

Summarized Sworn Detainee Statement

The Tribunal President was explaining the hearing instructions 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 and gave a brief description of its contents.

At the conclusion of the Recorder's description of the contents of Exhibit R-1 the Detainee began to speak. The Tribunal President then informed him that there were a couple of other administrative matters that needed to be addressed and he would then be allowed to make his statement.

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 confirmed that the Detainee had three documents that he wished to present to the Tribunal as per the Detainee Election Form. The Tribunal President also confirmed that the Detainee requested to have two witnesses participate in the Tribunal on his behalf.

The Recorder administered the Muslim oath to the Detainee.

The Tribunal President opened the Tribunal to the Detainee to make his statement.

3.a.1. The detainee traveled to Kabul sometime in later 2001.

The truth is I didn't volunteer to travel there. I was forced because I was a prisoner; I was moved from a Kandahar prison to Kabul by the Northern Alliance.

3.a.2. The detainee was identified as an Iraqi national affiliated with al Qaida.

That is true. I am an Iraqi citizen but I am not associated with or a member of al Qaida. When I was there, there was no such thing as al Qaida.

3.a.3. The detainee resided at a guesthouse near Kabul, Afghanistan, frequented by people training at a terrorist training camp in Afghanistan.

That is true. I did not live in that house but I visited that house about three times.

3.a.4. Al Farouq is best known as a basic training facility for jihadists. Training at this facility was conducted in four phases: small arms firing, physical conditioning, map reading, topography, and explosive devices.

The truth is that I never went to Al Farouq training camp and I do not know what goes on in there.

3.a.5. The detainee received military training in the Iraqi army.

Yes it is true that in 1993 I did enter the Iraqi military but it was not voluntarily. Every person in Iraq was forced to join the military army. The military there is mandatory.

3.a.6. The detainee trained with the following weapons: AK 47 rifle, 7.62 mm PK machine gun and mortars – 82mm, 120mm, and 160mm.

The way the interrogator asked me what kind of weapons they were using or training on at that camp in the Iraqi military. I told them light weapons. They trained them on Kalashnikov, those types of weapons. I didn't tell them that I trained on them but told them that the Iraqi military trained on them.

I explained to them the military division I was in, which was the army; our weapons were a Kalashnikov in the army.

3.a.7. The detainee acknowledges that in 1999 he fought on the front lines against the Northern Alliance with the Taliban near Mir Bachel Kowt.

This is true. I was on the front lines but there was no war to speak of at the time.

3.a.8. The detainee was imprisoned by Northern Alliance and subsequently transferred to United States authority.

This is true.

Tribunal President: Does that conclude your statement or is there something else that you would like to tell us?

Detainee: I wanted to bring to the American justice that I do not have a psychological disease like the other Arabs here that are detained. The only mistakes that I have done was traveling there in 1999. I already was punished or paid for that being detained for five years for leaving.

I hope from the American government and justice to look at my case and see that I am a victim as an Arab in Afghanistan.

In 2002, I was detained in prison and they accused me of being an American spy. And honestly, I was not an American spy. I was put in prison and the Taliban tortured me in the worst way that you can think of until I was handed over to the American forces.

Since the year of 2000, I haven't had any freedom. And thanks to God, I have never did any hostilities against any people on this earth; on this planet.

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

Detainee: Yes.

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

Personal Representative: Yes Ma'am, I do.

Personal Representative's Questions to Detainee

Q: Can you explain why you went to Afghanistan and how you got there?

A: That is a good question. I escaped from the Iraqi military at the end of the year in 1994 and entered Kurdistan. In Kurdistan, I stayed approximately one year and then went to Iran. In Iran, I worked in a shoe factory. It wasn't uncovered how the people, the way the Iraqi people lived in Iran, especially the people that did not have their official documents. I was one of the people that did not have their official documents when I entered Iran.

In mid 1999, the Iranian government did an attack or a raid with the Iraqis that were there. So I traveled from the city I was living in to another city. And that city was not a border city, but it was close to Afghanistan. About two months later, they were asking about everyone that worked at that shoe factory. I wanted to keep quiet as an Iraqi because the Afghans that were with me were speaking Farsi and I was speaking Farsi also. If I had said that I was an Iraqi, they would have handed me over to the Iraqi government. I kept quiet and they threw me on the border of Afghanistan. That's what happened and how I entered Afghanistan. After they took everything I had, including my money, I was forced to go to the Afghani government to help me go back to Iran. Unfortunately, they did not help me, they told me in order to get help, you have to go to the front line in Kabul. That is how I entered Afghanistan.

Q: Just to clarify, when were you first imprisoned in Afghanistan?

A: If my memory doesn't betray me, at the beginning of the year of 2000.

Q: You had stated that you visited in Kabul. Why did you go there?

- A: The house that I was in at the front lines did not have a shower or a bathroom, a place where I could clean my clothes, clean up so I was forced to go to the guesthouse and do those things.
- Q: What did you do on the front lines?
- A: There wasn't really anything to do on the front lines besides guard duty.
- Q: During our interview you said that you had deserted the Iraqi Army. Can you tell us why?
- A: I escaped from the Iraqi army and went AWOL for the following reasons. My situation was not good. My family and I didn't own a house so we rented a house. The unit where I was stationed was in the north and my house was in the south. The salary that the Iraqi gave me was small and I couldn't afford to travel from the north to the south.

In addition, the Iraqi army victimized a lot of members of the Iraqi army. I was one of the people that were suffering from the Iraqi military. I wasn't able to withhold myself in the Iraqi army. I was a young person at the time and I wasn't thinking the right way and wasn't able to figure out what was happening around me. With the reasons that I mentioned, I felt like a caged bird. This feeling helped me escape from the Iraqi army and now I feel guilty for following that feeling.

I hope to go back to my family and give society the rights and have my rights also.

Tribunal Members' Questions to Detainee

- Q: How old are you?
- A: I am 29 years old.
- Q: When did you enter this location?
- A: I was born in 1976 and this is my third year here.
- Q: I'm a little confused on your being captured by the Northern Alliance. I want to clear some of that up. I will ask you some questions in that area. You were first captured when, when you were in Afghanistan?
- A: I was captured and arrested by the Arabs in Afghanistan on February 15, 2000.
- Q: These Arabs that you are referring to, were they apart of the Northern Alliance?

A: No, they were with the Taliban.

Q: They arrested you because you were accused of being an American spy?

A: Yes. I was arrested and accused of being an American spy. Unfortunately the people who arrested me did not know anything about human rights. They did not give me a chance to say anything; they just threw me in jail.

Q: Were you an American spy?

A: No I'm not an American spy.

Q: Do you know why they suspected you of being a spy of some sort?

A: Yes, I know why. At the beginning they arrest a man name Abdul Rahim Jenko. This man I met with in the guesthouse in Kabul, I gave him about half of a dollar to help him buy shoes. He asked that of me. After a short time he was arrested and accused of being an American spy. I don't know if he was forced to say that I was an American spy or if he wanted me thrown in jail. He confessed against me saying that I was a spy working with him for America. He said a lot of lies about me and thank God I had an interrogator name [REDACTED]. He confessed in front of the interrogator and said that he made me suffer and told a lot of lies on me in front of all those Arabs. His confession is on a piece of paper and is here in Cuba. For that accusation, I was detained in a Taliban prison.

Q: How long?

A: From 2000 until now.

Q: Where were you taken from on February 15, 2000?

A: From Kabul.

Q: Where were you in Kabul when you were arrested?

A: I was on the front line and they put me in a car and took me to a guesthouse and from the guesthouse I was taken to Kandahar.

Q: If I understand this correctly, the Taliban arrested you and turned you over to the Northern Alliance?

A: There is clarification needed and I will clarify it for you. I was not arrested by the Northern Alliance. In September 2000, we were in a detention facility. There were 1,800 people and only six were Arabs. When the Taliban government fell,

the Northern Alliance came and took over the detention facility and that is when I was taken. I was the only person that was in the second wing and all of the foreigners were in the first wing. I was taken from there to Kabul by the Northern Alliance. And they told me they were going to give me to the new government and said they would tell them that I was a prisoner of the Taliban and give me the official paperwork in order for me to go back to my family. That is how I got from Kandahar to Kabul and in Kabul I was put in prison and left there for three and one half months. After that I was handed over to the American forces.

Q: According to your testimony, you have been a prisoner since February 15, 2000?

A: Yes sir. I do have proof that I was arrested in that year and based on the testimony of Abdul Rahim Jenko, the person that was in prison with me.

Q: After this man confessed that he lied about you being an American spy, why weren't you released?

A: He confessed here that I am not an American spy. Arabs did not imprison him, Americans imprisoned him.

Q: The shoe factory that you worked at, what was the name of it?

A: This factory was not an official factory. They did have an official factory there but because I'm an Iraqi and didn't have my official papers, I wasn't allowed to work in the official factory. There was an Iranian who had official paperwork and he worked in the official factory. This man would bring unfinished products to the bottom floor and that is where we worked on them. There were 16 of us and that is how we worked. Those factories are in large numbers in Iran they don't have a name because they are not official factories.

Q: Who owned the factory?

A: It was just work and not a factory but the product looked like it came from an official factory and I know the name of the official factory. The name is Jim Koran (ph).

Q: How did you pay from your travel from Iraq to Iran?

A: In Iran and Kurdistan (ph) I was working with the Iraqi resistance led by the INC group and I worked with them for one year and in 1996 when the Iraqi military entered Kurdistan, I was transferred. The President of the resistance was ordered to leave Kurdistan and go to Turkey. Nine of us stayed behind in Kurdistan. I gave our name and numbers to other people. After the resistance group went to the United States of America, we were forced to leave the area. I was forced to

go to a merchant and ask him for some money so I could leave Kurdistan. They helped me get to Iran.

Q: Did you have any travel companions for any part of your travels from Iraq to Afghanistan?

A: Yes, one person from Kurdistan to Iran.

Q: Who was that?

A: He wasn't a friend of mind and I didn't know him but he was like a smuggler. He would smuggle cigarettes and tea and he asked money of me so he could smuggle me into Iran.

Q: So you had no travel companions going into Afghanistan?

A: No, the Iranian government took me and threw me on the borderline.

Tribunal Members' Questions to Detainee

Q: When you were on the front lines and stated that there was no war. Is that correct?

A: It is true. I was there from June 1999 to the year 2000. At that time there was no war or fighting between the Taliban and the Northern Alliance.

Q: What were you on the front lines to guard?

A: We lived in a house with about 25 people there and six to eight people would hold guard on top of the roof.

Q: What were you guarding against if there was no war?

A: We were put there because on the other side of the line was the Northern Alliance and the guards were put there. The Northern Alliance was their enemies.

Tribunal President's Questions to Detainee

Q: You said they accused you of being an American spy. Do you speak English?

A: When I was arrested I did not speak English but I learned in this prison. I speak about 45 percent.

Q: I'm assuming that you mentioned it to them that it was a little odd that you didn't speak English if they thought you were an American?

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A: The person that they arrested that said I was an American spy, as far as I know, he is the one who spoke English.

Q: He was arrested by the Taliban shortly before you were?

A: Yes. He was arrested and then I was arrested.

Q: He too was turned over to the Northern Alliance just like you were?

A: Yes. We were in the Taliban prison. Taliban prison was made of two divisions, the first division and second division. The detainees would be moved from one division or prison to the other. When I requested to be moved from the second prison to the first, the person that testified against me also requested to be moved. He came there and started a problem with another Arab and was then transferred again to the second prison. In that prison before the Taliban fell, I requested again to be moved. I would like to clarify some points. After I was transferred to the second prison, I stayed there until September 14, Ramadan. The man that testified against me was moved to the first prison and he was there until the Northern Alliance came and took us all to Kabul. When they took me out of the prison, I was put in a car and not handcuffed. While sitting in the car I saw the other Arabs being brought from the first prison. They did not put them with me, they put them in the kitchen of the jail. I thought they were going to bring them with me but they took me alone. They put me in prison in Kabul and he was not transferred with me and remained there for the rest of the time.

Q: Is that person here?

A: Yes ma'am.

Q: So ultimately, he made his way here, just not with you?

A: At the beginning he was in prison in Kandahar and I was in prison in Kabul. In about two to two and one half months he was given to the American forces. After him, about three months after the Taliban government fell, I was handed over to the American forces.

Q: I'm assuming you know his story because you have spoken with him?

A: Yes, I spoke with him.

Q: Was it here that he revoked his story about you?

A: He was actually in the Taliban prison when he confessed and the Arabs made him suffer. I was with him at one period of time in a detention facility and he told me

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that he was ready to tell the complete truth to the interrogators about me. That is what happened and when my interrogator came, he wrote his testimony on a piece of paper and gave it to her.

Q: Is this gentleman one of the people that you requested to be your witness?

A: Yes.

Q: Did he agree to come to make a statement here today?

A: Yes. That is what my Personal Representative told me.

Q: You guys are OK and we are not going to have a problem with him being your witness, right?

A: No ma'am. There is not going to be a problem. Even when we were in the detention facility I told him that I forgave him and I knew what they did to him. He was suffering just as I was.

Tribunal President: Personal Representative do you have any other evidence or the Detainee have any previous approve witnesses to present to this Tribunal?

Personal Representative: Yes ma'am. I am handing the Tribunal three Internet news articles previously marked as exhibits D-B through D-D. First news article is titled, "Arabs Arrested in Afghanistan Claim That They Are Working for the United States"; that is exhibit D-B. The second Internet article is titled, "Arabs Spy Unfolds US-Israel Intelligence Plan"; it is exhibit D-C. The final article is titled, "Taliban Tying US Citizen on Spying Charges; it is exhibit D-D.

The Personal Representative hands exhibit D-B, D-C and D-D to the Tribunal.

The Tribunal took a short recess to allow the witness to be brought into the hearing room.

The Tribunal President explained to the witness why he was there and asked him to verify his name. (Abdul Zahir)

The witness was then sworn in using the Muslim oath.

The Detainee has no questions for the witness.

The Personal Representative questions the witness.

Personal Representative: Do you know the Detainee as Islam?

Witness: Yes.

Personal Representative: Where did you know Islam?

Witness: I met him at a house in Kabul.

Personal Representative: Did Islam live there?

Witness: A very short time I saw him there.

Personal Representative: Did you know what Islam was doing during that time you knew him at this house?

Witness: I don't know exactly what he was doing there, but a few days ago someone was telling me that I had to be a witness for him, to say that you know that he was a Taliban prisoner. I can say that he was a Taliban prisoner.

Personal Representative: When did you first hear that he became a Taliban prisoner?

Witness: When I saw, at that time, for a very short time, that he disappeared, I heard that he became a Taliban prisoner.

Personal Representative: Did you know or hear of any reason why the Taliban imprisoned him?

Witness: I do not exactly know the reason but I heard that they said he was a spy.

Personal Representative: Do you know if Islam participated in or supported any hostile activities or planning of any hostile activities?

Witness: No.

Tribunal Members' Questions to the witness

Q: How many times have you seen the Detainee?

A: It's been a long time. I don't know the exact time but only when I went to the guesthouse I saw him there.

Q: For how long of a time period had you seen him at the guesthouse?

A: I saw him before at the guesthouse for a very short time but it has been a long time and I don't exactly know how many times, but it was for a very short time.

Q: Do you recall when it was, that you saw him there?

A: I don't know exactly the time of that day or that month but the time was during Taliban.

Q: Whose guesthouse was it?

A: That guesthouse belonged to Abdul Habid Iraqi.

Q: Was he apart of the Taliban?

A: Yes. I think he was working for the Taliban.

Q: What did the detainee do in Afghanistan to support himself?

A: I don't know.

Tribunal Members' Questions to the Witness

Q: Do you know why the Taliban thought the Detainee was a spy?

A: I don't know but I just heard that.

Q: Have you ever seen the Detainee at the frontlines?

A: I didn't go to the frontlines so I didn't see him.

The Tribunal took a short recess to allow the witness to be removed and allow another witness to be brought into the hearing room.

The Tribunal President explained to the witness why he was there and asked him to verify his name. (Abdul Ahim Abdul Razzak Jenko)

The witness was then sworn in using the Muslim oath.

The Personal Representative questions the witness.

Personal Representative: Do you know the Detainee as Islam?

Witness: Yes.

Personal Representative: Why did you say Islam was an American spy?

Witness: Because of the torturing that I was receiving.

Personal Representative: Why did you choose Islam versus someone else?

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Witness: Because they pressured me and they told me to say that he was a spy.

Personal Representative: Do you have any idea why they would want you to accuse him as a spy?

Witness: Honestly, I do not know why.

Personal Representative: Where did you first meet Islam?

Witness: I met him in a guesthouse in Kabul.

Personal Representative: How long did you know him?

Witness: I sat with him twice and I sent him a letter so he could buy me shoes. They thought there was some type of relationship between us two.

Personal Representative: Do you know why he was at the guesthouse?

Witness: Every person goes there as a guest. It's like a hotel.

Personal Representative: Do you know what Islam was doing at the time for the Taliban?

Witness: Honestly, I do not have knowledge of that because I did not know him.

Personal Representative: When were you in his presence for the first time?

Witness: May 1, 2000.

Personal Representative: Did you hear if Islam participated in any fighting?

Witness: Never.

The Detainee questions the Witness.

Detainee: We were arrested in the year of 2000. And later I was arrested. But my question to a brother Abdul Ahim (ph) is did he hear or see that I committed any hostilities or fought anyone in Afghanistan?

Witness: Never.

Detainee: Was I in Afghanistan like the others or was I different from them?

