Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had a few questions.

Detainee: First I want to know who are the members of this tribunal?

Tribunal President: We are the tribunal (using a hand movement to her left and right) panel. I am the Tribunal President.

Detainee: Are you Americans?

Tribunal President: Yes, we are all Americans.

Detainee: Do you belong to the American military?

Tribunal President: Yes, we are all military members.

Detainee: The American military is my adversary, and all the laws require that the panel or the board have to be third party, that is completely neutral and has nothing to do with adversaries.

Tribunal President: That may be true in a legal proceeding; but this is an administrative proceeding.

Detainee: If the adversary is my judge, also I should not expect any justice uphold.

Tribunal President: We are an impartial panel here to look at your enemy combatant status and that is basically all I can tell you.

Detainee: You are the same organization, so we cannot claim that you are neutral.

Tribunal President: We are not here to debate these points. This proceeding is going to go on with or without you. You are welcome to participate or not. That is your choice.

Detainee: So what is the point or the goal for this session?

Tribunal President: This panel looks at two things. Basically the information provided by the recorder; and then the oral statements that you will provide for us. We are charged at looking at those pieces of evidence and determining whether you have been classified as an enemy combatant.

Detainee: I am not an enemy combatant, because this definition is so broad that you cannot understand it; so according to their definition everybody could be an enemy combatant. First of all I wasn't caught on American territory and I wasn't fighting Americans, I was in another territory. So Americans are not my enemy therefore.

Tribunal President: You will get a chance to tell us your story in a few minutes.

Detainee: According to the definition, we can accuse anybody around the world even thousands of miles away from the United States sleeping in his house anywhere in the world. So you can accuse me with whatever you want?

Tribunal President: Let me reiterate; we are not here to debate this issue.

Detainee: I feel my right as being present to this tribunal to ask that they enquire about these things.

Tribunal President: I told you all that I can about the process. I am not going to debate it any further.

Detainee: Justice requires discussions; we cannot get to the justice without the discussions. Also, I wanted to have a lawyer who has the knowledge about international law and laws.

Tribunal President: I need to know at this point if you want to proceed. This is not a legal proceeding and you are not entitled to have a lawyer.

Detainee: I want to participate. I don't have a lawyer and I don't know about laws and justice so you have to be open minded.

Personal Representative: Ma'am you might want to let him know you have not seen any of the evidence.

Detainee: Fine.

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

Detainee: What is the content of this Exhibit D-A.

Tribunal President: I will explain it in a minute.

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

Detainee: My Personal Representative told me that this accusation was dropped (referring to "The detainee is a member of al Qaida".).

Personal Representative: No, the last point of evidence was dropped not the overall allegation.

Detainee: He came and told me yesterday, that being a member to al Qaida or belonging to al Qaida was dropped.

Tribunal President: It is still on the unclassified summary.

Detainee: This is what you told me. That is why I agreed to come to attend this tribunal.

Tribunal President: He is going to read through them; and in a little while you will have a chance to respond to them. That is basically why you are here today.

Detainee: Good.

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

Tribunal President: You asked earlier about the Detainee Election Form. It is basically a form that your Personal Representative prepares after meeting with you. It tells us that you wanted to participate today. Additionally you will read from each point of evidence and you will respond to each point.

Detainee: Whoever is accusing me of being a member of al Qaida should provide the truth. It not me who has the burden to provide the proof; if you accuse me you should provide the truth.

Tribunal President: Before you continue would you like to take an oath. It just states that you will tell the truth.

Detainee: Who will be giving me the oath?

The Recorder reads to the Detainee the Muslim oath. The detainee recited the Muslim oath.

Detainee: Can I take these cuffs off?

Tribunal President: The cuffs have to stay on.

Detainee: I can't read without my glasses, I need my hand to get the paper. These cuffs are for criminals, and I am not a criminal.

Tribunal President: Unfortunately we have no leeway with that, and you are required to have them on.

Personal Representative: Would you like us to help you put your glasses on?

Detainee: I really don't know.

Tribunal President: He can read the points for you so you can respond, will that work?

Detainee: Ok.

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

3.1. The detainee lived for approximately one year in a Khost, Afghanistan guesthouse.

Detainee: No, that is not true.

3.2. The detainee moved to Kabul to teach in a Taliban madrassas.

Detainee: This is not true.

3.3. The detainee admits to fleeing Afghanistan to Pakistan, after being wounded by a bomb.

Detainee: I left Afghanistan. That is true I was wounded. I left Afghanistan to save my life. I went to Pakistan as a refugee, and Pakistan should have treated me as a refugee.

3.4. The detainee was fleeing Afghanistan with several other people who were all armed with automatic weapons.

Detainee: From where did they come up with this? What proof do they have for this? Did they see me or see somebody that was with me? What is their proof?

Tribunal President: Again let me reiterate this is the only piece of evidence we have seen on you.

Detainee: You have to give me proof. You are accusing me of something, show me the proof.

3.5. The detainee was captured in Dec 2001, and when captured used an alias.

Detainee: Yes, that is true. I used an alias because I didn't want them to send me to my country. I did say I was an Afghani just because I was afraid they were going to send me to my country. That is why I used a different name.

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

Detainee: This is all I have to say. I am not with the Taliban or al Qaida or any other organization. I was teaching and not doing anything else. I didn't have any activities at all. I never went to any training camp. I was never a part of any organization. I never participated in any fighting, confrontation or anything. So if you think it is true that I am an al Qaida member, please go ahead show me the proof.

Detainee: My Personal Representative told me that there were 25 people that were captured with me. They said I was a member of al Qaida. I want to meet these people; I want to confront these people.

Tribunal President: We have no evidence of that.

Personal Representative: That was the point of evidence that was removed.

Detainee: So why did they take it off?

Recorder: Ma'am the Personal Representative came to me with this point. I researched it and after the research that it was stated; but it was not stated correctly so we removed it.

Detainee: This that you just said is not acceptable legally. Therefore based on this accusation is false, and this applies for the rest of the accusations. They are all false as well. I was just going to my teaching and then I went home. I assure you that nobody can prove I have done anything. I will confront any of them.

Tribunal President: As I told you before, this is the only information we have seen on you. Are you willing to answer some questions?

Detainee: Yes.

Personal Representative: Would you elaborate on the places that you lived when you came to Afghanistan?

Detainee: I was teaching in the school in the village. The Pakistani authority came in to arrest me. Therefore the man in charge of the school said the intelligence want to interrogate you and I am afraid there isn't anything we can do, I would like you to go to Afghanistan and wait for us. I went to Khost. I went to a house. It was an abandoned house destroyed by Russian people. It was not a guesthouse at all. I went to many places, I am free, I have no family, no wife, nothing. Some people invited me to stay at their houses and in mosques. Free.

Tribunal President: Does the Recorder have any questions?

Recorder Questions

Q. When you were in Afghanistan, were you there for approximately a year?
A. I can't remember the exact length of time.

Q. When you were fleeing Afghanistan, who was with you?
A. With me was my friend Hakim, my student. I asked him, it was very tough to stay there after the coming of the Taliban. I was in serious condition and needed immediate care. I asked my student to help me because we were living in the mountains. It was very far. We had no food, no car, nothing.

I was dying there, I asked him to help me to get to Pakistan. We hired a guide and we went. We intended to go to a village near the border of Pakistan; in this village there are people who can get you across. We found ourselves at the Pakistan border gate. That is when they captured us.

Q. You have moved to Afghanistan from Pakistan because the Pakistani intelligence said someone was after you. Then when you were going back to Pakistan, that's when you were captured. Is that correct.
A. I didn't go; they sent me. The person that was in charge of that school told me you better go and they sent me to Afghanistan. So, yes this is true. I left to save my life, I was really hurt and that is why I left. I didn't participate in any fighting; I'm a victim.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' Questions

Q. Sir, you are a citizen of which country? Are you still an Egyptian citizen?
A. I don't have any, that was my problem with my expired passport. I went to my embassy to issue me a passport or renew my passport. Then they deceived me and I gave them my real address in (IA). When I left the embassy, they chased me with two cars. This is why I left; I never went back to my address. (IA). I lived in Pakistan for 10 years.

Q. You were concerned the Egyptians were after you? Who were you afraid of?
A. Yes, Egyptians. When I went to the embassy, they were very polite and they wanted to know my address in case something happened to me for my family. They took the address, so when I left the embassy, that is when they followed me with two cars.

Q. Were you part of a group that was against the Egyptians?
A. I didn't join any group.

Q. What subjects did you teach?
A. Arabic and English.

Q. Did you teach any Islamic studies?
A. No.

Q. Why did you leave Egypt?
A. I left because of the government; we cannot speak Arab. I am from Egypt; this is my nation. Then I left to Pakistan.

Q. Was it because of your Islamic beliefs?
A. Yes, but I am not Islamic. I want democracy, freedom of speech.

Q. What did you think when American went to Afghanistan?
A. I was in Afghanistan at that time. There was no way to get information. There was not newspaper, no TV, no radio, I was just focused on going to school and teaching and going home.

Q. At that time you didn't know why the Americans went to Afghanistan?
A. No, but I found out the reason was because of the crime that happened in the United States.

Q. You do not know why the Pakistan police or intelligence was after you? You had no idea why they were trying to arrest you?
A. How would I know, who would tell me why. Maybe there was some conflict between the Pakistan and the Egyptians. Maybe the Egyptians told them to get me.

Q. I know you stated you didn't belong to any group. Did you support them?
A. No, not any group.

Detainee: I was just there to teach education. I never joined any group; I never supported or participated with any group in any way. (IA) I am responsible. I didn't make any friends.

Tribunal President's questions.

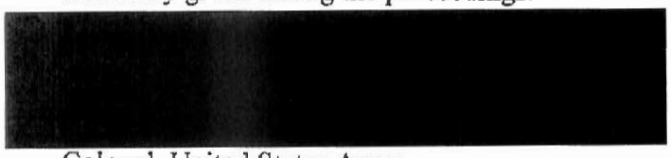
Q. The school that you worked for in Pakistan, did it have branches, several campuses?
A. No, this school I was teaching children that were 6 years old. I taught them the Koran, and others. This school moved completely to Kabul, Afghanistan. The whole school moved.

Q. What was the reason for the move?
A. I don't know the reason why. I know that this school was a private school. These people have no relationship with the Taliban.

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

Summarized Unsworn Detainee Statement

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

Tribunal President: (addressing the Detainee) Do you understand this process?

Detainee: Some I do; some I don't.

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

Detainee: I have a memory problem, so could you please repeat the allegations again?

Tribunal President: We haven't gotten to that yet, but we will; the Recorder will actually read them one time through, and a little later in the process, your Personal Representative will read them and allow you to give us your statement about them. In general, if you have any questions as we go along, please feel free to ask them.

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

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

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

Tribunal President: I see by the Detainee Election Form that you have elected to participate, as evidenced by your being here. I see that the Personal Representative indicates that you'll speak to each piece of evidence, and as I indicated earlier, she'll help you to do that.

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

3-1. The Detainee traveled to Afghanistan after 11 September 2001.

Detainee: No.

3-2. The Detainee provided false identification upon his capture.

Detainee: No.

Personal Representative: At our session, he also indicated this was wrong; he said he had a French passport on him at that time, and had $10,000; he stated he'd been attacked, and they took it from him.

Detainee: Yes.

3-3. A visiting delegation from Saudi Arabia verified that the Detainee was not of the Saudi Nationality.

Detainee: Yes; at the time of my arrest, they had beaten me up and threatened to kill me unless I said I was a Saudi. At that time, I said I was Saudi. Due to that beating and striking of my head and chest, I have a memory problem and still suffer pains in my chest, and I'm going to the doctor.

3-4. The Detainee even changed his story after his capture.

Detainee: I said I was Saudi at the time because of those threats; they said they'd kill me. I kept that statement for a long time until I found that now I am safe to tell the truth.

3-5. The Detainee was apprehended in Afghanistan.

Detainee: Yes.

Tribunal President: (addressing the Detainee) Is there anything else you'd like to share with us at this time?

Detainee: Actually this is because of all the beatings and abuse by those criminals who hurt me; otherwise, I don't belong to these allegations.

Tribunal President: At this time, we may have some questions we'd like to ask you; would you be willing to answer our questions?

Detainee: Yes, I see.

Tribunal Member Questions to Detainee

Q: What is your nationality?

A: French.

Q: Why were you in Afghanistan?

A: Just to visit.

Q: When did you go there?

A: November 2001.

Q: Weren't you worried about it being dangerous?

A: No.

Q: Did you know there was fighting going on then?

A: I knew that, but when I found out the battle would be over, then I'd visit.

Q: How was it you came to be captured?

A: I went through Iran, across the Iran border.

Q: You were captured trying to go into Iran?

A: No; I was entering Afghanistan.

Q: Were you traveling with anyone?

A: No.

Q: What was your reason for visiting?

A: There is no reason; just to visit.

Q: I'm sorry to go into this subject, but I'd like to know about the torture, being hit in the head and chest.

A: Yes; on my head and chest I was beaten.

Q: Was it by the Iranian police?

A: No; they were Afghani. One of them was a government official, and one just normal.

Q: Did the Afghan government give you medical care?

A: No.

Q: Do you know how you got to be here? Could you give me the chronology from Afghanistan, etc.?

A: After my capture, they detained me in different places. First, they took me to Herat and they didn't ask me or do anything in there, because they were the same government

who arrested me at that place. Then they took me to Kozni. Over there, they forced me to say that I was a Saudi national, and that I had no parents and I had nobody.

Q: When did the Americans get custody of you?

A: I don't know exactly; possibly in February.

Q: Has anyone ever struck you while you've been in the custody of the Americans?

A: No, not at all.

Q: Are your parents French?

A: No.

Q: Are your parents still alive?

A: Yes.

Q: Do they live in France?

A: They live in India.

Q: Are you married?

A: Yes.

Q: Does your wife live in France?

A: Yes.

Q: What is your occupation?

A: I am a teacher.

Q: Do you teach in France?

A: Yes.

Q: How long were you going to go to Afghanistan?

A: Just a few days, that's all.

Q: Wouldn't school be in session during November when you were planning on going?

A: I don't know.

Q: Were you not working at that time?

A: No.

Q: Does your wife work?

A: No. She sews on the sewing machine at home.

Q: Was your wife worried about you going to Afghanistan?

A: No.

Q: Is there any reason anyone would say that you're al Qaida?

A: There is no reason; I don't even belong to al Qaida. I didn't even know until I heard it here about al Qaida.

Q: You said you traveled from Iran to Afghanistan; how did you get to Iran, and what were you doing there?

A: Iran I had gone to visit.

Q: And you flew or drove?

A: I drove there by car.

Q: You drove from France to Iran?

A: I arrived to Iran by car.

Q: The Personal Representative indicated you had a French passport and $10,000 on you when you were captured?

A: Yes.

Q: If you weren't working, then where did you get $10,000?

A: When I traveling in Germany, I lost my handbag. I reported this to authorities, and they announced my lost bag, and somebody handed me this bag and there was money in it.

Q: It wasn't your bag?

A: No.

Q: But you kept the money?

A: Yes.

Q: What kind of education do you have?

A: Religious.

Q: And you understand or speak some English?

A: Very little.

Q: Have ever had any military training?

A: Never.

Q: You said you were a teacher; what subject do you teach?

A: Religious education.

Q: I just want to ask you a personal question. What are your thoughts on jihad for military purposes; just to fight someone because of a religious difference?

A: I don't think like that.

The Tribunal President thanked the Detainee for his testimony and participation, and asked if he had any additional information for the Tribunal at this time.

Detainee: I just want to say that I want to go home, and please set me free. I have nothing to do with this; there's nothing more they could've written badly about me, except that I lied.

The Tribunal President then confirmed there was no other information or Witnesses to be presented at this time.

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

AUTHENTICATION

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

[redacted]

Colonel, U.S. Army
Tribunal President

Summarized Sworn Detainee Statement

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

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

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

Tribunal President stated that the detainee wants to participate and has requested three witnesses. Since all three would attest to the same facts, the Tribunal will allow one witness. This witness is the detainee's father, Bazaar Khan and would testify that the detainee shared possession of two AK-47's and that his uncle owned one and that they were used for self-protection. Additionally, he would testify that the satellite telephone was used to call family, and that the passwords were issued by the Taliban and Karzai governments. The Tribunal President ruled that this testimony is relevant to this hearing. The first witness request was sent to the Department of State on 9 December 2004, the second on 13 December 2004 and a third request was sent on 22 December 2004. As of this date, 27 December 2004, we have not received a response from the Department of State concerning any contact with the foreign embassy on the status of this witness. The witness has been deemed not reasonably available. However, if the witness's testimony does become available, this tribunal may reopen this case.

Detainee: Can I talk now?

Tribunal President: That would be my next question, do you wish to present information and would you like to make your statement under oath?

Detainee: I will confess my entire story on how I was arrested. The satellite telephone and Kalashnikovs and two passports, yes they were with me and passports belong to the government. They belong to the government but…

Tribunal President: Okay, before you go any further, I need to know whether you want to take an oath or not, and that's your choice, but, I do need to know.

Detainee: Yes of course, hundred percent I want to get an oath. I'm innocent and they arrested me for nothing.

The Recorder administers the Muslim oath to the detainee.

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

3.a. The detainee is associated with the Taliban.

3.a.1. The detainee was arrested with a satellite phone, 3 AK-47's, 2 passports, and various satellite phone accessories.

