3.a.3. (The detainee received familiarization with the Kalashnikov rifle and a pistol at a house in which he stayed in Kandahar.)

True but I never used the weapon.

Detainee: I was not taught how to use this weapon but someone in front of me was taking apart the weapon and putting it back together.

Personal Representative: A man in the house, Abu Musif Al Miki was disassembling and reassembling the gun.

Detainee: He was in the house, not the owner of the house. This was not his house and he was not teaching me how to use the weapon, he was just disassembling it in front of me.

Personal Representative: These were his weapons. I asked him how he learned to do this and he told me that he was an intelligence person in Saudi Arabia. We left our passports and money at this house for safekeeping because we were told we could be robbed and we were going to pick them up on the way back.

3.a.4. (The detainee traveled to another training camp near Jalalabad, Afghanistan, after Al-Farouq, but the training was cancelled due to the war.)

At this time my friend's friend met up with us. My friend, my friend's friend and myself went to a second house. My friend's friend is the one who knew the way. He was from Saudi Arabia. He met us after two weeks in Afghanistan. I went to the second house so I could learn how to use pistols. We stayed about a week and a half to two weeks at the second house.

At the second house, we were told that they would not bring us to the training camp because they didn't know us. So I wanted to return to my country but had to wait for my passport so I could go to Pakistan, which is close to Jalalabad. So I waited for my passport so I could leave.

3.a.5. (The detainee was captured near the Pakistan border.)

The new government was taking over Jalalabad. I was told that a lot of Arabs were being killed so my friends and I escaped to the mountains, so I wouldn't be killed. I was asking anyone how to get to Pakistan since I didn't have my passport any longer. I was told that all the passports were burned in the attacks. During this time that I was in the mountains, I lost my two friends. I joined up with other people trying to flee to Pakistan and we were attacked. We got to the village of Samer Kheer, when Afghanis kidnapped me and others and demanded money to be released. Some of the others were able to buy their freedom by having people send money, but I didn't have any money so I was kept in captivity.

So that is how I ended up being captured by the Afghanis and then tortured to saying things that were untrue or be killed.

I just want to go back and finish my school. I have no hatred against anybody or any country or toward America. Just the opposite, the Americans helped us against Sadam Hussein when he attacked my country.

Tribunal President: Does this conclude your statement?

Detainee: Yes, this is the end.

Tribunal President: Thank you for your testimony. Personal Representative do you have any additional questions for the detainee?

Personal Representative: No sir.

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

Recorder: No sir.

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

Tribunal Members: Yes sir.

Tribunal President: If we may we have some questions.

Detainee: I don't mind.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Before you left Saudi Arabia to go to Afghanistan you were a student there?

A. Yes, I was an engineering student

Q. Were you employed as well as being a student?

A. Sometimes, I was mainly a student, but sometimes I would drive a car for fare.

Q. And you said your friend suggested to you to go to Afghanistan to get training for personal protection?

A. Yes.

Q. How would you know how to get from Saudi Arabia to Afghanistan?

A. My friend knew the way.

Q. Were you able to finance the trip yourself or did you have help from other people?

A. It was my own money.

Q. Did you know prior to leaving Saudi Arabia that Afghanistan was in the middle of a civil war?

A. I knew that in most of Afghanistan it was safe.

Q. Had you ever heard of religious leaders in Saudi Arabia who were urging young men to go fight on behalf of the Taliban?

A. No, I was engrossed in my studies and not concerned with this. My parents were also living in a village and I didn't have access to any news.

Q. When did you first learn what Al-Qaida was?

A. I never knew of it, but heard about it in the news. I heard about it when we were in Afghanistan, after the events in America.

Q. And Usama Bin Laden, the same?

A. I just heard it on the news.

Q. We heard there were many Saudis who were quite sympathetic to him, he being a native Saudi himself.

A. I heard about it in the news. I did not know this person or his ideas. Because he was outside my country I was not concerned with his ideas. There were problems between him and my country.

Q. Do you consider yourself to be an observant Muslim?

A. I follow some things in my religion and some things I don't believe in so I don't follow them. I don't know very much about my religion.

Q. Turning to the point were you said you observed someone else assembling and disassembling a weapon in Kandahar, Abu Musif Al Miki I believe is the name you gave us?

A. Yes.

Q. He was one of the people that stayed in the house with you?

A. I saw him in the house.

Q. How many others were in the house?

A. I am not sure, but I think it was him, two people with him and us three.

Q. Was it not a house for people with Arabic heritage like yourself?

A. No, I just went there with my friends. It was not a meeting place for Arabs.

Q. Did you see Arabs there who were fighters?

A. I don't know any fighters.

Q. Please explain the circumstances of your capture, when the Pakistanis captured you.

A. On the Pakistani border?

Q. Yes.

A. When we were captured there were Afghanis that were asking for money. So they could set us free. Some people spoke to the Afghans and they made an agreement. The Afghans said you could buy your freedom; they did and were let go. I had no money so they gave me to the new government. I knew they traded me for money.

Q. Perhaps we are mistaken but I thought you said when you finally made it to Pakistan after traveling that you were by yourself.

A. When I got there or when I left Afghanistan to go to Pakistan?

Q. We understood that when you left Afghanistan at the beginning of your trip you had people with you.

A. Yes I had my friend.

Q. But he did not finish the trip with you.

A. When we got into Afghanistan...Can you please clarify the question?

Q. When you arrived at the border of Afghanistan and Pakistan, how many people were with you?

A. I am not sure of the number, but there were a number of people with me.

Q. And you mentioned you no longer had your passport.

A. Yes, I didn't have my passport. I heard it had been burned so I wanted to go to the embassy.

Q. When you were first jailed in Pakistan did you have an opportunity to meet with any Saudi representatives from the embassy?

A. I was not jailed in Pakistan. When I got to the borders highway robbers took me.

Q. So you never made it into Pakistan at all?

A. No.

Q. Concerning the allegations of torture you made, do you believe you were tortured because you did not say what the interrogators wanted you to say or because you were not speaking at all?

A. The interrogators would tell me the accusations, I would start to answer, then they would beat me until I said yes.

Q. Did you try to resist them in anyway?

A. No.

Q. You said you are a mechanical engineering student, what was your discipline or specialty in?

A. There are phases; the first three years are general, and the last two years you would specialize in an area.

Q. How to make heavy objects move around?

A. No, I studied physics, mathematics, statistics, and dynamics.

Q. You had your own money.

A. Yes.

Q. So you paid for your room and board at the first house?

A. The first house, where, what are you asking?

Q. You went to a house in Afghanistan, the first house you went to receive training with the rifle.

A. I did not receive training on the rifle. I wanted training on the handgun.

Q. There was a second house you were going to go to.

A. Yes.

Q. What did you pay for room and board at the first house?

A. I would buy my food from the supermarket; I didn't need to pay for that.

Q. For sleeping?

A. You just sleep there.

Q. Then you were going to go to the second house.

A. Yes.

Q. But you left your passport and money at the first house?

A. Yes.

Q. How were you going to pay for your food at the second house?

A. I had about $200.00 with me.

Q. $200.00 American dollars?

A. Yes.

Q. So there was more money back at the first house?

A. Yes with my passport.

Q. Did you talk with people at the first house or the second house so they knew your background?

A. No, I just said my intentions were to train, they didn't know me.

Q. No one knew you were an engineering student?

A. Only my friend from Saudi Arabia.

Q. Did anyone ask you for any assistance or information that you could give them about engineering or anything like that?

A. No. I was cautious and didn't want anybody to know but my two friends.

Q. You seemed very cautious to keep your background, private; did you think it was dangerous to go to Afghanistan?

A. No, it was just normal not to blend in with people.

Q. How much did it cost to get to from your home to Afghanistan?

A. I left with about $1200.00

Q. With the $1200.00, tickets for transportation were purchased?

A. Yes, round trip.

Q. Your friend that traveled with you to Afghanistan is he also a student in Saudi Arabia?

A. Yes, I heard he was a student.

Q. And he also wanted to travel to Afghanistan to get the self-defense and handgun training?

A. Yes.

Q. How long was your break from school that would allow you to travel from Afghanistan and back?

A. One month.

Q. How long did you end up staying in Afghanistan before you were captured?

A. I'm not exactly sure, but like I told you, I got into Afghanistan two weeks before the attacks of September 11th. I was late because I didn't have my passport. I got captured by the Afghanis about two weeks after the fall of Jalalabad. After that it was the holiday and we were in the Afghani prison.

Q. So that was about two months in Afghanistan.

A. Coming from Saudi Arabia, I wasn't in Pakistan for more than two weeks.

Q. Afghanistan?

A. Pakistan.

Q. I'm concerned about the time when you got to Afghanistan in August of 2001, and then until November when you were captured. After 9/11 why did you not try to leave Afghanistan and get back to Saudi Arabia a lot sooner?

A. I left Saudi Arabia in August, I was in Pakistan for about two weeks then I went to Afghanistan. Then two weeks after I got to Afghanistan the September 11th attacks occurred. Also, the reason I was held up in Afghanistan was because I lost my passport and I did not know which way to get out. When I heard about the attacks of September 11th, I did not think that the people of Afghanistan had anything to do with it or were involved with it. Also, when the bombings started in Afghanistan, I thought that the Americans knew that certain individuals where associated with Al Qaida. I thought that Al Qaida had planes, I thought they had forces. I thought the Americans knew they were the enemies and that I would not be affected by it.

Q. Could you and your friend not have received the self-defense training and handgun training is Saudi Arabia?

A. I told you before, that I had tried before and applied for acceptance into the military academy and was rejected and verified this with Saudi Arabia. My applications did not.

Q. The only place that you were aware of for you and your friend could receive this training was to go to Afghanistan?

A. I did not know anything, my friend suggested Afghanistan. If I had known of another place to receive training I would have went, but my friend said let's go to Afghanistan.

Q. Where is your friend now?

A. I told you when I was going through the mountains I lost my two friends and just wanted to get out of there quickly.

Q. How did you become separated with your two friends?

A. We left for Jalalabad, at dusk. So I heard that some people wanted to go to Pakistan, so I joined them. But I lost my friends at that time.

Q. When you were at the first house going to the second house, you said you did not talk much to the people there, you were private, why would you leave your money and passport with people you did not know well?

A. My friend's friend is the one that said the honor in our religion is that no one can trick you because you are Muslim. He mentioned the highway robbers so I took it as (inaudible).

Q. You told us earlier that there was a great deal of crime in Saudi Arabia, people stopping and robbing you on the road.

A. Yes. But know in Afghanistan or Saudi Arabia, you hear every month or two months that there is crime especially on the roads leading from the cities into the villages. You might have heard in Saudi Arabia about five years ago, there was a task force set up to fight these highway robberies and crimes. Also, I told you that my parents were living in a village and that most of the times they were on the roads between the village and the cities. Also, there is a lot of crime and highway robbery in the places that I live in.

Q. My point was that the same things happen in both Saudi Arabia and Afghanistan and everywhere else. It seems unusual for us to believe that these things could happen in Saudi Arabia, why could they not happen in Afghanistan as well?

A. I thought that when I went to Afghanistan, I would be there for a short time, get the training and return. My friend said I would only be there for a short while and he didn't think there would be any problems with robbers or crime for that time. Someone going to Afghanistan should only be afraid of the robbers on the roads while traveling between cities. I didn't think I would be in Afghanistan wandering around, I thought I would be in one place. I didn't know there where robbers like those in Saudi Arabia until I arrived in Afghanistan.

Q. I just seems as though you are a person in a strange country who doesn't know anyone, and the most important things to you in order to leave, like money and passport, are given to people you don't know or trust for safekeeping.

A. This is something that my friend's friend suggested to us and told us it was better to leave the documents with these people and it would be safe. Due to religion they would not take it. In our religion, it is said that if someone gives you something for safe keeping, you will trust them to keep and not do anything with it until they return.

Q. When you said you were leaving Jalalabad at dusk, your friends were with you when you started you trip or not?

A. Yes.

Q. At what point did you lose track of them?

A. When we were going through the mountains.

Q. Were you with a large group or small group of people?

A. Small group.

Q. I would think that the three of you would have liked to stay together while traveling.

A. Yes, correct. I insisted that we leave Afghanistan quickly, but they said wait until we find someone that knows the way. The people that I was with, the group leaving Afghanistan did not really know which way they were going, they were just trying to find a way through the villages to go to Pakistan. And I was very careful to leave quickly.

Q. Your friends were delayed because they were trying to find the proper guide?

A. Yes, they said wait so we can find someone that knows the way.

Q. You did not want to wait for them to do that?

A. Correct. I just wanted to leave.

Q. You were hoping they would catch up to you at some point?

A. No, I was hoping that they would get out, but I was insistent and very concerned with leaving.

Q. So you left with a group of refugees that may or may not have known where they were going.

A. Yes, they were going through the villages in the direction of Pakistan.

Q. When your friend said to wait for a guide who knows the way, you never saw them after that?"

A. No, we got separated.

Q. And to this day you do not know what happened to them?

A. No, I don't know. Maybe my country knows, but I don't know.

Q. What is your friend's name?

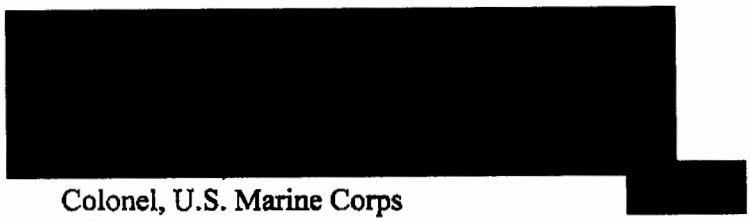
A. It is in my interrogation files. The description and everything is in the interrogation folders. Do you want me to give you the names now? Haider Dalnajdi, the other one Abou al Haigaa.

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

Detainee: No.

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

ISN 246

Literal translation of witness testimony from mother.

In the Name of Allah, the Beneficent, the Merciful

To whom it may concern!

There After!

This is a brief summary about Sheikh Saleiman Ebrahim Al Khalifa. Since childhood he had quiet temper, kind with others, till he grew up and went to elementary school, till he graduated from high school, and everybody witness that he had good reputation and decency and he was intelligent in his education. As to his leaving to Afghanistan, it was a volunteer job to help the poor and needy. No more than that.

This is all what I have to mention.

Signed

"Mother".

Exhibit D-b

3392

3

3393

ISN 246

Translation of witness testimony from The Administration Board of the Royal Family Council.

The Administration Board of the Royal Family Council witness that:

Al Shaike Suleiman Bin Ebrahim Bin Mohamad Bin Ali Bin Khalefah Al Kalifa and who were an individual of the gracious Royal family that he had a good reputation and manners.
The Administration has no lawful remarks nor criminal record for the name stated above.

With Best Regards.

Signed

Hamoudeen Ben Khalefa Ben Mohammad Al Khalifa

Exhibit D-c

3394

(4)

بسم الله الرحمن الرحيم

Royal Family Council
Royal Court
Kingdom of Bahrain

مجلس العائلة المالكة
الديوان الملكي
مملكة البحرين

م/2004/685/1
تاريخ 2004/11/1م

إلى من يهمه الامر

تشهد إدارة مجلس العائلة المالكة بأن الشيخ سلمان بن إبراهيم بن محمد بن علي بن خليفة آل خليفة احد أفراد الاسرة المالكة الكريمة وأنه حسن السيرة والسلوك . ليس لدى الإدارة أي ملاحظة قانونية أو جنائية على المذكور آعلاه .

وتفضلوا بقبول خالص التحيات ،،،

حمود بن خليفة بن محمد آل خليفة

نائب المدير

3395

(2)

KINGDOM OF BAHRAIN
MINISTRY OF THE INTERIOR
PUBLIC SECURITY
GENERAL DIRECTORATE OF CID.
GOOD CONDUCT CERTIFICATE OFFICE
P. O. BOX - [illegible]

مملكة البحرين
وزارة الداخلية
الأمن العام
الإدارة العامة للتحقيقات والمباحث الجنائية
مكتب استخراج شهادات حسن السيرة والسلوك
ص . ب : ٢٢٦٨

Tel. : 718[illegible]
Fax : 00973 - 717817
8833 ALAMN BN
Cable : DAKHELIAH

تليفون : ٧١٨٨٨٨
فاكس : ٠٠٩٧٣ - ٧١٧٢١٧
تلكس : الامن بي . ان ٨٣٣٣
برقياً : داخلية

Serial No. 3881 رقم المسلسل

No. MOI/PS/CID/GS/ 24101
Date : 09/11/2004

الرقم : و.د/أ ع/ت م ج/٦٩/
التاريخ :

[redacted]

شهادة حسن سلوك
GOOD CONDUCT CERTIFICATE

Full Name	SHAIKH SULMAN IBRAHIM MOHAMED ALI AL KHALIFA	الاسم الكامل
Date of Birth	24/07/1979	تاريخ الولادة
Place of Birth	MUHARRAQ - BAHRAIN	مكان الولادة
Nationality	FAMILY ROYAL	الجنسية
Passport No.	8[illegible]195	رقم جواز السفر
Place of Issue	BAHRAIN	مكان الاصدار
Date of Issue	25/12/2000	تاريخ الاصدار
Expiry Date	25/12/2005	تاريخ الانتهاء
CPR. No.	790709708	الرقم الشخصي
Purpose of Issuance		الغرض من الاصدار
Dates of Residence in Bahrain		تاريخ الاقامة في البحرين

It is Certified by the General Directorate of CID. Kingdom of Bahrain, that there is nothing adverse against the above named in our criminal records till to date.

This Certificate has been given at his request and is valid for a period of three months from the date of issue.

Note :

Any alterations or corrections will render this certificate invalid.

تشهد الإدارة العامة للتحقيقات والمباحث الجنائية في مملكة البحرين بعدم وجود سوابق جنائية ضد المذكور أعلاه في سجلاتها الأمنية حتى هذا التاريخ .

وبناء على طلبه اعطيت له هذه الشهادة صالحة لمدة ثلاثة شهور فقط من تاريخ صدورها .

ملاحظة :

أي تعديل أو تغيير أو شطب يطرأ على هذه الشهادة تعتبر ملغية تلقائياً .

Kingdom of Bahrain
Ministry of the Interior
مملكة البحرين
وزارة الداخلية

3396
Exhibit D-d

As the Tribunal President was stating the Convening Authority, the Detainee made the following unsworn statements:

I am not an enemy combatant. I never carried a weapon or fought against the United States.

The Tribunal President asked the Detainee to hold his comments and he will be provided an opportunity to present his information in a few minutes.

Do I have a right to reply to all of the words that have been said against me? I know that about court, that people can defend themselves.

The Tribunal President stated the Detainee would have a chance to reply, but there were some administrative steps that must be completed first.

As the Recorder started reading the Unclassified Summary, 3(a), the Detainee stated it was not true. The Recorder continued with the Unclassified Summary without further interruption.

Tribunal President: Referencing D-a, you chose to participate in this tribunal and you requested three witnesses. One is a Detainee and will be here later. You requested two non-detainee witnesses and stated they would testify about your travel to Pakistan and you used your work vacation to assist refugees fleeing Afghanistan. This Tribunal panel has determined those witnesses to not be relevant.

Detainee: How can they not be relevant when they are witnesses to the truth and they are relatives?

Tribunal President: Basically, we look for your actions and what you did in Afghanistan, in particular, and unless they were right there with you, they can't determine that.

Detainee: But they knew before...they knew I was going there.

Tribunal President: Unfortunately, that just shows intent.

Detainee: I also spoke to them on the telephone.

Tribunal President: As far as that statement, you are here today to provide us with your actions and we will accept that.

Detainee: I didn't have any activities in Pakistan; only the border with the refugees. I don't know anything about Afghanistan.

Tribunal President: Just for your knowledge, the only thing we have seen about you, so far, is the Unclassified Summary.

Detainee: I will tell you the information that I've told the investigators before, but the information that I do not know, I cannot provide you with that.

Tribunal President: That makes sense. You may now present any evidence you have to this Tribunal and you have the assistance of your Personal Representative in doing so.

Detainee: Will the witness be here?

