

Summarized Unsworn Detainee Statement

The Tribunal President explained the Tribunal process to the Detainee.

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.

Detainee: Show me classified evidence.

Tribunal President: Unfortunately we cannot, because of security reasons, make classified information available to you.

Detainee: Yes, I have said that I am a participant in this presentation, and you can take me to Washington if you want.

Tribunal President: We thank you for your participation.

Detainee: I thank you too.

Tribunal President: You wish to speak to each piece of the evidence under oath and the detainee has requested numerous witnesses but was not able to provide addresses or descriptions and they could not be contacted; therefore, they are not reasonably available. And the detainee did not request any documents to be produced. Hafizullah, you may now present information you have to this tribunal and you have the assistance of your Personal Representative in doing so. Do you still wish to present information to this tribunal?

Detainee: I will present information anywhere and everywhere you want me to.

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.

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

Detainee: Yes of course, I do I always I can swear because I am telling the truth.

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Detainee: Yes, of course a Muslim oath because I am a Muslim.

Tribunal President: Yes, of course that is why we have that available for you.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: Thank you, Hafizullah, you may begin.

Detainee: They asked me if I had any weapons and I told them the whole village can be my witness and I told this gentleman about it. There are four mosques in my village which is the Galdon area and you can ask anyone in that area from a little kid to the older people; you can ask them about me they will give you information about me. I was ready to give a lot of names but my Personal Representative said these two names would be enough. If you want one person to a hundred they will witness that I was not involved in any of these activities. If anyone proves that one person said that I was involved in these activities, then you can have me sit here forever.

Tribunal President: Personal Representative, would you at this time clarify any witness request that the detainee has made to you?

Personal Representative: Yes sir. He indicated that the whole village could testify. I took down two names and stopped him at that point and said we need to get physical descriptions.

Detainee: He only wrote two names, but I was giving the whole village as witness.

Personal Representative: And again he would never respond directly to any question about the physical description of the witnesses nor did he have the address information. At that point I said there is no reason coming up with a list of a hundred names.

Detainee: There are hundreds of people in the village. I was going to write everybody in the village. You will find fifty if not hundreds of them, if you do not believe all of the hundred you may believe just half of them about me.

Tribunal President: All the Personal Representative wanted was two and you were unable to provide details on how to contact these two individuals, so how is any one going to contact a hundred people without more specific information?

Detainee: From my village Galdon did everybody move? There is no one living in Galdon anymore?

Tribunal President: No witness is reasonably available to testify for you today. Would you like to continue or discuss the witness question further?

Detainee: Why did you not find the witnesses?

Tribunal President: They were determined to be not reasonably available.

Detainee: I will write the names of a lot of people in that village. Just find five people from the hundreds of people.

Personal Representative: Mr. President, I also told him we could probably identify the people he was captured with and therefore, he would not have to provide descriptions, but he declined.

Detainee: No one from my village was captured with me here together; if there is any one, I will accept his testimony.

Tribunal President: I do not know what the circumstances were surrounding your capture, so I do not know if there were others with you or not.

Detainee: I don't know either. I was in my village and now I am here. There are a lot of detainees here.

Tribunal President: That is right. We are here today and there are no witnesses to testify today because there are none that are reasonably available. Therefore we will continue and if you would like to address the unclassified summary of evidence you have this opportunity to do that right now.

Detainee: I do not know about any of these things. I do not know about what weapons they are talking about. I was a farmer in my village and I was working. If you think any of these allegations are true you bring your witnesses so they will testify that I have done that

Tribunal President: As already identified, the Recorder has no witnesses to testify here today also.

Detainee: You do not have one witness? I have hundreds of witnesses in my village of Galdon and you did not go there and you could not find them.

Tribunal President: That is right, we could not go there and we could not find them.

Detainee: There are four mosques in the Galdon area and of the residents of Galdon attending those mosques you can ask anyone from the little kids to older people; you can ask anyone. If anyone said that I have spent time outside the Galdon Village then I am guilty.

Tribunal President: We have no witnesses here today. We are here to hear your testimony only. And now at this time I would like for you to address these items of evidence - if you have nothing more to say we can wrap things up.

Detainee: Why should we wrap this up? The witness issue is very important. If you do not have witnesses, I have witnesses. There is my village. If someone there said I am guilty, I am guilty, otherwise why am I here?

Tribunal President: The witness determination has already been decided. There will be no witnesses.

Detainee: I do not know what to say about these things; these are your things. I was just walking in the street and I was captured. The next thing I found out is that I am sitting here.

Tribunal President: Does this conclude your statement?

Detainee: What do you mean concludes?

Tribunal President: Are you done, do you have anything else to say, we have some questions for you but for now, do you have anything else to say?

Detainee: You ask me now.

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

- **3. The detainee participated in military operations against the United States or coalition partners.**
- **3.1. The detainee when captured, was wearing an olive drab green jacket. He was stopped at a checkpoint because he was with a group observed caching weapons which had recently been used against U.S forces.**

Personal Representative: Yes sir, I will go over my notes of his responses during the interview. Concerning the first allegation that he was captured wearing an olive green jacket, and was stopped at a checkpoint.

Detainee: I had a jacket but I do not remember the color.

Tribunal President: Please let him finish and if you have something to add we will let you, but do not interrupt him.

Personal Representative: He was stopped at a checkpoint because he was with a group of people caching weapons that had been recently used against U.S. forces. He indicated that was false; he was in a taxi, there were no weapons and that American soldiers captured him on the way to the bazaar.

Detainee: I do not know what a weapon is, I was going to the bazaar. Everything is a lie.

- **3.2. The detainee suffered hearing loss when captured, which was caused by firing weapons.**

Personal Representative: Concerning the allegations that he suffered a hearing loss, which was caused by firing weapons.

Detainee: What about the ear? I never had an ear problem. Here the water is infected and this damaged my ear. I always had good hearing.

- **3.3 The detainee was raised and employed by Mohammed Shah Agha.**

Personal Representative: And the allegations that he was raised and employed by Mohammed al Shah (ph.)

Detainee: Mohammed al Shah (ph.) is not my dad who is Mohamed Shah (ph.). I do not know him.

Personal Representative: He said he was raised by his mother and Al Gahad (ph.) is his father in law. Do you have any comment about that - that Al Gahad (ph.) is your father in law?

Detainee: I was raised by my mother. I don't know Haji Mohammed Al Shah (ph.). Your translators always make such mistakes; he is Uncle Haji Mohammed Al Shah (ph.).

- **3.4. Mullah Mohammed Shah is a low-level commander of the Taliban.**

Personal Representative: Concerning the allegations that Mullah Mohammed Shah (ph.) is a low level commander of the Taliban.

Detainee: I do not know.

- **3.5. Mullah Mohammed Shah has been reported to be the leader of Taliban troops planning terrorist-style attacks in Afghanistan**

Personal Representative: Concerning five that Mullah Mohammed Shah (ph.) has been the leader of Taliban troops planning terrorist style attacks in Afghanistan.

Detainee: Why don't you arrest him? Why don't you bring him here? I don't know that person. My Uncle is the only person I know; I do not know these other people.

Personal Representative: Sir, that is a summary of what we discussed.

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

Recorder: No Sir.

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

Tribunal Members Questions to Detainee

Q: Did you say that you have been a farmer all your life?

A: I have worked on a farm.

Q: Do you have your own farm?

A: Yes.

Q: What do you grow on your farm?

A: Wheat, corn, onions, and potatoes.

Q: You have lived in Afghanistan your whole life?

A: I have spent my life in Galdon; I have my farm in Galdon.

Q: Has there ever been a time when you lived outside of Afghanistan?

A: Do not talk about Afghanistan, that is too big; just talk about Galdon my village. I have not been outside of Galdon either this way or that way.

Q: The gentleman you referred to as Uncle Haji Mohammed Shah (ph.) - were you employed by him?

A: Yes the way you said it was good - Uncle Haji Mohammed Shah (ph.) - I have my own land and I have not worked for him

Q: Have you ever been employed by someone else or only do you work for yourself?

A: I do not need to work for anybody else; thanks to God, I have enough land.

Q: The gentleman you call Uncle Haji Mohammed Shah (ph.), do you know if he is involved at all with the Taliban?

A: We are people of the mountains. We do not know about the Taliban. You probably know more about the Taliban then we do. You find it out; I do not know about the Taliban

Q: Did Taliban people ever harass you when you were doing your farm work?

A: Where?

Q: In Galdon where you said you had spent your whole life.

A: I have not seen any in Galdon; it is in the mountains, they live in the cities. They have not come to Galdon.

Q: So they never approached you and tried to make you do anything for them?

A: No, I have not seen them but I have heard about Americans coming to Afghanistan.

Q: Will you please explain the circumstances of how you were captured on that date?

