse because if I hadn't they would have classified me as a spy. I was convinced to go to the house and get help to find my friends that I have known since 1997. I stayed there because I was confused. When I got my thoughts together, I left.

Paragraph 3.a.10 [The Detainee was apprehended by Pakistani authorities in Pakistan]. When I left Afghanistan in September, I took a long trip through the mountains by myself to the Pakistani checkpoints. It was very tiring. I asked the authorities to take me to my Embassy.

Summarized Answers in Response to Questions by the Personal Representative:

Q: Paragraph 3.a.3, [The Detainee traveled to Afghanistan in 1997 and trained at the Khalden Camp]. Was that camp ever closed?

A: Yes, this camp was closed in early 2000 because it didn't belong to al Qaida. I wasn't in Afghanistan at the time; I was in my country. But, I heard they put pressure on the camp and closed it because it was out of their control.

Personal Representative: Your testimony, then, is that it wasn't an al Qaida camp?

Detainee: It wasn't an al Qaida camp because when America bombed al Qaida camps in 1998, they didn't bomb this one. I believe the reason they didn't bomb it was because they knew it didn't belong to al Qaida.

Q: Paragraph 3.a.7 [The Detainee's Tactics Course consisted of learning camouflage, map reading, urban warfare, and small unit tactics]. Did you do any urban warfare training there?

A: We learned tactics and map reading but nothing about urban warfare.

Summarized Answers in Response to Questions by the Tribunal Members:

Q: Are you from Saudi Arabia?

A: Yes.

Q: Do you have a background in military service?

A: No.

Q: What kind of military training have you had besides what we have heard today?

A: None, that was all the military training I had.

Q: The first point says the reason you went to the Philippines was to train for Jihad, is that correct?

A: I went there to check out the situation, not just for training. I wanted to see if they were right, and good people. If they could convince me, I would support them. After I got there, I realized it wasn't for me because at the time, I didn't have adequate training. I wanted to be a soldier, but the training there wasn't any help. After I saw the situation, I got some training and left. I was only there for twenty days.

Q: When you made the decision to go, was it for a religious reason also?

A: I felt I had to help those people in the Philippines. I looked at many cases and saw what was happening in Bosnia-Herzegovina and Chechnya. It was convenient and the opportunity was there for me to go and help.

Q: The Moro Islamic Liberation Front, they are the Muslims who are there now?

A: Yes, they are the Muslims who are there now.

Q: They were fighting the Philippine government?

A: Yes, for a long time, since President Marcos was there. I believe in Jihad to struggle for your rights and freedom. I went there for that reason, not to be a terrorist or part of al Qaida. I wasn't a member of al Qaida or on the front lines with the Taliban because I don't believe in what they are doing. I believe what the Taliban did in Afghanistan was ethnic war. Al Qaida is a terrorist organization. I was with MILF and MILF has no relation with al Qaida.

Q: They were related with Abu Sayyaf, weren't they?

A: They are different. Abu Sayyaf is a small group. MILF had talked about making peace with the government. MILF doesn't just fight about money and they are not linked to Abu Sayyaf. When I was there, I heard about Abu Sayyaf but there was no relationship between MILF and Abu Said.

Q: You got your training in the Philippines, went back to Saudi Arabia, then you went to Afghanistan to get training?

A: Yes, as I told you, when I went to the Philippines there wasn't anyplace to receive adequate training. When I was in the Philippines, I had met some guys that had been in Afghanistan. They gave me some advice and told me about the training in Khalden Camp. When the opportunity was available, I went back to Afghanistan for training.

Q: The real reason you wanted all this training was, in case you were called upon to be a warrior, you would be ready?

A: That's right, to be ready to be a Jihadist or a soldier. That is what I believed at that time.

Q: We have heard that many people were being encouraged to live in Afghanistan to help the Taliban because it was a pure Muslim state or trying to be a pure Muslim state? Do you share that view?

A: I wasn't sure with them on this point because I believed it was an ethnic war between the North and South, Farsi and Pashtu. I learned this was happening in Afghanistan, but I didn't feel this was the right struggle or Jihad. Some people believe the Taliban is pure Islamic, but I don't believe that.

Q: You didn't think the people in Afghanistan in the South were being repressed by the people in the North?

A: If the opportunity arose in the North, the North would do the same. I believe what happened in Afghanistan was an ethnic war.

Q: When you went to Pakistan, you mentioned when you were at the guesthouse you had to check in?

A: When I went to Afghanistan the second time because the first time Khalden Camp was in Afghanistan. When you have connections with the people in Khalden Camp, you have to go to the houses in Pakistan and Afghanistan so you don't end up in an al Qaida guesthouse. I joined in 2001, after they closed the camp in 2000. Because it was closed, there wasn't a guesthouse for the Khalden Camp. I knew how to get into Afghanistan because I had been there before. When new people arrive in Afghanistan, the Taliban stops them because they are strangers. They are asked who they are and where are they going. I went to get training, so they took me to that guesthouse. I was checked out and so was my passport. When I got to the guesthouse I said I had been in Afghanistan before and I told them whom I knew. I was told they didn't know these people but they were sure I did, so they told me I was free to go, and travel wherever I wanted.

Q: When you went back there the second time, if Khalden Camp had already been closed, how did you expect to find your friends if they had left the camp?

A: Because they were famous and everyone knew them. I knew they were still there. When I went back, I asked about them and I found them.

Q: Your famous friends, what were their names?

A: Abu Zubaydah and Meshir.

Q: When you stayed at the guesthouse, did they ask you to leave your passport there for safekeeping?

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A: No, actually they gave me a choice as to whether I wanted to keep my passport there or not. They asked me if I wanted to leave my passport and attend training, or I could stay there. I told them I already had the training, so I didn't need it. They said okay.

Q: You were able to keep the passport with you the whole time, even when you were leaving to go?

A: Yes, I could keep it with me if I wanted.

Q: When you were apprehended in Pakistan did you have it with you?

A: No, actually it wasn't my passport. It's a long story. It was my brother's passport; I didn't have one. It's a long story. When I got to the guesthouse I sent it back to him.

Q: One of the reasons the Pakistanis apprehended you was because you didn't have a passport?

A: Yes. I went to them so they could help me get to my Embassy. I wanted to get a new passport so I could return to my country.

Q: When you were in jail, did a Saudi representative come see you?

A: Yes, he came. He couldn't get us before the Americans did.

