Summarized Detainee Statement

When the Taliban took over Kabul, I left my village in order to go to Kabul just to see the city. Many other people were doing the same thing. After I came to Kabul, I spent 20 nights and after 20 nights I was outside Kabul city. There was a big bombardment and I got hurt. After I was hurt, I was brought to Kandahar. There was a Chinese hospital that I was being treated at. After I was treated at the hospital for my wounds, I went back to my home.

After I went to Konduz, I didn't go there to fight Americans, because Americans were not there back then. No one told me the Americans would come. If I was going to fight Americans, I could go to Kabul and fight the Americans there.

I went to Konduz because my village people were there and I was hoping to earn some money in Konduz. After Konduz, I heard Americans were coming to get Osama Bin Laden.

When I was in Konduz, I heard that Red Cross was arranging surrender. That's when I surrendered myself.

I have always experienced war and conflict. I surrendered myself to Americans because I was hoping Americans had some arrangements with Red Cross and I had never heard of Americans mistreating anybody in the past. I surrendered myself to Americans when there were many Taliban that didn't do the same. They are the people that were fighting the Americans in the war against the Americans.

There were many Taliban in Konduz, but there was one person by the name Dadi Allah (Dadullah?). He was the leader of the Taliban. If you are arresting everybody on the name of Taliban, it doesn't mean they are out against Americans. A few people are anti-American people, but not every Taliban.

Americans have come to Afghanistan to rebuild the irrigation system. Should I be crazy not (sic) to be against Americans? There is a company where I am from that was built by Americans.

I have heard from my elders that Americans have helped us a lot during our war against the Russians. They have provided us with weapons, and one of them was a long weapon that was really effective.

There should be a difference between someone who surrenders himself and someone who has fought against Americans. I surrendered myself to Americans. If I was caught on a battlefield, then you could punish me for that reason because I was fighting you, but that is not true about me because I surrendered myself to Red Cross.

I have seen the pictures that Afghanistan is being rebuilt and I am happy that Americans are rebuilding my country because it was destroyed by fighting. I see no reason why I should be against Americans. I don't have anything else to add to this.

Answers in response to questions by the Recorder:

I went to Konduz. I went there to earn some money but there was Taliban there when I went there. I didn't go to fight anyone. I surrendered to Dostum. I don't know who he was, but he was the leader of something. When I surrendered I was in the car with another man. That man was a Taliban leader. I had a Kalashnikov rifle in Konduz. The Kalashnikov was given to me forcefully by the Taliban. I don't recall the exact date it was given to me.

After I spent a lot of time in Konduz, I heard on the radio that the Americans are coming to Afghanistan to get Osama. I can't recall how much time I spent in Konduz. I lived in something like a fortress in Konduz with other people. There were not tanks surrounding the fortress.

I surrendered to Dostum.

Answers in response to questions by the Personal Representative:

I do not want to talk about the Kalashnikov.

Answers in response to questions by the Tribunal Members:

There were no questions from any Tribunal Members.

AUTHENTICATION

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

Colonel, U.S. Marine Corps
Tribunal President

Summarized Detainee Statement

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.

The detainee was sworn and testified as follows:
If the Tribunal would allow me, I would like to say something before I answer all those questions on the paper. The first time I left the house and joined the Taliban, I was just a soldier with them, a small person in their organization who was working with them. I did not have a problem with anyone before and I wasn't going to fight with anyone. There was a time when the Taliban were ruling the country. So if I were still at home I would still be under their administration of the country. I would go and join them, and work for them to make money for my family. That's what I did, I went and joined them and worked as a small soldier for them. Some of the things on the paper that my Personal Representative read to me couldn't be an accurate statement in what my job role was when I was working at the Governor's house. It says, "I was more than a commander. I was a big leader in the Taliban." If I'm wrong there was a Governor, a ruler of the country I worked for, and if that was wrong for doing that, then yes I did that, but I had no choice because the whole country were ruled by the Taliban. There were no other options or choices that I could do, but I was free. I would go anywhere. It wasn't as if I was bound to their training or anything. It was just that I was working with them to make money for my family. Before all the fights in Afghanistan when the Russian people were there fighting each other, I never acquired a weapon before in any of those fights. Now I can answer some of the questions. I could explain most of the questions and that could be included in my statement.

Answers in response to questions by the Personal Representative:
I wasn't a member of the Taliban. I work with them. I was a soldier with them, if that counts me as being a member of the Taliban then yes, but I am not a Taliban. Basically like where they came from, going to Madesta, or like going to school. I wasn't that kind of Taliban, but I work with them and if that makes me a Taliban then you can decide. I didn't have a personal AK-47 or a Kalashnikov. Where I worked, they would usually give it to you when I was a guard being the guard for someone, yes they would provide me that, but as far as a personal one that I would carry all the time. When I was in Kabul I was working with the Taliban, the Security Chief actually give me a weapon to do the guard for them. I was not the active governor for Masar-E-Sharif. I was a bodyguard for the Governor of Masar-E-Sharif. If he was to go anywhere I was going with him. If he entered the room I would open the door for him, but I had no relations to him. I worked for the governor. I didn't serve as the acting governor. When the governor left town to go visit his family in his village, nobody was in the governor's mansion, only his bodyguards. So he would tell us that if anyone comes in if you guys could solve the problem that's fine, if not, tell them to come back on this date and I'll be here. So I was the in-door guard who was present while the governor was absent. So if they got the impression that I was the acting governor, it wasn't that I was the acting governor, I was just a guard in the governor's palace. In the question it says that I was the acting governor, I was not. I was just a bodyguard. I might have helped some people while the governor wasn't there, and I might have solved some

ISN#006
Enclosure (3)

problems, like I told my Personal Representative. I could say it again, would you like to hear it again. When the governor was away some people would come. We couldn't just close the doors. If two people were fighting they would come to the governor and if the governor wasn't there, we would tell them to go to this person, the commander or to the police. If someone needed financial help they could go somewhere else or come back another time and meet the governor. The question that says that I was there for 8 or 9 months as acting governor, it wasn't 8 or 9 months continuously that I worked there. In those 8 or 9 months the governor was there, but he would go home for like 10 days or a week, then yes we were staying in the governor house. Then he would come back and he was the governor, and then after about a month he would go back to his family. So we were there for those 8, 9 months, and he was actually in position or in charge at the whole time. He was actually coming time after time. So in those 8, 9 months he visited his family numerous of times and when he leaves he would tell us, okay you guys stay and keep the door open and help people. If you can't help them, tell them that I'll be back. So we were there for the whole time working in the governor's house, and he was still the governor and he was coming time and time after. I did not participate in any military operations. In the Government's evidence of question number 1, it says I was fighting on the front lines of Marsha Ree as a Taliban fighter. It never happened like that. I mentioned and I said before in the Russian times I never fought. I never entered any fight. Even though the American government and the other Allies came to the country and they would fight against anyone of them. The fight was far from the city and I was living in Masar-E-Sarif, the governor's house. I was going to Kunduz to see my family, but when I was going the road was blocked. I was leaving Kabul providence in Afghanistan and there were two roads there, one going to Kunduz and the other to Sabangan. The Sabangan road, which was going to my house, was closed so I took the other road to go around it, and that's why I went towards the direction of Kunduz. In the question it says that I worked with other Taliban soldiers to go to Kunduz and reunite them. Nothing happened like that. I didn't travel with any soldiers, and I did not go to liberate any soldiers. I went to visit my family. I took the road to Kunduz because I wanted to visit my family. There was nothing I could, it was getting dark so I thought I could stay there for the night and in the morning I would continue my trail to the house. I didn't know the Kunduz area and I didn't know anyone there so. I was looking for someone who could guide me as to how to get to my village from Kunduz. Which road should I take? How could I get there? There were no cars or any transportation. So that's why I stayed there the night and in the morning I could get someone to help me. I went to see this person, he wasn't a Taliban commander, he was just an elder of the village, and that's why I went to him because usually you could go to the elder. I went to ask him why the road was closed, and to tell him that's why I came this way, and now I don't know which way to go and if he could tell me which is the quickest way to go to get to the village where my family is, and if he could tell me where I can get transportation. He told me that I couldn't make it by myself because people are fighting and it will be hard to go through them by myself. He told me that there are other people staying over there who are Taliban and they are going to surrender to the Northern Alliance, so you can go with them tomorrow. They are going to surrender and it's close to your village. Then once they surrender then they won't do anything and you could just tell them okay, and they would let them go to their house. So you can go with them and when you get there you can either go to your house or you can go and tell the Northern Alliance that you are working with them or you are with them and they will let you

go home. Since that group was taking the same road that I was supposed to take to get to my house, I didn't know any of them. They were coming from Kandahar and going to the Northern Alliance. So I thought since they were going in the same direction I could join them and make the way safely to my house. I was only thinking about getting to my house. I didn't think about surrendering because I wasn't fighting with anyone. I wasn't thinking that I would be captured. Once we left Kunduz, after the city was a big dessert and a lot of people were going in the same direction. Some were walking; some were going in a car. Our group was going in the same direction by foot. Once we crossed the dessert to a place called Eargarnert, once we got there we got surrendered to the Northern Alliance. When I left Kunduz, we were walking and we walked a lot and I was tired and I was fasting at the time and it was hard for me. A lot of people were walking and we were walking and I was actually asking for a lift from a lot of cars, and finally one car stopped. I didn't know how many people were in there, I didn't know who was in there, and I never seen them before. When I got to the car there were 3 or 4 other guys in there and the Taliban leader and the elder was in the car also. It's not like I know them. It's not like I know the car because I never saw it before. I was stopping a lot of other vehicles and this was the only one that stopped for me, and I was tired of walking and that's why I got in. Since I was fasting I was trying to I was trying to get into any vehicle because I couldn't walk anymore, this car stopped for me and I got in and soon after they got captured and they said that I was a part of their group. I was questioned. They asked me if I was a bodyguard in Jalalabad, and I did work with them as a small soldier and it was the Taliban government. They did ask me questions and when I answered them they took different points and put it together, but it didn't actually happen this way the way they showed it in the paper. I assured under the oath that against the United States or its Allies, I never thought about fighting against them and I'm not thinking in the future to ever fight against them. The only thing I did was that I served in the Taliban government, which I was living at the time in their country so I served as a soldier and that is the only mistake I made. Other than that I didn't do anything illegal or was I part of the Taliban. That's all and if anyone would like to ask me questions they can go ahead.

Answers in response to questions by the Recorder:
In Taliban time in their government, anyone working for them or a part of their government, as I was a small soldier for them, that's how I got the name Mullah. I can read and write because I went to school in my village for a year or two, but I didn't get the title because of my education. In our country, they call a Talib who go to the religious school and read only the religious study get religious education by reading the Koran and research the Koran that's how they become a Talib. In my school they teach you how to read and write. I don't know about the whole country, but where I am from, not a lot, but some of the people could read and write. They weren't recruiting people because they could read or write.

Answers in response to questions by the Tribunal Members:
He told us any concerns to the government we couldn't touch or do anything with it or help anyone. He told us we were only staying in the Governor's mansion and if anyone comes just direct them to get help, and if they need to get financial help or they need to go somewhere direct them where they need to go. Whether it's to the police or they should go to the other security

forces. Yes, we did that, but we cannot touch any government matters when we were there. No we didn't solve any disputes between people. Yes, there were people coming to the governor house, but we were directing them to go to where they should go, like to the elders or whether they should go to the police. The highest-ranking Taliban people I knew were the Governors of Jalalabad because I worked with them. I heard other names, but I don't know if they were higher-ranking people. I was a bodyguard for both the governors, but the only difference was I was in his house most of the time because he visited his family a lot. When I was captured I did not have a weapon on me. I only had my clothes on. In addition, I would like to say one more thing. Like I told my Personal Representative, I am really a poor person to my family and I didn't have a lot of resources, so I did it to survive and I had to work somewhere, and that's why I worked for the government and to help my family. If you ask anyone in my village and they can tell you that I was never a part of any organization. I never worked with them. I only worked for my family. I needed to survive, so I did work with the government, which was at the time the Taliban government and I work with them and that's the only mistake I made if you want to call it that, or that's the only thing I did. That's probably why I'm here because that's the only mistake I made, but I didn't have a choice because I had to provide for my family. The Taliban was there in the country. It's not like I could go somewhere else because they were all over the country so I worked there with them. I had to do something to provide for my family. So that's the only mistake I made and in the future I'm not thinking about working with them again or an organization. I am a good man. I just want to go and raise my family and provide for them. That's all I can say. Other than that, I don't have anything else. This concludes my statement. Before I worked for the Taliban, I was a tailor and I did farming. That's how I supported my family.

AUTHENTICATION

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

COLONEL, USMCR
Tribunal President

ISN#006
Enclosure (3)

Summarized Unsworn Detainee Statement, read by Personal Representative

Regarding the U.S. Government's Unclassified Summary of Evidence, dated 25 August 2004, defining that I am an enemy combatant, I, Gholam Ruhani, state the following:

I was forced into the Taliban Regime. The Taliban was the government. It was not pleasant for me to be there. I had a good life in the past. I had a store selling electrical equipment. My family and I worked in the shop.

The Taliban law was that young people had to join the Taliban. I had to join, but protested several times that I had an old father and I wanted to go back to my family.

I wasn't with the Taliban full-time; I was still running my store. I was required to check in with them every 10-15 days. One of the things I was required to do was to work security for a small group, but I had no position of authority or responsibility.

If I had not cooperated with the Taliban Intelligence service member, I would have been sent to the front lines. I was afraid I would be killed.

In order to cooperate with the Americans, I provided English to Pashtu translation at the 9 December 2001 meeting, during which I was captured. I thought it was a friendly meeting, of which I believed I was on the American's side.

Abdul Haq Wasiq and Haji Gholam Mohammad and an American called "Tony" were present at the meeting. I turned over my pistol and ammunition to the American, as an act of faith, because it was a friendly meeting. Everyone in Afghanistan carried a weapon at that time. I expected to leave the meeting and return to my life, my shop and my family. Instead, I was arrested.

Summarized Unsworn Detainee Statement

This is the statement I wanted to present to the Tribunal, with the assistance of my Personal Representative.

The information he wanted to portray to the Tribunal was accurate.

I understand that all combatants against the United States were brought here. I never had a war against the United States and I am surprised I'm here.

This Tribunal was supposed to have happened 3 years ago. I have been here 3 years and I am not guilty.

My complaint is whether guilty or not, it [my case] is supposed to go to a Tribunal or court at the time of capture. I've been here 3 years and I'm going through the process now.

I have no further statements, but am asking you to situate [evaluate] my situation.

Summarized Answers to Questions by Tribunal Members

Q: Did you grow up in Kabul?

A: No, in a city called Ghazni.