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Witness: Honestly, like I mentioned before, I do not know if he was a Taliban or al Qaida. I met him in one month in the year of 2000. I mentioned in my Tribunal of all the incident and stories that happened, I mentioned it before in my Tribunal.

Tribunal Members' Questions to the Witness

Q: When was the first time that you informed anyone that you were pressured into stating that the Detainee was an American spy?

A: When I first told someone in Afghanistan that he was a spy?

Q: Yes, the very first time?

A: January 15, 2000.

Detainee: May I ask a question?

Tribunal President: Sure.

Detainee: I don't think he understood your question. Maybe you meant when did he confess to me about the other Arabs that he told that I was a spy.

Q: Yes. I was just trying to find out when he told either the Northern Alliance or the Americans that the accusations were false?

A: I understand. The first time was, I think, after 18 days after they arrested me and they took me to the guesthouse and started to interrogate me and they started pushing me and touching me. At that time it was in January 2000.

Q: OK. Just to make sure, I just wanted to find out when you finally told the Americans or the Northern Alliance that what you said was false?

A: Last time?

Q: No the first time.

A: The first time was when, I don't know exactly what date but I think it was in January 2000.

Q: Obviously you were tortured into saying the Detainee was an American spy but later after the fall of the Taliban, and the Northern Alliance took you out of the prison, did you tell anybody in the Northern Alliance or the Americans that the Detainee was not a spy?

A: Yes I did.

Q: When did you first tell them?

A: I told the military intelligence in Afghanistan in the detention camp in Kandahar.

Detainee: I have a question if you will allow me.

Tribunal President: Yes, go ahead please.

Detainee: Ma'am can you ask him about the paper that he wrote and the statement that he gave to them?

Tribunal President: The Detainee indicated that here you wrote a paper basically exonerating him?

Witness: What I wrote here about the Detainee?

Tribunal President: Yes.

Witness: Yes I wrote a paper to his interrogator and his interrogator took it to his file.

Tribunal President's Questions to the Witness

Q: I just have one question for you. When you were being tortured and they told you to implicate him did they give you any indication as to why; they didn't like him or why did they wanted him?

A: I believe because he was there and the best guy between them. He was a good man. They didn't like him because he was different from those people. They were evil people and nobody could live with them. So when they say mess with a poor guy like him and when I got to the guesthouse, nobody would help me or come to me but this guy because I spoke my Kurdish language and he was merciful on me. I had no money, I had no friends and he helped me and I got close to him. We had a relationship with each other.

The Tribunal took a short recess to allow the Detainee to be removed from the hearing venue.

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee had no additional 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 thanked the Detainee for his courteous participation.

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The Tribunal President adjourned the open unclassified 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

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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 Personal Representative presented Exhibit D-a into evidence. The Tribunal President explained the contents of the exhibit. The Tribunal President explained that the detainee's witness request and request for evidence were denied, and the reasons therefor.

Detainee: I don't have a question about the Tribunal process, but thank you for the time, and I would like an opportunity to present and tell my story.

Tribunal President: We have not received a response from the Pakistan and Afghanistan embassies concerning your nine witnesses and must proceed with the Tribunal. Do you understand?

Detainee: It's been almost one month and those people in Afghanistan; everybody knows them, but they cannot find them and there is no response. It should be easy for you to find them in a matter of days, and not a month.

Tribunal President: We must have permission. Our government must have permission from the Afghanistan and Pakistan governments. We cannot just go into your country and start looking for people. We did not receive the authorization to go into the country and look for these individuals.

Detainee: I have the right to present my own story and the other thing is up to you to make a decision.

Tribunal President: We will consider everything that you tell us, before we make our decision.

Detainee: Yes, I will tell you all I know, and then it will be up to you.

Tribunal President: OK. Also the Personal Representative indicated to the Tribunal that he did look for the notebook in your personal effects and was not able to locate your notebook.

Detainee: All the time, the interrogators bring me the number and the number was in the notebook. If they bring me the number and show me the number and ask me did I know the number, I said yes I know the number.

Tribunal President: When the Personal Representative went to look for your file, it was not in your file. Do you understand?

Detainee: To my knowledge, the government of United States will not make one error, I do not know why it was not located or not found. I will tell my whole story and it will be up to you.

The Recorder presented Exhibits R-1 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.

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- **3(a)(1) The detainee is an Afghanistan citizen who is a high-ranking member of Jama' AT UL Dawa AL Qurani (JDQ).**

Yes, I am a member of Jama' AT UL Dawa AL Qurani.

- **3(a)(2) Jama' AT UL Dawa AL Qurani (JDQ) is an Islamic extremist group operating in Pakistan, which received funds from non-governmental organizations located throughout the Middle East.**

Jama' AT UL Dawa AL Qurani is not a hard line group.

Tribunal President: We did not use the words hard line we used the words Islamic extremist group.

Detainee: Yes, extremist. It is not an extremist group.

Tribunal President: I don't know what the definition is for this particular allegation, but what is your response to the allegation?

Detainee: I will answer the whole question. I would like to know about the one word.

Tribunal President: Extremist.

Detainee: Yes, extremist.

Tribunal President: What is the definition for extremist?

Personal Representative: A charity group that will resort to violence to obtain their objective.

Recorder: Please tell him that's our assumption, because someone else wrote this.

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Detainee: Jama' AT UL Dawa AL Qurani is one group in Afghanistan which was created before 1990. It was originated in Afghanistan. Before, the group leader was Jameel a Raqman. The Krunard Franz gave Jameel freedom from the Russians before anybody else. All forms came together by direction and the person came as the representative for the government.

This is the beginning of my story. The leader of HIG in Afghanistan was against the small prophets and started to fight. After fighting Krunard under the control of HIG Islami Mugagdide, Jameel a Raqman went first by order of (inaudible).

When the Kunard province collapsed, the leader was assassinated in Pakistan by some extremist Arab group. When he was assassinated, Jameel a Raqman and he were (inaudible).

When the majority took over the government in Kabul, we went to Kabul and the new leader joined the new government. He became a member of the supreme council. He also became a minister of the wounded and the people killed in the war.

In 1993, the council in the area of Jalalabad, appointed me to be a member of the supreme council. The council was part of the government and held a new government. During that time the government was not in complete control and a dispute erupted between the government and HIG Islami. We were on the government side.

The new government appointed one of my cousins as a governor. Everything that we did, the President was a close ally as we worked together.

After 1996, the Taliban came and took over. In 1997, the people came together in an attempt to work against the Taliban under a new leader. The new leader announced that he had close relations with the Northern Alliance. He appointed a central office and started a political movement in a Pakistani camp. He appointed a group to work against the Taliban. When he was arrested, he was sitting on the Supreme Court in Afghanistan.

In 1998, the people came together under the name of the Unity of Afghanistan. You can ask about me, and this group I am associated with, from people in the government. When the council of the Unity of Afghanistan was established, the government knew we were working against the Taliban. The Taliban wanted to make the government corrupt and have a corrupt society in Afghanistan. The supreme council appointed people that were members of Unity of Afghanistan to the government and had close relations with the Northern Alliance. They condemned the September 11th attacks.

The leader of the Unity of Afghanistan asked the Taliban to arrest Osama bin Laden and put him on trial and allow the United Nations to take over the

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Afghanistan government. I don't know why they affiliate this group with a hard line or an extremist group. That was the whole thing about the group and the group leadership. Now I will talk about myself.

Yes, about the help of this group to get assistance from the government was only to help the people of the country by bringing water to them because of a drought. We only helped kids that lost their parents during the war. Mosques were built and clinics were opened for the refugees. The Unity of Afghanistan organization never had money for themselves. They got money from the people because we stood up for this cause. I can get you the names of the organizations that helped us and I told the interrogators the same.

Because there was nothing left and everything was destroyed by the war, in 1992 we opened almost 30 schools for kids through the United Nations and other organizations. They built what the people needed. Totally we built nearly 150 schools. We asked and received permission from the government in Kabul and the people were very happy.

In 1999, we opened Afghan University. I was a member of this group that opened the university. There were almost 600 girls and 800 boys studying at this university. I don't know why they call this group an extremist group. People all over Afghanistan were gathering because they were all against the Taliban. I was a lawful member of this group.

After the tragic incident of September 11th, we all came together in Pakistan and talked to the coalition against the Taliban. A British representative from the embassy or the government came and talked to us about the incident and to receive aid. His assistance was to be used against the Taliban.

Before the United States came to Afghanistan, we talked to the British representative. There was also another group present when we talked to the British representative. Our plan was to go to Jalalabad and start a war against the Taliban. Under his control, we took over Jalalabad and the Taliban left. After the Taliban left we talked about and planned on attacking the Taliban in Tora Bora.

The British representative told us to wait for two to three days and stated that he was going to Kabul to talk to the Americans and when he returned he would let us know whether to attack the Taliban in Tora Bora. When he returned, he told us to go to Tora Bora and the Americans will talk to us. Before we left, two Americans came to Jalalabad with interpreters. We sat and talked with one of the Americans for two to three hours, to make a plan to attack Tora Bora.

They started the war against Tora Bora and captured some Arabs and handed them over to the Americans. Then we talked to the American and asked if everything was under control and he stated that everything was smooth and on schedule. We had some press conferences in Jalalabad on our leadership and the

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war on Tora Bora, stating it was the right war. We arrested the Arabs and handed them over to the Americans.

After this war was over, I left and was going to Kabul. We went to the camps and collected three to four hundred people. They told us that the situation was not stable and told us not to come into Kabul. They thanked us for all of the help.

We gathered four thousand people and announced our support for the new government and that we would be working against al Qaida and the Taliban. Five of us went to Kabul and talked to the Defense Minister. We went and ate lunch with a group of ministers and government officials. They congratulated us.

I have a lot of things to tell you but I will try not to take up much more of your time. I will tell you just some of the things. And I will just provide you with evidence and you can find out about this whole thing.

When I went to Kabul, I spent 45 days there this time. We talked to someone from the American embassy. We offered our assistance and congratulated him.

We then left Kabul and went back to Jalalabad. When we got to Jalalabad, the British representative talked about drug issues. Two other British officials and the British representative met with me and another representative from our government in Jalalabad. Also, in attendance was a member from the government of Kabul; he was the Minister of Finance. The President of the Supreme Court in Afghanistan also attended. The Supreme Court President stated that drugs were against the Islamic law and must be stopped.

We had two to three follow-on meetings with the Finance Minister and three British representatives and we came to a conclusion to destroy the poppy crop.

After we destroyed the drugs, we had another meeting with the British representative and a gentleman came from Kabul. He was an American. Again, we offered our assistance. There was another meeting but this time it was with four American officials.

The President of the United Nations came to Jalalabad for a meeting and offered a plan that would help our government. After that, they appointed me to the supreme council. A supreme council was appointed for each government. I was the only one appointed for my government. There were 185 representatives on the supreme council.

We had a last meeting and I offered my assistance. After the meeting they told me to go home and if they needed something, they would come for me. At that time I went home.

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When I arrived at home someone called me. They asked me to join them for lunch. The meeting was August 20, 2002. It was 3 or 4 commanders and they came from the border area; the airbase and they were all high level government officials. They fed me at lunch and dinner. We came to a conclusion that if anyone was against the Americans or the coalition, we were going to fight them.

The next day I called and asked the American could I come and talk to him. He told me no, we will come to you. At noon he called me and told me to come and see us. I went and offered my assistance. I offered the Americans to come to my home for dinner. As I was leaving from the compound, I was arrested and from that point I didn't understand what was going on.

I read the report and was accused as being an enemy combatant. Who is an enemy combatant? Since 1990, I fought against these people, the Taliban and al Qaida. I don't know how they could call me an enemy combatant. This is injustice. I have evidence for every word that I speak. If I didn't have evidence, I would not speak.

Maybe the interrogators put me here to ask me what I know and who I know. Even yesterday, the interrogators asked me for a meeting. I don't even have time to think.

- **3(a)(3) The detainee received a permit from a Pakistani government official that allowed vehicle convoys to transport food and blankets between Pakistan and Afghanistan borders in 2001.**

We talked to the British Representative and asked him for assistance because we needed medicine and food. After the meeting with the British representative, he told me that he talked to the Pakistan government and the Pakistan government appointed a representative and the British representative told us the Pakistan representative is with you and will assist you get through to Pakistan. We bought some food and uniforms to work for the British representative. We brought these things and gave them to the Jalalabad official. If you think this was against the law or was wrongdoing, you can ask the British representative. He helped us for six months with food such as wheat, flour and oil.

- **3(a)(4) The detainee helped al Qaida members escape into Pakistan.**

Before 1990, no one knew al Qaida and that was not their name. They killed my cousin. At that time, my cousin was the governor of Krunard. They said that only Muslims could live in Krunard and we told them that they were killing people.

In 2001, after September 11th, the whole world came together and we were with the people that were against those people that caused the tragedy. We have been

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against al Qaida since 1990. We didn't know them by the al Qaida name. We knew them as under the leadership of Osama bin Laden.

My dispute with al Qaida or against them is crystal clear and me working with the American coalition is also clear. I don't want to say the same thing over and over again. Thank you for the time. If you have any questions, I am ready.

Detainee: If I fought against these people, then I can't be an enemy combatant.

Tribunal President: I want to get this clear. You mean that you do not meet the definition of an enemy combatant?

Detainee: No, I'm not Taliban, I'm not al Qaida, and I'm not against the coalition. I am with the coalition and for this reason I am not an enemy combatant. I am a friend of the coalition.

Tribunal President: We'll consider everything that you have told us today and we do have some questions we would like to ask you.

Tribunal Members' Questions to Detainee

Q: Did the Jama' AT UL Dawa have any fighters in it?

A: Never. No. After 1990, no.

Q: Then how did you oppose the Taliban?

A: The supreme member.

Q: Do you have any enemies back in Afghanistan that would tell lies on you in order to get you in trouble?

A: Personally, I don't think that I have any enemies. But we did have disputes with HIG in Taliban. There is one thing I forgot to tell you. Taliban fired a rocket at my house in 1998. Evidence is in the newspaper. We worked with the coalition against these people. Maybe I had enemies because I was for the coalition and the new government.

Q: How many convoy trips did you make between Afghanistan and Pakistan?

A: Two times.

Q: Was that before or after the attacks in America on September 11th?

A: After the attacks on September 11th, and after the coalition took over Jalalabad and Kabul.

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Q: Did you ever bring anything from Afghanistan back into Pakistan?

A: No.

Tribunal Members' Questions to Detainee

Q: What is Jama' AT UL Dawa AL Qurani?

A: Jama is a group of people. Qurani is named after the holy book. Dawa means to bring to the Quran.

Q: Are you still a member of that organization?

A: Yes.

Q: So, when did you become a member?

A: After 1990.

Q: What is its purpose?

A: Before 1990, it was fighting Russians. After that, they joined the government and helped the poor people by bringing clean water to them and building mosques.

Q: Where did the organization get its funding?

A: Some other organizations or people in Pakistan. People would write to the paper or to a mosque.

Q: It says here that you are funded by non-government organizations. Is that correct?

A: Nonprofit organizations and government organizations. I can give you some names. The Red Cross or the Blue Cross and another organization called Create Government.

Q: Did the government of Pakistan know this organization?

A: Yes.

Q: Was it an illegal organization or a legal organization?

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- A: To my knowledge it was lawful because there is a big office there, everyone knew.
- Q: Was your role in that organization known widely, publicly?
- A: I was only a representative from my people. They asked me for some help. I was the one to get the paperwork to the office.
- Q: What was your position with the government?
- A: I was elected to the supreme council.
- Q: Did you have any role with the local administration of the government?
- A: No.
- Q: You said you were elected and you said you were appointed?
- A: Yes, I was elected.
- Q: Did this group and the leaders of this group know that you were associated with this organization? Did the supreme council, the people who appointed you, know that you were associated with Jama' AT UL Dawa AL Qurani?
- A: Yes, everybody knew about it. All the leaders knew.
- Q: Within Afghanistan, this organization is a legitimate legal organization?
- A: Before I was captured, at that time I was not appointed to the government with what group was legal and which one illegal.

Tribunal President's Questions to Detainee

- Q: Were you paid by the organization?
- A: 4,000 Afghani rupees.
- Q: Is that per year?
- A: A month. When we got the money for a project, only five percent was given to me.
- Q: Can you tell me why you think you were arrested?
- A: I would like to ask that question of you: why I am here?

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Q: Did anybody tell you why they were arresting you?

A: No. When they arrested me, they covered my eyes and asked me whom did I know. Did I know this one, that one? If I knew the people or their names, I would tell them.

Q: Where were you when you were arrested?

A: In Krunard province, the center of Aftalabad, which is also a coalition base, an American base. After, I visited them and talked to the American officials they arrested me.

Q: When were you arrested?

A: August 21, 2002.

Q: You mentioned purchasing or being given uniforms, brought the uniforms back into Afghanistan. Who wore the uniforms?


A: We gave them to the government and the government soldiers wore them at the base.

Q: Where was the base located?

A: A village of Yargul.

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

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Summarized Sworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee.

Tribunal President: Ghassan, Abdallah Ghazi Al Shirbi do you understand this process?

Detainee: I understand. Give me what you have.

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

Detainee: No.

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

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: Recorder please summarize the nature of the evidence.

Recorder:

3.a. The detainee is associated with al Qaida:

3.1. The detainee was born in Jeddah, Saudi Arabia

3.2. In August of 2001 the detainee traveled from Jeddah, Saudi Arabia to Faisalabad, Pakistan via Dubai, United Arab Emirates and Karachi, Pakistan.

3.3. The detainee lived in a safe house with senior al Qaida operative in Pakistan until the time of the detainee's capture.