Q: Do you consider the United States to be an enemy?

A: No. I'm an educated guy and I understand politics. Just because the United States doesn't help us in some places, it doesn't mean they are our enemy. I have my beliefs since I first started Jihad. I don't have to believe everyone. I have my knowledge and mind. I have to think about everything. I don't consider the United States an enemy. The United States government has made some wrong decisions, but that doesn't give me the right to consider them an enemy or to kill their people. I don't believe that way. Many members of my family are Americans. My brother married a woman from America. They have four kids who are also American. My other brother had daughters that were born in the United States. My cousin lives in America and has a United States passport, an American wife and children. They all live in America and all have American passports. I believe America is like any nation. They are the superpower. They are wrong in some points and they are right in some points. That doesn't give me the right to consider them an enemy or to kill their people. I was sorry about the 11 September attacks because it was hard to believe it was done in the name of Islam. I believe in struggle. If you are a soldier and you want to struggle, you have to fight man to man on the front line if you are right. Killing people in their houses is wrong. What

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happened was wrong and it affected everyone. I can't change it, but I wish I had had a chance to stop it.

Q: If you were released from the camp, what would you do with the rest of your life?

A: I made mistakes. When I left my country I felt my family didn't need me because they had money, they had everything. I wanted to find people that needed my help. I was twenty-one at the time. I was away from my family because my job was almost one thousand miles from my home. When I was away from my family, strange ideas came to my mind. I wanted to go help Muslims get their freedom. I went to the Philippines, then to Afghanistan, and got involved in all these things. I had to continue, I couldn't stop at that point. The three years I spent here was a good time for me to think about the mistakes I had made. I left my family. I think they need me to be with them. If I go back, I will stay with my family and give them advice and explain to them the difference between struggle and terrorism. I have experience now and can direct them. I don't want them cheated by someone like Usama Bin Laden, or the Taliban. I want to educate them so they think before they make any decisions. They must first care about their family and country. Then, if they want to help others, they have to find out what is happening. I shouldn't have been in Afghanistan because it was a place for bad people, good people, neutral people, everyone. Americans went there and took everybody and brought them here. I shouldn't have been in Afghanistan. I'm twenty-nine now, and I won't make this same mistake again.

Q: Originally, before you left for Jihad, you said you were working a thousand miles from home?

A: Yes.

Q: Doing what?

A: I was working in an electric company as a control operator at the Saudi Electric Company.

Q: What function at the electric company?

A: Operator.

Q: When you went to the Philippines and later to Afghanistan, where did the money come from to do that?

A: I saved the money when I was working. They paid well, so I had enough money to live in Afghanistan. It was all from my money.

Q: No one helped you to get money to go to...?

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A: No, because I didn't need it. If I had to help people, I had to go by myself. I had the money so I didn't need to ask for help.

Q: You mentioned you were educated and you could think about the situation and make your own decisions. Did you follow any fatwas or anyone else's ideas?

A: We had fatwa about Jihad for a long time. The right Jihad, the right struggle, to help people get their legal rights. That is what I believed and that was the fatwa I gave. I decided to give the reward of the God so I had to help these people. It didn't mean I had to be a soldier and go fight. When there was a war, I would be fighting. When there was peace, I would be a teacher to the kids. That is what struggle meant to me.

Tribunal Member: You sound like a man of conviction.

Detainee: Yes.

Q: You mentioned if you considered someone an enemy, you believe it is okay to take an action (do whatever is necessary, to meet them on the front lines)?

A: Yes, if he is a real enemy and there is war. If there is peace or there are talks about peace, I have to follow what the people I am with want to do. If there is fighting, I would have to fight.

Q: It would be fighting on the front lines?

A: Yes, but not attacking civilians. I would leave my family because they're not involved in that.

Q: If you have strong beliefs and you would fight an enemy you believe is a rightful enemy, but you don't have the power to compete with that enemy, what would you do?

A: There are other things. If they attack you or your country, you have to fight. If you're not ready to attack them, you don't have to. This happened in the Philippines. Marcos killed several Muslims and didn't give them rights. That case has built up until now. The war now isn't like it was in 1970. When I went there, it wasn't a big fight. I went there because these people needed my help. I wanted to get their hearts. If there are any cases like what happened in Bosnia-Herzegovina I would go there. At that time, Bosnia-Herzegovina was finished, so I wasn't needed there.

Q: What about now; if you were needed outside of Saudi Arabia, are you saying you would or would not be available?

A: After what has happened now?

Tribunal Member: Yes.

A: I think I would have to be with my family now because they need me and I need to be with them. At that time I was young, only twenty-one. I was zealous. I believe the people should have their legal rights and freedom, but I don't think they need me there to help them. I have to take care of my family.

Q: Have you helped the Taliban or al Qaida in the past?

A: No, I haven't. I may have had some friends in al Qaida that I knew before they were al Qaida, because I met them in the Philippines or in the camps in Afghanistan. Maybe they joined al Qaida, but that doesn't mean I am part of al Qaida. Maybe they are friends of al Qaida but they're not members of al Qaida. Maybe al Qaida had their names. Each one knows each other.

Q: Have you ever fired a weapon other than in training?

A: I went hunting sometimes in Saudi Arabia.

Q: What do you hunt in Saudi Arabia?

A; Rabbits.

Q: I understand you traveled back to Afghanistan in July 2001. You traveled later that year to Pakistan before being detained by the authorities in Pakistan. What month would that have been (November, December)?

A: I got to Afghanistan in June 2001. I began the training in Jalalabad in July. I stayed in the guesthouse for two weeks. I was ready to leave Afghanistan before the 11 September attacks. I got a new passport and was headed back to the Philippines. I went to Afghanistan for training and found a place I believed needed my help. When the 11 September attacks occurred, I was stuck in Afghanistan because it was hard to leave during that time. I had to stay until the situation changed. It was dangerous for all Arabs and even some Afghans to stay in Afghanistan. It was the middle of December 2001 when I was with the Pakistani authorities.

Q: That seems to be a lot of time in between July and December. I'm not sure why you didn't leave before December?

A: In July, August and September, I received training at the camp. In September, I was trying to find a passport. I told you I had come to Afghanistan by using my brother's passport. I sent the passport back, and then I tried to find a passport. It's not easy to find a fake passport that fits you, personality and age. All that time I was looking for a passport and receiving training. One or two weeks before 11 September, I received a passport. I had made plans to return to the Philippines but after the attacks, it was hard for anyone to leave Afghanistan.

