**Summarized Detainee Statement**

Tribunal President: Musad Omar, 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 evidence to the Tribunal?

Detainee: I would like to clarify some things.

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

Detainee: Yes.

Tribunal President: Recorder will you please give him the oath?

**The Detainee was sworn using the Muslim oath. The Detainee testified to the Tribunal in substance as follows:**

Tribunal President: Musad Omar, you may begin.

Personal Representative: Madam President, the Detainee and I have talked previously. I have prepared questions so I can refresh the Detainee's memory.

Tribunal President: Okay. Would the Detainee like to respond to the unclassified summary in his hand first; or would the Detainee like the Personal Representative's questions first?

Detainee: Whatever you prefer. It is not a problem.

Tribunal President: The Detainee will go first, and then respond to the questions.

**A translated copy of the unclassified summary was handed to the Detainee for reference. The Detainee proceeded to address each point on the Unclassified Summary of Evidence in order. To put his comments into context, the points from the Unclassified Summary of Evidence are provided below in italics. The detainee's comments follow each point (summarized).**

*3.a. The detainee is an Al Qaida fighter.*

*1. In July 2001, Al Mudwani was recruited by two men, who identified themselves as former mujahid, to go to Afghanistan and train to fight.*

Detainee: First of all, the two men did not identify themselves to me. One of the men lived in the same neighborhood as me. The other man was his friend. They would talk to me, but they never said they were in Afghanistan before. In regards to going to Afghanistan to train how to fight; I went to see and observe the situation. Not for the

purpose of fighting. There was no fighting going on at that time. I left before the events of 9/11.

*2. The detainee stated that he stayed at the Daftar Al-Taliban guesthouse for four hours, prior to going to Kandahar, where he stayed at the Madafat Al-Nibras guesthouse, where he was fed and given new clothes.*

Detainee: I was only given food. I was not given any new clothes. I was traveling so I already had my clothes with me. It was impossible that I would have gone there without clothes.

*3. The detainee stated after seven (7) days at the guesthouse in Kandahar, he traveled to the Al Farouq training camp, a known Taliban training camp.*

Detainee: This allegation is correct.

*4. The detainee stated that he received training on the Kalashnikov rifle, pistol, BEKA, RPG, and the Magnoona. The detainee stated that he only trained for twenty-five (25) days because the camp closed due to the U.S. bombing campaign.*

Detainee: I trained on the Kalashnikov rifle, that is correct. The pistol, that is correct. The BEKA, that is correct. The RPG, I just saw it. I never received training on the RPG. The Magnoona is the Kalashnikov. The only difference is that it has an additional metal piece. Like a base that you rest the Kalashnikov on. It has an extra piece on there. I only received training for about twenty to twenty five days. There was no bombing. It was the first day of the events of 9/11. The people at the camp said if anyone wanted to leave, we were free to leave. There might be problems and there might be bombings; so if you don't want any problems, just go. If you want to stay, then you can stay. I did not want any problems, so I just left because my objective was not to fight when I went there.

*5. The detainee stated that he saw Usama Bin Laden (UBL) several times and at various training facilities during his time in Afghanistan and last saw Bin Laden in Khowst about a month before the fall of Kabul.*

Detainee: I only saw Bin Laden once at that training camp. Bin Laden was visiting the training camp and I saw Bin Laden from about thirty, to forty, to fifty meters away. He was very far away. The second time I saw Bin Laden was in Khowst during the events. Bin Laden would pass through all the villages to see the people. Bin Laden also passed in front of us, but there were many people present at the time. They were all civilians. The various training camps is not correct. I received training in one place only. It is correct that I did see Bin Laden a second time in Khowst. It was one month before Kabul fell, that was correct. All and all, it was only two times I saw Bin Laden.

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

Detainee: This is not true. I did not even go to any of the front lines.

*1. The detainee stated that he left Al Farouq on a military bus with twenty-five (25) other students from Al Farouq and went to Kabul.*

Detainee: I left the training camp on a regular truck from Al Farouq to Kandahar. It was about a two or three hour ride. Then I completed the trip from Kandahar to Kabul on a civilian bus. Twenty-five of my friends were in the same group. They were not Taliban.

*2. The detainee stated he went to Kabul and three days after his arrival, Kabul fell.*

Detainee: This is correct.

*3. After the fall of Kabul, the detainee went to Pakistan where he was captured by the Pakistani police, after a shoot-out, on September 11, 2002.*

Detainee: The police stormed the house around eight o'clock in the morning. There were two apartments. The apartment I was in, there was no shoot-out or any resistance. But we surrendered immediately. They have my fingerprints. You can look at them if you want to verify this. The Pakistani police, they have everything. The Pakistani police thanked the group I was in the apartment with for not resisting and they never charged us with anything. The resistance was in the apartment next to us in the same building. That is all I have.

Tribunal President: Musab Omar, does that complete your statement?

Detainee: Yes, that is what I have.

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

Personal Representative: Yes, Ma'am. I do, but not quite as many because the detainee has covered most of our conversation. When you were in Yemen prior to leaving, you were given a ticket to go and observe the cultural conditions under the Taliban in Afghanistan.

Detainee: Yes, under the Taliban - how the Muslims were doing under the Taliban. There were rumors that these were evil or bad people. In Islam, you cannot judge another Muslim unless you see it with your own eyes. As for myself, the expenses were covered by someone that was doing good. So I said I did not have anything to lose. I planned to go for one month. I had a visa for one month only. I wanted to see how things were and come back home. When the events happened, I still had a few days left on the visa. The roads were closed and I could not leave.

Personal Representative: When you left camp and went to Kabul for three days, what was the purpose for being in Kabul?

Detainee: Kandahar was very crowded. So I thought I would go to Kabul because it was bigger. After I left Kabul, I was going to go to Khowst because it was close to the border. My intention was to leave for Pakistan. Khowst was safer. There was no fighting going on there.