Q: Is that in Afghanistan?

A: Yes.

Q: Is the electronics shop where you work in Kabul?

A: No, in my hometown, Ghazni.

Q: How far is it from your town to Kabul?

A: About 140 km.

Q: How did you, from your town, end up working for the Taliban in Kabul, as opposed to in your own town?

A: Only my name was with the Taliban group. I didn't do anything with it.

Q: I don't understand your answer.

A: I was only with the Taliban system. I had nothing to do with it.

Q: When you registered with the Taliban, did you register in your town?

A: I was working with them in Kabul only.

Q: I still don't understand. From your town, how did you end up working for the Taliban in Kabul?

A: I was registered with the Taliban, but I didn't have anything to do with them. I was just there, so I didn't go to the war.

Q: Where did you register?

A: In Kabul.

Q: When you registered, did they give you options as to how you would serve them?

A: Like what?

Q: Did they say you may have this job or that job?

A: For the short time, I was doing deliveries for the Taliban.

Q: When you went to the meeting where you were arrested, you had a pistol. Is that correct?

A: Yes, all Afghan people carried a gun at that time.

Q: Was that pistol your pistol, or was it provided to you by someone?

A: It was my personal pistol.

Q: Do you speak English or understand English?

A: Yes, I do.

Q: Did you provide translation services for either the Taliban or the Americans?

A: I never translated for the Taliban.

Q: In the summary of the evidence, it says that you served the Taliban Intelligence Service as a driver and as a clerk. Did you have any other responsibilities for them?

A: I was not a cook or a translator. All I was, was delivery. For the short time I was only doing delivery. I wasn't translating or cooking either.

Q: When you say delivery, what exactly do you mean?

A: I had a small motorcycle...I was transporting small cars.

Q: Give us an example of what you would deliver and to whom.

A: I was transporting... the person that I was responsible, had a motorcycle...I was transporting, the guy that was the sponsor; I was transporting his car back and forth.

Q: Would you transport people in the cars, as well?

A: No.

Q: It would appear to us that to work for the Taliban Intelligence Service is a position of trust.

A: No, anybody can take the job out there.

Q: Certainly the Taliban would not allow someone they did not trust to serve them in their Intelligence Service.

A: I wasn't working as intelligence. I was working in security.

Q: Tell us more about your responsibilities in security.

A: Those that lost their personal property, they were coming to complain, and I was looking for that... I'm sorry, I wasn't doing that. The location that they come and report it, that's what they (inaudible). Those people that lost personal stuff or whatever.

Q: I'm not sure I quite understand the answer as it relates to my question.

A: Can you repeat the question?

Q: In the statement that you gave to us, through your Personal Representative, I believe you said that one of your responsibilities was that you provided security for a small group.

A: I was working for a small district, and that was my responsibility for the security.

Q: Did you have the responsibility to provide security for individuals?

A: I wasn't the one doing that. Our office handling the case, they were responsible for the area. I wasn't the person doing it.

Q: Did you carry your personal pistol whenever you were on duty?

A: Even before I joined the Taliban, I still had my own personal gun.

Q: Are you proficient in firing weapons?

A: No.

Q: Did the Taliban require you to use your weapon?

A: No, I wasn't at war.

Q: During the time when you were working for the Taliban, did you ever have to use your weapon?

A: I never used my gun against anybody.

Q: With your weapon, did you ever go to a firing range, a training range in Kabul?

A: I never went to a firing range.

Q: Your weapon was never fired, at all, in Kabul?

A: No.

Summarized Answers to Questions by Tribunal President

Q: Where did you learn the English language?

A: In the city of Ghazni, my hometown.

Q: Was it at a school or college?

A: It was personal courses.

Q: Making reference again to the Unclassified Summary of Information, it indicates that when you were captured, you had in your possession ammunition.

A: Yes, I had a gun and I turned it in to the Americans.

Q: Besides the pistol, did you have any other weapons or ammunition in your possession?

A: No.

Q: Had you ever received training on any other weapon, besides the pistol?

A: No, I didn't have any other training on other weapons.

Q: Very well, thank you.

Summarized Answers to Questions by Tribunal Members

Q: What caliber was your pistol?

A: The name was Makarov, I don't know the size of it.

Q: How many years of formal education have you had?

A: I only had 5 years. Unfortunately I couldn't have any more.

Q: What was the highest level you were able to attain?

A: 6th grade.

Q: How old are you right now?

A: About 26 years.

No further questions.

Summarized Unsworn Detainee Statement

I have no further statements. All I want to say is that I am not guilty. I am asking for your help. I never was against the [United] States or [the Northern] Alliance.

AUTHENTICATION

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

GEC
Colonel, U.S. Marine Corps
Tribunal President

Summarized Detainee Statement

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

Detainee: Yes I do.

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

Detainee: The Representative has my statement.

Tribunal President: Yes, but would you like to make some statements after the P/R makes his statement.

Detainee: Yes, I would like to say something after he is done.

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

Detainee: Possibly or not.

Tribunal President: We have a Muslim oath if you would like to take a Muslim oath.

Detainee: Am I supposed to take oath in this place or not?

Tribunal President: Yes, if you would like to.

Detainee: What am I saying?

Tribunal President: You are going to be given a Muslim oath if you would like to take it.

Detainee: I don't know if I am supposed to take an oath in this place or not.

Tribunal President: Listen to the Muslim oath and see if you want to take it.

Detainee: I know the Muslim oath and I have done it before. Am I supposed to do it here in this place officially? Is it lawful to do it here?

Tribunal President: Yes, it is lawful. We took an oath and you can take an oath.

Detainee: I am sorry but I can't.

Tribunal President: No problem.

Detainee: I have to ask my brothers if it is okay or not. If there will be another Tribunal I will do it, but I have to ask my brothers first.

Tribunal President: We don't have time at this time to allow you to ask your brothers so we will go on without you taking the Muslim oath.

Detainee: Please continue.

The Detainee declined to testify under the Muslim oath and testified to the Tribunal in substance as follows:

Personal Representative: Madam President, the Detainee and I met and we have prepared a written statement that I will read. Then, with your permission, I will allow the Detainee to respond to each point. Regarding 3-a-1, "the Detainee traveled from Saudi Arabia to Afghanistan in early 2001." That is false, Detainee traveled to Pakistan and never to Afghanistan. He honestly does not remember the year he traveled to Pakistan. Is there anything else the Detainee would like to add?

Detainee: No.

Personal Representative: Regarding 3-a-2, "the Detainee voluntarily joined the Taliban to participate in Jihad." That was false. That did not happen. Again, he never entered Afghanistan. Anything the Detainee wants to add?

Detainee: No.

Personal Representative: Regarding 3-a-3, "the Detainee received training in Afghanistan on the operation of the AK-47 rifle, PF machine gun, and rocket propelled grenade launcher." The Detainee said this is false. Detainee claimed to have made this statement under torture. He was beaten up, his wrist was broken and eardrum punctured. This torture took place in Kandahar. Is there anything else the Detainee would like to say?

Detainee: No.

Personal Representative: Regarding 3-a-4, "the Detainee was provided with an AK-47 and 7.62 mm PK." The Detainee said this was false. He never touched an AK-47, 7.62 mm PK or a rocket propelled grenade launcher. He never got any training on this. Is there anything else the Detainee would like to say?

Detainee: I do not have anything in addition to what the Personal Representative has there.

Personal Representative: Regarding 3-a-5, "the Detainee agreed to fight with the Taliban." The Detainee stated this is false. An interrogator here in GTMO, without any torture, told him he would never get out of Cuba unless the Detainee agreed to say or make statements; so the Detainee said that.

Detainee: Also the interrogator said to me I would not leave this place unless I agreed to everything the interrogator was saying. I had to say something to them.

Personal Representative: Regarding 3-a-6, the Detainee met with and received money from Usama Bin Laden. The response was this was false. I never said this. I never met or received money from Usama Bin Laden. I only heard of Bin Laden from the radio stations.

Detainee: Yes.

Personal Representative: Regarding 3-a-7, "the Detainee's name was on a list of probable Al-Qaeda operatives." His response was this was false. The Detainee stated his name was on the Internet. When the Detainee was caught in Pakistan, a Pakistani officer took my name and picture.

Detainee: I did not say the officer was the one who put it there. The man was a Pakistan officer. He took my picture and he took my name. I do not know if he was the one who did it, or other people.

Personal Representative: The Detainee stated it would be easy for anyone to get his name. Even another detainee here in Cuba stated he saw his name and full picture on the Internet. That is how the Detainee (ISN 215) found out his name and picture was on the Internet.

Detainee: Yes.

Personal Representative: Anything else?

Detainee: It was not just one person. Multiple people have said that.

Personal Representative: Regarding 3-b-1, "the Detainee fought on the front lines for approximately nine months and fired his weapon at coalition forces." The Detainee stated this was not true. The Detainee was never in Afghanistan. This was all not true. He made this statement after an interrogator in Cuba spoke to him and told the Detainee he would never leave Cuba unless the Detainee agreed to say this or make allegations against himself.

Detainee: Not exactly, but the interrogator made it clear to me. When I went back to my room I thought about it. Five Afghanis got released from here and they were fighters. That's it.

Personal Representative: Regarding 3-b-2, "the Detainee manned anti-aircraft weaponry during combat." The Detainee's response was this was not true and he used the same reason as above. That the interrogators in Cuba talked to the Detainee and told him he would never leave unless the Detainee agreed to say these things or brought allegations against himself.

Detainee: Which answer to which point was that?

Personal Representative: The Detainee manned anti-aircraft weaponry during combat.

Detainee: That was not right. I do think I said that to the integrators.

Personal Representative: Right, but during our talk you said the interrogators told you that you needed to make allegations against yourself. And that was why you said that.

Detainee: Yes, the integrator said to make up anything. So I thought about it and I told them I was a fighter. Is this allegation a Taliban allegation?

Personal Representative: This was an accusation that said that you participated in military operations against the United States and its coalition partners, and they are saying that this was what you did.

Detainee: But in my story, when I said I was a fighter, I never mentioned I trained on anti-aircraft weapons. I never mentioned that. I did mention the Kalashnikov was what I had with me, but not the anti-aircraft weapons. I never said that.

Personal Representative: I think that answers the question. Are you saying you never manned an anti-aircraft weapon?

Detainee: In the story that was mentioned to the integrators?

Personal Representative: When you and I met, your response to that question was that this accusation was not true and you cited the same reasons as the other accusations.

Detainee: That is correct, but the story that I said to the integrators was I trained on the AK-47 and mortars. Not anti-aircraft weapons. I did not mention anything about anti-aircraft weapons.

Personal Representative: Regarding 3-b-3, "the Detainee was present at Tora Bora during the U.S. air campaign." The Detainee's response was this was not true. The Detainee had no idea where this came from and he never said any of this.

Detainee: Yes, I said I never went to or entered Afghanistan.

Personal Representative: That covers all the accusations. Would you like to say anything else?

Detainee: I have my story to tell, but I don't know how to tell it.

Tribunal President: You may start your story now.

Detainee: Before I left Saudi Arabia, persons named Hemood Sultan and Ahmed Ali were talking to me. We all were sitting and we all agreed that we would leave. Hemood Sultan said he had a friend in Pakistan named Habib Al Rahman. Rahman was a religious person. So I called him and talked to him to see about the situation. If it was safe to visit there and to help. Rahman said we could come there and we would be welcome there. When my group arrived in Pakistan, we met Rahman in the Karachi airport. We sat in a house that belonged to Habib Al Rahman for three days. Later we went to the different Pakistani villages. My group traveled from village to village mentioning God is well. When we got to the checkpoint, a military person asked for our passports and official papers. So when this military person saw my group was Arab, he moved our group aside and had us taken to the police station. We were told we from Afghanistan. I told the officer I did not come from Afghanistan, but I had been traveling through and praying at the villages in Pakistan. Habib Al Rahman was talking to the officer also. The police told us we were liars and accused us of coming from Afghanistan. They put us in a detention facility close to the police station. I don't remember how many days exactly, but we were there about a week. So later on Habib Al Rahman spoke to one of the guards. He asked the guard what was happening and the guard told him the United States was attacking Pakistan and a war was going on. The United States was bombing Afghanistan and there was a war there too. The guard then said any Arabs found and arrested in Pakistan would be given to the American forces. The other guards told us exactly the same thing about what was happening. Then about two days later, they separated Habib Al Rahman and Abdul Al Kahn from the rest of us because they were Pakistani. Then two days after that, they told me that they were going to give me back to my country, my government. We were leaving with the police escort. We were not handcuffed. When we left, Hemood Sultan and Ahmed Ali escaped. I was sick with malaria at the time and I could not escape. So they took me and placed me in a police vehicle. I was taken to a big prison with Arabs in it. From that prison I was moved to another prison, the third prison. I stayed there about two weeks. Then after that I was handed to the Americans.

Tribunal President: Does that conclude your story?

Detainee: This is my story.

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

Personal Representative: No, Ma'am.

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

Recorder: Yes, Ma'am. You said that you never trained with or used anti-aircraft weaponry, but you said you had an AK-47? Is that correct?

Detainee: Yes. This is the story I told to the integrators.

Recorder: You said that, but you did not have it in your hands?

Detainee: In the story, I told them I did carry a weapon.

Recorder: You have never in your whole life been to Afghanistan?

Detainee: No, I never entered Afghanistan.

Recorder: When you were tortured in Kandahar, you broke your wrist. Which wrist?

Detainee: This hand (referring to his left wrist).

Recorder: Are there marks or bumps or deformities?

Detainee: If you can see it, it goes from there to there (referring to the left wrist. Recorder approached the Detainee and inspects the Detainee's left wrist. The Recorder did not notice any injuries to the Detainee's left wrist). You will see that spot where it shows. And they popped my eardrum.

Recorder: Regarding the Internet, when the officers took your information; did they only take your name and picture?

Detainee: Just my name and my picture.

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

Tribunal Member: Yes, Ma'am. Can you tell me when you went to Pakistan?

Detainee: I cannot remember.

Tribunal Member: Do you remember when the United States was attacked in New York on September 11th?

Detainee: Before or now?

Tribunal Member: On September 11th 2001, when the airplanes flew into the World Trade Center.

Detainee: I know that.

Tribunal Member: Did you travel to Pakistan that same year?

Detainee: No, no. I didn't even know there was an attack there.

Tribunal Member: When did you find out there was an attack?

Detainee: When we entered the prison.

Tribunal Member: Which prison?

Detainee: In Pakistan in the same police station. You can take the dates from when I left Saudi Arabia from the Saudi Government. I cannot remember the exact date I left Saudi Arabia, but the Saudi Government knows.

Tribunal Member: How long were you in Pakistan? How many months?

Detainee: A long time period. I don't remember how long.

