

Summarized Sworn Detainee Statement

(The Detainee requested his written notes from (2) days prior to assist him with his statement. This request was granted and the Personal Representative (PR) handed the notes to the Detainee.)

(The Detainee addressed points made in the Unclassified Summary, point by point.)

3.a. Detainee is a member of Al Qaida

- 1. Detainee was a translator for Abdul Hadi, a known member of Al Qaida for a period of three years.**

This statement has no basis. I am an Afghan and in Afghanistan there are a lot of political organizations with which I have no affiliation. I would not join a group that is foreign to my country. They (Al Qaida) don't speak the language and are not of our tribe. I would not join a group like Al Qaida, which is a terrorist organization.

At the time, I didn't know that Mr. Hadi was a member of Al Qaida. I worked for him as a peasant or employee, not a member of the group. My work was to support my family and children. It was only for employment. It was very simple employment and had no political affiliations.

My work with him was only in Afghanistan as an employee, no affiliations of going to another country.

I was an employee when the Taliban was the government of Afghanistan.

- 2. Detainee translated for HADI when he spoke with Mullah Abdul Satar Ahmadi, the leader of Taliban soldiers in the North of Kabul.**

Mullah Abdul Satar was a very small commander of the Taliban. Translating between Mr. Hadi and Mr. Mullah Satar was a common position of my job. I was only working as an employee.

- 3. Detainee is able to identify several members of Al Qaida and the Taliban from his stay in the ASHARA guesthouse.**

This has no basis because I didn't live at the ASHARA guesthouse night and day. When I was there, I was usually sitting with the doorman and the other Afghan

workers. I could not talk to the Arabs because Mr. Hadi would not allow anyone to talk to the Arabs.

A lot of people came in and out. How could I remember everybody that came and went? Everyone wears the same clothes. You cannot tell rank or position. I don't know how to get the information about who is who, and what group they are.

4. *Detainee's duties were to safe keep and distribute funds for various Al-Qaida and Taliban members.*

This has no basis. When I was working for Mr. Hadi, I didn't even handle \$10 Afghani. I was a worker. When Mr. Hadi fled Afghanistan, he told me he left some Afghani for me (currency) as a trust. It was not for distributing or financing anything.

When the time passed, he asked me to give the money to another gentleman, whom I have nothing to do with. All I did was give the money to another person.

3.b. *Detainee engaged in hostilities against the United States and/or its coalition partners.*

This statement has no proof because I never hated the United States, and these are the points to back it. These are the points I make:

I stayed in my country and at home all the time. I didn't go anywhere else. I didn't travel to any foreign country. If I were an enemy, I would have traveled to other foreign countries.

When I was captured, it was in a peaceful and cooperative manner, even though there were weapons in my house. If I were an enemy, I would have fought them off.

You can look at my files and my behavior in this prison over my two-year stay here in jail. I have a great relationship with the MP's, and they can tell you that. It proves I have nothing against...or they are not my enemies. I have a great relationship with the people working in the prison.

If you look at my file over the two years you will see my good behavior. An enemy is not like that. I have conversations with American people, and I have great conversations with them, so how can I be an enemy to them?

I've never been a part of a political organization. How can I have differences with the Americans?

I am just a worker from Afghanistan, not a soldier. I have nothing political, or any other reason [to be] against Americans.

I don't have enough education to understand all of the political groups and differences, or what is to hate America or not to hate America. I don't have enough education to get on that level. And from the information I have, I know the United States Constitution, democracy allows freedom of religion, and for this reason, this type of government does not interfere with our religion of Islam. I have no religious differences with Americans, since they allow freedom of religion.

These eight points I have stated show I have no enmity towards the Americans, and never have. So, I am not an enemy. There is no a proof that I could work for an organization that hates the United States.

Point A and B have no factual basis. This concludes my statement.

Summarized Answers to Questions by Personal Representative

Q: 3b2 says that you were involved in the grenade attack on Western journalists in the spring of 2002. Please share [what you know about this] with the Tribunal.

A: This is a complete lie. I've never taken part in any bomb attacks or any kind of operations. I knew the people who did the bomb attack and how this got around is because I told the Americans the names of those who did the attack.

There is no proof, and I have never taken part in the operation, I only provided information. I was a prisoner and had no cause to have enemies or create enemies. I gave you the eight points, which prove that I have a great relationship, not an enemy and just a worker. I hope these eight points get across.

Summarized Answers to Questions by Tribunal Members

Q: How many languages do you speak?

A: Farsi [and] Pashtu are our national languages and the only foreign language I know is Arabic.

Q: Do you understand English, or just some English?

A: I've learned some in prison.

- Q: Did you learn your languages where you grew up, or did you attend school to learn them?
- A: Farsi and Pashtu are my home languages, so I picked them up from family. Arabic, I took courses for.
- Q: When you translated for Abdul Hadi, what type of information did you translate?
- A: Basic stuff, relating to simple matters in Kabul. They had to deal with the government, the Taliban, like paperwork for cars, that they had to work with the government for, on the lower level.
- Q: Could he (Hadi) do his job without translation?
- A: Of course. He could have got someone from the Taliban who knew Arabic, or he could have hired another linguist and paid him salary.
- Q: When you mentioned that he left money for safekeeping, which you then transferred, how much money was it?
- A: The money was not directly given to me. It was left with somebody else and I was told to hold it for him.
- Q: How much?
- A: About \$40,000.00, a mix of Pakistani and other currency, worth about \$40,000.00.
- Q: What do you think of Arabs being present in Afghanistan?
- A: I don't understand, it's beyond my level.
- Q: Personally, are you comfortable being near and around Arabs? If you, here in this camp, were living with Arabs, how would that make you feel?
- A: Arabs don't even look at us or say hi to us. They say we Afghans betrayed them.
- Q: But, what do you think of them?
- A: I think they used Afghanistan for political and different interests. Afghanistan was used.
- Q: What do you think of Westerners being present in Afghanistan?

- A: When the Westerners came, I didn't get to see what happened because I went to prison, so I can't comment on that.
- Q: You mentioned that when you turned yourself in, you had weapons in your house. Is that correct?
- A: Every Afghan's home has a gun because they all have differences and the gun is there to protect them.
- Q: How many weapons did you have?
- A: I only had one.
- Q: Was it your personal gun or had it been provided to you?
- A: It was my personal gun.
- Q: You mentioned that you were a prisoner at one time. Where was that?
- A: I was referring to this prison, here.
- Q: When you said earlier in your statement that you did not know Abdul Hadi was a member of Al Qaida, who did you believe he was?
- A: I figured he worked for the Taliban, the government at that time. I sought employment with him.
- Q: How long did you work for him?
- A: About three years.
- Q: How long did you work for Mullah Abdul Satar Ahmadi?
- A: I never worked for Mullah Satar. The only time was when I translated for Mr. Hadi to Mr. Satar.
- Q: What is the highest level of education you were able to attain?
- A: I have a high school education.
- Q: On what weapons are you proficient, personally?
- A: Only the gun I protected my house with.
- Q: Have you ever been given any military training?

A: No.

Q: Just to clarify, concerning the incident with the Western journalists, you are saying that you had nothing to do with the attack on them and it was others who did it?

A: Yes.

Q: You knew who did it, and provided the names to the Americans?

A: Yes.

Q: In response, your name was turned in and you were blamed for it as well?

A: I provided names. You should ask whoever put my name in there why they did. The other point is, if I really had a hand in this bombing, how can a person who, when they do such an act...no one who did something would admit to it. I gave all the information. The person would normally be under a lot of pressure to just give all the information. I did that out of help to my country. The statement I gave was not under interrogation. It was voluntary.

Q: Do you have any feelings, one way or another, concerning the Northern Alliance?

A: That is above my level to comment on because I have no political affiliations, but as a simple Afghan, I can say it is because of these warlords and the (inaudible) that were fighting, was the reason the Taliban came into power. That is the only comment I can say. They are just part of the other political groups like the Communists or others that have come through Afghanistan and fought or taken power. They are a political organization.

Whoever wants to help Afghanistan right now, that is very good. I am saying this as a common Afghan citizen, not anything else. I want good for my country.

Q: How long have you been here in the camp?

A: About 2 years and 2 months. 4 months in Bagram and the rest here.

Q: Do you believe the Americans have treated you with dignity and respect?

A: They haven't done anything wrong, very common treatment.

Q: You are well spoken, thank you.

Q: Referring to the grenade attack on the Western journalists, how did you know the people who were involved?

A: I knew them from the past. I knew one of them, and the other person was associated with the person I knew.

Q: Were you there when it occurred?

A: I was in the area.

Q: Did you know that it was going to occur?

A: I did find out and that's when I separated and went my way. I didn't join them.

Q: When you found out, you allowed the attack to occur anyway and then came to the Americans after the attack had occurred?

A: I was fearful for my life on both sides. I was fearful of the Americans and fearful that the Taliban might take (inaudible) on his family, so I kept quiet. I had no contact or connections with the Americans at that time. When I was captured and the Americans talked to me, then I knew how they were and I told them the whole story of the bombing.

Q: Do you consider the government in Afghanistan now to be leading Afghanistan in the correct direction?

A: I am happy that Afghanistan is heading toward freedom. I only saw a few months of it and people were happy and I am part of the citizens that are happy that this country is moving forward.

Q: Do you feel that the loya jirga process that brought the government about was the proper way to give them authority?

A: This is a very good thing because in our history, all governments have been established by the loya jirga. I have heard this from my forefathers and it is a good thing.

Q: Do you have any other evidence or do you wish to make any other statements in front of this Tribunal?

A: I just want to say one thing. I admit the Americans have treated me good in this jail. I have had two years of interrogations, and I would like my case to move forward and not let it stop in one place. I am very happy about this process and this committee, and that you guys will give your decision. That's what I want, a fair decision. That is all I have to say.

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AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

UNCLASSIFIED//~~FOUO~~

ISN# 753
Enclosure (3)
Page 8 of 8

001106

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee confirmed that he understood the process.

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 of Exhibit R-1 and provide responses on behalf of the Detainee. The Personal Representative read the numbered paragraphs contained in Exhibit R-1 and provided the Detainee's responses to each as follows:

3. The detainee is associated with al Qaida.

This is not true. I disagree with al Qaida on everything. I'm not associated with the Taliban or al Qaida and I do not belong to any other organization.

3.1. Detainee traveled to Afghanistan in 1991 to fight the jihad against the Russians.

True. I was fighting Russians. I'm sure this was not a crime against the US. We were using American weapons and money to fight the Russians. All of the countries agreed that we were doing the right thing. The United States was one of the countries. We were not Taliban or al Qaida.

3.2. Detainee traveled to Pakistan in February 2002 to fight the jihad against the Americans in Afghanistan.

I was affected by everything I saw on Television that was happening in Palestine and Israel. With Israel using American weapons and money to kill 80-100 people a day and I did not want this to happen in Afghanistan.

Our religion tells us to defend Muslims against adversaries who come to take Muslim's land and belongings.

I was willing to go Afghanistan to defend it against any adversary. After, I was in Pakistan I realized it was not worth it and the purpose I came for was not true.

3.3. The Detainee enlisted the aide of a non-government organization (NGO) that assists foreign Arabs infiltrate Afghanistan to fight in the jihad against the United States.