Q: I would have thought with such famous friends you wouldn't have much difficulty finding a new passport.

A: It's hard, really hard. Sometimes you find a passport with the incorrect age or with a nationality you can't pass for. They are famous friends but they also have other people they have to take care of. I looked and found a passport. It was for someone younger than I. He was sixteen. I was going to leave Afghanistan using anything. I had to use that passport.

Q: You had your passport now. How did you attempt to leave Afghanistan?

A: At that time, before the attacks of 11 September?

Tribunal President: You had your new passport before 11 September?

A: Yes. I got it one week before the attack.

Q: Why was it so difficult for you to leave? Once you have another passport, you were good to go.

A: The passport wasn't ready. I had to change the picture. You had to take pictures that make you look young. The process wasn't complete. I had to go to Pakistan to take pictures because I couldn't get photos in Afghanistan. I was worried about the passport since it was for a sixteen year old. I wasn't sure if I wanted to use it or not. It takes time and it's not easy to get things done in Afghanistan.

Q: Where did you stay outside of the training camp?

A: The second time, in 2001, I stayed with people at a camp outside of Jalalabad. I traveled between Jalalabad and Kabul. I stayed in Jalalabad at the camp and traveled to Kabul so I could contact my family or to meet Abu Zubaydah or Meshir to get the passport.

Q: Who did you stay with in Kabul?

A: With Abu Zubaydah's assistant. He was an Iraqi. He had a house and lived with his family on the second floor. We lived downstairs. Sometimes Abu Zubaydah came to visit at the house, and that's when I would ask him if he found me a passport.

Q: Outside of the training camp, did you carry any weapons with you as you traveled around Afghanistan?

A: No; even though I traveled alone, it was safe.

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Q: Were you ever transported, or did you ever travel, to the areas where they were fighting?

A: No, because the fighting was in the North of Kabul and I haven't been there. The area of Jalalabad was safe.

Q: When you finally crossed the border of Afghanistan to Pakistan in December 2001, who else was with you?

A: Two friends of mine that I attended training with. They were from Tunis. We were all living in the same house in Jalalabad. When I found out it wasn't safe in Jalalabad any longer, we left and stayed in another small village outside of Jalalabad until we had the chance to leave Afghanistan. We divided into two groups and left after about two weeks. We walked. It was a long trip through the mountains. I was sick and tired and that is why I went to the Pakistani authorities. I thought they would take me to my Embassy. I was wrong and they were right.

Q: Did you at any time pay for your training or accommodations while you were in Afghanistan between July and December of 2001?

A: The first time, when I was in Khalden Camp, I didn't have to pay anything. Profit (ph) Camp didn't have a sponsor so I had to pay for the training I received there. On some occasions, I also had to pay for the house and for food.

Q: Did you have much money with you?

A: Almost three thousand dollars.

Q: How much did you have with you when you were detained in Pakistan?

A: Almost twelve hundred dollars.

Q: But no passport?

A: No passport.

Q: No weapons?

A: No weapons.

Q: Twelve hundred dollars?

A: Twelve hundred dollars. That is enough money for Pakistan and Afghanistan.
Tribunal President: It sounds to me like you could almost buy a passport with twelve hundred dollars.

Detainee: No, I didn't buy the passport. I met with Abu Zubaydah and he gave me the passport. Sometimes you can get a passport for free. After I mentioned my situation to Abu Zubaydah, he told me he would try and find me a passport. Abu Zubaydah found one and told me I had a choice if I wanted to bid for it or not. I told him we were friends and I have money, but you got the passport for free, why do you want to charge me? He gave me the passport but it still needed work and I had to go to Pakistan to take care of it. I didn't have the time to take care of all of it.

Q: If you had to pay for a passport, it would be a very valuable commodity?

A: Yes. It could cost approximately five hundred dollars to one thousand dollars. Of course, I was looking for a passport to leave Afghanistan. Several people looked for these passports.

Tribunal Member: It's a commodity that brings a good price.

Detainee: For a business?

Tribunal Member: Well, five hundred to a thousand dollars. You said you had twelve hundred dollars in Pakistan and Afghanistan and that was a lot of money. Five hundred is a pretty good amount.

Detainee: Yes, this is the cost of the passports and several people want them. These passports come from many places around the world, not necessarily from Pakistan. They get them from Saudi Arabia and Europe. The prices are based on the world market. That was okay with me. I would pay anything within limits. I had money at home that I could have my brother send me.

Tribunal Member: I guess you knew Abu Zubaydah pretty well and he just gave you the passport as a friend.

Detainee: As I told you, he tried to charge me.

Tribunal Member: You went back and forth until he decided to give it to you.

Detainee: Yes, that is what happened.

Q: Why didn't you just use your real passport from Saudi Arabia?

A: It is a long story.

Q: There is a reason you didn't have it with you?

A: It is a long story if you would like to read it. It is in the file.

Q: There was a reason? That is what I wanted to know.

A: I didn't have a passport because it was taken away from me. The authorities were looking for me in my country. I was in Afghanistan. I went to Afghanistan in 1997 and went back in 1999. The Pakistani government took my passport away from me. I didn't want to be put in jail. I lived there for two years and I found a house to stay in. It's hard to live somewhere when someone is looking for you. I had to leave again for Jihad. The second time, when I left in 2001, it was because I didn't want to be arrested by the Saudi government. After staying in the village for two years, I decided I had to leave for Jihad. If the authorities hadn't been looking for me, I might have stayed in my country because I already had a job. It was hard to live with the fact that I was wanted (by authorities), so I left.

Q: It was because you had gone to Afghanistan the first time?

A: Yes, the first time in 1997.

Q: The Saudis considered that to be (inaudible)(objectionable)?

A: When I was in Afghanistan and tried to leave in 1998, the Pakistani Intelligence captured me at the airport because they were looking for Abu Zubaydah. At the time, Abu Zubaydah worked at the Khalden Camp receiving people and financing the camp. Meshir was in Afghanistan taking care of the camp. Abu Zubaydah was in Pakistan taking care of business. I was with Abu Zubaydah in Pakistan. The authorities looked for me at the airport because Abu Zubaydah had purchased my tickets. The Pakistani authorities arrested me in 1998. I was in jail for two months. The Pakistani government couldn't catch Abu Zubaydah so they went after the guys getting the training. I was money for them. I was released after two months. I tried to get my passport returned, but they told me they sent it to my Embassy; however, they didn't provide me with anything to show this. In 1998 the Saudi government arrested many Jihadists, so I was afraid to go the Embassy by myself.