Tribunal President: He'll be here later; we want to hear from you first. Do you want to present information to this Tribunal and would you like to make your statement under oath?

Detainee: For sure. Are you going to believe in my oath?

Tribunal President: Certainly. If you take an oath, we will consider what you say to be true.

The Detainee was sworn.

Summarized Sworn Detainee Statement

I want you to know, by taking this oath; I will be judged to the end if I lie.

The Personal Representative assisted the Detainee in his statement by reading the points on the Unclassified Summary to the Detainee.

- **3(a)1 The Detainee traveled to Afghanistan from Saudi Arabia in late September 2001 via Jordan, Syria and Iran.**

  I never traveled to Afghanistan and we never intended to travel there. We wanted to travel to Iran. After September 11 and after watching the news, that large population of refugees were pushed to the Iranian borders, so we went there to help aid them.

  We traveled by vehicle from Jordan to Syria and from Syria to Iran by plane because it was cheaper and it was close to our area, which is Joff. It's close to the Jordan/Syrian border. Also, I went for a dental appointment in Syria.

  When we got to the Iranian/Afghanistan borders, we asked about the refugees and immigrants. We were told they were on the Iranian/Afghani border. We thought they were inside Iran's border, but when we got to the border, the custom's man told us that the refugees were inside Afghanistan's border. They told us to enter Afghanistan to help the refugees and immigrants there.

After we offered help in some villages on the Iran border, we returned to the borders after three or four days and the Iranians did not allow us to enter Iran. We asked them if the borders were closed or open and were told to come back in a few days and we'd be able to leave and enter, with no problems.

We tried multiple times to enter Iran, but we were not successful. It appears to be due to prejudice; we were Sunni and they were Shiite. You know the conflict between the Sunni and Shiite Muslims. The immigrants and refugees were all Sunni. If the refugees were Shiite, we would have been allowed to enter without problems.

After trying and failing multiple times, I called my brother to help us. My brother told me to wait on the borders. We waited in a hotel on the Iran/Afghan border for a month and a few days. We were forced to go through Pakistan; it was the only way left for us to go.

The border police were telling us to go in an unofficial way, by bribing them. Also, a lot of smugglers offered us the same thing, a way to cross the border in an unofficial way for a bribe, for money. We strongly refused because we entered officially and we wanted to leave officially. We refused because we never worked that way before. That's what we get for being honest.

After that, we were forced to go through Pakistan, hoping to get back to our country. We had no other intent.

- **3(a)2 The Detainee reportedly traveled with an individual identified as another Detainee.**

Yes, my partner in travel is detained, just like me. That does not mean he was involved in any problems or something bad. We will find, in this prison, a lot of innocents who have no connections to terrorist activities. The Pakistani Intelligence sold us to you, even though we offered them our official passports, with our true names, to get an official permit to enter the country, through the Pakistani officials in the border office.

We never sought unlawful ways, even though we were offered, we strongly refused them. We entered all the countries officially, with our official passports, with our true names. That's what happens when you tell the truth, the tax for telling the truth.

- **3(a)3 The individual's name or alias is included on a list of Al Qaeda Mujahidin found on files recovered during a raid of Al Qaeda safehouses.**

If it is wanted, any organization can find the same names, but it could be another person. That alone, is not enough proof to prove it is the same person. But, if you

provide complete evidence, a complete name, the mother's name, pictures and other documents on the accused person.

My friend does not have any connection to this organization or other organizations. We consider those accusations to be false and you have no evidence to support them.

Personal Representative: I would like to clarify a few points. Point 2 says the Detainee traveled with another person, who is a Detainee. Point 3 says the individual's name appears on a list. It is not the Detainee's name, but the individual's name that appears on the list.

Detainee: The reply was for my friend, my partner that traveled with me, not for me.

Personal Representative: It was not the Detainee's name on...

- **3(a)4 The Detainee is associated with Al Haramain.**

  I did not have anything [to do] with Al Haramain, work wise, but I am a teacher and I work with administrative (inaudible) in Saudi Arabia. You can contact Saudi Arabia to verify this. I am still a teacher in Saudi Arabia and I work in the education field.

  There was a cooperation with the humanitarian organization to adopt some of the orphans in Bangladesh and help some of the poor and needy in my city and the surrounding cities.

  I would offer clothing and food to that program and some food to the people fasting during Ramadan, because their situation was difficult.

- **3(a)5 Al Haramain is a non-governmental organization (NGO) with ties to Islamic terrorism.**

  Al Haramain is an official governmental organization, registered under the administration of the government in the Kingdom of Saudi Arabia. It is officially registered and included in the Humanitarian Aid Association, and under the Administration of Internal Affairs, led by the Minister of Internal Affairs.

  I have knowledge that the United States apologized to the Kingdom of Saudi Arabia for accusing this humanitarian association for being a terrorist organization.

- **3(a)6 The Detainee is associated with Al Ighatha.**

  See Below.

- **3(a)7 Al Ighatha is a non-governmental organization (NGO) with ties to Islamic terrorism.**

  The sixth and seventh points are connected. These have never been mentioned before and I've never been asked about being connected to this organization.

  I have no connection to that organization, either close or from a distance. I've never been told about this organization and I have no information about it.

  You accusing me of being connected to this organization; it is false and you have no truthful evidence.

- **3(a) The Detainee is associated with Al Qaeda.**

  I have no connection or association with Al Qaeda close or from a distance. My proof is that the person who traveled with me and I worked as teachers in governmental schools that belonged to the Ministry of Education of the Kingdom of Saudi Arabia.

  We traveled for a humanitarian mission and we were not connected to our governmental jobs. We left work after taking a short vacation to help out with this humanitarian mission.

  If you look at my work files, it will be clear. I've been working in the education field for 20 years. I've never left my country or my area the whole time. So, how can I have a connection to any organization if I've never left my work.

  In my own country, I was never called for investigation or questioning for any reason whatsoever. That proves my innocence from any accusation or any suspicion.

  Even the person I traveled with worked for approximately 17 years in the education field, and he's never been questioned by the security of my country and never left the country, to my knowledge.

  This assures that we do not have any connections to any terrorist organizations. We were working for the humanitarian, in general, and it is

our goal in life. We were taught truth, work, honesty with others and understanding.

An additional point I'd like to make is that we were never trained in the military to be viewed as enemy combatants or soldier combatants. How can a soldier be called a soldier if he never carried a weapon?

In the Kingdom of Saudi Arabia, thank God, we do not have mandatory military service. We were never forced to join the military; it is voluntary only. We never traveled to any country to train for the military.

When we were arrested in Pakistan, we didn't have weapons, papers, books, or letters to indicate that we are connected to these organizations or any organizations.

Leaving our country was done officially, using an official, not a fake passport with our real names. Passing those countries we passed was also done officially.

When it [border] was closed, we never sought unlawful ways, even though the ways were provided and were there. We were offered [unlawful entry] by the Iranian border police, for a bribe. Also there were a lot of smugglers that made the same offer, but we strongly refused them.

I have two letters with me, and I had approximately 20 letters that indicate that our visit was official, true and that we went for humanitarian reasons to help the refugees at the border. After a search last year by the administration here in prison, they never gave back the letters. All those letters will prove the truth. Those [the 2 letters] are new letters because if they were old, I wouldn't have them, they would have been taken. Those letters prove our innocence, our humanitarian aid, which is the reason for our travel.

I called my brother from Iran's border and asked him to do whatever was necessary for the Iranian officials to allow us to return to our country, through Iran.

There is no reason for Pakistani's to give us to the United States. This board needs to know the truth.

The whole reason was that we were exchanged for money, that's why they refused to let us to return through their country and we were not allowed to call our embassy to help us go back to our country, even though we had official passports and we entered the country officially.

All Saudi humanitarian organizations are registered and included in the Ministry of Internal Affairs of Saudi Arabia because they are governmental, so why are they called a non-governmental organization?

There is no reason for us to be arrested and kept away from our families and children for this long period of time. We've done no crimes. When have people ever been arrested with no accusation and then later were given false charges, which have no truth to them? The truth is very clear.

For your information, I personally was supposed to be released with that group of Saudis that were released about a year and a half ago. The investigators told me my name was with them, in newspapers. That's more proof of my innocence and that I'm telling you the truth.

The Detainee read excerpts from a letter he received from his brother.

"Dear Brother,

It's hard for us with you being away from the family. It's sad to hear that you are imprisoned and they detained you while you were doing your duty for your Muslim brothers in Al Ighatha camp. May God listen to your hardship and release you."

The Detainee read excerpts from a letter he received from his uncle.

"Looking at your situation as a whole, you are in a prison better than us, My God, because you went to help aid the poor and the needy on the borders of Afghanistan. That's what God has caused. God is well and everything will be well because the reason you went there was for Him for a purely humanitarian reason. May God have your destiny."

Personal Representative Questions to Detainee

Q: How long have you known about Al Haramain?

A: It's a very well known organization in Saudi Arabia and outside too. It's not a secret organization; it's a governmental organization.

Q: You told me, in our interview, about two children from Bangladesh.

A: Yes, I adopted them, at my house.

Q: You adopted them through Al Haramain?

A: Yes.

Q: How long ago was that?

A: Six or seven years before my arrest.

Q: Also, for clarification from our interview, did you tell me you are still employed as a teacher from Saudi Arabia?

A: Yes, that's true.

Q: You're still being paid?

A: Right now?

Q: Or your family.

A: I do not know anything about that situation. I've been away from my family for three years. They are supposed to [pay me] because I'm still assigned to work.

Tribunal Members Questions to Detainee

Q: Will you provide us with some additional information about your background?

A: Can you clarify?

Q: Of course, I will ask.

A: Go ahead.

Q: In Saudi Arabia, tell us about your family, about your wife, how many children...

A: My children?

Q: How many?

A: I have four children, two girls and two boys.

Q: That's including the two children you adopted from Bangladesh?

A: Yes. I'm not the only one who adopted them, my whole family adopted those children. My sister, brother and mother did too.

Q: Your usual occupation is a teacher?

A: Correct.

Q: What areas did you teach? What grades did you teach?

A: I teach art, but I can teach any other subject as well. I have the authority to teach any field that is open.

Q: You were predominately a teacher of secular subjects, not religious subjects?

A: Correct. If other fields were open, like math, science or religion, I'd have no problem teaching that because I took an oath to honestly do my job as a teacher.

Q: You told us you traveled to the Iranian border in order to help refugees, and you did this as part of a governmental organization.

A: No, it was personal.

Q: It was a family, personal decision and not directed by the government or by Al Haramain?

A: I was never under control of that organization, but as I mentioned before, I cooperated with them in my country, but not outside my country. It was a personal thing for me and my family.

Q: Your traveling partner was doing the same thing?

A: Yes, that's true.

Q: You told us that you traveled openly with your official passport and under your own name.

A: Yes, you have my passport with you.

Q: That was my next question. You had your passport with you when you were arrested in Pakistan?

A: For sure. I'd never leave my country without my official passport. That's my only proof of travel.

Q: You told us that you didn't want to travel unofficially into Pakistan.

A: Yeah, I refused.

Q: How did you then get into Pakistan? Did you obtain a visa or did you cross at a border point?

A: I passed through a checkpoint. They took my passport and that's where I was put in prison with no reason

Q: You were arrested when you tried to get into Pakistan?

A: It was official, too.

Q: Do you remember that date?

A: It's in Arabic. It was the 8th month, 28th day, year 1024. It was about 3 days before Ramadan. I don't know the Latin calendar.

Q: You said that you were sold for money by the Pakistanis. How do you know this?

A: That's true.

Q: How do you know that? Did you see them…

A: I heard from the people over there. They have seen…

Q: While you were in prison in Pakistan?

A: When I was handed over.

Q: Do you know how much?

A: I don't know, but they were saying from $5,000 to $8,000. It's a hard truth when human beings are sold and bought. That makes us go all the way back, when humans had no value. It's a shame for all human beings, in general, and all the people who believe in human rights.

Q: Did you pay for your own travel from the money you made as a teacher, or did someone else give you money to travel?

A: I am a worker; I get about 11,000 Riyals a month.

Q: You described that when you tried to return from Afghanistan to Iran, you believed it was discrimination on the difference between the two religious groups.

A: There is no other explanation for it, except that. I left officially, with an official passport, and I was going back officially, with an official passport.

There is information about what Iranians do in Mecca, an incident in a hatch.

Q: You stayed in a house or in a hotel in Afghanistan before you left…

A: No, I stayed at a hotel on the border.

Q: Do you remember the name of the city or the town?

A: Custom Islam Kallah (phoenetic).

Q: Who do your adopted children stay with?

A: I adopted them through the Al Haramain organization. They are the ones…I adopted them by providing financial support. The connection between us is the Al Haramain organization. I think they are in an orphanage.

Q: They do not physically live with the family?

A: No, they are adopted, but they are in their country. I financially support those two children.

Q: When you crossed from Afghanistan to Pakistan, were you near the Iranian border?

A: Yes, we passed through the borders.

Q: So, you walked down the Iranian border until you reached Pakistan?

A: No, in a taxi.

Q: How were you going to assist the refugees?

A: By giving them money.

Q: That's all you intended to do, just hand money to the refugees?

A: It's very difficult to take things with you. The easiest thing is money. You know that Afghanistan was not stable at that time. There were smugglers and problems, so money was the easiest thing to give.

Q: There were thousands of refugees. You were going to hand money out to these thousands of refugees?

A: I wish I was able to help them all; I only helped a small amount of them.

Q: How much vacation did you ask for to do this humanitarian work?

A: I took 7-10 days of vacation.

Q: Your route from Saudi Arabia went through Syria and Jordan and into Iran?

A: What are you wanting to clarify?

Q: I wanted to verify. Was that your route? Saudi Arabia, Syria, Jordan and then Iran?

A: Saudi Arabia, Jordan, Syria, then Iran. From Saudi Arabia to Jordan by vehicle. From Jordan to Syria by car also, and from Syria to Iran, by airplane.

Q: Did you say you stopped in Syria to have your teeth fixed?

A: Yes, for two days.

Q: Was this planned before you left Saudi Arabia? Do they not have dentists in Saudi Arabia?

A: It was all planned; the humanitarian aid and to also fix my teeth.

Q: Do they not have dentists in Saudi Arabia?

A: Dentistry in Syria is very well known. We have doctors in bigger cities, but not many where I'm from. We usually go to Jordan or Syria for treatment; it's close to the border.

Q: Did you respond to any fatwa to assist the refugees?

A: No, it was without fatwa, but my religion and my belief told me to help the poor. I do not need fatwa to help the poor.

Q: Do you believe in jihad?

A: No, I don't have any information about jihad.

Tribunal President's Questions to Detainee

Q: I'm assuming when you left Saudi Arabia, you had a visa to go into Iran?

A: No, you don't need a visa; you only need a passport.

Q: Did you anticipate having a problem going into Pakistan? Does it require a visa?

A: No, the opposite. If I faced problems it would have been in Iran, not in Pakistan. The relationship with Saudi Arabia and Pakistan are better than the relationship between Saudi Arabia and Iran.

Q: I thought you said your brother was trying to help you on the Iranian border.

A: Yes, in the old letters I used to receive, my wife told me that she mentioned my brother tried to help me. How my brother sent someone from the embassy to help me at the borders. It took a long, long time and I was afraid. I spent all of my money and the situation was getting more difficult and I was forced to go a different way...through Pakistan.

Q: Your travel partner is also a teacher?

A: Yes, he's not just a teacher, he's a school principal also. He was a teacher, but now he's a principal.

Q: How well do you feel you know him?

A: I know him through teaching. There was no relationship between us, just as teachers.

Q: It was only a professional relationship?

A: Yes.

Q: You were probably not aware of what he did outside of teaching, then?

A: No, I know he's a good person. If he wasn't a good person, I wouldn't have chosen to travel with him. He is a good man and he has a family, just like me.

Q: Thank you for participating today. Is there anything else you'd like to share with us?

A: I hope for the Tribunal members and everyone here to have mercy on me and my family. The only thing I have done is to try to help the poor. I hope you have mercy on me, do your best and do justice. I hope that justice will prevail.

The Personal Representative called the Witness, Rashid Abd Al Muslih Al Qaid.

The Tribunal President explained the process for questioning the witness to the Detainee.

The Witness was sworn.

When given the opportunity to ask questions of the witness, the Detainee asked his Personal Representative to question the witness.

Personal Representative's Questions to the Witness

Q: How long have you known Al Wasm?

A: About 3 years before leaving to help the refugees.

Q: Are you a school principal?

A: Yes.

Q: Did Al Wasm work at your same school?

A: No.

Q: Did you know him from another school?

A: Yes, he works in another school.

Q: How did the two of you meet?

A: Through teaching.

Q: Did you know each other very well?

A: There is no strong relationship between us; we met twice.

Q: Whose idea was it to go help the refugees?

A: It was our idea.

Q: Was there a lot of news in Saudi Arabia about the refugees?

A: Yes, I heard it on a radio station.

Q: Were there a lot of people from Saudi Arabia that went to help?

A: I don't know.

Q: Was school in session when you decided to go help?

A: Yes.

Q: You also took a vacation, to go with Al Wasm?

A: Yes.

Q: Both of you had official passports to go?

A: Yes.

Q: The part of Pakistan that you wanted to help...why did you choose that place?

A: I don't understand the question.

Q: What made you decide to go to the refugee camps in that part of Pakistan?

A: In Pakistan?

Q: In Afghanistan, on the border.

A: Because I heard there were refugees there on the radio, and we went to Iran.

Q: How did the two of you want to help the refugees?

A: With humanitarian work.

Q: Food, clothing, money...?

A: Money.

Q: Did you carry money with you?

A: Yes.

Q: Did you actually go into the refugee camps at any time?

A: Yes.

Q: And you gave away the money you could?

A: Yes.

Q: The two of you were together the whole time during your travels?

A: Yes.

Q: How long did you plan on staying in the refugee camp to help?

A: Three or four days to give the money out.

Q: You were planning on being away from Saudi Arabia for how long?

A: Until our mission was finished.

Q: A month, two months, three months...?

A: No, less than 10 days, but the mission was three or four days.

The Detainee and the witness started talking back and forth, without allowing time for translation. The Tribunal President advised both to stop the cross-conversations and allow translation.

Detainee: They asked you [Witness] if we were going to stay there for 2-3 months for our humanitarian mission. I don't think the Witness understood the question. It should be repeated to him.

Q: How long did you plan on helping out at the refugee camp? How many days?

A: Until the money was gone; three or four days. I understood the question to mean after leaving Saudi Arabia, how long were we planning to stay.

Q: While at the refugee camp, is that when the Iranian border closed?

A: Yes, after a period of time we returned and that's when we found out it was closed.

Q: The two of you were on the border of Pakistan/Afghanistan. Were you on a small piece of Afghanistan or not? Close to or into Afghanistan?

A: We were on the border of Iran, trying to enter Iran.

Q: Did you ever go into Afghanistan? Either one of you?

A: The mission was on the border of Iran, but inside Afghanistan.

Q: How far into Afghanistan did either of you go?

A: Directly on the borders, close to Iranian villages.

Personal Representative: I bring this up to the Tribunal because of the evidence of going into Afghanistan.

Q: How do you view Al Wasm as a person? With respect? Kindness? What kind of person is he?

A: A humanitarian person who has no connection to any terrorist organizations.

Tribunal Member's Questions to the Witness

Q: Why did you choose the travel route through Jordan and Syria to Iran?

A: Because our city is very close to the Syrian border and also because we were both seeking dental treatment. I was planning, on my return trip, to go to the same doctor for dental work. The cost of treatment is cheaper in Syria and Jordan, as well.

Q: What about the cost of travel? Was that the most efficient way to travel to Iran?

A: I don't know the other ways, but because Syria is close, it's cheaper.

Q: Did you see the same dentist that Al Wasm saw?

A: Yes, I went with Al Wasm to the same doctor, but I did not get treated there. I was waiting to return to get treated.

Q: We've been told your name appeared on a list of Al Qaeda Mujahidin fighters in a raid on a safehouse. Do you know about this? Is this true?

A: It's not true. I'm shocked about the accusations.

Detainee: I think he answered this question completely and he has said enough about this question. This is about me, and he [Witness] is just a witness.