I do not know what a NGO is. I was with the Office of Dawa Guidance (IRSHAD). I knew this group from the fighting in Afghanistan against the Russians. This group has connections with the Pakistani government. They give aid to many people. I do not know anything about the organization assisting people to get into Afghanistan, nor was I helping Arabs get into Afghanistan.

When I arrived in Pakistan this Pakistani group gave me information about Afghanistan and what was really happening there. After I heard this, I became hesitant to defend Afghanistan, because I was going to Afghanistan defend Islam. The more I heard what was really going on the less motivated I became and I decide not to go to Afghanistan. I could not go to the Airport and return home since the Pakistanis were looking for Arabs. So, I moved from one place to another with this group to protect myself from the Pakistani Police. I was merely a guest of this group.

3.4. Detainee was arrested in a car in the Bara area of Peshawar.

True, this happened because the standing government there at the time was capturing any Arab and giving them to the United States as terrorists.

I never had a weapon in my hands the entire time I was there.

While being here I have been treated kindly. Food and other things have been given to me. I've cooperated with the Interrogators and I have no complaints.

During the interrogations I have given all the details about my case. I believe this information will help me be released. I have told the Interrogators I have no hate against the United States and I do not plan to do anything against the United States.

I'm just a Muslim man wanting to live my life and follow my religion.

The written statement was then entered in to evidence as exhibit D-B. The personal Representative asked the Detainee to explain the principle of jihad.

It's like praying and fasting. The main reason for jihad is that non-Muslims were taking things from Muslims and the Quoran teaches me to defend Muslims.

The detainee refused to answer the questions of the Tribunal. The Tribunal President explained that the questions that would be asked would be only to clarify the information that was presented in the Unclassified Summary. The Personal Representative called for a short recess to discuss the situation with the Detainees.

Following the recess, the Detainee agreed to answer the questions posed by the Tribunal.

Tribunal member questions

- Q. Would you please tell us who conducted the military training when you went to the jihad against the Russians.
- A. I trained in a military base in Kanort in Afghanistan. It belongs to the al Dawa. It's an Afghani group in Afghanistan.
- Q. How long was that training?
- A. Four months.
- Q. What type of weapons were you trained to use?
- A. Only light weapons and artillery.
- Q. What did you do after the conclusion of the jihad against the Russians?
- A. In what place?
- Q. Wherever you were following the (in-audible).
- A. I didn't have other ideas. I just wanted to live my life afterwards. After fighting the communist, we were there but we were not doing anything well afterwards. I felt that.
- Q. Where did you live in year 1422?
- A. I don't know the year 1422.
- Q. Using the Gregorian calendar, in 2001.
- A. Nineteen what year?
- Q. In the year 2001.
- A. I was in Sudan.
- Q. Is that your nationality?
- A. Yes.
- Q. When did you leave Afghanistan for the first time?

- A. In the beginning of the year 1996.
- Q. In what year did you return to Afghanistan right after leaving Sudan?
- A. I returned to Pakistan in 2002.
- Q. What was your purpose for being in Pakistan in 2002?
- A. Because, as I mentioned before, as a Muslim I went there to defend Muslims in Pakistan. My religion tells me to defend Muslims.
- Q. Did you have a weapon with you at that time?
- A. No. I didn't need a weapon in Pakistan.
- Q. What type of things would you do to protect your fellow Muslims in Pakistan?
- A. Pakistan or Afghanistan?
- Q. Pakistan first then Afghanistan.
- A. Pakistan was only a stop station until I go to Afghanistan.
- Q. What type of acts did you do in Afghanistan to protect Muslims?
- A. I didn't enter Afghanistan. I wanted to go to Afghanistan.
- Q. Were you prevented by the Pakistani authorities?
- A. About a month when I was in Pakistan I stayed with a Pakistani group. I was able to get some true information about what was going on in Afghanistan. So I changed my mind. I changed my purpose. And they helped to do so. I had a passport and my identification card but I wasn't able to go back. Because there was tight security and all the Arabs were being arrested no matter where they were.
- Q. How did you pay for your travel to Pakistan?
- A. My food and my shelter was paid for by the group of Pakistanis I was staying with. I was there as a guest.
- Q. Did you pay for your travel to Pakistan?
- A. Yes.

Q. What was your occupation, your job when you were in Sudan before you came to Pakistan?

A. I was an accountant in one of the trade offices.

Tribunal President question

Q. I just have one question about the group that you stayed with. Was that the Dawa Guidance group or was it a different group?

A. There is a difference between the two groups. The groups I staying with was the gawa wasa center which is Pakistani. The other group is Afghani. That's who I was with before when I was in Afghanistan. But they both have the same idea.


Q. They are related groups then in fact?

A. They cooperate with each other. There is a training camp in Afghanistan to train the guerillas (in-audible) in the Afghani area.

The Tribunal President confirmed that the Detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the Tribunal.

AUTHENTICATION

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


Colonel, United States Army
Tribunal President

ISN# 720
Enclosure (3)
Page 5 of 5

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Summarized Sworn Detainee Statement

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

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

In the name of Allah the merciful, I will tell the truth. What I have already said to the interrogator was the truth. I am an innocent man. I have not committed any crimes and should not be here. I have never been in trouble nor have I ever been a member of any organization. These organizations are against my religion. By nature, I don't like Moses and problems. For this reason, I live in a remote village away from the city. If I wanted to be a combatant and participate in these activities I would have done that in my own country. For the last fifteen years, I have not any problems with anyone in my village. Anyone in my village can verify that. I am forty-five and I am not going to do anything foolish. If I were going to do these things, I would have done them when I was younger. I am a Muslim. Islam is against all terrorism, violence and problems between people.

[The Personal Representative (PR) asked the Detainee if he wanted to talk about the specifics that they originally talked about:] The Detainee said, "yes."

Paragraph 3.1. [The Detainee voluntarily traveled from Mauritania, Africa to Islamabad, Pakistan in 1987 to work for the Islamic Relief Organization (IRO).] [PR from his notes stated:] The detainee did not go directly to Pakistan. He went from Mauritania to Saudi Arabia and then to Pakistan in 1987 to work for the IRO. The Detainee had told me his original plan was to stay in Saudi Arabia and study, but he could not get residency status. Before leaving, the Detainee went to the IRO and had a job in Pakistan but not in Saudi Arabia. The Detainee met his future wife and got married. He never worked or associated with a terrorist organization.

A. That is true.

Q. Is there anything else you want to add?

A. That is true.

Paragraph 3.2. [The Detainee received weapons training on the Kalashnikov rifle while working for the IRO. The training took place near the boarder town of Peshawar, Pakistan.] [PR from his notes stated:] The Detainee said it was normal for everyone to receive training because there was no security. People walked the streets carrying rifles for protection.

A. That is true.

ISN #705
Enclosure (3)
Page 1 of 5

UNCLASSIFIED / ~~FOUO~~

001132

Paragraph 3.4. [The Detainee worked for the IRO in their Orphan's Department (which included a school) until 1990, when the school closed.] [PR from his notes stated:] The Detainee confirmed he supervised kids and was the administrator and a purchaser for the school. He worked for the school from late 1987 to 1990.

A. That is true.

Paragraph 3.5. [Between 1991 and 2001, the Detainee traveled back and forth between Algeria, Pakistan, Yemen, and Pakistan. He worked various jobs during this time.] [PR from his notes stated:] In 1991, the Detainee traveled once to Algeria from Pakistan. He went to Yemen in 1995, to study. He stayed for two years before leaving in 1997. He left Pakistan because it was hostile toward Arabs, and he didn't need a Visa to stay in Yemen. After leaving Pakistan in 1997, the Detainee worked various jobs as a welder, and sold honey. After returning to Pakistan he went to the United Nations Office for assistance, but they were unable to help him. Because of the turmoil in Algeria, the Detainee was trying to get refugee status in any peaceful Arabic country.

A. That is true.

[PR to Detainee:] Do you have anything else you would like to add?

A. Regarding the first point related to (inaudible). I received word the situation in Algeria had improved. After learning organized parties had taken over the socialist regime I wanted to go back to my country to live. I told my wife I would go and check out the situation. If things were peaceful, I would come back for her. I went to Algeria and found that things had improved. I got a job with the Al-Wafa organization so I could save money and take my wife and children back to Algeria. While traveling to get my family, I received word that the situation in Algeria had worsened and I shouldn't return. Things were bad in Algeria until the end of the 1990s. Innocent women and children were killed.

Paragraph 3.6. [The Detainee worked for the Al-Wafa organization in Jalalabad, Pakistan from June through August 2001. In September 2001 the Al-Wafa Organization closed.] [PR from his notes stated:] The Detainee worked for the Al-Wafa in Kandahar, Pakistan not Jalalahad. [A Tribunal member stated:] Kandahar is not in Pakistan. [The Detainee stated:] I worked in Kandahar not Jalalabad. . [A Tribunal member stated:] In Afghanistan? [The Detainee stated:] Yes, in Afghanistan. [PR from his notes continued:] He worked from June until September 2001 digging wells, fixing buildings and remodeling mosks. [The Detainee stated:] He didn't work on houses, just mosks. [PR from his notes continued:] He never suspected Al-Wafa was a terrorist organization because they had blankets, medicine, hospitals, and equipment to repair roads.

A. True.

Paragraph 3.7. [The Detainee was arrested at his home in Peshawar, Pakistan by the Pakistani police on 25 May, 2002.] [PR from his notes stated:] The Detainee believes he

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was arrested later in May, possibly the on the 28th. The Pakistani police and the Americans confiscated his audiotapes and books but found nothing to connect him with any terrorist activities.

A. True, they didn't find anything related to terrorism.

[PR to Detainee:] Do you have anything else you would like to add?

I ask the Tribunal to be fair and just. I know their goal is to defend innocent people everywhere. I am innocent and I ask they take that into consideration.

Summarized Answers in Response to Questions by the Tribunal Members

Q. When you were in Kandahar, did you work for Al-Wafa?

A. Yes.

Q. When were you in Kandahar?

A. From the end of June until the beginning of September 2001.

Q. Prior to being in Kandahar, you were in Peshawar, Pakistan?

A. I was in Peshawar and I had a little shop in Jalalabad.

Q. You were working for Al-Wafa in Peshawar and Jalalabad?

A. No.

Q. When did you get a job with Al-Wafa?

A. In June.

Q. You decided to travel to Kandahar to work for Al-Wafa? Or did you go to Kandahar first before getting a job?

A. In Jalalabad, I was told there was a Saudi organization that was looking for employees. The Arabs in Afghanistan didn't want to work for Al-Wafa because they considered it working for (inaudible) Saudi government. I was proud to be working for a humanitarian organization.

Q. When you were in Kandahar building mosks for Al-Wafa, were you a manager? A laborer? Did you ever handle or see money? What did you do?

A. Because I spoke Pashtu, I was in charge of buying supplies. (Inaudible) his name was Mustafa.

ISN #705
Enclosure (3)
Page 3 of 5

UNCLASSIFIED / ~~FOUO~~

001134

UNCLASSIFIED / ~~FOUO~~

Q. When you were in Kandahar, did you ever give any supplies (food, medicine) to any Arab or Taliban fighters?

A. No.

Q. When did you work for the Islamic Relief Organization (IRO)?

A. Before Al-Wafa?

Q. Yes, I believe it was before Al-Wafa? It says 1987.

A. Yes, in 1987.

Q. Was that the only time?

A. Yes.

Q. Do you know what Al-Wafa's purpose is?

A. I was told they were a Humanitarian International Organization with offices all over the world and they help the poor.

