Summarized Detainee Statement

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

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process, the Detainee answered, "No."

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

Detainee: I don't have anything.

Tribunal President: Would you like your Personal Representative to assist you with any comment to the Tribunal.

Detainee: He has some information about me. I don't have any problem with that.

Tribunal President: Personal Representative will you please present that to the Tribunal.

Personal Representative: The detainee and I met on 11 October 2004 for approximately seventy-five minutes. We had a good dialogue and the detainee was respectful throughout the interview. He was read the unclassified summary during that interview. I would like to review each piece of evidence on the unclassified summary and the detainee's response to those items.

3.a.1. (The detainee traveled from Saudi Arabia to Afghanistan via Pakistan.) He stated yes he did travel to Afghanistan. He traveled to teach the Koran. He left Saudi Arabia on his own free accord as an individual. He did not leave Saudi Arabia as a member of any Non Government Organization or sanctioned mosque, charity, or organization.

Personal Representative: Is this about what you recall?

Detainee: Yes.

Personal Representative: Would you like to add anything to this statement?

Detainee: No.

Personal Representative: 3.a.2. (The detainee stayed for one week in a known safe house in Jalalabad, Afghanistan.) Upon hearing this question the detainee asked me what is a safe house? After describing what a safe house was, the detainee stated he had never been in such a place nor had he been in Jalalabad. Instead the detainee stated he went from village to village staying with Afghan families and teaching the Koran. Although he was not in the city of Jalalabad he stated he stayed in the suburb of the city. In all his travels he only stayed with Afghanis never with Arabs. The detainee stated that he could

have possibly admitted to some things that were identified in the unclassified summary because he was pressured and tortured by the Pakistani police.

Personal Representative: Is this what you recall from our meeting?

Detainee: Yes.

Personal Representative: Would you like to add anything to this statement?

Detainee: No.

Personal Representative: 3.a.3. (The detainee stayed at Nejim Al-Jihad, a known terrorist organization-housing compound owned by Usama Bin Laden.) The detainee stated that he never knew of such a place nor did he ever go to such a place. In fact he didn't even know where Nejim Al-Jihad was located.

Personal Representative: Would you like to add anything to this statement?

Detainee: No.

Personal Representative: 3.b.1. (The detainee received small arms training at the Al-Farouq training camp.) The detainee denies receiving small arms training at the Al-Farouq training camp and does not know where Al-Farouq is located.

Personal Representative: Would you like to add anything to this statement?

Detainee: No.

Personal Representative: 3.b.2. (The detainee was listed on a computer hard drive used by suspected Al-Qaida members captured by Allied personnel in a suspected Al-Qaida safe house in Pakistan.) He has no knowledge of this hard drive and no knowledge of his name being on the hard drive. Many people have the same name, what's a name on a hard drive? The first time that he knows of his name being put in a computer is when the Pakistani police arrested him and took his photo.

Personal Representative: I did take some other notes with the detainee that I would like to share with the Tribunal. The detainee stated that he left Saudi Arabia three weeks prior to the September 2001 attacks on the United States. His work in Afghanistan was given to him by the Imam at an Afghanistan mosque near Jalalabad. When I asked him for the name of the Imam, the detainee told me that in respect to the religion they only refer to him as Imam. He did not have his name. He stayed in many places in Afghanistan. When I asked him for the address of the mosque where the Imam gave him his direction, he said that in Afghanistan they do not have addresses like in the west. Finally the detainee stated how could he have possibly done all these things when he was only in Afghanistan for four months.

Personal Representative: Do you have anything to add, if not this will conclude my statements?

Detainee: No.

Tribunal President: Does this conclude your statement?

Detainee: I have nothing.

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

Personal Representative: No sir.

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

Personal Representative: No sir.

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

Personal Representative: Yes sir.

Summarized Answers in Response to Questions by the Tribunal Members

Q. How did you fund your travels to Afghanistan?

A. This is just a hearing. The real court will be done by my lawyer in civil court.

Q. So you don't want to answer the question?

A. I'm not ready.

Tribunal Member: Do you not want to answer any questions or that question?

Detainee: Any questions.

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

Detainee: Not now.

AUTHENTICATION

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

[redacted]

Tribunal President

Summarized Sworn Detainee's Statement

The detainee confirmed that he understood the process and had no questions.

The Personal Representative provides the Tribunal with the Detainee Election Form labeled exhibit D-a.

The Recorder presented Exhibit R-1 into evidence and gave a brief description of its contents. The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The Detainee elected to participate.

Tribunal President: I would like to confirm that the witness you requested was Qari Enahmullah. You described him as a Pakistani and gave us his age, height and other characteristics. You told us that the last you saw him was at Bagram, Afghanistan apparently in U.S. custody.

Detainee: No, I didn't say that.

Tribunal President: Could you verify that last time you saw this witness?

Detainee: I saw him half an hour before I was arrested. Since then, I have not seen him.

Tribunal President: I understand. I had determined that your witness request would provide testimony relevant to this Tribunal. I requested that the United States government attempt to locate your witness for this Tribunal. The Unites States government contacted the Afghanistan government on 27 October 2004. The Afghan government did not respond to our request. Since November we directed our attention to investigating if he is in U.S. custody in any location. I have received a report from the United States government that no person with this name, or similar to his characteristics, is in U.S. custody. As the Tribunal President I am satisfied that the government has made reasonable efforts to locate this witness. This also includes attempts by the United States Department of State to locate him via the Pakistani government. While the description you gave us of the witness was thorough, is not sufficient to formally request the Pakistan government attempt to locate him. So, I am forced to make the ruling that after all reasonable efforts by the United States Government, we are unable to locate your requested witness, and I find that the witness is not reasonably available. I will ask the Personal Representative to remind this hearing, and the Detainee to state for the record, what the Detainee had wished this witness would testify to.

The detainee wants to present an oral presentation. The detainee would like to take the Muslim oath. Recorder administers the Muslim oath.

Detainee: For the last two years the American government got all the necessary information and placed it in my file. If they are talking about the Taliban from the government of Afghanistan, I am not this Taliban. I live close to Afghanistan and the Afghans captured me close to Kabul. I lived there in our house. If you ask anyone around there if I am Taliban or if I was Taliban I will

accept all allegations. Just a few years ago I grew a beard. At the time the Taliban came I was a very little boy or teenager and I did not have a beard. Anyone who did not have a beard would not be accepted in the Taliban. Also, I only studied at [my] school, [a] madrassa, which I told my interrogator a long time ago. The only thing I can think of is that I went to some of the same schools that the Taliban went to. What is my fault? When the people were fighting against America, they fooled me. They told me they would take me to a school. My books were with me as well as my sleeping bag. I was to go to the madrassa to study. I had no choice to go in the middle of the night or suffer from them. I had to follow them wherever they went. That was the only reason I went, because I was scared. I did not know the area. About the Kalashnikov bullets and the grenades that I had: I had it because they gave it to me to take care of it. At the time those people were fighting the American I sat in the corner far away from them. I did not fire one bullet and I didn't throw anything at anybody. I didn't try to escape. I was walking down the main street. I went directly to the Afghan military because there were people there that spoke Pashtu like me and I told them everything. Then they handcuffed me and told me to go with them and tell the whole story, and we will release you and you go your own way. Then I told them from A to Z. I told them everything I know and everything I saw. I told them the whole story. All the information I had from those people including the kind of weapons they had, who they were. Everything I know I told them. Then after that they put me in a plane and took me to Bagram. I was interrogated and abused physically. They did not let me sleep all the way to this island. Maybe it was because they could not catch or arrest other people. I am the only one [caught] in this incident and they are still keeping me. I have no other knowledge. The person that does is Qari Enahmullah. I didn't ask for my brother or father as witnesses because they have no knowledge of this incident. He is the only person who knows. He was the one doing the fighting. I want that witness to tell the whole thing and clear the whole thing up. You guys have the knowledge and the power and the time. Ask around in my village, my family members, my brother, my father if I ever did anything in my entire life like fighting or gathering with other people [to fight]. The only thing I did was go to school and study. Also you know that in Afghanistan for the past 20-25 years it has been in a war, fighting and going through terrible things. There are all kinds of people that just try to find someone and arrest them as a business. That is all that they have going on over there, a terrible thing. I think there is no evidence on me and also the last two a half years if you found something or you researched something, I have nothing to do with it. He was the only person who knows the whole story. I hope you can find him and he will clear everything about me or the incident. If you put me as an enemy combatant because I study my religion, that is no problem. That is a different story. I am going back to school to study. All I do here is study the holy book. You have the power and the knowledge. I will tell you that I never did anything wrong against you or against Americans or anybody. I am just a student that belongs to you guys. I ask you for knowledge and good judgment. If I did any fighting or planned to fight, I would tell you. I would not keep it in my heart. I would tell you, just the same, but I didn't. We are very poor people. My brother works hard daily to support our family. I was a student. We never belonged to any group; we just worked to support our family. We did not belong to anybody.

Tribunal President: Abdul Nasir, I believe that concludes your statement?

Detainee: Yes.

The Tribunal President asks the Personal Representative to review the notes and help clarify what the witness may have testified to.

Personal Representative: Sir, the witness would have been able to say that he was a fellow religious student at Be-row-kia (ph) Madrassa in Haraba. And would testify that the Detainee was a student and not a fighter nor does he have any other ties with Taliban or Al Qaeda.

Personal Representative Questions for the Detainee

Personal Representative: One of the allegations was that the Detainee was part of a group that attacked the Shkin Firebase with AK-47 rifles, PK machine guns, grenades and a grenade launcher. Could you address that?

Detainee: I already told the interrogator the whole story about the incident. I told him how many people were there, who was there and what they did.

Tribunal President: I would like to clarify for you. This panel has not seen any of your other information. We may see it later. We also recognize that you may have provided this information in another time at another place under other conditions. As you know, this is your chance to tell us in the way you wish what matters or what relates to these unclassified items. If you want us to look for that description you gave earlier, we can obtain that from the written evidence, or you can tell us again today. It is your choice.

Detainee: I will tell you again. I thought you already knew my file.

Tribunal President: The only purpose for these officers to be here is to review your information. We are not intelligence officers or combat officers.

Detainee: The gentleman whose name I gave you, Qari Enahmullah, was with me at Be-row-kia (ph) school located in Peshawar. We went to the school and studied. There were not too many students there and we hung around together. Qari was a member of Taliban. Sometimes he studied and sometimes he went to the Taliban. He pushed me hard to join the Taliban and I told him I would not because I am not allowed in the first place, and my family, my father and my brother would not let me do it. I am going to finish my studies. After this school year, I think he left and went to the Taliban and I went to another school to continue my studies. At this point I think two or three years passed. Then I went to another madrassa at Peshawar to study. Qari Enahmullah came to that school to visit and he saw me there, and knew me from the previous school. He said "good morning" to me and we talked. We were at the last semester of the school year. When I told him that the school year had almost ended and that I was thinking I might go to a different school, he told me that in Wana there were other schools teaching the same studies as here. He suggested I go there and gave me the address. He told me that when I get to Wana he would be waiting for me. He left around two weeks after and at the store there was a phone and he called there asking me to go to that school in Wana because it was getting ready to start. He said he would wait for me at the city bazaar. I went to the bazaar. I looked for him the first day but I could not find him. I stayed overnight in a motel. The next morning I found him. He told me to stay where I was because he was busy and he would come back to see me. Each time he came he would tell me just to wait because he was busy and that he would be

back. I waited like a month and a half. He paid for my hotel stay, like 2,000 caldo (ph). I think that was because for Muslim people if someone has wealth, they share their wealth with the poor people. Maybe that is why he gave me the money since I didn't have the money at that time. After a month and a half, I was sitting in the hotel and another person came and called my name and told me to go with him. We walked through the city. After [walking through] the city there was a car waiting with other people out there, and I saw Qari Enahmullah sitting in the front seat. He spoke Pashtu and told me to get in to the car, and I did. He speaks two languages, Pashtu and Urdu. I was only thinking that I was going to the school since I brought my books and my sleeping bag. We drove for some time and then I saw another car come together with our car. We drove for a while and finally we got to the desert somewhere and they turned the car in to the desert and stopped the car there. I am sorry to say, but at that time I went to the restroom and I saw them take out my clothes, my suitcase, everything from the car. When I came back I saw that there were weapons as well as suitcases. They took the suitcases back to the car and left the weapons on the floor. I asked him repeatedly where the school was. It was the middle of the night then. He said that we were not going to the school, and to get in. I asked myself what I should do at that time. Should I go with them or not? If I don't go with them I am in the middle of the desert; anything can happen to me. I can be killed. Or I can be arrested. I had no choice. It was the middle of the night and I was scared so I went with them. After a while, the whole group was about thirty people and they split us into groups of ten, including Qari Enahmullah. They also brought the weapons bag. He told me that he had brought one of them for me and I had to carry it; you have no choice. You have to carry the one with the grenades and the bullets. Then we walked for about half an hour or forty minutes somewhere. We got to a hill and we walked through the hill to the top. They left two people with me who had Kalashnikovs and told them not to come up to the top of the mountain but to stay in the middle. Those who had the rockets went up to the top of the mountains. I think they started fighting from there. After they had launched the rockets they came down and walked. I think that they were strong, or they were experienced to go from one mountain to another, but I told them I couldn't and they took the Kalashnikov from me and ran. I couldn't run anywhere. I walked slowly because I was not familiar with the area. At that time I only had the bullets and the grenades. When I walked, I found the main street, and I kept walking and I saw Afghan military people who spoke Pashtu. They were on the side of the street. I walked up to them and I gave the bullets and the grenades to them. I told them the whole story. After a while the Americans showed up. At that time the Afghan soldiers took my hands and they put something over my head. The put me in the car and took me to the central office or location. Then an American showed up who was in charge of the area, with an interpreter. I told them from A to Z. I told them the whole story. They assured me that if I gave them all the information I would be released to go home. Before that they tied my hands with small handcuffs. They left me with Afghan soldiers and they put me in the room and closed the door. I stayed for two days and then they brought the (inaudible) helicopter and took me to Bagram, Kabul. I think that was the holy month of Ramadan and they left me standing for ten days. I was not allowed to sit or sleep and they interrogated me every single day. They told me that I wasn't telling the truth, that I lied. I stayed in Bagram for three months after and now [I have been] here for two years. That is the whole story and the whole truth.

The Personal Representative has no further Questions. The Recorder has no Questions.

Tribunal Members' Questions for the Detainee

Q: I understand that you were abused while at Bagram detention facility?
A: *I had to stay standing up for ten days, twenty-four hours a day. Sometimes because I am human and I get tired I might have done something and they handcuffed me and they tied me up there with my hands over my head.* *

* [Numerous translators reviewed the tape recording of the Detainee's literal statement. During the course of the hearing, the translator appeared to say that the Detainee's hands were tied either "to the roof" or "in the room." This prompted the Tribunal to review the tape with additional translators who by consensus agreed to the literal translation stated above.]

Q: This occurred in [the] Bagram detention facility?
A: Yes.

Q: The people who were doing this were Americans?
A: Yes, American.

Q: Where were you apprehended?
A: In Paktia, a province close to (Peshawar).

Q: Is that where this attack took place?
A: Yes, I was arrested in Paktia but I was abused in Bagram.

Q: But, you were studying in Peshawar, right?
A: Yes.

Q: So these people took you over the border?
A: Yes, they took me from Peshawar to Wana. Wana is close to the border. After Wana, these people came and they took me in the car.

Q: Were there any Afghanis or Pakistanis at the border that you had to go through to get across?
A: Yes, we passed three checkpoints. The soldier just spoke to the guy in the front seat and let us go.

Q: Why do you think these people wanted you to come with them?
A: Like I said before in Afghanistan there are businesses with people trying to fool one person to their personal business. Everyone is just looking to grab someone and take someone. I could've been somewhere else having a good time and relaxing but look at me handcuffed here.

Q: How old are you?
A: I am twenty-three now, and when they arrested me I was 20 or 21.

Q: Are you Pakistani or Afghani?
A: I am from Afghanistan.

Q: Regarding your physical abuse in Bagram, have you ever reported this before?
A: This is the first time I see you and I tell you my story. I told the interrogators and they get upset with me. They called me a liar and I stayed quiet because they gave me a hard time.

Q: You told interrogators where? Here in Cuba or other locations?
A: I didn't say anything in Bagram because they knew in Bagram who had done it. Once when an interrogator came, [the] Bagram [incident] came up in our conversation and I told the story and the interrogator got upset with me and said that I lied to them. He told me that they would punish me since I was lying. He told me not to put that allegation on us (Americans).

Q: Was that interrogator here in Guantanamo?
A: Yes, across the street in the next building.

Q: You had mentioned, or the translator used the word "car," and this car joined another car when you took off to the attack.
A: No, we were in the same car. We drove for a while, and out of a small street I saw another car come and join us. They were waiting there to join us.

Q: That's fine. My question is, you said that there almost thirty people in this group in the end. Is the description of the vehicle more like a flying coach or a van or a mini bus, or a mini coach or a car like a Sedan?

A: It was a Datsun (the translator explains that it is a pickup truck).

The Personal Representative has no further evidence to present to the Tribunal.

The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

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

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

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

The Tribunal President stated that the Detainee wanted to participate, make an oral statement and has requested five witnesses from Afghanistan. The first witness request was sent to the Department of State on 27 October 2004, the second on 9 November 2004 and a third request was sent on 22 November 2004, all concerning a request for assistance from the Embassy of Afghanistan. As of this date, 4 December 2004, we have not received a response from the embassy on the status of these witnesses. The witnesses have been deemed not reasonably available. The Tribunal President reassured the Detainee that this would not be held against him for any reason.

Tribunal President: Hafizullah Shabaz Khail, you may now present any evidence or information that you have to this Tribunal and you have the assistance of your Personal Representative in doing so. Do you still want to present information to this Tribunal?

Detainee: I would like my Personal Representative to read the statement, and if there's anything I want to say to give more evidence, I will raise my hand.

Tribunal President: Very well. And before we do that, would you like to take an oath, so that your statements, or answers to any of our questions, are given under oath?

Detainee: I would like to.

The Reporter administered to the Detainee the Muslim oath.

The Personal Representative read the statement the Detainee had prepared to the allegations, and will added comments as needed.

Detainee: (Personal Representative reads from statement) I've never been part of the Taliban. I have not worked one day under the Taliban. When Karzai came into power, the elders of the city came to my house and asked me to be their representative. I was given the position of mayor of the city because I was trusted. Taj Mohammed Wardak was assigned as governor of Paktia province. When this happened, I sent the paperwork to Kabul. Operation Anaconda was ongoing. I was the representative in that district. While I was mayor in Zormat, there were no problems with the Americans. I met with American commanders several times; their names were Mike and Tony. We even took pictures together. I was mayor for six months there. I wasn't even on the payroll; they

weren't paying me anything. I have helped and assisted the Americans. After six months, Karzai assigned someone else as mayor of Zormat.

I gave the new mayor the position without any dispute. I then went home. When I was mayor, there weren't any problems. When the new mayor came into power, crime soared. People stole property. Wardak (the governor) was then replaced by Raz Mohammed Dalili as the new governor of Paktia Province. Then Raz Mohammed Dalili asked me to come in and talk to him and he asked for my help to get Zormat back to normal. I did not accept his request the first time. He asked me again to meet with him and bring order back to the city. He sent the elders of Zormat to my home a second time, asking for my help. Finally, I accepted and there was a fifteen-member commission formed with members of the Zormat District. I was the president of the fifteen-member group. Dalili made me the head of the commission. I represented the elders and I sent these names to the interior ministry. Yes, the ministry sent it to the government, and the government sends it to the district and then we send them back. The first decision of our group was to coordinate any police matters that would cross the districts with the representatives of that district. We worked with the security, so that we knew whether they were coming to do a search, investigation or arrest. The delegation of fifteen people in our culture, our tribal culture, didn't fight with the government or district manager of the tribe; when we did something, we would get together and find the right, peaceful way to do something. This was to prevent any misunderstandings so that they would know the difference between the police coming to do a search and robbers robbing them. This way no one would get hurt or killed by accident.

The following story explains the circumstances of why I was falsely imprisoned. There was a reason the fifteen member delegation prompted the government to appoint us to work for the security and safety. The reason was some people under the government worked for the government with a uniform; they blended in with some people under the government. There were employees in uniform, going to houses during the night. There were a lot of problems; they were killing people and robbing the houses all the time. That was a big concern of these people and we would come to find the right way to fight. We needed to separate the people, the people who are for the government, from the troublemakers, who were robbing the people, and stealing the property.

We voted in the fifteen-member delegation that was from different villages, or different areas of this district. We agreed between the government and district manager that each time a group or military people during night or day want to go search somewhere, or some house, or some area, they contact us first and we can go together with them. They didn't want to show us which house or which area. At least we needed to know which area they were coming to and to let us know so we could join them and take them there. I'm a representative of this tribe and for this village, and I would say these people are coming from the government and are not there to rob. They are people who want to search your house. That means they cannot make problems and disputes between these people. This will go smoothly and easily, the right way.