Detainee: When I was arrested, I was new in Afghanistan. In my pocket there was a mobile telephone, new clothes, and passports. I have recently arrived from an Arab county. I had an expensive wristwatch and after that they arrested me and they asked me for money. They told me I had to give them 100,000 Khaldars. I told him I don't want to give money to you. I don't have that much money. After that, after the three days, he kept my mobile telephone. I was going to them everyday. I went to the place, which was the American center, and they were working with the Americans. He asked me, you have to give me 100,000 Khaldars otherwise I will make problems for you. I didn't know how he could make problems for me. I have my telephone cards, which I had permission from the Afghanistan government. On that day, (inaudible) I gave 17,000. I gave it to the Afghani because of the custom charge. They gave me permission to have a mobile phone. That was from the Karzai government. I went for three consecutive nights after him, to ask for my telephone. And after three nights, they brought the Americans to my door. I didn't know he would be that much of a problem for me. He brought the Americans to my door. I'm a hard worker; I work as a laborer everywhere. I didn't realize he would make such problems for me. Still, the Americans didn't show up, but they sent the Afghan soldiers to come and check my home. My house is a tent. After that, then the Americans came. The Americans told me to give them the mobile phone. I told the Americans that my mobile telephone is with the Afghan soldiers. When I told the Americans that, they got upset with the Afghan soldiers. I told them they got it from me three days previously. Three days, my telephone was with this Afghan soldier because he wanted money from me. I didn't give it to them and the Americans didn't know that he has my telephone. After that, the Americans checked and inspected my house, my brother's house, and my uncle's house. Every room, room by room they check it as well as my father's house. In my father's house they found three Kalashnikovs that belonged to my father. My brothers and me, we all wanted these. One of those belonged to my uncle. The Americans told me after that they have to investigate and that you have to come with us. They took my Visa. I went to the Gardez jail for thirty-seven days. Every day, they told me that I would be released and my work would be finished. I don't know this mean person; I don't know what he did after me. I am a labor worker and I'm innocent. I have a witness also. My passport is the good witness. I never spent time with the Taliban. I never spent time with the government, even my father, none of them. I have two passports. One from the Taliban, one from Karzai and I have my mobile card also with me. At the time of the Taliban, if we didn't have those types of passports in Arab countries they won't let us stay over there. After that, when Karzai came into power, we had to get one from that government too. More than that, I'm a labor worker and I never been with al Qaida or the Taliban and my passport shows that. I've been working as a laborer in foreign countries, for fourteen to fifteen years. If I had given the money to the Afghan government, to the Afghan soldiers, I shouldn't be in these chains here today. I got married for second time, I spent all of my money and I left only 15, 000 Khaldars at home. I married for the second time, my children and my wives are still over

there. Why, am I in this jail, innocently for two and a half years? My father is a senior (older) guy, and my wives can't go to the border. I have a little son and at that time he was five years old and I don't know how big he has grown by now. I have one daughter and two wives. This is very mean to me, why are you doing this to me? I have 15,000, by now it should be spent. I don't know what they are doing, whom they ask money for support. You should ask from my camp, from my home, and ask then where I was working. For fourteen years I was a very hard worker as a laborer. This is very mean to me this is enough already. This should be ended and this is very mean to me.

Tribunal President: Does this conclude your statement?

Detainee: Two and a half years. More than that, I would say that I am innocent, if I paid the money. I swear to God, I would not be in this chain and I would not be here. I bought the passport and Visa for $350,000 Khaldars and that is another loss that I had. My life is torn up, I lost the telephone, I lost my money, I left my kids, and I don't know what they are doing. They send me only because I didn't give the money. I'm a labor worker, I didn't do anything wrong. I'm not Taliban, and I'm not al Qaida. That's why they brought me here. I'm asking from you guys to be kind to me. Don't be mean to me, please release me from here. You guys have to ask from my home, and from my camp, what I was doing. You are Americans; you can ask them over there, that is why I'm asking you to be kind. Otherwise, if you put my passport in front of you, you can see what I did. The question is, if you are all arresting people on passport issues in Khost, in Afghanistan, in that region, in each 100 people, 80 people have passports with all intent to work over there. Those mobile telephones, like the blankets from the westerns countries over there, in each 100 people, 80 people have those telephones also. There is no house that you can't find in Afghanistan that doesn't have a Kalashnikov in the home. They have these because of the robberies; the mean people and they have to protect themselves. They have that lie on me that I was cooperating with the Taliban. This is completely wrong. I can protect my house, how should help with the Taliban? Don't be mean to me; I hope you guys help me get released. I appreciate you guys that you listen to me and I'm sorry to make trouble for you.

Tribunal President: At this time we may have some questions for you, would you be willing to answer any questions we have?

Detainee: Yes, of course.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. You said you were laborer. Did you cross borders very often?
A. Which borders?

Q. Any border.
A. The reason we are passing the border, we have a passport and Visa also.

Q. What kind of jobs did you do a laborer?
A. We are digging wells.

Q. Who paid for you to dig the wells?
A. Afghan people paid us.

Q. Different towns, different locations, different homes?
A. Anywhere, today in this spot, tomorrow in that other spot, and other spot. Anywhere we are working they are paying our wages according to the daily wages.

Q. What are daily wages there?
A. 60 riyals?

Q. They only evidence we have is what you told us, we don't have any other evidence. But I wanted to ask you another question. I want to ask you if any interviewer has asked you about any of the numbers from your phone?
A. From my mobile phone?

Q. Yes.
A. I spent on my mobile regarding to each cost for calling $90 I maybe spent two or three cents, not more than that. God willing, that money hopefully is still there on my card. From the first time I bought that telephone I have $90 on that telephone card, and I didn't spend it.

Q. Do you have any enemies who would say you were associated with the Taliban?
A. No, I don't have anyone. If I have anybody that is my enemy, then I don't know him. That's everything.

Q. Question for the translator. What kind of dollars did he have, were they Afghani dollars? You said he had 15,000 at home and they asked him for 100,000?
A. That was 15,000 Kaldars.

Q. And they were asking him for 100,000 Kaldars?
A. Yes, 100,000.

Q. Are you a native Afghani?
A. Yes, of course I am from Afghanistan.

Q. Does your entire family still live there?
A. Yes, all of them.

Q. When you were working as a laborer, did you work for yourself or did you work for a company?
A. No, they are private people, there's no company.

Q. How did you learn about the work that needed to be done?
A. All over the world, the people are just walking around and telling each other that there is some sort of work.

Q. Regarding on being stopped initially, what were you doing when you were stopped? When they stopped and asked you about your watch and your paperwork, what were you doing at that time?
(Interpreter indicated that he had to ask the detainee about the car again, whether it belonged to him or not.)
A. I had a car, I was in the car, my clothes were new, my watch was new and expensive, and I had an expensive turban on my head also. The mean guy asked me for 100,000 Khaldars, I paid 17.000, and how should I pay you 100,000 Khaldars? He arrested me. Yes, the car belonged to my family. My brothers, family, and me we share it.

Q. Sorry to ask again, but what is the primary use of the phone? Was it to call family?
A. Yes, I talk with my family, my father and all my brothers all the time.

Q. Do they have a satellite phone as well?
A. Who?

Q. His family.
A. They have one telephone and they share it.

Q. You say 80 percent of the people in Khost have passports and satellite phones?
A. Yes, of course.

Q. Is Khost a rich city?
A. Khost is not a civilized city, but because people are working in Saudi Arabia they have enough money. They are working in Saudi Arabia, Kuwait, Dubai, and all over the Afghan country.

Q. What is your education level?
A. I did not go to school at all. I don't have any education. I'm learning a little since I've been here. I learned a little in the first level in the camp. They passed me a book, and they let me look at it.

Q. Do you have any military training?
A. No. When I went to Saudi Arabia, my beard was not grown out. You could see it in the passport.

Tribunal President's questions.

Q. You talked about Khost. I'm to assume that you lived in the area of Khost?
A. Yes. We are nomadic people; we are living in two spots. Khost and Gardez. At the time of cold we are going to Khost, and at the time of hot, we go to Gardez.

Q. You didn't work for a company digging wells you worked for an individual. Did I understand that right?
A. Yes.

Q. How well did you know this individual that you worked for?
A. There are a lot of Afghans. When they are coming and asking, we need a laborer, and they ask us to join them.

Q. So, do I understand you, do you work with different people at different times?
A. Any Afghan coming over and asking for help will work for them because we are not directly working for Arabs.

Tribunal President: I guess it's the question that I have and maybe it's a translation thing. When you are saying "we", that leads me to believe more people. Or are you just talking about Afghans in general?

Translator: No, in general, when I say "we" and he says "we" also, it refers to the Afghan laborers working over there.

Tribunal President: Okay, so not a specific couple of people you work with?

Translator: No.

Tribunal President: Okay, sorry about that.

Translator: This is a kind of topic, once we mention it and stop in the same sentence, the laborers, and then, he said "we", "we", so that we can understand.

Tribunal President: Oh, ok, in general.

Q. Not knowing that much about the money in the area, you said riyals is what you were paid in, how does that relate to Khaldars?
A. We bring it in our pocket and we exchanged it.

Q. But what's the, I mean, is it one riyal to one Khaldars or what are we talking about…
A. It depends on the market. One day it's one riyal to fourteen, another day it equals to fifteen another day to sixteen, it goes up and down. It depends on the day of price.

Q. So about fourteen, sixteen to one?
A. Yes.

Q. You're saying Satellite phone and we also mentioned mobile phone, can you tell me how your phone worked?
A. It was a telephone I was talking with it.

Q. Did it work off cell towers or off of satellites in space?
A. As much as I know, it was working from the sky. Satellite.

Q. That you know of, is anyone in your family associated with the Taliban?
A. No, they are not, at all.

Q. Are they nomadic people as well?
A. Yes.

Q. Are they laborers, farmers?
A. Yes they are laborers. We don't have any land to work on we are laborers.

Q. When you went to these different jobs around the world, like to Saudi Arabia, did you fly, take a car, go by boat etc?
A. We have to fly, we can't go by car.

Q. I know you said you bought calling cards for the phone, how much was the phone?
A. I can't remember. It was 100 to 3,000. I can't remember, all documents here. But I can't remember.

Q. In Khaldars?
A. No, riyals. That was when I got if from the Afghanistan government.

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

Detainee: I appreciate that you also asked me to come in here and talk to you guys. All I have to say is that I'm innocent. Please release me because my family, my kids, my wives are alone. They need me to be there.

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

Detainee: No, I don't have anything else except I want you to please pay attention on my unfortunate situation.

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

AUTHENTICATION

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

[redacted]

Colonel, United States Army
Tribunal President

The Detainee was sworn.

Summarized Sworn Detainee Statement

I agreed with the Personal Representative that he will read the points to me and then I will discuss them.

- **3(a) The Detainee is a member of the Taliban.**

  That's not true.

- **3(a)1 The Detainee traveled from Yemen to Afghanistan in March, 2001.**

  Correct.

- **3(a)2 The Detainee went to Afghanistan to join the Taliban.**

  Incorrect. Not true.

- **3(a)3 The Detainee stayed at a Taliban house while in Quetta, Pakistan.**

  I did not stay there. I was just passing through and I was there for only 15 minutes.

Personal Representative: I'd like to go back to point 2 to ask a question. Why did you go to Afghanistan?

Detainee: I went to Afghanistan to get married. Whoever took me out of Yemen promised me that I'd be able to get married in Afghanistan. He may have had different intentions for me other than the marriage, but I didn't know. I think what I was told was exaggerated and not the truth. I never joined or associated with the Taliban.

Personal Representative: Going back to point 3, how long did you stay at the house in Quetta?

Detainee: 15 minutes.

Personal Representative: Did you ever enter the house in Quetta, Pakistan?

Detainee: I sat outside the house. It was a huge house. From there I went to Afghanistan.

Personal Representative: How many nights did you spend at the house?

Detainee: 15 minutes.

- **3(a)4 The Detainee was reportedly trained on the PK machine gun and the 82mm mortar.**

  When you say trained, this is a huge word that means a lot of things. My intention was not to get trained to get ready for something. I was there for 7 days, wasting some time. I just moved the mortar left and right; I never had any training on it.

  If my intention was to get trained, there were so many weapons there, I could have trained on any of them. My intention was not to get trained.

- **3(a)5 The Detainee was captured with a model F-91W Casio watch.**

  I did not know that watch was for the terrorists. I saw a lot of American people wearing the same watch. Does that mean we're all terrorists?

Personal Representative: How much does that watch cost, in American dollars?

Detainee: Five or six dollars.

- **3(a)6 The Casio watch, model F-91W has been used in bombings that have been linked to Al Qaeda and radical Islamic terrorist improvised explosive devices.**

  I didn't know that. If that was the case, why didn't they ban it from the market?

- **3(b) The Detainee participated in military operations against the United States and it's coalition partners.**

  That's not true.

- **3(b)1 The Detainee was on the front lines fighting in Afghanistan during the bombing campaign.**

  What do you mean by the front lines? I'd like to tell you the whole story.

  There is somebody by Hamid Massoud who was against the Taliban. The Arabs killed him because they were threatened in Kabul. They were being assassinated to avenge Hamid Massoud. Either the Arab goes back to his hometown, goes to the front line, or he goes to the second line, which is about 20 km behind the front line, which is a safer place. I had no intention of going back to my country.

I never fought with the Taliban, so they couldn't send me to the front line. There was only one other alternative for me and that was to go to the second line.

I stayed there for 12 days. They were bombing the front lines, but not where I was staying.

The interrogator built on all of these statements…that I fought against the United States and it's allies and I was in the front line during the bombing.

- **3(b)2 The Detainee was captured in Pakistan.**

  Of course, that's where I was.

Tribunal Members Questions to Detainee

Q: You mentioned your original intent was to go to Afghanistan to find a wife?

A: That's what the guy had promised me.

Q: Did you already have a wife at the time, or would this have been your first wife?

A: First wife.

Q: Why would you want to go all the way to Afghanistan to find a wife, if you could find one in your home country?

A: Because of poverty. They say that you can go to certain countries and they'll give you a house, even though it's an old house, and some financial assistance to get married. That's without having to contribute anything at all. It's a charity type of thing from these people. If you put yourself in my shoes, what would you do?

Q: So, they told you that the Afghanistan government, the Taliban, would give you all these things if you went there?

A: That's what the man told me. I want to extend my apologies for coughing. I'm coughing because I'm fasting.

Q: We understand. Regarding this house in Quetta, you never went in? You were just outside?

A: Yes.

Q: How did you know it was a Taliban house if you were not associated with the Taliban?

A: The guy in Yemen told me where to go.

Q: Did you have somewhere else to stay if you chose not to stay there?

A: I don't know, but I was told that was the way to go there.

Q: What I meant was, if you didn't stay at that house, was there somewhere else you could stay?

A: No, there wasn't.

Q: Then where did you stay in Quetta?

A: I went to the Taliban house in Quetta, but I never stayed there. I found four Afghani people who were going to Afghanistan and I just went with them. I didn't stay there at all.

Q: You said you were training or familiarizing yourself with the machine gun and the mortar for 7 days?

A: I didn't go to the second line to get trained. I was so bored and that's why I picked up these [weapons]. I was just fooling around with these [weapons] and trying to kill time.

Q: You didn't go to a camp or anything like that?

A: No, I did not.

Q: Was there someone on the second line who taught you about these weapons?

A: There was a Pakistani individual that was showing me how to use the PK.

Q: The Casio watch, was this something you were given when you were at the second line?

A: No.

Q: How did you come to possess that watch?

A: There was a guy by the name Ahmed who bought it for me. I didn't have a watch in the beginning. It wasn't like a present and it wasn't anything I could use on the front line. The watch is so inexpensive. If somebody is going to give you a present, he'd give you a very expensive watch.

Q: Did he provide watches to other people or just to you, do you know?

A: Only for me.

Q: Were you injured at any time during the conflict?

A: I never went to the battlefield and I was not injured.

Q: After the war got intense, you left Afghanistan and went to Pakistan?

A: I did not leave because the battle got heated up. Since I was on the second line, there was no reason for me to stay, so I just wanted to leave because it was no longer safe.

Q: Could you explain the circumstances of how you were captured?

A: I was in the mountains close to Pakistan and I stayed there for a little while. I saw some people walking to Pakistan and just joined them and walked with them. My intention was not to escape; I did not fight the Pakistanis, I just turned myself over to them so they'd send me to my embassy.

Q: Were you with a group of people or just by yourself in route to Pakistan?

A: With a group of people.

Q: Did you have your passport with you?

A: No.

Q: What happened to it?

A: My passport was in my jacket on the second line because when we left the area, I left my jacket with all of my stuff in it. In that situation, you don't think about going back to get them.

Q: I thought you said there was no real urgency; you left because you were bored.

A: We left the area in a hurry.

Q: If the war was not becoming more intense, why did you leave in a hurry?

A: The front line got defeated somehow and the fighters were advancing toward the second line. That's why we were in a hurry.

Q: When you were crossing into Pakistan, did anyone in your group have weapons with you?

A: No.

Q: Did you have any money with you?

A: I didn't have any money.

Q: When you turned yourself into the Pakistanis, you had no money, no passport and no weapons?

A: I didn't have anything except my watch.

Q: They put you in jail because you had no identification?

A: I don't think so.

Q: Did they say why the put you in jail?