A: It was the eve of the Eid, the holidays after Ramadan. I was going to the bazaar. I took a Taxi, a wagon Taxi. On the way I saw your military men and they got us down from their car and handcuffed us.

Q: When you say us there must have been a group of people. How many of you were together?

A: They took me to the side of the street and handcuffed me so tight that I could not see any other people. I do not know how many other people they arrested. They held me very tight. My finger is still hurting from that.

Q: But the people who were traveling with you when you were first approached - how many were there?

A: There were six people including the driver.

Q: The other people in the Taxi - did any of those other people have weapons?

A: No, I do not know what weapons are. What is a weapon?

Q: After you were captured, after that point, what happened then?

A: First, they took us to a house, I spent one or two nights there and then we were taken to a metal structure for a few days and who knows how long after that.

Q: And did whoever take you there discuss some of the same things with you that we are talking about today?

A: What kind of questions?

Q: The same ones we are talking about today?

A: Yes, they have discussed things with me.

Q: And you gave them the same answers you gave today?

A: Yes, I have given them the same answers but I don't know anything. I don't know these allegations. At least I have told the interpreter, but the interpreter has told them those things were not true

Q: Those people that were taken with you - are they also at the camp?

A: I don't know - they arrested all kinds of people over there but here we have all kinds of people, Hazaras, Arabs, we are all here in this camp.

Q: But have you seen any of the people you were with since the time you were arrested?

A: No I have not seen them, but here I ask people where they are from.

Q: When thinking about what was the biggest city closest to your village?

A: There is no big city around there. I do not know a big city.

Q: Have you ever hear of the word Khost?

A: I do not know what Khost is.

Q: How about Kabul.

A: I heard about Kabul when I was here, but I did not know about Kabul when I was there, I have not gone outside of Galdon my village either this direction or that direction.

Q: Were there any military camps around your village?

A: No, I do not know. I have not seen any military place.

Q: Some people told us it was necessary to have guns, weapons, and pistols in the house for protection. Did you ever see any of that?

A: We do not have enemies, we just do our work, and we have the shovel and other farming tools.

Q: Did you ever use a rifle or a pistol or anything like that?

A: I have not used it. If I do not know it, how is it possible that I have used it?

Q: You do not know what a rifle or a pistol is?

A: No, I do not know this, because I have not used this.

Tribunal Member: I have no more questions.

Detainee: I know shovel, ax, and a plow.

Tribunal President: Hafizullah, is there any thing else that you want to tell us, that will help us as we make our decision today?

Detainee: I am just a farmer. You brought me here away from my family. I am just a little guy. You can send me with my paper work to Washington. If you want, I will go. I do not know why I am here.

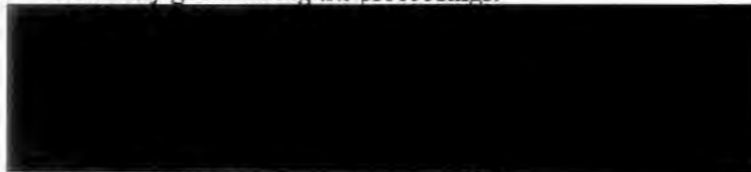
The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee had no previously approved witnesses to present to the Tribunal.

Detainee: Not one word of these allegations is true. Anywhere I have to go I will go. I am just a farmer.

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. Marine Corps
Tribunal President

Summarized Sworn Detainee Statement

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

Detainee: Yes, I do.

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

Detainee: No, I don't have any but I would like to discuss the allegations.

The Tribunal President agreed and explained to the Detainee that he will be able to do so after the Tribunal proceedings are read.

The Detainee Election form (Exhibit D-a) was given to the Tribunal, and the unclassified evidence was given to the Tribunal. The Recorder then entered the Unclassified Summary of Evidence into evidence as Exhibit R-1. The Personal Representative then requested a closed session to review classified information at a later time.

Tribunal President (to the Detainee): You may now present any evidence you have to this Tribunal, and you have the assistance of your Personal Representative in doing so. Do you want to make a statement to the Tribunal? Before you answer that, I would like to clarify something for you. The three members here have not seen any part of your file. We are independent officers assigned to review your status as an enemy combatant. All we know about the case is what we have heard here so far. As you can see from the process we have gone through, this is the time for you to provide us information in your own words about what the government has listed as reasons that you should be classified as an enemy combatant. It has been very helpful to other Tribunals if the personal representative would read each one of the allegations and the Detainee would make any comment he felt appropriate regarding that allegation. The decision is completely yours. You are not required to answer or comment at all. It is your choice. Again, would you like to make a statement to this Tribunal today?

Detainee: Yes, I do.

Tribunal President: Would you like to make your statements under oath, which is a promise to tell the truth. We have a prepared Muslim oath if you would like to use that.

Detainee: Are there any Muslims here that I can swear in front of?

Tribunal President: I wouldn't know that. It is not a matter I am concerned with. It is your choice to make your sworn statement. You are not required to take a Muslim oath. Any oath or promise to tell the truth would be acceptable to us.

Detainee: If there were Muslims here, I would take the oath.

Tribunal President: I can't answer that question.

Detainee: Fine.

Tribunal President: OK. We will consider your statement un-sworn and you may continue.

Detainee: Fine.

Tribunal President: Personal Representative you may assist the Detainee in reviewing the government's unclassified summary of evidence.

Personal Representative (to the Detainee): I will read each allegation to you and you can make a response. Let me know when you are done and I will read the next.

Detainee: Fine.

The Personal Representative reads the following information from Exhibit R-1.

3.a-1: The Detainee traveled extensively during the period December 2000 through November 2001. Multiple visits to Saudi Arabia, Pakistan, the United Arab Emirates, a one-week stop in Syria and a five-month stay in Malaysia are recorded on the passport.

Detainee: This is my story of how I went from Saudi Arabia, Pakistan, United Arab Emirates, then Malaysia then Syria. The order on the unclassified summary is mistaken. I went from Saudi Arabia to United Arab Emirates, then Pakistan, then Malaysia, and then Syria.

3.a-2: An Al Qaida operative is known to have falsified passports using Malaysian visa stamps in order to eliminate evidence of travel in Afghanistan and Pakistan.

Detainee: I talked about that with the interrogators. My passport is fine. The Saudi Arabian government is aware of my past passport and provided you with wrong information about me.

3.a-3: The Detainee was a member of Al Qaida and a member of al-Nashri's security element.

Detainee: I would like to ask a question. What is al-Nashri's?

Personal Representative: I can offer an answer, sir. Al-Nashri is an alleged Al Qaida Persian Gulf Operation chief who is tied to the attacks on the USS Cole.

Detainee: Am I a member with him?

Tribunal President: Regarding the allegation, it says that you are a member of Al Qaida and a member of this persons' security element. That is what this allegation is.

Detainee: That is not true.

3.a-4: *The Detainee was observed on board a Taliban airplane carrying fighters down towards Northern Afghanistan.*

Detainee: First of all, I never entered Afghanistan. So how is it possible that I was observed on that airplane?

3.a-5: *The Detainee was identified as an Al Qaida member by a former guard at Usama Bin Laden's complex at the Kandahar, Afghanistan Airport.*

Detainee: Maybe that person said those things here under pressure from the interrogators during the interrogations to divert other people's attention from him because he didn't want to be tortured. So by identifying me, the interrogators would not torture him and all these allegations are not true.

3.a-6: *The Detainee served as the manager of the Al Qaida frontline's guesthouse in Kabul, Afghanistan.*

Detainee: I would like to repeat again that I have never entered into Afghanistan.

3.a-7: *Pakistani police in Quetta arrested the Detainee on 25 November 2001.*

Detainee: I do not understand when you say November or when you say the year 2001.

Translator: (To the Tribunal President) May I ask him if he understands the Muslim calendar?

Tribunal President: Please repeat the Julian date and also provide him the equivalent Muslim date.

Translator: Sure.

The Translator explains the dates to the Detainee. The detainee did not respond further on this point.

Personal Representative: That is the last point of evidence.

Detainee: I also have a couple of corrections to make in the unclassified summary.

Tribunal President: Please continue.

Detainee: My name is written there incorrectly.

Tribunal President: OK. What is your correct name?

Detainee: My name is Mohammed Ba-rak Sa-lem AL Qurbi (ph). You were calling me Mohammed Mo-ba-rak Sa-lem (ph).

Tribunal President: I understand. Is that the only correction you have?

Detainee: Yes, that is it.

Tribunal President: Does that conclude your statement?

Detainee: I still have one more.

Tribunal President: Please continue.

Detainee: I did not come here to this Tribunal because I agree with all these allegations as I explained to you. I ask the Tribunal [to ensure] that all the information you have on the unclassified evidence is accurate. First of all, there is a problem with the pronunciation of my name. My (inaudible) have got my passport in your possession. And there is a problem with my movement. Please just double check that my going from Saudi Arabia is (inaudible). Maybe these allegations are not against me but somebody else.

