

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee.

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

Detainee: Yes.

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

Detainee: I will answer the question later on.

Tribunal President: Very well.

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

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

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

Tribunal President: At this time I am making reference to the Detainee Election Form which indicates that you chose to participate in this tribunal and that is also evident by your presence here today.

Detainee: Yes, I accept that and I am very happy to be here. The time has come, I am in my tribunal.

Tribunal President: You have indicated that you would like to make an oral statement.

Detainee: Yes.

Tribunal President: We will provide you with that opportunity in just a few minutes. Also on the Detainee Election Form is the fact that you have requested three witnesses.

Detainee: Yes.

Tribunal President: Those two witnesses that you identified from Afghanistan as well as the documentary evidence that you had requested to be produced are determined to be not reasonably available due to the fact that we have gotten no response from the Afghanistan government. This request was made back on the 13th of October. We have allowed adequate time. The State Department was notified at that time and they passed on the

request to the embassy of Afghanistan and since the time of the initial request, we have not gotten a response back as of today's date, which is the 24th of November, with the deadline being identified as the 8th of November. The other witness that you requested is detained here, he will be produced, and he will testify today. We will give him the opportunity to testify on your behalf. Haji Ghalib, you may now present information or evidence to this tribunal and you have the assistance of your Personal Representative. Do you still wish to present information to his tribunal?

Detainee: Yes.

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

Detainee: Yes.

The Recorder administered the Muslim Oath to the Detainee.

Summarized Sworn Detainee Statement

- **3.a. The Detainee is a member of the Taliban.**
- **3.1. Detainee was the commander of Shinwar, Afghanistan and was in this post until his capture.**
- **3.2. The Detainee was captured with a letter from the Ghunikiel Administrator, Haji Jabar, which implicated the Detainee as a bomb maker.**
- **3.3. United States Special Forces discovered a bomb making facility in a compound located next to the Detainee's place of business. They discovered approximately 18 assorted types of explosive devices.**

Personal Representative: The first item said you were a member of the Taliban and you were the commander of security for Shinwar, Afghanistan and you were at your post until capture.

Detainee: Before I had my present job during the time when the Taliban was in power, I was sent all over. I was with Haji Cades (ph.) and his brother Haji Abdul Haq; we were together fighting against the Taliban, before the Americans came to Afghanistan. Haji Abdul Cades (ph.), Haji Abdul Haq (ph.), and myself were there. Haji Abdul Haq (ph.) was captured and killed while Haji Abdul Cades (ph.) and myself survived. Haji Abdul Haq (ph.) was known by the world and the people of Afghanistan as a leader. When we came from Pakistan we captured Torkham (ph.), which is on the border between the two countries, then on to Jalalabad. Before the fighting started at Tora Bora I was very close to Haji Abdul Cades (ph.). I have asked for three witnesses. The names of these people that I have called for as witnesses are very well known in the U.S. government. I have asked for Haji Demohab Mohammed (ph.) Governor of Jalalabad (ph.) and Haji

Mohammed Sahara (ph.). I gave these two names because they are known to the American officials and they can prove that I am innocent. For the last eight years I have fought the Taliban and Al Qaida and I also fought them at Tora Bora. It was a shock to me that I was accused of having a letter from the enemy in my office. I have a lot of evidence like videos that will prove to you who I am. I captured a lot of Al Qaida and Arabs that were turned over to the Americans. I even went with U.S. forces to destroy the house of Osama Bin Laden. All you have to do is check the record. When you check my record you can then decide if I am guilty or innocent, you will see the truth. I heard about the Haji Jabar letter two months before I was arrested from an American officer. Two months ago I found out that Mr. Hadrataly (ph.) is a commander in Jalalabad. He gave a letter to the American forces that arrested me because I was member of a different party than him. I went to Haji Kadead (ph.) to tell him my story in case some American did not know me and he was a high official that knew the Americans and asked him to explain my story. I left Kabul and went back to Jalalabad. There were a lot of U.S. military forces in the area and weapons warehouses that belonged to Haji Jabar, our district manger. The Americans removed all the weapons several weeks before I was arrested. When I was in Kabul, the American forces came to my office. There was one government weapons warehouse that I was in charge of, which was sealed. A week after I got home from Kabul, that was the day that my brother had returned from the Hajj. That was the same day I was arrested by the Americans at my office. No one said anything to me about bombs, but I do think later on they may have found some at the Courthouse, which was not under my control. From my office to the Courthouse is a distance like from one side of Cuba to the other side of Cuba. It is a shock to me, because I am a police commander. If something is found in an area you just do not arrest any police commander. On September 11, did you arrest any police officer? It would have been better if you would have just come to my office and asked me. We could have worked together on this, but no, you just captured me and brought me here. They say in my country if you find me guilty, then kill me. If I am innocent, set me free. That is better then staying here. Haji Jabar can be found in Afghanistan. If he said I am a bomb maker, then that is the truth. Haji Jabar and I have had many disputes. I am of a different party called the Frontier Freedom Party and he is from the Hekmatyar (HiG group = Hesb-Islami-Gulbuddin, led by Gulbuddin Hekmatyar) and over the years we have a lot of personal disputes. You ask Mr. Kakof (ph.) about my life. If you cannot find any person that can provide any sworn evidence then I should be free to go. After this tribunal there is time to ask Haji Kadeed (ph.) Mohammed, the Governor of Jalalabad (ph.) and President Karzai about me. You will find out who I am and what I did, and that will prove my innocence.

Tribunal President: That is why we are here today, to determine if you are properly classified as an enemy combatant. We have come here with an open mind and we have only seen these two pieces of evidence that have been presented to us. So only after we have seen all the evidence and heard the witness will we reach a decision.