A: They didn't explain anything to me.

Q: So, they took you to jail and that was that?

A: I talked to them and they said they were going to bring the Yemeni embassy to us, but they were a bunch of liars.

Q: So, no Yemeni embassy people came to see you?

A: Nobody came to see me.

Q: So, you went from the Pakistan jail and then you were given to the Americans?

A: Yes.

Q: How long have you been here?

A: Three years.

Q: You arrived in Afghanistan in March of 2001. When did you surrender in Pakistan?

A: I don't recall, but I was in Afghanistan for nine months.

Q: When you left Yemen for Afghanistan, how long were you planning on staying?

A: That depended on how fast I could get a wife. I would go back as soon as I accomplished that goal.

Q: What form of transportation did you use from Yemen to Afghanistan?

A: An airline.

Q: How much was the ticket?

A: I don't recall. The guy who talked to me about going to Afghanistan is the guy that gave me the ticket.

Q: Did you pay him for the ticket?

A: No, I didn't pay him any money.

Q: Did you bring money with you to Afghanistan?

A: He gave me only $100.00

Q: The guy gave you $100.00?

A: The guy who sent me to get married.

Q: That's all the money you had?

A: Only $100.00

Q: How were you going to make money in Afghanistan if you didn't find a wife pretty quickly?

A: I went there according to a promise that was made to me. If I had money, why would I want to go to Afghanistan?

Q: While in Afghanistan you had $100.00 and if it took longer than 2 weeks to find a wife, how would you pay for a hotel or food?

A: I lived in Kabul with someone in a house. All of the food and everything was provided by the house. I didn't have to worry about money for food or board.

Q: How long were you in that house?

A: About 7 months.

Tribunal President's Questions to Detainee

Q: What was the name of the man that funded your trip to Afghanistan to get a wife?

A: Abu Khuloud.

Q: Where did the training, playing and practicing with the PK machine gun and the mortar take place?

A: On the second line.

Q: Were you issued a weapon of any kind?

A: No, I wasn't.

Q: So, you were on the second line, about 20 km behind the front line without a weapon?

A: I was not on the battlefield. I went there for safety reasons. If I wanted to go to the battlefield, I would have gone to the front line.

Q: Who instructed you to go to the second line?

A: The man I was staying with.

Q: You were staying with him, and he said let's go to the northern region, or wherever this second line was?

A: It was obvious to everyone you either go to that location, this location or the third location.

Q: Or go home. Was that option still open to you?

A: From the first day I arrived, I wanted to go back, but I didn't have any money.

Q: You were not successful in finding a wife either. Is that correct?

A: That's true.

Q: So, Abu Khuloud lied to you?

A: Yes, he lied and exaggerated.

Q: Did you think of how you might be able to get back to Yemen?

A: I talked with the person I stayed with in Kabul and he told me that when God was willing he'd give me some money so I could leave. It was very hard because I didn't have any money.

Q: What was his name?

A: Hamza Al Qaety.

Q: Do you know if he was associated with the Taliban or Al Qaeda?

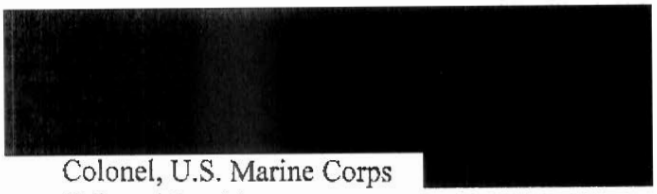
A: I just know he went to Afghanistan previously. What do you mean?

Q: Your host, Hamza.

A: I used to see him go to the front lines with the Taliban, but I think it was a religious matter. You go there freely; you are not forced to go fight people you don't want to fight with. You need to understand that completely.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

Summarized Detainee Statement

Tribunal President: Okay. Kari, you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you want to present information to this Tribunal and do want to do it under a Muslim oath?

Detainee: Yes.

Tribunal President: Recorder, please administer the Muslim oath.

The Detainee was sworn using the Muslim oath.

Tribunal President: Let me verify the correct name.

Detainee: Maasoum.

Tribunal President: Is that the first name or the last name?

Detainee: My name is Maasoum. My father's name is Abdah.

Tribunal President: So we will use Maasoum Abdah?

Detainee: Yes.

Detainee: I don't I have a problem being called Bilal.

Tribunal President: Okay. Thank you. Maasoum, you may begin your statement or you can answer or respond to any of the allegations on the Unclassified Summary.

Personal Representative: Madam President, the detainee asked me to read his response to the allegations.

Tribunal President: Okay.

Personal Representative: And I have for the Tribunal a copy of what I will be reading for the record. It's marked Exhibit D-b.

Tribunal President: Fine.

In the following section of the summarized transcript, the Personal Representative reads to the Tribunal the detainee's responses to the allegations found on the Unclassified Summary of Evidence. Any comments made by the detainee or others are summarized, as well. To put the responses and comments into context, the allegations are set forth in italics before the associated response.

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

Personal Representative: The statement is untrue. My being involved with the Taliban is impossible. I don't even speak a word of Pashtu, and I don't know anyone from the Taliban, and I was never associated with anyone from the Taliban.

3.a.1. The detainee is a Syrian who traveled to Afghanistan in 2000.

Personal Representative: I wanted to go to Afghanistan to find a wife and get married and stay there. I wanted to live there because it is cheaper to get married and to live there. I intended to stay for a while, but not a long time.

3.a.2. The detainee stayed for more than 12 months at the Wazir Akbar Khan Street safe house, located in Kabul, Afghanistan.

Personal Representative: I stayed for nine to ten months. Abu Mouad rented a house and a few of us stayed with him. It was a normal home, a place to eat, drink and sleep.

3.a.3. The detainee operated a safe house where 5-20 personnel armed with AK-47 rifles could be found at any given time.

Personal Representative: It is not true that I operated this house. There were no AK-47s at this house.

Detainee: I don't understand.

Personal Representative: It is not true that I operated this house.

Detainee: Do you mean operated like "military" operated?

Personal Representative: Like ran. The allegation is that he operated the safe house.

Detainee: I did not understand the 3rd one. How did I operate this house?

Tribunal President: Use the word "manage."

Detainee: It was a regular house. Just like any other person's house.

Tribunal President: Were you in charge of running the house? Making sure the costumers were comfortable. Did you receive the money for the house?

Detainee: I didn't.

The Personal Representative continued to read the detainee's response to the allegations.

Personal Representative: There were no AK-47s at this house. Normally, there were only seven of us staying in the house. Not five to twenty.

3.a.4. The detainee's name was found on a list of Mujahideen trainees for a sniper course.

Personal Representative: This statement is not true at all.

3.a.5. The detainee confirmed that one of his aliases was on the list for the sniper course.

Personal Representative: This is likely a mix up in names. If you find a Bilal on this list, I ask, am I the only Bilal in the world? I told the interrogators that I am a Kurdish Bilal, and that there are a lot of Syrian Bilals.

Personal Representative: That is the end of the statement.

Tribunal President: Maasoum, would like to add anything else to your statement, or does that end your statement?

Detainee: Maasoum.

Tribunal President: Maasoum?

Detainee: Bilal is easier, if you would like.

Tribunal President: Fine. Bilal, would you like to add anything else to your statement, or does that end your statement?

Detainee: I don't have anything else.

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

Personal Representative: Just one. Since Abu Mouad rented the house, would he be the person who managed the house?

Detainee: It is true that he rented that house, but we all worked together. We all bought food and we all ate there. So we were all in that house. He was not managing us. Basically, everyone was working. Getting our own food, we ate together, but he was not supervising us, or anything like that.

Personal Representative: That's all I have.

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

Recorder: No, ma'am.

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

Member: About when did you go to Afghanistan?

Detainee: The year 2000, the sixth month.

Member: Okay. How did you get there?

Detainee: From Syria to Turkey to Iran to Afghanistan. On land.

Member: On land. Okay.

Member: Before you left Syria, did you have to get an Afghanistan visa?

Detainee: No.

Member: You said in your statement before that your Personal Representative read, that you were not part of the Taliban because you don't speak Pashtu?

Detainee: Yes.

Member: But you did go to Afghanistan to find a wife?

Detainee: Yes.

Member: Wasn't there still going to be a language problem?

Detainee: I'm sorry?

Member: Your wife would speak Pashtu also.

Detainee: I asked some Persian women who spoke Farsi. Because I am Kurdish, the Kurdish language is very close to Farsi. I can understand Farsi. Even if I got married to a Pashtu woman, over time I would learn how to speak Pashtu.

Member: Okay. And she would learn your language?

Detainee: Possibly.

Member: Okay. When you stayed at the house, what did you do for money? Did you work?

Detainee: I did not work in Afghanistan, but when I was in Iran, I worked and I had money.

Member: Okay. Have you had any military training in Syria or Afghanistan or anywhere else?

Detainee: No. Never. Only when I was in the Syrian police, they trained us. But in two years, I only shot – in a year in a half, I only shot seven bullets.

Member: That's all I have.

Member: Maasoum, how were you arrested?

Detainee: When we were leaving Afghanistan to Pakistan on the border line, we were arrested at the border line.

Member: How did you leave Afghanistan?

Detainee: I went to Jalalabad. I stayed there for a day or two days. After a day and a half, we went somewhere where it was safe and no one would bother us. About a month a half. After that we left for Pakistan.

Member: Was this route through the mountains to Pakistan?

Detainee: It was a regular road. There were some mountains and some other things.

Member: When you were arrested by the Pakistanis, did you have a passport with you?

Detainee: No.

Member: Where was your passport?

Detainee: In the house that I stayed in Kabul.

Member: Why was it still in the house? Why wouldn't you take it with you if you knew you were leaving the country?

Detainee: I did not know I was leaving the country. If I had known I was leaving the country, I would have taken it. In the beginning, I didn't know.

Member: Can you tell me when you were arrested by the Pakistanis?

Detainee: In the beginning of the year. I am not sure exactly if it was 2000 or 2003. I have forgotten. Possibly 2002.

Member: Was it the year after the--

Detainee: I do not know.

Member: Do you recall when the planes flew in the World Trade Center in New York?

Detainee: I saw a movie here.

Member: Was it the first of the year, right after that event took place?

Detainee: When I left?

Member: When you were arrested by the Pakistanis.

Detainee: It was after.

Member: After. When you left Kabul, was that after the bombing started?

Detainee: Honestly, I don't remember.

Member: So did you see any bombing or fighting at all in Kabul or on your way out of the country?

Detainee: I don't remember, but I heard that there would be attacks.

Member: Was the route that you took out into Pakistan from Jalalabad, was it through the Tora Bora mountains?

Detainee: I do not know what the mountain was. That was my first time going through that route.

Member: You said that there were about seven people in your house. Were any of those people associated with the Taliban?

Detainee: No, never.

Member: Were any of them fighters or associated with Al Qaida?

Detainee: Never.

Member: Just want to make sure I understand the timing. So you where in Kabul and then you heard that you might be attacked, so that's when you started to leave to go to Pakistan?

Detainee: Could you repeat please?

Member: Yes. You were living in Kabul and you heard that Kabul could be attacked. So is that when you left and started to go to Pakistan?

Detainee: When the people took me, I did not even know where I was going. They just took me and they took me out of Jalalabad.

Member: Who were the people who took you?

Detainee: Amed Sala and Amed Shariff are the ones who took me.

Member: They just came and took you and said "we're leaving"?

Detainee: Yes.

Member: And you did not ask why and where we're going?

Detainee: Abu Mouad was with them. But the people that took me from Jalalabad were Amed Sala and Amed Shariff. The most important thing for me was to go somewhere safe. I didn't know where.

Member: But if you didn't know why they were taking you, why did you have to go to someplace safe?

Detainee: For sure they would have taken me somewhere safe.

Member: So I take it, then, that you did know that Kabul was going to be attacked?

Translator: I'm sorry?

Member: You did know that Kabul was going to be attacked?

Detainee: There were going to be problems.

Member: Okay. I have no further questions.

Tribunal President: Why did you leave Syria to find a wife? Why not find a wife in Syria?

Detainee: It is very expensive to find a wife. The price is at least $3000. I might work for years and still not be able to collect that much money. In Afghanistan, it is very cheap. The most is $300.

Tribunal President: Had you planned on living in Afghanistan?

Detainee: I was planning to stay for a short period of time. Get married, maybe a couple of years. A short period of time.

Tribunal President: And then return to Syria?

Detainee: No.

Tribunal President: What was your plan after you found a wife and stayed in Afghanistan for two years? What did you plan to do then?

Detainee: I didn't have a practical plan. I was not thinking practical. But possibly I would be going to Jordan. Jordan is close to Syria. And you have some freedoms in Jordan.

Tribunal President: You said Abu Mouad rented the house. Who owned the house?

Detainee: I do not know.

Tribunal President: How did you know to go to that house?

Detainee: I asked. I went to the mosque where people prayed. I prayed there and I asked the people there, "Is there a Syrian person that I can go to?" If that was not possible, then I would have spent the whole time in a hotel.

Tribunal President: Did anyone at the mosque encourage you to go to Afghanistan to find a wife and to stay at that house?

Detainee: The mosque that I was in?

Tribunal President: Yes.

Detainee: Please repeat the question.

Tribunal President: The question is, was there someone at the mosque, one person that encouraged you to go to Afghanistan to find a wife and stay at that house?

Detainee: No, only the house. They showed me the house.

Tribunal President: Okay. So you did not feel that you were being recruited by anyone to fight in Afghanistan?

Detainee: No. Never.

Tribunal President: How did you pay for your trip to Afghanistan?

Detainee: In Afghanistan?

Tribunal President: Yes. How did you pay for your trip to travel from Syria to Afghanistan?

Detainee: I worked in Syria.

Tribunal President: One time you said you had been a policeman. Were you still a policeman prior to going to Afghanistan?

Detainee: For two and a half years I was a police officer, but later I sold fruits and vegetables.

Tribunal President: Did you use that money to pay for your trip to Afghanistan?

Detainee: Yes.

Tribunal President: How did you support yourself while you were in Afghanistan for nine to ten months?

Detainee: I wasn't the only one that was paying. We all paid. Once my friend, once me, once someone else. We all paid.

Tribunal President: Did you work, other than in the house? Did you work at another job in Afghanistan?

Detainee: No, I did not work.

Tribunal President: Did you handle any weapons while you were in Afghanistan?

Detainee: Never.

Tribunal President: Help me to understand who you were with when you were arrested. You mentioned one name, but who were the other people you were arrested with?

Detainee: Myself, Ali, and Abu Roba and Abdul Hadi.

Tribunal President: So that's four of you?

Detainee: Yes.

Tribunal President: Were you walking or were you in a vehicle?

Detainee: Walking.

Tribunal President: Did any of the four of you have a weapon when you were arrested?

Detainee: Never.

Tribunal President: That's all I have. Any Tribunal members have any questions?

Members: No ma'am.

Tribunal President: Bilal, do you have any other evidence you would like to present to the Tribunal?

Detainee: That's what I have.

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

Personal Representative: Madam President, I have no further evidence and there are no witnesses.

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

AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President

Detainee [redacted] Response to allegations in Unclassified Summary

a. The statement is untrue. Me being involved with the Taliban is impossible. I don't speak even a word of Pashtu and I don't know anybody from the Taliban, and I was never associated with anyone from the Taliban.

1. I wanted to go to Afghanistan to find a wife and get married, and stay there. I wanted to live there because its cheaper to get married and to live there. I intended to stay for a while, but not a long time.

2. I stayed the ~~re~~ for nine to ten months. [redacted] rented a house, and a few of us stayed with him. It was a normal home, a place to eat, drink and sleep.

3. It is not true that I operated this house, there were no AK 47s at this house. Normally there were only seven of us staying at the house, not 5-20.

4. This statement is not true at all.

5. This is likely a mix up in names. If you find a [redacted] on this list, I ask, am I the only [redacted] in the world? I told the interrogators that I am [redacted] and that there are a lot of [redacted]

Summarized Unsworn Detainee Statement

The Tribunal President was explaining the hearing instructions to the Detainee. The Recorder read the summary of unclassified evidence and the Detainee had a question.

Detainee: What kind of evidence?

Tribunal President: In reference to the unclassified summary.

Detainee: Yes.

Tribunal President: That is the unclassified evidence.

Detainee: I do not agree with all of them (the allegations).

Tribunal President: You will have an opportunity to make your statement here shortly. Thank you.

The Tribunal President asked the Detainee if he (the Detainee) would like to make a statement under oath.

Detainee: I would agree to provide an oath under my religious oath.

Tribunal President: We do have a Muslim oath prepared.

Detainee: We are taking oath with the Koran.

Tribunal President: Recorder, could you read the Muslim oath and see if it is acceptable to the Detainee.

The Recorder reads the Muslim oath.

Tribunal President: If that is acceptable, he can take the oath that was just read, or he can give us his own oath, or he can decide not to take an oath.

Detainee: I will take an oath of my religion. It will be verbally by myself.

Tribunal President: You may do so now.

Detainee: I will tell the truth. I will not lie. I will swear with my God that everything is the truth.

Tribunal President: Very well. We will accept that as taking an oath. Thank you.

Summarized Sworn Detainee Statement

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

The Personal Representative addressed issues in the Unclassified Summary of Evidence (Exhibit R-1), as was discussed while assisting the Detainee in preparation for the Tribunal.

- **3(a)(1) The Detainee departed China in May 2001 and traveled to Tora Bora, Afghanistan via Pakistan.**

  That is true.