Tribunal President: I understand your concerns and we will consider that during the hearing.

Detainee: Fine.

The Tribunal President confirms the Detainee's proper name and pronunciation of such.

Questions from the Tribunal Member's:

Q: Are you a citizen of Saudi Arabia?

A: Yes, I am.

Q: And all the travel that you described did take place within a year?

(The original question asked was: "And all the travel that you described did take place between December 2000 and November 2001?" However the Detainee does not understand the Gregorian calendar months or years, therefore the Tribunal Member rephrased his question to read as stated above.)

A: Yes it did.

Q: What was the purpose of that trip?

A: Are you interrogating me or are you asking me?

Q: As the President has alluded, we do not know anything about your case at the moment. I am just trying to get a sense from you as to why you made these trips. It is up to you to answer or not.

A: You have all that information in my file.

Q: When you visited Malaysia, what city or cities did you stay in?

A: You have all that information in my files.

Tribunal President: Mohammed Ba-rak Sa-lem AL Qurbi (ph), do you have any other evidence to present to this Tribunal?

Detainee: I told you everything I know.

The Tribunal President then addressed the Personal Representative to request if any additional information would be presented to the Tribunal. The Personal Representative did not have any additional information. The Tribunal President then explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

AUTHENTICATION

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



Colonel, USAF

Tribunal President

Summarized Sworn Detainee Statement

Personal Representative: The Detainee elected to respond to my reading of each allegation and he will respond.

Detainee: I clarified these points to the Personal Representative earlier, so you can read the allegation and then read what I told you before.

The Personal Representative provided the following responses to the allegations in the Unclassified Summary of Evidence on behalf of the Detainee.

- **3(a)1 The Detainee is associated with the Jama'at al Tabligh.**

I'm not associated at all. When I arrived at the airport in Pakistan, they welcomed me, but I did not go with them. Many groups do this at the airport.

- **3(a)2 Jama'at al Tabligh, a Pakistan based Islamic missionary organization is being used as a cover to mask travel and activities of terrorists, including members of Al Qaeda.**

I was not an associate. There was one guy, Mohammad, who helped me find a place to stay. I don't know if he was with Jama'at al Tabligh. He was helping me. He knew where the poor people were that I would be dealing with.

- **3(a)3 The Detainee's name appeared on a list of Al Qaeda mujahedin seized from an Al Qaeda safehouse in Pakistan.**

This simply is not true.

- **3(a)4 The Detainee was captured with a group of Al Qaeda members.**

When I was going from Afghanistan to Pakistan I ran into Pakistani soldiers. They asked for identification, I had no passport. They brought me into custody and threw me in with another group. That is how I got associated with the group.

Questions to the Detainee by the Tribunal Members

Tribunal Member to Detainee: The only information that we have about you is what we have heard this morning. Therefore, it is necessary for us to ask you a few questions to clarify what you have told us. This will give us a better understanding of what you did and why you said you did it.

Q: Are you from Saudi Arabia?

A: Yes.

Q: Prior to leaving the country, were you a student or did you have an occupation?

A: I was with the Chamber of Commerce.

Q: What were your duties at the Chamber of Commerce?

A: I worked at the Central location with the telephones.

Q: What was the highest level of education that you received?

A: High School.

Q: Was it after high school that you started working for the Chamber of Commerce?

A: Yes.

Q: So, while you were working, at some point you decided you wanted to travel to do missionary work in Pakistan?

A: Yes, I took a vacation to Dubai. While in Dubai I got the idea to go to Pakistan.

Q: Were there people there you met who told you about it? How did you come upon this idea?

A: No, I didn't get much reception to the idea of the Daawa, so I decided to take it to Pakistan

Q: Can you please explain to us your understanding of what a Daawa is?

A: Some Muslims have strayed from the path of righteousness and you bring them back to the right path. You correct their mistakes.

Q: Is this something you can do on your own, or do you have to be affiliated with an organization to do it? How does it work?

A: No, just myself. Any person who is a Muslim can do it.

Q: Is there any particular reason you were interested in going to Pakistan, rather than simply just doing it in your home country?

A: Yes.

- Q: What would that reason be?
- A: Pakistan is known for that kind of thing. A lot of people go there and do that in Pakistan.
- Q: Is it because the Pakistanis are thought to have strayed from how they should be acting as Muslims?
- A: No, but because they are very receptive to the idea of the Daawa and they accept it. Mistakes are everywhere.
- Q: Did you organize your group on your own or did you have others to help you?
- A: No, just myself. I would like to clarify a point. This trip was during my summer vacation. I was used to traveling to countries during my summer vacation. This time, I decided to travel in the Gulf countries. So, I traveled to Dubai and Pakistan. To me, this was tourism.
- Q: How long of a summer vacation did your employer give you?
- A: I requested a full month for my vacation but, when I went to Pakistan and saw the extent of their acceptance, I decided to ask for another month.
- Q: Did your employer agree with your request?
- A: No. I was going to call and ask for the extended vacation, but the place I was in didn't have a telephone.
- Q: So, the plan was to go from Saudi Arabia to Dubai to Pakistan and back home to Saudi Arabia all within a month or maybe two months?
- A: My idea was to go to Dubai and then return to Saudi Arabia.
- Q: I guess I misunderstood. I thought you said you had gotten the idea to go to Pakistan when you were in Dubai?
- A: Yes.
- Q: But, the plan was to travel back to Saudi Arabia first and then go to Pakistan from there?
- A: The idea was to go to Dubai and go once again to Saudi Arabia.
- Q: From where did you leave when you went to Pakistan?

- A: From Saudi Arabia to Dubai from Dubai to Pakistan.
- Q: You mentioned that the Jama'at al Tabligh people welcomed you when you arrived to Pakistan?
- A: Yes.
- Q: Could you please explain to us your understanding of who the Jama'at al Tabligh people are?
- A: I know they are a missionary group that go and spread words and go to mosques. When they go to do their missionary mission they have certain days they do it in, for instance six months or a certain number of days.
- Q: How did you first come to know who they were? Are they active in Saudi Arabia?
- A: No, didn't know them in Saudi Arabia. They meet people in the Pakistan airport. But Jama'at al Tabligh is known everywhere.
- Q: Prior to leaving Saudi Arabia did you know they were going to meet you at the Pakistani airport, or were you just hoping when you showed up they would be there?
- A: No, I didn't know.
- Q: So, you just had good fortune that they were there to meet you when you arrived?
- A: Yes, but it is known about them that they are always in airports, especially in the Pakistani airport because their main office is located in Pakistan and they know people come there from everywhere. They always meet and greet people at the airport. That is the idea I have about them from a long time ago. But I didn't know if one of them was going to meet me at the airport or not.
- Q: What would you have done if no one had been there to meet you at the airport?
- A: I would have taken a taxi just like anyone who goes to a new place. A taxi can tell you about everything.
- Q: You said when you arrived at the airport they welcomed you. Did they prepare you to do missionary work there?
- A: When they met me they said to go with them to the center and after that I would go out and spread the word. I told myself I didn't want to be tied down to anyone.

I told them if they had anyone that spoke Arabic they could talk to me and tell me where to go and tell me about places.

- Q: If they knew what they were doing and how to more effectively accomplish missionary work, why didn't you want to be with them?
- A: They have certain procedures that they are tied down by and the procedures they follow are wrong in our religion. Their work is good and its correct but they make some mistakes.
- Q: This is somewhat unusual if they are trying to preach Islam and you are a Muslim but you are saying they make mistakes?
- A: There are many Muslims but they make some mistakes. Just because people make mistakes it doesn't mean it takes them out of the Muslim religion. This mistake is usually brought upon by ignorance.
- Q: Is it mistakes of religious faith or something else?
- A: For example, when someone goes out on a mission you are supposed to stay for forty days or three months or six months. They have certain days that you have to go. You have to go to the mosque and you eat and sleep at the mosque. Many things, I can't remember all of them. The fact they do that doesn't take away from them being Muslims. When we do things to spread the word, we do it just how the Prophet Mohammed did it.
- Q: The procedures that you described: does the Koran or some other authority of Islam mandate them, or is it just their personal preference on how they do business?
- A: No. The way that they do things is the way Islam says to do them, but they make some mistakes. You are not able to understand this or get a whole clear picture because you don't have a complete picture of Jama'at al Tabligh. Besides that, you have to know Islam to know what is right and what is wrong.
- Q: If a person wants to conduct missionary work there is more than one way to do it, correct?
- A: The missionary work differs.
- Q: But you believed the way you wanted to conduct it was acceptable within the confines of your religion?
- A: The way that I did the Daawa? Yes, the way I do it, you're not confined or tied down by any specific dates or times. That is what the Prophet did as well.