Detainee: When we were fighting at Tora Bora, there were three high-ranking commanders that surrounded it on three sides. There was Haji Hasaghalig (ph.) on the

Pakistani side, on the other side Haji Saman (ph.) and in the middle was Haji Zahar, (ph.) who I was with. There was American military personal there and I hope that you can find them and ask them about me. We were fighting there and I captured eight Taliban or Al Qaida. Haji Hasaghalig (ph.) let about forty escape so I got on the phone and cussed at him and that is the reason that I am here. You can get the information that I was fighting at Tora Bora. I am here because I insulted Haji Hasaghalig (ph.). I was a member of the party called Mahasne Melle (ph.) under the leadership of Persagh Mahdgluney (ph.). We did not have anything to do with the Arabs. We only worked with the Americans. I was also at Herat fighting and you can also find information at this place. My party only worked with the Americans and this made other people envious and you can ask anybody in the Jalalabad area about how hard life was for me in Jalalabad (ph.) under the Taliban. They will tell you that I fought very hard against the Taliban and Al Qaida. Please get the information from them about me. It will prove to you who I am. I was looking forward to the day that I was coming to this tribunal and have someone listen to me and I have said to you nothing but the truth. I will say it again. If you find me guilty then kill me. I am worried about my future and I do not have any face. To face my people, my tribe, to let them know why I was in Cuba. If you have any more questions, please let me know.

Personal Representative: Sir, we were going to read each piece of the evidence and he covered all the points that we had talked about earlier.

Tribunal President: Haji Ghalib, does this conclude your statement?

Detainee: I would like to see any evidence. After that, I will answer your questions.

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

Personal Representative: No sir.

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

Recorder: Yes, sir.

Recorder: You covered the part about the letter when you were captured. Did you have any other letters on you when you were captured?

Detainee: At that time I had a notebook with me, some tissues, and eighty thousand Afghani Rupees. I also had a letter with me that made me police chief of the 81st district. I am not a child. I would not carry a letter from someone that I had been fighting with all my life.

Tribunal President: You are referring to Haji Jabar?

Detainee: I only had the notebook with the only working phone number in it, the money, and the letter that I was to be Police Commander. Think about it, the American enemy was the Russians. Would you keep a Russian letter in your office?

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

Tribunal Members' questions

Q: As the commander of security for Shinwar did you work for Haji Jabar or someone else?

A: Yes, all the districts are managed by a district manager. Haji Jabar is working for the Governor. All the police answer to the Central Police Chief, which falls under the state ministry in Kabul.

Q: How long did you serve as the commander of security for your area?

A: After the fighting was about one year.

Q: Before the time you were fighting how did you support yourself?

A: Thanks to God I have a farm when the Russian were in Afghanistan we moved to Pakistan. After they left we moved back to Afghanistan, when the Taliban came to power I moved back to Pakistan and I worked in my brothers' shop.

Q: Concerning this letter that Haji Jabar wrote, we have not seen this letter. Have you seen this letter?

A: I did not see it for myself; in Bagram someone read it to me but I have never seen it.

Q: When they read it to you, did it say anything about you being a bomb maker?

A: No, they did not say any thing like that. When I was captured they told me twenty different things. None of them said that when I got to Bagram. They told me that there.

Q: So you knew that this facility was there?

A: Yes as you Americans know in every district there is a warehouse with weapons in it. We cannot take one bullet. It all belongs to the government. You would have to get paperwork to take one thing.

Q: Earlier you said that Haji Jabar was from a different political organization than you. Were you having a dispute with him before you came here?

A: Yes, we had a political dispute before I came here.

Q: Did this dispute ever get aggravated to the point where he would falsely accuse you of these things?

A: Yes, that is the truth, just ask the people in Afghanistan. When the Jubock (ph.) party started the civil war in Afghanistan, before the Taliban, I captured the members of this group and gave them harsh treatment in jail. I did not allow anybody in my tribe to join this group.

Q: So when you were arresting them you had to treat them rough or they treated you rough - which is right?

A: Yes, I treated them very bad in jail, and in Bagram they told me the same is true.

Q: Well, that makes sense - that if you arrested many members of Haji Jabar's party, now he is accusing you of being a bomb maker - is that right?

A: Yes, I can understand, it is revenge. This is not only Islamic law, it is law around the world.

Q: Is Haji Jabar in the camp here also, or is he back in Afghanistan?

A: When I was arrested he was still district manager. I do not know where he is now.

Q: Does Haji Jabar know how to make bombs or does he have people that know how to do this for him?

A: I do not know.

Q: But you yourself do not know how to do these things?

A: I never made, I never did, I never see, in front of you all I will swear to God and God will see us now.

Q: You said that you fought side by side with American forces?

A: Yes, in Tora Bora.

Q: Do you know which soldiers they were? Anything that can identify those soldiers?

A: They did not tell us their names. We would contact them for air support. They were in contact with the aircraft for air support.

Q: Who trained you to use the communication equipment?

A: I was in the front line, not in command and control of the war; we talked to Haji Sazear (ph.) and he talked to the Americans.

Q: You had mentioned Haji Sazear (ph.) before, the son of Haji Anmod (ph.). Do I have the names correct?

A: No, I said there were three different commanders one was Haji Azertale (ph.), Haji Zamond (ph.) and the last was Haji Zaeer (ph.)

Q: And the first commander, I did not get that name?

A: Haji Azertale (ph.)

Detainee: I forget to say one thing. I contacted the consulate when the air strike began and I told them where the Taliban were and where their houses were and things like that - also their military bases and where to put bombs.

Q: You seemed to have worked very closely with the Americans?

A: Yes, you are right.

Q: You seem to be a very strong person, mentally and physically too. Having been here for two years, you worked with the Americans, yet you are in an orange uniform?

A: That is also sad for me; when I was there I was working with you and now I am here, and I see those people here that I helped capture in Afghanistan.

