Tribunal President: (addressing the Detainee) I'd like to thank you for participating in this Tribunal today.

***At this time, the Personal Representative presented a statement from ISN 306 as Exhibit D-B to the Tribunal. The Tribunal President confirmed that the statement had previously been provided to the Detainee for his review. For clarification, the Tribunal President read aloud the statement from the Witness. The Detainee made the following statement regarding Exhibit D-B.***

Detainee: When I talked to the other Detainee, I found out through him that he'd gotten involved in my case.

Tribunal President: Otherwise, you weren't aware of it prior to coming here?

Detainee: Yes; he told me about this loss and that he was aware of it through the Taliban government because he was a part of it. He knew about it. I wish he'd have been here himself.

Tribunal President: That would've been the most ideal. Do you want to make any other comments about this statement (Exhibit D-B)?

Detainee: All it says there that I wanted to hear was that there was a loss by me throughout this loan situation. One thing I have to say, is that I told you all the information, and all the info in front of you I was never asked about. I did things I shouldn't have gotten in trouble for. I told the interrogators things even my children don't even know.

***The Tribunal President again thanked the Detainee for his testimony and explained the remainder of the Tribunal process. Upon reading the remainder of the instructions, the Detainee interrupted and stated the following:***

Detainee: In the room, I didn't like the way things were translated with al-Rasheed and Rashid, and I want to make sure my case is clean before it is sent.

Tribunal President: The Personal Representative will review the transcript, and that is also the purpose for you being here, so that you can clarify and give us information rather than us only looking at what information we already have.

Detainee: One of the allegations is that I took some funds from al-Rasheed, and I was accused of giving them to Taliban interests; that was for the mosque. They gave me a check to give somebody, and now my foot is in it. I did a favor for those guys because I had a license in a corporation; I did a favor for the people by building a mosque, and now, for doing that favor, it is now an allegation in the case against me. I don't know much about al-Rasheed at all, and it's a big part of my case. I never heard their name,

and here it's a big portion of my allegations. It's OK; I already talked about this in my interrogations, so maybe that will help. Hopefully, the interrogation papers will be a part of my case that goes to Washington, D.C. They are working on my case from 1998, and they can make correction through 2002, and then it will come to you, and you can go ahead and send it.

***The Tribunal President then adjourned the open session.***

## AUTHENTICATION

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

[redacted]

Colonel, U.S. Army
Tribunal President

Detainee #306 statement on behalf of #560

I only know Haji Mohammed personally from being in this camp. However, I knew of him in Afghanistan. He was a businessman there. When I was in Afghanistan, I was a member of the Economic Council of Afghanistan as well as Minister of Transportation. We had weekly meetings tracking economic issues in Afghanistan. We worked to fnd a way to solve economic problems. One of the cases was Haji Mohammed. He borrowed 1.5 million dollars from the Central Bank. The President of the bank was Abdul Rahman Zahid. Before Abdul was head of the bank, he and Haji knew each other. Some at the Council said that Haji took advantage of his friendship and misused the money. The issue was open for two weeks because it was not a legal load. We did not want to do a determination on that. We sent the case to the leadership of Afghanistan for their determination.

The case came to us because Haji took the money in US dollars, he exchanged this into Kaldars as he was doing business in Afghanistan and Pakistan. During this time the dollar went way up and the Kaldar went way down. The others did not know how much he took and when they found out, they wanted it paid back. The Bank asked Haji to pay it back in dollars. He lost a lot of money on the exchange rate,

He borrowed this money for his business during 1997 and 1998.

# Personal Representative Review of the Record of Proceedings

I acknowledge that on 12 January 2005 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #560.

✓ I have no comments.

___ My comments are attached.

[redacted]
Name

12 JAN 04
Date

[redacted]
Signature

ISN #560
Enclosure (5)

**Summarized Unsworn Detainee Statement**

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

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

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

***The Tribunal President addressed the detainee's two requested witnesses. The first witness was ruled as not being reasonably available after all efforts were made to fully identify the full name of an individual the detainee met named "Khan" that helped him travel to Afghanistan. The second witness, Abdul Aziz, was located by the Tribunal but was unable to attend the hearing due to national security reasons. An alternate means was used to provide testimony for the hearing. The Personal Representative asked the witness questions provided by the detainee and prepared a written summary of Abdul Aziz's responses. After reviewing these responses, the detainee asked his Personal Representative to submit the written statement of Abdul Aziz to the tribunal marked as Exhibit D-B.***

***Tribunal President stated that the detainee requested a copy of his passport and after the Personal Representative exhausted his resources, reported that the passport could not be found. The Tribunal President ruled that the requested evidence was not reasonably available.***

***The Detainee did not want to take the Muslim oath.***

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

*3.a.1. The detainee traveled from Yemen to Pakistan and then entered Afghanistan illegally in early 2000.*

Detainee: Before I searched for a visa, I went to an Embassy and then I went to Afghanistan through a border. I searched and couldn't find any Embassy. I asked this person whose name was Khan; he informed me that you could go to Afghanistan without a visa. I walk through the border beside the soldiers. No one asked me to bring any passport or any clothes. All I knew was entering Afghanistan was allowable.

*3.a.2. The detainee associated with an individual he knew to be a member of al Wafa.*

Detainee: This person I only knew for five minutes. I asked him where can I find some food, clothing, inexpensive clothing that is the only thing that was discussed between us. I didn't know where to go and how to find inexpensive stuff to buy. He did tell me we would meet again

some other time and I never saw him again. That was the only time we met. We didn't talk about any organization.

*3.a.3. Al Wafa is a terrorist support organization.*

Detainee: This al Wafa organization I have nothing to do with them. I have never dealt with them, and I didn't know it was a terrorist organization. It's not my business to know since I had nothing to do with them.

*3.b.1. The detainee was stationed on the front lines in several locations over a period of approximately one year.*

Detainee: I went to the front line by myself. I didn't go to intend to fight or to do anything. I never held a rifle against any combatant. I never participated in any kind of military activities. I didn't go to the front line. I was in the back line. The second thing that was stated, I participated in a military activity against the United States of America (referring to 3.b.), first of all I never participated in any military activity against the United States of America. I had left the troops before the United States entered the region and made a commitment with its allied supporters. This is the best truth that I have never had anything against the United States or its Allies. I moved out way before the United States moved in with its Allies.

*3.b.2. The detainee carried a Kalashnikov rifle on the battlefield.*

Detainee: I never carried it on the battlefield, or to fight. I never pointed it at any soul. I never fired one shot, I only carried it to protect myself from the violent animals. This region is known for it's violent animals. I would like you to know I had no intention to fight with anyone.

*3.b.3. The detainee was arrested by Pakistani forces in Faisalabad, Pakistan.*

Detainee: Is this considered an accusation?

Tribunal President: It is unclassified evidence of you being an enemy combatant. This panel has not received any other information and this is all we know.

Detainee: Good, can I submit this question, the last allegation, who ever wrote it?

Personal Representative: You can ask the question. We would rather like to hear your statement or what you think about your arrest in Pakistan.

Detainee: When Pakistani forces came they didn't come by force. They just knocked on the door. Personally they asked for me, they asked for proof of my legal papers or my passport, and I showed it to them. When they saw that the visa was expired, they asked me to go with them for five minutes. Then I asked of the prisoners/correspondence, there in the prison, what am I being accused of? They said I had an expired visa and they were going to take me to my own Embassy.

Tribunal President: Does that conclude your personal statement?

Detainee: Yes.

***The Personal Representative and the Recorder had no further questions.***

Tribunal President: I would like to read in (to the record) the witness personal statement, before we ask any questions.

Personal Representative: This is the written statement from Abdul Aziz. This states the questions the detainee wanted to ask the witness; and the witness responses.

Detainee Question: Did I work with you for al Wafa?
Witness: I do not remember ever meeting this person.

Detainee Question: Am I a member of your association or organization?
Witness: Since I don't know him he could not have worked for me.

Detainee Question: Is it true we only met for five minutes and what did we talk about during this conversation?
Witness: I don't know who he is, so I cannot recall any meeting or conversation with him.

***The detainee then made the following statement.***

Detainee: (To the translator) Is it I can't remember or he won't remember?

Translator: "I can't".

Detainee: I would like to respond to point 1,2, and 3. Point (a) in the allegation form, this is the best proof from Abdul Aziz when he stated he didn't know me and that I didn't belong to their organization, since Abdul Aziz is the head of al Wafa organization. Since we met for only five minutes, what kind of conversation could it have been? This is the best proof I have, that I don't have anything to do with them.

<u>Tribunal Members' Questions</u>

Q. Why did you travel to Afghanistan?
A. To help the needy and the poor, to help a charity organization.

Q. Did you say charity organization?
A. Yes.

Q. What did you do while in Afghanistan?
A. I tried to establish a charity organization, but was unsuccessful.

Q. If you went there to establish a charity organization and when you got to Afghanistan and you were asking for food and charity. How were you going to establish one when it sounds like you need the charity?
A. I wasn't looking for charity needs for myself, I was trying to locate those places to help and establish my own.

Q. You were trying to form a charity organization of your own?
A. Yes.

Q. Were you a part of any other Islamic charity organizations?
A. No.

Q. When did you get to Afghanistan?
A. I don't know the exact day.

Q. Do you know the year?
A. No, I don't.

Q. How long were you in Afghanistan?
A. The first period was about 3-3 ½ months.

Q. There was other periods after that?
A. Yes, the second period was also 3-4 months.

Q. Were there any other periods after that?
A. The third period was for about a year.

Q. Was there another period after that?
A. No, just three times approximately.

Q. When you weren't in Afghanistan, where were you?
A. I was in Kabul.

Q. When you were in Afghanistan, you were in Kabul. When you weren't in Afghanistan where did you go?
A. Pakistan.

Q. Were you working on your charity organization there as well?
A. Not in Pakistan.

Q. What were you doing when you were there?
A. I just stayed there I would read the Koran.

Q. When you were looking for charity goods, how did you happen to meet Abdul Aziz?
A. I was walking down the streets in Kabul, and I took a taxi. I saw a sign that said organization of al Wafa. This is how I met him.

Q. You saw the sign and went in to talk to him?
A. I went a few times to his house and the guard would tell me he was not there. I tried a few times and on the last time I went there we meet for five minutes and that was it.

Q. Did you go to the back of the front line after you gave up on the charity organization?
A. Yes.

Q. Why did you go to the front lines?
A. When I went, three Taliban members, they told me to visit them at the front lines.

Q. You went to visit friends at the front lines who were in the Taliban?
A. Yes.

Q. How long did you stay there at the front lines?
A. Approximately, I stayed in the second of the front lines for 10 months. I don't remember how long I stood in the front lines.

Q. Do you remember what year it was?
A. No, I don't.

Q. What did you do during those 10 months?
A. Nothing really to mention, I just stayed there.

Q. Was there a lot of fighting when you were there?
A. I never saw any fighting, or battles cause I was in the back.

Q. Did they give you a Kalashnikov?
A. Yes.

Q. Who were your friends?
A. Who ever were interested in the same place.

Q. Were they all Taliban as well?
A. Approximately.

Q. Why did you leave Pakistan after that?
A. I wanted to go back to Yemen.

Q. How did you get to Pakistan from where you were?
A. By taxicab.

Q. How long were you in Pakistan before you were captured?
A. I don't remember the exact time or period, but it was about 3-4 months.

Q. Do you remember where in Afghanistan you were in the back of the front lines?
A. North of Kabul.

Q. You said that you left Afghanistan before the United States came in, when was that?
A. I didn't leave Afghanistan, I was in Afghanistan when the United States and the Allies; but I left the second of the first lines and I gave back the weapon, and everything. But I was still in Afghanistan.

Q. When did you leave the back of the front lines?
A. After I left the second troops, then the event of 9-11 happened, I don't remember exactly the date that I left to Kabul.

Q. If we could have found your passport, what would it have told us here today?
A. If you were to have my passport here today, it would prove that I left from my own country Yemen legally and I was allowed to go anywhere I wanted. I went to the Pakistan Embassy and they gave me a visa to enter Pakistan.

Q. You were arrested because your visa had expired and your passport would have showed that to us?
A. The visa to Pakistan was expired but if you were to find my passport. You would see my passport was not expired.

Q. Did you have the Passport when the Pakistani authorities arrested you?
A. Yes, I had it on me. They requested it and I gave it to them.

Q. If we would have found the first witness that traveled with you to Pakistan during one of your trips, what would he have told us?
A. He would have told you, when I asked him about the Embassy to get a visa to Afghanistan. He was the one who told me I didn't need a visa to go to Afghanistan. He traveled with me from Pakistan to Afghanistan through the border and no person asked for legal papers when we crossed the border. He knew that my intention of why I entered Pakistan for charity reasons.

Q: You stayed at the back of the front lines for about 10 months?
A: Approximately.

Q: Then you went to Kabul for a while?
A: Yes.

Q: So you were Kabul when the events of 9-11 happened.
A: Yes, I was in Kabul when 9-11 happened.

Q: How long did you stay in Kabul then?
A: I really don't remember the timing; it might have been 2 months.

Q: Then you went to Pakistan by Taxi?
A: Yes.

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

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

**AUTHENTICATION**

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

Tribunal President

Detainee 690
Witness statement of 005

Question 1. Did I work with you for Al Wafa? I do not remember ever meeting this person.

Question 2. Am I a member of your association or organization? Since I don't know him, he could not have worked for me.

Question 3. Is it true we just met for five minutes, and what did we talk about during this conversation? I don't know who he is, so I cannot recall any meeting or conversation.

**Summarized UnSworn Detainee Statement**

***The Tribunal President read the Hearing Instructions to the Detainee.***

Tribunal President: Haji Noorallah, do you understand this process?

Detainee: So far I understand everything.

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

Detainee: No, everything is clear to me. I will answer your questions; you can read my testimony. I saw that you took the oath and I will expect that you will do your job and review my case. I have been here for three years. The truth is I surrendered myself and when you surrender, usually people... You should have hugged me and welcomed me, instead they put me in jail and that is the truth.

Tribunal President: We are going to continue with some more the instructions and information about the tribunal. There will be another place for you to provide more information.

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

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

***Recorders summary of the evidence***

- ***3.a. The detainee is a member of the Taliban:***
- ***3.a.1. The detainee first joined the Taliban and fought against the Northern Alliance when he was sixteen or seventeen years old, at which time he was trained on the AK-47 and served as a foot solder.***
- ***3.a.2. In 1998 or 1999 the detainee participated in the attack and burning of a Shi'ite Muslim village, Choqma Choqor, and was later captured, then released, by General Dostum's Northern Alliance troops.***
- ***3.a.3. The detainee and two other Taliban commanders arranged for the surrender of their soldiers to General Dostum's Northern alliance force.***
- ***3.b. The detainee participated in military operations against the United States and its coalition partners.***

- ***3.b.1. The detainee was the commander of one hundred Taliban fighters and fought along the Afghanistan/Uzbekistan border.***

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

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

Tribunal President: I understand from the Personal Representative detainee election form that you would like to make a statement. Is that correct?

Detainee: Yes, whatever he has written there, I would like him to read that and I will add things to that because I want you to understand my whole story.

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

Detainee: If you want me to take the oath, or do not want me to take the oath, I know that everything I tell you is the truth. If you want me to take the oath I will. If you want me to provide witnesses I can. The problem is that every time I get a letter it takes eight months. My home is on the border of Afghanistan and Turkmenistan and is too far from here.

Tribunal President: Regarding the oath, the choice is yours. You can make a statement under oath or not under oath.

Detainee: If you do not want me to, I will not take the oath because I know that I tell the truth. I am an honest person and I know that you also know that I am innocent.

Tribunal President: I understand. He may proceed with his statement. [The detainee's statement that he will tell the truth is considered to be a personal oath.]

Personal Representative: I am presenting the tribunal with exhibit D-b, copies of the detainee's statement and he asked me if I would first read his statement. Number one [Referring to the unclassified summary, 3.a.1.], the detainee first joined the Taliban and fought against the Northern Alliance when he was sixteen or seventeen years old, at which time he was trained on the AK-47 and served as a foot solder. (Detainee's written statement): "I am almost 34 years old. It's about 18 years difference between now and when I was 16. The whole period that the Taliban existed was about 6 years. When I was 16, the Taliban did not even exist. According to your charges, you indicate that I was with the Taliban for 18 years, which is not only false, but doesn't make sense. I was 16 or 17 years old when the Russians were in Afghanistan when the Mujahadeen took me by force to fight against the Russians. My father paid a bribe to get me released from the

mandatory service. I was with the Mujahadeen for about 1.5 years. That has nothing to do with the Taliban. It was during the time of the Russians."

Detainee: It was only a few years ago the Taliban were there in Afghanistan. Do you really need a witness for something like this? It is history. Everybody knows when the Taliban was in Afghanistan and your accusation does not make sense.

Tribunal President: The tribunal does not determine who is called as a witness. We rely on the information that was provided to us. And also, we do clearly understand your point.

Personal Representative (continuing with citation to Detainee's statement): "When the Taliban attacked Northern cities in 1998, 8000 Taliban were killed. After that the Taliban started recruiting people by force. I am Uzbek and the Taliban are Pashtuns and there is always animosity between Uzbeks and Pashtuns. Logically, Uzbeks will not fight for the Taliban. And those Pashtuns that were Taliban were not like Karzai who is educated. The Taliban were ignorant and illiterate and forcing people to join them by beating them or torturing them. I've never been Taliban, and I would never be Taliban in the future either."

Detainee: They forced me.

Personal Representative: Number two [referring to the unclassified summary, 3.a.2.], in 1998 or 1999 the detainee participated in the attack and burning of a Shi'ite Muslim village, Choqma Choqor, and was later captured, then released, by General Dostum's Northern Alliance troops. The testimony he provided me is: "This village of Choqma Choqor is located in the province of Jowzjan and you can't find even two houses of Shiite Muslims there. They are all Sunnis and they are all Uzbeks. During my interrogations, I told them that the Taliban had burned many villages, but I did not participate. They must have misunderstood what I told them. Let me clarify what is the truth about the village burning and how this relates to me.

- There was a person named Mullah Taj Mohammed (***"Who I will call MTM"***) who was a Taliban commander and I was told that he might be able to help me on some personal business to help me marry a woman from Kabul. I met with him and he helped me and I did get married to a woman in Kabul. After I married the girl, I came back to my Village to live.
- MTM was Uzbek like me.
- Many Uzbeks from the village of Ba Walis in the province of Jowzjan complained to MTM that they were constantly being robbed and harassed by robbers and thieves.
- Several months after MTM helped me, MTM met with me and asked me and other Uzbeks to help provide security to this Uzbek village. He wrote orders to the Taliban to leave that village alone.

- Myself and others were given 19 AK-47s and food by the villagers to provide security. The food and weapons were supplied by the Uzbek villagers for security, not the Taliban. It had nothing to do with the Taliban.
- While with the Taliban, MTM saw the cruelty of the Taliban and started an uprising against the Taliban. MTM only had about 50 people so he asked for Dostum's help and allied himself with Dostum.
- When MTM betrayed the Taliban, the Taliban arrested me and questioned me for two days to see if I was allied with MTM. Since I was just providing security for the Uzbek village of Ba Walis and had no contact with MTM since I was at that post, the Taliban released me but took all of the weapons of our security party and told me to go home, which I did. The people of the village I was guarding were all witnesses for me that I was just guarding the village and had nothing to do with the uprising and wasn't with MTM and wasn't part of the fighting.

Detainee: Well, MTM betrayed the Taliban, that is correct, but it doesn't mean he was a bad man. He was supporting his villagers, and he did have an uprising against the Taliban, and [thus] it is proper behavior.

Personal Representative (continuing with citation to Detainee's statement): "Meanwhile, in revenge, the Taliban burned MTM's village of Choqma Choqor, and then eight months later the Taliban captured MTM and executed him for being a traitor."

Detainee: That Choqma Choqor actually belonged to MTM. I want to add a couple of things here. The first thing I want to say is there are no Shi'ite Muslims in that village. In order to burn a village you have to have some kind of power, and I was a nobody, I wasn't with Taliban, I was just like a security guard for the village, and I didn't have that opportunity; or I didn't have the power to burn the village. Even if I had that power, why would I burn the village? That was all my own Uzbek village. Even if there were some Shi'ites, I don't want to harm anybody. You're accusing me that I was in prison, I was in jail, I was captured by Dostum's forces. Dostum wasn't in Afghanistan at that time; he was in Turkey, and the second thing, if I did such a bad thing, why did he release me?

Personal Representative (continuing with citation to Detainee's statement): "So I was arrested by the Taliban and released. I was not arrested by the Northern Alliance as you indicate. The story that the interrogators have written must not have been written down very well. There is a problem with the translation; therefore your charges are all inaccurate. I had nothing to with the village being burned; I told the interrogators about the village being burned."

Detainee: I wasn't even imprisoned or captured by Taliban; they just questioned me for a couple of days and they released me. I was there for one day and two nights and all they wanted to know is if I was part of that uprising of MTM, and they questioned me and just let me go.

Personal Representative: That concludes his testimony on number 2, unless you would like to add anything else.

Detainee: Thank you.

Personal Representative: Number 3...

Tribunal President: I'm sorry, 'Thank you' that's enough or 'thank you' I have more information?

Detainee: Thank you that's enough, that was accurate.

Tribunal President: Thank you.

Personal Representative: Number 3 [referring to the unclassified summary, 3.a.3.], the detainee and two other Taliban commanders arranged for the surrender of their soldiers to General Dostum's Northern Alliance forces.

Detainee: When somebody is going with Taliban or with anybody by force, and when he finds the chance, and a good chance, and he surrenders back, is this a crime in your eyes?

Tribunal President: I really don't know how to answer that, because we're here to determine your enemy combatant status. We'd like to know all you can tell us about these events. And another thing, just to clarify, this is an administrative review, and we're not looking for blame, or finding any criminal activity.

Detainee: Then I apologize that I disturbed you.

Tribunal President: No, you can ask any question at any time, and I'll answer as best I can. I would like to take this moment to remind the detainee why we're here. Just so you are familiar with our reason. We're looking at your classification as enemy combatant. And I know you've heard this before, but it may have been a while, so I'd like to read it again, just so you're familiar with it. Your statement is very helpful so far, and this will maintain the helpful nature of it. And reading this statement again hopefully will answer your question whether surrendering is a crime or not. Our definition of an enemy combatant is "An individual who was part of or supporting Taliban or al Quiada or associated forces that are engaged in hostilities against the United States or its coalition partners."

Detainee: Even people that had to go with them by force, compelled to go?

Tribunal President: Any individual who was part of or supporting the Taliban. This includes any person who has committed a belligerent act or has directly supported hostilities in aid of enemy armed forces. And the circumstances of any involvement are very important and we appreciate your statement regarding the unclassified summary of evidence. And if you would please, please continue your response to the allegations.

Personal Representative: Testimony he provided is as follows: After MTM was executed, I went back to my Uzbek village, as I said earlier, when the Taliban attacked the Northern cities in 1998, 8000 Taliban were killed. After that, they started forcing young men and boys into service. They would go to each village and request 100 recruits from the tribal elders. The tribal elders were forced to provide these young men; otherwise the village would be burned. All of the people in the village obeyed the tribal elders, and gave up their men as required to serve four months. They also needed a coordinator from each village that would bring the recruits to the Taliban. This person needed to speak Farsi as well as to read and write.

Detainee: There is a third thing that that person, that coordinator.... They wanted somebody who didn't have anything to do, any ties to that warlord. In other areas, there are mostly Turkmen and Uzbeks, there are no Tajiks, no Pashtuns, and people cannot speak Farsi over there.

Personal Representative (continuing with citation to Detainee's statement): "Since I was the only one in my Uzbek village that spoke Farsi and is literate, I was chosen to be the person to bring the young men to the Taliban. I had to do this on three occasions, four months each time. My job was to bring Uzbeks to the Taliban and get a signed receipt for them. I would only bring 40 at a time, not the 100 that was required. My village managed to gather only 40 Uzbeks and 40 Turkmen. Others in the tribe would bring Turkmen. It is important to note I was not Taliban but had to provide the service on behalf of my Uzbek village."

Detainee: Total of 80. I was the representative of my Uzbek village, not the Taliban, when I was taking those men. When the village was recruiting boys and young men, there weren't any Taliban. Taliban directly talked to the tribe leaders, tribe leaders would talk to the villagers, and they chose me. The tribe leaders chose me as escort for those men. Now, sir, did you understand that I was forced to do that? We had no choice but to do that, and as my PR explained to you they would have burned the villages. And Taliban, they have no patience, when you don't do what you want them to do, they destroy everything.

Tribunal President: We understand the circumstances.

Personal Representative (continuing with citation to Detainee's statement): "During this time, about four months before 9/11, Dostum returned to Afghanistan from Turkey. Since the Uzbeks did not like the Taliban, they were happy to learn this, and would help them in any way."

Detainee: In addition to the previous question, at time of interrogation, I told the interrogators that Taliban asked for 100 men, but the translator translated that part, but when I talked about 40 Uzbeks and 40 Turkmen, something got lost, and they didn't get the whole story straight then. That's why you're charging me with being the commander of 100 fighters. I want to add something to what you said. When Dostum came back

from Turkey, he couldn't actually be in the cities because the cities were all under control of Taliban. He had to hide somewhere and live somewhere in the mountains.

Personal Representative (continuing with citation to Detainee's statement): "Dostum wanted to recruit spies that would spy on the Taliban and give him intelligence information. One of the respected tribal leaders, Rosi Bihan, asked me if I would do this, and I agreed, since I hated the Taliban. During the last time I performed the coordinating duties that I spoke of before -- bringing new recruits to the Taliban -- I was a spy for Dostum and I would gather intel for him.

Detainee: Rosi Bihan told me about this in a very private place. If there were any Taliban they would have killed me, so it was a big secret between him and me.

Personal Representative (continuing with citation to Detainee's statement): "I would go to a secure house and meet with a man from the intelligence service named Hazret Quol, and give him the intelligence I gathered to support Dostum and the Northern Alliance. I started my support as a spy two months before 9/11."

Detainee: Hazret Quol (ph), actually, he was with Dostum in the mountains. He came from the mountains to the Uzbek village and he was trying to recruit spies for Dostum. And he met me there too.

Personal Representative (continuing with citation to Detainee's statement): I found out later that there were two other Uzbeks named Commander Hashim and Commander Olazia that were also Dostum's secret agents, and they surrendered their troops as well, but they didn't surrender together. I knew this after we surrendered, not before. That concludes the testimony I took from the detainee; would you like to add anything else on this point?

Detainee: When Dostum -- after 9/11, when Dostum was in Afghanistan he captured the city of Mazar-e-Sharif and everybody was happy, there were other tribe leaders they would bring to Dostum to congratulate him, and there were Americans, and everybody was happy, the Taliban were gone. Then I went with them. I just went to surrender myself because I was happy to see Dostum, I was happy to see Americans, but before that the story.... The process of surrendering and how I was hiding from the Taliban in the last month before Americans came, that's a very complicated and long story, I just don't want to take your time with that, because it's very complicated. I just want to tell you very simply the way I surrendered. I just want to mention one thing, one of the activities that I did for Dostum. When I was surrendering, there were 6 or 7 person that Hazret Quol told me to help cross the line of Taliban -- and we had to do it so Taliban wouldn't see us. So I helped 6 or 7 persons cross the line that was still under Taliban's control, and this was one of the works I did for General Dostum. In the time of interrogation, I think this was a misunderstanding and they accused me of giving those 6 or 7 people to the Taliban. And then they understood that this was wrong, I actually helped those people to cross the Taliban borders.

Personal Representative (continuing with citation to Detainee's statement): "And the last point, the detainee was the commander of 100 Taliban fighters, and fought along the Afghanistan/Uzbekistan border. As I said in the previous allegation, the village I was at got a letter from the Taliban stating they needed 100 soldiers. They needed a representative that could read and write and spoke Farsi. I was the only in the village that spoke Farsi that could read and write because my wife is Farsi speaking. My job was to take the new recruits to the Taliban. I was not a commander, and only brought the men to the Taliban. I brought 42 Taliban, not 100."

Detainee: There is one thing that you are accusing me of fighting in the war of Afghanistan and Uzbekistan. If you look at the history, and the radio and television, there has never ever been a war between Afghanistan and Uzbekistan, not even one single bullet has ever been shot from Uzbekistan towards Afghanistan. There has never been any war – I don't know why you're accusing me of fighting on the border. Is that all sir?

Tribunal President: I believe it is the Personal Representative's follow-up.

Personal Representative (referring to the Detainee): That concludes the testimony you gave me. At this point, if you have anything else you want to clarify, please do.

Detainee: I do want to add a lot, but I just want to tell you the story, how they brought me here to Cuba. When I surrendered to Dostum, when the tribe leaders took me to Dostum, Dostum had never seen me before. It was the first time he was seeing me. Hazret Quol was my handler; he was the Dostum guy, he was the one who recruited me, and he knew me. Because of the tribal leaders, Dostum agreed to see me, because I wasn't a big guy, I wasn't a famous person, and it was very hard to see Dostum at that time. And then, when I met Dostum, I told him the whole story I told you, and the tribe leaders told Dostum he wasn't with the Taliban, actually he was our representative, and he was taking our men and giving them to Taliban, and then Hazret Quol said I was working as a spy for them, and everything was clear for Dostum. Dostum released me and gave me some money. They would give money to anybody who surrenders and they let me go. I spent two days and nights with Dostum, but I was free. I spent time with all other people who were surrendering. After two days, Dostum gathered all the people who were surrendering, it was a room about this size, a big room, and then they talked to us. Dostum told us, now it's decision time. Whoever wants to get a weapon and fight with me, give me your name. But Dostum said I'm not going to force anybody to hit the ground and fight with me. If you want to go to your houses and live your normal life, that's fine with me too, I'm not going to force you. I went to my home and I spent about 20 or 25 days with my family. At that time my brother owed some money to somebody. They were doing some trading business and the deadline for my brother to pay the money was the fifteenth of the month, but he didn't have money to pay by the fifteenth. My brother is younger than me and his name is Asadullah, and he sent a letter to my father and told him "I didn't have the money to pay my debts and that person is threatening me." To solve this problem, my father had to travel to Mazar-e-Sharif, and since my father is an old man, I had to go with him. When we went to Mazar-e-Sharif, there was a

government officer, like a judge, and he blamed my brother. He said if you have to pay the money by the fifteenth, you should pay it. Otherwise we are going to keep you here in jail. Whenever your father arranges the money and gives it to the other man, we will release you. So they held my brother in a bond. Then we decided, the government says that somebody has to stay here as a bond, and as soon as you bring the money then we're going to release you. Then my father volunteered to be there in jail and he told my brother and me that you go and you find the money, because my father was an old man, and my brother was a businessman, so it was easier for my brother to find the money than my father. Then when we talked to them, any of the three of us, we can stay here, the other two can go and bring the money, they say that's fine, but it was an embarrassing thing for me to have my father be in prison, so I volunteered. I told my brother "You take my dad; you guys go and find the money. I will be in prison." So I was – it wasn't like a real jail. It was a security compound place. It wasn't like people with big crimes and stuff, or political prisoners. It was just people who didn't have money, or they owed money to somebody. So this whole building and that person it all belonged to a person named Ostad Attal, and he is one of Rabanni's men. And then, I was sitting there and I was waiting for my dad and my brother to bring the money so I could go home. Here our American friends came and a representative from the United States. They were checking all the prisons and they were looking for Taliban. They came and saw me too. Then, one by one they would question every prisoner over there. One of the guards, he fooled me. He told me, "If you tell Americans you are Taliban, they will give you lots of money, and that way you can pay your brother's debt and go home." So I was in a big hurry, and I jumped in front of all other prisoners to reach Americans and tell them that I am Taliban. So I told them that, yes, I was with Taliban, I had forty men, and I told them the whole story I told you guys. And then they said, "OK, we're going to help you, we're going to take you to the airport, they put chains on my hands and my foot, they blind-folded me, they took me to the airplane, and they brought me over here, and I'm still looking for that help. That's all I have.

Tribunal President: Thank you for your statement.

Detainee: I really appreciate that you gave me the opportunity to talk and tell you the whole story. And thank you for all tribunal members and all … that everybody is trying here to help.

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

Personal Representative: No sir.

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

Recorder: I have two, sir. In allegation number 4, you said that there was no war between Afghanistan and Uzbekistan.

Detainee: Yeah, when I was there.

Recorder: Regarding the Afghan-Uzbekistan border as a location, did the fighters or tribe or village that you represented fight in that area?

Detainee: They were fighting with Taliban against Northern Alliance, against Massoud and Rabanni, and it was the city of Pakhar. So that was the Northern Alliance's stronghold over there, and those men are among Taliban, they were fighting against Northern Alliance. And it's about a one-hour drive between where we lived and where they were fighting.

Recorder: OK, my last question: You say that you worked four months at a time and guided fighters to the Taliban. What else did you do besides guiding?

Detainee: I was just like a translator for those Uzbek fighters, those Uzbek men, because I could speak Farsi, because I could speak Farsi and they couldn't. Like if somebody gets sick, I had to go with them to the hospital and translate what they were saying. If they had headache, or they had fever, or anything like that, I was a translator. And when I was escorting those men to the Taliban, then the Taliban leader would give me a receipt. Then I had to bring that receipt and give it back to our tribal leaders.

Recorder: Thank you.

Tribunal President: Does the board have any questions for the detainee?

Board Member: Yes sir.