- **3(a)(2) The Detainee received training on the Kalashnikov AK-47 assault rifle and other light weapons at a Uighur training camp in Tora Bora, Afghanistan.**

  I just trained on two different kinds of weapons.

- **3(a)(3) The training camp was provided to the Uighurs by the Taliban.**

  I don't know who provided the training camp.

- **3(a)(4) The East Turkistan Islamic Movement (ETIM) operated facilities in the Tora Bora region of Afghanistan in which Uighur expatriates underwent small arms training. These camps were funded by Bin Laden and the Taliban.**

  I believe that the Uighur people were trying to get back their country from China, and I don't believe Osama bin Laden or the Taliban were financially providing for the camp.

- **3(a)(5) The Detainee lived at the Uighur training camp from early June through mid-October 2001 until the United States bombing campaign that destroyed the camp.**

  That is true.

- **3(b)(1) The Detainee stated that the Uighur training camp was destroyed during the first night of the United States bombing campaign.**

  I do not know if it's the first night that the US bombing started. I don't know if they bombed some other place and then came to the place where we stayed. But we did leave the camp when we heard the US bombing.

- **3(b)(2) The Detainee fled along with others further into the mountains of Tora Bora with the initiation of the United States bombing campaign.**

  Yes, all the Turkistani people fled together (NOTE: The Uighurs often refer to themselves as "Turkistani").

- **3(b)(3) The Detainee was captured in Pakistan fleeing Afghanistan with other Uighur and Arab personnel in 2001.**

  That is true.

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

Detainee: Yes.

Tribunal President: Please, go ahead.

Detainee: They are saying that we are against the United States. Is that right?

Tribunal President: Yes.

Detainee: That is not true because from the time of our great grandparents centuries ago, we have never been against the United States and we do not want to be against the United States. We will not stand against the United States because we don't have anything to do with the United States. Also, I can represent for 25 million Uighur people by saying that we will not do anything against the United States. We are willing to be united with the United States. I think that the United States understands the Uighur people much better than other people.

The reason we went into Pakistan was because in China there is torture and too much pressure on the Uighur people. Lately they have laid off the Uighur people from their jobs. Recently, they laid off a lot of Uighur people and filled all the jobs with immigrant Chinese.

The Uighurs have families and need support to eat and if we don't do something, then how are we going to live? If they (fellow Uighurs) wanted to go and farm they would have to pay a lot of taxes. If they can't pay the taxes, they would take away their property.

So many people are without an education because they (apparently the Chinese) are asking too much money for an education. Now, there are a great number of young people on the streets with no education. The Uighur people only have the privilege of having two children. If a female gets pregnant with a third child, the government will forcibly take the kid through abortion.

Lots of Uighur people are so poor that we can't afford to eat meat weeks to months at a time. Turkistan has a lot of natural resources and they (the Chinese) don't use one or two percent of it for Turkistan. They take the majority of the resources day and night to the mainland in China. If they torture us everyday and pressure us too much, then what are we going to do? How are we going to live? In the future, what will our next generation do? How will they survive? That is why I left my country to try to get something, get back and liberate my people and get our country independence. If you to go to Kazakhstan, they will not let us get property, training or anything. They will not let us in; as soon as they know we are in Kyrgyzstan and Kazakhstan, they will turn us back to the Chinese. That is the reason we went to Afghanistan.

I can't think of any more evidence but that is all I wanted to say.

Tribunal President: We may have some questions, but does this conclude your statement?

Detainee: That is the reason that we went to Afghanistan. We didn't associate with the Taliban or other people.

Tribunal President: Do you mind if we ask some questions, as long as you are finished with your statement.

Detainee: OK. Yes, you may ask.

Tribunal Members' Questions to Detainee

Q: Thank you for coming to talk to us today and for educating us on the plight of the Uighur people. We haven't seen anything about you prior to the start of this Tribunal. But we have a general familiarity with your situation because some of your other Uighur brothers have come before us in Tribunals. Before you left your home country to got to Afghanistan, how did you support yourself?

A: I did some kind of business.

Q: What kind of business is that?

A: Fruit business.

Q: Were you able to support yourself and your family with a fruit business?

A: It was barely enough because so many other people were doing the same business. It was not much profit.

Q: It says here that you went from your home country to Pakistan and Afghanistan. Did you go to any other countries along the way?

A: No.

Q: Have you ever traveled to Kyrgyzstan?

A: No.

Q: In the recent past, the American consulate was attacked there and I was wondering if you knew anything about that?

A: No, I don't know anything about it. How could I have knowledge about it?

Q: It was before you came to the camp.

A: I don't know.

Q: Have you ever had any association with Uzbek Muslims?

A: No.

Q: There is a group that we have heard of called the Islamic Movement of Uzbekistan. I was wondering if you knew anything about that group?

A: No.

Q: When you traveled to Afghanistan, did you go by yourself or with a group of other Uighur people?

A: We were four people that traveled together.

Q: There is a group of you here at the camp. Are the other three people who were with you also here at the camp?

A: No.

Q: What happened to the other people?

A: When the bombing campaign started we split up.

Q: So the other three people that you traveled with after the bombing, you never saw them again?

A: No.

Q: When you were in Afghanistan and you were in the Uighur camp, did you go to any other places besides the Uighur camp?

A: No, I just stayed there until the bombing started.

Q: Did the Taliban people ever approach you and ask you to fight with them against their enemies?

A: No. In four months we built a house at the camp and we didn't see any other people there.

Q: Was it only Uighur people you saw everyday when you were there?

A: Yes.

Q: Earlier when we were talking about the weapons at the camp, you said that you only trained on two different kinds of weapons. Which kinds were those?

A: Kalashnikov and a pistol.

Q: During your training did your instructors or your camp leaders ever talk to you about fighting Americans?

A: No.

Q: There is an important gentleman in the Uighur community by the name of Hassan Maksum; do you know who this man is?

A: Yes. I saw that person.

Q: Who is he, please?

A: He is a Turkistani person.

Q: Is he the leader of your Uighur group?

A: Yes.

Q: Would he give the Uighurs in the camp guidance and instruction on what to do?

A: Maybe he would do that and there was another person and he was the leader of the camp guiding all the people. I saw this person twice at the camp. I forgot the leader name.

Q: Would that be Mr. Abdul Haq?

A: Yes.

Q: We heard his name from the other Uighur people.

A: I told that to the interrogators.

Q: There is a concern that Mr. Hassan Maksum may have relationships with al Qaida people. Do you know any thing about this?

A: I don't think so. The people in Turkistan will not associate with al Qaida.

Q: We noticed that during these Tribunals that some Detainees come to us in different colors. We have orange, beige and white. You are in beige. What is the significance of you being in beige?

A: That means level one.

Q: Is that for good behavior or for some other reason?

A: Yes, I believe so. If you do not have good behavior they will not put you in level one.

Q: We know you don't want to be here, but, given that, how have you been treated at the camp since you have been here?

A: What, do you mean by soldiers?

Q: Yes.

A: OK. Good.

Q: Besides the Chinese people, do the Uighurs have any other people they consider their enemy?

A: No.

Q: If you were to be released, where would you want to go and what would you want to do?

A: Not China. If the US government sends me to another country, I'll go.

Q: Very good. Thank you very much. I don't have anything else.

Tribunal Members' Questions to Detainee

Q: After the bombing in the mountains when you fled that first night, who was bringing you food for the next couple of days?

A: There were two guys and they brought us food.

Q: They were the people that normally brought food to the camp?

A: Yes.

Q: Were they were non-Uighurs?

A: They were Uighurs too.

Q: They were also Uighurs. So, they went to town and brought food back to you before the bombing and then after the bombing?

A: They brought food before the bombing.

Q: And then after the bombing?

A: A guy by the name of Hamat brought us food. I don't know where he got the food. I remember he brought us food after the bombing.

Q: Hamat was part of the Uighur group and part of the eighteen Uighurs that fled?

A: Yes.

Q: At least one or two Uighurs were going back and forth to town for food before the bombing and after the bombing?

A: Before the bombing they go into the city get food and bring it to the camp.

Q: And then after the bombing?

A: I can't really remember now. I forgot. Hamat brought us food.

Q: You had food with you when you went through the mountains?

A: I can't really remember right now.

Q: Through all of the interrogations since you've been captured, is there anything that you have said that you would like to change or anything that you would like to explain that you have said in the past to help us better understand your story?

A: I already told everything correctly during all the interrogations.

Q: So whatever I read during the classified portion is pretty much the way you said it?

A: Yes.

Q: How much time did you spend in the mountains before you made it to Pakistan?

A: I forgot and again, I told them during the interrogations. I've been here three years and can't remember everything at that time.

Q: Was it a matter of week or months, like one month, two months?

A: I already told them in the past and if I now say something wrong then it will cost me and I don't want to give you any wrong information.

Q: Did you stay in one place or did you move around on your way to Pakistan? Did you find one place to stay or were you constantly moving?

A: Yes, I was moving around from one place to another place.

Q: Did you have enough food with you that you didn't have to find food anywhere?

A: Hamat got some food for us and I really don't remember the rest of it.

Q: And there was no one other than Hamat who gave you food while you were in the mountains?

A: I forgot and if you look in my file, then you will see.

Tribunal President's Questions to Detainee

Q: Just to remind you, we haven't seen your file. We only know what these two pieces of papers have told us about you. Pardon us if we ask you questions that you've answered repeatedly since you've been here. But since we've come here with an open mind, your answers will help us develop a picture about your situation. I'd like to go back to the time when you were in your home country before you traveled to Afghanistan in 2001. Did you ever receive military training in your life prior to 2001 in Afghanistan?

A: No.

Q: Have you ever traveled outside your home country prior to traveling to Afghanistan in 2001?

A: No.

Q: When you traveled to Afghanistan in 2001, how many people traveled with you or did you travel alone?

A: In Kazakhstan, two more people joined us and we were four total.

Q: Did you travel into Pakistan first and then into Afghanistan?

A: Yes.

Q: While you were traveling, did you ever encounter any Arabs in Pakistan?

A: No.

Q: During your time at the Uighur camp in Afghanistan, did you ever see any Arabs?

A: No.

Q: After the bombing of the training camp and during the time you were fleeing through the mountains toward Pakistan, did you encounter any Arabs?

A: We were staying in the mountainside and the Arab people traveled to Pakistan and we followed them.

Q: Could you have possibly gotten some support on your travels through the mountains from these Arab travelers?

A: We followed them while they traveled to Pakistan. There was one Afghan and he was leading those people to Pakistan.

Q: How did you know they were going to Pakistan?

A: We asked them, they said Pakistan, and we followed.

Q: When we had an opportunity to hear the stories of some of your Uighur brothers, they told us about difficult times fleeing through the mountains hiding out in caves and even encountering aggressive monkeys. I understand it's been a long time since you've experienced that, but does that sound familiar to you as well?

A: It's been a long time and I can't remember most of it.

Q: How about the time of your capture by the Pakistan authorities? Can you tell us about that? It says here that you were captured with Arab personnel as well.

A: Yes.

Q: Can you tell us more about that? How many were there and was it Pakistani police, Pakistani military (who captured you)?

A: We crossed into Pakistan and there were tribal people there and they took us to their houses and they killed a sheep and cooked the meat and we ate. At night, they told us that we were going to travel now. We said OK and they took us to one mosque. On our way to the mosque, they provided us tea and bread. We sat down and had tea and three people walked into the mosque, looked around at the people and walked out. They repeated this three or four times. Then they came into to the mosque and said we need to go in groups of ten. They took us to the truck and took us directly to the Pakistani prison.

Q: Were there Arabs in this group when you were captured?

A: Yes.

Q: How did that come to be?

A: I told you earlier, when we traveled we followed them and we were captured together.

Q: There were eighteen Uighurs and how many Arabs?

A: I don't know the exact number maybe, 60 or 70 people.

Q: Since you've been here at Guantanamo Bay, has the Chinese delegation visited you?

A: Yes.

Q: How did they treat you?

A: They did not treat me good.

Q: Did they offer you a safe return to China?

A: (They said) when you go home you have family and we don't think you will be in prison that long. The most is three or four years and then you can live with your family. If they are lying, I will go back to jail for more years.

Q: Have you ever been in touch with your family since you have been here?

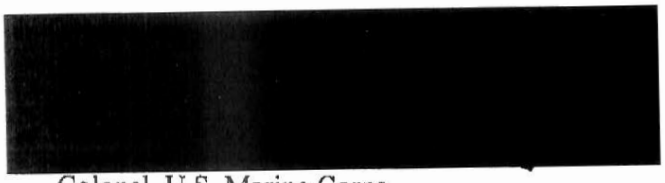
A: No.

Tribunal President: I want to thank you for your testimony today. As we make our determination whether or not you have been properly classified as an enemy combatant, is there anything else that you feel is important and that you want us to know?

Detainee: I have nothing to say. I want to tell you one thing. Because I didn't answer all your questions, I didn't tell exactly the truth or because I forgot and didn't want it to count against me and ask you to forgive me for not knowing the answer.

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

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

Summarized Unsworn Detainee's Statement

Detainee: No, I don't have any questions. I've been here two, two and one-half years and I want to talk at this Tribunal. That's why I am here and I want to face the Tribunal.

The Tribunal President referring to the Detainee's Election Form.

Tribunal President: I note from the Detainee's Election Form, the Detainee, Abdul Razzak has requested three witnesses and for the record, those three witnesses are Abdul Wahled, the district commander of the Mujahadeen during the Afghanistan-USSR conflict during the 1980's. The address given for him was in Afghanistan. The second witness is Haji Abdul Zaher, who was a military commander on the Afghanistan-Pakistan border, also located in Afghanistan. The third witness requested was Ismael Kahn, was a former governor of Herat, Afghanistan. Are those the three witnesses you requested?

Detainee: Yes.

Tribunal President: I received this request last month and I directed the United States government to contact these witnesses. Specifically, on or about 18 October 2004, the United States embassy in Afghanistan contacted the Afghanistan government. The United States government followed up twice, requesting assistance in locating these three witnesses from the Afghanistan government. As of this date, we have not received any response from the Afghanistan government. Without the cooperation from the Afghanistan government in locating these Afghanistan citizens, we are unable to provide them to attend this Tribunal today. For the record, I determine and make a ruling, that these three witnesses are not reasonably available.

Summarized Sworn Detainee's Statement

- **3(a)(1) Detainee served as a Taliban driver beginning in 1992.**

  In that year, 1992, there was no Taliban at that time.

- **3(a)(2) Detainee is an al Qaida facilitator and smuggler.**

  When the Taliban was fighting the country and doing all those things trying to get help from the people, at that time in Afghanistan, I was not in the country. I was overseas.

- **3(a)(3) Detainee was a commander of a Taliban terrorist cell in Afghanistan.**

  Like I said before, I was overseas, I was not even in the country when they were doing all those things. I can only one place at a time. Either I was a commander of the Taliban, or I was overseas. Since I was overseas, I can not be a commander.

- **3(a)(4) Detainee conducted an escort mission for Usama bin Laden in Jalalabad, Afghanistan.**

  Sir, I was overseas and if I was overseas doing work there, then I could not have done what is claimed. So this allegation, number four, is wrong. I was not in Jalalabad at that time.

- **3(a)(5) Detainee provided goods and funding for Taliban terrorist cells in Afghanistan.**

  Same answer for this one. I was overseas working. If my overseas stay is true, then there is no way I could have done these things in Afghanistan.

- **3(a)(6) Detainee provided guidance in the terrorist training camp near Kandahar.**

  Same answer for this one. I was overseas and this allegation is wrong because I was not in the country.

- **3(b)(1) Detainee fought against United States forces in Kabul.**

  Same thing. During that time period, I was overseas. So, it is not true that I fought in that country while I was living overseas.

- **3(b)(2) Detainee provided weapons and explosives to a Taliban terrorist cell in Afghanistan.**

  I was living overseas, so, this is incorrect. If I was living overseas is true, then this is wrong.

- **3(b)(3) Detainee was involved in assassination attempts against Afghani government officials.**

  I was overseas and I could not be at both places at the same time. I was living oversea and I did not do these things.

Detainee: While I was overseas, there were people there living with me during that time period and you can ask those people. Two of the people names are Radd Mohammed, he was with me and Modali Ishaq. They both were living next to me in the same area. When I was living overseas the council in the Rabani government told me, they were not going to give me any financial support from the government. I had to wait until the next government was established and then they would pay me. So they stopped my pay.

You can check with the Rabani council, the people worked in that government if anything that I say is untrue then you can prove me guilty or anything you want to do with me and I will accept it.

Everyone knew that the Afghanistan people were fighting for a long time, twenty-five years and at that time, people were fighting tribe-to-tribe or village-to-village and everything happened to me. They captured me through the government. The government captured me but they did not have anything against me. It was one person who gave them wrong information and just because of this wrong person, I am here. They can't prove anything against me because I never did any wrong. The person that was giving you all that wrong information, that is the person that killed my two brothers, my sister, my father and two of my sons. That is the person that is doing all this to me.

Now you can decide if I am innocent or guilty, but I didn't do those things. They are wrong accusations and I did not do it. If justice is with me then I need to find out why those relatives of mine died. They died and I have been in jail for a long time. This is one sided and that one person, I don't understand what he said behind me without having any evidence or witnesses. I need to know if you all will allow it to be one sided or both sided?