Witness: I can talk about it. It's no problem. All the evidence Al Wasm has provided to the Tribunal proves that I have no connection to any organizations. How can an educational person, who spent their whole life teaching, who never carried a weapon in Saudi Arabia or outside be Al Qaeda? I think this is just an accusation. It is not the truth and it will now be proven. I know myself better than anyone else knows me.

I hope you do justice now on this point and on other points. Be fair.

Q: Do you know anything about an organization called Al Ighatha?

A: I do not know anything about the organization and I have no connection to that organization or any other. Our mission was a personal, humanitarian mission.

Q: Do you or Al Wasm belong to Al Haramain?

A: I have no connection to Al Haramain. Al Wasm cooperated with them inside the city.

Tribunal President: Thank you for participating. You are excused.

Witness: I hope you will be fair with this case and away from other influences. If you can prove he's [Detainee] Al Qaeda, present him to a hanging.

As the Tribunal President was explaining the ARB process, the Detainee wanted a definition of "threat". The Tribunal President advised it was someone that could harm us or our interests.

Detainee: I am not capable of that. That's not part of my interests...Coalition forces or others. I have been detained for no reason up to this minute.

AUTHENTICATION

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

[redacted]

Colonel, United States Army
Tribunal President

FAMILY NEWS ONLY
اخبار عائلية فقط

ISN: 338
PR 97

Date: 4/4/04 التاريخ
The addressee is my الموصل
Signature التوقيع
صلة قرابة المرسل اليه Exhibit D-b

Page # 15
In the name of compassionate and merciful Allah,
Peace, mercy, blessing, forgiveness, and Allah's obedience upon you all,
Continuity of good health and wellbeing for all you and all the surrounded Muslims brothers in the detention,
My dear brother, thank Allah we are well and in a good health, we are missing you and being away from the family. It is painful that you are in the detention for the sake of Allah. They arrest you while assisting and accomplishing your duties toward your frail Muslims brothers in the refuge camps.
Allah will ease your inflection and release you all.
Every one questioning about you and they share you in their prayers for your return to your home land soon.
This is your great chance to memorize the Allah's honorable book by heart and make it as your heaven.
Prosperity from Allah

Signature:
Date: 4/4/04
The addressee: brother

ISN 338
PR 97

3415

D-b

GUAN20041001847

INTERNATIONAL COMMITTEE
OF THE RED CROSS
GENEVA - SWITZERLAND

ICRC

وكالة البحث المركزية
اللجنة الدولية للصليب الأحمر
جنيف - سويسرا

ISN 338
PR #97

3416

FAMILY MESSAGE رسالة عائلية

(1) **SENDER** المرسل

ICRC No. رقم الصليب

Full name الاسم الكامل عمر عواد عمر الوسم

Family Name اسم العائلة الوسم

Mother's name اسم الأم [illegible]

Date of birth تاريخ الميلاد ١/٧/١٩٥٩م

Home Address عنوان السكن [illegible]

Postal العنوان البريدي [illegible]

Telephon رقم الهاتف [illegible]

APPROVED BY US FORCES

SEP 08 2004

ADDRESSEE المرسل اليه 338

ICRC No. رقم الصليب

JTF/ JDOG S-2

Full name الاسم الكامل عمر عواد عمر الوسم

GUANTANAMO BAY, CUBA

Family Name اسم العائلة الوسم

Mother's name اسم الأم [illegible]

Date of birth تاريخ الميلاد ١/٧/١٣٨٣هـ

Home Address عنوان السكن خوانتانامو / كوبا معسكر [illegible]

Postal Address العنوان البريدي VVV CC H

Telephone رقم الهاتف 160 Camp X-Ray
Washington, DC 20353

Please write very clearly الرجاء الكتابة بخط واضح جدا

GUANTANAMO 018417

FAMILY NEWS ONLY
اخبار عائلية فقط

ISN 338
Pg 4 of 7

Page # 5

In the name of compassionate and merciful Allah
My dear son, Wesam Awad, Abu Ahmad, the respectable,
Peace, mercy, and Allah's blessing,
Forgiveness, pleasing him, as it was in the beginning perfection of the good health.
We are longing to see your munificent face.
If would like to know about our condition, we are by Allah's grace in a good health and well, and all these are favors from Allah
We are blessed by the Islam virtue and praise Allah for every thing and all the time because Allah is capable to know everything. Accomplished fact that you are the detainees in better than us, thank Allah. You all went to assist and aid the poor and the destitute in Afghanistan and that is what Allah assumes on you all. You are all in Allah's course because your goal that you choose it was a humanitarian and Allah will reward you for it.
The children and the whole family are well and they are watching the day of your return by Allah's well. There is imperfection and the human being is not complete or perfect.
Praise to Allah

Signature
Date 5/4/04
1425/2/15

Salem
UNCLE

ISN 338
Pg 4 of 7

3417
D-C

التوقيع
Signature

التاريخ ٥/٤/٢٠٠٤
Date

ملاحظة قرابة المرسل اليه
The addressee is my

الوصول ١٤٢٥/٢/١٥

Exhibit D-C

GUAN20041 01847

I. INTERNATIONAL COMMITTEE OF THE RED CROSS
GENEVA - SWITZERLAND

ICRC

وكالة البحث المركزية
اللجنة الدولية للصليب الأحمر
جنيف - سويسرا

FAMILY MESSAGE رسالة عائلية

SENDER المرسل ①

ICRC No. رقم الصليب

Full name الاسم الكامل

Family Name اسم العائلة

Mother's name اسم الأم

Date of birth تاريخ الميلاد

Home Address عنوان السكن

Postal Address العنوان البريدي

Telephone رقم الهاتف

APPROVED BY US FORCES
SEP 08 2004
JTF/ JDOG S-2
GUANTANAMO BAY, CUBA

ADDRESSEE المرسل اليه 338

ICRC No. رقم الصليب

Full name الاسم الكامل

Family Name اسم العائلة

Mother's name اسم الأم

Date of birth تاريخ الميلاد

Home Address عنوان السكن

Postal Address العنوان البريدي

Telephone رقم الهاتف

160 CAMP X-Ray
Washington, DC. 20353

Please write very clearly الرجاء الكتابة بخط واضح جدا

ISN 338
PR# 97

3418

Response to the first point- the travel to Afghanistan from [redacted] late September of 2001 via Jordan, Syria, and Iran.

I have not traveled to Afghanistan and we had no intention of traveling to Afghanistan, however we intended on travel to Iran. We traveled after September 2001 knowing through the news agencies that a large number of migrants have submerged onto the Iranian boarders, thus we hurled there to rescue and aid them. One traveling to Iran must go through Syria followed by Jordan [this sentence was crossed off] we have traveled by car to Jordan then to Syria. From Syria we took a plane to Iran, due to the cheep costs of travel and nearing by the region of JOUF along with Syrian-Jordanian boarders also to treating my teeth in Syria. When we got to Iran and traveled to Iranian-Afghan boarder, we asked about the refugees and they told us they were at the Afghan-Iranian, we thought that they were inside the Iranian boarders. When we got to the boarder we're told that they were inside the Afghan boarders so we had to enter Afghanistan to help the refugees. After providing the aid at some of the villages we returned back after four days, then the Iranian forbade us from entering the Iranian boarder under the pretext of closing down the boarders. We have tried several attempts however they bounded for failure. Then I contacted my brother to help us out, our wait prolonged at the boarders in a hotel for one complete month and several days, but to no avail. And so I had to leave through Pakistan for preparation to going back to my country. We had no other choice.

Response to the second marginal point (2)
That is that the detainee traveled along with another detainee, yes my colleague in travel is detainee just as I am. That doesn't mean that he is involved in a sinister act. There could be many innocent detainees found at this prison who have no ties to doing terrorist activities or others, knowing that the Pakistani intelligence have sold us to you in spite of presenting our passports to them to attain formal entry visas through the Pakistani officials in the department of boarders.

Response to the third marginal point- involving the name of the other person and his AKA names they're listed in the registry of Al-Qaida's Mujahideen which were found amidst the raid on the AlQaida's safe houses. It's probable that within the Alqaida' registry wanted names an AKA that is similar to some one else, that is by itself not enough for a proof that it is the person positively. However it is necessary that all evidence must be provided completely; the full name the mother' name with a positive match of photos and the rest of descriptions for the accused person; my colleague has no ties to this organization. We consider this allegation to be fallible and un-founded.

Response to the fourth marginal point
That is, the detainee was associated with Al-Haramin organization:
There was no employment association between the Al-Haramin and my self. However there was cooperation in doing charitable works, which is made up of taking sponsoring some of the orphans in the country of Bangladesh and helping out some of the indigent, poor, and the orphans inside the JOUF region and its vicinity. From these projects they get their clothing and food for those that have fasted.

Exhibit D-d 1 of 2

Response to the fifth point-
That is, Al-Haramin is none-governmental organization that associated with Islamic terror:
The Al-Haramin is a government and official entity registered under the supervision of government Saudi Arabia; and officially registered it's also one of the charitable organizations. I have learned that the U.S. government has apologized to the Saudi government for its accusation against this charitable entity that it is a terrorist organization.

Response to the sixth and seventh marginal points:
I have not mentioned or asked about any ties with this organization, which called "The Relief", and I have no direct or indirect relations with this organization. I have no information about it. Your accusation of me of being tied with this organization is a falsehood and a lie accusation, which has no basis.

Response to the first main point:
This is, the detainee is associated with Al-Qaida: I have no direct or indirect association with Al-Qaida or any other organization. The proof for that would be that the person who traveled with my self work and me as teachers at public schools for the KSA ministry of education. We traveled for a humanitarian mission, and our government jobs are still kept for us, we left work after we processed request for a short vacation to perform this sole humanitarian mission. You have to check back with the records of employment you'll find this clear. I have been working as a teacher for twenty years and I have never left the JOUF region during this past period. Then how is it that I have ties with any organization when I have never left work ever. During this while I was under the surveillance of my country' security, I was never brought for questioning or interrogated for any reason. That is a proof for my periphery' innocence of any accusation or suspicion; as well as the person I traveled with he's worked for near 17 years in the field of education, also he has never been requested by the security [apparatus] of my country as far as I know. He has never left the country as far as I know, which confirms that we do not have any ties to any terrorist organization or else of that nature.

[TN: the other part of page 3 is redundant to points 1,2,and 3 which is crossed off...appears to be a scratch sheet to page number one]

3420
D-d 2of2

FOR PR 97 (X 245) - (5) ISN 338 PM

الرد على النقطة الأساسية رقم (1) وهي أن المحتجز ارتبط مع القاعدة

ليس لدي أي ارتباط لا من قريب ولا بعيد بتنظيم القاعدة أو أي تنظيم آخر والدليل على ذلك أنني الشخص المسافر مصر لغرض العمل بالمدارس الحكومية التابعة لوزارة المعارف لحكومة المملكة العربية السعودية ونحن مسافرنا لمهمة إنسانية ونحن مازلنا مرتبطين بوظائفنا الحكومية وقد تركنا العمل فور بعد أن عملنا إجازة قصيرة لأداء هذه المهمة الإنسانية النبيلة ويمكنكم الرجوع إلى ملفات العمل تجدون ذلك واضحاً، ومنذ عشرون عاماً وأنا أعمل في مجال التعليم ولم أغادر منطقة الكوف خلال تلك الفترة الماضية فكيف يكون لي ارتباط بأي تنظيم وأنا لم أغادر عملي قطعياً، وخلال تلك الفترة قد كنت تحت رقابة أمن بلادي ولم أستدعى للتحقيق أو المساءلة لأي سبب من الأسباب وهذا دليل براءة ساطع من أي تهمة أو شبهة ولذلك الشخص الذي سافر قد عمل ما يقارب الأربعة في مجال التعليم ولذلك لم نستدعى من قبل أمن بلادي حسب علمي ولم يغادر البلاد حسب علمي لذلك مما يؤكد أننا ليس لا يوجد لدينا أي ارتباط بأي منظم إرهابي أو غيره.

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الرد على النقطة الفرعية رقم (٤) وهي إرتباط المحتجز مع منظمة الحرمين

لم يكن بين وبين منظمة الحرمين ارتباط وظيفي بل كان هناك تعاون في العمل الخيري يتمثل في كفالة بعض الأيتام بدولة بنغلاديش ومساعدة بعض الفقراء والمحتاجين والأيتام داخل ~~[illegible]~~ العراق وما حولها ومن هذه المشاريع كسوة ~~[illegible]~~ وإفطار صائم.

* الرد على النقطة رقم (٥) وهي الحرمين منظمة غير حكومية ذات صلة بالاتجاه الإسلامي.

إن مؤسسة الحرمين مؤسسة رسمية حكومية مسجلة تحت إشراف حكومة المملكة العربية السعودية ومسجلة رسمياً ومن ضمن المؤسسات الخيرية ومن علمت أن الولايات المتحدة قد اعترفت لحكومة المملكة العربية السعودية من اتهامها لهذه المؤسسة الخيرية من أنها مؤسسة أو منظمة إرهابية

* الرد على النقطة الفرعية رقم (٦) (٧)

لم يسبق أن ذكرت ولا شُئلت عن علاقتي بهذه المنظمة التي تقوم الإتهامات ~~[illegible]~~ ولا يوجد لدي أي علاقة بهذه المنظمة لا من قريب ولا بعيد ولا أعرف عنها أي معلومات وإتهامكم لي بارتباطي بهذه المنظمة إتهام باطل وكاذب وليس لديه أي دليل من الصحة

* الرد على النقطة الأساسية رقم (١) وهي المحتجز أرتبط مع القاعدة

never my work. Through that period, I was under the watchful eye of the security of my country. No body asked or interrogated me for any reason. That was a proof of my innocence, form any charge or suspicion. Also the person I traveled with, he worked nearly 17years in the field of education. As far as I know, the security forces in my country didn't call him. He also as far as I know, didn't leave the country; whereof confirm that we don't have any connection with any terrorist organization.

- We didn't get military training; we don't have compulsory draft in the Kingdom of Saudi Arabia.
- We didn't travel to any suspicious country where we can get military training there.
- When they captured us, we didn't have any weapons, papers, books, and letters to implicate us in any organized work (any organization.)
- Getting out of the country was official, valid passports, our real names, and the transit countries also were officially visited.
- On our return when the Iranian borders were closed, we didn't tray any illegal ways to cross, in spit; the border police and smugglers for a bribe offered us to cross. spite
- Through those years of integration, the coming of Saudi delegation here, and the messages which proves our innocence and the truth about our humanitarian mission.
- On the Iranian border, I called my brother to take the appropriate action to let the Iranian authority allows us to go back to our country through Iran.

- There was no reason for the Pakistani authority to hand us over except getting paid. Also they didn't give us entry visa to their country. Also they didn't let us contact our embassy to secure our safe return to our country.
- All the Saudi Charity Organizations is registered with Saudi Interior Ministry since it is a government organization. How can you say it is a terrorist organizations and illegal.
- There is no reason to detain us this long time. Since when people get detain without any charge? Then they charged falsely without any proofs.
- For your information, I was suppose to be released with the Saudi group who left a year and half ago. According to the interrogators through number of newspapers, seen by some of the guys. This is another prove of my innocence and the truthful of my information.

السلطات الإيرانية بالعودة عن طريق ايران لبلادنا .

* لا يوجد مبرر لتسليمنا من قبل السلطات الباكستانية الا قبض مبالغ من المال مقابل تسليمنا ولذلك امتنعوا من إعطائنا تأشيرة دخول لبلادهم ولم يسمحوا لنا بالاتصال بسفارتنا حتى يدخلوا لعمل الاجراء اللازم لسلامة رجوعنا الى البلاد

* جميع المؤسسات الخيرية السعودية مسجلة ضمن سجلات وزارة الداخلية السعودية حيث انها حكومية فكيف تدعون انها مؤسسات إرهابية وغير قانونية .

* لا يوجد أي مبرر لإعتقالنا هذه المدة الطويلة ومتى كان الناس يعتقلون بغير تهم ثم توجه لهم إتهامات كاذبة ولا دليل عليها من الصحة .

* افيدكم أيضاً علماً أنني من المفروض أن أخرج مع مجموعة السعوديين الذين خرجوا قبل سنة ونصف حين صدر اسمي معهم وذلك بإعتراف المحققين من خلال عدة جرائد روتها بعض الشباب وهذا دليل آخر على براءة ساحتي وصدق علومي .

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عملي قطعيا وخلال تلك الفترة فرلنت تحت رقابة أمن بلادي
ولم أستدعى للتحقيق أو المسائلة لأي سبب من الأسباب
وهذا دليل براءة ساحتي من أي تهمة أو شبهه.
ولذلك الشخص الذي سافرت معه قد عمل ما يقارب ١٧ سنة
في مجال التعليم ولذلك لم يستدعى من قبل أمن بلادي حسب علمي
ولم يغادر البلاد حسب علمي لذلك مما يؤكد أننا لا يوجد لدينا
أي إرتباط بأي تنظيم إرهابي أو غيره

---

* لم نتدرب عسكريا ولا يوجد لدينا بالمملكة العربية السعودية بجنيد إجباري
* لم نسافر إلى أي بلد يشتبه فيه أو يمكننا أن نتدرب فيه عسكريا
* لم يكن في حوزتنا عندما قبض علينا أي أوراق أو كتب أو رسائل تشير
الى تورطنا في عمل منظم "أي تنظيم"
* الخروج من البلاد كان بطريقة رسمية وبجوازات بسفر رسمية غير مزورة
وبأسمائنا الحقيقية وعبورنا للدول التي مررنا بها كان كذلك بطريقة رسمية
* عندما أوصلت أبواب الحدود الإيرانية عند العودة لم نلجأ الى أي طرق
غير قانونية مع أن ذلك قد عرض علينا من بعض الموظفين بالحدود
الإيرانية مقابل رشوة "مبلغ معين من المال" ولكن ثلاث عدد منهم كبيرهم طهرني
* من خلال التحقيق خلال هذه السنتين وجميع وفود محاكمة المحكمة والرسائل
التي تؤكد براءة ساحتنا وصدق مهمتنا الإنسانية التي سافرنا
من أجلها. Exhibit D-e
* اتصالنا هاتفيا من الحدود الإيرانية لتشديد لعمل الإجراء اللازم حتى تسمح لنا

١) الرد على النقطة الفرعية رقم (١)

نعم لقد سافرنا إلى أوزبكستان ... وذلك لعلمنا أن بعض
الأجهزة قد تدفعنا إلى العمل على كل من الحدود الإيرانية
والباكستانية لذلك علمنا أن البعض يقف على الحدود الأفغانية
بعد الحدود ... نزرعنا لتحذيرهم من تمر البرد وحرارة الشمس واليوم والبعض
ولنا نعتقد أنهم داخل الأراضي الإيرانية مما حدانا للسفر
إلى إيران فقد ما لم نجد أي مهاجرين بإيران عبرنا الحدود
الإيرانية وقد أخبرنا أنهم داخل الحدود الأفغانية وقد قدمنا
مساعدتنا في البعض الذي يعلمنا أن الحدود الإيرانية الأفغانية وقد عودتنا
بعد أربعة أيام علمنا أن الحدود الإيرانية الأفغانية وقد عودتنا
رحلاتنا مماثلات عديدة

٢) الرد على النقطة الفرعية رقم (٢)

نعم زميلي محتجز من خلال هذه الفترة التي قبض علينا في
~~هذا شيء طبيعي~~ والاحتجاز لا يعني تهمة لأن ما يسمى
المحتجزين كثير من الأبرياء الذين لا ذنب لهم ولا علاقة لهم
مما حدث للولايات المتحدة ولكن وأنا وهم تم بيعنا
من قبل رجال الاستخبارات الباكستانية وقد قبض علينا
وتم تسليمنا ~~وضعنا~~ لسلطاتهم يدخل باكستان بطريقة رسمية
لأن هناك تأشيرة دخول لباكستان وقد أبرزنا هويتنا للمسئولين

٤) الرد على النقطة الفرعية رقم (٣)

قد ~~كون~~ توجد من الأسماء المطلوبة من المضاء تنظم القائمة لكن
شابه لله شيء آخر هذا وجد الأمر ويدل على أن هذا
هو الشخص بعينه ولكن لا يوجد تطابق الأدلة فأدلة

FOR: PR#97 (R2415)

(١)

رد على النقطة الفرعية رقم (١) السفر الى أفغانستان من السعودية في أواخر سبتمبر عام ٢٠٠١ عن طريق الأردن وسوريا وإيران.