The following story explains the circumstances of why I was falsely imprisoned. A businessman was robbed of 200,000 kalgars in the city of Sherbuz (ph). Yes, some business people were going from Khost to Kandahar and from Kandahar to Iraq to buy used or new cars and that was their business to be there at that time. Three or four people were in the car and one of them had 100,000 kalgars on his leg and 100,000 kalgars on his other leg and some money in one pocket at that time. And in the middle of the way, there were people. They stopped the car and they robbed the guys and took the 200,000 kalgars away from him. The robbers ran away. We asked the district manager and our weapons security what we should do. The guys were robbed and the thieves ran away. They did not belong to our area. They belonged to another province, Ghazni, but we still can do security there too. And we asked, why did this happen? After we had a meeting with the district manager, I called the fifteen members. I ordered interrogations and went to the area where the incident happened. We went to the area. There's a small store, a bazaar, and I asked them what people were coming and going. They're telling us that people came with uniforms as a soldier or police officers and they bought from us peanuts and oranges, and then they left. We found the guys when they robbed them. We took the guys with us and asked them "Do you know these people?" They blinded my eye, and I knew the coat; not the faces, but the coat. And they drove away. And we came back from the area, back to the district manager and told the story, and there were people who came with uniforms, police officers, and they're gone. We told the whole story to the district manager. After the district manager, we went to the police station, which is close to the right, and we went to the police officer, to the manager of police officers. We found the car, and the car was out there, and the guy saw the car, and said that was the car. Because the guy went to the bazaar after the incident, he told us they bought an orange and peanuts. We found the peanuts and the orange in this car. That was our hundred percent proof and we told the police officer of this unit and said we want the money; immediately return the money back to the person. After two day's dispute, we said you have to find the money and have to bring it back. After two day's discussion, they returned 150,000 rupees and gave us the 50,000 two or three days later. At that moment, we gave the money to the previous owner. He left and then a government delegation from the internal ministry, and another delegation from the general attorney, came. There were two other delegations from the internal ministry and they just wanted to see their own workers, in our office. When they were working with the delegation from the embassy, they brought help for the three provinces around here, like Bathio, Paktia and Ghazni. We met the delegation in the district managers' office. We talked all day, and we gave an Afghan tribal gift, and they said we would start our talk tomorrow. They took out everybody else, there were police officers, the managers of the police station were there, the district manager were there, and all fifteen delegation elders were there and the representatives were there, everybody was there together. At that time we wanted to ask the governor to join our meeting, but he was not in his office. At that time, after the whole thing, there were two other Americans, they saw me, and they recognized me. The soldiers came, and when the police came they grabbed me and handcuffed me. They took me there and I don't know for how long, and they took me to America. Some people say you helped, but your reward is different. You don't get a reward, you get punished. When Karzai came to power, I tried and gave a lot of help, with them, and with the Americans. America is a superpower; they have all kinds of

knowledge. I hope I can ask the two gentlemen, one name is [redacted] how much help I gave to them. Before they arrested me, fifteen days before, I went to talk to another gentlemen, and his name was Mike too, Michael, and I offered my help. Around fifteen, thirty people went full time to greet them, and to offer our help, and he reserved a room for us at the Spinzak Hotel. We stayed there for almost ten days. I hope you don't get upset with me, I will say all the allegations are wrong if I were Taliban or al Qaida or if I was another criminal. I will be in the mountains or in a cave somewhere else, but they arrested me inside the governor's office. It's one thing just talking or writing on someone else, but proof is a different story. This name, Saifullah Rahman Mansour, he was a government official. He was the one who came and robbed my house and took everything I had and left. If someone, or anybody, proves this meeting, or this thing, if anybody proves that, I accept ten years to stay here in Guantanamo. America is great, and a great superpower. With high technology and these allegations on me, I hope that a picture or radio will help; I need my truck, my wives, I need anything. I hope to have these things. If the evidence were not on my account, even on the evidence of Afghans then I would accept that too. I asked for two witnesses who were high-ranking officials of the Karzai government; one is Raz Mohammed and the other Taj Mohammed Wardak. And there's another person named (inaudible) who campaigned with Americans together. I would like to ask him, and he's easy to find. And I named four or five people in my own district, elders; you guys are free anytime, any day to ask. And I'm sorry; I didn't think I would give you headaches from Bagram all the way to here. I need evidence, any kind of evidence, I will like to accept it. America is a great, great country, and Americans are a great people with high respect. There we were at war with Russia and our best wishes and best hopes are that someday America would come and help us and build our life in our country. Our life was destroyed by the war and that's all. I wish my wife were here, during my old age. They asked me twice for help, I do not accept anything; that was the only reason to help the people for the security, and this is my reward, I am here. I'm not a Mullah. I'm an educated person. I'm a pharmacist. Now I'm sitting here in front of you, with my hands and feet in cuffs. There's an American convoy that came and they blew up the convoy and killed fifteen people or ten people. I hope that it wasn't for that thing happening. But this thing, it's up to you, I'm sitting here to you, to listen to you. And Operation Anaconda when it started, I will guarantee you when this started from Ghazni, to Zormat, from Zormat all the way, if anybody threw a rock, forget the bullets, forget the mines, forget everything, that was because of our help. The operation was for safety and that was because of our help. After this operation, after one month and half months, I went home, and turned over everything to the district manager. I'm not accepting this allegation on me. I hope that if there's any right in notice, any proof on me, on the radio, a picture, any otherwise, I would be glad to accept these allegations.

Personal Representative: There were a couple of points that you missed. When the businessman was robbed of 200,000 kalgars in Sherbuz, when they investigated the robbery, it was determined the thief was the commander of security in the district, Taj Mohammed. When the businessman was robbed of 200,000 kalgars...

Detainee: Yes, the chief or commander returned the money.

Personal Representative: And he worked for Abdullah, the chief of security for the district of Zormat.

Detainee: Yes, the only reason the commander of the law arrested me was because of this money.

Personal Representative: Basically, because they confronted the man who stole the money from the merchant, found out this man worked for Abdullah, who was powerful, and Abdullah got him falsely arrested. And he must have come up with a lot of lies so his friend Dalili couldn't even get him released.

Detainee: Yes, when I was arrested, Dalili was in Kabul at that time. He got home during the night, came back to the city and assured me I will be released tomorrow, but for some reason, I wasn't.

Personal Representative: And one other point you forgot to make was that, when you were helping the Americans, you even caught two al Qaida cars.

Detainee: Yes, I captured two al Qaida cars and returned them to the governors. Mr. Wardak was governor at that time. And they say he may still be governor at this time.

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

3.a. The Detainee is a member of the Taliban and participated in military operations against the United States and its coalition partners.

3.a.1. The Detainee served as the commander for two separate military units operating in Zormat, Afghanistan from July 2002 to November 2002.

Detainee: This is a false allegation, if I said that before. I need paper, I need documents, I need a radio, I need a picture, anything, and I was not a commander or anything.

3.a.2. The anti-coalition militia in Zormat District considered themselves al Qaida.

Detainee: To this point: I never ever worked for any government or anybody and I don't like the al Qaida, I hate the al Qaida and I don't like their name, because they destroyed the whole country.

3.a.3. Between April and June 2002, while serving as the Zormat Assistant Governor, the Detainee had three known al Qaida suspects released from jail after they were captured at a checkpoint.

Detainee: From my childhood until now, from the King (inaudible) to the communist government to the Taliban government to the Karzai government, if anybody says if I was assistant governor for one day, yes, will I erase these people.

Personal Representative: In b., you mentioned to me that you were not the assistant Zormat Governor.

Detainee: No, never in my lifetime. Never.

Personal Representative: And you never knew these people?

Detainee: Which people?

Personal Representative: Those three people.

Detainee: How would I know if I were not assistant governor, would I know these people?

3.a.4. On 31 August 2002, the Detainee met with Saifullah Rahman Mansour to organize and receive funding for an attack on coalition forces.

Detainee: I don't know this guy even when he was in power in his own term. He came and robbed my house and took everything that I have. How do I go about talking to this guy, taking his money? That's impossible. And, also, how come he (inaudible) when I came to America?

3.a.5. In early September 2002, the Detainee led a 12-man unit of former al Qaida and Taliban in planning an attack on coalition forces.

Detainee: It's not acceptable to me, this allegation. This one never happened, and I don't like al Qaida, I don't like its name, and I don't like him (Osama Bin Laden), and it's up to you to accept it or not.

3.a.6. The Detainee was arrested by Afghan authorities at the command of Abdullah Muhajed, head of security in Zormat, Afghanistan, and then turned over to the U.S. Forces.

Detainee: Yes, that was a (inaudible) about this guy. About this whole robbery thing, and stolen money, and we got it collected from him, that was the only thing he finds? Everything else is against me, and he turned me in to the Americans. I don't know, he gets money from America too, and I don't know.

Personal Representative: Is there anything else you'd like to add?

Detainee: America again, America's great and intelligent and smart. I ask for advice. Please be sure to do the right thing and know that our country is so poor and so behind.

There are a lot of people; I know they come for no reason, but for personal disputes. There's been twenty years of war there, there's a lot of disputes, there's a lot of killing, there's a lot of robbery, lots of things happen there. But, with your knowledge and your position to do the right thing it will be good for you. I wanted to terminate the Taliban but I didn't, I just kept my pharmacy at my home. I didn't take them out, because I have problems with the Taliban. I just make this business inside a house to give some medicine to people, to support my family. I'm just a poor person, I don't know what to do, I don't know how to support, how to sell. You guys see (inaudible), everything, every letter to my son, to my family, for any reason, for anything you can do, borrow some money, go sell, don't steer wrong. And that was our way that we think throughout most of my family when we grew up without education because of Taliban. And we would like our families to be educated. Forgive me, I'm sorry, I'm giving you a headache. That's my hope and my wish, if you have any proof on me, truly proof, I will accept it from anyone. Otherwise, please help me; release me to go back home. America was our friend in the past, America is our friend now; there's the hope that there's no problem with my country or me. In the future, if there is anything I can do to help America I would do it, anything you want. I don't have any problem with them. Please help us and wisely check my case, and I'm not a criminal, please let me go home.

Tribunal President: We will certainly give everything we receive here today, including your statement, serious consideration and if we should get a late response from the Afghanistan government in relation to the witnesses, we will if necessary reconvene this Tribunal and receive this new evidence.

Detainee: Yes, I tried my best, if I were a criminal, I would not get my evidence to these people, if I was a criminal I would not help the new government, if I were a criminal I will not help Americans. If I were a criminal, I would be in a mountain somewhere, not here in this Tribunal. That's all I can say. And you know, we are doing OK here. We get clothes, we get good food everyday but we left behind people and I don't know what has happened....

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

Detainee: Please.

Tribunal President: Thank you for your statement. Personal Representative, do you have any additional questions for the Detainee?

Personal Representative: Sir, I just want to bring one more thing up, make sure its clear, and that is that the Detainee was meeting in the governor's office at his time of arrest.

The Personal Representative and the Recorder had no further questions.

<u>Tribunal Members' questions</u>

Q. Good afternoon, thank you for coming to speak with us today. We have tried to follow your story as you told it to us. Don't worry; you didn't give us a headache. But, trying to follow all the disputes in Afghanistan is enough to give any man a headache. So I will try to make things a little more clear for us on the panel. You said originally you were a pharmacist by training?
A. Yes. It's all in my file.

Q. So, during the time of the Taliban and before that, you supported yourself by being a pharmacist?
A. Yes.

Q. How did you receive your education and training to become a pharmacist?
A. In Kabul.

Q. They have medical schools for you to learn how to do that there?
A. Yes, I was the assistant pharmacist in the Kabul pharmacy, in Kabul University.

Q. How long did you have to study and train before you became an assistant pharmacist?
A. Fourteen years. At that time I was working in Kandahar when the communist government came to power, and then I left Kandahar. There was a hospital in Kandahar, built by China, and I worked there. I don't know if you have information or knowledge about this hospital.

Q. So, if you are a pharmacist, tell us how you become mayor of Zormat the first time?
A. Maybe two or three things. Maybe I'm a good man, or a respectable man, and also I am an honest man. The whole people of the Zormat district came to me, they respect me. When (inaudible) came the first time, to act as our new governor, they introduced me to him. He was the one to appoint me to be district manager, as an elder, not with money, without pay.

Q. Is this the same person as Raz Mohammed Dalili or a different person?
A. No, there are two different Taj Mohammeds. Well, the first was a governor, but he went back to Kabul to become an interior minister and Raz Mohammed Dalili was the second government person who took over his position.

Q. Were these gentlemen affiliated with President Karzai's government?
A. They were both appointed by the Karzai government.

Q. Now you mentioned the first time you were mayor, President Karzai came and put his own man in there to replace you? Do you know why he chose to do that?
A. I submitted my resume to enter the ministry in Kabul, but the people there did not know me. Someone in the ministry knew the other person, and he had appointed him instead.

Q. This person who replaced you, who seemed not to do very well at his post, do you think he is partially responsible for why you are here?

A. No, he was not involved in my arrest, his name was Jan Malum, teacher (Malum Jan Baz). Malum Jan Baz, he went to Bagram to (inaudible) and there was another guy that came and his name was Mohammed, who was another district manager.

Q. So the main person who appears to be responsible for your arrest is the commander, Abdullah Mujahed and also Saifullah Rahman Mansour, or not him?
A. The main person is Abdullah Mujahed (ph) because the people who belong to him are his people. Those were his people, the people who robbed him (the businessman), because we got the money from him, because when the man came he put me in this trouble. But I don't know about this guy, because I don't know; I don't want to be telling you lies.

Q. Does Abdullah Mujahed consider himself to be part of the Karzai government also, or against it?
A. Maybe the Americans can ask the American representative in this district. Maybe they know that, but I'm sure this guy's not part of the internal ministry. He took his position by himself.

Q. Regarding the militia that was operating in the Zormat district, when you were the mayor there, did you know they were operating there?
A. After six months, when I was mayor of the district, there was nothing. Very peaceful and very secure.

Q. So they only came there after you left your position?
A. Yes, when the next one, teacher Jan Baz, as district manager, that's when the problems started.

Q. So, Jan Baz must've been against the American presence there, and the Karzai government?
A. No, he was not popular in the area and the government just appointed him to this position; maybe he doesn't have experience and that's very important to be accepted by the people of the area where you work.

Q. Did you fight against the Russians when they were in Afghanistan?
A. Yes, I did, I belonged to Mohammed, and he has (inaudible).

Q. And how long did you fight in that jihad?
A. The communist government took power in '57-'58 (Islamic calendar), 1976-1977, the next year, after one year, he left his job. We refused to stay in Miluksha (ph); we stayed in Kabul. Some time during the year he came to work on our yard, they gave us wheat or corn sometimes not. Sometime, they met with other brothers, other people, for women, that was the only reason to go back.

Q. So, you fought against all the communist governments, Karmal, Amin, and Najib?

A. No, sometime, just once a year we went to an area to work as a guard, and the guys they sometimes need us. Our commander, we help them, otherwise we stayed in Foxtal (ph), and it's not a fight.

Q. Were there times when you yourself saw direct combat against the Russians?
A. No.

Q. Had you ever in your life have any military training?
A. No. Even when I didn't join in Afghanistan, when everybody else went for one or two years to the military, I didn't.

Tribunal President's questions.

Q. What is the largest city near your district, or in your district?
A. Our district is the biggest district because all the cities belong to four provinces, Ghanzi, Paktia, Lugar, and Practil (ph).

Q. Is that near Khost or Kabul?
A. No, I don't get it.

Q. I'm trying to find on the map where you were serving as district manager, near what big city, like near Khost, or Kabul?
A. Close to Ghazni. There are twenty-four kilometers between Zormat and Gardez, which is thirteen or fourteen miles.

Q. Were there any military camps around Ghazni, training camps for military?
A. Are you asking for Afghans or Americans or who?

Q. Afghans, were there ever any?
A. Yes, there were two. One was called Baloyza (ph) upper house, and one was close to north of Ghazni. Yes, Baloyza upper house is the center of Ghazi, and the other place is to the north of Ghazni.

Q. And that was Taliban operated or al Qaida operated?
A. Only I talk about the time I was in Afghanistan, or when president Mohammed (inaudible) after this time, I never went there, and I have never been there during the communist time or Taliban time or anybody else; I didn't know what was going on there.

Tribunal President: I don't have any other questions, thank you. Do you have any other information, or is there anything else that you feel that is important that you want to tell us as we begin to make our determination of your enemy combatant status.

Detainee: Again, I ask you, I ask your forgiveness, and I ask you for knowledge that you will really truly judge from your heart, like you swear, to check my case, if there's anything you think I'm guilty of, I will accept, but, I need help. Please help me.

Tribunal President: Thank you for your testimony.

Detainee: Thank you, thank you very much.

The Tribunal President confirms that the Detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the Detainee. The Detainee has one question/comment:

Detainee: How long will this process take?

Tribunal President: We hope within thirty to sixty days, but certainly as soon as possible.

Detainee: Like I told you, I show you, my evidence to the governor, or one minister and also two Americans, if I were guilty, or did anything wrong, I would not name these people to you.

Tribunal President: Thank you again for your participation.

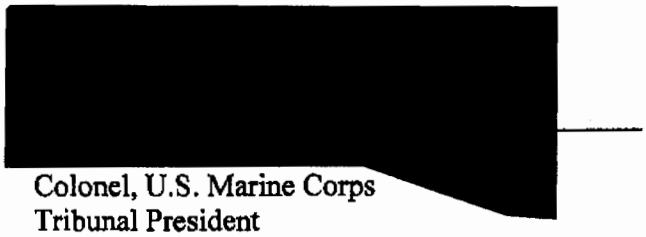
Detainee: I hope you don't get upset with me and I thank you, and I ask your forgiveness and I give you more time.

Tribunal President: I hope you have a good day.

The Tribunal President adjourns the Tribunal.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

Summarized Sworn Detainee Statement

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

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process, the Detainee answered, "No."

[After the Personal Representative presented the Detainee Election Form the detainee asked:]

Detainee: What is the word "form"?

Tribunal President: The form describes what you discussed with the Personal Representative. It shows us that you wish to be here and that you wish a witness. And at anytime during this proceeding if you have a question about what is going on you may ask me. Does that answer your question about the form?

Detainee: Yes.

Detainee: I have something to say. In the past I have had a problem with the Translators because they were using a Farsi Translator and I want to make sure that they understand the Translators have to do a better job. I had a Uighur Translator in the past that wasn't really good.

Tribunal President: I understand your concern and if you do not understand anything the Translator tells you about us please ask for clarification.

Tribunal President: The detainee has requested one witness. A witness by the name of Sabet Khan.

Detainee: Sabet Khan.

Tribunal President: Yes, I believe that is the correct name.

Tribunal President: We will take a short recess while the witness is brought into the hearing room.

[The witness was brought into the hearing room.]

Tribunal President: I would like the witness to state his name for the record.

Witness: My name is Sabet.

Tribunal President: Is this the witness that you requested?

Detainee: Yes.

Tribunal President: I would like to ask the witness to take an oath. And as a reminder the oath is a promise to tell the truth. And we have a Muslim oath that we can administer to the witness. Will the witness take the oath?

Witness: It is not difficult to take an oath but because you do not trust this person that's why I was called to testify for him. I shouldn't have to take an oath.

Tribunal President: We require you to take an oath as a witness or at least promise that you will tell the truth.

Witness: The other day I told you I was going to tell the truth and I am still going to tell the truth.

Tribunal President: We are in a different place with a different detainee and I request that you take the oath for this hearing.

Detainee: I have been telling the truth and I will tell the truth.

Tribunal President: I'll take that as your promise to tell the truth then.

Tribunal President: For the detainee, you may ask this witness to testify for you in this hearing. Your Personal Representative may assist you if you wish.

Detainee: May I ask him a question right now?

Tribunal President: Yes.

Detainee: I would like for him to read the accusation again.

Tribunal President: I understand. Personal Representative will you assist?

Personal Representative: 3.a.4. (The detainee was a weapons instructor from May 2001 – October 2001.)

Detainee: Can I ask him a question again?

Tribunal President: Yes.

Detainee: Sabet, they are accusing me of being a weapons instructor from May 2001 – October 2001. During that time did you ever see me instruct other people on weapons? During that time did you see what I did do?

Witness: I saw that he was sick during that time. He has a stomach problem and he was helping with the kitchen work and helping the cook. He was also studying the language.

Detainee: I have no more questions for the witness.

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

Personal Representative: No sir.

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

Recorder: No sir.

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

Summarized Answers in Response to Questions by the Tribunal Members

Q. How long was the witness with the detainee? From what month to what month and year?

A. (Witness) How much time?

Q. Yes.

A. (Witness) I have testified for the person that was not a weapons instructor it is not about how much time I spent with this person.

Q. My question is that you are testifying that the detainee was not a weapons instructor from May 2001 – October 2001, so I would like to know were you with the detainee during that entire time?

A. (Witness) I am not sure of the exact date. I was there in July of that year.

Tribunal President: One last opportunity for the detainee to ask any other questions of this witness before we recess.

Detainee: No more questions.

Tribunal President: That concludes our need for the witness so we will take another recess while the witness is returned.

Tribunal President: [To Detainee]: Do you wish to make a statement to this Tribunal?

Detainee: Yes.

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

Detainee: I would have taken the oath if I didn't have a witness since I had a witness I will promise to tell the truth.

Tribunal President: You may proceed with any statement you would like to make to us.

Detainee: I would like for my Personal Representative to read the accusations and I will make a statement to them.

Personal Representative: 3.a.1. (The detainee traveled to Afghanistan via Pakistan to receive training at a Uighur training camp in Tora Bora.)

Detainee: It is true that I went from Pakistan to Afghanistan but I don't know about Tora Bora. I went there just for training. I was interested in training.

Personal Representative: Would you like to add anything else to that point?

Detainee: The accusations sounds like I had a goal to go to Tora Bora. I went to Afghanistan to train. It was not my goal to go to Tora Bora. The Uighur place to train was in Tora Bora that is why I went there.

Personal Representative: 3.a.2. (The detainee arrived at the Uighur Tora Bora training camp in November 2000.)

Detainee: That is true I arrived there in November 2000.

Personal Representative: 3.a.3. (The detainee received training on pistols, AK-47, and two types of rifles while at the Uighur Tora Bora training camp.)

Detainee: That is true I trained. When I was a little kid I was interested in training as a soldier. I wanted to be a soldier. It didn't matter if it was in Afghanistan or in China. If they had accepted me in the Chinese military I would have loved to have gone there and trained because I love to do it. I want to get my freedom from this communist country I want to get my independence, that's the reason I trained. The reason I trained on those weapons was so I could get my freedom. I understand that my country is a brutal communist country. I believe all the world knows now what my goal and all the Uighur's goals are.

Personal Representative: Can you elaborate on or explain what that goal is?

Detainee: The Uighur people have been under a lot of pressure for the last fifty years from the communist Chinese. We have been suffering. The pressure is getting worse everyday. It is not acceptable. The Chinese government keeps coming up with new

policies against the Uighurs. The Uighur people have no rights or no freedom we have nothing. I would like for you to read about it. I left my home country a long time ago.

Tribunal President: I understand but I would like to get back to the unclassified summary of evidence.

Detainee: Okay.

Personal Representative: 3.a.4. (The detainee was a weapons instructor from May 2001 – October 2001.)

Detainee: I have never been a weapons instructor. I had a witness for that. I was also captured with 18 other Uighur people that can testify to that. While in the Kandahar prison they treated me for four months for my stomach. After I arrived here I was treated for another six or seven months. The medical records can verify that. I was also learning the Farsi language during that time.

Personal Representative: 3.a.5. (The detainee was at the Uighur Tora Bora training camp when it was bombed by US/coalition forces in October, 2001.)

Detainee: That's true I was there. If I knew the place was going to be bombed I wouldn't have been there. Who wants to stand under a bomb? I was there to get training against the Chinese government then you bombed me. This is your fault.

Personal Representative: 3.a.6. (The detainee evaded in the Tora Bora Mountains before being captured by Pakistani Security Forces along with a group of other Uighur fighters.)

Detainee: That's true but we ran to the Tora Bora Mountains but we didn't run from one place to another. We stayed in the mountains. We stayed there because we didn't know the way out. When we found a way out we ended up in your hands.

Personal Representative: We talked about you wanting to learn so you could fight the Chinese and not against America.

Detainee: The Chinese people have tortured and pressured the Uighur people really bad. The Uighur people are trying to go all over the world now. One sixth of the world's population is in China. They are a threat to the whole world. If I have such a large enemy why would I go and fight with another enemy. You know how powerful the Chinese are now. Because the Chinese are so large the Uighurs can't do anything about it. We need support from the United Nations or the United States. In the future if something were to happen then I would have used my training to fight. I trained because the Chinese torture the Uighurs and I could use it in the future. Because I have such a large enemy that should be evidence enough of why I trained. We need to find a friend to fight with us not find another enemy.

Tribunal President: Does this conclude your statement?

Detainee: If you want to hear about the Uighurs suffering it is very long.

Tribunal President: I understand. We would like to ask some questions if you have completed your statement.

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

Personal Representative: No sir.

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

Personal Representative: No sir.

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

Personal Representative: Yes sir.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Who did you travel to Afghanistan with?

A. One person took me to Afghanistan his name is Salahaden.

Q. He was your guide?

A. Yes, he showed me the way.

Q. So you weren't part of an organized group of Uighurs that went to Afghanistan?

A. When I went to Afghanistan I didn't know there was a group of Uighur people there.

Q. Back in your homeland are you a part of any of the Uighur resistance movements?

A. When I left I was really young. I was doing some kind of small business and just having fun. I didn't belong to any movements.

Q. So you went to Afghanistan on your own just because you liked being a soldier and you wanted to train?

A. Yes.

Q. Do you know who ran the camp?

A. A person named Abdul Hak

Q. But did a certain group run the camp? Was it just a Uighur camp?

A. It was all Uighur.

Q. Did you have to pay to get training there?

A. No.

Q. So you just show up and walk in the gate and they will train you?

A. The person I traveled with told me this was the place I could get trained and I went there.

Q. How did they know you were not a spy from China?

A. You are right, they may think I was a spy that's why we never spoke openly. We would just train. I didn't trust them and they didn't trust me because I know how the Chinese spies work. I didn't know any other people's business.