After they took my passport I made bad decisions. I was told I didn't have to go the Embassy, or I would be sent back to Saudi Arabia. They put me in jail and tortured me. I decided to get a fake passport and returned to Saudi Arabia in 1999. During that time, I had to wait for the passport. I was in Pakistan, not in Afghanistan. I spent almost nine months in Afghanistan and fifteen months in Pakistan between jail and trying to get my original passport back. I went back to my country in 1999. I wasn't sure if the Saudi government had my passport or not. I found out I was wanted, but I didn't know why. I didn't know if it was because my passport had expired or if it was because they knew I had been in Afghanistan. Immigration was looking for me. They caught me and turned me over to the secret police. I was confused because they didn't look for me at my house. I went back to my job and was there for two years. It was hard for me to stay there because my brothers got married and my father wanted me to get married. I couldn't get married because it would create too many variables. I didn't want to make it

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difficult for my family. They supported me going to Afghanistan. I went back to Afghanistan so I could get a passport and renew my training. As you have said, it's not easy to get a passport. I had friends in Afghanistan that could help me. I went to Afghanistan. I found a guy that was going back to Saudi Arabia, so I gave him my brother's passport so he could return it. The Saudi government captured the guy and they found my brother's passport with my picture on it. I didn't want to make things difficult for my family. I told them I was okay. I chose this life for myself.

The first time I went to Afghanistan was for training. The second time I wasn't prepared to go. The first time I left Afghanistan, I said I was never coming back. I was compelled to go back to Afghanistan to get the passport. I think that was my first mistake. I should have gone to my Embassy in 1998 and told them who I was and that I was in Afghanistan. They might have put me in jail for a while, but they would have released me. At the time, when you are free, it's hard to stay in jail for six months. I won't make this mistake again. I have told the truth here. After I was captured, I told them from the beginning about my training, my relationship with Abu Zubaydah, and what I know about al Qaida. This is the best way to clear myself. I told you what I did. They will do what they have to do. I'm not going to speculate. If I say this they will put me here forever, or think I am al Qaida. I told them everything. I hope that will help me.

Q: When you were with Abu Zubaydah, did you ever see Usama Bin Laden?

A: No. As I told you, he (Abu Zubaydah) was working in Pakistan. He had no relation with Usama Bin Laden in 1998. In 2001, Khalden Camp was closed and Abu Zubaydah didn't have a job. In 1998, Abu Zubaydah and Usama Bin Laden didn't like each other. In 2001, I think the relationship was okay. Usama Bin Laden put pressure on Meshir to close Khalden Camp. Everyone that wanted to be a Jihadist needed training. I'm sure you will find several people here are not from al Qaida but they received training at Khalden Camp because of an agreement. I think Usama Bin Laden is wrong. He just wants to be famous. He doesn't care how he does it, killing people, killing Muslims, or destroying countries. I think he got what he wanted - to be famous. I don't need to meet him. I don't understand the politics. People look at the vision of Usama Bin Laden and believe America is their enemy. They don't understand what is going on or what happened in Afghanistan in 1980. People consider Usama Bin Laden a god. These are my feelings about al Qaida and the Taliban.

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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

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Summarized Detainee Sworn Statement

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

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

Detainee: What is D-A?

Tribunal President: D-A is the way we label the exhibits so that we know it's the Personal Representative that presented it to us. Recorder, please provide the Tribunal with the unclassified evidence.

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

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

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

Tribunal President: I see by the Detainee Election Form that you have elected to participate today as evidenced by your being here. I also see that you requested one witness and this witness, Ghurzang will be here later in these proceedings. Sharifullah, 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: Do I have to stand and get the oath?

Tribunal President: No, you can remain seated. That is fine. Recorder, would you please administer the oath?

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: You may now begin.

Personal Representative: I'll read each point of evidence and you can make your response, just let me know when you're finished.

3.a.1. The Detainee trained at the Gund Talimi Military School.

Detainee: I've never been in a military school at all. But, when the Taliban was taken out of power and we entered in Afghanistan from Jalalabad into Afghanistan I was by myself. I am

opposite of the Taliban. After that when the Taliban dropped out of power, there was a brigade to be beginning over there. It was supposed to be in Kabul. This brigade, everybody came to get membership from different states. I came from my state to be working over there.

Tribunal President: I think I'm getting lost in the translation. Could you repeat for me again, something about a brigade?

Translator: Yes. When the Taliban fell out of power, he came from Jalalabad, because he was opposite of the Taliban. The temporary government started to build a brigade up there in Kabul city and every person in that brigade was from different states and he says that he was from Jalalabad.

Tribunal President: Okay. Thank you. Sorry about that.

Detainee: I was a member of one of the battalions in that brigade. When I got membership in that battalion, the leaders of that battalion were British and Turkish and also some Nepal people. There were also some Italians and other countries also that I couldn't understand. That was the battalion for training in Kabul and I got my training in that battalion. The training was up to two months.

3.a.2. While at the Gund Talimi Military School, the Detainee was trained on the Kalashnikov, low crawl and riot control with the use of shields.

Detainee: The military school phrase is completely wrong. This was a training battalion. I was there to be trained and that is referring to the two months I was over there. That battalion was by the order of the American officers and we were trained.

3.a.3. The Detainee also trained for 10 days at military camp in Zakar Khel Village.

Detainee: This is completely wrong. In my whole life this village and compound name I have never heard.

3.a.4. At this camp, the Detainee was trained in the use of personal weapons, the disassembly of land mines and the production of bombs from parts of the disassembled land mines.

Detainee: This is completely wrong. I don't know how to take apart the land mines or their parts and the only thing I know about the Kalashnikov is to take it apart. I learned marching and defending against the actions of the youths.

Tribunal President: From the what, I'm sorry?

Translator: The Detainee was getting training on controlling violence and youths actions.

Tribunal President: Oh, youth actions. Okay, I'm sorry.

3.a.5. The Detainee stayed at the Shamshato Refugee Camp in Pakistan.

Detainee: Yes, I was in the Shamshato Refugee Camp because I was living over there and it belonged to the refugee people. There were no places for us to live so we had to stay in the refugee camps and live there. I was there one and half years in Shamshato Camp and from that place I went to another place.