Q: When you took the young men from his village, would you stay with them for the entire four months.

A: Yes, sir. I was staying with them but I wasn't going to the front line to fight. I was always on the second line as a reserve.

Q: Did you have a weapon when you were with them?

A: When we were going and I was taking the men over there, they would give a weapon to everybody. They gave me an AK-47 too. But since I wasn't in the front line I would never use it – I wasn't shooting.

Q: Does you remember the date, the last time you took them to the Taliban?

A: I'm so sorry, in our villages nobody talks about the dates. We always say a week ago, or a month ago, and if it's more than a month, we say, "before that thing happened, or after that thing happened."

Q: Did you take men to the Taliban after 9/11?

A: It's all before. That last four months that I was working with them, it was four months before 9/11, and at that time I was working as a spy for Dostum.

Q: OK, thank you.

Q: Going back to an earlier comment you made about getting help from Mullah Taj Mohammed. Why do you think he helped you instead of the Taliban soldier regarding your marriage arrangement?

A: Because I was Uzbek and Mullah Taj Mohammed was Uzbek too. That's the first thing. Then, that girl wanted to marry me; she didn't want to marry the other guy. And according to Shari-et and Koran, and Taliban laws or any laws, I was supposed to marry her because she loved me.

Q: Why do you think the United States would think that there were Shi'ites in Choqma Choqor?

A: Again, it might be a big misunderstanding. You can send your representative or contact him in Afghanistan, and ask them if they find even two houses of Shi'ite, then you're right, and I'm wrong, and I'll admit what you're saying is correct. Since I know Taj Mohammed and Taj Mehrmet from that village, I know that village very well. It was all Uzbek Sunnis.

Q: You mentioned a period of time when you were guarding local villages. Was Choqma Choqor one of those villages you were guarding?

A: The village that I was guarding was very close to the city, but Choqma Choqor is very far. It's very far. There were some people with me from Choqma Choqor, and they were talking all the time that their houses are so far away that they can't go and see their families.

Q: The last question goes back to the very last part of your statement regarding your capture, when you said you were tricked into admitting that you were Taliban. Just to clarify, you never were Taliban? You thought it was a way of getting money?

A: This is what it was. Actually, they were saying to people who surrender, that Americans welcome the people who surrender. And they were stating over the radio, even Karzai, they all were saying that even if you were Taliban and you're surrendering, Americans would give you a big hug, they would reward you with money, and stuff like that. That's what I thought. I never thought that I would be in this situation because of that.

Q: How long were you in that security area?

A: It has been almost three years from the day Americans took me from now here.

Q: How long were you in prison at Mazar-e-Sharif? When you were in prison for your brother's debt.

A: It was about a month, more or less, but it was about a month.

Tribunal President: Haji Noorallah, do you have any other evidence to present to this tribunal?

Detainee: Whatever I remember I told you. If you have more questions I am willing to answer.

Tribunal President: Personal Representative, do you have any other evidence to present to this tribunal?

Personal Representative: No, sir.

Tribunal President: All unclassified evidence having been provided to this tribunal, this concludes this tribunal session. Haji Noorallah, you shall be notified of the tribunal decision upon completion of the review of these proceedings by the convening authority in Washington DC. If the tribunal determines that you should not be classified as an enemy combatant, you will be released to your home country as soon as arrangements can be made. If the tribunal confirms your classification as an enemy combatant, you shall be eligible for an Administrative Review Board hearing at a future date. If this tribunal determines that you have been properly classified as an enemy combatant, you will have the opportunity to be heard and present information that might help you to the Administrative Review Board. The Administrative Review Board is a panel similar to this one that will review relevant information and determine whether you represent a threat to the United States or its allies.

Detainee: God forbid, I will never be a traitor.

Tribunal President: This board also considers whether there are other factors that would form the basis for continued detention. If this tribunal confirms your status as an enemy combatant, you will be encouraged to contact potential witnesses as soon as possible to begin to gather information that may help you prepare for the Administrative Review Board. If this tribunal confirms your status as an enemy combatant, a military officer will be assigned at a later date to assist you in the Administrative Review board Process. The open session of this tribunal hearing is adjourned.

Detainee: Please sir, I'm running out of patience, you try to release me after this tribunal, don't leave my work for a review board because I might go crazy or I might have a heart attack, I'm really running out of patience.

Tribunal President: I understand, I would appreciate your continued patience. This is a difficult administrative process, and we'll do our best.

## AUTHENTICATION

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

Colonel, USAF
Tribunal President

**Detainee 494 - Testimony**

**1. The detainee first joined the Taliban and fought against the Northern Alliance when he was sixteen or seventeen years old, at which time he was trained on the AK-47 and he served as a foot soldier.**

I am almost 34 years old. It's about 18 years difference between now and when I was 16. The whole period that the Taliban existed was about 6 years. When I was 16, the Taliban did not even exist. According to your charges, you indicate that I was with the Taliban for 18 years, which is not only false, but doesn't make sense. I was 16 or 17 years old when the Russians were in Afghanistan when the Mujahadeen took me by force to fight against the Russians. My father paid a bribe to get me release from the mandatory service. I was with the Mujahadeen for about 1.5 years. They gave me training on the AK-47 teaching me how to disassemble it and reassemble it. That has nothing to do with the Taliban; it was during the time of the Russians.

When the Taliban attacked Northern cities in 1998, 8000 Taliban were killed. After that the Taliban started recruiting people by force. I am Uzbek and the Taliban are Pastoons and there is always animosity between Uzbeks and Pastoons. Logically, Uzbeks will not fight for the Taliban. And those Pashtoons that were Taliban were not like Karzai who is educated. The Taliban were ignorant and illiterate and forcing people to join them by beating them or torturing them. I've never been Taliban, and I would never be Taliban in the future either.

**2. In 1998 or 1999 the detainee participated in the attack and burning of a Shi'ite Muslim village, Chokma Choqur, and was later captured, then released, by General Dostum's Northern Alliance troops.**

This village of Chokma Choqur is located in the province of Joze Jon and you can't find even two houses of Shiite Muslims there. They are all Sunnies and they are all Uzbeks. During my interrogations, I told them that the Taliban had burned many villages, but I did not participate. They must have misunderstood what I told them.
Let me clarify what is the truth about the village burning and how this relates to me.

- There was a person named Mullah Taj Mohammed (MTM) who was a Taliban commander and I was told that he may be able to help me on some personal business to help me marry a woman from Kabul. I met with him and he helped me and I did get married to a woman in Kabul. After I married the girl, I came back to my village to live.
- MTM was Uzbek like me.
- Many Uzbeks from the village of Ba Walis in the province of Joze Jon complained to MTM that they were constantly being robbed and harassed by robbers and thieves
- Several months after MTM helped me, MTM met with me and asked me and other Uzbeks to help provide security to this Uzbek village. He wrote orders to the Taliban to leave that village alone.
- Myself and others were given 19 AK-47s and food by the villagers to provide security. The food and weapons were supplied by the Uzbek villagers for security, not the Taliban. It had nothing to do with the Taliban.
- While with the Taliban, MTM saw the cruelty of the Taliban and started an uprising against the Taliban. MTM only had about 50 people so he asked for Dostum's help and allied himself with Dostum.

- When MTM betrayed the Taliban, the Taliban arrested me and questioned me for 2 days to see if I was allied with MTM. Since I was just providing security for the Uzbek village of Ba Walis and had no contact with MTM since I was put at that post, the Taliban released me but took all of the weapons of our security party and told me to go home, which I did. The people of the village I was guarding were all witnesses for me that I was just guarding the village and had nothing to do with the uprising and wasn't with MTM and wasn't part of the fighting.
- Meanwhile, in revenge, the Taliban burned MTMs village of Chokma Choqur and then 8 months later the Taliban captured MTM and executed him for being a traitor.
- So, I was arrested by the Taliban and released; I was not arrested by the Northern Alliance as you indicate. The story that the interrogators have written must not have been written down very well. There is a problem with the translation and therefore your charges are all inaccurate. I had nothing to do with the village being burned, I told the interrogators about the village being burned.

**3. The detainee and two other Taliban commanders arraigned for the surrender of their soldiers to General Dostum's Northern Alliance forces.**

After MTM was executed, I went back to my Uzbek village. As I said earlier, when the Taliban attacked the Northern cities in 1998, 8000 Taliban were killed. After that they started forcing young men and boys into service. They would go to each village and request 100 recruits from the tribal elders. The Tribal elders were forced to provide these young men to the Taliban otherwise the village would be burned. All the people in the village obeyed the tribal elders and gave up their men as required to serve for 4 months. They also needed a coordinator from each village that would bring the recruits to the Taliban. This person needed to speak Farsi as well as be able to read and write. Since I was the only one in my Uzbek village that spoke Farsi and was literate, I was chosen to be the person to bring the young men to the Taliban. I had to do this on 3 occasions for 4 months each time. My job was to bring Uzbeks to the Taliban and get a signed receipt for them. I would only bring 40 at a time, not the 100 that was required. My village managed to gather only 40 Uzbeks and 40 Turkmans. Others in the tribe would bring Turkmans. It is important to note, that I was not Taliban but had to provide this service on behalf of my Uzbek village.

During this time, about 4 months before 9-11, Dostum returned to Afghanistan from Turkey. Since the Uzbeks did not like the Taliban, they were happy to learn this and would help in any way. Dostum wanted to recruit spies that would spy on the Taliban and give him intelligence information. One of the respected tribal leaders "Rosi by Khan" asked me if I would do this and I agreed since I hated the Taliban. During my last time performing my coordinator duties as I spoke about before – bringing new recruits to the Taliban -- I was then a spy for Dostum and would gather intel for him. I would go to a secure house and meet with a man from the intelligence service named, Hazarat Qowl and give him the intelligence I gathered to support Dostum and the Northern Alliance. I started my support as a spy 2 months before 9-11. I found out later that there were two other Uzbeks named Commander Hashim and Commander Mullah Zia that were also Dostums secret agents, and they surrendered their troops as well but they didn't surrender together. I knew this after we surrendered, not before.

**1. The detainee was the commander of one hundred Taliban fighters and fought along the Afghanistan/Uzbekistan border.**

As I said in the previous allegation, the village I was at got a letter from the Taliban stating they needed 100 soliders. They needed a representative that could read and write, and speak Farsi. I was the only one in my village that spoke Farsi and could read and write because my wife is Farsi speaking. My job was to take the new recruits to the Taliban; I was not a commander and only brought the men to the Taliban. I brought 40 to the Taliban, not 100.

**Summarized Unsworn Detainee Statement**

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

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

***The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents. The Recorder also presented R-2 to the Tribunal as evidence.***

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

***The Tribunal President confirmed that the Detainee had no documents that he wished to present to the Tribunal as per the Detainee Election Form. The Tribunal President also confirmed that the Detainee requested to have one off-island witness participate in the Tribunal on his behalf. The witness request was sent to the Department of State on 29 December 2004, and a second request was sent on 10 January 2005 all contacting the Afghanistan embassy. As of this date, 14 January 2005, we have not received a response from the embassy on the status of this witness. The witness has been deemed not reasonably available. The Tribunal President reassured the Detainee that this would not be held against him for any reason.***

***The Recorder administered the Muslim oath to the Detainee.***

**Summarized Sworn Detainee Statement**

***The Tribunal President opened the Tribunal to the Detainee to make his statement with the assistance of his Personal Representative.***

*3.a.1. The detainee worked at the Al-Wafa office in Herat, Afghanistan.*

Detainee: In my whole life, my answer is, I have never even been to Herat.

*3.a.2. The non-governmental organization "Wafa" reportedly is believed to possibly be a terrorist organization and may have had connections to Usama Bin Laden and Afghan Mujahidin.*

Detainee: I told you before, all I do is that I have a little shop and don't know the meaning of these things Al-Wafa.

*3.a.3. The detainee attended a dinner in which Abdullah Khan was present.*

Detainee: I told my Personal Representative yesterday that I do not know the name of who this guy is. I already told you. What else do you want me to say?

Tribunal President: This is your opportunity to tell us because your Personal Representative doesn't tell us in advance about your interviews at all.

Detainee: As I said I do not know this guy or who he is.

*3.a.4. Abdullah Khan had the alias of Kheirullah.*

Detainee: As I said yesterday, I do not know Kheirullah, and I do not know Abdullah.

*3.a.5. Kheirullah was a Taliban commander at the airfields of Bagram, Shindand and Kandahar.*

Detainee: I don't know that.

*3.a.6. The detainee worked as an intelligence agent for Kheirullah.*

Detainee: (Detainee laughs) I'm not a spy or anything like that.

*3.a.7. Abu Faysal (former director of the Herat Wafa office) sent the detainee to Herat with money to be used for weapons and supplies.*

Detainee: I do not know anything about that accusation. I do not know Abu Faysal. I have nothing to do with this guy.

*3.a.8. The detainee was to travel from Lebanon to Abidjan to assist in a planned attack against the Abidjan Embassy.*

Detainee: I have not taken a step out of Kandahar in my life.

*3.a.9. The detainee was injured in the bombing of the Kandahar Wafa office.*

Detainee: Yes. We have been bombed one time. I had my niece and her two children and we were walking during the Russian war. We got bombed and all three of them were killed. My niece and her two children died and I got buried under the dirt as well, but I survived. That is the only bombing that I know about. This was during the war against the Russians twenty something years ago.

*3.a.10. The detainee was involved in plotting attacks against United States and/or Coalition Forces.*

Detainee: Nothing. I do not mess with attacks. I do not arrange them and I don't know anything about it.

Detainee: I told my Personal Representative yesterday that I do not know the name of who this guy is. I already told you. What else do you want me to say?

Tribunal President: This is your opportunity to tell us because your Personal Representative doesn't tell us in advance about your interviews at all.

Detainee: As I said I do not know this guy or who he is.

*3.a.4. Abdullah Khan had the alias of Kheirullah.*

Detainee: As I said yesterday, I do not know Kheirullah, and I do not know Abdullah.

*3.a.5. Kheirullah was a Taliban commander at the airfields of Bagram, Shindand and Kandahar.*

Detainee: I don't know that.

*3.a.6. The detainee worked as an intelligence agent for Kheirullah.*

Detainee: (Detainee laughs) I'm not a spy or anything like that.

*3.a.7. Abu Faysal (former director of the Herat Wafa office) sent the detainee to Herat with money to be used for weapons and supplies.*

Detainee: I do not know anything about that accusation. I do not know Abu Faysal. I have nothing to do with this guy.

*3.a.8. The detainee was to travel from Lebanon to Abidjan to assist in a planned attack against the Abidjan Embassy.*

Detainee: I have not taken a step out of Kandahar in my life.

*3.a.9. The detainee was injured in the bombing of the Kandahar Wafa office.*

Detainee: Yes. We have been bombed one time. I had my niece and her two children and we were walking during the Russian war. We got bombed and all three of them were killed. My niece and her two children died and I got buried under the dirt as well, but I survived. That is the only bombing that I know about. This was during the war against the Russians twenty something years ago.

*3.a.10. The detainee was involved in plotting attacks against United States and/or Coalition Forces.*

Detainee: Nothing. I do not mess with attacks. I do not arrange them and I don't know anything about it.

*3.a.11. The detainee was captured by United States Forces on 29 January 2003 in Balandi, Afghanistan.*

Detainee: That's true. I was sleeping with my kids and my family and they dragged me out of there and I got captured. Sorry, there is a correction. They were not Americans they were local people.

Tribunal President: Is there anything else that you would like to tell us at this time?

Detainee: Yes, I do have some things to say. I am nobody; I am a very poor guy. I was trying to give my family what they needed, and minding my own business. There was a huge drought going on in the Kandahar area. I could not grow anything, so I resorted to butchering my cows and sold meat to people and tried to provide for my family supper and food.

I've been brutalized and innocently brought into this situation. Human beings do not clean off their mistakes. There have been times in the past 26 or 27 years when I was working on my own. We grew things amongst people; they were my neighbors. Maybe something happened as far as committing a fault or something. Maybe I did something wrong to them and that somehow probably have developed some type of animosity against me. Because that is the worst I have done in my life to probably offend someone somewhere and that has probably cost me a lot.

I heard about Al Qaeda in this prison. I heard about the Taliban situation in this prison. I have nothing to do with any of these operations. I am a very, very poor man I have nothing in my life. I have kids at home. I have not done anything. Please help me out.

We are about 80 to 100 Tajik people that traveled to Kandahar and we have been living there awhile. I swear to you. I speak Tajik and I speak Farsi and I speak Pashtu. A lot of Tajik people have gone from one area to another area, from Farsi spoken places to Pashtu spoken places for the purpose of opening a shop. I admire these people so much. I swear to you my whole family, including the kids were clapping when we heard about the Americans were coming.

If there is anyway that I can get some help because I do not know if my family is behind. I do not even know if they have anything to eat or not. I don't know what is going on. If I go home I need to be taken care of so I can make up for the time that I was not there. My heart and my body are full of things to say and I do not want to take up any of your time. I don't want to keep you.

Tribunal President: Well, this is your opportunity. We also have some questions we'd like to ask you if you are willing to answer them?

Detainee: Fine

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

Personal Representative: Yes, ma'am I do.

**Personal Representative's Questions to Detainee**

Q: Did you know the other men that were captured the same night that you were captured?

A: I only know Haji Shahzada. I do not know the rest of them.

Q: Can you explain to the Tribunal where exactly you were when you were captured? Were you in your home or were you somewhere else?

A: That's fine. I was sleeping in my home with my kids and the people came and tied me up and took me to Bilandi. They did not knock at the door they came over the wall into the house.

Q: Did you know where Haji Shahzada was at that time?

A: When I went to Bilandi, they had already taken Haji Shahzada out from his house and they took us to Khost where the American forces stayed.

Q: Were there any other men at your house the night that you were captured?

A: There were no more human beings at my house but my wife, three boys, my girl and me. I'm sorry, four sons and two daughters.

Q: Who were the men that came to get you that night?

A: I do not know them. All I know was that they were soldiers.

Q: You stated that there were no Americans. How do you know there were no Americans?

A: You can recognize Americans. They were just internal Afghan soldiers.

Q: Do you know if your name is a very popular name in Afghanistan?

A: There is not another Nasrullah in my village. Our neighbors, maybe yes, but not in the small village that I was in.

**Tribunal Members' Questions to Detainee**

Q: Do you know if Haji Shihzada worked for the Taliban?

A: I know Haji Shahzada from childhood. I know for sure that he has no ties with Taliban at all.

Q: Do you know what he did for an occupation?

A: He doesn't work. He has a lot of land and people work for him and he has gardens and a few orchards and I worked for him too. So he didn't have to work because he had property.

Q: Did you own property?

A: I have 16 grape plants. It takes up one-half an acre but it is my private grape vines.

Q: What was your occupation? You didn't make your whole living on those grapes did you?

A: I did some butchering as well beside what I was growing on my land.

Q: You made a comment that you never left Kandahar. Is it Kandahar the province that you talked about or the city, metropolitan area?

A: You asked me a question about if I never left Kandahar and I said I never left Kandahar but I have to tell you that I did my service during King Zahir in Kabul.

Q: How far from Kandahar city was your land?

A: If the road was serviced, it was about a half-hour. If the road was a little damaged it takes three-quarter to a full hour.

Q: Where is Bilandi in relations to where you village was? Was it Bilandi close?

A: It was about 15 to 20 minutes on foot.

Q: When you were a soldier for King Zahir did you have any specialty for example did you use a rifle or did you have training in bombs?

A: I was working in a kitchen. My weapon was a stick because King Zahir couldn't afford guns.

**Tribunal Members' Questions to Detainee**

Q: Do you own a weapon for personal protection?

A: I do not have any weapons. I do not know how to operate them.

Q: You said that you do not know who Al-Wafa is and never worked for them. Have you ever worked for any other charities?

A: I never worked with any other charities.

Q: Do you have a passport?

A: I do not have anything.

Q: How about a vehicle?

A: I don't have a car either.

Q: One of the accusations was that you were an intelligence agent for Kheirullah. You said no. Have you been an intelligence agent for anybody else?

A: I have not done these operations for this or that or for anybody.

Q: When you were bombed during the Russian time, were you injured?

A: A little bit of blood was coming from my head. I never made it to the doctor. My head was bleeding a little bit but my leg suffers some internal pain.

Q: Was the bomb on the ground or was the bomb from an airplane?

A: It was a Russian jet.

Q: Do you have any formal education?

A: Tell me what education is. I learned how to write my name here.

Q: You told us a story about problems you may have had with your neighbors. Did anybody tell you why you were arrested?

A: I want to say that I don't know if I am being accused. I'm just saying if I done anything wrong, or I may have gotten into a small argument or somebody. I do not know the fact that someone turned me in purposely. I do not know that. I do not know if somebody did that at all. I can tell you this much. In Afghanistan things are as such where people will turn in their mother for 500 and for another 500 they would turn in their dad as well.

Q: How long have you lived in Afghanistan?

A: I grew up in Afghanistan since I was a baby.

Q: I thought you indicated that you were from Tajikistan.

A: No. I said I am a Tajik. The Americans have not hurt me. My family died because of the Russians. I want to be clear. I have never been out of Afghanistan.

**Tribunal President's Questions to Detainee**

Q: When the Taliban was in power, what were you and your village's relationship with them? Did they conscript males and take them from the village? Did anybody in particular work for them?

A: I do not know about everybody. I early said that we were 50 to 60 Tajik people and I can tell you these people had nothing to do with anything. I do not know about anybody else but I can tell you about these people. They did not have any understanding of the Taliban and even if we did we didn't have the power to do anything against them. We were poor people and very quiet and naïve.

Q: But the Taliban, I'm assuming definitely went through your village, they established the rules; they were a presence there were they not?

A: They never had time or they never made it to my town. They never showed up. The only thing that happened was that the Taliban was always asking to draft people or to take people with them. The Taliban connection with our village was when they came to draft people for their army.

**Tribunal Members' Questions to Detainee**

Q: You said you were brutalized. Do you mean physically when you were captured?

A: When I was talking I was saying that I was brutally treated by my people. I am not talking about the Americans. The Americans have done nothing wrong to me. I was so happy about the Americans coming. From 1 to 1000, I am a 1000 times happy. My kids are going to school now. The came and brought a lot of aid to the village; tea, sugar, and food. We were very happy about the Americans arriving.

Tribunal President: Is there anything else at this time that you would like to tell the Tribunal.

Detainee: Is there somehow you can help me.

***The Tribunal President confirmed that the Personal Representative had further evidence to present, which was a statement from the detainee's witness and the***

***Personal Representative read the statement verbatim and submitted the statement as an exhibit (D-B) to the Tribunal.***

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

***The Tribunal President adjourned the unclassified 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

# CSRT WITNESS DATA WORKSHEET

DETAINEE NAME: **Allah Nasir** ISN# **951** PR# **104**

FULL NAME OF WITNESS (other names?): **Haji Shahzada (ISN#952)**

HOME ADDRESS OF WITNESS: **GTMO (ISN#952)**

SUMMARY OF EXPECTED TESTIMONY (please be specific – include dates of association):

**The witness was a boyhood friend of detainee #951 from a nearby village. They have known each other for 40 years and were captured at the same time. The witness will testify that #951 is not a Talib and has never been affiliated with al Qaida in any way. He can also testify that #951 has never been in Herat, Afghanistan nor has he worked for Al-Wafa. He can testify that #951 had nothing to do with any bombing of an Al-Wafa office in Kandahar, Afghanistan nor was he wounded there.**

**QUESTIONS FOR WITNESS (Haji Shahzada) with responses from 07 Jan 05 Witness Interview:**

1. **How do you know Nasrullah?** We were childhood friends. Our villages were close to each other even though they were in different districts. Nasrullah is a few years older than I am.
2. **Do you know if Nasrullah was ever involved with the Taliban or al Qaida?** No he never was.
3. **Do you know if Nasrullah was ever in Herat?** Not that I know of but I do know that he was not in Herat recently.
4. **Do you know if Nasrullah ever worked for Al-Wafa?** No, I do not even know what Al-Wafa is.
5. **What work does Nasrullah do to provide food for his family?** He owns a few acres of land and he does some farming to raise some food for his family. He also has a small shop where he sometimes is a butcher and he slaughters animals and sells the meat.
6. **Do you know if Nasrullah was ever involved with Kheirullah in any way?** No he was not because Khirullah was the Governor of Herat.
7. **Do you know if Nasrullah was ever injured in a bombing or bombing accident?** I believe he was near a bombing in which he was covered with dirt but he was not injured as far as I know.

PERSONAL REPRESENTATIVE [redacted]

08 Jan 05

**Date**



Exhibit D-b
3523A

**Summarized Detainee Statement**

Detainee: So is there going to be another Tribunal?

Tribunal President: No. There is not going to be another Tribunal. There is going to be an Administrative Review Board, which I will explain to you later.

Detainee: If you know I am a terrorist, a Taliban or Al-Qaeda then why did you bring me here?

Tribunal President: This is your opportunity to present your information or any statement you would like to make.

Detainee: I know that I am innocent. I don't care about this Tribunal or what it says or what you think. I know myself and I am innocent.

Tribunal President: This is your opportunity to make a statement towards the allegations that have been presented to the Tribunal.

Detainee: They are false. They are not true. That is my answer.

Tribunal President: You are not compelled to testify today if you do not want to.

Detainee: On the day of judgment, I am innocent. That is what I am saying.

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

Detainee: Evidence regarding what?

Tribunal President: The information that was just read by the Recorder.

Detainee: I am captured by whom? Who captured me? Is it the United States that is holding me?

Tribunal President: Right now? Are you asking the question who is holding you right now?

Detainee: Yes. Who is holding me? Who brought me here?

Tribunal President: The United States is holding you here.

Detainee: On the first day, who caught me and where did they capture me?

Tribunal President: I don't know. That is what we need to ask you.

Detainee: The United States bought me. They bought me with money from the Pakistani dogs. That is it.

Tribunal President: Are you beginning your statement now?

Detainee: Yes.

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

Detainee: Under what?

Tribunal President: Under a Muslim oath.

Detainee: Of course.

Tribunal President: Recorder, please administer the Muslim oath?

Recorder: Muslim oath.

Detainee: There is no in the name of God, the most compassionate and the most merciful in the swearing. I will just say I swear by God I am innocent. That is the swearing.

Tribunal President: That is fine if you would like to swear to that.

**The Detainee was sworn using a Muslim oath of his choice. The Detainee declined using the prepared Muslim oath. The Detainee testified to the Tribunal in substance as follows:**

Tribunal President: Abdenour, you may begin to give us your statement.

Detainee: What statement.

Tribunal President: You indicated to me earlier that you would like to give a statement.

Detainee: I was in Britain living normally. Living normally just like anyone else. I lived far away from Finsbury Park. In Finsbury Park there are many Algerian restaurants and stores and things like that. There are Algerian shops and stores in Finsbury Park, but I would also pray over there. That's it. I knew people there. He helped me to go to Afghanistan. That's the story, that's it. They captured me in Pakistan.

Detainee: And that's it. I was living in Afghanistan for four months only. How can you say I was Taliban or Al-Qaeda when I was living there for four months?

Tribunal President: Does that conclude your statement?

Detainee: You have my statements in the interrogations.

Tribunal President: Would you like to respond to the allegations that are on the unclassified summary?

Detainee: I just answered. I told you I am not Taliban and I am not Al-Qaeda.

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

Personal Representative: Yes, Ma'am. During our interview, and you said you spent four months in Afghanistan. You also said you were in Jalalabad and you fled to Tora Bora?

Detainee: Yes.

Personal Representative: Can you explain why you went to Tora Bora?

Detainee: Because Jalalabad fell. The intruders came in and we did not know why Jalalabad fell. So we escaped. We helped our women escape first and then we escaped through the mountains.

Personal Representative: Were you pick up or arrested by the Pakistanis?

Detainee: Yes.

Personal Representative: Did they put you on a bus.

Detainee: In a prison, then after an hour and half I was put on a bus.

Personal Representative: On a bus?

Detainee: Yes.

Personal Representative: Where did that bus go?

Detainee: They told us we were being taken to the embassy; then from the embassy to our home country.

***The Tribunal President then adjourned the open session.***

## AUTHENTICATION

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

[redacted]

Colonel, U.S. Army
Tribunal President

Personal Representative: They did not take you to the embassy?

Detainee: They did not take us to the embassy. We were on the bus and they were driving. We were Arabs on the bus. They would talk in the same language as us. They cursed at us and told us they were going to hand us over to the Americans. They called us dogs and they said they were going to sell us to the Americans.

Personal Representative: Did they hand you over to the Americans?

Detainee: Yes.

Personal Representative: Okay. Thank you

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

Recorder: Yes, I do Ma'am. Did you go to Al-Farouq training camp? Did you receive training on the AK-47?

Detainee: These question I have answered a million times before. I told you I have never went to Al-Farouq. I was living in Jalalabad, and then ten days in Kabul. That is it. That was all the places I went in Afghanistan.

Recorder: Were you aware, had you been told by someone that something would happen regarding an attack on the United States prior to September 11th, 2001?

Detainee: I told them this in Kandahar during the interrogations because the interrogators were dogs. I was injured. I had an injury in my leg. I had metal sticking out of my leg and they would not clean the wound; they would not give me treatment. So I told them whatever they wanted to hear. They just wanted anything. Any information. I just told them anything; whatever they wanted to hear because I wanted them to treat my leg. I saw other people there whose legs hag to be cut off (amputated as a result of injuries.) I did not want my leg to be cut off.

Recorder: Thank you.

Detainee: If you were in my place; if you were in Kandahar you would have done the same thing. Just like a small child.

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

Tribunal Member: Who helped make your arrangements to go to Afghanistan from London or from England?

Detainee: A person I knew at the mosque. His name was Noor El Din.

Tribunal Member: How was your leg injured?

Detainee: After we escaped from the bus the Pakistanis shot me in the leg.

Tribunal Member: When you were in the Tora Bora region, was there any fighting going on?

Detainee: I was not in the area where the fighting was going on. I was up far away in the mountains where the snow and ice was. There were old men who could not go through the mountains with my group. We would go fetch them water from nearby villages.

Tribunal Member: Were you armed at any time while going through the mountains?

Detainee: I left my weapon at the house in Jalalabad when we left to help our women to escape. I forgot it there.

Tribunal Member: So you had an AK-47 in Jalalabad?

Detainee: It was not mine. It was the guesthouse's and they gave it to me.

Tribunal President: Abdenour, would you not play with your chains because the noise is interfering with the translations.

Detainee: Yes. I am just nervous that was why. I have never been in a courtroom. I am not a person who goes to court.

Tribunal President: This is not a courtroom, but I understand your being nervous.

Detainee: It is not a court to you, you are saying it is not a court. But to me it is a court.

Tribunal President: I understand.

Tribunal Member: How long were you at the guesthouse?

Detainee: I told you I was there for about four months. About three months in the guesthouse; ten days in Kabul; and twenty days in the mountains. That's it.

Tribunal Member: Did you go to Kabul first; and then to Kandahar?

Detainee: I never went into Kandahar.

Tribunal Member: I am sorry, I meant Jalalabad.

Detainee: First I went to Jalalabad and I was living in Jalalabad.

Tribunal Member: What did you do while you were at the guesthouse? What did you do in Jalalabad?

Detainee: We would wake up in the morning. We would pray the morning prayers. Then we would walk across a very long river, about 300-400 meters. We would go and play soccer. After playing soccer in the morning we would come back and we would eat breakfast. Then we would have a session where we would read the Koran. After that everyone had something to do. Someone would go to the market; someone would clean the guesthouse; someone was in charge of cooking. Everyone had a certain thing to do.

Tribunal Member: Where did you get the money you needed to travel and also support yourself at the guesthouse?

Detainee: My older brother had a house. I helped him with his house. I used to paint and put wallpaper up. I worked in the garden. Then I told my brother I wanted to leave and go to another place. I was renting a room from a man named John-Michael. I told my brother I was going to leave. I did not tell him I was traveling. When I was doing the housework, I was not getting paid right away. John-Michael would always ask me where was my money for the rent. So I decided I wanted to leave. I told my brother to give me money so I could get my own place. I was also getting money from a Government organization in Britain that gave people money to pay the rent. The Government made you very dependant on them. They take their time bringing you the money for the rent and they did not make you feel very good. So I wanted to have my own money to pay my own rent and I wanted to get out of that system.

Tribunal Member: That is what I am trying to get at. Where did you get the money for the trip to Afghanistan? It sounds like you were not working in Afghanistan, so how did you support yourself?

Detainee: I got the money from my brother.

Tribunal Member: Did you receive any type of military training while you were in Afghanistan?

Detainee: It was not my intention to go training.

Tribunal Member: But did you train?

Detainee: No, I did not train.

Tribunal Member: Who were the other people staying in the guesthouse with you?

Detainee: Noor El Din. Another person named Abdel Hafiz, he was a cook. Then the person in charge of the guesthouse named Gaafer.

Tribunal Member: Was this a Taliban guesthouse?

Detainee: Not Taliban, not Al-Qaeda. Nothing. It was just a guesthouse for Algerians.

Tribunal Member: If it was just a guesthouse, why did they have guns?

Detainee: How can you be in Afghanistan without a weapon? It is impossible to be in Afghanistan without a weapon.

Tribunal Member: Where did you learn to fire the AK-47?

Detainee: I was in the Army in Algeria. The Algerian dogs they taught me how to shoot the AK-47. We would go in the streets and kill innocent people, so I decided to leave the military or the Army.