3.4. The detainee was captured by Pakistani forces in a March 2002 raid of the safe house in Faisalabad, Pakistan.

3.5. Abu Zubaydah is a senior Al-Qaida lieutenant.

3.6. The detainee taught English to other guests at the safe house in Faisalabad, Pakistan.

3.7. The detainee received specialized training on remote control devices for use in explosives to detonate bombs against Afghani and United States forces.

3.8. The detainee received military training, including Basic Weapons (use, operation, and assembly/disassembly of assault rifles, UZI, Khalishnikov, Seminovs, M-16 and RPGs), Basic Warfare Tactics (tactical movement, concealment and mine avoidance) and

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navigation (navigation using compass, watch, stick in the ground against sunlight method and celestial methods) at a terrorist training camp in Afghanistan.

3.9. Usama Bin Laden visited a Terrorist training camp in Afghanistan about ten times while the detainee was receiving training at that camp.

3.10. The detainee was observed chatting and laughing like pals with Usama bin Laden during Bin Laden's visit to that particular terrorist training camp.

3.11. The detainee pressured another man to swear bayat to Usama Bin Laden during a face-to-face meeting at that particular terrorist training camp.

3.12. The detainee admittedly supports the jihad and Chechens in the fight against the Russians.

3.13. The detainee wanted to be a mujihadeen freedom fighter.

3.14. In December 2001, the detainee was one of approximately 100 mujahideen near Birmal, Afghanistan.

3.15. The detainee is called the "electronic builder" by GTMO detainees, and is known as "Abu Zubaydah's right hand man".

Tribunal President: Does the Recorder have any witnesses to present?

Recorded: No Ma'am

Tribunal President: Does the Recorder have any further evidence?

Recorder: Ma'am President, I have no further unclassified information for the tribunal but request a closed tribunal session at an appropriate time to present classified information relevant to this detainee's status as an enemy combatant.

Tribunal President: Recorder, you will be allowed that opportunity at a later time.

Tribunal President: I see, by the detainee election form, that you have elected to participate today as evidence of your being here. Ghassan Abdallah Ghazi Al Shirbi, you may now present any evidence that you have to the tribunal and you have the assistance of your personal representative in doing so. Do you wish to present information to this tribunal and would you like to make your statement under oath?

Detainee: I have something short to say and I will say it.

Tribunal President: Do you wish to do that under oath or not?

Detainee: For sure, I will take an oath.

Tribunal President: Recorder would you please administer the oath.

Recorder: Please repeat.

Detainee: I have my own oath, I will say it myself.

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Tribunal President: OK

Detainee: I swear to almighty god there is no god but him, that I will not only say the truth but fight for the truth, and I will be an enemy fighter to whoever is against the truth and god be my witness.

Tribunal President: You may begin.

Detainee: Honestly I did not come here to defend myself, but defend the Islamic nation, this is my duty and I have to do it. This is an important issue, more important like I said, you gathered here to look at what you have written and you will come up with a classification if this is an enemy combatant or not. If they come up with the classification enemy combatant, it is my honor to have this classification in this world until the end, until eternity, god be my witness. You have given me fifteen accusations and I said to myself in my prison let's take all the accusations.

Translator: Sorry, let him repeat so I can translate.

Detainee: I said to myself in my prison, let's take all the accusations in context on you, like you did. So I found the accusation against you to be many. I will try to count those accusations but they were many so honestly I did not count. It starts from being the infidel against god and it's profits and you being against Jesus Christ and making him a god and the son of god and he is a prophet that was sent like Moses, Abraham, and Mohammad and making him ware (ph.). You left your religion or the faith of god and the only thing what was known was Sunday. Well some of you, not all of you, know god only on Sunday and some don't know god at all. You adopted this religion you call democracy and based on this religion being the head of capitalism. I speak but I also speak English very well, but it is a custom that people like her (the translator) between me and you (tribunal) that carry my color but they are from you, so let them in between us so I will say capitalism upon you.

Translator: I am sorry one word I do not understand does not come up to my mind.

Tribunal President: That is OK

Detainee: Capitalism is a revolution and the money is in few people's hands. Ninety percent of the money in the world is in the hands of ten percent of the people thanks to capitalism. You are reaching social, reaching even in your country a father cannot forbid his son to sleep with another man or have sexual relationship with another man under the name of human rights. There is a lot of other examples, your support of those governments in other countries and is known to be supported by weapons by you and financial support and moral support and your support for Israel upon land that is broken promises and promised land.

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Translator: I sorry, I am having some problems understanding some words.

Detainee: The torah (ph.) has been changed and you came with something that is no more than a hundred years old and you support it. And supporting Saddam Hussein and so on, and killing one million Iraqi children and accusing Saddam Hussein and you forgot you are the one who made him up when you were scared of the Iran revolution and it does not end. Your culture chose to review the enemy combatant status. Your status as enemy combatants does not need a court. For your culture, the enemy combatant is Muslims Islam. Enemies yes, combatants no, you only wear the uniforms of what you call a coalition forces what I call traitors. I do not have anything to add and I do not want to say anything more then this and I do not want to hear more than this

Tribunal President: So that concludes your statement?

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: [Starts to chant]

Tribunal President: Ghassan Abdallah Ghazi Al Shirbi shall be notified of the tribunal decision upon completion of the review of these proceedings by the convening authority in Washington D.C. If the tribunal does not decide that you are classified an enemy combatant you will be released to your own country as soon as arrangements can be made. We have other information to give you. Would you like to listen to it? If not, this will end our open session.

Detainee: [Still chanting]

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

Tribunal President: We are going to reopen the unclassified session to allow the translator to translate of what the detainee was chanting as we adjourned and dismissed him from the room.

Translator: He said, "May god help me fight the infidels or the unfaithful ones".

Tribunal President: I appreciate that and of course we had the guards remove the detainee from the room. So at this point it concludes the open session of this tribunal.

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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. Army
Tribunal President

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Summarized Sworn Detainee's Statement

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

The Personal Representative provided the Tribunal with the Detainee Election Form labeled Exhibit D-a.

The Recorder presented Exhibit R-1, R-2 and R-6 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 elect to participate. The detainee opted to make an oral presentation. The detainee agreed to take the Muslim oath. Recorder administers 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.

3.1. During the raid of his home, the Detainee, his uncle, and his cousin were captured in possession of BM-1 rockets, an RPG launcher, AK-47's, hand grenades, a pistol, an RPG machine gun, a Dragunov rifle and another large-caliber rifle.

Detainee: I understand that I was caught amongst these people and I want to tell you about the weapons. The reason for all the weapons is because we lived in a tribal area in Afghanistan. That area is located between Pakistan and Afghanistan. It is a liberated area. That means that the people of this particular area can live either in Afghanistan or in Pakistan. All the weapons that you have mentioned here are not mine. They belong to the whole tribe. Our little village has its own enemies and it is common to have weapons there. All of those weapons are our personal weapons. They have not been provided by a particular group or anyone in particular. They have been purchased to protect the village. We were keeping these to defend us against our enemies.

3.2. The Detainee fraudulently obtained a Pakistani identification card and passport to hide his true identity when crossing the Pakistan/Afghanistan border and traveling to other countries.

Detainee: As I said earlier, in this area there is no government that (inaudible) particular passport and ID card was for me to travel around. In this area that I talked about, I think the center of it was Waziristan, which is close to Pakistan, and I was living in the Afghanistan side of the area, which is the Bannal District. And the reason I made that ID was so I can have an identification in order to find a job for myself. In Afghanistan, the Taliban were running the government and we were in conflict with them. I didn't have a choice but to create a Pakistani identification for myself. In order to get that identification, either your father or your uncle or someone else in the family had to be presented as references. My uncle was the individual who had already gotten the identification. Through his identification, I received this ID. Even though in the identifications where it says the name of the father, it has my uncle's name on it. His

name is Shamir Gul. The reason that the name says Mohammed Sharif is because I changed my name so I cannot be identified by the local Taliban in that particular area toward the Pakistani side. It was a fake ID because I did not want him to know who I was, so I had to go by a different name. I wanted to go to Arabic countries for work purposes. Obviously, in Afghanistan, the Taliban ran the government and we were in conflict with them. There was no work for me there.

3.3. The Detainee arranged a meeting for Shah Mohammed Jan, the local Taliban leader.

Detainee: When the American campaign reached Ur-Gun (ph), all of the local commanders came to see the American campaign. King Han (ph) was the appointed liaison with Americans to operate in Ur-gun (ph) area, like translating things. King Han (ph) kind of led the Americans to Ur-Gun (ph). There was no gathering or any type of meeting, they just got together for a super-type of gathering. It was just a normal gathering. At that time, King Han (ph) said that Shah Mohammed; who was obviously present there, and was working for the government during the Taliban, had somehow assisted and helped King Han (ph). At that time I had just met him at that particular moment. If I meet somebody for the first time, how could I have prepared a gathering for him when I had just met him at that moment?

3.4. Shortly after graduating from High School, the Detainee was taken to prison with two of his friends who were members of the HIG.

Detainee: That is a fact that I was imprisoned. Yes, the two people that you mention here were my friends. I was living very close to them. They were just like street friends. We would just say like "Hi," "Bye," and "How are you?" Even though we were taken to the prison all together, up to this day I do not know if they had been an official part of some kind of organization. I was kind of put into the mix by the government just because we would talk and I had become part of them in a way. I personally still think that those two people were not members of any type of special organization.

3.5. The Detainee worked for Yar Khan.

Detainee: I did not work for Yar Kahn, but I did look for work with him because he was the local head of the District.

3.6. Yar Khan is a known HIG member.

Detainee: When the mujahedin was active, he was in Kabul and we were in Barmal. I really did not know if Yar Khan was a part of or a member of any particular organization. When he became the head of the District, then I went I to see him to ask for some type of employment from him.

3.7. The HIG is listed in the U.S. Department of Homeland Security's Terrorist Organization Reference Guide as a non-governmental organization with long-established ties to Usama Bin Ladin and al Qaida.

Detainee: That has nothing to do with me.

3.8. Yar Khan supported the Taliban Islamic Movement (the Taliban).

Detainee: Whatever I know about Yar Khan is that he was kind of like me, looking for work. He was against the Taliban because he had had a conflict with the Taliban. They had a war with the Taliban in which they were attacked and he lost his legs in the process. If someone is fighting the Taliban, how are they going to help the Taliban at the same time?

Tribunal President: Qalandar Shah, does that concludes your statement?

Detainee: Yes.

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

Personal Representative Questions for the Detainee

Personal Representative: Can you explain to the Tribunal members some background about your tribe and how you lived in that area of the Afghanistan/Pakistan border?

Detainee: As I said, there is a liberated area where there is no government. That area between Pakistan and Afghanistan, who had gotten their liberation from the British forces had not had an established government. The people of that area can easily and freely travel between the Afghanistan area and the Pakistan side. And they even have the right to kind of officially talk about their rights and their communications within their governments, like where they want to go to school or get information, things like that. The tribe where I stayed was Waziristan. It is huge.

The Personal Representative interrupted stating the correct spelling of the area as well as the District (Barmal) and Province (Paktika).

Waziristan has four different sectors. Three of the sectors are inside of the Pakistan area. One of the sectors is located inside of the Afghanistan border, which is on the Duren line, created by the British in the Afghanistan government that split Barmal from the rest of the Waziristan area, which is in Pakistan. And I was living in Barmal.

Personal Representative: Is it true that the ID you had used your uncles' family name?

Detainee: Where it said the name of the father on the application, it has my uncles' name on it.

Personal Representative: Did you follow the correct process through the ministry to get the ID?

Detainee: Yes I did it the ordinary way but I have to tell you that I had to pay a lot of money to the people who made the ID's. It is a common saying in Pakistan that if there were no Pakistan's, there would be no bribes.

Personal Representative: What kinds of things did you use your Pakistani ID for?

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Detainee: I was always anxious to get a job, some kind of employment in Pakistan. I even thought of getting some kind of employment in the Arabic countries.

Personal Representative: How many families lived in the house where you were captured?

Detainee: In that big house, there were four fathers, so there were four families.

Personal Representative: Why did you need so many weapons for protection?

Detainee: Our enemies were capable of operating heavily and it is a common thing that we had to somehow match their weapons in order to be able to defend ourselves up to the strength of their attack.

Personal Representative: What was the name of your tribe and what was the name of your enemies?

Detainee: There are four major tribes in the Barmal District. One is Saif Ali, two is Pa Pali, three Ma Lak Shahi, and last is Yami. I belonged to the Pa Pali and they had their own small little branches. One of them is Sharif Khail. My enemies were all from the same Sharif Khail branch, but I am from the Kamar (ph) village and they are from Ar-izi (ph).

Personal Representative: Why did you go to Yar Khan for employment? What kind of job were you looking for?

Detainee: I was looking for employment. Nothing in particular, anything I could get my hands on. I needed to work. I needed the money. Mainly work within the government.

Personal Representative: Were you aware of any work that Yar Khan did for the interim Afghanistan government?

Detainee: Yes, he was a congressman in the great assembly. He was appointed to be the head of the district by the people of that district. After that I was captured. I do not know anything more about it.

Personal Representative: Did you witness a meeting for Shah Mohammed Jan?

Detainee: As I said earlier, there was a supper-type of gathering it was not a planned meeting. I was introduced to Shah Mohammed Jan by King Han (ph) and he told me that he had helped him during the Taliban. That was the first time I saw him. As I said earlier I had to know him in order for me to have had a party for him. I just met him there and that party was not for him.

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

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Tribunal Members' Questions for the Detainee

Q: How old are you?

A: At the time I was captured I was twenty-eight.

Q: So this incident in which you were arrested after high school, how long ago was that?

A: I was seventeen when I finished high school.

Q: So this is over ten years ago?

A: Najibullah was in power, I have not counted since then. I do not know how many years have gone by.

Q: Are you familiar with Hezb-I-Islami Gulbuddin?

A: No. I've heard before that he was a leader of the Mujahiden's.

Q: The Mujahiden against the Russian's? Is that what you mean?

A: No the Mujahiden were the people who were fighting against Russia.

Q: So back in the time you were arrested, the HIG was actually fighting the Russians?

A: Yes. At that time the Russians had already left but the Afghan communist government was still in power.

Q: What is your employment? What do you do for a living?

A: I do not have a specific job. I have been a veterinarian. I have been a tailor and a teacher.

Q: When we were discussing this identification, the translator referred to it as a passport; was it an identification or passport?

A: Both of them. If you don't have an identification card, you don't have [a] passport.

Q: In this country and in most countries that I am familiar with, those are two different things. An identification card is an internal document and a passport to travel outside the country. Could you help clarify this a little bit more for me?

A: It is the same there. The common thing is that when you are a citizen of a country then you have to have an identification card and after that you can apply for a passport.

Q: In the unclassified summary, what is being referred to, an identification card or a passport?

A: I had a passport and an identification card.

Q: From the way you describe this area whereas you can move freely back and forth across the Pakistan/Afghanistan border, why did you need any identification?

A: In order to get a passport you have to have some kind of ID.

Q: Did you need this identification for any reason in Pakistan or in Afghanistan?

A: No, I did not.

- Q: If you needed a passport to go to another Arab country, why didn't you get an Afghani passport?
- A: As I said earlier, there was no room for me, there was no chance for me in Afghanistan because the Taliban was there and they never recognized us allies so that is why I didn't get it from the Afghanistan government. I couldn't get it in any way.
- Q: You said that that level of weaponry was necessary to defend yourself against a sort of attack you could expect. Why would you expect that kind of attack? Had you been attacked with heavy weapons before?
- A: In the past sixty years we have had a history of strong animosity between the people. It is always about the land and in the process I lost an uncle of mine as well who was killed. So I cannot get the help of the government in that area. There is nobody there. I have to secure that area. That is why I had to have those weapons.
- Q: Can you tell me how you or your tribe got the weapons in the first place?
- A: Like I said, that is a liberated area. There is a lot of black market. People have weapons. You can buy anything you want. In the Barmal area, people were selling them and we bought them.
- Q: Who trained you on how to use the weapons?
- A: No, nobody taught us how.
- Q: You just figured it out on your own?
- A: The people of Barmal have been familiar on how to use weapons for the past three to four hundred years. They have kept up-to-date with the types of weapons that are coming into people's hands.
- Q: With respect to Shah Mohhamed Jan, the local Taliban leader, according to the allegations, exactly how long did you know this person?
- A: I mentioned it earlier, you know, he was at that gathering and over dinner people were talking about him. I think he had worked for Taliban and that is all I know about him.
- Q: What position did he hold with the Taliban?
- A: He was a Commander.
- Q: Do you recall the time frame when this gathering occurred?
- A: It was daytime. You have probably experienced that we, the Afghan people, do not have very specific dates and I do not remember exactly when it was. I do not even remember when I was born.
- Q: Do you know around what Islamic holy day or holy days may have been close to that particular meeting?
- A: It was right around when the Americans came. It was during Karzai's first six month Presidency.

Q: Do you know how many other people in your compound were detained when you were detained?

A: Where?

Q: What we have is that you were captured during a raid, I think, at your compound. I am just curious to know if there were other people that were detained with you from your family or from your tribe.

A: I don't understand what you mean by the raid.

Q: The very first accusation that the government has is that during a raid at your home, your uncle and cousin were captured. Was it just yourself, your uncle and your cousin that were captured?

A: There was not a raid or any type of attack. The Americans just came to our house and they talked to us and there were only these three people. that's it.

