

Summarized UnSworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee.

Tribunal President: Akhdar Qasem Basit do you understand this process?

Detainee: I understand a little bit.

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

Detainee: I have no questions.

Tribunal President: Thank you

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.

Reorders summary of the evidence

- *3.a. The Detainee is associated with the Al Qaida and the Taliban:*
- *3.1. The detainee, in August 2001, departed China for Kyrgyzstan, to Islamabad, Pakistan, on to Peshawar, Pakistan, continued to Jalalabad, Afghanistan and then to Tora Bora, Afghanistan.*
- *3.2. The detainee was at the Uigher training camp in Tora Bora, Afghanistan.*
- *3.3. The detainee received training on the AK-47 assault rifle at Uigher training camp in Tora Bora, Afghanistan.*
- *3.4. The detainee received training on the PR machine gun and military tactics at a Uigher Training camp.*
- *3.5. The training camp was provided to the Uighers by the Taliban.*
- *3.6. The ETIM operated facilities in the Tora Bora region Afghanistan in which Uigher expatriates underwent small arms training. These camps were funded by Bin Laden and the Taliban.*

- *3.b. The detainee participated in military operations against the United States and its coalition partners.*
- *3.b.1. The detainee fled, along with others, when the United States forces bombed their camp.*
- *3.b.2. The detainee was captured in Pakistan, along with other Uigher fighters*

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

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

Tribunal President: Would you like to make a statement to this tribunal?

Detainee: Yes

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

Detainee: Yes I will take oath.

Tribunal President: Recorder please administer the appropriate oath

Detainee: What kind of oath?

Tribunal President: We have a Muslim oath that is a promise to tell the truth. Do you still wish to take the oath?

Detainee: Yes I will tell the truth.

Detainee was sworn.

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Personal Representative: The detainee, in August 2001, departed China for Kyrgyzstan, to Islamabad, Pakistan, on to Peshawar, Pakistan, continued to Jalalabad, Afghanistan and then to Tora Bora, Afghanistan. To this point of evidence the detainee replied, "Yes, I traveled at the end of August. It was a three day long trip. I did not know that the place that I went was Tora Bora."

Detainee: I also told the integrator that it was in the end of August and I stayed one night in Krgyzstan, one night in Pakistan, and one night in Afghanistan. The place I traveled

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to--is correct. I also went to a place two hours away from Jalalabad (ph.) city. The Interrogator told us the name of the place was called Tora Bora (ph.). Before that we did not know the name of the place

Personal Representative: The detainee was at the Uigher training camp in Tora Bora, Afghanistan. You replied, "Yes, I do not know what 'camp' means. It was a small place and there were other Uighurs there."

Detainee: It was a little Uigher community where Uighers went, I do not know what you mean by the place called camp.

Personal Representative: The detainee received training on the AK-47 assault rifle at Uigher training camp in Tora Bora, Afghanistan. To that you replied, "Yes, I told my interrogator that I was trained on an AK-47. It was two days of training; one day I was shown the weapon and on the second day I fired three or four bullets."

Detainee: That is true, but they will not train you as soon as you get in to the camp because we have to build houses and bathrooms. The place was in bad shape. I worked for a while and then, when they had time to train me, they showed me the weapon, and the second day they gave me a couple of bullets. That is true.

Personal Representative: The detainee received training on the PR machine gun and military tactics at a Uigher Training camp. To this, he said, "Not true. I did not do any of this."

Detainee: That is not true. I did not train on another rifle. I did not do those things. What they are saying is not true. As I said earlier they will not train you at first. You have to do a lot of physical work in this camp, then they will train you when they have time. Also, I did not have that much time to train because shortly after I arrived at the camp the bombing started so it was impossible to train.

Personal Representative: The training camp was provided to the Uighurs by the Taliban to which the detainee replied, "I do not know."

Detainee: That is true I do not know who provided the 'camp.' The place I went. I did what I was supposed to do. I have no idea who was providing me the camp. We did not ask who was providing us the camp.

Personal Representative: The ETIM operated facilities in the Tora Bora region Afghanistan in which Uigher expatriates underwent small arms training. These camps were funded by Bin Laden and the Taliban. To this he replied, "I don't know."

Detainee: That is true. I do not know. What kind of camp? Can you explain to me what is small arms training? I do not know what this is.

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Tribunal President: Small arms training means training on the use of smaller weapons. For example, the AK-47 and pistols are what we consider small arms.

Detainee: When we arrived, we had to work construction. When they train, they train one by one. I do not know exactly what they did.

Personal Representative: The detainee fled, along with others, when the United States forces bombed their camp. To this he replied, "True."

Detainee: After the bombing we could not stay there so we ran off in to the mountains to take shelter in the caves.

Personal Representative: The detainee was captured in Pakistan, along with other Uigher fighters. To this he replied, "True."

Detainee: That is true. We were captured along with other people too.

Personal Representative: That completes the discussion I had with the detainee.

Tribunal President: Do you have anything else that you would like to say to the tribunal?

Detainee: I did not have any evidence to provide you because I have discussed everything with the Personal Representative.

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

Personal Representative: Yes, sir. I have one. (To the Detainee) Did you ever fire a weapon or help someone fire a weapon at U.S. or coalition forces?

Detainee: That is a funny question. When we were in that place we did not see any U.S. or coalition forces against us. We did not see anyone we could fire at.

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

Recorder: Yes, how long were you at the Uigher training camp?

Detainee: From the end of August until the bombing started.

Recorder: Second question. What was your intention when you decided to go to this training camp?

Detainee: The reason was to try to get back our freedom. Uighurs suffer from the Chinese; they suffer from our government. Some people do business in Kyrgyzstan and they went to that place. I am not going to tell the whole story. I don't want to talk about enough torture and suffering to last forty or fifty years from the government. The U.S.

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Official told us that they were attacked and they have suffered and they would like to take revenge. The U.S. government is very strong. What happened on 9/11 was two years ago. Uighurs want to take back our own country so we are living free.

Recorder: Have you ever been a member of the ETIM, the Eastern Turkistan Islamism Movement?

Detainee: I am not a member of any organization.

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

Tribunal Members' questions

Q: How did you know where to find the camp when you got to Afghanistan?

A: I was doing some small business and earned some money, got a passport and went to Kyrgyzstan. A friend in Kyrgyzstan told me I should go to Afghanistan.

Q: When you were in Jalalabad did you spend the night and, if so, with whom?

A: It has been a while. I cannot remember. When I got to Afghanistan, I made a phone call and a person came and picked me up.

Q: Did that person take you to that camp at Tora Bora?

A: I cannot remember. One person took me to Jalalabad and then two people took me to Tora Bora.

Q: Do you know any of their names?

A: I do not remember. I did tell the Interrogators one of them is maybe Abdul Wares (ph.) or Abdul Haq.

Q: After the camp was bombed and you left with the other Uighers did you or any others carry any weapons?

A: No, we did not have weapons.

Q: When you were at the camp, besides the training, did you only perform basic construction?

A: I did build houses. I also helped dig a big hole to save water.

Q: Did you have a rifle that belonged to you when you were at the camp?

A: No

Q: I just want to clarify something else you said. Were there twenty people at the camp?

A: I do not know the exact number. There were around twenty-five to thirty.

Q: When training with rifles how many rifles were at the camp?

A: I do not know how many rifles were there. After training they took them all away. I do not know how many weapons were in that camp.

Q: I understand you traveled to Afghanistan because of a recommendation from a friend in Kyrgyzstan. Is that correct?

A: That was my goal. To get out so I could help my country; to make things happen. I had a very strong goal to help my country.

Q: I understand you paid for your own trip from your own funds. Did any one give you money for the trip?

A: I spent my own money. My friend from Krgyzstan gave me some money for travel.

Q: You traveled to Afghanistan by yourself?

A: Yes.

Q: While you were at the Uigher camp, did you see other people, like Arabs?

A: There were no other people at the camp. We were too busy to look around. We were busy with the Koran and other things. I did not see any other people.

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee no previously approved witnesses to present to the Tribunal. A Tribunal member had an additional question for the detainee.

Q: I have one more question. Do you know how old you are?

A: I might be thirty-one years old now. I was born in 1971.

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

AUTHENTICATION

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

Colonel, USAF

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 Personal Representative provided the Tribunal with the Detainee election form labeled Exhibit D-A.

The Recorder presented Exhibit R-1 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence. The Detainee interrupted trying to answer allegation number 3a1. The Tribunal President explains to the Detainee that he will have a chance to address the allegations at a later portion of the hearing. The Detainee apologized and claimed he was mentally unstable and had not realized it was not his turn to speak. The Tribunal President recognized the detainee's understanding and continued the proceedings while encouraging the detainee to ask if had questions about the hearing.

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

The detainee acknowledged he wished to make sworn statements. The Recorder administered the Muslim oath.

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

3.A. The Detainee supported anti-coalition forces engaged in hostilities against the United States and its coalition partners.

3.A.1. The Detainee owns the compound that several individuals fled to after ambushing United States Special Forces and Afghanistan Military Forces.

Detainee: First of all I am a shopkeeper. I own my store. Every morning I go to the store and come back in the evening. At that time there was nobody in my house.

3.A.2. The Detainee knows one of the attackers who ambushed United States Special Forces and Afghanistan Military Forces.

Detainee: I did not know anyone.

3.A.3. Afghanistan Military Forces in Lalmai Village, Khowst Province, Afghanistan detained the detainee.

Detainee: Like I said earlier, every evening I go home after [working at] the shop. That day, when the market closed, I closed my shop and I was going home when the Afghan soldiers stopped me. When they stopped me, I asked them why. They asked me where I lived and I pointed to my house and they said that my brother had fought with them and I had to go with

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them. I told them I didn't know anything about that and I didn't know what my brother had done. They just took me with them.

Tribunal President: Habib Noor, does that conclude your statement?

Detainee: Other than that, the only thing I can say is that I am a poor man and I just run the store to make money for my family. I have a family, kids and a home. I don't know anything about that. They captured me wrongfully. I did not do anything. I am innocent. I am mentally ill because I fell from a mountain back home and I had surgery in Afghanistan. So sometimes I do not know what I am talking about because of my illness.

Tribunal President: How do you feel today?

Detainee: I am fine but when I talk a lot then I don't know what I am talking about. I get lost while I am talking.

Questions from the Personal Representative to the Detainee:

Personal Representative: How far were you from your house when you were captured?

Detainee: Like ten minutes walking.

Personal Representative: Were you aware of any fighting going on at your house or compound?

Detainee: No, I had no knowledge.

Personal Representative: And how far is the shop from your house?

Detainee: It is in the city.

Personal Representative: How far away is that?

Detainee: In a car, it is about a half an hour drive, because I live in the village and the shop is in the city.

Personal Representative: When you are away, are your wife and children in your home?

Detainee: Yes.

Tribunal President: Traditionally or culturally, what occurs if a stranger comes in to the compound while the men are away?

Detainee: They cannot come to the house.

Personal Representative: Are there any men left at home during the day?

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Detainee: No, nobody.

Personal Representative: What did the Afghanistan military forces tell you, after you were captured?

Detainee: They asked me where I lived and I pointed to my house and they said that my brother fought with the Afghan soldiers and they handcuffed me and took me.

Personal Representative: Is your brother older than you or younger than you?

Detainee: I have an older and a younger brother.

Personal Representative: Which brother did the AMF refer to?

Detainee: They didn't tell me which brother. One of my brothers is in Saudi and the other one is deaf. The older brother is deaf and can barely see. He lives in his house and I live in my house, and the other one is in Saudi.

Personal Representative: Which brother did you think they were talking about?

Detainee: I don't know.

Personal Representative: Are you close to your brothers?

Detainee: He is my brother and yes, I know my brother well.

The Recorder had no questions for the detainee.

Tribunal Members' Questions

Q: Based on what you said, I have two possible conclusions. I will tell you what they are and you tell me which one you think is more likely the truth, OK?

A: (Detainee nods in agreement).

Q: The first is that some people went to your house after they had done something but you didn't know anything about it because you were at your shop; the second is that nobody could've gone to your house because the only people in your house were the women and the children and therefore they would not have been allowed in.

A: No, no one comes to my house.

Q: And you know that because your wife and children were there without a male present?

A: Every day, I go to the shop and I come home in the evening. No one comes to my house before then. And if someone had come, I would've known when I got home.

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Q: And your wife would've told you if that had happened?

A: In our culture nobody goes to the house if there are only the females and the kids in the house.

Q: Except other males in the family, correct?

A: No, no one else can come to my house.

Q: Right, but your brother might have?

A: No, my brother has his house and I have my house. He can go to his house but not to my house.

Q: I understand your shop is a half an hour from your house, is that correct?

A: Yes.

Q: How do you get back and forth?

A: In a taxi.

Q: You hire a taxi everyday to go back and forth from work?

A: It is a taxi that people get on to go to the bazaar. You pay two rupees to go to the bazaar.

Q: What do you sell at your shop?

A: Sacks, just empty sacks.

Q: Who purchases those sacks?

A: We make it and people buy it to put stuff like vegetables and potatoes.

Q: How long have you run that shop?

A: Two years.

Q: Can someone who works near or at your shop confirm that?

A: There are a lot of stores next to me.

Q: Who runs the store right next to yours?

A: There are a lot of people from different areas. We just call him Haji. I forgot his real name. If you want a witness you can ask anyone in the ten or twelve stores next to mine. I can give you every person's name in the next ten stores. I can give you my neighbor's name. I told my PR the other day that I can give him a witness name but he said that because they are in the country of Afghanistan it is hard to locate them. That is why I didn't mention him but if the Tribunal wants I can give them a name of the shops or of my neighbors.

Q: All I am looking for is if you know the name of the neighbor in the store right next to you and I think you have already answered that.

A: Yes.

Q: What village do you live in?

A: Lalmai.

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Q: And where is your shop located?

A: In a bazaar in the town of Khowst.

Q: Can you describe your compound? How large was it? Does it have a courtyard?

A: It was a big compound divided in the middle, half is my brother's and half is mine. On my side, I have three rooms.

Q: So your brother shares the compound with you or the yard that adjoins the two houses?

A: We do not share anything. There is a room we divided in half, this is my side and that is his side.

Q: Is this the brother who is deaf or the other brother?

A: The older brother is separate. The other brother is living with me.