Q: Is there anything that we are going to see why you are wearing orange? Is there anything you want to tell us about that?

A: If you were in prison with me in Afghanistan, what would you ask? You should ask the people back home they would tell you my life story to find the truth.

Q: When I ask you about the uniform: you are wearing the orange uniform, and there are other people in camp wearing tan or white, and you wear the orange.

A: I do not know, either - when I asked that question I did not get an answer.

Tribunal President: Thank you for your testimony. We are about to call your witness to testify. Before we do that, is there anything else that you would like to say in your statement?

Detainee: No.

Tribunal President: Personal Representative, does the Detainee have any witnesses to present today?

Personal Representative: Yes, sir, there is one witness available today.

Tribunal President: Please call that witness at this time and identify that witness you wish to call.

Kako Kandahari is called as the witness to testify on behalf of the Detainee.

The Recorder administers the Muslim oath to the witness.

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

Detainee: No.

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

Personal Representative: Who is Haji Ghalib, and what job did he have in Afghanistan?

Witness: I know him. We are from the same village. We are from the province, the same district, and he is Haji Ghalib, and he worked for the present government of Afghanistan.

Personal Representative: Do you know what job he had?

Witness: He is working for the government.

Personal Representative: Can you explain the difference between Haji Jabar's (ph.) group and Haji Ghalib's (ph.) group?

Witness: Yes there were many parties in Afghanistan. I cannot tell which they are, it is a house-to-house dispute.

Personal Representative: Was Haji Ghalib ever a member of the Taliban or Al Qaida?

Witness: No, he was fighting Al Qaida.

Personal Representative: That is all the questions I have.

Tribunal President: Recorder, do you have any questions?

Recorder: Yes, sir. To the witness: How long have you known Haji Ghalib?

Witness: For a long time, since I was a little boy.

Recorder: Was he your boss?

Witness: Yes, he was my commander.

Recorder: Are you a police officer.

Witness: Yes, for two years.

Recorder: Why are you here?

Witness: I do not know.

Recorder: Were you both arrested on the same day?

Witness: Yes.

Tribunal Members' questions

Q: What is your opinion of Haji Ghalib?

A: I do not know any personal things about him.

Q: Has Haji Ghalib made allegations against you also?

A: No.

Q: You have known Haji Ghalib for many years?

A: Yes.

Q: If he tells you something, you believe it to be true?

A: Yes

Tribunal Member: I have no more questions.

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

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

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AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

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Summarized Sworn Detainee Statement

The Personal Representative made the following statement on behalf of the Detainee.

Before addressing points on the Unclassified Summary, I want to state for the record that historically the Chinese have executed Uighurs who have been deported and returned to China. I do not want repatriation and am seeking political asylum because I fear execution upon return to China.

Part of the enemy combatant definition is whether someone fought against the United States or the coalition forces, and exhibit D-b is a list of coalition partners and China is not on that list.

- **3 Detainee is a member of Al Qaeda.**

I never heard of Al Qaeda until arriving in Cuba and I have no ties to Al Qaeda.

- **3.1 Detainee was in a Uighur training camp in Tora Bora from June 2001 to November 2001, and left the camp after the United States air campaign began.**

The bombing did start while I was in the camp and we did flee for our lives. I do not know who was running or funding the camp, but the people who trained me were Uighur and I was not aware of any ties to the Taliban or Al Qaeda.

My battle is against the Chinese, not the United States or the coalition partners. The other Uighurs and I prefer to settle in Europe, Canada or the United States. To our knowledge there was no fighting with the Chinese in Afghanistan, and it was therefore a safe place to train so we could one day fight the Chinese.

The person running the camp was named Abdul Haq, and he was a Uighur.

- **3.2 Detainee was trained on the Kalashnikov rifle and tactics.**

I trained on the AK-47 and physical fitness activities.

- **3.3 Detainee is a member of the Eastern Turkistan Islamic Movement (ETIM).**

I suspect that this is an organization that fights the Chinese but I don't know any organization by that exact name.

- **3.4 The Eastern Turkistan Islamic Movement is an Islamic extremist movement linked to Al Qaeda.**

I had never heard of Al Qaeda, and therefore am not aware of any links between any Uighur freedom organizations and Al Qaeda. The Uighurs simply want freedom from China as our ultimate goal, just like the United States people have fought for freedom throughout their history.

- **3.5 Detainee was arrested with Arabs as a Pakistan mosque.**

It's true I was arrested in a mosque and I got to the mosque by following Arabs who were also fleeing for their lives. I don't know much about the Arabs because I wasn't able to communicate with them; they spoke a different language.

We spoke of the Terrorist Organization Reference Guide, and this says there was a link between the Eastern Turkish (sic) Islamic Movement and Al Qaeda, and specifically the document thought there were links between the extremist movement and attacks on U.S. Embassies overseas. I reiterate that I'm not familiar with the Eastern Turkistan Movement and I have no knowledge by any Uighur group against embassies of the United States. What I know of the Uighur groups, the only goal is to get freedom from China and they are pro-U.S.

We discussed the relationship of the camp and it was a 3-hour drive from Jalalabad on a dirt road.

The Detainee made the following sworn statement.

The United States accused me of being a member of Al Qaeda, but in my life in Afghanistan, I had never heard of Al Qaeda, and when I came here, they started interrogating me and asked me if I knew about Al Qaeda. That's how I heard of Al Qaeda.

If you ask me questions one by one, I will answer everything.

Tribunal Members' Questions to Detainee

Q: Are you originally from the Uighur province of China?

A: Yes.

Q: So, you are considered a Chinese citizen?

A: Yes.