Tribunal Member: In the unclassified evidence, it says that you support the Taliban ideology; is that still the case?

Detainee: Please clarify this question.

Tribunal Member: The unclassified evidence I have before says you are a supporter of the Taliban.

Detainee: Ideology? What ideology? I don't know the Taliban. I was living and staying with Algerians. What are the Taliban's ideas?

Tribunal Member: Well if you do not know the Taliban, then I would assume you do not support the Taliban ideology.

Detainee: What ideology are you talking about? Because Taliban has many people. They have the good people, the bad people, the hypocrites, and liars. Many kinds of people. So which ideas are you talking about?

Tribunal Member: The extreme Islam state.

Detainee: People who are in the Taliban that are good people, good Muslims who want to help and do good; like stop crime, drugs, stealing and so on. They have good ideas. Those are the people that I would help.

Tribunal President: Noor El Din is the person that helped you get to Afghanistan? Is that correct?

Detainee: Yes.

Tribunal President: How did you know Noor El Din?

Detainee: I knew him at the mosque in Finsbury Park.

Tribunal President: Was he a friend of yours, an associate, or just someone that attended the mosque?

Detainee: No, I just knew him at the mosque only.

Tribunal President: Did Noor El Din travel with you to Afghanistan?

Detainee: No, I traveled by myself.

Tribunal President: Did he tell you where to go or who to meet in Afghanistan?

Detainee: In the beginning when we were there in Finsbury Park; it was a small place. It was a small video rental store. They sold things like small perfumes that Muslims use. I was renting tape about Chechnya and Bosnia and Afghanistan and Algeria. I met Noor El Din there.

Tribunal President: You met Noor El Din at the mosque and at the store?

Detainee: It's all in the mosque. When you come outside the prayer room where you actually pray, there was a little store that sold these tapes inside the mosque.

Tribunal President: I understand now. When did you leave for Afghanistan?

Detainee: The year 2001.

Tribunal President: What month?

Detainee: I don't remember the month. It was in the summer because the weather was hot.

Tribunal President: Can you repeat again, why did you go to Afghanistan?

Detainee: Noor El Din told me he would show me the tapes and talk to me about them. He told me that living in England among the infidels might lead to greater things like neglecting my prayers, sinning, drinking and it might lead to things I did not want to go to. So it was better if I moved somewhere else, like Afghanistan. He told me to go there, live there and see if I would like it there. If I decided I could live there, then he said that he would help me figure out how to build a house there.

Tribunal President: Who is the he you are referring to?

Detainee: Noor El Din.

Tribunal President: Did he tell you to meet with anybody in Afghanistan?

Detainee: Noor El Din told me when I got to Pakistan, leave the airport in a taxi headed to Islamabad. In Islamabad on the main road on the left hand side, there would be an ice cream shop. Noor El Din told me to go there and wait there until the Afghan man would pick me up. Noor El Din gave me the phone number for this Afghan man and told me to call him when I got there.

Tribunal President: What was this Afghan man's name?

Detainee: Mohamed.

Tribunal President: Is there a last name?

Detainee: I did not know the family name. Mohamed just picked me up and took me to Afghanistan. That was it.

Tribunal President: So this man knew you? Did you know him? How did you identify who this man was?

Detainee: We did not know each other. I called him on the telephone and told him I was at the ice cream shop; and he came and got me. When he came to the ice cream shop, he recognized me because I did not look like a Pakistani. I looked like a foreigner and he knew who I was.

Tribunal President: How long were you in the Algerian Army?

Detainee: Six months and then I escaped.

Tribunal President: You spoke about some rented videotapes. Can you tell me what was on those tapes and what did you review?

Detainee: Did I rent them to people or did I rent them?

Tribunal President: The ones that you rented?

Detainee: Yes.

Tribunal President: What were on the tapes?

Detainee: Fighting things. Like Bosnians going in on Muslims killing them; killing Muslim women; what they did to the women; killing children. Things like that. The tapes would also show you the reaction of the Muslims. How they went to these infidels and killed them and what they did. With the Chechnyan one, it was the same thing. The Algerian tapes showed how forces loyal to the general in Algeria would go and kill innocent people. Kill Muslims. They showed you what they would do to those Muslims. They pretended they were civilians but they were mujahadin and they would go and kill innocent people. They would say to us, this is what they are doing to your brothers. They showed you how the mujahadin would react to that. How they went to these soldiers and killed them or fought them.

Tribunal President: How did this make you feel?

Detainee: I knew the truth before I left Algeria. I knew all these things.

Tribunal President: Help me to understand how did that make you feel inside? What did it make you want to do?

Detainee: I felt that these people were dogs, beasts, monsters.

Tribunal President: Do you have any other evidence or any other statements you would like to make?

Detainee: About what?

Tribunal President: Anything.

Detainee: I just want to say that I am innocent. You know that I am innocent. I was caught by the Pakistani dogs. I have been here for three years. I gave the interrogators my real name and my address. They know everything about me. In the three years I have been here, they have not been able to figure out if I am a criminal or not. In three years. That is it. If I were a criminal or really a fighter, I would not have been caught alive. God willing. If I was really mujahadin, I would not have been caught alive. If they had caught me, I know what they would have done to me.

Tribunal President: Does that conclude your statement?

Detainee: This is a court. Do I give the answers or do you give the answers?

Tribunal President: I asked you a question and I would like for you to give me an answer.

Detainee: What was the question?

Tribunal President: The question was does that conclude your statement?

Detainee: I don't have a statement. What do you mean by statement?

Tribunal President: The comments that you just made.

Detainee: The accusations are not getting into my head. If I stay here for a million years I will not understand them because I am innocent.

Tribunal President: I understand. Does that conclude your statement?

Detainee: No, I don't have anything. Why am I here? If I am a criminal, they just try me and give me twenty years. Why am I here in Cuba being treated like an animal.

Tribunal President: I can't answer that question. I have to go through all of your documentation to find the answer to that question. I can only look at the evidence that is before me to determine whether you are an enemy combatant or not.

Detainee: Enemy combatant to whom? Whom am I an enemy combatant to?

Tribunal President: To the United States and its allies.

Detainee: The United States. The first time I ever saw an American was in a hospital in Pakistan. That was the first time I saw an American. So how can you tell me I am an enemy to the Americans or a combatant to the Americans. I never knew any Americans my whole life. How can you be an enemy to a person you have never seen?

Tribunal President: Is that a question you are asking me to answer?

Detainee: Yes.

Tribunal President: I am not able to answer that question at this time. My question to you is do you have anything else that you need to say?

Detainee: What do you want me to say? Do you want me to sing to you?

Tribunal President: No. I would like for you to say yes or no if you have any more questions.

Detainee: I am not a combatant. If I wanted to fight, I would have fought in Algeria. I have friends who are fighters. Why would I not fight in Algeria? Why would I go all the way to England and fight?

Tribunal President: That is a statement and is that the end of your statement?

Detainee: I am not a combatant. I am not an enemy. I am not Taliban. I am not Al-Qaeda. I am not anything. I am just a Muslim with ideas of living in a Muslim country. Afghanistan was a Muslim country.

Tribunal President: Okay. Does that conclude your statement?

Detainee: I don't have anything. You have the questions. You are the ones who is deciding this.

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

Personal Representative: No, Ma'am. No previously approved witnesses, nor were any requested. I have no further evidence.

Detainee: Yes.

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

Detainee: What is the classified evidence?

Tribunal President: I said unclassified evidence.

Detainee: Okay.

Tribunal President: Abdenour, you shall be notified of the Tribunal decision upon completion of the review of these proceedings by the convening authority in Washington, D.C. If the Tribunal determines that you should not be classified as an enemy combatant, you will be released to your home county as soon arrangements can be made. If the Tribunal confirms your classification as an enemy combatant, you shall be eligible for an administrative review board hearing at a future date.

Detainee: If you decided that I am an enemy combatant then try me in court.

Tribunal President: The Administrative Review board.... (Detainee started speaking and interrupted the Tribunal President as she was speaking). Abdenour, Abdenour.

Detainee: I am not going to talk in a hearing in a court.

Tribunal President: Please let me finish Abdenour. I need to make sure that you understand the process. (Detainee started speaking and interrupted the Translator as she was speaking). Abdenour, you have become disorderly and I can have you removed from this Tribunal.

Detainee: I am listening to you.

Tribunal President: The Administrative Review Board will make an assessment of whether there is continued reason to believe that you pose a threat to the United States or its allies in the ongoing.. .... (Detainee started speaking and interrupted the Tribunal President as she was speaking). Abdenour, that's it. All rise.

**The open session of the Tribunal paused and the Detainee was removed from the Tribunal proceedings for becoming disorderly.**

**The open session of the Tribunal continued without the Detainee's presence.**

Tribunal President: In view of the fact that we have removed the Detainee, we will not go over the instructions or information pertaining to the Administrative Review Board. We have just gone through the open session of the Tribunal and we will now go into the closed session of the Tribunal.

Reporter/Paralegal: Are we formally adjourned now, for the open session?

Tribunal President: Yes.

Reporter/Paralegal: I need you to say that Ma'am.

Tribunal President: The open session of this Tribunal hearing is adjourned.

Recorder: All rise.

## AUTHENTICATION

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

[redacted]

Colonel, US Army
Tribunal President

**Summarized Detainee Statement**

**The following is a summarized transcript of the Detainee's testimony. Because the Detainee was confused regarding what exhibits he wanted offered into evidence, the transcript includes all of the sections pertaining to evidence requested or introduced by the Detainee.**

Tribunal President: Salim, you requested from the Tribunal the list of Northern Alliance and Coalition partners.

Detainee: Yes.

Tribunal President: You also requested that your lawyer present a letter that you have written and you requested the lawyer present the letter.

Detainee: Would you say that again?

Tribunal President: You requested your lawyer present a letter that you have written in the past, and you requested the lawyer present the letter.

Detainee: To present the letter?

Tribunal President: Yes. The statement.

Detainee: I don't understand.

**With the Tribunal President's permission, the Translator attempts to explain the Tribunal President's statement to the Detainee.**

Detainee: I didn't see the attorney.

Tribunal President: Let me answer, okay. That is correct, he did not see his attorney. He made a request through his Personal Representative to us.

Detainee: Yes.

Tribunal President: Yes. The Tribunal, this group, deemed your request as relevant and reasonable. Have you reviewed the list of Northern Alliance and Coalition partners?

Detainee: Yes, the representative showed it to me.

Tribunal President: Okay, I understand your lawyer was unable to appear before the Tribunal. However, he was able to send a written statement. Is that yes?

Detainee: Yes, the representative showed it to me.

Tribunal President: I just wanted to verify that you had an opportunity to review those documents.

Detainee: Yes, I did.

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

Detainee: Yes.

Tribunal President: Do you want the Personal Representative to present it for you?

Detainee: Yes.

Tribunal President: Personal Representative, would you please present the information that the Detainee has offered to you.

Personal Representative: Yes Ma'am. I have first an affidavit written by the detainee, Salim Ahmed Salim Hamdan, and he has signed it. There's also an English translation, which is unsigned. And, both these documents were supplied by LCDR Charles Swift. And the translator reviewed them before this proceeding and verified that it is the same document in two different languages. I now present you these two documents labeled D-b.

Tribunal President: I have one question. I just want to verify this is Arabic, the language of the Detainee?

Detainee: Yes, it is.

Tribunal President: Thank you.

Personal Representative: Then I have another copy of the affidavit in Arabic. The words are the same as the previous exhibit, but the words are a different size. I present that as Exhibit D-B2.

Tribunal President: Let me verify that you are just saying that this is in a different font but it's the same language.

Personal Representative: Yes, Ma'am.

Detainee: Yes, it is.

Personal Representative: And then I have another document. This is a document written in English and it was supplied by LCDR Charles Swift.

Detainee: I gave you this one.

Personal Representative: Yes. Yes. And there is also another document attached to this. It is a letter dated 21 July 2004. And it is from LCDR Charles Swift to the United States Navy. I present you Exhibit D-C. [As noted below, this document is later re-labeled as Exhibit X.]

Tribunal President: Okay.

Personal Representative: The last document is a letter from LCDR Charles Swift to his client Mr. Hamdan, and it is in Arabic. And, Ma'am if you like, we can have the translator read it at this time.

Tribunal President: Yes, please.

**Translator reads LCDR Swift's letter into evidence in both Arabic and English.**

Tribunal President: Salim, do you understand the letter?

Detainee: Yes.

Tribunal President: And you are satisfied with what the letter says?

Detainee: There is nothing in that, umm...

Tribunal President: So then would you like to make a statement?

Detainee: No.

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

Personal Representative: Yes Ma'am. Did you want to request copies of all the papers?

Detainee: I would like to request copies of all the documents you see.

Tribunal President: The request is noted. Any other questions, Personal Representative?

Personal Representative: No, ma'am.

Tribunal President: I need to determine if Salim wanted the letter from his attorney read today.

Detainee: From this letter? (Referring to the letter the Translator just read.)

Tribunal President: Yes.

Detainee: I want copies of all the letters.

Tribunal President: No, he misunderstood. I want to clarify and this Tribunal wants to understand that he did want that letter read today. The reason I'm asking is the letter was addressed to Salim, and he is presenting that information to us. We want to make sure that he wants us to have that information.

Detainee: The paper was supposed to be for me, and that's between me and my lawyer.

Tribunal President: That's what I wanted to clarify. Earlier he said that we could have everything.

Detainee: The representative told me to submit everything.

Tribunal President: Tell him we will have to go a higher authority to find out what documents he can keep.

Detainee: That's okay.

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

Recorder: No ma'am.

Tribunal President: This Tribunal will take a brief recess to review the documents that have been presented. All rise. Oh, excuse me. You have a question?

Personal Representative: While I have no more questions for Mr. Hamdan, during our initial interview he mentioned that it was unfair that he was provided an attorney who told him not to talk, then I came along and asked for his story. And that was two different pieces of advice, but both people were sent by the same government. And that was confusing and unfair.

Tribunal President: Salim, you have the opportunity to respond or not to respond to anyone that asks you questions. It's up to you. It's your opportunity to tell your story at any time that you want to. You make the decision. You have the opportunity today to make a statement if you like. But I understand from me asking you the question earlier, that you did not want to make a statement.

Translator: He is confused.

Tribunal President: I understand earlier that you did not want to make a statement. Is that still the case? Is that still the situation?

Detainee: All that I have to offer is all that you've got there.

Tribunal President: Well, we will review. We will take a brief recess and review all the information that we have in front of us. All rise.

**The Tribunal takes a short recess to review the unclassified evidence.**

Tribunal President: Having reviewed the Unclassified Summary and evidence, we may ask you some questions. I understand the Personal Representative has some comments you would like to make.

Personal Representative: Yes, Ma'am. During the break, Mr. Hamdan indicated that when he said that the letter from his attorney was between him and his attorney, he meant that he did not intend it for presentation to the Tribunal. There was some confusion between me telling him that I had to keep documents and could not let him take any back with him, and rather he could chose which documents to present to the Tribunal. And further that he wished that I could give him advice on what was good or bad to present. I informed him that only his attorney could advise him on good or bad, I could not give him advice - that my job was to explain the Tribunal and help him tell his story.

Tribunal President: Do you have a comment Salim?

Detainee: He told me that you read the letter, but I didn't know that I had the option to not to submit the letter. I didn't know that until you mentioned it. If you give me the option, you want to do this or don't you want to do this. I'm given the option to just go ahead and read it or don't read it. I apologize for the misunderstanding.

Tribunal President: Salim, there clearly was a misunderstanding about what documents you wanted us to have and not have. Salim, we would like to give you another opportunity to look at the documents that have been presented to us, and you tell us which documents you want to present to us. All documents that you decide that are going to be presented to us we will keep. Those documents that you do not want us to keep, we'll return to the Personal Representative, and we won't consider those with the other evidence. So we'll take a brief recess and give what we have back to the Personal Representative. He will present those to you and you tell him which documents that you would like for us to keep. Is that okay with you Salim?

Detainee: Thank you.

Tribunal President: Recorder, would you come and get the documents and then present them to the Personal Representative, please?

Translator: May I give you this document, Ma'am (referring to LCDR Swift's letter to the Detainee)?

Tribunal President: Yes.

Tribunal President: Salim, I know that you would like to make a statement.

Detainee: I forgot.

Tribunal President: We're all very tired.

Detainee: Can I ask the Personal Representative to give me any advice?

Tribunal President: The Personal Representative is not your attorney. He cannot give you advice. What was your comment?

Detainee: It's not advice; it's his personal opinion.

Tribunal President: You can ask the Personal Representative any questions, but the Personal Representative is not obligated to give you any advice.

**The Tribunal takes a short recess to permit the Detainee to reconsider which exhibits he would like to offer into evidence.**

Detainee: I apologize for all the miscommunication.

Tribunal President: Apology is accepted. Now before we took the recess, we gave you, Salim, the opportunity to give us the documents you would like for us to keep.

Detainee: Yes.

Tribunal President: Would you please tell us in your words which documents you want us to keep?

Detainee: I am submitting the one document from the Personal Representative.

Tribunal President: Would you show it to him to make sure, Recorder, that it's the document?

Detainee: Yes, it is.

Recorder: It's Exhibit D-B2, Ma'am.

Tribunal President: Thank you.

Detainee: Yes, it is.

Recorder: Exhibit D-B, Ma'am.

Personal Representative: Ma'am it's a little confusing. This paper was previously stapled to another document. And the document on top had the Exhibit label. I am calling this Exhibit X.

Tribunal President: Is that a Detainee document, or is that...

Personal Representative: That is the letter from LCDR Charles Swift, U.S. Navy.

Tribunal President: Intended for whom?

Personal Representative: I'd have to let you judge that, Ma'am.

Tribunal President: Intended for whom? Repeat that to him [the Detainee].

Detainee: It's for the Tribunal.

Recorder: Exhibit – X, Ma'am.

Tribunal President: Okay.

Personal Representative: Then he also mentioned the writ that the Recorder had submitted to the Tribunal and I showed him a copy, and although I do not have the original marked as an exhibit, he indicated he wanted it included. This is a copy of what the Tribunal already has.

Recorder: Yes Ma'am. Should be Exhibit R-13. Here's the translation.

Tribunal President: I believe it's part of, translation of, R-12.

Recorder: Correct. Yes, Ma'am. Paragraph 9. Excuse me. Page 9, paragraph 14, to page 14, paragraph 20.

Personal Representative: Is that 20 or 30, Ma'am?

Tribunal President: 30.

Tribunal President: Let the record show that the Tribunal has received Exhibit X, Exhibit D-B, Exhibit D-B2, and a translated version of R-12 [previously admitted as Exhibit R-13]. Let the record also show that the Tribunal confirmed that these documents are the

ones to present, the Detainee wants to present to the Tribunal by showing each document to the Detainee. Are you satisfied now, Salim?

Detainee: Yes.

Tribunal President: Thank you. Do any members of the Tribunal have any questions for the Detainee? [Other Tribunal members indicate they do not.] I have one question. Now Salim, you do not have to answer any of these questions, or you have the opportunity to answer the questions. Would you like to answer questions?

Detainee: What is the question?

Tribunal President: I read in both documents, two documents, that you drove for Usama Bin Laden . . .

Detainee: Yes.

Tribunal President: . . . and I'd like to know how were you recruited?

Detainee: I gave you that.

Tribunal President: The two documents that I have, one is confusing. One says that a soldier encouraged you or forced you. And the other document says that you were hired by someone to drive for Usama Bin Laden.

Detainee: I don't understand what you are saying about the two documents.

Tribunal President: Okay. Exhibit D-B says that you were approached by a Muslim to work for or drive for Usama Bin Laden. In Exhibit R-12, this document said you were forced. And I'd like to clarify, if I can.

Detainee: The problem is in the translation, but as far as I'm concerned, they are the same. A word in the English language will have one meaning but when you are looking at the Arabic translation it has many meanings.

Tribunal President: That is true. But one says that you voluntarily decided to drive for Usama Bin Laden, and the other one says that you were forced.

Detainee: What is it that you want?

Tribunal President: I want to know if you were forced to drive for Usama Bin Laden or if you voluntarily drove for Usama Bin Laden.

Detainee: I was forced.

Tribunal President: You were forced. Do you know why you were picked or forced to drive for Usama Bin Laden?

Detainee: All the evidence that you have, accusations, are all lies and I have no other things to say. I apologize that I don't have any other evidence besides the affidavit that I submitted to you. I have nothing else to say.

Tribunal President: I do appreciate you answering the questions and I understand that you do not want to answer any more questions. Salim, I just want to clarify that you do not have any more evidence that you want to present to the Tribunal.

Detainee: There is nothing.

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

Personal Representative: No, Ma'am.

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

## AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President

Affidavits not provided as they are filed under seal in Federal court

**Summarized Sworn Detainee Statement**

***The Tribunal President read the Hearing Instructions to the Detainee, and confirmed that he understood the Tribunal process.***

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

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

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

***The Tribunal President then informed the Detainee he could present a statement to the Tribunal, along with the assistance of his Personal Representative. The Detainee was also advised that he could make his statement under oath or not under oath; the Detainee elected to take the Muslim oath.***

*3-1. The Detainee admitted that he is familiar with trails around the area of Mar Naiza, which is near Tora Bora.*

Detainee: [I know] this area because we had fought against the Taliban and al Qaida from there; [This is] a mountain area where our bases were.

*3-2. This is the area where Taliban and al Qaida forces were attempting to escape after the American heavy bombing campaign began.*

Detainee: They all came from all areas and provinces to escape, and then went through Tora Bora; we came to the border, called Durham, and we captured this area first from the Taliban. When we captured Durham the first time, Haji GGhalib was my commander, and I stayed in the area to help control the city. Haji Ghalib took the bus with a friend or another soldier and went to Tora Bora, because the Taliban and al Qaida had come from all provinces into the Tora Bora mountains. From the sky, Americans bombarded them, and from the ground, Haji Ghalib fought them.

*3-3. The Detainee was arrested during a joint Afghan/United States raid on his police station.*

Detainee: Yes; we were inside the compound or police station when the American and Afghan military came. We welcomed them, and they told us they want to see the inside of the compound and search it. I walked with them and helped them search the whole compound. When they finished, I invited them for food, drinks, and dinner; they said 'no, thank you', and told us they wanted us to join them to Jalalabad. I said yes, because I am a police officer, and we are all government officials, and I said I'd go anywhere they'd like me to go. We went from Jalalabad, to Bagram, then after Bagram, I ended up

on this island. Before we read more allegations, I'd like to talk about the weapons and explosives; they were in two different places. One was in the district manager's area which is out of our control, and one was in the compound of the police station. We were people of the government, and it belonged to the government. It was for the protection and security of the people and the police station.

*3-4. Explosives were found in the police station during the raid.*

Detainee: When the U.S. military came to the compound, I escorted them from room-to-room; I was responsible for this. I took them and showed them everything, and there were no explosives; why don't they show me this? This is a wrong allegation. I walked them all the way through the compound. Also, I'm only responsible for my area or compound. If I am responsible for cleaning one street, I cannot be responsible for cleaning the dirt on another street. There were no explosives in the compound; we only have one room for weapons, and they were government weapons in control of the government. If they found something, somewhere, somehow, I'm not responsible; Afghanistan is a large [country], and I'm only responsible for where I work.

*3-5. There was also the equivalent of two truckloads of Zikoyak and DSHK ammunition in the compound.*

Detainee: We don't have these weapons in our depot; these were under the control of the district manager. He has these for his security force. We only have light weapons for our position, for our security and the people's, and these were weapons that belonged to the government.

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

Detainee: The only thing is that my position was that of a policeman for security; if anybody, a civilian [for example] comes to the police station to resolve a dispute with another person over money or a farm or anything, the commander would give me their name or address, and I would go there with one or two other policemen to bring them to the police station, and ask them what happened. That was the only job I did.

**Personal Representative Questions to Detainee**

Q: Would you like to explain to the Tribunal about your family's lifestyle; the animals you have and why you might be familiar with the trails around your town?

A: I am Kochi; we move from place to place to eat. We have no permanent place, and I had 100-250 sheep. I also had 2 camels. This was my life; I would take my animals from place-to-place, wherever the green was. My family has tents; one time it's out there, and another time it is somewhere else.

Q: How do you know your Witness?

A: We are from the same village and district, and we belong to the same tribe, called Hashanakhil (ph).

Q: What was his job at the police station?

A: He was the police commander in this district.

Q: And what was your job there?

A: A policeman.

Q: And what kinds of police work did you do?

A: My job was to help [resolve] disputes in my district area. People would come to the police station; they would give written or verbal notice complaining about someone. They would make a file, and the district manager would come back and tell us to get more information, or to get the person and bring them to the police station.

Q: What was your involvement with the Taliban and al Qaida, if any?

A: I don't have any association with the Taliban or al Qaida. If I had any business with them, then why did I fight them? Why did we try to fight them in the Mar Naiza (ph) area, and why did we fight them in Tora Bora?

**Tribunal Member Questions to Detainee**

Q: Did you testify in your Witness' hearing?
A: Yes.

Q: I thought you looked familiar, and that I'd seen you before.
A: You may have seen me here in Cuba; for a long time, I've been here.

Q: What is the usual quantity and type of ammunition you might have at your police station?
A: I don't know of any special weapons out there; we only have Kalashnikovs. That's all we have for the security and law and order. These weapons belonged to the government and people working for the new government.

Q: Did you ever fill in when your commander was not there? Was there a deputy?
A: No; no deputy. If Haji was not there, then no one else worked, but the clerical people.

Q: What is your education level?
A: I don't know about A or B; I don't have an education. I am sorry about this because they have classes here; there are about 400-500 people here, and only one person goes. Why don't they send me there to learn to read and write?

Q: Do you have any military training?
A: No; if one cannot read and write, how can you train?

Q: Did you have any police training?
A: No; there's no training. When people have disputes, I go to the other person's house and ask them to come to the police station.

Q: Were you told why you were arrested?
A: To my knowledge, my problem is the main, chief military commander of Jalalabad named Faheem; I think this is because of a dispute a long time ago when we fought the former Soviet Union. We had a dispute at that time, and maybe that's why we have this problem. Maybe when Haji Ghalib worked for him, there was a problem; Haji got a lot of rewards for fighting al Qaida and Taliban, and he may not want a person to compare with his position; maybe he just wants to run away from him and be alone to run the area.

Q: When did you start working for the police?
A: After the fall of the Taliban, when the new government came into power.

Q: Were you paid?
A: Yes.

Q: You mentioned you fought against al Qaida and the Taliban; were you a member of the Northern Alliance?
A: No, we were not a part of them; we had no business with them. Our chief commander was Haji Ghalib, and we had our own center to fight against al Qaida and the Taliban. When the Americans came and started bombing, we started fighting them on the ground; we tried to capture or kill them.

Q: The large amounts of weapons you claim were the responsibility of the district manager; what was the relationship with the district manager? Was he a friend, boss or family member?
A: I don't have any business or relationship with him; he's far, far away from us. He's from a different area. Ask Haji Ghalib what kind of relationship they have out there; he was a district manager, and I was just a little guy, a soldier.

**Tribunal President Questions to Detainee**

Q: You said the district manager was far away from you; did you mean that in the literal sense, distance-wise, or relationship-wise, not close to you?

A: Distance-wise. It is, for example, all the way from here to Camp 5.

Q: When you described where you thought they collected the weapons, was his compound near yours?
A: No, the weapons were inside the compound with the district manager with him.

Q: When you said earlier that he had his, and you had yours, do you know for a fact that U.S. forces also went through his compound?
A: Yes; after the search of our offices, they went to the district manager's compound, and I saw through the car window two or three trucks go inside, and take all the weapons from his compound.

Q: When you say you looked from the car, were you already under arrest?
A: No; after checking our compound, they asked me to go to the district manager's compound. I said 'yes' because I was a member of the government, I would go with you. At that time, I was not under arrest. It was after that, I think, they arrested me.

Q: Did you have any responsibilities for guarding the district manager's compound?
A: No; we each had responsibilities for our own compound; they had their own security. Their compound had their own people.

Q: How did the two departments get along?
A: The people, if they had any dispute, they would go first to the district manager for help; when the district manager saw the allegation, he would write to the police chief and give the paper to the clerk for filing, and then they'd give me a small piece of paper to go find the person and bring them in to ask them questions.

Q: Can you tell us approximately when you were arrested?
A: Almost 2 years ago; I don't remember exactly. I don't know, but when I was arrested, I had no gray hair, but now I have gray hair on my head. It was maybe a long time [ago].

Q: Is there anything else at this time you'd like to say to the Tribunal?
A: No; I don't have anything [else].

***At the Detainee's request, the Personal Representative then presented a letter, Exhibit D-B, to the Tribunal. The Detainee added the following:***

Detainee: This letter shows we are clean and were a part of the government, and didn't break any law. If we were criminals, he would not send this letter; this letter is from someone very close to the Karzai government.

***The Tribunal President then explained to the Detainee that the Witness he requested was available, and further explained that he would be provided the first opportunity to***

***ask questions. The Tribunal President confirmed the Detainee understood this process. Before a brief recess to bring in the Witness, the Detainee stated the following:***

Detainee: I have one question; I'm disappointed in the cell block with the Arabs, and they hate us because we worked for the Karzai government. They [Arabs] hate us. I hope you guys send me somewhere with other Afghans, where maybe I can learn to read and write. We are upset we're in the middle of Arabs; we don't get along. Last night I asked for the linguist to tell of this problem.

Tribunal President: I guess I will say we don't have much effect on that; we are not part of the camp, per se, but we can make sure that your concerns are noted for the record.

***The Tribunal President recessed briefly to permit the Witness to be brought in to the Hearing room. After the Witness was brought in and took the Muslim oath, the Detainee stated the following:***

Detainee: (to the Witness) Did I fight against the Taliban or not?

Witness: I have known him (the Detainee), his father and his family for a long time. I known him when we fought against the Taliban and al Qaida; he fought with me side-by-side. I have a lot of clear evidence showing I fought against the Taliban and al Qaida; the true evidence of fighting in Tora Bora with Americans on cassette and video, it's all there. Another Witness I have is that I have close contact with the American consulate in Pakistan, and his telephone number is in my notebook; this notebook is with you guys. You should ask him how much I helped him, and how much I gave my all for them. My third Witness is the letter from the chief of the Jalalabad province who has close ties with the new government; he is a high-ranking officer. If we were bad people or were breaking the law, why would he send us the letter. I can show we are pro-American, and pro for the new government and have nothing against them. I hope for your best knowledge and judgment in the future. Please, for both of us, I especially hope the truth of the evidence will show on him (the Detainee) why he was captured and why we are here; we want proof of the evidence.

**Personal Representative Questions of Witness**

Q: Can you explain the job that the Detainee had when he worked for you at the police station?
A: He was with me in the mountains the times we fought against the Taliban and al Qaida. After that, we came back to Jalalabad, and I became a police commander of the district, and he started working with me. His job was to bring people with disputes into the office.

Q: Could you explain to the Tribunal what your reasons were for fighting the Taliban and al Qaida?

A: Al Qaida and Taliban were bad people, and they brought people from Pakistan to occupy our land. They also wanted to make Afghanistan a center to start fire, or make problems for the whole world, from Afghanistan; we didn't want that. We started fighting them to stop them from doing this to our country. It was not only a problem for Afghanistan, but for the whole world.

Q: Would you explain to the Tribunal the normal weapons that would be kept in your police station?

A: Our district was close to the border, and it is a large district, compared to a small one. The reason our district had all those weapons, aircraft weapons, rockets, was because of the border. We had Kalashnikovs, and a weapon with 4 guns together, and Kukhair (ph) for aircraft. All of the weapons belonged to the government, and we have to have the weapons there in the district. The weapons were in one room in the compound and were locked. The weapons were through the chief commander and governor who had the lists and all the serial numbers. We only bring them out if something happens by this list and signatures; otherwise, they remain locked in this room. The reason is my compound had these weapons by law under the new government. This district manager had more than what was required by law; he has 13 trucks, his name is Jabbar (ph). He is not allowed to have this, and it is against the law. My compound is with the rule of law; his is not. Why are we here, and he is not? We would like true judgment.

**Tribunal Member Questions of Witness**

Q: The evidence says explosives were found; do you know where these explosives were found?
A: This is totally false; 100% wrong. There were no explosives, no nothing out there. If there was any, why didn't they show us or tell us? We are not responsible for all of Afghanistan or other areas; we are only in charge of our area. Those explosives did not belong to us, and were not in our compound. Maybe they were in another compound, and they were in control of the compound, not us. They have their own boss, and they were not our boss.

Q: Do you know how to make a bomb?
A: No, I never did know, see and never needed to. Everybody has their own position and skill. My job was to lead the security of the people because I was a police commander. I'm upset; I wish they'd told us at that time they arrested us; this is not lawful they brought us here. They should've asked us to help. Does this also happen in America all the time? Do they arrest the chief of the police in America?

Q: You said everyone has their special skill; do you know if the Detainee knew how to make bombs?

A: No; not me or him, we don't know about bomb-making, and we are not interested. If there's true evidence against us, please provide it and we'll accept it. We are both sitting in front of you, and it would be great to show us the evidence we are here under.

Q: I'd like to clarify; you said you did fight al Qaida and the Taliban?
A: Yes; I have evidence, and you guys can ask the province governor and Mr. Karzai; you may also ask the son of the late Haji al Kadim (ph); ask them what I did and how I did it.

Q: Did the Detainee fight with you?
A: Yes; shoulder-to-shoulder.