لم نسافر الى افغانستان ولم تكن تبيتنا السفر اطلاقا كنا ننوي السفر الى ايران وقد سافرنا بعد سبتمبر ٢٠٠١ لعلمنا من وكالات الاخبار ان عددا كبيرا من المهاجرين قد تدفق على الحدود الايرانية فاسرعنا لنجدتهم وانقاذهم ~~بالسفر الى ايران ان من سوريا ثم الاردن~~ وقد سافرنا بالسيارة الى الاردن ثم سوريا ومن سوريا بالطائرة الى ايران فقد تخلفت السفر وقت منطقة الحدود بالحدود الاردنية السورية. ولغرض علاج استاذ بسوريا وعند وصولنا لايران وسفرنا للحدود الايرانية الافغانية سألنا عن اللاجئين فاخبرنا انهم على الحدود ~~داخل~~ الافغانية داخل الايرانية وكنا نعتقد انهم داخل حدود ايران، وعند وصولنا لحدود اخبرنا انهم داخل الحدود الافغانية فاضطررنا لدخول افغانستان لمساعدة اللاجئين وبعد تقديم المساعدات في مخيم لقرى رجعنا بعد اربعة ايام فامتنع الايرانيون عن السماح لنا بدخول ايران بحجة اغلاق الحدود وقد حاولنا عدة محاولات ولكنها باءت بالفشل فاتصلت بافراد لكي يساعدنا وقد طال انتظارنا بالحدود في منطقة مدة شهرا كاملا ولمدة ايام دون جدوى فاضطررنا للذهاب عبر باكستان تمهيدا للعودة الى البلاد وما كان لدينا اي خيار آخر

* الرد على النقطة الفرعية رقم (٢) وهي بلغ بان المحتجز سافر مع شخص بانه محتجز آخر نعم ان زميلي في السفر محتجز كما انني محتجز وهذا الامر انه متورط في عمل غير جيد وقد يوجد بهذا السجل كثير من الاسماء الذين لم يعلم عن قيامهم بأعمال ارهابية او بغيرها، مع العلم بان الاستخبارات الباكستانية قد قامت بتسليمنا للمرة الثانية قدمنا لهم جوازاتنا لاجراءات تأشيرات دخول بسيطة لنا من طريق المسؤولين الباكستانيين في دائرة الحدود.

* الرد على النقطة الفرعية رقم (٣) وهي اسم الشخص الآخر وكنيته موجودة ضمن سجلات مجاهدي القاعدة التي وجدت اثناء القاء القبض على البيوت المخصصة للقاعدة *

قد تم تحديد اسماء المطلوب من اعضاء تنظيم القاعدة كنية مشابهة لكنية شخص آخر، وهذا وحده لا يكفي دليلا على أن هذا هو الشخص نفسه يعينه، ولكن لابد من تعاون الادلة كاملة لاكمل كاملا ثم اكمال مطابقة الصورة وبقية البيانات لنفس الشخص المتهم وزميل لا توجد لديه أي علاقة بهذا المنظمة ونحن نعتقد هذا الاتهام باطلا لعدم وجود ادلة مدعمة

Exhibit D-1

Summarized Detainee Statement

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

Detainee: Which statements?

Tribunal President: Would you like to respond to the unclassified evidence?

Detainee: Yes, I do.

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

Detainee: It does not make any difference. If I can be sworn in, or I'll do it either way.

Tribunal President: Recorder, please administer the Muslim oath.

Detainee: Fine.

The Detainee was sworn using the Muslim oath. In the section that follows, the Personal Representative read the allegations on the Unclassified Summary of Evidence one at a time, followed by the response to the allegation that the detainee had previously given him (see Exhibit D-b). The detainee added comments as he deemed necessary.

3.a.1. The detainee, a Tunisian national living in Italy, traveled to Afghanistan in early 2001.

Personal Representative on behalf of the detainee: Yes, this is true. I went to Afghanistan as an immigrant.

3.a.2. The detainee stayed at the "House of Algerians" guesthouse in Jalalabad.

Personal Representative on behalf of the detainee: Yes, this statement is true.

Detainee: Yes, it is true.

3.a.3. The detainee trained on the assembly and disassembly of the Kalashnikov rifle.

Personal Representative on behalf of the detainee: Yes, this statement is true.

Detainee: Regarding number three, this is true.

3.a.4. The Tunisian government has listed the detainee as an extremist who lived in the Bosnian-Mujahedin Village of Bocinja Donja.

Personal Representative on behalf of the detainee: No, I didn't go there. I went to Italy in 1995 and the war was over in 1994. This is the first I have heard of this town.

Detainee: The year was 1994. This statement [referring to the Personal Representative's answer on behalf of the detainee] is correct.

3.a.5. The detainee was a member of the Sami Essid Network.

Personal Representative on behalf of the detainee: I don't know what this Sami Essid Network is.

Detainee: This statement [referring to the Personal Representative's answer on behalf of the detainee] is true I don't know who that is.

3.a.6. The Sami Essid Network provides financial support to terrorist groups.

Personal Representative on behalf of the detainee: My answer is the same as in number 5.

3.a.7. The detainee was sentenced to twenty years imprisonment in Tunisia, for being a member of a terrorist organization operating abroad.

Personal Representative on behalf of the detainee: This is an allegation I don't know anything about. This concerns the Tunisian government and I know nothing about it.

Detainee: Of course I don't know anything about it.

3.a.8. The detainee possibly falsified passports for fleeing Al Qaida combatants who make it to Europe.

Personal Representative on behalf of the detainee: I have not done this. If I forged passports, I would not use my own. I would be the first person to use a forged one.

3.a.9. The detainee was captured on the Afghanistan-Pakistan border by Pakistani military forces.

Personal Representative on behalf of the detainee: Yes, this is true.

Detainee: Number nine is true.

The Personal Representative introduces into evidence a written version of the detainee's answers to the allegations on the Unclassified Summary of Evidence and a copy of the detainee's passport, marked as Exhibits D-B and D-C, respectively.

Tribunal President: Personal Representative, this [referring to Exhibit D-C] has not been translated, so how are we supposed to know what it says?

Personal Representative: We have to use our translator.

Tribunal President: If you are handing it in, it is supposed to be translated.

Personal Representative: The detainee was indicating to me that this would show he was not stamped into Bosnia.

Tribunal President: As I am reviewing Exhibit D-C, I can't understand what the stamps mean. I can't determine if there is a Bosnia stamp there or not.

Detainee: The majority of the stamps on the passport, they are in the French. They are stamped in French or the Italian language.

Tribunal President: Okay, it looks like I am going to need some help from Adel Ben. Adel Ben, I am going to need your help in telling me what these stamps mean.

Detainee: Of course.

Tribunal President: Adel Ben, if you can call out each page and tell me what does that mean.

Detainee: I went from Tunisia to a place called Palermo. On May 11, 1995. Did you want me to mark this stamp, or what do you want me to do with this stamp?

Member: Is there a page number?

Tribunal President: Yes, what is the page number for that one?

Detainee: Page 6 of 9. It would be a good idea just to mark the stamp.

Tribunal President: Is that the only page?

Detainee: This is, I believe enough evidence to prove my innocence. This is the only stamp that I have here.

Tribunal President: Okay, is there a stamp that relates to Adel Ben traveling from Italy to Afghanistan?

Detainee: Yes, there is. I have the visa stamped on my passport.

Personal Representative: Page 7.

Detainee: On page 7 of 9, that visa, and on page 8 of 9 is my exit visa from Italy.

Tribunal President: Okay, is that all we need to know about that exhibit?

Detainee: That's all I have to say regarding the passport.

Tribunal President: Okay. Thank you. Adel Ben, I understand that you may have additional information that you would like to provide for us?

Detainee: I don't have anymore to say.

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

Personal Representative: No, ma'am.

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

Recorder: No, ma'am.

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

Member: Yes, ma'am. Why were you in Afghanistan? Why did you travel there?

Detainee: They have asked me so many times.

Member: We have not seen your record. This is all fresh and new to us. We have no knowledge.

Detainee: I was leaving because I wanted to immigrate.

Member: But why? In order to do what?

Detainee: Because I became a Muslim when I was in Europe. My country was very tough on the Muslims. Afghanistan was a country where they were willing to take anybody, you don't need any money to live there, and they welcome all the Muslims.

Member: How did you learn about Afghanistan?

Detainee: That's a known fact. Everybody knows this.

Member: Did you pay for your own trip to Afghanistan?

Detainee: Yes, I did.

Member: While you were in Italy, what did you do? What was your occupation?

Detainee: I was a telephone sales representative, and also a representative selling advertisements. Also I was self-employed.

Member: Okay. You said that when you were in Algeria, that you stayed at the "House of Algerians," correct? I'm sorry, excuse me, not Algeria, Afghanistan.

Detainee: That's true, I did.

Member: While you were there, did you ever see any soldiers or militia?

Detainee: I saw a lot of people there, but I am not sure which ones were militia and which ones were not.

Member: Did most of them have weapons?

Detainee: No, I did not see anybody with weapons.

Member: Why were you trained in the Kalashnikov?

Detainee: I did not go into the army in Tunisia, and it is compulsory to go in the army in Tunisia. Since I did not go into the army, I wanted to learn something about the Kalashnikov or the other weapons, and I don't think this is a crime.

Member: That's all I have right now, ma'am.

Tribunal President: Okay.

Member: Where did you get the training on the Kalashnikov?

Detainee: Inside the house.

Member: So, you did not shoot it at all?

Detainee: I never did.

Member: When were you captured?

Detainee: I forgot the date, but I believe it was sometime in September towards the month of Ramadan. Either the end of it, or the beginning of Eid.

Member: So Eid would be at the end of Ramadan?

Detainee: Yes, it is.

Member: How did you leave Afghanistan to go to Pakistan?

Detainee: There was one road, but that was closed to go from there to Jalalabad. We had to take second route, which was towards the mountains.

Member: Was this towards the mountains that are called the Tora Bora mountains?

Detainee: Yes it is.

Member: And did you travel by yourself, or were you with other people?

Detainee: I traveled by myself. When you asked me that I traveled, what are you referring to?

Member: When you are going from Jalalabad to where you were captured by the Pakistanis.

Detainee: I thought you were talking about Italy.

Member: Oh, okay.

Detainee: I was with a group of people, and then everybody went their own direction.

Member: So when did they go in their own direction? Were you already in Pakistan when you went on your own direction?

Detainee: Close to the border.

Member: Were people armed? Did they have weapons to go to the mountains?

Detainee: They did not have any weapons.

Member: Did you see any fighting or any bombing as you were going through the mountains?

Detainee: I heard of the bombing and the fighting, but I did not see any.

Member: Okay, I have no further questions.

Tribunal President: How long did you live in Italy?

Detainee: I lived there for 6 years. Since 1995, and before that I was in Rome. So the total period is like 7 to 8 years.

Tribunal President: Was it your intention to stay in Afghanistan?

Detainee: That depended on the situation once I got there.

Tribunal President: When you realized that there was bombing and there was a war, what were your intentions?

Detainee: The United States is one of the super powers. I did not have any intentions.

Tribunal President: Once the war started, was it your intention to stay there, or were you ready to leave?

Detainee: I wanted to leave.

Tribunal President: Did you travel for a jihad?

Detainee: No, I did not. I went there 10 months before the U. S. forces got there.

Tribunal President: Was there a person that encouraged you to go to Afghanistan?

Detainee: This was of my own thinking and my own doing. There was no other guy.

Tribunal President: Was there anyone that assisted you with finding a place to stay?

Detainee: There was not a specific person, but there was a guy who helped me go to the Algerian safehouse.

Tribunal President: Who would that be?

Detainee: Yes, there was a guy. His name was Abdel Fath.

Tribunal President: How did you know Abdel Fath?

Detainee: When I went to the mosque, I knew of him.

Tribunal President: What mosque and where?

Detainee: In Milan, there is a mosque over there. The name of the city I believe is Via Boivia.

Tribunal President: What did Abdel Fath help you with?

Detainee: He just assisted with the place I go to.

Tribunal President: Were there any other cities or villages you attended or went to while in Afghanistan?

Detainee: I passed by Iran, and Mashed.

Tribunal President: And what was the last one again?

Detainee: Mashed.

Tribunal President: Is Mashed in Afghanistan?

Detainee: In Iran.

Tribunal President: Were there any other cities or villages that you stayed or visited?

Detainee: I passed by, I am thinking of the city's name, Herat. The name of the city is Herat and then from there I went to Kabul.

Tribunal President: Did you stay in Kabul for any length of time?

Detainee: Yes, I did.

Tribunal President: How long were you in Kabul?

Detainee: Too long.

Tribunal President: Was that a week or a month?

Detainee: More.

Tribunal President: A year?

Detainee: Less. I stayed there for approximately 9 months.

Tribunal President: What did you do there?

Detainee: This is a new form of interrogation. In the past 3 years, I got so sick and tired of all the interrogations, but I will answer the question. I stayed in a house where I was getting some advance religious training or schooling. If an interrogator asked me that question, I would not answer it, but because of my respect for the Tribunal, I will answer that question.

Tribunal President: I appreciate that. Do you know the name of the house that you stayed in?

Detainee: There was no name, but it was huge house.

Tribunal President: Do you know if the house was owned by the Taliban or Al Qaida?

Detainee: I don't think so.

Tribunal President: Were there soldiers or fighters there?

Detainee: No, there was not any. They were all students.

Tribunal President: How did you support yourself while you were in Afghanistan?

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

Tribunal President: Did you receive any money or give any money to any foundations or organizations while you were in Afghanistan?

Detainee: I had a small amount of money. How can I give them money?

Tribunal President: Thank you for answering our questions. Is there anything else that you would like to add to your story or your statement?

Detainee: No, I don't have anything to say.

Tribunal President: Any other Tribunal members have any questions?

Members: No, ma'am.

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

Personal Representative: Madame President, I have no other evidence and there are no witnesses.

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

AUTHENTICATION

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

[redacted]

Colonel, U.S. Army
Tribunal President

Detainee 148 responses to allegations

1. Yes, this is true; I went to Afghanistan as an immigrant.

2. Yes, this statement is true.

3. Yes, this statement is true.

4. No, I didn't go there. I went to Italy in 1995, and the war was over in 1994. This is the first time I have heard of this town.

5. I don't know what this Sami Essid Network is.

6. Same answer as in number 5.

7. This is an allegation I don't know anything about. This concerns the Tunisian government and I know nothing about it.

8. I haven't done this. If I forged passports, I would not use my own. I would be the first person to use a forged one.

9. Yes, this is true.

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 thru R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

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

The Detainee did take the Muslim oath.

The Personal Representative presented exhibits D-B in response to the allegations. The allegations appear in italics, below.

3.a. The detainee is member of the Taliban:

3.a.1. The detainee was a member of the Taliban.

3.a.2. The detainee was in charge of the 3rd police precinct in Mazir e Sharif under the Taliban.

3.a.3. The detainee signed all official correspondence in his position with the Taliban police.

3.a.4. The detainee's duties for the police included conscripting young me for the Taliban by grabbing them off the street.

3.a.5. The detainee was authorized to receive money from the abovementioned conscriptees in lieu of their service to the Taliban.

3.a.6. The detainee stated he was hired as a supervisor in a petroleum company as a result of a resume he prepared for the Taliban.

3.a.7. The detainee's position with the aforementioned petroleum company required his nomination to the Prime Minister by a high-ranking Taliban official and approval by the Cabinet.

3.a.8. The detainee was in charge of approximately 15,000 people with the aforementioned petroleum company.

3.a.9. The detainee was in charge of the aforementioned petroleum company for approximately eighteen months.

3.a.10. The detainee was captured with an article about the Islamic Movement of Uzbekistan (IMU) given to him by an Imam.

3.a.11. The Islamic Movement of Uzbekistan (IMU) is designated as a Foreign Terrorist Organization by the Executive Order 13224.

Tribunal President ensures the notes from the previous Personal Representative were read to the detainee.

The Personal Representative had questions for the detainee

Personal Representative: Would you like to explain to them any relationship that you had with the police precinct in Mazir e Sharif?

Detainee: Mazir e Sharif when the Taliban was there, I did not know anyone in the Taliban. The Taliban came to Mazir e Sharif after about seven or eight years in the country because they came to Mazir e Sharif late it was not inside of Afghanistan. My father-in-law was working with the government before the Taliban came. When they came to the area they asked for my father-in-law. Then I went to see their commander because they wanted to see my father-in-law. I asked him why are you asking for my father-in-law about the weapon and about what he did. He has a lot of people that work for him and they are still working in the government. You can ask them to do the investigation, first to see what he did wrong, and then you come ask him anything if you find something against him. I went and talked to him three times and after that I took my father-in-law to him. He went there and he explained everything. They asked him questions and he answered everything. The leader was writing something to his superior, but he can't write so my brother-in-law wrote the letter for him. When he saw this, he told my father-in-law you can stay here, we want you to work for us. It was his son and I was with him. He turned to us and said you guy's stay with me. I don't want to stay with them because I'm scared that they will send me somewhere or maybe kill me. I want you guys to stay with me. Both of us stayed there with him. After a couple of days we came to Mazir e Sharif and they put him in charge at the 3rd police precinct in Mazir e Sharif. There is like eleven districts in Mazir e Sharif and he was in charge of one of the districts. We were with him like three or four days and he had to go back for a couple of days. He told me to stay here while I'm gone, you can be in charge because I knew how to read and write and he asked me stay after him. We were in that place for two months. After that he came back and we went home. That was the beginning of the Taliban time when they came to our area. Any other questions about that area or what I did. I can elaborate more on it. You can ask and I can clarify the answer.

Tribunal President: Thank-you and we may have some questions here in a minute or so.

Detainee: Because I worked in that area and with the petroleum company. Those two areas there is a lot of questions maybe but I want to answer them and clarify what I did and why I did it.

Personal Representative: Explain how you were you working with the petroleum company and how that involved you?