Personal Representative: While in Pakistan, you were waiting in the apartment with several others. What were you waiting for?

Detainee: We were waiting for things to calm down and to become stable. We were also waiting for the Pakistani police to stop searching everywhere because our visas had expired. We could not move around legally. So we stayed until we could maybe get to the Yemeni embassy, but we couldn't. The police were searching everyone. There was no negotiation or talking. They would just arrest people. So we stayed at the apartment until we could find the closest opportunity. We did not even have enough money for the tickets.

Personal Representative: I have no further questions.

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

Recorder: No, Ma'am.

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

Tribunal Member: Are you an Al Qaida fighter?

Detainee: No, never. I never followed them, I never stood on the lines, nothing.

Tribunal Member: When you received weapons training at Al Farouq, who gave the training? Were they Taliban or Al Qaida?

Detainee: Arabs. It had to be Arabs because I do not understand the language of the Taliban.

Tribunal Member: Do you know what the association of the Arabs were?

Detainee: They said they were just people that were giving the training. They did not have any affiliation with anyone. Talk about politics was forbidden in the camp.

Tribunal Member: If you were going to Afghanistan to observe the cultural conditions, why then get all the training on weapons?

Detainee: When I got to Afghanistan, I was with Pakistani people. They moved me to Dafter Al-Taliban. I did not know the situation. So I went to Dafter Al-Taliban. They took me in, then told me to go to Al-Nibras. They were Taliban. I did not know their language and what they were talking about. So they took me to Al-Nibras. I could not leave. They took my passport, money and everything. They said just sit there. I told them based on what, and they said just sit there. After a week, I kept insisting on asking what was going on and why I was there. We got on a bus and they took us to the camp. They told us that anyone who goes into Afghanistan goes through the camp. Since I was there I had to get the training. There was no fighting, nothing.

Tribunal Member: When you were leaving the Al Farouq camp, the twenty-five people you were with?

Detainee: These were other people who refused to just sit along with me.

Tribunal Member: Okay. Were those people carrying weapons?

Detainee: No.

Tribunal Member: When you turned yourself in to Pakistani police, were there any weapons in your apartment room?

Detainee: The people who resisted had weapons in that apartment.

Tribunal Member: Your room did not have any weapons?

Detainee: My room did not have any weapons.

Tribunal Member: When you were going through Pakistan to go back home, were you doing so on your own accord, or were you following orders from another person?

Detainee: It was me, but I was getting advice from the Pakistanis. I did not know the area and I had no money. So I would ask around and they would help me.

Tribunal Member: The people that you were arrested with in Pakistan, were they all from the Al Farouq camp with you?

Detainee: No, I did not meet them until I went to Pakistan. They were all from Yemen with expired passports. Same situation as mine. The Pakistanis rounded up all the people like me that had issues or problems with their visa. We were all put in one place.

Tribunal Member: Was that before or after they stormed the apartment?

Detainee: How do you mean?

Tribunal Member: When you went to the apartment where you were staying, did you do that on your own or did the Pakistanis send you to that apartment?

Detainee: I went there on my own. A Pakistani family told me to go to that place.

Tribunal Member: How many people were staying in those two apartments?

Detainee: Five or six people and a Pakistani family.

Tribunal Member: Were any of those people from Al Farouq?

Detainee: No, not at all.

Tribunal Member: Did you have your passport at that time?

Detainee: Yes. I took it from the Pakistani (sic) government.

Tribunal Member: Where and how did you get your passport?

Detainee: The Pakistani police, when they stormed the house they took the passport, money and everything we had.

Tribunal Member: I thought you said earlier when you went to Al Farouq, they took all your papers, money, everything so you couldn't leave?

Detainee: After I left Al Farouq, they gave me everything back. I said that and wrote that down in the interrogations.

Tribunal Member: Who did you stay with in Kabul after leaving Al Farouq?

Detainee: After I left Al Farouq during the bombings, there were places or houses you could go to. Anyone that had a place to stay or hide, I would stay with them.

Tribunal Member: How did you know what houses to go to stay?

Detainee: I went with the group of twenty-five and the driver was asking. The driver knew where to go.

Tribunal Member: When you were in Kabul, did you have a weapon?

Detainee: No.

Tribunal Member: Did any of the people you were with in Kabul have weapons?

Detainee: We did not stay in Kabul, all of us together. After we got to Kabul all of us got separated. Five went here. Three went there. Everyone just went their own way.

Tribunal Member: Were the houses you stayed in Kabul, were they also housing fighters?

Detainee: No. They were civilian houses of people who were afraid of the bombing.

Tribunal Member: How did you get from Kabul to Pakistan?

Detainee: I went from Kabul to Khowst. To the Pakistani border.

Tribunal Member: How did you travel? What means?

Detainee: Buses.

Tribunal Member: How did you get the money to travel?

Detainee: The bus drivers were helping out the people that needed to go somewhere.

Tribunal Member: Earlier you said all the roads were closed and that was why you could not leave. How were you able to travel on the roads?

Detainee: Inside of Afghanistan. From Kabul to Khowst, Afghanistan, it was internal. We didn't go through official roads, we went through the mountains.

Tribunal Member: Were you on foot going through the mountains?

Detainee: Sometimes with the cars, sometimes with walking.

Tribunal Member: Who were you traveling with when you went through the mountains?

Detainee: A group of Arabs, Afghans, Pakistanis and other people.

Tribunal Member: Was this Tora Bora mountains?

Detainee: No, Khowst. I stated it before in detail. If you would like for me to go more into detail, I will tell you.

Tribunal Member: Yes, please tell me how you got out.