Tribunal Member: Was it more than a year?

Detainee: Maybe a year or less or little bit more. I am not sure.

Tribunal Member: Do you have any type of military training?

Detainee: No. In my country I was in the military.

Tribunal Member: What did you do in the military?

Detainee: In the Ramadan, I was supposed to take care of the Hajj.

Tribunal Member: Were you in the Saudi Army?

Detainee: No. Like the police.

Tribunal Member: You were a policeman in Saudi Arabia?

Detainee: Yes.

Tribunal Member: Did you quit your job when you went to Pakistan?

Detainee: I gave my official resignation.

Tribunal Member: Did you intend to go back to Saudi Arabia?

Detainee: I only went as a religious trip. I was going to go back.

Tribunal Member: How long were you going to go on your religious trip?

Detainee: I did not have a particular time limit. The people that went with me said it would take about four months or longer. There was no time period for what had to be done.

Tribunal Member: How did you pay for the trip?

Detainee: With my money.

Tribunal Member: So you paid for the whole trip and the whole time you were in Pakistan?

Detainee: Yes.

Tribunal Member: How did you travel from village to village?

Detainee: We had a car.

Tribunal Member: How many people normally traveled with you?

Detainee: We were five all together.

Tribunal Member: Were you and the other four arrested together?

Detainee: Yes, all of us.

Tribunal Member: Did any of the other people have any weapons?

Detainee: No.

Tribunal Member: When did you first learn about Al Qaida and the Taliban?

Detainee: When we were in prison, the guard told us what happened.

Tribunal Member: When you were traveling around Pakistan, did you stay at any guesthouses?

Detainee: No. Three days we stayed at Habib Al Rahman's house.

Tribunal Member: Overnight when you traveled, did you stay in the mosques?

Detainee: In Saudi Arabia?

Tribunal Member: In the villages? Where would you stay in the village?

Detainee: No, no. When we went to a village, there was usually a room and a bathroom for guests.

Tribunal Member: The other four that were arrested with you, were they Saudis also?

Detainee: They were originally Yemenis, but they moved to Saudi Arabia.

Tribunal President: Did you know the people you were traveling with before you arrived in Pakistan?

Detainee: I knew Sultan and Ahmed Ali. Habib Rahman was introduced by Sultan. Habib Rahman speaks Arabic very well.

Tribunal President: Why was it so important for you to quit your job and travel to Pakistan for religious reasons?

Detainee: When I left my job, it was not for that reason. My work was in Mecca and I lived in Mecca. After that I was transferred to the Jeddah police station. I worked there as a traffic police officer. The distance was very far from my house. I did not want to drive for that long to get there. I could not drive back and forth for that long to get to the

Jeddah police station because I had a farm and family. So I had to quit, to give my resignation.

Tribunal President: Once you gave your resignation, how long did it take for you to decide to go to Pakistan?

Detainee: I sat down a long time, but I do not know exactly how long I stayed home.

Tribunal President: What encouraged you to go to Pakistan while you were unemployed?

Detainee: When I sat down with Hemood Sultan and Ahmed Ali. Sultan is a very educated person, a student. Since I didn't have anything to do, he suggested I go on a religious trip. He said I should do something good for the people and I should go.

Tribunal President: How long were you in the military in your country?

Detainee: Four years. Maybe a little bit more. We are not allowed to leave the military until after four years. It is mandatory to serve at least four years.

Tribunal President: You indicated you stayed in houses or rooms when you traveled from village to village. Were those rooms in someone's house or a hotel or a guesthouse?

Detainee: Those people welcomed us because they knew we came there to help and we were on a religious trip. They were happy to have us as guests in their homes and that is where we stayed.

Tribunal President: Were you close to the Pakistan/Afghan border?

Detainee: I did not know where the border lines were. We were going to villages and I did not know exactly where the villages were.

Tribunal President: Why did you have to go through a checkpoint in Pakistan?

Detainee: It was a regular road. We were driving down the road and there was a checkpoint. That is where we got stopped.

Tribunal President: Weren't most of the checkpoints on the Pakistan/Afghani border?

Detainee: I don't know. I know that we were in Pakistan.

Tribunal President: Pakistan had checkpoints through out the country?

Detainee: It is normal over there that there are checkpoints on the roads.

Tribunal President: Did you have to go through more than one checkpoint?

Detainee: I do not remember the others, but I remember the one where they arrested us.

Tribunal President: Does that mean you did go through more than one checkpoint while you were traveling from village to village?

Detainee: No, I did not.

Tribunal President: You only went through one checkpoint while you were traveling for your prayers through villages?

Detainee: When we left the village, we drove on the main road. We drove for a little bit, the village was behind us. This was where the checkpoint was. We were asked for identification and we gave them our identification cards.

Tribunal President: Did you have to go through any other checkpoints during your travels?

Detainee: No, that was the only one. The same one I was arrested at. After that checkpoint, we were taken to the police station.

Tribunal President: Did you have a Saudi Arabian passport or a Pakistani passport?

Detainee: I had an official Saudi passport. I did not violate any laws.

Tribunal Member: Did you have the passport with you when you were arrested?

Detainee: It was with Hemood Sultan because I was very sick with malaria. Hemood Sultan had most of my stuff because I could not carry it. He had my wallet and my things.

Tribunal President: Any of the Tribunal Members have any other questions?

Tribunal Members: No, Ma'am.

Tribunal President: Do you have any other evidence that you would like to present to us?

Detainee: No, I gave everything I had to the Representative.

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: There are no witnesses and I have no other evidence.

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

AUTHENTICATION

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

Colonel, US Army
Tribunal President

Summarized Detainee Statement

Tribunal President: Zia, 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 this Tribunal?

Detainee: I have no evidence, but I have the statement with the Personal Representative. I have given it to him.

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

Detainee: Yes.

Tribunal President: Recorder, will you administer the oath.

Detainee: Muslim oath.

The Detainee was sworn using the Muslim oath.

In the following section of the summarized transcript, the Personal Representative reads the detainee's written statement (attached as Exhibit D-B) to the Tribunal. The statement addresses each point on the Unclassified Summary of Evidence in order. Because the statement does not always indicate the text of the point being addressed, the points from the Unclassified Summary of Evidence are provided below in italics to put the detainee's statement into context. Any comments made by the detainee or others while the Personal Representative reads the statement are summarized, as well.

Tribunal President: PR, you may begin.

Personal Representative: Detainee Zia Shah dictated the following written statement on 9 September in response to his unclassified summary of evidence dated 4 September 2004.

3.a. Detainee is a member of the Taliban.

Personal Representative: In response to (A) of the unclassified summary, I am not a member of the Taliban and I did not engage in hostilities against the United States or its allies.

1. Prior to September 11th, 2001, detainee traveled to Afghanistan for employment and worked as a driver for the Taliban for six to eight months.

Personal Representative: In response to (A1) of the unclassified summary, I went to Afghanistan to get a job as a driver. I did not care whom I worked for; it was just that the Taliban were ones to offer me a job as a driver and hired me. This was by chance; I did

not go to Afghanistan looking to work specifically for the Taliban. When I started working for the Taliban, the United States forces were not in Afghanistan. Nonetheless, I told the Taliban that I would not enter an area where there was fighting. At the time, the Taliban were fighting against Mossoud and the Northern Alliance. When I was driving, I did not enter any areas where there was fighting. Thus, I did not engage in hostilities against the United States or its coalition partners because I refused to enter the areas where the fighting was occurring. The Taliban would hire anyone they could find that could drive a truck and move their material. They did not require the drivers they hired to be Taliban members, it was just a job to make money. The Taliban had an old vehicle that I would drive when they would hire me to move their material. They did not give me a car. When I wasn't working for the Taliban, I would just sit and wait. The Taliban would also hire other drivers to drive this old car.

2. Detainee transported personnel and material for the Taliban, included (sic) cooking oil, ammunition, heavy coats and blankets.

Personal Representative: In response to (A2) of the unclassified summary, I did this at most perhaps 4 times. I transported some people who were carrying AK-47s on their shoulder. The only reason I did this was because other vehicles and drivers were not available. The vehicle I drove was not reliable. Primarily I transported food. I was staying at an old school in Konduz and a bazaar was located close by. I would go and pick up food at this bazaar and carry it back to the school. A mixed group of Pakistanis and Taliban were staying at the school. There were always about sixty to seventy people at the school at any given time, and people would come and go. I would also drive a one-and-a-half-hour route from Konduz to Tal-Chan Latabund, transporting bedding. Occasionally, I would be asked to take a person who was staying at the school to various locations using a smaller car when the normal drivers of this car were sick or not available.

3.b. Detainee engaged in hostilities against the US or its coalition partners.

Personal Representative: In response to (B) of the unclassified summary, this is not true. When I was in Afghanistan, United States troops were not present. When the attacks started, I was in Konduz and all the driving routes were closed. Everyone tried to leave, including me. I wanted to leave Konduz and go home to Pakistan when the bombing started, but I couldn't because the routes were closed and I was stuck.

1. Detainee admits transporting Taliban members that were armed with weapons. Their mission was to search for members of the Northern Alliance.

Personal Representative: In response to (B1) of the unclassified summary, I never drove people who were looking for a fight or who were searching for the Northern Alliance members. I never transported people to the front lines. The few people I did transport that had weapons with them were not going to the front lines and I was not taking them to

a fire fight. It was very common for almost everyone in Afghanistan to have AK-47s and other weapons.

2. Detainee was ordered to surrender to Northern Alliance forces. Detainee was instructed to drive himself and approximately 60 fighters and their Kalashnikov weapons to Mazar-E-Sharif.

Personal Representative: In response to (B2) of the unclassified summary, a route opened when all the Taliban decided to surrender. I was asked to drive a vehicle with some Taliban personnel in it to a location for them to surrender. Other people were also asked to drive. I was basically told here is a vehicle, take these people with you so they can surrender and you can go home. That was the only way I knew how to get out of Afghanistan and go home to Pakistan. If I drove them to Mazar-E-Sharif to surrender, I would be able to catch a public transport from there to Pakistan. This was the only way for me to go home. The truck I drove to Mazar-E-Sharif was a big truck that carried about sixty people. I was just the truck driver. I was not a combatant. I did not carry any weapons. When I got to Mazar-E-Sharif, the other drivers hired by the Taliban that I drove with, who were Afghanis from Kandahar, Konduz or other local areas, were allowed to leave. I was apprehended because I was Pakistani. I had planned to take a public transport from Mazar-E-Sharif to Herat, to Kandahar, to Quetta, Pakistan. When all the routes were closed to Pakistan, I was in Konduz and I was stuck. The only route still open to Pakistan was from Mazar-E-Sharif. So to get home, I first had to get to Mazar-E-Sharif. Driving the truck full of the sixty Taliban to surrender was my only opportunity to get to Mazar-E-Sharif.

Personal Representative (continuing with detainee's statement): I have never lied and I have always been very forthcoming. I could have lied and said that I did not know the Taliban and was just there to do some work as a driver, but I did not. If you hear all of this and think that I am a member of the Taliban, you are wrong. I was just trying to earn a living as a driver. While in Afghanistan, I was never issued any weapons, nor was I ever given one to take with me in the vehicle I drove. I did carry a small pocket-knife to eat melons and other fruits. The only weapons I touched in Afghanistan was when someone who was carrying a weapon gave it to me to hold while they climbed in the truck, or if I was getting in the truck with someone who had a weapon and I pushed it aside. I never engaged in any hostilities or fired any weapons at any time while I was in Afghanistan. I just drove a truck.

Personal Representative: I affirm that the written testimony above is accurate. The Detainee signed this and dated this 15 September 2004.

The Personal Representative submits the Detainee's written statement (the original signed copy with pen & ink corrections, and an unsigned copy with the pen & ink changes incorporated into the text) as evidence to the Tribunal as Exhibit D-B.

Tribunal President: Personal Representative, did the Detainee have the opportunity to review the corrected copy of the statement?

Personal Representative: The Detainee has not seen the version on top. However, it is an exact copy of the version underneath which has the pen changes in it. The Detainee did have the opportunity to see that. The two documents are identical. One has pen changes, the other has the changes incorporated and typed.

Tribunal President: What caused you to make the changes in the original document?

Detainee: Yes, I know about that. I read that already.

Personal Representative: I can show you the changes. Yes, most of them were typos or clarification type changes.

Tribunal President: Zia, does that conclude your statement?

Detainee: Yes.

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

Personal Representative: No, Ma'am. I do not. Not at this time.

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: Yes, Ma'am. Following up on A-1 of the summary, how did you get to Afghanistan from Pakistan?

Detainee: I went there to find a job.

Tribunal Member: Did you go there on your own or did somebody help you get there?

Detainee: In Pakistan, I know how to drive. And in Afghanistan they were badly in need of people who could drive. There was an Afghani in Pakistan. He told me there were so many jobs in Afghanistan for people who could drive. In Pakistan, sometimes we work for one day. Then for one week we don't work. For that we are given three hundred Rupees, Pakistani currency. I thought it was better for me to go to Afghanistan. I did not go to Afghanistan to specifically work only for the Taliban. I would find anybody so I can have a job. I went from Quetta to Kandahar to Kabul.

Tribunal Member: So you went on your own accord by yourself?

Detainee: I went over there by myself.

Tribunal Member: In your statement and in the unclassified summary, it talks about transporting different things: materials, people, blankets for the Taliban, but no weapons. Do you have the dates when all this occurred? What months? Was it before or after September 11th?

Detainee: I have been here for three years. I forgot everything. But I do remember that whatever I was transporting, it was before the buildings were torn down and before the Americans attacked Afghanistan. I did this earlier, before that.

Tribunal Member: When you told the Taliban you refused to travel into combat areas or transport folks to combat areas, what did the Taliban say when you refused to do that?

Detainee: They did not force me to do that because I had a vehicle. It was an old vehicle and they did not rely on it. It was an old Russian vehicle.

Tribunal Member: In your statement, you mention as far as transporting folks with weapons, you did this only four times?

Detainee: Yes, it was four times.

Tribunal Member: Was that before or after September 11th?

Detainee: It was before that.

Tribunal Member: When you were going to Mazar-E-Sharif with the truck with sixty folks in it, were those folks Taliban and was this after September 11th?

Detainee: They were Taliban and it was their vehicle.

Tribunal Member: This was after 11 September?

Detainee: Yes, it was after.

Tribunal Member: When you worked or drove in the area in Konduz near the bazaar, was that also after September 11th?

Detainee: It was before that because after September 11th happened, there was no work and I was just sitting around.

Tribunal Member: How did you learn about September 11th?

Detainee: I came back to Pakistan in the middle once. When I went back to Pakistan, I did not take my money from Afghanistan. Then I went back to Afghanistan. When I was going back I had no idea at that time. When I reached Konduz I was told about that.

