

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

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

Tribunal President stated that the detainee has requested eight witnesses.

Tribunal President: Your Personal Representative has advised me that you had requested eight witnesses. Those witnesses, I'd like for you to confirm their identification at this time. The first was Said Mohammed Ali Shah, is that correct?

Detainee: Yes.

Tribunal President: The second was, Haji Mohammed Aktiar.

Detainee: Yes.

Tribunal President: The third was Mohammed Aman.

Detainee: Yes.

Tribunal President: The fourth is identified as Mohammed Musa.

Detainee: Yes.

Tribunal President: Other witnesses you also requested was, Shahzdeh Masoud, the Security Minister and advisor to Karzai. Okay, do you concur with that?

Detainee: Yes, Sir.

Tribunal President: Gulltay Deh, the representative of Defense Ministry, also from the city of Gardez.

Detainee: Haji Sufullah?

Tribunal President: That's later, the one I was trying to refer to was Gulltay Deh.

Detainee: Yes, the Defense Department?

Tribunal President: Yes. Also, Haji Saifullah?

Detainee: Yes.

Tribunal President: The fourth, the last, of the eight witness you requested was not by name, but the Minister of Interior, Interior Ministry, Office of Pzhanton?

Detainee: The Interior of Ministry.

Tribunal President: Right. The Minister of the Interior. You just wished whoever was holding that post, was that my understanding?

Detainee: My records are over there. If you want you can ask them for anything. They will give you any information about me.

Tribunal President: I'm a little confused with this last witness request. Was it a request for a person from that office, or just information about you at this office?

Detainee: They have my work history, you know. My files are in there; you guys need to contact them to get information from them. You can verify it from them.

Tribunal President: Then I understand that you were not asking for an individual, you were asking for, directing us, to documentations regarding you and your work history. Thank you.

Detainee: Yes, you can find that out from the Ministry.

Tribunal President: Okay, I understand that the last witness was not actually a witness, it was a direction for finding documentation and regarding that point, I will take that under advisement and if I believe that this tribunal would find that documentation useful, we could request it at a later date from, I believe the Afghanistan government, particularly, the city of Gardez.

Detainee: Yes.

Tribunal President: Just a moment, I'd like to confer with my panel member. (A brief pause) Thank you for your patience. Regarding that last point I'd like to formally note that at this time, I'm denying the request for documents for a number of reasons. First, the documents weren't specific, in terms of exactly what was requested and what they would provide us. And, another reason was that it's a little untimely notification to this panel. That denial is provided with the option for the tribunal to change that ruling at a later date if we find it necessary to have, for making a critical decision regarding your classification as an enemy combatant. Abdullah Mujahid, I appreciate you clarifying the information at this time and we will consider this information at a later time.

Detainee: Thank you very much.

Tribunal President: I need to address the other witnesses that you called, the seven other witnesses at this time. Of the seven witnesses, three were identified to be in Afghanistan. From

the information provided by the Personal Representative, I have determined that these witnesses would provide relevant testimony. I directed the United States government contact these individuals through the Afghanistan government. I was advised that the Afghan government was contacted on or about 26 November 2004. As of this date, the Afghanistan government has not responded to our request. This has been a reasonable amount of time for the foreign government to respond to our properly made request. Without the cooperation of that government, we are unable to contact those witnesses and to obtain the testimony you requested. Therefore, I make the ruling that I'm forced to find these witnesses are not reasonably available. And I would ask the Personal Representative to remind this Tribunal to ask the detainee to state what these witnesses would've provided if we had been able to contact them.

Personal Representative: Sir, do you want me to ask him, or do you...?

Tribunal President: Just at a later time. Make sure it's appropriate when we receive that information.

Personal Representative: Okay Sir.

Tribunal President: Of the remaining four called witnesses, I understood that all four would provide similar testimony and requested that the Personal Representative ask and get a prioritization of which ones would be preferred out of the four. I approved three of the four witnesses that will provide testimony today. Those witnesses' were Said Mohammed Ali Shah, Haji Mohammad Aktiar, and Mohammed Aman. Those three witnesses are in U.S. custody, but the responsible organization has informed me that these witnesses cannot attend this hearing due to Force Protection reasons. I requested an alternate form of testimony be considered. I understand that an alternate method was used for these witnesses' testimonies. Personal Representative, please inform the Tribunal of these witnesses' testimony and describe how they were obtained.

Personal Representative: Yes, Sir. Upon notification of the approval of the three witnesses, I scheduled the interviews with each of them, initially on the 24th of November 2004. All three of the witnesses I met with. During those meeting I asked the following questions: If they knew Abdullah Mujahid, if they would wish to participate in his tribunal, and if they would be willing to take an oath, and swear on it. All three of them said affirmatively that they did want to participate, that they did know Abdullah and they did say that they would swear to tell the truth. I conducted a follow up in more detail interview with each of the detainees on the 16 December 2004, to obtain specific information to help Abdullah dispute the evidence against him. I had a follow up meeting after the interview with the witnesses. That follow up meeting was with Abdullah. We read in his language, each of the witness statements, gave him the opportunity to respond to each of those statements. He has approved that all three statements be submitted to this Tribunal today. Sir, just as a side note on the witness request for the Minister of Interior, the witness request was actually for the current position of the Minister of Interior. For clarification, the witness data worksheet stated that the Ministry of Interior could provide the documented papers as you previously mentioned. It also stated that the Minister of Interior attended his change of post ceremony when he left as the commander as police to go to be the chief of highways.

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Detainee: Yes.

Personal Representative: The request also stated as he relayed to me that that Minister of Interior gave him an automobile for that new position.

Detainee: Yes.

Personal Representative: The minister can also explain that Abdullah was not fired from his appointed position due to suspicions of collusion with anti-government forces as indicated on the unclassified summary.

Detainee: Yes.

Personal Representative: Finally, as Abdullah had explained to me that that minister could also put light on the allegations that he had attacked U.S. Forces in the vicinity of Gardez and help to negate that piece of evidence. So, Sir, you were correct, it was both documentation and also the position that the witness could testify to this.