Q: What kind of weapons did you use when you fought?
A: Kalashnikovs and rocket launchers. We would attack and escape [guerilla tactics].

Q: What did you do before you fought al Qaida and the Taliban?
A: Before, I was mujahidin fighting against the Russians. I also went with the Americans into Iraq during the first Gulf War; our political group is called Mahazamili (ph). It is a central political group that fought Saddam Hussein in the first Gulf War; I helped you there, too. Whether it is known to you or not, there were six political parties or groups at that time fighting against the Russians, and we were the only party with close ties to the Americans. We took Americans everywhere and they were helping them. We got a bad name among the other parties because we were helping the Americans, and made a movie or film with them. The leader was Said Ghalani (ph). That was the only reason we had disputes with other parties, because we helped Americans.

Q: Who appointed you the police commander?
A: Haji Abdul Khadid (ph), the former governor of the Jalalabad province; his reason was because I earned it; nobody gave me a gift. I was a hero in the fight against al Qaida and the Taliban in Tora Bora. I have evidence that I captured a lot of al Qaida, and turned them in to the Americans. I am very disappointed today, because I am here with those people, too.

**Tribunal President Questions of Witness**

Q: When the American forces came to your police station, how many of you were arrested?
A: I don't know. I only know that we [he and the Detainee] gave a warm welcome to the Americans and showed them all of our weapons. At the time I was in Jalalabad, I heard they arrested two more people, too.

Q: But as far as you know, they didn't arrest the district manager?

A: Yes; my question is that he is the one with all the illegal weapons against the law. Why not arrest him because he was the boss; why did they arrest me and not him?

Q: How did you and Jabbar get along?
A: He had his own thing, and I had my own thing; in general, he was my boss. I worked under his control. I was not controlling him, and I was under his control.

Q: Did he give you most of his directions by writing them, or did he issue them to you verbally?
A: By paper; I was not able to do anything without his supervision or knowledge. He was the one who told me what to do. It is like this story: if there were sheep drinking water downstream, and a wolf was upstream telling the sheep not to make problems, who would really be creating the problem? He was the problem and he was the wolf, while I was the sheep. Now I am here and he is there. This was probably part of some backstabbing game or story that is now the reason I'm here.

***The Tribunal President expressed appreciation for the participation of the Witness, and the Witness made one more statement before being escorted from the Hearing room.***

Witness: We (the Witness and Detainee) are in front of you; if you provide evidence, we'll accept it. It doesn't matter how long you keep us here; it would be OK. Otherwise, we will be disappointed. Look what we did for you, and what did we get for a reward?

***The Tribunal President recessed briefly to permit the Witness to be escorted from the Hearing room.***

***The Tribunal President again thanked the Detainee for his testimony and participation, explained the remainder of the Tribunal process, 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

| | | | | | |
|---|---|---|---|---|---|
| ***Type:*** | INCOMING | ***Format:*** | ICRC | | |
| ***Letter Number:*** | GUAN2003I01193 | ***ISN: JJJ*** | IHG | | |
| ***Date Translated:*** | September 25, 2003 | ***Date on Mail:*** | AUG 31, 2003 | | |
| ***Sender's Name:*** | Gul Karim ( Chief of Police of Nangarhar) | | | | |
| ***Addressee:*** | GTMO | | | | |
| ***Address:*** | | | | | |
| ***City/Zip code:*** | | ***Country:*** | | | |
| ***Language:*** | Farsi/Dari/Pashto | ***Family:*** | ***Yes*** | ***Linguist Code:*** | PF 07 |

**Text:**

Greetings to dear Haji Shib Ghalib I received your letter and became very happy. Be assured from the children I am doing my best.
From Gul Karim
Sign

**Linguist Comments:**

(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.

3556
Exhibit D-b

KAB03/3650- 6.07 4069

JJJ IHG

GUAN2003101193

CLEARED BY US FORCES

## 7. RED CROSS MESSAGE

پیغام خانواد گی صلیب سرخ/دسره صلیب کورنو

### 8. SENDER / فرستنده/لیږونکی

ICRC No. AB7-010111-01 — شماره صلیب سرخ / دسره صلیب نړیواله کمیټی نمبر

Full name — نام کامل / مکمل نوم

Father's name — نام پدر / دپلار نوم

Grand-father's name — نام پدر بزرگ / دنیکه نوم

Mother's name — نام مادر / دمور نوم

Nationality — تابعیت / هیواد

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

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

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

Street — کوچه / دکوڅې نوم

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

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

### 9. ADDRESSEE / گیرنده/اخیستونکی

9387

ICRC No. AB7-010111 (512) — شماره صلیب سرخ / دسره صلیب نړیواله کمیټی نمبر

Full name — نام کامل / مکمل نوم

Father's name — نام پدر / دپلار نوم

Grand-father's name — نام پدر بزرگ / دنیکه نوم

Mother's name — نام مادر / دمور نوم

Nationality — تابعیت / هیواد

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

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

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

Street — کوچه / دکوڅې نوم

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

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

### 10. INTERNATIONAL COMMITTEE OF THE RED CROSS

کمیته بین المللی صلیب سرخ

دسره صلیب نړیواله کمیټی

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

MCR/EN-DA-PU/10.01/ACR

REPLY

3556A

GUAN2003I01193

JJJ I HG

## 11. REPLY TO THE MESSAGE

جواب/ جواب

CLEARED BY U.S. FORCES *Family and/or private news only*

احوال خانوادگی که محض ماهیت شخصی داشته باشد
کمونی پیغام چه پیرامون شخصی احوال بیان کری

محترم حاجی صاحب شمالی ! سلام علیکم !

شما کی خط را دریافت و پیر خوشحال شدم !

و ما همگی خانواده ام لوحه سلامتی روشه روزه ی کرسی

[redacted]

[redacted]

رسالت آمی مرکه قادر میشه

12.

Date 25/08/03 { تاریخ نیته } Signature ..... { امضاء لاسلیك }

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

3556B

**Summarized Sworn Detainee Statement**

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

***Making reference to the Detainee Election form, the Tribunal President confirmed the Detainee's participation, and that he had requested one Witness that was readily available. Also indicated on the Detainee Election form was a written statement from the Detainee, Exhibit D-B.***

***The Unclassified Summary of Evidence (Exhibit R-1) was read in full to the Tribunal by the Recorder. Also provided to the Tribunal by the Recorder was Unclassified Exhibit R-2.***

***The Tribunal President then permitted the Detainee to present evidence, and advised him he had the assistance of his Personal Representative in doing so.***

***The Detainee took the Muslim oath.***

Tribunal President: Personal Representative, would you read each allegation, and allow the Detainee to respond to each of the allegations?

Personal Representative: Madam President, the Detainee has prepared in writing a statement he'd like to read to the Tribunal that addresses all of the allegations.

Tribunal President: (to the Detainee) Would you prefer responding to the allegations, submitting your statement, or reading your statement?

Detainee: If there's no objection, I will read the statement.

Tribunal President: OK.

Personal Representative: I have a translated copy of Exhibit D-B, which is the statement he is going to read into the record.

**Detainee Statement (Exhibit D-B)**

Before I begin defending myself, I would present my gratitude to all the members at this tribunal and to the personal representative and the translator and to everyone who helped in allowing me to defend myself; but unfortunately, I would like to let you know that we have heard, and several times, about this court, that it is merely a game presented against the detainees. As for the two words "Enemy Combatant", this is the verdict that has been presented to every detainee, for as I have understood, that the detainee, no matter what he did, this verdict will not be lifted for him even if he did the impossible. But, I said a game, not to mock anyone present now, but that is what I heard and I grew more sure that

it is a game when I heard that all the detainees are enemy combatants and I haven't heard of one who has left as innocent except for one person.

At the start of defending myself I will say that there are numerous and many issues that you must look at, and among these issues is my story and I will say it in a moderate manner, neither long nor short and if you want details about every word then I will elaborate.

The story is; I am the detainee owner of the number 312. I left Syria in the year 2001, at the end of the sixth month, with members of my family. Their number comes to nine, and I am their tenth. Our departure, all of us, was with papers that were in order – visa, passport, necessary stamps – so we left Syria to Iran. When my father called to the hotel and said come to the Iranian-Afghan border, we went to him. After that, we went to Kabul and we stayed in it the whole time, three months, and yet close to two months and more after our stay in Kabul, my uncle's wife came and her kids and their arrival was only one week before the events, I mean the event of the eleventh of September. Our stay in Kabul was in a house that my father had rented. During our stay in Kabul, I did not leave the house except to go to the supermarket close by. I was always discussing with my father and asking to go back to Syria again to continue my studies, but he said to wait until he had collected his money and after that we will go to Saudi Arabia. After that, the events happened and America announced that there would be a war against Afghanistan, so we left immediately after America's announcement of the war. We left to Jalalabad so we could go to Pakistan to save ourselves from the war. We stayed in Jalalabad for a period of one month and after that we left with the family to a village so we could leave to Pakistan. At our arrival, and before our family got out, the residents of the village told my father that two of you should stay here and two should go with the family so my father chose me to remain with him and the family left to Pakistan. The reason that made the village's residents separate us is that highway robbers and thieves are abundant, so if they see you they might kill you and kill the children and take the women. After that, the village people took my father and me to another village and we stayed in it for a few days. After that village, we went to another village and we stayed in it for a few days as well. After that, the village people told my father that there was no means of getting to Pakistan except by walking in the mountains, so we walked in the mountains for three days, keeping in mind that we didn't know the name of those mountains or the name of the villages. Upon our arrival in the Pakistani village, we stayed in it for a few days and after that they took us to the prison; that was in the first day of EID, in the afternoon. Keep in mind that we had not done any crime or any illegal act.

During our stay in Kabul, my father's job was in a restaurant. I did not see the restaurant, but I saw him, how he prepared the food in the house and then went in the morning to the market to sell it.

As for the members of my family, they were all with my family (sixteen individuals). Among them was my grandmother, aged 67, and an infant also, his age was eight months.

As for the presence of these two people in this family, these two people did not have teeth, so that should clue you in and make clear to you my father's good intentions and the purpose for which he left. And his arrival with two people such as these should also make clear to you that he has no relationship with fighting or war or any groups or al Qaida or Taliban.

I will begin the defense of myself. I state that the truth and the facts of the story that I present to you now, so if you want the truth and the facts, then this is it. If you want otherwise, you can take what you want. The personal representative has presented the accusations and the core accusation says that I am from the Taliban or al Qaida.

**First:** If you wish for me to swear that this item is incorrect, I am prepared and I have a witness to testify that I have no relationship with anyone from al Qaida or the Taliban or any other group.

**Second**: As for the two words Taliban and al Qaida and other words like Jihad and Mujahiden, I had not heard of all these words before, but I had heard them for the first time in the prison here when I was asked before by the interrogators. "Are you Taliban?" I would say no. "Are you Qaida?" I would say no. I say to you simply and easily that I am not from the Taliban or from al Qaida or even from any other group. In fact, I am against any person who commits hostile acts and violent acts. For my father and I, we wish for every person in the world to live with freedom and safety and peace and peace of mind whether that person was small or big, man or woman. And we said in the interrogation that when the events happened, I mean the 11th of September, we cried and we were greatly saddened and we said in the interrogation also that my grandmother, this old woman, cried and said "what is the innocent people's fault, to be killed?" And me, my whole life, I never left Syria and never left my city and this was the first time I had left my country and my age when I left was close to eighteen years. And you could know, from our stay here in this place, if we were combatants to you or non-combatants, for each one of you can go back to my behavior file and look for yourself. But despite that, I will mention to you many pieces of evidence that will show you that we have no relationship with any of the groups at all, neither my father nor me.

**From these stories and pieces of evidence**:
Several times my father and I saw a piece of metal that could have, as the soldier said about it, been used as a weapon and could have caused harm. When we saw these pieces, we took them immediately and turned them in to the soldiers. This happened approximately over 15 times and this is all recorded with the date and time. In the very recent past, on the 20th of November, I saw two pieces of metal in Interrogation Block 7 and I gave them to the soldier. Also, on the 29th of November, I saw in the walkway of Kilo Block, a piece of metal 5 cm long and I gave it to the soldier immediately. On the 2nd of December, in Kilo Block, my father saw a piece of metal and gave it to the soldier. On the 4th of December, I saw a piece of metal and I gave it to the soldier and also on the 4th of December, at night, in Bravo Block a soldier gave me a mask to hang my Koran. This mask comes with a piece of metal, and the soldier forgot to take the piece of metal

from it before giving it to me. So, he gave it to me with the piece of metal in it. I took the metal and I gave it to the soldier and he thanked me and he wrote that on the computer.

And I have mentioned these stories first because I remember the date and the other stories are bigger and more dangerous that the first story. I have done very good deeds that show you my good intentions and my honesty and my father's honesty. It does not make sense at all if I was an enemy combatant, that I would give back those things and the pieces of metal that could inflict harm. And another story: one time I was in the walkway in Echo Block and I saw a piece of metal 20 cm long, so I took it immediately and gave it to the soldiers. After this good deed one of the soldiers came and instead of thanking me, he proceeded to threaten to kill me. He said I will cut your head and your neck, without me doing anything to him. Look at how the reward was from this soldier, instead of thanking me for this deed he threatened to kill me. And the supervisors afterwards kicked him out of the Block and wrote a report about that and all the supervisors saw this that day.

And the other story in Delta Block, I also saw a piece of metal inside the room and that metal was the remains of welding, and I told the soldier about it.

And the other story happened in Echo Block in room 24, I saw breakage in the fence and I notified the authorities about it. The room is still there and you can see it and the soldiers can all testify that my father and I have done this thing and they will also testify that we have no problems with any of the soldiers. We have maintained good behavior and fine manners in spite of all the pressures around us and in spite of the threats and the torture that we have been through. I will mention the stories where we have been through torture and threats, and I will mention where that was, and I will mention the reason also.

During our stay in the Pakistani prison, we were subjected to beatings and harsh torture. The torture led to my nose being broken; you can see it in front of you now. During the time we were being tortured, there were Americans present.

During our stay in the American prison in Kandahar, we were subjected to torture. The reason was that they wanted us to say that we were from al Qaida or the Taliban by force. My father's forehead was fractured and the Red Cross saw this and wrote a report. My left hand was fractured and I suffered many diseases as well and there were also other methods of psychological pressure and fatigue like sleep deprivation for long hours and not going to relieve yourself and that is among the necessities for humans. That prison was under the management of Americans.

During our stay in CAMP X-RAY, we were subjected to bad treatment and the reason was so that we could say, by force, that we were from al Qaida or the Taliban. In one of these stories, one of the interrogators brought two wires connected to electricity and said that if you do not say that you and your father are from al Qaida or Taliban, I will place

these in your neck. Another time, he drew knives and said "if you don't say you are from al Qaida or Taliban, we will bring the knives and cut your hands and put salt in them."

Also, in that same place, one of the interrogators beat me in my face and at that time I was drinking water, so he hit the cup and hit me as well. The reason was that he wanted me to say by force that my father and I were from al Qaida or Taliban. Also, in CAMP X-RAY, the soldiers came and threatened us and told us "we killed your family."

During out stay in CAMP DELTA, we were exposed to death threats and threats of handing us over to other countries so they could torture us there, and after that they would bring us back here.

And I told you that one time after I gave the soldier the metal, which was 20 cm long, the soldier threatened to kill me.

Also, the soldiers in this place told us twice that they killed our family and they said we know that they are 14 individuals. After that, the interrogators tried pressuring and torturing us, to compel us by force to say that we were from al Qaida or the Taliban. When they failed at what they wanted, they came to us with temptation and enticement and they proposed to us that we lie about the detainees in this place in exchange for a car, a house, and American citizenship. They to said to us "lie about the detainees and we will give you these things"; we refused because we do not know anyone. I am sure that this method of temptation was followed with many of the detainees. I am sure that many of the detainees lied about other detainees without prior knowledge and all this false cooperation happened for the sake of personal advantage and for the sake of the implication of the detainees and for the sake of getting out of this place. So I ask of you to look into my case thoroughly. And finally, of this accusation I repeat again that we are not from al Qaida or the Taliban or any other group at all and we don't have any relationship with wars or fighting. My father will testify that I am not of any group at all, and my family will testify that I am not of any group at all. They will testify that my father also does not have any relationship with any group at all. One of the interrogators made a request of me and said to me "if you said that your father is from al Qaida or the Taliban we will take you out of this place and we will send you home." I told him that my father is not from any group at all and this is the truth, for my father is a food seller only and nothing else.

*The first accusation*, and it states that I traveled from Syria to Afghanistan in the year 2001. The answer is yes, I traveled from Syria to Afghanistan with papers that were in order and official and it is available to you. That was in the sixth month of the year 2001, in the end of the sixth month.

Syria, which is my original country, did not forbid any person from going to any place in the world except for one country, and that is Israel. It was written on the passport "travel to everywhere in the world is permitted except for Israel" and you can go back to the Syrian passport office and look into this piece of information.

Therefore, I don't see any problem in this accusation because I proceeded with papers that were in order and through legal means. And I did not commit anything illegal. Knowing that I entered before the events of the eleventh and before the war and in Afghanistan, I stayed at the house during my whole time and I did not leave it and my father can testify to that.

The second accusation says that my father is a veteran mujahideen fighter. My father has defended himself against this accusation at his trial, but I will repeat again that my father does not have any relationship with al Qaida or the Taliban or any group at all. Neither does he know wars and he doesn't have any relationship with wars and he didn't leave Syria, except twice and both times were in the year 1999, once to Saudi Arabia and the other time to Afghanistan. So how can this accusation say that he is a veteran fighter, when in his entire life he's never left his country except for those two times? My father worked in a restaurant in Kabul and I haven't seen this restaurant, but I saw how he used to place the food in the house then go in the morning to the market to sell it. I swear, if you wish, that my father is not a fighter and not al Qaida or Taliban and does not belong to any other group at all.

NOTE: The detainee skipped accusations 3, 4 and 5 on the Unclassified Summary of evidence for reasons noted below.

The third accusation [Number 6 on the Unclassified Summary] says that the detainee admitted that he traveled through the mountains of Tora Bora in Afghanistan.

***At this time, the Detainee departed momentarily from his written statement and stated the following.***

Detainee: Would you permit me to ask a question?

Tribunal President: Yes.

Detainee: Regarding al Farouq, would you like me to respond to that or not?

Tribunal President: Do you want to complete your statement here first, then respond to that allegation?

Detainee: OK.

***The Detainee resumed reading aloud his written statement Exhibit D-B.***

I said in the interrogation, when I was asked how I got out of Jalalabad, I said that I got out of Jalalabad with my family to a village and after that we got separated from our family. My father and I were left, and the residents of the village took us to another village. We stayed in it for some days and after that we went to another village and we

stayed for some days as well. After that, the residents of the village said that there was no way to get to Pakistan except for walking in the mountains. So we walked in the mountains for three days, not knowing what the name of those mountains were, nor the names of the villages that we stayed in. That is all what I said in the interrogation and I did not say anything more.

*The fourth accusation* [Number 7 on the Unclassified Summary] says that the detainee was in Kabul when it was defeated.

***The Tribunal President briefly interrupted to make a correction as to the sequence of the allegations.***

Tribunal President: The third accusation [according to the Unclassified Summary] reads the Detainee trained at al Farouq training camp; just so we clarify this is not actually the third accusation you just read. If you don't mind, could you please explain or respond to the third accusation.

Detainee: Could I ask the Personal Representative a question?

Tribunal President: Yes.

***The Detainee spoke briefly with his Personal Representative***

Detainee: (addressing the Tribunal President) The other accusation talking about this place is the first I have heard of this place; I have never heard of this place before. I don't know where it is: is it in Turkey or Syria? I don't know where it is.

Tribunal President: What place?

Detainee: The al Farouq camp.

Tribunal President: So, if I understand you, you did not know where al Farouq was?

Detainee: No, not entirely.

Tribunal President: Then let me ask another question. Is the rest of your statement going to correspond to the Unclassified Summary?

Detainee: Yes, but according to the portions about al Farouq, I have told you and my Personal Representative that I have not heard of this place before.

Tribunal President: It might be helpful for us, when we put this into a transcript, that we identify which allegation you're answering and that you read it, so we know what the answer is; do you understand?

Detainee: The third accusation [in Detainee written statement Exhibit D-B], is the sixth accusation written on the Unclassified Summary.

Tribunal President: That's the reason I wanted to clarify it, so when it's admitted into the record and someone else is reading it, they won't be confused when they look at your statement and it reads third or fourth allegation on the Unclassified Summary; do you understand?

Detainee: Yes. Very well. I wrote nothing about at all numbers three, four and five, because I know nothing about this place, and I don't know anything about these weapons.

Tribunal President: So does the fourth allegation in your statement correspond to the fourth allegation on the Unclassified Summary?

Detainee: No. Numbers three, four and five, I wrote nothing about at all because I wanted to answer them orally.

Tribunal President: I understand; I just wanted to make it a matter of record that they actually do not correspond to the Unclassified Summary.

Detainee: I erased three, four and five, and made number three about the mountains of Tora Bora. I'm talking about the fourth accusation, but you have the fourth as the seventh accusation. My fourth [from his statement] says that I was in Kabul when it was defeated.

***The Detainee resumed reading his statement at this time.***

The answer: I said in the interrogation that when I heard that America was going to start war against Afghanistan we left Kabul to Jalalabad. We didn't see the war; we didn't see the defeat of Kabul or even the defeat of Jalalabad. This accusation is incorrect and the date proves that to you and my father, if you ask him, will tell you when we left.

The fifth accusation [Number 8 on the Unclassified Summary]: says after the fall of Kabul the Detainee fled to Jalalabad and then to Pakistan where he was arrested.

***The Detainee stopped reading his written statement at this time, and addressed the Tribunal President.***

Detainee: Will you permit me to go and pray?

Tribunal President: We need to go ahead and try to complete this.

Detainee: The time is very specific, if you would allow it.

Tribunal President: Yes, we will take a brief recess to allow you to pray.

Detainee: Thank you.

***The Tribunal President recessed the hearing briefly to permit the Detainee to pray, and reconvened shortly thereafter. The Tribunal President then allowed the Detainee to continue reading his written statement aloud to the Tribunal; note that the Detainee repeated the last accusation before continuing.***

The fifth accusation [Number 8 on the Unclassified Summary], says after the fall of Kabul the detainee fled to Jalalabad and then to Pakistan where he was arrested.

***The Detainee added the following (not from written statement.)***

Detainee: Of course the fifth [from my statement] is the last accusation [# 8] on the Unclassified Summary.

***The Detainee continued reading his statement.***

The answer, as I have mentioned to you, is that we left Kabul before the start of the war. So how can the accusation say that we left after the fall of Kabul? I do not know.

Regarding our departure from Jalalabad to Pakistan, this is true, for we left Jalalabad to save ourselves from death and that is the biggest proof that shows every rational person and every individual that we are not combatants and we are not fighters and we are not terrorists and we do not have any relationship with Al Qaida or the Taliban or any other group. This accusation shows you that we escaped from death to save ourselves, for the terrorist or the combatant, as you say, likes to die. But we are the opposite: we do not like death and the proof is that we left Jalalabad to Pakistan. If we liked death, we would not have left Afghanistan. For the person who has a mind knows that we have nothing to do with any of these wars or fighters and the accusation says he was arrested in Pakistan. It should say he was sold in Pakistan, for we ourselves were not arrested by anyone, but we ourselves entered the Pakistani village and the residents of the village handed us over to the Pakistani Authorities. We did not commit any crime or any illegal act.

Finally, this is our true story in front of your eyes and firstly and lastly I say to you that I have heard before that everyone in this place has been determined to be an enemy combatant before the trial starts and this verdict I am positive that no matter what I present in terms of evidence or witnesses or oath, I am sure that this verdict will not be lifted and thank you to everyone who is present in this hearing. The end.

***This concluded the oral presentation/reading of the written statement by the Detainee.***

Detainee: Thank you for giving me the opportunity to pray.

Tribunal President: You're welcome. I have to clarify to you that this is not a court, and you are not on trial. It is the responsibility of this Tribunal to determine if you should remain an enemy combatant.

Detainee: Very well.

Tribunal President: Does that conclude your statement; is there anything else you wish to add?

Detainee: No.

**Tribunal Member Questions to Detainee**

Q: Where was your passport when you were arrested?
A: When they caught us in Pakistan, I had my father's, and mine. He didn't know I had it. Here [in Cuba] I told him I had it with me. The Pakistani police took them and said they'd give them to the Americans.

Q: You said your father told you you'd leave Afghanistan after he collected the money; what money was that?
A: The money he was working for; he would gather all his things and possessions and go.

Q: How long had your father been in Afghanistan before you arrived?
A: I don't remember the exact date, approximately a year and three or four months.

Q: Did your father pay for your travel and the rest of the family also?
A: No, the money we used was our money from Syria. That's what I know, and I don't know if my father knows something different.

Q: When you and your father separated from the family, how many men were still left with the family?
A: I don't know. I didn't see them leave; I was a young man at the time and you could ask my father.

Q: Did you have any weapons with you when you were arrested?
A: Neither when I was arrested, or before my arrest.

Q: Did your father have any weapons on him when he was arrested?
A: No.

Q: What about the family, when they were in Afghanistan, did they have any weapons?
A: In Kabul, we did not have weapons, but in Jalalabad when the problems started, my father had a small gun to defend himself, to defend the family in case anything happened. He didn't use it and no one else ever used it.

Q: How old are you?
A: Approximately 21, now maybe 22; I was born in 1982.

Q: You speak very well; what is your education?
A: What do you mean, Arabic or English?

Q: What level of education?
A: High school; secondary education is the same as high school; I just wanted to clarify that for you.

Q: I would like to clarify something else; you've made allegations you've been abused. As you know, your father previously spoke before a Tribunal. At that time, the same issues were raised; we've already notified the appropriate authorities about what you told us.
A: You remember last time [when Detainee was a Witness for his father], when you looked at my nose, I think you remember.

Q: Could you tell me how you got from Syria to Afghanistan?
A: Of course, we left Syria by train, and it went from there to Iran. On the way between the two there is a lake, so we went by boat from the border of Turkey to Iran. After that, we went on an Iranian train to Tehran.
Q: And from there?

A: After that, by bus to Meshad, and then to a hotel. We left on Saturday, and my father called to see when we left. We got there after about four days. After getting to the hotel, we called my aunt in Syria, and told them we were there and gave her the address. My father called my aunt, and she told him where we were, so he called the hotel. He told us to come to the border. After the border, we went to Herat.

Q: What was the first city you went to in Afghanistan?
A: Herat.

Q: And how did you get from Herat to Kabul?
A: On a plane; after the plane we got to Kabul.

Q: What was the reason you simply didn't take a plane from Syria to Kabul?
A: I don't know; maybe it was cheaper. When I first left, I did not know I was going to Afghanistan. My father first said, come to Iran.

Q: You said you left Kabul before any fighting started; is that right?
A: Yes.

Q: Why didn't you head back for the Iran border as opposed to the other direction?
A: I don't know; my father said we'd go to the Pakistani border and go out from there.

Q: You didn't ask him why?
A: No.

Q: What did you do in Syria?
A: I was a student.

Q: In high school?
A: Yes.

Q: You said you hadn't heard of the Taliban until you arrived here; is that right?
A: In the American prison in Kandahar.

Q: In school, they never told you the government of Afghanistan was the Taliban?
A: We do not study governments.

Q: And you'd never heard of Osama Bin Laden from the Russian-Afghan war?
A: I'd like to tell you that in our house we don't even have a television.

Q: I don't understand why it is you broke up the family when you left Afghanistan.
A: The residents of the village told us that since we have women and children; eight children and four women; they said if the highway robbers saw you, that you are four men, and they might kill all of you and then take the women and children.

Q: Why was that more likely with four men than with two? I would think it would be just the opposite.
A: They might think we're combatants; they might think anything, do you know what I mean? If they saw only two men, they would think they're just going out and escorting them out. That's my opinion, I do not know.

Q: How many guides went with the rest of your family?
A: I don't know. If you ask my father, he might know, but I do not know.

Q: Were the guides male?
A: I don't know.

Q: You didn't see them leave?
A: I saw that they left, but I didn't see how many went with them. We had no news about them after that.

Q: From Jalalabad, where did you go?
A: If you just take the whole story from my father, it would be better. I'll tell you we went by car to a village; after the village, they said separate them so they could go to Pakistan.

Q: You don't know the name of the village?
A: No, I don't know. If I knew, I would've told you; I don't have a problem [with that].

Q: Where were you headed in Pakistan?
A: We went on the presumption the Pakistani residents would take us to an embassy or house or help us find a way to get out instead of to prison.

Q: Did you have a way to meet up with the rest of the family?
A: No; I don't know. I think my family went home, and I don't know how they went or when they got there. They left going back to Syria, so I don't know.

Q: You never heard of a plan between your father and the family?
A: I didn't hear anything. I'm sure if you ask my father, he'll tell you the story.

Q: You said that you didn't leave the house the entire time you were there in Kabul, except to go to the market; why?
A: Where would I go? I don't know the language, I don't know the people, I don't know the way or anything.

Q: You didn't want to sightsee or visit a mosque or anything?
A: No, I was asking my father to go back to Syria.

Q: Were there other Arabs there for you to talk to?
A: I don't know; I didn't even talk to Afghans.

Q: But you did go to the market?
A: Yes, it was close by the house, just to buy stuff for the house.

Q: But you didn't go to your father's restaurant?
A: No.

Q: Why didn't you help him with his business?
A: I was asking him to return to Syria. This was his work, I don't know, I was a student.

Q: In Kabul, you still didn't see Taliban because you'd never heard of them?
A: I didn't know anyone.

Q: You never had any run-ins with the authorities?
A: Neither in Syria or Afghanistan; I never had any run-ins with anyone.

Q: I get the impression you and your father didn't discuss your plans very much; is that correct?
A: What do you mean plans exactly?

Q: You don't seem to know of any of the plans or movement of the family; I'm wondering why that is.
A: I am a young person, it's none of my business. For me it was just come, come or go, go; do you understand?

Q: Yes, I do. My understanding is that you're the eldest son, is that correct?
A: I have a sister that's older than me.

**Tribunal President Questions to Detainee**

Q: Why did you and your family go to Afghanistan? Help me to understand why you left your home country for another country.
A: We went to visit my father; that was all I knew.

Q: Do you know why your father went to Afghanistan?
A: He said he was leaving to work; he said he was working in Saudi Arabia.

Q: He said he was working in Saudi Arabia?
A: He said he would go to work in Saudi Arabia.

Q: Yet he ended up in Afghanistan?
A: I don't know; you can ask my father.

Q: I get the impression you didn't have an option of whether to stay in Syria or go to Afghanistan.
A: I got out to see my father.

Q: Were you going for a short visit or to live in Afghanistan?
A: I didn't know I was going in the first place; my father said come to Iran.

Q: So you didn't know why you were going to Iran, either.
A: I knew I was going to see my father in Iran, but I didn't know where he was.

Q: And you didn't know how long you were going to be gone?
A: No.

Q: You didn't have the opportunity to complete your education?
A: After Afghanistan? Of course not, I went to prison, so how could I continue my education?

Q: I didn't know if you had received any type of training in Afghanistan while you were there.
A: I told you I didn't leave from the house.

Q: Do you know if your father was encouraged by anyone in his country to go to Afghanistan or Saudi Arabia?
A: No. I wish you could see how I looked when I first got captured; if you saw me you'd think I looked about fifteen years old.

Q: I need to verify your reasons for leaving Kabul.
A: After the problem occurred in America, we heard America was going to start a war against Afghanistan. We left in order to save ourselves, and our family.

Q: How did you get that information?
A: My father maybe heard it on the radio; I don't know.

Q: Was your father the only one working in your family in Afghanistan?
A: Yes. The rest of us all sat in the house, and wouldn't leave except to buy something, and come back.

Q: I guess that was really uncomfortable; you didn't know the language, everybody is there waiting for your father to bring the food; did the family help in the restaurant at all?
A: He would prepare his things, and the rest of us just prepared food for us. We washed the clothes, the floor; we were busy all the time.

Q: You were in Kabul one month?
A: Three months.

Q: Then you traveled to Jalalabad, right?
A: Yes.

Q: How long were you in Jalalabad?
A: About a month.

Q: How did you travel from Kabul to Jalalabad?
A: By car.

Q: Was that your car?
A: No, we have no car.

Q: You rented it.
A: No like a transportation service.

Q: Like a taxi?
A: It fit the entire family; we were all in one car.

***At this time, the Tribunal President recessed briefly to bring in the Witness. The Detainee was informed he would have the opportunity to ask questions. The Witness was brought in, and given the Muslim oath by the Recorder.***

**Tribunal Member Questions to Witness**

Q: Is the Detainee your oldest son?
A: I have a daughter that is older than him.

Q: When [the Detainee] came to visit you, where did he think he was going to?
A: For him to come to me, I told them to come to me. Truthfully, they knew I was in Saudi Arabia. I said come to Iran, and after I met them, I would call my sister's home to know where they were. I knew they were in Iran, and I called them at the hotel. I told them to come to the border of Afghanistan; from there at the border I received them; that's it.

Q: From Pakistan, how did they travel to Afghanistan?
A: They did not enter Pakistan.

Q: I'm sorry, Iran to Afghanistan?
A: By land, of course, the whole way.

Q: Does your son know how to use weapons?
A: No.

Q: Who financed your family's travel?
A: They had money.

Q: Why is it they simply didn't fly to meet you in Kabul?
A: They didn't know I was in Kabul or Afghanistan.