Q. Do you know what the Islamic Relief Organization is?

A. The IRO is a Saudi organization that helps orphans in Afghanistan and the poor.

Q. The only time you were in Afghanistan was in June through September 2001?

A. That was when I was in Kandahar, but before that I was in Jalalabad.

Q. Why do you think you were arrested?

A. From what I understand, the Pakistani Intelligence was under pressure from the Americans to deliver al Qaida operatives and other terrorists. The Pakistani Intelligence arrested people (some were poor and innocent) so they could show the Americans they were working with them. The Pakistani officer that arrested me said I had nothing to worry about. I would be released shortly since they were looking specifically for al-Qaida members.

Q. Have you ever worked for al Qaida or supported them in anyway?

A. No. I would rather starve than work for that organization. They try to control you and do things against your religion.

Q. You stopped working for Al-Wafa in September 2001

ISN #705
Enclosure (3)
Page 4 of 5

UNCLASSIFIED / ~~FOUO~~

001195

A. True.

Q. What did you do between September and May, when you were arrested?

A. I worked in a village and sold honey (inaudible).

Q. Where was that at?

A. Indi.

Q. Where is that at?

A. Pakistan.

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

[The detainee stated:] There are a lot of people here in prison. If you take my picture and show them, they will verify I wasn't a member of al Qaida. The Pakistani Intelligence Committee has information on communities of other foreign countries. I defy anyone who tells me I was part of any organization. Even though I am in prison and I have suffered, I am not angry. I am happy to be here with my god. I have a clear conscience. Please be fair and don't forget I have a family that I haven't seen in a long time. While I have been away, there no one has been providing for my family. When you make your decision, please be fair and take my family into consideration.

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

A. No.

AUTHENTICATION

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



Col, USAF

Tribunal President

ISN #705
Enclosure (3)
Page 5 of 5

Summarized Unsworn Detainee Statement

Detainee referred to Unclassified Summary R-1 to address specific points in the document.

I don't consider myself a member of the Taliban. I left England with the intention of finding a way to fight jihad. That wasn't the sole purpose of my trip. I was also migrating from England to the Islamic country of Pakistan.

Jihad was not my sole purpose for leaving England, but if it was necessary, "inaudible".

The Unclassified Summary says that I would hurt the guards. I have no record of saying that. It would be my duty to defend myself if they were trying to hurt me.

I don't consider myself a terrorist. I have no intention of hurting innocent people.

The Unclassified Summary says that if I had a way of fighting jihad in the future I would do so. I see participation in jihad as a duty of every Muslim who is capable of doing so. I can't say if there will be jihad in the future or that no one has to fight jihad.

I have never been to Afghanistan and have never considered myself a member of the Taliban or Al Qaida. I was only heading to Afghanistan to defend the Muslims who were being killed.

Summarized Answers to Questions by Tribunal Members

When I traveled from England to Iran and then to Pakistan, I funded my travel with money I had earned while working.

When I left England, I didn't know where in Pakistan I was going to go.

When I arrived in Pakistan, I received training on the Kalashnikov from a Pakistani person. I was at a house and told them that I was new and I had no training on the Kalashnikov, so they had someone show me how to use it.

I do not know anything else about the person who trained me, except that he knew how to use a Kalashnikov.

It is a duty in my religion to participate in jihad. The definition of jihad is very complicated. Jihad is a struggle within your soul and between yourself to do what is right. Any struggle in you to do what is right can be considered a jihad.

Jihad is not limited to military action.

When I was going to Afghanistan, it was to assist the Muslims who were being killed. There were many conflicts. I do not know if they were the Muslims who were being killed by the Taliban, Northern Alliance, or the Americans.

I have no intention of hurting innocent people. Non-Muslim people present in Afghanistan could be innocent.

It is fair to consider me a muhajedeen Warrior. We fight against oppression. I believe there were innocent people being wronged.

At the time I made my decision to go, I can't be sure who was doing the oppressing of the innocent people. There were ashes everywhere. You couldn't tell the difference between a tree, a dog or a human.

If I had been able to get to Afghanistan I would help the village and the people and try to stay safe.

I was not Muslim from birth. I converted as an adult. I heard about Islam from someone I used to study with. He gave me a copy of the Koran and I believe the message of Islam is true and you can find the truth in other religions such as Judaism and Christianity.

To say that as a warrior, it is legitimate to fight against enemies of Islamic states, is a broad statement. It is not necessary whenever there is an enemy, only when it is necessary.

I can't generalize the United States or the United States Government as an enemy of Islamic States, because the government is divided into groups. Some people make decisions, some gather information. I can't be specific on the United States as a whole group. I can't say the whole group is an enemy.

Anyone who knowingly kills any innocent person, even a non-Muslim person, is wrong.

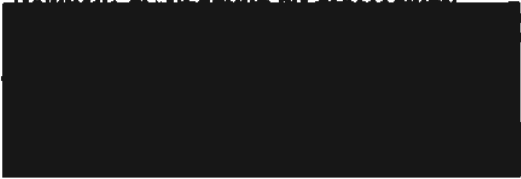
I have never been to Afghanistan. I was attempting to get there. I was arrested in Pakistan around March 2002. I attempted to go to Afghanistan in December 2001. This was the perfect time for me to fight jihad because I was already preparing to migrate to Afghanistan. When I saw people were attacking the innocents and they were being killed, I had to be there and help save the lives of innocent people.

I never considered waging jihad in Pakistan or Kashmir.

I was in England when I converted to Muslim. The people I worshiped with did not encourage me to go to Afghanistan to participate in jihad. My desire to travel there was in response to aggression against innocent people and I was trying to stop innocent people from being hurt in the process.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

Summarized Unsworn Detainee Statement

Bring me the information that is correct. This information is not correct. The accusations are not correct against me. First of all, I do not belong to Al Qaeda.

The Tribunal President interrupted the Detainee to give the Detainee an opportunity to make his statement under oath. The Detainee declined and made an unsworn statement.

I will not take an oath like that. First, I have to see, then I will take the oath. Everything that was said about me was false. I never said that. Bring your evidence; true evidence. Just a small amount of evidence, so I can understand.

The Tribunal President offered to show the Detainee the oath so he could decide if he wanted to take the oath.

It is not about taking an oath; it's about evidence. Bring the evidence and I'll take the oath to apply to the evidence against me, so I can understand the case against me. The accusations at least have to be true. I want to see the accusations against me. That's it.

The Tribunal President advised the Detainee that he had the opportunity to review the Unclassified Summary, R-1, which is the evidence against him.

All the accusations that they [Personal Representative] showed to me, they are all lies. They are not true. I want to see a little bit of the classified information against me.

The Tribunal President advised the Detainee he could not be permitted to see any classified evidence.

How can I defend myself? All those accusations and I cannot defend myself? There is no solution for this.

The Tribunal President advised the Detainee he was being given this opportunity to defend himself against this [showing the Detainee R-1] evidence.

That is not true. Bring me the evidence; the real evidence. The papers that were taken from me, the things that were taking from me, are used against me, fingerprints... My father is a lawyer, I know the process. The simple things, the training, those are not evidence. The things that were found on me when I was arrested; bring me those. I know for sure you have nothing against me. Why is this court happening? This Tribunal?

The Tribunal President advised the Detainee the purpose of the Tribunal was to determine the Detainee's status as an enemy combatant.

I can say 100% that is not correct. If I'm not an enemy combatant, you will still classify me as an enemy combatant. If want or do not want, you will still classify me as an enemy combatant, that's the truth.

The Tribunal President stated that wasn't necessarily true because we have the opportunity today to allow the Detainee to present his story.

I have never told my story before. I told my story before in details. There are some mistakes in translations, even before, because I speak so fast.

In general, I just want simple evidence against me. Some of the evidence.

The Tribunal President stated this [holding up R-1] is the only evidence the Detainee will see today.

All that evidence is because of my hand, or my injuries. It's all because of that. I told them the truth. I told them I trained on mines. Because if I told them the truth, adding up to my statement, I'm not sure.

The Tribunal President advised the Detainee he had the opportunity now to clear up any misconceptions or allegations that he felt were untrue with the assistance of his Personal Representative and this was the Detainee's opportunity to speak.

There are a lot of mistakes made on my case, for example 10 weapons, 30 weapons. I've never said I had that kind of training before. I never mentioned that. I'm not scared. I told them [interrogators] I did train on some weapons and I told them I didn't want to train on some of them and I told them why I went to Afghanistan.

I didn't go there [Afghanistan] to fight Americans; I went there before the Americans were there. I wanted to train to go fight the Chechnyans. That is the truth. I didn't go there to fight Americans. Sure, they did arrest me in a safe house. It was a safe house, but I have no connection to being against Americans. I was not planning to fight or be against Americans.

Maybe because I was arrested in their house, they accused me of those accusations. Of course at that house, maybe someone did say something against me that didn't know me and accused me of things.

I told them, I went to Afghanistan to train, but the car bombs and other things, all that is false, actually.

The second thing, for example, there were people testifying against me. There are documents and passports that state they will testify against me, so I can believe the accusations you're telling me I've been accused of. Something true, something I can see. All these are just rumors. Just someone's hearsay. You have the secret information, so

you know everything and you know you did arrest high top-level people and generals, so you do know. The first thing you said, "I think he's from Al Qaida".

The interpreter stated that the Detainee is translating the word "with" incorrectly to mean "I think".

The third thing, I cannot bring witnesses here. How can I bring witnesses here? Even if I have witnesses outside of here, how can I bring them here? It is very difficult.

If you're going to call me a combat fighter, I spent all this time here and that's what I spent it for. That's the reason we [detainees] got detained here. Because we were here detained, they have to label us something, like combat fighter. Even if we are not combat fighters, they will still label us that because they arrested us and brought us here.

The Tribunal President advised the Detainee that the purpose today is to see if he had been properly classified as an enemy combatant.

That is a different story. I just want to defend my case. It is a false accusation against me and I just want to clarify it, in general. I know, for a fact, that you don't have any evidence against me. I'm not dangerous and I'm not planning and did not plan to fight Americans. For example, show me books, papers, show evidence. Was I on a wanted list before? Did I have any problems in the other parts of the world? Did I have any problems there? There is a list you have to read to really find out if I am really someone who is trying to fight against you or am I really fighting against you.

The Tribunal President stated that is what the Tribunal is going to try to do today. The Tribunal panel has clear minds, and all they have been exposed to at this point is R-1, the unclassified evidence. The Tribunal will take what the Detainee is saying, along with the evidence, to make a determination. The Tribunal President advised that the Tribunal panel would like to ask questions.

I do not have a way to defend myself. You ask me, I can't defend myself. I don't have anything. I'm telling you this is not correct. There is no strong evidence, and I know this very well. In general, you can ask me; I'll tell you.

In general, I just want to say that all the accusations against me are wrong and that is what I told you, all the accusations are wrong. For example, they never found anything on me, like a map, piece of paper, a book that would connect me to these accusations. They never found that on me. At least, someone would say, "we found this on you, it says this on it, it connects you to the accusations". They are just rumors; just hearsay. People say lies about me. That happens a lot. If they have a witness that would come and say I trained with him, then I'll believe them. They don't have someone that was with me when I was training to say "he did do this or do that". This is how I talk, I talk very fast.