Q. Were there any Arabs in the camp?

A. No.

Q. Were there any Afghanis in the camp?

A. There was one Afghani just for the cooking.

Q. After your group went into the mountains how did you get captured?

A. That night when the bombing started we ran into the mountains. The next morning we looked for each other. The eighteen of us found the monkey's house and we stayed there until we could find away out.

Q. We have heard the monkey story, but after you left the monkey's house and kept going how did the Pakistanis capture you?

A. We stayed at the monkey's house for a while because we didn't know how to get out. We saw some people walking by and because I knew the Farsi language I asked them where they were going? They said they were on their way to Pakistan and we followed them. When we arrived in Pakistan they treated us very nice. Then the second day they turned us into the Pakistani police.

Q. Where were you trying to go? Where did you want to end up?

A. We first wanted to find a safe place and then we would decide where we wanted to go.

Q. You said there was one Afghani and he was the cook at the camp. And you said you were a cook also once you got sick?

A. That's true I was learning the language and I would ask him questions to learn the language.

Q. How did you get supplies to the camp?

A. Two guys brought all the supplies.

Q. Were they Uighurs or Afghanis?

A. Uighurs.

Q. Did they stay at the camp or just bring supplies and leave?

A. They would just drop off the supplies and leave.

Q. Who provided the training at the camp Abdul Hak or whom?

A. Abdul Hak would train sometimes but there was another guy who did all the training but he got killed from the first bomb.

Q. Did you know who was bombing the camp and if so how?

A. I didn't know who was bombing the camp, I found out later.

Tribunal President: Do you have any other evidence to present to this Tribunal such as documents or any other information?

Detainee: I have nothing else for this unclassified session but I want you to read through my classified files. That will show that I was never a weapons instructor and the medical files will explain that.

Tribunal President: Personal Representative do you have any other evidence to present to this Tribunal?

Personal Representative: No sir.

AUTHENTICATION

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

[redacted]

Tribunal President

Summarized Sworn Detainee Statement

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

The Personal Representative provides the Tribunal with the Detainee election form labeled exhibit D-a.

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

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

Tribunal President: Mohammed Aman, I understand that you requested a number of witnesses for today's hearing. I was informed by your Personal Representative last month about the witnesses you requested. At that time I determined that the witnesses' testimony were relevant and I approved contacting these witnesses. Of the five witnesses, two of them were in Afghanistan. I would like to have you confirm the identification of these two witnesses. The first was General Atiquallah Lodin from Gardez Afghanistan. Is that correct?

Detainee: Originally he was not from Gardez city, but he is a Commander with the Army division.

Tribunal President: OK. The second witness was Haji Gulam Rabani. (The detainee acknowledged affirmatively the second witness identification non-verbally.) I directed the United States government contact the Afghanistan government to locate these witnesses. They were requested at different times. One witness was requested on 22 November [2004] and the other witness was requested on 13 October [2004]. As of today's date the Afghanistan government has not responded to our request. I've determined that it has been a reasonable amount of time for the Afghanistan government to respond to our properly made request. Without cooperation from that government, I am unable to provide testimony today from these witnesses. So I make the ruling that these two witnesses are not reasonably available to you today. The three other witnesses you requested were Abdullah Mujadid, Mohammed Mussa and Ali-Sha. These three witnesses have been contacted and I understand from the personal representative that they have agreed to testify today. I will have the witness testimony provided at a later time in this hearing. First I would like to receive the statement from you, if you have one, regarding the unclassified summary of evidence.

The Detainee did want participate and will present an oral presentation from notes and the Personal Representative will provide a translated copy as an exhibit D-b.

The detainee would like to take the Muslim oath. Recorder administers the Muslim oath.

Detainee: (Reading from his notes.) With all respect this is my statement regarding the accusations I have been charged with, repelling [possibly meaning "regarding"] the allegation

that I was supporting Taliban and was their functionary officer. It's obvious and clear to everybody that Taliban savagery took power in Afghanistan. During that time I was running my own drug store. Observing their improper behavior, fanaticism, and ignorance made me hate them. In the 1st two and half years of Taliban government I didn't have a job, and I was threatened by Taliban a few times to work for them. On the other hand there were some plotters and conspirators who were trying to put me in trouble, and I wasn't able to leave the country, so finally I was compelled to work in a military subdivision as a functionary officer, which was a very low position job. In that time working for Taliban wasn't illegal, in fact thousands of government officials used to work for them, because Taliban were uneducated. But, despite being unqualified Taliban members and supporters had the privilege of holding higher positions and making lots of money, so I hope you understand the fact that I was a very low level functionary worker with little pay, because I wasn't supporting Taliban. About the allegation of having the membership card of [an] anti-American organization; I used to work for the Communist government in Afghanistan. After the withdrawal of Russian troops, the Communist regime was struggling to survive and most places came under Mujahid's control. All those changes had a negative influence on me. So I emigrated out of the country and received an I.D. card from the organization called Hezb-e Islami (Muslim Party) just to pass the checkpoints of Mujahid and Pakistani police. That wasn't a membership card it was just an I.D. card. At that time, being a member of the Islamic party wasn't a crime, or illegal, in fact, USA was supporting them, but I have never been a member of any Mujahid's group. I hate all of them. After the fall of the Communist regime these Islamic groups looted our national treasury, and they were ransacking people's houses. My own house and drugstore were looted by the members of the Islamic groups, and they returned the empty store to my brother in exchange for money. Being a member of such a cruel and insidious party is a dishonor and shameful act for me. I will never support them. The fact that, after 18 years of service my military rank is so low, while Hezb-e Islami and the rest of Mujahid's organizations were promoting their unqualified people to much higher military ranks is proof that I wasn't connected to them and wasn't supporting them. Today's government in Afghanistan knows all the leaders and council members of Islamic groups. I hope they all will be captured and punished including Taliban. They are the real enemies of our country. The people of Afghanistan have suffered so much, because of their atrocities, cruelties, and that's why they hate them. Hopefully in the upcoming election nobody will vote for those Islamic groups. In regards to witnesses, I would like to say that, the whole time that I have been detained, there should be enough information about me. I am not an unknown national, neither am I from the border area, nor am I from a place out of control of the government. I live in the city of Gardez, which is the capital of Paktia.

Kindly if you would, in order to earn your trust; you can ask information about me from people with authority like the governor of Paktia, or the commander of the Afghan army in Gardez, or the people's representative. All these people know me, and they can vouch for me. I swear to God, that these accusations about me are false and not true. In my country, as a result of ignorance, bigotry, and conspiracy, prejudiced people have caused these kinds of problems. Ever since the fall of Taliban government, I worked for the current government of Afghanistan, for about a year and a half until I was captured. I don't understand [why], without any cause I was punished, instead of retribution. So I would like your deepest attention in this matter. At the time that I got this card millions of other people got it too, either inside or outside the country. My card is expired and it doesn't mean anything. I deeply support the current

government of Afghanistan, with the skillful leadership of his Excellency Mr. Karzai, and I will do what ever I can to support him. With all my heart, I support and welcome the presence of the United Nations and the United States' forces in Afghanistan. I hope and God willing that they would support us in establishment of national security. So our poor people are free from the cruelties and atrocities of warlords who for years terrorized people under the name of Talib and Mujahid. In addition I want for the people to live a comfortable life, and the reconstruction of our country. If there were a lack of United Nations and United States forces, there would be a river of blood in our country. I am very appreciative for the help that we get in different areas from our dear friend America. Afghans will never forget the humanitarian help that they get from America. The enemy of America is the enemy of our people, and they don't want our country to prosper and for our people to live in peace. These enemies no longer have a foothold in our country, and people hate them. Nobody will fall for the deception of Talib or Mujahid again. One who was fooled will not be fooled again. I would like your deepest attention in regards to my case so I and my family will not suffer any more. I would ask you to free me so I can go back to my country and serve my people. Also I need some attention in regards to my health; I need a thorough medical treatment, so I can return back to good health, and my problem would be solved regarding to this matter. I would never forget your kindness.
With regards.

The Tribunal President confirms that the detainee has completed his oral statement. The President provides instruction regarding the procedures to be followed with witnesses.

The first witnesses' name is Abdullah Mujadid. There is a brief recess while the witness is seated. The Tribunal President confirms the witness's identification and that he agrees to provide testimony. The Recorder administers the Muslim oath to the witness.

Detainee's Questions to Witness

Q. Do you know me?
A. Yes, I do.

Q. Am I a Taliban?
A. No.

Q. Was I supporting the Taliban?
A. No.

Q. Was I a functionary worker in the province of Gardez where there were hundreds and thousands of people like me working for the government?
A. In Afghanistan they are all government workers no matter which government comes there. And he was working for the current government.

Q. Have you ever seen me carrying a weapon?
A. No.

Q. When there were all kinds of Islamic groups like HIG, and others, have you ever seen me fighting or being an important member of those Islamic groups?
A. No.

Q. The Taliban were fighting in the Northern part of the country. Were there any wars in our city of Gardez?
A. No, there were no wars.

Personal Representatives Questions to Witness.

Q. Did Mohammed Aman work for the Taliban government?
A. As far as I know, Mohammed Aman worked for every government when he was a functionary worker.

Q. What does that mean, functionary worker?
A. It is like you people. You are doing your job for your government. A functionary will do paperwork for their government.

Q. Was Mohammed Aman in the military?
A. Yes, he was with the Army.

Q. What was his rank?
A. As far as I know he was a Captain. He was a Captain for the current government until he was captured.

Q. How long did he work for the government?
A. I am twenty-seven years old and I have known him for the past twelve years. He has been working for the government all this time.

Q. Did he ever have another job other than working for the government?
A. He owned a drug store.

Tribunal Members Questions to Witness

Q. Could you describe your background?
A. Yes, I can do that.

Q. Could you tell us specifically what duties you performed and specifically who you worked for?
A. At this time as you can see I am a detainee, but I used to work in a market, a bazaar.

Q. How did you come to know the detainee?
A. The detainee owns a drug store and I have purchased medication from his store and also my house is very close to it and everyday day when I passed by I could see him. Gardez is a small city and most people know each other very well.

Q. Does he own a drug store and work for the government?
A. Yes, his brother and himself ran the drugstore. His brother worked there and after government duty he used to go and work there.

Q. How many years have you known him?
A. Approximately twelve years.

Q. You described his duties with the government as a military functionary. Could you be a little more specific?
A. That was mostly paperwork like filing or making lists of the people or as people submitted petitions he would review them or record them.

Q. As a Captain, was he in charge of other people?
A. I am not aware of that.

Q. In our military a Captain is a reasonably high rank. Is it also in the Taliban government?
A. In Afghanistan, as you know, as you enter the Army and serve a little bit you will get promoted very quickly. I am merely an electrician, myself and after serving with the Army I was recommend to be a Captain so it is not like the United States.

Q. Are you both Captains?
A. Yes I am a Captain as well but I work for security services. I wonder why he served the country for so long and he is still a Captain. It is very easy to get promoted.

Q. Did Mohammed Aman wear a uniform?
A. Sometimes he wore a uniform.

Q. Did he carry a weapon?
A. I never saw him with one.

The second witnesses name is Ali-Sha also known as Said Mohammed Ali-Sha or Dr. Ali-Sha. The second witness is brought in and agrees to provide testimony. The Recorder administers the Muslim oath.

<u>Questions from the Detainee to Witness</u>

Q. Doctor, do you know me?
A. Yes.

Q. Was I a Taliban?
A. No.

Q. Was I supporting the Taliban?
A. Indeed, no. He never shared any kind of Taliban thought. Taliban had totally different opinions about things.

Q. Was I working as a low-level functionary worker for the government like thousands of other people?

A. Yes, in Afghanistan a functionary worker is the lowest level job you can get in the government. The Taliban used to use the educated people for their purposes but it didn't mean that the Taliban liked those people. They needed their help and their education. This man used to get military training during the Communist regime. He used to be an immigrant and I know he also had his own personal business. He was famous as a Captain in that area and when you are known as a Captain in the Communist government according to the Taliban, you are known as a criminal or a bad guy. Taliban killed many Afghans just because of their military ranks and because they had worked for the other government. It was miracle that he wasn't killed.

Q. Had you ever heard of me, during the Taliban government, carrying a weapon or fighting against somebody? Please confirm that there wasn't any kind of war in Gardez and that all wars were in the Northern area of the country.

A. Mr. President, I want to tell you that not only was he not involved in any military action, but that as a functionary [in a] low-level job, the Taliban was suspicious of him. I am not sure if he even mentioned to you that the Taliban was suspicious of him. He had to go through a very long, seven or eight-month investigation with the Taliban. The Taliban was accusing him of doing wrong paperwork or messing up their financial statements and the Taliban believed that whoever is educated is not an honest person, and they will not work for them honestly.

Q. Doctor, you know that I left Afghanistan and became an immigrant after the Russian withdrawal.

A. Yes, I think that without even seeing the detainee I said to the Personal Representative while in Camp Three that I was aware that he immigrated to Pakistan in 1988, 1989 or 1990. It was when the Russians were trying to lead our country.

Q. Doctor, am I a member of HIG?

A. HIG's membership was very limited. One of their conditions was that they would never accept anyone who used to work for the Communist government as a member. The detainee worked for the Communist government for approximately ten years so there is no way that he would be a member of the HIG. The identification card of that party was had by millions of Afghans. Every local commander or every high-ranking military officer of that party owned a stamp and a card for their party, which they gave to the people. It was not hard at all. They were making these ID cards in Pakistan too. There were people that owned a membership card for a few different parties because of the conditions of the roads and all the checkpoints on the roads. Please do not compare the membership of a political or Islamic party in Afghanistan with the Western world. In our area it was something that people were compelled to be a member of or carry their card. Specially, at that time Hezb-e Islami people were being supported by the United States, and the Hezb-e Islami would be a very powerful party. They thought the future power of Afghanistan would belong to Hezb-e Islami. Just to be on the safe side, many people, even if they were with the other party, would get a card from Hezb-e Islami. Maybe Mohammed Aman was one of those people. It does not prove that he was a member of that party.

Q. Doctor, have you ever seen me carrying a weapon or fighting an actual war or on the frontline of the war zone?
A. In Pakistan no one could ever carry a weapon. And if he ever came to Afghanistan he probably went to visit his family. At the time of Russians, he used to go to the village to visit his family but when the Mujahedin was in power he never had any contact or connection with any of those parties. He just used to mind his own business and run his own drug store. I have a very good example for you: The people who were connected to either party would become Generals and get promoted to high positions very quickly. But this man in all governments was just a clerk or a functionary low-level worker. Even now we call him Captain although he is getting very close to retiring, but his military rank never changed after all those years of service. I am not sure if he has been a Captain for twenty years.

Questions from Personal Representative to Witness

Q. How long have you known Mohammed Aman?
A. We have known each other since childhood. We were in the same class. He probably doesn't remember me but I remember him because I was the best student in the class and I had to know everybody. I was the leader of the class in school.

Q. What are the different kinds of HIG cards?
A. There were two categories of people. Some would get identification cards and membership cards. I was written on the card. They were trying to recruit more people by trying to make it look like their party was powerful. That is why they were giving those identification cards very quickly, and a commander or a teacher or someone with a different rank would come and give out these ID cards. Those ID cards really didn't mean anything. Mainly they were taken by people because of the checkpoints and the Pakistani police. Those ID cards said that this person was from Afghanistan.

Q. Do you know what kind of card did Mohammed Aman had?
A. I haven't seen his card but I am 100% sure that for people [like] Mohammed Aman there will never be membership cards. He probably had the ID card. In our city, the city of Gardez, there were probably just two or three people who had membership cards. Nobody would see their card but we knew; we just knew that these people belonged to the Hezb-e Islami.

Questions from the Tribunal Members

Q. Are you a medical doctor?
A. (the witness nods affirmatively)

Q. Have you known the detainee all of his life?
A. In general, yes.

Q. Did he work for the military of the Taliban?
A. The Taliban never existed as a legitimate and organized government. They actually didn't have separate organizations. They would send the governor with a few people and all his organization whether it was military or security or whatever. The people that used to work

for the Army part would be in the frontline in the war zone but the detainee was always in Gardez and was always busy doing paperwork. Gardez has never been a war zone and in fact it was very far from the war zone or front line.

Q. Was the paperwork to help the military that was in the front line?
A. No, since Taliban was uneducated, a person with one eye could be a king for the blind people, he was like that for the Taliban since he could read and write very well. They were using him to do some paperwork. It is not that I heard it form someone, I am 100% sure that he was working on financial and administrative paperwork. That is why he was investigated by the Taliban because the thought he purposely messed up on some paperwork.

Q. What was the nature of the financial work he was doing?
A. I'll give you an example: If the government of Patkia at that time had a car that needed parts or service, they needed someone to actually write that down and make a list of it. It was like they had spreadsheets where they would write how much gas and mileage the car had used and what service the car needed. They didn't really have anyone to do that.

(The Detainee interjects.)
Detainee: The Taliban did not have a legitimate government. In any kind of other government there is a fixed salary for every worker but in Taliban their money was always in their pockets. They would do whatever they wanted to do with the government money and no one really knew how much money they had. A mechanic would come and say that this part of the car or this service would cost this much. It was supposed to be different branches like the logistics department and the financial department. I used to work for the financial department but the Taliban government was so messed up that they would take the car and spend whatever they wanted to fix the car and never give a report about it. It was a total mess. They never respected any kind of laws, especially [because of] my military rank.

(Tribunal members return to the witness questioning.)
Q. Earlier you mentioned that the US government supported the Hezb-e Islami party.
A. Yes, I did.

Q. Can you give us a timeframe, because the American involvement in Afghanistan has changed over many years. Is that a recent statement? In other words, do you think the Americans are supporting the Hezb-e Islami party currently or five years ago? Can you give us a timeframe?
A. I was talking about the time when there was a Jihad and Mujahedin were fighting against the Russians. At that time the United States and all the civilized world was supporting Mujahedin and we were thinking that who ever had the most financial and military support, that party probably would have the future of our country in their hands.

Q. Would having the Hezb-e Islami card during the Taliban regime be bad?
A. Those parties lost their values and importance at that time so it wasn't a big deal. It was not an important thing to have that card. People would just throw them [away], some people would shred them, some people would keep them but people did not have to carry them in their packages because of fear. I have known Captain but we did not have any common

benefits to share. He is from different village of Gardez than I am. He is Sunni and I am Shia. I just felt it was my job and I took the oath to tell you the truth, and everything I knew about him. I was chosen to be the representative of the people of Gardez in our grand assembly in the time of President Karzia's government, so I know him very well. I hope my statement will help him who has always been a servant to his own people, and he shouldn't be here.

The Personal Representative reads the third witnesses' statement who is unable to attend due to force protection reasons. The alternate method of testimony was used. The Personal Representative read into the record a transcript of an interview with the witness. This transcript was also as exhibit D-c. The Personal Representative stated that the third witness made a personal promise to tell the truth. The Tribunal President considered a personal promise equivalent to taking an oath.

Personal Representative: (Reading from Exhibit D-c) Interview conducted with Abdullah Mujahid (Detainee #1100) conducted on 14 December 2004.

Q: Do you know Mohammed Aman?
A: Yes. We grew up in the same city of Gardeyz, Afghanistan. Our villages were very close to each other – about 500 meters away. Farsi speakers stick together. I have known him for about 15-16 yrs. He had a drug store in the city. He's very famous and everybody buys their medicine from his store.

Q: Was Mohammed Aman a member of the HIG?
A: What do you mean a member?

Q: Did he carry an HIG ID card?
A: As far as I know he only had the ID card. A HIG member was one who had authority and power and Mohammed Aman was only a low ranking person. It was very normal for AF refugees going to Pakistan to get an ID card just to be safe – it helps you get through checkpoints. That card didn't mean he was a member of HIG. All you had to do was ask and you could get a card.

A: (unsolicited) I just want to say I never saw Mohamed Aman carry a weapon of any kind or in actual fighting.

Q: When did he join the HIG?
A: In the time when the Russians were there. Najibulla was president of AF during the Communist regime.

Q: What did he do for them?
A: You didn't have to do anything in return to get the card.

Q: Did he leave HIG?
A: I don't know.

Q: Was Mohammed Aman a member of the Taliban?
A: He was a Captain. He used to work for the Communist government, then worked for the Taliban government. That was very common. He was a very low-level worker for the Taliban.

Q: What did he do for the Taliban?
A: He was a low-level worker – mostly paperwork. When they sent soldiers to the war zone, he was making lists and putting pictures on papers – he was a clerk. He was not important.

Q: How long did he work for the Taliban?
A: Taliban was in AF for 5-6 yrs; he worked for them for 2-3 yrs.

Q: Where did he work?
A: In the city of Gardez and an army base (base #3 of Paktia Province).

Q: Why do you think he was brought here?
A: To be honest and frank, it's all a matter of personal animosity. Several detainees have the same story. It has been 25 yrs since a legitimate government was in charge in AF. There is lots of animosity between Pashtuns, Shi-ites, Sunnis, etc. This is mostly a conspiracy of Communists in Paktia. Almost ½ the population in AF was killed and buried…killing in the name of Mujahid.

Q: Is there anything else you want to tell me about Mohammed Aman?
A: He was is army officer and he is educated. He doesn't have anything to do with political parties and he has nothing against the US government. I was a security commander in Paktia province. I never saw or heard anything bad of Mohammed Aman against the US or against the current government. I would see him as I was going to work each day. He would be at his drug store.

The Tribunal President asks the Personal Representative if he had any questions for the Detainee.

Personal Representative's Questions to the Detainee

Q. In some testimony today and in some previous discussions with the other witnesses it has been said that you were a Captain and also a Sergeant. Can you clarify? In your own written testimony given today you will see his name and below it the word Sergeant.
A. In the past years I was a Sergeant for six years and then a Captain.

Translator: (The translator interrupts and provides clarification regarding the written testimony of exhibit D-b. The translator explains that the "Sergeant" rank was as mis-translation with the other linguist, which the translator corrected and expected the Tribunal to have received the correct one. The written testimony should read "Captain." The Tribunal President directed the Personal Represent to correct exhibit D-b accordingly).

(The Detainee continues)

A. I earned my rank through proper education and training. Right now there are so many uneducated people that get promoted and get higher ranks.

The Recorder has no Questions for the Detainee.

Tribunal Members' Questions

Q. When were you captured?
A. It has been approximately one and a half years.

Q. Sometime is 2002?
A. It was around May of 2002.

Q. Were you working in your position as a Captain up until the time you were captured?
A. Yes, I was working there. Since I knew that now we had a legitimate government, I was applying for my promotion. I wanted to get my higher rank.

Q. Do you admit having the HIG ID at the time you were arrested?
A. Yes, that card was around somewhere. When I came back from Pakistan it was expired. It didn't mean anything. It was useless. It was just sitting somewhere between my books and stuff. It was like a wedding or a birthday card that you just throw somewhere. Actually I was the one that told them all the truth from the beginning until now. I told them about the Hezb-e Islami, about the Taliban. I told them about the ID card. I never lied.

Q. Can you describe how you split your time between your drug store activities and your activities as a Captain?
A. As I mentioned earlier, in the time of the Taliban there was not an organized, legitimate government. They would just tell us to come in and sign our time cards and go home. With the new government things were getting better but things were still very unorganized. I used to work until noon. After that I would go work at my drug store. The military base was actually looted by Mujahid and they were struggling to fix things over there. The commander of that Army base was an American ally and he promised us that they would rebuild the place and organize everything; we just had to be patient. They wouldn't call everyone to come to work. I was one of the few they wanted to come in and work there. They wanted me to make a list of new people and ID papers. In Afghanistan working until noon is too much work. You have to be a very dedicated person to stay there until noon.