Detainee: From Khowst to a place called Zurmat. From Zurmat to a place called Bormal (phonetic). After that, a place right on the border, a small village. Then to a place called Bennam (phonetic). This was the first place in Pakistan. That is how I got to Pakistan.

Tribunal Member: How did you know to go to these places?

Detainee: There were Afghanis and Pakistanis helping out people.

Tribunal Member: Were any of these Afghans and Pakistanis fighters?

Detainee: No, no, no. The people were just helpers. They were people who lived there. People who lived in one place would take us to the next place and go back home.

Tribunal Member: Why would these people help you?

Detainee: They were Muslims.

Tribunal Member: Have you always told the same story since you have been detained?

Detainee: I have told the same story from Pakistan to the prison that was underground. The Americans were there underground. Then in Bagram, I said the same thing. And here, after over one hundred interrogations, I have said the same thing. The interrogators thank me.

Tribunal Member: Did you ever carry weapons or fight against the Northern Alliance or the United States?

Detainee: No. I have never fought against Afghans or Americans.

Tribunal President: In your statement, you said the two men who recruited you were friends of yours. Were they members of the Taliban or Al Qaida?

Detainee: No, no, no. They were not friends of mine. One of them lived in the same place I was living. He saw me everyday when I would walk to school. The second guy was the first guy's friend.

Tribunal President: Do you know if those two people that recruited you were members of Al Qaida or Taliban?

Detainee: No. They were against the Al Qaida. They would warn me not to get into anything political.

Tribunal President: Those two men wanted you to go to Afghanistan to view what was going on, to see the new Government? Can you explain that further?

Detainee: There were rumors coming to Yemen that Afghanistan had a racist Government. It was Muslim by name. They said there were no Muslims except for the people in Afghanistan - that anyone not Afghani was not a Muslim. But those two people said this statement was not true. Afghanistan was fair. That black people like white people - Islam rules all of Afghanistan. Islam ruled over everyone; the poor, the rich, the powerful, the weak. There is poverty and hunger. So the two men told me to go and see the situation and come back and talk to the people - tell them if yes it is true and it is a Muslim place. Then if anyone could offer help to the Afghan people with medical, teaching, learning, with money. Things like that.

Tribunal President: Why was it important for you to go to Afghanistan? What were you going to do there? What did you feel like you were going to do there?

Detainee: I just wanted to go. Curiosity, nothing more. I did not know the results would turn out like this.

Tribunal President: When you received the training on the weapons, were you forced to take the training?

Detainee: They just took me. I did not know anything. I did not know the language. I did not know the people. I did not know anything. Without my passport, or money or my tickets, I could not do anything. So I just did what they wanted so I could get my stuff back. If I went and did not do anything, they may have accused me of spying. So I just took the training on the Kalashnikov and pistols. It seemed normal. We have these things in Yemen. It is not a big deal.

Tribunal President: Why didn't you try to leave before getting to the camp?

Detainee: The camp is away from the city, about two hours in an isolated location. It was between mountains. There were Afghan guards all around. I did not know my way around, I did not know what was going on. I just went where the people were going.

Tribunal President: When it was time for you to leave the camp, did you have to have permission to leave; or did a group of people decide to leave?

Detainee: There was a group that decided to leave and I was one of them.

Tribunal President: Why didn't this group try to leave before they received the training?

Detainee: We thought things were normal and we did not think there was anything going on. Then when the events of September 11th happened, we did not want any problems. So we left. A lot of people stayed.

Tribunal President: How did you support yourself while at the camp or in Kabul?

Detainee: In the camp, there was food and drinks. Everything was at the camp's expense.

Tribunal President: Okay. When you were not at the camp, how did you support yourself?

Detainee: I had a little bit of money with me from Yemen.

Tribunal President: You said earlier when you went to the camp, your passport and money was taken away from you.

Detainee: They didn't take everything from us. They wouldn't take everything from us. We had a little bit left over or either the guards would give us a little bit back. Some of them did a little bit of good. Some of the people wanted to do good, so they would give some back. The Afghans liked the Arabs, so they would give us a little bit of food, a little bit of money. Families, I mean.

Tribunal President: So the people that gave you money were just Muslims, or were they Taliban, or Al Qaida?

Detainee: No. They were families or farmers or something like that. When we walked from Kabul to Khowst, they could tell who was an Arab. They recognized strangers not from the area. So they would give a little something to help. Sometimes you would go to buy something and the person would tell you that you did not have to pay for it - just go.

Tribunal President: When you were arrested in Pakistan, how did you get from the Pakistani police to the Americans?

Detainee: The Pakistani authorities handed us over to the Americans.

Tribunal President: Did you ever have the opportunity to talk with Usama Bin Laden?

Detainee: No. I did not want to and I never had a chance to. Not just anyone got to meet him. Just someone who was important, not just anyone can go in and just meet with Bin Laden. You had to be asked for, or someone important.

Tribunal President: Did you know anyone who met Usama Bin Laden?

Detainee: No. All the people there were like me. All the people I knew where amateurs. Nothing like Bin Laden.

Tribunal President: How did you find out about the events of 9/11?

Detainee: Of course we were going to hear about it. We are in an age where we have the news and reports.

Tribunal President: Did someone tell you about it? Did you read about it? Did you hear about it on the radio?

Detainee: No. People talked in the camp. People had radios.

Tribunal President: Was this after the events or before the events that you heard about it?

Detainee: After.

Tribunal President: Musab Omar, do you have any other evidence to present to the Tribunal?

Detainee: That is all I have. Other than I really hope you look at the evidence with consideration and fairness. I am sure of my statement and what I have said. I challenge anyone else to come and tell me anything else about what I have said.

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

Personal Representative: No, Ma'am.

Tribunal President: All unclassified evidence having been provided to this 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.

[redacted]

Colonel, U.S. Army
Tribunal President

**Summarized Sworn Detainee Statement**

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "Yes."