- Q: You were able to conduct your work in Pakistan?
- A: Yes, after I moved from Dubai to Pakistan, I started working in Pakistan.
- Q: How long were you in Pakistan?
- A: I don't remember exactly but it was about two or three months.
- Q: During that time, did you travel outside of Pakistan at anytime or did you just stay in Pakistan the whole time?
- A: No, I moved around within Pakistan.
- Q: Could you tell us some of the things you did while you were there for two or three months?
- A: Yes, no problem. The main thing was moving to different villages. I would go into a villages and I would find some graves that are raised up from the ground. This is something that isn't right in Islam (that the graves are raised from the ground). There is something that people hang from their necks and I find them. It is something they say protects you from the evil eye. Some people have fields with trees and on every tree they pray two prayers. Some people have the Koran and they read it incorrectly. Many things like that. Every time I see something that is a mistake or is incorrect, I talk to them about it and tell them the correct thing. I didn't just tell people to correct their mistakes, but I also visited people at their homes and talked to them to see if they were in need and buy them rice, wheat, or flour. That is a summary.
- Q: Was the reason you stopped your missionary work because you were arrested by the Pakistanis?
- A: What do you mean stopped working?
- Q: You were doing missionary work all the time you were in Pakistan, correct?
- A: Yes.
- Q: The only reason you stopped was because the Pakistani police arrested you?
- A: They didn't arrest me, after that I went to Afghanistan.
- Q: So, you were in Pakistan for three months and then you traveled to Afghanistan. How long were you in Afghanistan?

A: I don't know exactly how long I was there and I have been here for a long time and I forgot the exact times.

Q: If you can roughly estimate, was it a short time or a long time?

Tribunal member clarified to the Translator that the question was how long the Detainee stayed in Afghanistan after he left Pakistan.

A: Maybe a month or a little less. I was there for a full month before the problems started happening.

Q: Why did you decide to go to from Pakistan to Afghanistan?

A: After the war started in Afghanistan, I decided to go to Pakistan.

Q: I understand you were in Pakistan for three months doing your missionary work after that time. Is it correct that you then went to Afghanistan?

A: Yes.

Q: You were there for a full month?

A: Until the events started.

Q: Why was it you chose to travel to Afghanistan?

A: The guide that was with me gave me the idea. He said people in Afghanistan are even more receptive and open to the idea of the Daawa. He proposed the idea to me and I accepted.

Q: This guide was from Pakistan?

A: Yes.

Q: Where did you go when you went to Afghanistan?

A: Kabul.

Q: Did you continue to do the same thing in Afghanistan that you were doing in Pakistan?

A: Yes, but more so in Afghanistan. I bought rice and flour because there were more people in need in Afghanistan. I didn't expect to see so many people in Afghanistan. People were dying of hunger and they didn't have clothes.

- Q: Did you use your own money to do this that you had brought from home or was there an organization that helped you take care of all these people?
- A: No, it was my money. I had ten thousand riyals, which is about seven hundred dollars.
- Q: Were you doing this on your own, or were you working with other people when you were in Afghanistan?
- A: It was just the guide and I. The guide told me where to go.
- Q: So, you were in Kabul most of the time?
- A: In Kabul and the villages surrounding Kabul.
- Q: Then you knew, of course, there was a war going on at the time?
- A: During that time, there was no war.
- Q: At some point, did the war advance to where you were doing your work?
- A: There was no war or anything at that time. People started saying: 'you should leave, there is a war.'
- Q: It was then when you decided to return to Pakistan?
- A: Yes.
- Q: You mentioned earlier that when you left to go back to Pakistan you did not have your passport with you?
- A: Yes.
- Q: Can you explain why that was?
- A: My passport and some money were in a bag that was stolen.
- Q: In Pakistan or Afghanistan?
- A: In Afghanistan.
- Q: I know that you said earlier you were not at all involved with al Qaida?
- A: Yes.

- Q: Were you aware that there are some al Qaida members who use Jama'at al Tabligh to conceal their travel and activities?
- A: No, I didn't know.
- Q: One of the other allegations says your name was found on a list of al Qaida members. This list was seized from a safehouse of al Qaida's in Pakistan.
- A: I don't know how my name was found in that place.
- Q: Our concern of course is, if that is true, this means that al Qaida somehow knows who you are.
- A: This is something that is not true.
- Q: So, if we are wondering why al Qaida would care who you are, you say you have no idea?

Detainee: Can you repeat the question?

- Q: If you were simply doing missionary work in Pakistan, it would seem al Qaida would not care who you are.
- A: I don't know about al Qaida and I don't have a relationship with al Qaida. I didn't know about al Qaida until I came here.
- Q: Had you ever heard of al Qaida before you were arrested?
- A: No, I didn't hear about it until I got here in Cuba.
- Q: I think you said you were originally captured with a group of people but then you were transferred to another group of people?
- A: No. I did not say that. I wasn't captured with anyone. I went up to a Pakistani soldier and I told him what had happened to me. I was told to sit there for a few days and they would take me to the Saudi Embassy. I stayed for about a day or two in a prison. Afterwards, I was told I would be moved with a group to another prison in Peshawar. I told them I didn't have a problem with that; if they wanted me to move, I would move. They moved a group of us to a prison in Peshawar. I did meet with a Saudi Ambassador.
- Q: Did he offer to help you in any way?
- A: The Saudi Ambassador?

Q: Yes.

A: I told him what happened and he said God willing everything will be okay. He talked to me one more time and told me there was some trouble with my case and it was now a matter between countries. He told me to go through the procedures and God willing everything will be okay. He told me he couldn't do anything for me.

Q: How long were you in Pakistan, adding up the time you were in both jails?

A: In prison?

Q: Yes.

A: I really don't remember the time I spent. The thieves when we were in Kandahar, all the stuff that happened to us, made me forget everything.

Q: You went from Peshawar to Kandahar?

A: Yes, to Kandahar.

Q: When you left Afghanistan to go to Pakistan, did you just travel with your guide or were you by yourself or were you with a group of others?

A: No, there were several people that were going to Pakistan and there were guides as well. There were women and children, several people. There was a guide that was responsible for all those people. There were two or three, but I only saw one.

Q: When you turned yourself in, were there others along with you that did the same or only you yourself?

A: No, people took a different way. I saw the soldier so I directly went to him.

Q: You were by yourself at the time?

A: Yes, I was alone. There were Pakistanis and people that lived in that village that witnessed these events.

Q: So, this is after you had already crossed the border and gotten in to Pakistan?

A: Yes, I was completely inside Pakistan. I went between people and the villages. I even asked where the soldiers were, but I couldn't speak their language so they didn't understand me.

Q: How long were you in Pakistan before you went up to the soldiers and told them your problem?

A: Maybe half an hour to forty-five minutes, less than an hour.

The Detainee excused himself and explained his throat was dry because of the dust from riding over to the Tribunal. The Tribunal President asked the Detainee if he would like some water, but the Detainee refused since he was fasting because of Ramadan.

Q: Were you ever in Pakistan before, or was this the first time in Pakistan?

A: This was the first time.

Q: You don't speak the language?

A: Yes, correct. I don't speak it.

Q: Part of your mission was going to help people and part of that was to teach the Koran?

A: No, I wasn't going to teach the Koran.

Q: I guess in my words, it was to help people get back on the path again?

A: Yes.

Q: In accordance with what? What path would that be?

A: It's not exactly the right path. People are always going to make mistakes. You can't think within a day and night you will suddenly be free of all the mistakes you have made. You give them the idea and they look for the right thing to do. That is it.

Q: I would think you would need someone to help translate for you to get the message across to correct the errors of their ways?

A: I told you a little while ago that Jama'at al Tabligh introduced me to a man whose name was Mohammed and he helped me with the translations. He was the guide. He had been doing this for a long time.

Q: So, there was no charge. You didn't have to pay him for this service?

A: He didn't want anything; his work was for God. But I would sometimes give him something.

- Q: When you went from Pakistan to Afghanistan, how did you travel? What mode of transportation did you use?
- A: From Pakistan to Afghanistan?
- Q: Correct.
- A: By the guide's car, he had his own vehicle. We used it to travel around Pakistan and then to go to Afghanistan.
- Q: So, you were basically picking up the charges: gasoline and food and anything else that was required?
- A: Yes, everything. Of course, he would offer to pay but I would never let him.
- Q: You had ten thousand riyals, which I believe you said was about eight hundred in U.S. currency?
- A: I asked one of the people here, and they told me it could be about twenty seven hundred dollars. I think approximately.
- Q: I think you're right, about one quarter.
- A: What do you mean?
- Q: Twenty seven hundred dollars U.S. is about a quarter of the value of the riyals.
- A: Yes, correct.
- Q: Was anybody back in Saudi Arabia sending you more money if you needed it?
- A: No, there wasn't. But I had an account in the bank. If I needed money, I could have withdrawn some.
- Q: Did you have to withdraw more money?
- A: No, I didn't.
- Q: You spent two to three months in Pakistan, another month in Afghanistan?
- A: Yes.
- Q: And then you ran into problems with the Pakistani authorities?