Tribunal President: (To the detainee) You did not have the name of that minister?

Detainee: Ali Ahmad Jalali.

Tribunal President: I have reviewed my notes and I did note that the United States Government did request the Afghan government help us contact the Minister of the Interior for the office, for the city of Gardez. So, there is still a proper request for that witness, but like I said before, we have no response from the Afghan government.

Detainee: Excuse me; the law in Afghanistan is like this. Just like how the system works here, like this Tribunal, it has a President, just over there too, everything is connected with the Ministry. The Minister has the authority to give out the information if asked.

Tribunal President: Thank you for that information.

Detainee: You're welcome.

Tribunal President: Abdullah Mujahid, you may now present any evidence you have to this Tribunal. Your Personal Representative may assist you if you wish. I understand that you wish to make a statement today, is that true?

Detainee: With your permission, I would like to speak a little about the allegations again.

Tribunal President: But first, I would like to ask you if you would like to make your statement under oath?

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Detainee: It's up to you Sir; if you want me to take the oath I'll take the oath. If I have to, I'll do it.

Tribunal President: It is your choice as we gave you instructions before, it is not a requirement, and you may make your statement under oath or not under oath. An oath is a promise to tell the truth. We have a prepared Muslim oath if you would like to use that. It is your choice.

Detainee: Like I told you before, if you want me to take the oath, I'll take the oath, you know, what I'm telling you, what I'm telling you here is going to be the truth, and nothing but the truth and if you want me to, I'll take the oath.

Tribunal President: I understand that you have made your own personal oath to tell us the truth and that is fine with us. Please proceed.

Detainee: That's fine too, thank you very much.

The Detainee did not take the Muslim oath, but made a personal oath instead.

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

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

3.a.1. After the fall of the Taliban, the detainee served as police force commander in Gardez, Afghanistan.

3.a.2. The detainee was fired from his appointed position due to suspicions of collusion with anti-government forces.

Detainee: After the fall of the Taliban government, we started an uprising against the Taliban. The things that we do are known to everybody in Paktia, which is a city in Afghanistan, and to the people. For a while, there wasn't a government present there. The people of that city elected (appointed) me as the one of the security officers. In Gardez, somebody by the name of Haji Pachakhan (ph) was trying to become the governor for three provinces. Paktia, Patika and Khost. He had a problem with the people's delegation. After a few arguments, they sent in a new government from Kabul, from the Karzai government. His name was Taj Mohammed Wareak. For a while, we didn't have a security commander there. I was just an officer. He appointed me to be the security commander for there. When I was hired, I served for about eighteen months as the security commander in Gardez.

I then got transferred from Gardez to Kabul. When I went to Kabul, the Interior of Ministry gave me a car as a gift of appreciation for accepting the new job. My title was Commander of the City of Kabul, including roads and highways. When I got transferred to Gardez, there were three delegations that came from the government. One of these people was Shahzdeh Masoud, and he's from the Karzai government. The representative from the Defense Department that came also was Gultay Deh. And from the Interior of Ministry was Haji Saifullah. These people were present when the Interior of Ministry presented me with that car. For about fifty days, I was just

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trying to gather my required paper work so I didn't work the position that was given to me. One of the government officials sent a couple of people and myself to Gardez to bring some people back, because the Interior of Ministry wanted to see them. When I went to Gardez, my cousin's wedding was going on, so I stayed there for four days. My plan was that after the wedding I would take the elderly people back to the city. I was at home in the morning, eating my breakfast, when someone asked about me. My father came in to inform me that there are some people there that want to speak to me. When I went outside, I saw one translator and three or four Americans. I greeted them, and invited them in to have tea. They said if tea is ready, we'll drink it right now, if not, then when we go over there we'd drink it then. Nobody else was with me, so I sat in the car alone with them. I never had any problem when I went to the camp before, so I thought I would just go and come back. When I went there, one of the Americans asked me if I knew anyone by the name of Shireen, and the other one Ziaduan. Both of these people were in Gardez, one of them was a commander of the military post, the other one was also a commander on that post. I told them, that yes, they are there. They asked me what kind of people are they and I told them they are good people. I told them these people are good people and they asked for my watch, so I gave my watch to him. They told me if someone steals your watch, is that a good person? I told them that they personally have not stolen anything from me. While I was the Security commander in Gardez I did not hear anything about them. If they did something bad to somebody, maybe that person should come forward and make a complaint, because this has nothing to do with me. He told me that I wasn't telling the truth about these people, so you belong to Cuba. It appears that the decision was made to send me to Cuba already, before I even went there. I was working and helping with the Americans, I'm not al Qaida, I'm not a terrorist, I didn't do anything wrong, I did not hurt anybody, so I was surprised. Sorry I talk too much, I promise to keep my answers short as I can.

Tribunal President: We appreciate the statement and look forward to hearing more about the unclassified summary.

Personal Representative: Sir, for your information at the appropriate time, I will be submitting a written statement as a piece of evidence written by the detainee that specifically addresses each one of the points on the unclassified summary of evidence.

Tribunal President: Thank you.

3.a.3. The detainee has been a member of Harakat-e-Mulavi for at least the last four years.

3.a.4. Harakat-e-Mulavi is an extremist group that is known to have ties with al Qaida and the Taliban.

Detainee: When the Russians came to Afghanistan, I was about sixteen years old when I started a Jihad against them. I didn't know anybody, you know, like Mulavi or the other people with power. I only knew one person who was the leader of our group. His name was Abdul Sami. He was from Gardez and he was with the organization, group that I was with. There was a big age difference between Mulavi and I. I had no ties with him, I didn't know him, and I didn't speak or talk with him. After the fall of the communist regime, Majieullah, I had no ties or no contact with Mulavi. If he, his son, or any member of his family, had ties with al Qaida, that has nothing to do with me. After the fall of the Majieullah government, I did not have any ties with

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them; I did not work for them. I had a small store, so I went back working at my store. I also did some police work as a low ranking police officer. When the Americans came to Afghanistan, I joined and we fought along side each other in Shaikote. There were hundreds of others and myself; we fought against this organization (a Muslim organization -inaudible) and against al Qaida.