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

Detainee: No sir, but if you have any questions ask them.

[While the Recorder was reading the unclassified summary the Detainee asked if he could respond to the accusations.]

Tribunal President: You will have an opportunity to speak in just a moment.

Detainee: When you are finished?

Tribunal President: Yes.

Tribunal President: Do you wish to make a statement to this Tribunal?

Detainee: Yes.

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

Detainee: First I must I explain about the charges against me, whether I committed them or not and then I will swear that I told the truth.

Tribunal President: Very well, please make your statement.

Detainee: Before when I was interrogated, I swore to them I would tell them nothing but the truth. I told the interrogators everything since I was ten years old up to the time I served as a soldier for President Dahoud in Afghanistan. When the Taliban came to our area I had a half-brother. I had one brother that left my house. I have three small children that I worked hard for to provide food. I was a poor person. When the Taliban arrived I had a brother-in-law named Najib. They took Najib by force; he was just recently married and had a new baby girl. They took him by force, put him in jail and he was lost. Forty days later we found his dead body. They told me to join them and if I didn't they would kill me also. I told them my children were very young and I needed to take care of them. I told them I wouldn't go with them and they could not recruit me. They then took me by force and put me in jail. Another individual approached them and told them I was an old man and to let me go. This same individual then told me there was no one in my household and asked why I didn't go with them and join them. I then decided to go with them.

I am presenting this information to you and you can decide and find out if I have lied to you.

After that I joined them and they provided me with ten individuals with weapons. At night I would go home and take care of my family. Then they arrested me again. The providence of Konduz and Bairan, providences in Afghanistan, everybody there knows they arrested me and put me in jail. They then pushed me again to serve them. I asked them how was I suppose to provide food for my family and told them I would not go with them again. I then heard rumors and news on the radio that American forces were coming to my land. I was happy because I knew I would be freed and able to go back to my family. When your forces reached Kabul, they had not reached Konduz yet; I took my ten men with their weapons and went to one of the commanders by the name of Bahg. Then your forces reached Konduz. I was fighting between the Taliban forces and the United States forces. When the United States forces defeated them they left Konduz and went to Mazar. I then joined the coalition forces. I fought against the Taliban with the American forces. There were men and woman journalist there, taking pictures. I went to the American compound and they took me to a room with a video camera. He was taking pictures of some kind of paperwork. I asked him what he was doing and he told me he was sending a report that we had captured these areas. The planes were bombing and I joined your forces. We captured Khanabad and I was released. Four to five months after the fighting was over in my area and the defeat of the Taliban, I went to the government of Afghanistan and turned in the ten weapons that I had. I turned them into a Sergeant Abdul Basir. I then went back home. I like the current government in Afghanistan and I like the Americans because they sent two of my children to school. One year after that, Interim Afghani forces came to my house and arrested me. I have told you the truth. The accusations are wrong, please help me. I have a wife and kids and no one to take care of them. You are the leaders and I am the detainee, what ever you decide, you decide.

Tribunal President: Will you state now that everything you just told us is the truth?

Detainee: Sure, first I will swear and then you can ask. You have your forces in Afghanistan they can go and ask. I was told in the beginning not to lie and I promised them I would not lie.

Tribunal President: That's good.

Detainee: I will swear and then you can ask.

Tribunal President: Your word that you have told the truth is what I wanted to hear.

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

Personal Representative: Yes I do.

**Summarized Answers in Response to Questions by the Personal Representative**

Q. You stated, you were arrested by the Taliban after you joined them.

A. First they captured me.

Q. Why were you put in prison by the Taliban forces?

A. The first time I was captured and put in prison I was serving the Rabani. When the Taliban took me they asked why I served Rabani, they said I had to serve them. At that time Rabani was the President and I was a solider. I had to go to the compound and learn how to walk like a soldier.

Q. Were you imprisoned by the Taliban just that one time, or more often?

A. No, twice.

Q. When were you in prison the second time?

A. I cannot recall the time and date the first time I was put in jail. The second time when they killed my brother-in-law, they told me I had to join them and I did. The two times I was put in jail was because I wouldn't join them.

Q. How long were you in jail?

A. First time 40 days, the second time 16 or 17 days. Maybe 19 days, it was Ramadan.

Q. When you turned in your weapons to Sergeant Basir did you get anything in return?

A. Yes, he gave me a receipt.

Q. What was the date you turned in your weapons?

A. I turned in my weapons four to five months after the defeat of the Taliban.

**Summarized Answers in Response to Questions by the Tribunal Members**

Q. One of the accusations against you is that you assembled a team to hijack a United Nations aircraft. Do you know anything about that?

A. The only airplanes I have seen are in the sky. When I was captured I traveled on a plane from Konduz to Baghram. I traveled from there to here. Those are the only times I have been in a plane. I was blindfolded and didn't know what the

plane looked like. Yes, I have seen your planes in the sky. In Afghanistan all we have is this much bread and we have to work hard for it.

Q. So the Taliban never asked you to try and hijack a U.N. airplane?

A. Who am I for them to ask me to do this kind of thing? They should contact some one bigger than me. I fought with your forces against them.

Q. I understand when you were captured, but do you know what year it was they killed your brother-in-law and forced you to join the Taliban?

A. To be honest I don't remember no times or dates. All I have is one and three quarters of an acre of property and work hard to serve my family. We are two brothers and in the same house.

Tribunal President: Do you have any other evidence you wish to president to this Tribunal?

Detainee: I asked you to present my two witnesses. I have my districts and providences and you could not bring them here. I have the receipt that I gave up my weapons. It is not with me but everybody knows it. I was three years old when my father died and six years old when my mother died. My older sister raised us and we had to work hard. My children are very young and have nothing to eat. I don't have money to buy another house and that is why we had to live together.