Q: You mentioned that there were a number of tribes in the area that you felt threatened from and that is why you had the weapons. I understand that, and I would like to know when was the last time you had active combat against one of these tribes. I am not looking for exact times.

A: Within our enemies?

Q: Yes.

A: During the Taliban we were suffering rocket-related attacks all the time.

Q: And the last time you were attacked before you were picked up, was it months or years?

A: I do not know a fixed date.

Q: I am just curious as to how long it was before his last attack?

A: I think it was in the vicinity of seven to eight months prior to my capture, there were attacks on us.

Q: How long ago did you obtain this Pakistan passport and ID? Again, approximate months, years.

A: As I was saying I do not know the exact date but I think you can look at the passport and it should say when it was issued.

Q: I am not aware if we have it. All I know about your case is what I have heard here today.

A: I do not remember.

Q: Was it during the time that the Taliban was in control of Afghanistan or after the Americans took control?

The translator clarifies the question for translation and asks the Tribunal President if he is talking about the passport or the identification card or both. The President states he is interested in both documents.

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A: I think the identification was issued before the Taliban came and I applied for the passport during the Taliban government.

Q: Did you ever travel outside of Afghanistan or Pakistan with your passport looking for other work?

A: No, I didn't.

Tribunal President: Qalandar Shah, do you have any further evidence to present to this Tribunal?

Detainee: No, for the past two years that I have been captured I haven't even received a letter from my family.

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

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

AUTHENTICATION

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


Colonel, USAF

Tribunal President

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Summarized Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee confirmed that he understood the process and asked the following question:

Detainee: The first sentence on your previous page (spoken to the translator). I want to see what it is.

Tribunal President: That is fine with me.

Translator: He is asking about the "you are informed" part of what you just said. Let me see (looking over his script).

Tribunal President: You are hereby advised?

Translator: Yes. He wanted the translation.

Tribunal President: Okay. You may repeat the statement that he is advised that the following applies during this hearing.

Translator: I told him that all of this concerns you and he said "yes, but only after they prove that I am guilty."

Tribunal President: Let me clarify that remark. This Tribunal is not to determine if you're guilty of any crime. This Tribunal has been formed to review all the documents and evidence that the government has that classifies you as an Enemy Combatant. The three members of this Tribunal panel have not received any documentation about your case. The three officers on this panel are not involved in intelligence or combat. We are independent officers charged with the review of your case. You remember our promise that we made at the beginning? We will look at all the information provided to us and make a decision based on it. Does that help explain?

Detainee: Okay.

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

Detainee: No.

Tribunal President: Very well. Personal Representative, please provide the Tribunal with the Detainee's Election Form.

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

Tribunal President: For the Detainee's information, this is just a document that gives us some information from the Personal Representative about his duties for this Tribunal. It's the same information he asked you about; if you wanted to come here, and documents that you [were] read

the unclassified evidence and such other matters. Recorder, please provide the Tribunal with the unclassified evidence.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) and also Exhibits R-2 and R-4 into evidence.

Tribunal President: Please clarify for the record that you did not provide us an R-3.

Recorder: That is correct sir.

Tribunal President: We asked the question for clarification because we customarily receive evidence in order.

The Recorder gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

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

The Tribunal President opened the Tribunal to the Detainee to make his statement. When asked if he would like to make his statement under oath the Detainee made the following statement:

Detainee: I would like to see the contents of the Muslim oath that you are going to administer.

Tribunal President: I understand. Recorder, would you please read the Muslim oath in its entirety for the Detainee?

Personal Representative: Sir, can you speak up? We cannot hear. Should I turn this off? (referring to the air conditioning unit)

Tribunal President: Why don't you turn that off for clarity. If any member of this Tribunal is uncomfortable, please let me know and we will adjust the room temperature.

The Recorder read the entire Muslim oath to the Detainee.

Detainee: That is fine.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: You may proceed with any statement you wish to make to this Tribunal.

Detainee: Do you want me to address it one point at a time?

Tribunal President: Yes, and I'll ask the Personal Representative to assist you in that matter.

The translator provided the Detainee the translated version of Exhibit R-1.

Personal Representative: I can read it if you would like.

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

Detainee: God, please give me everything that I need to give them and untie my tongue to speak the truth. Regarding the first point where they are saying that the Detainee is associated with Taliban or al Qaida. I question the semantics of this. You have the Taliban or al Qaida. Which one are we talking about? Are you referring to the Taliban or al Qaida?

Tribunal President: Is that a question for the Tribunal?

Detainee: Of course.

Tribunal President: At this point we are presented with this information to consider both, either one or the other.

Detainee: Fine.

3.a.1. The Detainee stated that he worked as an accountant for the Society for the Revival of Islamic Heritage (RIHS).

Detainee: I did work as an accountant. We signed a contract between the Islamic Heritage and I, dated January 24, 2001. I would like to explain some points. Number one, why did I work as an accountant? Before I came to Pakistan, I was working for the Central Bank in Sudan in the organization for inspection. This was my specialty because I studied Business Administration. Number two, why did I work for the Revival Islamic Heritage? One of my relatives is one of the financial managers that works in a bank in Bangladesh. He told me through his brother that the Revival Islamic Heritage in Pakistan is in need of an accountant and to submit my documentation. I did submit all of the documentation. As you well know Sudan is a very poor country and all Sudanese would like to work outside Sudan because the income level for the Sudanese people is very low. Truly this was a good opportunity that was given to me, and that's why I submitted my documentation. After I faxed all of my documentation, the manager of the office contacted me and expressed his interest for me to work with him in the Revival Islamic Heritage in Pakistan. At that point in time I took my annual vacation for 45 days. My vacation started January 22, 2001. That is the date I went to Pakistan. I did not resign from my job until I found out about the nature of the work in Pakistan. That brings up another point. Why did I agree to do the work in Pakistan? When I got to Pakistan and looked at the nature of the work in that particular organization, I found out that this particular organization works in a humanitarian manner, and that is very appreciated work. I looked at the accounting structure of that particular organization according to GAAP standards.

Tribunal President: (The Detainee and the Translator had an interchange with regard to the translator's use of the term "GAAP" which the Detainee attempted to expand in English.) We would appreciate the translation please.

Detainee: Generally Accepted Accounting Principles. This way there would not be any problems with the accounting aspect of it. Number three, all of the employees in that Revival Islamic Heritage were all good people with high standards, love their work, and they perform their work faithfully. For that reason I decided to continue with them. That organization works as a missionary organization. There were no problems with the accounting program and the people were excellent. That is when I decided to write and submit my resignation to the bank. They accepted my resignation on March 8, 2001. Which is the same as the 45 days of vacation that I talked about.

Tribunal President: I understand. Thank you.

Detainee: I want to add another point to number one. We talked about three, I want to add a fourth, my duties in that organization. I was to check on the entire inventory, anything that was coming in, and expenses going out. I was to record our daily activities in the daily record following the GAAP moving it to the general ledger. That covers point one. I don't think what I just explained has anything to do with Taliban or al Qaida.

3.a.2. The RIHS is listed in the United States Department of Homeland Security-Terrorist Organization Reference Guide.

Detainee: What is the Department of Homeland Security-Terrorist Organization Reference Guide? What is meant by that?

Tribunal President: First I'll ask the Personal Representative if he reviewed this document with the Detainee.

Personal Representative: Yes, I did sir.

Detainee: He (Personal Representative) was saying that the organization is within the guide.

Tribunal President: That is correct.

Detainee: To answer that point. I say that not every organization or person that is within that guide can be accused of being a terrorist. That requires a lot of evidence and proof. After proving it, then at that point in time can you decide whether he or she, or the organization, is a terrorist. I'm sure that the year that I was working for the Revival of Islamic Heritage in the year 2001, it had nothing to do with any terrorist acts. You could have come and examined all activities in the Revival of Islamic Heritage, and you can look at their activities as well, and it's clear that none of this was done. As you well know, and I said, the organization assists with building mosques, drilling wells, and taking care of orphanages. These are all good deeds and have nothing to do with terrorists. The fact that it is in that guide has nothing to do with and does not mean that it is a terrorist organization. It has no association with the Taliban or al Qaida. Just because it's in the guide now I'm considered an Enemy Combatant.

3.a.3. Before being named the Society for the Revival of Islamic Heritage, the office in Peshawar, Pakistan, was called the Afghanistan Support Committee (ASC).

Detainee: Regarding this third point, it's really ridiculous. They recorded that organization in 1989. I came here in the year 2001. Therefore, I have nothing to do with even the naming that organization. The fact that it was call the Afghanistan Support Committee or the Revival of Islamic Heritage, doesn't mean that it has anything to do with terrorism. When I went there, I was hired under the Revival of Islamic Heritage and you can check my passport. The visa and my passport show that it was called the Revival of Islamic Heritage. I would like to go back to the naming of the Afghanistan Support Committee. That name implies that it is just to help people, the Afghani people. It does not indicate that it's there to help Taliban. Helping the Afghanis or any other nationality or population is a good deed. Even the United States calls for that. The proof of that is they are showing pictures on TV and in the newspapers that they are trying to help the Afghani people and want to get out of war. Even here in camp they are showing pictures that they are helping the Afghan people. Even the conference in Tokyo that was held in 2002 calls for helping the Afghani people. The United States contributed an enormous amount of money to help the Afghan people. Many other nations contributed a great deal of money to help Afghan people. That doesn't mean that they have anything to do with terrorism. Just to find a home for people who are homeless and to provide them with food and help them get out of poverty, you call that terrorism? I don't think it has anything to do with terrorism.

Tribunal President: We understand your point.

3.a.4. The ASC was designated on the United States Executive Order Asset Freeze List for suspected support of terrorism financing in late 2001.

Detainee: This is an administrative order. Whenever there is a problem, they will stop the organization from doing its activity or any employees that committed that particular problem. To confirm or find out if this is true or not and the fact that they froze these assets just because of suspicion, does not mean that they support terrorism. Maybe the allegation can be proven after forming a committee to look at all documents, and once the allegations are proven, at that point in time you can freeze its assets and determine that it has something to do with terrorism. Freezing the assets does not mean that it supports terrorism or has anything to do with Taliban or al Qaida.

3.a.5. The Detainee's name was found in an Arabic-Language document in which numerous Sudanese Shaykhs and Islamic scholars identify the United States as the greatest enemy of Islam and call for support of Afghan brothers by any means.

Detainee: I asked my Personal Representative to explain point number five to me and he said you can ask about that in the Tribunal. So now I am asking the Tribunal to explain point number five to me because I didn't get an explanation from the Personal Representative.

Tribunal President: I'm not sure what you would like explained. This is all we know about this item as well; that your name appeared on a document that, as it describes here, describing the US as an enemy of Islam.

Detainee: Which document?

Tribunal President: A document that has not yet been provided to this Tribunal.

Detainee: I can't address any allegation if I don't see the document. The document that my name appears in, is that the same document that the Islamic people and the scholars ordered? Am I one of them, the Shaykhs or the scholars? This is very confusing because when you say "document" it could mean a lot of things. For example my passport is a document. My college degree is also a document, and all of the agreements that I have signed, that are in your possession right now, are all Arabic documents. Do you mean "any document" or the documents that these Shaykhs and the scholars produced? Which document do you mean? Is my name on the document or is my name within the document?

Tribunal President: We will inquire further at a later session, I'm sure, regarding this document. At this time, this sentence implies that your name is in a document where others, Shaykhs and scholars, refer to the US, not that you are a Shaykh or one of these Islamic scholars. The Tribunal appreciates your concern regarding the use of your name in the context of whatever document this is.

Detainee: I would like to ask another question.

Tribunal President: Please.

Detainee: I will answer the question based on the assumption that my name is on the document. This is your responsibility to figure that out.

Tribunal President: I understand.

Detainee: Regarding that point, the presence of my name on that document, I would like to assure that I have never heard from all of these Shaykhs or the scholars having said anything about the organization or about me. I have never heard any of these Shaykhs or Islamic scholars saying that the United States is the biggest enemy of the Islamic world or that the United States is against Islam and called for the support of the Afghani brothers by any means. I never received any documents regarding that. That should explain that my name is not on that document. Suppose or assume, that the Islamic scholars and the Shaykhs said that, and let's assume that you found that document with me, what is the idea for me to write my name on it? Also, suppose or assume the same assumption that the scholars said that, it doesn't mean that I am stating or confessing to that. That is their statement and they are responsible for it. Just because my name is on the document does not mean I will confess or agree to what they are saying. The fact that somebody has a document or a book with somebody's name on it does not mean that he is of the same opinion or has the same intention. Don't forget that he's making all these assumptions that you stated this about him. I would like to say if these scholars said that,

they are responsible for what they are saying. I'm not responsible for that. Even if we assumed or supposed the existence of that document, I assure you that I have nothing to do with that statement or saying. I'm sure that they did not find any documents with me between all of the documents that they took from me that carry all of these sayings. I'm not really interested or concerned about all of these statements. I'm not concerned about what the scholars said because they are not my thoughts. That also does not prove that I had anything to do with al Qaida or Taliban. Because I don't have any connection or association with al Qaida or Taliban that should prove that I'm not an Enemy Combatant.

Tribunal President: Thank you for your very complete and clearly stated testimony. Does the Personal Representative have any questions of the Detainee.

Personal Representative: No sir, I believe he expressed his concerns very concisely and I have no further questions for him.

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

Recorder: No sir I do not.

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

Tribunal Members' questions:

- Q. Let me clarify a couple of points first. To your knowledge, was the precursor organization to the Society for the Revival of Islamic Heritage in fact the Afghanistan Support Committee? Is that true?
- A. That particular organization was recorded under that name "The Afghani Support Committee." It was recorded sometime in 1989. This is an old registration.
- Q. I'm not sure that is an answer to my question though. I'm asking if that is a true statement, yes, no, or you don't know?
- A. It's the same organization.
- Q. It is. Thank you. Also, on point five you said that the fact that your name was on this document, whatever this document is, doesn't necessarily mean that you agree with them and that's true. But do you agree with them?
- A. No, I don't agree with them.
- Q. Were you the only accountant for this organization in Peshawar, Pakistan?
- A. In Peshawar?
- Q. Yes.
- A. No. The accountant group has three members, the financial manager, the accountant, and the cashier.

Q. Which were you?

A. I'm the accountant.

Q. What aspects of the operation did you oversee? All of it or just particular portions?

A. The accountant section, we received all of the documents on income. We did all the accounting with the system and pay in accounts payable. In addition to that we prepared a report on a monthly basis and sent it to the headquarters.

Q. So you would see all accounts payable and all accounts receivable?

A. Yes, I did.

Q. So is it fair to say that if this organization were funneling money to another organization, you would be aware of it?

A. All the incoming accounts payable or accounts receivable, I just go over the accounts receivable and anything that comes in I just record it.

Q. If your organization were transferring money to another organization, you would be aware of it?

A. That never happened.

Q. But if it had, you would know that?

A. Yes I would. Because I record everything that comes in and everything that goes out.

Q. That would also include the movement of personnel, if you were paying to move people from one place to another place you would be aware of that?

A. How can I transfer them?

Q. Paying money to move people, transportation, housing, and whatever.

A. I don't do that. The cashier does that. Let me finish because this is a good point. Any document that comes to the accounting office has to be signed by the manager. I look at the document and have to ensure the manager has signed this document. After that, the document goes to the financial manager who will write the information down. From the financial manager it goes down to the individual who is going to cash out that document. After that they take that document and the receipt and I would write it down in the daily journal.

Q. Okay, so do we agree that if there were an expenditure from your organization in Peshawar that you would have been aware of it?

A. We don't pay. All the money that comes from Kuwait is all documented. Any dollar amount that comes in to that organization is written in the report that comes from Kuwait. They would say in that report, how much, how to spend it, and where to spend it. All of that information is available in the Revival of Islamic Heritage. You can check it out. I have no doubt that you people have looked at it.

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- Q. So as far as you are aware, your organization never transferred money to a terrorist organization such as al Qaida or funded travel of any terrorists?
- A. Never.
- Q. Where did you receive your degree?
- A. At Khartoum University.
- Q. Is it a Bachelor's degree or is it an advanced degree?
- A. It is a B.S.
- Q. When you went to work in Pakistan, why were they interested specifically in you as opposed to someone else in the Pakistan area?
- A. As I stated earlier on of my relatives called me and told that there were openings in the Revival of Islamic Heritage and if I wished or was interested I could apply. Based on that information I submitted my resume and my documentation just like any other individual.
- Q. You mentioned that you were the accountant in Peshawar, or are there other cities or other places where the RIHS organization operates?
- A. No, there is only one financial section.
- Q. What is the approximate annual income of the RIHS?
- A. Two and a half million dollars in the year 2001. This is not an exact figure, it is what I think, and I believe it was two and half million dollars.
- Q. Understood. Is that US dollars?
- A. American dollars.
- Q. What was the source of the income? Where did it come from?
- A. Donations from Kuwait.
- Q. All of the donations came from Kuwait or from other countries as well?
- A. Everything came from Kuwait. The Revival of Islamic Heritage is a huge organization and it does have one branch in Pakistan, and all of the money was coming from Kuwait.
- Q. How did you administer the humanitarian projects? How does the organization decide who is going to execute the projects?
- A. They receive information from Kuwait. If they just received a certain sum of money from Kuwait, say \$50,000, they would get an explanation for that \$50,000. They get the \$50,000 and it will show which mosque in Kuwait contributed the money. They would tell us that we had to take care of a certain number of orphans and also they needed to drill some number of wells. That explanation would go to the manager who will oversee the completion of the projects. He would then turn over all of the orders. For the people who are going to build the mosque, he would give them a certain amount of money to build the mosque. For the people who were to drill the wells; he would send them the same information. All the accountant department received at that point in time were the invoices.