3.b. The detainee participated in military operations against the United States or its coalition partners.

3.b.1. The detainee was responsible for an attack on US Forces in the vicinity of Gardeyz City, Afghanistan. (Also spelled Gardez)

3.b.2. The detainee was responsible for this attack in retaliation for being fired.

Detainee: There was never any fighting in Gardez against Americans. Like I said before, I was not fired, I was transferred. I got a better job. We did not fight with the Americans in Gardez, even al Qaida or Taliban did not fight with Americans in Gardez, for as long as I was there. If you want, you can find proof, you can ask some people if there has been any fighting in Gardez or not.

3.b.3. The detainee was captured by U.S. Forces in July 2003.

Tribunal President: (Referring to an earlier statement by the detainee addressing his capture by U.S. Forces) I think you already did, but, please continue.

Detainee: I would like to add something more to the prior question, and then I'll answer this one. I just wanted to state that I had very close ties with the American camp that was in Gardez, except, for that one person who interrogated me, who asked me questions, other than that, with everybody else, I had worked with them, we had a good relationship.

To answer the question, I was not caught in a mountain, and I was not caught in a battlefield. They came and asked me to go with them to ask me some questions. They wanted me to prove that some people were thieves. I did not see or hear anything so how could I say such a thing? Then, there was tension built up, and I raised my voice, and they raised their voice, and that's how we got in trouble. They sent me to Cuba. When the Taliban was in power in Afghanistan, most of the time, I had either fled from them, or they had arrested me. I was released because of the elders from the village. They promised the Taliban that I did have anything to do, you guys, that I'm not going to fight against you, or do this or that, and they put me under house arrest. I met with the American forces in Lowgar (ph). I invited them to come to Gardez, and I even rented the camp that they are in right now. I rented that camp for them. I helped. And, instead of appreciation, or thankfulness, they punish me, and I get sent to Cuba. I'm sorry if I talk too much, you know, from here on, it's your turn.

Tribunal President: Abdullah Mujahid, I appreciate your comments and does that conclude your statement at this time?

Detainee: Not right now. I don't have anything else to add.

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Tribunal President: We will shortly be moving to a point where we will be asking questions. And, you are reminded that you don't have to answer if you wish, but it is your option to provide us answers and we would appreciate any information you can give us.

Detainee: If I can answer the questions, I'll answer.

The Personal Representative at this time provides the Tribunal President with unclassified exhibits D-b, D-c, D-d, and D-e. Exhibit D-b is the detainee's written statement, and the last three exhibits are the witnesses written statements. The Tribunal President states that there will be a brief pause so that the Tribunal team can review these exhibits. Before the pause the detainee makes the following statement.

Detainee: I just want to make sure [of] one thing. Mulavi, it has been fourteen years since his death. He died fourteen years ago.

Tribunal President: Oh, the leader of that organization. Thank you for that information.

Tribunal panel reviews written statements.

Personal Representative: Thank you for your patience in letting us review those documents.

Detainee: You're welcome.

Tribunal President: Personal Representative, will you please assist us in reviewing the testimony, or possible testimony of the people who could not attend today. Starting with Mohammed Musa. If the detainee could tell us what he would've expected Mohammed Musa to have told us if he was here today. What do you think he would testify too?

Interpreter: Let me clarify the question for him.... I don't think he understood it.

Tribunal President: Let me do that, please. I understand that Mohammed Musa would've provided the same general testimony as the other three witnesses whose testimonies we just read. Items I believe were, that they knew him, that he wasn't against the U.S., and if the Personal Representative can remind me what else...

Personal Representative: It said that he was the commander of the Police force, not prior to the transfer or promotion.

Detainee: He can testify that I was against al Qaida, I wasn't with al Qaida or that I was fighting with al Qaida and that I was transferred, not fired from my position. He can testify to all of those.

Tribunal President: Okay, thank you. I'd like to review the other three, or four, witnesses that were from Afghanistan that were not able to attend today. I believe you mentioned that they were all part of your ceremony, where you received a car as a reward for assuming the position in Kabul. Is that what they would provide? I want to confirm that.

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Detainee: Yes, they can testify about the promotion that I got, they were present for that promotion. My replacement in Gardez, he was present at that meeting. The Interior of Ministry told me that when you accept this job, by the time you accept this job, the road between Kabul and Kandahar will be paved, and you will have the security of this road.

Tribunal President: Thank you, I just wanted to review what they would provide us.

Detainee: Thank you.

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

Personal Representative: Just a couple Sir. I've been reviewing the notes from our subsequent meetings that we had, and in our follow up meeting, on 18 November 2004, you had stated to me, made comments about the communists and the communists making false allegations against you. In that those wrong reports, is what brought you here to Cuba.

Detainee: Yes, that is true.

Personal Representative: Is there anything additional you would like to tell the Tribunal regarding this?

Detainee: When the communists were in power, the Mujadeen were fighting against them. They were trying to, after the fall of the communist regime, sell some of the communists' possessions. The government, they were doing some kind of work that they were doing before. Now they have a personal vendetta against the Mujadeen who used to fight against them. Also, the other problem is that the people in Afghanistan, some of the people in Afghanistan are narrow-minded. They don't want to see some people succeed in life. The position that I had, that was one of the reasons that had gotten me in trouble. Since I got that position, there were a lot of people who didn't want me to have that position.

Personal Representative: When you were captured in July 2003, what was your position at that time?

Detainee: I was Security Commander for the cities and roads of Afghanistan.

Personal Representative: In Kabul?

Detainee: Yeah, yeah, at the Interior of Ministry in Kabul.

Personal Representative: So, you were still holding your current job, the job that you were promoted too when you were captured?

Detainee: I was in the process of transferring, and that's why I went to Gardez to bring some people from the city of Gardez to the Interior of Ministry.

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Personal Representative: This transfer, from Gardez, Chief of Police, to Kabul, that was in July 2003?