The Tribunal President asked the Detainee to talk slower.

The Americans talk fast too, so I talk fast just like them too.

The Tribunal President stated the Recorder identified the fact that the government has no witnesses to testify against the Detainee.

I know that, I know that well. I tell you the truth. I spoke to investigators before the same way. They told me "people" told rumors about me, hearsay. It's not a problem. If that's what you want to do, call me a terrorist? Then go ahead and do it.

Compared to other people in the world, I'm just an average person, like everyone else. Afghanistan is just another country. A lot of people enter and go to Afghanistan. Everyone has their own goals.

I lived in Europe; I never fought Americans. I didn't have any problems in Europe. Something normal.

Questions to Detainee by Tribunal Members

Q: Because this [R-1] is the only information we have concerning you so far, there are a number of things you should expect we want to ask you now. From what country do you come?

A: Algeria.

Q: Did you go to Algeria to Afghanistan in 1999?

A: I went from Great Britain to Afghanistan.

Q: How long did you live in Great Britain, prior to going to Afghanistan?

A: About 2 years.

Q: What was the reason you chose to go to Afghanistan?

A: I saw a tape, showing were they [Russians] killed Chechnyans. I saw a tape in a mosque. I saw the situation in Afghanistan. In Great Britain, there was a mosque. We went to a mosque and saw a tape of how they [Russians] were killing Chechnyans. The Russians were killing Chechnyans on that tape. Someone told me they were going to train and go to Chechnya.

- Q: So, after going to the mosque, seeing the tape and talking with people, you went to Afghanistan to get training to go fight the Russians in Chechnya?
- A: To fight the Russians, yes.
- Q: Do you remember when you went to Afghanistan, what year?
- A: 1999.
- Q: Since you raised the issue with your injuries, tell us how you became injured.
- A: Small mine training.
- Q: What happened?
- A: It was a small bomb buried, a mine, and the top was lifted up. Some of them have covers, some of them don't. I was digging them out. While digging, I pressed it accidentally. I thought they wouldn't switch. After I pressed, it exploded.
- Q: Are you permanently injured, or is there a chance that you will someday be healed? What is the nature of your injuries.
- A: [The Detainee pulled the cloth off of his left arm and showed the Tribunal Panel his left hand, which had been injured during the explosion. All fingers were missing and only his thumb, which was mangled, was left. Detainee's left hand was covered with scar tissue.] All this was torn off. There were stitches, and minor cuts on my legs.
- Q: Also on your left leg, we see it is bandaged here? [The Detainee's left ankle had a bandage covering it.].
- A: Maybe you won't believe me, but that's an investigation. They [guards at Guantanamo Bay] did that to me, for a year and a half. From walking for an hour and a half with chains on. There was an investigation, about a 2 month investigation. It was cut from the top and the bottom at the base of my leg. It happened here, not before.
- Q: How long ago?
- A: 1 ½ years ago.
- Q: Are your injuries permanent, or do you know?
- A: It needs surgery. I don't want to have the surgery here. We know how military doctors are. They offered me surgery, but I told them no. It's not guaranteed.

- Q: Let us return to Afghanistan. What training were you able to receive in Afghanistan?
- A: Weapons training, rifleman's training. I don't understand the measurements of the weapons, but rifle.
- Q: On what weapons do you consider yourself proficient?
- A: It is difficult; I have one hand. It would be difficult for me.
- Q: Before you were injured?
- A: It was just a few months. Right when I went to training I got this injury. The whole time I was there, I still had the injury.
- Q: Between the time you arrived in Afghanistan and the time you were injured, on what weapons did you become proficient?
- A: Just simple training. It was a few months, maybe 5 months. My training stopped.
- Q: Were you trained either before or after your injuries in the area of land mines?
- A: During training, I had my injury.
- Q: During the training?
- A: Yes. There are mines in every country. There were mines everywhere.
- Q: Yes, but one needs specialized training to learn how to handle them.
- A: I don't have specialized training. The training camps where I trained, there is no specialization, you just get trained in general training.
- Q: Did you receive any training in the area of remote control devices, or how to...?
- A: It was a military calling device. About one week of training. It was a regular phone call, a regular call.
- Q: You received one week of training?
- A: About. I studied 2 years. I can't tell you exactly the time period.

- Q: When you say you studied 2 years, 2 years in what?
- A: Those things happened so long ago that I don't remember it very well. I can't tell you precisely, exactly. I don't remember it. If you ask me what I ate 2 days ago, I don't remember what I ate 2 days ago. A week, a month, how can I remember?
- Q: All we seek today is to hear your story and get to the truth.
- A: I told my story from the beginning. There are some errors, some mistakes done. I will tell you something, you might believe me, you might not believe me. I said I trained at 3 camps, 3 military camps. One of the camps, I added to the list because they pressured me, so I said yes, I did. I lied. I lied to them and I lied to myself too. If you believe me or not...
- Q: Well, tell us the truth. How many camps did you train at?
- A: Two camps. I'm telling you right now I trained at 2 camps. I lied to myself because they liked hearing that kind of thing.
- Q: Do you understand English?
- A: A little bit. I knew English before. I know a little bit.
- Q: Where did you study English, in your time in Great Britain?
- A: No, in Algeria in the school. They teach French and English.
- Q: How many years of instruction in English did you receive?
- A: Up to high school.
- Q: Did you train other people, other fighters while you were in Afghanistan?
- A: No, I didn't train. You know very well I didn't train anybody. Do you have witnesses? I'm ready. I'm ready, not a problem.
- Q: We don't know whether it's true or not. That's why we're asking.
- A: I'm telling you right now, I'm not scared. If I did something...the evidence, the witnesses, bring them. I'm ready.

- Q: You said you wanted to go to Chechnya. Why didn't you ever go to Chechnya?
- A: The situation was very difficult at the time. It was very difficult to travel there. Sometimes the door would be open and sometimes it would be closed. The borders are very difficult there.
- Q: But there were many fighters who trained in Afghanistan that did go to Chechnya, yes?
- A: I don't know. Everyone has his own goal.
- Q: Did you try to go to Chechnya and were prevented?
- A: I tried a lot, but couldn't go.
- Q: Tell us how you ended up in Pakistan.
- A: The situation was very difficult. I left Afghanistan when the fighting started. It was a mess. I was going from house to house. I was going from one place to another. Things were a mess. Finally, I went to a house. I stayed in their house about 10 days, or maybe less. That's where I was arrested?
- Q: By the Pakistani police?
- A: Yes.
- Q: The evidence says you were with a top Al Qaida member. At this point, we don't know who that might be. Do you know who that might be?
- A: I don't know anyone from the Taliban.
- Q: I said Al Qaida member.
- A: I know just one guy was arrested. Abu Zabaida. I don't even know him. I don't know him. I was arrested with him, so they dumped everything on me and said I was Al Qaida also. They know I'm not from Al Qaida. You know people from Al Qaida. You have a list; you know who they are. You know very well. I don't need to know anything else.
- Q: We know now, because you told us. You were arrested with Abu Zabaida?
- A: I only know him because I was in the same house as Abu Zabaida. That's all the problems. Abu Zabaida. That's it. That's the whole problem. If they had arrested me alone in that house, I would not have had this problem.

Q: I want to just clarify one more thing before I stop here. The accusations against you are very precise in nature. For some reason, there is evidence concerning the specific types of weapons on which you are said to have trained, the additional training you received in mines and mountain navigation...

A: After you finish, I will reply to this.

Q: ...and the area of remote controlled devices. The most serious allegation is that you participated in a plan to bomb the United States.

A: From where?

Q: I would just like you to address that specifically, please.

A: I never! That is strange, very strange. I want to laugh. Honestly, I want to laugh at those allegations. If I was so dangerous, I would not be here. This is very strange.

Q: You have no idea of who would accuse you of this, or why?

A: At the investigation, they told me "people are talking about you a lot" and "people" said. Give me the picture or tell me this person said this about me. They tell me no, it's secret and we can't do this. So, I can't defend myself.

Q: Why would any of your comrades want to say anything against you?

A: Ask yourself, when you talk to someone, are they going to tell you 100% the truth? I know these are just rumors; just hearsay. If you don't have something that's strong evidence against, it's a problem. If I did something, I would say I did this or did that. I would tell you this is what I did if I did. I don't want to lie and say I did it when I didn't do it. I don't want to lie to you. If you'd like, you can get a camera, take a picture of me and say I was with Al Qaida or Usama Bin Laden. You tell me I am against America. I am not against America. I don't have any information or planning against the United States. You know that very well.

Q: Right now, all we know is what you are telling us.

A: I told them [investigators] okay, people have said this about me, no problem. Bring them here and let's see if they can testify against me, or bring their picture. If they spoke about me, if they testified against me... You do have a way of knowing if they are telling the truth or if they are lying. The problem is they don't have strong evidence against me. The allegations, 4, 5, 7.

- Q: We understand that. I'm not as interested in what other people have to say or not say, as much as we are to hear what you say.
- A: I just clarified it to you. That's how it is. For example, they accused me, okay? If you found something, a piece of paper, and you'd say, okay this is the piece of paper and it proves you did this...at least so I can believe you. There is an important point. People are like this. Everyone wants to make his own statement against another. Here, everyone is on their own. That's what's happening here. That's the problem here now. Everyone is lying at each other, and everyone is saying, making a statement against each other. Lying is very easy. Someone will say 100 stories of lies. The truth is difficult. It is difficult to get the truth.
- Q: Travel is fairly expensive. How or who funded your travel to Afghanistan for this trip?
- A: I was working. The British pound is strong. In Pakistan, you can get more for your money. You can live like a Sultan, or like a chief.
- Q: So, you funded your own trip?
- A: Yes, I did.
- Q: Who was running the camp you went to train at?
- A: We never saw them. There were a lot of people, and they usually don't say. They don't say "Oh, I'm the Chief", they never say. Everyone is training, doing their own job. You're not supposed to ask; you can't ask.
- Q: I'm just trying to get the sequence down. In 1999, you went to train?
- A: Yes.
- Q: And then when things started to get really bad in Afghanistan, you left?
- A: Yes.
- Q: So, that's about 2 years. Were you training the whole time?
- A: No.
- Q: What other activities were you doing?
- A: I helped kids. I was teaching them the Koran and Arabic. I was handicapped. I couldn't do anything. I couldn't do most things. I was teaching and that's what's in my file.

Q: Did you teach at mosques?

A: It was like a big room and the children would come to that room and learn. They don't speak Arabic; they don't know Koran. They don't know how to read and write. That's normal over there. There was no problem with me teaching them. That's how it is in those countries. Like here, you help people, over there, you try to help people also. It was not problem teaching education.

Q: Can you remember what time it was when you decided you wanted to leave Afghanistan?

A: After the problem, the attack. A short time after, I left.

Questions to Detainee by the Tribunal President

Q: Where did you live when you were in Afghanistan?

A: Different places. Three neighborhoods.

Q: In your own house, or a friend's house?

A: Regular houses. Muslims, we go and live and live in different houses, with Afghans. Afghans have guests at their houses.

Q: They would provide you food and shelter as long as you want?

A: That's very normal there. Maybe a year is different. When you have a visitor, you offer them your house and food. It's regular there, it's normal. You go there as a guest and they offer you food and shelter. The houses aren't specialized houses; they are regular houses. We go to any house. Not a problem.