3.a.6. Hezb-E-Islam/Gulbuddin (HIG) members recruited young and impressionable radical men from the Shamshato Refugee camp to train at camps focusing on advanced training including remote controlled Improvised Explosive Devices (IEDs) and electronics.

Detainee: If this sentence is representing that Gulbuddin and this party is recruiting young and impressionable radicals for training, that is their mistake. It doesn't belong to me. That is his crime and is not related to me.

3.a.7. When the Detainee was arrested, a search revealed the storage of Improvised Explosive Devices (IEDs).

Detainee: Like I stated before that I'm opposite of al Qaida and Taliban and I started fighting against them. How could I bring search material against myself? Is it possible if I stood beside my enemy, although I was in the fighting with them before that? I'm asking the Tribunal President also, is it possible that you stand with your enemy?

Tribunal President: Does that conclude your statement or would you like to provide us with any other information?

Detainee: I have to say this also. When I was arrested, I stayed for three days in Jalalabad. In these three days nobody showed me what kind of mines or bombs. All they used was the name of the bomb for me and I was arrested because of it. After three days when I came back to Bagram, they showed me some pictures and they said that they found some bombs that belonged to me. That was in the spot where I was over there. At the place I was over there, the place didn't belong to me. It was a military place and I wasn't the leader of that place. I wasn't an officer over there and I've never been a president over there. I was either a guard or a soldier over there. How come over the past two years I have had this allegation and that place didn't even belong to me?

Tribunal President: I'd like to tell you that at this time the only information that we've seen about your case is this unclassified summary.

Detainee: I want to state that also after training, Karzai personally met us. We were hired as guards over there to protect him and his office. However, if I had any crime on me and I wanted to make a problem, I could have done anything I wanted, because I was in the security force of Karzai. But I never did. I didn't want to do that and I don't want to take any wrong steps. More than that, over all twenty Jialicar (ph), which is unity between tribes, this tribal union has from 1,500 to 2,000 people participated and most of them were governors and ministers. There were some high-ranking leaders there also. We were responsible for the security of that tribal union. What I mean is that I could have done anything I wanted over there also but I didn't want to do anything wrong. I never wanted my county to be destroyed. About Jalalabad and Nangarhar,

never be replaced by Kabul because Jalalabad is much more beautiful. I was arrested in that bad Jalalabad and they accused me of putting bombs in that place and that is a pity. You can use your judgment now. These are all lies and it is correct or not?

Tribunal President: At this point we may have some questions for you. Would you be willing to answer some questions?

Detainee: Yes.

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

Personal Representative: Yes ma'am.

Personal Representative's questions:

- Q. I'd like to ask you some questions to clarify to the Tribunal the story that you shared with me during our initial meeting. When you left Shamshato, where did you go?
- A. When I moved from Shamshato Camp, I went to another refugee camp. They call it Mahaji Barsarè (ph), which is in Kabul station and it belongs to Abdullgul Sayat (ph).
- Q. At what point did you decide to join the military and oppose the Taliban?
- A. At the time the Taliban was out of power and I was with Haji Qadir. He was our leader and his location at that time was in Nooristan. After the Taliban fell from power in Nangarhar I passed for three months then when the temporary government came into power, I moved to Kabul to join the military. That was by the order of our leader Haji Qadir.
- Q. Okay, so Haji Qadir sent you to get the training that you mentioned to the Tribunal?
- A. From the other states, everybody was participating in that training including our Jalalabad. Our leader, Haji Qadir, he didn't tell me directly but he told his officers and they ordered us to go and participate in that training. At that time we were in Jalalabad and my commander's name was Said Agha, and he ordered me to go get that training.
- Q. Okay, so at some point you left Haji Qadir's forces and joined Karzai's security detail?
- A. Basically in Nooristan the leader at that time was Haji Qadir and his deputy was Said Agha. When we came to Nangarhar, Haji Qadir was appointed as the governor of Nangarhar. The rest of the soldier force belonged to (inaudible), his deputy. He was appointed as a Topei (ph) Commander. Topei (ph) has two or three brigades. After that I went to Kabul to join and participate in that training.
- Q. As part of Karzai's security forces, how close did you get to Karzai?

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A. Yes, I was in security. After training I was completely used for the guard of President Karzai for his security.

Q. Why did you return to Jalalabad?

A. When I was coming towards Kabul, the officers told that when we got the training they would give us the rank of an officer. When we finished our training, Karzai came and asked for us and told us that we were the personal security forces for him. For seven months after training, I was his guard. We asked the leaders about us being offered officer rank when we finished training and they told us no and that this was the job for us. We had to be the guards. I told them that I'm an educated person and why did we not receive any rank that they offered us before the training. They told us no; they would not give us a rank. That was the reason that after a while I asked for permission to go to my home because it had been a long time. My officer gave me permission to go. When I came to Nangarhar my brother, Naquib Ullah, who is an officer working General Said Agha. He asked me how I came up with my job over there. I told him that nobody gave us a rank or position. He told me that in his brigade they needed some officers and to make request from Said Agha and he would hire me as an officer his brigade. That is why I left my job and went to Jalalabad.

Q. What did your brother do in Jalalabad?

A. My brother is an officer in brigade of Jalalabad with General Said Agha, who is the leader of the Topei (ph).

Q. Did you stay with your brother when you visited him?

A. When I forwarded my request, I was some nights with the brigade and some nights I was with my brother.

Q. Where was your brother staying in Jalalabad?

A. My brother was living in a spot in Jalalabad, which is near the University Hospital on the street about one kilometer away from the front. They call it Arab houses. These houses belonged to Arab people and when the Taliban was taken from power, these Arabs escaped and their houses remained.

Q. Were these houses part of the military compound?

A. Now-a-days it belongs to the military. But before that I don't know what Arabs did in it.

Q. So you were staying in a house with your brother when you were arrested?

A. Like I stated before, sometimes I was in those houses with my brother and sometimes I was passing my night with the brigade.

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- Q. When you were arrested though, where were you sleeping or staying?
- A. I was arrested at the place where my brother was living. My brother has a room also and in another a little bit farther from my brother's room was for guests. I was in that guesthouse and in the morning we were surrounded and I was arrested.
- Q. If your brother was an officer and you had nothing to do with the explosives they found, we didn't he come to your defense?
- A. At that point, I didn't know where my brother was. He didn't know I was under arrest and I don't think he understood the situation to come over.

