

Summarized Unsworn Detainee Statement

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

Detainee: I do have questions, but I will ask them later.

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

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

Detainee: Can I answer now?

Tribunal President: In just a minute we will get to the part where you can present your oral statement.

Detainee: Very good.

Tribunal President stated that the detainee wants to participate and has requested one witness, which will be present later on during the tribunal

Recorder administers the Muslim oath to the detainee.

Detainee: I swear to almighty God that anything I say is the truth.

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

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

3.a.1. The detainee was seized in an open-air area near a suspected Taliban facility.

Detainee: I was caught in my own room, not outside.

3.a.2. A Kalashnikov rifle was confiscated from the detainee's home the night he was arrested.

Detainee: First I would like to say that I was caught inside the room. Yes, the Kalashnikov was found inside of that room, but the Kalashnikov belonged to my father.

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3.a.3. The detainee was captured with communications equipment.

Detainee: This is a wrong accusation. Nothing was caught with me. In the interrogation they showed me communication stuff, but I didn't recognize it.

3.a.4. Coalition forces were fired upon from the direction of a suspected hostile facility during the seizure of the detainee and his associates.

Detainee: This is a wrong accusation. The soldiers and helicopters came to arrest me inside my house. This is a lie; this is a wrong accusation. I was sleeping in my room.

3.a.5. The detainee was captured with Sarajuddin, a recruiter for Pacha Khan.

Detainee: This is a wrong accusation. Sarajuddin's house and my house is a little distance from each other. I was caught in my house. When they took me outside, I saw Sarajuddin was sitting over there, but they took me [us] to Kandahar, together.

3.a.6. Pacha Khan, a renegade Pashtun Commander, has been conducting military operations against the Afghan Transitional Administration (ATA) and coalition forces.

Detainee: No doubt Pacha Khan is a renegade commander against the United States Forces. But when I met with Pacha Khan, it was after the Afghan government gave the position as a governor, that's when I met him.

3.a.7. It is alleged that Jalaluddin Haqqani, used Sarajuddin's guesthouse for shelter.

Detainee: First this question isn't relevant to me. This question belongs to someone else. The second, I don't know if Haqqani came to his guesthouse.

3.a.8. Jalaluddin Haqqani was the Taliban minister of Frontiers and Tribal Affairs.

Detainee: I don't care what he does. I've heard his name on the radio; I don't know what he was doing.

3.a.9. The detainee has been working for H IG since it began

Detainee: This is a lie; I never served anybody in any organizations. I was not involved in any organization. If you could find the proof, then anything you say, I believe in it.

3.a.10. The HIG is listed in the United States Department of Homeland Security's, "Terrorist Organization Reference Guide".

Detainee: I don't care whomever he is with. I heard his name in the radio. Like I heard many names, he mentioned Bush, I did not serve him or did I know him. Can I ask you a question?

Tribunal President: You can, but let me tell you that the only thing we know really about your case is what has been presented to us so far. But you are free to ask questions.

Detainee: Can I ask now? Basically, your tribunal is in session to find out the guilty and the non-guilty all of the accusations that are against me and you read it for me, wrong accusations. First of all, you told me I was caught outside, I wasn't, and I was caught inside my room. This is oppression; I came from another country for one and a half months when I was captured, I was not involved with no organization. I've been here for the past three years and this is oppression. If you have any witnesses against me, then I will agree with you.

Tribunal President: Is there anything else at this time you would like to tell us about your situation?

Detainee: Yes, I would like to say that I am innocent. I was caught with a passport, with an international driving license and some money in my own house. Please, look at my poorness.

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

Detainee: On my eyes, anytime.

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

Personal Representative: No Ma'am I don't.

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

Recorder: Yes Ma'am I do. Are you known by anything other than Mohammed Gul?

Detainee: No.

Recorder: Are you the only Gul in the village?

Detainee: No.

Recorder: Who are other Gul's within his village, are they family?

Detainee: I know some one by the name of Sahib Gul (brother).

Recorder: What is your occupation?

Detainee: I am a farmer, and I also own a diesel gas station.

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Recorder: Is this the only business you ever owned or operated?

Detainee: Yes, except that one, I don't work anymore.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. You just said you had only been back from Saudi Arabia for a month and a half. How long had you been there?

A. Three years. All together I spent seven years in Saudi Arabia. Every three years, I came home for six months. That was the last time I went on vacation for six months.

Q. Did someone run your diesel gas station while you were in Saudi Arabia?

A. No, it was in Afghanistan. Swalzheeb Gul (brother) ran it for me. He had never been to Saudi.

Q. You said you were a farmer, is that prior to you going to Saudi Arabia?

A. Yes.

Q. What crops did you grow?

A. We don't have nothing else to grow; we grow wheat and corn.

Q. You said you didn't have any communication equipment. Did you go to school?

A. No.

Q. Did you get any electronic or communication equipment training?

A. Like what electronics?

Q. Like, how a radio works, how to build a radio, how to fix a radio?

A. I'm a poor person; I have never been to school and I don't know how to use none of this stuff.

Q. Does the name Gul as a name does it have any meaning?

A. Gul means flower, Gul or Khan in Afghanistan.

Q. When Russians invaded, did you have any part of that fight against the Russians?

A. No, at that time I was young. At that time I was a driver's helper until finally I found a Visa to Saudi Arabia and I went to work there. I was getting paid 50 Afghani's to work for the people.

Q. Other than traveling to Saudi Arabia, have you been to any other countries?

A. No.

Q. You said you had no education, how about military training?

A. No.

Q. On the night of your arrest, did you hear gunfire?

A. No, I was asleep. I was asleep when the soldiers entered my room. The soldiers in my room, they did not receive any firing upon them.

Q. You had indicated earlier that the weapon found in your house belonged to your father, was your father at home the night you were arrested?

A. All of my family was home, my father, my brother. When they arrested me they wanted to take me outside, my father did not know their language. They told them by sign. Where are you taking my son? They said we take him outside, then we will bring him back inside. All family of my family was home. They told my father that they will bring him back.

Q. You mentioned you heard things on the radio; did you have a radio in your home?

A. Yes, we had a tape recorder.

Q. What about a Walkie-talkie type radio?

A. No.

Q. You said that when you were taken outside that Sarajuddin was already outside, were you the only two arrested?

A. No, Sarajuddin was arrested, [and] Sarajuddin's brother and son. When I went outside, all three of them were sitting, and they took me and made me sit with them.

Q. You indicated earlier that you did not know or work for the HIG, did you work for any charity types?

A. No organization that I worked ever before.

Q. Did you work for Pacha Khan when was working as governor?

A. No, I did not work with him.

Detainee: I have one question.

Tribunal President: You can ask, I don't know if we can answer it for you.

Detainee: I came to my country not to meet Pacha Khan or anybody else. I came home because my wife was sick. She sent me a letter asking me to come. The only person I have at my home is my old father. I did not come to meet anybody. I came to see my wife, who was sick.