Detainee: When I got captured, I was transferred about one month and twenty days prior to that.

Personal Representative: Okay, and the last question I have for you is you had told me in an interview that you were with Harakat-e-Mulavi, you were sixteen or seventeen years old.

Detainee: Yes, I was sixteen years old; I was in the seventh grade in school.

Personal Representative: How old was he?

Detainee: An old man, grey hair.

Personal Representative: Lastly, you told me that you hated that organization. Were you ever a member of it?

Detainee: Now I hate them, because they did a lot of bad things to Afghanistan. They sold everything to Pakistan, they even sold school equipment, trees, whatever they could find. This was years, years after that, so many years after when they were fighting. Most of the people in Afghanistan are illiterate, they can't read or write, because of these people. They continue the war, and people don't have a chance to go to school to get an education.

Personal Representative: Thank you. I've reviewed the content of our session notes, and we have covered everything that we discussed in those two meetings.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

- Q. Could you go back and answer the question of were you ever a member of the Harakat-e-Mulavi organization?
- A. During the Jihad, against the Russians, I was with a small group, which was called the Abdul Sammed's group. That group belonged to the Mulavi. But, I personally was not with the Harakat-e-Mulavi.
- Q. Have you been to any of their meetings in the past four years?
- A. Just the four years that I mentioned, the four years that I was in Jihad with them. No, I did not attend any meetings because of my age. I was so young, and they were much older, and I wasn't allowed to go to the meetings. After, when I get out, I grew a beard and I have no ties with them.
- Q. Can you tell me some of the names of the communist conspirators who possibly turned you in?
- A. I don't have any exact or specific names but I can think of one name that's Aktar Gul. He was working for the security organization/agency. He could be one of the people. I can't

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think of anybody else, you know, because there were other organizations but I don't have any problem with them and they didn't have any problem with me.

Q. During the time of the Taliban what was your employment?

A. In the beginning, for a couple months I was in jail, they arrested me. Then I was running away from them, I was in Kabul, but I was running away from the Taliban. This was at the beginning of the Banez (ph) government. After the fall of the Banez (ph) government, I went to Pakistan for twenty or thirty days. When I came back to Afghanistan, I was arrested, and one of the elders, my uncle, vouched for me that I would not do anything from then on. No ties with any other organization or anything like that, I would just stay home.

Q. What did you do to make money?

A. I was living with my family and we have a few acres of land and also we have a couple of shops. We were buying and selling goods. I wasn't working, but everybody else was working, that's how we were supported. I'm not tired of the life I have here, but I was tired of my life back there.

Q. When the Taliban fled Gardez, you were appointed head of security, was that head of security for Gardez, or the Paktia province?

A. First, the city of Gardez and for the Paktia province too. There was a meeting in Germany, prior to choosing the new government for Afghanistan, Pachakhan was there and also another person was there, Momen, and, they offered him the job.

Q. When you were in charge of security of Gardez, whom did you report to?

A. I was reporting to someone named Haji Saifullah.

Q. When you became in charge of security for Paktia province, whom did you report to?

A. Same person, Haji Saifullah.

Q. What was General Aziah Oden's role in this?

A. He was a commander for a military base.

Q. Where?

A. In Gardez.

Q. Mohammed Aman, did he work for you?

A. No, he wasn't working for me, he was working with the military department.

Q. Did he work for General Oden?

A. Yes, he was working for Atculah Lewdon (ph), he was the commander of the military post.

Q. When you went to Kabul, whom did you report to?

A. That would be the Afghanistan Interior of Ministry department. I was answering to them.

Q. Was there a particular person then?

A. They have different department heads in that agency. I don't have a specific name.

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1. Actually after the fall of the Taliban government. I was one of the first who attacked the Taliban and Al-Qaida in the city of Gardez, finally they abandoned the city and escaped. The control of Paktia Province fell in hands of elected council of deferent tribes. The elected council appointed me as security director and later, based on my excellent service in the establishment of security of the area, executive council recommended me as security commander. Upon the completion of legal procedures through the chief of internal ministry, I got the conformation of a promotion from the governor of Paktia. I have all the documents to prove the above statement.

2. It's well known to everyone that I was elected by the tribe leaders and appointed by the interim government of Afghanistan. I haven't been terminated but transferred to higher positions. You can ask our internal ministry about it.

3. During the communist regime until the victory of Mujahedeen approximately for 4 years I have lived in the area called Zurmat. Which was under the control of Gardezi Movement and Abdul samay was the head of that movement and they were connected to the Mowlowl. In that time I was too young and didn't have any connection with that group, and Mowlowl was killed in the first year of Mujahedeens's power. Personally I have nothing to do with these groups, or any anti U.N., anti current government groups. I hate them.

4. Mowlowi relations with Al-Qaida or Taliban have nothing to do with me. I hate them and actually myself and hundred of others fought against them in areas of Sharri Kot. I have always fought against them.

5. I never been engaged in any anti U.S. hostilities infact I always served and helped U.S. forces against the oppositions.

6. There never been any anti coalition attacks in the city of Gardez. I have been involved in establishment of security in deferent locations while maintaining very friendly relationships with the responsible campaign Authorities in Gardez. They were showing their satisfaction and appreciations to me all the times. You can inquire about this matter from the authorities of that time.

7. I never had any desire for revenge against U.S., U.N. forces or current government forces in Afghanistan nor I had any problems with them. I haven't been removed or terminated from my positions; in fact I was legally transferred and got promoted to a higher position in Kabul. I don't have any animosity against any body. This all was the result of conspiracy from some communist, who had very intensive activities in our city and unfortunately they have achieved their goals and based on their falls statement I ended up here. You have noticed my cooperation and hopefully I have earned your trust during my detention. I so far have good memories from all the interrogators and M.P.'s

Exhibit D-6

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WITNESS STATEMENTS
FOR
ABDULLAH MUJAHID -- (ISN 1100)

WITNESS: MOHAMMED AMAN
WITNESS ISN: 1074 (FARSI)
DATE OF WITNESS INTERVIEWS: 24 Nov 04 and 1~~4~~ Dec 04
TODAY'S DATE: 14 Dec 04
PR: 097

NOTE: Comments from the 24 Nov witness statement were made with the understanding that this detainee would be physically present at ISN 1100's tribunal. However, a 13 Dec 04 Joint Detainee Operations Group (JDOG) policy now forbids cross-camp witnesses between Camps 1, 2, and 3 with those detainees from Camp 4. As a result, PR 97 requested that he re-interview the witness in order to obtain more details since now only a written statement would be allowed at the tribunal. The second interview was conducted on 14 Dec 04.