Q: What does your older brother do?

A: He is a farmer.

Q: Your other brother living in Saudi Arabia: When was the last time you heard from him before you were detained?

A: Because of my mental problem, I don't know how long ago that was and I don't want to give you the wrong answer.

Q: Did your brother send money from Saudi Arabia?

A: He just left like six months ago when I was there, so there wasn't that much time for him to send me money.

Q: When did you close shop that day? Was it after evening prayers?

A: Usually the market closes before sunset, so I closed my shop and I was going home.

Q: I understand you have a wife and children, how many children?

A: I have three sons and three daughters.

Q: How old are they?

A: They are small, (the Detainee gestures their height - approx. up to 4ft.).

Q: I am guessing the oldest is ten years old?

A: I don't know how old they are. I just measure them by height. I know he is my oldest because he is the tallest.

Q: OK, but he is not old enough that his voice changed, he is still very young?

A: I don't know how old he is.

Q: Your older brother, does he have a family as well?

A: He also has kids that are small also.

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Q: Are your wife's relatives near by?

A: They are far [away]. They live in the mountains.

Tribunal President: Habib Noor, do you have any more evidence?

Detainee: No, nothing else, but all I request is that you understand that I am innocent and wrongfully accused. I was just making sacks to sell at the bazaar to make money for my family. I would like to go home because I am worried about them.

Additional Tribunal Member Question

Q: Did either you or your older brother have a weapon at home?

A: No, not even a small one. We are poor and innocent, we do not do that.

The Tribunal President explained the remainder of the Tribunal process to the detainee and adjourned the Tribunal.

AUTHENTICATION

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

A large black rectangular redaction box covers the signature of the Tribunal President.

Colonel, USAF

Tribunal President

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Summarized Sworn Detainee Statement

The Tribunal was reconvened on 30 November 2004 after a recess from the initial session, which was convened on 25 October 2004.

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

The Recorder then read in full the Unclassified Summary of Evidence to the Tribunal.

The Tribunal President explained to the Detainee that the Witness requested was relevant, but not reasonably available despite numerous attempts, and would not be present for the Tribunal.

The Tribunal President informed the Detainee he would have the opportunity to respond to the allegations, and he was then administered the Muslim oath by the Recorder.

At this time, the Personal Representative read each allegation individually to allow the Detainee the opportunity to respond.

3a. and 3a.1. The Detainee is associated with al Qaida and the Taliban. The Detainee, in a letter to his brother, included greetings to an al Qaida member.

Detainee: What is the proof?

Personal Representative: I can remind you that currently the Tribunal is only aware of the Unclassified Summary and what you tell them; they have not reviewed any additional evidence.

Detainee: Where is the secret document? Before this I have one question: Every member of the Tribunal swore, except him, what happened to him?

Tribunal President: He is the Recorder, and as I indicated to you earlier, the Recorder, Reporter and the Translator had previously been sworn.

Detainee: Why did you go under oath in front of me and not them?

Tribunal President: Because we are the ones deciding your fate today. We have come here with an open mind to determine if you have been properly classified as an enemy combatant. This (holding the Unclassified Summary of Evidence) is all we've seen about you; unlike other Detainees we have not seen you other than on the 25th. Otherwise, we don't see the Detainee prior to the day of the Tribunal.

Detainee: No problem.

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Tribunal President: (In regards to) your reference to the classified information; classified information has national security interests, and we have no authorization to make it available to you without a security clearance.

Detainee: What do you mean? If you tell me the security of the nation will be destroyed?

Tribunal President: There could be items of national security interest; yes.

Detainee: Basically I heard a court is where a judge sits, and the prosecutor brings evidence against the Detainee. The prosecutor is supposed to bring proof; what kind of proof does he have?

Tribunal President: First of all, let me clarify; we are not here to punish you today. This is not a court, but an administrative, non-judicial hearing.

Detainee: Most of the time you call me an enemy combatant; if you call me this, I need proof.

Tribunal President: Unfortunately since you have no witnesses, and the Recorder has no witnesses, the only information available in this open session will be the Detainee Election Form, the Unclassified Summary of Evidence and your statement, should you choose to give one.

Detainee: Why did I come here? Of course, I will answer your questions.

Tribunal President: Are you ready to do that?

Detainee: Obviously, he (the Personal Representative) asked me if I would join, and yes, I will join.

Tribunal President: We welcome your participation.

Detainee: The reason I asked him to provide evidence is because he told me I wrote a letter to my brother. I'm asking, where is the letter?

Tribunal President: I have not seen the letter.

Detainee: You ask him because he accused me of writing this letter. I am telling you I did not write such a letter.

Tribunal President: That's fine; you may say that, but if the letter is a part of the classified evidence, no one will see it in this open session. This is where you provide us with all the information you want to in reference to the unclassified evidence.

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Detainee: My answer is I don't know about the letter, and I did not write the letter.

Tribunal President: OK; thank you. That's not so difficult, is it?

Detainee: I asked my Personal Representative who told him about the letter, and he told me, the interrogators. In the past three years of interrogation, no one has mentioned such a thing. I am surprised that over the past three years no one told me anything except for today.

Tribunal President: We'll probably be surprised, too, when we read more about your case. Please continue.

3a.2. The Detainee was the Taliban Deputy Minister of Intelligence.

Detainee: Yes, I was this, and I will tell you why. Before the Taliban captured Kabul, I was in Quetta, Pakistan, studying. When I came home, the Taliban came and recruited people by force to Kabul. Someone by the name of Kalmi Abdul Magduli (ph) sent an individual to tell me that the Taliban will recruit me by force. Why should you come by force, when you can come at your own will? This was a threat, so I went with them because I had to. Because he was from my own province, he liked me and wanted to move me up. More educated people were working for the ministry than me. When his undersecretary was sick, he told me to take his position until he got better. He got sick and didn't get better, so I continued doing the job. I confessed this, and I will confess again. My job was against thieves and bribes; I was fighting against those kinds of people.

3.a3. The Detainee used a radio to communicate with the Taliban Chief of Intelligence.

Detainee: He was in charge of the intelligence, and was the governor of the whole province. I did not call him; he called me on the radio because he was in charge of us. He gave us our jobs to do, and we couldn't do anything without his order. You know if you have a boss you have to listen to him. The times he called me on the radio was way before September 11th in America. He was governor, and when he was removed, he went back to his previous job in Kabul. I will say again that the times he called me on the radio were way before what happened in America. If this makes me guilty, then I did that. Because we don't have telephones, we have to use radios to communicate. For example, your guards here don't use telephones; they use radios to communicate with each other. I am asking you, the judge, if this makes me guilty, then I am guilty.

Tribunal President: Just for clarification, I am not a judge; I am a military officer assigned as President of this Tribunal.

Detainee: But I thought you meant you were a judge? You told me you were a judge.

Tribunal President: Just a miscommunication.

Detainee: But you decide the good, or bad; you tell me if I am right, or not right.

Tribunal President: That is what we'll try to do; determine if you've been properly classified as an enemy combatant today; continue, please.

3.b and 3.b1. *The Detainee participated in military operations against the coalition. The Detainee was involved in the operation to re-establish the front lines of Konduz, Afghanistan.*

Detainee: About this charge, I can tell you I was not a military individual; I was a civilian employee. I was not the Defense Minister of Afghanistan, or a military commander. You know the military forces belong to the military, and do military things. The other thing, American forces caught me in the province of Ghazni. You may ask them if they caught me in Ghazni, or in Konduz. All of my life, I never went to Konduz. All I know of Konduz is that it's in the north, and my province is in the south. Since you are accusing me of rebuilding the front line, then how did I do this and go back and get captured there? They are far apart from each other; not like from this block to that block. For the past three years, I was not accused of doing anything in Konduz; not one word have interrogators asked me about this thing.

Tribunal Member Questions to Detainee

Q: Good afternoon, Mr. Minister. Seldom before have we had someone of such prestige and responsibility.

A: That was my job, whatever you call it.

Q: Earlier you said you were in Quetta, Pakistan, before being called to duty; what were you studying there?

A: I was learning how to pray, and about religious studies. I told my interrogators in detail about this.

Q: How long was your course of study?

A: I previously mentioned the approximate date I studied, but I forgot. I was there when the Russians were in Afghanistan when I was just a little boy.

Q: How long did you live in Pakistan?

A: I can't tell you now exactly, but I told you I told interrogators approximately how long I lived there.

Q: Could you approximate or guess?

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A: Approximately 2 or 3 years.

Q: Were you studying to become a mullah or religious leader?

A: Who could become a mullah and feed their family? I went because of the Russians, so I could survive. Who could afford to study for a long time to be one? We had an economic problem, so I could not be a mullah.

Q: Ultimately it was your goal to return to Afghanistan when it was safe?

A: When? Of course. Afghanistan was my home. What would I do in a foreign country? I was living in mosques.

Q: Prior to your work in intelligence and religious studies, how did you support yourself or make a living? Before you began religious studies, how did you support yourself?

A: I was a young boy, working on our land. Thank God we had land. If you want to ask, I know how to farm. My grandfather and my father were farmers.

Q: So it sounds as though you had no special skills related to intelligence.

A: No.

Q: When Mr. Ahmadullah called you to work for him, it's because he trusted you, not because you had a background in intelligence?

A: No, the Taliban was recruiting lots of people. Everyone was trying to bring their own people into their own organization.

Q: I would think it would be most difficult for a farmer and religious student to suddenly become Deputy Minister of Intelligence with no background and no training.

A: Basically, many of the interrogators asked the same question, but I said, don't think the Afghanistan government is the same as the U.S. government. Ahmadullah himself was not educated; he is not here, but I tell you he is not educated.

Q: How did you know how to perform your duties then?

A: Basically, it would take me a long time to explain the details about this subject. Afghanistan at the time of the Taliban was not organized. Everybody was recruited to work for the government. Many of the employees in the Ministry were much more educated than me and Ahmadullah.

Q: How long did you serve in that position approximately?

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A: A different subject if you want to interrogate me all over again, because I previously provided that information to interrogators.

Q: Well, as the President told you, we haven't seen your file. I'm hoping you'll be patient enough to tell us.

A: I meant no problem that you are asking, even if you have a hundred questions, but call me more often; it takes a long time for me to provide the information.

Q: I just wondered if you served the Taliban for two years, or how long you had served?

A: I told you previously between approximately 2 ½ -3 years I was with the Taliban, but not as an Undersecretary of Intelligence in Kabul.

Q: Did you serve in other capacities?

A: I told you again, you can call me tomorrow when we have more time, so I can tell you in more detail. You probably don't have enough time to listen to my story.

Q: This is the time we've reserved for you today; I'm hoping you'll be willing to tell these things about you so we can make a more informed decision.

A: I told you approximately between 2 ½ to 3 years; sometimes Undersecretary of Intelligence, sometimes not.

Q: Do you want to say what other capacities you served in during that 2 ½ years when you were not the Undersecretary?

A: I told you before, I was called to be put into the position of intelligence. He put me in the guesthouse; I was living in the guesthouse.

Q: What were your duties while you were there?

A: I told you, according to our culture in Afghanistan, people are given high positions; people go to the guesthouse to greet him. I was cooking for them.

Q: Cooking for whom?

A: No, no. For example, when you are given a new position, Kabul city people would come to greet and congratulate you. We would provide food for them at the guesthouse.

Q: So they had come to congratulate you on your new position; is that what you are referring to?

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A: No, no, no. At that time, I was not in the position of the Undersecretary; it was the same Undersecretary in the guesthouse, and I went to that house; people were coming to greet him.

Q: I'm not sure I quite understand what else you did besides serving in intelligence. Was there something else you did for the Taliban?

A: No, no. I told you I that I was working, and took his position only when he was sick. When he was working, I was not doing anything except taking a place in the guesthouse.

Q: Regarding earlier comments concerning Konduz; you said you'd never been there, and in fact were captured in a place far from there; is that correct?

A: You can ask your own soldiers; anything I tell you, you don't believe.

Q: I suppose the way it is worded here (Unclassified Summary), you were part of the operation to re-establish the front lines, and this doesn't require you to have physically been there.

A: I told my interrogators that I was not in Kabul; I was living at home. I told you I'm not military and have nothing to do with the military.

Q: Yes, but as the Minister of Intelligence, as a senior government official, you give orders to men and they follow them.

A: I was working inside of Kabul, and had an employee there; I had no one in Konduz.

Q: So are you saying that whatever this operation was, you were not involved in any way?

A: No.

Q: What is your attitude towards the United States?

A: According to what?

Q: Given everything that has happened over the past few years, good or bad, what is your opinion of the U.S.?

A: You mean that now that you are in Afghanistan?

Q: That or anything else you wish to address.

A: Before my capture I did not know or study about Americans. I heard on the radio on the BBC that Americans respected human rights and I was happy at that time. I also

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heard Americans would not tell anybody if they could or could not practice their religion, and I learned that here.

Q: Is there anything else you wish to add?

A: You ask me and I answer you.

Q: You operated the guesthouse near Kabul, right?

A: Yes.

Q: You were doing this and sometimes doing the Deputy Minister's job, is that correct?

A: When he was sick?

Q: When he wasn't in the office, you were in charge?

A: Yes, when he was sick, then I was in charge.

Q: So you were familiar with the area of Kabul?

A: Before that, I was not familiar. But, when I went there, I spent time there.

Q: So you were familiar with the area of Kabul?

A: I swear to Allah I spent some time in Kabul, but still don't remember the names of many places in Kabul.

Q: I would expect that you'd have recollection of the more prominent places.

A: I told you I was busy working, and did not go to be familiar with many parts of the city.

Q: But you should know or be familiar with what is around the city.

A: I was not a regular employee to go around the city; I was sitting in my office.

Q: And your office was where?

A: In Kabul; a place called Shardinow (ph).

Q: What did you think of the six al Qaida training camps that were around Kabul, any of them?

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A: I don't know. I swear to Allah that this is the first time I heard from your mouth that there were six training camps outside of Kabul. I heard from you there were al Qaida training camps. I don't know, I just now heard this from you now.

Q: Your capture; did you have enemies that brought evidence against you that led to your capture?

A: Why not? Do you not know that in Afghanistan everyone has lots of enemies there?

Tribunal Member Questions to Detainee

Q: When the Deputy Minister of Intelligence was sick and you would fill in, how long a period of time would that be?