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

Detainee: All I ask you, our leaders, is to ask. Because of some one else's accusations, don't keep me here.

Tribunal President: Personal Representative do you have anything else to present to the Tribunal?

Personal Representative: No sir.

[As the Tribunal President was reading the instructions on the Tribunal decision the Detainee stated.]

Detainee: I am not an enemy of America I am a friend. The things I told you are the truth and you can find this out. And now my children are very happy.

## AUTHENTICATION

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

[redacted]

Tribunal President

**Summarized Unsworn Detainee Statement**

***As the Recorder read the Unclassified Summary, R1 to the Tribunal, the Detainee stated each point was correct. The Tribunal President asked the Detainee to hold further comments until the Recorder was finished and the Detainee would be permitted to make a statement at a later time.***

Whatever evidence was brought against me, I admit to. I've been telling the same story and I'm not lying about it. I helped out Bin Laden.

***The Tribunal President asked the Detainee if he wanted to make his statement under oath.***

My word is what I said. I am going to tell the truth. I helped Abdul Razaq and I have been with Usama [Bin Laden]. I agree to the evidence.

I did this for money. For 5 years, I have been a member of the Taliban and when the Americans came, Abu Baker was giving money to finance attacks on Americans.

Abu Baker was one of the Arab commanders and he was giving money to (inaudible) and I was getting it [money] from Mullah Saaleh. When he [unknown] was in the North, we were all receiving money. Mohammad Khan is another person who was in Kandahar.

We were told by the Arabs, who had all the money, that they were planning an attack on the United States with 20 pilots. Mohammad Khan was also with the Northern Alliance. He had a tie, or contacts with them. He [Mohammad Khan] used to tell me all these stories and all the details about how they were going to fly airplanes into buildings. He didn't tell me the details, that it was New York, but they said they had 20 pilots and they were going to orchestrate this act. That is the first story. I was working for money.

The second story is Abdul Razaq was with me. We went to Jalalabad. Usama Bin Laden was in Jalalabad and we took him up to the Pakistan border. It's a way that nobody knows, it's a secret, the official way we took him to the border. Hajji Zaher was the guide. After that, we got into the car. We left them [UBL and his family] at the Pakistani border and we came back. They [UBL and his family] disappeared. They took a Russian Jeep and a pickup truck. This is the story about Al Qaeda, that I took part in.

The other story is when I came back from Jalalabad. When Usama Bin Laden left Afghanistan…he [Usama Bin Laden] took off before Mazar [Mazar-e-Sharif] and Kabul were captured.

We came to Kabul then to Meydan Shahr then to Ghazni and then to Qalat and then to Kandahar. We spent a few days in Kandahar [during] Ramadan.

The 17th of Ramadan we were in Kandahar with a couple of other individuals, Hajji Raes (Abdul Wahed) and he is the leader of the 40 people. Hajji Raes [Abdul Wahed] was the top leader and Abdul Razaq was second. Under Abdul Razaq were Asmatullah and Mullah Gul Ahmed and Jano Popalzai and Haji Gader.

I was told a few days later I should work with these people as a spy. This is the story.

I received stories and messages from different places. Weapons were coming from Syria to Iraq, when Saddam was President. Syria was sending them [weapons] to Iraq, via Iran to Afghanistan. This is how it worked. Ayman al-Zawahiri was organizing this. (Inaudible) would have control over the rest of the commanders.

Even if I'm here 20 years, I am going to give the same story. I'm not lying and these things exist. I don't need to swear on this because I've been telling the same story.

I was captured near Mullah Omar's house. I was examining that area. I was captured by the Afghan soldiers [who were] saying I am planning an attack on the Americans, since I was measuring and examining that area. The first day I was captured, the soldiers let me go and then they recaptured me. I had no weapons. The only proof was that I was in that area examining it. I was asking too many questions. Where is the security at? What kind of soldiers stand here?

At the time I was captured, I didn't mention anything to the Afghans. When I came here [Guantanamo Bay, Cuba] I told the story. This is my story and I have nothing else to say.

***The Personal Representative and the Recorder had no questions for the Detainee.***

**Questions by the Tribunal Members**

Q: Are you from Pakistan originally?

A: No, I'm an Afghan from Kandahar. I'm a Kochi from a Pasthu tribe. Usually Kochi tribes are known as nomads.

Q: You joined the Taliban in 1999?

A: Even before. Before the Americans came, we were fighting the Northern Alliance. I took part in a lot of battles, Konduz, Mazar-e-Sharif, prior to the Americans coming. I was present at a lot of battles.

Q: Did you join the Taliban because you freely made a choice to do that or because you were forced to do it?

A: I wanted to personally join the Taliban. I needed money. It was only because of the money.

Q: Do you have a family back in Afghanistan?

A: I have a mother and father.

Q: Do you have a wife or children?

A: No, I am single and I have no children. I have no brothers and 2 sisters, who are married.

Q: You heard all of the accusations against you in the Unclassified Summary?

A: Yes.

Q: Is there anything that you heard that is not true?

A: All of it is true. There are no lies in there. The story that I have said, I have said a thousand times and I agree to it.

Q: Do you consider the United States an enemy?

A: I worked for money. Other people would tell me Americans were bad, but I never thought about Americans. I just did it for the money. I didn't care if we were friends with Americans. I didn't give it thought because I was just there for the money.

Q: What do you think now?

A: I think, now that I see Americans, they are nice people. I haven't been beaten up or slapped or anything. Now that I've seen Americans, they are nice people. The people used to give us lectures that America was bad, but I never listened to them because I was just there to make money.