Q: So, you did not have to earn money?

A: No, I went there with money.

Q: For 2 years? You had enough money for 2 years?

A: Sometimes they would give me money here and there, gifts. It's regular, not difficult. It's normal over there.

Q: Who would give you gifts? The Taliban?

A: No. Muslims, just regular people. Not the Taliban, regular muslims.

Q: So, you were happy in Afghanistan, and you were not interested in traveling anywhere else?

A: Life is difficult in Afghanistan.

Q: Why didn't you want to go home to Algeria to see your family?

A: I told you why I went to Afghanistan. I wanted to go to Chechnya. That's why. Maybe, if there wasn't a way to go there, I would go back and work in my country. My parents, my father, my mother, my brothers, they all work.

Q: I understand that the reason you originally went there was to go to Chechnya.

A: Yes.

Q: But, after your injury, how could you have been able to benefit the effort in Chechnya?

A: In any way to help them. I would help them in any way. I'm not the only one who wanted to go to Chechnya. A lot of people from the whole world go to Chechnya. Even you helped Chechnya. Didn't you help Chechnyans? Because you don't like the Russians. We read history and geography and studied it in school. It is very well known. I don't need intelligence.

Questions to Detainee by Tribunal Members

Q: But for the war in Afghanistan, would you still remain there today if you had not been captured?

A: I left.

Q: I understand that.

A: No, I would go to Chechnya. That was my goal. I tried so hard to go there. I tried. I would take my chances, just to go there.

Q: So, for almost 2 years, between the time you were injured and the time you had to leave to go to Pakistan, there was no way you could go to Chechnya?

A: The situation was very difficult. Sometime, if there is a chance, I will go. I honestly tried. I wasn't able. You might ask me why I couldn't go there, but it may be questionable why I didn't go, but I did try multiple times. It is difficult.

Q: The reason I asked, you just mentioned that so many people did go to Chechnya, and we wondered why you didn't go with them.

A: Everyone has a destiny. Everyone has his own situation. People go, people come and so on. The situation is difficult.

Questions to Detainee by the Tribunal President

Q: When you were arrested in Pakistan at that safe house, and there were other people that were there at the time, did they travel with you from Afghanistan to Pakistan?

A: No. They went a different way. I never met with them.

Q: Who did you travel with?

A: About 4 people, through the borderline. And the Pakistanis, they helped us. They divided us. Everyone was taken to a different spot. It was difficult. We couldn't be all in one spot. It was difficult to be in one spot.

Q: Who helped you?

A: Pakistanis. People in Pakistan. It's normal, they help you, sometimes.

Q: Not necessarily Al Qaida?

A: No, not Al Qaida. Maybe the government of Pakistan said Al Qaida, maybe. People from the military helped us, on the road. And then, the Pakistanis themselves, arrested us.

Q: Do you have any further information to present to this Tribunal?

A: Right now, this is it. That's the whole thing.

Questions to Detainee by Tribunal Members

Q: One more question. You're asking us to believe quite an incredible coincidence, that you can somehow end up in the same house as Abu Zabaida and have it be a complete coincidence.

A: I never met him. I saw him at the house. You wouldn't believe me, but it's my story. For example, if I knew him very well, maybe they arrested him with things on him? Documents, paperwork or some information about me? When Abu Zabaida got arrested, did they find things with him, documentation, that say I know him very well? For example, there are a few things that will prove it. It's simple; not very difficult. The story is very clear.

Q: Here is what I'm having trouble with. It would seem as though, someone as important as Abu Zabaida is probably surrounded by many guards, and the only people permitted to be with him or in his vicinity, are people who could be trusted. Not just any old person.

A: I'm going to answer you. It's simple. The house, a lot of people went to that house, leaving and entering. For example, if I was his [Abu Zabaida] guard, so people are living in that house are his guards? I can't protect myself, how can I be his guard when I can't even be my own guard.

They [Pakistanis] arrested us at the house. For example, I'm his [Abu Zabaida] guard. I have a weapon, so at least I would have a weapon to protect him or protect myself. I didn't have a weapon on me. They arrested us right away. If I were his [Abu Zabaida] guard, I would at least have a weapon, or I would know how to protect myself since I'm a guard and I have information.

Q: I'm not necessarily saying you were a guard. I don't know that.

A: No, I'm telling you as an example.

Q: What I am saying is if Abu Zabaida was in the house, his guards would make sure that anyone they didn't know would not be allowed to stay there with him.

A: I don't have any connection to him or any information about him [Abu Zabaida]. Leaving, entering the house...maybe people in the house were related or close to him, I don't know. You know, I've been telling this for 2 years.

Q: Give me an estimate of roughly how many people were in the house at the time you were there.

A: When I was arrested?

Q: Yes.

A: Before I was arrested?

Q: How long were you in the house?

A: Ten days.

Q: Okay, give me a range then.

A: Fifteen, sixteen, seventeen, add or take. People come in. Pakistanis bring more people and some leave. I didn't have a right to ask them why they were coming or leaving. I wasn't involved.

- Q: How long was Abu Zabaida in the house the same time you were?
- A: When I was there, he was there too. I found him there. I wasn't at the house the whole time. I didn't see him the whole time. I saw him, but I didn't see him that much.
- Q: He was there before you got there?
- A: I don't know. When I was there, I saw him there.
- Q: You were both arrested together, with others?
- A: At the same house.
- Q: Was everyone at the house arrested at the same time, or only some?
- A: I have heard some ran away. That's what I heard, they ran away.
- Q: Did you see them run away?
- A: No, I heard about it. I didn't see it.
- Q: How many people were arrested that you know?
- A: Ten, eleven or twelve, about that.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

Summarized Unsworn Detainee Statement

The Tribunal President began reading the Tribunal instructions to the Detainee. Upon the reading the instructions, the Detainee stated the following:

Detainee: All the information that is classified and all the information that's unclassified, I don't really understand.

Tribunal President: Unfortunately we only have two categories of information; unclassified information we can show you, and classified will be kept secret for national security reasons.

Detainee: Because they've given our file to the Chinese government, then there's no more secret or classified information.

Tribunal President: I have no knowledge of that.

The Tribunal President then went on to explain the rest of the Tribunal process, and confirmed the Detainee had requested a Witness. The Recorder then summarized the nature of the evidence in full to the Tribunal. In addition, the Detainee elected to make a statement, but did not elect to take the Muslim oath, and stated the following:

Detainee: Taking the oath is not necessary; since the beginning I have told the truth.

At this time, the Personal Representative presented each item of the unclassified summary individually, to include notes gathered from his initial meeting with the Detainee.

Personal Representative: (addressing the Detainee) I will read each item as we discussed; I will read my notes and you may add more. Regarding (3.a-1), *In 2001, the Detainee traveled from Kyrgyzstan, through Pakistan, then on to Jalalabad, Afghanistan to attend a training camp.* He stated he "traveled around July 2001 before the World Trade Center incident. He says he stayed in Afghanistan for three months; how could I speak the language or associate with the Taliban. I don't know what they look like. I went to the training camp to learn to fight the Chinese; to get our independence from China. I did not know that Taliban gave them the place, only that the Uighurs were there. He said "they did not want a lot of people to know about the camps so that the Chinese would not send a spy there. That's why only Uighur people are in that place. We did not even know that area was called Tora Bora. The camp was made up of 4-5 houses and one mosque." That actually covers the response for # 1 and # 2. Would you like to add more?

Detainee: I want you to read all of it, and then I'll read my statement.

Personal Representative: *(3.a-3) The Detainee was at the camp for three months and spent two months learning the Koran and one month shooting an AK-47. He (the Detainee) said "that was true, because in China there is no school to study to learn the Koran. I had to learn the Koran. The Chinese never let us learn. We have no religious freedom. Two months I learned the Koran, and one month on the AK-47, and nothing else. I never saw any other weapons. I never trained at the camp to fight the United States or coalition."* Regarding the fourth one, *(3.a-4) After the U.S. bombing started, the Detainee and the other Uighurs went to the caves and stayed there until the Northern Alliance came to the camps. He said "we ran into the caves, and ran out of food. We did not know any Northern Alliance people. After two months of moving from cave to cave, then we heard from Afghan people that the Northern Alliance was coming to the Tora Bora region. We left to Pakistan. We did not know how to get back to Jalalabad. We waited two months, then a Uighur from Jalalabad came up to the camp. We heard some Arabs were going to Pakistan."* And now we'll go into the fifth one, *(3.a-5) An Afghani man sent the Detainee with approximately one hundred Arabs and twenty Uighurs to Pakistan, where they were captured. He stated, "When we heard the Arabs were going to Pakistan, we followed them there. I was not with the Arabs when I traveled, only with the Uighur people. We only followed from a distance, not with them. It was at a village in Pakistan that we were treated as guests. Then in the middle of the night, the villagers told us they would take us to another place. We walked 2-3 hours away to a mosque. The tribe people tricked us and turned us over to the Pakistani authorities."* Now that concludes my notes, you may want to say more.

Detainee: I will explain the accusations. I will explain the association with the Taliban, then I will read one by one. I want to remind you that you are blaming me that I had an association with the Taliban, because these 5 pieces of evidence do not support that. I took those actions against the Chinese government. Secondly, we all 18 were arrested in the same place. You captured all 18 together, then why are you accusing all 18 people of different kinds of accusations; how did you do that? We were captured at the same place and time. You can see you have no clear evidence for those accusations. Here is an example: I was training in the training camp to fight against the U.S. or coalition forces or for the Taliban or al Qaida? All those accusations do not apply to the Uighur people. We do not involve those kinds of activities because we have nothing against the U.S. We do not want to involve those kinds of activities. We have enough problems. It is important to us to try to get our country's independence. The time I spent three months in Afghanistan, how did I associate with the Taliban? I was not the leader of the camp or Uighur people. The reason I went to Afghanistan was to try to get my country's freedom. The U.S. has no clear evidence I associated with the Taliban. We Uighurs have more than 1 billion enemies, that is enough for us. Why should we have more problems? I will explain evidence # 1. I traveled to go to the training camp in 2001. I traveled from China and all those places with my visa and passport. It was legal. You cannot accuse me of traveling illegally. The reason I traveled from Kyrgyzstan to Pakistan because my goal was to try to go to Turkey. I didn't have enough money to travel. I was going to travel by car. I couldn't get a Pakistani visa to travel to Iran. I was given advice to go to Afghanistan to stay a couple months, then I would be ready to go to Pakistan to travel.