Q. At the time you were arrested, did they tell you why you were arrested?

A. No.

Q. Who arrested you?

A. Yes, I did not know their language, so they must be Americans.

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Q. Did they have an interpreter?

A. No.

Q. When was the first time any one gave you a reason why you were arrested?

A. When I was captured by signing, they told my father that we want to take him outside. Bring him back inside, nobody told us why they captured me. It was late night, around 3 o'clock in the morning. My father is old, had a blanket on top of him. They told him we would take him outside, talk to him, and return him back. They treated us with respect; they did not bother us at all. They treated us with lots of respect. It was cold night, 3 o'clock in the morning, and they put a blanket on top my father because our house was cold.

Q. How big is your village. How many houses or people are in your village?

A. The population I don't know how many people, but around seven homes are in my village, it's not a big village, it's a small village.

Q. You were arrested with three people. Did you work with any of them?

A. No, they are my villagers.

Q. Did you go on any trips with them, any hunting trips, anything like that?

A. No I didn't have time for hunting. I was working hard.

Detainee: Can I have one question?

Tribunal President: I don't know if we can answer it?

Detainee: I come home, because my wife is sick. All I have at home, is my old father, I just went to see wife.

Tribunal President's questions.

Q. So the village that you were arrested in was your native home village, where you grew up?

A. Yes.

Q. You said you had a passport; I'm assuming it's an Afghanistan passport?

A. Yes.

Q. Issued by the new Karzai government?

A. No. It belonged to the area of Rabanni.

Q. It was still a current passport? You could still travel on it?

A. I went to Saudi Arabia with the Pakistan passport. In Saudi Arabia I went to the Afghanistan embassy, at that time President Rabanni was in Afghanistan they changed my Visa from Pakistani passport to Afghan passport.

Q. I thought you hadn't been to Pakistan so how did you get a Pakistani passport?

A. I never said that I didn't go to Pakistan, Pakistan is like my own country, and one hundred times I was in Pakistan.

Q. So you have been in Saudi Arabia, Afghanistan and Pakistan, those are the three countries you had traveled to?

A. Yes, yes. I was a refugee in Pakistan for long years, I went back to Afghanistan came back to Pakistan. I was issued a Pakistani passport, I got a Visa. Anytime I went to Saudi Arabia, I came back to Pakistan because we didn't have any airplanes inside our country. No flight could go to Afghanistan at that time.

Q. Where did you live in Pakistan?

A. A place, Miram Shah. Ten years we were living in Miram Shah. I place called Matches Camp. It was a refugee camp.

Q. What did you do in Saudi Arabia?

A. I was a driver.

Q. Did you work for a particular company?

A. No, I was working for a supermarket. I was bringing equipment to the supermarket.

Q. So you drove commercial trucks, moving things for the supermarket?

A. Yes, I was a driver, bringing in vegetables and many other things to the supermarket.

Q. You did not know about Sarajuddin's guesthouse being used as shelter for Haqqani. Have you heard any rumors about Haqqani being in the village?

A. Sarajuddin is not my cousin or brother to protect him. In the interrogation, the interrogators brought me the Koran, twice, I swear to the Koran. I did not know that Haqqani came to Sarajuddin's house, I do not know.

Q. Obviously you left during the Taliban rule, would you say in general, that a lot of people left or would you say they were fairly supportive of the Taliban government?

A. We left at the time of Jihad. We went, we were home; my family was inside my village. I was working in Saudi Arabia. My family was living in my own house.

Q. You said some of you were refugees, who went as refugees?

A. Nobody went with us as refugees; I don't know what you are talking about?

Q. So, just your family is what your saying went as refugees, not everyone else.

A. At the time of the Jihad, not only my family, but many other families went as refugees.

Q. So, this was prior to Taliban era?

A. Yes, yes. At time of Taliban era, I was in Saudi Arabia.

Q. But, your family was back in the village?

A. Yes.

Q. You said you met with Pacha Khan when he was governor. What did you meet with him about?

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A. I did not go to meet him personally, when I came from Saudi Arabia, the people told me that Pacha Khan is the current governor of our province. I wanted to go meet him; I did not meet him yet.

Detainee: The only thing I would like to tell you, this is oppression. For the past three years, I spent my time here. You could go ask in Khost, which is my area. If you find evidence against me; I'm willing to spend my life here. But, if not, I don't want to spend any more time here, not one more minute. I'm a poor person; I have a small piece of land. I bought the Visa to go and work hard, to feed my kids; the Visa was expired. I do not have the Visa anymore. In the beginning, I told my interrogators the address of the supermarket that I was working or I told him that I was working for such and such individuals. I was a driver, and nobody paid attention to me.

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

Detainee: No. I do not have any questions at this time.

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

Personal Representative: Yes Ma'am, he does have a witness.

Tribunal President: At this time, let me explain to you how the witness process occurs. Basically, we will have the witness brought in, and I'll ask him to state his name for the record. The Recorder will administer the oath. At that time, then you will be allowed the first opportunity to ask him questions to get him to present information that you think is relevant to your case. Then the Personal Representative, the Recorder, and the Tribunal Members will be able to ask questions. Please keep in mind everything needs to be translated, and please allow time for that as you are asking questions. You are certainly welcome to give him a brief greeting or brief exit greeting, orally. Again, please remember, that it all needs to be translated. Do you have any questions?

Detainee: No, that's fine.

The Tribunal President called for a brief recess while the witness is brought into the room.

Hearing is reconvened with witness and detainee present.

The detainee and witness exchange greetings.

Tribunal President: This tribunal has been reconvened with the witness in the room. Would you please state your name for the record?

Witness: My name is Khan Zaman.

Tribunal President: You are here today to testify for Mohammed Gul, are you still willing to do so?

Witness: Yes, yes, I want.

Tribunal President: You willing to do so under oath as well?

Witness: Yes.

The recorder administered the oath to the witness.

Witness: I swear to almighty God that anything I say to this tribunal will be the truth.

Tribunal President: Mohammed Gul, do you have any questions for the witness?

Detainee: No.

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

Personal Representative: Yes Ma'am I do. Do you know if Mohammed Gul had any communication equipment with him?

Witness: No, he did not have equipment. Nor did our village have those kinds of equipments and he did not see those kinds of equipments.

Personal Representative: Did he know if Mohammed Gul had been associated with Sarajuddin?

Witness: No, he did not have a special connection to Sarajuddin. Except being a villager, everybody in the village talks to each other.

Personal Representative: Did Mohammed Gul know Pacha Khan?

Witness: No, except probably just heard his name, he did not work with him, he did not know him, or didn't have anything to do with him.

Personal Representative: Did Mohammed Gul know Jalaluddin Haqqani?

Witness: No. He did not know him, he doesn't know him, and he doesn't have any connection with him.

Personal Representative: Did Mohammed Gul belong to HIG?

Witness: No, he wasn't in HIG, he doesn't have any information on HIG.

Personal Representative: How long did you know Mohammed Gul?

Witness: As long as I know my left and my right. I know him.

Personal Representative: Is Mohammed Gul associated with the Taliban?