Why is the Afghani government providing you the things behind me, why are they taking this information from this one person? If I did something wrong then my government should know and they would have something on me, but they did not have anything on me. All those things came from one person and he said them behind me.

I've been here for two, two and one-half years and I have not received anything from my family. Not a letter or anything. I am sending letters to my family and not receiving anything back. My enemy, De Ha, did it to me. He gave me to the government and he put all those things on me, that I did those things. I want justice and a reason why. If I am innocent, I want justice. If I am guilty, at least I want the human rights of letting my family know how I am doing and finding out how they are doing.

If all those things, they say I did, then they must have witnesses back home. If I did it they should have more than one person as a witness, say that I did something. My whole village knows what is true and what is not and what I think is that everything is happening to me, they robbed me of my innocence, is not human, it's cruel because I never did any of the things that I am accused of.

I have a family of my two brothers that got killed. I was supporting them. I have my own kids that I was supporting, also. I'm just a poor man, trying to work, feed my family and take care of my family. I was not a big person in the country and how could they say anyone could do all those things? I was just doing regular work to support my family and my enemy did this to me. They wrongly accused me of all those things. The people that I mentioned lived with me and they know me. You can ask anyone of them about me. My relatives will tell you how I was and how I took care of my family. It is your choice. You can go and ask those people or you can believe one person that said those things about me. I don't have anything else to say. If the Tribunal has any questions then I will answer them.

Tribunal Member's Questions for the Detainee

Q: You said that you were overseas. What years were you overseas?

A: I was overseas and I had left the country two years before the September 11th thing happened.

Q: In what country were you in?
A: Iran.

Q: Can you tell me what city in Iran?
A: Masher.

Q: Were you employed in Iran?
A: No, the government was providing support to us. The people that I mentioned before, I took them from prison and the government was supporting us all together.

Q: Which government, the Iranian government or the Afghani government?
A: Rabani council.

Q: When did you return to Afghanistan?
A: When the fight was over and the American and Afghanistan had a new government. The council told me, that since our government was gone, and a new President in the country, we would not get any financial support any longer unless we went back to Afghanistan and got a letter from the new government. I went to Afghanistan to get the letter and that is why I was in Afghanistan.

Q: Why were you in Afghanistan before you were arrested?
A: When I went into Afghanistan, the person I needed to get the letter from went into another country. So, I went back. And when this person came back from the other country, I went back to Afghanistan and that is when I got captured.

Q: Can you tell me the name of your enemy that said all these things about you?
A: Mohammed Jan and Shed Mohammed. Those two are my enemies. They did everything to me. They hand me over to the government people. All this is happening to me because of those two people.

Q: Did your family go with you to Iran?
A: Yes, sir. My family went with me.

Q: What was your job before you went to Iran?
A: When the President was in power, I was a taxi driver.

Q: For the President?
A: No. I was a taxi driver in my town.

Q: Why would the government pay a taxi driver to take people out of the country and pay for them to live oversea?

A: The people came to me were working for the Rabani government. They were imprisoned by the Taliban. I took them from the prison since they were government officials and they provided me a house where I was staying and also financial support.

Q: Did you break them out of the Taliban prison.

A: My son was working in that jail and at night-time, we broke in the jail and took them.

Q: Did somebody ask you to do this or did you do this on your own?

A: No. No one told me, I just saw what was going on in that time and the governor in his time, the whole area was peaceful and all the money coming through the province was safe. The new government, I thought were disbursing money to Pakistan and just wasting money. It was the people money and I said to myself that this was not right and that is when I decided to release them from the jail and to help them.

Tribunal President asked the Detainee if he had any other evidence to present to the Tribunal.

Detainee: What kind of areas are you asking me to put in the Tribunal. If you let me know then I can do it otherwise, I have nothing else to add.

AUTHENTICATION

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

[redacted] Colonel, USAF
Tribunal President

Unsworn Detainee Statement

The Personal Representative made the following statement on behalf of the Detainee, who was not present at the Tribunal.

There is a lot of exaggeration in the evidence. I am from a very poor family. My dad passed away when I was young so I was responsible for taking care of my family. We had lots of sickness in the family.

When I left for Afghanistan, I went because the television said they're killing our children in Palestine, Burma, and India. I listed to the cleric. I just followed what the cleric said, not because I wanted to go. Their speeches caused me to go.

I made a promise to my mother that I would only go for six months and then come back home. If I knew in advance what would happen, I never would've went.

I had no job and lots of problems. I got a free ticket and some money, so I went. I went before 9/11 so it had nothing to do with America.

I have no problems with America. I wasn't involved in what was happening between the Northern Alliance and the Taliban.

After 9/11 and when the fighting began, I was in the mountains. I asked for my passport back so I could leave, but I couldn't get it so I left Afghanistan for Pakistan.

The Afghanistan people arrested me. When tortured in prison in Kabul, they made us say we're part of al Qaida. I put my fingerprint on the document to stop the torture.

I'm not a member of al Qaida - I never heard of al Qaida until I was arrested.

When I was in camp I saw bin Laden but I had nothing to do with him and did not identify with what he was saying. Others told me the training was following the Koran to defend my country. Whatever bin Laden did, he needs to be charged-don't take it out against me.

I didn't have any legal problems in Yemen and I'm not with Jihad.

I have nothing against the tribunal and my behavior here has been good. The only thing I've done here was throw juice on a guard because I was upset when my mother recently died.

ISN #511
Enclosure (3)

Summarized Sworn Detainee Statement

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

While the Tribunal President made reference to the Detainee Election Form, the Personal Representative stated the following:

Personal Representative: Mr. Ameur wished to bring up some procedural points. He received the Notice to Detainees and understood the content of that document, and would like to retain possession of that document, but the guards removed it from his cell. He wanted to request a copy in both English and Arabic. Another item of concern is notes he wished to take in the initial interview. He is allowed to have paper, and he would've taken notes at the interview had he known that's where he was going. He wanted to have several days to go over the evidence after he copied it down, and he didn't have the time. He did bring paper to the final interview and, after taking notes on the Summary of Evidence, he is requesting several days to build his story now that he's taken notes in his cell. I explained to him that I didn't have the authority to authorize that, but that would be something to bring to the Tribunal.

Tribunal President: (to the Detainee) This form I have is the Detainee Election form that indicates you wanted to participate in the Tribunal. It also indicates you requested a witness; your landlord in Pakistan. This Tribunal approved your request for a witness, and we notified the Department of State of this request; the State Department notified the Pakistani Embassy of this request to locate the landlord. As of this morning, we have received no response from the Pakistan Embassy, so we have to proceed with the Tribunal. In reference to your request for the documents taken from your cell, that is the policy of the administration over the detention facility, and I recommend you make a request to them to get those documents back.

Detainee: Can I speak up, or interrupt you on each section, or should I wait until you're finished and then talk?

Tribunal President: If you could wait until we finish, and then you may speak.

Detainee: Sometimes I forget what I want to say so that is why I ask.

Tribunal President: I just have one more comment. This Tribunal does not have the authority to change the policies of the detention facility administration. Do you understand?

Detainee: Yes, I do.

Tribunal President: Now you may proceed with your comments.

Detainee: Regarding the allegations, I have spoken with my PR and asked to have a copy, and I wasn't given one. Since I don't have a lawyer, I would like to prepare by myself. I'd like to have the opportunity to write down answers to each allegation. I was not given the opportunity to defend myself; you did not give me the time, and this Tribunal has no lawyers; how could that be? I want to ask you if I can speak in Arabic or English?

Tribunal President: You can answer in English until it becomes difficult to understand, then we'll have the translator assist us.

Detainee: Good.

Tribunal President: Now we will read the procedures for this Tribunal process, and this will be translated into your language to be sure you understand. I just need to clarify you did have the opportunity to read the Unclassified Summary of Evidence in your initial interview.

Detainee: Yes. I have asked my PR to re-copy the allegations, but he refused the first time. Is this the law? I know for a fact other Detainees were given the chance to read them over and over in their cells. I was not given this opportunity. Does the law in the United States differ from person to person?

Tribunal President: That is correct; it does apply differently depending on where you're located in the detention facility. There are some people with the authority to take paper and pencils into their cells. I'm not sure what their policy is.

Detainee: I'm living in Camp 4 with the white clothes, and I have seen many Detainees before I was called to meet with the PR, and after; some people were given written allegations. Is this for everybody or some people? I have written these papers in my cells after I memorized the allegations, and we have the right to pen and paper.

Tribunal President: You'll have to take that up with the interrogators and the administration of the detention facility; we don't have the authority to give you paper and pencil; the permission must be from the detention facility authorities.

Detainee: I have asked for this to be on a piece of paper only, because I couldn't copy with handcuffs on; anyway, that changes nothing because we are in court, so let's just go.

Tribunal President: Let's clarify; this is not a court, but a Tribunal; you would only need a lawyer if you were being charged with a crime. We are here to determine if you should retain your classification as an enemy combatant.

Detainee: An enemy combatant is not a criminal to you? An enemy combatant is a criminal.

Tribunal President: If you've committed any acts that support al Qaida, Taliban or their supporters.

Detainee: To be classified as an enemy combatant means something in front of the law especially. If this Tribunal is not to punish people, if that's what you're saying, if I was determined to be an enemy combatant, and you're saying you're not going to punish me, then where is the punishment? I think an enemy combatant should be punished, if I am.

Tribunal President: This Tribunal's job is to confirm or deny you are an enemy combatant; we will review the information you provide, and review the information the government has, and determine if you are an enemy combatant or not.

Detainee: Anyhow, it's too late to start talking about these processes, you have things to do and to finish; you need to do your job. These allegations I heard unfortunately are all fabricated, and the PR says there's classified information. Let me continue in English; what I have seen is fabricated. How can I be sure if the classified is fabricated, too?

Tribunal President: We will be able to determine whether it is truthful or not.

Detainee: So now you are at two points; to believe me or the allegations. According to the penal code, which most Europeans deal with, is a law most countries go by. According to this law, the accused is innocent until proven guilty. In the U.S., it is the opposite; I am guilty until proven innocent. I am here on this isolated island, how could I give you proof that will support my case? How can I defend myself without my family or media?

Tribunal President: Why don't we review the allegations? You can respond to the allegations, and then we'll consider your responses, and also the government's classified information.

Detainee: Excellent. Can you please uncuff one hand so I can read what I have to say? I feel pain; I'm in a lot of pain in my right hand, and this will affect how I hold the paper and express myself.

Tribunal President: We have two choices; we can loosen the cuffs or take them off one hand. I just need to make sure everyone here is comfortable with the decision we make.

Detainee: Frankly this is a kind of torture, and that is why I would like to…

Tribunal President: We don't have the authority to take them off, that's why we need to discuss it with them, and I understood you said it's tight. That's why we are offering you the opportunity to have it loosened; we'll take a brief recess and discuss it with the guards.

Detainee: The trouble is with this blue box, and you can see with your own eyes the marks on my skin. If you were ever in my shoes, you would feel the pain I'm feeling, and this is proof that I'm in pain.

At this time, the Tribunal took a brief recess, elected to loosen the Detainee's handcuffs, and quickly reconvened.

Exhibits R-1 (Unclassified Summary of Evidence), R-2 and R-3 were submitted to the Tribunal at this time.

The Unclassified Summary of Evidence was then read to the Tribunal by the Recorder.

The Muslim oath was administered to the Detainee by the Recorder.

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

3.1. The Detainee was captured in a suspected al Qaida safehouse.

Detainee: Before this or that, I'm not responsible for any mistakes in translation of Arabic or English. I am disappointed that Americans don't have a higher standard. This evidence is all fabricated. Of course, without a lawyer or attorney here, I will try by myself to defend myself. Whoever fabricated these accusations didn't know how. How could he be not lying in the classified information I don't know of. Whoever knows about what is happening in Islam would not fabricate this like this. In a third world, if someone fabricates something, they do it 100%; for example, a tailor, if he's not very good, could make or sew clothes too big or too small. If he's a good tailor, he could make clothes exactly for any one of us. I'm just trying to explain an example of what this allegation is; anyway, I will try even though I wasn't given enough time to answer. I will try my best to respond on these allegations. In regards to accusation number one, that house you say belongs to al Qaida is located behind the military and civilian airport in Peshawar, Pakistan. This house I was living in with my wife and four kids, has two rooms, one bathroom and one small kitchen. One of your intelligence members, I don't know if he was FBI or CIA, entered the house, took pictures, and may have taken some things. They have seen the house, and you could ask the agent how big this house is. I had only two rooms; in the U.S., each kid has one room. In this house, my wife and I had one room, and one for the kids, with only one bathroom for the whole family. The first room is 3 x 3.5 x 3.5 meters, and the second room is 3.5 x 5 meters. You understand? The kitchen was 2 x 2 meters. Do you think this house would be for al Qaida people, to come and stay or live, in the bedroom of my kids or me and my wife?

Tribunal President: We just need you to answer the question; were you captured in an al Qaida safe house?

Detainee: No, of course not. I'm just trying to prove it was not possible, because whoever fabricated this didn't know how big the house was. Do you think al Qaida does not have money to rent a bigger house with more rooms?

Personal Representative: You also mentioned it was near a police station?

Detainee: Yes. Because the house was located behind the military and civilian airport, this region is full of police stations, and Pakistani intelligence is everywhere. Do you think al Qaida only has this dangerous place? Do you think this place was for al Qaida because it's surrounded by all the police stations, and the Pakistani intelligence? Is it because they don't have enough money? Couldn't they have rented a special house with many rooms? Is it wise for al Qaida to have a place behind the civilian/military airport, and be surrounded by the police stations and intelligence? Only if they're stupid. I don't think they are stupid. If they go there, they endanger their situation. If that house I lived in belonged to al Qaida, then that means that I am a member of al Qaida. Is it wise or to my own benefit that I didn't flee like the others fled, or at least change houses. It's all known that al Qaida is a military organization. When the Pakistani police came with the American intelligence man around 1:30 in the morning, did we exchange fire between the two of us? No, this never happened; I opened the door by myself for them. When they entered the house, the American man with them was the leader; did they find any proof that incriminated me with a relationship with al Qaida? Is it wise that a member of al Qaida came with his wife and family, and lived in that house knowing this house is surrounded by all the police stations? We learned through the media that there are Pakistanis in some areas in which there were houses in Pakistan that exchanged fire between the two. We heard there was killing between the two parties; this is proof that some of these houses had al Qaida living there. The things that happened in those houses didn't happen at my house. If you, in your investigation, determine I'm al Qaida, I tell you it is contradictory. They classify me as Islamic Brotherhood. There is a big difference between the ideology of the Islamic Brotherhood and al Qaida. It is funny if anyone knows about the Islamic stage. If my house belonged to al Qaida, and you have a lot of members of al Qaida here in the detention facility, ask them if I was a member. Unfortunately, through interrogations this was just a crossing question; they said the Pakistani people said my house belonged to al Qaida. I was not interrogated on this point, and most of these were not covered in my interrogations; it's been many years, and I find myself being accused of something I've never been interrogated for. I don't know if the interrogators belonged to the American government; I feel there are two sides to the situation here. This other side of interrogators fabricated or prepared all these allegations. What I mean was that I was never interrogated for these points for 2 ½ years. The question is: why have I been in hell for 2 ½ years, and not interrogated on these points? I feel there are two kinds of governments in one government; one in the U.S. and one here. I understand al Qaida is led by Usama Bin Laden; I have never been a member or had any relationship with these people, because my ideology and theirs is different. Yes, we are all Muslims, but we have differences just like Christians have many differences; there are different beliefs. As in the U.S. and Europe and everywhere, there are criminal organizations and terrorist organizations have differences. The KKK is a

Christian terrorist group. In England, they have the IRA, which is Protestant. Then there is the Russian and Italian mafia; we have the same. That doesn't mean all Christians have the same ideology; you have criminals and we have criminals. Unfortunately, I'm very sorry, I don't know how to answer all these allegations. If you believe any Muslim is a member of al Qaida, this would be a different problem. If you think al Qaida is Usama Bin Laden's, and I am one of them, then I say I am not and never was.

Tribunal President: Can we move on to allegation # 2, please?

Detainee: That's good; do I have enough time to answer all these allegations? If you are in a hurry, then I will expedite my answers.

Tribunal President: We would like for you to answer each of the allegations. Personal Representative, would you read # 2, please?

Personal Representative: Yes, ma'am; I'm not sure he's done with # 1, I wasn't clear on that. Are you done with # 1?

Detainee: I have a lot to say on that, but since we have to move on…

Tribunal President: No, you did respond to # 1; you said the house you were living in was not an al Qaida house.

Detainee: No, never for al Qaida; it was for my family and me. What is the next point?