- Q: If you were allowed to choose to live anywhere you wanted, where would you choose to live?
- A: My best option, my choice would be to go back to live in my country if it was free, but until my country is free I'd like to live in some kind of democratic country, somewhere in Europe, it doesn't matter. Any country.
- Q: How long were you in Afghanistan?
- A: I went to Afghanistan approximately on June 20, 2001. One night, we were doing construction work, building a house and after we went to sleep, the bombs started. We then fled and ran for our lives.
- Q: Was this in the camp with the other Uighur fighters?
- A: Yes, it's the place all the Uighurs stayed.
- Q: How many other Uighurs?
- A: Approximately 30-35 people.
- Q: You said it was lead by a Uighur?
- A: Yes.
- Q: How did you know how to go there from your home country?
- A: My goal wasn't to go to Afghanistan. When I was in my country, the Chinese government tortured our people. We suffered much and I can't take it. I don't want to see it anymore, that's why I want to go somewhere I can live a free life. That's why I left my country.

When I left my country, I went to Kazakhstan, then to Pakistan. When I reached Pakistan, I had \$700 U.S. dollars and when I talked to other people in Pakistan, I was told I couldn't make it through the country with \$700 and I wanted to go. I was told there was a place I could go.

I was in Pakistan and tried to do business, but it didn't work out because Pakistan is a poor country and very bad for business. If you had \$700 U.S. dollars in my home country, you'd be a rich person, but I couldn't do any business there. People gave me advice and said there was a group of people in Afghanistan, and I could go there because their group's goal was just to fight against the Chinese government and if I went I didn't have to pay for food or anything, so I went to Afghanistan.

They told me to go and stay, and as soon as they get more money, they'll get me and take me to whatever country I wanted to go to, like Canada or America.

Q: Did you go by yourself? With a group of other people? With your family?

A: There were two people when I left my home country. We went to Pakistan and Afghanistan together.

Q: So, the other Uighurs that were at the camp, you met them there?

A: Yes.

Q: You said you didn't know the name of this group by its exact name, the Eastern Turkistan Islamic Movement. Do you belong to a group with a similar name?

A: Our fight is for freedom and our independence, but we don't talk about the Islamic Movement. I don't know where the Islamic Movement came from. The freedom fights and the independent fights have not been called [during] the last decade, they've been called for the past few centuries.

Q: Are all the people in the group Muslim?

A: Yes.

Q: Are people who are not Muslim accepted into the group?

A: The U.S. is the most powerful country in the world and China is the second most powerful; it is growing very fast. We are fighting against the government and we need help from any nation that will help us. We need their help to fight.

Q: How many Uighurs are there today that are involved in this?

A: I saw about 35 people with my own eyes at that place [the camp].

Q: Probably more than that have the same goals you do?

A: There are lots of Uighurs. They left the country because of the Chinese government. All of the Uighurs have the same goal of taking back our own country.

Q: Do you know how many Uighurs are still in your home country?

A: From what I read in books, there are up to 30 million Uighurs and if you don't count those abroad, there are probably 26 or 28 million people at home.

Tribunal Members Questions to Personal Representative

Q: You mentioned the name Abdul Haq. Can you explain his significance again, please?

A: He was the Uighur who was running the camp.

Tribunal Members Questions to Detainee

Q: When you were at the camp, did you see any people training there besides you and your fellow Uighurs?

A: When I came to the camp, I only saw Uighur people.

Q: Was there ever a time when the Taliban soldiers asked you and your group to help them in their fight?

A: No.

Q: Before the United States attacked the camp, had anyone else, like the Northern Alliance, attacked your camp before that?

A: No. In the camp there was no fighting, there was just peace and quiet.

Q: So, as soon as that attack happened, that is when you and your group tried to escape to Pakistan?

A: When the bombing started, one of our people was dead. We said they came here to try to fight, if we stay here we're going to lose all of our people. We were scared and ran to the mountain and looked for the road to go somewhere else. We couldn't find the road, so we stayed there a little while.

Q: Did you have a passport, money and weapons with you for protection when you were making your journey?

A: The first day I came to the camp, Abdul Haq told me that I had to give him my passport and whenever I wanted to leave I could ask for it back. He then took my passport from me.

Our clothing and baggage was inside the house at the time. We left everything in the house when we left.

Q: You didn't have time to go back and get anything?

- A: We couldn't take our clothing with us.
- Q: So, it's not as though he [Abdul Haq] wouldn't let you have it back, it's that you didn't go back to get it because you were afraid you might get killed?
- A: When they dropped the bombs, the place caught on fire and everybody was running in different directions. Nobody asked what are you doing, let's go, everyone was just running scared. If you stay there, you will get burnt.
- Q: So, no passport and no money, did you at least take weapons for protection?
- A: No, I didn't have a weapon.
- Q: So, you went from Tora Bora all the way to the Pakistan border and you were able to enter Pakistan?
- A: We stayed behind the mountain for a while because we couldn't find a road. One day we saw some Arabs and asked them, they said "Pakistan" so we followed them.
- There is a funny story; at that time, even the local monkeys chased us to get out. We really wanted to get out of that place. If you want to hear it, I would like to tell.
- Q: It says here that you were arrested in a mosque in Pakistan, and I'm wondering how you made it in without a passport.
- A: There were no immigration people or border people. We just passed through the mountains. They had nothing there.
- Q: So, they captured you and put you in a jail in Pakistan for a while?
- A: We entered the village, and we were fed. Then in the middle of the night, around midnight we were told to get up. We got up and we went to the mosque. During this time, I didn't realize I was being captured. When they took me to the prison and put shackles on my hand, I realized I had been captured.
- Q: So, they left you in the jail for a while and then turned you over to Americans?
- A: Yes.
- Q: How many of the other Uighurs were with you when you were captured?
- A: There were 18.