Witness: No, no connections, probably heard their names, but he didn't have any contacts with them.

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Personal Representative: Is Mohammed Gul associated with forces that have engaged in hostilities against the United States and its coalition partners.

Witness: No.

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

Recorder: Yes Ma'am I do. When was the last time he saw the detainee before he was captured?

Witness: Right before our captured, we were captured before him. We were sitting outside when they brought him over there.

Recorder: How much time from when he came back from Saudi to when he saw them prior to the capture?

Witness: Fifteen days prior to the month of Ramadan. He came from Saudi Arabia, I went to visit.

Recorder: How long was that between that time and the capture?

Witness: I'm not educated we do not know dates. But probably month, or month and a half before his coming back from Saudi Arabia I met him.

Recorder: Do you know what Mohammed Gul did in Saudi Arabia?

Witness: He was a driver.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Tribunal Member: Good to see you again.

Witness: I thank you very much.

Q. Is Mohammed Gul, is that a very common name?

A. Yes.

Q. Do you know how many Guls in your village?

A. Why would I count? I never counted how many people have that name Gul.

Q. But like in the Khost area, there might be...

A. Believe me or not, I forgot my kids name, for the past three years. How would I remember many other people's names? Inside this jail, I spent three years. Three years is a long time, I forgot youngest name.

Q. At the time of your arrest, did you have any idea why he was arrested?

A. I swear to Allah, I don't know why we were arrested, we are innocent, I don't know who told you anything about me, but we do not know why we were arrested.

Q. Do you know if he or any of his family has weapons?

A. In Afghanistan, especially in the province of Paktia, three things that the Paktia province was accepted from the previous government of Afghanistan. First they do not pay taxes for land, the second they could have small weapons, and the third (the interpreter forgot the third one.)

Q. Was your village small or large?

A. No, our village is very small.

Q. So, everybody knew everybody.

A. Special information, we don't have a special connection, but we do know our villagers, who are who.

Q. Do you know who was living inside the house where the detainee was arrested?

A. Father, brother, and himself.

Tribunal President's questions

Q. All the people in your village, were they all in one tribe?

A. Yes, we are a sub-tribe to a bigger tribe.

Q. Are there any disputes in your village amongst each other?

A. Not any special animosity.

Q. Did any of the villagers leave to go to Pakistan to take refuge at any time?

A. Yes, they went.

Q. During Taliban time or before that?

A. No, long time ago.

Q. During the Taliban time, like you said, it was pretty quiet?

A. At the time of the Taliban, nobody left.

Q. Would you say that Mohammad Gul was working in Saudi Arabia for a while?

A. As long as I remember, he went to Saudi Arabia for seven years. Twice he came home every time for six months. All together it means, it was six years he was in Saudi Arabia, six months twice in Afghanistan, all together seven years.

Q. And he came home this time because it was normal time to come home, or did he have a specific reason for coming back to the village at this time?

A. No, someone was sick in the house, he came to see the sick.

Tribunal President: Thank you for participating in this tribunal. We will take a brief recess while the witness is removed from the room.

Witness: I'd like to thank you for to waste your time to come and listen to us.

Tribunal President: We will take a brief recess while the witness is removed from the room.

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Tribunal is recessed until after witness is removed from the room.

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

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

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Summarized Sworn Detainee Statement

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

[The Detainee asked if he could ask a question if he didn't understand something. The Tribunal President encouraged the Detainee to ask questions at anytime during the Tribunal process.]

[The Detainee took the Muslim Oath and made the following statement with the assistance of his Personal Representative]:

Regarding the first allegation, [The Detainee attempted to be smuggled into the United States.]: Yes, I did try to be smuggled into the United States. I was going to find a job to make some money.

Regarding the second allegation, [The Detainee traveled with forged travel documents, including a passport and other travel documents]: Every document that the smuggler had he kept. I had no documents when I was captured.

Regarding allegation number three, [The Detainee left Pakistan ten months previous to his detention by paying a smuggler in Pakistan twenty-five thousand dollars (US) to be smuggled into the U.S.]: This was paid in Pakistani currency, one million rupies, about sixteen to eighteen thousand dollars. This would get paid when I got to the United States. My father owns an oil tanker, which he would sell to make the payment. Also, it was only eight months after I left Pakistan to when I was captured.

Regarding allegation number four, [The vessel in which the Detainee traveled is believed to be a special interest vessel, which was the focus of Operation Southern Watch]: I did not take a boat from one country to another. I did take a small boat to cross rivers inside Mexico. I do not know all the countries I went to. I did take a plane from Pakistan to Guatemala. From there I traveled by foot and vehicle to Mexico.

Regarding allegations five and six, [The smuggler responsible for the above-mentioned vessel has close business ties with an individual known to help coordinate smuggling operations for members of Hizballah and al-Gama'at al-Islamiyya; Hizballah and al-Gama'at al-Islamiyya are known terrorist groups]: This is something I do not know about.

[When asked by the Tribunal President if the Detainee would like to comment on the statements made by his Personal Representative, the Detainee made the following comment]:

Detainee: On the fifth and sixth allegations, the individuals who arrested me have to provide evidence that I did this. My allegation is I don't know, I am not aware of it.

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Tribunal President: I understand. The first four statements provided by the Personal Representative, does that accurately reflect what you discussed earlier?

Detainee: Yes.

[When asked by the Tribunal President if the Personal Representative had any questions for the Detainee, the Personal Representative made the following comment]:

Personal Representative to Detainee: One point of clarification, when you spoke to me about your father owning an oil tanker, was this a boat or a truck? What was it?

Detainee: A truck tanker.

[When asked by the Tribunal President if the Detainee had any other evidence to present to the Tribunal, the Detainee made the following comment]:

Detainee: No, I don't have anything except my response to the allegations.

AUTHENTICATION

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



Tribunal President

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The Tribunal President asked the Detainee if he understood the Tribunal process. The Detainee responded as follows:

Detainee: I hear, but I do not understand the whole story.

Tribunal President: We are here to determine whether or not you have been properly classified as an enemy combatant. We have come with an open mind. We know very little about you except that you have been detained here in Guantanamo Bay. We have not seen the unclassified evidence. We have not seen the classified information, and we have not seen any of your file information. The Recorder will present unclassified evidence, which with the assistance of your Personal Representative you should've had the opportunity to review. You will be given an opportunity to make a statement to tell your story. We will have the opportunity to ask you questions. And after you have told us your story and we have seen all the evidence, then we will go into deliberation to determine whether you have been properly classified as an enemy combatant. Do you have any other questions concerning the tribunal process?

Detainee: I do not have any.

The Personal Representative presented the Detainee Election Form to the Tribunal. The unclassified summary of evidence was presented to the Tribunal by the Recorder, who then described the nature of the evidence. The Recorder requested a closed session at a later time to present the classified information.