## AUTHENTICATION

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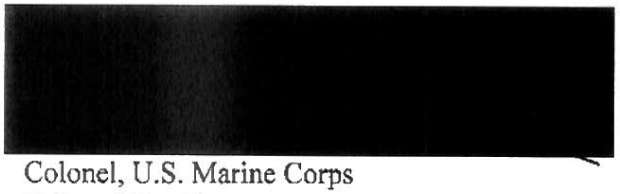

Colonel, U.S. Marine Corps
Tribunal President

**Summarized Detainee Statement**

If it is possible can you please turn down the air conditioner? How come I am not comfortable sitting right here? It is a little bit chilly and I am still handcuffed. This is too tight on my hands. I cannot be comfortable like this. The handcuffs are cutting into my hands. I cannot talk like this. You talk about rights. ***(Air conditioning unit was turned off; two military police guards were permitted in the Tribunal room to loosen hand restraints on detainee)***

Information like what. I did not fight. I don't understand. Can you please repeat. I do not have any information to provide. I did provide all the information I have earlier on. The lady who is sitting to my right did give me a choice yesterday of coming here to attend or if I would decline that. I expressed to her my interest in attending. I wanted to be present for this hearing. That is what she told me. Everything you have is recorded and is documented. That is correct. I have no further comment.

**Answers in response to questions by the Tribunal Members:**

No, I did not train on weapons while I was in Afghanistan. I have one question. Does it include or does it say in my file that I was a fighter or I fought? If I did not fight, why am I being labeled an enemy combatant? I recanted information that I attended a weapons training camp. What is your question? What additional information did you want me to provide? I did recant this information about a year ago. If there are some ambiguities you need to know about please ask me. It is incorrect, not true; I never attended the Khalden training camp. I have never been to this place. I did tell the interrogator I had been there. I did mention this back in Afghanistan and I did mention this when I arrived in Cuba. I was very scared being here and I thought there was no difference whether I said I did or did not attend training. When I heard that maybe I would attend court or I would be tried, I thought it was better for me to correct this information.

I did not see any rights in Afghanistan when we were being interrogated. We were tortured. But it was different here. I first thought Cuba was identical to Afghanistan so I continued with the same story. I experienced better treatment here. Everything was different here. That's how it was. Back in Afghanistan I would be tortured. I was threatened. I was left out all night in the cold. It was different here. I spent 2 months with no water, no shoes, in darkness and in the cold. There was darkness and loud music for 2 months. I was not allowed to pray. I was not allowed to fast during Ramadan. These things are documented. You have them. How could you expect me to during interrogation knowing all this? That is why I tell the truth here. Of course not! I am not a member of Al Qaida or the Taliban.

What will I swear on and what is the form of the oath? You will have to explain to me before I will swear. Do I swear by God? I am a Muslim. I do not swear by anything but The Koran or by God.

In the name of Allah, the most compassionate, the most merciful, I swear by almighty God that my testimony before this tribunal shall be the truth.

**Answers in response to questions by the Personal Representative:**
Yes we discussed the Tribunal when we met. Did I say to you yesterday I would make a sworn statement to the Tribunal? I don't really recall. Maybe you talked to me and I was not paying attention; or the linguist did not translate it clearly. I did say and it is in my file I was tortured. I don't understand why it is not written. I am pretty sure that it is written because I have had interviews before. I think it is written. I am certain it is written.

**Answers in response to questions by the Recorder:**
I was not a member of Al Nadah. When Al Nadah was a party, I was a very little kid. How could I have been a member when I was only seven years old? No, Mr. Zubair did not encourage me to receive weapons training.

**Answers in response to questions by the Tribunal Members:**
I did not train. I did not fight. How could I have trained? If you look at my hands, I am injured. My hand is only 35% functional. This is an old wound, an old injury back from when I was a carpenter in Tunisia. I have all of my fingers except one. How could I have done that? I could not have trained. As far as combat, I have never participated in that.

I wanted to go to Pakistan not Afghanistan. Yes I was in Afghanistan but the reason for my travel to go to Pakistan. I was in Pakistan for a while. I was staying with an individual from Tunisia. During this time there was a campaign. People were under duress. My friend in Pakistan told me it would be a good idea to go through Afghanistan and then return afterwards. There was a crack down from the Government on foreigners. I was in Afghanistan, but I did not go to Halden camp.

**Answers in response to questions by the Recorder:**
I have not been tortured while I have been in Cuba. That is correct. I was tortured in Afghanistan. I did not change my statement the first two months I was here. I already told you why I did that 10 minutes ago.

**Summarized Detainee Statement**
I have nothing else.

## AUTHENTICATION

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[redacted]

Colonel, USMC
President, CSRT

**Summarized Detainee Statement**

I did not see anything. I am not an enemy combatant. I have a witness. It does not matter to me if my Personal Representative speaks on my behalf.

Detainee's witness is escorted into the proceedings.

**Summarized Detainee Witness Statement**

How are you Fawaz. I am so truthful. Anything I say will be the truth. There is no need for me to be under oath. I know the difference between the truth and a lie. Yes what I say will be the truth.

**Answers in response to questions by the Personal Representative:**
Yes I remember seeing Fawaz. I was sitting there. I saw Fawaz receiving his treatment there. I was sitting there in the hospital. I saw Fawaz receiving his treatment there. Fawaz was sitting there with me in the hospital. Fawaz was there getting treatment. That is all I know. Fawaz was getting treatment for magic things and have to be treated by reading of the Koran.

**Summarized Detainee Statement**

I was being treated for my mental problem. We had just met there in the Harem.

**Summarized Detainee Witness Statement**

**Answers in response to questions by the Recorder:**
Yes I did travel to Afghanistan. No I did not travel with the detainee. I did see the detainee in Afghanistan. I am willing to answer any questions. I just saw this guy there getting his treatment. That is the only thing I knew about him. I did not talk to him about any subject.