The Iran government wouldn't give me a visa to stay in Pakistan legally; if you try to do it legally, it takes 2-3 months to get the legal documents. Before the Uighur people went to Afghanistan, the host person in Pakistan, by the name of Abu Salam, told me that people were training there, and that it could be useful. That is the reason I went to Afghanistan to get the training. Someone told me that the Uighur people are getting training for a future fight against the Chinese government. The reason I tried to go to Turkey is because there was a famous leather manufacturer there. It was formed by Uighur people. In my country, I was working that same kind of job. My profession in the market was a fast way to make money. That is the reason I tried to go to Turkey. And that's the reason I tried, but instead I went to Afghanistan, and now I'm captured and came here. About # 2, in the past I told them many times that the place was not given to fight against the U.S., but the Chinese government. I told the interrogators the place might have been given by the Taliban to the Uighurs, but that doesn't prove that I associated with the Taliban. Also, Tora Bora doesn't mean it was called this name. It does not make any sense that a place with a couple houses and a mosque is called Tora Bora. The place was not located inside a mountain. The interrogator stated we stayed at Tora Bora. About # 3, I studied for 2 months on the Koran. This is funny to me. How can you blame me? America is a democratic country with religious freedom. How can you blame us for learning the Koran; how can I fight against the U.S. by learning the Koran? Our country does not give us a chance to learn the Koran. As a Muslim person trying to learn the Koran, is that a crime? If it is a crime, then why are you providing us this crime at Guantanamo Bay. If the U.S. reads the Koran and it is a crime, what is the difference between the U.S. and China? In the last 50 years, we have not had any chance of learning any religion and have been discriminated against by the Chinese government. That's the one reason I left the country was to learn the Koran. If the U.S. says it is a crime, then I don't know what is going on this world? If people try to teach the Koran, they are executed by the Chinese government. If the U.S. says learning the Koran is a crime, that gives the Chinese more chances to discriminate and kill more people. I've been told many times that I trained on the AK-47. I trained against the Chinese government. I want to be free because 100,000 people are being used like slaves. I want them to be free so they can do what they deserve. Those 100,000 people are in prison in my country. Three times a week we eat meat here, but in China, they might have meat three times per year. They eat goats and are hit by the Chinese. Is it a crime to want to save people from torture? Why isn't the U.S. freeing people tortured by the Chinese government? The U.S. knows better than to allow those people to be tortured. About # 4, we moved to that place the same day the U.S. started bombing. All the way into the mountains, close to some village, we hid in that place. Before the Northern Alliance arrived to the area, we Uighurs did not see them. They are saying we stayed at a place the Northern Alliance arrived; it was not true. In interrogation, I explained this very clearly. We didn't know a way to get out, and had to wait for other Uighurs to come and help us. I didn't fight against anybody. When the bombs came, there was nothing left of the camp, so we went into the mountains. There was no sense in staying in the camp until the Northern Alliance arrived. What time is it? (it was currently around 1700 hours) I want to break I am fasting today, that is why. I will do it at 5:20 p.m. (The Detainee then continued with his statement.) About # 5, we are 18 people in Cuba right now. We

were in Kandahar counted at 18 people. If there's 20 people, then where did our other 2 people go? Where are our other 2 Uighurs? It is true that 18 of us went into Pakistan, but we were not with the Arabs. In my traveling, I saw Arabs, that is true, but we were not with them. Because we didn't know the way into Pakistan, we had to follow the Arabs. We were following the Arabs, but it doesn't mean we were with them. I did not see 100 Arabs on the way. The Pakistan tribe people collected all the Arabs to collect them for the mosque. I saw those 100 people inside the mosque in Pakistan, not on my way to Pakistan. I have no idea where they were captured or arrested. All the 5 pieces of evidence are done, now I would like to make some more statements. We Uighurs went to Afghanistan before America went to Afghanistan. If we went there after, then we would be an enemy of the U.S. But we stayed at the place before the U.S. arrived there. The reason we stayed was to learn to fight against the U.S. government. When the U.S. arrived, we left. We had one goal against the Chinese government, but we left because we have nothing to do with you guys. This explains we are not the enemy against the U.S. government. I don't tell anything in interrogation, but they are still saying these accusations. We never had any problems with the U.S. or American people. If history is true, how can we have something against the U.S. Those accusations are funny because I explained to interrogators was to get training for freedom from Chinese. America is treating a person like me this way is not fair. They told whole world they were for human rights and democracy, and America is now breaking their own policy; treating Uighurs like this does not fit justice. This does not fit American justice. Over the last 50 years, we've been suffering at Chinese hands like animals. The interrogators told us that they are against the Chinese government as well. They wanted us to tell them what kind of torture we had. We told the interrogators many Chinese secrets. They told us we should give them more information, we may help you against your country, so we trusted the Americans, and we gave them the information. That's the reason we trusted the American government. And they took all the information from us, then told us we were against the U.S. I want to take all this stuff and find out about my case and do it fairly. That's the reason I had the trust to the U.S. in the past. I read some article or story about the U.S. in my country. That story I read is that the government was going to destroy an old building, but when they went on the roof, they found a little bird having a baby. Then they said those animals can wait til the young birds grow up, then they let them live. That is why I had big hopes about the U.S. When we were in Pakistan, we would tell other Uighurs to go to America because America would give us a place or station to work to get our freedom back. Our hope was the U.S. would give us freedom. I would like to remind you they say I'm an enemy combatant. How can I be an enemy combatant? In my knowledge, an enemy combatant is someone in a battle with a rifle in your hands captured from there; or a person retreating from his position. But I was captured in Pakistan without any weapons and arrested by local people. How can I be detained as an enemy combatant? If you accuse me, you should have real evidence. If you blame me this kind of nonsense, then it will drop the U.S.'s face down. This blame against people you can only find in China. If U.S. tried to make me enemy with this nonsense, then what is the difference between the U.S. and China? The Chinese used to make all kinds of blame against the Uighurs. They would take 100 people to court and execute those people. The U.S. accepted I went to that place to train to fight against the Chinese

government, then they're blaming me for being an enemy of the U.S. How can you understand that? I am telling you this because I'm not against the U.S. government or America. I want to tell the truth. In the beginning they said I was not an enemy, then they made me an enemy. Also, we heard a lot of good things about the U.S. in the past about democracy and human rights. Now, they treat us differently, and I don't understand that. Over the last 3 years, we are innocent and we arrested you wrongly, you will be freed and given political asylum. If they had clear evidence we were captured in battle or had something against the U.S. government, then they could tell us we were criminals or enemy combatants. Also we are telling you everything. We were captured in Pakistan and are not against them. There is no evidence to prove we are the enemy or fought against them. I still believe U.S. will take care of this situation in here fairly; I still believe that. They have been hurt really bad, and we understand they (U.S.) are hurt and angry. Also, Kyrgyzstan was hurt for the past 50 years, and I want you to think about that as well. After U.S. knew where we were stationed, and we heard on the radio they were there to help. People heard on the radio all this stuff about the country's independence. After people started waking up to get our country's independence, some people went to the U.S., and others went to Turkey. Some with financial problems didn't have ways to get to other countries, wound up in Afghanistan. The U.S. was to help young Uighur people, and now they are saying we are the enemy. People have the knowledge in Kyrgyzstan that the U.S. was going to help us get our independence back. If those Uighurs here, the U.S. government didn't free us, but kept us in prison. If Uighurs hear that we are in prison, don't you think they will know that the claims are false? Uighurs will lose hope. Last, I want you to find out all the truth on me, and for all Uighurs' cases to be handled fairly and correctly.

Tribunal President: Let me just ask you one question. Your concern about the time was a concern about missing dinner?

Detainee: If you give me water at 5:20, that's enough.

Tribunal President: We probably have some questions for you; if we could finish that first, and take a break when we bring the Witness in, we can arrange that for you.

Detainee: If I break my fasting, then if it's OK, could I know how many questions you will ask?

Tribunal President: Let's just take a recess, and let the guards help him.

The Tribunal President took a short recess to allow the Detainee to have a glass of water, and shortly reconvened.

Tribunal President: (to the Personal Representative) Do you have any questions of the Detainee?

Personal Representative: Yes, ma'am. Did you ever have weapons in the mountains when you fled, or fight against the Northern Alliance?

Detainee: I had no weapons personally. The place in the mountains was about 2-3 hours away from the fighting. It was very close to Pakistan. How can we carry weapons against the U.S. or coalition forces because we walked a day and a half; we ended up in Pakistan about 3-4 hours away from the battle.

The Tribunal President then opened up the floor for questions from the Tribunal Members. The Tribunal Member questions follow.

Q: Sir, did you know if any of the other Uighurs fought against the U.S. or its coalition partners?

A: We were 18 people together. I didn't even know of anyone who fought against them. I never heard anyone say one bad word against the U.S. That proves that when we were in prison in Pakistan that I said to them -- what do you think if we say we are from Afghanistan and are Uzbek people? What do you think if we say we are from China? If we say that, we will die. No one says anything about being from China.

Q: When you were captured, I understand you didn't have a weapon; did any of the other Uighurs have a weapon?

A: No, I didn't see any of the other Uighurs have a weapon.

Q: Did you or any of the other Uighurs resist when you were captured?

A: When we went to Pakistan the local people treated us like brothers, and gave us good food and meat. Then we didn't even think it was possible they would turn us in to authorities, how can we resist or do anything? When we went to prison in Pakistan, we heard they sold us to the Pakistani authorities for \$5000 per person.

Q: Were you the member of any political party or group?

A: No.

Q: I have a few general questions about the Islamic religion. Do you feel that the whole world should be returned to Islam?

A: I read the translated version of the Koran in here and it says you cannot force people to come to Islam or any other religion. People have a choice. You cannot ask people to join; it's the person's choice.

Tribunal President's questions of Detainee

Q: Did you travel with anyone when you left China?

A: I was alone when I left China, but I was traveling with other people from Kyrgyzstan to Pakistan.

Q: So you met him in Kyrgyzstan?

A: Yes.

Q: And he is a Uighur like yourself?

A: Yes.

Q: And his purpose for traveling was the same as yours, to go to Turkey?

A: Because we were doing business with that person, we decided to go to Turkey.

Q: So your travel wasn't straight from China to Pakistan, you stayed in Kyrgyzstan for a while?

A: We stayed in Kyrgyzstan for a year and a half.

Q: Did you pay for the travel yourself?

A: Yes.

Q: You said you were running low on funds and would travel by car. How did you pay for your travel from Pakistan to Afghanistan?

A: The person I met in Pakistan, the host, gave me money for the driver to take me to the Afghan border, then they dropped me off at the border.

Q: How did you get from the border to the camp?

A: I was told to pass the border, then take the car to Jalalabad which is two hours away. Then go to station and I will notify those Uighurs to pick you up.

Q: So it was Uighurs that picked you up?

A: Yes.

Q: Did the Uighurs, during your time at the camp, ask for any monetary contributions?

A: Probably that person from Pakistan, the people in Afghanistan that we don't have any money. Probably those people in Afghanistan know, and they didn't ask for anything.

The Tribunal President then thanked the Detainee for participating, and asked if the Detainee had anything else to say.

Detainee: All I want you to do is check all of my file, and compare what I said today and do it fairly. In those 5 pieces of evidence, there are two that do not match. In interrogation, it may have been mistranslated, and they probably came out with fake evidence to make it match.

At this time, the Tribunal President explained the procedure for Witnesses to the Detainee, and verified the Detainee had no more questions. After a brief recess, the Witness was brought in and administered the Muslim oath by the Recorder.

Tribunal President: (to the Detainee) Do you have any questions for the Witness?

Detainee: I do not have any questions; you and the members may ask the questions.

Personal Representative questions of Witness

Q: Was there any al Qaida or Taliban at the camp when you two were there?

A: No, I didn't see any of those people; only Uighur people.

Q: When you fled the bombings, did you flee with only Uighur people?

A: All of us Uighur people left the camp together.

Q: When you left the mountains to Pakistan, who did you travel with?

A: We traveled together waiting for a way to leave; we saw a couple people traveling. We asked them where they were going and they said Pakistan. Then we followed them, but we're not close to those people.