WITNESS INTERVIEW NOTES FROM 24 NOV 04:

On 24 Nov 04 ISN 1074 stated that he knew Abdullah Mujahid (ISN 1100) and affirmatively elected to participate in ISN 1100's tribunal. He understood that the PR, Recorder, and Tribunal members could ask him questions and expressed a willingness to accept questions and tell the truth. ISN 1074 stated that he knew ISN 1100 for 12 or 13 years and that his occupation was Head of Security in the province of Paktia Afghanistan (AF).

WITNESS INTERVIEW NOTES FROM 1~~4~~ DEC 04:

ISN 1074 stated that he was from the Village of Malek Khil, Afghanistan (AF) which is about 20 minutes by foot from ISN 1154's village of Karmoshi. He knows ISN 1154 as the son of Haji Hassan (Abdullah Mujahid's father) and has known him for 12 or 13 years, attending funerals, weddings and other events between different villages. ISN 1074 worked for the Defense Department and ISN 1100 was the Chief of Police, both of which fall under the Ministry of Interior.

ISN 1074 said that ISN 1100 was brought to Cuba because he started the first fight against the Taliban. There was an American operation in Sharrkot and ISN 1100 was helping the Americans. ISN 1074 continued by saying that the problem in AF is that those who do good things get punished. Because he was fighting against al Qaida those near him were jealous because he (ISN 1100) was doing good things and might easily be promoted to a higher rank.

ISN 1074 said that he (1074) was not a political person and had no political purposes. He was a clerk and had no ties with any party. He didn't like fighting, but only went to

Witness Statement of ISN 1074 to Support ISN 1100's Tribunal

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Exhibit D-C p 1261

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school and just worked. He was a simple person but people back in AF plotted a conspiracy because they don't like some people who were to succeed. He stated that he was an ally of the Americans and hopeful that America will actually stay so Afghannies could get used to culture.

ISN 1074 was a low-ranking clerk doing office work while ISN 1100 was a high ranking Police Chief who had little contact with ISN 1100 with the exception of knowing him because of the proximity of their villages, seeing one another at events and often times at the bazaar. ISN 1074 was brought to Cuba approximately 1 to 2 months before ISN 1100.

When asked what ISN 1074 did when the Taliban was in power, he stated that he was an office worker doing paperwork in a personnel office. He was forced by Taliban to work for them when they came to power. The (Taliban) asked ISN 1074 to work for them but he refused. The Taliban wanted ISN 1074 to work in security then in a law agency—both times ISN 1074 refused, as he was just a clerk and the work was not related to his field. He said that he would work in the Interior Ministry as a clerk. He said that it was a very small place and that there was no fighting in Gardez—all the fighting was North of AF. His job was to keep track of military people (e.g., promotion letters, transfer requests, etc.) His salary was the equivalent of approximately \$20.00 (US dollars)/month. He said the Taliban had much money, power, cars, and did not obey the rules.

When asked if ISN 1074 and 1100 had the opportunity to see one another in their work, ISN 1074 stated that he did not see ISN 1100 for work-related areas. ISN 1100's brother had a shop at a bazaar and they would sometimes see one another in that location. ISN 1074 also said that ISN 1100 was arrested once or twice while the Taliban was in power but released because village elders vouched for him.

When asked if ISN 1074 knew if ISN 1100 was a member of any organizations, he replied that ISN 1100 was a part of the "Gardez Group" which fought against the Russians. The Group's leader was killed and the group was taken over by the deceased leader's son, Samay. All this took place when the communist were in power.

When asked if ISN 1074 knew if ISN 1100 ever got fired as CMDR of police, he replied, "no, he got transferred, not fired." When asked when ISN 1074 knew about the transfer, he stated that he knew of the transfer while they were in Afghanistan and that ISN 1074 was arrested from his home about 5 – 7 days after ISN 1100's transfer to Kabul.

ISN 1074 said that he and others (including ISN 1100) were brought here on false reports and that people should not be falsely arrested. The false report should first be looked into to see if the report is truthful. He said that he was saddened.

He concluded by saying that he is happy the Americans are rebuilding his country. He worked for 1.5 years for the government and never got paid; hopefully, the Americans will stay with our Army.

Witness Statement of ISN 1074 to Support ISN 1100's Tribunal
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Lastly, he is 100% certain he and ISN 1100 were brought to Cuba based on false reports.

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WITNESS STATEMENTS
FOR
ABDULLAH MUJAHID - (ISN 1100)

WITNESS: SAID MOHAMMED ALI SHAH (DR.)
WITNESS ISN: 1154 (PERSIAN)
DATE OF WITNESS INTERVIEWS: 24 Nov 04 and 15 Dec 04
TODAY'S DATE: 14 Dec 04
PR: 097

NOTE: Comments from the 24 Nov witness statement were made with the understanding that this detainee would be physically present at ISN 1100's tribunal. However, a 13 Dec 04 Joint Detainee Operations Group (JDOG) policy now forbids cross-camp witnesses between Camps 1, 2, and 3 with those detainees from Camp 4. As a result, PR 97 requested that he re-interview the witness in order to obtain more details since now only a written statement would be allowed at the tribunal. The second interview was conducted on 14 Dec 04.

WITNESS INTERVIEW NOTES FROM 24 NOV 04:

On 24 Nov 04 ISN 1154 stated that he knew Abdullah Mujahid (ISN 1100) and affirmatively elected to participate in ISN 1100's tribunal. He understood that the PR, Recorder, and Tribunal members could ask him questions and expressed a willingness to accept questions and tell the truth. ISN 1154 stated that he knew ISN 1100 for nearly 15 years and that his occupation was in security in the province of Paktia Afghanistan (AF).