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

Recorder: No ma'am.

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

Tribunal Members' questions:

- Q. Did you see the weapons that were actually in the facility?
- A. Are you talking about the bombs or mines? No I never saw them.
- Q. How big was the facility?
- A. The area was big and I can't say just how big but if you put this block with the land and the same block with the width of the area it would about that much. Exactly, I don't know how big it was.
- Q. How many rooms were there?
- A. In this area there were some people that belonged to General Said Agha, my brother and also his battalion was living there. The rest of them belonged to Haji Said. Haji Said is the son of Haji Qadir.
- Q. How many buildings were there?
- A. I don't know the number of the rooms or how many rooms were there. I never counted. When I was arrested it was my 22nd night.
- Q. Was anyone else arrested?
- A. Yes. His name is Ghurzang.

Q. Is he here also?

A. Yes, he came with me to Cuba also.

Q. Did you know him before you came here?

A. When Ghurzang was arrested and he was in the jail at Kandahar by the Taliban. When the Taliban fell from power, all of the Detainees were released from the jail of Kandahar and people were waiting for them. They were happy that people were released from the jail of Taliban. That is when I recognized Ghurzang. I know him from there.

Q. Are you from Nangarhar?

A. *(no answer was given)*

Q. Does your family own land in Nangarhar?

A. No, my family is living in Peshawar. At the time of the Taliban, they became refugees and never came back.

Q. Why did your family become refugees? Why did they leave when the Taliban took power?

A. Basically when the Russians attacked Afghanistan our family went to Pakistan. We were living in Pakistan until the Taliban came into power. In the foreign country we were not feeling good and we thought that the Taliban were good people and we thought it was time for us to go. When we came back to Nangarhar and the center is Jalalabad, we lived for five months in Jalalabad and the government situation was not good. They punished people on the length of their hair and beard. They ask people why your hair is not short and your beard is not long? Why don't you have a hat on top? Why is your hair growing longer? They bothered us too much and a couple of times I was arrested for my long hair and punished. They were not smart enough. They were stupid because this hair and beard belong to me not to them so why are they punishing me? This is not the kind of accusation that the schools of religion taught us. This was coming personally from them. We didn't accept it so we went back to Pakistan.

Q. I want to clarify something. You say you were at your brother's for 22 nights before you were arrested?

A. That was the whole length of time that I was in Jalalabad.

Q. Your brother's brigade, the general who was in charge, was he against Karzai?

A. No. I'm sure if he is still in that position or not but I'm sure he was still working over there.

Q. When you were working as personal security for Karzai were you paid?

A. Yes.

Q. So the sole reason you left was because they did not make you an officer?

A. Like I stated before, at the time we wanted to go get training. We were in Jalalabad. They offered us a rank after training. After training we didn't receive the rank and I moved back to Jalalabad to get a job.

Q. You said you were an educated person, how much education do you have?

A. I studied nine years in the school.

Q. Any particular subject: religion, science, math?

A. The subjects were language, Pashtu, Farsi, history, geography, general science school. There are more subjects that I have forgotten.

Q. How old are you?

A. At the time I was arrested I was 23 years old, but right now I might be 25 years old.

Q. Do you speak or understand English?

A. No, I can't speak fluently and I can't understand fluently but at the time I was in school in the ninth grade they started a beginner's book for us. Very simple words were in it and we didn't continue after that.

Q. Number three says that you trained in a military camp in Khel village and you said you did not. Were you ever in Khel village?

A. In my whole life I have never heard the name of Zakar Khel Village. How come I should go over there?

Q. The HIG, are you a member of the HIG?

A. No.

Q. Were any of the camps that you stayed in Pakistan run by the HIG?

A. No.

Q. Do you have a passport?

A. What kind of passport?

- Q. A passport that allows you to go from Afghanistan to Pakistan or to travel.
- A. No, I don't have such a passport.
- Q. Okay, how did you travel from Pakistan to Afghanistan and back and forth?
- A. The majority of Afghan people at the time were refugees. They could pass the border and stay in Peshawar. A lot of people pass the Tohan (ph) border everyday. There is no problem for them without a passport.
- Q. You indicated that you were against al Qaida and the Taliban, did you ever fight them by using weapons or anything like that?
- A. No. I never fought against them on the front line or opposite together but as far as some people fighting on the front lines and some people have positions like guarding and some people were taking security for the others, I was one of the people for security.
- Q. One, final question. When you were in Nangarhar, you said the governor had a deputy and your called him commander; were you organized as a military unit in the camp?
- A. No. That was the initial time. I wasn't that one.

Tribunal President's questions:

- Q. He asked you about the governor; I want to back up a little bit before then. You said that Haji Qadir was your leader before he became the governor. What did he lead? Was it an organization?
- A. In that place, what I meant referring to Nooristan, he was the commander of the compound. All of the majority were working with him and living in the compound. He was the leader.
- Q. Mojahadeen (ph) as in Russian Mojahadeen (ph) or as in Taliban Mojahadeen (ph)?
- A. These were the Mojahadeen (ph) who were fighting against the Taliban.
- Q. Okay, so when you said he was your leader, does that mean that you were also Mojahadeen (ph)?
- A. Yes, I was on the security force and I was guarding around the compound.
- Q. How much did you know about this leader? Was he someone from your tribe? How did you come to meet him?

- A. No, basically he is not from my tribe. He was not living with me in the same village. When we became refugees in the time of the Taliban, for the second time, he was living in Shamshato camp also. As soon as I heard that he had a front line against the Taliban, I joined with him and started serving.
- Q. How old would say you were then?
- A. At that time probably about 18 years old.
- Q. How did your parents feel about you going with him and then ultimately going back in Afghanistan?
- A. Of course they were concerned. I was young but the regime of the Taliban didn't sit good with either.
- Q. You talked about going to this training brigade or being part of a battalion that went to the training brigade. Was everyone in your battalion selected for this personal security mission for Karzai or was it selected individuals?
- A. That battalion in the compound where we started to get the training was already over there. By the order of the government went over there and started to get the training. Then they hired us for the security. The compound itself, I don't how long it was over there and existed.
- Q. Okay, I guess my question is though, you went through the training for two months and I'm assuming you kind of graduated from there. Was everybody in your class that went with you taken for the security mission for Karzai or was it selected individuals that the chose for that mission?
- A. No. In that brigade where we got the training, there were different battalions. From all of the battalions the chose only company D, which was the fourth company. Only company D was appointed to go and do the security for Karzai. The others were in the area of the center government also but in different spots. Not with us.
- Q. Did they come to each person in Company D and ask them questions about themselves? Did they do any kind of screening since you were going to be doing this mission so close to Karzai?
- A. No. They didn't talk with us before. When we finished our training they put a stage for Karzai and he came and announced in front of us after we marched in front him that we were the first forces for security in Afghanistan. He said he was proud of us and that we were the people making Afghanistan. He announced more that also. When he finished his statements we got into the cars and went to his office.
- Q. Did they tell you why your company was selected? Were you the highest scoring unit?