A: Approximately, 6, 7, 8 or 10 months at a time.

Q: Were you really busy when filling in for the Deputy Minister?

A: How?

Q: Busy, as in a lot of work; very involved with the duties of that particular office?

A: It wasn't like I was very busy; it wasn't like I had nothing to do.

Q: What were some of the duties or responsibilities of that office that you carried out for the Deputy Minister?

A: I told you, when the accusation was written my job was to fight against the thieves and people that took bribes. Because security was very important to the Taliban, they were trying to spend lots of time on these types of matters.

Q: So this was more of a police type of responsibility?

A: You asked me a very good question. Previously, I told my interrogators to ask why the intelligence member is working a police job. The Taliban had their reasons, and they were these: first, all of the people in the intelligence community with a position in that area were not educated. The people who were intelligence employees before the Taliban took over kept that position; they told us they didn't have enough money to provide a salary since we were uneducated, but this is why we are using you in this manner. They were left over from the Communist regime or Massoud's era. If you ask me why we didn't get rid of them, it was because they knew how to do the job and we needed them. For example, I cannot write any statements about the Tribunal; anybody knows better than me. This was the reason I did not do this job, and the delegation of the Afghan government asked me the same question. I told the delegation if you accuse me of being

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involved with any part of politics, you are wrong, because you know more about me in there.

Tribunal President Questions to Detainee

Q: During the times that you would carry out those duties as Deputy Minister, did you ever encounter known al Qaida members?

A: No. Before my capture, I heard on the radio that al Qaida members were in Afghanistan. I thought all of them, maybe a few, would be on top of a mountain somewhere. When I came to Cuba I saw all of these al Qaida members and Arabs.

Q: So was it Konduz in which there was no al Qaida?

A: I told you, sir, I didn't go to Konduz; my job was in Kabul.

Q: That's right; that was my mistake there; so in Kabul, where your job was, there was no al Qaida?

A: I did not know. If anyone can prove we had anything to do with al Qaida, then I am guilty. I did not have anything to do with al Qaida in Kabul.

Q: Had they been there, you would've known?

A: How would I know? Kabul is not a small place; it is a huge area for a person who does not know how to take care of the place, how would he know?

Q: Some of the people that worked for you in intelligence or in police work, would they know about that?

A: I told you, I don't know if they knew or didn't. I didn't have a connection, and never even asked if there was al Qaida.

Q: We heard al Qaida would pay large sums of money for support or favor. If your ministry was working on minimizing bribery, I thought you might become aware of those kinds of things.

A: I wish that these oppressors would give me some bribes so I could make some money. We have an old saying that you cannot hide the moon with two fingers. I worked in Kabul; still the employees of ex-intelligence community are working for the government now. You can go look at those files to see if we arrested, investigated or contacted any al Qaida; you could find out. Previous interrogators asked me if I made lots of money as an intelligence officer over there; I said to go see my office, we still have no running water over there. My office did not even have running water, and employees had no restroom. We did not have window, and had to use plastic to shield from the cold. I told the

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interrogators if we made lots of money we'd at least bring running water to our office. The enemies or wrong accusers are making us look very big to you.

Q: Did your personal home have running water? Where you were working in Kabul?

A: In the beginning I didn't bring my family to my house, but in the end I brought my family. The house we rented in Kabul was from the dirt; and yes, we had water. Three hours in twenty-four hours we had water; we took the water inside the barrel and then we had water.

Q: As I mentioned earlier, the witness you requested was unfortunately not available today; if he had been able to provide information on your behalf, what would he have said?

A: First, my brother is against me. Because when I wanted to work for the government, he told me your father and grandfather didn't work for the government, you should not work for the government. Although he is my enemy because I didn't do what he asked me, he could still tell you where I was at the time of the fighting in Konduz. When there was fighting in Konduz and Kabul, he could tell you where Abdul Haq (the Detainee) was, because he saw that I was home. You could ask your own soldiers because they know this.

Q: So when there was fighting in Kabul, you were not there serving as Deputy Minister?

A: No. At that time, I left my job and was living at home.

Q: What time of year was that?

A: When the bombardment started in Kabul, I left my job and went home.

Q: That's a pretty good indicator that it's time to punch the clock out.

The Tribunal President then thanked the Detainee for his testimony, and confirmed he had no more questions. One Tribunal Member had one final question of the Detainee:

Tribunal Member: Do you know what has become of Mr. Qari Ahmadullah?

Detainee: Yes, I know.

Tribunal Member: What happened to him?

Detainee: He is under the grave.

Tribunal Member: Sorry to hear that; I have no further questions.

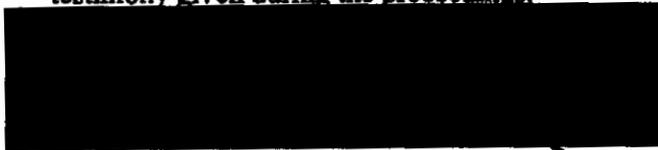
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The Tribunal President re-confirmed that the Detainee had no additional information or questions for the Tribunal, and thanked him for his participation and testimony.

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

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

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Summarized Sworn Detainee Statement

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

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

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

The Detainee did want to take the Muslim oath.

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

3.a. The detainee is associated with the Taliban

3.a.1. On 27 March 2003, a Red Cross convoy was attacked in Afghanistan, and a member of the Red Cross was murdered on the scene.

Detainee: I am not aware of the Red Cross members and the convoy. I haven't seen it. Nobody has seen me do anything to that convoy. I never took a gun in my hand and all of my people in my country are witnesses that I'm a person working with a shovel in my hand. I'm not aware of what happen to the Red Cross people. In that mosque somebody told me about that. I'm not a mad person (what he mean is not mentally disordered). Red Cross never killed my father or my relatives. You can get information from my country. I'm not a person dealing with guns. I'm also not aware of these accidents. They were mean with me. They put me in a jail, they were harsh on me, they told me that you did it and I'm not aware of it at all.

3.a.2. Prior to the 27 March 2003, incident authorities in the Shahawali Kot area of Afghanistan were informed of a group operating in the area with the intent to do harm to westerners.

Detainee: The attack could be by a means of a shovel, pick, gun or whatever. Not with clothes (one pants and one shirt) in the middle of the creek. If they found such a thing on me in my home then yes I am responsible for it. For instance, if I attack you in here right away I'm telling you. If I attack I will have something on me proven I would attack you and I did attack you. I know that Americans are not mean people but this is not correct if I'm in detention and these harsh times for these allegations.

3.a.3. The detainee lives in Shahawali Kot, Afghanistan.

Detainee: Yes I am living in Shahawali Kot.

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3.a.4. The detainee is suspected of being a bodyguard of the individual responsible for the killing of Red Cross personnel.

Detainee: A bodyguard would have a weapon or something to prove that they are a bodyguard. If I were a bodyguard there would have been evidence on me like a knife, gun, or something to prove my identity as a bodyguard. When they arrested me I never had such a thing on me to prove that I was a bodyguard. Basically I'm a poor guy and I don't have a father or a brother. I only have a senior mother with five kids. Even if someone gave me the responsibility of the United States, I would not accept it because I have to support my family.

3.a.5. On 03 April 03, individual name Abdul Ghaffar was known to possess a satellite phone.

Detainee: If they arrest me and I had such a thing on me then I would accept that responsibility. I have never had such a telephone in my hand, I never used it and I don't know how to operate it. I don't know why they brought this against me because I did not have it. If it was a satellite phone with me, today they could prove that this is your satellite telephone by evidence. I have never seen in my life such a telephone. I don't know what kind of situation this is. All I know that this is kind of mean on me.

3.a.6. The detainee was captured in a creek bed by U.S. Forces on 21 April 03.

Detainee: I was in my home and my mother woke me up because I was very tired from working in the potato and okra farm. It was the sound of the helicopter why my mother woke me up to go outside to go out and check on the cattle. When out from the door, there is a dried creek in front of us and when it is raining the water is running in the creek. I went out to the creek and I heard the sound of the helicopter, it was trying to sit down. At the time I could see the dust going up so I was trying to keep myself from it and I sat down. When the helicopter completely sat down. I wanted to go back to the my home but I saw from the corner of the wall three people they came and warned me to keep your hands up, then they arrested me. At the time I wanted to get up and go back home. I was confused thinking should I go or not. This is the time the three soldiers came and point the gun at me and said don't move. When they arrested me the put the cover on my eyes, then they tied up my hands and then they transferred me from place to place; finally I arrived here and I don't know why I was arrested. If I was an enemy of combat or a person with strong fighting there should be evidence on me that I did that. Why am I being counted as an enemy of combat with no evidence? I never worked with any kind of government; in this government or previous government, I was never involved. I'm a farmer. I have my family and I have to serve for them. I have six to seven kids of different ages. Why would I leave my kids? I have to serve them first. Even at the time of the Taliban, which was two periods on Afghanistan authority. I have never been with them for during their service. Why is it now these allegations are against me and now I'm an enemy of combat? We thought with Americans coming to Afghanistan would be a help. I can see now that it is worst than the Taliban. They brought me from (inaudible) up to Cuba. Right now it is roaming between people that

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Americans are helping and giving jobs to people paying \$5000. I'm the kind of person that has never seen a dollar and I don't know what it is. What I'm thinking is that I have animosity in my enemies. They handed me to the Americans because for their revenge they send me here and my family would be in trouble, this is what I'm thinking. I don't see any problem with me and the animosity is the basic cause for this. I was happy for my government and my country. If they were kind and friendly with me I could get a hundred people from my village or my country and those people were aware of my situation. They know that I fought in my life. I have never put my hand on a gun or done such an action. Even at the time of Jihad (he referring to the time of the Russians) I didn't pull up any weapon because the only purpose I had in my mind was serving my mother and my sister. My family was not happy about going into Jihad because my mother was getting upset when I was trying to talk about Jihad or going to Jihad.

Tribunal President: At this time is there anything you would like to tell the tribunal about your case?

Detainee: Yes.

Tribunal President: This is your opportunity.

Detainee: We were very happy (U.S.) came into our country because our country was under the harsh time of a dry year. At that time I borrowed 50 kilos of wheat from somebody and I have to pay him by working as a laborer for this person and that person. Right now, regarding to the hard economy, this year I send my little kids to my father-in-law house. I don't know what will happen. Why do Americans want to be mean to me? What is my crime? What crime was I arrested and detained in here for? Americans, instead of helping us with the poor and innocent people because our economy is not straight. They brought those innocent people to jail. Instead of helping and providing food my kids, which I'm not with them because I am sitting in this jail. Even though I didn't have a gun and I didn't do anything I'm still in this detention. What will happen to my children? Isn't this very mean to me?

Tribunal President: Let me tell you at this point. The only thing we know about your case is the unclassified summary. That is all we've seen about you.

Detainee: I want to say this in my testimony. This is a request for you all. Please look at my case and pay attention to it. If I have any evidence that proves my guilty being. I am responsible for it. This is my request.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. You mentioned that maybe an enemy turned you in. Did you say that?

A. I don't know exactly. This is my idea. There had been chaos for twenty-five years in Afghanistan. People have animosity toward each other. We could see

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that Americans paid \$5,000 for each person. People handed different people to them. These people are thinking that once the people go to jail, like the time of the Russians, they will not return again. I'm thinking strongly it could be a person behind this that is thinking that my family, my sister, and my mother should be alone and they sent me to jail. Americans should not accept a person from just anyone for detention; they should have proven documents with him. I had only my clothes when I was arrested. There were no documents to prove that I did such activities.

- Q. How many people are in your village?
A. Our village is a very big village. I don't know how many people are living there.
- Q. Is everyone of the same tribe?
A. No there are different tribes.
- Q. You mentioned you father past away. Did he die from violence?
A. No. He past away from a sickness, I was only twenty-five years. I (inaudible) only three years ago because he past and I (inaudible).
- Q. Do you know if your home was searched after you were captured?
A. No. They didn't search my home.
- Q. Would you have had weapons in there?
A. No, except for canton beds, pillows, floor, shovels that I work with and some knives that I use to cut tomatoes and eggplant for cooking.
- Q. Can you write?
A. I can write a little bit. Only I can understand. It is not fluent.
- Q. In your village are there other people with the name Ghafaar?
A. It is four or five people.
- Q. Do you always spell your name the same way?
A. Yes it is all the same.
- Q. How old are you today?
A. 47
- Q. You indicated that you wanted to join the Jihad but your family would not let you. Have you ever received any military training?
A. No I have never had any military training. I never served the government. I have never been with people who have been supporting with guns.
- Q. Have you ever traveled outside of Afghanistan?
A. No.

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- Q. So you don't have a passport or no identification?
A. From my village up to Kandahar I have traveled, but not more than that. I know names of the province from the books we studied in the very primary classes and more than that I don't have information about the cities and province.
- Q. No passport?
A. No.
- Q. Do you know whom the Red Cross is? Have you seen Red Cross personnel in Afghanistan?
A. I have seen the Red Cross over there. They are helping organizations; they help doctors and watching the kids. One time in the bazaar over the loud speaker they were announcing about the (inaudible). My teeth were painful and I went over there to get treatment, they said no that these doctors are only for vaccinations and kids doctors not more than that. They were helping us with the wheat and other stuff over there.
- Q. Have you ever seen any violence against the Red Cross?
A. No I have never seen such an action against the Red Cross. I am a simple farmer. All day I'm working and not going anywhere except for supporting my family by working for this person and that person. Right now also people are asking for the money that I borrowed from them. I said to my mother you have to find some people to pay for that.
- Q. When you were arrested were you arrested by Afghani troops or Americans troops?
A. It was dark but when they (inaudible) it was American Forces.
- Q. Were you the only one arrested?
A. At that time no but when I transferred to Bagram it was four or five people and one of them was released from Bagram. The other guys were released from Kandahar.
- Q. Have you seen any of your villagers here in Cuba?
A. No.
- Q. Your story about the ditch, I need to clarify. Were you in the ditch or beside it?
A. Like I described it. The helicopter was coming to sit down and the wind was blowing the dust. The ditch is not too far from my home. I went to ditch and kept myself down. When I stood up the three soldiers from the opposite direction from a narrow spot came and put the gun on me and arrested me.
- Q. I'm assuming if you lived in Afghanistan all of your life, you knew who the Taliban were?
A. A person who is working in that area will know the limit of his professional area. With the type of work that he is doing he will know those peoples. I'm a farmer

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and I could recognize a lot of farmers from my village. A person who was working with the Taliban could recognize different Taliban members. If a person is working with Mullahs he could recognize Mullahs. I was a farmer. If you ask me about the Taliban and ministers I would never know who they are. Somebody working with the director of Kings should know those people with their higher rank and government. In our village there were two or three people that were Taliban but they disappeared and I didn't even know who they were. I never worked with the Taliban to recognize their members.