Q: Why didn't you tell them?
A: This is something personal; his mother knows I went to work in Saudi Arabia.

Q: Did you leave Kabul before the fighting started?
A: Yes.

Q: Why?
A: To save ourselves, why else?

Q: The fighting hadn't started yet; why did you feel the need to save yourself?
A: When I heard America was going to start a war, I left.

Q: Why didn't you go back through Iran?
A: Jalalabad was closer to Pakistan.

Q: Why did you go to Pakistan?
A: To return to Saudi Arabia.

Q: To return to Saudi Arabia as opposed to Syria?
A: It was my intention to go to Saudi Arabia, that's what I thought.

Q: So when you entered Pakistan, what was your plan from there?
A: When we entered my plan was to go to Saudi Arabia.

Q: Right, but how?
A: By way of travel.

Q: From my map, you were going the wrong direction; what was your plan to get from Pakistan to Saudi Arabia?
A: There are many ways available; from Pakistan to Iran, from Iran to Syria, and then Syria to Saudi Arabia.

Q: I understand your family was broken up just after you left Jalalabad, but before you entered Pakistan; is that correct?
A: Yes, that's correct.

Q: Where did you intend to meet them?
A: Really I told them to go to Syria; there they would make do, and me and my son would travel to Saudi Arabia. That's what I thought; it was all thoughts.

Q: My thinking is that you'd establish a meeting point inside Pakistan; obviously, you didn't do that, could you explain why?
A: No, we didn't agree on any meeting point.

**Tribunal President Questions to Witness**

Q: What did your son do the three months in Afghanistan?
A: Sitting at home.

Q: Did he not help you with your business?
A: No; he was just at home; he didn't help.

Q: What was your reason for leaving Syria and going to Saudi Arabia, and then to Afghanistan?
A: To live free, and to work and make money.

Q: Were you not free in Syria?
A: In Syria, you are free, but don't have the money to open your own place to sell chicken and other types of food, you'd need a million or two million in Syrian currency to do that, close to 40,000 Syrian dollars. In Afghanistan, a small amount would enable you to open any business you want to open.

Q: What was your business?
A: It was small, and then my family came; when they came, I wanted to open a larger venture, so I rented a place. I had just rented it and hadn't started to prepare it yet. When I rented it, all the problems started and all the hopes we had for this place were lost.

Q: When you say we, who is we?
A: My family.

Q: But your son seems not to know what you're doing and why you went to Afghanistan?
A: We didn't know, but when they came, they knew.

Q: So the dreams and hopes with your family weren't there until your family got to Afghanistan?
A: The hopes and dreams someone would want to have in this world; what happened the currency and money was lost, and now we are here.

Q: Why did you move to Saudi Arabia?
A: I went to do the Hajj or Pilgrimage. The money I had was not enough to bring my family over; I didn't have the money for them to have a place to stay and transportation. That prevented me from living and staying in Saudi Arabia, because I wanted to live there but I wanted to live with my family.

Q: So why did you go to Afghanistan after leaving Saudi Arabia?
A: Because I heard you didn't need a visa or anything from the TV and media.

Q: So you were able to get into Afghanistan without a passport or visa?
A: I had the passport and it was in order, but you don't need a visa there like other places in the world.

Q: Like a work visa?
A: Residence visa, work visa, you don't need any of that stuff.

Q: Were you encouraged by anyone in Saudi Arabia or Syria to go to Afghanistan?
A: I don't know; I don't know anyone really.

Q: Did you know anyone in Afghanistan?
A: The person I stayed with, I didn't know. I stayed with him and the Taliban intelligence took me in. This person the Taliban intelligence introduced me to was Abdul Abdallah al Shami.

***The Detainee interrupted the translator to clarify a statement from the Witness.***

Detainee: My father [Witness] stayed in the hotel, and from the hotel, the Taliban intelligence took him to meet the person he stayed with.

***The Tribunal President then resumed questioning the Witness***

Q: Why did you stay with someone you didn't know anything about?
A: Because he helped me and was nice to me, and he would come with things from the market so we could work together. We worked together; me with my efforts and him bringing things from the market, and we'd prepare them together.

Q: So this was your partner?
A: No, but after I got to know him, he became my partner.

Q: Was he an Arab or Afghani?
A: An Arab.

Q: Was he from Syria?
A: He said he was from Syria and his accent was from Syria, I don't know.

Q: Did Mohammed [the Detainee] receive any type of training when he was in Afghanistan?
A: No, it was quite the opposite. He was always saying, "Father, I want to return to continue my studies." I would tell him to wait a little; God willing I will work, and then we will go to Saudi Arabia and you can continue your studies. That is what I used to say.

Q: So it was not your intention to stay in Afghanistan with your business?
A: If things were the way they were in the beginning, I would've collected the money and gone. You have to have a lot of money in the outside world, not just a little bit.

***The Tribunal President then asked if the Detainee wished to ask questions of the Witness [his father].***

Detainee: I would like to comment on the first question the official asked here. He said how did you get from Iran to the Afghan border. That was by car, but after that it was by plane. After we got to Afghanistan, we got on the plane. I would like to agree with what he said; from Iran to the border of Afghanistan was by car.

Tribunal Member (addressing the Witness): Do you agree with that, sir?

Witness: Yes, of course, and we discussed this in the last Tribunal; all travel was by land except in Afghanistan where they took a plane. And don't say it was a Taliban plane, it was a civilian plane; just so you have no doubts, and the company was called Ariana Afghanistan.

Tribunal Member: The Taliban came and met you at the hotel? How did they know you were at the hotel?

Witness: Every government has its own intelligence, and they work with the hotels, and know who stays at the hotels. They knew about me from the owner of the hotel.

***The Tribunal President confirmed there were no more questions for the Witness, and recessed briefly to allow the Witness to be removed from the Tribunal.***

***Upon reconvening, the Tribunal President asked observers and members of the press to remain quiet, reminding them that any talking could easily be picked up by the recording devices being utilized in the Tribunal.***

***The Tribunal President confirmed there were no additional questions or evidence to present, and began reading the remainder of the hearing instructions to the Detainee. Before the Hearing was adjourned, the Detainee interrupted to state the following:***

Detainee: Miss, we do not want to return to our country; is that understood?

Tribunal President: You do not want to return to Syria?

Detainee: No.

Tribunal President: Do you have a preference of a country; we don't make that decision, but we will make it a part of the record.

Detainee: Any country my father and I can live, and we don't really have problems in Syria, but we heard about political asylum. We don't want to go to Syria because we heard if we return there, they would kill us. The reason is because for the first three years, you've been saying "terrorists, terrorists." If we return, whether we did something or not, there's no such thing as human rights; we will be killed immediately. You know this very well.

Tribunal President: We'll make that a part of the record.

Detainee: My father and I; is that OK?

Tribunal President: I understand.

Detainee: OK, thanks a lot.

**Detainee Statement**

Before I begin defending myself I would present my gratitude to all the members at this tribunal and to the personal representative and the translator and to everyone who helped in allowing me to defend myself but unfortunately I would like to let you know that we have heard, and several times, about this court, that it is merely a game presented against the detainees and as for the two words "Enemy Combatant", this is the verdict that has been presented to every detainee, for as I have understood, that the detainee, no matter what he did, this verdict will not be lifted for him even if he did the impossible, but I said a game not to mock anyone present now, but that is what I heard and I grew more sure that it is a game when I heard that all the detainees are enemy combatants and I haven't heard of one who has left as innocent except for one person.

At the start of defending myself I will say that there are numerous and many issues that you must look at and among these issues is my story and I will say it in a moderate manner, neither long nor short and if you want details about every word then I will elaborate.

The story is: I am the detainee owner of the number 312, I left Syria in the year 2001 at the end of the sixth month with members of my family their number comes to nine and I am their tenth and our departure, all of us, was with papers that were in order-visa-passport-necessary stamps- so we left Syria to Iran and when my father called to the hotel and said come to the Iranian-Afghan border we went to him and we went after that to Kabul and we stayed in it the whole time, three months, and yet close to two months and more after our stay in Kabul, my uncle's wife came and her kids and their arrival was only one week before the events, I mean the event of the eleventh of September and our stay in Kabul was in a house that my father had rented and during our stay in Kabul I did not leave the house except to go to the supermarket close by and I was always discussing with my father and asking to go back to Syria again to continue my studies but he said wait until I collect my money and after that we will go to Saudi Arabia. And after that the events happened and America announced that there would be a war against Afghanistan so we left immediately after America's announcement of the war, we left to Jalalabad so we could go to Pakistan to save ourselves from the war and we stayed in Jalalabad for a period of one month and after that we left with the family to a village so we could leave to Pakistan and at our arrival and before our family got out the residents of the village told my father that two of you should stay here and two should go with the family so my father chose me to remain with him and the family left to Pakistan [and the reason that made the village's residents separate us is that they said that highway robbers and thieves are abundant so if they see you they might kill you and kill the children and take the women] and after that the village people took me and my father to another village and we stayed in it for a few days and after that village to another village and we stayed in it for a few days as well and after that the village people told my father that there was no means of getting to Pakistan except by walking in the mountains so we walked in the mountains for three days, keeping in mind that we didn't know the name of those mountains or the name of the villages and upon our arrival to the Pakistani village we stayed in it for a few

days and after that they took us to the prison and that was in the first day of EID in the afternoon. Keeping in mind that we had not done any crime or any illegal act.

**Note # 1:** During our stay in Kabul my fathers job was in a restaurant, I did not see the restaurant but I saw him, how he prepared the food in the house then go in the morning to the market to sell it.

**Note # 2:** As for the members of my family they were all with my family [sixteen individuals] among them my grandmother and her age was 67 and an infant also, his age was eight months. As for the presence of these two people in this family, these two people did not have teeth, so that should clue you in and make clear to you my father's good intentions and his purpose for which he left. And his arrival with two people such as these should also make clear to you that he has no relationship with fighting or war or any groups or Qaeda or Taliban.

I will begin the defense of myself. I state that the truth and the facts is the story that I presented to you now, so if you want the truth and the facts, then this is it and if you want otherwise you can take what you want.
The personal representative has presented the accusations and the core accusation says that I am from the Taliban or Al-Qaeda.

**First:** If you wish for me to swear that this item is incorrect I am prepared and I have a witness to testify that I have no relationship with anyone from Al-Qaeda or the Taliban or any other group.

**Second**: As for the two words Taliban and Al-Qaeda and other words like Jihad-Mujahideen-I had not heard of all these words before but I had heard them for the first time in the prison here when I was asked before by the interrogators are you Taliban I would say no-are you Qaeda I would say no.... I say to you in a simply and easily that I am not from the Taliban or from Al-Qaeda or even from any other group, in fact I am against any person who commits hostile acts and violent acts. For my father and I, we wish for every person in the world to live with freedom and safety and peace and peace of mind whether that person was small or big, man or woman. And we said in the interrogation that when the events happened-I mean the eleventh of September-we cried and we were greatly saddened and we said in the interrogation also that my grandmother, this old woman, cried and said what is those innocent people's fault, to be killed? And me, my whole life I never left Syria and never left my city and this was the first time I had left my country and my age when I left was close to eighteen years. And you could know, from our stay here in this place, if we were combatants to you or non-combatants, for each one of you can go back to my behavior file and look for yourself. But despite that, I will mention to you many pieces of evidence that will show you that we have no relationship with any of the groups at all, neither my father nor me.

**From these stories and pieces of evidence:**
Several times my father and I saw a piece of metal that could have, as the soldier said about it, been used as a weapon and could have caused harm. When we saw these pieces

we took them immediately and turned them in to the soldiers and this happened approximately over 15 times and this is all recorded with the date and time. In the very recent past on the 20th of November, I saw two pieces of metal in Interrogation Block 7 and I gave them to the soldier and also on the 29th of November I saw in the walkway of Kilo Block a piece of metal 5 cm long and I gave it to the soldier immediately and also on the 2nd of December in Kilo Block by father saw a piece of metal and gave it to the soldier.

And also on the 4th of December I saw a piece of metal and I gave it to the soldier and also on the 4th of December at night in Bravo Block a soldier gave me a mask to hang my Quran on and usually this mask comes with a metal and the soldier forgot to take the piece of metal from it before giving it to me so he gave it to me with the piece of metal in it, so I took the metal and I gave it to the soldier and he thanked me and he wrote that on the computer.

And I have mentioned these stories first because I remember the date and the other stories are bigger and more dangerous that the first story. I have done very good deeds that show you my good intentions and my honesty and my father's honesty with you in all our words and it does not make sense at all if I was an enemy combatant that I would give back those things and the pieces of metal that could inflict harm. And the story is one time I was in the walkway in Echo Block and I saw a piece of metal 20 cm long so I took it immediately and gave it to the soldiers and after this good deed one of the soldiers came instead of thanking me him proceeded to threaten to kill me and he said I will cut your head and your neck without me doing anything to him. Look at how the reward was from this soldier, instead of thanking me for this deed he threatened to kill me. And the supervisors afterwards kicked him out of the Block and wrote a report about that and all the supervisors saw this that day.

And the other story in Delta Block, I also saw a piece of metal inside the room and that metal was the remains of welding, and I told the soldier about it.

And the other story happened in Echo Block in room 24, I saw breakage in the fence and I notified the authorities about it. And the room is still there and you can see it and the soldiers can all testify that my father and I have done this thing and they will also testify that we have no problems with any of he soldiers and we have maintained good behavior and fine manners in spite of all the pressures around us and in spite of the threats and the torture that we have been through. And I will mention the stories where we have been through torture and threats and I will mention where that was and I will mention the reason as well.

**The first story**: During our stay in the Pakistani prison we were subjected to beatings and harsh torture until the torture led to my nose being broken and you can see it in front of you now, and during the time we were being tortured, there were Americans present.

**The second story**: During our stay in the American prison in Kandahar we were subjected to torture and the reason was that they wanted us to say that we were from Al-Qaeda or the Taliban by force, my father's forehead was fractured and the Red Cross saw this and wrote a report and my left hand was fractured and I suffered many diseases as well and there were also other methods of psychological pressure and fatigue like sleep

deprivation for long hours and not going to relieve yourself and that is among the necessities for humans, and that prison was under the management of Americans.

**The third story**: During our stay in CAMP X-RAY we were subjected to bad treatment and the reason was so that we could say by force that we were from Al-Qaeda or the Taliban. In one of these stories one of the interrogators brought two wires connected to electricity and said that if you do not say that you and your father are from Al-Qaeda or Taliban I will place these in your neck and another time he drew knives and said if you don't say you are from Al-Qaeda or Taliban we will bring the knives and cut your hands and put salt in them.
And also in that same place one of the interrogators beat me in my face and at that time I was drinking water, so he hit the cup and hit me as well and the reason was that he wanted me to say by force that my father and I were from Al-Qaeda or Taliban.
And also in CAMP X-RAY the soldiers came and threatened us and told us we killed your family.

**The fourth story:** During out stay in CAMP DELTA we were exposed to death threats and threats of handing us over to other countries so they could torture us there and after that they would bring us back here.
And I told you that one time after I gave the soldier the metal, which was 20 cm, long the soldier threatened to kill me.
And also the soldiers in this place told us twice, they said we killed your family and they said we know that they are 14 individuals and after the interrogators tried pressuring and torturing us to compel us by force to say that we were from Al-Qaeda or the Taliban, and when they failed at what they wanted, they came to us with temptation and enticement and they proposed to us that we lie about the detainees in this place in exchange for a car-a house-and the American citizenship and they to said to us "lie about the detainees and we will give you these things", so we refused because we do not know anyone and I am sure that this method of temptation was followed with many of the detainees and I am sure that many of the detainees lied about the other detainees without prior knowledge and all this false cooperation happened for the sake of personal advantage and for the sake of the implication of the detainees and for the sake of getting out of this place. So I ask of you to look into my case thoroughly and finally, of this accusation I repeat again that we are not from Al-Qaeda or the Taliban or any other group at all and we don't have any relationship with wars or fighting and my father will testify that I am not of any group at all and my family will testify that I am not of any group at all and they will testify that my father also does not have any relationship with any group at all One of the interrogators made a request of me and said to me, if you said that your father is from Al-Qaeda or the Taliban we will take you out of this place and we will send you home so I told him that my father is not from any group at all and this is the truth for my father is a food seller only and nothing else.

*The first accusation*, and it states that I traveled from Syria to Afghanistan in the year-2001-the answer is yes I traveled from Syria to Afghanistan with papers that were in order and official and it is available with you and that was in the sixth month of the year –2001- in the end of the sixth year

Syria, which is my original country did not forbid any person from going to any place in the world except for one country and that is Israel, it was written on the passport "travel to everywhere in the world is permitted except for Israel" and you can go back to the Syrian passport office and look into this piece of information.
Therefore I don't see any problem in this accusation because I proceeded with papers that were in order and through legal means. And I did not commit anything illegal. Knowing that I entered before the events of the eleventh and before the war and in Afghanistan I stayed at the house during my whole time and I did not leave it and my father can testify to that.

*The second accusation* and it says that my father is a veteran Mujahideen fighter
My father has defended himself against this accusation at his trial, but I will repeat again that my father does not have any relationship with Al-Qaeda or the Taliban or any group at all neither does he know wars and he doesn't have any relationship with wars and he didn't leave Syria except twice and both times were in the year 1999-once to Saudi Arabia and the other time to Afghanistan, so how can this accusation say that he is a veteran fighter when in his entire life he's never left his country except for those two times. My father worked in a restaurant in Kabul and I haven't seen this restaurant but I saw how he used to place the food in the house then go in the morning to the market to sell it and I swear if you wish that my father is not a fighter and not Al-Qaeda or Taliban and does not belong to any other group at all.

*The third accusation* says that the detainee admitted that he traveled through the mountains of Tora Bora in Afghanistan.
The answer: I said in the interrogation when I was asked how I got out of Jalalabad, I said exactly that I got out of Jalalabad <u>with my family to a village</u> and after that we got separated from our family and me and my father were left and the residents of the village took us to another village and we stayed in it for some days and after that we went to <u>another village</u> and we stayed for some days as well and after that the resident of the village said that there was no way to get to Pakistan except for walking in the mountains so we walked in the mountains for three days not knowing what the name of those mountains were nor the names of the villages that we stayed in. That is all what I said in the interrogation and I did not say anything more.

*The fourth accusation* says that the detainee was in Kabul when it was defeated.
The answer: I said in the interrogation that when I heard that America was going to start war against Afghanistan we left Kabul to Jalalabad and we didn't see the war in the first place and we didn't see the defeat of Kabul or even the defeat of Jalalabad, so this accusation is incorrect and the date proves that to you and my father if you asked him will tell you when we left.

*The fifth accusation*: says after the fall of Kabul the detainee fled to Jalalabad and then to Pakistan where he was arrested.
The answer as I have mentioned to you is that we left Kabul before the start of the war so how the accusation can say that we left after the fall of Kabul I do not know.

Regarding our departure from Jalalabad to Pakistan, this is true, for we left Jalalabad to save ourselves from death and that is the biggest proof that shows every rational person and every individual that we are not combatants and we are not fighters and we are not terrorists and we do not have any relationship with Al-Qaeda or the Taliban or any other group, for this accusation shows you that we escaped from death to save ourselves, for the terrorist or the combatant as you say likes to die, but we are the opposite completely we do not like death and the proof is that we left Jalalabad to Pakistan and if we liked death we would not have left Afghanistan, neither us nor our family, for the person who has a mind knows that we have nothing to do with any of these wars or fighters and the accusation says he was arrested in Pakistan, but is should say he was sold in Pakistan for we ourselves were not arrested by anyone, but we ourselves entered the Pakistani village and the residents of the village handed us over to the Pakistani Authorities when we did not commit any crime or any illegal act.

Finally, this is our true story in front of your eyes and firstly and lastly I say to you that I have heard before that everyone in this place has been determined to be an enemy combatant before the trial starts and this verdict I am positive that no matter what I present in terms of evidence or witnesses or oath, I am sure that this verdict will not be lifted and thank you to everyone who is present in this hearing. The end.

12/2/2001

**Summarized Detainee Sworn Statement**

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

Detainee: Yes I have a question.

Tribunal President: What question might that be?

Detainee: I'm a poor man, very disabled; I am a farmer and I have very small kids. I don't know what's happened to them. I have been here for two years in detention. I want you to take care of me.

Tribunal President: I understand. That's why we're here today, to focus on your situation.

Detainee: Okay.

Tribunal President: Do you have any other questions at this time?

Detainee: My other question is they captured me in my house.

Tribunal President: We will give you an opportunity to give us a testimony and identify information that pertains to your story as well as letting you address the unclassified summary of information at a later time.

Detainee: Okay.

Tribunal President: I just want to be sure now that you have an understanding of what we are here today for.

Detainee: Yes, that you're reviewing my case.

Tribunal President: Exactly. We will review your information, the unclassified evidence, and the classified information along with your testimony and determine whether you have been properly classified as an Enemy Combatant. Keep in mind we haven't seen any information about you. We have come here today with an open mind and we have not seen your file. As you have observed we took an oath signifying and verifying the fact that we will provide a fair and just decision.

Detainee: Okay.

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

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

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

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

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

Tribunal President: At this time I'm making reference to the Detainee Election Form. This indicates that the detainee has chosen to participate in this Tribunal, which is also evident because of your presence here today. You did request two off-island witnesses and unfortunately we have to determine that those witnesses that the detainee requested are not reasonably available. This is due to the reason that the Afghanistan government has not replied to the State Department's inquiries to date. The request was relayed to the United States State Department and subsequently to the Afghanistan Foreign Embassy. This was done on the 29th of December 2004 with a second and third request sent for an update through the state department to the Afghanistan Foreign Embassy on the 10th of January. With the 12th of January being the suspense date that was identified and having past, we will continue to proceed with the Tribunal as scheduled for today the 13th of January 2005. I want to be sure that the detainee understands that although those witnesses could not be here today to testify on his behalf we will not hold that against him. You also have requested that a Red Cross letter be produced as documentary evidence. Those documents have been identified and made available and your Personal Representative will be presenting those to this Tribunal on your behalf. Keep in mind we are not here to punish you today. We are here to make a determination of whether or not you have been properly classified as an Enemy Combatant. We will make that decision only after we have reviewed all of the evidence; classified, unclassified and also your information that you wish to provide us today. Mohammed Nasim you may now present any evidence or information you have to this Tribunal and you have the assistance of your Personal Representative in doing so. Do you still wish to present information to this Tribunal?

Detainee: Yes. I want to present something. The allegations that you kindly presented, none of them are true. I wasn't a commander, I haven't seen Kabul yet and the weapons you named here I don't even know these weapons.

Tribunal President: Before we continue, you may wish to make you statements under oath. Would you like to take an oath?

Detainee: You were talking about an oath. I was saying that I wasn't a commander, I haven't seen Kabul, and I was just a farmer working on my land. I am a hard worker.

Tribunal President: We have a Muslim oath available that the Recorder can administer if you would like to make your statement under oath.

Detainee: In our culture, for us it is very hard to do the oath because we have to first get ready for prayer, pray, wash up and then we do the oath. It is very hard.

Tribunal President: This will be your choice. You can either take the Muslim oath or make your statement without taking the oath.

Detainee: It's up to you. Whatever you say I will do it.

Tribunal President: As long as it doesn't offend you and if you're willing to we will administer the Muslim oath. Keep in mind it is just a promise to tell the truth.

Detainee: In the name of Allah, I swear that what I say will be the truth. I'm saying the truth. I swear I was not a commander. I was at my house. The eight days of the holiday, we were butchering and getting the meat ready. Somebody called me and said come here.

Tribunal President: Very well. We will accept that as taking the oath. If you are comfortable, in that manner, that is certainly fine with this Tribunal. At this time with the assistance of your Personal Representative you may begin with your testimony.

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

*3.a.1. The detainee commanded a squad of Mujahidin fighters for a Kabul commander.*

Detainee: I was never been a commander. I never saw Kabul. I was always in my area, in my place, in my home farming. I was a farmer.

*3.a.2. The detainee's squad consisted of twenty-five Mujahidin armed with twenty-three AK-47s, one RPK LMG and one RPG-7.*

Detainee: I swear I don't know about the any of these weapons.

*3.a.3. The detainee's name was referenced in intercepted radio transmissions regarding Northern Alliance troop movement.*

Detainee: If they captured me in Shahmali (ph) in Northern Afghanistan that would be okay. I've never been in Shahmali (ph). I was at my brother's house. They captured me at my brother's house; I didn't have anything in my possession. I was just at my brother's house.

*3.a.4. The detainee is alleged to have acted as a sentry to report troop movement to the Taliban.*

Detainee: Actually it was the day after Eid and it was a holiday. In Afghanistan culture, we go first to the older people's house for respect and for greeting. I was going to my brother's house because he was older than me and he was very respectful for me. When I went there they had butchered a cow because that is the culture. I told my brother after we do all of the visits to people's houses we will go to our father's grave to give respect. The soldiers came and called me. My brother and I got into the vehicle with them. After I saw that they were handcuffing me and covering my eyes I said for God's sake what is going on, why are you doing this, what did I do? My hands had a lot of cramps from working so hard on my farm. They took me somewhere

for two nights. Then after that they threw me in a plane and brought me somewhere else. I asked what is this place. They brought me to Kandahar and they said this is Kandahar. After six to seven days in Kandahar they threw us in a plane again and brought me to Bagram. I asked in Bagram why did they capture me, what is my crime, do you have any proof, do you have any documentation on me, did you capture something in my possession?

*3.a.5. The detainee was reported to be part of an early warning system.*

Detainee: I swear I didn't report any movement. I am not a member of any system. I don't know what an Enemy Combatant is. I swear I am none of them.

*3.a.6. The detainee was captured on 11 February 2003, by United States forces in Afghanistan as a suspected Taliban.*

Detainee: I don't know about any of the allegations you mentioned, none of them. I am not any of these allegations. I don't know about them either.

Tribunal President: We may have some questions for you. Does this complete your statement?

Detainee: This is all of my statement. I am a poor man. I swear to God I wasn't a commander. I don't know any of this you are talking about. I don't know what any of this stuff is. This is all of my statement.

Tribunal President: Very well we want to thank you for your testimony today. Personal Representative do you have any questions for the detainee?

**Personal Representative's questions**

Q. Mohammed Nasim, on the day you were captured were there any other people arrested at the same time you were?
A. There were two other people that were captured on the same day. There was one boy and one guy and they were sitting next to me. When they covered my eyes I do not know if they were still there or gone or what have you.

Q. You do not know what happened to these people, or do you know what happened?
A. I don't know what happened to them. After they blinded my eyes, I don't know.

Q. What is the name of your village?
A. Warzai.

Q. Have you ever traveled in Afghanistan or outside of Afghanistan?
A. Since I knew my left and right hands I never went out of my village.

Q. Have you ever had a problem of being confused with someone else because of your name?

A. My name is Mohammed Nasim I am not a Mullah. The letter you received is to Mohammed Nasim.

Q. Clarify that, what he just said. There was a letter from his father and his name is similar.
A. My name is Mohammed Nasim and my father is Salu.

Q. The answer to his question is that he has not been confused with people previously?
A. I don't know. I just know that my name is Mohammed Nasim. You probably know about that.

Q. When you were captured, did you resist during the capture? Did you struggle or fight with your captors?
A. No.

Q. It was mentioned that when you were captured, scraps of paper were in your pocket. Can you explain to the Tribunal what was written on the scraps of paper?
A. When I got captured I had nail clippers for my nails, comb for brushing my hair, a toothbrush, three small rocks and three Tariz (ph), which are verses of the Koran. It (Tariz) is for someone who is scared, or for love or protection. A lot of people in Afghanistan keep this on them.

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

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

Recorder: No sir, I do not.

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

**Tribunal Team's questions**

Q. Good afternoon. I want to try to follow on to a question that the Personal Representative asked you earlier. Are you aware of anyone else in your area where you are from with the same name as you or similar name as you?
A. I don't know about that.

Q. That's fine. Have you ever seen American forces in your area prior to the day you that were captured?
A. No I did not see any American forces prior to the day I got captured. I just saw them that day.

Q. Do you own any weapons? Including weapons to protect your home.
A. In my house I have none. I have nothing.

Q. Do you have a pair of binoculars?
A. What are binoculars? I swear I don't have this equipment.

Q. Have you ever owned or operated a radio before?
A. No I swear to God I don't have a radio and I don't know how to operate a radio either.

Q. During the time of the Taliban government was there a local Taliban official in your village?
A. I don't want to lie to you. I haven't seen any of them. I was just doing my farming.

Q. On the Detainee Election Form it says you are from Warzai in the district of Baghran, in the province of Helmand. Is that accurate?
A. Yes.

Q. Are you familiar with the capital of Helmand, Lashkar Gah?
A. I'm not familiar with Lashkar Gah. I just know our district is Baghran and our province is Helmand and our village is Warzai.

Q. I'm just trying to figure out whether Warzai is in the north part of Helmand or the south part of Helmand.
A. I don't know which way is north and which way is south.

Q. Pakistan would be south. Were you close to Pakistan or not?
A. We are far away from Pakistan. We are kind of south. I can't tell if it the north side or the south but Pakistan is a way from our village.

Q. Thank you. How many people live in your village?
A. There is a lot of people, maybe ten people. I had no close relationships with any of them. I was just busy working as a farmer.

Q. How much land do you work?
A. Three to four yards. I was receiving the products for five to six Harwar.

Q. How old are you?
A. I'm 55, maybe older but no younger than 55.

Q. Did you fight against the Soviet Union when they invaded Afghanistan?
A. No. I never did jihad in my life.

Q. Did you ever have any military training?
A. None.

**Tribunal President's questions**

Q. You had indicated that you were you at your brother's house when you were captured? Is that correct?
A. Yes. It was the day after Eid. I went to my brother's house to say a blessing, eat and a greeting. It is our culture in Afghanistan, it is common when you have uncles from your

mother's or father's side, or you have a brother that is older than you, you go to say a blessing or eat with them.

Q. Was there a large gathering of family at your brother's house?
A. No just me and one other person, someone younger than us. We were cutting the cow, the meat, and my brother said let's finish the meat and you take some to your house and I will keep some for my house. After that we were going to our father's grave.

Q. What is your brother's occupation?
A. He is older than me. He is a farmer.

Q. Has he always been a farmer?
A. All his life he has been a farmer or sometimes he brings wood to people for money, for his labor.

Q. At the time of your arrest, did they arrest anyone else; did they arrest your brother?
A. My brother came too; he sat with me too. My brother is very old. He is much older than me. They brought someone else, another young boy. After a couple minutes they covered my eyes.

Q. They let your brother go?
A. Of course they probably let him go, because he's not here. Maybe they let him go. He was very old.

Q. As far as you know, there was no one other than you when you were arrested brought here to Guantanamo Bay?
A. How am I the only person? Yes, I am alone in here.

Q. The allegations on the unclassified summary, why do you think you were identified with this information?
A. I'm surprised and amazed too! I don't know anything about any of these allegations. I am not involved with any of these allegations.

Q. Is there a possibility that you had some enemies that falsely accused you of any of these?
A. Only God knows if deep down I had someone as an enemy. I didn't have any enemies as far as I know.

Q. When the Taliban was in control of Afghanistan, did they ever come to your farm and require you to provide them support in any way?
A. No.

Q. Did you ever have any encounters with the Taliban or al Qaida forces?
A. I swear I don't even know the Taliban's history. I don't know the history of the Taliban or al Qaida. I wasn't involved.

Q. The two witnesses that you requested, one I believe is your uncle and one is your brother; as I indicated earlier they are not reasonably available to testify on your behalf today. Had they been available what would they have said? What information would they have provided to this Tribunal?

A. They would probably say that none of these allegations about me are true. These are all false allegations. They will tell you I was a farmer. It was the day of the Eid when they came to our house and captured me.

Tribunal President: Again, I thank you for your testimony today. Are there any other questions? Mohammed Nasim, do you have any other information or evidence that you would like to present to this Tribunal or any other information that you feel is important that we should be aware of?

Detainee: I want to tell you one more thing about myself. I was poor that I borrowed a lot of money when I needed it. My income was not enough. Before I got captured I had maybe ten pounds of flour in my house and my daughter got burned on her hands and her feet a little bit. I didn't even have money to get her treatment. I am that unable and a poor person.

***The Tribunal President confirmed with the Personal Representative that he has further evidence to submit during the unclassified portion of the Tribunal and that the Detainee had no previously approved witnesses to present to the Tribunal.***

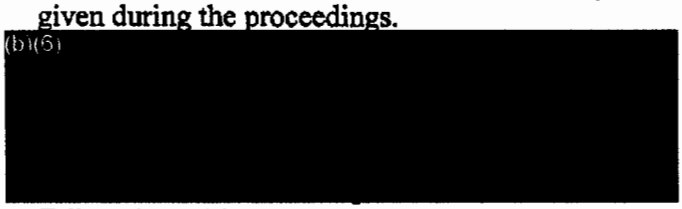
Personal Representative: Yes sir I have two personal letters to Mohammed Nasim from his family. I would like to enter them to the Tribunal as Exhibit D-b and D-c.