3.2. The Detainee worked for the African Muslim Agency.

Detainee: This is a Kuwaiti agency in Africa that is there to help orphans. They dig wells and get water to help needy people. They help the needy and the poor. They build schools and mosques and distribute nutritious food for people with no shelter. Is this a terrorist act? Let's suppose they are a terrorist organization; is everyone who works for it a terrorist? If it is a terrorist organization, then that means the Kuwait government that gave permission and allowed for it to gather funds and send it to African countries, is also involved in terrorism. The African nations that allowed them to do so are also involved in terrorism. Why the name of this agency? As a matter of fact, I was only trained by them, and never worked for them. I was trained for charity reasons; to do good. All that I have mentioned is that I was trained there in 1974. I want to clarify one more thing: I was trained to do charity, and nothing else. So why is this allegation stated here against me? I don't have any relationship with terrorism. Why are accusing me of something I haven't done? If you believe this is a terrorist organization, why don't you deal with the leaders and bring them over here, and detain them like you do us? Unfortunately I never heard of these accusations before. Why don't you deal with the agency itself? Kuwait is a friend of the U.S. government. All industrial companies and all shopping centers supported or run by mafia organizations in America and Europe and or sponsored by them could be terrorists; drugs and mafia and cocaine and banks that have the trust of the

mafia, one could say these banks are terrorist banks. Do you understand what I mean? If the organization is mafia or organized crime in U.S., Russia, Europe or China, they deal with many shopping centers, then the banks or factories they use could be terrorist organizations, too. When normal people work in the banks dealing with Russian or Italian mafia, then all the clerks are terrorists, too. I don't think so; just because I trained to work in relief for an organization, doesn't mean I'm involved. Why don't you deal with the head dealers? I'm only a person paid by a salary. Why don't you deal with the leader? When they catch them or freeze their accounts at the banks. That's all for that one.

3.3. The African Muslim Agency is linked to Al-Ittihad al Islami (AIAI).

Detainee: I wonder. I believe AIAI used to fight against the Russians. It means in Arabic, Islamic union. If you mean the ones fighting against the Communists between 79-92, this is one point. If you mean another organization, I don't know. It is known by everybody their mujahideen fought the Russians between 79-92. They were part of the Afghani northern alliance fighting against the Taliban. After the collapse of the Taliban, this organization was a part of the Karzai government. I don't care if they are a terrorist group or not; I just want to explain. If it's a terrorist organization, then it is now part of the Karzai government. I don't know why this organization is accepted by Karzai. I have no link or had any relationship with this organization; it is an Afghani organization, and I am an Arab from Algeria. I have never been interrogated or asked about this point. After 2 ½ years, you now ask me, and I don't know the link between me and this organization. The Italian mafia is a terrorist group, but I am not a part of them; it is the same here.

Personal Representative: We also covered in our previous conversation that the name Islamic union is so common, there could be hundreds of organizations.

Tribunal President: What does Islamic union have to do with allegation # 3?

Personal Representative: Ma'am, if I can repeat what he said to me, it might make sense at that point.

Tribunal President: OK.

Personal Representative: The only AIAI he is aware of is in Asia, therefore it does not appear to be any link he's heard of, and the Islamic union which is what it stands for.

Detainee: The Islamic union could be a student union, workers union, terrorist group; I don't understand what kind of union this is. I have heard of Islamic Afghani fighters groups in Afghanistan, but I don't know the relationship between them and an NGO in Africa; that's two different continents. Let's just say there's a link between this Kuwaiti organization and this fighters group; why are you asking me about it? Like there's a link between the Russian and Italian mafia; what is my role in this point?

Tribunal President: I don't know; this is the first time we've seen these allegations.

Detainee: I'm like you; this is the first time, and I've mentioned before I've been here 2 ½ years, and never been asked by the interrogators of this.

Tribunal President: OK; I think that answers the allegation.

3.4. Al-Ittihad al Islami (AIAI) is listed as a terrorist organization on the President's Executive Order 13224.

Detainee: I really don't care; it's not my concern how this is classified, but can you please give me the date of the order?

Personal Representative: 23 September 2001.

Detainee: That means this organization, if mentioned as a terrorist one, was part of the northern allies fighting the Taliban for six or seven years, I don't know, and they were a part of the Karzai government. This is a big contradiction, because they were part of the Karzai government, and the U.S., as far as I know, was not against the Karzai government. Anyhow, if it was or was not, I don't care about it. I couldn't understand, and I just wanted to show the contradiction on the allegations.

3.5. The Detainee's computer contained a file from an Islamic website concerning biological weapons in the United States.

Detainee: Your American agent, FBI or CIA, I don't know which, who came with the Pakistani police interrogated me two days after I was captured me, and never asked me about this on the computer. Why didn't he ask me about it at that point? I stayed in Pakistan for six months and ten days, and I had never been asked about whether this file was on my computer. Does this mean these files are not important to that American agent, if it was there? He probably never pursued what was inside the computer, or it was put in after I left. When I was transferred from Pakistan to Bagram, I was interrogated for two months, they never asked if these files were on the computer. Could it be it was not important, or it was added after?

Tribunal President: Was there a file on your computer where you visited a website about biological weapons in the United States?

Detainee: I never really heard about this file; a military interrogator here asked me about it, and she was the first to mention this site. When she was talking to me, I stated I don't even know of this website, how could I have a file on that? I had never heard of it. When we came here, I was interrogated for about a year and 5 months. If those files existed in my computer, then why wasn't I questioned about it? It must've been a light subject not deserving of mention. Why haven't I heard of this before a few months ago?

According to this subject I ask: Are all locations on the internet allowed only for certain people, or for everybody? If it was not legal for this website to exist, then why would the U.S. allow for people to go to the website? I wonder why the U.S. would give people the right to have this kind of website. This means this website is not illegal, and it is permitted to enter this website. Anyhow, whether it was illegal or not, I have never heard of it. As I understand, biological weapons are a concern of governments, not a single person like me. I reached only a high school education, and never reached college; if I wanted to do research on these files, I would need more education to understand. Anyhow, I never heard of this website, and never had these files; if it was there, it was found after I was captured. I am not responsible for something put on my computer after July 8, 2002, when I was captured. I could not really understand. I saw they took my computer, and I saw it in the room in Pakistan when I was interrogated. After that, I never saw it. I was interrogated in Bagram, and I asked about my computer, and he said he didn't know, and that he never saw it. Whether he was lying or not, I believed him. I thought the Pakistanis kept my computer. I had two computers taken from my home, and I asked the interrogators here about them, and they said they never saw them. Whether interrogators are lying, or the computers just don't exist here. I wonder why in this period, that this file was found in my computer. Up to now, I really don't understand whether my computer is here or not.

Tribunal President: We don't know.

Detainee: I don't know, either. Even the Recorder probably doesn't know where it is. He probably received the accusations from another place, so maybe he doesn't know.

Tribunal President: Number six?

Detainee: Anyway, before we move to that one; I have never heard about this website, and never had this file; after I was captured, I am not responsible for what was on my computer, if it even still exists.

3.6. The Detainee was a member of an armed Algerian resistance group.

Detainee: This organization is a military organization that works inside Algeria. They rose up during the Algerian crisis. After 1992, two years after I left Algeria they rose up. I have no link to this group; it is against the Algerian government and Algerian people. It is not just a terrorist group; they kill innocent women, babies and old people. They have a different ideology than the man sitting in front of you. These people believe that the Algerian government are infidels. To prove I'm not a part of them, they were in action two years after I left Algeria. I visited the Algerian embassy in Pakistan after that time. If I were a member, I never would go to the embassy. Maybe you don't believe what I am saying, but they never go to government offices because they believe the infidels should all be killed. This allegation is fabricated; when they mentioned it I was laughing. I told them that this was a big contradiction. One time I'm a member of the Muslim Brotherhood, and the next they said I was a part of this organization. For example, it is

like saying Churchill in World War II was a Nazi, or President Roosevelt was a Nazi, and you would be laughing. One time they say I was Muslim brotherhood, and another time, they say I'm a part of this organization. I asked the interrogator where he got the information, and he said the Algerian government. I don't believe the Algerian government would give these contradictory things. For example, President Bush is a Democrat, and another says he is Republican. Anyhow, I have never been a member or had any relations with this organization; I don't believe in this ideology because it's against my religion. These people are criminals, just like criminals everywhere.

3.7.The Detainee lived in a guesthouse that sent fighters to Afghanistan.

Detainee: This was a guesthouse for Algerians during the Afghani war from 1990 to 1992, until the collapse of Communism. I arrived there in 1990, and I was there until 1992, when the Afghani Communists government fell. This house had three groups living there. The first group were the fighters from different Afghani organizations; the second group was working in relief organizations; the third group were volunteers like I was. I was helping people on the humanitarian side. Even in that time, fighting against Communism was not a crime. The United States and its European allies and Arab friends were helping the Afghan mujahideen against the Communists, with weapons, money, clothing and everything. So, I wonder why this point is against me. At the time, I was not a fighter, but a volunteer to help the Afghan refugees and the poor people.

3.8 The Detainee is associated with an organizer of Islamic fighters.

Detainee: I asked my personal representative about this point, and he could not give me any name of an organizer. He didn't know which kind of organization; Muslim fighters number about a billion or 300 million in the world, and there are too many organizations everywhere, legal or illegal. In the accusation it says I have a relation with this organizer; anyhow, I have never had any relation with any of the organizers. If you have a name or any evidence, just let me know. I'm surprised, because I've never been interrogated on this point. I don't know why I've been here 2 ½ years and never been asked this. Whether I'm an enemy combatant or not, I've been interrogated many times for nothing. Then, this allegation comes from another side and has no link that could be responsible for keeping us here. I've been here 2 ½ years and have never been interrogated on this whatsoever, and I'm confused. These allegations determine whether I stay here or leave. I try to understand, but I don't understand what's going on.

Tribunal President: Have you completed your statement?

Detainee: I have some more things I'd like to say, but if you're in a hurry, that's OK.

Tribunal President: No; if you have something else you need to tell us, this is your opportunity. Let me ask; have you completed your response to the allegations?

Detainee: Yes.

Tribunal President: Do you have something else you'd like to add?

Detainee: Many things, but I don't know if you have the time to hear or not, because it's about 5 or 6 pages.

Tribunal President: Are they in relationship to your association with any organizations or...

Detainee: No, no, just to prove to you that I have nothing to do with these allegations; anyway, I don't want you to waste your time, because I feel you are in a hurry. Anyway, let me tell you something. I was really shocked when I heard these accusations, and I never thought the Americans would do such a thing. The interrogators kept telling me they are trying to find out why I am here, and many times I asked this. Finally, I find myself in front of the court with all these accusations I have no relation to. Anyway, it would take a long time, but I'm quite sure if the American people knew what was happening here they'd be against this. Unfortunately we are isolated here, and no one knows what is happening. Nobody can determine if these allegations are true or not. This is only one side, because I'm giving you the unclassified information. I have nothing to add.

Tribunal Members' Questions to Detainee

Q: You mentioned on # 7 that you were at the guesthouse doing volunteer charity work, correct?

A: Yes.

Q: Was that for the African Muslim Agency, the Kuwaiti organization?

A: No; the African Muslim Agency was working in Africa, and the guesthouse was in Pakistan. I traveled in 1994 from Pakistan to Africa to work there, but I had passport problems in Africa, so I returned to Pakistan.

Q: So, you were associated with the African Muslim agency in 1994?

A: Yes.

Q: And you worked with them 2 ½ months?

A: Really not working, because I was training to work in another country. I traveled from Pakistan to Kenya to train in humanitarian work. They ordered me to go to Gambia, and I faced passport problems because it was expiring; the Algerian embassy in Kenya refused to renew my passport because I was coming from Pakistan. They told me to go

to Algeria, and there were many killings there after 1992, but I had no choice to stay in Africa, so I returned to Pakistan.

Q: And you also stated that in all your interrogations you've never been questioned about any of these allegations?

A: The first allegation I was interrogated, and I answered them like I answered you.

Q: OK; but regarding the other allegations you haven't been questioned before?

A: No, they just asked me where I traveled, and I told them about Africa; they never said these organizations were terrorists or not. The third and fourth I heard here; the fifth I was asked one question by the interrogator four months ago, and I responded like I responded to you. On the sixth, I responded to him like I responded to you. The last, I have never heard before. The eighth, the last one, I only heard here.

Q: You mentioned the AIAI is an Afghani organization; is that correct?

A: Here it's not mentioned; it is an Islamic union, and it could be a student union, and workers union…

Q: In your testimony you mentioned it was an Afghani agency…

A: It's known by everybody as an Afghani mujahideen organization.

Q: And you said it would be odd for you as an Algerian to work for that group, correct?

A: No, it's a big difference because it's an Afghani organization and is part of the Northern Alliance fighting the Taliban. I have no relations with them; they are Afghani and I am Algerian. There is a big difference; it's like me telling you are a part of the Russian mafia when you are American.

Q: But it's completely normal for an Algerian to work for a Kuwaiti organization?

A: It's normal; they have Algerians because it's a Kuwaiti organization, not Afghani. I don't understand the link between this organization I was working with in Africa and the AIAI. If this organization was working in Pakistan, maybe, but the difference is like the North and South Pole.

Q: At the time of your apprehension, did you own a computer?

A: Yes, I had two in my home.

Q: And you had internet access?

A: Yes.

Q: You mentioned the Muslim Brotherhood three times, and yet that's not in the allegations; do you have some relations with the Muslim Brotherhood?

A: My ideology is of the Muslim Brotherhood, which is very different from al Qaida's ideology, or the Algerian fighter's ideology. Whoever knows the difference between the Islamic groups would laugh at this. It is contradictory information. The interrogators have taken all this and received it.

Q: You said our ideology is different from al Qaida's, and from that of some group fighting the Algerian government, and that we don't believe this ideology; are you referring to the ideology of the Muslim Brotherhood, or some other organization you are a part of?

A: My ideology is Muslim Brotherhood; it is different than al Qaida and the Algerian fighting groups.

Q: So when you're speaking in the plural, you're referring to the Muslim Brotherhood?

A: Not as a member of this organization; this organization has members, but I have the same ideology they have, which is most of the Muslims in the world. They are against killing, believe in democracy, and believe in the other side; al Qaida does not believe in these things.

Q: Are you part of the Muslim Brotherhood that originated in Egypt?

A: The ideology is everywhere; it may've originated there, but it's everywhere; it's in Algeria, Tunisia, in Kuwait, everywhere.

Q: It's my understanding is that the Muslim brotherhood was involved in the assassination of Anwar Sadat; are you referring to that organization or something else?

A: The information you have is wrong. The group that assassinated Sadat was Jamal Islamaya; the Islamic Egyptian Group; the Muslim Brotherhood was another organization of Islam.

Q: So you are referring to the Muslim Brotherhood as an organization, but that is a peaceful organization.

A: Yes; we believe in peace, democracy, and no use of force, and we never deny the other side.

Q: When you were referring to allegation # 6, you said that that group wasn't formed until 1992; what group are we talking about?

A: The group mentioned here.

Q: Number 6 doesn't name a group; are you saying it's the same as number 3?

A: I'm very sorry; I'm reading in Arabic and it's mentioned, but not on the English version. In French they call it GIA; if we translate it into English, it's not the same; I believe it is Algerian Islamic Group.

Q: And when you referred to them, you said they were fighting the Algerian government, too; in that case, who else were you talking about? Are you a member of any other organization?

A: No; as I mentioned before, I've not been a member unless it was for peace; I mentioned they were fighting the Algerian government.

Q: You said 'too'. What do you mean by that?

A: I meant also; because this was related to another group, but I don't know how to translate it. I believe it was the Islamic Salvation Front.

Tribunal President Questions to Detainee

Q: How long did you live in Pakistan?

A: I don't know if I should add 6 months in jail or not; I lived there from 1990 until I was captured in 2002. I used to come and go from Afghanistan for work.

Q: So you traveled back and forth between Pakistan and Afghanistan?

A: Yes; between 1993 and 1996. I told the interrogators if you want to look.

Q: We don't have that information, so forgive me if I ask this again.

A: I've had interrogations for two years. You can ask me from now until tomorrow; I'm here to answer questions.

Q: What was your livelihood while in Pakistan?

A: As I told you, in 1990-1992, I was a volunteer helping Afghani refugees; then after the collapse of the Communist regime in Kabul in '92, the guesthouse was closed, so I started working normally and getting paid. When I was a volunteer I was not paid. I worked after 1992 in Islamic organizations and was paid.

Q: And you worked with which organization?

A: ARCON; an Afghanistan reconstruction organization; it was Saudi -owned, and used to be called King Fahd Reconstruction organization.

Q: And that was in Afghanistan or Pakistan?

A: I was working in Pakistan, but this organization was working in Pakistan and Afghanistan; most of this organization's head offices were in Pakistan, but their job was part in each country dealing with refugees.

Q: Did you work with that organization until you were captured?

A: No, no. I worked three months there and with another Egyptian organization called Human Relief.

Q: Is that another humanitarian organization?

A: Yes.

Q: How long did you work there?

A: I worked there for three years; from 1993 to 1996, to the coming of the Taliban.

Q: Was that in Pakistan?

A: The head office was there, but I was working in Afghanistan and traveling back and forth, because Afghanistan was not safe to stay. My home was in Pakistan.

Q: Where did you work after that? That was up to 1996.

A: I became a UNCHR; refugee until I was captured on July 18, 2002. I was under UN protection, but unfortunately this UN protection has done nothing since I've been here in jail for two years.

Q: Did you work for them, or you just received assistance?

A: I was just a refugee with UN protection and financial aid.

Q: In the house where you were living in Pakistan, you and your family were the only ones living in the house?

A: This is not a point; the house was two stories, and divided into the first floor, and the ground floor. Another point favoring me; a neighbor living upstairs also detained here, was never accused to be helping al Qaida with his house.

Q: Who owned the house?

A: Janish Ishmael; I was living in the ground floor, and he was living on the first floor. He was judged by this court, but was never accused of having relations with al Qaida. How is my home related to al Qaida, when I'm living in the same home in which he living? This is another contradiction; you have reminded me, and thank you for that.