Detainee: I went after two months of staying in district as the policeman. I went home. I was doing my own business as a shopkeeper and I did this for two months. Then one day a leader of the Taliban, which was asking for my father-in-law in the beginning and I went and talked to him a couple of times about him. He came to my house with my father-in-law. They told me right now there is peace everywhere in the country, so you shouldn't just stay at home, you should work for the government. I told them that I'm not that experience at doing any work. There is no fight anymore that you want me to go with you and fight. He asked me what could you do? What are your qualifications? I told him that I had a business with herbs. I know how to grow where to grow, what seasons to grow, and which herb is good for what reason and what cause. I told him I want to know more about those herb medicines and if you want me to work you can put me on the agriculture side. I can go and research on those herbs and probably help you also. He told me to do a resume and I will see what I can do for you. He came back and took my resume with him. He said it's not your choice of where you want to go! We want you to go to Shamangan(ph), that is providence in Afghanistan. We want you to go there and check the soil to see how much petroleum is under there and what the soil looks like. He gave me a paper and I took that paper and went to Shamangan(ph). I met with all of the workers over there. I asked those people what are they doing because I am not an engineer and I don't know about this job. This is why I was asking them who knows the job and what is their job. They said that they have drilling machines which go will drill six thousand to ten thousand meters underground to find out if there is any petroleum there. There were three kinds of drilling machines. One goes six to ten thousand meters, one drills three hundred, and the other one is one hundred and ten meters; just to see how the soil is and if there is any petroleum there. I asked them if those machines are working and what their conditions was. The machine that goes down to six thousand meters is not working because after the Russian war the northern alliance they took that machine apart and they are just sitting and we could no operate them. The second one that goes down to three hundred meters is not working. There is no tire and the engine is not working on it. We have to spend a lot of money if we want to get them working, because the northern alliance leader took things from them. The one hundred meter drill, one of two is working. The other one is missing tires and not working. That is why I questioned what could they do with just two machines working that drill one hundred meters. They didn't know how to check it. I was there for six months. In the six months they said that those machines cannot be replaced or fixed because it was too expensive. Afghanistan is not a rich country that can fix them. I'm sure right now the American Government is there and those machines are still like that because it is too much money to fix them. When I was there, there was no work. Maybe in the Russian time when Russia made this company, it might have been fifteen thousand people working at that time because everything was working and they had money and you could keep that many people, but right now everything is broke and there was no work. So how can the government keep fifteen thousand people and just pay them and not get any work out of them, that is not making any sense? When I was there that building just had a couple of people in it. We didn't have anyone working for us. How can they say that

there were fifteen thousand people under my supervision? You have to pay people when they work for you. If nobody is working and there is no job or work for them, how can the government pay that many people? The building right now is not big enough that you can put a thousand people in there. Maybe in the beginning when they were working in different areas they probably had that many employees, but not in that area now. When I was looking for people to see how many people I have, I could not find a hundred people in that building or to get together because there was nobody there. So how can they put fifteen thousand people on that paper? Maybe that many people were working in the Russian time when they could pay the people and there was work for them. When the Taliban came the people were asking to get money from the new government. They claimed they still had three thousand employees, which was working in that company before. Taliban said no. Then they said how about two. They still said no. Then finally they said you could at least give a thousand people their jobs back with the company. When I was there, there was nobody there. There was no work and it was not that many people. I don't know if some people was just getting money from the government and sitting at home and not showing up to work. If you go and you find out that five hundred people still working in this company right now you can give me any punishment you want, but you will not find anymore than one thousand people, there is no way that fifteen thousand people was working during the Taliban time. In the beginning when they needed people to fill up the slots there was not any cabinet decision, minister or higher-ranking official decision, it just depends on who was in charge, but he just needed people who could read and write and just put people in the slot. In the beginning they could not find the right people. That is why they sent me to that place and I did it for a short a time. I left that place. After that if they were dealing with someone with their decision or high ranking, I don't know about it. In the beginning it wasn't anything like that. They are saying here that I worked approximately eighteen months in that company. I only did it for six months. The governor assigned his person to that position and then the ministry sent another person to the position. They could not agree on who was supposed to work. The ministry wanted his person and the governor wanted his person. Neither of those two people was able to start work. I was home and I guess they counted this one-year time when they were actually fighting, the ministry and the governor. They put this one-year behind me and counted as being there eighteen months.

Personal Representative: Do you speak Uzbek?

Detainee: I'm a shopkeeper on the northern side of the country and we have four kinds of people in the area. We have pashtu speaker, farsic(ph) speaker, uzbek speaker, tajik from Tajikistan. I'm a shopkeeper and all type of people comes to me to buy medicine. I know what they need. I just understand them when they talk to me, but I cannot speak, read or write Uzbek.

Personal Representative: Can you explain the dispute that you had with the current secret police supervisor?

Detainee: After the Taliban left, I was at home a month after that. At that time everybody was fighting, either it was the commander or different ethnic groups about

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language bases because the Taliban was pasthu speaker and everybody were against the pasthu speaker. Uzbek, tajik, and farsic(ph) speaker were looking for the people who speak pasthu. I was home and that person he was the police chief in charge at that time. He was just the commander before. When the Taliban left, he knew another friend of mine, I did not know him directly, that commander. I know him through my friend. He came to my place. I was at home in my shop. He came to me three times and said if I need any help because I'm a pasthu speaker and if the people are giving me a hard time because everyone hates pasthu speakers now. If I'm in trouble or people giving me a hard time, I could call or contact him and he will help me with it. He came there three times and third time when he came he really wanted to help me if some people started giving me a hard time. He wanted me to go with him to see where he lived in case something happens, so I sent for my employee to let him know that I needed him. He told me since he was a tajik, he told me that I want you to, in case you need me anytime. People who are uzbek, pashtu speaker, or tajik given you a hard time then I can help you with that. I want you to go with me to see my place and if anything happens to you or they come and get you then you can tell your employee or send anyone in you area to let me know what happened and then I will go and help you. In that time everybody was in a hurry and there was no peace at that time and the Taliban had left and there was no government in the country. Everybody needed people that they could count on in the government or commander. I thought okay; if anything happens to me he could probably help me because he was the commander and he still know people. I went with him to his house to see where he lived, so in the future I could tell my employee or anyone to let him know. I went with and we had lunch together. After lunch I told him I know where you live now and if anything happens to I will send someone to you to let you know, and I want to go home now. He said since you are my new friend now how can you just go. That's not our culture. You could at least stay with me a night and have dinner and you could leave tomorrow. I thought it would be fine if I stayed one night with him. I stayed the night with him and he sent a soldier to me with a message saying the commander wants a thousand dollars because he brought a new car. I told the soldier to tell the commander that I did not bring any money with me. I'm sorry; I don't have any money right now on me. After we ate dinner the commander sent the soldier again saying the commander said he wants two thousand dollars now. Then I realize that I had been kidnapped and he wanted money from my family and me. In the morning he was asking for three thousand and then the next evening he asked for up to five thousand dollars. He was not coming and talking to me, he was just sending his soldiers. I heard him talking outside so I step out of the room to see him. I went asked him why are you asking for money from me. I thought you just wanted to show me your place in case I needed you and now you are sending your soldiers and asking for money. Then he told me to come with him in the car he wanted to talk to me. He asked why are you not giving me the five thousand dollars and I said why should I give it to you. He said that when you were staying at home doing your business and living in the air conditioning we were in the mountains fighting, so I at least deserve five thousand dollars now because after all those hard times I did while you were at home enjoying your life. I told him I am not a big person, I am not the government, or a government official, I'm just a business man and I was doing this to take care of my family and I don't have any money for you and I am not going to give you any money. He kept me there for six or seven days. He finally

realized that I was not going to give him any money. He told me to come with him and we went in the car and he told me that he was going to drop me off at home. He gave me to another person and it was his job to kidnap any person, like a family member, and make an audiocassette and send it to the family saying that we have this family member and I want this much money or I will kill them. This person took me and handed me over to that other guy. That guy was the commander of (inaudible) which was the commander of the northern alliance. He got a piece of paper from his pocket and asked me are you Abdullah Hekmat? I said yes, then he said why did you not give that commander five thousand dollars? I told him I made this money for my family and me and not just to give it to him. He said to me that since you did not give that person five thousand, I will now ask your family for fifty thousand dollars. He took my watch, which was an expensive watch and my shoes. They took everything off of me and just left me in my clothes. They took me to this room that look like an interrogation room where they were beating people and asking questions. That one person told the commander do not beat him. He will give you twenty-five thousand now and then he will give you twenty-five thousand in the future. I told them that I did not have that much and they just put me in the room and left. The next morning they brought two more people they eyes were covered and their hands were in handcuffs. They took them to that room and they beat them the entire day and then that evening they brought them back to their room and they were wounded. That night one of them died because they beat him so much. He told me that, that person was a businessman selling carpet. The commander was asking for money and he said no, that is why they beat him. I called the soldier and told him that this person is dead. They came to check him. That night they brought a sack to put the body in and took it. That person told me before he died; I have nine kids and a family. He asked me to let his family know what happen to him when I get out. They were killing people everyday. Some were getting beaten and some were giving them money and they would let them go home. One person said that he gave them one hundred thousand dollars and they asked for forty more and then they took him and I never saw him again. I don't know if they let him go home or if he was dead also. I was there for two months and my family they knew where I was. I don't know how they knew, but I told a soldier and I guess the soldier told my family and one day they all came to this place. They told me you could see your family and kids on one condition. They cannot go and tell anyone where you are, otherwise if they tell someone we will kill you. My wife, I told her to go and tell everyone where I am and these people kidnapped me and they are asking for money. I don't know who she told. I guess maybe it was to the UN, or the government, or to the Americans. Some people came and they were asking for me. I think it was maybe the UN. He was scared because some people were looking for me. He said, I guess your wife told someone and now people know where you are and where my place is. They put me on a cart and told me I was going home, but they transferred me from that place to another place. He was going to send me home, but another commander, which was his friend, told him if you send him home and if he didn't get home what were you going to tell those people if they came and asked for him again. He got scared and instead of sending me home, he sent me to the ministry of information. That is why I am here today and why they captured me. This is the entire story. I did not get captured when I working with the al Qaida. The only reason that I am here is because of those people who kidnapped me and then handed me over to the government. That is

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the main reason I am here and not because I did anything wrong. I was kidnapped for money and that is main reason I'm here.

The Recorder had no further questions.

Tribunal Members' questions

Q. Is your wife tajik?
A. (inaudible)

Q. When you worked for the oil company were you paid by the Taliban?
A. They were paying me fifteen dollars a month. If you measured it to Afghan currency one dollar equaled to hundred thousand Afghan at that time but it was not enough. I was using my personal car and that wasn't enough for gas. I also want to say something because now I remember now they said that I was grabbing people of the street and that I was getting paid for that. I want to say something on allegation number three and number four.

Personal Representative: Reads allegations number three and four for the Detainee.

Detainee: Both of those allegations are wrong for a couple of reason. First of all I was not in charge of that position. I did not have any power to grab people. My house is in the 3rd police precinct area. I cannot just go and grab people that I live with and grow up with. If I did this today then tomorrow I will have to face those people to get money out of them or to work with them. That was the other reason I could not do that. Even if I had a choice, I would not do that to those people. If I did that for them and I got money off of those people then after that when I go home, the people should say something and ask for their money back because I took it from them. Another reason is that there were four groups in the Taliban. All the groups had armed people with them. They were there for the security of the people. They were announcing on the radio for the people to report if any of those ministers of the people like the police, communications, information, or security if any of those departments did anything wrong to the people if they get money off, or do any harm to them or their family then they could report that to the Taliban. Any person who got a hard time from those four departments or if they got money off any person they would go to the Taliban and report it. Their group would come and handcuff that person who did that to him and sell his property. In come cases they would actually cut his hand. If I took money off of some people, then I shouldn't be here with both hands today. I did my own business, which I was making money for my family and me. I don't need to grab people and make money off of them. I don't that need that small amount of money from people and tomorrow I can't look them in their eyes. Now you can see the reason why I did not do those things.

Tribunal Member: If I can clarify one thing you just said handcuff and take them to Taliban was that incorrect? Was it supposed to be handcuff and take them to the new government? ***(Clarifies statement made by detainee with the translator)***

Translator: No he said that the Taliban, they would go and get that person and bring them to the ministry.

Tribunal Members: That was while Taliban was involved?

Translator: While Taliban was involved.

Detainee: In the Taliban their official cannot ask anyone to grab people for money or let them go because of money. In their government, it was not allowed and they were against the Taliban government. They were going to stop the person who was doing that. They were telling other people not to do that.

Tribunal Members' questions continues

Q. You have talked about different language farsic(ph), uzbek, pashtu, and tajik those are the four languages. How does that match up to people? Who speaks farsic(ph)?
A. People from Tajikistan speak farsic(ph) also.

Q. You made a comment that Uzbek's do not like Pashtu's is that correct?
A. Yes. In the beginning there was language dispute. People didn't like pashtu speakers, so the people with money that was Pashtu went to Pakistan as a refugee because they knew that people were looking for them

Q. The carpet owner who was killed did he speak pashtu?
A. We talked but I'm not sure. I did not ask him if he was Pashtu or not. He was tortured too much and he could not speak clearly.

Q. I guess what I want to find out from you is do they torture people because they were Taliban or did they torture people because of their race or language?
A. When the Taliban left, people had a chance to, they knew that the Taliban were pashtu speakers and other people speak pashtu they say that were also either part of the Taliban or look at them like they were part of the Taliban. In the northern side, the thing that a lot of Uzbek speakers had a dispute with the pashtu speakers before and now there was no reason for them with the Taliban gone.

Q. Do you know if the Islamic Movement of Uzbekistan had a lot of Tajik's or was it mostly Uzbeks?
A. I don't know that group. I have never any relation with them so I don't know who is in that group. I did not see any foreigner in that area that I was living.

Q. Did you own a weapon that you kept at your store for security or any other weapon that you kept at home?
A. I have never carried a weapon.

Q. Does your wife work?
A. What kind of work?

Q. Does she help you with the store?
A. Here it is not a big deal for a female to work but in Afghanistan they don't work, the usually stay home and the men they work. The people with money get maids so the wife doesn't have to work at home like the cooking and washing. Since I have money I have people who work at home for her.

Q. How old are you?
A. Thirty-three

Q. What is your highest education level?
A. Six years in school and the other six I studied at home. High school.

Q. You said you never owned a weapon, but have you ever had any military training?
A. No. My father was a shopkeeper and he was in the business when I learned after school.

Q. You never fought against the Northern Alliance or the Americans?
A. No I never have. When the Taliban came they made me work for them and before that I was just doing my business. I didn't have time to go somewhere. I was so busy in the business. People usually fight if they have reasons, if they are part of any other group or organization. I was just in Mazir e Sharif to do my business.

Q. Did you ever try to escape from the Taliban when you were working for them?
A. Even if I wanted to I couldn't because I had my business, my family, and my house. Even if I left they would give my family a hard time. I knew that I would be done with them in a couple days. I was done with them after sometime and then I was home.

Q. What language did the Taliban speak?
A. Pashtu

Q. What was the predominate language in the district where you lived and worked?
A. The area I lived in was very ethnic.

Tribunal President's questions.

Q. Did you have to pay the Taliban to continue to do your business?

A. No. I never paid them. My business was a hard business getting (inaudible) from anywhere to distribute to people coming over selling it to them. No one ask me for any money. I was just making money for my family and me.

Q. They didn't tax you or anything like that?
A. No. During their time never ask people for money. They never asked any businesses.

Q. When you went to this persons house that later transferred you to and extortionist and then to the minister of information, did you ever return home after that or is that when they turned you over to the US?
A. When those soldiers from the UN or whomever came and asked for me, the commander lied to them and said that I was not with him. He then turned me over to the ministry of information. There was a person working in that ministry that was working with the Taliban before. We had a personal dispute with him also. He saw me. He actually turned me over to the Americans instead of sending me home.

Q. Short answer is you never went home?
A. No

Q. So in the statement that the Personal Representative had prepared for us in relation to the Islamic Movement of Uzbekistan article. You said that an E-mond(ph) left it in your store?
A. Yes it was the Mullah(ph) of E-mond(ph) of the mosque. He came to my store because he had a headache. I wrote a prescription for him. He went to the pharmacist to get the medicine and when he was paying for that medicine he left the paper on the counter. The pharmacist brought it to me because that person had left that paper. I took it home because I was living upstairs and the next time he shows up I could give it to him. I forgot that it was in my home and that E-mond(ph) never came back to my store.

Q. So how did this document end up on you when you were captured?
A. When they turned me over ministry and I they finally turned me over to the Americans. The Americans went and search my house. I don't know if they found it there, where they found it or what else they found, I have no idea.

Detainee: First thing was that in the beginning you said that my witness I requested for was not reasonable available and in the future if you find a reason to answer (inaudible) then you will actually reopen the tribunal.

Tribunal President: We will consider whether the testimony would be of benefit to us or not.

Detainee: Everything that I told you those other two people did not know about it. Those witnesses one of them is my father and the other one is my villager that lived in the village that I was living in when I was a kid. I was in Mazir e Sharif with my wife and three kids just running my business. Whatever job I did in Mazir e Sharif they were not with me, my father and the other person. How I got captured, the trouble I went thru, and all of the hard times nobody was with me. If you asked them then they will not have any idea. They can't answer you in that field, at least specific information because I was by myself they were not with me. I usually visit my parents twice a year on the eighth, which is a holiday, other than that I live separately with my family. He could give you information before when I was there but not now because we are living separately. When I visit him he only knows what I told him. He was not living with me where he could see everything. If you ask him any questions he cannot give you any information. Just like when you are working here your family doesn't know what kind of work you do because they are not here.

Tribunal President: Is there anything else you want to tell us?

Detainee: My only witness that can help and knows about me is my wife. She could answer some of the questions. Other than that my business that I was running is still there. My property, my house, my store, and my three story building it is still there, even if there is no one living in there. Maybe things changed now. Maybe somebody robbed the store or the house but the property is still there. The people that know at that time, you can ask anybody in that area.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal.

Detainee: I want to ask one last question. Should I ask you now or should I wait until you finish up.

Tribunal President: You can ask it now.

Detainee: My question is, the six months I worked with the Taliban (inaudible). In those six months I did not harm anyone not even the United States. In the beginning on the radio, the American government was announcing that the Taliban was good people and that they would bring peace to the country because there was a tribe about 20 to 25 years before, so help the Taliban rebuild your country. That is why some of the people helped them in the beginning and not at the end when things changed but in the beginning. When the American came after the Taliban. I left them three years before that. In the last three years of the Taliban when things changed I had no relation with them. If I did not fight against the Americans, harm them or do anything against them. Why have they brought me here and kept me for three years?

Tribunal President: The only information we have seen about you to this point is the unclassified summary. Our job is look at two things, the information that the reporter

will present to us and your oral statement. Then we have make a decision as to whether your meet the definition of an enemy combatant.

Detainee: The only inhuman thing that the America has done to Afghan is they brought people here without investigating them in the beginning, who is this person, what did he do wrong, did he captured on the battle field, did he get captured while he was fighting against them. If you find somebody with that then that is fine. Bring people on information that someone gave you. You should investigate first and check to see if those things are correct and when you know then yes but bringing them and keeping them two years or three years in the prison keep him away from his family and his business and he doesn't know how his family will survive. Sometimes he is the only male and that makes him the only supporter of the family. Then finally realize that he was innocent. All the accusations was from the wrong information. It should not be that way. The Russians did not do that. In the Russian time they would just kill and you wouldn't have to worry about it. They would get all the information before and within in a month they would know if you were innocent or guilty. I have been here for three years and it is a lot of other people that has been here for a long time without checking their background. You will send people home but what will happen to all of their time he was here being far away from the family and all the lost days.

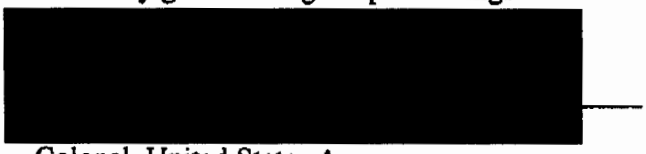
Tribunal President: You opinion is noted for the record. Right now I have some information that I need to share with you about what happens after this point.

Detainee: I'm sure everyone has a family and you think about your family. Right now I'm unhappy here because I know that my business is gone. You have to sell your stuff within six months and then you can bring more and sell it. I have been here for this long time and I was the only one doing it, nobody was doing it everything is gone now. When I go home what should I do, beg to people because I have never done that in my live before. I was doing my business supporting my family and now everything is gone. I don't have a choice but to beg people to support the family. All this happens to me. This life is better now because I don't want to go and beg people for food.

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

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."

[The Recorder read paragraph 3.a], "The detainee is a member of, or associated with, the Taliban."

Detainee: No.

[The Recorder read paragraph 3.a.1], "The detainee admitted he traveled from Yemen to Afghanistan via Pakistan in May 2001 to receive combat arms training."

Detainee: I'm not sure of the date, but the training was not for fighting.

Tribunal President: You will be given an opportunity to address each of these in just a moment. For now just let the Recorder read those to us, we have not heard them before.

[The Tribunal President asked if the Detainee wanted to make a statement under oath.]

Detainee: A lot of the statements here are incorrect.

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

Detainee: You read and I'll tell you if it's wrong or right.

Tribunal President: Very well. Personal Representative would you like to go through these with the Detainee please.

Personal Representative: Concerning item 3.a.1, the detainee admitted he traveled from Yemen to Afghanistan via Pakistan in May 2001 to receive combat arms training.

Detainee: I don't know the date and the training was without fighting.

Personal Representative: Previously he discussed that the training is a type of preparation and is a religious obligation.

Detainee: I did not say that. I said training only.

Personal Representative: Concerning item 3.a.2, upon entering Afghanistan, detainee sought out Taliban members.

Detainee: Yes.