Tribunal Member: So you were in Konduz after September 11th?

Detainee: Yes.

Tribunal Member: What did you do in Konduz when you went back?

Detainee: I was driving the same vehicle. I stayed in Konduz for a few days. That vehicle was with them after that. Then I started driving some different vehicles.

Tribunal Member: You were still at that time driving for the Taliban?

Detainee: No, I was not driving for the Taliban after that. I told them once the attacks started, I was not going to drive anymore. I was just staying over there. I had to stop because every road was closed.

Tribunal Member: So the only time you drove after September 11th was to transport the Taliban fighters to Mazar-E-Sharif?

Detainee: That was the only time that I drove them because in the middle, yes I did once; and that time I did not know that what was going on. And I don't know about that. I drove at that time, the reason being that was the only vehicle going back to Pakistan.

Tribunal President: Can you tell me what month and what year you went to Afghanistan?

Detainee: Forgive me for that. I have a very bad memory and I don't remember.

Tribunal President: How did you travel to Afghanistan?

Detainee: The question you asked before, about the year and month I went to Afghanistan. It was in the month of Ramadan.

Tribunal President: Okay. What year?

Detainee: After that, maybe it was the fourth or fifth Ramadan.

Tribunal President: Is that before this year?

Detainee: This Ramadan. When I went to Afghanistan it would be the fourth or fifth.

Tribunal President: Okay.

Tribunal President: How did you travel from Pakistan to Afghanistan?

Detainee: From Quetta to Chaman. Then Chaman to Spin Buldak. Then to Kandahar. Then to Ghanzi and then to Kabul.

Tribunal President: What transportation or vehicle took you from Pakistan to Afghanistan?

Detainee: Local transportation that take passengers. Local transportation.

Tribunal President: Did you have to have money to travel from Pakistan to Afghanistan?

Detainee: It does not require that much money to go from Pakistan to Afghanistan.

Tribunal Member: How did you pay to travel from Pakistan to Afghanistan?

Detainee: I gave them money.

Tribunal President: Was it your money or somebody else's money?

Detainee: It was my money.

Tribunal President: Okay. You said you drove a car and you drove a truck. Can you name all of the vehicles you drove in Afghanistan?

Detainee: The truck was very old, from the Soviet era. Its name was Kamaz.

Tribunal President: Did you also drive a car?

Detainee: Once or twice, if somebody got sick.

Tribunal President: When you transported the people with the weapons while in Afghanistan, where did you take the people?

Detainee: The people who came and stayed in the city, and sent them place to stay and rest (sic). I was taking them from one place to the other place.

Tribunal President: Where did you pick those people up to take them to rest? Where is the other place?

Detainee: Konduz. From Konduz to Bungi and Tangi.

Tribunal President: Do you know what those people were doing in Konduz?

Detainee: In those days, there was no fighting. From that place they were going to the front lines. There was no fighting, but they were just sitting over there.

Tribunal President: When you would go to the bazaar to buy food, where did you get the money?

Detainee: The person who was in charge of that school, most of the time he gave the money to the store keeper and I would just bring the food. Sometimes he would give the money to me and I would pay.

Tribunal President: Was the person in charge of the school Taliban?

Detainee: He was Pakistani and Taliban.

Tribunal President: When you were arrested, did you surrender?

Detainee: I had no weapons.

Tribunal President: Did you volunteer to go to the police?

Detainee: No, I did not. Everybody was trying to go back to their homes. But I got stuck and I was helpless, so I stayed with them.

Tribunal President: What types of weapons did the people have when you drove the sixty people to surrender?

Detainee: Kalashnikovs. AK-47s.

Tribunal President: Was that all?

Detainee: Yes, only the Kalashnikovs.

Tribunal President: Did you have a Kalashnikov?

Detainee: No.

Tribunal President: Were you asked to join the Taliban?

Detainee: No, they did not ask me. But they hired many people by force to join them.

Tribunal President: Were you forced to join the Taliban?

Detainee: No.

Tribunal President: So you did not join the Taliban by force or your own will (sic)?

Detainee: No. They can not force the drivers to do that because they think he will drive away with their vehicles. Because we can run away very easily.

Tribunal President: Zia, do you have any other evidence to present to this Tribunal?

Detainee: No more, only my statement.

Tribunal President: The Tribunal has your statement. 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: Do any of the other Tribunal Members have questions?

Tribunal Members: 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.

Colonel, U.S. Army
Tribunal President

Detainee Zia Shah dictated the following written statement on 9 Sept 2004 in response to his unclassified summary of evidence dated 4 Sept 2004.

1. In Response to (A) of the unclassified summary, I am not a member of the Taliban and I did not engage in hostilities against the United States or it allies.

   a. In response to (A1) of the unclassified summary, I went to Afghanistan to get a job as a driver. I did not care whom I worked for, it was just that the Taliban were ones to offer me a job as a driver and hire me. This was by chance; I did not go to Afghanistan looking to work specifically for the Taliban. When I started working for the Taliban, United States forces were not in Afghanistan. Nonetheless, I told the Taliban that I would not enter an area where there was fighting. At the time, the Taliban were fighting against Mossoud and the Northern Alliance. When I was driving, I did not enter any areas where there was fighting. Thus, I did not engage in hostilities against the United States or its coalition partners because I refused to enter the areas where fighting was occurring. The Taliban would hire anyone they could find that could drive a truck and move their material. They did not require the drivers they hired to be Taliban members, it was just a job to make money. The Taliban had an old vehicle that I would drive when they would hire me to move their material; they did not give me a car. When I wasn't working for the Taliban, I would just sit and wait. The Taliban would also hire other drivers to drive this old car.

EXHIBIT D-B

b. In response to (A2) of the unclassified summary, I did this at most perhaps 4 times. I transported some people who where carrying AK-47's on their shoulder. The only reason I did this was because other vehicles and drivers were not available. The vehicle I drove was not reliable. Primarily I transported food. I was staying at an old school in Konduz and a bazaar was located close by. I would go and pick up food at this bazaar and carry it back to the school. A mixed group of Pakistanis and Taliban were staying at the school. There was always about 60-70 people present at the school at any given time and people would come and go. I would also drive a one and a half hour route from Konduz to *Tal-chan Latabund* transporting bedding. Occasionally I would be asked to take a person who was staying at the school to various locations using a smaller car when the normal drivers of this car were sick or not available.

2. In response to (B) of the unclassified summary, this is not true. When I was in Afghanistan, United States troops were not present. When the attacks started I was in Konduz and all the driving routes were closed. Everyone tried to leave, including me. I wanted to leave Konduz and go home to Pakistan when the bombing started but I couldn't because the routes were closed and I was stuck.

    a. In response to (B1) of the unclassified summary, I never drove people who were looking for a fight or who were searching for Northern Alliance members. I never transported people to the front lines. The few people I did transport that had weapons with them were not going to the front lines and I was not taking them to a firefight. It was very common for almost everyone in Afghanistan to have AK-47s and other weapons.

b. In response to (B2) of the unclassified summary, a route opened when all the Taliban decided to surrender. I was asked to drive a vehicle with some Taliban personnel in it to the location for them to surrender. Other people were also asked to drive. I was basically told here is a vehicle, take these people with you so they can surrender and you can go home. That was the only way I knew how to get out of Afghanistan and go home to Pakistan. If drove them to Mazar-e-Sharif to surrender, I would be able to catch a public transport from there to Pakistan. This was the only way for me to go home. The truck I drove to Mazar-e-Sharif was a big truck that carried about 60 people. I was just the truck driver. I was not a combatant. I did not carry any weapons. When I got to Mazar-e-Sharif the other drivers hired by the Tailiban that I drove with, who were Afghanis from Kandidar, Konduz or other local areas, were allowed to leave. I was apprehended because I was a Pakistani. I had planned to take a public transport from Mazar-e-Sharif to Hirat to Kandidar to Quetta Pakistan. When all the routes were closed to Pakistan, I was in Konduz and was stuck. The only route still open to Pakistan was from Mazar-e-Sharif. So to get home I had to first get to Mazar-e-Sharif. Driving the truck full of the 60 Taliban to surrender was my only opportunity to get to Mazar-e-Sharif.

I have never lied and I have always been very forthcoming. I could have lied and said that I did not know the Taliban and was just there to do some work as a driver, but I did not. If you hear all of this and think that I am a member of the Taliban, you are wrong. I was just trying to earn a living as a driver. While in Afghanistan I was never issued any weapons, nor was I ever given

one to take with me in the vehicle I drove. I did carry a small pocketknife to eat melons and other fruits. The only weapons I touched in Afghanistan was when someone who was carrying a weapon gave it to me to hold while they climbed into the truck, or if I was getting in the truck with someone who had a weapon and I pushed it aside. I never engaged in any hostilities or fired any weapons at any time while I was in Afghanistan. I just drove a truck.

I affirm that the written testimony above is accurate.

NAME: See Attachment DATE: _____

Detainee Zia Shah dictated the following written statement on 9 Sept 2004 in response to his unclassified summary of evidence dated 4 Sept 2004.

1. In Response to (A) of the unclassified summary, I am not a member of the Taliban and I did not engage in hostilities against the United States or it allies.

   a. In response to (A1) of the unclassified summary, I went to Afghanistan to get a job as a driver. I did not care whom I worked for, it was just that the Taliban were ones to offer me a job as a driver and hire me. This was by chance; I did not go to Afghanistan looking to work specifically for the Taliban. When I started working for the Taliban, United States forces were not in Afghanistan. Nonetheless, I told the Taliban that I would not enter an area where there was fighting. At the time, the Taliban were fighting against Mossoud and the Northern Alliance. When I was driving, I did not enter any areas where there was fighting. Thus, I did not engage in hostilities against the United States or its coalition partners because I refused to enter the areas where fighting was occurring. The Taliban would hire anyone they could find that could drive a truck and move their material. They did not require the drivers they hired to be Taliban members, it was just a job to make money. The Taliban had an old vehicle that I would drive when they would hire me to move their material; they did not give me a car. When I wasn't working for the Taliban, I would just sit and wait. The Taliban would also hire other drivers to drive this old car.

b. In response to (A2) of the unclassified summary, I did this at most perhaps 4 times. I transported some people who where carrying AK-47's on their shoulder. The only reason I did this was because other vehicles and drivers were not available. The vehicle I drove was not reliable. Primarily I transported food. I was staying at an old school in Konduz and a bazaar was located close by. I would go and pick up food at this bazaar and carry it back to the school. A mixed group of Pakistanis and Taliban were staying at the school. There was always about 60-70 people present at the school at any given time and people would come and go. I would also drive a ~~half hour~~ 1 and 1/2 hour route from Konduz to *Tal-~~cah~~ban Latabund* transporting bedding. Occasionally I would be asked to take a person who was staying at the school to various locations using a smaller car when the normal drivers of this car were sick or not available.

2. In response to (B) of the unclassified summary, this is not true. When I was in Afghanistan, United States troops were not present. When the attacks started I was in Konduz and all the driving routes were closed. Everyone tried to leave, including me. I wanted to leave Konduz and go home to Pakistan when the bombing started but I couldn't because the routes were closed and I was stuck.

   a. In response to (B1) of the unclassified summary, I never drove people who were looking for a fight or who were searching for Northern Alliance members. I never transported people to the front lines. The few people I did transport that had weapons with them were not going to the front lines and I was not taking them to a firefight. It was very common for almost everyone in Afghanistan to have AK-47s and other weapons.

b. In response to (B2) of the unclassified summary, a route opened when all the Taliban decided to surrender. I was asked to drive a vehicle with some Taliban personnel in it to the location for them to surrender. Other people were also asked to drive. I was basically told here is a vehicle, take these people with you so they can surrender and you can go home. That was the only way I knew how to get out of Afghanistan and go home to Pakistan. If drove them to Mazar-e-Sharif to surrender, I would be able to catch a public transport from there to Pakistan. This was the only way for me to go home. The truck I drove to Mazar-e-Sharif was a big truck that carried about 60 people. I was just ~~a~~ the truck driver. I was not a combatant. I did not carry any weapons. When I got to Mazar-e-Sharif the other Taliban drivers hired by the Taliban that I drove with who were Afghanis from Kandidar, Konduz or other local areas were allowed to leave. I was apprehended because I was a Pakistani. I had planned to take a public transport from Mazar-e-Sharif to Hirat to Kandidar to Quetta Pakistan. When all the routes were closed to Pakistan, I was in Konduz and was stuck. The only route still open to Pakistan was from Mazar-e-Sharif. So to get home I had to first get to Mazar-e-Sharif. Driving the truck full of the 60 Taliban to surrender was my only opportunity to get to Mazar-e-Sharif.

I have never lied and I have always been very forthcoming. I could have lied and said that I did not know the Taliban and was just there to do some work as a driver, but I did not. If you ~~read~~ hear all of this and think that I am a member of the Taliban, you are wrong. I was just trying to earn a living as a driver. While in Afghanistan I was never issued any weapons, nor was I ever given one to take with me in the vehicle I drove. I did carry a small pocketknife to eat melons and

other fruits. The only weapons I touched in Afghanistan was when someone who was carrying a weapon gave it to me to hold while they climbed into the truck, or if I was getting in the truck with someone who had a weapon and I pushed it aside. I never engaged in any hostilities or fired any weapons at any time while I was in Afghanistan. I just drove a truck.

I affirm that the written testimony above is accurate.

NAME: _____ DATE: 15.09.2004

Summarized Sworn Detainee Statement

When asked by the Tribunal President the detainee stated he understood the CSRT process and he did not have any questions.

During the reading of the unclassified summary by the Recorder, the Detainee interrupted after the Recorder read, "The detainee is an admitted associate of an Al-Qaida explosive cell leader." The Detainee stated the translated copy provided to him says something different. The Tribunal President asked the Translator to compare the two and state the difference between the two documents. The Translator stated the translated copy does not say "explosive" it says that he admitted to training with Al-Qaida. The Detainee stated it was okay; the only difference between the two documents is his translated copy did not say "explosive."

The Detainee again interrupted after the Recorder read, "He was captured in the company of a Taliban General." The Detainee asked to have this charge explained. The Recorder addressed the Tribunal President: "Mr. President after careful review I request the Tribunal not consider paragraph 3, sub-paragraph B3, in their deliberations. This information was included by an administrative error and does not apply to this detainee."

The Detainee stated he spoke with his Personal Representative a few days prior and wanted to respond to each charge. The Tribunal President told the Translator to tell the Detainee he would be given an opportunity in a few moments to respond. The Recorder completed reading the unclassified summary.