Q. Who was your commander in the base under the new Karzai government?
A. That was Atiquallah Lodin. I think he was a two star general.

Q. Was that person your commander for the last year or so, before you were detained?
A. Yes. General Lodin was the commander of the American campaign in the beginning in the city of Gardez. Then he became the commander of the Army base.

Q. Earlier in the hearing I heard the use of the terms "HIG" and "Hezb-e Islami." I'd like to clarify. Are you a member of the Hezb-e Islami Gulbuddin organization?
A. Hezb-e Islami belongs to Gulbuddin. They are the same party. Hezb-e Islami Gulbuddin means "Muslim Party of Gulbuddin." HIG and Hezb-e Islami are the same. Personally I didn't know Gulbuddin, I went there by accident and got a card from that party.

Q. Did you ever attend any meetings of any organized groups of Hezb-e Islami?
A. No, just during the time of the Russian war. I used to come to my area, which is Zurmat, just to see my family. I never fought. I never attended any meetings with anybody.

Q. Did you travel outside of the country or any other places for supplies or merchandise associated with your business?
A. No, in our country things were a little bit different. There are some people who work for commission so they would bring medication from Iran and they would sell it to us. Some people would bring medication or other products from Pakistan and some wholesalers would bring products from Kabul and sell it to us for commission. The people with lots of money would bring medicine from Peshawar, Pakistan.

The Detainee requests that more detailed medical attention be given to his condition, as the medication he is receiving is not completely helping (referring to the condition of his legs). The Tribunal President notes the request and will notify the responsible agency.

The Personal Representative has no further evidence to present to the Tribunal.

The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

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

Tribunal President

With all respect:

This is my statement regarding the accusations I have been charged with.

1) Repelling of allegation that I was supporting Taliban and was their functionary officer:

It's obvious and clear to everybody that Taliban savagery took the power in Afghanistan, in that time I was running my own drug store. Observing their improper behavior, fanaticism, and ignorance made me hate them.

In the 1st two and half years of Taliban government I didn't have a job, I was threatened by Taliban a few times to work for them. On the other hand there were some plotters and conspirators who were trying to put me in trouble, and I wasn't able to leave the country, so finally I was compelled to work in a military subdivision as a functionary officer, which was a very low position job. In that time working for Taliban wasn't illegal, in fact thousands of government officials used to work for them, because Taliban were uneducated. But, despite of being unqualified Taliban members and supporters had the privilege of holding higher positions and making lots of money, so I hope you understand the fact that I was a very low level functionary worker with little pay, because I wasn't supporting Taliban.

2) About the allegation of having the membership card of anti-American organization:

I used to work for communist government in Afghanistan. After the withdrawal of Russian troops, communist regime was struggling to survive and most places came under Mujahedin's control. All those changes had a negative influence on me. So I immigrated out of country and received an I.D. card from the organization called Hezbe

Exhibit D-b

Islami (Muslim Party) just to pass the check points of Mujahedins and Pakistani police. That wasn't a membership card it was just an I.D. card. In that time, being a member of Islamic party wasn't a crime, or illegal, in fact, USA was supporting them, but I never been a member of any Mujahedin's group. I hate all of them. After the fall of the communist regime these Islamic groups looted our national treasury, they were ransacking people's houses my own house and drug store was looted by the members of the Islamic groups and they returned the empty store to my brother in exchange for money.

Being a member of such a cruel and insidious party is a dishonor and shameful act for me. I will never support them. The fact that, after 18 years of service my military rank is so low, while hazbe Islami and the rest of Mujahedin's organizations were promoting their unqualified people to much higher military ranks is the proof that I wasn't connected to them and wasn't supporting them.

Today's government in Afghanistan knows all the leaders and council members of Islamic groups. I hope they all will be captured and punished including Taliban. They are the real enemies of our country.

The people of Afghanistan have suffered so much, because of their atrocities, cruelties, and that's why they hate them. Hopefully in the upcoming election nobody will vote for those Islamic groups.

In regards to witnesses I would like to say that, the whole time that I have been detained, there should be enough information about me. I am not an unknown national, neither, I am from the border area, nor I am from a place out of control of the government. I live in the city of Gardez which is the capital of Paktia.

Kindly if you would, in order to earn your trust; you can ask information about me from people with authority like the governor of Paktia, or the commander of the Afghan army in Gardez, or people's representative. All these people know me and they can vogue for me.

I swear to God, that these accusations about me are false and not true. In my country as a result of ignorance, bigotry, and conspiracy prejudice people have caused these kinds of problems. Ever since the fall of Taliban government, I worked for the current government of Afghanistan, which is about a year and a half until I was captured. I don't understand without any cause I was punished instead of retribution. sol would like your deepest attention in this matter, At the time that I got this card millions of other people got it too, either inside or outside the country. My card is expired and it doesn't mean anything.

I deeply support the current government of Afghanistan, with the skilful leadership of his Excellency Mr. Karzai, and I will do what ever I can to support him.
With all my heart, I support and welcome the presence of United Nation and the United Sates' forces in Afghanistan. I hope and God welling that they would support us in

Exhibit D-b

establishment of national security. So our poor people are free from the cruelties and atrocities of warlords whom for years terrorized people under the name of Talib and Mojahid. In addition I want for the people to live a comfortable life and the reconstruction of our country. If there is a lack of the United Nation and United States' forces there would be a river of blood in our country. I am very appreciative for the help that we get in deferent areas from our deer friend America. Afghans will never forget the humanitarian help that they get from America. Enemy of America is the enemy of our people, and they don't want our country to prosper and for our people to live in peace. These enemies no longer have a foot hold in our country, and people hate them. Nobody will fall for the deception of Talib or Mojahid again. One who was fooled will not be fooled again.

I would like your deepest attention in regards to my case so I and my family will not suffer any more. I would ask you to free me so I can go back to my country and serve my people. Also I would need some attention in regards to my health, I need a through medical treatment, so I can return back to good health, and my problem would be solved regarding to this matter. I would never forget your kindness.

With regards,

Mohammad Amon

~~Sergeant~~ CAPTAIN

Comment: TRANSLATION error (14 Dec 04)
PR100

Exhibit D-b

Interview conducted with Abdullah Mujahid (1100) conducted on 14 Dec 2004.

Q: Do you know Mohammed Aman?
A: Yes. We grew up in the same city of Gardeyz AF. Our villages were very close to each other – about 500 m away. Farsi speakers stick together. I have known him for about 15-16 yrs. He had a drug store in the city. He's very famous and everybody buys their medicine from his store.

Q: Was Mohammed Aman a member of the HIG?
A: What do you mean a member?

Q: Did he carry an HIG ID card?
A: As far as I know he only had the ID card. A HIG member was one who had authority and power and Mohammed Aman was only a low ranking person. It was very normal for AF refugees going to PK to get an ID card just to be safe – it helps you get through checkpoints. That card didn't mean he was a member of HIG. All you had to do was ask and you could get a card.

A: (unsolicited) I just want to say I never saw Mohamed Aman carry a weapon of any kind or in actual fighting.

Q: When did he join the HIG?
A: In the time when the Russians were there. Najeebulla was president of AF during the Communist regime.

Q: What did he do for them?
A: You didn't have to do anything in return to get the card.

Q: Did he leave HIG?
A: I don't know.

Q: Was Mohammed Aman a member of the Taliban?
A: He was a Captain. He used to work for the Communist gov't, then he worked for the Taliban gov't. That was very common. He was a very low-level worker for the Taliban.

Q: What did he do for the Taliban?
A: He was a low-level worker – mostly paperwork. When they sent soldiers to the war zone, he was making lists and putting pictures on papers – he was a clerk. He was not important.

Q: How long did he work for the Taliban?
A: Taliban was in AF for 5-6 yrs; he worked for them for 2-3 yrs.

Q: Where did he work?
A: In the city of Gardeyz and an army base (base #3 of Paktia Province).

Exhibit D-c

Q: Why do you think he was brought here?
A: To be honest and frank, it's all a matter of personal animosity. Several detainees have the same story. It has been 25 yrs since a legitimate gov't was in charge in AF. There is lots of animosity between Pashtuns, Shias, Sunnis, etc. This is mostly a conspiracy of Communists in Paktia. Almost ½ the population in AF was killed and buried...killing in the name of Mujahid.

Q: Is there anything else you want to tell me about Mohammed Aman?
A: He was is army officer and he is educated. He doesn't have anything to do with political parties and he has nothing against the US gov't. I was a security commander in Paktia province. I never saw or heard anything bad of Mohammed Aman against the US or against the current gov't. I would see him as I was going to work each day. He would be at his drug store.

Exhibit D-c

Summarized Detainee Sworn Statement

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

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

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and provided a brief description of its contents. The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

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

Tribunal President: Sabr Lal, I've been notified by the Personal Representative you requested witnesses for this hearing. I received that request on 18 December (2004), and I approved the request, as I considered all three witnesses that you requested would provide relevant testimony, on the 19th of December. I would like to confirm the identification of all three witnesses with you now. Witness number one is identified by the name of Sharifullah, is that correct?

Detainee: Yes it is correct.

Tribunal President: The second witness is identified as Haji Rohullah Wakil.

Detainee: Yes, that is correct.

Tribunal President: The third witness is identified as Sada Jan.

Detainee: That is correct.

Tribunal President: I've been notified that all three witnesses are in U.S. custody and the Personal Representative has contacted all three and they have agreed to provide testimony. However, one witness is unable to attend this Tribunal in person due to force protection reasons. I requested that alternative means of providing testimony be investigated for the third witness. The Personal Representative has been able to obtain alternative testimony from the third witness. That witness that will not be able to attend today; we will receive his testimony in oral form from the Personal Representative. That witness is identified as Haji Rohullah Wakil.

Detainee: Thank you.

Tribunal President: The final statement regarding the ruling: The final ruling is all three witnesses are available with one witness providing testimony by alternate means. The proceeding will continue in this fashion. Shortly I will ask if you wish to make a statement, and if you provide a statement we'll receive that. After receiving your statement we will then obtain

the witnesses one at a time to attend your hearing where we can get testimony from them. Then we will receive the oral testimony from your third witness as provided by the Personal Representative at a later time. Sabr Lal, you may now present any evidence you have to the Tribunal. Your Personal Representative may assist you if you wish. From the Personal Representative Detainee Election Form provided to me earlier I understand you would like to speak to each item of evidence. Is that true?

Detainee: That is correct.

Tribunal President: I also understand from the Detainee Election Form that you wish to make your statement under oath?

Detainee: True.

The Recorder administered the Muslim oath to the Detainee.

Detainee: I swear that whatever I say in front of the Tribunal is the truth.

Tribunal President: Thank you very much.

The Tribunal President opened the Tribunal to the Detainee to make his statement. The Personal Representative read the allegations from Exhibit R-1 as listed below in italics.

3.a.1. The detainee aided al Qaida members in their escape from coalition forces.

Detainee: To begin with, I was a friend of American forces. I fought for six years against al Qaida forces. I got injured during that. My house caught on fire. How could that be possible?

3.a.2. The detainee had bodyguards.

Detainee: Can my translator explain to me what 'personal bodyguards' means? I was a commander. There were six hundred people working for me. I have admitted that I was a commander of the government. When I was a commander for the interim government I had people around me all the time when I was fighting against the Taliban in the company of the Northern Alliances.

Tribunal President: I would prefer to explain. You had asked a question regarding the explanation of a bodyguard. In the context of this statement, I believe bodyguards are people that are solely responsible for your security alone.

Detainee: I had six other people that I ordered. Somebody always followed me when I was going somewhere.

Tribunal President: Okay, thank you.

3.a.3. The detainee called for a jihad against the United States.

Detainee: For the above explanation, I should tell you guys something. I was up on top of the mountains; I was hiding. When the Americans came, I came to the surface. I joined them, I ate with them, I went places with them, I helped them; that is all I have done. The American authorities were always in contact with me. They called me to talk to them about situations. We had gatherings and I helped them out, I never ran away from anybody.

3.a.4. The detainee assisted in the escape of Usama Bin Laden from Tora Bora.

Detainee: Tora Bora is in the province of Jalalabad and we're back in Kunar province. Tora Bora Mountain is in Jalalabad. I have only heard of Tora Bora Mountain by name. I have never made a trip there. How could I have assisted from Kunar in the mountain of Jalalabad to aid Usama Bin Laden to escape easy?

3.a.5. The detainee was one of Usama Bin Laden's commanders during the Soviet jihad.

Detainee: I was a young kid when the Russians were in Afghanistan. I was not a commander at all. Yes, I did fight against the Russians but I was not a commander. I was a fighter at that time. I had my own commanders at that time; I was not a commander. The first time I heard the name Usama Bin Laden was through the radio station in Pakistan when he had somehow managed to bomb an embassy in Tanzania. I don't remember exactly if it was Tanzania but this was the first time I had heard the name Usama Bin Laden. I remember exactly that I was listening to the radio; I was with Hazrat-e-Ali and Haji Jandad and we heard that news with somebody of the name of Usama Bin Laden had attacked the American embassy in Tanzania.

3.a.6. The detainee collaborated with regional al Qaida leadership.

Detainee: If you want to call me fighting against them "collaboration" then you can define it as such. I fought them; I did not cooperate with them. They were my enemy and I was their enemy. There is no cooperation between enemies.

3.b.1. The detainee coordinated a rocket attack against United States forces.

Detainee: I was not working on something like that. I couldn't have. I didn't have any problems with the Americans. What is the point for me to create such things like that?

Tribunal President: Again I go by what was provided and it says that you coordinated a rocket attack.

Detainee: I was hiding in the mountains; I was in the mountains. When the Americans came, I came down. I became a commander. I became involved with society. Before the Americans came I was walking, then when they came I had transportation. Due to the threats of the Taliban I was separated from my family; I did not have my family. I was in the mountains. When the Americans came I joined my family.

Personal Representative: Sir, that concludes the summary of evidence.

Tribunal President: Sabr Lal does that conclude your statement?

Detainee: It is finished.

Tribunal President: At this time I would like to go over a few instructions regarding the witnesses. During the short recess we will have one witness brought in and he will be sitting on the opposite side of the Translator. During that recess you will remain seated where you are. The requirements dictate that no communication, no talking between yourself and the witness, may occur without the presence of the Tribunal. After the recess we will reconvene with all of the parties in the room. After I identify the witness and confirm with you that that is the gentleman that you wished, the witness will take an oath, and then the procedure will be that you may ask the witness questions to provide the testimony that you desire. The information that we are most interested in is related to the same information that you went through regarding these allegations. Your Personal Representative may assist during your questioning of your witness. After you've completed your questions, the Tribunal will then be free to ask questions as well. Do you have any questions about that process?

Detainee: No I don't. The only thing is that it is customary; can I please greet him when he comes in?

Tribunal President: Again, because of our regulations regarding your security this is standard that you will remain seated and restrained. A verbal greeting is okay.

Detainee: Yes, I just want to welcome him.

Tribunal President: I understand that and you will have that opportunity when we reconvene as well.

Detainee: Can I have some water?

Tribunal President: We can arrange that during the recess.

The Tribunal President called for a brief recess to bring in the first witness.

The Tribunal is called to order.

Tribunal President: Sharifullah, good morning.

Witness 1: Same to you.

Tribunal President: I would like to confirm with the detainee, Sabr Lal, that this is the witness that you requested.

The Tribunal President called for a brief recess due to a medical emergency requiring the Translator.

The Tribunal is called to order.

Tribunal President: Lets continue where we left off. Again I had asked the question to Sabr Lal if this is the witness he requested.

Detainee: Yes.

Tribunal President: Sharifullah we require that you take an oath and promise to tell the truth. Will you take that oath please?

Witness 1: Yes.

The Recorder administered the Muslim oath to Witness #1, Sharifullah.

Witness 1: I swear to Allah that everything I say is the truth.

Tribunal President: Thank you. Sabr Lal you may ask your questions to the witness to obtain the testimony with the assistance of your Personal Representative.

Detainee: Yes. I have arranged the questions with the Personal Representative. Those are the questions that I wanted to ask, she knows all about it.

Tribunal President: Very well, please continue.

Detainee's questions for Sharifullah via Personal Representative

Q. The detainee aided al Qaida members in their escape from coalition forces.
A. This is a lie, it is a very wrong statement because he lives in the province of Kunar and the Tora Bora Mountains are located in the province of Nankuhar. There is a long distance between Kunar to Tora Bora.

Q. The detainee assisted in the escape of Usama Bin Laden from Tora Bora.
A. I think that the explanation of the first question totally applies to the second question. On top of that I know the detainee was a commander against the Taliban, so these two situations do not match with each other. He was against the Taliban and he was fighting against al Qaida, then all of a sudden he is helping them escape?

Q. The detainee was one of Usama Bin Laden's commanders during the Soviet jihad.
A. I cannot answer this question.

Detainee: This does not apply to Sharifullah.. It applies to Haji Rohullah.

Tribunal President: It is really the detainee's opportunity to ask you questions and he may choose which questions to ask. So again Personal Representative restate the question and Translator please translate that. Witness, please do not answer until the detainee confirms that he wishes that question to be asked.

Q. The detainee was one of Usama Bin Laden's commanders during the Soviet jihad.

Detainee: I will not ask this question of him. He was just a little kid. How could he know my operation at that time? It has nothing to do with Sharifullah.

Witness 1: I think if I'm not mistaken, in the initial [interview] I said the same exact thing to the Personal Representative, that I was a little kid and I did not know his whereabouts at that time.

Tribunal President: Understood perfectly. We understand that. Please proceed with the next question.

Q. The detainee collaborated with regional al Qaida leadership.
A. It all relates to the same type of explanation. The man fought against the Taliban then fought against al Qaida. It's against our conscience; it's against our belief to be enemies with somebody then prepare ways for them to escape and things like that. Isn't it true even within you guys as well that you cannot be enemies and at the same time prepare ways for them to get out?

Personal Representative: Sir that is the end of the questions that were requested.

Tribunal President: Very well. Detainee do you have any other questions that you would like to ask this witness?

Detainee: No I don't have any other questions. I asked you earlier if I could greet him because it my custom to just say hi to him.

Tribunal President: Yes please.

The Detainee and witness had a brief exchange.

Tribunal President: Translator if you could please confirm that it was a greeting that was exchanged between the witness and the detainee.

Translator: Yes it was. He (the detainee) was saying "how are you, how's it going? Is everything okay?" He (the witness) said "fine."

The Tribunal President was informed of another medical emergency that required the Translator.

Tribunal President: At this point we need to take another recess for another matter and then we will continue shortly with questions from the board for the witness. During this recess I ask that there be no conversation between the witness and detainee.

Detainee: That's perfectly all right.

Tribunal President: Thank you.

There was a brief recess and then the Tribunal President called the hearing to order.

Tribunal President: We are now ready for a question and answer period after the first witness testimony. Personal Representative do you have any questions for the witness?

Personal Representative: No sir.

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

Recorder: Yes sir, just one.

Recorders questions for witness #1, Sharifullah

Q. Sharifullah, how do you know Sabr Lal, and did you work for him?
A. Yes I know Sabr Lal from the encounter when we both worked for Haji Khadir; he was a commander and that was in Balochistan (ph) and he used to come and see him. Then I used to go and see Qadir Khan as well and that's how I met him.

Q. One more question. What did you do?
A. I was working for Haji Khadir; I was like a security guard.

Personal Representative: No further questions sir.

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

Tribunal Members questions for witness #1, Sharifullah

Q. Can I just follow up? I understand that you work for Haji Khadir, is that correct?
A. At that time Haji Khadir was running a campaign with the Taliban and when the Taliban was not there anymore, he became the governor of Jalalabad.

Q. So you fought with Haji Khadir against the Taliban?
A. It's not like I worked for Haji Khadir in public. We just said let's all go fight together so it's not like that. He had a huge campaign, some people were doing operations against the Taliban, some people were trying to secure the areas and some people were trying to keep the peace in the towns and some people were there as guards. I was a guard.

Q. Sabr Lal had some part to play in the efforts against the Taliban as well, is that what you're saying?
A. He was living a long distance away from me; all I know is that he too was coming to see Haji Khadir. I used to go there too as well as Haji Khadir supporters.

Q. Was Haji Khadir also fighting the al Qaida forces?
A. I heard of situations where Haji Khadir commanders had been engaged in fights and attacks with al Qaida members.

Q. What did the detainee do when U.S. forces arrived in Afghanistan?
A. When the American forces came there were a lot of fights everywhere and when the Taliban were getting finished, everybody tried to come and stand for something. At that time as far as I remember that I started to go towards my province of Jalalabad and he stayed in Kunar where he belongs.

Q. I just have one question. How long have you known Sabr Lal?
A. I do not remember exactly, around two years of my affiliation with Haji Khadir. I used to see him coming to see Haji Khadir. That's all I remember right now. When I came back to my hometown of Jalalabad, to the center of the city, after the Taliban was finished he (Sabr Lal) stayed in Kunar where he is from.

Tribunal President: That concludes our questions. Sharifullah, thank you for coming.

Witness 1: I do have one thing to say. I just came from my own Tribunal on the other side and Sabr Lal is in my position as well. I just have a question for the Tribunal Members. We were the people who fought the Taliban all the time. What is happening to us? How come you are detaining people who were in that category?

Tribunal President: I'm not in a position to answer that question specifically today. Both the detainee and the witness should understand that the purpose of these Tribunals is to review your classification as an enemy combatant. That is why we are here; we are answering that question for each detainee.

Witness 1: While you are checking into our situations, I look at Sabr Lal and I look at other people in orange out here and everybody's wondering if these guys came to get Taliban or did these guys come to get us.

Tribunal President: I understand your concern and I appreciate it. We cannot continue on that line of comments, thank you.

The Tribunal President called for a brief recess to bring in witness #2. The Tribunal is then called to order.

Tribunal President: Sada Jan, good afternoon. I've been notified by the operations of the camp that for medical reasons they would like to have Sada Jan return for medical care. I understand that you really wish to provide testimony today, and I respect that. However, your medical and

personal health is more important than these proceedings. We will take a recess so you can be returned to medical care and we will address this issue further with Sabr Lal. I know I speak for the panel that I hope that you are feeling better soon.

Witness 2: Thank you so much; it is up to God to make me feel better.

Tribunal President: Thank you.

Detainee: Can I say hi to him?

Tribunal President: Yes please.

Detainee: You are sick?

Witness 2: God be with you.

Detainee: Are you okay? I hope you feel better. Please continue.

The Tribunal President called for a brief recess for witness #2 to be returned for medical care. The Tribunal is then called to order.

Tribunal President: Sabr Lal, sorry for all of the recesses and I appreciate your patience.

Detainee: Thank you so much, it is fine.

Tribunal President: As you know your witness, Sada Jan, could not attend this hearing due to a medical problem. I have spoken with the Personal Representative and she did discuss the proposed testimony with that witness previously. If it is acceptable with you, the Personal Representative can read her notes and provide the testimony since the witness tried to attend today's hearing but could not provide his testimony.

Detainee: It is not that necessary; he told you everything that I wanted him to tell you. I'm fine with that. The representative knows about his answers. She can talk to it; I don't have any specific requests.

Tribunal President: That would be very acceptable to us. Personal Representative please provide us the summary of what the witness informed you of yesterday, or whenever you had your previous meeting.

The Personal Representative reads her notes from the meeting with witness #2, Sada Jan

Personal Representative: Sabr Lal had only one question, that was:

Q. The detainee coordinated a rocket attack against United States forces.
A. Sada Jan said, "I had heard of this detainee not until after the Taliban was defeated. Then he, this detainee, became an active member and became a deputy for (inaudible) against the Taliban."

Tribunal President: Was that his reply?