WITNESS INTERVIEW NOTES FROM 14 DEC 04:

Regarding ISN 1154's relationship with Abdullah Mujahid (ISN 1100), 1154 stated that they had a big difference in age. When they got to fighting the Mujahadeed during the Jihad against the Russians 1154 did not know 1100 very well because 1100 was a much lower rank and did not have much of an important job, but he knew of him.

When 1154 was asked about his work and circumstances of capture he said he was a Peoples Representative of the City of Gardez (capital city of the Province of Pakita) working for the Karzai government; he was attending the National Assembly at the time of his capture (ref: 1154). Regarding the reasons behind their capture, he expressed that there was a conspiracy involving people from the current government. He went on to highlight three aspects of the conspiracy:

- 1) **Afghanic communists:** 1154 stated that the communists in the AF government were working for the Soviets and did not want the new government to succeed, but Karzai took control, and the communist wanted revenge. Because the communists were working in AF intelligence agencies and had previously worked with the KGB, they had experience with report writing and access to other

organizations and could make others look bad. Additionally they knew the key points to what the coalition was looking for.

- 2) **Ethnic animosity.** The dominant language in the City of Gardez and the province of Paktia is Pashtu. There are 14 villages in the city of Gardez, 12 of which are Pashtu; the other two Farci. Likewise, the predominant language in the Province of Paktia is Pashtu. According to ISN 1154 he is from one of the two Farci villages, Khwaja Hassam and ISN 1100 is from the second Farci village, Karhoshi. ISN 1100 went on further to say that the animosity was also caused by the firing of then Governor Pachakhan by the Karzai government. Pachakhan was governor of three provinces: Paktia, Khost, Paktika. He was fired by Karzai and began to retaliate against the new government but the people of Gardez supported the new government and fought against Pachakhan and his people. Pachakhan met with ISN 1154 at the National Assembly, saying to ISN 1154 that he (Pachakhan) had two enemies which were the people from the two Farci villages (Khwaja Hassam and Karhoshi—the two villages where ISN 1100 and 1154 lived)
- 3) **Envy of ISN 1100:** ISN 1100 was helping the Karzai government fight against terrorist organizations such as al Qaida and Taliban, thieves, warlords, and drug dealers. ISN 1100 was young, strong, and a good fighter. Because of this there was prejudice against him. When 1100 later became a high ranking leader (CMDR of Police) others were prejudiced and didn't accept him since he was outranked during the Russian Jihad, but now ISN 1100 was in charge. The conspirators wanted to get 1100 out of Gardez and got him to be transferred to Kabul. Additionally, Governor Pachakhan was replaced by Taj Mohammed Wardak and Mr. Wardak later became the Minister of Interior and gave support to ISN 1100 because ISN 1100 kept peace in Gardez (little problems). After a new Minister took over from Wardak, there were many changes in the AF government. After ISN 1100 was given his new position in Kabul, a new CMDR of Police was appointed, a Pashtu communist. When asked, ISN 1154 stated that the Karzai government had openly invited all other factions (communists, Taliban, others) to join the Karzai government so long as they supported the new government.

ISN 1154 went on to say that ISN 1100 was an excellent security officer and brought peace to the area; by taking him it was a loss for the coalition forces.

PR FOLLOW-ON INTERVIEW QUESTIONS

Q: When Taliban was in control, what were you (ISN 1154) doing?

A: Paraphrased: When the Russians invaded AF, ISN 1154 went to Iran where he studied to become a doctor—he came back to AF several times as a Mujahadeen fighter. After the Mujahadeen took control from the Russians, ISN 1154 went back to Iran; he considers himself a refugee for some 25 years, since 1980.

Q: How were you elected to the National Assembly when you were a refugee for some 25 years?

A: Paraphrased: ISN 1154 defended AF for 13 or 14 years against communist governments and kept in contact with his home village; plus he was well known and educated.

WITNESS STATEMENTS
FOR
ABDULLAH MUJAHID - (ISN 1100)

WITNESS: HAJI MOHAMMED AKITAR (PASHTU)
WITNESS ISN: 1036
DATE OF WITNESS INTERVIEWS: 24 Nov 04 and 14 Dec 04
TODAY'S DATE: 14 Dec 04
PR: 097

NOTE: Comments from the 24 Nov witness statement were made with the understanding that this detainee would be physically present at ISN 1100's tribunal. However, a 13 Dec 04 Joint Detainee Operations Group (JDOG) policy now forbids cross-camp witnesses between Camps 1, 2, and 3 with those detainees from Camp 4. As a result, PR 97 requested that he re-interview the witness in order to obtain more details since now only a written statement would be allowed at the tribunal. The second interview was conducted on 14 Dec 04.

WITNESS INTERVIEW NOTES FROM 24 NOV 04:

On 24 Nov 04 ISN 1036 stated that he knew Abdullah Mujahid (ISN 1100) and affirmatively elected to participate in ISN 1100's tribunal. He understood that the PR, Recorder, and Tribunal members could ask him questions and expressed a willingness to accept questions and tell the truth. ISN 1036 stated that he knew ISN 1100 for approximately 10 years and that his occupation was CMDR of Police in Paktia Afghanistan (AF). He said that ISN 1100 was not a member of any organization (e.g., al Qaida or Taliban), but only hired by the Karzai government. Her further said that when the Taliban took over, both he and ISN 1100 ran away together from the Taliban and that ISN 1100 was the first to fight against al Qaida. On two separate occasions, ISN 1036 had asked ISN 1100 for a job.

WITNESS INTERVIEW NOTES FROM 14 DEC 04:

ISN 1036 said that ISN 1100 was a good CMDR who maintained the peace in the Pakitia province.