Q. Did you ever see anybody in your village that had a bodyguard?

A. No.

Detainee: Can I talk about the jail?

Tribunal President: If you think it pertains to your case to help us to make the determination, Yes.

Detainee: I'm talking about my personal interrogations. It was harsh on me. For example some of the questions like you are related to Bin Laden or Mullah Omar, they were very harsh and bother me very bad.

Tribunal President: I am aware of some allegations that you told your Personal Representative and those have been forwarded up to the appropriate channels.

Detainee: I'm asking in here because you guys are all responsible people. Why it's harsh on me this much?

Tribunal President: Again the only thing we know about your case is just simply what is here.

Tribunal President's questions.

Q. Would you consider you village a safe place to live?

A. I'm a farmer. Who will deal with me? Nobody deals with me.

Q. I know some of the larger villages had actual security forces to keep control. Did your village have one as well?

A. In our village we can see that some of the commanders were working for the government. They were up and down, they are over there, and we could see their chains with them. The American Forces were not. We were having a hard time with the Rebels and they were hard on us and we were happy the Americans were going to do security for us but right now no one is doing security.

Q. I guess I'm still just curious. I know through a lot of other detainees they have told us that they had weapons in their house because it was such an unstable area and they were concerned about their own personal safety. Would you have been

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allowed to have one? Would the government in your area allow you to have a personal weapon if you wanted one?

A. I'm a poor guy. I am not wealthy enough to keep a gun in my home. Those people keep a gun or rifle in their home are wealthy people and they protect them self from being robbed. I'm a poor guy and I don't have any type of machine gun or rifle. If I'm a poor guy and I have a machine gun or rifle in my home then that it self is my enemy. The other thing is Americans arrested me and maybe somebody reported it wrong. I'm thinking that because of my sister and my mother or because of the \$5000 Americans are putting their hand. A long time ago I shot three bullets in a gun and somebody shot it for me and that was in a marriage party. They told me if you pull the trigger and squeeze it hard you can shoot. I didn't anything more than that on a gun. The gun did not belong to me. I had an argument with one person. His name was Abdul Haleke(ph). He told me you have to go to my room. I rejected him because he robbed people and that is why I didn't go. This why I suspect that guy, other than that I don't have a problem with no one in the village. This is what I'm thinking because I have never had any problems with anybody. When people were talking that Americans are arresting people and paying money for each person, that guy told me I will hand you to the Americans. I told him to get up from here. I told him you can't do anything because I don't have anything on me. I'm thinking that this guy did do something to me.

Q. Would you say that \$5000 is a lot of money in Afghanistan?

A. In Afghanistan you are talking about \$5000. One dollar is a lot of money in Afghanistan currency. If I worked two years I could not make \$5000. Even three years I could not make \$5000.

Q. Did you work specifically for a specific individual or would you go to different people as they had jobs they needed for you to do?

A. This is sort of like a village deal. Five days I would work for somebody and probably five with somebody else, who ever needed me. After awhile if I needed to work on my land I had to do that one also. Sometimes I was cultivating tomatoes and eggplants and this was after I finished my work and I have free time and if somebody needs me then I would go and work for him, whoever needed me.

Q. Did they usually pay you in money or did they pay you in goods?

A. For one period of the harvest I would receive 50 kilos of wheat. This is how they would pay me. Five days if go and work for somebody and it is farmer work. For example I would cultivate for him. Then after those five days another person would come and need me to make a mud wall or something, I have to work for him. Then another five days if I have some free time I will work on my land to do the cultivation. Then if I finish my cultivation. I will work for anybody that ask me. This is the way I survive.

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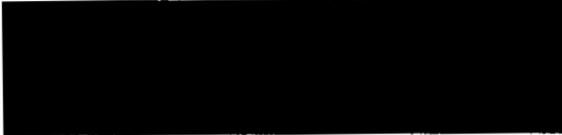
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The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

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Summarized Detainee's Sworn 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.

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

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

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

Tribunal President: I see by the Detainee Election Form that you have elected to participate as evidenced by your being here today. I also see that you requested two witnesses from Afghanistan. The first witness was Haji Manan. You offered that this witness was with you fifteen days prior to capture and can testify that you did not engage in hostilities against the United States. The second witness you requested was Khurallah, your father. Basically you said he could testify that you are not associated with the Taliban or al Qaida and that you were staying at home learning how to drive a tractor from your brother. As such, I ruled that this testimony appeared to be relevant to your case. In accordance with standard procedures, the request was sent to the U.S. Department of State on 4 January. An additional follow-up request was sent on the 17th of January. To date the Department of State has indicated they have had no response back from the foreign embassy. As such, I've determined that based on the attempt to locate and lack of response that these witnesses are not reasonably available. I will tell you that if this testimony does in fact become available at a later time the Tribunal will consider whether to reopen your case or not. Rahmatullah you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do wish to present information to this Tribunal and would you like to make your statement under oath?

Detainee: Yes.

Tribunal President: Recorder would you please administer the oath?

The Recorder administered the Muslim oath to the Detainee.

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

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Personal Representative: Madam President, prior to the Tribunal I met with the detainee and he wishes me to read the allegations and he will respond to them.

3.a.1. The detainee has strong ties to the Taliban.

Detainee: I don't have strong or poor relations with the Taliban. I don't know who is a Talib. I never saw any Talibs. I don't know them. Who are the Talibs and who is working in the government? My job was to operate a tractor and this work does not have any relations with the Taliban or to work in a Talib government.

3.a.2. The detainee organized a violent anti-government protest in Tarin Kowt, which urged Afghans to kill United States Forces and any Afghan who assisted the United States Forces.

Detainee: I don't know where Tarin Kowt is. How come people will accept my words when I was a little kid at that time when I was arrested? It's not possible for all people to be opposite of the government. By my order I was a little kid.

3.a.3. The detainee was reported to have close ties to a former senior Taliban military commander.

Detainee: I don't have any relations with any senior Taliban and I don't even know a junior Taliban even if I had a relationship with a senior Taliban. If I had a relationship with a senior Taliban, who is he? What is his name?

3.b.1. The detainee fit the description of one of the individuals leaving the site of the ambush against U.S. forces.

Detainee: What kind of description is on me? If it was that I had ambushed the United States, why did I go directly to my home? They arrested me in front of my home. After I sat in the car and went to my home, I didn't have any weapons on me. If I were involved in an ambush against the United States why would I sit in the car and come directly home to be arrested? I would go somewhere else.

3.b.2. The detainee was involved in the ambush of United States Forces and was captured with a large cache of weapons.

Detainee: I didn't participate in any ambush against the United States and I didn't have any weapons on me at all.

3.b.3. The detainee suffered hearing loss when captured, which was caused by firing weapons.

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Detainee: I never had any difficulty with my hearing. If I had difficulty with my hearing why didn't they tell me? Why didn't they treat me? They never gave me any medication and they never checked my ears.

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

Detainee: I don't know why these lies came to me. These allegations are not based on truth. I was a little kid and I was supporting my family, to work and support my life as well. At the same time, I was a little kid and I was trying to learn how to operate a tractor from my brother. This is another reason why I was working hard to support my family. In that fifteen days that I operated the tractor, I was away from my home. When I returned to my home they arrested me. At the time I was arrested it was similar to right now in here. The day was like today in here and I was arrested.

Tribunal President: I would like to tell you at this point the only information we have about you is what we've been provided in the unclassified summary. We may have some questions that we would like to ask you. Would you be willing to answer questions for us?

Detainee: Yes. Of course you can ask questions. If I have the answer I will tell you the answer, if I don't, I will tell you I don't know that.

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

Personal Representative: No Ma'am.

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

Recorder: Yes Ma'am.

Recorder's questions

- Q. You mentioned you were a little kid at the time when we discussed the protest in Tarin Kowt. Please clarify if you were actually there at Tarin Kowt or are you saying that you were you a little kid at the time participating in any type of protest?
- A. Like I said, I don't know where Tarin Kowt is. I said that I was a little kid but the time was not clear to me. When was that? I was a grown boy? I'm not sure about this age. Nobody will accept from me if I was opposite of the government.
- Q. Do you know how old you are now?
- A. I don't know exactly how old I am. Approximately I am twenty-two years old. In a few days I will complete two years here. Around EID I was arrested and EID is starting in a few days.
- Q. You mentioned you were arrested in front of your home. Where do you live? Where were you captured?
- A. No I was on the way home not in front of the house.

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Q. Were you in a vehicle? Were you walking? How were you captured? What was the scenario?

A. We were on the way and they wanted to check the bus. They stopped the bus and asked us to come down from the bus. After they checked us, they arrested us and brought us to the place for detention.

Q. You were actually in a big bus or was it a car?

A. It was a small car but it had a few people in it.

Q. One more question. What town was this in? What village?

A. Close to Leejai village in Baghran district in Helmand province.

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

Tribunal Member's questions

Q. Did you live at home with your parents?

A. Yes.

Q. Do they own a farm?

A. Yes.

Q. Is that what your father's occupation was? Was he a farmer?

A. He is not a farmer but he works on his land. He worked in the market. My father has a store in the market. He either runs the store or works on his land.

Q. I'm not sure where Helmand province is, what's a big city? Is it near Kandahar? I want to get a picture of where you lived.

A. I swear I don't know the correct answer. I know it is close to Kandahar.

Q. When you were on the bus, where were you coming from and where were you going to?

A. I wanted to come from the place I was operating the tractor to my home.

Q. How far away are those two locations?

A. This is the first time I was away to that point. I don't know exactly how far it is.

Q. I don't need to know exactly but was it a five-minute drive or a ten-minute drive on the bus?

A. No it is approximately two and a half hours to three hours away from my home but exactly I don't know. The reason I don't know is because from this side I went by tractor from that side I came by car. That is why I'm confused about the time and the distance.

Q. You went to this location by tractor? Whose tractor was that?

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A. It belonged to Haji Manan.

Q. I guess I don't understand. Why do you have to drive more than two hours to learn how to drive a tractor when your neighbor already has a tractor?

A. This tractor belonged to that guy (Haji Manan) and he was paying me. I was operating it. That tractor did not belong to me it belonged to him and he wanted me to operate and take it up there.

Q. Did Haji live two hours away from you?

A. That place that I described a while ago it was approximately three and half hours distance from me. That is the place he is living.

Q. Do your parents have any weapons in their house?

A. No.

Q. Did Haji have any weapons?

A. I don't know about Haji, I just operated the tractor.

Q. On the bus, how many of you were captured from the bus?

A. Approximately, God willing, it was seven people. This is long ago that's why I can't figure out the numbers exactly. God willing, I previously I confessed that seven is the exact number.

Q. Of those seven or so, do you recognize any of them here? Are any of them here that you know of?

A. The guards know, I don't know. The reason that I don't know is that when I sat in the car I didn't know those faces. If they are in here, I don't know.

Q. When you were captured, did they give you a reason?

A. No they didn't give me any reason.

Q. Were you arrested by Afghanis?

A. No it was American Forces.

Q. I would just like to clarify a few things. Do you have any formal education?

A. No.

Q. Do you have any military training?

A. No.

Q. You said earlier that there were no weapons in your house. Have you ever fired a weapon?

A. No.

Q. To clarify, you do not know any Taliban members?

A. No.

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Q. Have you lived in Afghanistan your entire life?

A. Yes.

Q. Have you traveled outside of Afghanistan?

A. No.

Q. Do you have a passport?

A. No.

Q. Do you know if any of your friends like Haji or family members have attacked U.S. Forces?

A. No.

Q. Have you ever protested either the new government, the Taliban or the U.S. Forces?

A. No.

Q. For the record, what is your brother's name?

A. Essatullah.

Q. Is your brother older or younger than you?

A. He is older than me.

Q. When you were away for your fifteen days of training, did you stay with your brother?

A. No. Before those fifteen days I was with my brother. The fifteen days that I operated the tractor I was with Haji.

Q. Does your brother live at home with you?

A. Yes.

Q. Did any of the passengers in the car have weapons?

A. I didn't see any weapons on them and I didn't know them at all.

Q. Is Haji's house or farm close to yours?

A. That's the difference of the distance between Haji and us, two and half hours.

Q. For clarification, it was it Haji's tractor?

A. Yes it was.

Q. Did your family borrow the tractor and you were returning it to Haji?

A. No. I said before that the tractor belonged to Haji and I was operating that for him and he paid me, hourly or weekly.

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- Q. I thought I understood that you drove the tractor from your home to Haji's house and then caught a bus back.
- A. Yes of course. He brought it to our village and he left it in the bazaar. From the bazaar he told me to drive it up to his home.

Tribunal President's questions

- Q. You said you were working on a tractor. What kind of crops was Haji growing?
- A. Wheat.
- Q. What specifically were you doing with the tractor? Were you cutting down weed or were you prepping the fields? What were you doing?
- A. I plowed the ground.
- Q. You were getting it ready for crops?
- A. Yes. When I was plowing the ground behind me they were spraying the seeds.
- Q. What province is Haji from?
- A. Helmand.
- Q. It's in the same province?
- A. He is living in Seyachaw village, Baghran district in Helmand province.
- Q. Tell me a little about your bus ride. How did you link up with this transportation?
- A. When the sun rose, I got off from the Sirai (ph), which is a big place where people live, and I went to the side of the street. When I stopped on the side of the street a car came. I waved my hand. When he stopped the car I climbed into the car. We came after the time the people were standing and checking the car.
- Q. Where did the driver say that he was going? How did you know that car was going to take you where you needed to go?
- A. Basically in our country, each village has separate cars for transportation. Everybody knows his or her village cars, which is passing from the bazaar. When they are coming and you are waving, you can recognize these cars are going to our side. It's easy to recognize it. One side goes to toward the bazaar and I had to catch that car.
- Q. Did you pay for this transportation?
- A. When I arrived at the bazaar I had to pay him. At the final destination I had to pay him.
- Q. Were there already others in the vehicle when you got into it?
- A. Yes. All of them were in the car except one. One of them climbed in after me into the car.