Detainee: That is exactly what I thought he would say.

Personal Representative: He had some additional comments. He stated, "This detainee was silently working for the government in the campaign against the Taliban." He knew him from the Karzai office because he worked for Karzai and he saw him in the governor's office. Sir, that concludes his testimony, or the witnesses' statement.

Tribunal President: I will let you categorize how you obtained that testimony. If the Personal Representative will please for the record explain how she obtained that testimony or statements from the witness and when you obtained it.

Personal Representative: I spoke with Sada Jan on 29 December and it was in reference to the allegations that had been explained earlier. At that time I was taking notes and proceeded to take notes, and this is what I had.

Tribunal President: Sabr Lal, does that satisfactorily substitute for having your witness, Sada Jan, attend today's hearing?

Detainee: I don't have any objections over this, unless you do.

Tribunal President: No, we tried our best to obtain your witness for you today. I'm sorry that he was not well and I hoped that this alternate testimony would be acceptable and I believe you said it is. Thank you.

Detainee: I also gave the representative one more question for Sada Jan, that I told him about one of the accusations was that I was campaigning and providing meetings to talk about Americans in a bad way and to campaign against America. Did you ask him about that?

Personal Representative: The only campaign that he mentioned was that he was silently working for the government campaigning against the Taliban.

Detainee: That's good, as long as he said that.

Tribunal President: Thank you. Now for our last witness testimony. As explained earlier Haji Rohullah Wakil could not attend this hearing today. The Personal Representative also obtained testimony in a similar fashion as previously mentioned. Personal Representative, if you would provide that testimony at this time.

Personal Representative: Yes sir.

Tribunal President: First I would like to confirm that the detainee wishes that testimony to be provided to us. Let me rephrase that. Personal Representative, did you inform the detainee of what this testimony would be before this hearing?

Personal Representative: No sir.

Tribunal President: Just wanted to confirm that, please proceed.

The Personal Representative reads her notes from the meeting with witness #3, Haji Rohullah Wakil

Personal Representative: Haji was asked several questions.

Q. The detainee called for a jihad against the United States.
A. He said, "Totally wrong. The detainee was always in agreement with the Americans."

Q. The detainee assisted in the escape of Usama Bin Laden from Tora Bora.
A. Response, "The village is too far away. He stayed in his actual province and he wasn't staying in Tora Bora."

Q. The detainee was one of Usama Bin Laden's commanders during the Soviet jihad.
A. Response, "He was only a commander during the Taliban. It was when it was against the Taliban. He had ties through the Northern Alliance. He had no connection with Usama Bin Laden. Sabr Lal's father was a member of Mahaz-e Milli headed by Gailani."

Q. What was I (referring to the detainee) doing and did I fight against the Americans?
A. Response, "He worked as a member of border control during Karzai's government. He was fighting for the Americans not against the Americans. He showed a lot of resistance against the Taliban. He had done a lot of good work. He had caught a lot of smugglers of timber and he also put them in jail." Haji concluded, "[I or We] always tell you the truth. We are not hiding anything. We are on the same path as the Americans."

Q. One last question, how long have you known the detainee?
A. Answer, "He is a villager and I've known him over twenty years."

Personal Representative: That's the conclusion of that testimony.

Tribunal President: Sabr Lal is that the testimony you expected?

Detainee: Yes.

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

Personal Representative: No sir.

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

Recorder: Sir, no sir.

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

Tribunal Member's questions

Q. I understand after the Taliban fell you came out of the mountains. What were you doing before then?
A. I was fighting the Taliban before that.

Q. Okay. I thought from your testimony you said that after the Taliban fell you came down from the mountain. I understand you now to be saying that you were part of the Northern Alliance fighting the Taliban before the Americans came. Is that correct?
A. Before the Taliban came Rabani was in power and when they came they were trying to penetrate into our area and we did a lot of fighting against them. They were very strong and we lost a lot of people. I could not fight them any further; we had to go to the mountains.

Q. After you came down from the mountains and you defeated the Taliban, who appointed you to be the commander of the border forces?
A. When we came down they had formed an assembly in that particular province, and assigned people to different areas. I was assigned to look over the borders.

Q. Who did you report to?
A. I was reporting to at that time the Minister of the Borders.

Q. Was that person a member of the central government?
A. Yes.

Q. What was the name of the Minister of the Border?
A. General Sameullah Katra.

Q. General Sameullah Katra reported to President Karzai?
A. Yeah, of course the President was Karzai. At that time it was completely a defense department. Now they could be doing internal operations as well. I was in the military branch of that particular ministry.

Q. You testified before that you were helping the Americans. What kind of help did you provide American forces?
A. The help was of such that when we reached Jalalabad, which is closer to Kabul than Kunar, we made a trip there to meet them there to talk to them. Then they came to our province of Kunar and we sat together, we fed them, we ate together.

Q. Did you personally go to Jalalabad?
A. Yes I did.

Q. What type of forces did you meet with there?
A. I did not see the forces but I saw the people in charge, commanders, and the head of the Army. I went and met him.

Q. When you were serving as a border guard did you run across any al Qaida members trying to escape into Pakistan?
A. The Taliban had fled right after the war had started. I started my operation, which took a couple of months when I became in charge of operations. So most of the Taliban had already fled.

Q. Does that include al Qaida?
A. Yes, the Taliban and al Qaida had supposedly left. I still do not know myself when you are referring the Taliban and al Qaida, who they were at that time.

Q. The only question I have is regarding item number three. The item was that you, the detainee, called for a jihad against the United States. I understand from your previous statement that that couldn't be possible because you were with the United States and American forces. I'm wondering if you've heard anyone else try to make that statement against you?
A. It is a question that I can't answer. If someone has said something about me, in that manner, where they made something up you will not see them in front of me. They might just go somewhere else and start a rumor about me. I was with you guys. You wouldn't just come and say this guy did this while I was with you. I was fighting with you guys, if somebody said this they said it somewhere else. All the people that declared war against the United States have animosity. They fled. The people who could not just come for a war could not just stand around you and come and eat with you. I was the guy who was sticking in the community.

Tribunal President: All right, I understand. Thank you very much. Sabr Lal do you have any other evidence you would like to present to this Tribunal?

Detainee: I don't have anything specific. All I can tell you is that I fought for six years against the Taliban. I killed a lot of them. The only thing I want to tell you that is so ironic here is that I see a Talib and then I see myself here to. I am in the same spot as a Talib. I see those people on an everyday basis, they are cursing at me, they say shame on you and how could you be doing this to us? I don't know what's going on here. They say "See you got what you deserved, you are here too."

Tribunal President: I understand your concerns.

The Tribunal President confirmed with the Personal Representative that he has no further evidence to submit during the unclassified portion of the Tribunal and that the Detainee had no previously approved witnesses to present to the Tribunal.

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

AUTHENTICATION

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

[redacted] Colonel, USAF
Tribunal President

Summarized Unsworn Detainee Statement

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

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process, the Detainee answered, "No."

[After the Tribunal President stated; "your Personal Representative may assist you if you wish."]

Detainee: I don't want to speak my Personal Representative will speak for me.

Tribunal President: I understand you will have your Personal Representative present to us what you covered previously, is that correct?

Detainee: Yes, but before I add things he will read the accusations and then I will respond.

Tribunal President: Before we get to that, would you like to give us your statement under oath?

Detainee: No.

Tribunal President: You may proceed.

Detainee: I have been here three years now. Up until four days ago I had never heard of these accusations. I have been in prison in Pakistan, Kandahar, and Cuba. About thirty interrogators have investigated me during these three years. They have been very intense investigations. I have never heard of any of these accusations except when I met my Personal Representative four days ago. I believe the interrogators were desperate because they couldn't prove anything against me, so they made up these accusations. If these accusations were correct you would have questioned me on them before. These accusations make you laugh. These accusations are like a movie. Me, a body guard for Bin Laden, then do operations against Americans and Afghanis and make trips in Afghanistan? I don't believe any human could do all these things. This person would tell Bin Laden to hold on, I have to stop being your bodyguard to do these other things. How can a person who is just a simple guard be doing all these things? This is me? I have watched a lot of American movies like Rambo and Superman, but I believe that I am better than them. I went to Pakistan and Afghanistan a month before the Americans got there. The Americans only came to Afghanistan for a short period. The war was very short when I was there. I was detained in Pakistan during Ramadan. I was there only a month. How can a person do all these operations in only a month? I can say that these accusations are lies.

Personal Representative: 3.a. (The detainee was an associate of the Taliban and/or Al-Qaida.) I don't have any association with Al-Qaida or Taliban. I went to Afghanistan because of a man named Mawan Jaawan told me there would be a job there for me.

Detainee: He told me I would like it in Afghanistan and I could live a better life then in Yemen.

Personal Representative: Mawan Jaawan was a Yemeni from the same neighborhood that I am from. I thought Afghanistan was a rich country but when I got there I found out different. Instead of being a rich country it was all destroyed with poverty and destruction. I found there were no basis for getting a job there. I was lied to but couldn't return to my country because I had no money or passport.

Detainee: I had a passport but it was with Mawan. In the same house I was staying in.

Personal Representative: Would you like to add anything to that point?

Detainee: No.

Personal Representative: 3.a.1. (The detainee is a Yemen citizen who traveled to Afghanistan via Karachi, Pakistan; Kandahar, Afghanistan and finally to Kabul, Afghanistan.) Yes.

Personal Representative: Would you like to add anything to that point?

Detainee: No.

Personal Representative: 3.a.2. (The detainee decided to travel to Afghanistan to fight the Jihad.) I went there to work not to fight the Jihad.

Personal Representative: Would you like to add anything to that point?

Detainee: No.

Personal Representative: 3.a.3 (The detainee arrived in Kabul, Afghanistan and stayed in a house owned by the Taliban.) I stayed in a house owned by Mawan Jaawan. It wasn't a Taliban house it was just a house.

Personal Representative: Would you like to add anything to that point?

Detainee: No.

Personal Representative: 3.a.4. (The detainee became a bodyguard for Usama Bin Laden in August 2001.) Not true.

Personal Representative: Would you like to add anything to that point?

Detainee: No.

Personal Representative: 3.b. (The detainee participated in military operations against the United States and its coalition partners.) When I went to Afghanistan I spent all my time in Kabul. I didn't participate in the fighting. I stayed in Kabul because I didn't have any money to return to my country and my passport was with Mawan Jaawan.

Personal Representative: Would you like to add anything to that point?

Detainee: This is good just continue.

Personal Representative: 3.b.1. (The detainee traveled north of Kabul, Afghanistan to a military camp approximately two miles from the front line fighting with the Northern Alliance.) Not true. Mawan Jaawan took me in a vehicle and drove me to the front line without my knowledge. I didn't know where we were going. When I found out that we were at the front lines I told him I wanted to go back. I had no choice but to stay there. I stayed there for three days on the front line. I had no money or transportation back.

Personal Representative: Would you like to add anything to that point?

Detainee: This is true I stayed three days. There was no transportation the only vehicles in this area belonged to the Taliban.

Personal Representative: 3.b.2. (The detainee was issued a Kalashnikov rifle with ammunition.) Yes, while I was there for the three days I was issued a Kalashnikov rifle. This was before America entered Afghanistan.

Detainee: It was a year and four months before the United States came.

Personal Representative: Would you like to add anything to that point?

Detainee: No.

Personal Representative: 3.b.3. (The detainee was assigned a post, performed guard duty on the front line, and could hear gunshots and fighting in the distance.) I didn't participate; I just stayed there three days. I didn't do anything.

Personal Representative: Would you like to add anything to that point?

Detainee: No.

Personal Representative: 3.b.4. (The detainee made several trips from the front line to the guesthouse in Kabul, Afghanistan.) Not true.

Personal Representative: Would you like to add anything to that point?

Detainee: No.

Personal Representative: 3.b.5. (The detainee learned about the 11 September 2001 attack on America during his last two months in Afghanistan.) Yes I heard about it like everybody else.

Detainee: Of course I did. It was the news on every TV station, radio station and newspaper. I don't think this is an accusation just hearing the news.

Personal Representative: 3.b.6. (The detainee surrendered to a Pakistani security force at the border.) I didn't surrender because I wasn't fighting. When I went to Pakistan I went to the nearest police station so I could go back to Yemen. I didn't have any money and I wanted to meet with the Yemeni embassy. I didn't have a weapon so it is amusing to say that they arrested me.

Detainee: When they say I surrendered to Pakistani authorities, to start with I didn't have any weapons. You cannot say that I surrendered to them. I took a taxi and it took a couple of days. They captured me. I wanted to meet anybody from the Yemeni embassy. I didn't have any money and that is a good opportunity for the Pakistani police to capture me. I didn't have any money and at the same time you are saying that I was a bodyguard Bin Laden. How could Bin Laden's bodyguard have no money? I didn't have any weapon so how can the interrogators say I surrendered?

I would like to say one more thing. I talked about not coming to this Tribunal. But I told myself to just try. Because when I read the accusations I felt injustice was going to be applied here. I might refute the accusations. That is what I will see here in the future when I leave here.

Tribunal President: Does this conclude your statement?

Detainee: No. No we're not through with these accusations. The first time I talked to you I had no hope. Then I said there might be hope so I came. I hope I will find people that will listen and understand the truth.

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

Personal Representative: No sir

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

Recorder: No sir.

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

Summarized Answers in Response to Questions by the Tribunal Members

Q. When did you move from Yemen to Kabul?

A. Three years in Cuba and one and a half years in Afghanistan. That is four and a half years ago that I moved there.

Q. So you lived in Afghanistan for about one and a half years?

A. Yes, exactly.

Q. What were you doing during that time period?

A. I went to Kabul and met Mawan who was from the same neighborhood as me. Before I traveled to Afghanistan with him he came back to Yemen. He told me it was easy to have a life and live there. I used to work in a factory in Yemen and my salary was about $50.00 a month. I couldn't live on $50.00 in Yemen. Mawan was my friend since we were kids and he told me I could live in Afghanistan and have a good life. I couldn't do this in Yemen so I went with him to Afghanistan. When I got to Afghanistan the situation was opposite of what he told me. I didn't have money to go back. Mawan would only give us a very small amount of money for expenses. He wanted me to go to the front line then he would give us money to work with the Taliban. I told him I came to Afghanistan to live a normal life not to fight. He told me there was no money for me to go back. And that's why I stayed in Kabul. I would stay in a Mosque and read the Koran. My life in Kabul was to go to the Mosque, to the market, and to the house. I was always thinking about how to get back to Yemen. I couldn't save the amount of money to go back. On top of that my passport was with Mawan. He told me to wait and he would give me the money to go back. I was forced to stay there.

Q. So basically you chose not to get a job at all rather then to work for a low pay?

A. Yes as I said the salary was very low. But when I was at the Mosque I used to read the prayer for the Muslims, so they would give me money once in awhile. I was given very little money.

Q. I think the way you said it, Mawan gave "us" a little bit of money everyday, who was us, were there other people staying at Mawan's house?

A. He would give me. Me.

Q. Why do you believe your friend from childhood lied to you about the conditions in Afghanistan?

A. I don't know his reasons for lying to me but I think he thought when I got there I would be forced to face the situation and change my mind.

Q. What do you mean, change your mind and fight for the Taliban?

A. Yes.

Q. Were you at the front just the one time or was there other times?

A. Just the once for the three days.

Q. How did you get to Pakistan?

A. I left Kabul and went to Khost in a car. Then from Khost I took another car to Pakistan.

Q. Who was with you?

A. In the first car from Kabul there was a lot of Afghanis.

Q. And after that?

A. After that I went to Khost.

Q. When you crossed into Pakistan were you by yourself?

A. I hired a taxi.

Q. When you went into the police station were you by yourself?

A. The car I was in was like a taxi, there was a lot of passengers. When the car got to the border I went to the police station.

Q. And were you by yourself?

A. Yes, when I left I was by myself.

Q. Why did you decide to leave Afghanistan at that time?

A. Because it was a really hard life. There was no need for me to be there. I thought if I got to the Yemeni embassy they could solve my problems somehow.

Q. Did you try and get your passport back from Mawan before you left?

A. No, he wasn't there at the time.

Q. Was Mawan fighting on the front?

A. Mawan works for the Taliban and he has a car.

Q. I understand you had a factory job in Yemen and you used all your savings to travel to Afghanistan. Do I understand that correctly? You had very little money when you got to Afghanistan.

A. When I left Yemen I had no money. Mawan gave me money. He paid for my airline ticket also.

Q. When you were leaving Kabul, you said you paid for a taxi; I assume you had enough money for that.

A. To take a taxi is not very expensive. It is cheap.

Q. Why did you wait a year and five months to decide to leave when there was no work?

A. I didn't realize it until six months had passed. And when Mawan proposed this idea to me. That is why the following year I tried to save money but it was hard.

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

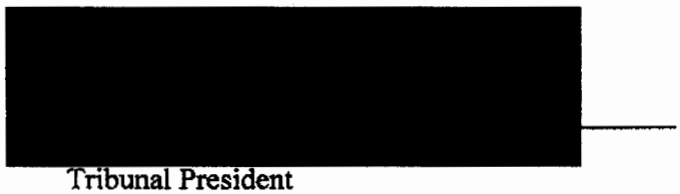
Detainee: No.

Tribunal President: Personal Representative do you have any other evidence to present to this Tribunal?

Personal Representative: No sir

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 Sworn Detainee Statement

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

The Recorder presented Exhibits R-1 thruR-4 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 explained that the Tribunal had approved the detainee's witness requests and a Department of State request went to the home country of the witnesses but no response was received. As a result the Tribunal President determined that the witnesses were not reasonably available and the Tribunal would continue with out them.

Tribunal President: Personal Representative I notice on the Detainee Election form he requested two non-detainees. Were you also referring to the photo in the refugee camp?

Personal Representative: Ma'am refreshing my memory from the meeting that we had regarding the witnesses. I believe what the attempt was he lived in a refugee camp with many refugees and thought the one witness would be able to help with a photograph identify others who would be able to testify that he was a refugee. If it would please madam President I can read the very brief expected testimony.

Tribunal President: Actually I think I have it here. I just want to make sure that was the one that we determined early on was not relevant to the unclassified summary. I just wanted to verify that was in fact the person.

The Detainee did take the Muslim oath.

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

The Personal Representative included each accusation in his statements below and gave the detainee a chance to respond to the allegations. The allegations appear in italics, below.

Personal Representative: Shakhrukh and I had met on the 05 Nov 2004, for approximately an hour and a half. Which was five weeks ago. In addition, during our preliminary meeting prior to this tribunal, Shakhrukh had told me about some problems with his teeth, which have affected his throat. When asked if he still wanted to participate, he stated that he did. I just ask that you understand that he will speaking softly and in addition I will assist him in presenting and disputing each of the pieces of evidence brought against him. I would first like to quickly identify based on our meeting

which items of evidence are in direct dispute and why. Then allow Shakhrukh and myself to provide additional details as to the reason why he is disputing.

3.a. The detainee is associated with forces that are engaged in hostilities against the United States or its coalition partners

3.a.1. Originally from Uzbekistan, the detainee traveled to Kabul, Afghanistan via Dushanbe, Tajikistan, and Konduz, Afghanistan.

Regarding item one that he is from Uzbekistan, traveled to Kabul to Afghanistan, yes that is true. In a moment he will explain the circumstance as to why he traveled.

3.a.2. The detainee spent one and a half years in an Islamic Movement of Tajikistan camp near Dushbanbe, Tajikistan.

Regarding number two, spending time in the Islamic Movement of Tajikistan camp. He spent time as a refugee for a period of time, but not in the Islamic Movement of Tajikistan camp.

3.a.3. The detainee willingly became a soldier in the Mujahidin Army.

3.a.4. The detainee traveled to Afghanistan to participate in jihad against the Russians and the Northern Alliance.

For items three and four he did not willingly become a solider in the Mujahidin Army. He did not travel to Afghanistan to participate in jihad against the Russians or the Northern Alliance.

3.a.5. The detainee had an AK-47 while at the camp near Dushanbe, Tajikistan.

Likewise on Item five he did not have an AK-47.

3.a.6. The leader of the Islamic Movement of Tajikistan is also the leader of the Islamic Movement of Uzbekistan.

Item six, I believe as he told me it is not true and this is knowledge that he have, that the leader of the Islamic Movement of Tajikistan is not the leader of the Islamic Movement of Uzbekistan. From what he told me those two organizations have different leaders.

3.a.7. The Islamic Movement of Uzbekistan is a designated foreign terrorist organization.

On number seven about the Islamic Movement of Uzbekistan being a designated foreign terrorist organization. I do not have any direct notes to that during our meeting, but in a moment you will be given the opportunity to express your understanding of this statement.

3.a.8. The detainee was captured by the Northern Alliance in Mazar-E-Sharif, Afghanistan.

Finally item eight the circumstances of his capture, he will help to explain that as he explains his status as being a refugee from Uzbekistan who travel to Afghanistan and subsequently captured.

Are you now Shakhrukh willing to explain to the tribunal the reasons why you left Uzbekistan, your refugee status and the statements you have told me?

Detainee: Yes, I'm ready. First of all the reason I left Uzbekistan to Tajikistan, it wasn't because I wanted to join the Mujahidin Army. While I was in Uzbekistan visiting with my family. I never heard of Islamic Movement of Uzbekistan or Islamic Movement of Tajikistan. When I left Uzbekistan and went Tajikistan, the war between the Islamic Movement of Tajikistan and the Tajikistan government was over. When I came to Tajikistan I stopped at a location near Tu Schuan(ph) the capital of Tajikistan which is called Orshengizaboff(ph). I stayed there for a while in the refugee camp and far as I know they didn't have any mujahidin or terrorists in there. I had to stay about one and a half years among those refugees. My intention was not to stay in Tajikistan for that period of time. I actually wanted to go to Turkey. I had difficulties going to Turkey because I didn't have a passport, which I was too young to have, and I didn't have enough finances to get there. That is why I took the job with the Tajiki(ph) government with all of those refugees. I was transferred to Afghanistan. I had to travel to Afghanistan. From Tajikistan through Kuntos(ph) we would travel to Afghanistan but I didn't stay in Kuntos(ph). We also stayed wherever ((inaudible) in Kabul and we stayed at the central part. The placed is called Batrabatowin(ph) and it was a garage type of place. At that particular time I was helping refugees to fix up things like cars or roofs. During that time I didn't have any type of activities against the Russians or Americans and I didn't have any intention to have anything against them. In about five or six months, I owned a car. I was using that for a taxi. When I was in Tajikistan I was living among the refugees with the help of Tajiki(ph) government and I didn't have and kind of AK-47, the weapon here you mention in my unclassified summary. The people who work for the government who were guarding us did have a weapon. Islamic Movement of Uzbekistan and the Islamic Movement of Tajikistan have different leaders and I didn't see neither one of them, but I heard that the leader of Islamic Movement of Uzbekistan is Jamal Wana Magundee(ph). I have never seen him. Neither one of those leaders from Islamic Movement of Uzbekistan or Islamic Movement of Tajikistan has been in the refugee camp. Unfortunately you will not be able to get any kind of statement from the witnesses I requested from Afghanistan. I hope to have one more attempt to the refugees who stayed in Tajikistan with me. They all know me very well and know whom I am. I have already told my Personal Representative about it.

Personal Representative: To get some clarification as I had said, I had taken notes during our meeting and by working with Shakhrukh to help the President get a better understanding of the circumstances. You had told me during our meeting the reason why you had originally left Uzbekistan as a child.

Detainee: Would you like me to reply to your comments?

Personal Representative: I could either explain to you what you had explained to me or if you would like, you could go ahead and explain it to the tribunal.