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- Q. Were the managers contracting with people to do the work or were they hiring direct employees to do the work?
- A. There is one manager, but there are department heads. Each one of these departments had its own employees. The department heads are the ones that begin to do the activities; whether building, or supporting refugees, and so forth. For example, if they wanted to build mosques, there are some engineers over there that will do some planning and designing and so forth and they will oversee the building of that mosque.
- Q. Okay, and who would examine your books?
- A. I am not the man in charge. There is somebody higher than me who is in charge of me. The monthly report, I do not write it myself, the financial manager is the one who writes it. Then they will make three copies and one of them goes to the headquarters, one stays with them in their office, and the other one goes to the financial manager.
- Q. When were you captured or when were you brought into custody?
- A. They attacked me at night at about one o'clock in the morning in my own home; at the end of May of 2002, I'm not really sure, but I believe it was the 27th of May. I arrived here in Guantanamo in August 2002. There were five of us from the same organization and three of them were already released, and the other two, we hope to be released soon.
- Q. I have a few questions. You mentioned that we could check the passport. Was the passport also seized when you were captured?
- A. Yes, it was.
- Q. Who captured you?
- A. The Pakistani intelligence and the Pakistani police and two Americans, a male and a female captured me. They arrested me along with my neighbor that lives downstairs. My neighbor was released this year.
- Q. On point five regarding your name appearing on this document, I'm not familiar with your name and how common it might be in your country.
- A. I made the assumption that this document exists. I believe it does not exist.
- Q. I don't know either. I hope to see it here sometime. I'm more interested in understanding that your name is a common name that might be mistaken for someone else.
- A. All of the Sudanese have the same name. The names Hamid, Mohammed, and Hamit are common names.
- Q. I understand. Is Gadallah a large family name or tribal name.
- A. That is my Great Grandfather's name, and it's a big family.
- Q. Back to your employment at the RIHS, who was your immediate supervisor?
- A. The division manager, and there is a general manager for the whole company.

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Q. The first supervisor you would report to.

A. The division manager.

Q. And his name?

A. Mansour Adams.

Q. If you found an accounting irregularity, would this be the first person whose attention you would bring it to?

A. Yes it is.

Q. Who hired you?

A. What have I been talking about? I sent my papers. The manager was the one who hired me.

Q. I was looking for the name of the person that had the authority to select an applicant.

A. The general manager.

Q. The general manager's name is what?

A. His name is Khalil Mohammad and he is Jordanian.

Tribunal President: Does the Tribunal panel have any follow up questions?

Tribunal Members: No sir.

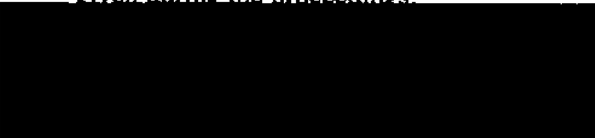
Tribunal President: Hammad Ali Amno Gadallah, do you have any other evidence to present to this Tribunal?

Detainee: There is nothing and no need because all of these five bullets that you have don't mean anything and are simply accusations.

The Tribunal President confirmed with the Personal Representative that he had no further evidence. 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, USAF
Tribunal President

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Summarized Unsworn Detainee Statement

The Tribunal President noted that the Tribunal had been advised that the Detainee elected not to participate in the Tribunal process, after originally choosing to participate during prior interviews with his Personal Representative.

Tribunal President: A note for the record, that the detainee whose case is now in hearing is not present. (Addressing the Personal Representative, to confirm the Detainee recently elected not to participate): You have advised this Tribunal that Fethi Boucetta has elected not to participate in this tribunal proceedings. Is this still the situation?

Personal Representative: Yes Ma'am it is.

Tribunal President: Personal Representative, did you meet with the Fethi, and inform him of his rights in regards to this proceeding?

Personal Representative: Yes Ma'am, I did.

Tribunal President: Did he appear to understand the process?

Personal Representative: Yes Ma'am, he did.

Tribunal President: Was the unclassified summary of evidence read to the Detainee?

Personal Representative: Yes Ma'am, it was.

Tribunal President: Was a translator used during your interview?

Personal Representative: Yes Ma'am.

Tribunal President: Did you confirm that the translator spoke the same language as the Detainee?

Personal Representative: Yes ma'am.

At this time, the Tribunal President requested the Detainee Election Form, marked as exhibit D-A. The Personal Representative presented the form to the Tribunal.

Tribunal President: A note from the Detainee Election Form that the detainee chose not to be present at this hearing is that correct?

Personal Representative: Yes Ma'am.

Tribunal President: How did he indicate that choice?

Personal Representative: He affirmatively declined to be here this morning.

Tribunal President: Very well, this Tribunal will proceed in the detainee's absence.

The Recorder presented Exhibits R-1 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 Recorder then read the unclassified summary of evidence to the Tribunal. Upon completion of the reading of the unclassified summary, the Personal Representative presented interview notes previously approved by the Detainee to be read aloud to the Tribunal.

Tribunal President: Personal Representative did Fethi desire that you present information to this Tribunal on his behalf?

Personal Representative: Yes Ma'am, he did.

Tribunal President: Would you provide that information to us now please.

Personal Representative: Yes Ma'am, he made comments in regards to the evidence in his case. I have them noted, item-by-item, and would like to go through them as such.

Tribunal President: Okay, are we starting with 3.1?

Personal Representative: 3.1.

3.a. The detainee supported the Taliban and al Qaida forces.

3.a.1. The detainee is an Algerian national who has traveled between Pakistan and Afghanistan between 1989 through 2002.

Personal Representative: His (the detainee's) comments to me were these: I went to Afghanistan through Pakistan because I was working as a physician for the poor. After 1992, I did not go to Afghanistan at all. The proof of this is that he received, in 1996, asylum as a refugee with the United Nations in Vershowa (ph) Pakistan. His number is recorded with the U.N. as I20052. The case manager is an American woman named [REDACTED]. From 1996-2002 the detainee had signed in on a monthly basis to get rations and also the U.N. would do random visitations to his house to assure he was still there. He was working as a teacher from 1996 until he was arrested. On a daily basis, he was working at a school from 7 a.m. until 1400. This school belonged to the International Red Crescent, part of the health ministry. Previously, he worked in another school, which belonged to the Yemeni Embassy in Vershowa (ph) Pakistan. Previous to [REDACTED] as his U.N. caseworker, he mentioned another caseworker was from Holland, he was Dutch, the name was [REDACTED]. During his time here with the U.N. that the

detainee 718 had requested he be taken out of Pakistan, he wanted a U.N. sponsored pass to be allowed to leave Pakistan. But, it was not approved because of a long waiting list.

3.a.2. The detainee reportedly was an active member of the Islamic Salvation Front.

Personal Representative: His (the detainee's) comments to me were these: He left Algeria in early 1989. The Islamic Salvation Front formed in 1990, and formed in Algeria. He never had any relationship with the group. He does have a good relationship with the Algerian Embassy wherever he goes. So, he maintains that contact to the Algerian Embassy. The Islamic Salvation Front only operated in Algeria.

3.a.3. The Islamic Salvation Front is a terrorist and armed militant group.

Personal Representative: His (the detainee's) comments to me were these: He had no comment to this.

3.a.4. The detainee reportedly left Yemen and went to Afghanistan at the request of the Taliban.

Personal Representative: His (the detainee's) comments to me were these: He was in Yemen from 1993 to 1996. He was working as teacher in a school as part of the education ministry. He wanted to leave Yemen to go to another country because Algeria was in a civil war. He had tried to go to a European country, and he had two kids and a wife at this time. He went back to Pakistan because he had previously worked with the Albear (ph) organization, which is a humanitarian organization that belonged to the education ministry. He says it's not true that he went to Afghanistan at the request of the Taliban.

3.a.5. In Afghanistan, the detainee reportedly organized combatants to fight for the Taliban.

Personal Representative: His (the detainee's) comments to me were these: One of his witnesses, detainee number 726 left, but was arrested at the same time. They were not fighting and he did not recruit or organize combatants to fight the Taliban. Detainee number 726 was his witness because they worked together and lived together and they traveled to and from school each day, they commuted. Also, detainee number 704, the other witness was arrested on the same day. He also commuted with detainee number 718.

3.a.6. The detainee reportedly has organized extremist networks in Arab countries and has contacts throughout the Middle East.

Personal Representative: His (the detainee's) comments to me were these: He did not organize anyone. He is a physician and studying medical issues. He never had any military training. He left Algeria because there was a war and he did not want to serve in the military.

3.a.7. The detainee was arrested in Pakistan during a raid of al Qaida residences, on May 27, 2002.

Personal Representative: His (the detainee's) comments to me were these: His house was not an al Qaida residence. The Pakistanis came to search for a Sudanese guy. The Pakistanis were shown documents and left, but came back and arrested him. Nothing in the house was al Qaida. His question is: what's the proof is that it was al Qaida?

Personal Representative: That's all the comments that I have.

Tribunal President: Personal Representative do you have any other evidence to present to this tribunal on behalf of the detainee?

Personal Representative: No, Ma'am.

Tribunal President: Personal Representative, on exhibit D-A, it indicates that at one time the detainee had wanted to participate in the Tribunal, as of today, he chose not to participate in the Tribunal, is that correct?

Personal Representative: Yes, Ma'am that is correct.

Tribunal President: It also indicates that he wanted three witnesses. Two of which were detainees, who were housed here at one time, 704 and 726, from my understanding from you, is that 726 is no longer located here, is that correct?

Personal Representative: That is correct, based on JDAMS and the best efforts of our witness team. They have not been able to locate number 726.

Tribunal President: Okay. Witness 704 was located and was ready to participate. But, when the detainee chose not to participate here, he also elected not to have this witness presented to the Tribunal, is that correct?

Personal Representative: That's correct.

Tribunal President: The off-island witness, you indicated, was a U.N. worker. That witness was not located by the embassy, or we did not receive a response from the embassy on locating that individual. Is that correct?

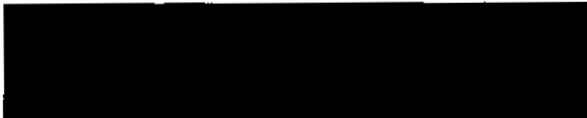
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Personal Representative: That's correct.

The Tribunal President then confirmed there was no more evidence to be presented on behalf of the Detainee, and explained the remainder of the process to the Tribunal.

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

Summarized Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee and asked if he understood the process to which the Detainee responded:

Detainee: I am very happy that my Tribunal eventually takes place. You seem to be very nice gentlemen. You are very nice men and the government appointed you. You are very intelligent people as I look at you and I am happy for that.

Tribunal President: Thank you. We want you to know that we have taken an oath to be sure that we carry out our responsibilities in determining whether or not you have been properly classified as an Enemy Combatant.

Detainee: I saw the whole thing and I enjoyed it. I saw honesty. He (the Recorder) was giving the oath and you guys took the oath. That was good.

Tribunal President: Very good. We'll go ahead and continue at this time. Personal Representative, please provide the Tribunal with the Detainee Election Form.

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

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents.

At the conclusion of the Recorder's description of the contents of Exhibit R-1 the Detainee began to speak. The Tribunal President then informed him that there were a couple of other administrative matters that needed to be addressed and he would then be allowed to make his statement.

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 confirmed that the Detainee had no documents that he wished to present to the Tribunal as per the Detainee Election Form. The Tribunal President went on to confirm that the Detainee requested to have one witness participate in the Tribunal on his behalf.

The Tribunal President opened the Tribunal to the Detainee to make his statement.

Tribunal President: Alif Mohammed, you may now present any information or evidence you have to this Tribunal and you have assistance of your Personal Representative in doing so. Do you still wish to present information to this Tribunal?

Detainee: First, God bless you over my eyes. It's an Afghani expression.

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

Detainee: I can take an oath from one of the four holy books: the Quran, Bible, Torah, and the fourth one David's book. The things that I know I can give information about, as long as I know about them.

Tribunal President: Very good. We have a Muslim oath prepared and the Recorder can administer the oath to you if you like.

Detainee: Yes, yes, I understand this.

Tribunal President: Recorder, please administer the Muslim oath to the Detainee.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: Thank you. Alif Mohammed, you may begin.

Detainee: God bless you. I have a witness. If I had worked with Abdul Wahid at his compound you can cut my hands here (making a gesture to his wrists). I work with metal. I am a metal worker, a tinsmith. Eight years I have worked with Sahad Jhun (ph) at the time when the Russians were in Afghanistan.

Personal Representative: May I ask you (the Detainee) a question?

Detainee: Yes.

Personal Representative: When we met I took notes regarding each point. Could we go over each one now? I'll read my notes and then you can add more to it. Is that agreeable?

Detainee: Yes, go ahead.

Personal Representative: That way we can cover each point.

3.a.1 The Detainee was a security and military commander for the Wahid (Abdul Wahid) compound near LeJay, Afghanistan.

Detainee: No, I was not. I was a metal worker. I worked with metal.

Personal Representative: Also, when we met he told me that he was not. It was during the Russian conflict. During the Russian conflict Sahar Juhn (ph) was his commander for eight years.

Detainee: Yes, that is true.

Personal Representative: He was not a commander for Abdul Wahid.

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Detainee: No, I was not. Abdul Wahid is my enemy. He killed my nephew. Sangen (ph) was his name. He killed him and his wife both.

Personal Representative: That's right.

Detainee: His wife was pregnant and he killed that baby too. He is not a Muslim at all.

Personal Representative: He (apparently his nephew) also said to me that he would never get involved with him (apparently Wahid). I was never in any compound near LeJay, Afghanistan but Wahid had a castle in LeJay.

Detainee: Yes, he had one and he forced people to build that for him. Yes, he forced people.

Personal Representative: Is there anything else you would like to say about number one, about you being a commander?

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

Personal Representative: Let's go on to the second one, if you will.

3.a.2. Abdul Wahid was the district chief of Baghran, Afghanistan during the Taliban reign.

Detainee: At the time of Taliban he was nothing. He didn't have any job. He was just wandering around. He was not a commander of Baghran at that time.

Personal Representative: He also told me that the Taliban did not want to work with him. During the Taliban government he had no position. During the Russian conflict he was...

Detainee: At the time of Russia he had a little group behind him but at the time of Taliban he didn't have anything.

Personal Representative: He also told us during our conversation that the Taliban was looking for him. He was scared of the Taliban. They were looking for Abdul Wahid.

Detainee: Yes, a lot of people complained to the Taliban government that he had been cruel to us. He has confiscated our land and he is killing people.

Personal Representative: Is there anything else you would like to say about Abdul Wahid?

Detainee: This is done.

3.b.1. U.S. Forces were ambushed by inhabitants of the Wahid compound.

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Detainee: No, he didn't have people. When I was there, I didn't hear even one shot. He didn't have anybody there at that time.

Personal Representative: When we met, he said, "I did not participate." I swear to God I did not use one bullet. He never ambushed any U.S. forces.

Detainee: That night I was watering the land and three people came to me and said, "Raise your hands," and they arrested me.

3.b.2. During initial contact during ground operations the U.S. forces reported the Detainee had a satellite phone in his possession.

3.b.3. The Detainee used his phone to orchestrate an ambush on the U.S. forces.

Personal Representative: The second and third ones say that the U.S. forces reported that he had a satellite phone at his position and he used that phone to orchestrate an ambush.

Detainee: I swear to God that I don't have a telephone. I never had a telephone. I can't even write my name. You can ask people. I am illiterate. I'm just a tinsmith.

Personal Representative: That's what he said to me as well.

Detainee: I can't write my name. You can ask people. There were no schools in our area. I didn't go to school. My dad had some cattle and he was a farmer so I worked with him.

3.b.4. The Detainee was captured with an AK-47, bandoleer, and 3 full AK-47 magazines.

Detainee: There's a water resource and about 74 houses around this water spring. The soldiers told me that we found a Kalashnikov there in the desert, [and they asked me] "Is that yours?" I told them no, this is not mine.

Personal Representative: When we met, he said actually, when I was captured I was swimming and washing in a canal. His clothes were next to the canal. They searched it and there was only scissors, cigarettes, tobacco, and hashish. There were no weapons near his clothes.

Detainee: Scissors, cigarettes, matches and some hashish, I'm not lying to you. These are the things that I had in my possession.

Personal Representative: And then he said that they did not find weapons with him.

Detainee: I swear to God that they have not found any weapons from me. I had scissors, two matches, some hashish and a container for snuff.

Personal Representative: Also, he told me that took him to the Wahid castle. They told me they found the weapons in a place at the top of the canal.

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Detainee: They took me to Wahid's camp and there is no one in that camp. Wahid has moved. Only two people are there. Salhajidi (ph) and Inladin (ph) are there and there was a cow. One of them was taking care of the cows and the other one is a servant.

Personal Representative: He also discussed with me that they accused him of owning the weapons. He had told them that he had surrendered his weapons before he was captured, thirteen months before to Mullah Abdul Lula (ph), a leader of the tribe. The weapons were turned over to the government.

Detainee: I had one gun and I gave it to Mullah Abdul Lula (ph). It was a straight gun. Karzai came to power, he is Pashtun; we are all Pashtuns. He asked people to surrender their weapons, so we all surrendered our weapons. Some people gave the government their cars too, if they had cars. I have one long gun at home. This is like an old type of gun and the Americans saw it and gave it back to me. It takes a powder. They didn't tell me anything. They just left it back there.

3.b.5. When captured, the Detainee had a freshly-fired AK-47 in his possession, as well as 3 loaded magazines, a vest, and was wearing an OD green jacket.