- A: It was a long time after the events that I was able to find a guide to take me back to Pakistan.
- Q: To your knowledge, did you still have a job with the Chamber of Commerce before you were detained by the Pakistanis? You were going to go for one month, maybe two months. That led to almost four months before you ran into problems with the Pakistanis. Did you quit your job or did the Chamber of Commerce say it was okay to stay away that long?
- A: Do you mean now?
- Q: Well, you were going to go just for summer vacation, right?
- A: Yes, that is what I thought it was just going to be for the summer vacation. Then I would return.
- Q: Then the situation looked bad in Pakistan and you decided to stay for another month?
- A: Yes.
- Q: Then you called back to Saudi Arabia to the Chamber of Commerce to see if you could extend your vacation?
- A: I tried to make a telephone call but the line wouldn't go through. I decided to postpone that until I went to Afghanistan. When I got to Afghanistan and I saw the people there in need and the graves that were on top of the ground, I decided to stay for another month and then I would return. After that, the events happened.
- Q: I guess your employer would be very understanding and forgiving and you could get your job back. It seems unusual that you could just forget about work for up to two months or you just didn't care for the job?
- A: Of course I would have been able to explain and talk about this with my manager. He knew I was very diligent in my work. I told him I might get delayed. I traveled a lot and I told him that.
- Q: Did you ever do missionary work in another location besides Pakistan or Afghanistan?
- A: Yes, I did a lot in Saudi Arabia. I traveled a lot during my vacations and did this work.
- Q: Mainly in Saudi Arabia?

A: Yes, I didn't leave Saudi Arabia. During the weekly breaks, it would be to areas I was close to.

Q: In your travels, did you ever stay in houses that had multiple people staying for the night or extended periods of time?

A: No.

Q: You would stay in private hotels?

A: Once in a hotel, once in a house, once I slept in a mosque. It depended on what was available. Sometimes, in the stations, there would be a room you could stay in. It depended on the area I was in at the time.

Q: When you traveled from Pakistan to Afghanistan, you indicated that your guide drove you. Or did you travel with your guide Mohammed?

A: Yes, he was the guide.

Q: How long did he stay with you while you were in Afghanistan?

A: Until about one day before the events. He knew people in different places and sometimes he would go and visit them and return the next day. When the events happened in Afghanistan, I waited for him for about two days but I couldn't find him, so I left.

Q: He was Pakistani?

A: He had Pakistani citizenship but I'm not sure of his origin. I think he might have been Afghani.

Q: He spoke Arabic?

A: Yes, he spoke Arabic very well.

Q: Could he speak Farsi?

A: I don't know if he spoke the Pakistani language and I don't know if he was Farsi, Urdu.

Q: Could he speak Pashtu?

A: Is that the Afghan language?

- Q: You were in Afghanistan, isn't that the Pashtu language?
- A: He would translate the Pakistani language and the Afghan language.
- Q: So, he was able to act as your guide in Afghanistan as well because he spoke the language?
- A: Yes, he knew the language and several of the places. He knew the place where the graves were. He had been doing this type of work for a very long time.
- Q: You indicated he would go and meet friends and then come back?
- A: Yes.
- Q: Did you ever go with him and meet some of his friends?
- A: No, I never went with him.
- Q: Why not?
- A: I wanted him to be comfortable and to take his time. How could I go somewhere when I hadn't been invited?
- Q: Where would you stay in Afghanistan?
- A: In Kabul.
- Q: Where in Kabul? What type of accommodations?
- A: I don't know the names, the ways, or the streets. I know the area was Kabul.
- Q: You stayed in a house or a hotel?
- A: In Afghanistan, we stayed in apartments.
- Q: You paid rent or were you guests of residents of Kabul?
- A: No, I had rented the apartment.
- Q: You planned to stay for an extended time?
- A: No, maybe a month or less is what I had in mind. Such a long trip as this was, you should stay for a while.
- Q: Had you ever traveled such distances and time away from home before?

A: No, never before that much distance; but inside the Kingdom (of Saudi Arabia), yes.

Q: When you were you in Afghanistan, did you observe any religious or military training?

A: No.

Q: So, you never took part in any religious training?

A: No.

Q: You never took part in any military training?

A: No.

Q: Have you ever had any military training in your life?

A: No, not in my life.

Q: Would this be the same for your time spent in Pakistan?

A: What do you mean?

Q: As far as religious training, did you observe any religious training in Pakistan?

A: No.

Q: Did you participate in any religious training in Pakistan?

A: No.

Q: Could you explain the details of how your money and passport were stolen in Afghanistan?

A: Yes, of course. This was after the events happened. People told me at the time, because I was a stranger, that I should leave and go back to my country. I said I would go, but I needed a guide. Sometimes I would try and find someone who spoke Arabic. It was hard for me to tell people I wanted to go to Pakistan. One day, when I was going to look for this guide, it took me a long time. I returned home late. The bag was in the apartment. I looked for it but couldn't find it. That is the story on how my bag was stolen.

Q: It was stolen from your apartment while you were gone?

A: Yes.

Q: Do you think Mohammed came back while you were gone and took your possessions?

A: I don't think so. The only person that had keys was the person I rented the apartment from. I went back to the apartment to find that person I rented the apartment from, but I couldn't find him. He owned a little store. I told him, by using sign language, that I was going to look for a guide. Sometimes I would ask him to try and find a guide for me. He said we would both look for a guide. It may have been him. I don't want to falsely accuse him, but he was the closest one to it.

Q: When you left Kabul to work your way to the Pakistani border, how long did it take you? Could you describe that travel back to Pakistan? What mode of transportation?

A: In the beginning, many different things happened to me. First, when I finally found a guide, I would stop cars and tell them "Pakistan." Most would just leave me there. There was one car, a Hilux (ph), the driver stopped and, from what I understood, he would take me. I asked him to wait a few moments so I could go back to the apartment. That was when I went to find my briefcase, but I couldn't find it. After I realized it was gone, we left. We got about halfway out of Kabul before he told me to get out of the car. All around me was desert. There was nothing there. I asked him to take me to the nearest village but he forcefully told me to get out of the car. I tried to stay in the car. I told him he had to take me somewhere or back to where he found me. He forcefully made me get out of the car. I walked a long the street in the desert until nightfall. I slept in the open desert. In the morning, I woke up and started walking for a long time until I found a village. I found a young man and tried to explain to him. The young man took me into his place. I stayed for a while, and then he told me I had to leave. I told him I wanted this and that and he said he was poor and that he couldn't help me. I asked him to give me directions to another village so I could get to Pakistan. He moved me out of his house and took me to another house. The place was near by. I stayed there for a long time. After that, I got a guide and we left.

Q: When you were staying in Afghanistan, before the events occurred, did any of the Taliban approach you to try and recruit you?"

A: No.

Q: Did you see any of the Taliban forces in Kabul?

A: I didn't know about the Taliban until I came here.

Q: You were in Afghanistan for a month and you didn't know the Taliban?

A: I was busy with my work, the Daawa, I didn't know the Taliban and I didn't ask about the Taliban.

Q: No government officials ever asked you for your documents, your passport?

A: No, never. I didn't see any police cars or anything.

Q: In Afghanistan, did you have your beard?

A: Yes, but it was shorter.

Q: There was no problem with not having a full beard in Afghanistan?

A: No, but now I have gotten older and my beard has gotten fuller.

Tribunal Member: When you first started the Tribunal, there was a statement that we made letting you know we hadn't seen any of your information until this morning. The statement should have been this afternoon. We didn't see any information on you this morning.

Q: It was when you were in Dubai that someone gave you the idea to travel to Pakistan?

A: No, no one told me. I told you before about this.

Q: I thought you said, when I asked you why you chose to go to Pakistan, that Pakistanis are known to be receptive to people like yourself?

A: Yes, they welcome the Daawa.

Q: It wasn't someone in Dubai who encouraged you to do this?

A: No.

Q: Was it your own idea, or someone else's?

A: No, it was my idea. But this idea was well known from before in Saudi Arabia.

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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

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Enclosure (3)
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Summarized Detainee Statement

Tribunal President: Abdur Rahman, you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you wish to present evidence to the Tribunal?

Detainee: Yes, I do. I want the assistance of my Representative. I will also say something.

Tribunal President: All right. Will this statement be written or oral?

Detainee: I can make an oral statement.

Personal Representative: The Detainee would like for me to read a written statement. I will present it to the Tribunal. Then the Detainee will make an oral presentation and answer questions afterwards.

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

Detainee: Yes.

Tribunal President: Recorder will you administer the oath?

The Detainee was sworn using the Muslim oath.