Q: Was he arrested at the same time you were arrested?

A: Yes, the same night, because we were living in the same house; he's been here and judged already, and he was never been accused of having relations with al Qaida. We have the same phone number, the same front gate, and his part is not al Qaida, but mine is? This is logical evidence, because I have no other evidence; this is proof that the evidence was fabricated by someone who didn't even know how to fabricate it.

Q: Do you know if the owner of the house was associated with al Qaida?

A: No, no; I don't think he is.

Personal Representative: Just for clarification, that was the witness that he requested.

Q: Did you have to pay rent to stay in the house?

A: Of course.

Personal Representative: (to the Detainee) You mentioned your landlord is here (in Cuba)?

A: No, no. I repeat again. The first floor, or ground floor, or low portion I was living in, but he was in the upper portion. We were captured at the same time, and have been interrogated 2 ½ years, and he was judged by this court already.

Q: And your landlord did not live in the house?

A: No; he was living in the house beside us. One he was living in it by himself and his family, and he rented the other one to us.

Personal Representative: Ma'am, I would add that had I known this information, I would've called this person as a witness to see if he was also accused of being al Qaida or not.

Detainee: No; you could go back to the files and you could see the allegations. His number is 940, and mine is 939. Even the numbers are beside each other. This is another point favoring me, and not against me.

Q: Did you live in that house the entire time you were in Pakistan?

A: No. I lived there from when I returned from Africa in 1994, until I was captured in 2002.

Q: Did you have your family there the entire time?

A: Of course; I had my wife and four kids.

Q: Were there any weapons in the house?

A: No.

Q: Not even to protect your family?

A: No; in Pakistan, almost 100% have weapons in their home for vengeance. They almost all have weapons, and it is legal to have a weapon, even if you don't have a legal permit. To carry it outside, you have to have permission. I had no weapon because I had no enemy to defend against.

Q: Have you ever been trained by any militaries?

A: Yes; I used to be a Sergeant in the Algerian Army between 1979 and 1981.

Q: Were you in charge of troops?

A: No; I trained for four months, and they sent me to another barricade, and I was a physical trainer, or, as you call it, PT.

Q: Did you ever have to train on any weapons?

A: Yes, when I was in the Army.

Q: What weapons?

A: Kalashnikov and grenades.

Q: Did you ever have to use those weapons?

A: Yes.

Q: When did you use them?

A: No; just in training I used them.

The Tribunal President then queried the Tribunal Members for any further questions, and asked the Personal Representative if he had any further evidence or Witnesses to present; the Personal Representative responded as follows:

Personal Representative: Ma'am, there are no previously approved Witnesses, but in light of the information we've learned today, I'd ask you consider ISN # 940 as a witness as well as documentation showing he was not accused of being al Qaida.

Tribunal President: (addressing the Detainee) Is that your request, or is that the request of the Personal Representative?

Detainee: No, it's not my request, I just mentioned it because he's detained here, and he sat here, and was judged by you, maybe you, and was never accused of this. I just mentioned this to show you the contradiction of the allegations. I don't care whether you search for this or not, because I believe all these allegations were fabricated; they had to have a reason or cause to prove why I should exist over here, or reason to justify why I've been here 2 ½ years. I don't know who this group is that fabricated this, but they had to maybe give themselves a reason for our detention here. I'm quite sure, one thousand or one million percent, that they have no true evidence, classified or unclassified; I'm quite sure, because I've never been a part of these organizations. I am 46 years and 5 days old, so I know very well which is the good way, and which is the bad way. I was raised by my family, and although they were illiterate people, they taught me the difference between good and bad. All my life I avoided the bad ways, but unfortunately at this age, I have been captured for the first time, and handcuffs have been put on my hands. In 44 years, I had never been to jail until the Americans captured me, and I never sat in court until today. Anyway, that's all.

The Tribunal President then began to close the Tribunal session, but was interrupted by the Detainee.

Detainee: Sorry, before you end this, I have some more to say if you don't mind.

Tribunal President: Go ahead.

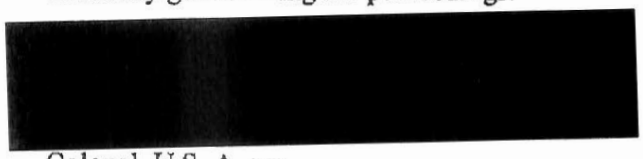
Detainee: All that has happened to my family and me is real torture and psychological agony. I can't deny that I was well treated by the interrogators and MP's, even though I've been here 2 ½ years for no reason. I thought it was a mistake by the Pakistani police, and I was told by Pakistani intelligence that when they captured us, that we were innocent and had been living here twelve years, but we have to do something for the Americans; we will have to give you as a gift to protect Pakistan. For this period I was here, I thought it was a mistake; unfortunately when I met the Personal Representative, I understood something else. Americans themselves have detained me here for nothing; I thought it was a Pakistani mistake, but it was the Americans. They have fabricated allegations as reasons to keep me here. Anyhow, as I told you before, I can't deny I've

been well treated by the interrogators and the MP's. I thank you for hearing me, and for being patient; I also thank the translator, and I have nothing else to add.

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

Summarized Sworn Detainee Statement

The Tribunal President began reading the Tribunal instructions to the Detainee. Upon completion of the swearing in of the Personal Representative, the Detainee interrupted and stated the following:

Detainee: They (referring to the Personal Representative) have not fulfilled their duties before, how are they going to do it right now?

Tribunal President: The Personal Representative has fulfilled all the duties that she can.

Detainee: Fine.

The Tribunal President then went on to explain the rest of the Tribunal process. When asked if he, the Detainee, understood this process, he stated the following:

Detainee: You have told me about this process, can I have the Urdu translation of this process so I can read it right now?

Tribunal President: No. That is what your translator is here for right now.

Detainee: I want to know the benefits and guidelines I have so I can follow them to speak up for my testimony.

Tribunal President: Basically, you can provide us an oral testimony today.

Detainee: Fine.

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

Detainee: Yes. I hope you will do 100% justice with me. Up to now, the Personal Representative has not answered my questions satisfactorily.

Tribunal President: We are an impartial panel that is here to look at your case.

Detainee: OK. Fine. As I have told you before that my PR has not given me the answers to satisfy me.

Tribunal President: Well, you may ask questions of me.

Detainee: Can I have the Urdu translation of the evidence?

Tribunal President: We're not to that point of the proceedings yet. However, you will be able to look at that and address each one of those points on there.

Detainee: This is the first time I've seen that paper, because those papers [are supposed to be] given to us four months before.

Tribunal President: Are you talking about the paper notifying you of having the Tribunal?

Detainee: Yes.

Tribunal President: We don't have a translated copy of that letter available, do we?

Personal Representative: Yes, ma'am.

Detainee: I need that.

Tribunal President: We'll take a brief recess while we locate it; otherwise, we'll drive on.

Detainee: You have those papers?

Tribunal President: If she can locate it, we'll try to get it for you.

Detainee: You are hoarding those papers.

Tribunal President: We are not here to debate this issue.

Detainee: If you cannot do that, what can I expect of this process?

Tribunal President: We will take a brief recess to see if we can find this.

At this time, the Tribunal President took a brief recess while the translated version of the notification documents were retrieved for the Detainee. The Tribunal was quickly reconvened. The Recorder summarized the nature of the evidence in full.

Tribunal President: I notice (on the Detainee Election Form) that you have requested three letters from your family you have received here at GTMO. I understand from the Personal Representative that she made an effort to find those letters. As such, she has not received any official notice back that they can be located. We understand those letters were written from family members, and they were with you one month prior to your capture; as such, they would not have any first-hand knowledge prior to your capture. Based on this, we determine that these will not be relevant to your enemy combatant status. At a later point in the proceedings if we deem they do become relevant, we will reconsider this request. Do you wish to present evidence at this time, and do you wish to make a statement under oath?

Detainee: Whatever you like, I have no objection. First of all, I have to say that I do not know the process and when to speak, because I have never been to a Tribunal. Due to that, do I have the benefit to speak of whatever comes to my mind; can I do that?

Tribunal President: Basically what we're concerned about today are the points on the unclassified summary.

Detainee: OK. What is the process if you say ten things? I don't have a pen and paper to write it down and I [might] forget the process.

Tribunal President: We'll have the Personal Representative read each point, then you may respond to each one; she'll read one point, then you can respond to that one, then she'll read the next one, etc. The first thing, though, is I need to know if you will take the oath.

Detainee: OK.

The Detainee stood up in place and was then administered the oath by the Recorder.

Tribunal President: You may begin and your Personal Representative can assist you.

Personal Representative: *(3a) The Detainee is a member of al Qaida.*

Detainee: The first one is wrong. You ask me that, and I cannot present any proof. Can you give me the proof?

Tribunal President: At this point, all we can see is the unclassified summary; that's all we've seen on you.

Detainee: Fine.

Personal Representative: *(3a.1) The Detainee directed a network of ten madrassas' in Pakistan prior to his capture by coalition forces.*

Detainee: Can I respond on this? First of all, I have told you since the beginning that I have no madrassas. I'm telling you that I not only have one madrassas, now you are telling me I have 10 madrassas. I challenge you to give me proof. Whatever punishment you have for me I will gladly accept. If you can prove just one madrassas, I can accept detention for ten years.

Tribunal President: This Tribunal is an administrative process; there is no punishment.

Detainee: Madam, I am saying the same thing that madrassas are on this earth, not on a [another] planet. For three years, why can't you give me proof of the 10 madrassas? Madrassas is not something you can hide in someone's pocket so you can't see it.

Madrassas is a place or community like a high school; they are all over the world, it's not a small place. The other thing, regarding that I pulled some people to go to the battlefield for the other people; a madrassas is an organization or place where they give education to the people. Like the headmaster of a school or owner, he knows all of his students, and all of the people of the madrassas would not like to lose their own people, and do not give their people [away] to other people. A madrassas is not the name of walls, floors or a ceiling, a madrassas is the name of the people. If I have 10 madrassas' and was running them and was so busy, how could I go over there and leave my madrassas' behind? When I entered into Afghanistan on September 23rd, I entered there legally with a passport and visa. The proof of this is present in Pakistan and Afghanistan. When I entered over there, they registered my own passport and ID into their register. I have thought about all this since I entered at Bagram, and I have repeated this to my interrogators many times, too. I don't understand this; why you have not confirmed this with Pakistan? If you have not done so, why not? I have not told them anything so complicated that it would be so hard to find out about that. I know very well the date and month I crossed the border and I went over there. To confirm this from Pakistan is not that hard. I am sorry that up to this time you have not confirmed this. The basic thing is this: if I went over there with 10 madrassas', the next charge you say, is that I went over there with 2,000 people. If you solve this problem (with verifying the date I crossed the border), then this problem will be solved. If a person (must) enter with a passport (to get in) legally, then there are about 2,000 people that entered over there illegally. As of now, I am not allowed to have the letters and witnesses, and I've been here for three years waiting for a resolution to all of that. When a person enters another country legally, of course, he hasn't done so to do the fighting. I entered over there September 23rd, and after one and a half months, I got surrendered. In this time that I did all these things with 2,000 people, how do you think I had the time? If somebody is smart, and think with his brain, he could figure all this out. I am a shopkeeper. The proof of this is that my store is still open over there. The letters from my family show my store is still running. It is clearly written in the letters the condition of my store, and how my daughter is doing. It also talks about why I went to Afghanistan. I went over there to bring back my brother. For information, they (the Detainee's family) wrote in those letters my brother's name and why I went over there.

Personal Representative *(3a.2): The Detainee conspired with high-ranking al Qaida leadership to recruit fighters from his madrassas'.*

Detainee: Madam, when there are no madrassas from where I was recruiting fighters. As I told you before, why don't you give me the proof as to where the madrassas are? I am ready to get the punishment for those, and I've been suffering for three years over here. After my punishment, America should give me the proof and show me these were my madrassas. If you punish me, it is most necessary you show me the madrassas from which you punish me. Give me those madrassas back, if they exist. If not, then make it ready for me.

Personal Representative *(3b): The detainee participated in military operations against the United States and its coalition partners.*

Detainee: I did not participate in any action. The reason I went over there I already told the interrogators. I stayed in Kandahar for 1 night, and 10-15 days in Kabul. Then to Kaduz; over there I stayed a month or 20-25 days. In that time, from where and when did those 2,000 people come over and conspire with al Qaida and other things? If you connect all these charges with the other, they are wrong. I had not seen the Americans with my own eyes over there; I only saw airplanes. The only other time I saw Americans was when I was in jail when they interrogated me. I never saw them anywhere else.

Personal Representative: *(3b.1) The Detainee assembled a force of approximately 2,000 Pakistani and Arab fighters to battle the United States and coalition forces.*

Detainee: As I told you before, I entered there but only by myself. Where are these 2,000 people? Where are the Arabs in Pakistan with me? There are no Arabs in Pakistan.

Personal Representative *(3b.2) The Detainee led his force against the Northern Alliance on the field of battle in the vicinity of Takhar, Afghanistan.*

Detainee: I stayed in Afghanistan for one and a half years; I never heard in jail of this place. Where is this place? Is it a city or town? What is this? We were detained in jail with over 3,000 people from all over Afghanistan and other places, and I still never heard of this place.

Personal Representative *(3b.3) The Detainee led a portion of his force against the coalition on the field of battle in the vicinity of Konduz, Afghanistan, where he was eventually captured by the coalition.*

Detainee: First of all, I don't have those people to get them ready. I went to Konduz to bring back my brother. I was not captured. America is also a witness of this. The Red Cross is also a witness. The people from the jail in Afghanistan are also witnesses. They brought me over to this place after 1 ½ years when this camp started. Other people got word of an idea that they would get passage to go back. I never fought the Americans and I didn't get caught fighting the alliances. I got surrendered and I stayed in the jail. I did not get captured; you can witness this yourself.

Tribunal President: Does that conclude you statement?

Detainee: That's not my statement; that's my answer. If you have more questions, I will give you the answer.

The Tribunal President then offered Tribunal Members the opportunity to ask questions of the Detainee. The Tribunal Member questions follow.

Q: You stated your brother was in Konduz; what was he doing there?

A: He was there for fighting.

Q: You wanted to bring him back from fighting?

A: Yes. He went on fighting, but he was quite new; he had left the home maybe 20 days before.

Q: Did you bring him back because you did not believe in fighting?

A: We have no concern with the fighting. Our family situation was not that good and my father wanted him to be back.

Q: Your brother was fighting with whom?

A: The side of the Pakistani Taliban.

Q: When you surrendered, did you have any weapons with you?

A: No. I don't have anything.

At that time, the Tribunal Members concluded their questions. The Detainee then stated the following:

Detainee: I have a question. It's written on this paper that America is keeping me over here as an enemy combatant. I need the answer for that.

Tribunal President: I don't understand the question. Is the question is you want to know if you are an enemy combatant?

Detainee: No. On the notice that was given 5 months before, it says you are kept by the American Army as an enemy combatant; what is the answer for that?

Tribunal President: The purpose of the Tribunal is to ensure or confirm if that status is the correct one for you.

Detainee: Even our status was not confirmed up to now, then why was it written?

Tribunal President: The only purpose of our panel is to make sure the classification is correct.

Detainee: As you have charged me with all of this, I now have the right to present any proof or witnesses?

Tribunal President: Your Personal Representative has offered you the opportunity to do that.

Detainee: She did not answer me for that. She told me I was going to the Tribunal and that the President would deal with it. If you want to find out the reality about the facts, I am showing you the ways. Pakistan is not a country you cannot reach. You do not have a relationship with Pakistan? If everything is available, why have you not confirmed all of these things before?

Tribunal President: Again, let me tell you. This is the only information we've seen of you up to this point.

Detainee: Fine. I am giving you the proof that I have a store; the other proof is that you have letters. If I have that store, and you accuse me of having the madrassas, then who was running the madrassas when I had the store? It is clearly written in the letters that came recently. I was in Sherbergan the past year. Two months before, people were transferred about 4 different times. I was there for about 8 months. There was a leader over there named Ahmad Hahn. He's the governor of (INAUDIBLE). He belongs to the (INAUDIBLE) party. His people came to the jail and told us that people with the money can be helped to be released. I told them that if you give me the facility to contact my family, I can arrange to get the money. After that I was released from Shebergan to Mazar E Sharif. They sent me 250,000 Pakistani rubles. There is proof; there is a market in Mazar E Sharif. The money was handed over in that market. I received that money, and the proof of this is on a card that is with the Red Cross. That card is over there. The Red Cross knows about this very well. After receiving the money, they again detained me in the intelligence office and kept me in the basement. The Red Cross knows that for 3 months I was not in jail. The Red Cross came over here two times, but that's when they would hide me. The third time, I was presented to the Red Cross. They informed me before I saw the Red Cross that I should not tell them about the money. The name of the Red Cross person was "Falcon." He came to see all the detainees. I told him everything about the money, and he also talked about the money with the Americans. Again, I stayed in jail. Before that, Americans had already investigated me; I told them I was not a leader. As soon as I gave them the money, they told me I was the leader. The whole story is this: if you want to know and do justice, you can check all these things I have told you. I have proof for all these things I told you. The Red Cross has witnessed all this. When the money was sent over there, I have the proof. I also have proof I got the visa from the embassy in Karachi. When I crossed the border, I saw the number of my identity card and passport was written in their register. For 1 ½ years I was nothing until I gave them the money. And I disclosed the matter to the Red Cross, and they thought I insulted them by telling them about the money. After that, I was handed over to the Americans.