When asked by the Tribunal President if he wanted to make a statement the detainee stated yes and provided his statement after electing to be sworn. The detainee testifies essentially as follows:

A few days ago I looked at the charges that have been brought against me. The first charge says I am a member of Al-Qaida. There is a contradiction here. It was written that I was captured with a Taliban commander and that I was with the Taliban. At the top you wrote I was an Al-Qaida member and at the bottom it says I was captured with a Taliban commander. Which would mean I was either a commander or part of the Taliban. If you really think about it these statements contradict each other.

[The Tribunal President asked the Translator to tell the Detainee the Tribunal understands the statement that he was captured with a Taliban General is not true.]

[The Detainee then continued]: a lot of these are lies and if I hadn't mentioned it, I doubt it would have been caught. It is saying I was a member of Al-Qaida and an associate of the Taliban. What kind of statement is this?

[The Detainee then stated he would answer any questions. The Tribunal President asked if that concluded the Detainee's statement.] The Detainee stated all the charges are false,

except for the mines were captured in the house. I will talk about the notebook. As for the training I received from the Taliban, I would like to talk about that.

A few months before September 11th, the Taliban took me forcibly for training. I was about 18 or 19 years old. The Taliban wanted people to work. At that time I had no beard or facial hair. They told me I was to young to go to war. They wanted to train me and then work with them. They sent me to a technical school where I received two days of training. Each night I would go home. When I returned home after the second day my mother told me not to go back to the Taliban School because I had no father or older brothers. I would hide from the Taliban so I didn't have to go to their school. The Taliban came to my house a few times looking for me. I would go to my relative's house to hide. After September 11th they stopped coming to my house looking for me.

About the notebook that was captured with me; when I went to the Taliban School one of the Taliban members gave me the training.

The evidence says I admitted to being an associate of an Al-Qaida explosive cell leader, I never admitted to that. When the Americans captured me, they bound me to the American area and they began punishing me. They put a knife to my throat, tied my hands and put sandbags on my arms. At the airport in Khost I was walked around all night with the sandbags on my arms. They took me to Bagram where the interrogation and punishment increased. I was very young at that time, so what ever they said, I agreed to. I never admitted to being an associate of an Al-Qaida explosive cell leader and when I came to Cuba I gave them the true story. I gave them the true story here because I knew they wouldn't punish me.

I want you to look at all the evidence concerning the mines that were captured with me. When the Russians came to Afghanistan we were refugees in Pakistan. The Afghan communist captured our village and area. A commander by the name Ali Jhan lived in my house. When Khost became free the communist ran and left Khost. When we came back to our residents, Ali Jhan had fled and left all his belongings in our house. They built watch towers, bunkers, and basements at my house. The mines were left by Ali Jhan's communist. If you do not believe me you can imprison me. If I'm telling a lie you can keep me in prison for the rest of my life. Ali Jhan is from the Wazah village in the city of Khost. During the communist times he was a commander in that area. All the mines were left by him in my house. I was very young when we returned. My mother and I took the mines from our house and buried them on a useless area of our land. We buried them about 300 meters from our house. We buried the mines because we were afraid the Afghan government would punish us. Also, during this time there was not an established government and a lot of warlords. I have never fought the Americans and have all the proof for it. The Taliban story, I was forced into their training.

The Americans captured me in my house. I never used any bad language toward them. If I was really an enemy of the Americans, I could have fought them the night they came to my house. This is my testimony and my proof. I would like my accusers to bring their

proof. I am an eleventh grade student; I never held any military positions with the Taliban.

About the point B1, where I am accused of placing anti-tank mines against the Americans. We never saw American tanks in Khost. At that time the Taliban government was leaving that area, the Americans didn't have tanks in Khost. So, what benefit would I get by blowing up their tanks, there was none there, they never even came close. Where are the mines they are accusing me of planting? What happened to them? Did they blow up or are they somewhere else? Did the Americans dig them out? These are all false allegations.

I will now talk to you about the notebook. I will admit to the mines. I know about the notebook and the mines I was captured with and I am admitting to them.

I am an Afghan and it should be the Afghan government asking me the questions. I never fought against the Americans; therefore, it should be the Afghan government that prosecutes me. Even if the stuff wasn't found in my house, I would still be a prisoner.

[The Detainee asked the Translator to repeat back to him what he had just translated. The Detainee stated he wanted to reiterate the point.]

Afghanistan was full of weapons. There are mines everywhere, in the mountains and the deserts. Even the simple people have been trapped with weapons or mines. I shouldn't be charged with the weapons because every Afghan has them. A person who has that many mines is usually a commander or of some rank and has the intentions of fighting another commander. I was only twenty and not a soldier, what was I going to do with the mines? Please think about this.

The Tribunal President asked the Detainee if he had anything else to add to his statement. The Detainee stated there is no proof behind all the allegations made against me. Concerning the Taliban giving me training, I will admit to that but I was forced. I also admit to the mines.

Summarized Answers in Response to Questions by the Personal Representative

Q. You admitted the notebook was yours.

A. Yes.

Q. Where did you get the notebook with the mine information?

A. When the Taliban took me to the Technical School I was taken notes in my notebook. We were told everybody should take notes because there were no books. We were told we were being trained to fight Masood in the north and we would use these mines. We were told to take notes because the Taliban said they had no books. We were to take

notes and they would explain them to us later in more detail. That's where are my notes came from.

Q. So to summarize, the notebook that was found were his notes from the class he was forced to take by the Taliban.

A. Yes.

Q. You said you attended this course for two days?

A. Yes.

Q. Do you know how long this course was suppose to last; was it normally a two day course or was it suppose to last longer?

A. It was much longer but I only went two days.

Q. Why did you decide to stop going, can you explain this to the Tribunal a bit more?

A. I didn't want to be with the Taliban, they forced me into the training. My mother was very scared, she said we would do what ever we had to, to get me out of the training to include leaving the country. My mother told me to go to my relative's home and hide there. After September 11th the Taliban quit searching for me.

Q. You also indicated that the mines were found on your property.

A. Yes.

Q. No one gave him these mines?

A. Yes.

Q. Can you tell me a little bit about how the notebook and the mines were found?

A. I explained that earlier.

Q. Were they found or did he show them to anybody?

A. The Americans came to our house at night. Nobody knew about the mines, I never showed them to anyone. We were afraid they would cause us problems. I even hid them from the Taliban. If I showed them to the Taliban I would have been put in prison. We were even more frightened when the Americans came to Afghanistan. We never had any contact with the Americans. When I was brought to Khost and Bagram I told them about the weapons. I was told the Americans had found weapons on my land. The Americans told me they found mines on my land. I told them they were from the past and left there.

Q. After that, I presume that is when he was apprehended and taken into custody?

A. While I was in prison I was told they had found mines on my property.

Q. So when were you in prison, before they found the mines?

A. I think they found them the night they came to my property.

Q. But you were not at the house when they came?

A. I was at home.

Q. You also admitted they you were abused while in custody?

A. The Americans were making up allegations, saying someone else had given me the mines. I don't remember the exact words but I was interrogated in Bagram.

Q. And that's what I wanted to ask. You say you are telling the truth now, but previously when you were interrogated over there you were forced to say things that were not true. That's what happened right?

A. Yes.

Q. Are you willing to talk or do you remember what you were forced to say that was not true and is different from what you are saying now?

A. No, I don't remember.

Q. You also indicate when you came here, you told the truth because no one was abusing you.

A. Yes, in Khost I was very young and had never seen such punishment, so what ever they said I said okay.

Q. Have you told a consistent story since you have been here, or were you afraid at first and said something different based on what you were told to say over there?

A. Yes.

Q. So you have always told a consistent story here?

A. After a few months, I knew I wasn't going to be punished here, I began telling the truth.

Q. Did you tell them anything before you found out you were not going to be punished here?

A. When I came here it took a few months for me to realize the situation here. When I was in Bagram they were forcing me to tell a story. When I came to Cuba I told them the story I said in Bagram.

Q. But you don't remember what you were forced to say?

A. No. It's been a year and a half.

Q. When you and I spoke you also indicated you took a polygraph test here in Cuba?

A. Yes.

Q. Is there anything you would like to say about the polygraph test?

A. When I got here I started having heart troubles and was given the polygraph after I got sick. I was told I failed the polygraph because my heartbeat was high. I tried to tell them my heart beats fast because I am sick and that I was given medicine. I am still being given medicine for my heart.

Q. And just to clarify it, you told me you have an irregular heartbeat, is that correct?

A. My heartbeat gets intense if I hear a happy word or a sad word.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Do you speak English?

A. A little bit.

Q. Do you understand English?

A. A little bit.

Q. I am impressed with your memory. I want to know when the Soviets were in Afghanistan-you figure you were about three to four years old.

A. At the time that they came to Afghanistan?

Q. And the time that they left.

A. I was about 10 or 11 years old.

Q. The communist commander who left the mines in your house; can you tell me what type of mines or designation, were they Russian mines?

A. In Afghanistan they are all Russian weapons. So I am speculating that they were Russian.

Q. Did you ever see the mines yourself?

A. I did see them, but only speculate that they were Russian.

Q. How big were they?

A. I don't remember, I was between 10 and 13 years old.

Q. But you remember when Ali Jhan left, right?

A. I only remember when the communist left Khost and Ali Jhan had left to.

Q. So, you don't actually remember the mines being placed in your home?

A. He stayed at my house and people knew him, that's how people knew the mines were there. Ali Jhan was a popular person.

Q. Having said that, wouldn't it be logical to assume the Taliban knew the mines were there?

A. No.

Q. Why?

A. We were scared of the Taliban. If you turned in your weapons they would hold you and interrogate you.

Q. When you and your mother left Khost you never saw the communist commander leave the mines there, you just found them upon your return?

A. When we returned to Khost Ali Jhan came to my house. He came alone. My mother asked Ali Jhan to take the mines but he fled before taken them. He was a communist and it was not safe for him, so he fled to Pakistan.

Q. When you were taken by the Taliban to fight, what type of training did you receive?

A. We were told by the Taliban that Masood was given new Russian tanks and we wanted to blow them up. We were given training on how to work against those tanks.

Q. Did you receive training in the Kalashnikov or any other small arms or weapons?

A. Every Afghan knows how to fire a gun.

Q. Did you receive any type of military training from the Taliban?

A. No.

Q. In this technical training that you received, where did you receive it at?

A. It was in Khost at the mechanic school.

Q. Did you receive any electrical training?

A. I don't remember the details.

Q. As a conscript, is it common for the Taliban to let you go home each night?

A. That was the Afghan government and they allowed me to go home.

Q. That was the Taliban?

A. Yes, it was the Taliban government.

Q. The Taliban is the Afghan government?

A. Yes, at that time.

Q. Why do you think you were selected for mechanical school?

A. There were not very many men. Each village would have its turn for recruits.

Q. Why mechanic school, why not cook or driver?

A. They told me I could not participate in the battles because I was too young. Learn something now and work with them in the future.

Q. When you were captured were there any other weapons beside the mines?

A. Some of my relatives had guns and I had a Russian rifle.

Q. Why do you think the Americans came?

A. I don't know, maybe somebody from the village said something about me. Maybe they said I had mines at my house.

Q. Was there anybody else in the house affiliated with the Taliban?

A. No.

Q. What notes did you take in the book?

A. I don't remember it was just two days.

Q. You went to training for two days.

A. Yes.

Q. But the class was suppose to be longer than that?

A. Yes.

Q. But you don't remember how much longer?

A. No.

Q. What impression did you get? Would it have been another week, two weeks, a year?

A. Maybe a three-month course.

Q. And in the first and second day they gave you enough notes to learn how to draw explosives?

A. In the first days they told us to take notes, they didn't have books, and they would explain later in detail.

Q. So, on the first or second day they showed you how to draw a remote control explosive device.

A. I don't remember because of the Americans.

Q. Think about the night that you were captured. Can you tell me what happened when the Americans came? Where were you?

A. I was in a guesthouse. The Americans came and searched the house and found the notebook. They bound me and said they wanted to ask me questions.

Q. You were not at your own house that night?

A. There was a guesthouse near my house.

Q. Who owned the guesthouse?

A. It was mine.

Q. So, you were staying at the guesthouse?

A. It was my uncle's and me.

Q. And the notebook was there at the guesthouse?

A. No at my house.

Q. The notebook was back at your house?

A. Yes. At that time I had a store and I didn't know the notes were going to be a threat. I wrote the store debts in there and what I needed. The school notes were with the notes I had taken for my store. If I had known they were going to be such a danger, I would have thrown them away.

Q. So, the notebook has more information than just the notes from your technical school?

A. My debts from the store.

Q. So, if we look in the notebook we will see both the stuff from the technical school and the stuff from his store?

A. Yes. The debts from my store.

Q. You say the debts are in there also?

A. Yes.

Q. How old were you when you buried the mines?

A. I don't remember. Maybe between 11 and 14.

Q. So, the mines had been buried on that land for 6, 7, 8 years?

A. Maybe 7 to 9 years. It could be more.

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

Besides the people who sold me out ask the other people what type of person I am. Maybe one person said the lies against me, but if you ask the others they will tell you the truth. Don't ask the ones who said I was Taliban asked the others.

Q. Personal Representative do you have any other evidence to present to this Tribunal?

A. No.

AUTHENTICATION

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

Tribunal President

Summarized Detainee Testimony

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

Personal Representative: I want to answer back to those accusations.

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

Detainee: There is no need for it, for the oath.

Tribunal President: Personal Representative would you like to read the accusations that are on the unclassified summary and the translator will translate it and Mustafa will respond.

Personal Representative: He has a translated copy and he will respond to it.