**Answers in response to questions by the Tribunal Members:**
If you have questions, please ask. I did not spend time with the detainee. I saw him. At that time they closed the roads to Palestine. I did not have any contact with the detainee. I just saw him there. I did not discuss him condition. I am holding myself responsible for everything I tell you. No I don't have anything else. I just would like to know how is health condition is doing. God be with you Fawaz. There is nothing. We don't have anything. I don't know why they are holding us here. We are so sure about this. We don't have anything. God be with you Fawaz.

Witness is removed from the proceedings.

**Summarized Detainee Statement**

I want my Personal Representative to speak for me.

**Statement By Personal Representative**

In response to the unclassified summary of evidence, I Fawaz want you to know he did not know the meaning of Al Quieda. I did not know anything about them until I turned myself in. I did not know swear to Jihad or Usama Bin Laden. I did not sign an oath of loyalty to Usama Bin Laden. I accused myself in front of the interrogators of many things to hasten my assumed execution rather than going to prison. I trained with Al Farouq. I had to train there before I was allowed to go north. I left very early because the training was cruel. I was a fighter against Ahmed Masood. I did not know they were US Allies. I did not want to fight at all. But my friends and the Mullah told me to fight. I tried to pray to the Koran, to cleanse my soul. I had to fight Jihad as a last resort to cleanse my soul.

**Summarized Detainee Statement**

I fight only because of Mullah. I prayed and reading of Koran for the sake of God. I did all these things for the sake of God. I was there because I was told only the Jihad places had magic things inside.

**Statement By Personal Representative**

I went to fight Jihad as a last resort to fight the spell that was making me mentally ill. I was assigned to the Abu Hassan group of fighters. I had a weapon, but I never fired it. I turned myself in Comoondan, an Afghani at Mulli Qoli three days before Ramadan.

**Summarized Detainee Statement**

**Answers in response to questions by the Tribunal Members:**

I have witnesses in Saudi Arabia and Yemen. I was told I have magic disease. I went to the hospital. They have the x-rays and reports. I experience some psychological problems while I was in the hospital. All my reports are still there in the same hospital. I was in the fight. I turned myself in to save my life. When we received the order to pull back, I withdraw and I had the weapon. I left the training camp because of the stress. The orders that was given to us was to do this and to do that. I decided to run away from the camp. Yes I turned in my weapon when I turned myself in. I have witnesses in Saudi Arabia and Yemen. They knew very well that my purpose for travel was not for Jihad but to treat myself.

## AUTHENTICATION

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[redacted]

Colonel, USMC
President, CSRT





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**Summarized Unsworn Detainee Statement**

***The Tribunal President noted that the Tribunal had been advised that the Detainee elected not to participate in the Tribunal process, after originally choosing to participate during prior interviews with his Personal Representative.***

Tribunal President (addressing the Personal Representative, to confirm the Detainee recently elected not to participate): You have advised this Tribunal that the Detainee has elected not to participate. Is this still the situation?

Personal Representative: Yes, ma'am.

Tribunal President: Did you meet with the Detainee, and inform him of his rights in regards to this proceeding?

Personal Representative: Yes, ma'am.

Tribunal President: Did he appear to understand the process?

Personal Representative: Yes, ma'am.

Tribunal President: Was the unclassified summary of evidence read to the Detainee?

Personal Representative: Yes, ma'am.

Tribunal President: Was a translator used, and did you confirm the translator spoke the same language as the Detainee?

Personal Representative: Yes, ma'am.

***At this time, the Tribunal President requested the Detainee Election Form. The Personal Representative presented the form to the Tribunal, along with a handwritten memo explaining the recent change.***

Tribunal President: I note from the Detainee Election Form, that the Detainee originally elected to participate in the Tribunal. On the note (memo) on the day of the Tribunal, dated 20 November 2004, the Detainee has elected not to participate. The Personal Representative and translator went to the Detainee's cell today and verified he did not want to participate. (addressing the Personal Representative) He indicated that choice to you orally?

Personal Representative: Yes, ma'am.

Tribunal President: Very well, this Tribunal will proceed in the Detainee's absence.

***The unclassified summary of evidence was then read by the Recorder to the Tribunal. Upon completion of the reading of the unclassified summary, the Personal Representative presented interview notes previously approved by the Detainee to be read aloud to the Tribunal.***

Tribunal President: (to the Personal Representative) Did the Detainee wish for you to present evidence on his behalf?

Personal Representative: Consistent for the meetings I had with him, I would present the information, and he would add to it if he wished to do so.

Tribunal President: You may proceed.

Personal Representative (from interview notes): A couple of points to bring up. A number he admitted were true. These notes were taken from our initial interview on 17 November, and lasted approximately one hour. The Detainee said that on the first point he did travel, but not on the 18th; could've been the 14th, and what did it matter? He did admit to # 2 and # 3, that he did complete 45 days of training. He did swear bayat to Usama Bin Laden, but then later swore against him, and was wondering why that second sworn statement was not put into this evidence. On point # 6, he admits nothing about being honored to be a bodyguard for Usama Bin Laden. On 7, 8, 9 he admitted outright that these were not true. On 10, he stated it was true, and as far as the operative that took the photograph, he did not take the photograph, he was just on the aircraft. On the second page, 3.b-1 and 2, he sort of summed both of those up with a statement. He stated that he wasn't going to Kandahar; he was escaping and that he wasn't at a safe house. He actually went to a house with his wife and broke down a door. He said he was running away from Bin Laden. He said all of these things are jokes, and that the unclassified evidence wasn't hard evidence; people would laugh at it. His response to 3.b-1, about rejoining the fight, he said, "what fight?" There were bombs hitting the house, his wife was injured; he was worried about their safety; it was not a safe house. He left Kandahar about 6 December, and hid under a bridge until the following day. He was trying to get back to Yemen. He did again state that he did want to participate in the Tribunal. One other side note was that he said the Bush doctrine is fascist, but the truth is very important, which is why he wanted to go to the Tribunal. He also stated that when he gets out, he wants to stay in Cuba, and doesn't want to go back to Yemen. He wants to raise chickens, but the way the government is, he stated he's fearful the chickens would be considered enemy combatants as well. He told me he had always told the same consistent story, and that the evidence generated was not logical. He had no witnesses or documents to present, but he did have a special request for the Tribunal. His recommendation to consider was that Detainee's be given the opportunity to receive a nicer pair of shoes and nicer outfit out of respect for the Tribunal, and that all people going to the Tribunal should be allowed to have one of the nutritious energy drinks before. Actually he told me to make sure I recorded this: "Usama Bin Laden told him to go to Yemen to join with the people called the Abu Shadeed. This group is a terrorist organization known for attacking Western buildings and bases, etc. He stated that he