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A. No, there was not much more involved with it. After the marching and training and the watching of the British people, we became the highest scoring company and that is why they appointed us to go.

Q. Was the transfer to your brother's brigade approved?

A. Yes, it was approved. It was possible that after one week they would hire me as an officer.

Q. But the transfer in and of itself, your leaving the security force and going to Jalalabad, everybody was fine with that?

A. No. Nobody had any objections. When I filed my request for General Said Agha, he ordered for me. The procedure was that I had to report back to the division of criminals for a check to make sure I haven't done any crimes. Then there were another five divisions that signed also and I had to wait a few days to be hired. That was the procedure and he said that I passed all of the portions.

Tribunal President: At this time is there anything you like to tell us?

Detainee: At this point I'm just asking for you guys to make a good judgment on me. These are all lies on me. I didn't help my enemies anytime. Like I said, I was opposite of the Taliban and I fought against them. I'm asking you guys also if you are shaking hands with your enemies then maybe I would do that. Otherwise, if you guys don't do that, why am I sitting in here for two years? I wish for you to review my file again. This is my wish. Did you guys look at my file? I'm innocent without any crimes in the jail and that's why I've requested deeply from you guys look at my file and do your judgment. If I am innocent, please send me quickly to my home. This company is still working over there and you all can ask that company if I did anything wrong or what type of job I had over there when I was working and what did I do. Did I do anything wrong? If I did anything I'm blamed for it.

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

Personal Representative: No further evidence but he does a previously approved witness. If I may, could I ask him one question to clarify a question that you asked him?

Tribunal President: Certainly.

Personal Representative: When you went to visit your brother in Jalalabad, were you transferred to his unit or were you on leave or vacation?

Detainee: I was on leave. When I came to Jalalabad, I talked to my brother and it was a good opportunity for me. My brother said that since they didn't want give me the rank, they needed some officers in here. He said to please make a request letter and I will forward it to General Said Agha.

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Personal Representative: So you were still officially assigned to the company providing Karzai's security? You were looking for a possibility to transfer to your brother's unit and become an officer?

Detainee: Yes, I was on leave and went to Jalalabad to see my family. I stayed with my brother and talked with him and he says if they don't give you a rank why are you going over there again? You can file your request here because they are short on officers so we can give you an officer job here.

Personal Representative: Thank you.

The Tribunal President explained to the Detainee how the Tribunal would be conducted once the witness was brought into the hearing room.

The Tribunal took a short recess to allow the witness to be brought into the room.

The Tribunal reopened with the witness present. The Tribunal President confirmed the identity of the witness.

Tribunal President: For the record could you please state your name?

Witness: Do I have to tell it for him?

Tribunal President: It's for the record. We record everything here, so it's so your name is on the record.

Witness: My name is Ghurzang and I'm from Afghanistan.

Tribunal President: You are here today to testify for Sharifullah.

Witness: Yes.

Tribunal President: That was going to be my next question. Are you still willing to do so and to do so under oath?

Witness: Yes.

Tribunal President: Recorder, please administer the oath.

The Recorder administered the Muslim oath to the Witness.

The Tribunal President opened the session to the Detainee to question the witness.

Detainee: I have a question that he has to state for this Tribunal. I'm Taliban, al Qaida, or Majahadeen (ph).

Witness: You are Majahadeen (ph).

Detainee: Did I do any cooperation with al Qaida or Taliban?

Witness: No, no, no never.

Tribunal President: Any other questions for him?

Detainee: The allegation came on me that I was involved in mines and bombs to put over there. Did you know about me being involved in that issue?

Witness: No, you don't have any deal in that issue and you never did that.

Detainee: Do you know that I was involved to work in the new government? Was I honestly working and working for the new government?

Witness: This is correct. You were working with the new government and he was involved with the Karzai government, in support of the Karzai government.

Tribunal President: Anything else?

Detainee: This is all I can ask.

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

Personal Representative: Yes ma'am.

Personal Representative's questions to witness:

Q. Ghurzang, when did you first meet Sharifullah?

A. He is from Jalalabad and I was in Kandahar as a Detainee and I saw him. His brother's name is Naqib Ullah and in the brigade number 744 he is an officer. The brigade was under General Said Agha and his brother was involved in that brigade also for working. I know his brother and for that reason I know him also because he is his brother. I know that he was in the Kabul government with Karzai working in the security forces. Haji Qadir was Abdull Haqa's (ph) brother. He was a minister in the Kabul government. Haji Qadir was a minister. He was a well-known person by the government. He was not related to al Qaida or Taliban. With the willing of Haji Qadir, there were some people that were asked to go to Kabul for training and he (the Detainee) was one of them. If he was opposite of the government, Haji Qadir would have never asked him to come for training. He was involved in that company for training and the company was under the watching of British people and other western officers. We have to look at him as an ally.

Q. How well do you know Naqib Ullah?

A. I know that Naqib Ullah is his brother. His brother was with us in the same Brigade 744 as an officer. Regarding what I have known from his brother, he was an officer and I was an officer and I was working for them in the same brigade, I know this is his brother because when he coming and he was going. I was watching them.

Q. The night that you were arrested, were you asleep or were you awake?

A. I was awake. Between my room and his room there was a 15-step distance walking. I stood between the two places and I was arrested.

Q. The night you were arrested, did you see any explosives in any of the rooms?

A. I haven't seen it. I don't know about it. I have never dealt with it before.

Q. Do you know what Naqib Ullah was doing that night or where he was the night you were arrested?

A. I don't know where Naqib Ullah was but I want to clear up one thing. However Naqib Ullah wasn't with us in these fighting, today we couldn't resist against the Taliban. I'm gladly telling you that Naqib Ullah is not the kind of person that we should accuse him like that.