3 The detainee supported the Taliban
3(1) The detainee departed Sudan to Pakistan en route to fight the jihad in Afghanistan.
3(2)The detainee supports the Taliban

Detainee: The first accusation, "the detainee supported the Taliban." I do not know the Taliban. I just know that the country is Afghanistan. It's a Muslim country like any other Muslim country and I know they are ruled by Islamic rule. If you consider me knowing that as help to Taliban I don't know how that could be. Second, I'm from Sudan and Sudan is very far from Afghanistan. We hear about Afghanistan, we are living in Sudan just like any other country. But the things that happened during the investigation, I want to clarify some things to you. I came to find the accusation that I went there to declare Jihad. That is not true. I went there to trade and to study. That was the reason for me going to Pakistan. You can clarify that, you can look at my information, you will find out I trade in clothing. After that, after me going to Pakistan, only for studying or trading. And you have my passport, you can look at my passport, look at the dates. I entered Pakistan after the war ended. I went there, I had a permit, a resident visa, for 15 days only. After my 15 days were expired, I went to the embassy to get an extension on my visa, my resident permit. I went to the Pakistani Embassy to extend my visa, but they didn't give me an extension. At the time this happened, they were arresting all the Arabs and they were accusing them. Any Arabs in Pakistan were being arrested at that time. I tried to leave Pakistan because I was afraid of being arrested, plus my permit was expired and I was afraid they would arrest me and accuse me of anything and detain me, I was afraid of that. I went from one place to another, I was taken via car. I went somewhere to look for this person who was going to help me get out of Pakistan because my permit was expired and the situation in Pakistan was getting worse, especially for foreigners. Anyone was being arrested. I was afraid of

being arrested. I went to that man to get help. This person's job was smuggling people outside of the country. It's not official but it was a last result for me, I had no other choice, I was under pressure. I was in a bad situation and I just wanted to leave the country. So I went to this smuggler that smuggles people unofficially out of the country. You usually do not know where he will take you. Whatever way is open is the way you go. I was waiting for him to smuggle me to go to Iran. In Iran, I would go to the Sudanese Embassy and apply for official paperwork so I can go back home. I did not know who that person was, what was he was associated with, what party he was with. All I know was that he smuggled people and I just wanted to leave the country and he was the only man there to help me leave. I don't have any information about the man, where he is from, what organization, what party he belongs to, I did not know that. My time period there was short. I only stayed in that country for about one month. The language made it very difficult. I speak Arabic, they speak Urdu. A lot of the time I wouldn't know the direction. I wouldn't know what they were saying. I don't even know the direction, I usually would stop the taxi and ask them where do I do paperwork, passport, where is that office, can you take me there. I didn't even know the direction to visit or go anywhere in that country. So how would I know which people are which organization? I didn't know that. That was my answer to the first and second points.

3(3) The detainee is associated with the Dawa wa Irshad non-governmental organization.
3(4) Dawa wa Irshad is a terrorist organization.

I do not know that organization. Even in Sudan we do not have that organization in Sudan. And the detainee entered Afghanistan...I never entered Afghanistan. How am I going to help the Taliban if I don't even know who the Taliban are? When I went to Pakistan, the Taliban ended and there was a new government formed in that country. How I going to aid those people if I don't even know anything about them?. I never went to their country. They don't even exist where I was. How do I help something like that? In Baghram, when the investigators were interrogating me, when I told them I went there to trade and I went there to study, the hit me they tortured me. They said, "you are a liar" and they kept hitting me and tortured me. I said the same story when I was interrogated by two American teams. I told them the same story that I went there to study and trade in clothing. They even told me I didn't have any connection to any terrorist and that I was in Baghram. I don't why I was in Baghram. In Baghram, they told me, you are a liar, what you said in Pakistan is all wrong and they hit me and they accused me of things "you came here for Jihad", "you came here for that", "the people detained with you accused you of those things." I think those people said it because they were being tortured like me, so they made things up. And that's my true story.

Tribunal President: Try to avoid both of you talking at the same time so we can make sure we get what is being said. If it's helpful to you translator, have him speak in shorter sentences or paragraphs.

Detainee: It was the same story I told you before, and the same story I told in Baghram, that all those accusations are wrong, and I'm repeating the same story again. That is the true story and that is why I'm here. I want to tell you my story that I told to them before. That's what happened. It should be clear. I never entered Afghanistan. You have my passport. They were torturing us with electricity and they made us walk on sharp objects. They hit us a lot, and because of the pain we just said anything. That is I think what happened to those people that accused me. That is my true story. You have my passport and the dates I entered Pakistan. That is my story.

Tribunal President: Mustafa does that conclude your statement?

Detainee: I don't have anything additional.

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

Personal Representative: One question. You indicated you went also to study. Did you try to register at a university?

Detainee: I went to a University in Karachi. They asked for the visa. They would register me if I had the permit. When I went to school to register, they asked for me to go and extend my permit so I can be officially registered but my only problem was getting a permit. I wasn't able to get my permit extended so I couldn't complete my registration process.

Tribunal President: (To Personal Representative) does that conclude your questions?

Personal Representative: That's all I have.

Recorder has no questions for the Detainee. Tribunal Member's begin questioning Detainee.

Tribunal Member: How did you get from Sudan to Pakistan, what route?

Detainee: It's in my files, how I went from there.

Tribunal Member: I have not seen the files.

Detainee: From Sudan to Syria and then to Pakistan.

Tribunal Member: Did you pay for your travel?

Detainee: For sure.

Tribunal Member: Does Sudan have an embassy in Pakistan?

Detainee: Yes

Tribunal Member: When you arrived in Pakistan, did you register at the embassy?

Detainee: If you have a visa from that country, you don't have to go and register at the embassy. Unless you have a major problem. Or if it's a personal visit and you don't have a visa, you don't have to register with the embassy.

Tribunal Member: You had no reason to go to the embassy until your visa expired?

Detainee: At that time yes.

Tribunal Member: While you were in Pakistan, did you ever have to travel to Afghanistan?

Detainee: From the time I entered Pakistan, while I was detained, I was there for about a month. That's all the time I spent there was one month.

Tribunal Member: What did you plan on studying at the university?

Detainee: Islamic study and Arabic language. I had time on my hands to study and do trade, I wanted to do both because it was a good time to do it.

Tribunal Member: How long did you want to remain in Pakistan?

Detainee: I was planning to register and when I had a vacation period during school, I would go back and visit my family.

Tribunal Member: How long did you plan on staying in Pakistan? When you were in Sudan, how long did you plan on leaving for Pakistan in order to study?

Detainee: Before when I was in Sudan, I didn't know when the school period started or ends, but after arriving in Pakistan, and reading the schedule and school programs, I found out it was about 2 to 3 years of studying to graduate. There was a vacation in between terms.

Tribunal Member: When you were in Sudan, how long did you think you were going to be gone?

Detainee: I didn't put a time because I didn't know exactly. I didn't know what would happen once I got there.

Tribunal Member: Did you plan on studying at that time?

Detainee: Yes

Tribunal Member: I don't understand why you would have only got a visa for 15 days.

Detainee: Usually, this is how it's done. If the university accepts you, then you will be able to get a longer visa. But if they don't accept you yet, they don't give you a long visa. They only give you about 15 days. When I was there, I had a 15-day visa, I had a chance to extend my visa to come study there.

Tribunal Member: How did you find out about that process? How did you know that was the way it usually works?

Detainee: When I came to Pakistan and I visited the university, they showed me the programs. My passport said worker on it, I had a problem with that. It doesn't say student. If it said student, it would have been much easier. That is why it was only a 15-day visa.

Tribunal Member: What was your trade business? How did that work?

Detainee: I did the same kind of work back in Sudan, trading clothes, and in Malaysia. I did the same kind of work, it was the kind if work I wanted to do, trading clothing.

Tribunal Member: Who did you trade with?

Detainee: I worked alone. I sold the product, I didn't belong to a company.

Tribunal Member: Where did you get the product?

Detainee: From the market, I buy and sell.

Tribunal Member: During your statement, I understand that you say that you had no relation with the Taliban. But I didn't understand your response regarding Dawa wa Irshad. Are you familiar with Dawa wa Irshad?

Detainee: I had no knowledge of it before, but when I was arrested, the interrogators were asking me about it. That's when I know. I didn't know them. I came from Sudan, I have no idea who they are. I don't know anything about that organization. I never worked for any organization.

Tribunal Member: What was your job in Sudan?

Detainee: Trade and agriculture.

Tribunal Member: Did you ever have any type of weapons or military training?

Detainee: No

Tribunal Member: I jut wanted to make sure I understand, when you traveled to Pakistan, was it after the September 11th 2001 attacks in the United States?

Detainee: After the Taliban was finished. After the war. Its in my passport, the dates are in my passport. When the war was happening I was in Sudan at that time.

Tribunal Member: How were you arrested by the Pakistanis? How did that happen?

Detainee: Because I'm a foreigner and my color, they usually ask, "What are you doing here?" Any checkpoint I would go through, they would ask who are you and they look for your paper.

Tribunal Member: Were you arrested by yourself or were you with other people?

Detainee: With other people.

Tribunal Member: Who were the other people?

Detainee: They're with me here. In Pakistan the driver, maybe another person.

Tribunal Member: Anybody have weapons on the time they were arrested?

Detainee: No only my clothes were with me, our clothes.

Tribunal Member: Were you arrested in a house?

Detainee: No in the street, at the checkpoint. In the street in Pakistan.

Tribunal Member: What city was that?

Detainee: Close to Peshawar. I don't know the location but when they brought us to the detention facility the told us we were close to Peshawar.

Tribunal Member: Was it anywhere near the Afghanistan border?

Detainee: I do not know where the borders are, that was my first time going there. I didn't know the roads very well, I do not know exactly where we were. The guy was telling us he was going to take us to Iran. In Iran I would be able to get my official paperwork done and go to the Sudanese embassy.

Tribunal Member: Why didn't you go to the Sudanese Embassy in Pakistan?

Detainee: In the newspaper, and I heard that they were arresting all the foreigners. I had a problem, I couldn't travel. I couldn't go to the Sudanese Embassy, I was afraid of being arrested. My visa expired so I was afraid to go there.

Tribunal President: How did you travel from Sudan to Pakistan?

Detainee: By airplane. From Sudan to Syria, and from Syria to Pakistan airplane.

Tribunal President: And how did you travel from Pakistan to Afghanistan?

Detainee: I never traveled to Afghanistan. I have never seen it.

Tribunal President: Where did you stay in Pakistan?

Detainee: I stayed in Karachi and Peshawar.

Tribunal President: What places did you stay in Karachi?

Detainee: I stayed in a mosque and then I went to Peshawar.

Tribunal President: Where did you stay in Peshawar?

Detainee: Again, I stayed in a mosque. Because the man who was telling me he would help me, that's where he would stay.

Tribunal President: Did you know anyone in Pakistan?

Detainee: No I don't know anyone?

Tribunal President: Had you traveled to Pakistan before?

Detainee: No, I never traveled.

Tribunal President: That was your first time going to Pakistan to trade?

Detainee: Yes, the first time.

Tribunal President: Why was your visa denied at the Pakistan Embassy?

Detainee: They said, "We are having a lot of problems with foreigners in or country. We can't give you an extension on your visa. This is all you have."

Tribunal President: So were they expecting you to go back to Sudan?

Detainee: When I saw them, I only had a couple of days left on my visa and they just denied me, they would not take any explanation.

Tribunal President: And why did you not go back to Sudan then?

Detainee: I was hoping to try again so I can stay there and study at the university. I was hoping to try again.

Tribunal President: Help me to understand, if they turned you down the first time, why did you think they would not turn you down again?

Detainee: Possibly. You can try more than once.

Tribunal President: Earlier. You said that you entered Pakistan, after the war was over. Can you give me a month and a year?

Detainee: It was December. It was the end of the 12th month and maybe the beginning of the 1st month. January. It's in my passport. And the days I entered Pakistan.

Tribunal President: I don't have access to the passport right now so if you could give me a year.

Detainee: What time was the war? What year was the war on?

Tribunal President: 2001

Detainee: At the end of 2001.

Tribunal President: When did you decide to leave Pakistan?

Detainee: After denying me a visa and after visiting the university, and the university would not complete my registration due to not having a visa, that's when I decided to leave.

Tribunal President: Can you give me the month and the year?

Detainee: January or the end of the first month. In the same month.

Tribunal President: That was the same time you entered Pakistan.

Detainee: Not the same day but maybe the same month. In the same month but not the same day. I do not remember the dates exactly because it's been a long time. Like 2 years.

Tribunal President: Who was the person who was going to smuggle you out of Pakistan?

Detainee: His nickname, people call him, Abo Bakar, he's Pakistani. I don't know his real name.

Tribunal President: Repeat that for me again

Translator: Abo Bakar.

Tribunal President: How did you know how to contact him?

Detainee: In the mosque people told me he would be the one.

Tribunal President: Did they give you an address or a telephone number for Abo Bakar?

Detainee: No they didn't. But he came to the mosque.

Tribunal President: Were you the only one he was going to smuggle out of Pakistan?

Detainee: I don't know. In the vehicle it was just me and him. I don't know if he had other people waiting somewhere.

Tribunal President: Did you have to pay him to smuggle you out of Pakistan?

Detainee: Of course, I agreed for an amount of money, but we agreed I would pay when he gets me there.

Tribunal President: How much was that?

Detainee: I do not know exactly. I don't remember exactly.

Tribunal President: Mustafa do you have any more evidence to produce to this tribunal?

Detainee: No, I don't have anymore evidence, only my statement.

Tribunal has no more questions for the Detainee. Personal Representative has no more questions or witnesses to present.

Tribunal President: With all unclassified evidence having been provided to the tribunal, this concludes this tribunal session.

AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President

Summarized Unsworn Detainee Statement

Tribunal President: Mohammed Abd Al Al Qadir, you may now present any evidence you have to the tribunal and you have the assistance of your personal representative in doing so.

Detainee: They're all lies. I've never said in the investigation that I was a member in al Qaida or training in the Khalden training camp. They were lies. I have never told the investigators that.

Personal Representative: We are going to go through page one and after I read it you can make a statement like we talked about.

Detainee: OK

Tribunal President: Before you make any statements, would you like to do so under oath?

Detainee: What I said before?

Tribunal President: What you're going to say, would you like to take an oath?

Detainee: Not a problem, I can say it.

Tribunal President: You would like to take an oath?

Detainee: My Personal Representative told me the points and I gave him some replies and some statements to present for me and he can present it for me.

Tribunal President: You told him those things, would you still like at this point to take an oath, so that any questions we ask you or things we ask you to clarify will be under oath?

Detainee: I don't have a problem, I will say it. Is it the same things we talked about last week?

Personal Representative: What you are taking an oath for is that you are swearing the truth, what we talked about, what I am going to say for you, and what you are going to be allowed to say after is the truth.

Recorder administers the Muslim oath to the Detainee. The Personal Representative reads sections from the Unclassified Summary (Ex. R-1) and then provides responses to each as previously told to him by the Detainee.

3a1. Originally from Algeria, the Detainee stated that he entered Afghanistan in June 2001 after residing in London, United Kingdom.

Personal Representative: It's true, he was in jail in London for two months. They released him until trial date. He had to go to the police station to check in daily. He knew a friend from Germany who was in London named Mustafah and stayed with him. He escaped from London because he was afraid to be sent back to Algeria or back to prison in London. Would you like to add anything?

Detainee: I got released temporarily from prison and kept going back and forth to court to find out a court date.

3a2. The Detainee's route of travel took him through Islamabad and Peshawar and then onto Jalalabad, Afghanistan.

Personal Representative: True he went to Jalalabad so he would not go to jail or back to Algeria. He went to Afghanistan as an immigrant. Anything else you want to add to that?

Detainee: I was living alone in Jalalabad.

3a3. The Detainee was identified by highly placed al Qaida operative as having trained at the Khalden Camp and as having resided at a guesthouse in Jalalabad, Afghanistan.