Tribunal Member questions of Witness

Q: Do you know the Detainee, this gentleman, for the record?

A: Yes. We did business together and went to Afghanistan together.

Q: Before you went to Afghanistan, how long had you known him?

A: More than a year that time when we were together.

Q: So you first met him where?

A: In Kyrgyzstan.

Q: And what were the circumstances you met in Kyrgyzstan?

A: There was a market only for Uighur people in Kyrgyzstan to take stuff they make from China. Then I saw this person, and he was from the same city (Walja), and I met him at the market for business.

Q: Is the Detainee a member of any political party or groups that you know of?

A: No. We were in the same place together; there was no group or party.

Q: Do you know of any other Uighurs that fought against the U.S. or the Northern Alliance?

A: I know of no other Uighurs that fought against the U.S. or the U.S. government.

Q: When you and the Detainee were captured, did any of the other Uighurs have any weapons at all?

A: No, no weapons. We were empty-handed.

Q: How do you, the Detainee and the other Uighurs feel about the United States?

A: When I left my country I had no idea that the U.S. faced this attack. When I was at home, as a kid, I was interested in America because I heard some people say that the U.S. was the only country that was powerful and could face the Chinese. I was hoping the U.S. would help our country to free our people. When I came here, the interrogators told us they would help the Uighurs. I still believe the U.S. will help us.

Q: One more question; do you feel the world should be returned to Islam?

A: No, I don't think so. People have a right to choose any religion they want. I don't think you can force people to be one religion, or to join my religion.

Tribunal Presiden't questions of Witness

Q: Where were you and the Detainee headed for when you left Kyrgyzstan?

A: We headed to Turkey because we were to going to travel through by car to Iran.

Q: And your purpose of going to Turkey was what?

A: In Kyrgyzstan, we can only do business at this special market for Uighur people; if we go somewhere further than that market police will ask us to pay more money on that stuff. Also, Kyrgyzstan is a country that doesn't really treat us right, and business wasn't going well. Then we decided Turkey would give us more freedom, so we decided to go to Turkey.

Q: Why did you detour into Afghanistan?

A: We went to Pakistan and Afghanistan because they couldn't get us visas. The embassy needed special documentation to stay in Pakistan. That person, the guy in Pakistan, told us it would be more money. He said if you stay here it would be more money for food and living. If you go to Afghanistan, there is a place where they won't ask for money for food or housing. He also said I could learn the Koran and train with a weapon. He said when he finished with the paperwork to go from Iran to Turkey, then I will let you know then you can come back to Pakistan and travel.

Q: So you traveled to the camp; what did you learn there?

A: The place was bad and didn't allow us training right away. All the buildings were in bad shape so we fixed all the stuff. Then I learned the Koran for two months, and then trained on the Kalashnikov rifle.


Q: Did you ever ask anybody who funded the camp?

A: I didn't ask. I had nothing to do with that.

The Tribunal President then took a brief recess to allow the Witness to be removed from the room. When the Tribunal returned, the Tribunal President read the remainder of the Tribunal process to the Detainee, and adjourned the open session.

AUTHENTICATION

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


Colonel, United States Army
Tribunal President

Summarized Detainee Sworn Statement

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

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

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

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

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

Tribunal President: I see by the Detainee Election Form that you have elected to participate as evidenced by your being here today. I also see that you wish to make an oral statement and the Personal Representative will read each allegation and then you will respond to it.

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

Detainee: No.

Tribunal President: No, you don't wish to do it under oath?

Detainee: Yes.

Tribunal President: That's fine. We will accept your oral statement. You may begin.

3.1. The Detainee traveled from China to Afghanistan in the summer of 2001.

Detainee: I didn't go. What do you mean by summer? Which month?

Personal Representative: Do you want to tell us when you went to Afghanistan from China. This is your opportunity to tell your story.

Detainee: It was in the fall, at the end of the fall.

3.2. The Detainee went to Afghanistan to receive weapons training.

Detainee: I didn't go for weapons training.

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3.3. The detainee stayed at a Uighur training camp in the Tora Bora Mountains in Afghanistan.

Detainee: I didn't stay at that camp. When I got there, the camp was being destroyed by the bombing.

3.4. The training camp was destroyed by coalition air strikes in October 2001.

Detainee: What is this, an accusation? Are they blaming that on me? What is this?

Personal Representative: It's just a statement. If you have anything that you want to say about it, you have an opportunity now to do so.

Detainee: Yes, number four is true.

3.5. The Detainee was in Afghanistan during the U.S. bombing campaign.

Detainee: That's true.

3.6. The Detainee was traveling with a group of armed Arabs from Afghanistan to Pakistan.

Detainee: I traveled with Kurkistani (ph) people. I was with the Kurkistani people who were following the Arabs. I wasn't with the Arab people. I was with the Kurkistani people.

3.7. The Detainee was captured in a mosque in Pakistan by the Pakistani authorities.

Detainee: I didn't know if I was being arrested by the Pakistan authorities or the local tribe people. I had no idea. I was arrested in Pakistani territory.

Personal Representative: Madam President, may I try to explain.

Tribunal President: Certainly.

Personal Representative: If there is anything else in your story (speaking to the Detainee) that you want to say about these allegations, now is your opportunity to do it. In a few minutes the Tribunal, if they have questions, they will ask you questions. If you have anything else you want to say about your story, now is the time to do that. Right now the Tribunal doesn't know anything about you other than what they've heard this morning. So anything that you can to explain your story would be helpful to them as they ask questions of you.

Detainee: If it's helpful to me, yes I will explain everything. But if it's not helpful to me, I don't have to tell anything.

ISN# 279
Enclosure (3)
Page 2 of 7

UNCLASSIFIED//~~FOUO~~

1226

Tribunal President: It may be helpful. Like the Personal Representative said this is the only information we have seen so if there is something that you think would help us understand why you left China and went Afghanistan, and what you did while you were in Afghanistan, I think it would be helpful to your case.

Detainee: I've been telling everything truthfully in the last two and half years because I'm not sure I can remember everything clearly because it's been a long time.

Tribunal President: Okay. That is fine. We may have some questions for you. Would you be willing to answer some of our questions?

Detainee: Yes.

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

Personal Representative: Yes, ma'am.

Personal Representative's questions

- Q. You said earlier that you did stay at the Uighur training camp in the Tora Bora Mountains. Was that before or after that training camp was bombed?
- A. After.
- Q. Where were you when the bombing started in Afghanistan?
- A. In Jalalabad.
- Q. One of allegations say that you were traveling with a group of armed Arabs from Afghanistan to Pakistan, and you said the group that you were traveling with were only Uighurs, is that right?
- A. Yes, I told you that the Uighur people were following the Arabs. I was with only Uighur people.
- Q. Could you see the Arab group in front of you? How much distance was between the two groups?
- A. At the time when we traveled there was snow and it was foggy. I couldn't really see farther than 4 or 5 meters away.
- Q. I'm not sure I really understand your answer. Are you saying that they were 5 meters in front of him?

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A. Five or six meters farther away, you can't really see the person because of the snow and it's really foggy.

Q. So maybe you don't know how far they were?

A. Right, I don't know how far.

Q. How long did you stay at the Uighur training camp in the Tora Bora Mountains?

A. I didn't stay in the camp in the Tora Bora Mountains or the Uighur training camp.

Q. Where did you stay when you were in the Tora Bora Mountains?

A. We went to some kind of jungle area and went into the mountain and found a cave to stay in.

Q. Did you ever receive any weapons training when you were in Afghanistan?

A. No.

Q. Did you ever carry a weapon during your travels in Pakistan or Afghanistan?

A. No.

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

Recorder: Ma'am I have two questions.

Recorder's questions

Q. You said that you went to Afghanistan but you did not go to receive weapons training. What did you go for?

A. I told you two and a half years ago. Everything is in the interrogation. I've told you that.

Q. We weren't at the interrogation and nobody here knows why. Can you explain why you went to Afghanistan?

A. It's clear that before you people come into the Tribunal room that you have already checked my files.

Tribunal President: Do any Tribunal members have any questions?

ISN# 279
Enclosure (3)
Page 4 of 7

UNCLASSIFIED//~~FOUO~~

122e

Tribunal Members' questions

Q. Were you a member of any political parties or groups?

A. Are you saying in China, Afghanistan, or in here?

Q. In your lifetime.

A. No.

Q. I just want to repeat that all we are trying to do is get your side of the story because we have to make a determination. So we would like to hear your side.

A. In the world, no place, can you put a person in prison for three years and then you check their status. This is not right. I've told everything to the interrogators two and half years ago. I'm suffering here and I cannot remember and I cannot tell you.

Q. Okay, so why did you elect to come to the Tribunal if you have no information to give us?

A. Because I wanted to answer those allegations, yes or no.

Q. So I understand you really have nothing else to say?

A. No.

Tribunal President: Let me jump ahead a little bit. You asked to have a witness come here. What would you like for the witness to tell us?

Detainee: I came here to explain that I wasn't traveling with the Arab people and that I went to the Afghanistan, Tora Bora Mountains after the bombing, and that to Afghanistan not in the summer but during the fall.

Tribunal President: Okay. Let me ask you again. You wanted to bring a witness in. What do you want him to testify to?

Detainee: He can tell that I went to Tora Bora after the bombing and that I traveled with the Uighur people not with the Arabs.

Tribunal President: So those are just the two points you want him to collaborate?

Detainee: At this time yes.

Personal Representative: There may have been a third point. May I ask a question?

Tribunal President: Yes.

Personal Representative: Were you going to ask whether he saw you receive any weapons training in Tora Bora Mountains?

Detainee: We mentioned it in the interview yesterday but I didn't answer.

Tribunal President: At this point, it's my understanding that this concludes the statement that you have to provide to us.

Detainee: I have nothing to tell. If you ask more questions I will answer.

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

Personal Representative: There is a witness. Hamid Mohammed Hamid (ph) is the witnesses' name.

Tribunal President: At this point let me explain to you how the witness procedures will go. We will bring the witness in. I will ask him if he is still willing to testify for you and he will take the oath. Then you will be allowed to ask him questions to get information from him that you would like for us hear. Then the Personal Representative, Recorder, and the panel will be allowed to ask him questions as well.

Detainee: Can I talk?

Tribunal President: Sure.

Detainee: The witness is for the two issues I've already mentioned and I don't want other people asking questions about me or other issues.

Tribunal President: That's not acceptable. This is the procedure. You have an option at this point to elect to not have a witness.

Detainee: I don't want any witnesses.

Tribunal President: Okay and that's fine.

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

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

AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President

ISN# 279
Enclosure (3)
Page 7 of 7

UNCLASSIFIED//~~FOUO~~

1231

Detainee's Unworn Statement – ISN 260

When the Tribunal President asked the Recorder if he had any witnesses to present, the Detainee stated that he had requested witnesses. The Tribunal President advised that issue would be addressed shortly and the question was directed at the Recorder. After receiving the unclassified evidence from the Recorder, the Tribunal President addressed the Detainee.

Tribunal President: The Personal Representative indicated that you did not request any witnesses.

Detainee: I told the Personal Representative that I have seventeen people that can be my witnesses if it is necessary and she could pick any one of them. I didn't want to bring them here and have them sit for five or six hours. That's what I told my Personal Representative.

Tribunal President: We understand your request. We do not need any witnesses, as a Tribunal.