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- Q. You rode for two and half hours, did you engage in conversation with the other travelers?
- A. No. I did not talk to anybody. I didn't need to talk to anyone. Basically if I had a friend with me or someone I knew I would talk. If I don't know anyone when I climb into a car I would say hi to everyone then I would sit in my spot and not talk.
- Q. Is your name common, Rahmatullah? Are there others in your village?
- A. Yes.

Tribunal President: At this time do you have any other thing that you would to tell the Tribunal?

Detainee: This is the question I have. The allegations that came on me, none of them are true. It's my fault and enough is enough. Like I described I'm not interested to do such a job. I am only interested in my professional job, which is operating the tractor. For the rest of the allegations, I don't know about it and I don't like it.

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

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

AUTHENTICATION

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


Colonel, U.S. Army
Tribunal President

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Detainee: All of the things said about me earlier are not true. What should I present if they were not true?

Tribunal President: You will have an opportunity to make a statement, and, with the assistance of your Personal Representative, you can tell us your story.

Detainee: If you bring me true accusations, I will talk about them, but those are all false. How can I reply to something that's false?

Tribunal President: That will be your decision. You will have an opportunity to reply and we may ask you questions.

Detainee: All the points said before were all not true. What else should I say? I'm telling you they are all untrue.

Tribunal President: After you have made your statement and we ask you some questions, we'll give you an opportunity to call your two witnesses. They will have the opportunity to testify on your behalf, and you will be given the first option to question the witnesses. The Tribunal panel will then question the witnesses, and then we will continue with the process. Before we conclude the open session, I will explain the processes following this tribunal.

Before we continue, would you like to make your statements under oath?

Detainee: Yes, that's no problem.

The Detainee began to cough due to his fasting and requested a cup to spit in. The Personal Representative retrieved a cup and napkins for the Detainee.

The Detainee had a question and the Tribunal President asked him to wait until the Personal Representative returned to ask his question.

Personal Representative: The Detainee had that cough during our interview sessions as well.

Tribunal President: Whenever you're [Detainee] ready, you may ask your question.

Detainee: How did they decide I'm an enemy combatant when all of the evidence is not true?

Tribunal President: We'll be happy to discuss that after you take the oath.

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The Detainee was sworn.

Sworn Detainee Statement

Tribunal President: To address your question, the Tribunal has been assigned to determine whether you have been properly classified as an enemy combatant or not. We have come in here with an open mind; we have not seen your file and we did not see this evidence until this morning.

The United States government has previously determined you to be an enemy combatant because of the items listed on the Unclassified Summary of Evidence. Today, you are given an opportunity to be made aware of that, to make a statement on your behalf in reference to these allegations and you've been given an opportunity to call witnesses. You've decided to do that and we've allowed two witnesses to appear today, who will also be given the opportunity to testify on your behalf.

After we have heard your statements and reviewed the evidence, we will close the open session. If there is classified evidence against you, we will review that as well. After we have reviewed all information about you, we will make a decision about your classification as an enemy combatant. Later in these proceedings I will explain what will happen after the Convening Authority notifies you of our decision.

If you are ready, you may begin your statement.

Detainee: All the accusations that were said before are not true. There were two points mentioned about me being a member of Jama'at al Tabligh. That is not true; I am not a member of Jama'at al Tabligh.

I only left to learn about Jama'at al Tabligh; I was not a member. I learned about [their] religion only. The second point was that Jama'at al Tabligh helped me. That's not true. They never helped me. I only took one paper from them, which proves I was there to learn. That paper was to help me get a visa. They never helped me with anything.

The rest of the points are not true. I'm not them in any way and I cannot talk about it.

Personal Representative: The Detainee and I met on 25 October [2004] for about an hour. Like today, he denied the majority of the evidence. He did clarify that the Jama'at al Tabligh only helped him put paperwork together to get a visa. He stated he was not a member of Jama'at al Tabligh, nor a member of the Taliban or al Qaida.

For the record, on the Unclassified Summary of Evidence, 3(a)5 through 3(a)8 are outright not true.

The Detainee also told me that he did not go to Afghanistan at any time, so point 3(a)4, that he met a senior al Qaida Lieutenant at a guesthouse in Kabul, is not true either.

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The Detainee stated he was arrested in Pakistan, but points 3(b)1 and 3(b)2 are not true. He then talked about the 14 people in the house that were all arrested, and that he would like some of those witnesses help identify that he was there and what he was doing and that he was not there to be a fighter.

Correct me if I'm wrong [Detainee], you went to learn about Islam as a student. Is there anything you'd like to add?

Detainee: What do you mean when I went to study Islam?

Personal Representative: You were in Pakistan to learn about Islam?

Detainee: I was in Pakistan with Jama'at al Tabligh to learn.

Personal Representative: Would you like to add anything else? Sir, [Tribunal President] that was the essence of our meeting.

Detainee: I don't have anything else.

Personal Representative's Questions to Detainee

Q: You stated you never went to Afghanistan?

A: I never went to Afghanistan.

Q: When did you go to Pakistan?

A: I went to Pakistan in the end of February.

Q: Of what year?

A: I don't remember. I've been here three years. It's in my file. After ten months the Americans arrested us in the house, through the Pakistan government.

Q: How long were you in the house? Ten months?

A: I was in that house a month and a half.

Q: You and thirteen others were arrested at the same time?

A: Yes, but they were not with me. Correction...the date was August, not February. There were people in the house when I went there and when I was there people were coming in that I did not know.

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- Q: What was the purpose of what was going on in that house? What were people doing?
- A: People were students; some were sick. People I don't exactly know.
- Q: You were a student?
- A: They were studying religious philosophy. They were students.
- Q: Why do you think you were arrested?
- A: It was pointed out to the Pakistan government that we were religious students. I do not know why they arrested us.

Tribunal Members' Questions to Detainee

- Q: What country do you come from?
- A: Yemen.
- Q: What was it that made you decide to go to Pakistan?
- A: I replied to all of those questions. When you review my file, you will find all of my answers.
- Q: As explained earlier, we have not had access to your file. I'm trying to understand the rest of your story.
- A: Because I've been here three years, I've forgotten most of the details. I remember the things that stood out.
- Q: I thought I'd start with a pretty easy question, which was why did you decide to go to Pakistan?
- A: I went to learn about Jama'at al Tabligh.
- Q: Did you have an occupation in Yemen before you left for Pakistan?
- A: I was a farmer.
- Q: Do you have a strong interest in religious matters?
- A: The only important thing to me was agriculture.

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- Q: Was it an expensive trip from Yemen all the way to Pakistan?
- A: In my situation, I would say yes, it was expensive for me.
- Q: Did anyone help you fund your travel or did you have to do it yourself?
- A: No one.
- Q: How long were you originally planning to stay in Pakistan?
- A: I didn't have a time. I was going to finish my learning and leave.
- Q: Did you have a farm at home and someone was taking care of it for you?
- A: I had a farm; I had people watching it. The time I took off was vacation time. I wanted to be back for planting season to start planting.
- Q: What time of year is planting season in that part of the world?
- A: Planting time differs by which kind of plant.
- Q: When you were in Pakistan, were you only in one place or did you move around to different places?
- A: I would go with Jama'at al Tabligh from one mosque to another.
- Q: Roughly, your total time in Pakistan before you were arrested was about three months, or was it longer than that?
- A: With Jama'at al Tabligh, four months, and when I was sick in that house, and there is proof that I was ill because I was taking medication, it was about a month and a half.
- Q: So, four months with Jama'at al Tabligh and you were sick for a month and a half?
- A: Yes.
- Q: Were you seriously ill, if you don't mind me asking what was wrong with you?
- A: I broke out, and I had pimples on my hands, like chicken pox. I have scars from them. [The Detainee showed the pox marks on his hands and wrists.] I had medication I was taking in Pakistan. It was in the house with me. The Americans have it all.

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Q: Were you restored to health before you were arrested or were you still ill when you were arrested?

A: I was still ill.

Q: You did get some medical care in Pakistan?

A: Sometimes I would get shots and take pills.

Q: Did they help you at all?

A: In prison, or...?

Q: No, I assume you were taking the pills in the house.

A: I never improved.

Q: The people in the house with you when you were arrested, were they all from Yemen?

A: There were people from Yemen and people from other places. I don't know exactly where. I didn't go there for those people; I just went there to get medication and to study. That's it.

Q: The Jama'at al Tabligh people are the ones that helped you find the house to stay in?

A: No.

Q: How did you know how to find the house to stay in, where they would accept you?

A: When I went to the Salafia University, the religious university, they told me where to go. I sat with a group of Arabs and also to get better so I could go back to the University to finish my studies.

Q: So, you were enrolled as a student there?

A: I was a visitor, visiting for an hour or two only.

Q: You didn't take any classes there?

A: At the time I was very sick. I just wanted to get well. Just to meet people.

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- Q: You didn't get sick until you were in Pakistan. Is that correct?
- A: I got sick in Pakistan.
- Q: Concerning the witnesses you have asked to testify for you today, what do you expect they will tell us?
- A: They know I was at that house, that I was a student, and I was with Jama'at al Tabligh.
- Q: Were they also people that were studying with you?
- A: I was with Jama'at al Tabligh and they were studying at the university, but I do not know who they are exactly. When I see them, I can tell you who they are and I can tell you if this guy was studying or if he was Jama'at al Tabligh.
- Q: So, some people at the house were at Salafia University and some people were like you, with Jama'at al Tabligh?
- A: Maybe one was Jama'at al Tabligh. I don't remember exactly. I don't know if he's registered as Jama'at al Tabligh.
- Q: When you traveled to Pakistan, was that the first time you left Yemen?
- A: Yes.
- Q: So, you were never anywhere else in the world besides Yemen?
- A: No.
- Q: When you were in the house, you said that people were either students or learning about religion. Were there any individuals in the house that spoke about al Qaida, the Taliban, or fighting for Islam?
- A: I never mixed with other people. Most of the time I was sick in the room. At the house, I think just one of them was Jama'at al Tabligh; most of them were at Salafia University.
- Q: All the money you needed in Pakistan came from your own money that you saved and brought with you?
- A: Yes.

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- Q: When you were arrested, did you have a passport?
- A: It was in the house.
- Q: So, you had it?
- A: It was with me in the house. When the Pakistani government took me outside, my passport was in my bag, inside the house.
- Q: Have you ever seen your passport again?
- A: When I spoke about it, they [unknown] told me the Pakistani government took it.
- Q: Do you have any idea why someone thinks you altered dates in your Pakistani visa?
- A: That's not true. At my last interrogation, they told me they don't have my passport, so how can they bring such a thing if they don't have my passport?
- Q: Have you ever had, in your lifetime, any military training?
- A: I've never known anything about it.

Tribunal President's Question to Detainee

- Q: In Yemen, what type of crops did you grow as a farmer?
- A: According to the season, we have tomato season, potato season and we have flower season. What kind of crop I would plant would depend on the season. I planted many things; not just one. I just wanted to make a living and make some profit.
- Q: Was life good, or did you have trouble sustaining your family?
- A: Sure, it was a little difficult.
- Q: What caused you to decide, at this time in your life, to travel to Pakistan to study with the Jama'at al Tabligh?
- A: Religious purposes. The most important thing is to learn about religion.
- Q: Did any religious leader suggest this to you in Yemen?
- A: No, it was my choice to go or not.

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- Q: Did any of your family or friends do this before you?
- A: No, most of them were busy. They didn't pay attention to those things.
- Q: How did you learn about Jama'at al Tabligh in Pakistan?
- A: From the Jama'at al Tabligh in Yemen.
- Q: Did they assist you in your transportation and setting up your travel to Pakistan?
- A: They didn't help me. I only went with them from Yemen to learn. The origin of the missionary or the Tabligh came from India and Pakistan, so I chose to go there to learn more. There were more things to learn there.
- Q: Did you have any stopovers before you got to Pakistan, or was it a straight flight from Yemen to Pakistan?
- A: I stopped in one place, but I don't remember if it was Qatar or United Arab Emirates, but I think it was United Arab Emirates. We stopped for 45 minutes, more or less.
- Q: Was there someone there at the Pakistan airport to meet you from the Jama'at al Tabligh?
- A: Yes, I was a stranger and didn't know anything, so they came to the airport.
- Q: Before you got sick, were you able to conduct any missionary work, with the assistance of the Jama'at al Tabligh?
- A: I was with them for four months. After that, I got sick, but it wasn't major. I had chicken pox, but it wasn't as bad. I didn't pay attention to it in the beginning; I thought it was a rash and it would go away. Day by day my situation got worse. I used a lot of medications and most of them didn't do anything. I was at Salafia University as a visitor. They said there was a house with Arabs, so I decided to go stay there to get treated and get well. I asked some of them for help if I needed to go to the hospital or to take medication.
- Q: I'm interested more about the time you were healthy; the four months you were studying with the Jama'at al Tabligh. What type of activities did you do during that time?
- A: I stayed with them in Lahore for two months, and we went from mosque to mosque. Every three days, we'd go to a different mosque. We'd sit and learn. Two months after that I went to Islamabad and we did the same thing there. When those two months ended, I went to (inaudible). I took my passport and my

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personal belongings and by then if I wanted to benefit more from the Islamic teaching, I should attend Islamic schools. I went to Faisalabad to visit the university to see what kind of classes and programs they have and that's when I was notified about the Arab house, so I went to the Arab house.

I don't have a problem repeating my story twenty times. Every time interrogators and investigators ask me the same thing, so I have to repeat it over and over again. If there were a tape recorder and a tape, if you played it that much, it would have been broken by now. I've said it so many times, and hopefully this is the last time I'll say it.

The Personal Representative called Ahmed Abdul Qader, ISN 690 and Mohammed Hassan, ISN 681. The Detainee did not know the witnesses by name, but stated that we could bring them in.

The Personal Representative showed the Detainee photographs of the individuals identified as witnesses. The Detainee recognized them, but knew them by slightly different names.

The Tribunal President stated as long as the witnesses are still acceptable to the Detainee, we will call them.

Personal Representative: State your name please. [Witness, ISN 690]

Witness: My name is Ahmed Abdul Qader.