3a4. The Detainee also admitted that he had been trained at the Khalden Camp.

Detainee: Is this what I told you or one of the accusations?

Personal Representative: This is what the accusation is. False, never attended the Khalden Camp, never stayed in a guesthouse in Jalalabad. I rented a house for 6 months in Jalalabad.

Detainee: That is correct.

Personal Representative: Do you want to add anything?

Detainee: I'm not al Qaida and I did not train in that camp.

Personal Representative: And that answer is 3a4. That says he did not train at the Khalden Camp. He said I never said such a thing to anyone, I never had training at that camp.

Detainee: Correct, I said that.

Personal Representative: Anything else that you would like to add.

Detainee: I did not train and that's all.

3a5. The Detainee is a member of the Jemaah Islamiah Muqatilah which is closely connected to the Salafist Group for Call and Combat.

Personal Representative: He said this is not true. He has no relationship with any movement. Would you like to add anything else?

Detainee: If I was part of Al Qaida or that Islamic group, I would have been arrested by Algeria first. And second, I would have been arrested by Germany where I stayed for 3 years in a detention facility. I was 7 years in Germany, why wouldn't Germany arrest me if I was part of al Qaida, why was I able to get a Visa?

3a6. The Salafist Group for Call and Combat is an Algerian terrorist group operating primarily throughout Europe, Africa, and the Middle East, but with known ties to al Qaida.

Personal Representative: He stated that he knows nothing about it and he has no relationship.

Detainee: I have no connection with that group and if I did, I would have gone to Algeria, I would not have gone to Afghanistan.

3a7. The Detainee fled Jalalabad, Afghanistan during the advance of the Northern Alliance.

3a8. The Detainee entered Pakistan, was arrested by Pakistani authorities and was later transferred to the custody of U.S. forces.

Personal Representative: He said that he never fled, he was sick so he never left home. The owner of the house said the Northern Alliance was coming and he needs to leave. The owner said he would help him to another house where there were other Arabs, who he said would help them.

Detainee: They told me to come on, let's move. I had malaria. I didn't have the will or the energy to go with them. He said that's it, you have to leave. So I took my things and left.

Personal Representative: He also said they wanted to get their children and families out first so he had to wait ten or more days.

Detainee: 10 to 15 days correct.

Personal Representative: They took to the road and walked 2 to 3 days and reached people on the border of Pakistan. This also clarifies number 8. At the border of Pakistan,

the people welcomed but also separated him because he was sick. And he was asked to wait until they could help. But he was tricked and given over to the Pakistani police.

Detainee: They told me you are very ill, you're sick. They put me in a house by myself. After that they gave me to their forces.

Personal Representative: When he was tricked, he had no weapons when he was captured. His entire intention was to go to be an immigrant.

Detainee: In Afghanistan?

Personal Representative: (reading from notes) Entire intention was to immigrate, make money, and find a wife.

Detainee: Yes, I wanted to get married and get stable somewhere.

Personal Representative: Would you like to add anything else?

Detainee: When I was arrested in Khandahar, they told me I had malaria. I was sick; I had malaria. In Khandahar they took me, a medical team checked me and they found out that yes I did have malaria, and then they gave me some treatment by the American forces.

Personal Representative: Is that the end of your statement?

Detainee: Not even once did I mention I was trained at Khalden Camp. I never said that I trained. I refused to train there and the interrogators made those lies against me.

Tribunal President: Mohammed Abd Al Al Qadir, does that conclude your statement?

Detainee: If I had really done those things, Germany and Great Britain would have had a list of things that I had done. They don't have anything against me. They would have given you information about me if I had done anything. But I have never done any of those accusations that you mentioned before.

Tribunal President: Would you be willing to answer some of our questions?

Detainee: No problem.

Personal Representative has no questions for Detainee. Recorder has no questions for the Detainee. Tribunal Member's begin questioning of Detainee.

Tribunal Member: Please explain why you were in prison in the United Kingdom.

Detainee: I went to Great Britain, I was new there. I was looking for a job. I went to restaurants and hotels looking for a job. I told them I knew German, they told me they don't need someone who speaks German. They need someone who speaks English. I would tell people if they found any kind of job, let me know because I want to work. One day I was sitting in a club, this person came up to me asking if I could return some clothing to the store for money. I went to that store and took the clothes to the store with the receipt the man gave me. He told me "When they ask me why I'm returning them, tell them I didn't like them, I changed my mind." I told the man at the store "I changed my mind", I gave him the receipt and he gave me the money back. On my way out, the police were waiting for me. I was detained for 2 months. After that I was released and they made me come to the court office to sign every day because they told me I had to be present there every day and sign. Then when my court date came, I went there, they asked me if I had a lawyer. I told them I don't need a lawyer. After I said I didn't have a lawyer, they issued a bond for me. A friend paid the bond for me. They told me the person who paid the bond, had to be there to sign for my release. When I called the person. He said "I can't come to the jail and be there for you all the time, I live about 90 to 100 kilometers away from the court so I can not come there every time for you." So I told him "Do what you have to do I want to go." That was what happened.

Tribunal Member: Then you left England, you escaped England?

Detainee: I remained there for about 2 months. I was afraid they would send me back to Algeria. My father called me, I had served 2 years in the Algerian Army, my father told me that the Algerian government has requested me to go back to the military to serve some more. They extended my service time. The situation in Algeria was very bad and I didn't want to go to Algeria.

Tribunal Member: Did the British authorities take away your passport?

Detainee: No, I didn't have a passport.

Tribunal Member: How did you leave England?

Detainee: I bought a passport in Italy. When I was in Italy, I told the interrogators I purchased a passport in Italy. Arabic-Algerian-French Passport.

Tribunal Member: Do you know whom you purchased the passport from?

Detainee: I don't know, I was new in Italy. I just paid him the money and gave him my picture. I don't know the person.

Tribunal Member: How did you pay for your travel?

Detainee: I had money, I used to sell drugs in Germany.

Tribunal Member: How did you support yourself when you lived in Jalalabad for the 5 or 6 months you were there?

Detainee: In interrogation, I used to sell prayer tapes. That's how I made money. I also worked with someone in produce.

Tribunal Member: You said that you refused to train at the Khalden Camp. Who asked you to train there?

Detainee: I have never trained. Even if I were asked to train I would never train. You can go look for evidence. I never trained there. How could someone accuse me of training at Khalden Camp if they don't have any evidence against me? I never trained there. You can go ask the people that were there and find out for sure I never trained there. I never went there. There is no evidence against me that I trained there.

Tribunal Member: Did anyone ever ask you to train there?

Detainee: The interrogators would take me for about 2 weeks and interview him and ask " Did you train? Did you train at Khalden Camp? Did you train there?" I would tell them no. They would force me. They would say, "Just say you would trained at Khalden Camp nothing will happen to you, just say you were trained in Khalden Camp." And I told them no I did not train in Khalden Camp. When I was in military in Algeria I was trained in the Kalishnikov, but I never trained in Khalden Camp. So they forced me. They said if I say that, I will not be punished for it. But I said "No." Why would I say something that I did not do?

Tribunal Member: I would like to get a rough timeline of the time he was in Algeria, England, and in Germany.

Detainee: 23 ½ years in Algeria, then officially I had a passport and I traveled from Algeria to Italy and I stayed a month and a half in Italy. I wanted to go back to Algeria, it was difficult to get a passport to Germany, and they would not give me a visa to Germany. I wanted to go there because all my friends were in Germany. They gave me a visa to Italy. I took a train the France border and walked into France, then I took another train to the German-French border and I took a bus to Germany. I applied as a refugee there. At the train station, I went to the immigration office and they took my fingerprints and filled out some papers. Then the French took me back to the French office. They told me, if I stay at the French border for too long you will get arrested. Where do you want to go. Do you want to go to France or do you want to go to Germany? I said I want to go to Germany because all my friends are there. So they sent me back to the German office and they asked me where I want to go and I said Frankfurt, because my friends are there. One more time they asked do I want to go to Italy and I said "No, I want to go to Germany." I took a train to Frankfurt from there.

ISN #284
2795

Tribunal Member: How long were you in Frankfurt and when and why did you go to England?

Detainee: 1993-1999 or 2000. I wanted to stay in Germany but Germany wanted me to go back to Algeria. I don't want to go to Algeria. Because of my record for stealing, they told me that I could not stay there and they wanted me to go to the Algerian embassy. I went to the embassy and they said "Ok, you don't have to go to Algeria, just sign those papers and you don't have to go." So I signed, I was detained for 3 months, and then I was released. I was staying in Frankfurt at the time. They gave me a green paper, it was like a permit to stay there. In 3 months, they would renew it for me. When I was in the detention facility, they took it from me. For a short period of time I did not have that paper. So I went to a lawyer so they would give me back my permit. But the lawyer told me if you get arrested they will send you back to Algeria so you have to leave this country. So in Italy, they used to make immigration papers, so I went to Italy. When I went to Italy, I found out they no longer make those papers. Living in Italy was difficult. I worked in produce. I cannot work that kind of job. It's very difficult. I am a sick person, not very healthy. So I bought a passport and went to England.

Tribunal Member: How long were you in England?

Detainee: About 9 to 10 months.

Tribunal Member: Did you attend any mosques in England?

Detainee: Yes I went to pray, the mosques are open to any Muslim who wants to pray.

Tribunal Member: Namely, were you ever at the Baker Street or Kingsbury mosque?

Detainee: I prayed at Finsbury and I prayed at Baker Street. I would go next door to the library that sold the prayer tapes. It would be prayer time and I would go next door to the mosque and pray because it was prayer time. It's not forbidden to go to a mosque, it's a normal thing. It's official; it's open to anyone who wants to pray.

Tribunal President: It appears you are still rather ill. How did you receive the injury to your arm and I'm assuming your leg?

Detainee: How did it happen or am I still able to walk?

Tribunal President: What is the nature of the injury?

Detainee: The guard closed the gate on my hand and I went to the doctor and the doctor put that on my hand.

Tribunal President: I want to thank you for your participation in this tribunal today. Mohammed Abd Al Qadr, do you have any other evidence to present to this tribunal?

Detainee: Because I am detained, I cannot get you any more evidence. But if you go ask the British, the Germans, the Italians, I have never done anything to harm any Americans there. I don't want to go back to Algeria. I do not want to go back to Algeria. There are a lot of Americans in Germany. I have never ever tried to harm any Americans or anyone. I have never done anything to harm anybody. Is it not official being in Afghanistan? When I was in Afghanistan I saw a lot of Americans, a lot of British, normally they would pass by me and I never tried to harm anyone. It was like normal being there. Traveling to France, to Italy, to Germany, I traveled to Afghanistan too because I know they would not make me go back to Algeria. I don't not want to go back to Algeria because I know if I go back to Algeria, they will give me a weapon, they will tell me to go fight and I don't want to put myself in danger, I don't want to be killed. Would you want to be killed?

Tribunal President: We appreciate your comments and we will take them in to consideration.

Personal Representative has no further witnesses or comments.

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

AUTHENTICATION

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

_____

Colonel, U.S. 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 Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal. The Detainee requested to have a copy of the Unclassified Summary of Evidence and was then instructed that he be given an opportunity to respond to each allegation.

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

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

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 swear that if I say something it would be true.

Tribunal President: Would you like to an oath to that?

Detainee: I will talk everything about everything I'm asked. Every word that I speak will be truthful. I'm ready but if you don't accept my words then I swear.

Tribunal President: It's up to you.

Detainee: If you need me to swear, I will swear. But whatever I say will be truthful.

JAG Tribunal Member: Treat it as un-sworn (to Tribunal President).

Personal Representative: Previously you said you would take the Muslim oath. Do you want to take the Muslim oath or not?

Detainee: I am ready. I don't have any problems.

The Detainee opted to take the Islamic oath prior to making his statement to the Tribunal.

3.a.1. Detainee facilitated the travel of individuals from Meshad, Iran to the border town of Tayyebat, Iran, which is near the Afghan border in 2001.

Detainee: The first one, number one, about the year 2001; I have talked to my Personal Representative and I have said that I have not engaged.

Personal Representative: Would you like to read what you have said (to Detainee)?

Detainee: Yes.

In 2001 I was living in Meshad, Iran. I have not traveled from Mashad to Tayyebat in 2001. I was captured in Iran in March 2002, then they brought me to Afghanistan. I did no traveling. I was a taxi driver. I traveled 5 to 10 KM around the city, not 3 hours to Tayyebat.

Once I took Abdulla Aziz from Meshad to Tayyebat in 1999. I basically did it just for the pay. Someone called me and asked me pick up this person and I took him to Tayyebat. He (referring to Aziz) had the legal documents he needed. My friend asked me to take this Sunni on this trip so he could find Sunni food and I wanted to make some money. The manager of the hotel said this man wanted Sunni food so I went along to help and earn money. I met Adbulla Aziz three times. When I went from Meshad to Tayyebat with him and later returning. My third time, he called me on my cell phone and asked if I could take his friends for Sunni food. I did this five to seven times.

It was to my own will to talk about this situation. On my own will I decided to talk to American Interrogators. How did America know that I was in touch with Abdulla Aziz? I was the one who told them that I had talked to Abdulla Aziz. I talked everything truthful to my interrogators. My Personal Representative said that it was in 1999. Only one time I went to Tayyebat with Abdulla Aziz that I have not went with anybody else. I am a taxi driver even if you come and ask me to bring you somewhere I will bring you. I don't not belong to any group and to make a living for my wife and child I did this. What else can I say? For three years I've been telling the truth on whatever I'm asked. I have told this of my own will and I have told them in year of 1999 one time I went with Abdulla Aziz. It seems that American interrogators does what he likes to do, because I have said that it was in 1999 I have done but it says it was in 2001.

3.a.2 Detainee associated with the leader of al Wafa, Abdulla Aziz, and received payments for arranging the travel of individuals to and from Afghanistan

I don't know who al Wafa is. I don't know anything about al Wafa. Only interrogators told me about al Wafa. Abdulla Aziz would call me and ask me to take his friends for Sunni food. Since I was a Sunni and knew about Sunni food. I went to the hotel with food from the restaurant. I was just doing this to earn money for my family.

I will try to explain this more. All this happened from 1999 to 2000. Abdulla Aziz sometimes called me and told me to get food for his friends and this is common between Muslims. Those people who come to Meshad, they have documents and they were at the hotel so I did not see anything to me to worried about them. I only helped them put food

in out of their mouth not to go in and out of Afghanistan. In here it says that I received money but it was like petty money like $2, $5, $10. I'm ashamed of myself when I see here that I got money for this. I did not receive major money from these people. If I was sent to buy food, and there was change left, I kept the change and they would give me a little bit more money. All the time that in the year and half, that I worked with these people, I did not make more than $1, 000 approximately. I have told them that the money in American money would be about $1, 000. My interrogator told me the amount of money you said you took from them, if you convert it to American dollars. I'm ashamed that it says here that I got money from them. I have not brought anybody in and out of Afghanistan. I have not done this and would have told the interrogators that the same I told them that not Abdulla Aziz.