Detainee: It's not a vest. It's a coat. I bought it for 750 dinar. I bought it from Muhammed Zia (ph) the shopkeeper. He is alive and my coat is here. The government has my coat. Go see my coat. It's not olive or OD. If you ask that shopkeeper, if he sold Alif a coat, he would tell you, yes, I sold him the coat. If he doesn't say it, you can cut my hands.

Personal Representative: When we met, he told me that when he was captured he did have a vest and he did have a green jacket. He told me he did have a green jacket, but he did not have an AK-47 or magazines.

Detainee: I have my clothes here. I have my coat here. I have my vest here. They brought it here from Baghran to Cuba and now they are here in Cuba.

Personal Representative: Do you want to say anything else about these accusations?

Detainee: I swore earlier and I swear again. I am not associated with al Qaida. I am not associated with Taliban. I have not worked for Wahid. I am a metal worker. I work with metal. You bring the equipment and I will make anything for you. I will make a sickle right here in front of you. I can make a knife, an ax, this is not a lie, I can make everything you want me to make. Ask Karstii Al (ph) I make a lot of things for him. I'm left handed. I work like hell when I love a guy.

We were very happy in our town when Americans came to Afghanistan. They brought some peace. The amount of death and killing was reduced so we took good care of them. They came to our town three times. We killed a sheep, six chickens, and a goat for them. We took good care of them. We cooked a lot of food and they were so happy. You talk to

them. You know about our religion. We have respect for the Bible, the Tora and the four books. We believe in them. They are not communist. They are not Russians. They believe in God. When they marry we have the (inaudible). They cut their nails, they clean their bodies, they are good people so we are happy for them. They are not like Russians that don't believe in God. It has been a long time ago that it was predicted that Afghans and Americans will get together with Pashtuns and we all become Muslims and fight the Chinese and Farsi speaking people and the Russians and we will win. Professor Khafar (ph) is an old man. He is my teacher and he told me that there are two dry ditches, and the water will come to those ditches. The water will run again. Americans will come and we will all unite and defeat Russians. This was predicted by my teacher. I have great respect for them. They're (Americans) always welcome. We are happy for them that they came to Afghanistan. There is less violence. I will never fight against them. I have never fought in the past. I always support them. If anybody proves that I have worked with Wahid or that I have worked with al Qaida or the Taliban, you can cut my throat right here. Otherwise, let me go. I have ten kids at home that are waiting for me. God is watching upon you.

I am very happy for this Tribunal. This Tribunal will find and bring out the facts. I have never fought and I will never fight you guys. This is the wrong intention if anybody wants to fight. This country is strong. Many countries cannot fight them. How can I fight; I am a tinsmith? I work with metal.

Personal Representative: Can we ask you some questions?

Detainee: Yes, of course (inaudible).

Tribunal President: We may have some questions for you. Does this conclude your statement at this time?

Detainee: God bless you over my eyes.

Tribunal President: I just want you to be aware that we have not seen any information in you file. We know very little about you, and that is only what these two pieces of evidence that have been produced thus far. This is all we know about you so we may have some questions to clarify some things.

Detainee: God bless you. I will be happy to answer questions.

Tribunal President: Very good. Thank you. Personal Representative, do you have any questions or additional information to bring to our attention or questions for the Detainee?

Personal Representative: Thank you, Sir, yes I do. I have a few questions to ask the Detainee.

Personal Representative's questions

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Q. My first question would be, were you ever trained as a soldier or fighter, ever?

A. I have never been trained, but I can tell you the story when I was in the military.

Q. That's what I meant. Were you ever trained? You were in the military. Were you ever trained?

A. No, it was the time of the Russians when you're talking about military. I was there for two months and 16 days and then I ran away from the military. (inaudible).

Q. My second question would be, the green jacket that you had, the OD green jacket, was it a military type jacket?

A. No, no, no. It's a regular jacket that they sell at the bazaar and it had several pockets. There are many of them in the bazaar.

Q. That was my follow up question. Did many people have this type of jacket?

A. They make it out of cashmere, a lot of people are wearing that. It was the style. What color do you like? This color, this color, or that color, they would make it for you. It's like cashmere. It's very similar to these pants (referring to the bottoms of the Detainee's detention uniform).

Q. Did you ever see soldiers wear that type of jacket?

A. No, only civilians wear it. They put their snuff containers in it or beads, bread or hashish in their pockets.

Personal Representative: That was all the questions that I had, Sir, thank you.

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

Recorder: No, Sir.

Detainee: May Allah the compassionate and merciful bless you.

Tribunal President: Thank you. Do any Tribunal members have questions?

Tribunal Member's questions

Tribunal Member: Good afternoon to you.

Detainee: May Allah the compassionate and merciful bless you.

Tribunal Member: We appreciate the chance to speak with you today.

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Detainee: I am very happy that you talk to me today too.

Tribunal Member: We are not familiar with some of the thing that you have told us so I would like to ask you a few questions please.

Q. Earlier you said that Abdul Wahid did not have a job during the Taliban. He just walked around. So I wondered, who is he that he can make people build a castle for him?

A. At the time of the Russians, he was a big commander. He built it at that time. It's a big house and he routed the water to this house. He has four water wells in his guesthouse. This is the land of LeJay but he is from Shingha (ph) and has places now in LeJay.

Q. Is he a leader of your village or province?

A. He is from another area far from here. It's called Zindaw (ph). But he built two houses. One in the LeJay area and one in the Lahore (ph) area, he built these houses.

Q. During the time we are talking about here, did he have people working for him?

A. At this time people don't know where is the son of a bitch. He just got lost.

Q. I was sorry to hear that he killed members of your family.

A. This lady went away and eloped with my nephew Sangen. With Sangen, my nephew, she went to another town. She was divorced from her husband and he was protecting her. Wahid confiscated some cows, sheep, and goats from the father of Sangen. His name was Uncle Hatum (ph) and he gave to the father of this lady to bring some reconciliation. He had Sangen to divorce his one wife and gave his previous wife to somebody else. Sangen, after eight months, returned with that wife and she was pregnant. He killed them both. The woman and my nephew.

Q. Why did he do this?

A. Because the woman was from the tribe of Perisi (ph). We are Hollisi (ph). Just to make Perisi (ph) happy, they killed him. Now our village, our town, is angry because of that.

Q. Did you, yourself, have any personal dealings with Abdul Wahid ever?

A. No, my house is far away from him. I don't have any personal thing with him.

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- Q. During the Russian jihad, you were with Sahar Juhn (ph) for eight years and together you helped push out the Russians?
- A. Yes, I was with Sahar Juhn (ph) and Sahar Juhn (ph) was killed in Kandahar. Then I was with Mala Kareem (ph) for two years. After he died, I haven't fought anyone. I'm just doing my metal work in my area.
- Q. How did you learn to use the weapons that you needed to fight?
- A. From communist we confiscated eight guns in the Kajaki (ph) area of Kandahar. Over there we figured it out. There was one farmer who knew how to use it. He showed us how to use it and how to fill it with bullets. We figured it out.
- Q. So, before that time, before the Russian jihad, you had never fought or knew how to use any weapons?
- A. We didn't have any weapons prior to the Soviet invasion. Then the Americans distributed some guns to tribesmen. In our area there were only two guns. Everybody was fighting over those two guns. Little by little, the number of guns increased in our area so people had guns later on.
- Q. If people in your tribe know that you are an enemy of Wahid because of what he did to your family, why do you think someone would say that you are with him?
- A. No, I was never with him. I don't know who said that. Whoever said that, bring him as a witness to testify that I was with him; I have never been with him.
- Q. Did you know of people in your village who were against the American presence there?
- A. No, I swear to Allah that there is not a single person. Three times Americans came to my village. They asked for Abdul Wahid three times. We gave them rice, we gave them meat, we gave them fruit. If they come twenty times more, we will give them food and tea. Arresting me, there was a bright guy looking like him (referring to one of the Tribunal members), he stepped on my side and said, "Don't arrest this guy, this is a good gentlemen." But, there was an interpreter, he was Hazara (ph), a Farsi speaker, he said something about me to him and they arrested me. Hazaras (ph) are the defenders of Dostum (ph).
- Q. It sounds like Abdul Wahid and his people are definitely against the Americans. Would you agree with that?
- A. No, no, I don't think so. I don't think he is an enemy of Americans either. He has been, according to people, seen with Americans. The Americans got him and took him up to the Lahore area and then released him back. No, they don't have

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animosity. He was happy that the Taliban's government failed. People say that. Taliban called him Toboki (ph).

Q. What does that mean?

A. It means no good. Good for nothing.

Q. Well if you and your village were with the Americans and you think Abdul Wahid is with the Americans, who attacked our forces where you were?

A. No one has attacked Americans. Not this time. If they have attacked Americans some other time, probably so. I was there all the time, and no one has attacked Americans.

Tribunal Member: Thank you very much. I don't have anything more for you.

Detainee: Thank you very much. God Bless you. May God send you to Heaven with us together. If you don't help me, I may say the opposite. I either pray or I cry.

Tribunal Member: I'm in no hurry to get to Heaven, but I have no questions. Thank you.

Detainee: Thank you very much. If you guys treat me right, may God send you to Heaven.

There was a poor man sitting somewhere and Moses was crossing that area. Moses told this poor man to get out of this area because it might rain. This guy told him there is no sign of rain in the sky. When God heard that he asked Moses why did you tell him that the rain will come? There is no rain now. He told God, you can make it rain anytime. God will (inaudible) because you told that poor guy, I'll make a little rain just because you told him already. So it rained just enough rain to cover that poor man. The poor man was so upset. He was sitting somewhere all wet and Moses was coming on his way again. He asked the poor man, "Why are you so upset?" He said, "It's because of you. You made me all wet. If you didn't tell me that you didn't ask God, I wouldn't be wet." So big people are doing big things.

Why would we fight Americans? There is no reason. You opened some schools. You made some streets. You give some money to poor people. You brought a little peace to Afghanistan. We don't fight you guys. We fight Russians because they confiscated our land. They would take the land of one person and give it to another person. They would do illegal marriages. This is why we fought them. We never fought Americans.

Look at them (the Tribunal members). Look at their faces, so bright and shining. You look at a Russian's face, he's all nasty. Their faces were full of scars and pimples. Allah doesn't need our prayers. Allah doesn't need our fasting either. But Allah sees them that they go to the church and pray, so Allah is happy.

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Our leaders, religious leaders pray, dear God, make them Muslims. They never say dear God kill them. Now I am happy for you and I hope that you are happy for me.

Tribunal President: I have a couple of questions.

Tribunal President's questions

Q. During the time the Taliban was in control of the Afghanistan government, what did you do for a living? How did you sustain yourself?

A. I was a metal worker.

Q. Did you ever do any work, or make any weapons, or provide any type of support to the Taliban?

A. No, I never supported them. I cannot make weapons. I can make simple tools like sickle, and ax, I have a little blowing device and I have a guy who was working with me and helping me. That's all that I do. I also sharpen some tools. When you release me, I hope you give me some money. Americans are rich. They have more money. I have ten people.

Tribunal President: Are there any more questions (to the Tribunal members)? Thank you for your testimony.

Detainee: May Allah give you higher rank. To everyone of you.

Tribunal President: Thank you. Personal Representative, at this time does the Detainee have any previously approved witnesses to bring before the Tribunal?

Personal Representative: Mr. President, yes Sir. We would like call as a witness, Detainee 971, Yur Kuski (ph).

Tribunal President: Please notify the MPs to escort that witness into the tribunal room.

The Tribunal took a short recess to allow the witness to be brought into the hearing room.

The Tribunal President explained to the witness why he was there and asked him to verify his name.

The witness was then sworn in using the Muslim oath.

Detainee's questions to the witness

Q. Do you know me?

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A. Yes, I know you.

Q. What is my name?

A. Your name is Alif Mohammed.

Q. Who is my father?

A. You are the son of uncle Mohammed Kiup (ph).

Q. Where am I from?

A. You are from LeJay.

Q. Have I worked with Abdul Wahid in his compound?

A. No, you have not.

Q. Have I worked with al Qaida or Taliban?

A. No you have not.

Q. What is my job over the past ten years?

A. You are a metal worker, you are a tinsmith, and you also work on your land.

Tribunal President: Do you have any other questions for the witness?

Detainee: What do you want me to ask him?

Tribunal President: I just want to be sure that you have asked all the questions that you wanted.

The Detainee resumed his questions to the Witness.

Q. Did you or I have any intention to fight against Americans?

A. No, we don't have those intentions. They came to our town ten times. If we wanted to fight them we would have fought them the first time but we didn't fight them.

Q. When they caught me at the water source area, did I have a weapon on me?

A. No you didn't have any weapons on you.

Q. Did I have a radio on me at that time or do I know how to use a radio?

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A. No, you didn't have that.

Q. This is my witness. I am a poor man. Now it's your decision.

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

Personal Representative: Thank you, Sir, yes I do.

Personal Representative's questions to the witness

Q. How far away was your village from the Wahid compound?

A. My house from Wahid's house is about 300 to 400 meters away from his house.

Q. Were you captured with Alif?

A. They arrested him near the water spring and I was arrested somewhere else.

Q. Do you know if Alif had a satellite telephone?

A. No, we don't have those things. We live in a mountainous area. American soldiers have seen our area. We can't ever write our names. Ask him if he can write his name. He doesn't even know how to read Quran.

Q. My last question would be, did you ever, ever, ever see or hear fighting at that al Wahid Compound?

A. No, he has never worked with Wahid. He is a metal worker, he has ten kids, he is taking care of his kids, he has a little land, and he works on the land.

Q. My question is not about Alif, it's about the witness. Did you ever hear or see fighting? Not him fighting but any kind of fighting at the compound?

A. No, there hasn't been any fighting around Wahid's compound. If there were, probably he would have been arrested by now.

Personal Representative: Thank you. No further questions Sir.

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

Recorder: No, Sir.

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

Tribunal Members' questions

Tribunal Member: Good afternoon to you.

Witness: Good afternoon to you.

Q. This is the first time that we have seen you. So we are not familiar with your file or anything about you. Can you tell us if you are in the camp for the same reason that Alif Mohammed is in the camp?

A. No. His allegations are his allegations. My allegations are mine. I worked for other people. I drove a tractor. I am a tractor driver and I have kids at home.

Q. Today we have been talking about people who attacked American soldiers in the area of LeJay. Do you know anything about this?

A. Prior to my arrest, up to the time I was arrested, no one has attacked Americans. I don't know if anybody has. Nobody has ever told me that people have attacked Americans.

Q. But you never saw anybody attacking Americans when you were in LeJay?

A. Prior to my arrest they were there in the area for two days. No one has fought them or shot one round at them.

Q. Were you present when Alif Mohammed was arrested?

A. No, he was arrested prior to me. They had covered his eyes and they had tied his hands and he was sitting there between American cars.

Q. So you did see him get arrested?

A. He was arrested in the morning. I was arrested in the afternoon. He said he was swimming and they arrested him.

Q. You saw these things with your own eyes or people told you about it?

A. Yes, I saw these things with my eyes.

Q. Do you know why they arrested Alif Mohammed?

A. No, I don't know. Many people have been arrested and probably many people are innocent. They have been arresting innocent people.

Q. Ho many people from your village are here or have been arrested?

A. Four people from our village are here.

Q. Four?

A. Yes.

Q. Did you see the other two people arrested?

A. One was arrested with me. The other guy was basking in the sun and he got arrested.

Q. Over what period of time were all four people arrested? Was it all the same day, the same week, what was the period of time?

A. We were all arrested the same day.

Q. Right after the attack on American forces?

A. No, their vehicles arrived in the town, but there was never an attack.

Tribunal President: This Tribunal thanks you for your testimony today. At this time you are accused, and the MPs can escort the witness away.

Witness: May I ask a question?

Tribunal President: Yes, you may ask a question before you leave.

Witness: We are people of suburbs. We are people of a mountainous suburb. We don't know much civilization. We are poor people and we are innocent people. Your military men come over there and they arrested us. We didn't have weapons. We have not caused any troubles for anybody. Now we are here two and half years in Cuba. This is cruelty and it's not fair.

Tribunal President: Thank you for your testimony today. The MPs may remove the witness.

The Tribunal took a short recess to allow the Detainee to be removed from the hearing venue.

Tribunal President: Alif Mohammed, we have heard the testimony of the witness. Do you have any other information or evidence to present to this Tribunal today?

Detainee: I don't have anything else to say. For God's sake help me if you can.

Tribunal President: We will take everything that we have told us today in your statement and the witness' statement into consideration as we make our determination of your Enemy Combatant status.

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The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee had no additional 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 who when told that he may need to contact his family if he was found to be an Enemy Combatant made the following comment:

Detainee: That place is too far from here for my family. If I ask them they might help.

The Tribunal President continued reading the hearing instructions and thanked the Detainee for his courteous participation.


Detainee: I will personally pray for you too and I thank you. I know people. I know their faces. Your faces are bright and shining. These are the faces of good people.

Tribunal President: We thank you and this concludes the open session of this Tribunal.

The Tribunal President 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

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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 through 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 take the Muslim oath, but promised to tell 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 the Taliban:

3.a.1. The detainee traveled to Pakistan to study the Koran, even though he did not understand the language in which it was being taught.

Detainee: This is the rule of Islam. Once you accept this religion you must read the Koran; it is the order of Allah. It doesn't matter whether you understand Arabic or the Koran or not; you must read it. People who do not read the Koran are not Muslims.

3.a.2. The detainee traveled from Pakistan to Afghanistan after 11 September 2001.

Detainee: Yes I did.