Tribunal President: You have been called here to testify on behalf of Mohammed Ali Salem Al Zamuki. The Recorder will now administer the oath.

Witness: I choose not to take the oath.

Tribunal President: Witnesses will be required to take an oath, or they will not appear. If you choose not to take a Muslim oath, we will ask that you promise to tell the truth. The Recorder will identify the promise you will take.

Witness: Good.

Tribunal President: Are you willing to take the Muslim Oath?

Witness: Yes.

The witness, Ahmed Abdul Qader, ISN 690, was sworn.

Detainee's Questions to Witness Ahmed Abdul Qader, ISN 690

Q: I was shown your picture, Ahmed Abdullah, and I was told I could have you as a witness because you were one of the people in the house. That's why I called you here. You were brought here to testify that I was at that house. Please tell them [the Tribunal panel] what you know about me and that I was at the house. You know everything about me living in Pakistan.

A: I know this man from a house in Faisalabad. About a month and a half before...I only know he is a missionary person. I have never seen him before that. That's what I know about him.

Personal Representative's Questions to Witness Ahmed Abdul Qader, ISN 690

Q: First, thank you for coming to testify today. The house you stayed at; how big was the house?

A: I don't know the distance, but I'd say it had about five rooms.

Detainee: There were four rooms, a kitchen and two bathrooms.

Q: How many...

Tribunal President: Excuse me. Let's clarify, for the record, that the Detainee responded, not the witness. Now, if the witness could answer that question?

A: I'm not sure, but I'd say four to five rooms.

Q: Did each person have his own bedroom?

A: No.

Q: So, you shared sleeping quarters?

A: It was a particular place. Personally, I didn't have my own place.

Q: Did you get to see people coming and going throughout the day?

A: I did not see them.

Q: Are you a student?

A: I didn't study in school.

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- Q: What was your purpose for being in the house?
- A: I wanted to return to Yemen.
- Q: How often did you see Mohammed Ali [Detainee]? Once a day? Once a week?
- A: We all ate together and we would pray together during prayer time.
- Q: You saw him every day then?
- A: Sometimes, he was ill and couldn't eat and pray with us, but we would eat and pray together.
- Q: Did you say he was ill? He was sick?
- A: I'm not sure if I said if he was. I can't say I saw him everyday, but I saw him regularly or normally during prayer time and eating time.
- Q: You did not see him coming or going out of this house?
- A: I did not.
- Q: Do you know if he had his own room?
- A: I do not remember.
- Q: Do you know what the other people were doing at the house?
- A: We would cook and clean together. We didn't have work.
- Q: Why do you believe the group was arrested?
- A: Me, personally, I didn't know why I was arrested. When they came and asked for my passport and I gave it to them, I think I was arrested because my visa was expired.

Tribunal Members Questions to Witness Ahmed Abdul Oader, ISN 690

- Q: Did you say you were also a student in Faisalabad?
- A: I didn't study.
- Q: So, what was your purpose for being in the house?
- A: I wanted to return to Yemen.

Q: Were you also involved with the Jama'at al Tabligh missionary group?

A: No.

Q: So, your computer study, was that something on your own or did you go to school for that?

A: I wanted to register in school, but I didn't see a school that was teaching in Arabic.

Q: You traveled all the way from Yemen to Pakistan to study computers, but you didn't know where to enroll to do that?

A: No.

Q: Was there anyone to help you figure out how to do this?

A: No.

Q: Were you in the house longer than Mohammed Ali [Detainee], or was he there before you?

A: I was there before he was.

Q: The entire time he was in the house, you were there also?

A: Yes.

Q: The people in the house, they were all doing different things, but they were all Arabic people?

A: They were all Arab. The cook was Pakistani.

Q: The Arabic guests all had their own reasons for being there?

A: I did not know all of their reasons for being there, but I know they were all Arabs.

Q: Were any of them with you doing the same things you were doing?

A: I don't know.

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Q: There were no other computer students or people to study the Koran with you?

A: I don't know.

Q: Did you travel anywhere else other than Pakistan?

A: I wanted to say my story in my own tribunal, with the help of my own Personal Representative, but I'm here to testify about the time I spent with him [Detainee].

Q: Okay. At the time of the arrest of the 14 people in the house, did you own a computer?

A: No.

The Witness, Ahmed Abdul Qader, ISN 690, was excused.

The Personal Representative left the room to call the next witness.

Detainee: I just want to remind the Tribunal that there was a Russian with us.

Witness: It's true. I remember now. There was one Russian with us.

Detainee: God be with you [Witness].

The witness, Ahmed Abdul Qader, ISN 690, was removed from the Tribunal room.

The Tribunal President advised the Personal Representative that the Detainee and the Witness stated there was also a Russian at the house with them.

Detainee: I thought I was given a chance to questions or ask my witness. I thought you were going to give me that chance. It appears to me that he forgot the number of rooms and that we had a Russian with us. If we had met before, we might have been able to ask each other what we remembered. Maybe he would have remembered more.

Tribunal President: You will be given the first opportunity to ask the questions to your witness. If there is anything...

Detainee: I don't have a problem with anything; I just wanted to be prepared to ask the questions. We've been away from each other for three years now.

Tribunal President: You'll have the opportunity to do whatever you want in the time we have here.

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Detainee: When I was in Pakistan, I was ill, but I was being treated. Here, I am ill and no one is giving me any treatment.

Tribunal President: It is my understanding that you have access to medical care here.

Detainee: Not 100%. I've had the bump on my head for one year now and I've been telling them about it. This happened to me here in Cuba and it hurts a lot, especially when I pray. [The Detainee had a bump in the center of his forehead approximately the size of a quarter.] I don't know why I'm not getting the treatment.

Tribunal President: We will bring it to the attention [of the appropriate agency] that you are not getting medical care.

Detainee: If you could do that.

The Personal Representative called the witness, Mohammed Hassan, ISN 681.

Tribunal President: The witness is here to testify on behalf of this Detainee.

Personal Representative: Please state your name [Witness].

Witness: Mohammed Mohammed Hassan Al Udien.

Tribunal President: I'd like to confirm with the Detainee that this is an acceptable witness for him.

Detainee: I can talk now?

Tribunal President: No, I just want to confirm that this is one of the witnesses you requested.

Detainee: I want to say that he [Witness] came in the night we were arrested and he knows we were arrested together in Faisalabad and he will tell what happened.

Tribunal President: This is one of the witnesses you requested, yes?

Detainee: Yes, he is one of them. He will testify to what he knows.

Tribunal President: Very good. That's all I wanted at this point. Now, to the witness, you are here to testify on behalf of the Detainee. We ask that you take an oath or a promise to tell the truth. Would you like to take the Muslim oath?

Witness: Yes.

The witness, Mohammed Hassan, ISN 681, was sworn.

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Detainee's Questions to Witness Mohammed Hassan, ISN 681

Q: First, I want to thank you for coming here. Second, I was shown your picture and given a chance to ask you (inaudible) and I want you to testify to tell the truth about what happened.

I've said it before, everyone at that house knows I'm a missionary and you can testify to that too. May God give you long health.

Tribunal President: Do you have any other questions for the witness?

Detainee: The problem is that I didn't have time to sit with him and ask him [questions] but he was with us the night we were arrested. I don't have anything else.

Personal Representative's Questions to Witness Mohammed Hassan, ISN 681

Q: Mohammed, thank you so much for coming out today. You were with Mohammed Ali the night you were all arrested?

A: I came to his house and saw him at that house.

Q: The night of the arrest, was that the first time you saw Mohammed Ali?

A: Yes.

Q: Did you come to the house early in the morning or late in the afternoon? When did you come to the house?

A: I ate dinner with them.

Q: You did not know Mohammed Ali before you ate at that house?

A: That was the first time I'd seen him.

Q: Did you know anybody else at that house?

A: Yes, I know Mohammed Ali is a missionary person, a Jama'at al Tabligh person.

Q: I'm sorry; he's a missionary person?

A: A group called Jama'at al Tabligh.

Q: He was a missionary for that group?

A: I don't know the details. We met more in prison.

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Q: Did you know he was a missionary that night in Pakistan?

A: Yes, at that time I knew he was a missionary.

Q: Did you see him with any type of weapons that night?

A: No, I did not.

Q: Did anyone in the house have weapons?

A: No.

Q: Are you a student?

A: I'm a student at Salafia University.

Q: Why do you think the group was arrested?

A: I do not know, but the interrogator said the house was suspected.

Q: Did you know that before you went to that house?

A: No, I didn't know.

Q: Why did you go to that house?

A: When I was at the university, I was told that there were Yemeni people at that house. I went to visit them.

Q: You didn't go to stay? You went to visit?

A: I was just visiting.

Q: Many people at that university went to that house to stay and to visit?

A: I do not know, but one of the students gave me the address of the house.

Q: One of the students at the university?

A: Yes, he lives in that house.

Q: About how far is that house from the university?

A: I don't know, but driving in a vehicle takes five minutes.

Tribunal Members' Questions to Witness Mohammed Hassan, ISN 681

Q: You are also a native of Yemen. Is that right?

A: Yes, I'm Yemen.

Q: You were a student at the Salafia University in Faisalabad. Is that correct?

A: Correct.

Q: What attracted you to travel all the way to Pakistan to go to school?

A: My father advised me to go there and study and memorize the Koran.

Q: Did you have a job in Yemen before you left?

A: I was studying high school in Yemen.

Q: After you finished high school, your father said you should go to this school to learn?

A: Yes.

Q: How long were you able to be at the school before you were arrested?

A: I was at the university for four months.

Q: But, you did not live at the same house as Mohammed Ali? You lived somewhere else?

A: I stayed in the university dorms.

Q: You visited him the night he was arrested. It was just a mere coincidence that you saw him that same day?

A: Yes.

Q: Do you know any of the other people in the house that you went to visit?

A: Yes, I know one, the one who gave me the address. His name is Ahmed.

Q: He was also a student and from Yemen.

A: Yes.

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Q: Have you traveled anywhere other than Pakistan since leaving Yemen?

A: Never.

Q: It's just been in Yemen and Pakistan? That's it?

A: Yes.

Tribunal President: Mohammed Ali Salem Al Zarnuki, do you have any other questions to this witness?

Detainee: I don't have any more questions.

The witness, Mohammed Hassan, ISN 681, is excused.

Detainee: May God be with you, Mohammed.

Witness: May God be with you.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

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After the Tribunal President explained the Tribunal process, the Detainee had some questions regarding the process.

Detainee: You said something in the beginning, something about being against America and the coalition and then something about being classified as an enemy combatant?

Tribunal President: That's correct. This tribunal will determine if you have been properly classified as an enemy combatant.

Detainee: You mentioned two options, whether you pose a threat to the United States or if you are an enemy combatant. Are there only two options?

Tribunal President: The Tribunal will determine if you have been properly classified as an enemy combatant against the United States or it's allies, or otherwise meet the criteria to be classified as an enemy combatant. If you supported armed conflict or military operations against our coalition forces, that would play in our determination of your classification of enemy combatant.

Detainee: So, there is no such thing as a person proving and supporting the fact that he is not either one of these things? There is no third option that you're innocent? There's only the two you stated?

Tribunal President: No. We will determine if you are properly classified as an enemy combatant, or not properly classified as an enemy combatant.

The Detainee understood the process and had no further questions.

Summarized Sworn Detainee Statement

The Personal Representative made the following statement on behalf of the Detainee and addressed each point of the Unclassified Summary of Evidence.

- **3(a) The Detainee is associated with al Qaida.**

No.

- **3(a)(1) Originally from Saudi Arabia, the Detainee traveled extensively with little or no means of support throughout the Middle East and former Soviet Union during the period between 1999-2000.**

I have traveled, but not extensively. This is shown in my passport and other documents. I went to Turkey on vacation once and I took a short trip to Georgia, in the former Soviet Republic, and I made a trip to Kuwait to buy a Mercedes Benz.

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I do not understand how that constitutes extensive travel throughout the Middle East. I do not see this as any association with al Qaida either.

I am very concerned. Even though I have seen my documents at this facility numerous times, my Personal Representative was unable to locate them. My interrogators wrote notes many times of where I traveled and when. I ask, if you have access to these notes, please read those and take them into account.

Further, the dates mentioned 1999-2000, were long before the United States was involved with Afghanistan, militarily.

Everything said in item one doesn't have anything to do with al Qaida or anything else relevant to this case.

Concerning my means of support, I have three businesses in Saudi Arabia, which provide plenty of money for a vacation of several months to Turkey and the former Soviet Union.

- **3(a)(2) The Detainee states that he traveled from Saudi Arabia to Pakistan in November 2001 to assist Afghani refugees.**

This is in my travel documents, which show I was entering the country for a short [time], eight days. Many Afghan refugees were fleeing Afghanistan after the 9/11 war started. There were charity centers to help the refugees and the charities were funded by the Red Crescent, which is like your Red Cross. The charity centers were funded by allies of the United States, such as Saudi Arabia and the United Arab Emirates.

Mullahs requested people who were capable to give aid or travel to help these refugees. A group of people, the Tabligh in Saudi Arabia, suggested an organization in Pakistan that I could contact to help. I was advised I could help by going to Karachi, Pakistan. There is evidence I was going to help; I had money with me. Please look for any notes from interrogators or the inventory of what was taken from me when I was captured as proof that I had money to help people.

I was on my way to Quetta, Pakistan to help people, the refugees, who had come across the border there. These refugees were being helped by allies of the United States, like Saudi Arabia and the United Arab Emirates. These people were not Al Qaida or Taliban, or anything of that sort.

When I was enroute to Quetta, there were many checkpoints the Pakistanis had set up, and for some reason I was stopped and detained at one of the

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checkpoints. It was at that police station that the Americans started talking to me.

I had a return ticket home and it was clear I wasn't planning to stay or ever cross into Afghanistan. The Pakistani police sold me for money to the Americans. This was part of a round up of all foreigners and Arabs in that area.

- **3(a)(3) The Detainee was arrested by Pakistan authorities at a checkpoint in the vicinity of Quetta, Pakistan.**

This was covered in the previous answer.