Detainee: Yes explain

Personal Representative: You told me in Uzbekistan that your uncles were jailed and killed by the Uzbekistan government?

Personal Representative: I think you said that it was five uncles that were killed.

Detainee: One was killed; five were jailed, including my father that made six people.

Personal Representative: Your father was jailed as well.

Personal Representative: Help me understand. They were sentenced by the government for twenty years because of their Islamic religious beliefs?

Detainee: Yes

Personal Representative: Is this why you were forced to go to Tajikistan?

Detainee: Yes

Personal Representative: Ma'am, if it pleases President if I may conduct this and do it with both statements and ask questions for clarification?

Tribunal President: Yes, go ahead.

Personal Representative: How long were you a refugee in Tajikistan?

Detainee: It was about a year and a half.

Personal Representative: You also explain to me that you and others tried to get back to Tajikistan but you were told no.

Detainee: Yes

Personal Representative: Did the government Tajikistan provide the transportation to return the refugees?

Detainee: They only provided transportation to take us to Afghanistan.

Personal Representative: Is that how you ended up as a refugee in Afghanistan?

Detainee: Yes

Personal Representative: How long were you a refugee in Afghanistan?

Detainee: About two years.

Personal Representative: Is that where you got your occupation to drive a car?

Detainee: I was only as a taxi driver but before I was a helper for a cook and do other little things around the garage. The taxi driver was after about five or six months.

Personal Representative: I think it is important for you to share with the tribunal your circumstances behind your capture in Mazar-E-Sharif. Do you wish to share that with the Tribunal?

Detainee: Yes I will. While I was driving the taxi, the conflict with Afghanistan and America started. I thought it would not be safe for me to stay at that place anymore. I decided because it was dangerous for me to stay over there. I asked for help from a organization that was helping people and they told me in two weeks they would send me back to my homeland. I went to the UN to ask for help to send me back to my homeland and told me that they would be able to help me. I told them the entire story of how I ended up being in Afghanistan, what happened to my family, and how my dad was jailed and that I had to leave the country. They promised me they would be able to help me and send me back to my homeland, that nothing would happen to me and that I would be protected. He gave me a piece of paper. I guess it was some kind of travel document. So I would be able to travel along with. We were riding with five or six Afghans together towards (inaudible). They were all from Mazar-E-Sharif and I was going to drop them off because it is on my way to my destination. They were going to pay me for the ride but I told them that I'm not going to take money from you; you just have to show me the directions. The road is through the mountains and when we got to the place called Paliconbri(ph) and Zahadan(ph) I had been captured. I was captured by the Mondesto(ph) forces. After I was captured they took my travel bag and my car but they let the Afghans go. They handed me over to the American General where at that point we were at Mazar-E- Sharif. I told them my story and they saw the travel document that I got from the UN. They actually told me and promised me that they would help me get back to my homeland. I spent about a month at some kind of house it was a (inaudible). Aside from that there were about fifteen Pakistan people. I saw one other person who had an injury to his arm. The Pakistanis and me got transferred to Kandahar. I'm not sure how long I stayed, but it was about a month and a half I spent in Kandahar and after that they brought me here. They said that they were through with me and promise to send me back to my homeland, that why I'm confused. When they brought me here for interrogation I didn't want to talk a lot to them. It is still a lot of things inside of me that I didn't tell. I have been here about three years. They didn't treat me well here that is why I didn't tell them anything.

Personal Representative: For the record, what Shakhrukh had shared with you here today is very persistent with what we discussed during our interview on the 10 November 2004. The last area I would like to address because I had stated this in the open remarks. During our interview I did not have any notes on item seven of the unclassified summary. You have had the opportunity to address all the other areas and I would like to give you the opportunity to tell them what you do or do not know about the item here that states the Islamic Movement of Uzbekistan is a designated foreign terrorist organization.

Detainee: I have never been a member of Islamic Movement of Uzbekistan. When I was in Afghanistan I was listening to the radio a lot because we didn't have a television so I listen to the radio a lot. I heard that there was a conflict between president (inaudible) and Amer Aoft(ph) the leader of Islamic Movement of Uzbekistan. They have some kind of conflict between each other. I know that in Uzbekistan there is a lot of people in jail and a lot have been killed in jail. Back in 1991 when our President (inaudible) was inaugurated, he actually swore on the crown that he is going to fair to Islam and that he was going to open mosques in Uzbekistan and he was to keep all of us safe and he never did that. That is why I can under stand the leader of Islamic Movement of Uzbekistan. He actually addresses himself as Amer Mohammed Pukur Forque(ph the entire name). He said on the radio that our president is not Muslim, he was Jewish. Since he came he is not given any opportunity for Muslims to perform here. At the beginning he promised that we were going to work together but he also swore that during his presidency for twelve years at that time; he not going to see any Muslims in the country. That's how it became Islamic Movement of Uzbekistan. Jamar Wana Magundee(ph) became the general of the Islamic Movement of Uzbekistan. When the Islamic Movement of Uzbekistan formed, two Uighers actually fight a lot a people that were among them. Since Uzbekistan could not defeat the Islamic Movement of Uzbekistan because they have a lot of supporters, that is why I say in my opinion that's why the President decided that this is a terrorist organization. I also know that during Clinton's presidency before Bush, our president included this Islamic Movement of Uzbekistan as a terrorist organization during Clinton presidency. I just want to apologize to you that I didn't tell to my Personal Representative.

Tribunal President: Does that conclude your statement?

Detainee: That concludes my statement, but I just in case you are wondering why I didn't tell my entire story before the Tribunal or to my Personal Representative or to the interrogators. I just want to let you know that they torture me a lot here at the camp. They would not let me sleep thru the night; they were taken me to interrogations. I saw them beating other detainees, breaking their arms and legs. Also my letters I have been writing back home, they never received them but I did receive a few letters from back home. I received a letter from my mother and she wrote that you better not come back home. I just don't understand the reason for that. I just want to see if you can explain it to me? My understanding, that since you captured me, you have to present some kind of proof for holding me that long but it looks like it working out the other way around. I'm giving you the statements. My understanding is that the President of this Tribunal gets the information only from the interrogations but the interrogations (inaudible) that not

true. I didn't have a good translator who could understand me well or who could not translate well and that could be another reason that you have all the statements that you have.

Tribunal President: I can tell you at this point the only information we have seen is the unclassified summary. In making our decision we look at two things. The first this is the information that the Recorder presents to us, and the second thing we look at is your statement. So any information that you could provide us would be useful.

Detainee: That is my statement and that is all I have to say to you. I just want to say that I'm not afraid to go back to my country. I'm not afraid to die. We all belong to Allah and we shall return to him. I'm just afraid because of me, they might torture my family.

Tribunal President: At this point we may have some questions for you. Will you be willing to answer some questions?

Detainee: Yes

The Personal Representative had no further questions but had additional comments.

Personal Representative: Shakhrukh was very forth coming during our interview and with the exception, of his explanation of the Islamic Movement of Uzbekistan designation as a foreign terrorist organization. The reasons why I did not focus on that particular item during our interview was because that statement was neither allegation nor does it say anywhere that he is a member of that organization. I just want that to be clear for the record.

The Recorder had no further questions.

Tribunal Members' questions

Q. Do you know of any reasons why other witnesses like in Afghanistan would have said that you were Islamic Movement of Uzbekistan?

A. My witnesses should know my entire history and they should tell you I have never been a member of the Islamic Movement of Uzbekistan

Q. How many people were in your refugee camp at Afghanistan in that garage and how many were in Tajikistan?

A. If you count all the kids and their mother and everybody it would be about three hundred people in both of them.

Q. How old are you?

A. I'm not really sure because I lost my count at about 16 or 17 years old.

Q. Did you attend school?

A. No I didn't go to school. I went to school but I came back from the schoolyard. I was very interested in sports and I was attending car repair (inaudible).

Q. What religion or most people in Uzbekistan?

A. Muslims. It was not only my family, but in Uzbekistan you go to any family and you will see the Islam member of the family in jail or tortured. To drink or to gamble, there are a lot of people who do that. If one family member serves Islam other family members actually join him. I'm not afraid to go back to my country. I know for sure that my uncle who has been killed in jailed, his son has been put in jail. I'm just expecting bad news that they are going to kill my father over there and then they are going to reach after me.

Q. Just a question about your route. You went Mazar-E-Sharif. If you were listening to the radio it seems to me, just from my basic knowledge, I thought Mazar-E-Sharif would be more dangerous than Kabul.

A. In Afghanistan I believe there wasn't any danger because the Americans had taken over Afghanistan at that time. If you are saying Mazar-E-Sharif was a dangerous place then Kandahar was supposed to be under the Taliban. After the Americans took over Kandahar, I thought there should not be any danger in Afghanistan.

Q. We see different uniforms, we some of the detainees in orange, some are in white. Do you know why you are wearing orange?

A. My understanding is because of the summary of the evidence against me that is probably why I'm wearing this orange uniform. I know that there are four levels of discipline. Every time I try to go one level up, they will do something to keep you in that level. I know that are a lot of detainees who don't want to talk to the interrogators and no matter what you tell them they are not going to change your level or change your clothes for that matter. I know that a lot of people have been tortured here at the camp. I always answer the question of the interrogators but when I get sick or need to see the doctor they always write it down and say we will make it but it has been so long. When I don't exercise I feel very week, that why I try to exercise inside my cell but MPs doesn't like it. That is the only I can keep myself healthy here is by doing some exercise because when you get sick you don't get any appointments here so what should I do? Every prison detainee should be allowed to exercise; I don't understand why they don't allow us.

Q. What about food. How many meals do you get in a day?

A. I'm not complaining about food. They give us three meals a day and that pretty much enough because I don't eat that much anyway.

Q. Are you the only Uzbek? Are there any around you

A. I'm the only Uzbek now but one time I had a neighbor with the number of 265. I was his neighbor in the echo block. I think they took him away to tango block.

Q. You said you were going to Turkey, why?

A. I heard that Turkey is a better country so I wanted to buy my taxi and go to Turkey. I didn't know the Pashtu language and my language is very close to Turkey language.

Q. You said you left when you were abut sixteen or seventeen. Do you know what year that was?

A. No I don't remember. It was around September 1998

Q. You had five uncles arrested.

A. Did you have a large family? Yes I had a large family. My father and my brothers were arrested.

Q. Were you the only one from your family that left?

A. I was the only one. My cousin also left because he was into sports. He went to the competition in Russia and when he got back from the competition they put him in jail.

Q. Question number three was that you did not willingly become a member of the Mujahidin Army were you forced?

A. I willingly left my country. I never wanted to join the Mujahidin Army. It was not my intention and I never did.

Q. You were never in the Army?

A. No. I didn't want to stay with the Uzbek government because I saw a lot of tortures towards me and my family that is why I didn't want to stay in my country.

Q. Have you ever had any military training, fired a weapon, or anything like that?

A. No. I never even entered the army of Uzbekistan, which is my country also

Q. Do you understand or speak English?

A. Good, thank-you, I know, I don't know, those kind of words only.

Tribunal President's questions.

Q. Have you ever had any military training?

A. No.

Q. At the refugee camp in Uzbekistan were you all Uzbeks or were there other nationalities.

A. Everybody was Tajik, I was the only Uzbek there.

Q. Did you know their language?

A. No. I did not

Q. Do you have any idea why they sent people from Tajikistan to Afghanistan?

A. I know that there have been a lot of refugees about a hundred thousand who left Tajikistan to Afghanistan. Most of them were killed during the war over there. Most of them just settled down there because their kids are married to the local people. Some of them had to return back Tajikistan but the Tajikistan government said that we don't have enough space for everyone. When the other people wanted to come back, they said you have to stay for awhile in Afghanistan because we don't have space for everyone.

Q. When you left to go to Tajikistan, did your parents approve?

A. No. Well, my brother was already in jail at that time and my mom was just crying and I know that she would not have let me go anywhere so I just left.

Q. In reference to the torture that you said here, you said that you had lack of sleep and lack of medical care, is there anything else that's happened to you reference your treatment here?

A. That was the only thing but we have only one mat and only one blanket and we have been here for three years. We need a little bit more than that. The Koran which is written in Arabic but I don't speak or read Arabic. I would like to have some Uzbeks books to make the time go by faster. I have requested those things several time in the interrogations but until now I didn't get anything. I think maybe because I didn't give them that much information. All this information I gave it to you and this is the first time I've actually spoken about this. I didn't tell

the interrogators anything of this information; maybe that is why they are trying to hold back my request.

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

Detainee: That's pretty much it.

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

AUTHENTICATION

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

Colonel, United States Army
Tribunal President

Summarized Sworn Detainee Statement

The Tribunal President explained the Tribunal process, and asked the Detainee if he understood this process. The Detainee responded as follows:

Detainee: Yes, I do.

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

Detainee: No, I don't have any.

The Detainee Election form was given to the Tribunal, and the unclassified evidence was given to the Tribunal. The Recorder then entered the Unclassified Summary of Evidence into evidence. The Personal Representative then requested a closed session to review classified information at a later time.

Tribunal President (to the Detainee): You may now present any evidence you have to this Tribunal, and you have the assistance of your Personal Representative in doing so. Do you still want to present information to this Tribunal?

Detainee: I don't have any proof.

Tribunal President: I understand you would like, with the assistance of your Personal Representative, to speak to the unclassified summary?

Detainee: Yes.

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

Detainee: No, I don't want to.

Tribunal President: Very well. That's fine. We'll accept your statements whether you take an oath or not. At this time, with the assistance of your Personal Representative, you may begin.

Personal Representative (to the Detainee): The first point says that you are associated with the Taliban.

Detainee: Yes.

Personal Representative (3.a-1): It says you traveled to Afghanistan to fight with the Taliban in response to a fatwa.

Detainee: Yes.

Personal Representative (3.a-2): It says you attended the al Farouq camp for weapons training with the Kalashnikov rifle, the PK machine gun and the rocket-propelled grenade (RPG).

Detainee: Yes.

Personal Representative (3.a-3): Here it says you stayed at the Taliban Center in Quetta, Pakistan.

Detainee: Yes.

Personal Representative (3.b): It says you engaged in hostilities against the United States or its coalition partners.

Detainee: I didn't do anything against the United States or its allies.

Personal Representative (3.b-1): It says that you were issued a Kalashnikov rifle, ammunition and hand grenades.

Detainee: That is true, yes.

Personal Representative (3.b-2): And that you maintained an armed military post in the vicinity of Bagram, Afghanistan.

Detainee: Yes.

Personal Representative (3.b-3): And that you maintained a Taliban post in the vicinity of Jalalabad, Afghanistan after 11 September 2001.

Detainee: Yes.

Personal Representative: Did you want to say anything about why you joined the Taliban or about the evidence that states why you were hostile to the U.S.?

Detainee: I did not participate in any actions against the United States or it's allies. I never seen the Americans in Afghanistan, so how could I be classified as an enemy combatant?

Personal Representative: Do you have any other statements you wish to make to the Tribunal?

Detainee: All these points or evidence is true. I'm confirming that, but I didn't participate or do anything or commit any hostilities against the United States or it's allies. And yes, I'm confirming all these points are true.

Tribunal President: Very well, thank you. We may have some questions for you, but, at this time, does that conclude your statement?

Detainee: That's all that I have; I don't have anything else.

Tribunal President: Very well. Thank you for your testimony. (Addressing the PR) Personal Representative, are there any other questions you would like to address to the Detainee or bring up on his behalf at this time?

Personal Representative: Just that his behavior while he's been here has been very good, sir.

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

Recorder: No, sir.

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

Tribunal Member: (To the Tribunal President) If we may, sir. (Now addressing the Detainee) Good morning. We would like to ask you some questions to clarify some things because we don't have any information about you except what you've told us this morning.

Detainee: All the information is available in the file; three years of interrogations so everything is there.

Tribunal Member: We understand that, but we are not given access to your file prior to the Tribunal. The Tribunal members come here with no prior information about you.

Detainee: OK.

The below is a summary of the question and answer session to the Detainee conducted by the Tribunal member:

Q: What country are you from?

A: From Yemen.

Q: And you say you went to Afghanistan in response to a fatwa from a sheik or religious leader?

A: Yes.

Q: And what were the terms of the fatwa; what did the sheik want you to do?

A: The subject of the fatwa was just to help the Taliban by any means; money, physically, or any means.

Q: How did you travel from Yemen to Afghanistan?

A: First I traveled from Yemen, to Dubai (U.A.E.) for about an hour, then from there to Karachi.

Q: Then you had people in Pakistan help you to Afghanistan?

A: Yes.

Q: When you got to Afghanistan, did they assign you to a military unit there?

A: Yes.

Q: And what duties were given to you?

A: Just train, then you go to the front line.

Q: Were you in a group of other Yemenis or Arabs, or were you with Taliban Afghan soldiers?

A: With the Taliban.

Q: How many other, roughly, were with you in your immediate unit?

A: About 10.

Q: And you were responsible for defending a certain area of territory?

A: Yes, I was in the second line. So you have your weapon and your area, and you are supposed to defend it

Q: So your primary duties were guard duties, or did you have other responsibilities also?

A: Just guard duties, in the spot we were in.

Q: Did you ever have to defend your area against the Northern Alliance troops?

A: Not forced to defend, but you are there for that purpose, so you have to defend.

Q: At some point, when the war became intense, you had to withdraw from your position?

A: When the retreat order was given, everybody pulled off.

Q: The retreat was given because the Northern Alliance troops were advancing towards you?

A: Yes.

Q: Were there battles between the Northern Alliance side and the Taliban side that you saw?

A: There were no battles, just the retreat, that's all.

Q: So you were on the second line, and you were given the order to retreat where?

A: We retreated to Jalalabad.

Q: And then you stayed there for a short time and went somewhere else?

A: After that I went to Pakistan.

Q: Did you have to pass through the Tora Bora region in order to get to Pakistan?

A: Yes, because the road leading to Pakistan fell, so the only way left was through the mountains.

Q: Were you injured at any time during this retreat?

A: No, I was safe.

Q: Did you make it all the way to the Pakistan border?

A: Yes.

Q: And when you got to the border, did you simply pass through into Pakistan or were you captured at that point?

A: No, it was no problem. We got to the border village, surrendered our weapons and stayed there for a day. After that, they took us to the Pakistani police.

Q: The villagers did or somebody else?

A: Yes, the villagers, yes, because I asked them if they could take me to the embassy there they'd (the embassy people) would arrange for me to go back to Yemen.

Q: Did it seem as though the villagers were trying to help you, or they were turning you in because they wanted you to be captured?

A: It felt that they were helping.

Q: So the Pakistani police took you and they put you in jail for a while?

A: Yes.

Q: I gather there was a group of you all traveling together?

A: Yes.

Q: Can you remember about how many of you were together?

A: About twelve.

Q: And these were Yemenis like you, or from other nationalities?

A: I really don't know. After the retreat, I just went with them, and it was extremely cold; there was snow so I really didn't have a chance to know them very well.

Q: How long did you have to stay in the Pakistani jail?

A: About two weeks.

Q: You said you were trying to get help from the embassy. Did anyone from the Yemeni embassy come visit you?

A: No. Nobody came.

Q: So after two weeks, what happened after that?

A: First, American investigators came there, and they had an investigation or interrogations with us, and then after that, they turned us over to the American forces.

Q: When you mentioned the fatwa, you mentioned it was to help the Taliban in any way they could. Were you considering helping the Taliban in any other way besides being a fighter?

A: No.

Q: Before you left Yemen for Afghanistan, what was your occupation?

A: I was in high school. I finished that and I traveled.

Q: Are you married, or do you have a family?

A: No.

Q: But the rest of your family is still back in Yemen?

A: Yes, that's true.

Tribunal Member (to the Tribunal): Thank you, that's all I have.

The other Tribunal Member then addressed the Tribunal at this time and had the following questions.

Q: Yes, just a few, not many. When were you captured, what day?

A: I don't remember the exact date, but I believe it was exactly three years ago.

Q: You had mentioned it was snowing and cold, I'm thinking November or December time frame?

A: It was about the same period as now; it's about three years exactly within a week or so.

Tribunal Member: OK, all right. I have no other questions, sir.

Tribunal President (to the Detainee): Would it help to identify the time; if it was near Ramadan of that year when you were captured?

Detainee: It was in Shamal (ph), which is the month after Ramadan, three days after Ramadan.

Tribunal President: So it was after Ramadan in 2001?

Detainee: Yes.

Tribunal President: Is there any other information, or is there anything else you would like this Tribunal to be aware of?

Detainee: No.

Tribunal President: I want to thank you for your testimony today.

The Tribunal President then addressed the Personal Representative to request if any additional information would be presented to the Tribunal The Tribunal President then explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

AUTHENTICATION

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

[redacted]

Colonel, U.S. Marine Corps
Tribunal President

Summarized Sworn Detainee Statement

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

The Recorder submitted Exhibit R-1 (Unclassified Summary of Evidence), and Exhibit R-2 to the Tribunal; translated copies had previously been provided to the Personal Representative.

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

The Tribunal President addressed the Detainee Election Form (Exhibit D-a).

Tribunal President: At this time, I'm making reference to the Detainee Election Form, which indicates the Detainee has chosen to participate, which is also evident by your presence here today. It indicates the Detainee would like to give an oral statement, and he will be given that opportunity shortly. The Detainee requested no additional documentary evidence to be produced, however, the Detainee had requested two witnesses; one in camp, and one off-island witness. The off-island witness request was provided to me for a relevancy decision; I felt this witness would be relevant, and ordered that an effort be made to produce this witness. Therefore, the U.S. Department of State and they subsequently contacted the foreign embassy. The first notice to the Afghanistan Embassy was done on the 22nd of November this year; the second request was sent on 3 December. A third request was sent on 9 December. To this date, the State Department has heard no response from the Afghanistan Embassy. It has been determined that a reasonable effort has been made, but unfortunately, unsuccessful. That witness will be determined not reasonably available for today's Tribunal process. The in-camp witness was contacted, and chose to participate by an affidavit, or statement. Because of his health, he elected not to participate in person, but did agree to provide information on behalf of this Detainee. That information will be submitted, on your behalf, to this Tribunal by your Personal Representative.

The Tribunal President informed the Detainee that he could make a statement at this time, and encouraged him to address the Unclassified Summary with the assistance of his Personal Representative.

The Tribunal President confirmed the Detainee wished to take the Muslim oath; the Detainee was then administered the oath by the Recorder.

3.a-1. The Detainee has long established ties to HiG.

Detainee: In the name of God, most merciful and compassionate; first, to the President of the Tribunal, and to all the members, I was a member of this group 15 years ago. That was not my personal choice, because I was very young. My eldest people (the elders) pushed me to be a member of this group. At that time, the Russians invaded Afghanistan, and all people joined groups fighting the Russians. When the Taliban came to power, I cut all ties with HiG. I thought, and I wished, that the Taliban would bring some unity to Afghanistan, and the group-by-group wars would disappear once and for all. That was my wish; that the new government

would bring national unity. When I went there, to join and help them, they shortly arrested me and put me in jail. Before I showed up, we had all kinds of personal disputes and enemies in the Taliban force; they had already heard lots of lies about me, and that is why I was arrested. These were probably the same people that told the U.S. the wrong information about me. If I'm guilty, or did the wrong thing to join HiG, then the whole world was helping us, and for this reason, America was guilty, too. We finally found out that this group could not bring unity, and neither could the Taliban. There was no unity or national government, and I escaped from jail.

3.a-2. HiG is a terrorist organization.

Detainee: Maybe they are terrorists now, but at that time, it was not a terrorist group.

3.a-3. The Detainee was reported absent from a HiG leadership meeting conducted after his capture.