Personal Representative: Concerning item 3.a.3, the detainee served as a courier for a Taliban member, making approximately ten trips between Kabul and Kandahar during a three month period.

Detainee: The trips were not as a courier and it was nine trips not ten.

Personal Representative: Concerning item 3.b, the detainee participated in military operations against the United States and its coalition partners.

Detainee: No.

Personal Representative: Concerning item 3.b.1, the detainee was present in Kabul during the United States air campaign.

Detainee: I was starting to leave.

Personal Representative: Concerning item 3.b.2, the detainee was injured in an aerial bombing attack near Khowst, Afghanistan.

Detainee: Yes.

Personal Representative: Concerning item 3.b.3, the detainee was identified as a Yemeni mujahid who trained at Al-Farouq training camp and was captured at Tora Bora, Afghanistan.

Detainee: No.

Personal Representative: And when we spoke, he reiterated that he was not mujahid.

Detainee: Yes.

Personal Representative: He never trained and was captured in Pakistan.

Detainee: Yes.

[Tribunal President asked if the Detainee had any other evidence to present to the Tribunal]

Detainee: No.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Why did you travel to Afghanistan?

A. For training.

Q. What kind of training?

A. Anything.

Q. Any kind of training?

A. Nothing, just small things like the Kalashnikov.

Q. So, military training?

A. I don't know. Does everyone know this is military training?

Q. You said yes to the question about when you entered Afghanistan you sought out Taliban members? Why did you seek out Taliban members?

A. Just something for me. I take what I want and then leave.

Q. When you say take what you want, are you talking about the training you wanted?

A. Yes.

Q. And the Taliban was providing the training?

A. No, I didn't see them.

Q. You said you took nine or ten trips between Kabul and Kandahar if they were not for a courier, what were those trips for?

A. To search for training.

[Tribunal President asked if the Detainee had any further evidence to present to the Tribunal]

Detainee: No.

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 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 wanted to take an Oath, the Detainee declined and provided the following statement in response to specific points in the Unclassified Summary of Evidence:

[Paragraph 3.1: The Detainee is a citizen of the United Kingdom who traveled to Afghanistan to flee criminal prosecution and receive military training.]

Detainee: The first part of that is true, but the last part is not true. Military training was just a last minute thing it wasn't planned.

[Paragraph 3.2: The Detainee traveled from the United Kingdom to Kandahar, Afghanistan around July 2001, via the United Arab Emirates and Pakistan.]

Detainee: That is true.

[Paragraph 3.3: The Detainee stayed at a house in Kabul, Afghanistan and received training in the assembling and disassembling of the AK-47.]

Detainee: That is true.

[Paragraph 3.4: The Detainee traveled to a terrorist training camp around 21 July 2001.]

Detainee: That is true, but at the time I didn't know it was a terrorist training camp. I thought it was just a military training camp for Muslims.

[Paragraph 3.5: The Detainee received basic weapons, war tactics, and navigation training at a terrorist training camp.]

Detainee: That is true.

[Paragraph 3.6: The Detainee conducted guard duty with a Kalashnikov rifle at the front gate of a terrorist training camp.]

Detainee: That is not true. At the time I said that I was under a lot of pressure. The place I was in I feared for my safety. Having already received injuries, I was forced to say that. They put pressure on me and I feared for my safety.

[Tribunal President commented he would ask questions later to clarify the Detainee's last comment and told the Detainee to proceed with his statement.]

[Paragraph 3.7: The Detainee was in contact with Usama Bin Laden while at a terrorist training camp.]

Detainee: Not fully true. I saw him at a group meeting. There was a big group and he was far away. I had no contact with him. I said that because I was under a lot of pressure, the same reason as before I feared for my safety.

[Paragraph 3.8: The Detainee stated he had one opportunity to fight the Northern Alliance forces in Kabul, Afghanistan.]

Detainee: That is true.

[Paragraph 3.9: The Detainee was arrested by the Pakistani local authorities on 7 February 2002.]

Detainee: That is true.

[Paragraph 3.10: The Detainee swore a bayat (oath or promise) to Usama Bin Laden.]

Detainee: That is totally untrue. The reason is the same as others (the Detainee feared for his safety).

Summarized Answers in Response to Questions by the Personal Representative:

Q: Did you want to explain any more regarding how you observed Usama Bin Laden in camp or what he was doing?

A: He was just talking similar to what we are doing now but he was further away in a big group of people. There were two people sitting next to him and he was in the middle. He was speaking in Arabic so I didn't understand what he was saying.

Q: Do you know why you were asked about swearing bayat by your interrogators or the significance of that question?

A: Obviously they heard about people in the camp swore bayat. They told me they knew I swore bayat. They would say admit it or we will send you to Cuba and if I lied everything I said will be a waste. They told me they would do this and that to me and I wouldn't get any sleep and they would punish me. At the time, I thought Cuba was a very bad place and I would be tortured and raped. I was very afraid.

Q: The reason you fled from the United Kingdom, how did that lead you to the military training?

A: After I saw the Muslim country I stayed with some people that liked those kinds of things and they persuaded me to do it. It started with the assembly and disassembly of the Kalashnikov and from there they tried to persuade me. I said yes to get them off my back.

Q: Would you like to explain to the Tribunal why you fled the United Kingdom?

A: Because in the United Kingdom I had a problem. I was in trouble with the police on an assault charge. At the time, I thought it would be worse I thought it might be accessory to manslaughter. I was arrested and told to come back for a line-up. In that time, I decided I was out of there. I was also prompted to leave because of problems I had with my family. I figured what the hell, I would just go and start a new life somewhere else plus, it was a Muslim state and I am Muslim. I thought it would be better for me to be there to become a better Muslim. I wasn't practicing as well as I could have in England.

Summarized Answers in Response to Questions by the Recorder:

Q: On point number one, you mentioned that part of it was true, you started out by saying the travel from the United Kingdom to Afghanistan was true and the second half wasn't. You went on to say the military training was a last minute thing without planning. Was it that military training that you said originally wasn't the true part of that statement? I just want to clarify if you did attend the military training.

A: Yes, I did.

Q: The second question is in regards to the swearing of bayat to Usama Bin Laden. You indicated that was done for the same reasons as the other answers you provided saying that it was said under pressure. Did you tell the interrogator that under pressure or did you swear the bayat under pressure?

A: I didn't tell the interrogators it was something I kept inside. They move you a round and give you a lot of trouble. They put you in cold rooms and make you sit for twenty hours. They do stuff like that here too. I thought if I said that they would do that to me too.

Q: That was your discussion with the interrogators?

A: No, I didn't say that.

Q: Okay, I am trying to figure out if you said that to them or you swore the bayat under pressure? What did you do under pressure?

A: I didn't swear the bayat.

Q: What did you do under pressure?

A: Under pressure I said I swore the bayat.

Summarized Answers in Response to Questions by the Tribunal Members:

Q: Did you pay for your own travel to Afghanistan or did somebody pay for it?

A: Some of it I paid for and some people paid for some of it.

Q: Who are the people that helped you?

A: Some of it was taken by a collection. I don't know exactly how they collected the money for me, and they gave it to me.

Q: When you said they, is that a group that you knew or a place you visited or what, I don't understand who actually did the collection?

A: It was a few people I knew.

Q: When you got to Afghanistan you said you stayed at someone's house for a while. Did you have to pay for that or did they just let you stay and take care of you?

A: That was free. Muslims are charitable people. They talked to me and gave me a house to stay in.

Q: Were they the same people that said why don't you go to military training?

A: Yes.

Q: Do you know the name of the camp where you went for the training?

A: At the time, no. Now I do. It was al Farouk.

Q: The people that raised the money for you, were they from your mosque or just people that were interested?

A: Friends.

Q: What mosque did you attend when you were in Britain?

A: Regent Park and (inaudible).

Q: Do you remember who the Imam was there?

A: At Regent Park they had four or five Imam's (inaudible).

Q: Did you have any interaction with Abu Qatada while you were in Great Britain?

A: I saw him. I went to Friday prayer and he was there and would give a talk before the prayer. The whole point of the Friday prayer is the long talk and we all pray together. It was in Arabic and it wasn't in a mosque. I preferred to go to the mosque but sometimes I woke up late and he did Friday prayer later. Because I missed the one in the mosque, I would go to that one. I just wanted to catch the prayer I didn't really care about the talk.

Q: His Friday prayers were usually in a community center or someplace where people…

A: Youth clubs. I went maybe three times.

Q: So, you heard Abu Qatada speak three times?

A: I didn't speak to him.

Q: You went to his talks?

A: Yes.

Q: You stated you had one opportunity to fight the Northern Alliance forces. What happened with that?

A: That happened when Kabul was taken. I stayed in the house with other people. Someone came in and said he saw the fighting. Everyone got their stuff together and said they were going to fight in the middle of the night. I made up an excuse and stayed behind. I didn't go to Afghanistan to fight.

Q: It was an opportunity presented but you didn't actually take part?

A: I didn't take a part.

Q: How did you get to Kabul to Pakistan and arrested by the Pakistanis?

A: That is a long complicated story. I traveled from place to place sneaking around and stayed in different houses. Eventually I got out and went to Pakistan. I was arrested in a house with other people.

Q: Was that done in a group or your own initiative to get out of Kabul and make your way to Pakistan?

A: It was done in a group but it was also my own initiative. I wanted to go to get out. That was the destination of most of the people that were in the same situation.

Q: How many people were with you in the house when you were arrested?

A: Approximately sixteen. I would have been the seventeenth one.

Q: At what point did you figure out that the camp you were training in was actually a terrorist training camp?

A: Near the end of the training time someone told me it was ran by Usama Bin Laden. At the time I was close to graduation and I figured I might as well just graduate. If I didn't and went back to the people I stayed with they would diss me and say I wasn't a man and I couldn't handle the training.

Q: About when was it that you graduated, do you remember?

A: Sometime late September.

Q: September 2001?

A: Yes.

Q: What was going to be your goal after you graduated? If the war hadn't started, what was your plan?

A: I had two plans. Maybe I would go back home because I went on a spending spree and I was running low on money. Or, I would stay in Afghanistan and hope someone would give us some more money and a long-term place to stay. We had two options. I wanted to go back home. That was the option I picked.

Q: When you say we, were there a couple of you traveling together?

A: A friend of mine.

Q: Were you going to look for employment in Afghanistan or set up a home there?

A: Set up a home. Employment is another thing to talk about I had to establish myself first.

Q: On three points in the Unclassified Summary you stated that they were untrue because you were being pressured. I would like you to expand, for the record,

who these people were and what conditions that you felt being pressured into stating these things or at least confirming certain aspects.

A: The conditions at Bagram Air Base weren't very good. I saw a lot of things they did to people that they thought weren't telling the truth or were withholding information. That scared me. I was also sick and I suffered from allergies. I was sick everyday and under a lot of stress from the whole Afghanistan situation. I lost all my belongings, my money, and my friend. All this played a part.

Q: Specifically, at Bagram detention facility when you say they, were they Americans or Afghanis, who?

A: Americans.

Q: Have you described this treatment at any other time than here?

A: No, it was something I kept in.

Q: I would like to review for the record that those points that you mentioned that you felt were provided under pressure. Number six, regarding your guard duty with the Kalashnikov rifle by the front gate at a terrorist camp and just to confirm you never actually performed guard duty at any of the camps?

A: No (inaudible).

Q: Number seven where you stated that you were in contact with Usama Bin Laden at the training camp, you have since clarified again for the record that you just saw him at a distance and heard him speak.

A: Yes.

Q: I also believe you said the part about the bayat that you never actually swore one, you just admitted to that under pressure, is that correct?

A: Yes, that is correct.

Q: At what time did you decide to travel to Pakistan to get out of Afghanistan?

A: It was a long time. It was after 11 September. It was a difficult situation. I didn't have enough money, I wasn't with my friend, and I didn't have my belongings with me. I wanted to find my way back to Kandahar, find my friend, and get some money.

Q: You mentioned your friend a number of times and that you lost him. Can you give us his name and how you lost him?

A: His name was Rasheed Ramadani.

Q: I assume when you say he was lost, do you know if he was killed, injured, or captured?

A: He was killed.

Q: I believe from the timeline that we have heard here, 11 September occurred while you were at the training camp is that correct?

A: Yes.

AUTHENTICATION

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

[redacted]

Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee confirmed that he understood the process but did submit a question in regard to the validity of the Tribunal.

Is this a regular court or is it just hocus pocus?

The Tribunal President informed the detainee that the Tribunal is an administrative hearing to determine his status as an Enemy Combatant.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents. A closed session was requested at a later time to present classified evidence to the Tribunal.

The Detainee opted to not be sworn and informed the Tribunal that the Personal Representative would assist him in making his statement. The Personal Representative informed the Tribunal President that he would read points contained in the numbered paragraphs in Exhibit R-1 and provide responses on behalf of the Detainee and the Detainee would comment as needed. The Personal Representative read the numbered paragraphs contained in Exhibit R-1 and provided the Detainee's responses to each as follows:

3.a. The Detainee is associated with al Qaida and the Taliban:

3.a.1. The Detainee was recruited in Mecca, Saudi Arabia, to take part in jihad on or about 26 December 2000.

No one recruited me in Mecca. I met a man who told me about the idea of Jihad. After that I went to Jahdia (ph) and met the man again who prepared me to go to Afghanistan. He gave me money and put me on a plane to the Arab Emirates first going to Pakistan. The man I met just gave me the idea. He didn't train me or anything like that. He just gave me the idea about fighting. I went from Jahdia (ph) to Konduz.

3.a.2. The Detainee traveled from his home in Saudi Arabia to Pakistan and crossed the border into Afghanistan.

I went from Saudi to the Arab Emirates to Pakistan then I crossed to Afghanistan.

3.a.3 The Detainee received small arms training at the al Farouq training camp in Afghanistan.

I never received any training. I did not go to the al Farouq training camp. I first went over to participate in Jihad but when I got there my opinion changed. I stayed for a while at the border for two or three months then went to Kandahar for one week and then to

Kabul. I went to a house that was a cooking facility for the front line. There I was trained on the AK47. I had no job there. I stayed for about five months or less. Then I went to Konduz until we were surrounded and there was an agreement to have all the Arabs delivered to Mazar-e -Sharif. I never went to al Farouq. They gave me a polygraph test to prove that I am telling the truth.

3.a.4. The Detainee attended training at al Qaida's al Farouq camp in Afghanistan.

This is not true. I took a polygraph test to prove that I was not lying. I was telling the truth.

3.a.5. The Detainee confirmed that he was present during the uprising at the Al Jenke Prison in Mazar-E-Sharif.

I was present but did not participate in the fighting. I escaped during the fight and turned myself in one day after. I went to the market to turn myself in. I met people in the market who were in the Army of Dostom. That is where I was when I was recaptured for the second time. The Dostom sold me to the Americans on my second arrest. They put me in jail and I was tortured by Afghans and forced to say things. I was moved to Kandahar. When I got to Cuba I told the interrogators the real story. I told the story that I told because I was forced when I was in Pakistan. When I got here and talked to the interrogator I told them the real story.

3.a.6. Usama Bin Laden visited the al Farouq training camp while the Detainee was in training.

This is completely incorrect. I was never at the training camp and I have never seen Usama Bin Laden.

I have no other statements to make other than I was never at the al Farouq training camp and I have never used any weapons or done any fighting. I never went to the al Farouq training camp, I never knew Usama Bin Laden, I never met Usama Bin Laden.

The Tribunal President confirmed that the Detainee had completed his statement. The Tribunal was then opened for questions from its members.

<u>Tribunal member questions</u>

Q. What is your usual occupation?

A. I am a student.

Q. How far did you advance in your studies?

A. High school.

Q. Have you ever received military training in Saudi Arabia?

A. No.

Q. Who administered the polygraph to you?

A. The Americans.

Q. In Cuba or in Afghanistan?

A. In Cuba. About a year ago.

Q. You mentioned that you received some training on the Kalashnikov.

A. Yes.

Q. What was the purpose of that training?

A. I had nothing better to do....

Q. Were you given a rifle at that point to keep with you or to use?

A. No.

Q. When you were captured did you have a rifle or any weapon with you?

A. No

Q. How did you pay for your trip to Pakistan and to Afghanistan?

A. How do you mean?

Q. How did you get the money for the travel?

A. I had some money and I took some money from the guy that met me and told me about Afghanistan.

Q. The man who spoke with you in Saudi Arabia to talk about jihad, had you seen him before, did you know who he was?

A. No.

Q. Do you know if he belonged to any organization such as al Qaida?

A. I wouldn't know. He never told me that.

Q. This man that prepared you for jihad. How did he prepare you?

A. In Islam, going to fight is a religious activity and is sacred to us. You can become a martyr and that's how he was helping me. In every one of these organizations that's what they are telling them. To become a martyr, you go there to fight.

Q. Did you go with anybody when you left Saudi Arabia to Afghanistan?

A. Me and another guy. I met him on the same plane.

Q. Once you were in Afghanistan, you stated that you changed your mind about jihad. Why did you not leave instead of going to Kabul?

A. I was looking for some friends and I didn't have enough money to leave.

Q. Were these friends fighters for the Taliban or al Qaida?

A. No.

Q. Have you ever been a part of or assisted al Qaida or Taliban?

A. No. If you look at the polygraph test it will prove that I am telling the truth that I am neither associated with al Qaida, Taliban, or any other terrorist organization.

Tribunal President questions

Q. The Unclassified Summary that we have shows a date of December 2000 that you were recruited for this jihad. Did you leave directly and go to Afghanistan at that time?

A. I can't remember the day but I know the month and year. Hijri year (Muslim calendar) the tenth month in 1421.

3.a.1. I was not recruited. It was an idea.

Q. How long did you stay in Afghanistan?

A. Less than a year.

Q. Did you have a job or do anything while you were in Afghanistan?

A. No.

Q. You mentioned that you were forced to say things. Was that in a Pakistani prison?

A. Yes. In a prison in Afghanistan.

Q. Was it physical abuse?

A. Yes.

Q. And once you were taken into American custody, are you stating that there was no more physical abuse?

A. I was talking to the American and explained to him what was going on and the interrogator got upset and just interrupted the meeting and said that I was lying.

The Tribunal President asked if the Detainee had any further evidence or witnesses to present to the Tribunal.

The only thing that I have is that polygraph. There are no witnesses. The only witnesses are the people who gave me the polygraph.

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

AUTHENTICATION

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

Colonel, United States Army
Tribunal President

Summarized Unsworn Detainee Statement

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

The Recorder presented Exhibits R-1 thru R-4 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

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

The Detainee did not want to 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.

3.a. The detainee is associated with al Qaida and the Taliban.

3.a.1. The detainee was identified as working for the police force in Kabul, Afghanistan.

Detainee: This accusation is a lie because so far I have never seen Kabul.

3.a.2. The detainee employed an associate as an Intelligence Agent.

Detainee: No this is wrong, the individual that you think I hired as a spy for myself is a dog holder. A dog holder could not work for the Taliban.

3.a.3. The Intelligence Agent was arrested for his involvement with the detainee.

Detainee: I go back to my previous statement that I told you. The individual was not a spy. First I need to know who the spy that you are talking about is? Whose spy? My spy, the Taliban spy, the Americans' spy, or the Russian spy?

Tribunal President: I think based on reading over the unclassified information we are going to assume that it would be a spy against the United States or its coalition partners.

Detainee: No sir, in the whole Kandahar you will not find any spy who will operate against the United States. I was working for the current government of Afghanistan. From the current government of Afghanistan I was a representative to my own area. Even if you want to spy, why would he not spy in his own province which is the province of Baghlan? Why would he come into my province? They have a formal government, then he should spy for his own government.

3.a.4. A former commander at Bagram, Shindand and Kandahar airfields, Abdullah Khan, also known as Kheirullah, visited with the detainee at his residence.

Detainee: I go back to my previous statement about this individual. He could not be a commander in the Taliban government because he was a dog holder. A dog holder will not be able to work for the Taliban government. Most of the time the interrogator asked me about Kheirullah Khawa(ph), that is a different individual than this individual that you are talking about. Kheirullah Khawa(ph) is sitting in the new camp. First Kheirullah Khawa(ph) was captured one year prior to me being captured. For the past two years they have been asking me questions about Kheirullah Khawa(ph) and I don't know why.