3.a.3. Al Wafa is a known Terrorist organization as directed in Presidential Executive Order 13224

So. It has nothing to do with me. Al Wafa is not up to me. I don't have anything to do with al Wafa. Al Wafa, is whatever it is and is for itself. I don't have anything to do with it. I have worked with Abdulla Aziz and it didn't say in his forehead that he a dangerous person so I would know. In that year that I knew him, it didn't seem that he was odd and he could not ask me something that would seem odd.

3.a.4. Detainee forged documents to faciliate the escape of al Qaida members.

Respectful lady, if I was forging documents I would do it first for myself so I would be not detained. I flatly deny this. I have not made any forged documents and I am not a person to do such a thing. If you read how I was detained and how I was chained and how I'm in Cuba right now.

The Tribunal President asked if that had concluded the Detainee's statement.

Detainee: About this forged document that I helped al Qaida members, I would like to make another statement.

Tribunal President: Please do.

Respectful Lady, if I were forging documents for al Qaida members the first person who would have wanted me to forge for him, would have been Abdulla Aziz. From what I know from what the Detainees here have told me, Abdulla Aziz was arrested in Pakistan. If I had forged documents for him, Abdulla Aziz would have come to Iran. Abdulla Aziz did not have my address. Abdulla Aziz didn't know any information about me. Abdulla Aziz did know that I'm not this kind of person. Respectful Lady, Abdulla Aziz only had my cell phone and after that I sold my cell phone and I did not have any contact with him. I am a person that is educated. I studied in Afghanistan. I studied economics. All my life in Afghanistan I have worked as a pharmacist. I am not a person to carry a weapon. I escaped from the Taliban's bad régime to Iran to make an easier life for myself. I am

under so much pressure that I would like to speak more but I cannot. I cannot speak more.

Tribunal President: We're certainly willing to listen if you have something else you feel we need to know.

Detainee: I have talked to interrogators about Abdulla Aziz and have been a shown picture of Abdulla Aziz. I don't believe that Abdulla Aziz would be a truthful witness; otherwise I would ask him to come here. Abdulla Aziz is right here. You caught him. I know that Abdulla Aziz, he would not come here to testify for me.

Tribunal President: Personal Representative, did you have anything else?

Personal Representative: I don't have any further questions for you.

Detainee: The last thing that... I am married and I have a child and they are waiting for my return in Afghanistan. I'm trying to provide for my family, for my son, a life that he wouldn't be like me in chains.

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

Recorder: No.

Tribunal President: Do any Tribunal members have any questions?

Tribunal Members' questions

Q. Have you ever had any military training?

A. I did not have any military training.

Q. Were you born in Iran or Afghanistan?

A. I was born in Afghanistan and during the time of algeree (ph). I moved to Iran.

Q. Why did Aziz come to you for Sunni food? Were there no other Sunnis he could go to?

A. I did not know Abdulla Aziz. I did not have any contact with Abdulla Aziz except my friend. He introduced him to me. I told the interrogators everything about my friend who introduced Abdulla Aziz to me.

Q. How long did you spend with Abdulla Aziz when you took him for the taxi ride back and forth? How many days? How many weeks?

A. Only one time in the last part of 1998 and beginning part of 1999 only one time. From Meshad to Tayyebat which is three hours ride. I do not speak the language of him. Only with friends we have talked. The first time the manager of a hotel translated his words to me.

Q. Who captured you in Iran?

A. Iranian police.

Q. Do you believe in jihad?

A. Jihad is about the time of prophets. I don't understand the meaning in the Quran about jihad.

Detainee: If you want me to explain how I was arrested?

Tribunal President: Certainly, we do.

Detainee: All the refugees during Taliban came to Iran. They did not have proper documents. In the year of 1988 the United Nations and Iranian Security Forces sent all the refuges that came to Iran during Taliban. They have to come register themselves with the Iranian government. After that we were given a piece of paper that much (showing a folded sheet of paper to the Tribunal to illustrate the size of the document) which was a picture of myself my wife and my child, my son. It said that the people with the picture could live in Iran and with the United Nations have registered ourselves with the government of Iran. Every three months we had to go and sign it again. The time the three months had run out and I was going to renew it. I had the registration... when the police pull you over you have to show your documents and that registration card that I have; I had put it between that paper that I showed the police when I was pulled over. That day President Bush had announced that Iran is not a good country and now Iran, everything wasn't normal that day. Police were everywhere and they were looking for everything. Even though I was a taxi driver, Afghans are not allowed legally to work in Iran. I was illegally working. Afghans, they could only work illegal jobs in Iran. The way I speak is the same way Iranians speak. I don't have any ascent. So when the police asked me where you are from I would answer that I am Meshad or Tayyebat. I would tell them that I'm from Tayyebat or Meshad. That night the police stopped me and asked me for license and registration. I had told them that I forgot my license at home and here is my registration. When the police saw the registration with my Afghan refugee status card was in it and he looked at and saw that I was Afghan and you are working illegally. And that's how I ended up here. Iranian police, you don't understand you don't know how they are. Nobody had understood the fact that, that's how I arrived in Cuba. I have explained to everyone that I did this.

Tribunal Member's question:

Q. Did the Iranian police hand you over to the United States?

A. No. When the Iranian police arrested me, I was one month in the Iranian Prison after that one plane from the government of Afghanistan. They took me from the prison to the airport in Meshad. I though that Afghan forces would obtain. There were ten of us. Six Arab, two Afghans, one Uzbeck (ph), and one tongee (ph). The Afghan forces came and took possession of us from Iranian forces. That night American interrogators asked me questions and I told them all this.

Tribunal President: I want to thank you for participating in this Tribunal today.

Detainee: I thank you and I thank the government of the United States to come to decide about what's going to happen to me.

Tribunal President: Do you have any other evidence to present to this Tribunal

Detainee: I have talked on my own, my own (inaudible). If I was a bad person, if I was trained not to talk I would have denied everything connecting me to Abdulla Aziz. I would have said I don't know anything about it.

The Tribunal President confirmed that the Detainee had no further evidence or witnesses to present to the Tribunal.

Detainee: One more thing that I add; when I went with Abdulla Aziz to Tayyebat, I wasn't a taxi driver myself. Because I was not allowed to perform a job taxi on that route, so there was an Iranian taxi and Iranian taxi driver. Because police would ask for permission or documents and I am not allowed. I don't have a permit to drive on that route.

Tribunal President: Okay, we will make note of that.

Detainee: I don't know what else to say. My heart is not bad. My heart is sad and I don't know what else to say.

The Tribunal President explained the remainder of the Tribunal process to the Detainee.

Detainee: I have never been in this situation before. I have never known all these words. If you three are the ones who decide of my fate?

Tribunal President: We will make a determination of his Enemy Combatant status.

Detainee: Don't look at these (referring to the Unclassified Summary of Evidence) this is not my words and this has nothing to do with me.

The Tribunal President continued to explain the remainder of the Tribunal process to the Detainee and adjourned the Tribunal.

AUTHENTICATION

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

Colonel, United States Army
Tribunal President

Summarized Sworn Detainee Statement

[The Tribunal President asked the detainee if he understand the CSRT process.]

Detainee: I heard it.

[The Tribunal President asked the detainee if he had any questions concerning the Tribunal process.]

Detainee: What kind of questions?

Tribunal President: Do you have any questions about why you are here and why we are doing what we are doing today?

Detainee: Yes.

Tribunal President: What questions do you have?

Detainee: Why did this Tribunal start, what is the purpose of it?

Tribunal President: You have been classified as an enemy combatant by the government of the United States. The purpose of this Tribunal is to determine whether that classification is right or not. We will listen to you statements and we will review written evidence that the government has. Base upon that information we will determine whether or not you have been proper classified as an enemy combatant. Do you have any other questions?

Detainee: What type of person is considered an enemy of the United States or United Nations?

Tribunal President: For the purposes of this Tribunal, an enemy combatant means an individual who is part of or supporting Taliban or Al-Qaida forces or associated forces who are engaged in hostilities against the United States or it's coalition partners. This includes any person who has committed a belligerent act or who has directly supported hostilities in aid of enemy armed forces.

Tribunal President: That is the definition we will use to measure whether or not you have been properly classified as an enemy combatant.

Detainee: If you could really focus on the issue of the Taliban. I have never been associated with them. The Taliban usually forces people. Especially at that time.

Tribunal President: As we go through the Tribunal process you will have an opportunity to present your statement to us.

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

Detainee: I don't have any more questions; I'll follow the process as long as you will listen.

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: Yes.

[The Detainee was sworn.]

Tribunal President: Please begin.

Detainee: I was a teacher and have always been in the teaching profession. How can I be processed as an enemy combatant?

Tribunal President: That is what we are here to determine.

Detainee: I brought my diploma with me. The telephone, maps and the passport pictures; I was in Iran when the Taliban forcefully put those in my house. The Taliban's car got stuck in the mud in front of my house. They took the papers and gave them to my wife. They told her to leave them there and they would be back the next morning to pick them up. If I had been there I would not have accepted the papers. When I came back from Iran the woman told me the Taliban stopped and left the papers. I was very upset and angry and asked why she took the documents. I went to the governor and told him about the documents. The car and the weapons were surrendered to the governor. The governor took the car and the weapons and told me not to worry about the paperwork to throw it away; the Taliban was finished. I surrendered the car to the present government, the Karsi government. The government told me several times not to worry about the paperwork; the Taliban government was finished. I fought the Russians when they were there I was use to weapons. When the Russians left I sold the weapons I had. After the Russians left, I swear, I never saw the Taliban or associated with them. The only fighting I did was when the Russians were there. If you have any evidence that I have seen or been associated with the Taliban, kill me. There was a time when the Taliban forcefully took me. I had to pay 100,000 rupees or serve them. At that time everyone was under Taliban control, I was taken forcefully. After the Taliban was finished I never saw them or associated with them.

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

Detainee: An enemy is one that goes to the field and prepares for war, but I was sleeping at home. What kind of enemy sleeps at home? The Taliban government left and I was doing my only duty, teaching. Under the new government I was a teacher I have the papers. When the new government came I supported them, but I was threatened, as were others that supported them. People were against me because I started a new school they wanted a religious school. Think about this and use your best knowledge. I never associated with the Taliban. I have never seen a Taliban, when they left that was it. Also, you should know that anybody who is educated in Afghanistan are called infidels or not on the right track by the religious people. As a Muslim I feel as though I have nobody here. The other day I received a letter that my brother died. I have ten children at home to worry about. I am in debt and have no money, but I want you to make the best decision.

Summarized Answers in Response to Questions by the Personal Representative

Q. You mentioned that you took the papers to the governor and he told you to throw them out, how did they get back in your home?

A. I mentioned them to the governor but never took them to him. He told me not to worry about it and to throw them away. He had never seen the documents, the only time he saw them was when the soldiers saw them.

Q. Prior to the current government, how did you support yourself?

A. I had a cart and grew my own stuff. I would push the cart and sell fruit.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Where were you captured or arrested?

A. At my house and then taken to Kardiz. I was sold.

Q. Who captured or arrested you?

A. Soldiers came during early Morning Prayer.

Q. American soldiers or Afghani soldiers?

A. They were Afghan but they were speaking English.

Q. Did they tell you why they were arresting you?

A. Till this day I have not been told.

Q. Did they ask anything about why you had the documents or did you tell them why you had the documents?

A. They asked, I told them I was in Iran when the Taliban gave them to the woman. When the Taliban was fleeing their car broke down in front of the house and they left the documents.

Q. Why did you go to Iran?

A. I was working and trying to make money. There was no government or economy at the time and I was trying to make extra money.

Q. When did you become a teacher?

A. After the Karsi government was installed, I came back to Afghanistan.

Q. So, you were a teacher when you were captured?

A. Yes.

Q. But you also went to Iran to support yourself?

A. I was never a teacher when the Taliban was in power.

Q. So when the Taliban left the car by your house and until the time you were captured, how long was that?

A. It was a long time.

Q. Where were the documents kept in your house?

A. They were thrown on the side in the bushes.

Q. Why didn't you destroy them?

A. I wish I would have but the governor insured me nothing would come of them, the Taliban government was finished.

Q. When the Taliban was in power, where you a teacher?

A. No at that time the schools were not there. The only thing allowed was religious schools.

Q. But you stayed and you did work for the Taliban?

A. I forcefully taken, I was told to pay them 100,000 rupees or work for them.

Q. Did you fight for the Taliban when you were conscripted?

A. I was a cook for three months.

Q. Where did you cook?

A. In Kabul and the surrounding areas. When the Russians were there I helped the mujahidine rebels.

Q. So, you cooked for the Taliban when they were fighting the Russians, is that right?

A. No, the Taliban did not fight the Russians.

Q. Okay were talking about the Taliban, follow me here.

A. I cooked for the Taliban for three months that's it.

Q. When you cooked for the Taliban, did you cook for commanders or soldiers, were you on the front lines?

A. They told me to fight and I told them I didn't know how. They told me if I couldn't fight then cook.

Q. You don't know how to fight even though you were with the mujahidine?

A. I didn't want to be with them, so I excused myself.

Q. You said earlier that you brought your diploma with you, is that somewhere in your file?

A. It's in the files with the soldiers.

Q. What year was it that the Taliban took you and forced you to work?

A. The same year they were overthrown.

Q. When they were fighting the Americans?

A. No there were no Americans.

Q. So when they were just fighting the Northern Alliance?

A. Yes they were fighting the North and three months later they were overthrown.

Q. You said there was a long time between the time the car got stuck in the mud outside your house and the time you got captured, when you say a longtime do you mean, many days, many months or years? What do you mean by a longtime?

A. Six months from when I returned from Iran.

Q. So, the documents were in the bushes by your house for almost a year?

A. After given the insurance by the governor I didn't give it a second thought. I just threw them there and never paid attention to them.

Tribunal President: Do you have any other evidence or statements to present to this Tribunal?

Detainee: A lot of the evidence I have is in Afghanistan. What type of evidence do you want?

Tribunal President: Any other statements you would like to make to the Tribunal.

Detainee: The only statement I have is why am I in prison? Evidence can be brought to prove my innocents. I was trying to help out the new government and further education. I was being threatened and now the Americans are holding me. I swear I am telling the truth. I helped out Karsi and was being paid money for six months. I had 400 students I was teaching. Why would I go against the Americans? My family has no one to support them or my ten children. My children were crying when the soldiers took me.

AUTHENTICATION

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

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Tribunal President