Tribunal President: The Detainee requested no witnesses, but did request some documents be produced. The documents requested were his passport and a plane ticket. The Personal Representative informed me that the search was done, but was unsuccessful and that no documents were located. (To the Detainee) You may now present evidence to this Tribunal:

Detainee: I don't have anything to say, and I did not ask for the passport. All this evidence is false accusations.

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

Detainee: I have nothing to say. All these accusations are incorrect.

Tribunal President: This is an opportunity for you to make your statement, to tell us your story for us to take into consideration when we make our determination.

Detainee: My story is very well known. I am a student in Pakistan. I don't have anything else to say.

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

Personal Representative: No, sir.

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

Recorder: No, sir. I do not.

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

Tribunal Member: (To Tribunal President) Yes, sir. I do.

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

Q: What country are you from?

A: I am from Yemen.

Q: And you went to Pakistan to study?

A: Yes, I did.

Q: What was it that you were studying there?

A: I went there to study the Koran.

Q: Did you go to University, or did you get taught by certain religious leaders, or what kind of study was it?

A: All the information is available in my file.

Q: As the President said at the beginning, we have not had access to your file, which is why it is necessary for us to try to understand why you are here.

A: My story is in the file.

Q: If you were a student studying the Koran in Pakistan, how did you end up here?

A: This is the question I always ask myself...why was I captured there, and why did they bring me here?

Q: Could you please describe for us how it was that you were captured or arrested?

A: My story is very obvious and in the file.

Q: Well it's not obvious to us, which is why we were hoping you might help us understand what happened.

A: If you want to see the whole thing, look in my file.

Q: Would you tell us if it was the Pakistanis that arrested you?

A: Yes. The Pakistanis were the ones that captured me.

Q: Did they capture you by yourself or with other people?

A: I was in the house. I was not by myself. There were other people there.

Q: And so they took you all together, all at once?

A: They gathered us, and they took us to prison.

Q: The people in the house, were they also from Yemen, just like you?

A: I don't want to speak about other people. I don't know where they're from.

Q: Were any of them fellow students along with you?

A: Their story is well known to you people, I cannot speak on their behalf. I can't speak for them.

Q: When they came to arrest you, did they tell you why you were being arrested?

A: Nobody told me.

Q: So they just arrested you and took you to jail without telling you why?

A: Yes, that's what they did.

Q: And do you remember how long you were in jail?

Detainee: Which jail?

Tribunal Member: The first one.

Detainee: In Pakistan or here?

Tribunal Member: Pakistan.

Detainee: One and half months to two months.

Tribunal Member: Did anyone from the Yemen embassy come to visit you?

Detainee: I did not see anybody.

Q: Did you ask for them to come or you didn't want them to come?

A: I did not know I could request someone from the embassy to come see me, and I also did not ask.

Q: So after one to two months, then you left Pakistan and came here?

A: I went to Bagram, then to Kandahar, then Cuba.

Q: Where was the first time someone finally told you why you were being arrested?

A: Nobody talked to us about that.

Q: Not in Pakistan, not in Afghanistan; not until you came here?

A: I do not remember.

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

A: I don't remember since I got here, possibly two years.

Q: Now that all this time has passed, do you now know why you were arrested?

A: I didn't know anything until I went into interrogation.

Q: And that is when they first said they thought you were affiliated with Al Qaida?

A: Which time are you referring to?

Q: The first time you came before the interrogators.

A: Here in Cuba?

Q: Yes.

A: Every time I meet with an interrogator, he comes back with different accusations or allegations.

Q: Do you know what Jama'at ai-Tabligh is?

A: I know about Tabligh, but I do not know what it is.

Q: Can you explain to us what that is?

A: All information I know is in the file. I have spoken so much about it in the past.

Q: I understand there are times you have to answer questions over again, but this is the first time we've had any exposure to your case.

A: Everything is in the file.

Q: The only thing we know about you thus far is what you're telling us now, and that you told us all these things on the exhibit are not true.

A: What should I do in this case?

Q: We were hoping you would try to help us understand why it was you believe you were arrested and brought here.

A: I have been here two years. If you do not know why I've been arrested, why are you keeping me here? Why don't you set me free?

Q: Have you ever traveled to Afghanistan?

A: My story is very well known.

Tribunal Member: I'm sorry you didn't choose to share more of it with us. I don't have any more questions. Thank you.

Tribunal President: Did you ever travel to Afghanistan?

A: No, I did not.

Q: Did you ever travel to Pakistan?

A: Yes, I did.

Q: Did you attend college in Yemen?

A: My story is very well known; it is in the file.

Q: But we don't know your story; that is why we are asking you these questions.

A: You can get the information from my file.

Tribunal President: OK. If you prefer it done that way, I guess we have no other choice. Do you have any other information to present to this Tribunal on your behalf?

A: No. I don't have any.

The Tribunal President then addressed the Personal Representative to request if any additional information would be presented to the Tribunal.

Personal Representative Answer: There were several items reviewed with the Detainee that did not come out that I'd like to read to you now.

Tribunal President: Please.

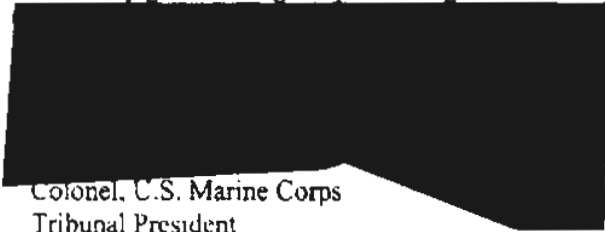
Personal Representative: We went over each line of the summary of unclassified evidence. On the assertion that he (Detainee) is associated with Al Qaida, he says it is not true. Concerning the allegation he trained at Al Farouq, he said he stayed at a hotel in Karachi for two days, and then went to Lahore to read the Koran for five months. He stated he then went to Salafia University. Concerning the allegation he was captured with ammunition, he says this is not true. And he (Detainee) further stated he did not want others that were captured with him to testify. Concerning the allegation he was captured with other individuals, he said 'yes.' Concerning the allegation that one of the individuals that were with him upon capture was associated with Al Qaida, he said he did not want any of them as witnesses. Concerning the allegation he (the Detainee) is associated with Jama'at al-Tabligh, he said he came to know them in Pakistan, that he did not join them, and that they showed him how to go from Yemen to Pakistan. Concerning the allegation that Jama'at al-Tabligh is a missionary organization used as a cover to mask travel activities of terrorists to include members of Al Qaida, he (Detainee) said he did not know. That summarizes what we covered in the interview, Mr. President.

Tribunal President: Thank you.

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.

A large black rectangular redaction box covers the signature of the Tribunal President.

Colonel, U.S. Marine Corps
Tribunal President

Summarized Unsworn Detainee Statement

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

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

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

The Detainee did not want to take part of the tribunal process.

The Tribunal President has two clarifying questions in reference to the Detainee Election Form.

1. It states that the detainee did not request any documentary evidence; there is a reply that says yes. Please clarify that remark.

Personal Representative: Sir, he did not want any documents, he had no documents that he needed to be read to the Tribunal Members.

Tribunal President: I understand.