- Q: All of you were in the same place at the same time?
- A: All 18 of us left camp together, but we were not in the same cell in the Pakistan prison.
- Q: But in the mosque, yes?
- A: Yes.
- Q: I don't suppose any representatives from your home country tried to help you?
- A: The Chinese Delegation came to this island.
- Q: They didn't come to Pakistan?
- A: No, not to Pakistan.
- Q: But you said they came to this island and talked with you?
- A: Yes. When we were captured in Pakistan, we didn't tell them we were from China. If we told them we were from China, Pakistani tradition will send us back to China. We were scared of that, so we told them we were Afghani.
- Q: Of the 30-35 Uighurs in the camp, are any of them veterans of fighting in Afghanistan?
- A: There are no veterans from the training camp; all of them are my age.
- Q: But they were there before you were there?
- A: When I got to the camp, there were 20-25 people there ahead of me.
- Q: Do you have any idea how long they were there?
- A: I didn't ask how long they'd been there.
- Q: So, you were together about 3 or 4 months before the bombing started?
- A: Yes. The time I spent with them started approximately in July, about 3 months.
- Q: You were all Uighurs there, and you must have talked about what you wanted to do and how you wanted to free your country. There was no discussion about what was happening in Afghanistan, the Taliban and the Northern Alliance?

A: At that time in the camp, we didn't know about the fights going on between the Taliban and the Northern Alliance, but I heard about the fighting from outside.

Q: Outside from where?

A: In my home country.

Q: Before you got there?

A: Yes.

Q: You mentioned that you turned in your passport. Was a passport needed to go from China to Pakistan?

A: Yes, a passport is required to go from China to Pakistan.

Q: You mentioned that you didn't speak the Afghani language, correct?

A: Yes.

Q: Is that true of the Arabic language also?

A: True.

Q: So, on the way to Pakistan when you ran into the Arabs, how did you communicate?

A: I said "Pakistan, Pakistan," they said "Pakistan" and we just followed. That was the communication.

Q: I'd like to know the story about the monkeys.

A: We escaped when the bombing started. We saw a little hole, like a bunker in the mountainside and saw two monkeys run out. We cleaned it out and lied down. When it got dark, a lot of stones were falling from the top of the mountain. We were scared, thinking there was another bomb. We were scared to get up, but we looked around and the monkeys were throwing stones from the mountain at the people lying down because we were sleeping in their home.

Tribunal President's Questions to Detainee

Q: You said you traveled to Afghanistan in June or July of 2001?

A: Yes.

- Q: And your purpose was to attend training at this camp in Afghanistan. Is that correct?
- A: It was not my intention to go to a war zone. I heard there was a war going on when I was in my home country. If there is a war going I don't want to go to the war zone.
- I went to that place [training camp] because I had a financial problem. I needed the money, so I was forced to go there to survive.
- Q: In your home country you had a financial problem?
- A: When I got to Pakistan, I had financial problems. The people in Pakistan told me there was a freedom fighters group in Afghanistan and if I went there, they'd feed my stomach, I'd be okay and then as soon as the financial stuff is fixed, they'd pick me up.
- Q: I understand. At this training camp in Afghanistan, were there others besides your Uighur brothers?
- A: No, only Uighurs.
- Q: No Arabs or Afghanis?
- A: No.
- Q: Did you have weapons training on the AK-47 at the training camp?
- A: Yes.
- Q: Have you ever had weapons training before attending this camp in Afghanistan, either in Pakistan, or Kashmir or your home country?
- A: The Kalashnikov, I've seen pictures, but never had the training.
- Q: Thank you for your testimony.
- A: Also, thank all of you.
- Q: Is there any information you would like to make known to us before we call the witness?
- A: Yes, I have one more thing to tell. The U.S. said we have ties with the Taliban, so I have to talk about this issue.

Al Qaeda's name we heard in here. Al Qaeda is an enemy of the whole world and the United States. The whole world is against the Al Qaeda organization. The Turkistanis need help from people stronger than the Chinese, like the U.S.

Abdul Haq is a smart person and he knows that if we had ties with Al Qaeda, that would mean all the Uighur people would lose help from the whole world and lose our goals.

To get our independence, we need the whole world's help, from a country like the U.S. If Al Qaeda is an enemy of the United States, it's the whole world's enemy. If we want freedom, how could we have ties with the whole world's and America's enemy? If we have those ties, we will lose everything.

We never heard of Al Qaeda. We did not have ties with Al Qaeda in the past and we will not have ties with Al Qaeda in the future.

We understand that Al Qaeda was established by Arab people, and we understand also that those Arab people have their own country and can live however they want in their own country. We are Uighurs and have lost our country on the west side of China. I don't know what their goals are, they can live independently and freely in their country and I don't understand why they're fighting with the whole world and the Americans. I have no knowledge about why they're fighting.

I believe our leaders are smart enough to figure out that if we had ties with Al Qaeda we would be left out of world support. I personally don't believe our leaders will do that.

The second thing, if Uighurs go to Kazakhstan, Kyrgyzstan or Pakistan, and are captured, they will send us back to China. Pakistan sent back 10 or 12 people and they were killed. Kyrgyzstan sent back 2 people to China and they were killed. We had no chance to stay in those countries. Afghanistan is the only place Uighurs can stay safely. Uighurs need a permanent location to get our country back and to fight against them.

The only help the Uighurs got from the Taliban was that they allowed us to stay in their territory and didn't send us back to China. They just supported us by letting us stay in their home country and to get trained to fight the Chinese government.

If anyone has any more questions, I can answer them.

Tribunal Members Questions to Detainee

Q: If you were to be set free, you would go back to your homeland, which is China, unless you were to get asylum somewhere?

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A: I was going to ask that. My Personal Representative told me that if I am innocent I'll go back to my home country. If I'm guilty and come back an enemy, I will stay. I was going to ask you about this. If I go back to China they will kill me, but if I wanted to stay here do I have to make myself guilty?