3.b. The detainee participated in military operations against the coalition.

3.b.1. The detainee was at Mazar e Sharif.

Detainee: That's not true. I was captured in Mazar e Sharif while I was traveling through the city. I was not there.

3.a.2. The detainee received training on the AK-47.

Detainee: I got the AK-47 training when I was thirteen or fourteen years old. I was a refugee in Afghanistan and someone in the mosque just taught us three or four times how to assemble and disassemble the AK-47.

3.b.3. Northern Alliance Forces captured the detainee.

Detainee: Dostam captured me.

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

Detainee: I would like to tell my story why I ended up here out of my country. When they say that I got training on the AK-47 that is a big lie. The reason for me leaving my country was because of the civil war in Tajikistan. I had to leave my country because of the civil war and I had to serve the Army and participate in that war. There was a good chance that I could have been killed. That is why I ran away from that war and the Army and left my country. I came to Pakistan to learn the Koran. My goal was to go to Russia, but I could not do that, so I went to Pakistan. I studied the Koran in Pakistan for five or six months. After that I went to a city called Molton. There was a place called Kerokapa (ph) and I had my own little shop there in that place. The reason I entered Afghanistan: I wanted to return back to my country. When they say that I was with the Taliban or associating with the Taliban that is a big lie. I ran away from a small civil war that was going on in my country. How am I going to run away from a small war and participate in a big war? Taliban are Pashtu and I am Tajik, there is a big difference between us. I have an example for you. When there is a big and dangerous bird over there and a small bird, the small bird would never dare to fight with the big bird because he knows that he will lose the fight and die. The United States is a big power in the world. Why would a man like me dare to fight against the United States? You are accusing of me of fighting against the Northern Alliance. That is a big lie also. They are Farsi speakers; they are my own blood and why would I fight against my own people? We know it and you probably know it, that there has been a long war going on in Afghanistan and it was mostly the tribal war between different tribes. Also you are accusing me of getting training on AK-47. The proper training on the AK-47 takes people one or two years to learn how to use. When they taught me how to assemble and disassemble it two or three times they wanted to use me in the war against Tajikistan, not the United States. After I was shown the AK-47 training two or three times, I went back with my parents to Tajikistan. I have never used that training. The people who captured me in the northern part of Afghanistan, I was just a traveler, traveling through their city. They did not capture me with a weapon; I didn't have a weapon on me. They didn't capture me while fighting; I was traveling like a passenger when they captured me. That was my story and my problems why I left my country and ended up here.

The Personal Representative had questions for the detainee

Personal Representative: I'm looking at my note of the conversation that we had. You told me that you felt comfortable going to Pakistan through Afghanistan because during the twenty-five years of fighting, the Afghans were fighting each other and they would not bother travelers.

Detainee: Yes that is true.

Personal Representative: But when you got there after September 11, this had all changed and that the Afghans were picking up all foreigners. Is this basically what you told me?

Detainee: Yes that is true. I wasn't aware that if I entered Afghanistan they would just arrest and capture me. When I entered Afghanistan and when I arrived at the city of Konduz, that is when I realized things had changed. Before I entered into Afghanistan I did not know that things had changed there. If I had known that the United States would have arrested me, I would not have gone to Afghanistan.

Personal Representative: You told me about how you found out that foreigners were being picked up. I would like for you to explain to the Tribunal how you found that out and what events lead up to your capture.

Detainee: I came from Pakistan to Konduz. I came from Pakistan and went to Jalalabad then to Kabul and then Konduz. I came to a small restaurant that the Afghans call a café. I was sitting there eating and drinking tea. Someone approach me, the person who used to work in the restaurant. He talked to me. I have a Tajiki accent and you can tell I'm not Afghan; I'm Tajik so he recognized me. He asked me where are you going. I told him I wanted to get back to my country Tajikistan. He told me that there was fighting going on around the city of Konduz and you can't go anywhere. If people capture you or find you they will just turn you over to Americans. So I asked him what should I do. He brought me somewhere where there were a lot of cars. There were a few people from the providence of Badakshan in Afghanistan. There were a few Badakshani people over there also. They told me to stick with these few people from Badakshan and they are going to take you to Mazar e Sharif, then to Qandahar and from there to Pakistan. Once you get to Pakistan you just go on with your life and then come back. I was happy to hear that because I knew if I went back to Pakistan there would not be any problems. We were riding in cars and we came to Mazar e Sharif. We were close to entering the city of Mazar e Sharif and people of Jalalabad asked us to get out of the car and they handcuffed us. They made us sit on the ground. I don't know what happened; maybe someone was trying to runaway or something because I heard some shooting. When I open my eyes I found myself in the hospital. I did two petitions, one for the Red Cross and one for the United Nations, saying that I was just traveling and they captured me. They never answered. Some Americans came and questioned me. They told us don't worry and don't be upset we are going to send you back to Tajikistan. They brought me to Qandahar and then here.

The Personal Representative had no further questions.

Tribunal Members' questions

Q. How old are you?

A. Three years ago I was twenty-three years old but now I feel like one hundred years old.

Q. Prior to leaving Tajikistan, where did you live in Tajikistan?

A. The capital of Tajikistan is Dushanda and there is area of close to that called Khaplan, I lived there.

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Q. What did you do there?

A. It was in time of war, I was at home, and there wasn't any work.

Q. You said at one point you wanted to go to Russia. Why did you want to go to Russia?

A. I already told you that I was trying to run away from the Army. I did not want to serve the Army in the time of war. Also finically I wasn't doing well. Our houses were burned and we didn't have any money to fix it. We had a tough life over there.

Q. That doesn't really tell me why you wanted to go to Russia. What about Russia in particular was attractive to you?

A. Half of Tajikistan is working in Russia; there was work over there.

Q. So why then did you go to Pakistan?

A. I didn't have any money, how could I go to Russia?

Q. Before you left Pakistan, did you have a passport?

A. No I didn't. Afghanistan doesn't require any passport.

Q. But you were going to Pakistan. Do they not require a passport?

A. There is a huge border between Afghanistan and Pakistan and there has never been a problem entering from one country to another. Afghans can go and enter Pakistan easily.

Q. So you had traveled to Pakistan before Afghanistan?

A. From Tajikistan.

Q. Yes, but there is no common border between Tajikistan and Pakistan, so I gathered you went to Afghanistan, is that right?

A. I flew from Tajikistan directly to Pakistan.

Q. So in Pakistan you intended to study the Koran, is that right?

A. Yes.

Q. It is not possible to study the Koran in any language other than Arabic?

A. Yes, especially when Muslims do five-time prayers. The prayers have to be done in original language, which is Arabic. Other than prayers you can read the Koran, you can read the translations but you have to the Koran in your hand and read the Koran first and then read the translation. The prayers have to be in original language, which is Arabic.

Q. When you arrived in Pakistan did you study the Koran?

A. Five or six months.

Q. Was this the same time you had the shop or before that?

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- A. No, after the five or six months of learning the Koran then I went and worked in that store.
- Q. What was your reason for leaving your store and heading back to Tajikistan?
- A. The war in Tajikistan was finished and everything was fine. I wanted to see my parents.
- Q. Why didn't you fly back from Pakistan to Tajikistan?
- A. How can I do that without a passport?
- Q. The same way you did it from Tajikistan to Pakistan I would guess.
- A. I flew from Tajikistan to Pakistan with a passport. On the way back my passport was expired, I didn't have any other documents.
- Q. Couldn't you simply just get another before you traveled?
- A. I wasn't familiar with the process. I was a stranger in Pakistan and then I want to save some money. I thought it would be cheaper to travel through Afghanistan.
- Q. When you left Tajikistan how long did you expect to be away?
- A. I was waiting for the war to be over. I wasn't sure how long I was going to leave for.
- Q. How long was it actually from the time you left Tajikistan until the time you were apprehended?
- A. It was the end of 1997 or the beginning of 1998 when I left Tajikistan.
- Q. Do remember when you left Pakistan to go home?
- A. It was the time of Ramadan.
- Q. In 2001 after the September 11th attacks?
- A. That right.
- Q. Were you ever a part of, or have you ever heard of the Islamic Movement of Uzbekistan?
- A. I have heard about it here but before I didn't know anything about it.
- Q. When you originally left Pakistan, were you traveling with a group or were you traveling alone?
- A. I was traveling with one of those personal cars like a taxi. I was traveling in those.
- Q. You didn't know any of the other people on the taxi?
- A. There were some other passengers, a woman and a man but I didn't know them.

Tribunal President's questions.

- Q. You said you didn't go to Russia because you didn't have the funds to travel there. How did you fund your travel from Tajikistan to Pakistan?
- A. I saw on my way a Russian-made car called Camels(ph). I stopped the car. I got in the car with the driver and someone else and we just traveled. They asked me where do you want to go? I told my story to them. The guy introduced himself as Hamza. He told me I can help you get into Pakistan but under one condition that you study Koran. I accepted that offer. At that point I told him all I want to do is just get out of Tajikistan, just help me get out of Tajikistan and I will read the Koran. That guy took me to Dushanda the capital of Tajikistan. I spent two or three days with him. He was a businessman. He was in the business of long leather coats. When I entered his house I saw a lot of leather coats. He took my picture and he made a passport within two or three days. Then he took me to Pakistan. In Pakistan I lived with the same guy almost for a month in the same house. Then he took me to a Madrassa. The name of the Madrassa was Anwar al Koran. He asked me to stay and he said that he would check on me later. I never saw him again.
- Q. You said you went to the capitol and then he took you to Pakistan, is how it was translated, but did you mean that you flew from the capital to Pakistan?
- A. Yes.
- Q. What did you sell in your store?
- A. It was dry foods like almonds, walnuts and pistachios. I wasn't the real shopkeeper. There was another man working with me. His name was Abdul Rahim. I was with him.
- Q. Did he actually own the shop or did you own the shop?
- A. He was the owner?
- Q. Rahim was the owner?
- A. Abdul Rahim was the owner.
- Q. The gentleman that helped you to get to Pakistan to study the Koran. Did he not want anything in return for his assistance? Did he eventually want you to come back and share that knowledge?
- A. This is part of Islam. A Muslim just does things for the sake of God. Like if they make a young boy read the Koran. That would be big thanks to God. They do that just for the sake of God. When he talked to me he liked me a lot and he said that I was a good boy and I deserve to read the Koran.
- Q. Did you marry while you were in Pakistan?
- A. No.

- Q. When you thought about heading back to Tajikistan, did you have any concerns that the government might not want you to come back?
- A. Yes I was scared and I had that concern. I wanted to go for a brief period just to see my family and get out. I was planning to leave the Tajikistan land. My goal was, when I arrived in the city of Konduz I was hoping the United Nations would help me and send me back to Tajikistan with the other refugees.
- Q. Ultimately you were just going to stay there a brief period? Were you planning on returning back to Pakistan?
- A. No. I did not want to go back to Pakistan.
- Q. Where was the café that you were at?
- A. In Konduz.
- Q. Previous to your meeting in the café you didn't know that person that approached you?
- A. No. I had not seen him before.
- Q. Would you normally trust a total stranger to help you?
- A. My situation was unique because I am Tajik and the Afghans could clearly tell that I was not an Afghan because I have an accent. When he told me about the danger and the war that was going on around the city, I had no choice but to trust him. He was a Farsi speaker like me. When I was in Konduz in Afghanistan, their hospitality and especially those Tajik tribes, they helped us a lot. They treated us really well so I trusted them.
- Q. I know you said that you went in Afghanistan after September 11th. How much after that?
- A. I'm not sure but it was close to Ramadan. I think it was the beginning of Ramadan.
- Q. You said he took you to a place that had a lot of cars and you met some other people. Did you leave promptly from there?
- A. Yes the people were just sitting there and they told us that those few people that are here, they are all to enter the Madrassa, and they ask me to sit with them.

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.

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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, 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."

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

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

Detainee: My Personal Representative will do that for me.

Personal Representative: 3.a., (The detainee is a member of Al-Qaida.) He said this is false; he is not a member of Al-Qaida.

Personal Representative: 3.a.1, (Prior to his arrival in Afghanistan, the detainee admits being influenced by a known terrorist organization and actively sought to join the jihad.) This is false; he has never been influenced by a terrorist organization.

Personal Representative: 3.a.2, (Around July 2001, the detainee arrived in Kandahar and stayed at a known Al-Qaida guesthouse.) He did stay in a guesthouse. He has no knowledge of Al-Qaida or the existence of Al-Qaida. He sought religious advice from Sheik Sala. The advice was it was his religious duty to prepare. This does not mean that he was preparing for a battle. He should become physically fit and that could include working with weapons.

Personal Representative: 3.a.3, (The detainee received AK-47 training while at a known Al-Qaida run training camp.) He said he did not receive any training. He had investigated taking a two-month training course. He offered to take one month of the two-month training course, because of obligations with his family and his visa expiring. He declined training because it was not available in a one-month block. At that point, he decided to spend the remainder of his time, until his visa expired, teaching the Koran at the nearby village.

Personal Representative: 3.b., (The detainee participated in military operations against the coalition.) He said no. He had no training and therefore, even if he had wished to, he would not of been allowed to participate in any military operations.

Personal Representative: 3.b.1, (The detainee was located at the Al-Qaida training camp when 9/11 occurred, at which time he evacuated to Tora Bora.) He said no, he never went to Tora Bora.

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Personal Representative: 3.b.2, (The detainee was apprehended fleeing into Pakistan from Tora Bora by the Pakistani border guard.) First, he said he had never been to Tora Bora. He went to a border crossing and attempted to enter Pakistan. He had all the documents to cross legally. He could have easily crossed the border illegally if he had wanted to. This crossing was near Khost and he did not have much of a choice because the war was approaching. He was advised the only way to stay safe was to approach the Pakistani border. He also said because of the coloration of the skin on his arms he would be very difficult to forget. No one will have anything to say about him fighting or being in Tora Bora because they would have remembered him if he was there. So there could be no case of mistaken identity with him.

Tribunal President: Was everything he (Personal Representative) said was that the truth.

Detainee: Yes sir.

Tribunal President: Do you have anything else you would like to say to us?

Detainee: No.

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

Personal Representative: No sir.

Tribunal President: Would you be willing to answer questions from the Tribunal?

Detainee: Yes.

Summarized Answers in Response to Questions by the Tribunal Members

Q. Can you describe how you traveled to Afghanistan?

A. Through the Pakistani borders.

Q. Are you from Pakistan?

A. No.

Q. Where are you from?

A. Jordan.

Q. What languages do you speak?

A. Arabic.

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- Q. You said earlier when you didn't have the opportunity to take training, you decided to teach the Koran.
- A. Yes.
- Q. Were you going to teach the Koran to other Arabs or Afghanis?
- A. Afghanis.
- Q. The these Afghanis know how to speak Arabic?
- A. No.
- Q. So how were you going to teach the Koran?
- A. I was going to teach them how to pronounce it. The Koran cannot be taught in any other language, it has to be said in Arabic. I will give you an example using the Translators here. Some of the Translators here are Afghani. They can read the Koran even though they don't speak Arabic.
- Q. Why did you go to Afghanistan?
- A. To train.
- Q. What kind of training?
- A. All types of training, military and physical fitness.
- Q. Did you go to Afghanistan to answer a Fatwa for jihad?
- A. Yes.
- Q. Did you learn how to use the AK-47 in Afghanistan?
- A. No.
- Q. You already knew how to use the weapon?
- A. No.
- Q. Did you fight with the Taliban?
- A. No. I believe all these questions have already been answered by my Personal Representative.

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

Detainee: No.

AUTHENTICATION

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

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

Tribunal President

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Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee.

Detainee: What's the name?

Tribunal President: The name of what? I'm sorry I don't understand the question.

The Detainee assisted the Tribunal President with the pronunciation of his name.

The Tribunal President continued to explain the Hearing Instructions to the Detainee.

The Detainee confirmed that he understood the process and had the following question:

Detainee: What will it mean... to be removed from the Tribunal?

Tribunal President: If you become disorderly.

Detainee: What does disorderly mean?

Tribunal President: Disorderly, would be things like yelling and that sort of thing.

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

The Tribunal President instructed the Personal Representative to submit the Detainee Election Form (Exhibit D-A) into evidence.

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

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

The Tribunal President, referring to Exhibit D-A, informed the Detainee that an unclassified version of the document he requested on Jama'at al-Tabligh could not be found and was therefore considered to be not reasonably available.

The Tribunal President opened the session to the Detainee to make his statement and informed him that he would have the assistance of the Personal Representative in doing so.

The Tribunal President asked the Detainee if he wished to present information or make a statement and if so, did he wished to make his statement under oath.

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Detainee: You want me to defend myself against the accusations that you just read?

Tribunal: This is your chance to give an oral statement about these allegations.

Detainee: He (the Personal Representative) can read it one by one.

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

Detainee: Will I be forced or is it a choice?

Tribunal President: It is your choice.

Detainee: I do not want to.

Tribunal President: That is fine. You may begin and your Personal Representative can help you.

3. The Detainee is a supporter of al Qaida

Detainee: What's the proof?

Recorder: Madame President, if I could interject. Under paragraph three, the Detainee is a supporter of al Qaida, is a category which each of those points supports.

Detainee: So the other points are supporting that I'm a supporter of al Qaida?

Tribunal President: That is correct.

Detainee: That's wrong. The proof should be first and then after it should say I am an al Qaida support. The result should be after the accusation not before it.

Tribunal President: You have an opportunity to talk about each one of the points and that's what we are here for you to do.

3.1. The Detainee is a Yemen citizen who traveled to Pakistan via Yemen; Karachi, Pakistan and finally to Lahore Pakistan prior to 11 Sep 01.