2. There is a statement regarding that; the detainee refused to acknowledge Personal Representative or respond. The remark here is No.

Personal Representative: Sir, the detainee did respond appropriately and did ask questions and identified each of the allegations.

Tribunal President: Very well. He did not request any documents, and he acknowledged your presence and your offer of assistance. Also from the detainee election form I understand he did not request any witnesses. Is that correct?

Personal Representative: Yes, Sir.

The detainee wants the Personal Representative to read his statements of each of the allegations on behalf of the detainee; He had given answers to the allegations at a previous interview to the Personal Representative. The allegations appear in italics, below.

3.a.1. The detainee traveled from China in August 2001 and arrived in Afghanistan in September 2001.

Personal Representative: True.

3.a.2. *The detainee stayed at a guesthouse in Kabul, Afghanistan for approximately six weeks.*

Personal Representative: Yes.

3.a.3. *The detainee was in Afghanistan when the U.S. bombing campaign began.*

Personal Representative: Yes.

3.a.4. *The detainee traveled with an individual who may be involved with the East Turkistan Islamic Party (ETIP) aka East Turkistan Islamic Movement (ETIM).*

Personal Representative: It's possible; I cannot say anything about that.

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 with ties to al Qaida.*

Personal Representative: I don't know.

3.a.6. *The detainee fled from Kabul to Kandus, Afghanistan when the U.S. bombing campaign started.*

Personal Representative: Yes.

3.a.7. *The detainee was captured by the Northern Alliance in Mazar-E-Sheriff.*

Personal Representative: I don't know if I was at Mazar-E-Sheriff or captured by northern alliance. It was with a lot of other people.

3.a.8. *The detainee was present during a Mazar-E-Sheriff prison uprising.*

Personal Representative: Yes, True.

Tribunal President: Arkin Mahmud do you have any comments regarding what the Personal Representative provided to us.

Detainee: I have no more comments, that is good enough evidence, which my Personal Representative already presented. What I wanted to do was go to Afghanistan to look for my brothers. I wanted the US Court system or US Judges to determine my case, they have to come up with, if I am innocent or not. If I am guilty they should come up with my punishment or what ever I deserve to serve time, I will do that. Other wise do something faster to finish my case. I would like the results as soon as possible.

Tribunal President: Were the statements the Personal Representative provided to us about your earlier statements accurate?

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Detainee: Yes, that's accurate.

The Personal Representative and the Recorder had no further questions.

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

AUTHENTICATION

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



Tribunal President

Summarized Unsworn Detainee Statement

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

The Recorder presented Exhibits R-1 and 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 addressed the detainees' witness. The witness named Mamar Diann (ph) was considered relevant. The Tribunal President requested the United States government contact the Yemen government to locate the witness. The Yemen government was contacted on or about 9 November 2004 but as of the date of the hearing, the Yemen government had not responded to the request. Therefore lacking the cooperation of the Yemen government, the Tribunal President ruled that the witness was not reasonably available.

The Detainee did not want to take the Muslim oath.

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

3.a.1. The detainee traveled to Afghanistan using counterfeit travel documents.

Detainee: First of all my documents were not counterfeited; these documents were real. I got my passport from the Yemen government. but the only thing that changed was my last name from Muhammad to Osama.

3.a.2. The detainee attended weapons training on the Kalashnikov, PK, M-16, and G-3 at the al Forouq training camp in Afghanistan.

Detainee: When I first entered Afghanistan all the training camps were closed. I was trained on the Kalashnikov in Yemen when I was 7 years old, so why would I get training in Afghanistan. The M-16 and G-3, I did see them in Afghanistan, but I never used them there nor was I trained on them. I saw some people carrying those kinds of weapons.

Personal Representative: During our interview you had told me the reasons why you went to Afghanistan in reference to these two points.

Detainee: This is true.

Personal Representative: Would you like to explain that?

Detainee: Yes, I was in Sana studying, before that I was present in Hadratoom. There was a conflict between some groups; my grandfather stabbed somebody with his knife. Before that my grandfather had another problem similar to this one, I was trying to help him out of it. He was put in jail for that for 10 years. When the second problem occurred I fled to Sana when that happened. Since I helped my grandfather I thought they were going to retaliate. When I was in Sana; I met Abdul Salam who suggested that I should go to Afghanistan so I can solve my problem with my grandfather. He had a friend that was in Afghanistan and he would pay me 200 dollars a month, to work with his charity group. I decided to leave and I went to get a passport and I changed my real name from Muhammad to Osama, as well as my last name. When I got there and I studied computer programming. I traveled from Dubai to Pakistan, from Pakistan to Karachi, from Karachi to Quetta, from Quetta I entered into Afghanistan, from Afghanistan to Kandahar, from Kandahar to Kabul. You can verify this by Abu Haree (ph) he is the man who owned 1000 sheep/lamb, he distributed all that through the poor villages, and on the border of Pakistan there was poor people that we distributed clothing, sugar and rice for the holiday. Then we traveled to Kabul with Baltians (ph) they were Arab from Kandahar. When we were in Kandahar we went to an Arab house, we didn't stay at the house at night because of the fear an air strike would hit the house. When I left the house at night is when I saw the Kalashnikov's, PKS', G-3 and M-16's. When I went to Kabul I stayed in Kabul, and Abu Haree used to travel to Yemen and get some money and then came back. He was a famous well-known man and was in charge of an Islamic charity group. In Kabul I went to a (inaudible) and met a Palestinian man, I used to stay with him and I learned from him; he was the man I met in Sana and offered me a job. I used to go to the back border with him and played football there.

3.a.3. The detainee was transferred with a group of Arabs from Kabul to Mazar-e-Sharif on a Taliban owned aircraft.

Personal Representative: You had told me that it was not a Taliban owned aircraft it was a civilian airplane.

Detainee: That is true the airline was Ariana; a civilian airline. The price for the ticket was 1000 Pakistani. When I went to Mazar-e-Sharif, I traveled with Abdul Wado and 3 other Arabs. The aircraft was not a Taliban aircraft.

3.b.1. The detainee fought with the Taliban in Taloqan, Afghanistan after 11 September 2001, and was present in Taloqan after the U.S. air campaign begun.

Personal Representative: You told me that was not true, that you did not fight and you were in the city.

Detainee: First of all Taloqan wasn't a fighting city. Civilians lived there and it wasn't a battlefield. The fighting border was hundreds of miles away from Taloqan. It's true I was in Taloqan but there was never any fighting there. We had a legitimate place there so we could teach. We used to teach the curriculum of Sarafee (ph), a Taliban group shut it down since their curriculum was Sarafee (ph). I stayed in Taloqan until then.

3.b.2. The detainee fired his weapon in battle at the United States or its coalition partners.

Personal Representative: You stated that is not true.

Detainee: This is a strange thing I am hearing. Why would I fight the United States of America? I have nothing against them. The rice and flour we have is American. Why would I fight them? They are our food source. I was in that city but it is not a battlefield. I wasn't a fighter. You can ask Abdul Wado. I was staying with him at the time. We were working; digging trenches for gas lines at the time.