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

Tribunal President: Personal Representative, would you present the information.

Personal Representative: Detainee Sayid Abdur Rahman dictated the following written statement on 13 September in response to his Unclassified Summary of Evidence dated 4 September 2004.

Tribunal Member: May I just ask one quick question? Are you going to offer the written statement as evidence to us [the Tribunal] afterwards?

Personal Representative: Yes, Sir.

Tribunal Member: Okay. It just determines how much notes I will take. Thank you.

Personal Representative: I will begin again. Detainee Sayid Abdur Rahman dictated the following written statement on 13 September in response to his Unclassified Summary of Evidence dated 4 September 2004.

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

1. The detainee was born in Pishin, Pakistan.

Personal Representative: In response to (A1) of the unclassified summary, this is true. I was born in Pishin, Pakistan.

Detainee: Yes.

2. The detainee joined the Taliban shortly after the Taliban took control of Kabul, Afghanistan in 1992.

Personal Representative: In response to (A2) of the unclassified summary, this is not true. I was never a member of the Taliban and I have never been to Kabul, Afghanistan. I have never worked with the Taliban.

Detainee: Correct.

3. The detainee has been identified as holding a high-ranking position in the Taliban as a military judge.

Personal Representative: In response to (A3) of the unclassified summary, this is not true. Since my incarceration, I have been accused of holding three different positions with the Taliban. Initially I was accused of being a Deputy Foreign Minister in Kandahar by an interrogator who spoke Pashtu.

Detainee: And I was blindfolded.

Personal Representative: This is when the Americans were there. This turned out to be false. One month later, I was accused of being a Taliban Security guard in a prison in Kandahar. A female translator accused me of working in a prison and told me my name was Bacha, a security guard in this prison in Kandahar.

Detainee: Correct.

Personal Representative: This was false as well. I have never even heard of the name Bacha.

Detainee: I have never heard of that name and that was my first time hearing of such accusation.

Personal Representative: Now I am accused of being a military judge for the Taliban. I have no idea why someone would make this accusation, as it is not true. I can only speculate that it was someone from a rival village close to my village in Pakistan.

Detainee: Correct.

Personal Representative: However, I have no proof because I am here at GTMO.

Detainee: Correct.

4. In his position with the Taliban, the detainee tortured, maimed, and murdered Afghani nationals who were being held in Taliban jails.

Personal Representative: In response to (A4) of the unclassified summary, this is totally false. The only time I have ever been in Afghanistan was for two days to attend a funeral. A neighbor in my village of Pishin had a relative in Afghanistan who died.

Detainee: Correct.

Personal Representative: I went with him to Afghanistan to attend the funeral service.

Detainee: Correct.

Personal Representative: I was only there for two days and then I returned home. How could I do all these things in two days? It is simply not possible. During the Taliban's reign I never even talked to them.

Detainee: I never talked or even dealt with them [i.e., the Taliban] on any basis.

Personal Representative: I never had any contacts with the Taliban at all. The two days I was in Afghanistan to attend the funeral were the only two days I spent in Afghanistan in my entire life.

Detainee: Correct.

Personal Representative: Many Afghans lived in Pakistan and they traveled back and forth. So rivalries or differences might have occurred on both sides of the border. I was never a judge in Pakistan or Afghanistan, nor was I ever a Deputy Foreign Minister in either of these two countries. Nor was I ever a security guard in either of these two countries.

Detainee: Yes. I never even held those two positions.

Personal Representative: I am only a chicken farmer in Pakistan. I would also occasionally earn some extra money by helping out at the local school. I would teach children how to pray and how to perform absolution. I would teach them right from wrong.

Detainee: Correct.

Personal Representative: However, my main income and occupation was as a chicken farmer.

Detainee: Correct.

5. Pakistani authorities arrested the detainee in Fall 2001.

Personal Representative: In response to (A5) of the unclassified summary, no, it was the end of January 2002.

Detainee: Correct. It was towards the end of January. I don't remember, but it was in January.

Tribunal President: January of what year?

Detainee: 2002.

Personal Representative: I was in my home. I didn't live on the chicken farm, I worked on one.

Detainee: Correct.

Personal Representative: The Pakistani authorities knocked on my door and told me that they wanted to search my house.

Detainee: Correct.

Personal Representative: I asked them why they wanted to search my house and I was told they were looking for ancient artifacts that were looted.

Detainee: Correct.

Personal Representative: I did not know what they were talking about and I had nothing to hide. They did not find any artifacts, as I did not have any to find.

Detainee: I had nothing to hide. I was a poor person. What was I going to hide?

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Personal Representative: They did not find any artifacts, as I did not have any to find.

Detainee: In my house I had nothing. We lived very simply. There were no artifacts or anything.

Personal Representative: However, the Pakistani authorities told me that I had to go with them to the police station.

Detainee: Correct.

Personal Representative: I asked them why? They searched my house and found nothing.

Detainee: I said why did they want to take me? They told me they needed me to talk to the leader. So they wanted to have a talk.

Personal Representative: I was told I had to go. At the police station they questioned me more about the ancient artifacts.

Detainee: They were asking me where were the artifacts? They had heard reports.

Personal Representative: I told them you searched my house and you found nothing.

Detainee: I told them they already searched my house and they could search again anywhere. Find the person who was spreading those rumors about me. I am not guilty of anything.

Personal Representative: The police then told me even though they did not find any artifacts, if I did not give them money, a bribe, I was gone.

Detainee: Correct. They wanted a bribe.

Personal Representative: I told them that I didn't have any money to give, but even if I did, I was not going to give it to them.

Detainee: Correct. I told them even if I had any money, I was not going to give it to them. What had I done?

Personal Representative: I asked, "What have I done that I need to pay you for?"

Detainee: Correct. I refused to give them money. There were no charges that I should pay those guys money.

Personal Representative: They said it just did not matter and we just want money.

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Detainee: They said we just want the money. We are not playing any games here.

Personal Representative: Since I had refused to pay the bribe, we never even discussed the amount of money they wanted.

Detainee: I did not know what amount they wanted because I did not allow them to get to that point.

Personal Representative: They told me I'd sit until I paid them. They took me to a cell.

Detainee: Correct.

Personal Representative: They kept me in a cell for a few hours, and then blindfolded me and put me in a car with someone else and drove us to another location.

Detainee: Correct.

Personal Representative: I was kept in a Pakistani jail for thirty-six days.

Detainee: Correct.

Personal Representative: During this time, a Pakistani soldier asked me if there was someone else in my village with the same name as I.

Detainee: They asked me if somebody else's name was my name. I said there could be, but I don't even know. There were a lot of people.

Personal Representative: I told them there could be, but I did not know for sure.

[Both the Detainee and the Translator were speaking simultaneously.]

Tribunal President: What did the Detainee say?

Translator: The Detainee repeated the same answer. The Detainee stated he did not know. There could be but I did not know. That was for them to decide.

Personal Representative: This soldier then told me they were looking for someone else and they had found him.

Translator: I think there might be a correction.

Detainee: They were looking for someone else, and they found me now. Something, I can't remember correctly meaning they were looking for someone else; but now they had me. So they were going to throw me in jail to make the report look right. Or they were going to get me using the other man's name.

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Personal Representative: Okay, so the sentence should read the soldier then told me they were looking for someone else; but they had found him; him meaning the Detainee?

Translator: Correct. Yes.

Tribunal President: Is that a correction that needs to be made in the statement?

Personal Representative: Yes, Ma'am. I will annotate above the word him "referring to the Detainee."

Detainee: They said even though I was not the right person they were looking for, it did not matter. They had me.

Tribunal President: Personal Representative, would you read that statement to the Detainee again to make sure that is exactly what the Detainee wants to say?

Personal Representative: Yes, Ma'am. The soldier then told me that they were looking for some one else, and they had found him, referring to the Detainee.

Detainee: I want to re-iterate the point about how they asked me about if there was another person with same name as I. I told them there could be. But they said now they had me. So that statement is correct.

Tribunal President: So that statement is correct?

Translator: The Detainee repeated the same statement.

Personal Representative: Translator, please explain to the Detainee the clarification of the statement that was read was implied they found another person with the same name as the Detainee, but I made the clarification to the Tribunal that the authorities were looking for someone else but since the Detainee was found and in custody, the authorities decided to keep him.

Detainee: Yes, that is correct.

Personal Representative: That was all he said to me. After thirty-six days in the Pakistani jail, they came and got me one night, tied my hands behind my back, put a hood over my face and put me into a car.

Detainee: Correct.

Personal Representative: Although, I could not see anything, there were other prisoners in this car. One was speaking Pashtu and several others were speaking Urdu.

Detainee: Correct.

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Personal Representative: When the car stopped, I could hear airplanes. They took me from the car and put me onto an aircraft. There were Americans on this aircraft.