When asked if he knew if ISN 1100 was a member of Taliban or al Qaida, he stated, "no, both of us ran from the Taliban." ISN 1036 stated that when the Taliban captured Kabul ISN 1100 returned to Paktia and he (ISN 1036) returned to Pakistan (where he lived). He said the Taliban arrested ISN 1100, put him in jail, but did not know for how long. ISN 1036 was surprised that ISN 1100 was arrested because it was the Americans and Karzai government that gave him his position as CMDR of Police, then a better position in Kabul when he was put in charge of AF highways. After ISN 1100's transfer to Kabul, five communists were given positions in Paktia (to include the CMDR of Police). Apparently, he—the new CMDR of Police—was a friend Dotsdum. ISN 1036 said that

Witness Statement of ISN 1036 to Support ISN 1100's Tribunal
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Exhibit D-E p. 106²

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others in power told lies about 1100 and 1036 because there were lots of communists who made false allegations on them and others because in the past both 1100 and 1036 fought against the communists.

ISN 1036 said he was a high-ranking military officer with the Rabanni government prior to the Taliban. After the Taliban defeat, ISN 1036 returned to Paktia to join the new government; however, the district of Sayed Karem was still controlled by the Taliban and its followers. ISN 1036 was arrested and put in prison for one month; he was released because of pressures from Tribunal Chiefs. Prior to his release, he had to sign a statement that he would not accept any positions for 9 months, due to false charges made against him. After 9 months, ISN 1036 took a position as a General of a military unit supporting Karzai. He said that he (ISN 1036), Dr Said Mohammed Ali Shah (ISN 1154), and Abdullah Majahid (ISN 1100) were considered threats to the communists in the government who were holding a 25-year grudge and, as such, the communists made false charges against them.

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UNCLASSIFIED / ~~FOUO~~

Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered:

Detainee: I don't understand all of it.

Tribunal President: Do you understand you do not have to say anything to us?

Detainee: Yes.

Tribunal President: If you want to give us any information you will be allowed to do so.

Detainee: I don't have any information.

Tribunal President: Do you understand that you have a military officer here to help you today?

Detainee: What are you doing, I don't know the process.

Tribunal President: That's what I am explaining, what we are going to do.

Detainee: That's good.

Tribunal President: Your Personal Representative will help you as we go through this hearing. At any time you have a question about what we are doing or why, he may ask me.

Detainee: I have a question. Give me this information. Why am I a detainee here?

Tribunal President: We will be receiving that information shortly.

Detainee: Yes, you tell me and then I will know if it is correct or not.

Tribunal President: The three of us have never seen any of your files. This is the first time we will be hearing why the government thinks you are an enemy combatant. The promise that we gave earlier was that we would look at that information and other information and decide if is you are properly detained here. The promise that we made was that we would look at everything given to us and decide whether you have been properly classified as a detainee. This is your chance, your place to tell us what you like. You will have a chance in a little while. Do you understand why we are here and what we are about to do now?

Detainee: I don't know why I came into this place but it is okay.

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[As the Recorder was reading the unclassified summary the Translator stated the accusations were not the same as the ones he had translated. The Tribunal recessed for a few minutes to correct this.]

[After the Recorder read the unclassified summary the detainee interrupted.]

Detainee: Can I talk about this please?

Tribunal President: In just a moment.

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

Detainee: The accusation against me that I asked the Afghani soldiers for a weapon to use on Americans.

Tribunal President: Would you like to make your statement under oath? An oath is a promise to tell the truth.

Detainee: The first time I came in here I took an oath but it didn't help me.

Tribunal President: The first time you came in this room or here at Guantanamo?

Detainee: At the time I was interrogated, they gave me an oath.

Tribunal President: You may provide your statement today under oath if you wish.

Detainee: What kind of oath?

Tribunal President: We have a Muslim oath you may take if you wish to use it.

Detainee: I will take the oath for you on the accusation, where I asked the soldiers for a weapon to use on Americans.

[The detainee was sworn using the Muslim oath.]

Tribunal President: You may proceed.

Detainee: I have forgotten the accusations. If you read them again I will speak to them.

Tribunal President: Personal Representative please assist the detainee.

Personal Representative: 3. (The detainee attempted to engage in hostilities against the United States.)

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Detainee: I don't understand the meaning of the word.

Tribunal President: Which word?

Detainee: Hostilities.

Tribunal President: Hostilities is a fight or an attack, that's what it means that you wanted to fight or attack or to kill or to damage the United States. Hostilities against the United States.

Personal Representative: 3.1. (The detainee asked Afghan soldiers for weapons to fight Americans.)

Detainee: This is a lie about me. I took the oath what should I do about it?

Tribunal Member: Tell us if it is true or not.

Detainee: This is a lie. How could it be true? It is not possible.

Personal Representative: 3.2. (The detainee is associated with individuals willing to participate in attacks against Americans.)

Detainee: Who are these people that I was associated with? Why don't you tell me their names? I don't know those people.

Tribunal President: We don't have that information either. This is all we know. We do not know the names.

Detainee: You should have gotten complete information before you brought everybody here as detainees. This is not correct. Somebody must have some kind of animosity against me.

Personal Representative: Let me read the last allegation then you can tell the Tribunal what you told me.

Detainee: I didn't understand the accusation.

Tribunal President: The Personal Representative will read the last part of the accusation for you.

Personal Representative: 3.b. (The detainee was captured in January 2003, by Afghan military forces in Gereshk, Afghanistan after attempting to obtain weapons to kill Americans.)

UNCLASSIFIED / ~~FOUO~~

Detainee: Do you have the weapon that you accuse me of having? Can you show it to me? Can you show me what weapon I had in my hand?

Tribunal President: This statement does not say you had a weapon. You tried to buy one or tried to get one.

Detainee: This is animosity. You don't know it but someone with animosity would say that. This is very clear you should know that. If I don't know how to get a weapon how could this be possible?

Personal Representative: Are these allegations against you true or not true?

Detainee: None of these are true. None of them are based on truth.

Personal Representative: You have told your story before to others and to me but these men have never heard your story and they have never read anything about you. Would you like to tell them the same story that you told me when I met with you a few days ago?