Detainee: I want to ask the president where there is a Yemeni citizen who traveled from Yemen to Pakistan, Karachi, and to Lahawa (ph) if it's a female, man, or animal, will they be considered a supporter of al Qaida?

Tribunal President: It is merely a supporting bullet and we are only concerned with your story today.

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Detainee: Basically, you are identifying me as a supporter of al Qaida, classifying me that way, and you're saying because of that, the reason is I traveled from Yemen to Pakistan. Is it true that whoever has traveled from Yemen to Pakistan is a supporter of al Qaida, I just want to end all that.

Tribunal President: We are only concerned about your case today.

Detainee: I'm classified as a supporter of al Qaida, then it should be points in those accusations that says I'm supporter al Qaida. Not that I traveled to Yemen or I traveled to Pakistan, no. I can look at it and I'm sitting next to this man and put that point in there too. Which has nothing to do with my case but I can put it in there too and say oh, those are the points that says I'm a supporter of al Qaida.

Tribunal President: We are not here today to debate how these points get on here. We are given this as it is. This is the only information we have seen about you to this point. This is your opportunity to respond to these if you choose to do so.

Detainee: The interrogator and the investigator about a month ago that met with me told that was nothing against me and that I am an innocent man and should released. You were just arrested in the wrong place in the time. You should be released. After words, my Personal Representative came and met with me with six accusations I had no idea where they came from.

Tribunal President: That's part of the story that we need to hear about.

Detainee: Are you a judge or a president? What exactly are you?

Tribunal President: I am the President of this panel.

Detainee: So this is not a court?

Tribunal President: This is an administrative function only.

Detainee: Those are not accusations and they do not prove that I'm an al Qaida supporter but if you want me to just go ahead and read and respond to it I will.

Tribunal President: If you would like to do that, we would be more than willing to listen.

Detainee: If I defend myself then one side should be convinced about what is being side. But if both sides are not convinced then what is the point of me being here?

Detainee: This is your opportunity to tell us your side. The only way we are going to hear it is from you.

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Detainee: The Personal Representative didn't mention anything new to me. Everything that has been said are things that I have said before or I mentioned before.

Tribunal President: Okay.

Detainee: So there is no need for me to hit them again. If you want to classify or identify someone as an al Qaida supporter, you should bring some evidence that supports that point. The true evidence. Go ahead.

3.2. The Detainee was recruited by a member of the Jama'at al-Tabligh.

Detainee: What do you mean by recruited?

Personal Representative: That is for him to tell us in his story.

Detainee: I know the definition of recruiter. It is someone becoming a member or someone supporting or helping. If that is the meaning that you mean, then that definition does not apply to me. But if you mean recruited as being someone who went to the Mosque with them and prayed with them, everyone sat sometimes with Tabligh. That point still does not prove that I am an al Qaida supporter. A lot of Americans in America are with the Tabligh which are also Americans (inaudible), and Israelis also in Palestine and Russia and China all over the world. Are they all supporters of al Qaida? Go ahead.

3.3 Jama'at al-Tabligh, a Pakistani based Islamic missionary organization is being used as a cover to mask travel and activities of terrorists including members of al Qaida.

Detainee: Before this they told me that al-Tabligh are not from al Qaida, is that true?

Personal Representative: We searched for a document to show that there is a connection but did not find one.

Detainee: The al-Tabligh are not from al Qaida. In this point, basically you are saying Jama'at al-Tabligh is used as a cover for al Qaida and terrorist activities. So basically you are saying that Jama'at al-Tabligh are al Qaida.

Personal Representative: It is up to him to tell us in his story, what connection if any, he has Jama'at al-Tabligh.

Detainee: Is it true that you are saying that I am with Jama'at al-Tabligh and Jama'at al-Tabligh are used as a cover for al Qaida. Is that what they are trying to say?

Personal Representative: I can read him the accusation again if he would like.

Detainee: You are reading something that you don't understand.

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Personal Representative: Would you like to hear it again?

Detainee: Very strange. Who wrote those accusations you (the Personal Representative) or someone else?

Personal Representative: I did not write them.

Detainee: So how could you read something that you don't understand?

Personal Representative: This is his story not my story.

Detainee: I want to talk to someone who can understand me. Who can understand what I'm saying not someone who doesn't understand those accusations.

Personal Representative: He can make statements without me helping him if he wishes.

Detainee: I do not understand what you are saying.

Personal Representative: I can read it again if you like.

Tribunal President: The Personal Representative is merely helping you get through the bullets. You are telling your information to us because we're the ones that have to make the determination about your Enemy Combatant status.

Detainee: I'm saying this to everyone. Not just to my Personal Representative.

Tribunal President: These are just bullet points. If you chose to tell us more information, that's your choice.

Detainee: Will you be the board that will be deciding what I am saying is true or will there be another Tribunal?

Tribunal President: The purpose of this panel is to determine your Enemy Combatant status. In doing that we consider two things. One is the information that the Recorder provides to us. The second that we consider is your oral statement. Would you like to continue on?

Detainee: No problem. I will continue.

Tribunal President: Thank you.

3.4 The Detainee lived in Issa's house with other Yemeni students.

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Detainee: Why is it forbidden for a person to live with citizens of his own country in a different city? What's forbidden about it? That point, is that part of the proof that I am an al Qaida supporter?

Tribunal President: That's one of the bullets on the Unclassified Summary.

Detainee: Is it true that a person is living some house outside their city, that he is an al Qaida supporter?

Tribunal President: Maybe, we have no idea. This is the only information we have at this point.

Detainee: (inaudible).

Tribunal President: We have no idea. This is the only thing we have.

Detainee: This is like a game. All those six points that were given to me, supposed to be supporting that I am an al Qaida supporter, are all false. There is international law that goes against someone living outside their country. If going to travel from country to another, who am I going to live with? Of course I'm going to live with my friends.

Tribunal President: Does that conclude your statement?

Detainee: This is empty. This is nonsense. I don't even want to reply to this. I want those six points and the first accusation to be presented to an International court and if they decide that those points are valid and they do support that I'm an al Qaida supporter then that would be good.

Tribunal President: Your comments are noted for the record. We may have some questions we would like to ask you. Would you be willing to answer our questions?

Detainee: Are there two points left or is that it?

Tribunal President: There are two points left if you would like to respond to them.

Detainee: Good. Go ahead.

3.5. The Detainee was arrested at Issa's house during a raid by the Pakistani Police.

Detainee: This is normal. In different countries when there are foreigners living there, it's very normal for the government of that country to go into the refugees' or certain people's house who are not from that country and search their houses just to find out if they are officially in that country, if they have proper papers, if they have permanent residents. It happened in Saudi Arabia also when the Saudi police go into people's houses and ask if everything is official. What you did was the money given to the

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Pakistani police for each one of us. We were sold out basically. Even in Yemen and in So mage (ph), they find Americans there that don't an official residence or Visa, or that kind of documentation from the government. They would be taken and sent back home right away. After the incident that happened in the United States, the Americans were very desperate like a hungry person. They wanted just to take anyone. The Pakistanis took advantage of you and just gave you anyone for an amount of money. Go ahead.

3.6. The Detainee was transferred to a prison in Kabul, Afghanistan.

Detainee: After I was arrested when I was handcuffed? That's a question. Was it after when I was handcuffed?

Personal Representative: That is part of the story that he needs to tell.

Detainee: I was detained in Pakistan, Islamabad, what exactly are you saying?

Personal Representative: This is his chance to tell his story. That's what we are saying.

Detainee: When I was arrested by the Pakistani police, they took me to (inaudible), I was detained there. Then they took me Islamabad. From Islamabad I do not know exactly where I was taken. I lot of people were taken from Islamabad to Kabul and most of them got released without anything. I was supposed to be one of those that was released and the investigators and interrogators told me that I needed time and that would be released soon. It's a matter of time. That's not proof that I'm an al Qaida supporter. If someone is handcuffed and being moved from one prison to another under the supervision of others, that does not prove I'm al Qaida. I'm detained, I'm handcuffed, I'm being moved from one place to another.

Tribunal President: Does that conclude your statement or do you have anything else you would like to tell us?

Detainee: I will talk another time if I have to.

Tribunal President: Would you be willing to answer any questions that we may have?

Detainee: You will be asking?

Tribunal President: Myself, or the panel.

Detainee: What will you be asking?

Tribunal President: Questions concerning these points.

Detainee: About the six points.

Tribunal President: Yes.

Detainee: Go ahead.

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

Personal Representative: No ma'am.

Tribunal President: Recorder, do you have any questions?

Recorder: Yes ma'am. When you gave your oral statement, you mentioned that these were all things you have said before.

Detainee: Yes.

Recorder: Then a few minutes ago you said that they were all false. What did you mean by that?

Detainee: It's not that I am an al Qaida supporter. That's not true. The points that happened but they don't prove that I am an al Qaida. If you bring cement and water, the worker can build a wall. But if you bring a donkey and something else, can you make a wall out of that? That is what you are trying to do. What's been said is different from the result is. One plus one is two. But one plus five is not ten. You want to make one plus five equal ten. Go ahead.

Tribunal Members' questions

Q. Do you have anything to hide?

A. No I do not hide anything.

Q. Then you will have no problems answering questions that I have, is that correct?

A. God is willing.

Q. Thank you. What is your education level?

A. High school.

Q. What was the name of the mosques that you attended in Yemen?

A. Is a question or investigation?

Q. This is a question.

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A. How many?

Q. What is the primary Mosque that you attended?

A. With all due respect, I will answer something that I haven't answered before but the questions that I have answered multiple times before, I do now want to answer again. Some of them I will answer with all due respect. The al Naser Mosque.

Q. What motivated you to travel to Pakistan?

A. I have a quest for education.

Q. What type of education?

A. Religion.

Q. Was this religious education not available in Yemen?

A. It is but not many. I have right to travel anywhere I want.

Q. I am not disputing that. All I'm asking is why you did not study in Yemen?

A. I have two answers. One answer has respect and the other has none. It's half and half. In Yemen, religious scientists, usually advise students to learn about religion and travel to different countries to view religion from another point of view. I'm not saying the other answer.

Q. What was your occupation in Yemen?

A. It's not really an occupation but I worked with my brother in building, construction. Some other times I would be working in water purification plants. We had water that came to us and we purified it to pump it other places. Not a big factory but it's a small place. A room that is this size. The size of this room. Maybe two rooms like this.

Q. Who paid for your travels to Pakistan?

A. Money you mean?

Q. Yes.

A. My personal money. My own money.

Q. Did you plan to learn Pakistan or later in Afghanistan?

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- A. In Pakistan. I went to Pakistan. I've never heard that they have good education in Afghanistan.
- Q. Did you have a job while in Pakistan?
- A. No.
- Q. How did you support yourself?
- A. At first I used my own money brought with me. After words, I was with a community group or the shelter the food was free. A Mosque and the house was free.
- Q. Are you a member of Jama'at al-Tabligh?
- A. The first thing I mentioned before. If that means that I was a supporter of them that I was one of them that's not true, but if you mean that I was studying with them, going to Mosque with them, and praying with them then that part is true.
- Q. You say that you were sold out. What information do you have that you were sold out?
- A. What made me say I was sold out?
- Q. You are the one that made the accusation that you were sold out. I would like to know how and who told you, you were sold out.
- A. The prisoners and detention facility all said that the Pakistanis were getting money for each prisoner. The Pakistanis guards were saying that we were worth \$5,000.
- Q. So you never actually saw any money being transferred for your capture?
- A. I was blind folded until I came to Cuba.
- Q. You stated that some interrogators said you were innocent and that you should be returned is that true?
- A. Yes.
- Q. So that we may find out if this is a true statement, when and were?
- A. I do not know exactly but I'm sure it was taped and is somewhere on tape. One was named [REDACTED] and the other was named [REDACTED] I was told about a month and a half ago that because I was in the wrong place at the wrong time and because all

these days have suffered so much, it only would take time until everything is settled and everything has been done and settled until I will be release to my country. When I was arrested in Baghram maybe two months later, the investigators told me that there was nothing on me. Maybe two points. He said there are only two points that we need to know. Where did you get this money on you? Second, there's a problem, what would you do when you were at that house? If there was a problem, what would you do? How would you solve it? I answered all those points. After I replied to that investor they told me that's it. There's nothing on you. At that point, I thought I was going to get released but here I am. I've been here three years now.

Q. Last question. Do you believe in jihad?

A. I do not believe that any Muslim does not believe in jihad. Even infidels.

Q. So therefore, did you conduct jihad against the United States?

A. I did not.

Q. Sir, I have a few questions for you as well.

A. Just one?

Q. I have more than one. Did you have a passport?

A. Yes, I had one.

Q. When you were arrested, were you arrested with that passport?

A. Not when I was arrested.

Q. Where was your passport when you were arrested?

A. Once I was at the Mosque praying with Jama'at al-Tabligh, and I looked into my bag and my passport was missing.

Q. So you lost your passport?

A. Yes, I lost it.

Q. When you were arrested did the Pakistani police tell you why you being arrested?

A. Can you repeat the question please?

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Q. Absolutely. Did you the Pakistani police tell you anything with respect as to why you were being arrested?

A. Up to this day, the Pakistani police have never investigated me. The guard at the prison, the Pakistani guard, told us they were looking through papers and identification cards and then you will be returned back home. Why do you believe the Pakistani government? True or untrue why do you believe them?

Q. I appreciate your response but it's not really answering the question that I'm asking. The only question I have with respect to this issue is did the Pakistani tell you why you were being arrested?

A. Me personally, they never told me, other people possibly they told them but I was never told. You can make sure. Look into my file. Right now exactly I do not remember. For you own information, do not believe what the Pakistanis tell you. (inaudible). If they are taking money from you, don't believe what they tell you.

Q. Approximately how long were you in Pakistan?

A. Approximately eight or nine months.

Q. Just for clarification, other than studying religion, did you have any other purpose for visiting Pakistan?

A. At first I went there to study the religion and after five months of doing my own personal religion and just praying and reading the Koran just knowing it very well. After that I went to a religious university.

Q. When you were in Pakistan, did any of the people that you were staying with have any weapons that you saw?

A. I did not see any weapons.

Q. Did you ever hear anybody talk about weapons in the place that you were staying?

A. Nobody.

Q. Was your family aware of your travels to Pakistan?

A. Sure.

Q. Did they approve of it?

A. Yes.

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Q. To your knowledge did you ever have any friends or associates that were al Qaida members?

A. No.

Q. You said that when you were in Pakistan, you were basically getting free housing and free food correct?

A. Correct.

Q. Did anybody explain to you what if anything was expected of you in return?

A. No.

Q. What was your understanding of what was expected of you in return?

A. In Yemen, when a student or someone goes there to study someone who has wealth or has money will usually help the needy ones. They help to support them money wise, shelter wise, book wise as guests.

Q. The interrogators that you referred to as [REDACTED] and [REDACTED] these interrogators are they here at this location?

A. Before or now?

Q. When you spoke to them?

A. Of course where else would they be talking to me?

Q. In other words, it was at this location. It wasn't in Pakistan or in Afghanistan?

A. You must not be concentrating on what I said before. I said about a month and a half ago they spoke to me.

Q. Were they in military uniform or in civilian clothes?

A. They were wearing civilian clothing.

Detainee: The investigators before them also had told me that because we have so many and we are so busy, it will take until they get to your case and hopefully when they get to you be freed.

Tribunal President's questions

Q. Did you travel by yourself when you went to Pakistan?

- A. I went from my house to the airport alone. When I was on the airplane I met a person. I only spoke to him on the airplane and after I left the airplane I do not know where he went.
- Q. Once you got to Pakistan how did you know where to go?
- A. I told the investigators before that I met two people in Yemen. I will tell you the story about what happened when I met this person. Do you want the story?
- Q. Yes please.
- A. This person was from Jama'at al-Tabligh told me to go to a Mosque in Karachi, the Mosque is called Makki (ph). He told me not to go to Makki (ph) but the Jama'at al-Tabligh will take you to the main center in Lahore. After that the university was my decision. Makki (ph) Mosque is very popular and well known.
- Q. You indicated that at first you learned at a Mosque but then you went to a university. What university was that?
- A. Sudafia (ph) University.
- Q. Is this a large university or relatively small?
- A. Size?
- Q. Size wise, is there one hundred students or...
- A. Hundreds of students.
- Q. Were all the people that lived in the house with all students?
- A. I don't know about them all but some of them I know they were students.
- Q. So you didn't know all of the people that lived in the house?
- A. I knew just their names.
- Q. You said that when you were arrested they asked you two questions and one of them was where did you get money. Were you talking about money that you had on you when you were arrested?
- A. When I was arrested I only had 300 rupees or about \$50. Not much at all. They then asked me how did I get identification card and was I able to get here.

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Tribunal President: I want to thank you participating in this Tribunal today. Do you have any further evidence to present to this Tribunal?

Detainee: Evidence that I am innocent? What kind of evidence?

Tribunal President: Any other statements you would like to make to us.

Detainee: A person is innocent until he is proven guilty not guilty until he is proven innocent. I don't have anything else.

The Tribunal President confirmed with the Personal Representative that the Detainee had no further evidence and/or witnesses.


The Tribunal President stated that all unclassified evidence had been presented to the Tribunal and closed the open session. The Tribunal President explains the remainder of the Tribunal process to the Detainee and adjourns the Tribunal.

Detainee: One minute. I answered all the questions that I had to answer so any interrogators or investigators want to talk to me I will not talk to them. You can talk to them.

Tribunal President: So noted for the record.

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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