Detainee: Before I was arrested, no people had the power or right or knowledge to make such a gathering to find out about attacking any other country; no one could do this, and it is wrong. If this gathering took place, I did not know, because I was in jail. Probably someone mentioned my name because I used to be a member of this group; I was in jail by the Taliban, and now in Cuba. If this gathering took place, and Americans were looking very hard for al Qaida or this group; I hope they took some video or a cassette to show some evidence to me. If such a gathering took place, I am not responsible. I hope the U.S. can show me some evidence that I was with them. I never did anything wrong against America or anyone else; I am not responsible. I have no responsibility for this gathering in my heart and mind. If it took place, why didn't America go and capture all the people right there?

3.a-4. The Detainee controlled a cache of weapons, including Kalashnikov rifles, machine guns, RPG's and rockets.

Detainee: Anyone responsible for this kind of place can read and write, at least. First of all, I didn't go to school, I had no education, and I cannot read and write. I can hardly read one or two words, and I cannot write one word. If anybody cannot read and write, how can he be responsible to control this kind of place? I heard this allegation today, and no interrogators have asked me this before. I don't know whom this placed belonged to; did it belong to HiG or al Qaida? Who did it belong to? Where was it located, and when was I responsible for this place, and how? When I was a member of HiG? I swear on the name of Allah, that I never had responsibility for anything like this.

3.a-5. The Detainee was captured in the home of an al Qaida financier.

Detainee: At the time the Taliban was in power, I was living with my family in Pakistan. When the Americans came and threw out the Taliban, we moved back home. After that, I came to Kabul to see Mullah Izat, one of the Northern Alliance commanders allied with the U.S. He is still a military Central Commander in Kabul. I asked him, that since we just moved and had no house to live, for his help; he said we could live in his house. The person is still there that gave me this house. Why should I care if it belonged to Osama, or anyone? This person, Mullah Izat,

gave me this house; how should I be responsible? Ask him whose house it was to give. Now I don't know if it belonged to al Qaida or Taliban; if they are gone, then he maybe took the house after he fought against those people. This is the tradition or law; if anyone fights together, and if the other people run away or is defeated or runs away, then the other person takes over the house and everything. The village knows, the whole tribe knows, the mujahedin knows, that this guy gave me the house, and I still don't know who used to own this house.

3.b-1. The Detainee reportedly led a group of 30 men who conspired to attack coalition forces in the vicinity of Kabul, Afghanistan.

Detainee: That's a very good question. If I commanded 30 people, and you arrested me, then where are the other people? When someone has 30 people, they have 30 weapons; where are the weapons and guns? I told every interrogator a long time ago, that we were sometimes 15, 25 or 30 people 15 years ago, and that I was only responsible for their meals. I would go to the bazaar to bring them food, drinks or clothes; that was 15 years ago, not now. If I had 30 people now, you should have at least captured 2 of them with me to see if I had 30 people. May I say one or two more words?

Tribunal President: Certainly.

Detainee: I will tell you the reason why and explain all these allegations. When I escaped the Taliban jail, I went to Pakistan. I have a witness, maybe here [in Cuba], that can say I was HiG 15 years ago. I also ran from the Taliban into Pakistan. If you join one group or party, and then leave, they will never accept you back because they don't trust you. I have a lot of personal enemies because when I went to Pakistan, the Taliban contacted the Pakistan government to look for me and give me back. They wrote in the newspaper that I escaped from jail, and they looked for me all the time. I went to a mosque for prayer, and they tried to attack and find me, but they were not successful. I had no choice but to leave Pakistan to Iran. When I went to Iran for four months, I worked daily in the bazaar. At that time, that was a new thing in Afghanistan; the war between the Taliban and the U.S. Because Taliban gave me a hard time, I was upset with them. I was happy to go home when I learned the U.S. was there. I came from Iran into Kabul. That was the time the Northern Alliance was there and took over. Everybody was talking about the King Zaher Shah taking over power. I met a guy in Kabul who was my friend, who said let's find some people and a commander to bring together [a force] to help the King come from Italy to take over. I asked this guy to take me to this commander so he may decide to accept me or not to help the former King. The guy I was supposed to see was not here because he was in Pakistan. I told the story to the interrogators, but I just wanted to say this short thing. I went to Pakistan, then, to meet this guy. The guy told me to find some people and elders to work together for the former King. He gave me some money for expenses to go from place to place. This person was General Rahim Wardak. After the talk, I came back to Afghanistan, and the Defense Minister Fahim Khan and Besmil Khan, the commander of the Northern Alliance, found out I was looking for people to get behind King Zaher Shah as a follower; to work for him. They sent me a message saying, "don't do this; we are mujahedin, and the King is a Western guy, and we don't need him. This won't be good for your future." I sent the message back that we already tried this, and we couldn't control Afghanistan, and the mujahedin is the problem; the former King is a national hero, former king, that is well-known and all will support him. The U.N., U.S. and

whole world is behind him and will bring national unity to all Afghanistan. I also sent the message that all people in charge supported former Russians, and were wrong. There is no Islam in Russia, Pakistan, and Iran and they are doing wrong things against us. The only person that should be in charge will be the King because America was behind us, and will help us. They told me again that America would not help us; they said that Russia, Pakistan and Iran would be better and would help us, and would be better than America and the former King. I told them again that it was the U.S. that helped us get here through jihad, and that Pakistan, Iran, and Russia have destroyed our country. I'm sorry to take your time; I don't want to give you a headache, and you have a lot to do. I wished I had direct contact with America at that time; I only had direct contact with people supporting the King. That is my problem now, and that is why I am here. That is my fault. They told me this wasn't good for me. That's the problem; they have grabbed all the power in Afghanistan, and that is the reason I'm here. Please, I ask you for knowledge and kindness; any day, any time, if I did anything against the King or the U.S., provide me with even small evidence, and I will accept it. Any person, paper, telephone contact, or cassette, I will accept. Any evidence saying I wrote something to someone to attack Americans, I would be willing to accept, but allegations by mouth only are not good enough. I was buying a farm, a house, and looking for a business, and this was all the paper I had. If I were willing to do this for my family, why would I leave to do all these things, these allegations? This is nonsense. If someone were doing these kinds of actions, he would take his family somewhere else to be ready for this kind of action. I again ask you for your good judgment; there are a lot of criminals and terrorists here, but there are also a lot of innocent people here. This is because of personal disputes without [solid] evidence and by allegation only. If you think I joined HiG, or helped al Qaida, I tell you I don't need their money, and that I had money. If you think about the freedom fighters, or the holy war against the Russians, my father was a holy man, or Mullah, and he told the people to stand up and fight the Russians. My father told everyone around him, that America came to rescue us, help us, and rebuild our country. He said that anyone that fights Americans are not Muslim, and are wrong. He said no one was allowed to fight against the Americans. We are to blame; America did not come at their own will; the Taliban attacked the U.S., and America had the right and no choice but to come over. Now they are there to help us, not to destroy us. America never interfered with our holy book, holy places or religion, so we should not have a jihad against America. Here is an example: A person starving is given food or wheat, and he takes all of it, stabs the person that gave it to him; is this a right thing? No, it is not. This is exactly the same as America coming to Afghanistan bringing food, clothes, help and money to us; we don't have the right to stab them in the back. I did not do this, and I don't want to do these things. The only people that do this are Sayyaf or Rabbani or Mullah Omar and they want to grab power; I don't need power, and I want the peace in my country. I'm not blaming you for my arrest or stay in Cuba; I know there's a lot of people wrongfully accused and giving wrong information, but I need your help. God knows my heart and my mind what I am talking about, and He is watching you guys too; I hope one day we come together in a peaceful way. I hope you are in good health. I am sorry I took your time. Be careful with Afghani people and their personal disputes. We badly need you, and want you in Afghanistan until we stand on our own feet; we wish you would stay there. The day you leave Afghanistan, it will be divided among Pakistan, Russia and Iran; you are the ones to save Afghanistan. That's my experience for the last 20 years, so our best wish is to keep America in Afghanistan. Please forgive us for your hard work, and I'm sorry to take your time; you work

very hard for us, and we give you a lot of trouble. I ask for your forgiveness; I'm sorry to take your time.

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

Detainee: Yes.

Personal Representative Questions to Detainee

Q: Do you remember the year you left the HiG?

A: In Afghanistan, we did not write dates or years, and I cannot write; when the Taliban first came, I left. It was before they captured Jalalabad and Kabul. I was happy when they came at first because I thought they would bring unity or a king; I was happy for no reason because they put me in jail. God willing, I'm in trouble all the time and I don't know why.

Q: One of the allegations is that you were absent from a HiG meeting; had you ever gone to a HiG leadership meeting?

A: When I was a member, I was a young boy and not in that kind of position to be involved with a gathering like that.

Recorder Questions to Detainee

Q: Where were you born?

A: In the Kabul; District of Tarakheil Village.

Q: What did you do for a living?

A: I was a little boy at that time, and did nothing until I was 14 or 15 years old, and we left Afghanistan for Pakistan.

Q: Did you have a job before you were captured?

A: I have the whole document showing to put the King back into power. I went to Herat to buy used cars, and sell in Kabul. I was going to buy a farm and some houses, and sell back to make money; I have the documents with me. Everything is written down, and I kept with me what I did.

Q: Were you ever a member of any other groups besides HiG?

A: No, we worked for the King, to find people to support him coming back to Afghanistan.

Q: Did you own any weapons?

A: I never bought or sold any. We had only one weapon for our protection; it was a Kalashnikov. Everybody in Afghanistan has one for his protection or a personal dispute.

Q: Did you get any training on how to use the gun?

A: No, never; but I know how to fire it. I did not have any training.

Q: Did you have any knowledge of any attacks on U.S. or coalition forces?

A: If I saw this happening, I would've been happy to tell the Americans; I don't know of anybody that was attacking Americans.

Q: You said you were captured by the Taliban and escaped; why did you go back to Afghanistan after you escaped?

A: Because the Americans came, I went back. Until that time, I was never in Afghanistan.

Tribunal Member Questions to Detainee

Q: Good afternoon; thank you for coming to speak with us today. I'm hoping you can educate us a little bit about the HiG group.

A: After the Taliban, all the people in political groups that were fighting disappeared with their name. Before the Taliban, everybody knew that HiG was a group based in Pakistan.

Q: What was the purpose of the group?

A: There was only one reason, to kick the Russians out from Afghanistan.

Q: You said earlier that older people in your tribe, maybe your family, had pushed you to join this group. Was that why, to fight the Russians?

A: Yes; one of our tribe elders named Qatr (phonetic) joined, and we had to follow him; everybody joined the group, and I told my interrogator everything about this.

Q: Well, we have not seen your file prior to today's Tribunal, so we're trying to ask the best questions based on what we've seen so far. Did HiG have any other purpose other than to drive the Russians from Afghanistan?

A: I don't know; I don't have anything special to say about that.

Q: Did you have any position of responsibility with the group when you were a part of it?

A: No; like I told you before and told the interrogators, I was with a commander named Abdul Khadar; I only had the responsibility for 10-25 people of bringing them sugar, oil and wheat from the city.

Q: Have you ever met Mr. Gulbuddin Hekmatyar?

A: One time; a long time ago. I never talked with him personally; I saw his speech one time with a lot of people in Pakistan a long time ago.

Q: What is your opinion of him?

A: I don't want to lie; I will tell you the truth. At that time that I saw him, his actions were right. Now, what he is doing, I don't agree with him.

Q: What we understand now is that he's against the American presence and the Karzai government; is that correct?

A: I don't know now because I'm in prison, but when I was in Afghanistan, I heard on the radio that he was against the coalition.

Q: Do you know if he received support from the Taliban before they came to power and made all the groups go away?

A: He fought against the Taliban, because he was a member of the government with the mujahedin; he fought against them.

Q: So is it true that Hekmatyar did not want the Taliban to rule Afghanistan?

A: Yes. Hekmatyar and Rabbani (Northern Alliance leader) wanted to keep the power, and not give it up to the Taliban. I didn't know his position because Taliban was Muslim; how should I deal with this? Now if they were fighting against the Taliban, they are not Muslim; I think Pakistan and Iran were both using him.

Q: If I understand you right earlier, you said you are here because you supported the King, and the Northern Alliance did not want you to do that.

A: Very clear; yes, that's the only reason.

Q: And to get back at you, they accused you of being HiG to the Americans?

A: Where is the evidence of these allegations? Just one piece of evidence, anything? Actually, I don't know why all of this came on me; Taliban, al Qaida and HIG fight each other. How can one person do all three things?

Q: You said the Taliban put you in jail; why did they do that?

A: Because my personal enemy told them I was HiG.

Q: How long were you in jail before you escaped?

A: Two years or less; 18 or 19 months, maybe.

Q: And that's when you escaped to Pakistan until the Americans came?

A: Yes; I never came back until the Americans came.

Q: Do you have a family back home that you support?

A: There's no one; I was the only one to support my family; I don't know what they are doing over there now.

Q: You mentioned personal enemies; do you have a specific person in mind, or can you give us an example of one of your personal enemies?

A: I don't know now, but when I was in Kabul it was Daoud [David] Pansheri Massoud; he was the President of the Secret Police.

Q: And what was his position?

A: He was the President of the Central Secret Police in Afghanistan.

Q: You've been in Cuba how long?

A: Last year, after the holy month of Ramadan, about 15 to 16 months, and I was in Bagram 4 months before that.

Q: Very shortly the Tribunal Members will be reviewing classified data by ourselves, with no one around; during that time, we'll be reviewing papers about past interrogations you've had. Is there anything you can think of in these interrogations you wish to change or amplify, to better explain something we may see?

A: I don't know if an interpreter or linguist said anything wrong; I don't have anything to explain otherwise, because I told the truth. One thing new here today, was the allegation about storing weapons. Another thing new was about the leadership meeting I was absent at.

Q: To your knowledge, are there any other Detainees here that you knew while you were in Afghanistan?

A: I have given the name of someone I hope can give some evidence; he is here and he may know that 15 years ago I left everything behind; these accusations are only by mouth. Fifteen years ago, and now I have nothing to do with this now.

Q: So you weren't arrested with anybody else that's currently here, or you know no one in the camp that you knew in Afghanistan?

A: Nobody else was arrested with me. What kind of information do they have?

Q: I was looking for any friends or acquaintances you may have had, before you were taken into custody that would be here in Cuba now.

A: Which prison; American or Taliban?

Q: Here.

A: Those people, some I know now; I know one person that was arrested before me, and I gave the name to the Personal Representative.

Personal Representative: It's not obvious; I would have it.

Tribunal President: Would it be the in-camp witness he requested?

Personal Representative: OK, very good; (addressing the Detainee) was it Haji Nazrat Khan?

Detainee: Yes.

The Tribunal Member then continued his Questions of the Detainee.

Q: One last question or statement. You seem to be very, very cooperative.

A: I know I have no education, but I know what is wrong and right. The American presence on our side in Afghanistan is good for us.

Q: I wonder why you're still wearing an orange uniform, and are not wearing a white or tan uniform.

A: Yes, I've only been in this [color] two days.

Q: What color were you before?

A: White. I argued with some guys; one guy was bad, but I was bad too because I should've shut my mouth.

Q: One dispute, and you're in orange?

A: Yes, the military's very strict, but that is not a big problem. When I met the Personal Representative, I was in white clothes; I never lied to you, and everything I say I have evidence (for).

Tribunal President Questions to Detainee

Q: The dispute you recently had that caused you to change uniform colors; was it with other Detainees?

A: Yes, with another Detainee. He started it first, and he was bad, but I was bad, too. I should keep my mouth shut. It's hard when you're wrongfully imprisoned; sometimes I think of my kids and family, and get upset.

Q: I understand. You had requested two witnesses; one, the in-camp witness, we will hear from shortly when your Personal Representative presents his statement to us. The other witness is in Afghanistan, and unfortunately, we don't have him reasonably available today; I'm interested in knowing what information he may provide to this Tribunal, what he might say, or information he might provide on your behalf. Could you share with us what you think he would be able to provide today?

A: First of all, he would tell you about the house that Mullah Izat gave to me; I'm not accusing him, but he gave me the house. Since he gave it to me, I could not say if it belonged to the Taliban that ran off, or anyone else. All I can say to anybody, is that it is my house, and I can't find another excuse. He gave the house to me. If you were in Afghanistan and wrongfully accused someone, you would be looking for an enemy. The reason I say I am accusing him of this is because he knows he gave it to me.

The Tribunal President then thanked the Detainee for his statement and participation, and confirmed no other Tribunal Members had questions. He then asked the Detainee if he had any further information important to present at this time.

Detainee: I don't have a specific thing to say, but thank God you are smart, educated people. But I want to say something; please, I want the best knowledge of your judgment of the evidence in the Tribunal. The person, I gave the name, the President of the Secret Police, wrote a note to arrest me. He showed me the whole paper personally. He wrote on the paper to give an order to arrest me; he has connections with HIG, al Qaida and Taliban. When the police wrote the letter to another commander in Kabul, named Topan. Mr. Topan is with another commander now, but was with us to work for the former king. He told me and showed me this paper. Mr. Daoud wrote him to find me and arrest me. I didn't give much thought to it, because I said America would not turn a blind eye, and would look for evidence. Even the Americans, if they arrest me, will ask for the evidence. There's no evidence, and since I didn't do anything wrong, the Americans will release me after two or three days. He warned me not to go to the city, but I said I have nothing to hide. I heard that American laws and courts want evidence, and follow someone a long time before they arrest them; they will not just arrest people on the street. If I knew what I know now, I would've run again from Kabul or Afghanistan to somewhere else. The majority of Afghanistan is happy you are there. It's OK, and I'm smart enough to understand, but be careful of doing wrong things and not considering evidence seriously, because people will get upset with you and not support you. Whoever is in charge in Afghanistan, let them know, that if anyone accuses anyone, to ask for evidence before you arrest them. These things happen all the time, and will not be good for the Americans' name. It would be hard to understand the people in the future if this continues. I know about American law, and human rights, and the nice, disciplined government, and I want them to succeed. They have the best system and the best government in the world. America helped build Saudi Arabia, and it is now built; Iran and Pakistan were also helped and rebuilt by America. That's my best wish and hope is that America helps to rebuild Afghanistan. We are starving and have no food, streets, homes

or schools; we need this from you. Please, help us. If we don't understand each other and do the wrong things, it will be bad and the country will not be built; it will be our problem. That's what I think, from my heart to you. I talk from my heart; I don't have any problem with that.

Tribunal President: We will certainly take everything that you have provided us today, and give it serious consideration as we make our decision.

Detainee: I don't ask this just because I wish to be released. I want you to help the people in Afghanistan, the majority. I know that any Tribunal [decision] I am ready for, because I did nothing wrong and I'm innocent. Afghans should be rebuilding themselves and dealing with these problems, nobody else. Thank you very much.

At this time, the Personal Representative presented the Witness statement (Exhibit D-b) to the Tribunal, and indicated he would read it aloud to the Tribunal. The Personal Representative requested the Witness attend personally, but the witness stated he was in poor health, and wished to present a statement instead. The statement was compiled from a question and answer session conducted by the Personal Representative.

Personal Representative Questions to Witness (Exhibit D-b)

Q: Do you know the Detainee?

A: Yes, I've known his father very well for a long time.

Q: Was the Detainee a member of HiG?

A: Yes.

Q: What were his duties with the HiG?

A: He was serving under Commander Khadar during the Russian jihad. I don't know what his specific duties were.

Q: Did the Detainee quit the HiG?

A: Yes. He got out of the HiG when the Taliban came to power. He went to join the Taliban, but they put him in jail for two years. He eventually made a hole in the wall, and escaped from jail.

Q: Why did they put him in jail?

A: I don't know.

Q: Where did he go after he escaped the Taliban jail?

A: I don't know for sure; he probably went home.

Q: Is there anything else you can tell me about the Detainee?

A: I've told you everything I know about him.

This concluded the presentation of the Witness statement, Exhibit D-b. The Tribunal President then explained the remainder of the Tribunal process to the Detainee. The Tribunal President again thanked the Detainee for his testimony prior to adjourning; at that time, the Detainee interrupted and stated the following:

Detainee: Sorry to all of you; forgive me for giving you a headache, and taking your time.

Tribunal President: Not at all. That's our responsibility; we were here for you today.

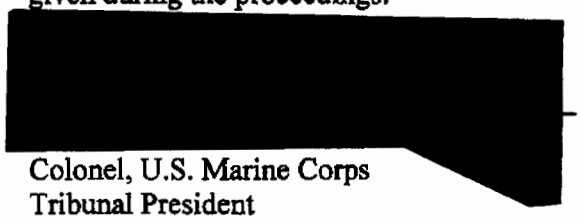
Detainee: Because we're all [supposedly] al Qaida here, we give you a hard time, all the time, and you work very hard for us. That's al Qaida's job; to give you a hard time. I just wanted to tell you something to [make you] laugh. Forgive me for saying this in front of you.

Tribunal President: Have a good day.

The Tribunal President then adjourned the open session.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

Name: Haji Nasrat Khan (ISN 1009)

Interview conducted 3 Dec 2004

I told Haji Nasrat Khan that Haji Hamidullah (1119) had asked him to be a witness for him at 1119's tribunal. I asked 1009 if he knew 1119 and would he willing to be a witness for him. He told me that he did know him, but that he (1009) was in poor health and ~~that~~ did not want to personally attend the tribunal. He asked me to write down what he said and provide that to the tribunal as his testimony.

Q: Do you know Haji Hamidullah?
A: Yes. I know his father very well and for a long time.

Q: Was Haji Hamidullah a member of the HIG?
A: Yes.

Q: What were his duties with the HIG?
A: He was serving under Commander Qader during the Jihad against the Russians. I don't know what his specific duties were.

Q: Did Haji Hamidullah quit the HIG?
A: Yes. He got out of the HIG when the Taliban came to power. He went to join the Taliban, but they put him jail for 2 yrs. He eventually made a hole in the wall and escaped from the jail.

Q: Why did they put him in the jail?
A: I don't know.

Q: Where did he go after he escaped the Taliban jail?
A: I don't know for sure...he probably went home.

Q: Is there anything else you can tell me about Haji Hamidullah?
A: I have told you everything I know about him.

As given to Personal Representative on 3 Dec 2004.

Exhibit D-b

When asked by the Tribunal President if the Detainee understood the CSRT process, the Detainee stated, "No."

Tribunal President: What about the process do you not understand?

Detainee: The Tribunal process.

Tribunal President: This is a non-judicial hearing. We are not here to punish you. We are here to determine if you have been properly classified as an enemy combatant. We come here with an open mind. We have not seen any evidence for you or against you. We will hear the unclassified evidence, we will hear your statements as they pertain to the unclassified evidence, and we will close the open session and hear the classified evidence. Because of the national security nature of the classified evidence, we view that and read that in a closed session without your presence. Then, the three of us will make a determination based on all the evidence that we have heard and read of whether or not you have been properly classified as an enemy combatant. If we determine you have not been classified properly and you are not considered to be an enemy combatant, you will be released and sent home as soon as possible. If we confirm your status as an enemy combatant, you will be eligible for other processes that will review your status and determine whether you remain a threat to the United States or its allies. I will continue to touch on these items that explain the process as we proceed. At this time, do you have any other questions concerning the Tribunal process?

Detainee: No.

After the Tribunal President reviewed the Detainee Election Form (Exhibit D-a), the President made the following comment:

Tribunal President: The form shows you have requested no witnesses although you had requested that your passport be produced. Unfortunately, the Personal Representative conducted a check and was unable to locate your passport.