***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.

(b)(6)



Tribunal President

958

| | | | | | |
|---|---|---|---|---|---|
| ***Type:*** | INCOMING | ***Format:*** | ICRC | | |
| ***Letter Number:*** | GUAN2003I00257 | ***ISN: JJJ*** | IEH | | |
| ***Date Translated:*** | 20AUG03 | ***Date on Mail:*** | 19JUN03 | | |
| ***Sender's Name:*** | MOHAMMAD NAIM SALO | | | | |
| ***Addressee:*** | MOHAMMAD NASIM SALO AKA | | | | |
| ***Address:*** | GTOM | | | | |
| ***City/Zip code:*** | | ***Country:*** | CUBA | | |
| ***Language:*** | PASHTO | ***Family:*** | ***Yes*** | ***Linguist Code:*** | PV3 |

**In the Name of Allah the Compassionate the Merciful**

**Text: Greeting from Fazl, Mohammad Naim, Walli Jan, Saat Malook and other relatives to my dear brother Mohammad Nasim to study at your good time. We were so happy to receive your letter. At home thanks God every thing is ok. All the family members will pray for you. We pray that you be released and return home.** For your assurance I give you a reminder that at the Eid days(Muslim Holly days) you and I we went to our brothers home and I climbed up on the Padio and you told me that do not go there because it is not solid. I told you that you do not go because you did not made it solid.. Further I put you at the grace of God.

**Linguist Comments:**

(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.

Exhibit D-b

3580

958

| | | | | | |
|---|---|---|---|---|---|
| ***Type:*** | INCOMING | ***Format:*** | ICRC | | |
| ***Letter Number:*** | GUAN2004I01152 | ***ISN: JJJ*** | IEH | | |
| ***Date Translated:*** | 29 MAR 04 | ***Date on Mail:*** | 20 JAN 04 | | |
| ***Sender's Name:*** | FAZEL AKA | | | | |
| ***Addressee:*** | ,MOHAMMAD NSEEM | | | | |
| ***Address:*** | | | | | |
| ***City/Zip code:*** | GTMO | ***Country:*** | | | |
| ***Language:*** | PASHTO | ***Family:*** | yes | ***Linguist Code:*** | PVO3 |
| ***Phone:*** | | ***Cellular:*** | | | |

**Text:** **In the Name of Allah the Compassionate the Merciful**
Greetings from Fazel Aka, Juma Khan, Mohammad Naseem , Walijan, and all relatives and friends to Mohammad Naseem t o reach him in a good time. With the grace of God we and all relatives and friends are in good health and pray for you to be the same. We always pray for you. The marriage ceremony of Wali Khan was done and we congratulate you for that. In closing at home all condition is normal and we put you at the grace of God.

**Linguist Comments:**

(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.

Exhibit D-c
3581

**Summarized Unsworn Detainee Statement**

***The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process but had a question concerning his witnesses.***

Detainee: I have a couple of more witnesses from the camp. They are willing to come here and testify. Can I bring those witnesses some another day? One witness is going to come today, but I have a couple of other witnesses that are willing to come and testify.

Tribunal President: No. You have identified the witnesses that you would like to be called. We will not continue to add to the list. We have made an effort to produce those witnesses, and I'll explain that later.

Detainee: That's fine.

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

Detainee: No.

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

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

***Tribunal President stated that the detainee wants to participate and has requested several witnesses. Six of the eight witnesses are off island witnesses. Three are from Iran and three are from Afghanistan. In addition to that, he requested 2 witnesses from the camp. All witnesses have been determined relevant. On 20 December 2004, a request was sent out to the foreign embassy. There was difficulty processing the request through the Iranian government because the United States does not have diplomatic relations established with Iran. Efforts were still made to contact these witnesses. The request was unsuccessful, and the witnesses had been deemed not reasonably available. For the witnesses from Afghanistan, the first witness request was sent to the Department of State on 20 December 2004, the second on 3 January 2005 and a third request was sent on 10 January 2005, all contacting the Afghanistan embassy. As of this date, 15 January 2005, we have not received a response from the embassy on the status of these witnesses. The witnesses' have been deemed not reasonably available. The request for the two in camp witnesses was processed. One witness will be providing an affidavit and the other will be testifying at this hearing on the behalf of the detainee. The Tribunal President reassured the Detainee that this would not be held against him for any reason.***

Detainee: The witness that was going to give the witness statement, he was the most important witness for me. I would've preferred to directly ask him questions. I believe that would've helped my case a lot.

Tribunal President: I understand. It's their choice: whether they chose to participate and in what manner.

Personal Representative: This is one of the cases where the JDOG has said that he can't attend since it's a cross camp witness. Therefore, we had to take a statement.

Tribunal Representative: JDOG, for the record, stands for Joint Detention Operations Group.

Detainee: Since he was the security commander of the province of Paktia, so he knows about my case very well, and the security part of the evidence, he could've helped me a lot.

Tribunal President: I understand though, we do have an affidavit from him.

Detainee: My point is, please consider his written statement when you read it, and please take it seriously.

Tribunal President: So that you understand too, we will take everything with great seriousness and give everything due process. Understand that we will take all the evidence, the testimony that we will hear from the witness in person, as well as the affidavit, and your testimony as well as all the other evidence.

Detainee: Thank you very much.

Tribunal President: Today, we've come here today with an open mind, we haven't seen any thing in your file, up to this point. As you have observed, we have taken an oath to ensure that we make our decision, in a fair and just manner. We will not make any predetermined decisions, we will only come to our decision after we have reviewed all of the evidence and heard all of the testimony today. Understand too, that since the witnesses that you requested were unable to be produced we will not hold that against you in any way.

Detainee: Thank you.

Tribunal President: A final thing from the detainee election form is that the detainee has requested no documentary evidence to be produced, is that correct?

Personal Representative: Actually, Sir, that has changed. In my follow up with the detainee two days ago he requested two items from his wallet. Unfortunately, detainee property has not been available the last two days; I have not been able to contact them on that. I think he can speak to the significance of those items at some point in time.

Tribunal President: So that he is aware of it, as we deliberate his case, if we feel those documents would be of significance in our decision, then we will continue with the attempt to obtain those documents.

Detainee: That's excellent Sir, thank you.

***The Recorder administers the Muslim oath to the detainee.***

Detainee: In the name of Allah, the most compassionate, the most merciful.

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

Detainee: Mr. President and respectable tribunal members, with all respect to all of you, delighted, that after approximately one and half years for the first time witnessing a Tribunal, which apparently looks like a court system.

Mr. President, I am detained here under very hard conditions and away from all opportunities. I am a physician specialist, who was born in the city of Gardez Province of Paktia in Afghanistan in 1959. I am a Farsi speaking Shiite who belongs to an educated family. I am married and have 2 sons and 1 daughter.

I would like to add one thing, when I'm talking about dates and years, we have different calendars, so I tried to be precise but it might be approximate dates.

In 1979 during the communist and Russian occupation I left the Kabul University and immigrated and until 1990 to 1991 fought against Russians with Afghan Mujahedins. I gave them medical help. Then I continued my education and after the withdrawal of the Russians I quit political and military activities. I finished my education and became a doctor in 1997-98, which was unfortunately the time of fascistic regime of Taliban. I have spent that time of my life in immigration and adversity. In order to make a living I had to work very low paying jobs below my qualification. After the fall of Taliban and establishment of democracy and the end of April 2002, I went to Gardez. In May of the same year I participated in the election of the Loya Jirga (commission of tribal leaders). At the beginning of that process, I had been elected by local people and then by the people of Gardez. The Loya Jirga process was under United Nations observation. I have the membership card of that Loya Jirga, that I would like my Personal Representative to see to give him a chance so he can go and find it and add it to my file. That's my proof of me being the people's representative in Loya Jirga. Please, keep that in my file.

When the meetings of the Loya Jirga finished and some of the problems in Gardez like appointing the governor been solved, I left the country and went to Iran for the purpose of bringing my family from immigration, and there in Iran using the share of Afghan refugees I and my brother doctor Said Ishmael went to Hajj (a Muslim holiday of sacrifice) in February 2003. In the month of August of the same year, along with my brother and cousin Dr. Reza, with the advice of some specialist and the help of our people and participation in election in the Loya Jirga, I returned back to my country. Our people welcomed me. After spending 2 days in Gardez in my father's guesthouse, I was arrested without knowing my destiny and have been detained ever since.

Mr. President, now I would like to present my statement. Do you want to read the evidence, and I answer?

Tribunal President: The Personal Representative can read each one and you answer.

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

Detainee: Mr. President, not only do I not have anything in common with the radical Taliban and extremist Al Qaida, I am totally against their ideology, thought and concept. How come during their power I lived a terrible life as a refugee, spent the best period of my life - after the completion of my education - with the lowest paying jobs and never used their power? If I had any ties with them, I would have had the best position in their government or at least returned to my country. Why I would show the effort to reestablish their power? Try to help them? With which motive? Its well known to everyone, including my family, my brothers and government that I have never been with Taliban, never associated with them and was against their ideology.

These are the following reasons why I am not with Taliban:

1. I never been a Talib and I have been an educated man. Taliban are the people who mostly study religion. Usually the Taliban are against the educated people.
2. They are Sunni and fanatic and I am Shiite and don't have any problems with any group. As you know, in Islam there are two branches, Shiite, and Sunnis.
3. They are Pashtuns and I am Farsi speaker. They had an animosity against Farsi speakers.
4. They are narrow-minded radical and I am a Muslim who considers all Muslims like my brothers.
5. They are against education and learning especially for women, and in our family everyone is educated, including all women.
6. They are full of anger and with no logic and I am peace loving with the wisdom and logic of seeing all the goods in peace.
7. They were strong and powerful and I was homeless and straggly.
8. The most important, they looked at Shiites as infidels and enemies. According to them, helping Shiites was a sin and illegal thing to do. I mean Taliban and al Qaida, not all Sunnis.
9. Now, how could I show the effort to bring those in power, who once being in power showed the worst cruelty to me to my tribe and the Shiites? How could I show my resistance and opposition to democracy, while I and my relatives who returned from the refugee life have found our social and political identity as peoples' representative, participated in determination of our fate. You know that during the Taliban regime no Shiite had the right to express their opinion, while during the democracy Shiites had candidates in the presidential election. Why and with which motivation do you think I would oppose the democratic government and associate with the Taliban and their like-minded people, what for? What did I have during the Taliban regime that I would lose with democracy? Power, money, position, political motive religious motive? What did the Taliban have that would have attracted me? In attention to this introduction, I am expecting you to accept

my defense and statement as truth. I will put God as a witness to your judgment and action, because God is my only help. I have to add that my detention is result of a plot and conspiracy. They pointed the sensitive points that are important to Americans in order to make a legitimate and acceptable case against me. They got their money but accusations against me are false and not true.

Mr. President, I'm going to answer all the accusations right now.

*3.a.1. The detainee was captured with AK-47's, a submarine gun, carbines, 21 hand grenades, and 7.62 mm ammo at detainee's compound.*

Detainee: Mr. President! You know that I was an immigrant. I want to clear something. When I was an immigrant, I was an immigrant during democracy. I was immigrant in the time of Russian occupation.

You know that I was an immigrant and during this travel I was staying in my father's general guesthouse and was arrested with my brothers and cousins. In the guesthouse there were lots of cousins and relatives and I was not armed at that time. I did not have any need of weapons. Therefore, on this accusation, only the part that says that the detainee was captured in his own house is true. Now, if they found any weapons from the compound or the Guesthouse, that has nothing to do with me. My father and his six brothers built that guesthouse 40 years ago. Now it is occupied by 18 families with different occupations.

I drew the map of the guesthouse and my personal representative has it. That is the compound of my father, and this is the part of the guesthouse.

***Personal Representative enters exhibit D-b, sketch of father's compound drawn by the detainee.***

Tribunal President: We can identify the guesthouse on here, as he indicated.

Detainee: As I mentioned, that compound is occupied by18 families with different occupations.

Having a weapon in Paktia and Gardez is a normal thing and every house has it, even if it were mine I would have following explanations for it.

I had only been in Gardez for two days, so I didn't have any time to become armed or get any weapons from anyone.

1) The conditions in Paktia after the fall of Taliban, especially after the Pacha Khan's attack on Gardez, were unusual and everybody needed to have a weapon for their own protection and the government encouraged people to acquire weapons for personal safety.
2) Government agencies including military and security forces didn't have weapons issued by the government, so anyone who is working for one of these organizations

or even in American camps had to have weapons. A few people who live in this compound or guesthouse are military or government workers. So, they had to have those weapons.

3) The communist government used to give people weapons and people have kept those weapons while they were waiting for current the transitional government to disarm the tribes; AK-47 and carbine are common among those weapons.
4) People of Paktia have been armed ever since the independence of Afghanistan and they are dismissed from military service. Having a weapon is not a crime in this province, and yet Paktia province has not been disarmed. Lately its been announced in Gardez that armed people can't walk only inside the city limits, therefore I want you to judge this. One in his own guesthouse and in front of his guests would be armed with guns and hand grenades? If this were not my house I would have not denied it, because it is not a crime to have a gun. Most of the people in Gardez are armed, for this reason it's not a big deal in Afghanistan. I only found out about these weapons accusations in this court. It was unimportant and they did not asked me about it during my interrogations. If I were going to stay in Gardez for a long period of time, I would have definitely acquired a gun personally or would have gotten one from the government for my own protection. And if it were necessary I would have gotten a permit for it too.
5) If you pay attention to the FBI's report, it says that the weapons were found from the compound and not personally from me. Not even from the house where my belongings or my brothers were in. My interrogators showed me the FBI report, if my Personal Representative has that evidence, I would like him to give it to the tribunal.

Tribunal President: It may be in the classified evidence that may be presented later.

*3.a.2. The detainee entered Afghanistan from Iran in August 2003, carrying funds to be distributed to Anti-Coalition Militants (ACM) on behalf of Saifullah Rahman Mansour.*

Detainee: This is not my first trip as it was mentioned in April 2002 in order to visit relatives and to attend the National Assembly to participate in the Grand Assembly in Paktia and the election of the Governor and helping the government. In this trip I was there for three months and few days.

In this trip I did not secretly enter Afghanistan and Gardez. My cousins, brothers and I openly entered Gardez and faced incomparable welcome from the people. Ten cars traveled many kilometers to greet us. As a result, these false reports of jealous people were made against me.

I had on me 350 US Dollars, a few thousand Afghanis, and some Kaldars, which was my travel money. Is this the money that I brought from somebody else? In the accusations it is mentioned that I brought money, which means existence of this money has been proved. Please tell me which money? How much? In where? Who saw it? Who did I give it to? This is imaginary, invisible and psychic money. I am asking the reporter to answer this question.

Tribunal President: She will not be able to answer that. That will be contained in the classified information.

Detainee: That's fine.

Tribunal President: Please continue.

Detainee: Is it possible that one's mind could accept the fact that an educated, dignified, social well known with other dignified people will carry money with him without the consideration of lack of security, theft of the government, would not be scared and only do the transportation of the money?

If you only see my personal life or ask, you would know that I don't have extra money and I don't even know the way of making easy money. On the other hand I only spent two days in Gardez, so what happened with the money? At the time of my welcoming ceremony and during my first two days, I was with government officials and with them was the former security commander of Gardez, Mr. Saeed-ul Hague was present. More important, there are no insurgents against America and there are no operations against the coalition forces in Gardez, because the people of Gardez can live under the shadow of democracy and not fighting. I don't know anybody who is against democracy or who gives money for that purpose. I don't know where Mansour is and I don't have any ties with them. I don't know any insurgent or any group that is acting against the coalition forces. I passed the polygraph about this issue twice. The result of my polygraph test should be in there and I'm asking my Personal Representative to add that to my file also.

Tribunal President: It may very well be in the classified information.

Detainee: Therefore this is unrealistic, imaginary and it is a plot and conspiracy that the collation forces have in Afghanistan. This is a false report that is made in Gardez and was given to Americans to capture me.

*(The detainee requested that the following three allegations be read together. The translator had an outdated version of the unclassified summary of evidence and the third allegation that she had was not on the updated summary. In turn, only two of the allegations were answered together, and the detainee was briefed on this.)*

*3.a.3. Saifullah Mansour is the son of Mulavi Monsour for whom the detainee served as a Mujahedin fighter during the Afghan-Soviet jihad.*
*3.a.4. The detainee acted as Saifullah Mansour's representative in Iran.*

Detainee: Before I start reading again, I want to explain to you that I did do the Jihad, and I did participate in Jihad during Afghan-Russian time. I want you to understand that and if I knew somebody's father then, and that is that Mulavi Monsour was killed thirteen years ago, it doesn't mean that I have ties to Monsour. It doesn't mean that I have ties with his son. They are accusing me of being Monsour's representative. Grammatically, you need to explain to me what do you mean that I was? I was during Afghan-Russian Jihad? I was during Taliban or I was during Mujahedin power? You need to explain that time period. This is an imaginary accusation, if you don't know what that was, for me, then...

Tribunal President: Based on the information we have only from the unclassified summary, we can't tell yet either. We don't know what that time frame was either. So, this is your opportunity to provide us the details to that, if you like.

Detainee: The reason I'm asking these questions, it doesn't mean that I will answer them, I just want you to think about these details, because there is four past grammatically or recent past and when you say was, please think about this.

Tribunal President: I understand what you are saying, and we do take serious consideration to the time element, and when these acts or allegations would have occurred.

Detainee: That's excellent.

Tribunal President: Please continue.

Detainee: Since I knew Haji Abdul Qadir during the time of Jihad, I was with Islamic Revolutionary movement. I was one of the commanders of that Islamic Revolutionary Movement. He was our teacher and he is from the city of Gardez. Since I know him personally, I helped him. If he were with any different group I would have helped him in Jihad against Russians. Among the others the Islamic Revolutionary Movement was a moderate minded Afghani group. When it got ramified, Haji Abdul Qadir got close to Nasrulah Mansour because Nasrulah had control of the area, I have heard of his name before but I did not know him, and I did not know the goal of concept of Revolutionary Movement. I was not a member of that group because one of the conditions to be part of that group is to be a Hanafi Sunni Muslim, and I'm a Shiite. In Afghanistan during Jihad the membership of the parties has fundamental differences with the political parties in the western world. In Afghanistan, every Afghan joined the party according to their regional, personal and tribal recognition and the feeling of defending the country and even military obligation, they joined political parties and they fought along with Mujahedin in order to defend their country. Saifullah Rahman was then a little kid and probably going to school. Even if he was in the frontline, it was not in our area. This was mentioned in the evidence. I have not seen him after the withdrawal of the Russians. I continued with my education and put aside all my political and military activities especially after the killing of Nasrullah

Mansour, the father of Saifullah Monsour, in 1993. I had no connection with any of his family members. Mansour also closed his office after the victory of Mujahedin. His representative and his manager Khado Badshahi-e-Roohani and Qazi Saleem these two parties got together with Molvi Mohammed Nabi and their parties merged again. After Mansour's assassination that was the governor of Paktia, people of Paktia got together and they chose his nephew Latif Mansour as the governor of Paktia. Saifullah Rahman and others like him who were during the victory of Mujahedin were not well known. Even during the Taliban regime he was not in a famous position. He was obscured and had a fake personality. After the fall of Taliban and during the fighting of Shahe Kot, (Shahe Kot is a mountainous area and is south of Gardez.) It was announced through the radio that he was responsible for fighting against the international coalition forces, so his presence was finished in Afghanistan or maybe he was in hiding and when I went to Gardez, his activities were forgotten. Therefore, I don't know anything about his activities and movement.

He was not a political, social or intellectual individual to have a representative and I am not his representative.

Because of their National interest and international defense especially after the killing of Iranian diplomat in Afghanistan during the time of Taliban, Iran was a biggest enemy of Taliban. Taliban never had a representative in Iran. Especially a low level Taliban. Where in the world is such a custom for a group to have a representative in another country? Even if there were any, they would have faced a strong resistance from the government of Afghanistan and the refugees in Iran.

Is a healthy mind going to accept the fact that an unknown individual who found his name from anti peace activities would have a representative in foreign countries? Can logic accept that? A person like me, who is known as an intellectual, political and a social figure by the people of Gardez could be an enemy against peace and democracy?

*3.a.5. The detainee aided the transportation of Saifullah Monsour's family from Afghanistan to Iran to avoid capture by U.S. coalition forces.*

Detainee: About the transfer of Mansour's family, since I haven't had any connection with them during the fall of Taliban and presence of international forces and Shahe Kot's fighting I was in Iran. So I don't know where is his family. I heard from my interrogator in Bagram about Mansour's family being in Iran. It was shocking news to me. Actually, on the first accusation, it was Latif Mansour and I said, "They are in Iran? No way." I have passed the polygraph test here during my interrogation about this question too. I am certain that they and none of Mansour's family live in Iran, because they are very religious and fanatic and they want to raise their children according to the Hanafi faith, which is a school of thought in Islam. They want their children to go to Sunni religious school and their teachers to be Sunni faith too. This can only be done in Afghanistan or in Pakistan. They don't need to go to Iran. And on the other hand, in addition to religious difficulties, they would have a language problem in Iran, too. Because of political and international reasons, they prefer to live in tribal areas, and they are afraid of being captured. Even if

they are in Iran, I swear to God in front of this tribunal with honesty that I don't know anything about their family, Mansour, Saiful Rahman, or any others from Taliban. Even in Iran this rumor does not exist, that them and their family are in Iran and in Gardez also this news and rumor does not exist, I don't know how did your reporter came up with this lie and how have you Americans accepted it? At the same time, I stayed in Tehran during my entire time and refugees were not allowed to travel within the cities, and I never made any trip to these border cities or Afghanistan or Pakistan during this time. Also, due to difference of our opinions about how they operated, I never had any relations with them and I am also not a smuggler and I do not have relations with smugglers. I personally made it to Iran with difficulties. After coming with an Ariana Airline ticket and with that I came up with a visa, and above all when the coalition forces entered I was a refugee in Iran and I was not in Gardez, so how could I transfer their family over there? Did their family commit any crime for the coalition forces to harm them? They are from Zurmat. They might still be there, and I was not even in Gardez let alone Zurmat. I don't know anything about it.

*3.b. The detainee supported hostilities against the United States and its coalition forces.*

Detainee: Mr. President and respected members of the Tribunal! As I have mentioned before, I was a refugee and even after I completed my education due to the control of Taliban, I was earning salary by attending different professions, such as tailoring, driving, personal tutoring etc. But I never became available for the fascist government of Taliban. I always preferred a refugee life over a great position in their government. Upon the fall of Taliban, I decided to return to my country. In April 2002, I came to Gardez and by the support of majority of the people of Gardez I made my way to the Grand Assembly. By joining this national movement, I paid my dues to my people and after the completion of all meetings and gatherings of the Grand Assembly and eliminating some of the province's problems I went to Iran then from there I went to perform Hajj. During my last trip, American forces captured me with my brothers and nephew. If all of these accusations were legitimate, a lot of individuals and political oppositions would have brought this up.

*3.b.1. The detainee distributed money and food to al Qaida fighters preparing to fight U.S. coalition forces.*

Detainee: These accusations are around winter, 2003, which is around February 2003. 2002, I made a mistake, in writing these, all these happened in 2002, winter. The Shahe Kot's fighting was happening in 2002, all these accusations are around this time, 2002. In February 2002, I was in Iran. I participated in different conferences, preliminary conference in Tokyo, WAICO Economical Conference, etc. I was not in Afghanistan, how was I be able to give them money and food? If I went there then every one knows, and if I went there unlawfully (illegally), how does the reporter know all of this? Where did I get the money? I already talked about my financial status. So that means I was neither in Gardez nor gave money to anyone.

*3.b.2. The detainee met with Taliban officials and military commanders in the February 2002 timeframe, to discuss transferring money to support al Qaida operatives preparing to fight U.S. coalition forces.*

Detainee: The earlier translations that were given to me are not clear to me. I thought they are talking about current governments. That's why; whatever is written on my statement I will make changes and the tribunal will have to do the changes later in the translation. I meant the translation wasn't accurate. (The previous statement is from the translator)

Tribunal President: Very well, he can provide the information that is appropriate at this time.

Detainee: In 2002, in addition to that I was there, the existence of Taliban Commanders was in fact impossible, how could this be possible to meet with them and also with governmental authorities at the same time. With which member of the government have I met and where? And how did I get to know the Taliban commanders while in their time, in the time of their power, I was an immigrant. I wasn't even there. So, I don't know any of their commanders. I was a refugee during the entire control of Taliban, and hated them and did not participate in their power. How could I help them after their fall, so they can take control again? I answer to this question in polygraph and passed.

*3.b.3. The detainee distributed Kalashnikov's to be used in the Afghan- U.S. Jihad.*

Detainee: I want to say something before I start reading again. How can somebody distribute, or give anything to anybody while that person is not there. I want to give you an example. If somebody tells me that in 2005 you did something in Afghanistan, I would have the explanation that I was not there in 2005, I was here in Cuba. I have already answered this question and accusation by stating that in fact I was not even in Afghanistan during that time. You know that Kalashnikov is not something invisible and if somebody distributes that, people will see that. So where and to when did I give a Kalashnikov to? An amazing imaginary weapon has been put, defined by your reporter and given to you.

Interpreter: So that you understand, reporter, I think he means the people who did the conspiracy and made a plot against him.

Tribunal President: Yes, we understand.

Detainee: To make it short, therefore, I did not have any relations with Mansour and his family and I had no role in transferring his family and absolutely do not know where are they. I did not have any relation with any group that was against national security or against Afghanistan national interest or against coalition forces and I do not know them.

I have never paid any money to anyone who has operated against national security or to groups who were against government or against coalition forces, nor will I now.

So far, everything that I told you, god is my witness and I'm honest and that everything I am telling you is the truth.

If have repeatedly mentioned that all reports have been falsely registered, so the reporter can receive some cash and achieve his goal which is how to eliminate the opponents and gain trust of international coalition forces. I am positive this conspiracy is the work of experienced individuals and several groups have put their hands together and have taken advantage of the American sensitiveness. The following groups and motives have played a major role in this conspiracy:

1) Powerful communist member of Gardez who run an active campaign within Khad intelligence bureau and media (information system in Afghanistan). In Khad, those intelligence services, the same people who use to work for communist government they are running this intelligence services in Afghanistan now too.
2) Personal political opponents (rivals) and enemies they got together with these communists to make this plot against me.

American sensitiveness towards the security of their troops (forces), the situation in Afghanistan and sensing the danger from enemies. I want to draw a detailed picture of this conspiracy. My return to Afghanistan and amazingly being greeted by the people, the Americans apparently have acquired immediate information about us from their spies. When we arrived, lots of people welcomed us, and we were well known and well noticed there. My cousin paid lots of poor people, and it drew the attention of the Americans to who we were. They asked questions about it. That's part of the culture: every time somebody goes to Hajj, and when they return back, people will come to meet them and talk to them. As for the four people, it was me, my brother, and my cousins. When the communist supporters noticed this sensitivity, by plotting a conspiracy, they created imagination for the Americans that a dangerous person has arrived. And by false reports, they have injected worries in the American minds. And they have mixed imaginary and confusing relations with the facts and the dangers that were facing the Americans. And they were simply worried about their money. They have actually forgotten that I was a refugee during the Shahe Kot war. Even if I were there and had minimal activities against coalition forces, they should have reported it during the Loya Jirga (Grand Assembly). At that time, the United Nations was getting information about everyone. At the same time my friends and relatives were side by side with the government and coalition forces. Among the top, my cousin was the commander of security for the city of Gardez. Money loving reporters simply have created these reports because the Americans were in sensitive situations, and they drew wrong meanings from my jihad and being a refugee in Iran and injected them into Americans mind. Otherwise, everyone knows that I did not only work for Taliban and I am not for them even now. I also had fundamental differences, difference in beliefs and different schools of thoughts with them and never participated in their power and had no ties with any of their members, not with Saiful Rahman Mansour or anybody else. I want democracy for myself, my relatives and entire people of Afghanistan.

I thank you for listening to my statement. I don't have much to add, but I just want to show you three letters, from my families that I have received here. They might help me

with my case to show that I'm an innocent person. I want to prove three things with these letters. First of all, I want to prove that my family, we have nothing against the United States, and the way we think, the way we look at things, is almost the same as Americans. Then, the way we look at women, and how much we respect women. My wife is an educated woman. My family, I have three nieces that right now are going to college. My daughter is attending school, too. The third thing that I want to prove that on these letters, my brother's letter that they were shocked that I was captured, and that I'm innocent. Do you want me to read it, these letters for you?

Tribunal President: I'm going to ask the Personal Representative, do we have those letters marked as exhibits, turned in yet?

Personal Representative: No, Sir. We can make copies.

Tribunal President: Yes, let's see if we can do that. Make copies of these letters and then they can be turned in to us as exhibits on your behalf.

Detainee: I have mentioned about these letters in my follow up, two days ago, to my representative and said that I can just bring them today to my tribunal.

Tribunal President: That will be fine. But, once we take those, we will keep them, and then they will become a record as part of this tribunal and you won't get those back. So, we will make copies, so you can keep the originals.

Detainee: Thank god I have received a new letter yesterday. So, that's an extra proof. I got my son's pictures too. I'm very happy to see their picture.

Tribunal President: I'm certain you would be, it's always good to receive mail no matter what situation.

Detainee: Do you want me to read my last closing statements now, or after when we talk to the witness?

Tribunal President: We will provide you an opportunity for a closing statement after we bring the witness in. But, we may have some questions. Of course we will want to bring the witness in, to allow him to testify on your behalf. Is this the conclusion of your statement at this point?

Detainee: I have a lot to say Sir yet.

Tribunal President: Do you want to say this before we hear the witness? We will give you an opportunity after the witness has testified.

Detainee: Can I read half now and half later?

Tribunal President: If you would like, certainly.

Detainee: You're lucky I'm not a lawyer. I didn't go to law school, and I went to medical school. You would've been in real trouble if I 'd gone to law school. I don't have anything to provide, other than my verbal, whatever I say. I don't have any evidence. This is the only way that I can prove my honesty and my innocence.

Tribunal President: We understand.

Detainee: Right now, there is an establishment of democracy in Afghanistan. I'm an educated man and my brothers are too. My wife is an educated woman; she has studied economics. Her biggest wish was always to work in Afghanistan. Our wish is, the way we look at things, and our family, everything can be achieved only by peace and democracy. Not by fighting, we understand that. We believe in our current government and democracy and we understand that we can have a comfortable life and we can achieve our goals and wishes only with this government. This is the kind of government that we always had hoped for, desire to have this type of government. That's why after eighteen years of being a refugee, we decided to return to our countries and now two of my brothers they returned to Afghanistan. You know that educated people, they become immigrants from their countries, only when they have some problems with their governments. We have problems during the Taliban regime. That's why we left the country. Now, we are returning back to the country, that's logically been proved that we have the problems with them, and not the current government. During the Taliban regime, even to collect our stuff from our house, we didn't bother to go back to our country, because a lot of our things in our house were looted, by people and the Taliban. There's a question of why I was captured, and now detained. This is a question that I would like to answer. In Afghanistan, in Paktia, there is a lot of jealousy. During the jihad, from the jihad time, until now. There is an animosity between communists and Mujahedin, Pashto and Farsi speakers, between Shiites and Sunni's. Between educated and non-educated people. Between the radical and educated people. Also, when we left our country during the Taliban regime, we have some properties, shops, and other properties that people just took over, and they know it. We go back, the government will give our property back to us. The goal and aim of those reporters who reported me and made a case against me and gave it to the Americans, they have a few goals that I'm going to tell you. They draw a picture; a very good picture and they wanted to get rid of their political opponent, which was me. Those people, those communists, everybody hated them in Afghanistan. They didn't have a good reputation since then. Now, they have opportunities to act like American friends, and they act like current government friends. Also, it's very common that whoever gives any kind of report to the Americans they immediately pay them money. Those communists, you need to know, they haven't forgotten their animosity with the western world. So, what they are doing, what they are trying to use and they are trying to use the petition of people who are trusted by local people. That way they will do some more damage to the coalition forces. They want to take their personal revenge because during the communist regime, we were fighting against the communism, and they couldn't kill us, they couldn't get rid of us then. So, sometimes, they tell us that they will send us to Cuba, they want to take their revenge of that time, now. They always threatened the Mujahedin and their political opponents

very clearly that we will do something to send you to Cuba. The rest of this stuff, I will talk to you after the witness.

Tribunal President: Very well, thank you for your testimony. It was very well structured and made a lot of sense, and was in great detail. Thank you. We may have some questions for you, and then we will call the witness in.

Detainee: I'm ready to answer all your questions.

***The Personal Representative and the Recorder had no further questions.***

Tribunal Members' questions

Q. In your own opinion, whom do you define as members of the Taliban?
A. Talib is a religious school student, who studies religion in school. The Taliban is different than Talib. In my personal opinion, in my belief, the Taliban's were hired by foreign countries just to put more damage into our national interest. They did not know anything in how to run a government, they didn't know how to treat or deal with people. They were very narrow-minded people. The most important thing, that they could not see the real Islam. They couldn't see the inside, real meaning of Islam. Unfortunately, they introduced Islamic as cruel religion to the world, and that's how they damaged the reputation of all Muslims all over the world. On top of all this, they were kind of fascist regime, who loved their own language and only their own people. Except themselves, they didn't like anyone else to live; they would say that other people, and other nationalities or religions that they have no right to live.

Q. How would you tell if someone was Taliban or not?
A. From their beliefs, thoughts, and their practical activities, whatever they do.

Q. You were elected to represent a group from Gardez?
A. Yes.

Q. This is when you came back from Iran to Gardez in 2002, is this correct?
A. Yes, it was in April when I was a candidate myself. In May, I was elected, and it was in June of that year the National Assembly was in Kabul.