Tribunal President: It is my understanding that if we determine you are not properly classified as an enemy combatant, you will be released to your home country.

Detainee: China is not my country. My original country is Turkistan. How can I go back to China if China is not my home country? If I have to go back to my home country, I will wait until my country is free. Then I will go back to my home country, I will not go back to China.

Tribunal President: You will have an opportunity to address that at a later time if that turns out to be the case.

Detainee: The main goal of all Uighurs is not to go back to China. We're seeking political asylum.

Tribunal President: That's beyond our authority. All we have been assigned to do is to determine your classification, whether you are or are not an enemy combatant.

Detainee: We would really like to hear from you guys any news about our families. All the Detainees living here get letters or some sort of communication with their families, but we don't get any communications from our families back home. We don't receive mail or anything. We're living really miserable lives. We would like to hear about our kids and if things have gotten better.

Tribunal President: We have no issues with that. That is not within our realm of authority or responsibility. We are here only to determine if you are an enemy combatant. There are processes in place in this facility that will address that issue.

Detainee: I just remembered one thing, I'd like to tell you if you have time. The Personal Representative told me that 2 Uighurs from Kyrgyzstan were sent back to China because they planned to attack the U.S. Embassy in Kyrgyzstan. I'd like to talk about that.

Tribunal President: I have no knowledge of that.

Detainee: I'd like to tell you about it.

Tribunal President: Does this have relevance to your determination of enemy combatant status?

Detainee: It says that the Uighur people are involved in terrorist activity and that's why I wanted to talk about this. The Kyrgyzstan terrorist act recently happened and that's why I want to talk about this.

Tribunal President: And you said that the Personal Representative brought this to your attention?

Detainee: Yes.

Tribunal President: Through this...[consults with Tribunal Judge Advocate]

Personal Representative: ...mentioned terrorist activity on that document [R-3], Sir.

Tribunal President: You may begin.

Detainee: The fights between the Uighurs and the Chinese have been happening for a long time. They didn't just happen yesterday. Two Uighur people have been captured in Kyrgyzstan and then were sent back to China.

If I am sent back to China, they will torture me really bad. They will use dogs; they will pull out my nails, and all kinds of bad torture. The Chinese government tried to block the Uighur people from getting help from the U.S. government. If [we are] sent back, the Chinese will make up a fake story to tell everybody. I hope the whole world and the United States don't believe the Chinese who are blaming all the problems on the Uighur people.

Tribunal President: We'll certainly take everything you tell us into consideration.

Personal Representative: Sir, for clarity, the statement he is talking about is page 48 of the Terrorist Guide, second paragraph, under activities.

Tribunal President: Yes, exhibit R-3.

The Personal Representative called Saidullah Khalik as a witness for the Detainee.

The Tribunal President advised the Detainee that when the witness comes in, the Detainee will be allowed to question him first, then the Personal Representative, the Recorder and then the Tribunal Members.

The witness, Saidullah Khalik, was sworn.

Detainee's Questions to Witness Saidullah Khalik

Q: They want to know if we were in the camp, and left the camp together. I want you to testify for that.

A: I will testify for you.

Tribunal President: You may begin.

Witness: I don't know where to begin.

Tribunal President: Mahnut will ask you questions and then the others will ask you questions.

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

Detainee: You can ask questions. We can move on.

Personal Representative's Questions to Witness Saidullah Khalik

Q: When did you meet Mahnut?

A: I don't know the exact time, but I met him when I was in Jalalabad.

Q: Were you in the training camp together?

A: Yes.

Q: Who were the people training in the camp?

A: It's not someone telling us what to do, it's volunteer. People train themselves.

Q: What kinds of people were at the camp? Anyone else besides Uighurs?

A: No.

Q: Do you know who ran the camp?

A: Abdul Haq.

Q: Where is the camp in relation to Jalalabad?

A: I don't know what kind of relationship they have in Jalalabad, but the village belongs to Jalalabad City.

Q: Did you ever encounter any Taliban or Al Qaeda at the camp?

A: No.

Q: Were you ever asked to join in fighting in Afghanistan?

A: If I don't see them, how would they ask me those kinds of questions?

Q: Were you and Mahnut captured together?

A: Yes.

Tribunal Members Questions for Witness Saidullah Khalik

Q: Can you tell us what the difference is between a Uighur and a Turkistani, please?

A: All the Uighurs are being called Turkistani.

Q: Is there any difference between the two words?

A: There is no difference between Uighur and Turkistani because we use our country name for Uighur.

Q: Which is Turkistan?

A: That's why we call ourselves that, we use our land name.

Q: So, the goal of the Uighur people is to establish a free country called Turkistan?

A: Yes.

Q: We have heard the name of a group today called the Eastern Turkistan Islamic Movement. Can you tell us anything about this group?

A: Because you call this group the Eastern Turkistan Islamic Movement, we don't call it that. We didn't join that group. When we came to that place [training camp] no one called it the Islamic Movement. We don't call it by that name. Everything is volunteer and nobody asked us to join an organization. Our goals were just to go there to get trained.

Tribunal President's Questions to Witness Saidullah Khalik

Q: Did you train at any other training camp besides the one in Afghanistan?

A: No.

Q: Did you receive weapons training at the camp in Afghanistan?

A: I wasn't really trained on the weapon, I just learned a little bit about how to use it.

- Q: What did you hope to accomplish by attending this training camp?
- A: It's in the best interest of the Uighur people for me to defend myself because I was living in China.
- Q: This Tribunal thanks you for your testimony and you are excused. Guards, please return the witness.
- A: Can I talk?
- Q: No. Only in reply to questions. If Mahnut has no more questions, we thank you for your testimony.
- A: The questions you asked don't really apply to his [Detainee's] case.
- Q: The questions we are asking, we feel apply in our determination of his [Detainee's] enemy combatant status. You are excused.