received a letter to join, but he refused to join, and did not go to join this organization. This is why, he stated, he swore against UBL, and all these allegations are not true. With that, our meeting of 17 November was included. I (the Personal Representative) have nothing further to add.

***The Tribunal President then confirmed there was no more evidence to be presented on behalf of the Detainee, and explained the remainder of the process to the Tribunal.***

## AUTHENTICATION

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Colonel, United States Army
Tribunal President

**Summarized Unsworn Detainee Statement**

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

***The Recorded read the Unclassified Summary of Evidence of Combatant Status Review Tribunal to which the Detainee replied:***

I went from Afghanistan to Pakistan.

***The Tribunal President informed the Detainee that he would be given an opportunity to make his statement shortly.***

All of the information and accusations you have against me are incorrect. I went from Saudi Arabia. . .

***The Tribunal President opened the session to the Detainee to make his statement and informed him that he would have the assistance of the Personal Representative in doing so.***

I don't need anybody. All I need is God.

***The Tribunal President asked the Detainee if he wished to present information or make a statement and if so, did he wish to make his statement under oath.***

I have nothing to say. All of this information is incorrect.

***The Tribunal President confirmed that the Detainee didn't wish to make statement.***

There is no reason for me even to be here.

***The Tribunal President assured the Detainee that he was welcome in Tribunal whether he made a statement or not. She went on to state that the Personal Representative, Recorder, and the Tribunal Members may have questions for the Detainee. The Detainee was then asked if he would be willing to answer questions if asked.***

I have no problem with that, as long as it's not a question that has been answered before.

***The Tribunal President explained that the Tribunal had only seen the Unclassified Summary. Therefore, there was no way to know if the any questions that may be posed were redundant or not.***

If you want to find out about a question, get my file and get all the questions.

***The Tribunal President re-confirmed that the Tribunal Members had no questions for the Detainee.***

Tribunal President questions

Q. You explained earlier that you were going to Afghanistan or Pakistan?

A. When I was going there or when I was coming back?

Q. Going there. Your destination was to head to Afghanistan?

A. I was going from Saudi Arabia to Afghanistan to teach.

Q. To teach the Koran?

A. Yes.

Q. Did you have a place to do that? Did you already contact the mosque or something where you were going to teach?

A. All these questions are in my files. Go back to the file and read the file.

***The Tribunal President thanked the Detainee and asked if he any further information to present.***

I have none.

***The Tribunal President confirmed with the Personal Representative that the Detainee had no further evidence and/or witnesses.***

***The Tribunal President stated that all unclassified evidence had been presented to the Tribunal and closed the open session. The Tribunal President explains the remainder of the Tribunal process to the Detainee and adjourns the Tribunal.***

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Colonel, United States Army
Tribunal President

**Summarized Unsworn Detainee Statement**

***The Personal Representative made the following submission on behalf of the Detainee, who was not present during the proceedings.***

- **3(a)1 The detainee served in the Libyan military from 1983 to 1990, where he received training with AK-47's, pistols and various machine guns.**

  I did not participate in any hostilities against the Americans. My job... I was drafted; they drafted me. I served in the Army and I trained on an AK-47 and a pistol, but did not train on a machine gun. I never used any of my training from the Libyan Army to fight against the Americans.

- **3(a)2 The detainee traveled from Libya to Afghanistan via Tanzania, Algeria and France in 1990, to fight the jihad against the Soviet Union.**

  I did not go through Tanzania; there were no Russians there at that time. I fled my country, Libya, in 1990 to go to Afghanistan to immigrate and to start a new life.

- **3(a)3 The detainee received weapons training (AD-47, sniper rifle, RPGs, and 82mm mortars) at two Libyan training camps located within Afghanistan (Torkhum and Samar Khaila).**

  I received training, but not on the RPG. I followed the crowd. They said "Come with us." In 1993 the Russians went. There was a new Afghanistan communist government in charge before the Taliban. During this time, I traveled back and forth between Pakistan and Afghanistan.

- **3(a)4 The detainee stayed at a Libyan Islamic Fighting Group (LIFG) guesthouse in Jalalabad City, AF.**

  Yes, I did before, not after, September 11th. I was in Kabul, Afghanistan before September 11th around the year 2000. I had nowhere else to go.

- **3(a)5 The detainee was a member of the LIFG.**

  I was never a member. I was compelled to stay with them; I had no choice but to stay.

- **3(a)6 LIFG is a known terrorist organization.**

  I never knew that. From what I know, it was not terrorism. I especially did not endorse the September 11th attack. That organization did not commit terrorism anywhere.

- **3(a)7 Detainee traveled to Tora Bora in December 2001.**

  I never went to Tora Bora in December 2001. I was in Pakistan in December 2001.

- **3(a)8 After the fall of the Taliban, the detainee fled to Pakistan where he was captured in a Libyan guesthouse.**

  I fled after the fall of the Taliban at Lahore. I was not captured at a Libyan guesthouse; it was at a Pakistani man's house.

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[redacted]

Colonel, U.S. Marine Corps
Tribunal President