Q. Clearly you had communication with people back in Gardez, while you were still in Iran so they knew who you were when you ran for this office, is that correct?
A. Actually, people knew my family, myself, they knew the history of our jihad against the Russians. They remembered us as anti-Taliban. They trusted us, because of our past history of our family. I wasn't the only one who came from a foreign country who elected himself. There are people who came from Germany, it was a national process, and they candidate themselves along with me. So, it was a national process.

Q. The name of the city you lived in Iran, or did you live in more than one place?
A. Taron.

Q. Which medical school did you study in?
A. Taron medical school.

Tribunal President's questions.

Q. You had mentioned that when you were captured you were arrested with brothers and nephews?
A. My cousins. Yes.

Q. Were they further detained like you or were they released?
A. They were released immediately in the city of Gardez. One of my brothers is an American citizen, so they released him immediately. I wish I were an American citizen; they would've released me then too. I'm an Afghan, that's why I'm detained here with out any...

Q. When did you start medical school in Teheran?
A. 1969 of our calendar, there will be twenty.... so, I finished in 1997-1998.

Q. Between 1997-1998, until you entered Afghanistan in April of 2002, did you go back to Afghanistan during that time?
A. No, I never went there during the Taliban regime.

Tribunal President: At this time, let me explain to you how the witness process occurs. We will have the witness brought in, and I'll ask him to state his name for the record. The Recorder will administer the oath. At that time, then you will be allowed the first opportunity to ask him questions to get him to present information that you think is relevant to your case. Then the Personal Representative, the Recorder, and the Tribunal Members will be able to ask questions. Please keep in mind everything needs to be translated, and please allow time for that as you are asking questions. Do you have any questions?

***The Tribunal President does not call for a brief recess while the witness is brought into the room.***

Detainee: Yes, I want to ask you a favour that there are a few points that I want you to listen in this tribunal. (He asks the interpreter to interpret a few main points of the letters)

Tribunal President: Yes, of course.

***The detainee and witness exchange greetings.***

Tribunal President: You are here to testify on behalf of Said Mohammed Ali Shah. Please identify yourself.

Witness: My name is Mohammed Aman son of Haji Rahamdan (ph)

Tribunal President: Said Mohammed Ali Shah, is this the witness that you requested?

Witness: Yes.

Tribunal President: Very well, thank you. We have a prepared Muslim oath for you to take.

Witness: That's fine.

***The recorder administered the oath to the witness.***

Tribunal President: You may ask the witness any questions that you might have.

Detainee: When I and my family were immigrants in Iran, when was that? Was it during the democracy, during the Mujahedin, during the Taliban, when was that?
Witness: It was a long time ago. You and your family you were immigrants in Iran in the time of Russian occupation and Jihad against Russians.

Detainee: When did you see me in Afghanistan, after Jihad or after immigration?
Witness: After fall of the Taliban regime, I saw you in the time of election and Loya Jirga national assembly.

Detainee: When I came to Afghanistan in 1981, and then after fall of the Taliban, did you see me ever in Afghanistan or Gardez when the time of Taliban and the gap between these two years, these two periods?
Witness: No, I haven't seen you there.

Detainee: Have you seen me in the time of Shahe Kot war in Gardez approximately February 2002, or have you heard of me being there during that time, during that war, have you seen me giving food or weapons to anybody, or have you heard that I have been giving food or giving weapons?
Witness: No. In the time of Shahe Kot war, I haven't seen you at all, in that area at all. I never heard you being against current government or coalition forces.

Detainee: Have you seen me or have you heard that during that time I was seeing Taliban's commander, I had meetings with them, or I was distributing Kalashnikovs, AK-47 to the people. Have you seen me or have you heard me do this?
Witness: There weren't any Taliban commanders. The new government had control of that area and there weren't any Taliban commanders and I never heard, never saw you distributing AK-47's to anybody.

Detainee: Have you seen me or do you at least think or have you heard that I was helping Monsour's family in their transition to another country?
Witness: I've never heard of that.

Detainee: In the compound where we lived, was I living by myself or did I live with my cousin?
Witness: In the city of Gardez, the Province of Paktia, nobody has their own private houses. Usually ten families live together in one place, and that's the same case with them. He used to live with all of his family and cousins together.

Detainee: Have the people of Gardez, the Province of Paktia, have they been disarmed by the current government yet, or having their weapon, is having a weapon a crime in that area?
Witness: In the city of Gardez, province of Paktia that is from long, long, time ago having weapons is normal; it's a cultural thing. It's very normal for everyone to have weapons, especially now, becoming the communist regime, then the Taliban. All this fighting some people sell their cows and their animals for weapons for their safety and security.

Detainee: Does the current government and security, military organization, do they have enough weapons? How about the people who work for them? How about them, where should they get their weapons?
Witness: After the fall of the Taliban, we had a tribal assembly, and every tribe had to defend themselves. Every tribe had to introduce their security officer to their current government, the transitional government. Every tribe had to provide their own weapons for their own safety to the government.

Detainee: I'm asking you clearly again. The people who go to work for governments, or for the American campaign, do they have to get their own weapons and go there?
Witness: I already told you, yes. Everybody had to have their own personal weapons in order to work for the security forces or the government.

Detainee: Was I the people's representative and Loya Jirga Grand assembly?
Witness: Yes you were.

Detainee: Thank you.

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

Personal Representative: Just one clarification. I just want to make sure, when he was a refugee; he was a refugee during the Taliban also?
Witness: Before the Taliban, before Mujahedin, in time of Communist. Yes, during the time of Taliban regime he was a refugee.

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

Recorder: Yes Sir. Could you please explain how you know the detainee? What relationship do you have with him?
Witness: We both are from city of Gardez and province of Paktia. We both went to school and we have seen each other and we live close together. In the time of songs and

happiness are families are together. Our villages are separate, my village is separate from his village, he is Shiite and I'm Sunni.

Recorder: This is for the record, when and where were you captured?
Witness: I don't remember the time; it was long before he was captured. That was 19 months, less than 2 years. 19 months since I've been here.

***The Personal Representative and the Recorder had no further questions.***

***The Tribunal President nor the Tribunal members had no further questions.***

Tribunal President: I don't think we have any further questions. Therefore, I'd like to thank the witness for participating today.

Witness: Thank you for having me.

Tribunal President: At this time, the witness is excused.

***Tribunal is recessed until after witness is removed from the room.***

***Tribunal is reconvened with out the witness in the room.***

Tribunal President: Said Mohammed Ali Shah, do you have any other information or evidence that you would like to present to this tribunal?

Detainee: Yes Sir. First of all, I want my Personal Representative to provide the tribunal the written statement of one of my witnesses and then I have some other stuff to tell you.

Tribunal President: Very well.

Detainee: But, first of all I'd like to introduce my witnesses. So, the members of this Tribunal would have an idea why they are related to me, and why did I choose them as my witnesses. Mohammed Amar, he had finished his education and he was training at school, and he used to work as a Captain for the communist government. Then he became an immigrant during the time of Taliban. When Mujahedin came to power, I mean during the time of Abani government, he returned back to Gardez. He is a very respectable person in the city of Gardez, and he is known for his honesty - a man with dignity. That's why he was a representative for his own people in the city level assembly in Gardez. During the Taliban regime, he was in Gardez. If I were gone to Afghanistan, in Gardez, during the time of Taliban, he would've seen me there, because he was there. About my second witness, my Personal Representative will provide the written statement. He was the security commander for the province of Paktia during current democratic government. This witness fought along with the coalition forces against the insurgents. In time of jihad against the Russians, he was fighting against the Russians as a foot soldier. The security commander of Paktia, they are responsible for all the branches, whether it's intelligence, or punishment, and the other branches that are used for security reasons. If I or anybody else

would've done anything that would be related to security, that witness would've known about it. With all respect, I'm asking my Personal Representative to provide the tribunal with the statement.

Tribunal President: Very well, at this time, if the Personal Representative if you have any other evidence for the detainee, or on behalf of the detainee you may present it now.

***The Personal Representative enters Exhibit D-b, statement of detainee ISN 1100.***

Detainee: That's fine.

Personal Representative: I do have further exhibits.

Tribunal President: We are ready to receive those additional exhibits.

***The Personal Representative enters Exhibit D-c, Internet article concerning the elections in Afghanistan in 2002 pertaining to the detainee's timeline. Also entered at this time is Exhibit D-e, letters from Detainee's family.***

Tribunal President: Very well, thank you. Now, for the record, I acknowledge the receipt of Exhibits D-a through D-e, submitted on behalf of the detainee. In reference in Exhibit to D-e, the letters that the detainee made reference to. At this time, if he would still like to he can identify excerpts from those family letters.

Detainee: The first letter is from my brother that I introduced as a witness from Iran. After saying hello and stuff like that, he's writing that the only problem that we have is that you are far away from us. He is reading something from Koran there, that means, the jest, that you're away from us, that's the only problem. The meaning of that is that after every tough time, there will come an easy time. Since you were detained, without any reason, just because somebody said something about you, god will make it easy for you later. Then, my brother wrote things about my family and some information and the end he's writing this. My brother, I know that you have great patience. That brother is actually my older brother. That is why my older brother is writing to me to be patient and I know that you are a very patient man. Have faith, and I have faith that since you are innocent, with the help of Allah, you will be released. This is a letter from my older brother, and I thought these two parts were important to tell you.

This is a letter from my brother. The one, Dr. Ishmil (ph), as I mentioned earlier, he was with me in Iran, he went with me to Hajj, he came back, he was captured and arrested with me then he was released and he went back to Iran and brought his family back to Afghanistan. This letter, he wrote this letter while he was Iran. I have some other letters from him that he wrote from Afghanistan. We didn't have many worries about you, because you are in a place where there is no cruelty when there is no pressure on you, and there is justice for you. I'm certain that they will treat you according to the law and according to the justice. Since I know that you are innocent, I'm one hundred percent sure that they are going to release you and I'll have the chance to see you again. It's a

misunderstanding, it's a big misunderstanding and with the help of Allah, it will be solved. We all get together in Gardez, because praying to Allah; we have a government that is in control. We don't have any worries, there is a part that has been crossed out, so I don't' know what is written here. We are all ready to serve our people and the government.

The other letter is from the same brother Dr. Ishmil (ph) but the letter that he sent to me was from Iran. My brother, we are sure that you are fine, because you are in a place that is safe and secure. You are with peace loving and democratic people. We don't have any tensions about you at all. We know that they are not going to help people without any reasons. The only thing is that bothers us is that you are far away from us and we can see you, with the help of Allah one day, we have the opportunity to meet each other again.

I'm providing you with these two letters, using like a witness that I am innocent man, and my family knows and they have faith. The other letters show how our family and we think about the western world and the Americans and our current government. We don't have any worries about you because you are in a safe place you're in the hand of people who are justice and they are not cruel, they didn't commit any cruelty to anybody. Again, that's from my doctor brother.

This letter is from Iran, and my brother indicates that with the help of god, I will return back to my country. Thanks to our friends and the coalition forces, there is peace and security in Afghanistan. There is work, and there's opportunity for us to serve. So, we all could participate in rebuilding our country. With the help of Allah, we are going to help and serve our good people.

My brother sent this letter from Gardez that says this is Dr. Ishmil (ph) with the help of god and of our Islamic government and with the help of the coalition forces we are all security and we don't have any worries about you because we are certain that you are in safety and there's no cruelty or torture for you. They again scratched out something very important that I can't read. One day, we are going to sit together. Also, in the end, he writes that me and my family and Olagoh (ph) is my older brother and his family we all return to our country and currently we are in good days, and we opened that drug store and a clinic and I hope that before you receive this letter I hope we will see you back in Afghanistan. The reason we all three are doctors we returned back to our country me, my brother and my cousins, it is our dream to open our own clinic.

This is my wife's letter, which shows that my wife is an educated woman. The other one is my niece, my niece's letter, please read that for me. Also my niece is writing that my sisters Falajon (ph) and Wahelajon (ph) they are busy with their schooling and studying. God willing, I'm going to go to college next year. The rest of the girls, they already finished one class and everybody is now going to a higher class. This letter shows that all the women are educated in our family. This is from my niece, Hadeezah (ph).

This letter is from my cousin, who is my son-in-law too. My cousin wrote to me. Don't worry about Hajajon (ph). Hajajon (ph) is my daughter. She is going to the third grade of school. My dear brother, Olagol (ph) and Dr. Ishmil (ph) with their families they returned

back to Gardez and they are very happy and satisfied there. Syad Shah (ph) the one that earlier I read the letter, Cozwene (ph) which is a city, is busy with his work. Me, myself, since you are not here, you're family problems, I have to take care of your family, I haven't made the decision to leave. Not until you arrive back.

These letters clearly show how me and my family think about the current government and about people. I had some more witnesses, that unfortunately I can't reach.

The United Nations and the other responsible authorities in that election time, they chose me, the United Nations chose me, to talk to the people, to encourage people to participate in the process of the election. I have the videotape of that, I have it with me back home, and also the United Nations and the authority will have the videotape too. My speech, on that video tape on top of thanking an addition to the coalition forces and their existence in Afghanistan and in encouraging the people I told my people that it was my dream for the past 40 years to come and vote in my country and my dream actually came true today. Even the United Nations authorities they were telling me, the way you handled the elections in the city of Gardez we haven't seen that in any other city.

Mr. President, I want to thank you for being so patient in listening to my statement and I apologize for making you tired, but, in the end, I want to tell you the details of my capture.

The accusations that were against me, and they were very general and very controversial. These kinds of accusations are good for the media and for the television for those purposes. The reporters who gave these reports against me they actually should have gone to the radio station or T.V. station to give that report, the way that they did it. Those reports are not good enough for a powerful organization, intelligence organization like the United States where they are powerful judiciary, court system that you have. These reports should not be good enough for you to just capture somebody and detain. My personal opinion is that one of the reasons that I was captured is because the level of knowledge of those Americans in Afghanistan, or the information is so low that they didn't know many things about our country. Or they have the wrong pictures and the wrong information about our political and social life and situations in Afghanistan. The most important point is money. They always give money to those who bring any kind of reports. People take advantage to that, and people are use to that. Anybody who wants to make money, they will run to the Americans and say something about someone. People of Afghanistan, they know about this weak point about Americans. They are using it big time. The personal enemies, what they do, they would give money to a third party and make the third party go and complain to the Americans or give some reports about their enemy. I still don't know, and it's not clear for me, what is my accusations against me, what was my fault, why for 1 ½ years I was kept away from serving my country from participating in second Loya Jirga that grand assembly, from being away from the election that was going on in my country. Is it my fault, or is it my sin, that I fought against the Russians and I saved the world from Communists? It's a question that I don't the answer for it, I'm just asking you. What is my fault, was it that I didn't participate in the civil war that was going on between the Mujahedin group? I quit all military activities, and instead I went and continued with my education so later on I could become somebody and serve my country. In the time of

Mujahedin's power there was lots of fighting between the different warlords. Or maybe, this is my sin that I didn't associate with the Taliban, or that I didn't work for the Taliban in the time of their power. Or maybe this is my fault that after the establishment of democracy I returned back to my country, to serve my people and help my people and our national security with the process of the Loya Jerga that Grand National assembly. Or maybe it's my fault because my people love me and they think of me as a good servant or maybe because I'm an educated man and I belong to an educated family, or maybe because I was a refugee in Iran? A refugee in Iran who preferred to work very low level jobs instead of working high level jobs for the Taliban. Or maybe I'm here because I returned to my country for the second Loya Jirga, Grand National assembly which was about our constitution and carrying all other educated people and especially I was trying so hard to work in the organization of the other second Loya Jirga. The other two people the other people, including my brother and my cousin, Dr Ishmil and Dr. Risah, they came with me and they are still there in Gardez. Or maybe it's my fault I've never been a traitor to my country. I've never stolen anything from our National Treasury and I've been a good servant to my people. The people accepted me and accepted this fact and that's why they chose me as their representative. So, these jealous, harmful and money loving people, these spies, they created a fear for you. They created a fear through that plot. In your country is it normal, to keep someone for 1 ½ years just because somebody gave a report against them, without having any evidence? Or, it is just us, the Afghans, that everybody should come and beat us up. From our friends, we have to get punishment from our friends, and from our enemies. Because the bullet, the Russian bullet still exists in my neck. That's a gift from the Russians, and I consider Russia our enemy. These handcuffs and this uniform is a gift from our friends, from you. We have a subject in school called logic. Methodology. They would make a wrong and true story and at the end they would get a conclusion how logically how true it would be. That subject, as an example, what they will do, they would give a very good beginning and then a small controversial story, and in the end they would get a wrong result. For example, they would say that there are some rats inside the wall. The rats got ears, so the conclusion is that the wall has ears. The tree is tall, Ahmed, is the name of a person, is also tall. So, Ahmed equals tree. Ahmed can be a tree. This is the logical point of my capture. I lived in Iran, and Iran is an American enemy, so I'm an American enemy according to that logic. I was with Nasurallah Mansour in the time of Jihad, and now, Saifullah Mansour is the son of Nasurallah Mansour. They are now accusing me of having ties with the son of that Nasurallah Mansour. I was in Iran, and Mansour's family was in Iran, so maybe I transferred them to Iran. That is how logically you are getting wrong this conclusion. Maybe Mansour had a representative in Iran. Since I was in Iran, the conclusion is that I must've been his representative. Maybe they found some weapons in that compound where I was captured. Since I was captured, now they are accusing me now of owning those weapons. I don't have anything else to say other than... We have example when you say to somebody that a dog bit your ear and took your ear away, and that person gets panicked. Instead of checking his ear, he just runs after the dog. Somebody said something about me and before any investigation they just run after me and just arrested me. I've been only 2 days in Gardez. Only 2 days. I don't have anything else to say, and I'm sorry that I made you so tired.

Tribunal President: No need to apologize. We were here this afternoon for you.

Detainee: Thank you Mr. President, thank you Personal Representative, and you, Miss translator, and your co-workers.

***The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal.***
Detainee: The only contact that we have through our family is our letters that the Red Cross delivers to us.

Tribunal President: The International Committee of the Red Cross.

Detainee: Even if there was something important they just cross it, and we can't even read it. How are we going to contact our families?

Tribunal President: The military officer who would be assigned at that time will assist you in that respect.

Detainee: I just want to ask you a question. What is your personal opinion, I'm not asking about your decision at the end of this Tribunal, but what is your personal opinion about my case?

Tribunal President: I can answer your question in this way. We have taken an oath to be fair and just. I indicated earlier we have come in here without any preconceived notions and with a clear mind. We have not seen your file, prior to coming in today. All the information that we are aware of at this time is what has been presented to us, so far. We will take this information, evidence, your testimony, and any classified information that is available and only then, after we have reviewed it very closely and have discussed it among the members of this tribunal, then we will make a decision. We will prepare a final report that we will send up to the convening authority for his review and within 30, no more than 60 days, you will be notified of the decision after the convening authority has reviewed our report.

Detainee: That's all I wanted to know. I'm certain the way you took the oath and the honesty you do your job, I have faith in god, and I've been honest and I told you everything, the truth and we believe in the same god and my hope is this tribunal, my hope this tribunal that hopefully you will make the decision to release me.

Tribunal President: I thank you again for your testimony. I appreciate it very much. I want to personally thank you for your courteous and kind participation today.

Detainee: I'm always courteous to everybody especially, since I have a lot of respect to people who believe in justice. I was planning to stand up in order to show my honor to you, but since Miss translator told me not to do that I was sitting all the time.

Tribunal President: Thank you, I understand, and I did notice that, but we don't require the detainees to stand.

Detainee: Thank you all Tribunal members, again my respects to everyone here.

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

## AUTHENTICATION

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

(b)(6)

[redacted]

Detainee 1100 statement on behalf of Detainee 1154

Regarding the allegation that he is associated with the al Qaida or Taliban. We both fought against the Russians during that time. He was there for a year or two and was a leader of a small group. We were both in different groups, my group leader was Abdul Samay. We knew each other, but not in a big way, he was a leader and I was a foot soldier. When the Russians left Afghanistan, about 1 to 1 ½ years later he went to Iran. When we asked people about him, they said that he was a doctor and had gone to Iran to continue his education. During the Taliban time, he was not in Afghanistan. When the National Assembly was met to elect Karzi, he came back to Afghanistan to be the peoples representative from Gardez. The election was in June of 2002. I did see him once or twice about 1 to 1 ½ months prior to the election. I can testify that he was not Taliban or al Qaida, I fought the Taliban and knew he did not support them. Because of his selection as the people's representative, he made enemies and that is why he is here now. He told me that he came back to Afghanistan to open a clinic or pharmacy.

**Summarized Unsworn Detainee Statement**

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

Tribunal President: Oibek, do you understand this process?

Detainee: Yes, I do.

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

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

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

Detainee: That's fine.

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

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

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

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

Detainee: I would like him to read my statement.

***The Detainee did take the Muslim oath.***

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

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

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

Detainee: These allegations are not true.

Personal Representative: May I?

Tribunal President: Yes.

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

Detainee: That's fine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tribunal President: Does this complete your statement?

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

Tribunal President: We will ask you some questions.

***The Personal Representative and the Recorder had no further questions.***

Tribunal Members' questions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q. November 1999?
A. Approximately.

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

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

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

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

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

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

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

Tribunal President: You speak English?

Detainee: Yes.

Tribunal President: A little bit? Hepatitis C?

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

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

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

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

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

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

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

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

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

Tribunal President: Do you have any other comments?

Tribunal President: Personal Representative, do you have questions?

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

Detainee: Tajikistan.

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

Tribunal President: I see. Okay, thank you.

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

Detainee: Where are going to send me, exactly?

Tribunal President: Is Uzbekistan your country?

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

Tribunal President: Where are they?

Detainee: They are in Saudi.

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

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

Tribunal President: Where do you want to go?

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

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

## *AUTHENTICATION*

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

(b)(6)

[redacted]

**ISN [redacted]452DP Statement**

I was in the Uzbekistan Army for two years. After I left the Army I told my brother, who was a businessman, that I wanted to marry. He said he would give me $600 US to get married and buy a car. He said that he needed to go to Tajikistan for business and to collect money and that I should go with him. I left Uzbekistan with my brother to sell some Uzbekistan products in Tajikistan but I was tricked. My brother was running from Uzbekistan and took my passport so that I could not return to Uzbekistan. He didn't want the Uzbek government to arrest me as a hostage to get my brother to return to Uzbekistan and face arrest. My brother was jailed once before in Uzbekistan for growing his beard long and going to a mosque.

Around 1999 I immigrated to Afghanistan from Tajikistan along with about 200 Uzbek families. A "big boss" came to where I lived in Gharum, ~~Uzbekistan~~ Tajikistan in a car from Dushanba, the capitol of Tajikistan. He said that the Foreign Minister of Uzbekistan, Abdul Aziz Kameluf, would not jail them if they returned to Uzbekistan. I believed him so my wife, mother and I went with him in his car. He took us to another place in Gharum where there were about 200 other Uzbek families. Then we were transported by bus 1 ½ to 2 days to a Russian military compound in the desert near the border where a high-ranking Russian general was waiting. Using a boat and later a helicopter when the boat broke down they transported all 200 families across the River of Amu. At that time we thought we were going into Uzbekistan but when we all got on the other side of the river the Tajik person said we were now in Afghanistan and were on our own because Tajikistan was cleaning house of Uzbek immigrants. Many argued with him because we did not want to be left there. The man threatened to kill us if we didn't stop complaining. We had no weapons. I think we were in Ahmed Shaw Masoud's area of Afghanistan.

Two days later a Tur Kmani man found us and warned us to get away from the border and head into the villages for safety because of the Afghan war. They did and after a day walking we reached the nearest village, Tur Kmans. We stayed there five days and cars from Afghan Uzbeks came and took us to the city of Kundoz where we got lots of support from their hospitality. There was an older man in our group called Saimudin who made the decision to move to Mazar-e-Sharif because there are lots of Uzbeks there. Once there, we were allowed to stay in some vacant houses in the Said Abad area of Mazar-e-Sharif. We were told we had to conform to certain rules – let our beards grow, go to mosque five times a day – or we would be punished. I missed a few morning prayers and was punished. I argued with Saimudin about their rules and refused to follow them. He said that if I did not follow the rules I would go to jail or have to leave. I chose to leave. I left my wife and mother and went to Shebergam because of the number of Uzbek people there to set up a place to live and find work. Shebergam is the headquarters of General Dostum, an Afghan/Uzbek warlord who fought against the Taliban. I got some money from the Uzbeks and I started buying and selling sheep to earn money.

I inquired about going back to Uzbekistan but had to travel through Turkmenistan and I needed a passport. I went back to Mazar-e-Sharif to visit my wife and was confronted by Saimudin who wanted to know why I came back. I gave my wife some money and went back to Shebergam. Six months later I had a place and went back to Mazar-e-Sharif to get my wife but all the immigrants were gone. I heard they were taken to Kabul so I went there. I spent two months looking for them in Kabul and eventually heard they were taken to Lugar. I went there and found them but wasn't allowed into the camp. I explained that my wife and mother were there so they let me in but I had to leave by 12 o'clock. I didn't and Saimudin confronted me again, suspecting me of being a spy. I believe the IMU was supporting the immigrant camp at Lugar. Saimudin told me to take my wife and mother and leave. We started the journey back to Mazar-e-Sharif because it was now under the control of General Dostum [Northern Alliance.] But my wife was seven months pregnant so she could not complete the journey. I left her with my mother in Kabul and I continued on toward Mazar-e-Sharif to get established and would later come back and get them. Because

**of fighting I wasn't able to get through to Mazar-e-Sharif. I stayed in a hotel for 1-2 months waiting for the fighting to stop so that I could get through. One of Dostum's generals came to the motel and questioned me. I told him I wanted to see Dostum in Mazar-e-Sharif but I was told he is too important now and could not see me – he was in Kabul. Instead he would take me to the new governor of Mazar-e-Sharif. I got into a military car but instead of going to Mazar-e-Sharif the car turned toward Baghram Air Base and took me to Gen Fahim. At the Air Base U.S. forces surrounded the car. I was interrogated and detained and have been since.**

**Summarized Unsworn Detainee Statement**

***The Tribunal President read the hearing instructions to the Detainee. The Detainee confirmed that he understood the process and had a comment and a question.***

Detainee: Sir, I'm not a combatant. If I can tell you guys my story, I hope you guys listen too. Let me tell you my entire story; please give that time.

Tribunal President: Certainly. We are here to hear your story and your statement as it applies to the evidence against you. And we will give you an opportunity for you to make your statement here in a few minutes.

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

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

***The Tribunal President stated that the Detainee wants to participate and that he will make an oral statement and that he has requested one document from the International Committee of the Red Cross. The Tribunal President has ruled this document relevant. The document has been produced and will be submitted and received as evidence on the Detainee's behalf later on in the Tribunal session.***

***The Detainee did want to take the Muslim oath.***

Detainee: How would you want me to start, with my story?

Tribunal President: The Personal Representative might be able to assist you to make comments in regard to the unclassified summary.

Detainee: That's fine.

Tribunal President: After that, you can add whatever you would like.

Detainee: Thank you very much.

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

*3.a. The Detainee is a member of al Qaida.*

*3.a.1. The Detainee claims Syrian citizenship.*

Detainee: Yes.

*3.a.2. The Detainee lived in the United Arab Emirates and traveled to Afghanistan.*

Detainee: Yes.

*3.a.3. The Detainee traveled to Afghanistan in January 2000.*

Detainee: Yes.

*3.a.4. The Detainee traveled to Afghanistan for the Jihad.*

Detainee: No.

*3.a.5. The Detainee is a member of al Qaida.*

Detainee: No.

*3.a.6. The Detainee trained with the al Qaida terrorist organization.*

Detainee: No.

*3.a.7. The Detainee trained at al Farouq training camp in Afghanistan, January 2000.*

Detainee: Yes, that happened.

*3.a.8. While at al Farouq, the Detainee received training on small arms, mountain tactics, topography, and jungle/guerilla type warfare.*

Detainee: No. It was just small weapon training, that's all. Not all of it, just 18 days.

3.a.9. *The Detainee volunteered to be a suicide martyr.*

Detainee: No.

3.a.10. *The Detainee is associated with an al Qaida weapons specialist, who possessed his own poisons and explosives training camp.*

Detainee: No. We were in prison together. They accused us of being American spies. I didn't have any money in prison. He threatened me one day that he was going to kill me. He told me he was an expert, an explosives/poisons expert. Because of him, I am in prison. He said that I knew him. There's nothing between us.

Tribunal President: Is there anything else you would like to add or expand on? You are welcome to do so at this time?

Detainee: Sir, I was a prisoner of Taliban and al Qaida. They accused me of being a spy, because I used to be with them. In Bagram, fighting, because I went to administer, I just turned and ran away from my father. But, they caught me in a border city and they put me in prison. And if you get tagged as Taliban, they forced me, tortured me to say I'm an American spy, or spy for any intelligence service. So, if the interrogation people said that, that's proof of a lie. The testimony is that I'm not al Qaida, that I'm not a murderer, or Jihad for others. I must be a coward. I must pray for those people in this world. (Very inaudible and broken.) I'm not al Qaida.

They tortured me, and I lost my fingers. Now my hand, my right hand, it's numb, you know, I lost my hand because of them. Because of them (Taliban), they tortured me for three months. How long would I be with them? Does this mean I'm with them? That doesn't mean if I'm with them, or their brother as they said, brother Abdul. I'm not going to be tortured for three months. They then took me to a prison, and told me I'm going to be a prisoner for twenty-five years, at least. If I'm their brother or member, they aren't going to put me in prison like that. I mean they accused me of being a spy. And here, you guys accuse me of being al Qaida. No mercy. Who am I? From you, I want tribunal justice to say either al Qaida or a spy; I want to know who I am. Seriously, I was in a Taliban prison forever and they told me I would be a prisoner for twenty-five years. So, even if you say al Qaida, or no al Qaida, or accuse me of whatever you accuse me of, I'm going to be in prison forever for something that happened in the past. You take me from that prison and nothing changed in my life, I was taken from prison to prison. I ask the tribunal to please be merciful on me, and please be just and be fair. Please, sir, please.

Tribunal President: That is our intention, certainly, and we will take everything into consideration as we make a determination of whether you have been properly classified as an enemy combatant.

Detainee: Thank you very much.

Tribunal President: Now, understand that we have not seen your file, and we only know what is before us now, about you.

Detainee: Sir, this information, is this just for you guys, or interrogation people? I have been cooperative for what now, it has been for two or three years. All the detainees, most of the detainees, they're being uncooperative, being mean, stubborn, being very mean to the other detainees, the interrogation people are mean too. I did run away from my block, to another block. I now stay in the psych ward. I stay in the psych block because of the people here. They're accusing me of being an American spy. So, I warn you guys, take this in consideration, please. I don't know how to explain this to you guys. Please be merciful on me, please. I'm not an enemy combatant; I had American friends in United Arab Emirates. I loved my friends. If you would like being an enemy against Americans, against Christians, they would be killed with us. I invited them many times to my house to have dinner with me. We would eat together and they know my father. If I were a murderer, I would poison them and I would kill them. I know a guy, his name is Richard

and he's an American. I know another guy, his name is Christopher and he's an American. I know another guy, his name is [redacted], and he's British. I know a lot of people there. All the people in my block who I'm talking to, MP's or to the staff, the psych staff, brothers, sisters, they are like that, and they don't have a problem with anybody. I'm a guy of the mind, I started college and I don't think that every Christian or every American, I'm a victim, between crusaders and mujahadins. Mujahadins or Christian crusaders. Sir, I'm not a mujahadin, I'm not a crusader, and I'm just a victim between them. I've been in prison for three years; this will be (starting) my fifth year. In Taliban years, two years, a year and a half, I lost my life. My father disowned me; he said you're not my son anymore, because he thought I was a spy. Time magazine, they even advertised that about me, that I'm al Qaida. So, who am I, seriously? I don't know who I am. I don't know what I said to you guys. I just want you to be just, and to be fair and look. I don't how to express my contrition. Just, whatever, from you guys I want you to listen to my story, I want enough time. I don't want anyone to stop me from telling my story. I want to tell all of it. I thank all of you. All of you, I want to thank, first from the president, to the staff here, to my presenter from the interviews. Thanks, everybody.

Tribunal President: We understand, and we want you to know that we're not here to punish you. We have come here also with an open mind and we will make a just and fair decision.

Detainee: So, who will make a decision here? You guys, or Washington D.C.?

Tribunal President: The three of us will decide on whether or not you have been properly classified as an enemy combatant, but only after we had heard your statement and have reviewed all the evidence and information. We will forward our decision to the convening authority in Washington D.C. After he reviews the proceedings of this tribunal, you will be notified of the results.

Detainee: How long will that take?

Tribunal President: Thirty- to- sixty days, probably, but it will be done as soon as possible. And if we determine that you have not been properly classified as an enemy combatant then you will be released to your home country as soon as arrangements can be made. If we determine that you have been properly classified as an enemy combatant or confirmed your enemy combatant status, you would be eligible then for an administrative review board hearing at a future date. After awhile, before we close out this session today, I'll explain more of what the process will be.

Detainee: Okay.

Tribunal President: But, right now, we're here to listen to whatever you feel is important and what you want to make known to this tribunal.

Detainee: Sir, do you want me now to tell my story?

Tribunal President: If you would like, we're ready to receive it.