3.a.5. Abdullah Khan is alleged to have been a Taliban Airfield Commander.

Detainee: I go back to my previous statement that Abdullah Khan was a dog holder. A dog holder will not be able to work for the Taliban government. I have a request. You have a lot of friends and forces in Afghanistan. You can ask them the question, could any dog holder be able to work for the government of the Taliban or the Taliban would have any type of friendship towards them, they will tell you "No."

3.a.6. Kheirullah was visiting to coordinate weapons movements for future operations against U.S./coalition forces and the current government.

Detainee: This is my personal enemy's statement. My personal enemy brought the forces into my house, not the American forces but the Afghanistan government forces into my house. He was not a Talib, he was not al Qaida, you can ask about this.

3.a.7. Abdullah Khan commanded a group who planned an attack against United States forces.

Detainee: I got back to my previous statement again that this individual was a dog holder. We went to fight dogs. The individuals who fight dogs cannot be associated with the Taliban because they don't give this kind of people jobs. I go again back to my previous statement.

3.a.8. The detainee was captured with Abdullah Khan at the detainee's residence along with two others on January 29, 2003, where they were reportedly plotting attacks against the U.S. and coalition forces.

Detainee: This is a wrong accusation. I will tell you that two individuals were caught in my house. One of them was brought here and the other one was freed. Why would you free the other individual that you think is working with me? Instead of that individual somebody else by the name of Nasir Allah was captured in his own home. This is a plot from my enemy. Two individuals were caught in my house, one was freed and the other one was brought here. For example we are all sitting here and we are all caught. Would somebody free some of us and some of us brought here? We have seven different models of enemies in Afghanistan: language, religious, second cousin could also be our enemy, different organization have animosity towards each other, we have disputes over the land in our area, and lots of land disputes in our area in Afghanistan when the election was going forward. I was representative of the current government in my area when voted for

President Karzai's brother. It means that I was working for the government of Afghanistan and now you brought me as an enemy of you and the government of Afghanistan. If you could please explain it to me that if you bring your own friends here and let your enemy go, how can you fix Afghanistan? In Afghanistan they heard that American forces are providing $25,000 to capture each Arab and $15,000 to capture each Afghan. Is it you want to buy people with money? I will finally go home and I know I will go home. The enemy who sold me for $15,000 to you, I will charge him $200,000 and I will make sure that I hand all of his family to you; so they will work like me in Cuba. This cannot be happening that my kids are left behind in my hometown. I am like a dog chained here in Cuba and I am not able to go home and provide for my family. I cannot destroy my life, this is my dignity, and this is my life that I have to take care of. We come to a point if you want to help Afghanistan. You have appointed current governors in Afghanistan, current district chiefs in Afghanistan. The district chiefs and governors have control over the people. You should ask the governor or the district chief, you should not listen to the enemies. We come to the Russian era, when they invaded Afghanistan. The first two years we did not fight against them but in later times we fought against them. We don't want to fight against you the same way. For example this is just me you brought but I have six sons left behind in my own country. I have ten uncles in my area that would be against you. I don't care about myself. I can die here but I have three hundred male members of the family there in my own country. If you want to build Afghanistan you cannot build it this way. First you beat me and then you will tell me to go and help my country. This is not a way to build a country. If you want to build it, this cannot happen. I will tell everybody the same statement. I will tell you, I will tell President Karzai, I will tell my governor. I will tell anybody who asks me that this is oppression. I have come to a point that until today I don't even know why I was brought here. Am I against the Americans? Was I with the Taliban? First the Taliban did not let me stay in my area; second the Americans do not let me stay in my area. What can I do? This is my question for you are anybody else. What can I do now? I was sleeping in my house. It was two o'clock in the morning. I was sleeping in my own room with my wife. You came and captured me. When I go back to Afghanistan I will invite people again and again into my house because this is our culture. Would you arrest all of us again? Would you bring me here again? If I have a guest in my house, the same thing will happen to me like this. For the past two years the interrogators told me that my guest was Kheirullah Khawa(ph). Last time I met with my Personal Representative he told me that his name was not Kheirullah Khawa(ph) his name was just Kheirullah. At the time I was in Afghanistan I heard the news from BBC broadcasting company mentioning that we let Mullah Omar go. Gul Agha Sherzai the current governor of Kandahar said in his own voice, that this is the situation, that we let Mullah Omar go. Why should we let Mullah Omar the leader go? Is this fair that you let Mullah Omar the leader of the Taliban go and everybody heard it and you brought Shah Zada to Cuba. Is this fair? I don't want to bother you anymore; it is not good to bother anybody and I will not do it.

Tribunal President: Believe me, you are not bothering us today, this Tribunal anyway. We are here to determine whether you have been properly classified as an enemy combatant.

Detainee: If twenty years from now or even one hundred years from now, if you can ever find any proof that I help the Taliban or I was involved with the Taliban you can cut my head like you cut a birds head and hang it right here on the ceiling.

Tribunal President: We certainly are not here to punish you today or any day. We have come here with an open mind and you have observed us taking the oath. We have sworn to be fair and just. We have not seen your file; so we know very little about you up to this point except for what we have been presented at this time. Before we come to a decision we will review all of the evidence, the unclassified evidence, your statements that you are making, and you are making some valid points as you provide your testimony. We will accept, review and take into serious consideration the affidavit from the witness that you had requested. After we are sure that you have provided all the information that you feel is important we will then close the open session of this tribunal.

Detainee: I don't have anything else to say. I don't want to bother you again. Let it stay in my heart.

Personal Representative questions

Q. You mentioned that you were a representative of your area. Can you tell the tribunal some of the jobs you did or what did you do as a representative for the government?
A. In Afghanistan when we appoint a president we have elections. In order to appoint a president we have to collect votes. I was a representative of the government in my area to collect our people's votes for the president.

Q. Have you ever been in Kabul?
A. No.

Q. Have you ever worked for any police force in your hometown or anywhere else?
A. Never sir was I a solider and I never was a police.

Q. What did you do to make a living for your family?
A. I have a lot of gardens and a lot of land.

Q. How did you make a living from your land?
A. I have a lot of grape trees and a lot of land that we grow. We get the production and sell it and that is how we live over there.

Q. Did you ever know Abdullah Khan as Kheirullah?
A. No. I never have. I've heard Abdullah or Abdullah Khan.

Q. Can you explain why Abdullah Khan was visiting at your house? Can you tell the tribunal why you had invited him home that day?

A. It means that I will start from the beginning. Approximately twenty to twenty-five years ago I needed employees to work in my garden to gather grapes. He was working with me for like fifteen to twenty days. I did not see him for a long time, probably fifteen to twenty years. Twenty years later when President Karzai came to Afghanistan I went to the province of Khowst(?). I went to an area called Bagalah(ph) I spent the night in that area. A little child in the house that I was living in told me that today there is a dogfight in the area. The boy and I went to the area of the dogfight and I saw Abdullah Khan. After the greeting he asked me why are you here? I told him that I was looking for a dog. He told me this dog is mine (this was a black dog.) He told me to take his dog with me. The same day I took the dog, I reached home. One year after I brought the dog or one year after the presidency of President Karzai. I went to the bazaar and I met him again. I greeted him again and I told him that he was invited to my house tonight. I told him to spend the night with me. Finally I made him agree to spend the night. I asked him why are you here in my province? He said that I brought here something to sell. The next morning he wanted to go home. It was raining badly. I told him it was raining and you cannot sell your products too, so stay here and he agreed. At that point my enemy arrived with the soldiers; that is why I am sitting here in Cuba. That was basically my friendship with Abdullah. It was because of the dog. I wanted to spend 300,000 Pakistani rupees. I love dogs. Today if I find a dog I will pay 300,000 to 500,000 Pakistani rupees to buy a dog. Even I don't make dog the fight. I love dogs and I just love to take a look at them.

Q. What activities did you do when Abdullah Khan was at your house?
A. Play cards.

Q. Did you know anything else about Abdullah Khan except that he was dog fighter?
A. Only thing that I can tell you is that he was a landowner and brought some products. I don't know anything else about him

Recorder questions

Q. You just mentioned that your enemy arrived with the soldiers that second night that Abdullah Khan stayed with you. Who is that enemy?
A. I don't have to tell you the name of my enemy. Did you tell me why I was brought here? If you told me why I was brought here. I will tell you the name of my enemy

Q. You stated that two individuals were caught in your house and one person freed. Could you tell us who those individuals were?
A. One of the individual I swear I don't know his name. His name was probably Mirza(ph), Mirazhan(ph), or Motozo(ph). In our area we don't ask our guest what is you name. The individual that was brought here with me, his name is Nasrullah(ph) but Nasrullah(ph) was not caught in my House. Nasrullah(ph) was

a friend of my brother. I have two brothers; the Russians killed one of them and one of them was martyred, he was a friend of my brothers. When my brothers were murdered he became my friend. I look at him like my own brother. He comes and visits me all the time. He is not even a part of the Pashtu tribe. He is not the same religion that I am. He is a Shaid(ph) Muslim.

Tribunal Members' questions

Q. Do you know an individual named Kheirullah?
A. In our area I know individuals by the name of Kheirullah (inaudible) but here I heard that an individual is in the new camp called Kheirullah Khawa(ph) not (inaudible). The Kheirullah that I'm talking was caught the same day as me and they took us to Mullah Omar's compound and he was freed. I do not where he was caught; in house or in the street, I do not know.

Q. How well did you know that person? Had you ever met him before?
A. Are you talking about the Kheirullah in my area?

Q. Yes. I am referring to the one in your area.
A. He is from my area. He grew up in front of us. He is the son of Mullah and grand kid of Ji Abdul Rhmad (ph).

Q. What did that individual do for a living?
A. He is from my area. I know him well. He doesn't have enough land; so he works on someone else's land.

Q. If I can go back to the business of dog fighting. I presume this is for gambling purpose, is that correct?
A. No it is not gambling. I want to beat you; you want to beat me.

Q. So it is just a sport?
A. It is not a sport. It is a tradition.

Q. Is that tradition legal in your place?
A. No. Many things are not legal in our religion but we do it anyway.

Q. You mentioned that there are many reasons you would have enemies. One of those included different organizations. Did you belong to any of those organizations?
A. Yes. I was working for an organization led by Peer Said. Gul Agha Sherzai the current governor of Kandahar, his martyred father was Majid Atif(ph). I was a soldier to Commander Majid Atif(ph).

Q. What was the name of that organization?
A. Peer Said Ahmmad Gelani.

Q. I want you to clarify one point. You said earlier that you had never been a soldier and you just said that you were a soldier for Majid Atif(ph), can you explain?
A. It is two different things. One is that you are serving a country or you work for a leader, one is like a Mujahad. I was a Mujahad as a friend. I was working for him. That is why I said I was a soldier. For example a soldier has to serve his commander. Anything a commander ordered him to do he has to do it. I was not like that. One day I was a Mujahad with one individual the next day I was with someone else.

Tribunal President's questions.

Q. What was your occupation during the time the Taliban was in control of Afghanistan?
A. I was a landowner.

Q. Did you provide any support to the Taliban during that time?
A. No. I did not provide any support. They didn't have anything to do with us and we didn't have anything to do with them. One time they asked us to provide soldiers and we did not.

Q. When you refused to provide soldiers what was their response?
A. Three days I was in captivity.

Q. Did they attempt to abduct any of your family members?
A. Yes.

Q. Did you force any of your family members into service with the Taliban?
A. They could not take ours but they took a lot of people. Anybody that was recruited from the area they took most of them and they were killed. The Taliban conscripted an individual brother and ten days later they brought his dead body back. [They took] conscripted people and took them to the front line of the war and they were killed. For example if you took me to the middle of a firefight I don't think I would survive three days. I would be killed.

Q. Have you ever received any weapons training?
A. I did not receive any training but I know how to fire an AK-47.

Q. That's not uncommon in Afghanistan for people to know how to use a gun?
A. We do not have to learn how to use a weapon but now in the latest year we had to because of the enemies. For example (inaudible) toward the Koran and you don't believe in the Koran. My enemy this time he handed me to you but the next time he will kill me. That is why we have to learn to use a weapon. If you want me to swear; I swear to the Koran I was not against the Americans, I did not do anything against the Americans and now I am sitting here in Cuba. What will I do about it?

Q. Is there anything else that you feel that we need to be aware of that is important as we make our determination of your status?
A. No sir, I don't have anything important to tell you. Any decision you make I will honor. I have spent two years of my life and I don't care if I spend another two or I don't care if I die here. Over there my enemy became my enemy and right now you want to be my enemy here. I want to die here. I want to be here.

The Tribunal President accepts the witness statement of Nasrullah. Personal Representative presents into evidence as exhibit D-b.

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

Detainee: God bless you but I have a question for you. You told me to contact my family to gather information in a review board. If I send a letter I cannot receive any answer from my house. How could I gather such information?

Tribunal President: Through the normal means available. Through the joint detention operations group they have provided to you and they will assist you in that effort as well the assigned military officer that will be assigned to assist in that effort.

Detainee: One thing I have learned about you: That anything you say verbally is not meant from your heart. I'm hurt. You are my enemy here the same that I have an enemy back home. On one hand it looks like you have a Koran and in the other hand you have a knife to kill me. I do not know your justice. For example the questions that you ask me today and the accusations that you read me today, [I] never asked [you] are you prophet, did you God send you to know about Abdullah Khan that you are telling me that he was a spy. How did you know that?

Tribunal President: We don't know yet. I'm sure the classified information that we will see here shortly, without you being present, I'm sure that will give us additional information.

Detainee: The same thing for the past two years the interrogators told me also.

Tribunal President: All I can do is tell you from what we know and we have sworn to uphold today.

Detainee: Very good. I will find out how strong are you on your oath.

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.

[redacted]

Colonel, United States Marine Corps
Tribunal President

Summarized Unsworn Detainee Statement

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

When asked by the Tribunal President if he wanted to make a statement the detainee stated that he did not have anything to say.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Aziz, what was your job when you went into Kashmir?

A. I was helping my Muslim brothers.

Q. How were you doing that?

A. What do you mean by that, sir?

Q. You were injured disarming a mine?

A. Yes.

Q. Did you plant mines as well?

A. No.

Q. Did you do any other actions besides disarming the mines?

A. Because I was being tortured here, I had to say I was planting mines. I had no experience planting mines. I stayed in Kashmir for four and a half months, which was not enough time to be well trained; I spent most of my time playing sports. I was tired of sitting in Harim for more than a year, that's why I went to Kashmir to do some P.T. If I had training from one of the experienced guys this would not have happened to me. I have come across injuries before but nothing like this. That is all I have for you.

Q. Where you a member Lashkar-e-Tayyiba?

A. No. Because of my experience with the Algerian Army, it was hard for myself and other officers to join. A person must be a Sunni to join that group. They must have full trust before they can get in. It was difficult for me to get in.

Q. Do you have any other evidence or statements you would like to present to this tribunal?

A. I was accused of planting mines that day. I had a difficult time when I first got here to Cuba. I prefer to speak here because it is ruled by procedures. I was tortured and made to say things against myself. When transferred by a truck, my brothers and I were beaten to death and I don't know why. Because of the treatment, I couldn't speak with the interrogators about the mines issue. I have waited until now to tell you I had nothing to do with the mines or planting mines.

Q. Who beat him?

A. Our faces were covered. I was injured and couldn't endure all the torture. The interrogators forced me to say these things, because I was scared to be punished. It is impossible for a person like me to get involved in the minefields. It may take two years to get experience in that field, I was there for four months.

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

Statements made by Detainee as Recorder was reading Unclassified Summary

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

The detainee stated the last time he was interrogated they wrote something about him that he never mentioned or admitted to [detainee did not specify to what information he was referring].

[Recorder then began announcing the general nature of the evidence, reading from Exhibit R-1. Detainee began spontaneously responding to each point]:

Recorder: "The detainee is a member of the Taliban."

Detainee: "I am not a member of the Taliban."

Recorder: "The detainee joined the Taliban in 1998, where he received training on the Kalashnikov rifle in Kandahar Afghanistan. Over a year later he stayed in a Taliban guesthouse where he worked for the Taliban military."

Detainee: "I never mentioned those and I was never a member, I was conscripted into the Army."

[At this point, the Tribunal President informed the detainee that he would have an opportunity to respond and make any statements he desired later in the proceedings. The detainee agreed to hold his comments until the appropriate time.]

Summarized Sworn Detainee Statement

When asked by the Tribunal President if he wanted to make a statement the detainee stated yes and provided his statement after being sworn:

You mentioned that being forced and not being forced are the same. How can a person that is forced or not forced to do something be equal? In Afghanistan everyone is required to serve in the military, if you don't you are punished. So, if I was taken by force by the Taliban, how can I be a member? If I'm not willing to do something, but forced by a soldier to do it, how can the two have the same meaning?

I totally disagree with your statement that I joined and was a member of the Taliban. I never mentioned this or admitted to this.

[Referring to Exhibit R-1]: The statements about them giving me a Kalashnikov rifle is true. They were transporting us from Kondus to Kandahar. You can check the past history of my country, when they are at war they take people by force. I own land and a house; if I didn't obey them they would have taken my house and farm from me. If you

don't agree with them they will beat and torture you and then throw you in prison. I was compelled to be with them, not a member.

Summarized Answers in Response to Questions by the Tribunal Members

Q. When were you forced to join the Taliban?

A. Because of how long I have been here I don't remember and our calendars in Afghanistan are different.

Q. Was it before the bombing from the United States?

A. Yes.

Q. Where did you receive military training?

A. I never received training. I was taken to Kondus where I served food.

Q. Are you a member of a tribe or clan in Afghanistan and if so, which one?

A. I am from the Helmund providence, Ali-za clan, Pashtun.

Q. Is this tribe or clan associated with the Taliban?

A. I am a Pashtun and the Taliban are naturally Pashtun.

Q. The Northern Alliance is also Pashtun, why did you not side with or join them?

A. I have no affiliation with the Northern Alliance or Taliban. At the time I didn't side with either of them. I was working my land, they came and told me I had to join the military.

Q. Did you fight against the Northern Alliance, Massoud's forces, or any United States forces?

A. I have never fought I was forcefully taken.

Q. What did you do while in captivity or while you were with the Taliban?

A. I served them food.

Q. How did you lose your leg?

A. I stepped on a leftover Russian mine.

Q. Was this before or after you were forced to join the Taliban?

A. It was while I was with the Taliban. I was going to a family member's home and stepped on the mine.

Q. How did the Taliban force you to join them? Did they come to your land and take you or did you go somewhere to sign up?

A. They came to my home and took me.

Q. How long did you serve with the Taliban?

A. I have been taken three times and served a total of about five months. The first time was for three days, the second was two months, and the last time was about two and a half months.

Q. Do you have any other evidence to present to this Tribunal?

A. I wanted my witnesses to present my evidence.

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

A. Yes, I have exhibit D-B.

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, and asked if he understood the Tribunal process. The Detainee indicated he understood the process, and when asked if he had any questions regarding the process, stated the following:

Detainee: Yes, I'm ready, but the only thing I have to tell you is that I've noticed in the interviews that there are discrepancies regarding the dates and the nature of the accusations translated in a different way; hopefully it will come up during this hearing.

Tribunal President: That's one of the reasons we're here today, is for you to provide an oral statement, and please, bring up those issues when we're at that point.

Detainee: Yes, I'm sorry that my case is known to be complicated. Hopefully, if it takes a bit longer to clarify, I am sorry. I have been translated by two or three different languages; Pashtu, Farsi and Urdu, and people took my evidence in different languages, so it has become a little bit complicated.

The Personal Representative presented the Detainee Election Form (Exhibit D-A).

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

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

The Tribunal President informed the Detainee he would have the opportunity to respond to the allegations, and could make his statement under oath. The Detainee was administered the Muslim oath by the Recorder.

The Tribunal President then addressed the Detainee Election Form, indicating the Detainee's request for three Witnesses. The Tribunal President determined that the Witnesses were relevant, but were not reasonably available after numerous attempts were made by the State Department to reach them. One Witness was present and detained on-island, and a statement was presented by this Witness (Exhibit D-B) on the Detainee's behalf.