Detainee: Correct. Then all of a sudden the language changed from Pashtu. I started hearing English.

Personal Representative: I could not see anything because I was blindfolded, but they were speaking English.

Detainee: Correct.

Personal Representative: When we landed they asked for my name and I told them Abdur Rahman.

Detainee: Correct. Abdur Rahman.

Personal Representative: The translator who was speaking Pashtu asked me what languages I spoke.

Detainee: Correct.

Personal Representative: I answered I only spoke Pashtu.

Detainee: Correct.

Personal Representative: I was then told that I was not Abdur Rahman; I was Abdur Zahid Rahman.

Detainee: Correct. I was told my name was not Abdur Rahman Sayed, but my name was Abdur Rahman Zahid.

Personal Representative: That was not correct, my name is Abdur Sayed Rahman. The difference in the two spellings: Zahid is Z-A-H-I-D, and Sayed is S-A-Y-E-D.

Detainee: Correct.

Personal Representative: Abdur Zahid Rahman was the Deputy Foreign Minister of the Taliban.

Detainee: Correct. That is what I was told. I was told that I was Abdur Rahman Zahid and that I was the Deputy Foreign Minister for the Taliban.

Personal Representative: I was taken to this camp and they began to interrogate me.

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Detainee: Correct. Then an hour later they began to interrogate me.

Personal Representative: An American later told me that I was wrongfully taken and that in a couple of days I would be free.

Detainee: I was told I was very much oppressed and they had the wrong person and I would be released right away.

Personal Representative: I never saw this American again and I am still here.

Detainee: Correct. And I never saw that person again.

Personal Representative: Since then, I have also been accused of being a security guard, which is not true.

Detainee: Right after the first accusation that I was a Deputy Foreign Minister, I was told a month later I was not a Foreign Minister, but I was a security guard for the jail. My name was Bacha. I said if the prison is nearby, can you check up on that and see the evidence for it. They never said anything else about it and it was left at that.

Personal Representative: Now I have this new accusation that I am a military judge of the Taliban.

Detainee: I have never held a judge's post and I never worked as such. Someone made up all these accusations and lies, but what can I do about it?

Personal Representative: This is simply not true. I am innocent.

Detainee: From the first, I have been accused wrongly. I am a Muslim. I did swear by God that I would tell you the truth. I hope you take that into account, that I am telling the truth. I have been very oppressed. Please take all my words into account.

Personal Representative: Ma'am, that concludes the Detainee's written statement.

Personal Representative presents the Detainee's written statement marked as Exhibit "D-B" to the Tribunal for evidence.

Tribunal President: Do you mind if we ask you some questions?

Detainee: Yes. That is fine.

The Personal Representative introduces two personal letters from the Detainee's brothers and sons in Pakistan to the Tribunal. The exhibits are marked D-C and D-D.

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Personal Representative: The letters are from the Detainee's family, his brother and his sons. The first letter reads as follows: "From (censored) to (censored) greetings. We are, thank God, doing good. We want your happiness from God. Your school is doing well. Everyone in the family is doing well. Your chicken farm is there, and we check on your school. We are praying for you. Wish you luck."

Detainee: Correct.

Personal Representative presents the Exhibit "D-C" to the Tribunal for evidence.

Personal Representative: These exhibits are being presented to show that the Detainee was indeed a chicken farmer and he did teach at the school.

Personal Representative: The second letter reads as follows: "From your brothers Abdul Haq Agha, Abdul Salam Agha and the whole family and friends to our brother. Our brother, at home everything is fine. From young to old, thank God everyone is fine. Everyone else is doing good. We want your happiness from God. We want you happiness from God like Abraham when he was in the middle of the fire and God protected him. We tried to release you, but we haven't found any response. We will try, God willing, and we hope you will be released. Your chicken farm is there. (Censored) is also sending his greetings. Your letter you sent to Quetta, you wrote that you wrote us a lot of letters and you haven't sent responses. We've replied to all your letters. I don't know why it hasn't gotten there. We are praying for you and we will pray." The letter is dated 26 September 2002."

Detainee: Correct.

Personal Representative presents the Exhibits "D-D" to the Tribunal for evidence.

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

Personal Representative: Yes. Ma'am, I have a couple.

Personal Representative: The only time you have ever been to Afghanistan was only the two days you attended the funeral?

Detainee: Yes. That was two days for a funeral service.

Personal Representative: Was this during or after the Taliban reign?

Detainee: It was two years prior to my capture.

Personal Representative: Before the Taliban came to power, did you ever go to Afghanistan?

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Detainee: Even when I was there for those two days, I did not do anything wrong. I never even talked. I just walked on the streets and came back home.

Personal Representative: So from the time you were a tiny baby until now, you've only been in Afghanistan for two days?

Detainee: Yes, just those two days.

Personal Representative: Have you ever received any military training?

Detainee: I am an uneducated person. I never got any training.

Personal Representative: No training, never ever at anytime? Not before the Taliban, after the Taliban, not at all?

Detainee: I have not even seen a weapon for fifteen years, if you believe it or not. I am an uneducated person. I have never been to any military training.

Personal Representative: Never ever in your life?

Detainee: No, never.

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

Recorder: Yes, I do.

Detainee: Okay.

Recorder: Did you ever in your life join the Taliban or work with them in any small way?

Detainee: I swear from the smallest dealings I have never dealt with the Taliban or contacted them.

Recorder: Were you ever a judge or an important man that would pass judgment on others?

Detainee: I have to laugh. I am an uneducated man. You are giving me this high position of being a military judge. I don't even have that level of education to be such. I can't even picture that.

Recorder: So the answer is no?

Detainee: I was never a judge, a Foreign Minister or a security guard. I swear upon it.

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Recorder: Did you ever do the act or direct others to torture?

Detainee: I have never even ordered my brother in my house. How can I even order others.

Tribunal President: Excuse me, Translator, but I did not catch everything you were translating. You and the Detainee were talking at the same time.

Translator: What the Detainee was trying to say was that he had never ordered his brother at home to do things. How can he order others. And also the Detainee has never taken part in that accusation.

Tribunal President: Please translate what you have said back to the Detainee.

Detainee: That is correct. [In response to the Translator's translation.]

Recorder: How many years were you a chicken farmer?

Detainee: I don't have the exact dates.

Recorder: Can you speak in shorter phrases.

Detainee: I don't remember the range of time prior to my capture. I remember that I have been on that farm about fifteen years. I am an uneducated person and I can't remember. I did not keep a timetable of the exact dates, so it could be anywhere from twelve to fifteen years I have been on that farm.

Recorder: Earlier in that statement, you said you work on the farm. You don't own it? Is that correct?

Detainee: Yes, that is my farm. I have a share of the land. I have from five hundred to one thousand chickens. I sell the eggs and the chickens. That is how I make my living.

Recorder: What did you do before becoming a chicken farmer fifteen years ago?

Detainee: I did not work. I was at home. My brothers worked. It was like a family thing.

Recorder: That concludes my questions.

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

Tribunal Members: Yes, ma'am. How old are you?

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Detainee: We don't keep records of when we are born. I cannot give you an exact date but I can give you an approximate guess. I am in my late thirties, close to forty years old. They asked me this in Kandahar. I told them I do not know my exact age. No records are kept in Afghanistan and Pakistan.

Tribunal President: Please try very hard to translate exactly what the Detainee says. We do not want to miss anything the Detainee wants to present to us. And please tell the Detainee what I just said. (Speaking to the Translator).

Translator: I just told the Detainee and I also asked the Detainee to shorten his answers so I can get the words out to you.

Tribunal President: Thank you.

Tribunal Member: When you were arrested, were you by yourself?

Detainee: I was alone at home.

Tribunal Member: We are asking these questions because we have not seen the evidence.

Detainee: Okay.

Tribunal Member: When you were arrested, you had no weapons around you anywhere.

Detainee: No.

Tribunal Member: When you went to Afghanistan for the funeral, were you doing anything else while there?

Detainee: The two days I was in Afghanistan, I spent the night. The morning we had the funeral service. We spent a second night. Then we left the next day.

Tribunal Member: How did you get to Afghanistan?

Detainee: In a car.

Tribunal Member: Was it an hour's drive or a day-long drive?

Detainee: We left Pakistan in the morning. We got to Afghanistan by the noon prayers. There were different villages in the outskirts. Depended on where the service was being held.

Tribunal Member: In response to one of the questions by the Personal Representative, you said you had not seen a weapon in about fifteen years.

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Detainee: That is correct.

Tribunal Member: Fifteen years ago when you did see the weapon, why did you see the weapon?

Detainee: During the Jihad times when the Afghans were fighting the Soviets, all of the Mujahideen were there and weapons were on the streets in the Pashtu areas.

Tribunal Member: I know you said you have never been a part of or supported the Taliban.

Detainee: Yes, that is correct.