Detainee: You mean you don't need my witnesses right now?

Tribunal President: We don't find it necessary to pick any of the seventeen to provide us information. As I mentioned earlier, you have the opportunity to call a witness to provide specific information to us about your case. Prior to this hearing you did not specify a witness and I would like to proceed with the hearing at this point. I'll ask one more time. Do you have a specific person you want to be here today to provide testimony?

Detainee: It doesn't matter. If you pick one of the seventeen people, they can be my witness.

Tribunal President: We don't have a reason to pick any of them. This is your decision and I understand that you do not wish to pick one.

Detainee: If it's not necessary, I don't need one because I'll answer all of the questions truthfully.

Tribunal President: After we receive all of the evidence, we may determine that a witness will be necessary, and we'll decide that later. Additionally, this panel only knows what you know. We have only this information [Unclassified Summary of Evidence]. We have not seen any of your file, but we may see it later. At this time, this is all we know.

Detainee: Okay.

The Detainee was sworn.

At the request of the Detainee, the Personal Representative read each allegation and the Detainee's answers to the Unclassified Summary of Evidence. The Detainee will add information as he deems necessary.

- **3(a)1 The Detainee traveled to Jalalabad, Afghanistan from Pakistan in 2001.**

Personal Representative: True.

- **3(a)2 The Detainee went to Afghanistan in October 2001 to receive training.**

Personal Representative: No, I did not go for training.

Detainee: When I was in Pakistan, I was trying to do business and make money so I could travel to Canada or another country. That's why I was in Pakistan. In Pakistan, the people are very poor and business is not good. When I was in Pakistan I couldn't make money and other Uighur people said I could go to a place in Afghanistan that would take care of me if I had problems.

Also, I was afraid to go back to China because they would torture and punish me. That's when I decided to go to Afghanistan and stay there. Not for the training.

- **3(a)3 The Detainee traveled from Jalalabad to a Uighur camp in the Tora Bora mountains and stayed there for approximately forty-five days.**

Personal Representative: True.

- **3(a)4 Uighur groups in China's Xinjiang Uighur Autonomous Region (XUAR) have formed ties with Al Qaeda and other Islamic terrorist groups and China's two principal militant Uighur groups are the East Turkistan Islamic Movement (ETIM) and the East Turkistan Liberation Organization (ETLO).**

Personal Representative: My understanding is that all the Uighurs work toward the movement for East Turkistan independence and I do not believe they are doing anything beside that. I do not believe Uighur groups have the ties to Al Qaeda or any other Muslim terrorist groups.

Detainee: They are blaming us Uighurs for having ties with Al Qaeda or some international terrorist groups those organizations. We shouldn't be accused of this. I don't believe it because our only problem is with the Chinese government. They've been torturing and fighting us for hundreds of years.

In my country some betray the Uighur people and work for the Chinese government. Besides those people, all the Uighurs will try to use their own natural resources so their own people are happy, rich and peaceful. That's all they want.

China, after the U.S., is the second most powerful country in the world. They are using our natural resources to make themselves richer and smarter. All the natural resources we have make the Chinese smarter, richer and more powerful.

I believe all the Uighurs in Turkistan and in other places in the world are trying to do something to get back our country's independence from the Chinese.

The rest of the allegations concerning Al Qaeda; I don't believe the Uighurs are involved in this.

You've been saying Al Qaeda and Taliban are militant, terrorist people, but I don't know about Al Qaeda or the Taliban. I've never heard of them. I heard about them here. I don't understand those people or what they do, but I think you understand those people better than I do. I heard from you and others here that those people like to disturb world peace, try to make trouble, and do bad things to other places.

I heard from you guys that most of the Al Qaeda people are Arabs. Those Arabs have their own country and they can live wherever they want in their own country. They are free to do whatever they want. I do not understand why they are causing trouble and making a mess for the world.

I hear that those people have a little problem in their brain; it doesn't work properly.

All of the Turkistani people's goals are clear and simple. All they want is to get out from the Chinese communist country and we want to live like any other country around the world. We want to live in peace, eat good, live good, dress good and be happy in peace.

- **3(a)5 The East Turkistan Islamic Movement is listed in the U.S. Department of Homeland Security Terrorist Organization Reference Guide, as being one of the most militant groups, and has financial and training ties to Al Qaeda.**

Personal Representative: No, I'm not a part of the East Turkistan Islamic Movement. I left home for business. My understanding is that every single Uighur does something for the movement so they can help their country.

Detainee: This is the first time I'm hearing that there is an Eastern Turkistan Islamic Movement, but all the Uighurs are Muslim people. The Uighur people living in the United States are Muslim and so are the Uighurs in Germany and Turkistan.

Myself, I wasn't a member of any party and I don't understand any party or any organizations. Our people, anywhere they stay, are still trying to free all the Uighur people from the Chinese government. It is clear that all they want to do is get rid of the Chinese government and be their own, independent country and live in peace.

I'm hearing all of the accusations that I've been involved in this and that and it's new to me right now. I do not believe the accusations about the organizations and I also believe that the smart Uighur leaders know if they have associations with all of those terrorist organizations, which are against the whole peaceful world, then the whole world would

be against us. They would understand that if we had ties with them that our goals will disappear and will never happen.

- **3(a)6 While in the Tora Bora mountains, the Detainee learned how to "break down" the Kalashnikov.**

Personal Representative: Yes.

Detainee: When I arrived in Afghanistan all of the people had a problem with going back into the country because they are all afraid that the Chinese government will torture or punish them. Nobody wants to travel all over the world and not be able to go back to their home country. Everybody wants to go home because they have their family there, but I can't. That's the reason I can't go back to China.

In Afghanistan, the people were saying that if there was a chance, and as much as we could, we would fight the Chinese government. I decided to participate because it's my country and I want to provide my personal beliefs. Everyone wants to go home and stay with their whole family.

I wanted to back because I want to free my country. I trained on how to use the Kalashnikov so if there was a chance, I could fight back against the Chinese government.

- **3(a)7 The Detainee was in the Tora Bora mountains when the U.S. bombing campaign occurred.**

Personal Representative: True.

Detainee: If I wasn't there, I wouldn't be in this prison and I'd be at my house.

- **3(a)8 Pakistani soldiers, while fleeing Afghanistan into Pakistan, captured the Detainee, along with other Uighurs and Arabs.**

Personal Representative: Yes. We fled into Pakistan and were fed by the local people. They took us to a mosque at night, and there were a lot of people in the mosque. Ten percent of the group would go outside and then would be put into a car.

Detainee: Not ten percent; ten people in each [group]. I told my Personal Representative, but I'd like to tell you this story.

When we passed through the border, the local people came and fed us and then in the middle of the night, they took us to the mosque. At the mosque, there were a lot of people, Uighurs, Arabs and others as well.

There weren't any Pakistani soldiers or anyone with rifles or weapons to capture us. When we were in the mosque, they told us to get out. We went out in groups of ten and we were taken to a car. They drove us for a couple hours and we ended up in the Pakistani prison.

We stayed in the Pakistani prison for a while, and then we were taken back to Kandahar, Afghanistan again. From there we were taken to Cuba, and we've been here almost three years now.

Tribunal Members' Questions to Detainee

Q: When you went to Afghanistan, did you go anywhere besides the Uighur camp?

A: No.

Q: When you were at the camp, did you do anything besides learn how to shoot a rifle?

A: We fixed the old house, helped bring all the rocks, brought the water, and did some construction work.

Q: You fixed up the camp?

A: Yes.

Q: Did you take the rifle with you when you left, after you were bombed?

A: They showed me a couple times in the camp, but after that, I never saw a rifle. They told me that if I needed to use it, I knew how.

Q: Did you see any fighting in Afghanistan?

A: When the bombs started, we were scared and we ran all over. We found a cave in the mountains and were hiding in there. We found out that it was a monkey cave. We didn't see any fighting. We stayed a while and then we decided to go back to Pakistan. We were on the way to Pakistan and we saw some Arabs and we followed them.

Q: How did you find the camp?

A: In Jalalabad, a Uighur guy took me to the camp.

Q: How did you know to look for this particular Uighur guy?

A: I found this person from information given to me by another Uighur guy in Pakistan.

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Q: Do you remember the name of the Uighur in Jalalabad?

A: Abdul Wahab.

Tribunal President's Questions to Detainee

Q: You traveled to Afghanistan in October, 2001, from Pakistan. Is that correct.

A: I'm not exactly sure of the date, but it was sometime in August.

Q: Did you travel to Afghanistan before or after the September 11th attacks?

A: I don't know what was happening in the U.S. I went sometime in August. If it happened in the U.S. before August, I was in Afghanistan after the attack. If it happened after August, I went to Afghanistan before the attack.

AUTHENTICATION

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



Colonel, USAF

Tribunal President

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ISN# 260
Enclosure (3)
Page 6 of 6

001257

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Summarized Detainee Statement

I will make my statement under oath. I Habib Rasool swear to the Tribunal I will tell the truth. I am a refugee from Pakistan. I went to Afghanistan in July 2001 to build my house over there. When I finished building my house, I was selling wood. I traveled from Pakistan to Afghanistan to sell wood. I traveled back and forth from Pakistan to Afghanistan because this was my business. When I came back from Pakistan, it was three or four months after I built my house. Three days later, the Taliban came and took me from my house to Kabul, Afghanistan. They took me from my house to a compound. I spent the night in the compound and the next day they took me to Konduz, Afghanistan. I stayed in Konduz, Afghanistan compound for 20 days. There were armed guards outside the compound and we could not leave the compound on our own. They were sending people by numbers to fight. In those 20 days they did not get to my number and I did not fight. In those 20 days I was just staying there and they never gave me any type of training. They did not give us any type of weapons. They did not send me to fight because they did not get to my number. They were sending people everyday to fight.

After 20 days of people, they surrendered to the Commander of the Northern Alliance. We spent the night and they handcuffed our hands our feet. We left the city of Yerghanek, Afghanistan and went to Sherberghan, Afghanistan. They loaded us into a truck and we went to another city. When we got there they put us all in a big container. Some people died because it was too hot and because of close contamination.

When we surrendered to the Northern Alliance it was the 10th or 11th day during the month of Ramadan. We spent the month of Ramadan in Sherberghan, Afghanistan. After the month of Ramadan, they took us to Khandahar. They put us in jail and I don't remember how many months. After the jail then they brought me here.

I forgot something. Can I say some more. Before I moved to Afghanistan in July 2001, I was working at a port in Pakistan. I worked there for 15 months. I was loading and unloading the ship. The name of the company I was working for in Karachi, Pakistan was Dark Kelb Labor Port. My supervisor's name was Abdul Raheed. The ship was bringing food to the country. I was loading and unloading the ship. I don't have anything else. Do you need the names of the people I said would be witnesses for me.

Answers in response to questions by the Recorder:

In Konduz, we were in the house. The people in charge of the house surrendered. They told us we were going to surrender to the Northern Alliance.

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Answers in response to questions by the Tribunal Members:

I have no weapons training. I was inside the house. I never saw any fighting.

Answers in response to questions by the Recorder:

We were forced to be there in the house. We were with them by force. We just followed them. They told us nothing, no information or what they were going to do. The only thing told us was we were going to surrender to the Northern Alliance. Yes, the whole group of people was the Taliban.

AUTHENTICATION

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



Colonel, USAF
Tribunal President