The Personal Representative would read each allegation individually to allow the Detainee the opportunity to respond, but first the Tribunal President permitted the Detainee to make a statement.

Detainee: First of all, I have a little introduction, in the name of God. My name is Wali Mohammad; son of Yar Mohammad, a resident of the province of Baghlan, Afghanistan in the district of Pul-e-Khomri in the village of Pozay, Wazirabad. I was born on the 6th day of the 2nd month in Pul-e-Khomri. My mother language is Pashtu, and I studied until the 9th grade in Bagh-e-Shamal school in Pul-e-Khomri. The dates are approximate; I

hope that doesn't qualify as a lie. We went from Baghlan to Pakistan during the year of 1978 or 1979. I still hadn't shaved at that time; I was a young kid. We chose a residence in Char-sa-dah, Pakistan. I lived with my parents, 6 brothers and 7 sisters and two mothers, and the kids of my oldest brothers. Starting on that date, we got involved in the clothing business. One of the allegations is that I started a business right after the Taliban came to power, and that is a misunderstanding. We were in Pakistan, and hopefully, we can talk about this later. I think ISI, or the intelligence agency, in Pakistan was asking for money, and I didn't give it to them, and that's when my problems started. I was a very popular merchant, and they said give us some money or we'll sell you out. They sold me to them. It's an amazing story, and I'll tell you guys later at the end when we get there. We did this clothing business for five years in Char-sa-dah. Then from that residence we moved, in 1984, to a camp called Barakhi, which was provided for refugees of Afghanistan. While we had our clothing business at the corner shop, we put a cage for jewelry, and we had a glass cage for exchanging money. We had rupees and Afghanis. It was an exchange spot. All the money we gathered and took to the main money market exchange. We got rupees instead of Afghanis and came back. Chaok-e-Yadgar was the name of this place. My money exchange business initiated right there on that corner, and it was small at that time. Then in 1988, I expanded my business and merged with another businessman, Mohammad Eekbal from the Chaok-e-Yadgar. I became a popular money exchanger after that; everybody knew me as a big guy in this business, so I transferred my whole family to Peshawar from the refugee camp. My brothers were a part of this business as well. In 1990, I terminated this partnership and made it a family business with my brothers only. I further expanded my business to Quetta. I engaged a partnership with two different people; one a Pashtun by the name of Abdul Malik, and another Punjabi Pakistani by the name of Raja Amjad. That happened in 1993. They were already partners and I joined them as a third partner. When the value of Afghanis would go up in Quetta, we would take advantage of it and did a lot of transactions. Wherever there were benefits, we would consider that location. Dates are approximate between 1992 and 1993. My brothers did not like the idea of me opening another partnership, so they separated and started their own business as well. I asked a couple of my cousins, Lal Mohammed and Habibullah, which were at the same time imprisoned by the Taliban later on. Two years later, that partnership in Quetta finished as well. I did the Haaj in 1991, and that is why they call me Haji Wali Mohammad. Before that, my nickname was Saraf, meaning money exchanger. I lost a lot of money in 1995 in Afghanis. I still had my shop, but I was way behind. In 1996, I opened a money exchange store with Mohammad Rafi in Sarai-Shazda, a marketplace. Between 1996 and 1998, I borrowed a million and a half dollars; it was not necessarily borrowing, but I initiated a transaction with a bank with that money. I was on the 25% end, and the bank was at 75%. I made this transaction possible through Abdul Mohammad Zahed, and he is part of these allegations as well.

Tribunal President: Did you buy in to this business, or was it a loan?

Detainee: No; it was not a loan, it was a partnership. I knew him before the Taliban came into power. I did not get the money from the Taliban, but this agency or bank. A

lot of people were borrowing during Rabboni and Najib's time. They were sending Pakistani rupees when Ariana Airlines began flights to Dubai. Since the airway was open, they were sending rupees to Dubai for exchanging purposes, and they were buying back gold and bringing it back to Afghanistan, and some to Pakistan. When I got the money, I exchanged it into rupees, and 42.2 rupees equaled a dollar. Right at that time, Nawaz-Sharif had a dropped the price of rupees against dollars, and just like that, one dollar you could get 53 instead of 42 rupees. It kept dropping. I still didn't have my visa at that time to go to Dubai for business, but right away, I lost a lot of business right there. My passport is a part of the evidence here, and 20 minutes after this, you could look at it. If there's any discrepancy on dates, it could be clarified by looking at my passport papers. I lost $250,000 during this situation. At the same time, it took time to buy the gold, and they paid 4,211 Dubai durhams; I bought gold which weighed about 116 grams or a quarter of a pound. Right away, it went down to 3,850 durhams for that much gold, so I took another loss. I didn't have a lot of experience at that time, so I didn't know what I was doing. As it says on my passport, I lost so much money so my partnership with Habibullah fell apart in Dubai. I was then $500,000 behind with the bank, and they took the rest of the money back, which was a million dollars. I was in Dubai for three months and this partnership collapsed; the rest of the money was taken away from me. The money in the Bank of Kandahar was seized. When I was in Dubai, the Taliban put my cousin in jail in Kabul. Finally, when they caught him, I was almost put in jail in the same manner. I was only in detention by the Taliban for eight hours. They said I was responsible for this loss, and I would have to officially accept it; by doing this we will release your cousin. The bank president lost his job as well for making business with me. That association with the bank only lasted three months. When I accepted the responsibility for this business failure, they let my cousin go. It's all in the record. I came back and started another business with Mohammad Rafi, who I had business with before. I was still involved in some business in Dubai, Pakistan and Kabul still. After a year with Rafi, the business went bad again, and I found a new partner by the name of Shair Khan. He had an exchange business in Dubai named Shaeen Exchange. My brother-in-law became a partner with me as well in 1999. The same year I lost everyone else as well as partners. They were done, and I separated from them. I initiated another business between 2000 and 2001 with Haji Obaidullah. He was in the business of honey. Rafi then opened a brand new clothing business in Dubai. I knew him for 15 years, and he had a wholesale honey business in Saudi Arabia. In the middle of 2001, the clothing business was shut down as well. Putting all these facts together up to today until I was caught, I owe $1.1 million from about 40 different individuals. They would all testify to that. I had become popular for opening and closing businesses, going here and there. Between the Taliban and others, I had built up a controversial reputation. When the Ariana flights stopped and up until I was caught, I was bringing jewelry from Dubai to Pakistan. I had people putting money together so I could do the work for them, and that's how I continued my living. I was bringing gold for people, and they were paying me for labor. For each kilo, I was getting 15-20,000 rupees. I still have the ticket where I was supposed to go to Dubai again in 2002 for those people. That ticket belongs to you guys now. Twenty days after that, I was supposed to meet with ISI to talk about this money I owed. Somehow, in the middle of all that, I was captured. At 10:00 on 24 January 2002,

a lot of people were at my house captured me. They blindfolded me, bind my hands and detained me. Two months prior to that they had taken my car away, too. For three days they interrogated me, and said I was accused of smuggling powder and hashish. They said either pay us for these crimes now, or you'll have a very bad future. On the fourth day, they told me the only chance to get out of here was to sell my house for about $100,000, and give the money for them. I became very upset, and started cussing at these guys that they were bad people and I told them off. I told them very bad things. The next day, they called the American forces. What they told the Americans, I do not know, and here I am. I'm really, really sorry this took a long time, and it was important. I told you all the dates, and specifics, and I'm sorry. I am now ready for specific answers to the allegations. I am adding a couple things just to clarify, I'm sorry about that.

3.a. The Detainee is associated with the Taliban and/or al Qaida.

Detainee: I have no relationships or associations with the Taliban and al Qaida. They're all accusations and lies. If you have any proof or witnesses, please bring them on.

3-1. The Detainee admitted he was in business with the Taliban.

Detainee: I didn't know one Taliban before the Taliban government came into power. A man by the name of Zahed was the president of the Taliban bank. Because I knew him because of this situation, I got into business with the bank, which I told you about earlier. When I lost the money, senior Taliban told me this is your personal deal between the two of you, so they told me I was responsible for that loan. That's why they put my cousin in jail. For that particular reason, they were so mad, they even fired the president of the bank. They told me to accept this loss all by myself, or I'd be imprisoned for it. I didn't have a choice but to accept the loss. The Taliban treated me so unfairly, and I had to accept all of it. Finally, I was put in jail as well.

3-2. The Detainee is associated with senior members of the Taliban.

Detainee: My relationship was with the president of the bank, and I knew him before the Taliban came into power. Due to this situation with the bank, he was fired. Other than that, I don't know anybody else.

3-3. The Detainee started his business in Afghanistan only after the Taliban took control of Afghanistan.

Detainee: As I said earlier, I started the business before the Taliban came. This is not very appropriate to say I started it right after the Taliban came; it's a lie.

3-4. The Detainee served as intermediary for funds passed through the al-Rasheed Trust.

Detainee: I don't know al-Rasheed, but I know Sheik al Rashid; he was the charge'-d'affairs of the embassy in Dubai. He was aiding people going to haaj, and he had a

license for that. He gave Sharef a check for 250,000 durhams to give to me to build a mosque. The mosque was built in Kandahar with that money.

3-5. The al-Rasheed Trust served as a conduit for funds going to extremist organizations and has provided financial and logistic assistance to al Qaida, Kashmiri extremist organizations, and Pakistani sectarian groups.

Detainee: Again, I don't know al-Rasheed Trust. Somehow, Sheik al Rashid was mistranslated to this; is this a mistake of a translator, or someone else?

3-6. The Detainee is allegedly involved in smuggling gold for al Qaida.

Detainee: I took some Pakistani rupees in 1998 to Dubai from Kabul. I was bringing back to Kabul and Peshawar red jewelry, or gold. I was also being different kinds of jewelry and distributing it as well. That was my business all the time, up to today. I don't know what's going on with the business right now since I'm in prison. A lot of people are doing this, going to Dubai and getting gold.

3-7. The Detainee paid for a senior member of the Taliban to travel.

Detainee: I was buried in losses; I'd lost lots of money. Should I pay for my losses, or pay for the Taliban's tickets? This accusation is not logical.

3-8. The Detainee purchased vehicles for the Taliban.

Detainee: I still had my own problems and bills to pay; I wasn't in shape to buy vehicles for the Taliban. Should I pay my loan, or should I buy cars for the Taliban who had treated me brutally? This is not correct; you guys just think about it.

3-9. The Detainee facilitated transfers and exchanges of funds from Usama Bin Laden controlled accounts for the purchase of surface-to-air missiles for al Qaida.

Detainee: I only heard the name of Usama Bin Laden; this doesn't make sense, and has no reasoning behind it at all.

3-10. The Detainee is an associate of Usama Bin Laden.

Detainee: The name you're mentioning, I have no relationship with. These are reasonless accusations. All of these accusations have been orchestrated by the ISI of Pakistan, and they are my enemies. There is no truth behind it. I'm not afraid to say anything; I'm a businessman, and I have not lied to you at all. I will answer all of the accusations you have against me. I'm so worried about my kids, and they are doing amazingly hard labor. I don't know their future since I'm here. This is very unfortunate that three times I was treated so brutally; once by the ISI, then the Taliban, and now you guys.

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

Detainee: If I have the answers, I'll give them to you.

Tribunal Member Questions to Detainee

Q: I agree it doesn't make sense that you would buy cars with money you didn't have; what I wanted to ask you was did the Taliban ever ask you to buy a car with money the Taliban gave you?

A: I was accused of getting their money that I lost and never paid, how could I get money from them again to do something else for them? You think about it; if someone owes you money, are you going to give them more money to go buy something else for you?

Q: In your exchange business, did you deal with any other currencies other than rupees, Afghanis or durhams?

A: It was mainly Afghanis and rupees until 1998. I then dealt with dollars and durhams when I went to Dubai. I was the money guy, so I took the rupees and exchanged them in Dubai to get durhams and returned. It was an amazingly common business a lot of people do. A lot of people in Pakistan do this because the dollar is cheaper in Dubai, and when you bring it to Afghanistan it is more valuable. You have to know where the business is to make money. If I was released tomorrow, I'd do the same thing.

Q: You mentioned a specific exchange of 4,211 rupees into durhams; what is the largest transaction you've had in dollars?

A: My biggest exchange I already told you was a million and a half. Turning it into rupees went from 38 up to 53; I took those rupees to Dubai and changed them into durhams, and then I bought gold with that; about a quarter of a pound. When I took the gold back to Kabul and Pakistan, it just depended on what was hot at the time.

Q: So there were times when you had over a hundred dollars on you?

A: I got the million and a half in dollars in bags from the bank. I took it to the markets where the money was just right in front of you.

Q: What was the size of your security force you would have?

A: Even though I was against the Taliban, I'll tell you one thing, when they were in power, you could not take someone else's money; there was no stealing. Even though I was put in jail, this was a fact there. There was a lot of security. I'll give you one

example. I ended up, through a trip from Dubai with a lot of gold, where I couldn't land in Kabul, so I had to go to Kandahar. I had all the gold with me and no one bothered me, and I didn't need security. When I took the money from the bank to the market, I could just walk to where the money exchange place is.

Q: It doesn't make sense to me to have a million dollars in cash not gathering interest somewhere; how long would it take to convert that money?

A: Because we are Muslim, we do not charge interest. It is against Islam. I already told you all that I did with the money, and this could be verified. Even the detainee here in the camp I had an encounter with confirmed who I was, that he knew me, and about the money with the bank. Even he confirmed that I took the money from the bank, and they couldn't decide what to do with me and had to consider it a personal issue with the president of the bank. I told you what happened to me when I borrowed the money; I told you how I lost money there in three different categories. If you want more witnesses, I can provide them. I owe about 40 people money, and this relates me to all these situations that I was a money merchant. Three of those are in Dubai, and the other 37 are back home; unfortunately I owe money from these businesses. I have no reason to lie to you guys.

Q: Are you having any problem with the translator today; is everything being translated OK?

A: It is very, very good.

Q: It appears you understand a little bit of English; do you know English as well?

A: I know how to say one, two; I listen to people in the camps here. English is penetrated by Urdu, and I picked up a few English words from the Urdu speaking people in Pakistan. All the financial calculations in Pakistan are done in English.

Q: Why did your family leave Afghanistan in 1978?

A: At that time, the Russians were involved there and looking for the head of every family. We had to flee to Pakistan. They captured a lot of people and whether they are alive or not is not known up until this day. For example, the father-in-law of my father-in-law was taken away, and we never saw him again.

Q: Did you ever have any military training or fight the Russians?

A: I don't even know how to fire a gun; I was a businessman. My mother and father wouldn't even suggest I would do something else.

Q: When you traveled from Afghanistan to Pakistan to Dubai, did you fly or drive? How did you travel?

A: When Ariana flights were open, I used to fly to Dubai. When the Taliban came, they stopped the flights to Dubai; I then used PIA (Pakistan International Airlines) to go. I sometimes used PIA even though Ariana was flying there from Pakistan.

Q: Would you consider yourself from all your businesses to be wealthy or rich?

A: I had a great life up until 1995. From there on, I really got hurt in the business, and I stretched a hand to everybody to get involved in the business. When the Taliban came, I lost money. Mainly between 96-on, every business I acquired I lost money. I got hurt in business more so conducted verbally by a company by the name of Sata. They would say I would give you this house if you would do this for me. It is written on this paper that I gave these services, but I lost a lot of money because I gave up my assets. It's almost like shares in the stock market, but it's not done through a system; it's done personally. I lost a lot of money. I had a great deal until 1995, and I was very, very popular.

Q: One final question; regarding the large sums of money; did you take that when you flew from Pakistan or Afghanistan into Dubai? Were you ever worried someone would confiscate that from you at the border or at customs?

A: I had the money with me on the plane on Ariana Air or PIA; people have their suitcases with money or whatever their business. They have full briefcases when they go, and there's no law against it. Finally when the Taliban came, they applied a tax on that. I don't care how much money you took; no one said anything. From Pakistan, you could take up to $10,000 by plane. There was no rule between Kabul and Dubai. Things were fine going through Kabul, but after this 1% tax, it became a lesser profit for us. It's a common thing up to today that people take money.

Tribunal President Questions to Detainee

Q: You said you had to accept the loss when your cousin was in jail; did you have to sign any paperwork?

A: The way it went was that I was in Dubai when he was put in prison. Nine hundred thousand dollars of the million was taken and confiscated by the Taliban. They called me in Dubai to say my cousin was in prison. I flew to Peshawar from Dubai. They told me it was better not to go to Kabul, because they might be waiting for you. I had a gathering with my cousins in Peshawar to talk about this. They said the Taliban would put you in jail; they're very stupid, so don't go. I said it doesn't matter, that they'd catch me anyway, and my cousin was in jail because of me. I thought they were Muslim, and I'd explain how things went and I trusted them. You cannot run away from a government, and my shop is there as well. The final decision was that I had to go and deal with the situation. I went straight to the president of the bank and asked why my cousin was in prison. He said not to worry about my cousin; you and I are even in trouble. They called us up to Kandahar. Me, him and another friend and a driver drove a day and a half on a

bad road to Kandahar. I went to my father-in-law's house; I don't know where he went. First, we stopped at the Taliban's guesthouse. At that place, we got some rest so we could talk to the people tomorrow. I had nothing to worry about; I was pretty much in control. I said why are you concerned and he said not to worry about it. I changed and cleaned up at my father-in-law's. When I returned to the guesthouse the next day, there was Abdul Aman, and two additional people. Then he introduced the two people to me as Abdul Mullah Jalil and Mullah Akhtar Mohammad Osmani. That was when the passport happened. He told me that these people are in charge of processing the loss we caused these people. They asked me what happened, and I said everybody did business with the bank, why do you not ask the president of the bank. Above all, I was only in to this 25%, and the bank 75%, and I told them the story I told you guys about Dubai, the gold, and all the businesses. They asked for receipts of how this happened. Immediately I got on the phone and called Dubai, Peshawar and Kabul, and I asked them to send me all the available transactions I'd done, and fax them to me. He said it was supposed to take until the end of the day to get the faxes. One day passed to do all these things. The next day we were at the table with all the faxes I'd received. They went through some of the paperwork, and later on, they were one group, and I was separated from them. They couldn't read or understand the faxes, but said you owe us money. The guy, Mullah Akhtar Osmani ripped up the faxes, and said we don't know about these papers; your cousin is arrested, and you are here. I asked what my options for a way out were. He told the Taliban that the Islam rules did not matter, and you had to accept this loss. I said there's no other way for me to come up with the $500,000, because I have a car, a rental and a house. They separated from me to talk and then came back. The president did not say anything at that time. They told me I had nothing to do with the bank anymore. He said I would deal with him only, and sign these papers. He multiplied it by 53, or whatever rupees were at the time, and he said I owe 5 million rupees, and I'd bring the money, and I'd get a receipt for each delivery. He said I was going to accept that, and then you and your cousin would be released, and that he was expecting payment. I was afraid of owing 500,000, so I said change it into rupees figure, so I will owe you in rupees not in dollars, in case they go up. He said I'd be making payments to him. I couldn't resist, and I started crying because I felt so hopeless; I said fine, I owe you money. I want to grab him by his shirt when I see him in the other world. I did not see the president of the bank, so I had to take a taxi back. He was fired on the spot at that time. I started paying this loan back. I gave merchandise and whatever I had to pay these people. I borrowed money from everyone else to pay the Taliban. I was just about done paying them, but they were so stingy because I couldn't make my payments for a while, so they called me and they detained me again. Finally, my other cousin talked to them and convinced them it wasn't fair to keep me there and they let me go. As of today, I still owe them the balance. I had the money ready for them, and was going to make my last payment, but I was caught by the ISI. All of those payments I made to them I made copies of the transactions. If I could get to a phone or fax machine, I could have them ready right now. From 1998 to 2001, I was paying for this. This was exactly what happened. That's a lifetime of brutality by the Taliban on someone. Then I was caught by the ISI and given to you guys. I grew grey hair here. I swear to Allah and to God that I did not say anything that was not true; it was completely true what I have said.