Personal Representative: I have no further questions.

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

Recorder: Yes, ma'am.

Recorder's questions to the witness:

Q. Please forgive me but I'm I to understand correctly that you worked in the same Army, Unit 744, as Sharifullah's brother Naqib Ullah? Is that correct?

A. Yes.

Q. Did you report to him or were you somewhat equals.

A. I didn't report to him, but I didn't have the same rank.

Q. Okay. You were just aware because you were in the same unit?

A. We were in the same unit.

Q. Were you told or did you know after you were detained where the explosives were supposedly found?

A. Basically, they didn't tell me and I don't trust them at all. When they arrested me they didn't show anything to me. They told me there was something but it's not trustworthy. Because when I was putting the suit on and I was working, they should at least tell me that there was something over there. I was involved in working over there and they didn't tell me about this issue.

Q. Okay, just a follow up. From where they told him where they found the material, where was that in relation to the two rooms for himself and Sharifullah?

A. I don't know about that.

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

Tribunal Members' questions to the witness:

Q. What was your job in the unit?

A. We were soldiers for military service. In Afghanistan since the chaos ended the majority of people are not educated and don't know what's going on. As far as they see that this is a commander and a few people are around him, that is the commander and the rest of them are soldiers for him. I was the same.

Q. Can you describe Brigade 744? Can you describe the layout, like how many there were?

A. It has a lot of rooms but I don't know how it's laid out. I can tell you one brigade has five companies.

Q. Was there a wall around the complex or compound?

A. Yes, in the (inaudible) there is a wall around. The brigades, which are separate in some places don't have a wall around. The place where we were living has no wall.

Q. Where you live, is it just one building?

A. There was a kind of a building with both sides open with a few rooms on either side. It was open and everybody passing by could see in.

Q. How long had you worked there?

A. I wanted to pass the whole of my life over there for working. Like I told you, we are not educated people, we didn't know what was going on and what would be in the future. I'd like to pass my work and my life over there but since they came and arrested us and delivered us to Americans it's still not clear to me what will be in the future.

Q. What I asked was how long had you worked there?

A. I don't know.

Q. More than a year?

A. It is possible.

Q. What kind of weapons did you have in that facility?

A. Kalashnikov. Those AK-47s belonged to the brigade. It was not everybody just pick them up and walk with them. The previous times had ended and there was a small depot and they put a few Kalashnikovs over there for when the time came for guarding, someone would issue them.

Q. So they were kept in a locked room?

A. Basically, that room has a lock and there is someone who is charge of the depot for distribution. It doesn't belong to us. When the time comes for us to do our job someone will issue them to us and we have to deliver it back to them.

Q. Okay, were the explosives found in a different room then the weapons?

A. I don't know where they were.

Q. Are you originally from Afghanistan?

A. Yes.

Q. Were you also a refugee in Pakistan?

A. Yes.

Q. So you knew his brother but you didn't meet him until you were in Kandahar?

A. Yes.

Q. In your brigade did you wear a uniform?

A. Yes

Q. Were you paid for being in the brigade?

A. Yes.

Q. What did you do before you were in the brigade? What was your occupation?

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A. I didn't do anything. When they gave me a job that was the first place and it was my job.

Q. Did you have any explosives training?

A. No.

Q. The night you were arrested, you were the only two arrested?

A. Where?

Q. The night you were arrested in the military compound.

A. We were arrested in the morning.

Q. Okay, I'm sorry but only the two of you were arrested?

A. No, I didn't know how many people were arrested. After five minutes we talked and he said that I was arrested and he was arrested. We were separated again and I didn't know how many people they arrested. I really only knew about me being arrested I wasn't sure about him being arrested.

Q. Since you have been here in Cuba, have you been together?

A. Yes.

Q. A lot of time or just a little time? Are you in the same cell?

A. I don't know. For about six months we were side by side.

Tribunal President's questions to the witness:

Q. Just for clarification, the place where you worked and the place where you were arrested, were they one in the same?

A. Yes, it is one place. It's a company.

Q. Do you have any idea what prompted the raid of the building that you two were in?

A. We don't know.

Q. Did you have any reason to suspect that they were watching anyone in your house?

A. I will describe it this way. Since the Americans came and the dollar currency came to Afghanistan there are some people that are working on the side of the government and we are working on the side of the government too but the taste of money is much more on them. So, there are people honestly working to pass those people to make an open

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way for them and are gaining dollars on each person from the Americans and at the same time they are receiving money from the al Qaida people also and passing innocent people in the name of al Qaida and Taliban. I will state it this way. The way we fight against Taliban and al Qaida, I don't want to describe myself as a very important person and pass a harsh time and pass the jail also. This is a kind of humbling. As much as I have passed through hard time even Karzai hasn't passed through hard times. Karzai came like a donkey. Came into power on our activity. Today we are suffering and living in the jail because of some of the people who are not working honestly. Since the Americans came to Afghanistan we were counting on those people and there was a lot al Qaida and Taliban in our country. In our Muslim people, culturally when some people help them it's brave to them and they will be proud of them and up to the end of their life they will support those people (Americans). But, unfortunately Americans don't have any ideology about that region. They can't use their mind because they don't know who is this Ghurzang person, how long he was fighting against al Qaida and Taliban, what activities he did for his country, and just you guys bringing them in the jail and they will be in here with nobody thinking about their life or about their age passing for nothing. Those people who were al Qaida and Taliban got released and you send them home. The people who are Majahadeen (ph) and fought against them are kept in the jail in here. This was a kind of mistake by us that we put green coats on us and fought against the Taliban and today we receive red coats from the Americans in the jail.

Q. Okay, let's move on. I understood you to say that there was not a wall around this particular compound. How easy would it have been for somebody to have gotten into your compound and put things there that you didn't know about?

A. This compound doesn't have a wall and it's on the side of the road so it's hard to control it. I saw that on that night I came and in the morning I was arrested. This unfortunate guy also came over there and I don't know how many nights but he was arrested over there also.

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

Witness: We appreciate it from you all also.

The Tribunal President called for a short recess to allow the witness to be removed from the room.

After taking a short recess the Tribunal was reopened with the witness now absent.

The Tribunal President confirmed with the Personal Representative that he had no further evidence to present to the Tribunal. The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

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AUTHENTICATION

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



Colonel, USA
Tribunal President

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