Detainee's Summarized Sworn Statement

After electing to take the Muslim Oath, the Detainee made the following statement with assistance from his Personal Representative:

Personal Representative: The Detainee and I met on 2 November 2004, for approximately forty-five minutes. During that meeting, I reviewed the checklists going over the Tribunal procedures, explained the definition of an enemy combatant and reviewed the unclassified evidence, which states the government believes he fits the category of an enemy combatant. The Detainee expressed some frustration and surprise at the pieces of evidence brought against him, but we nonetheless had a cooperative meeting and were able to go over the entire unclassified summary. I reviewed each of the points, and then gave the Detainee an opportunity to highlight them.

Personal Representative: ***Regarding traveling from Saudi Arabia to Iran via Syria in July 2001***, it was before the 11 September 2001 attacks.

Detainee: I told you I didn't know the exact date.

Personal Representative: Okay. We then talked about the 11 September attacks and the Detainee mentioned it was before those attacks.

Detainee: No.

Personal Representative: To the best of my recollection, we talked about the 11 September attacks.

Detainee: No, I didn't remember that being mentioned.

Personal Representative: Then we have a discrepancy in my recollection of that.

Tribunal President: We will certainly allow the Detainee an opportunity to correct it for the record.

Personal Representative: I believe you also stated that yes, everyone travels, and you did travel. You also stated your passport was shown to you at one of your interrogations while here in Cuba.

Detainee: He showed me a copy of the passport.

Personal Representative: Which, sir, as you saw in the Detainee Election Form, I checked with "Detainee property" and they did not have a copy of that passport.

Tribunal President: I would like to identify the fact that we still want to continue to search - both the Recorder and the Personal Representative - to attempt to recover or locate a copy of the passport. If it could be located, I think it would be relevant.

Personal Representative: As a matter of record, on the Detainee Election Form, I did make a request to the intelligence people to locate the passport.

Number two; ***the Detainee is associated with a Saudi providing relief to a refugee organization***. You stated to me this is correct.

Detainee: Yes.

Personal Representative: Regarding point three, ***the Saudi is a known operative for al Wafa***, you stated you knew nothing about this person. Do you have anything else to add?

Detainee: I have a lot.

Personal Representative: Would you like to add it now or later?

Detainee: I don't know, anytime.

Tribunal President: If it applies to this particular point, it might be best to add it now.

Detainee: After the Personal Representative finishes I will speak.

Tribunal President: All right. When you do speak, if I can remind you to speak louder please. Thank you.

Personal Representative: Point number five, ***the same Saudi facilitated the Detainee's illegal entry into Pakistan,*** and regarding his admission in point seven, ***the Detainee admitted to being a terrorist,*** he had a number of things to say about this and the overall pieces of evidence.

I would like to add as a point of record; yesterday I was approached by two individuals who were his interrogators for some time. Apparently they had met with the Detainee after our 2 November 2004, meeting. He had told them about a person who explained to him that the government had this piece of evidence against him. They contacted me and we had a face-to-face meeting and they showed me a piece of an unclassified paragraph in a message. They told me that statement as reflected on the unclassified summary was perhaps taken out of context. They stated to me that his admission to being a terrorist (I'm paraphrasing the conversation) was made at a time when he was frustrated and extremely mad and being sarcastic. The Detainee threw his hands up and said 'all right, you got me, I'm a terrorist.' The interrogators felt it necessary to bring that to my attention. They have known and have been interrogating the Detainee for quite some time. Again, this is in their assessment. Our conversation touched on the view that the Detainee may be one of the least likely people to be an enemy combatant.

I told them that I would look into this and meet with the Recorder and I would present this to the Tribunal. I met with the Recorder the same day, and that was yesterday. That is the essence of the unclassified evidence and the essence of the meeting we had on the second.

I would also like to mention - correct me if I'm wrong - I believe you (Detainee) stated to me that you were never in Afghanistan.

Detainee: Yes.

Personal Representative: That you were turned over by Pakistan for money.

Detainee: Yes

Personal Representative: You have been here, in Guantanamo, for three years.

Detainee: Approximately.

Personal Representative: You made several references, which I won't go into, about this process and your stay being like a big play.

When the Tribunal President asked the Detainee if he would like to add anything to the comments, the Detainee stated the following:

Detainee: Yes, I would like to speak.

Tribunal President: Please do, and please speak up.

Detainee: First, I would like to thank the President of the United States for giving me the chance to appear here and speak on my own behalf. I am sympathetic to the American people for what happened to them but I would also like to state that I had nothing to do with what happened. I would like to thank everyone who is present here for giving me the chance to appear and defend myself. I have never heard of any court system in the world with something such as classified evidence. If there is such a thing as an enemy combatant, what I know of an enemy combatant is someone who carries a weapon and fights or someone who is captured on a battlefield. I wasn't captured on a battlefield. I never traveled to a country that was fighting or was an enemy to the United States or anyone else.

Regarding the evidence presented, this is not evidence, it just states normal things. The fact that I traveled from Saudi Arabia to Iran or Syria, this is a normal thing; it's not evidence. Also, my country permits me to travel to these places. As I pointed out to my Personal Representative, my passport doesn't say any of these countries are forbidden for me to travel. Also, I have no problems with the United States or its allies. I don't have a problem with any country.

Regarding paragraph two, yes, I did meet this person in Iran. He gave money and help to people. It was a humanitarian effort. I don't have a strong relationship with this person.

Regarding the third point, I learned here this person was working for al Wafa, I didn't know it before. I didn't even know what al Wafa was. If you say this person is working for al Wafa and al Wafa is a terrorist organization, then I have nothing to do with this. I don't even know exactly what al Wafa is or where it is located.

Point number five is correct. But, if it is true I entered Pakistan illegally, you have no right to arrest or capture me regarding this point or to say I am an enemy combatant. If this was a problem, then the Pakistani government is the one that should be punishing me for entering their country illegally. I didn't know that my entry into Pakistan was illegal until I came here. It was during the interrogations that I found out.

Point number six is correct, but I am not sure of the date. It is normal that the Pakistani authorities had arrested me. I entered their country illegally. The fact they turned me over is also normal because they found out I was an Arab and that is also another reason why I was arrested. The Pakistani people are very poor and for them to have sold me for money is something that was very big to them. I will say this again, this doesn't mean or prove I am an enemy combatant.

Point seven, as I told the Personal Representative, I never said I was a terrorist. Secondly, I take sleeping pills and medication to calm my nerves. I am very emotional, but I never said I was a terrorist. In the interrogations they said they would write it down that I was a terrorist. I told them if they were going to write something that was a lie then go ahead and write it.

That is what I have, thank you for listening.

Tribunal President: Thank you for your testimony.

Questions to Detainee by Personal Representative:

Q: How well did you know the Saudi that worked for the relief organization?

A: First of all, I didn't know that person except for when I met him in Iran. You can review my file and review this fact.

Q: That same Saudi helped you get into Pakistan?

A: Yes.

Q: Why did this person have to help you get into Pakistan illegally?

A: First, I didn't know my entry into Pakistan was done illegally. Secondly, I wanted to check into a hospital. I didn't want to give out money to people or anything like that. That was what he was doing. He suggested I go with him and I did. I wanted to check into a hospital, that is why.

Questions to Personal Representative by Tribunal Members:

Q: There may be a discrepancy in the Detainee Election Form. It's mentioned here that the Detainee said his passport was properly stamped to reflect his Afghanistan travels. I understood the Detainee to say he never traveled to Afghanistan.

A: If we can get a clarification, that may be an error on my part.

Detainee: You said I didn't travel to Afghanistan.

Personal Representative: I asked him.

Detainee: Maybe you should clarify that so we don't put anything false down.

Personal Representative: Yes sir, I did state during our conversation that he told me he never traveled to Afghanistan.

Personal Representative to Detainee: Can you tell me what proper stamps were put on your passport?

Detainee: There were many stamps. But I didn't tell you there was a stamp for Afghanistan. I never even went to Afghanistan. I told you to review the passport so you could verify this.

Personal Representative: Right, my thing was to review the passport, Sir. I believe I made an error because I needed to review it to see that it was stamped.

Tribunal President: So that it showed no Afghani stamp.

Personal Representative: Yes, sir. According to our session, the statement should reflect that his passport was properly stamped and does not reflect travel to Afghanistan.

Tribunal President: In that case, that is all the more reason we should continue to make an effort to locate the passport or a copy of it.

Personal Representative: Yes, sir.

Tribunal President: Once located, we will give it consideration as we make our final report.

Tribunal Member: At this point in the proceedings, I am going to presume that the Detainee has not traveled to Afghanistan.

Detainee: Not just consider, this is the truth.

Personal Representative: He (Detainee) did state to me that he did not travel to Afghanistan.

Tribunal Member: I understand, thank you.

If you are hearing some of the same questions from us that you have heard in the past, I apologize in advance. But this is because we have no information about you other than what you have told us today.

Questions to Detainee by Tribunal Members

Q: For what purpose did you travel to Iran in 2001?

A: Like I have told you, and it is written in my file, for tourism.

Q: What were you going there to see?

A: Tourism. Like I told you. I don't think you should object or ask why I went there.

Q: I don't object. I was just interested to know what sights you saw there.

A: I went for fun and to look at women. It was inexpensive to go there. I wanted to go there. It's in my file.

Q: At what point did you start to become interested in working with refugees?

A: I didn't say I worked with refugees.

Q: I thought you were somehow involved with providing relief to refugee organizations. Is that not correct?

A: First, you should read my file completely before speaking with me. I will tell you again that I didn't go there to give people money, help or anything like that. I told you, I went there to check into a hospital. The person with me was the one who went there. I didn't know him from before I met him in Iran.

Q: So, it was the other gentleman who was involved in relief of refugees, but not you?

A: Yes, according to what he told me.

Q: You became ill when you were in Iran and had to go to a hospital?

A: Yes, I was sick from the beginning. I drank a lot of alcohol and my colon bothered me. That is the reason I needed to go.

Q: They didn't have proper medical care in Iran to help you? You needed to go to Pakistan for help?

A: I didn't say the hospitals were good or bad in Iran, but the person who was with me suggested I go to the hospital in Pakistan because they had some good hospitals there. At the same time, he said he would keep me company on the way there and I would pay the money and come back quickly when I was finished.

Q: Did you have your passport with you at the time when you were traveling?

A: Yes.

Q: What was illegal about your entry in to Pakistan?

A: I gave the person my passport, so I thought it was a legal way for me to enter. I was surprised to hear when the American authorities arrested me and told me my entry was illegal. If I'd known my entry was illegal, then I would have not gone.

Q: Were you with the other Saudi gentleman at the same time that you entered Pakistan, or did he go ahead of you?

A: Yes.

Q: You passed through the Pakistani guards and they didn't give you any problems?

A: Like I have mentioned during my interrogations, I was sleeping so I don't know exactly what he did or how he entered. That is why I was surprised when I came here and I was told I had entered Pakistan illegally.

Q: You got into Pakistan and then you went to a hospital to get care?

A: No, unfortunately I was arrested the first day.

Q: Did you ever get care for your intestinal problem?

A: Yes, I was getting treatment in Saudi Arabia.

Q: If you were having a problem before you left, why did you decide to take a trip if you were having this problem?

A: I didn't have such a problem. I was laying down in my bed and I couldn't move. It was just something that bothered me sometimes and sometimes it didn't. Like someone who has heart disease, he can travel anywhere. It doesn't make sense that he would just sit in one place the whole time. Yet, sometimes it bothers them so much they can't go anywhere.

Q: So, you were only in Pakistan for one day before you were arrested?

A: Approximately, yes.

Q: Where was it in Pakistan that you were arrested?

A: Quetta.

Q: Did you spend time in a jail in Pakistan after that?

A: Approximately one month.

Q: Did any representatives from the Saudi Embassy come to speak with you?

A: No.

Q: Is it because you asked that they come, but they didn't, or you did not want them to come?

A: First of all, it was hard to communicate with the Pakistanis because we didn't speak the same language. There was one person that spoke a little Arabic and he kept telling me I was leaving tomorrow.

Q: So, after the month period ended, you were transferred over to the Americans?

A: Approximately.

Q: Then not long after that you ended up here?

A: They took me to some camps that were controlled by Americans and then they brought me here to the old prison and now here to the new one.

Q: So, as I understand it, you deny all association with al Qaida or any people that might be associated with it?

A: I am not just denying it, this is the truth.

Q: Can you give us the name of the Saudi man you were with?

A: Wael Al Jabri.

Q: Where in Iran were you when you decided that you needed to go to Pakistan?

A: Mashaad.

Q: How did you get to Pakistan (what type of transportation)?

A: By car.

Q: How long did that take? That's a pretty long drive.

A: I don't remember exactly. I forgot what I ate yesterday. It's been three years.

Q: You were feeling pretty bad when you decided you had to go to Pakistan? You were looking for a hospital for treatment?

A: Yes, I was in pain.

Q: It seems you went a long distance by car to get to that hospital when there were other places closer to Iran in Pakistan that you could have traveled to.

A: I didn't realize it was that far away. The man told me there were several very good hospitals in Pakistan, and very inexpensive as well.

Q: You had all of your own money for all of your travels, or did you have to work along the way?

A: No, I didn't work. I had my own money.

Q: What was your occupation before you traveled?

A: I wasn't working.

Q: Even though you weren't working, no one helped you with any funding to do your travel?

A: First of all, don't forget that I am a Muslim and secondly I am an Arab. It is known in Arab and Muslim culture that parents provide money for their children. There is no certain age where you go and make your own money; they give you money. Your father gives you money to pay for your wedding, buy a car and your house.

Q: In Saudi Arabia, does your family haves a business? What type of employment does your father have?

A: My father is retired but he makes good money. He has his own private businesses.

Q: What kind of businesses?

A: He has investments and buildings, stocks and other things. We have buildings that we rent out.

Q: Did you work for your father?

A: Our family is very happy.

Q: Did you work for your father or did you not have to work at all and he provided your spending money?

A: Sometimes I would go with him, but I wasn't working for him.

Q: Did you go to college?

A: I went to intermediate school (I got close to high school).

Q: After that schooling, you didn't pursue additional education?

A: I was still in school. I traveled during my vacation. You ruined my chances for any further education.

Q: How old are you now?

A: Twenty-three or twenty-four, I'm not sure exactly.

Q: You decided to travel to Iran for fun, right?

A: Yes.

Q: Is it correct you went through Syria before you got to Iran?

A: Yes.

Q: How long did you stay in Syria?

A: Approximately a week.

Q: Who did you stay with?

A: Myself.

Q: Then you traveled on to Iran by airplane or how?

A: Yes.

Q: What city in Iran did you land in?

A: The capital, Tehran.

Q: How long did you stay there before you met this gentleman that talked you into going to Pakistan?

A: In Tehran or Mashaad?

Q: How long did you stay in Tehran?

A: About one day.

Q: Then you traveled to Mashaad?

A: Yes.

Q: How long did you stay in Mashaad?

A: Approximately one and a half months.

Q: How soon during your time there did you meet Wael Al Jabri?

A: Maybe the last three days I was there.

Q: How long were you going to stay in Iran? What was your original plan?

A: Maybe three months.

Q: Did Al Jabri party with you when you partied in Iran?

A: No.

Q: What happened to Wael Al Jabri?

A: He told me to wait for him while he distributed the money and when he got back we would go to the hospital then back to Iran. I never caught up with him. He didn't come back.

Q: What do you mean by distribute the money?

A: For the refugees.

Q: That was in Pakistan?

A: Yes.

Q: So, you never saw him again? You were arrested and he went away?

A: I don't know if he left, died, or got arrested or returned to Saudi Arabia. I don't know what happened to him.

Q: When the Pakistani officials arrested you, how much money did you have with you? I assume you had your passport with you. What else did you have on your person when they arrested you?

A: Just my money and my passport.

Q: How much money?

A: I don't remember exactly, but it is written in my files.

Q: A lot of money, ten thousand dollars, a thousand dollars?

A: No I don't remember exactly.

Q: A hundred dollars?

A: It's in my file. It's been three years and I don't remember.

Tribunal President: I could understand not to the penny; if I had seventy-eight dollars and thirty-nine cents I wouldn't expect you to remember that. But I would expect you to remember if you had three hundred dollars approximately.

Detainee: You don't need to tell me maybe you had this much or that. If I remembered, I would tell you. I told you to check my file so there won't be any mistakes.

Tribunal President: As we indicated earlier, we haven't seen your file so we want to hear it from you.

Detainee: That is your problem, not mine. That is the problem when you talk to someone without reading his file.

When the Tribunal President asked the Detainee if he had any other information to present to the Tribunal, the Detainee asked the following question:

Detainee: I have talked to you and they have presented the so-called evidence, I would like to hear the verdict from you.

Tribunal President: We have yet to review the classified evidence and then we will write up a report and send it to the Convening Authority in Washington, D.C. When he signs off on it, you will be notified of the results in hopefully thirty to sixty days from today.

Detainee: So, you are not the one to classify me?

Tribunal President: Yes, we make that determination and then the Convening Authority approves it.

Detainee: How can they put you here as a judge or person who makes the decision and you can't say the decision now? And, you haven't read the classified information before you talked to me?

Tribunal President: That's right, we haven't made the decision yet.

Detainee: How could you have not read the classified information or what you call classified evidence? I know there isn't any classified evidence against me.

Tribunal President: We haven't read it yet, but we will. When we come in to the Tribunal session we come in with an open mind.

Detainee: Is the classified evidence going to be like the unclassified evidence?

Tribunal President: No. It will have greater detail.

Detainee: For example, a person says something about me?

Tribunal President: Right.

Detainee: You are supposed to tell me things like that. If someone has accused me of something or what you are accusing me of.

Tribunal President: As I have said before, this is a non-judicial hearing. This is an administrative procedure.

Detainee: But don't you think classified is based on something I don't know.

Tribunal President: I don't understand.

Detainee: You can't tell me you have classified evidence against me when I am sure there is nothing against me. If there is any evidence against me, tell me what you have. I haven't heard about this before. If you ask anyone and you told him something about classified evidence, they would ask what it was. With all due respect to you, and I have said this to the Personal Representative before, if I told you for example you were a terrorist, you would tell me to prove it. Present the evidence that says I am a terrorist. Can I tell you I don't know? That is not right. I don't have the right to tell you something like that. I don't think taking an oath is something so trivial that people take it lightly. The fact you took an oath to classify me when you don't have any evidence against me. Don't think this is a small thing.

Tribunal President: You could very well be right. There might not be any evidence against you. We don't know. That is why we are here today and giving you an opportunity to talk to the unclassified evidence. If there is classified information against you, we will see it later. For your knowledge, so you understand what classified

information is, classified information is information that the owning government agency has decided could cause damage to our national security if released. This Tribunal doesn't have the authority to change that decision and therefore we cannot present or give you the opportunity to review the classified information.

Detainee: You just have to understand that an enemy combatant is a person who was arrested with a weapon or on a battlefield or has fought an enemy. That is an enemy combatant. But unfortunately, I heard people here have been classified as enemy combatants and they don't have any evidence against them. What is your answer to that?

Tribunal President: I can assure you that this Tribunal will not make a determination without considering all of the evidence.

Detainee: Good.

AUTHENTICATION

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

[redacted]

Colonel, U.S. Marine Corps
Tribunal President

Detainee's Summarized Sworn Statement

When asked by the Tribunal President if the Detainee wanted to make a statement, the Detainee requested to look at the Unclassified Summary. After reviewing the Unclassified Summary, the Detainee made the following statement:

- **3(a) The Detainee is a member of al Qaida.**

  This accusation is inaccurate.

- **3(a)(1) The Detainee stated that he traveled from Saudi Arabia through Pakistan and into Afghanistan to attend training funded by Usama Bin Laden and to fight with the Taliban and Muslims.**

  This is not true. I didn't attend training funded by Usama Bin Laden, and I didn't fight with the Taliban. I went from Saudi Arabia to Afghanistan via Pakistan to participate in training at the Farouq training camp since the Taliban organization opened it up for all the Muslims. When the Taliban organization opened up the Farouq training camp I was told if I attended I didn't necessarily have to go and fight; I could receive the training and go back to my country.

- **3(a)(2) Detainee trained with weapons and explosives at the al Farouq training camp and also at the Camp Melek (Camp Saber) training camp.**

  I never mentioned Camp Melek in my interrogations. Camp Melek was nothing more than a resting place between Kabul and (inaudible). It was a location, not a camp. I went to Melek (Saber Camp) because I wanted to go to Peshawar. There was a mountain named Saber next to Melek Camp. They must have assumed it was a camp.

  Regarding the weapons training, I received training on the AK-47, RPG, and the Kalashnikov. I mentioned explosives to be helpful. I didn't receive any training on explosives; I only saw them in a (inaudible). That was my only training regarding explosives.

- **3(a)(3) Detainee saw Usama Bin Laden at al Farouq on two separate occasions during his basic training.**

  A couple of times I went to the Farouq camp to hear him give a lecture to a group of people inside the mosque.

- **3(a)(4) The Detainee was captured by Pakistani authorities while trying to escape from the Tora Bora region into Pakistan.**

I turned myself in to the Pakistani authorities when I found out the war had changed and it was now between the United States, the Taliban and al Qaida. That wasn't the reason I went to Pakistan, so when the fight broke out, I wanted to leave. After I turned myself in to the Pakistani authorities, they called the Saudi government and the Saudi Ambassador came to see me. I asked for his identification. The Ambassador told me that in three days I would be taken back to Saudi Arabia. I was surprised to find out I was sold to the United States.

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

  This is a lie. I never fired a single shot against the United States or its coalition partners.

- **3(b)(1) The Detainee fought at Tora Bora and at the Second Bagram Line.**

  I was in Tora Bora, but I didn't fight there. The only reason I was in Tora Bora was to exit Afghanistan to Pakistan. That was the only way to exit Afghanistan.

Questions to Detainee by the Personal Representative

Q: A clarification of 3(a)(3). You had seen Bin Laden on two occasions.

A: Yes.

Q: You mentioned previously that many people in Afghanistan have seen Usama Bin Laden.

A: When did I mention that?

Q: During our previous discussions.

A: When you asked me had I seen Usama Bin Laden at least twice, I said I did but there are so many other people who had seen him. If you considered the fact I saw Usama Bin Laden twice and he was seen by a group of other people that means all the people there that saw him are guilty.

Questions to Detainee by Tribunal Members

Q: What did you do in Saudi Arabia before you traveled to Afghanistan?

A: I wasn't doing anything. I went with my dad, who was a fisherman. I earned my money by helping my father fish.

Q: That was your main source of income or employment?

A: Before I went to Afghanistan I worked for the Saudi airline.

Q: What responsibilities did you have with them?

A: I was a steward.

Q: You mentioned the training you received at al Farouq when the Taliban opened it up to all Muslims. Was that the only reason you wanted to go or were there other reasons also?

A: That was the only place I knew of that spoke for Muslims. I also went there to receive training, so I could go to Chechnya.

Q: How did you know how to get to Afghanistan and about al Farouq? Were there people in Saudi Arabia who helped you?

A: Someone from my neighborhood helped me get to Afghanistan. I mentioned his name during my interrogations.

Q: Did you also go for religious reasons?

A: The main reason I went there was for the clergymen to tell me about the Muslim religion and what I needed to do.

Q: When you left Saudi Arabia to get your training, your intent was to go from Afghanistan to Chechnya?

A: Yes, it was.

Q: What prevented you from going to Chechnya after you received your training?

A: I left al Farouq without getting trained. I had a disease that made me sick and I couldn't complete my training. Next the Americans entered Afghanistan and I was captured.

Q: You were able to get some training at the other camp, Camp Melek, that you mentioned?

[Translator stated the Detainee dodged the question.]

A: The only training that I had was on the RPG and Kalashnikov.
[Translator stated Detainee didn't answer the other part of the question and asked if he should ask it again.]
[Detainee continued with his answer.]