- **3(a)(4) The Detainee's name was found on a document recovered at a former residence of Usama Bin Laden in Kandahar, Afghanistan.**

There are several tribes in Saudi Arabia and one of these tribes is Al Harbi. This is part of my name and there are literally millions that share Al Harbi as part of their name. Further, my first names Mohammed and Atiq are names that are favored in that region. Just knowing someone has the name Al Harbi tells you where they came from in Saudi Arabia. Where I live, it is not uncommon to be in a group of 8-10 people and 1 or 2 of them will be named Mohammed Al Harbi. In fact, I know of 2 Mohammed Al Harbis here in Guantanamo Bay and one of them is in Camp 4.

The fact that this name is recovered on a document is literally meaningless.

- **3(b) The Detainee participated in military operations against the United States or its coalition partners.**

It is important you find the notes on my visa and passport because they show I was there for 8 days and could not have been expected to go to Afghanistan and engage in hostilities against anyone.

- **3(b)(1) The Detainee was a member of al Irata and a mujahadin fighter at Kandahar.**

I understand you cannot tell me who said this, but I ask that you look at this individual very closely because his story is false. If you ask this person the right questions, you will see that very quickly.

I am trusting you to do this for me.

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If you have any questions you would like to direct at me, I'll answer them.

Questions by the Personal Representative

Q: You mentioned that people of the U.S. Government have shown you your passport on several different occasions.

A: Yes, correct.

Q: Any information you have, such as when those conversations took place, or what part of the government you were talking to would be helpful?

A: In Pakistan, the American FBI met with me and they had the passport, the money and the ticket with them. That was the first meeting I had with Americans in Pakistan.

The second time the Americans came to me, they were from the CIA or the FBI. They came to me in prison in Pakistan. There is one point not mentioned about the court.

I was in a court in Pakistan for 5 weeks, trying to show I was innocent so they could send me to the Saudi Embassy in Islamabad. The Saudi Arabia Embassy and the Red Crescent from Saudi Arabia came to me. I had lawyers in the court in Pakistan, but the Pakistani intelligence hid my passport. They said that I didn't have any identification that proved I was Saudi Arabian.

Then, the Americans came to the prison and brought the passport to me on a Monday and I had a hearing the following Wednesday and I'd be able to prove I had a visa and passport. It was clear that the Pakistani intelligence [service] sold me to the Americans.

I then went to Bagram to the American camp there. The passport was there. I also went to Kandahar and the American Army showed me the passport as well. We discussed the stamps, trips and travel.

I then came to Cuba and the interrogators told me they found my passport and he was asking me about dates.

Q: Was the interrogation right after you arrived here, or what was the time?

A: No, it was after we came to this new camp. There was an old camp about 2 ½ years ago, but we spoke here about the passport. There was a camera and microphone [in the interrogation], so you can check that.

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I just want to make one point clear about the name that was found in Bin Laden's house. In Saudi Arabia we have names in each tribe that are used over and over again by members of that tribe. You can verify this through the Saudi government. There are similar and identical names within the Al Harbi tribe, this is proven because there are two people in Cuba that have the name Mohammed Al Harbi.

Questions by the Recorder

Q: You stated you had a visa to go to Pakistan for 8 days, correct?

A: Yes, a visa.

Q: How long were you in Pakistan from the time you arrived until the time you were detained by the Pakistan authorities?

A: Eight days.

Q: So, you were detained at the border at Quetta, Pakistan on the 8th day?

A: No, not on the border. Quetta is far from the borders.

Q: When you were at Quetta, Pakistan, was that on the 8th day?

A: Just about, I don't remember.

Q: How long of a trip is it from the city you flew into in Pakistan to Quetta, Pakistan?

A: From Karachi to Quetta?

Q: Yes.

A: Approximately 18 hours.

Q: If your visa was only for 8 days and you were in Quetta, Pakistan on the 8th day, how did intend to get back to your country before your visa expired?

A: The visa did not specify 8 days, it was a month or two. I stayed on 8 days and I was caught on the 8th day.

Q: You said it was clear you were not going to Afghanistan.

A: Yes.

Q: Tell us how it was clear you were not going to Afghanistan.

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A: First I got to Quetta. Whoever goes to Afghanistan will have to go to the border in Pakistan. Second, I was in Quetta and going to the Saudi Arabian Red Crescent. The Pakistani named Abdallahad (phonetic) was taking me to where I needed to go. He is the one who told me there were problems at the borders in Pakistan. He advised me not to go because problems would arise. That's what prompted me to go to the Saudi Arabian Red Crescent to help and then I was arrested.

Q: How much money were you carrying when you were detained by the Pakistani authorities?

A: I had \$8,000 and 14,000 Saudi Riyals.

Q: Why did you carry cash and not donate the money to the Red Crescent?

A: I was detained before I could get to the Red Crescent.

Q: Why did you not donate the money in Saudi Arabia to the Red Crescent?

A: How can I donate in Saudi Arabia? Who would I donate to in Saudi Arabia? We're talking about refugees who were hungry and in need. You're saying why didn't I donate in Saudi Arabia? In Saudi Arabia there are merchants who donate. This war happened in Afghanistan and those refugees were more in need than the people in Saudi Arabia. At least they have houses to live in and they have people who bring them food in Saudi Arabia. The needy in Saudi Arabia are taken care of by merchants.

Questions by the Personal Representative

Q: I was confused earlier when I said his visa was for 8 days. It might clear things up if we knew about these airline tickets. Can you tell us the dates of your airline tickets going in and out of Pakistan?

A: First, I'd like to ask everyone a question. A week ago, last Saturday, what did you eat at lunchtime?

Tribunal President: I know what I ate. Do you want me to answer that?

[laughter]

Tribunal President: I had a hamburger and onion rings.

A: Maybe you remember and others don't remember. I've been here for 3 years and you're asking me for the dates.

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Tribunal President: I understand.

A: You have the passport.

Q: How about the length of your trip, based on your airline ticket.

A: You mean the length of the trip?

Q: When you make a trip, it's for a week, a month or a year...

A: I swear to God I don't remember.

Tribunal President: We understand, it was some time ago.

Questions to the Personal Representative by the Tribunal Members

Q: Can you explain the inquiry you made to try to obtain the Detainee's passport and visa?

A: There is an evidence room here in the camp and I went and checked the safe. The documents and money were not there. I asked the evidence custodian if there were any other locations these items might be kept. He said it was possible that other agencies might have things at other locations, but in most cases, whatever made it to Guantanamo Bay was there.

Q: Together, with the Recorder, we would like you to pursue this at the conclusion of the Tribunal. If you are able to locate these documents, we will consider them as exhibits on behalf of the Detainee.

Questions to the Detainee by the Tribunal Members

Q: The court in Pakistan you spoke of, did the court render a judgment before you were sent away?

A: I spoke with the judge and he said my judgment from now was being handed over to the Saudi Arabia Embassy in Islamabad, but my hearing was on Wednesday and they took me to Bagram on Monday night.

Q: Did you ever have an opportunity to meet with a representative of the Saudi Embassy?

A: Yes, in the court.

Q: So, that person would have known you were from Saudi Arabia, even though you didn't have your documents.

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- A: The first time we met in the court, we read the newspaper and my name was there and I was from Saudi Arabia, so the Saudi Arabia Embassy looked at that and came to the court in Quetta.
- Q: I'm wondering why he didn't make more of an effort to help you if he knew you were a Saudi citizen with no documents.
- A: The whole story and the whole case is cooked up. The Pakistan intelligence is involved in it. Saudi Arabia sent lawyers and they were sure I would get out and said if I got out, I had to pass by them in Islamabad, but the Intelligence individuals were already cooking up the selling of Mohammed Al Harbi.
- Q: How did you know this? Did someone tell you this was happening?
- A: Yes.
- Q: Your Saudi lawyers who were helping you?
- A: No, Pakistani.
- Q: So, the Pakistani lawyers told you the Pakistani Intelligence Service was involved in this?
- A: The Pakistani soldiers and even the Pakistani Intelligence would come to me in prison. They said your case is with us, with Intelligence, not with the Pakistani Army.
- Q: Okay, I understand now. What are your businesses?
- A: In Saudi Arabia?
- Q: You have three businesses. What are they?
- A: I sell fruits and vegetables.
- Q: All three of them?
- A: All three.
- Q: It sounded as though you were a very successful businessman if you were able to buy a Mercedes Benz in Kuwait.
- A: Don't think I'm a merchant. Don't think the Mercedes I bought was a \$40,000 model. The Mercedes I bought was an '87 model and very old. Don't look at me like I'm a big merchant or something.

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- Q: If you had \$8,000 traveling in Pakistan...we would be concerned traveling with \$8,000 in Pakistan.
- A: I know that Pakistan is a poor country. When the Pakistani Army saw the 14,000 Saudi Riyals, it was normal, because he didn't know that currency, but when he saw the dollars, his eyes popped out.
- Q: If Pakistan is a very poor country, it would seem as though crime was an issue.
- A: Yes, it's true.
- Q: Did you have a weapon for personal protection while traveling through Pakistan?
- A: No, but I'll tell you something. When the Pakistanis see a Saudi citizen they respect him very much and they respect Saudi Arabia because it has Medina and Mecca. Saudi Arabia and the Saudi individuals have much respect in Pakistan.
- Q: But, if robbers see people with money, they don't have respect for anybody.
- A: You're right, of course.
- Q: I just think, as a prudent businessman who keeps close tabs on his money...to carry all that money in Pakistan with no protection...that doesn't sound quite right.
- A: How much are you saying I'm carrying?
- Q: \$8,000 plus 14,000 Saudi Riyals, I don't know how much that is, but it sounds like a lot.
- A: It's not a huge amount, don't make it big. In the small bags that go around your neck, if you put the money in it, the money comes to that thick [gesturing approximately 1 inch thickness]. What's strange about it?
- Q: Whether it's big or small, \$8,000 is \$8,000.
- A: Yes.

The Personal Representative stated that the Riyal is approximately 25 cents.

Tribunal President: So, 14,000 Riyals would be approximately \$3,500.

A: The American dollar is worth three Saudi Riyals.

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- Q: So, if we divide that by three, it would be \$8,000 plus the equivalent of \$4,000 additional U.S. Dollars.
- A: Say that again.
- Q: Is the total amount of the money you were carrying \$8,000 plus \$3,500 or \$4,000?
- A: Yes, just about.
- Q: To pick up on the question before about the Red Crescent, would it have been possible for you to donate the money to the Saudi Chapter of the Red Crescent for use by Pakistanis?
- A: In Pakistan, you mean?
- Q: Yes.
- A: I just wanted to do the work myself. I thought I would stay in Pakistan for 3 days at the most, but when I saw the matter was very big and the problems at the borders. I decided to give the money to the Saudi Arabia Red Crescent so they would take care of it because it was the main office and it was official and could go to the border.
- Q: To pick up on your name being found in Kandahar, to make this clear, you have never been in Afghanistan at any time, for any reason?
- A: Yes, I did not enter Afghanistan.
- Q: We understand you said there are many Mohammed Al Harbis, but it is possible that the Mohammed Al Harbi on that list is a different person than you.
- A: That's for sure. That's what's right.
- Q: Usama Bin Laden is also from Saudi Arabia, and for him to be as successful, in the bad way that he is, he must keep track of his people so he knows who is with him and who is not. Wouldn't you think he would know which Mohammed Al Harbi he was talking about?
- A: Of course he knows.
- Q: It's not you?
- A: No, not me.
- Q: You entered Pakistan in what city?

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A: Karachi.

Q: Where you were going to fly out of back to Saudi Arabia?

A: Karachi.

Q: Quetta also has an airport. When you go there, were there any thoughts of flying out of there instead?

A: No, it was not on my mind.

Summarized Sworn Detainee Statement

I am asking you, as the person responsible in this Tribunal to find the evidence and proof I was talking about to be found, so you can look at it. Also, please verify that the name Mohammed Al Harbi is present and common in Saudi Arabia, and also verify that there is another Detainee with the name Mohammed Al Harbi in this facility.

The most important point, the individual who said he saw me in Kandahar and talk with him. Ask if he's seen me or not. Show him my picture and ask if he knows me or not. Question him so you can know the truth. That's the most important thing.

Tribunal President: We will give everything our consideration as we make our determination.

Questions to the Detainee by the Tribunal Members

Q: I forgot to ask you before, please explain what Al Irata is.

A: I don't know. I asked my Personal Representative what Al Irata is and I don't know. I read it in the paper and asked the Personal Representative what Al Irata is and he could not answer. If you know, please explain it to me.

Q: If I knew, I would not have asked you, but I thought you might know, even though you said you were not part of that organization.

A: As a court, how can you present it against a person and not know what it was?

Q: The members of the Tribunal don't have prior access to any information about you, other than what is presented today.

Tribunal President: The Recorder may have information on that.

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Recorder: I don't, but I have a couple more questions.

Tribunal President: No, additional questions are not needed.

Questions by the Personal Representative

Q: I have some questions that might clarify some things. In Islam, do you have any duties concerning the poor?

A: Helping the poor, you mean?

Q: Yes.

A: Yes, helping the needy.

Q: You discussed this with your Mullah before going to Pakistan?

A: No, but this is known by the Saudis in general. It is taught in schools. We know the poor, the needy and the orphans.

Q: I was wondering if it had any bearing on you going to Pakistan, rather than donating in Saudi Arabia?

A: The term in Islam is called Saudica (phonetic) and it talks about giving to the poor and doing what you can to help those less fortunate than you. These acts of kindness to the less fortunate are especially common and encouraged during Ramadan.

I was very busy because my wife was pregnant and on the verge of giving birth. I just wanted to go carry out this duty for 3 or 4 days and come back. It was not written for me to come back and see my newborn.

Q: You decided to help these people, even though your wife was pregnant, because you knew they were bad off?

A: Yes.

Questions by the Recorder

Q: Did you have a return airline ticket to Saudi Arabia from Pakistan?

A: From Saudi Arabia, I had a round trip ticket.

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Q: So, you had a return ticket, on this round trip, from Pakistan back to Saudi Arabia?

A: Yes.

Q: You said you were only going to stay 3-4 days in Pakistan and then return to Saudi Arabia.

A: Approximately, yes.

Q: What changed? What made you stay longer?

A: I sat with Al Tabligh (Jamaat e Tabligh) in Karachi. They delayed me because they were teaching me what to do, how to get things to certain places, where to go. I was talking with them until we got to about 6 or 7 days in Karachi, and then we headed towards Quetta.

Q: Did you change your return ticket?