3.b.3. The detainee was captured in Mazar-e-Sharif while fighting with the Taliban.

Detainee: This is not true at all; when I was captured I was in Konduz. When the city of Taloqan was captured I went to the city of Konduz. Me and some group, the Taliban left Konduz another group named Tustun (ph) came in; an they found out I was with a different group and they decided to interrogate me then gave me to the United Nations. I was with an Arabic guy and some guy from al Wafa. They took us to jail and from there to an intelligence agency. They said they were going to investigate some things and turn us over to the United Nations.

Tribunal President: United Nations or United States?

Detainee: United Nations. Then I stood there for two months then the American came to interrogate me. The people I was with were either killed or sent to a different jail. There was an Arabic translator working with me.

Tribunal President: Does that conclude your personal statement?

Detainee: That is all I have.

Tribunal President: Thank you for your statement.

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

Personal Representative: Yes I do.

Personal Representative Questions

Personal Representative: I have a clarification question from a meeting we had a month ago today. You had stated a lot more here then you did in the original meeting. None of the new information disputes the old information. There is one thing I want to make sure I know and the tribunal to know about your reasons to travel to Afghanistan. I feel it is important.

- Q. During our meeting you explained to me that your grandfather had stabbed an individual; and you went to the tribe leader and the police to take responsibility for your grandfather.
- A. Before I went to the police station I went to see the head of our group, and another leader of a different group. They went and talked to the people to see if we can post bail for the grandfather. They paid and took him from the prison. The police station has records that you can verify that. I am waiting for a letter from my parents to prove what happened at the police station there.
- Q. My question is; did you accept responsibility for your grandfather?
- A. Until now I am responsible; I cannot go back to my own town since I took responsibility for my grandfather. My grandfather stabbed another person and is in prison now.
- Q. Because you took responsibility you could not stay in your own country is that true?
- A. They were going to retaliate on me, that's why I couldn't stay.
- Q. That is the point I'm getting to; you told me that is the reason you went to get your passport name changed. Is that the truth?
- A. Yes, I changed my name. Everybody knows my name and that is why I changed it to Muhammad.
- Q. When did you travel to Afghanistan?
- A. I don't remember exactly.
- Q. If I can clarify from our meeting you had stated you traveled there about 8-9 months before the attacks on America?
- A. Approximately.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' Questions

- Q. Did you fund your own travels to Afghanistan or did someone else fund your travels?
- A. I paid for my own traveling.

Detainee: If you would like I can give you the proof. I am ready.
Tribunal Member: No that is fine.

- Q. What job did you have in Afghanistan?
- A. I used to work for a charity group, and they used to teach children.
- Q. What charity group?
- A. The name Ahfad al Sabah. In the last days we used to have some association with the al Wafa group.

Q. What did you teach the children?

A. Talked about Koran.

Q. Do you speak the Afghan language?

A. We had many translators.

Q. While you were in Afghanistan did you own any weapons?

A. I didn't have any weapons, but I had a small knife to peel an apple.

Q. Why did you travel on the aircraft to Mazar-e-Sharif?

A. The trip was going to Mazar-e-Sharif.

Q. The purpose of going there was for what?

A. My purpose was for Taloqan.

Q. So Taloqan was near Mazar-e-Sharif?

A. Approximately, it takes about 3 hours by car.

Tribunal President asks the detainee if he had any other evidence to present to the tribunal.

Detainee: I have some videotapes that we use for charity purposes I can provide the tapes for you. They took them away from me when I was captured.

Tribunal President: I understand and if the tribunal requires those tapes we will attempt to locate them. At this time there is no need for them.

Tribunal Member: I want to clarify a few things. In your statement you said you wrote a letter to your parents. Did you ask them to get information from the police?

Detainee: I had asked my parents to make a copy of my file. They do have my file there of all what happened.

Tribunal Member: Do you know when that will get here?

Detainee: I hope soon.

Tribunal Member: Would that tell us that you did take responsibility for your grandfather?

Detainee: Yes, it would prove everything and my grandfathers' actions. I can have them fax it to me.

Tribunal President: If you do get it, please notify your Personal Representative so he can bring it to our attention.

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Detainee: I will notify my Personal Representative if I receive anything.

Tribunal President: Your explanation for why you left was very complete and thorough. Thank you again for that.

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

AUTHENTICATION

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



Tribunal President

Summarized Sworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee then made the following question:

Detainee: I have a question about the oath. Is it that I have to or if I want?

Tribunal President: If you wish to. It's your choice whether you take one or not.

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

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

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

Tribunal President: I see by the Detainee Election Form that you have elected to participate today evidenced by your being here. I also understand that you requested a witness, essentially anyone from your Madrassa. And I understand that basically you requested that they could testify to your good character. Essentially, character is not relevant to the Enemy Combatant issue and that request is denied.

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: You asked me the question if witnesses are needed then I present the witnesses if not, and I don't have a witness for your questions then I answer for myself.

Tribunal President: Yes, and your witness request was denied but we certainly would be interested in your oral statement. Do you choose to make any statements that you would like to make under oath or not?

Detainee: I can do it under oath.

The Recorder administered the Muslim oath to the Detainee.

3.1. The Detainee attended the Shikay and Zaku Khel madrassas in Afghanistan.

Detainee: I say yes. I can testify that I was.

3.2. The Detainee was a student at the madrassa during the Taliban rule.

Detainee: In the time of the Taliban I wasn't a student in the madrassa. I have a witness I could tell you who is my witness.

Tribunal President: You can just tell us yourself. We don't need to hear a witness we certainly can hear it from you.

Detainee: I could provide you a witness but the individual is here in the camp.

Tribunal President: We essentially just need to hear your story. It doesn't have to be verified by somebody else. We will accept your word.

Detainee: At the time of the Taliban in this madrassa I was not attending... in this madrassa.

3.3. The Detainee acted as a guide to a group of individuals attacking the Salerno Fire Base.

Detainee: I don't know this kind of group. I did not have the group and I did not have anything to do with the group.

3.4. The Detainee acted as the guide for a group that had weapons, surveillance equipment (cameras and binoculars) and radios.

Detainee: I didn't see no cameras, no radios, and photo equipment with no groups.

3.5. The Detainee met with an Arab man and an Afghan man who gave him money prior to the attack on the firebase.

Detainee: I did not receive any money. Nobody gave me any money.

3.6. The Detainee was arrested for aiding personnel in operations against the Salerno Fire Base.

Detainee: I was not part of the operation and did not help the people who operated on the base. I do not know about it.

3.7. The Detainee was captured after the group that he was traveling with was engaged in a gunfight with the Afghan Militia Force (AMF).

Detainee: I was arrested on a battlefield. I was going on my way when I was arrested.

Tribunal President: Is there anything else that you would like to add to your statement?

Detainee: What about?

Tribunal President: Either these bullets or anything else that you would like tell us.

Detainee: The questions that I answered, you can ask my friends, the ones that I was captured with, the answers I provided are they true or not.