The Personal Representative called Hajiakbar Abdulghupur as a witness for the Detainee.

Detainee: Can I talk until the witness comes in?

Tribunal President: If you would like, you are certainly free to talk.

Detainee: I want you to ask the witnesses anything you'd like that applies to my case. I don't want you to ask him about his own questions.

Tribunal President: You're welcome to request that, but if we feel that your association with that individual and what his activities have been with you, that has a determination in your status.

Detainee: It's okay as long as it helps my case.

Tribunal President: That's why you have the opportunity to ask the witness anything you'd like to help your case. In turn, since you have made him available, we will ask him anything we feel has relevance to your case.

Detainee: Okay.

The Witness, Hajiakbar Abdulghupur, was sworn.

Detainee's Questions to Witness Hajiakbar Abdulghupur

Q: Did you stay with me in the Uighur camp in Afghanistan?

A: Yes.

Q: Did you come to Pakistan from Afghanistan with me?

A: Yes.

Q: Are you going to testify that we were captured in Pakistan in the same place?

A: Yes, I will. I was captured at the same time and at the same place with him [Detainee].

Personal Representative's Questions to Witness Hajiakbar Abdulghupur

Q: When did you meet Mahnut?

A: End of July, 2001.

Q: How far is the camp from Jalalabad?

A: It ties with another village.

Q: How long would it take to drive there from Jalalabad?

A: Approximately 2-3 hours.

Q: Did you see any fighting while you were at the camp?

A: There was no fighting in the camp, there was bombing.

Q: Do you know who ran the camp?

A: Abdul Haq.

Q: How many people were at the camp?

A: During that time, a little over 30 people.

Q: What kind of people were they?

A: All of them were Uighurs.

Q: Were they ever asked to fight in Afghanistan?

A: There was no such conversation.

Q: Did you ever have any contact with the Taliban or Al Qaeda?

A: No.

Q: Is there any other information you feel would be relevant to this case?

A: No.

Tribunal Members Questions to Witness, Hajiakbar Abdulghupur

Q: Outside of your time at the training camp together, did you or Mahnut have any other type of military training?

A: At the camp?

Q: Anywhere.

A: We just ran early in the morning, but we never had any training at any other place.

Q: Was this the first time you've had military training, as far as learning how to use weapons?

A: Yes, the first time.

Q: You said you don't think Al Qaeda gave any help to the Uighurs at the camp?

A: I don't know. What is Al Qaeda?

Q: You don't know what that means?

A: I've heard about it from other people, but I don't exactly know what kind of activities they do.

Q: Besides the Chinese, who would you consider the enemies of the Uighur people?

A: Besides the Chinese, there are no Uighur enemies.

Q: Why did you go to Afghanistan to train?

A: This doesn't apply to his [Detainee's] case. I will tell you about this when it is my turn.

Q: Did you have an opportunity to train in Pakistan?

A: No, I didn't have a chance and also I didn't even want to get training when I was in Pakistan.

Tribunal President's Questions to Witness Hajiakbar Abdulghupur

Q: Why do you think Mahnut went to this training camp in Afghanistan?

A: Because he heard about the Uighurs in Afghanistan against the Chinese government, that's the one reason he might have gone to Afghanistan. For myself, I went for that reason.

Q: Do you know if Mahnut has had any association with the Taliban?

A: I don't know about it.

Q: Did you also get the training on the AK-47 at the same time as Mahnut?

A: I got the same training, but I trained later.

Q: Did you see Mahnut with a weapon during the training?

A: I don't remember.

Q: This Tribunal thanks you for your testimony and you are excused.

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 UnSworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee.

Tribunal President: Anwar Khan do you understand this process?

Detainee: Yes

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

Detainee: Yes I do.

Tribunal President: What is your question about the process?

Detainee: You have detained me for nothing. I have done nothing.

Tribunal President: I understand. We will review all the information and decide if you have been properly designated as an enemy combatant. Do you have a question about what we are doing here today? [The detainee did not respond.] Let me review and simplify what we are doing here today. What we are going to do today is review the unclassified summary of information about why you have been classified as an enemy combatant, and your Personal Representative gave you that information earlier. And this is your opportunity to tell us anything you want about those statements, that is what you will do today. We will get to a point later in the tribunal where you will have the opportunity to do that formally.

Detainee: Sounds good

Tribunal President: Also you need to know that this is all we know. The three of us know nothing else about your file so keep that in mind as we proceed today. And also remember our promise we gave that we will do our best to study this information and review his classification as an enemy combatant. Does that do a better job of describing why we are here to day?

Detainee: Yes, I understand

Tribunal President: At any time during this session if you have questions about what we are doing or why we are doing it, you may ask me at any time.

Detainee: OK

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

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and an additional unclassified document (Exhibit R-2).

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

Tribunal President: Anwar Khan I understand that you requested one witness, and that witness was identified as Mohammed Sadik from Afghanistan is that correct?

Detainee: Yes that is true.

Tribunal President: I have directed the United States government to contact the Afghanistan government for assistance in locating this witness. On or about the 27th of October, about a month ago, the United States government did contact the Afghanistan government. As of the date of this hearing we have not heard any response from the Afghanistan government. Without the cooperation of the Afghanistan government we were unavailable to locate and provide the witness you requested, and as President of this tribunal I rule that your witness is not reasonably available to you.

Detainee: Sounds good

Tribunal President: Anwar Khan you may now present any information to the tribunal that you may have. Your Personal Representative may assist you if you wish. Do you want to make a statement to this tribunal?

Detainee: I do not have an answer. What do you want me to say?

Tribunal President: Right now I believe a yes or no answer is appropriate if you would like to give us information about the unclassified evidence.