Detainee: Yes, please. Sir, I have a father, he was very difficult, very extreme, a very religious man. He would beat us up, my brothers and me. But, I was the only who had emotional problems. I had a seizures caused by epilepsy. I used to take the medication for it. I still take medication for it, here in the psych ward, here in Cuba. I couldn't handle my father anymore. What I did is run away from home. That happened after I borrowed money from...(the Detainee turns to the Personal Representative and asks for her to continue the story for him.)

Detainee: (As read by the Personal Representative from notes taken from interview with Detainee) OK, we'll continue on. He was a college student at the University of Al-Imam Mohammad bin Saud. He got money from a friend and was able to leave the U.A.E. (United Arab Emirates).

(The translator at this time asks the Detainee if he wants him to translate as she read, and he said yes, to translate every word.)

Detainee: (As read by the Personal Representative from notes taken from interview with Detainee) His brother found out and went to his father. At that time, his father dishonored him. He said to his father that he would show him. He fled from his brother's house and went to Abu Dhabi, the capital of U.A.E. Here he had the phone number for the Syrian embassy and the United Nations Community of Human Rights. He tried to get another passport. He went to the Afghanistan Embassy, and had a friend who was a secretary there, but he wasn't able to get a passport. But, he would be able to deport him to Afghanistan, from there (he could go) to Syria, then to Europe, and to any other country. So, he goes to the police and tells them that he is Afghani. At that time, he spoke broken Arabic. He went to Al-Rashida (ph) police station and was deported (to Afghanistan).

He then went to the Taliban; they used him as an interpreter. (At this point, the Detainee speaks up and corrects the statement).

Detainee: No, no, I went to the Taliban. They called in the interpreter between the Syrian and myself. When the interpreter came, he spoke to me, asking me where did I come from, who do I work for, what do I need? I told them I ran away from my father. I told them all what was going on with me. I told them this, and they said, no, you aren't going anywhere, you are coming with us. I said, "Who are you?" They answered, "My brothers, and we belong to a certain brotherhood." So, I told them no, I said I'm not here to come with you. I have addresses here with me; I came to go to these addresses here. I come here to live in Afghanistan, or if I can't live in Afghanistan, then I'll go to Syria, or Europe, or whatever to be able to get refugee status in Afghanistan. As a Syrian, I'm a Syrian, and in Afghanistan, you can go to the United Nations to get the refugee status. But, he told me no, you have to go to Kabul, the capital of Afghanistan. You have to go there with our other brothers. If you don't come with us, go back where you came from.

I told them, okay, I don't have any money, and I don't have anything. Home is where I come from; can you help me to go back there again, or at least get to Pakistan? Pakistan is a border country. He said no, he won't give me any money and said you have to go with us, or go back to where you came from. I told him no. If you feed me, give me clothes to wear, help me, I'll come with you, but I can't do anything. He took me to the guesthouse, they changed my name to Dejarmin (ph.) and he told me that I had to go to al Farouq camp. I couldn't say that I'm not going there. If I don't go to that camp, they can do whatever they want to me, kill me; I'm already scared that they are going to kill me. They sent me to the camp; there were tactical, jungle, topography camps, all of it. But, first, basic training with light weapons. I saw that when they finished with light weapons, they would send them to tactical training, and then to the fighter lines/weapon lines. When they told me that, I cowered. I told them please, I want to go home, and to see my family, my friends, please let me go, and see them, please let me go back to U.A.E. I feel bad that I ran away from home. What they said was OK, now that you got all this information from us, you looked at our camps, you must be a spy. You must work for the American Embassy in the U.A.E. They told me I had to go with them to Kabul. They took me to Kabul again and then to Kandahar. There they started beating and torturing me. They used electric shock on me to get information from me. They started to torture me a lot. I lost the use of my right hand because of that. They then sent me to the prison. The prison was called (inaudible). They kept me there. They said they were going to keep me there for twenty-five years, at least, if not forever. I then stayed in the prison until the United States, until September 11th happened. The United States then came to Afghanistan. They started bombing. I was in prison at that time, and then September happened. My friend and I, we were both in prison together. He left, he went to Russia, he was Russian. We said we would be witnesses against the Taliban and al Qaida. They sent us to the U.S. Forces, to the detention camp in Kandahar. So, the interpreters, the reporters, news reporters, they came to us, we told them, one of them, he was from Time magazine. His name was Mike; we told him that we wanted to be witnesses against al Qaida and Taliban. We want to go to the Americans. So, after two days, there were FBI members, and Special Forces members there. They came to us, and they told us to come with them for a few days, and then they will release us to go home. We went to the camp, and they interrogated us that first day. They said, we are sorry, but you are going to have to go to Cuba. So, we had to go to Cuba, and when they are done with you, you will be separated from the other detainees. I was separated from other detainees, other Taliban members, while I was in Kandahar, but I still had to go to Cuba.

My friends and I were very cooperative. When they transferred us here, we met with the ICRC for three days, but from three days, it's now three years. Nobody has accused me while I've been here for three years. All they ask me about is other people, other detainees here, about whom I know, about who tortured me, who put me in prison. What I don't understand is, nobody accused me with all these accusations until now. (Inaudible) I don't know who this is; I didn't get to see the report from the recorder. I'm sorry. I don't know where he gets these accusations from, you know. I was put in prison, I was there, and they tortured me. Even if you say I'm one of them, after two years in Taliban prison, they tortured me for three months; do you think I'm going to be with them? I lost fifty pounds while in the Taliban prison. I had gotten sick with tuberculosis.

I had emotional problems, I was stressed out, and I got lung problems. All those, I got from them. Do you think I'm going to be one of them, even if I were one of them? God knows, I'm not one of them, I never been with them as a member. I'm not going to be a martyr; I'm not that lucky of a guy to be a martyr. A martyr is a very holy thing. I'm not a martyr. My English isn't very well, I'm sorry about that.

Tribunal President: You are doing well. You're fine.

Detainee: So, my friends who were with me in the Taliban prison, two of them are here, #493 and #491. They are still here. And #490 and #491, I mean #492, sorry, they are the ones that left. One British and one Russian. They had gotten transferred to their home countries to be judged in their home countries. But me, because I'm Syrian, I'm with the other two here, Saudis. Nobody asked about our citizenship or us. Because (inaudible) I'm a Syrian, and there's no government official from Syria. The interrogators come from all over the world to interview with their detainees. But, me, a Syrian, the government, no U.A.E government, nobody came to ask where I'm from or what is happening with me, or ask if any Americans asked about me, so that they can let me back in my country, so I can be judged in my country. Nobody wants me and everybody is accusing me. I really don't know who I am. That's all I have to say, Sir. Thank you, all of you for listening to me. Thank you very much.

Tribunal President: You're very welcome. We may have some questions but does this conclude your statement?

Detainee: Yes.

Tribunal President: Thank you for your testimony.

Detainee: You're welcome.

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

Personal Representative: Just some additional information. While he was in prison, he was in a Taliban prison. It was from January 2000 to May...

Detainee: No, from May 2000 to January 2002.

Personal Representative: And, I will be giving you Exhibit D-b, on that information. In addition to that, the Detainee spoke about having epilepsy. He is taking medication at this time. The medications at this time include Depakote, Zoloft, and Zyprexa. Sir, in addition to that, all I have is my next exhibit. (Note: the Personal Representative, who happens to be a nurse, advised that the medications are for the following purposes: Depakote – used for the treatment of seizures, bipolar disorder and prevention of migraines; Zoloft – used to treat depression, obsessive-compulsive disorder, panic disorder, post-traumatic stress disorder, and for treating social anxiety disorder;

Zyprexa - used for treating patients with schizophrenia and manic episodes associated with bipolar I disorder. It also is used as maintenance therapy for bipolar disorder.

Tribunal President: Would that be D-b?

Personal Representative: Yes Sir.

Tribunal President: I will give you the opportunity to present that here shortly. Recorder, do you have any questions for the Detainee?

Recorder: I have two questions, Sir, concerning a few of his statements. You mentioned the videotape. You say the Intel people here have that videotape?

Detainee: Yes.

Recorder: And the news reporter, you said his name was Mike from Time magazine. Can you tell me the date that you remember seeing him?

Detainee: He's Australian. The date?

Recorder: Try to remember, get as close to a date as possible...

Detainee: January 2002. Excuse me Sir, about the videotape, I did a polygraph test and I passed it twice.

Tribunal President: We understand.

Detainee: I passed it twice, you know. I was cooperative with them. I told them I wanted to take the polygraph test. People are scared of the polygraph test. So, I asked them to give it to me. My interrogator, his name is [redacted], he was here for one year, two years, and I think he left. That's all Sir.

Tribunal President: Thank you.

***The Personal Representative and the Recorder had no further questions.***

<u>Tribunal Members' questions</u>

Q. Thank you for coming to speak with us today. I just want to make sure I understand all the pieces of the story that you gave us. The reason why your father was upset with you was because you were trying to leave the U.A.E. and he did not want you to leave?

A. No, no. The reason was because I borrowed money from some of my friends. He made a big deal of it. So, he denounced me, you are no longer my son, he had told me. This is why I traveled out of there. I want to add more information. That I've been in U.A.E., I was there since 1992 to 2000, and my father kicked me out. I want to go back

to Syria, I miss my family, and I miss my relatives. Because he was a poor guy, he didn't want my brothers and me to go, because he didn't have the money, it cost money that he didn't have. So, that's one of the reasons, another reason was that I wanted to go to Syria.

Q. For what purpose did you borrow the money from your friend?
A. We had a school trip; I was in charge of this trip. We came out in the negative. I came out owing money to people. I borrowed money from my friend to give to the other people who were going on the trip.

Q. He was upset that you had to borrow money at all?

A. Yes. I swear, it's like that, I swear to God, if you want me to swear by the Bible, by Koran, by whatever you want me to, I'll swear, I'm going to swear. You can ask my father. You can ask him personally. (Inaudible) I'm going to show you. My father, he's an old man, but he beat me, and I can't do anything to him, because he's my father. And, you know, he touched me, but I can't do anything. We don't have rules, like they do in America. Where the parents treat their children, they don't hurt them. He used to bloody my mother, beat her, everything. My little brother, when he was two years old, my father would beat him. He was an extreme man.

Q. So, when you had your argument with him, you decided that you wanted to get away from U.A.E.

A. Yes.

Q. Out of all the places you could've chosen, Afghanistan was your only real choice?
A. I couldn't go to anywhere else. I had to have a passport, a Syrian passport. I told my friend, at the embassy, at the Syrian embassy. They said no, you have your own passport. My passport was with my father. I called my embassy to get another passport, they said you have one already, we can't give you another one. They told me no. I went to the American embassy, to get to America. They said you have to pay $10,000.00 dollars or you have to wait until October (it was January at this time) for the lottery. I couldn't do anything. I then went to Canadian embassy; they used to have Kurdish people who would go to Canada. I ask them for immigration, they said, here's our address in London and you can write to them, and explain your problem, and they will give you a guide of how to immigrate to Canada. I told them I couldn't wait a month. Where am I going to go? The police wouldn't help me; they would send me back to my father. I didn't have anything to do, so I went to the Afghani embassy. I went to them; I said, give me a passport, and they said, we can't give you a passport but we can deport you from U.A.E. to Afghanistan, and from there, you can go wherever you want. Do you understand me Sir?

Tribunal Member: Yes I do.

Q. If you had asked your father for your passport, would he have not given it to you?

A. No. No.

Q. He would never allowed you to leave?

A. No. No. He threatened me before. When I was in my last year in high school, I got mad at my brothers and I told them I'm going to run away. My father said, okay, if you run away, wherever you go, I'm going to get you. He had my passport in a box and closed the door.

Q. So, you finally made it to Afghanistan, and you said that you had addresses of places that you originally wanted to go?

A. Yes, because the guy who deported me, he had a seat in the Taliban embassy, Afghan embassy, it was the Taliban's embassy because there wasn't another embassy in Afghanistan. That guy, he gave me some addresses because where would I go, I go to Afghanistan, I'm going to get lost, where can I go? He gave me these addresses to help me. So I stay there until I get out of Afghanistan.

Q. You weren't planning on staying in Afghanistan for a long time?
A. No. Just to go there until I find the United Nations Office or find another embassy or organizations to help me to get out of the Middle East. Because in Afghanistan, you know, Uzbekistan or Kazakhstan, from these places you can get to Europe easier.

Q. Which happened first, them taking you to the training camp, or when they put you in jail because you wouldn't fight with them afterward?

A. Yes, because they told me you have to fight against Mazar-E-Sharif, the Northern Alliance. I said I'm not going to fight to kill Muslims, Muslim to Muslim. Like the prophet Mohammed said if a Muslim kills a Muslim, both of them go to the fire. And, my brother, he's Muslim like me, how am I going to kill him? I'm going to fight in the Jihad against... if there is Jihad against the infidels, not against Muslims. If I'm to be a martyr against the Muslims, then it's not real. What they told me was that they use music, instead of prayer call, blah blah blah, and I was like no, mostly the first reason, you must fight, and the second reason is because I speak English. They captured another detainee prisoner three months before me, and he was from U.A.E. and they said I came to complete what he came for.

Q. Someone has said that you had volunteered to be a suicide martyr; do you know anybody who would say that?

A. They told me about it, they told me about the videotape, when they made the videotape. At the end of the videotape, they told me to say something like that, because they said I had to say that, in a way of granting repentance, redemption, and forgiveness. They told me I had to say that, the videotape was made by Abu Dhabi TV; they put it on all the TV in the U.A.E., the capital of U.A.E.

Q. So it was the Taliban prison people who forced you to do this?

A. Yes, I did a polygraph for this about the videotape, about being in the (inaudible), myself, that's in the polygraph tape.
Q. The fellow with the poisons and explosives training camp, he is here?

A. Yes, he's here.

Q. You say he's here, in Cuba?

A. Yup, he's still in Cuba.

Q. Okay.

A. His I.D., his ISN number #653. We were in Taliban prison all the time. Since May 2000 to January 2002.

Q. You said he made threats against you? Why did he do that?

A. Yup, because he was upset, because I told the Taliban that he forced me, and then he beat me up. I will tell you everything. He had a camp but before I got to Afghanistan. In that time, before that, the Arabs controlled all the camps. There weren't any more private camps, so they took his camp from him and they accused him of being a spy. When they took me, they told me that he was a spy for America. They beat me and tortured me I couldn't handle it, and that I told them he's with me, that we are both American spies. Now he's mad at me, and he used to threaten me, and that time he threatened to kill me. He said the next I get my hands on poison, I'm a poisons/explosives expert; I'm going to poison you. And he did try to poison someone in prison, before.

Q. So, he really is an expert in poisons?

A. Yes. Yes, Sir.

Q. Did they torture him too then, in the Taliban prison?

A. I don't know about him, we were separate.

Q. So that's why he's upset with you, because you...?

A. He's still upset with me Sir, forever. He's just mad because he is here. You can ask any detainee here in this camp. They all know in camp 4, camp 3, camp 2, and camp 1. Forever, you can ask any detainee about him and me, about our story on being American spies. They kill us, they can kill us, I swear. This last hour, between the detainees and me, they say that Janko's power is now generally in the U.S. Army. Motherfuckers, I wasn't doing anything, sorry, my language, I cursed. I'm here, why would I be, look, if

my father in-law is a general in his army, would I be in this? I'm going to be in shackles and cuffs? Originally, I'm going to be Cuba. They kept telling me, spies, spies, spies. My issues got worse, I had to go to the psych ward, because of that. Because they keep telling me that, I've been in all of the camps, Camp 1, Camp 2, from block to whatever, they used to throw piss and shit on me because they think I'm a spy. They think I'm still spying on them.

Q. If you were to be released, where would you want to go?

A. To Jordan, sir.

Q. To where?

A. Jordan.

Q. Jordan? Why Jordan?

A. Because I can't go to Syria, they are going to say I'm a spy. I saw on Syrian TV, they showed me on TV, they put me on the Internet, Afghanistan news 2000. You can get the pictures from the Internet. Me and (inaudible).

Q. I thought you said before you wanted to get away from the Islamic world all together?

A. Sir, but no, I miss home, and Jordan is the closest place to my parents, to my relatives, you know. Anytime that I can see them they can come to me, in two hours, they can be with me in Jordan. Not that far away. It is still away from home, but it is the closest point to my home country, you know.

Tribunal member: Thank you very much.

Detainee: You're welcome.

Q. You seem extremely cooperative; I just wonder why you are still wearing an orange uniform as oppose to a tan or white one?

A. I was in psyche ward, so, because of my psych problems, I used to hurt myself, cut myself, and bang my head. So, it's been like this for the last two or three months now. They dropped the levels. The Level 2 they wear orange. In level one, they give them the tan or white colors. And now, I'm level 2, and hopefully in eighteen days I will be level 1, so I'm going to change it.

Tribunal member: Okay, you've answered my question. Thank you.

Detainee: You're welcome, Sir.

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

Q. The treatment that you're receiving, is it helping you?

A. Yes, Sir.
Q. Do you feel well today?

A. Yes Sir.

Tribunal President: I hope you continue to do well.

Detainee: Thank you, Sir.

Tribunal President: Is there anything else, any other information that you feel is important, that you would like for us to be aware of?

Detainee: Sir, you can ask any Detainee, here, about Janko, #489, Syrian, they are going to say, oh, he's a spy. And, my friends, who use to be with me in prison, I hope you talk to them, or ask for them, #491 and #493. They are my witnesses that I was in prison. I had a British friend, he went back to Britain, he's gone, and I had a Russian friend, he's also gone, so, basically, I'm lonely now. I hope that you listen to my situation. That's it.

Tribunal President: Very well. Thank you. Does anyone else have any more questions?

Tribunal Member: Yes, one. Is there anything that you have said since you've been here in Cuba, during interrogations, that you would wish you could change, maybe something that you said, that you said, oh, I wish I would not have said that?

Detainee: No, said, I'm positive of what I said.

Tribunal Member: Okay.

Detainee: I'm positive, there's nothing wrong. In the beginning in Afghanistan, they pushed me, they kept pushing me, they beat and tortured me, and they usually let me have outside exercise, that kind of torture. Military intelligence, they told me to say I'm al Qaida, so, I told them, ok, I'm al Qaida. How I told the Taliban I'm a spy, now I tell you guys I'm al Qaida. But when I came here to Cuba, nobody tortured me or forced me to. I want to change and say that I'm not al Qaida, I'm innocent, Sir, that's all, since I've come to Cuba, everything is correct and everything is good. Everything is true.

Tribunal Member: Okay. Thank you.

Detainee: You're welcome Sir.

Tribunal President: Thank you for your testimony.

Detainee: You're welcome Sir.

***The Tribunal President confirms that the Detainee does have further evidence to present to the Tribunal. The Personal Representative enters Exhibit D-b, the letter from the International Committee of the Red Cross. The Detainee has an oral statement concerning this letter.***

Detainee: They mentioned that I had told them that my name was Kawa Omar Karbash in the Taliban prison. It's true; I forgot to tell my representative that last time. My name in the Taliban prison was Kawa Omar Karbash. This name I made up just because there were a lot of people, they could do anything to me in the Taliban, so I gave them the wrong number, the wrong name just like that. I want you guys to know my name was Kawa Omar Karbash, my home address P.O. Box 446 and the phone number is, the country code 0097167436030.

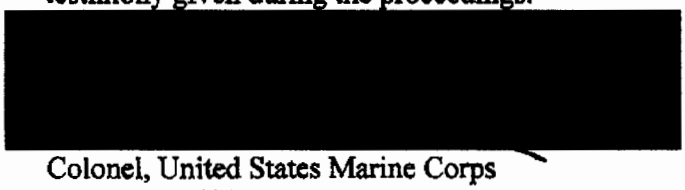
Tribunal President: Very well, that is what this explains here as well.

Detainee: Thank you.

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

## AUTHENTICATION

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



Colonel, United States Marine Corps
Tribunal President

**Summarized Sworn Detainee Statement**

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

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

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

***The Detainee took the Muslim oath.***

***The detainee submitted a written statement with answers in regards to the accusations; it was translated into English for the tribunal. The detainee entered this document as Exhibit D-B.***

***The Tribunal President stated a short recess would be necessary so that the tribunal panel can read the detainee's statement Exhibit D-B. Then the tribunal members will ask the detainee questions in regards to his statement.***

*Recorders' Questions*

Q. What type of airline or flight did you fly your family on to get to Afghanistan?
A. I didn't use the airliner.

Q. How did your family get to Afghanistan?
A. I contacted them at my sisters' house, and then they came by vehicle.

Q. Your family did not fly to Afghanistan?
A. No.

Q. How many people in your family traveled to Afghanistan?
A. My mother, wife, youngest son, the son that is here with me, and then my brother and his wife and children came down. They came to Afghanistan this way.

Recorder: Thank You.

*Tribunal Members' Questions*

Q. You arrived in Afghanistan in 1999, is that right?
A. Yes.

Q. When did your family join you in Afghanistan?
A. I personally don't know the time frame, my son told me it was in 2001. I don't know how to count the months.

Q. Do you know if that was before or after September 11?
A. Before.

Q. You were staying in Kabul?
A. Yes.

Q. When did you leave Kabul?
A. We heard about the problems that happened in America, and we wanted to leave Afghanistan.

Q. Before the bombing started in Kabul?
A. Before everything. We wanted to save our lives, and that's why we wanted to leave before it started.

Q. When did you get separated from your family?
A. I don't know exactly, it might have been the first of Ramadan or the second of Ramadan.

Q. How did that happen?
A. The guide that was helping us to leave told us to leave. He came and said we have to leave quickly because things are getting worse.

Q. How did the family get separated?
A. When we were all together, the guide told us we had to leave from Jalalabad to the village. The family and I stayed there for two days. The guide came to this village and said we cannot take all of you; we cannot take the men.

Detainee: The guide said that we have to choose two men; two men will have to stay here. We can manage to take all the women and the children. I then watched my family get into the car, after that my son and I stood there. Everyone else left. I am not sure which way they went.

Q. There are statements in here that you have been tortured and abused. Have you been tortured or abused by any United States personnel?
A. I don't know if they were Americans or not. They did not torture us personally or physically, but the Pakistan authorities were torturing us really hard, and they were looking and standing right there. The Americans were present. I am sure about that because they were the one who interrogated us.

*Tribunal President's Questions.*

Q. You indicated in your statement that your family was very poor. How did you pay for your trip from your country to Afghanistan?
A. I didn't say that my family was really poor; I said we have economic problems and poverty problems in Syria.

Q. So you traveled by land in a car, bus or taxi?
A. I used mainly the big bus; like Greyhound.

Q. When you left Syria, did you go to any other country before going to Afghanistan?
A. I went through Turkey, Iran, then Afghanistan.

Q. At any time when you were in Afghanistan, did you or your family have to have weapons to protect yourself?
A. No, I didn't have to have a weapon to protect my family. The city was usually very peaceful and you didn't need protection. I never had any problems.

Q. Did you need any financial support from anybody in Afghanistan while you there? When you first got there?
A. No.

Q. Where did you stay when you first arrived in Afghanistan?
A. You mean which region in Afghanistan?

Q. The city or village?
A. Kabul.

Q. You spent the entire time you were there in Kabul?
A. Yes.

Q. Why did you pick Kabul?
A. There is economic activity, which means work.

Q. While you were in Kabul, did you see any fighters or soldiers in and around the city or the place you were staying?
A. No.

Q. When you first arrived in Kabul, did you stay in an apartment, hotel, or guesthouse?
A. When I first arrived I stayed in a hotel. After that, four of the Afghani intelligence came at night to talk to me in Arabic. They said there is an Arabic man here, and they took me to that man the following morning. They introduced me to this man, gave me his name, and said you are going to stay with me. That is how I stayed with him for free.

Q. Do you know the name of this man?
A. Abu Abdullah Al-Shami.

Q. You identified him in your document?
A. Yes.

Q. Did you have to pay him to stay at his place?
A. No.

Q. Did you have to perform any duties or responsibilities while you were there?
A. No. I used to prepare my food and sometimes they ate what I cooked.

Q. Was this place a hotel, guesthouse or the house of your friend?
A. It was just his house. I stayed for nine months with him and I never saw anyone at his house.

Q. He was there all alone? It was just you two?
A. He had a family.

Q. Once your family arrived, you moved into your own place?
A. Yes, I went to get us a place. Also, once my family arrived, I saw less and less of the man.

Q. You had your passport when you left Syria?
A. Yes. My passport was legal; it had all the stamps in it.

Q. When you were captured, you had your passport?
A. Yes, it was in my son's jacket.

Q. Your son told you he had your passport?
A. Yes.

*Personal Representative Questions*

Q. You sent for your family in July 2001 then arrived in Kabul, Afghanistan, via Taliban airline plane?
A. This was a civilian plane, for everybody. It is not Taliban plane.

Q. When we first met, you said you contacted your family, you waited for them in Herat, then they traveled on Ariana Airlines, a civilian airline. Is this true?
A. When I contacted my family, they came to a border area called Harivat, a border city. I was there at the reception area.

Q. Did your family arrive on Ariana Airlines, a civilian airline?
A. I told you they traveled by land.

Q. Were you ever actually on the transport vehicle that was overpowered by the prisoners?
A. No. I did go into details in my statement about all of this. We were in prison, my son and I, and the Pakistanis tortured us to the point that we admitted we were on the bus. They said to be careful. If we changed just one word in what you say to the Americans, they were going to bring us back kill us. So, we were told not to change a word. You are looking for the truth right?

Tribunal President: Yes.

Detainee: As I said, the land trip was from Turkey to Iran to Afghanistan. Our trip was legal; we had our documents with our passports. I did mention that I brought my brother's wife just one week before the incident that happened in America. Do you think if I knew these things were going to happen that I would take my family and my brother's family there? My mom is 70 years old. I have grand kids; the baby is 8 months old. By looking at that, you will see I am not a terrorist. Let me ask you, would you take your family there if you knew that has happening? It is up to you, just be fair and just. I was looking for happiness for my family and look at me now. You can go to Afghanistan without any papers and I have all my families' passports. Before I went to Afghanistan, I first went to Saudi Arabia just to see the cost of living. It was too expensive though. This white hair that you see is proof I have worked hard. My father died when I was really young. When he died, I had to support my family. My younger sister was only one year old. Since I was 9 years old, I have had many hard jobs.

Tribunal Member: How did you get your family from Herat to Kabul?

Detainee: By plane.

Tribunal Member: What type of plane?

Detainee: Ariana. It is the only normal, civilian airline. They are well known; you can look them up if you like.

***The Tribunal President stated a recess is necessary to bring in the witness.***

***The witness was brought in to testify on behalf of his father (the detainee).***

Tribunal President: What is your name?

Witness: Muhammad Khantumani.

Tribunal President: Muhammad I want you to understand you are a witness for your fathers' tribunal. The tribunal will ask you questions to clarify some issues on the unclassified summary that your father made. Then your father will ask you some questions. This is not your tribunal.

***The witness took the Muslim Oath.***

Personal Representative: Why did only you and your father travel to Pakistan, and not your whole family?

Witness: When we arrived at the village, we were all together. The guide told my father that there robbers in the roads. Of course, we had women and children with us. There were about 14 to 16 people: 4 women, 8 children, and us. The guide said it was dangerous for us if people see us traveling with women and children and men. They might kill the men and keep the women.

They told us that we had to choose: leave two men here and we'll will take two of the men with us. So, my uncle and my brother in law went with the family, and my father and I stayed there. After that, we went to Pakistan in separate directions. We heard that they were killed. I was even told here 3 times that the Americans killed our family. The soldiers here even threatened to kill me. If you don't believe me go, back to my file and look on the computer and you will find that information. At that time, I even did something really good. I found a piece of metal about 26cm long, and I gave it to the soldier right away. After that, he brought me back to my cell. He wanted me to wash up. Then he started threatening me. He said "I will cut off your head." After that, some other people that were in charge came in and threw that soldier out. They took my father to the emergency room because he was really sick and in bad shape cause he was upset at that time. Just now, I found another piece of metal and the guard came in the room to get it.

*Tribunal Members' Questions*

Q. Why did your father go to Afghanistan?
A. The only thing I knew was that he was going to Saudi Arabia. Why he went there, I don't know. He first told the family he was going to Saudi Arabia to work. That is all.

Q. Once he arrived to Afghanistan, did he call or write letters to let you know he was in Afghanistan?
A. We don't have a phone at home. But he did call my aunt and told her to tell us to come and join him. Then we first went to Iran. He called my aunt's house after 4 days to ask where we were at, and she told him we had just left. We got to the hotel in Iran and called our aunt to tell her what hotel we were at. Then he called my aunt and she gave him the information about us. Then he called the hotel. After that, we came to join him.

Q. You all had passports and visa's with all the stamps?
A. Yes, everybody did.

Q. Were you arrested with your father? Captured with your father?
A. Yes.

Q. Where were your two passports when you were captured?
A. They were with me.

Q. Both of them?
A. Yes. He didn't know his passport was with me.

Q. Were both passports picked up when you were captured?
A. Yes, they were taken by the Pakistani authorities.

Q. After you were captured, were you ever involved in an escape?
A. The interrogators talked about this incident with us so many times. If you look at my nose, you can see it is broken. They took us to the first prison were we stayed for five days. Then, we went to the second prison where there were a lot of people. Then, we were sent to the third prison. After that, they asked us who was in the bus. We didn't know anything about a bus. I don't know why they took me and they separated us. They tortured me a lot. I know that you can see that by looking at my nose and see that it was broken.

Q. Was that done by a Pakistani or an American?
A. Pakistani. It was an unfortunate thing that Americans were present and they could see that they were torturing us. All that torture was just for us to say we were on the bus. We didn't know anything about this bus. We tried to say no, no, no, but they just keep torturing us. Then they broke my nose and I said I was on the bus. After they tortured us, the Pakistanis said we were going to America for two days. They said if we changed what we said, they would come and kill you, definitely for sure.

Q. How old are you?
A. I think about 22 years old.

Q. What did you do in Syria before you went to Kabul?
A. I was a student.

Q. What did you do in Kabul?
A. I came to visit my father, with my family.

Q. You went to Kabul to stay permanently, didn't you?
A. I didn't know in the beginning were I was going. All that I knew when I left Syria was that we were going to Iran, and from Iran to Saudi Arabia. At that time I was only 17. At that age, it was not my place to ask where we are going.

Q. Was life in Kabul better than life in Syria?
A. I didn't go anywhere. I went to the store and then went right back. I had some problems with my dad, because I really wanted to go back and finish school.

Q. Do you know Abu Abdullah Al-Shami?
A. No.

Q. You never met him?
A. No.

Q. Have you ever used a weapon?
A. No.

*Tribunal President's Questions.*

Q. What was your father's business in Afghanistan?
A. He was preparing food for a restaurant. I've never seen or been to the restaurant.

Q. The place that you lived, was it a house or a hotel?
A. It was my father's house; we were renting it.

Q. Do you remember seeing any people coming and going from your house? Renting a room?
A. To begin with, the house was really small. There were 16 people living in that house.

Q. Is that a yes or no?
A. No. Sorry, I meant to answer the question.

Q. Were there any weapons in the house? Any weapons for protection?
A. When we were in Jalalabad, there was a gentleman who used to walk with my father who had given a small pistol to my dad for protection.

Q. Did you ever have to use the pistol?
A. No.

Q. Did anyone in your family have to use the pistol?
A. No, we never used it at all.

Q. When you were leaving Jalalabad, did you have to flee or escape to the mountains?
A. Yes, after we went to the first village and the second village, there was no other way and there were no roads open. So, we had to go to the mountains.

Q. Did you have to stay in the mountains?
A. Yes, when we rested at night.

Q. How long did it take you to get through the mountains?
A. I really don't know. But I think it was 3 days.

Q. Did you have assistance leaving the country? Did you have a guide?
A. Yes, we were forced to have someone guide us since we didn't know the area. Whenever we got to the village, people would help us to the next village. Then we got to the road leading into the mountains. We had two guides help us since we didn't know where to go.

Q. Did you travel with a group of people to get to Pakistan?
A. It was just those two Afghanis that were with us; they said they will stay with us to Pakistan.

Q. Where you actually across the border into Pakistan when you were arrested?
A. Those to guy took us to a village and said this was it, they said it was our Embassy and they will be able to help us; but instead it was a jail.

Q. Did the people that took you to the jail. Did they have weapons with them?
A. No.

Witness: If I may add something, you were talking about weapons. In Syria you are not allowed to have a big knife, if you have one they will take you jail and they will give you a big fine. That is why I have no knowledge nor do I have anything to do with weapons. I went from home to school, and from school back home.

*Tribunal President asks the detainee if he has any questions for his son?*

Detainee: When you asked me if I had a weapon to defend my family or something of that nature. It was different in the question you asked my son. The question to me didn't guide me answer the same thing about the pistol.

Tribunal President: If I asked you the same question that I asked your son what would be your answer?

Detainee: I would have told you that yes; I had the pistol to protect the house from robbers.

Witness: Tell her in all reality we had no problems with nobody. I know it is not my tribunal by I wanted to clarify, that you would an enemy combatant that I would have spent three years hear without ever causing a problem. Also this metal issue, I found it and told the guard. In Echo block room 24, I seen a big hole/opening there and I reported it. Even now when I was waiting to come into here I found some metal and told the guard that is standing outside.

***Tribunal President stated a brief recess is necessary to remove the witness.***

Tribunal President: Abd al Nasir do you have any other evidence to present to the tribunal?

Detainee: No, that is all I have. I just wanted to thank you. I want you to really take into consideration; you should really want the truth or if you don't that is up to you. I have been telling you the truth. We are all going to die and everybody will get his share in this or another life.