Tribunal President: Is there anything else you would like for us to know?

Detainee: No, I don't have anything else.

Tribunal President: Would you be willing to answer some questions we may have for you?

Detainee: Yes.

Tribunal President: I like to let Detainees know that at this point this (the Unclassified Summary of Evidence) is the only piece of information we have seen about you. So we may ask you some questions about your background and all simply because we don't know anything else about you other than this. Will that be all right with you?

Detainee: Why not?

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

Personal Representative: Just one point for clarification. Was it before or after the Taliban that you went to the madrassa?

Detainee: At the time of the Taliban in the named madrassas I was not attending to the madrassa. I was studying but in my own village somewhere else. Not in this madrassa.

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

Recorder: No ma'am.

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

Tribunal Members' questions

Q. Sir, where are you originally from?

A. I am from Afghanistan, province of Khost, Sakafel (ph) village.

Q. What brought you to the madrassa that you studied at?

A. Because I was uneducated and I wanted to be educated. That's why I went there to learn something.

Q. When was that?

A. I cannot remember because when I went there I was very little and I don't remember that time.

Q. Where in Afghanistan was the madrassa that you studied at?

A. Which madrassa are you talking about?

Q. How many did you study at?

A. At the time of the Taliban I went to a madrassa, which was located in my own village. I learned from our mala (ph). The madrassa was very close to my house. My home area.

Q. Do you recall when that was? You said at the time of the Taliban, do you recall about when?

A. I was very little. I don't remember no dates. At the time when the Taliban came to my area I was very little. I don't remember. At that time I was studying from my Imam, which is the mala (ph) in my own village. After the fall of the Taliban I went to second madrassa where I was captured.

Q. Have you ever received any military training?

A. No.

Q. Any training on weapons at all?

A. No. I don't know weapons. How could I train for it?

Q. Where were you living at before you were captured?

A. In my home. I was studying in that madrassa then walking home.

Q. Who was living with you in your home?

A. My father, he was living with us, now he is deceased, my brothers and my nephews.

Q. What was your job at that time if you had one?

- A. We have a small land. We were working on our land. We were growing corn, vegetables and wheat.
- Q. How old are you?
- A. When I was arrested, approximately I was 21.
- Q. Were you arrested before September 11th of 2001 or after?
- A. I cannot recognize September 11th.
- Q. Sure, let me clarify that. The attacks on the United States. Are you familiar with those?
- A. Yes.
- Q. Were you arrested before or after those attacks?
- A. After.
- Q. To the best of your memory, about how long after?
- A. I do not have no dates. I do not know about dates. All I heard from the radio that somebody attacked America.
- Q. Again, I'm not asking for a specific date but do you have an estimate of how many days? Not a specific date but an estimate.
- A. Previously I told that I don't know dates. I've been in this jail for the past one and half years. Probably one year before that.
- Q. Let me try it one last time a different way. Do you recall if it was winter time, summer time, what time of year as far as seasons are concerned?
- A. Summer time.
- Q. Can you just describe the facts and circumstances of your arrest? Who arrested you?
- A. I was walking towards the village with my friend and that village the Afghan soldiers were in there and they saw us and arrested us.
- Q. Did they explain to you why they arrested you?

A. At the time of my capture they didn't tell me anything. When they took me to the base they told me that I attacked them and I did this and this. That's why we captured you. They didn't tell me what this was though.

Q. Who were you arrested with?

A. Another individual by the name of Salim.

Q. How do you know Salim?

A. I did not know him previously. I met him on the way going to the village. That was the time that I knew him.

Q. Were you arrested with anybody besides Salim?

A. At the time of my arrest nobody was with us except Salim.

Q. Just prior to your arrest, was there any gunfire in the area that you heard?

A. Sir, I cannot recall that I heard or not but I can tell you that that's Afghanistan, you always hear the sounds of gunfights.

Q. What did they teach in the madrassa?

A. In the madrassa I studied Koran, religious books, and books about Islam.

Q. Did they teach jihad?

A. No.

Q. What does jihad mean to you?

A. I don't know the meaning of jihad. Why should we call it jihad?

Q. Did you participate or belong to any charitable group?

A. No.

Q. Did you ever work for al Qaida or the Taliban?

A. No.

Tribunal President's questions

Q. Other than the training at the madrassa did you have any other formal education?

A. Yes.

Q. What level did you go up to? Elementary school or....

A. I studied until third grade.

Q. Was there a reason why you stopped going to the formal education?

A. Because I couldn't study Koran. I wanted to study Koran.

Q. In the Unclass Summary they refer to a Salerno Fire Base. Do you know where that is located at?

A. Never heard the name. I don't know what is the meaning of Salerno.

Q. So you don't have any idea whether the Salerno Fire Base is near your village?

A. If I don't recognize the name, how could I know if it's close to my village?

Q. That's what I was asking.

A. I don't know Salerno.

Q. Did you have any weapons on you or did Salim have any weapons on him when you were arrested?

A. I did not have a weapon. Salim had a weapon.

Q. Was it just rifle?

A. I saw that he was carrying a rifle. I don't know the name of the rifle.

Tribunal President: I have no further questions. Is there anything else that you would like to tell us?

Detainee: I don't have anything to tell you and I don't have any questions.

Tribunal President: I'd like to thank you for your participation in this Tribunal today.

Detainee: Thank you very much.

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

Detainee: Excuse me, I just remembered that I have a question.

Tribunal President: Okay.

Detainee: When the Tribunal is in session. What is my situation in the future? What would you do for me, what would you do to me?

Tribunal President: This is an administrative procedure only. Essentially, we determine your Enemy Combatant status. In just a minute I will explain to you what happens in reference the Enemy Combatant status decision. Please keep in mind that this is an administrative function and there is no punishment connected to it.

Detainee: Okay.

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# 1050
Enclosure (3)
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Summarized Sworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee.

Tribunal President: Abdul Razak do you understand this process?

Detainee: Yes of course.

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

Detainee: No I don't have.

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

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

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

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: Yes

The Recorder administered the Muslim oath to the Detainee.

Detainee: I want to know if my personal representative will talk or I will talk?

Tribunal President: He can help you present information if you would like for him to talk first.

Detainee: I will talk if it is or if it was possible and then I will ask from the translator to translate.

Tribunal President: OK

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

3.1. The detainee served as the President of Customs and then the Minister of Commerce for the Taliban Government from 1996 until the collapse of the Taliban in 2001.

Detainee: First in, in the name of Allah, I work as a Taliban as a Minister of Commerce and responsible for custom of Afghanistan. I work for a certain salary and did not have

anything more with Taliban. They gave me this job because I was working correctly and they gave me good salary. I wasn't a person to go to front line and fight. I was only achieving my job and I was good for it begins. In Afghanistan it was only recruiting of fighting or work in the offices. I did not know about military affairs so they gave me a civilian job.

3.2. The Detainee was captured on 01 April 2003 by soldiers of the Afghan Military forces (AMF) near Zamtu in the Ganda Ab Region. He was turned over to the United States Forces later that same day.