Detainee: OK

The Tribunal President opened the Tribunal to the Detainee to make his statement and asked if he would like to make his statement under oath.

Detainee: I would like to take the oath.

The Recorder administered the Muslim Oath to the Detainee.

Summarized Sworn Detainee Statement

Tribunal President: Thank you, you may proceed with you statement with the assistance of your Personal Representative.

Personal Representative: The first item said that you were directed to carry Taliban weapons from Afghanistan to Pakistan

Detainee: My answer is that this is incorrect.

Personal Representative: Did you want to explain to the tribunal why this is not correct?

Detainee: I told you why. I will tell you why this is wrong.

Tribunal President: Please.

Detainee: You brought me wrongly over here I have told you before I have not done this.

Tribunal President: I will remind you that we have not read anything else in his file. If you would like to tell us now, you may. Otherwise we may read it later.

Detainee: I do not know. I am innocent. I do not know anything else.

Tribunal President: OK.

Personal Representative: The second item said that you assisted the Taliban by helping to transport, stock pile, and hide Taliban weapon caches.

Detainee: This is wrong I have not done that.

Personal Representative: And did you want to explain to them anymore why that is not correct?

Detainee: I have not done that.

Personal Representative: And the last item said that you were captured by Afghan military forces at a check point just prior to entering Pakistan because you had several identifications cards.

Detainee: Yes, I was living in Pakistan and I had some old cards with me. That is true.

Personal Representative: Did you want to tell them what kind of personal identifications cards they were?

Detainee: Yes I want to. I had one card that belonged to me. It was my own identification and two of them were my wives'.

Personal Representative: Did you have anything else that you wanted the tribunal to know about these pieces of evidence about you?

Detainee: No

Personal Representative: The main point here said that you are associated with the Taliban, is that correct?

Detainee: No, I did not have anything with them.

Personal Representative: Did you have anything else you wanted to tell them [referring to the Tribunal Panel]? This is your opportunity to tell them why these things are not correct.

Detainee: What explanations? I told you I was captured for nothing and they brought me for no reason here.

Personal Representative: Just one more thing based on our conversation. I have here that when you were captured you did not have any weapons.

Detainee: No I have no weapons.

Personal Representative: Did you have anything else or is that it?

Detainee: No, I do not have anything to say.

Personal Representative: OK

Tribunal President: I understand Anwar Khan that concludes your statement. Is that true?

Detainee: No, no, I have nothing else to say.

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

Personal Representative: No sir, none.

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

Recorder: No.

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

Tribunal Member: We would like to ask you a few questions and to let you know before we start, if you do not want to answer the questions you do not have to, but it would be helpful to us to understand your case.

Tribunal Members' questions

Q. Did you live in Pakistan or Afghanistan?

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A. My house is in Afghanistan but I live in Pakistan.

Q. How long have you had a house in Afghanistan?

A. We will go and work in Afghanistan as labor workers and then come back home.

Q. So you work in Afghanistan?

A. No our house is In Afghanistan I go to work in Pakistan.

Q. What is your labor, your work, what do you do?

A. Just guarding duty.

Q. For the government or a private company?

A. No for the shops.

Q. So you guard shops in Pakistan

A. Yes shops.

Q. Where is your house in Afghanistan?

A. Our village is named Shoemash (ph.).

Q. So you have never had anything to do with the Taliban at all

A. No he never had.

Q. What happened the day you were captured?

A. We were going towards Pakistan in a car. We were sitting in a car and as we got closer to the border the solders stopped us.

Q. How many people were with you in the car?

A. With me there were three people.

Q. And were they all captured?

A. No two of us were taken to Bagram.

Q. The other person that was taken with you to Bagram, is he the person that you were going to call as a witness?

A. Yes.

Q. If he was able to come here what would he have told us?

A. I was brought over here and I had the cards with me I just wanted him to say that.

Q. I understand they released him?

A. I do not know he stayed in Bagram (ph.) so I do not know if he was released or not

Q. And I see that he was going to explain what you were going to do on you trip when you were captured?

A. Yes I wanted to tell you what I have done and confirm what I said.

Q. Why were you going to Pakistan that day?

A. I was going for work and my brother is over there also.

Q. Does he carry a weapon during his guarding duty?

A. No we had a baton.

Q. You said that you had your wife's identification card. Where was she on that day?

A. They were living in Pakistan. They had gone there before the Taliban.

Q. I would like to know why you had your wife's identification cards in Afghanistan when she was living in Pakistan.

A. I had forgot their I.D. cards were in my pocket.

Q. I do not know from the information that was provided, what was the date you captured?

A. I do not know.

Q. How many times have you crossed that border checkpoint in the past?

A. I used to go all the time.

Q. Is this a regular place you went? Did you go once a week or twice a week?

A. Every few months or so.

Q. And before you were picked up, how much time before that had you crossed?

A. Before the Taliban we used to live in Punjab (ph.).

Q. Do you have any idea why they captured you?

A. I only have the cards with me and I told them I am not Taliban.

Q. If you only go to Pakistan a few times does you have another job?

A. We have a farm that we grow corn on.

Q. Have you ever held a weapon in Afghanistan?

A. We don't carry weapons. We live on top of a mountain.

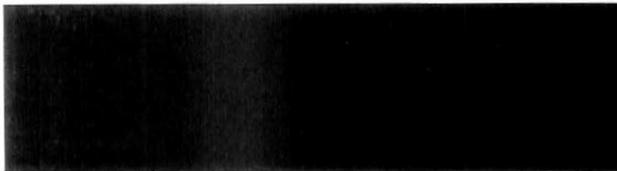
Tribunal President: Anwar Khan do you have any other evidence to present today?

Detainee: No

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee did not have additional evidence to present to the Tribunal and closed 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.



Tribunal President