Tribunal President: Thank you for the additional information. We will take it into consideration when we make our decision.

The Tribunal President then confirmed there was no more evidence to be presented, and began explaining the remainder of the process to the Detainee. The Detainee interrupted the Tribunal President and stated the following:

Detainee: What do you mean?

Tribunal President: Let me continue to explain.

The Tribunal President then resumed reading the remainder of the instructions. Upon mention of confirming enemy combatant status and notifying family, the Detainee then asked the following question:

Detainee: Do I have to make contact with my family or do they make contact for me?

Tribunal President: We would encourage you to make contact with them to collect the information.

Detainee: You already have the proof; check what I have given you, and then I will also try.

Tribunal President: You'll get more information later as to what type of information they are looking for.

The Tribunal President again resumed the instructions of the process to the Detainee, and stated the open hearing was adjourned. At this time, the Detainee asked the following question:

Detainee: I have a question. I am sorry for that. As I told the Personal Representative, if I have witnesses and I want to bring them over here, she had explained a complicated system. Not me or anybody else can afford the expenses to bring anyone over here. First, to bring the witnesses over here is expensive, and the second thing is that they would need security for their life.

Tribunal President: The administrative review board process will have no witnesses, but this is where I would encourage you to get written statements from them. That certainly would help.

Detainee: I already told you that you have the letters, and the other witness is the government of Pakistan which can show I went over there legally. It is not that hard. I have the right to ask you to prove all this because I have been in jail for 3 years; that's 1 ½ years there, and 1 ½ years over here. Nobody has told me the reason I am here. Everybody asks me, but nobody tells me why. Everybody gives me orders and blame. I am a human being. I have also the right to find out about all these things. Nobody is ready to tell me who I can ask about this. I need the answer for this.

Tribunal President: I can tell you that we've given you all the information we can; the Administrative Review Board process will give you additional information.

Detainee: When will that be approximately?

Tribunal President: To be honest, I don't know what the date is.

Detainee: Then there is no benefit of you. I am an oppressed person, and I am just like the homeless people going from one place to the other. For three years, I went from one place to the other like a homeless person, and no one is telling me why this is happening to me. My family and my everything is distressed. I have a right to survive in the world.

Tribunal President: Your opinions or comments are noted for the record.

The Tribunal President then adjourned the open session.

AUTHENTICATION

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

Colonel, United States Army
Tribunal President

Summarized Sworn Detainee Statement

The Tribunal President read the Tribunal instructions to the Detainee, and verified that the Detainee understood the process and had no questions. The Tribunal President confirmed the Detainee had requested two Witnesses, but only one was available. The Recorder summarized the nature of the evidence to the Tribunal.

Tribunal President: (to the Detainee) You may now present any evidence or respond to the statements on the unclassified summary. You have the assistance of your Personal Representative in doing so. Do you want to respond to the unclassified summary, or make a statement?

Detainee: Yes, Miss. If you give me time, I have answers for every charge.

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

Detainee: Swearing is a big deal in my religion; things that I know I will swear to and things I don't know, I won't swear to.

The Recorder then administered the Muslim oath.

The Personal Representative then presented each item of the unclassified summary individually at the Tribunal President's request.

Personal Representative: *(3-1) A site was investigated after seeing mirror flashing and possible ditching of weapons from a position where enemy personnel were previously seen with a rocket-propelled grenade (RPG).*

Detainee: First, Miss, I did not have a mirror; I had a chewing tobacco can, which had a mirror on it. I did not have an RPG or any other weapon. If someone saw or caught me with a weapon, that would be a different case. If you had aircraft circling around and you had your forces in the area, moving of weapons is not possible. I was caught by your soldiers in the middle of the day. I did not have a mirror with me except my chewing tobacco. I did not have weapons. If I did, I wouldn't be walking freely. I was driving a tractor and working for someone else. Your soldiers captured me and did not tell me or accuse me of something. I am a poor person, and even if you say I'm the leader of the Taliban, I cannot tell you now. They captured me and took me to the well and accused me of dropping the RPG into the well. The well was 7 meters deep; you could see the water inside the well. Or they could take the RPG out or saw the weapon with me. Basically, I am a poor person and someone else's servant. I was not wearing a green jacket at the time of my arrest. I was a poor person and I could not afford one. This is my statement. If you want to write me down now as an enemy combatant or not, it's up to you.

Tribunal President: (to the Detainee) Would you like to answer question number two?

Detainee: Yes, Miss.

Personal Representative: *(3-2) the Detainee was captured, along with his nephew in what appeared to be a hasty fighting position identified as the location of the flashing mirror and RPG sighting on February 10, 2003.*

Detainee: At least you could ask your forces in the area if somebody fired at you or hurt you, at least you could ask. If somebody else wrongly accused me, please bring them so I could face them. I did not have a weapon, and I did not fight against you.

Personal Representative: *(3-3) The Detainee admitted to being part of an ambush against U.S. forces.*

Detainee: I did not take part in any attacks. If someone says this, please bring them in so he could face me.

Personal Representative: *(3-4) The Detainee admitted to throwing his weapons down a well.*

Detainee: I was not captured by the well. I was captured far away from the well, then they (soldiers) brought me to the well. It was 2 meters by 2 meters round, and 6 meters deep. If they accuse me, they should go to the well and take it out, or have me take it out. This is my question, if it's daytime or light, could someone throw it in the well with the guards and helicopters searching?

Personal Representative: *(3-5) The Detainee, at the time of his capture, was wearing an olive drab (OD) green jacket, also commonly seen on Taliban fighters in the area.*

Detainee: No, Miss. I did not have a green jacket on me. It was blackish brown coat with lots of pockets to carry the stuff I had. I was not wearing a green jacket. I bought it from a shopkeeper for 100,000 Rubies. I wish I could find him and bring him here to testify.

Personal Representative: *(3-6) The Detainee's nephew admitted to wearing an OD green jacket.*

Detainee: Yes, he (the nephew) had a green jacket.

Tribunal President: (to the Detainee) Do you have anything else you wish to add to these allegations? You could make a statement if you like.

Detainee: No, Miss. I have nothing else to tell you except that I am a poor person caught by your soldiers. I do not have a weapon, and was not fighting. If you capture ordinary Afghans, that is a different subject. I previously stated I was a poor person driving a

tractor for someone else. If someone is accusing me of these charges, then that is a different case.

Personal Representative questions of Detainee

Q: Did you ever open your tobacco container or did your nephew open his mirror that day?
A: No, Sir. I did not take my chewing tobacco can outside, and that day I did not use chewing tobacco.

Q: How far from your village were you when you were arrested?
A: Approximately, I don't know exactly, about 50-70 or 100 meters, but I was not too far from my house when I was arrested. Not in kilometers, but meters.

Q: Describe where you were sitting when you were arrested.
A: I left my home and went to small garden and prayed. At that time, my nephew arrived. We wanted to go to the bazaar. When we were walking, your cars or the convoy came by, they weren't far from us; about to the outside of this building. We sat down and they came and arrested us.

Q: How far away was the well they took you to?
A: Approximately 30 or 50 meters away from the well.

Recorder questions of Detainee

Q: What time did you leave for the bazaar?
A: I did not go to the bazaar; I do not understand your question.

Q: You mentioned you were going to the bazaar with your nephew, what time did you leave?
A: I did not look at my watch, but it was after the midday prayer; around 1:00 or 2:00 and it was wintertime. It was around 1 to 2 p.m.

Q: How far away is the bazaar?
A: If you walk, two hours; if you drive, around 20-45 minutes.

Q: Did you bring your prayer mat with you?
A: If you mean a prayer mat, meaning that we pray on it, I did not have it.

Tribunal Member's questions of Detainee

Q: Are you part of the Taliban?
A: No, Sir. I am a poor person and was not a member of the Taliban.

Q: Have you ever fought with the Taliban?

A: No, Sir. I did not fight with the Taliban. I was somebody else's servant.

Q: Have you ever fought on anyone's behalf?
A: No, Sir.

Q: Have you had training on how to use the RPG?
A: No, Sir. I didn't know what the RPG was until I came here and heard it from you.

Q: What is the name of the village you live in?
A: Leijhay.

Q: What part of the country is that?
A: It is near the district of Bagram; it is the north side of the district of Bagram.

Q: Why do you think the soldiers identified you as the person that dropped the weapons down the well?
A: Probably they did not tell me that; if they told me, they would tell me to take it out or they could take it out; for example, if I tell you there is an aircraft outside, and you go outside and the aircraft is not there.

Q: Was someone else in the immediate area involved with an RPG?
A: No, Sir. Nobody had, and I don't know about that.

Q: Do you use mirrors regularly for signaling?
A: No, Sir. I did not signal anybody. I had my chewing tobacco can, as everybody does. I did not signal anybody.

Q: My question is, though, do people in your area use mirror signals to communicate with each other?
A: No, Sir. We don't use mirrors to signal each other; we are poor people working for someone else, and I have lots of orphans to take care of. I was busy; we did not use mirrors as a signal.

Q: Did the Taliban fighters use mirrors as signals?
A: No, Sir. I cannot lie to you; I did not see if they use them or not.

Q: Did your nephew have a mirror with him?
A: Yes, Sir. He had a mirror.

Q: Did he use it at all?
A: No, Sir. He was with me; he was arrested with me. At that time, he did not use his mirror.

Q: Did your nephew have an RPG, or know how to use an RPG?

A: I know he did not have an RPG, but I don't know if he knows how to use it or not.

Q: Do you know where your nephew got the green jacket?
A: No, Sir. I don't know where he got it. He had a green jacket, but it was very old; anybody with money could buy it.

Q: Do they sell these types of jackets at the bazaar?
A: Yes, Sir. In Kandahar, in our district, there are lots of them in the market. They come from Pakistan or Iran; the price is about 800 or 900,000 Rubies. Anybody who has money can go and buy it.

The Tribunal Member stated he had no more questions, and the Detainee stated the following.

Detainee: Could I add one more thing? About the mirrors, Sir - they are all over the marketplace and the bazaars. The people of Afghanistan use the small mirrors to trim their mustaches, and they always carry them because the homes have no mirrors. This is why everyone carries them. Kids, ladies and men have these kinds of mirrors. This is the last of my statement; now it is up to you.

Tribunal President questions of Detainee

Q: How did you support yourself in Afghanistan?
A: Six months prior to my capture, I was driving a tractor for somebody.

Q: And then after the driving of the tractor?
A: Yes, Miss. I was working under an individual as a mechanic or mechanic's helper.

Q: Who did you work for when you were driving the tractor?
A: The tractor belonged to Hajies Halom; I was working for him.

Q: What did you move around on the tractor?
A: I was working on the land; planting stuff with the tractor.

Q: Were there other people captured with you besides you and your nephew?
A: Lots of people were captured. When they took us to our district, there were lots of people they let go. They let all of them go except four people they brought here from our village.

Q: Were the other four people also accused of the ambush?
A: I don't know. I don't have that information. You could probably ask the interrogators; we were villagers.

Q: Did you know any of the people that were captured?

A: Yes, Miss. You could ask your soldiers; there was no fighting in the area of our village when we were arrested. A few times, the Americans came to the area, and no one bothered them because we were happy they were there. They were rebuilding us; we did not have anything; we did not even have trees around.

Q: Were the people arrested with you anywhere near you?
A: No, Miss. My nephew and I were captured together, and the others were caught somewhere else.

Q: Does the February 10, 2003 date, is that the date you were arrested?
A: Miss, I don't know dates. It was daytime when I was captured, but it's been a long time that I have been here.

Q: You indicated there was no fighting going on during that day.
A: No, Miss. Our district is large and rugged and mountainous. In the whole province, if somebody fought the Americans, then am I guilty?

Q: That doesn't exactly answer the question. You said there wasn't any fighting going on that day.
A: Not that day; no fighting in the area.

Q: Was there any fighting going on before you were captured?
A: No, Miss; no, Miss.

Q: Can you describe the area where you were captured?
A: That's my area, and the name is Leijhay; even if I describe the area, how would you know?

Q: Was it a mountainous area?
A: No, Miss. To the left of us are mountains, and to the right is a dam. We were caught in a flood ground.

Q: Is the area a town or village or farm area?
A: Our village is Leijhay; in our village there is lots of farmland, and our district is far away from us.

Q: Were the Americans there within the week or during that time you were captured, or were they just rolling through the area?
A: I don't have that information if they spent a week or 2 or 3 days. The day they came, they arrested me and took me somewhere else; I don't know.

The Tribunal President then mentioned that the Witness would be brought in shortly, and the Detainee stated the following:

Detainee: Very good, Miss. Before you bring in my Witness, I want to tell you our district is a very large district. You could ask all the people, all of the villagers, that all of these accusations are wrong. If one of them is true, I've been here for the past two years, and you can keep me here for life. You could ask my villagers; all of the people know me. You could ask them if I do these kinds of things, or what I was doing there and they'd be able to tell you. I don't have anything else to say.

At this time, the Tribunal President explained the procedure for Witnesses to the Detainee, and verified the Detainee had no more questions. After a brief recess, the Witness was brought in and the Tribunal President explained the process to the Witness and made it clear that this is was not his Tribunal, he was there as a Witness for another Detainee, and the Detainee may question him as well. After he acknowledged he understood, the Tribunal President asked the Personal Representative if he had any questions for the Witness?

Personal Representative Questions of Witness

Q: Could you tell the Tribunal what your uncle was doing the morning of his capture?
A: I left home in the early morning to go to the bazaar; at that time, my uncle followed me to buy oil and a filter for the tractor. It was the night of the Eid; tomorrow would be the Eid. The three days of the Eid, all the stores are closed, which is why we wanted to go to the store. Me and my uncle were going on our way on the middle of the road, when six soldier cars in a convoy came up behind us. We let them pass; we went to the side of the road. They stopped by us and arrested both of us.

Q: Do you know if your uncle ever left his home previous to going to the bazaar with you that day?
A: No, Sir. I came out, and at the same time my uncle came out. We were walking when we were captured.

Q: Why do you carry a mirror?
A: Still we have mirrors here. It is the word of the prophet to trim our mustaches and beards with it.

Recorder Questions of Witness

Q: What time does the bazaar close?
A: After evening prayers the stores closed in the bazaar.

Q: What time were the evening prayers that night?
A: They have different times for different days; sometimes at 4:30, sometimes at 4:00.

Tribunal Member questions of Witness

Q: What job does your uncle do?

A: My uncle drives a tractor for somebody else, he works on the land to feed his kids.

Q: Were either you or your uncle wearing a green jacket the day you were captured?
A: Yes, I had a green jacket on me.

Q: Where did you get your green jacket?
A: I bought it from the bazaar.

Q: Have you ever used an RPG?
A: No.

Q: Ever seen one?
A: No Sir, I have not seen one.

Q: Ever?
A: I did not see.

Q: Was there any fighting in the area on that day you were captured?
A: No.

Q: Do you have any idea these soldiers just picked you two up?
A: This is my question, because they came 3 or 4 times that day prior to when they captured me. I don't know why they captured me.

Tribunal President questions of witness

Q: What time of day were you arrested?
A: My watch was broken in my pocket, but it was approximately 1:00 in the afternoon.

Q: Can you describe the area where you were arrested? Was it a village, a city or a farm area?
A: No, Miss. There is no city in our area; all of it is farmland. We grow everything on top of the farmland. We were arrested in that area.

Q: Had you already been to the market or bazaar that day?
A: No, Miss; we did not reach the bazaar. We wanted to go to the bazaar when we were arrested.

Q: Were there other people arrested with you?
A: In the area we were caught was just my uncle and me. When they took us to a compound, I saw lots of villagers that were captured there.

Q: So if I understand correctly, you two were by yourselves?
A: Yes.

Q: And were you on the road at the time?
A: We were on top of the road, but when we saw them approaching, we gave them the right-of-way; we went about 7-8 steps to the right side of the road.

Q: Do you know if your uncle has or had any weapons?
A: No.

Q: Do people in your town carry weapons for protection?
A: No.

Detainee questions of the witness

Q: Do you know me?
A: Yes.

Q: Do you know where I am from?
A: From Leijhay.

Q: What is my job?
A: You drive a tractor for somebody else so you can feed your kids.

Q: Did I have a mirror so I could signal someone with it?
A: No.

Q: Did I have a rocket launcher to throw in the well?
A: No.

Q: Did I have a plan to attack the Americans?
A: No. You are a poor person; you did not want to attack the Americans.

Q: On that day we were captured, did somebody attack the Americans?
A: No.

Tribunal President questions of witness

Q: Do you know if your uncle belongs to the Taliban?
A: No.

Q: Has he ever been supported by the Taliban or al Qaida?
A: No

Additional questions of witness by Tribunal Members

Q: What crop does your uncle farm?

A: People grow wheat and corn; he is a tractor driver, and he gets the land ready for planting.

Q: Do they grow any poppy in the area?
A: No.

Personal Representative question of witness

Q: Was your uncle ever aware of a plan of an ambush?
A: No.

The Tribunal President then took a brief recess to allow the Witness to be removed from the room. When the Tribunal returned, the Tribunal President confirmed the Detainee had no more information to present. The Tribunal President then read the remainder of the Tribunal process to the Detainee, and adjourned the open session.

AUTHENTICATION

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

Colonel, United States Army
Tribunal President