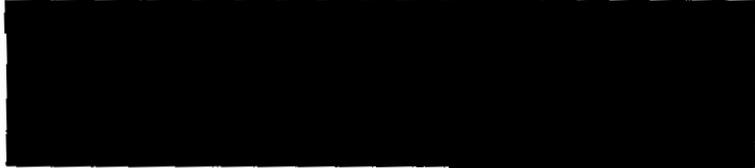
A: No.

Q: So, basically, you missed your flight?

A: There was no specified date on the round trip ticket.

AUTHENTICATION

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


Colonel, U.S. Marine Corps
Tribunal President

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Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "If it is fair, yes. Up to now I haven't seen anything that isn't fair."

[When the President asked the Detainee if he had any evidence to present to the Tribunal, the Detainee requested a copy of the Unclassified Summary in Arabic. The President informed the Detainee he had a few more instructions to present before the Detainee could provide his statement. The President also told the Detainee to feel free to ask any questions he may have at any time.]

[After taking the Muslim Oath, the Detainee made the following statement]:

Regarding the accusations, they are not true but I will reply to each one.

Yes, I did travel to Pakistan in 1991 on official business. I was a resident in Pakistan until I was arrested. During my numerous interrogations, I clarified the work I did in 1991. I already told the interrogators that I performed official lawful work for schools. How could my work be used against me as an accusation?

[The Detainee stopped his statement and told the President that if he (The President) would like to ask him something he could. The President told the Detainee he would like him to finish his statement, then he might be asked questions later.]

[Detainee continued statement:]

The second point, [Detainee was employed with the Revival of Islamic Heritage Society (RIHS) since 1994.] I mentioned to the interrogators the type of work I did for them up until I was arrested. My work wasn't a crime.

The next point, [RIHS is suspected of supporting extremist activity, and some employees are suspected of financing terrorism] I have only known the Islamic Organization to be associated with humanitarian efforts, never terrorism.

If the Tribunal will allow me, I will show you what kind of schools and teaching I did in the Islamic Organization. As I have mentioned before, just as you took an Oath to get to the truth, I want to show you the truth. If you want, I can describe the schools one by one and tell you exactly where they are so you can get the truth. I can show you the schools and that I was an education official. I went from one school to another to check on education before I was transferred to the Orphanage Office of Administration.

The fifth point, [Detainee traveled to Afghanistan in 1998] I did travel there and my job was to supervise the Administration of Orphanage Schools. My travel was official and a travel agency made my arrangements. I have clarified this during my interrogations. How can my job be classified with those accusations?

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Regarding the next point, [Detainee's residence was identified as a suspected al Qaida residence, and raided] I rented the house from a Pakistani woman and I paid monthly rent. I have no other information regarding what the house was before or who lived in the house before, but everything I did regarding the house was legal.

Regarding seven, [Detainee was captured in Pakistan and turned over to American authorities] the officer that arrested us said he was giving us to the American forces to avoid problems and keep our country safe. That is how he explained it to us.

My residence there was official. The Organization I worked for had a permit from the government and it was lawful. I didn't break any rules or laws. Even though I lived there, the Pakistani government turned me over. I was told I was a victim of what happened.

[A Tribunal member mentioned to the Detainee that he didn't have to answer questions if he chose not to, but it would clarify his situation if he did.]

Tribunal President: We have not seen your file. We won't see that until later. If any of these questions sound like you have answered them before it's because we haven't seen anything yet.

Summarized Answers in Response to Questions by the Tribunal Members:

- Q: You said you did go to Afghanistan in 1998, and had new responsibilities there. Did you stay and live in Afghanistan or did you continue to live in Pakistan?
- A: The first time I went there was in 1998. My job was to be an educational supervisor to see how the schools were doing. I went to Kuna and Jalalabad.
- Q: Was it just a business trip when you went back to Pakistan? Was it for a week, a month or a couple of years?
- A: A few days, no more than two weeks.
- Q: You continued to live in Pakistan but just went to Afghanistan once in a while for your job?
- A: Yes, that is how it was.
- Q: The house where you lived in Pakistan, what city or town was that in?
- A: I lived in the city of Bashawer in a neighborhood called Hyad Abad. The address was 195 J-4 Street. I lived on the second floor.
- Q: How long did you rent the house from the Pakistani woman?

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- A: I don't remember exactly but it was about three years.
- Q: Do you know which three years?
- A: No, I can't.
- Q: Was it three years until your detention by Pakistani authorities?
- A: Yes.
- Q: Where were you arrested?
- A: I was in my house.
- Q: Earlier you said we were arrested, were there others in the house with you when you were arrested?
- A: Only my children and I.
- Q: Were your children arrested also?
- A: I don't know. Next door there was a new house being built. They knocked on the door and I went downstairs to open it. I was then arrested. The houses are very close to each other. Some of them entered my house by jumping of the roofs of neighboring houses and some came through the front door. When they came in I asked them to please not scare my family. I opened the doors in the house one by one to show them what was inside each room. They handcuffed and blindfolded me then took me away.
- Q: At the time of your arrest, it was just you and no other adults, just you and your children in the house?
- A: It was just my wife and I and our two small children.
- Q: Since you moved to Pakistan in 1991 until the day you were arrested you worked for the RIHS and no other company?
- A: I had mentioned to interrogators before that I had worked for another Islamic humanitarian company.
- Q: Do you remember the Organization's name?
- A: Committee of International Islamic Charity.

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Q: Did the organization you worked for own the schools in Afghanistan, is that why you were checking on them?

A: The first organization, the Committee of International Islamic Charity, I worked for from 1991 until September of 1994. The other organization I worked for in 1998 was when I traveled to Afghanistan, at that time I wasn't working for the other organization.

Q: Why were you going to check on these schools? What did the charity you worked for do for the schools? Why the travel?

A: I will explain the nature of the schools. We had schools in Jalalabad and Kuna. Each school had teachers. My job was to supervise the teachers and check their lesson plans to ensure it matched what they were teaching and to ensure they were meeting the educational requirements.

Q: The home you rented in Pakistan, did you have friends and guest stay overnight for any period of time while you lived there?

A: No.

[The Tribunal was recessed to remove the Detainee from the room.]

AUTHENTICATION

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



Tribunal President

Col, USAF

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Summarized Unsworn Detainee Statement

My Personal Representative read the accusations to me previously, and I mentioned to him that they were all false. The accusations made toward me were from another Detainee. We had an argument and he threatened to make accusations toward me to cause problems. I would like to ask if there is any logical evidence to prove the accusations made against me.

The Tribunal President stated that only unclassified evidence is available at this time. No other evidence has been seen and our minds will remain open to make a determination of the Detainee's enemy combatant status. The Tribunal President advised the Detainee it was his opportunity to tell the Tribunal his story against the accusations.

The Personal Representative asked the Detainee if he would like to tell his story as he did in the interview, addressing the Unclassified Summary point by point.

OK. I do not have anything against that.

The Tribunal President asked if the Detainee would do this with the assistance of the Personal Representative.

The Personal Representative advised that the Translator will read each point and the Detainee will address it. The only point the Detainee agrees with is 3a(1). This point states that he traveled to Saudi Arabia to Afghanistan via Pakistan to teach the Koran to non-Arabs. The Detainee agrees this is a true statement, and he will address the other points.

Yes, that is the only one.

The Personal Representative advises to start with point number two of the Unclassified Summary.

- 3(a)(2) **The Detainee was identified as having special mission training (explosives, assassinations, etc) and possessed a computer disc showing this training.**

That is not true.

- 3(a)(3) **The Detainee was identified as being in a group of 30 Usama Bin Laden bodyguards and drivers captured by the Pakistani military while fleeing Afghanistan**

That is not true.

The Personal Representative asked the Detainee if he would like to elaborate on that point.

Do you want to explain or do you want me to explain?

The Personal Representative states it is the decision of the Detainee.

Like I mentioned before to my Personal Representative, the person that I had an argument with in the detention facility stated that he would make up accusations against me to cause problems. He made up all the accusations.

- 3(a)(4) **The group of 30 were told the best thing they could tell US Forces when interrogated was they were in Afghanistan to teach the Koran.**

That is not true.

- 3(b)(1) **The Detainee was identified as the Emir of a group of 10-15 fighters guarding a river crossing leading to the Tora Bora Camp.**

That is not true.

- 3(b)(2) **The Detainee was identified as firing a weapon while at a guard post between Tora Bora and Jalalabad.**

That is not true.

The Tribunal President asks the Detainee is there is anything else he would like to add to his statement.

There is nothing else I would like to add.

Questions by the Tribunal Members

Q: What is the name of the Detainee who accuses you?

A: Muhammad (Basardah), he was held next to me. There was an argument between us.

Q: What was the argument about?

A: He was mentally unstable and was on medication. We would argue because he would spill water in my cell.

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Q: You told him to stop spilling the water and he responded by threatening you with accusations?

A: Yes.

Q: How long ago did this occur?

A: About a year and a half to two years. About a year and a half.

Q: Is he still located next to you or near you in the cells?

A: No, he was transferred a long time ago.

Q: Is there any one else that might have accused you of doing these things?

A: I don't think so.

Q: Did you go to Afghanistan?

A: Yes.

Q: What made you go?

A: I went to Afghanistan to teach the Koran in the Khost (phonetic) area.

Q: You are a native of Saudi Arabia?

A: Yes.

Q: Did you go by yourself or with a group of people?

A: Alone.

Q: How did you know how to get where you were going?

A: I met my friend in Mecca, Muhammad Halid, and he gave me a number to contact another guy named Muhammad to get in touch with him about going to a school called Dali Dalen (inaudible).

Q: These people told you how to travel from Saudi Arabia to Afghanistan?

A: Yes, I asked Mohammad Halid and he told me how to travel from Saudi Arabia to Afghanistan.

Q: How was your trip financed?

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- A: I had some money and money also came from Muhammad.
- Q: Where were you employed in Saudi Arabia prior to going to Afghanistan?
- A: I was a student in a science academy.
- Q: You were able to save enough money to pay for the trip?
- A: Yes.
- Q: Most students don't have money while attending school.
- A: I had money.
- Q: What was your plan for teaching the Koran?
- A: I was teaching the Koran to children at a mosque while in Saudi Arabia. It was a good job, I made good money and I enjoyed doing it.
- Q: How did you do your teaching when you arrived in Afghanistan?
- A: I went to the village of Khost (phonetic), and met with Muhammad the Afghani, as the village belongs to him. He was going to tell me how to start. There was a Mosque in the village. The mosque was called the Mosque of Imam of Halibra. There were students there and Muhammad told me to teach them.
- Q: Did you stay in one place or move around and teach in different places?
- A: I stayed in one place.
- Q: How long where you there?
- A: About four months.
- Q: What caused you to leave the area?
- A: When the American forces attacked Afghanistan, I decided to leave.
- Q: Can you tell us the route you took to leave Afghanistan?
- A: I went from Khost village to Niransha road, which is a border road. I took that.
- Q: How long did it take you to get to the border?

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A: About four days.

Q: Did you travel by yourself or with other people?

A: I traveled alone. I took the roads that the Afghanistan refugees were taking.

Q: You just followed the refugees?

A: Yes.

Q: How were you captured?

A: When I got to the Pakistani border, there was a checkpoint. That is where I was arrested.

Q: Why did they arrest you instead of allowing you pass?

A: Because I am Arab and not Afghani.

Q: Did you have a passport with you?

A: I had a passport when I was traveling.

Q: What happened to it?

A: I was walking along one of the roads at night and it fell into a river.

Q: You did not have the passport when the Pakistani guards captured you?

A: I did not have a passport. I suggested to the security to call or contact the Saudi Embassy to get my official paperwork because I lost it.

Q: They did not do this?

A: When I went to prison, I was able to meet with someone from the Embassy.

Q: Did they help you?

A: I asked for official paperwork in order to return to Saudi Arabia, but they said they would have to work with the government to get some official paperwork.

Q: This was a Saudi representative that told you this?

A: Yes, a representative from the Saudi Embassy.

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- Q: Did he do any of the things he said he would do?
- A: He did not; the Pakistani forces turned us over to the American forces in Kandahar.
- Q: This seems unusual, because if the Saudi representative had intervened for you, you would have gone home instead of coming here.
- A: I was looked at as a dollar sign. Therefore, I was turned over to the American forces for an amount of money before the Saudi representative did anything.
- Q: Did you have anything else with you when you were captured?
- A: I only had some money.
- Q: Did you have any weapons with you?
- A: No.
- Q: You didn't carry weapons for protection?
- A: No.
- Q: We have heard that Afghanistan is a dangerous place and almost everyone carries weapons.
- A: Correct. When I taught in the mosque, the people of the mosque protected me. They had weapons.
- Q: How long have you been detained in the camp?
- A: I don't know exactly, about three years.
- Q: How did you know about the need to teach the Koran in Afghanistan?
- A: The education level of the Afghans is very low, so they needed someone to educate them. Someone from Saudi Arabia who goes to Afghanistan has value.
- Q: How many people do you know from Saudi Arabia that did the same thing as you?
- A: I don't know others.
- Q: Did you have friends or students that did the same as you?

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- A: I know some people that went to Afghanistan for teaching purposes. They told me about the teaching opportunities and would help me go to Afghanistan.
- Q: If there was such a great need, it seems many people would go there.
- A: Muhammad told me a lot of people were going there to teach.
- Q: But you didn't know anyone that went there to teach?
- A: I didn't meet them, but I heard about them.
- Q: Have you had any military training on weapons or anything of that nature?
- A: No.
- Q: People around the village had weapons and would protect you?
- A: Yes.
- Q: Did they ever want you to help protect others?
- A: They never suggested it.
- Q: All you had to do was teach the Koran?
- A: I was teaching the Koran. They never spoke to me about carrying weapons.
- Q: Did you have to do anything else other than teach the Koran in order to pay for your room and board?
- A: No.
- Q: How long were you a student?
- A: I studied from middle school thru high school.
- Q: That was the science academy?
- A: Yes.
- Q: How long were you at the Science Academy?
- A: About a year.
- Q: What courses were taught at the Academy?

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A: Social Sciences.

Q: How long were you in the village?

A: Four months.

Q: Did people know you very well?

A: While teaching, I began to know a lot of the children.

Q: And their parents?

A: No, I do not know their families or parents.

AUTHENTICATION

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

Colonel, U.S. Marine Corps
Tribunal President

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