Tribunal Member: Your own actions, or actions you might have directed of others, have you ever been a part of or supported Al Qaida?

Detainee: When I was brought here to Cuba, I never heard of the term Al Qaida. I did not know if they were some animals or some kind of creatures. I did not know what the meaning was. Then they explained to me what Al Qaida meant.

Tribunal Member: After the term Al Qaida was explained to you, do you think you were involved with or supported Al Qaida?

Detainee: No, because I did not even know their name or the details of who they were. No, never.

Tribunal Member: Can you tell me when the funeral was, specifically?

Detainee: I don't know the exact date. They asked me the same question in Kandahar. I don't know what date it was, but it was obviously before I was captured.

Tribunal Member: Was it before the September 11th attacks in the United States?

Detainee: It was two years prior to September when the Americans were attacked.

Tribunal Member: Who was the funeral for?

Detainee: A person I knew from my village, it was one of his relatives that died in Afghanistan.

Tribunal Member: What was his name?

Detainee: Which person?

Tribunal Member: The person that died?

Detainee: I am trying to remember. It was Muhammad Yusef.

Tribunal Member: Where in Afghanistan was the funeral?

Detainee: In Kandahar province. From the city, there is a village called Zala Kahn. It is about a half hour drive from the city of Kandahar, but in the province of Kandahar.

Tribunal Member: Since you have been captured and brought here to Cuba, have you always told this same story?

Detainee: This is my story, but more details could have been said in the interrogation. I was not asked about the funeral that you just asked about, or the guy's name or where the village. I was only asked if I went to a funeral.

Tribunal Member: In your interrogations, have you always said that you have been to Afghanistan for only two days in your life?

Detainee: Yes. And in the Taliban's time, only two days.

Tribunal Member: But before the Taliban's time, you were in Afghanistan?

Detainee: During the Soviet war, I might have helped out the refugees in the camp or something.

Tribunal Member: In Afghanistan?

Detainee: On the border. I was at a camp in Pakistan where all the Afghans were. So if I have crossed the border, it is the occasion. We have relatives and they just cross back and forth. But that was during that time.

Tribunal Member: How far from the Pakistan/Afghanistan border is your hometown?

Detainee: The town I am from?

Tribunal Member: Yes.

Detainee: It is three or four hours to Chaman, which is a border town.

Tribunal Member: Can you estimate how many kilometers?

Detainee: I don't even know about the hours correctly. I have no idea about the kilometers.

Tribunal Member: When you say three or four hours, is that by car?

Detainee: Some cars go fast, some cars go slow, some go very slow and then they go five hours.

Tribunal Member to the Personal Representative: On Exhibit D-C, is there a date on this letter?

Personal Representative: No.

Translator: No, there is no date, but it is received in Kandahar in Afghanistan.

The Personal Representative and the Translator inspect Exhibit D-C, and both conclude there was no date annotated on the letter.

Tribunal Member: So there is no date that we can see on the letter?

Translator: No, Sir. I could not find it. Actually I tried looking for it. The only thing I could see was referring to the Detainee's imprisonment in Kandahar.

Tribunal President: On your statement, you said you were questioned by the police and a soldier.

Detainee: I was not interrogated. I went to the police station. Two of the officers were speaking Urdu and one officer was speaking Pashtu. The Pashtu officer told me to give him money, otherwise I was going to be taken away. He also told me whatever treasure I was hiding, I needed to give it to him. I told the officer to check my house because there was nothing.

Tribunal President: Your statement said a soldier told you they were looking for someone else and they had found you.

Detainee: The only thing I remember is the people worked for the Government and they spoke Pashtu.

Tribunal President: So you don't know for sure if they were police or soldiers?

Detainee: No. All I knew was these people were Government officials and they were wearing uniforms. I don't know the details of the rank or anything.

Tribunal Member: If you were blindfolded how could you know they were Government officials?

Detainee: The official was undercover in civilian clothing. He was a Government official. I was not blindfolded at that time. That same person would always help me when I wanted to pray. That is how I knew he was a Government official.

Tribunal President: Did the Government official ask you for money or the police?

Detainee: In the police station, I was told by the police officers to give them bribes. After that, no one ever mentioned anything about money. I was told charges would be made against me.

Tribunal President: Who asked you about the name of the other person in your village?

Detainee: All I know is the person was a Government official and that person was wearing civilian clothing. I do not know the rest.

Tribunal President: You also said a translator asked you about another man. Was that the Government official?

Detainee: No. This person was speaking Pashtu. There was no translation necessary.

Tribunal President: Did you know the people at the funeral?

Detainee: The only reason I went was because my friend in Pakistan invited me. I did not know the other people in Kandahar.

Tribunal President: Did you know if any of the people at the funeral were Taliban?

Detainee: A funeral service is usually three days. After that funeral service, I went to pay my respects of the service (sic). I was not at the official service.

Tribunal President: You did not attend the funeral? You just went to pay respects after the funeral?

Detainee: That is correct. I paid my respects by visiting them. But the official ceremony was over.

Tribunal President: Did you go to someone's house after the funeral to pay respects?

Detainee: Yes, I went to the person's house.

Tribunal President: Were there other people there besides yourself and your friend?

Detainee: No, just the people of the house and that was it.

Tribunal President: Who were the people of the house?

Detainee: It was the father and the brothers of the person who died.

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Tribunal President: Do you know if those people were members of the Taliban?

Detainee: They were poor people, they never associated with the Taliban.

Tribunal President: Do you know that for sure?

Detainee: Yes. I am very sure about that.

Tribunal President: You said you heard someone speaking English on the plane?

Detainee: They were talking like you.

Tribunal President: How do you know they were Americans?

Detainee: When I landed in Kandahar, I asked what language they were speaking. They told me they were speaking the language you are speaking to me.

Tribunal President: Is that the same plane you traveled from Kandahar to Cuba?

Detainee: I do not know because I was blindfolded.

Tribunal President: Did you travel on more than one plane?

Detainee: First from Pakistan to Kandahar.

Tribunal President: On one plane?

Detainee: Yes. I don't know who was there because I was blindfolded.

Tribunal President: Do you know whom you traveled with from Pakistan to Kandahar?

Detainee: My eyes were blindfolded. I could not even see light. I saw light when I got to Kandahar. Then I asked one of the people where I was and they told me Kandahar.

Tribunal President: Was there anyone on the plane from Pakistan to Kandahar speaking English?

Detainee: What I heard sounded like a foreign language. That is all I knew and I asked later what language that was.

Tribunal President: So it was the plane from Kandahar to Cuba you heard people speaking English?

Detainee: I heard English when I was in Kandahar.

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Tribunal President: On the plane or off the plane?

Detainee: Just in the camp I heard English. Not in the airplane. What I heard in the airplane, the military personnel were speaking a foreign language.

Tribunal President: Did you hear another foreign language other than English on the plane?

Detainee: I heard it was foreign tongue, but I did not understand what they were saying.

Tribunal President: Was it English?

Detainee: It was the same thing as you are speaking.

Tribunal President: Who said you were Abdur Rahman Zahid?

Detainee: Once I departed the plane and they started asking me questions, I was asked if I was Abdur Rahman Zahid.

Tribunal President: Where was that?

Detainee: I was in Kandahar at the international airport.

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

Detainee: Where can I get more proof from? I have been here for two years. Where am I going to get all that information from?

Tribunal President: I understand you have no more information you would like to present?

Detainee: Where can I get information from?

Tribunal President: Is that a no?

Detainee: No, I do not have anymore.

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

Personal Representative: No, Ma'am. I have no further evidence or witnesses, but I do have a few more questions to clarify a point that was made earlier.

Tribunal President: Okay.

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Personal Representative: Earlier you had said you had not seen a weapon for fifteen years, not until the Jihad. Was this during the Soviet occupation?

Detainee: Yes, it was during the Soviet communist regime.

Personal Representative: You had indicated you did help on the border, but was it on the Pakistani side of the border?

Detainee: During the Soviet time, the Kandahar province, I had been in there. That is about it.

Personal Representative: The type of help you did it, was it related...

Detainee started speaking before the Personal Representative was able to complete his question.

Detainee: No, it was just friends. There was not battles all the time. We had family and tribes on both sides.

Personal Representative: Did you participate in Jihad and shoot with a weapon against the Soviets?

Detainee: No.

Personal Representative: So you never were a combatant against the Jihad or the Soviets?

Detainee: No. I was just with friends. There were Pashtus on both sides of the border. There were not always battles. Family would go across on both sides.

Personal Representative: What did you do when you were helping?

Detainee: I would see my family or travel with friends.

Personal Representative: But you were not a soldier?

Detainee: No. Never. The Pakistan/Afghanistan border has never been. It's always been the Pashtu people, the tribes. The tribes still keep our families in them. It has always been the same people.

Personal Representative: Thank you Ma'am. I have no further questions.

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

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