Detainee: Second, I was arrested in the Ganda area close to the center and that was Afghan soldiers that arrest me. After three months, I was handed to American Forces. At the time, I was arrested by Afghan Forces for the first time in the jail of Kandahar. I see American forces. I don't have any objections, they gave or they handed me to Americans on the first day later after three months. But this was the reality, I was handed to Americans after three months.

3.3. When captured by AMF soldiers, the detainee was in possession of a Kalashnikov rifle.

Detainee: Third, President Karzai, which was President of Afghan Government, he let me to keep one Kalashnikov with me. Basically he gave me one car with two Kalashnikov. But again the government took the car from me with one Kalashnikov and one Kalashnikov remained with me. That was the Kalashnikov in Kandahar with me and from the center of Kandahar. My house is approximately one hundred and seventy kilometers away to the north of the center of Kandahar. This is petty that a Afghan Government excuses me and let me to stay in the home but after a twenty months they arrest me again and handed me to here. And, President Karzai announce it in the radio that high officials are excused and they have a car with two Kalashnikovs and they could stay in their home. Based on that announcement from President Karzai, this is not convincing. I was arrested and I was handed to Americans and I am living in here. I have this much and am I allowed to tell more then this also?

Tribunal President: Yes, please do.

Detainee: When Americans announce that Afghan government is an independent government and that excuse from the Afghanistan government for high rank workers at the time of Taliban came from the government of Afghanistan, but unfortunately we are ending in here. I didn't do any opposition against American forces or Afghan forces and I never do that. If I was announcing my opposition with the government of Afghanistan, what should I do in the north of Kandahar City. That was my place, but if I was opposite of the government like other people, I should go and stay as a refugee in Pakistan or somewhere else. I believe what the president of Afghanistan said and excuse us. That is why I start living in that way in the future. It was possible to support my government. If president of Afghanistan excuse me and I was in the home, I did not have to do any

balance. So why am I living twenty months in the jail? This is not good for the President situation, if he is announcing with the level of being the president of a country and excuse us, but later the forces of that country come and arrests us. Putting us in jail, that will decrease the honesty of the president according to this announcement and, people according to this announcement, think Afghanistan government does not have any authority and it will go by the order of the second country. This is all I have to say in front of this tribunal. I don't have anything more and I appreciate you let me talk.

Personal Representative: I have one more bullet, one more sentence he gave me earlier

Detainee: That is correct.

Personal Representative: Regarding the third point about being captured with the rifle, he was not fighting at all. He was at his nephew's house and was carrying the rifle as everybody does for protection

Detainee: When I wanted to go to my nephew's house it was night. That was why I carried my Kalashnikov also.

Tribunal President: I like to say at this point that this is the only information that the tribunal has seen in reference to your situation. Would you be willing to answer some questions that we may have?

Detainee: Yes, of course.

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

Personal Representative: No ma'am.

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

Recorder: No ma'am.

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

Tribunal Members' questions

Q. Sir, you said that you worked for the Taliban? Were you a member of the Taliban?

A. That's good; that was a good question. It is in my file. Also, I confess that it was a commander. He is named Itzatofol (ph.). He said that you have to work with us and he is living close by us also. I told him, I am not a person with fighting. I cannot fight at all, and he said, "if you cannot fight, I will find you a civilian job

and you have to work with us." That commander was Abdul Salam (ph.) and he was Malam Alm Mas's (ph.) bodyguard. After three years and Taliban was ruling the government, then he presented me to Taliban government, and Abdul Salam (ph.) was trying to get me the president of Customs in Kabul City.

Q. So, I take it by your answer you were a member of the Taliban?

A. No, I was not a member of Taliban. That is why after three years, they gave me that position. If I was a member of Taliban the first time, they would have given me that position.

Q. When did you stop working for the Taliban?

A. When the government of Taliban dropped out of power in Kabul City.

Q. Did you have any affiliation with the Taliban after the government dropped?

A. No

Q. Have you ever used any weapons offensively against anyone else?

A. No.

Q. Did anyone ever explain to you why you were arrested?

A. Only the Americans told me why I was arrested but Afghan government never.

Q. What did the Americans tell you?

A. The Americans told me that the Afghan forces delivered you to us because you had a weapon and you were working for the Taliban.

Q. You testified earlier that President Karzai excused high ranking Taliban members; my question is, was this published some where like in a newspaper or any other source?

A. Afghan T.V., Afghan radio, American radio in Afghan language, BBC, these are official news, everybody gets the same thing.

Q. Do you know about how long after the Taliban fell that announcement was made?

A. Approximately one month later from the drop from power. When I was in Kandahar (ph.) jail, it was announced whoever is Taliban and they are not in opposition to the government. They are excused.

Q. Since the Taliban fell, what have you done to support yourself, what has been your job?

A. I have ten acres of land and I have been working as a farmer to support myself.

Q. What type of crops?

A. In this small land we are growing almonds and spices.

Q. Since the Taliban fell, have you been affiliated with or a member of any political party?

A. No

Tribunal Member: I have no further questions, thank you.

Detainee: In regards to all of your questions, all the money that was in my home was my money but Taliban money was not in my home and I did not have anything to balance with the government, all what I had belonged to me.

Q. In regards to the first question that the detainee was the President of Commerce and the Minister of Customs, what did you do in those positions?

A. At that time Customs of Afghan was not very strong for export merchants would have to come to him to value the goods for exports. I would set a value of the goods and write a slip and the merchants would pay the tax at the bank. The bank would give the merchant a slip to export his goods across the border. Most of the exports were Afghan carpet, almonds, animal skins; almonds shelled and unshelled, spices and fruit.

Q. How did you feel about the Americans coming over to remove the Taliban?

A. When the Americans came over to grab the power, we had chose Karzai as president and we were sure that Afghanistan was going to be rebuilt; the roads, and schools. We were happy because the country was unstable and we were sure that the stability would come back. I did not leave because I supported the government of Karzai.

Tribunal Member: Thank you very much

Tribunal President's questions

Q. That brings up one of the questions that I have. Since you are an educated man and have had had all these jobs, did you offer to help the Afghan government?

A. No, the first time I did not request it because the Taliban was gone from power and they said we had to stay at home. Later they said that they only wanted people who had been in government before.

Q. Did you ever have contact with any high-ranking Taliban that may have been your friends after the fall of the Taliban?

A. No I did not. I did not have any contact because I did not need them and I did not have any wireless equipment.

Q. You said you were arrested at your nephew's house?

A. Yes

Q. Did your nephew support the new government?

A. No

Q. Was he actively working to undermine the new government?

A. No, he is a little kid.

Q. He is a small child?

A. He is young and about eighteen years old.

Tribunal President: I don't think we have any further questions.

Tribunal President: I'd like to thank you for your participation in this Tribunal today.

Tribunal President: Is there anything else that you would like to tell us?

Detainee: No, I don't have any anything to say. I appreciate this conversation between us. The Americans did good things for us.

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

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