Detainee: What story?

Personal Representative: You told me that you lived with your uncle and that you were traveling to visit another one.

Detainee: Now I know what you are talking about. I was living at my uncle's house because I don't have a mom and dad. I decided to go and visit my uncle from my mother's side. I was walking and then got into a car. After awhile it got dark and I saw a tent and went to the tent for the night. The tent belonged to soldiers and I stayed and ate with them. They asked me to stay the night with them. In the morning when I woke up I told them I was going to leave and go to my uncle's home. They told me I couldn't leave. They put me in a car and transported me somewhere else. One guy told me that he would give me a weapon and told me I had to fight against Americans. I told them no and told them I was going to my uncle's home. They told me again I would have to fight against Americans. I told them no and they took me somewhere and wrote a paper. They then took me to a jail and I was detained.

Personal Representative: Why did you stop at the tent when you were traveling?

Detainee: I didn't have any money.

Personal Representative: You said when you went to the tent that there were soldiers there. How did you recognize them as soldiers.

Detainee: I saw the weapons with them.

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Personal Representative: Did they have uniforms on?

Detainee: They had on national clothes not military suits.

Personal Representative: Was there anybody else there besides the soldiers and you?
Did anybody else spend the night in the tent?

Detainee: All of them were soldiers.

Personal Representative: So when you were taken by the soldiers to another place were you the only one that they gave up or was there some one else with you?

Detainee: One other guy also.

Personal Representative: Where did you meet that other guy for the first time?

Detainee: In the car.

Personal Representative: Do you know his name?

Detainee: Yes.

Personal Representative: What was his name?

Detainee: Abujahn. I don't know more than that. I asked him one time and he told me his name was Abujahn.

Personal Representative: What happened to that other person when you were taken to the jail?

Detainee: He was opposite of my room, he was also detained.

Personal Representative: In what city were you handed over to the Americans?

Detainee: Gereshk.

Personal Representative: I have nothing else sir.

Detainee: It seems like you are keeping and detaining innocent people.

Tribunal President: Does this conclude your statement?

Detainee: Of course I have something else to say. Why have I been accused and why am I detained here?

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Enclosure (3)
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Tribunal President: We are trying to find out and cannot answer that at this time.

Detainee: That's right I want an answer.

Tribunal President: You will receive an answer when we have completed all the proceedings.

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

Personal Representative: Just one. Do you know or ever heard of the name Agga Khan?

Detainee: No.

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

Recorder: No sir.

Tribunal President: Does the board members have any questions for the detainee?

Tribunal Members: No sir.

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

Detainee: No.

Tribunal President: Personal Representative do you have any other evidence to present to this Tribunal?

Personal Representative: No sir.

AUTHENTICATION

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


Col, USAF

Tribunal President

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Summarized Sworn Detainee Statement

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

Making reference to the Detainee Election form, the Tribunal President confirmed the Detainee's participation, and that he had requested United States intelligence documentary evidence to be presented to the Tribunal on his behalf.

The Unclassified Summary of Evidence was then read in full to the Tribunal by the Recorder.

The Tribunal President then permitted the Detainee to present evidence, and advised him he had the assistance of his Personal Representative in doing so.

Detainee: First of all, there is a discrepancy between what we had before, and what has just been read (in the revised Unclassified Summary¹).

Tribunal President: What was the discrepancy?

Detainee: It didn't state before that I was a member of al Qaida or the Taliban.

Tribunal President: Personal Representative, would you please review the document he has and compare it to what was just read.

Detainee: I just want to make sure.

The Detainee then read aloud in English the four allegations as noted on the Unclassified Summary to the Tribunal, then made the following comments:

Detainee: This is all I have received.

Tribunal President: Personal Representative, do you see the statement on there, and could you explain the Unclassified Summary to him?

At this time, the Personal Representative and Tribunal President took a moment to explain the Unclassified Summary of Evidence to the Detainee; that there were four supporting comments to the charge that he (the Detainee) was a member of the Taliban or al Qaida. The Tribunal President then confirmed the Detainee understood the Unclassified Summary.

Tribunal President: At this time, this is where you have the opportunity to respond to each of the allegations, or you may make a statement; which do you prefer?

¹ A revised Unclassified Summary of Evidence was presented to the Detainee in a meeting prior to the Tribunal hearing.

Detainee: I want to first take an oath, if you would allow me to, Ma'am.

Tribunal President: Could you answer the question first; do you want to respond to each allegation?

Detainee: Yes.

Tribunal President: And you would like to make those statements under a Muslim oath?

Detainee: Yes.

The Muslim oath was administered to the Detainee by the Recorder, and the Detainee indicated he preferred to read each allegation aloud and respond himself without the assistance of his Personal Representative.

3.a1. The Detainee admitted that he traveled to Afghanistan to wage Jihad.

Detainee: That is correct. I went to Afghanistan in late 1990 and December 1991 to help fight against the Communists. I went again in February 1992 for the same reason. When the Communists lost in 1992, I left there for good and never went back. My whole purpose was only to help my Muslim brothers wage Jihad against the Communists, who invaded the country and forbade the practice of their religion. Ma'am, this one is very important because this says I am an enemy combatant against the United States, which doesn't fit. I would like to tell you that an integral part of the Islamic religion is to help oppressed people; they were oppressed where they couldn't freely practice their religion. No further statement to number one.

3.a2. The Detainee stated that his goal was to become a martyr by dying for Islam.

Detainee: This allegation is correct. I will give you an example; I think it is honorable if a U.S. citizen dies for a good cause wearing his uniform. For us, as Muslims, it is the same; to die for a good cause, to be honorable to die defending oppressed people. This belief is a part of my religion; I believe it, and I will continue believing it. That's all I have to say about number two; no more information.

3.a3. The Detainee trained at the al Farouq camp in Afghanistan where he took the alias of Abu Masab.

Detainee: Yes; I came as a very young man, and this is a correct allegation.

Personal Representative: Is this the one in Khost?

Detainee: Yes, exactly, the one in Khost.

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Personal Representative: Ma'am, I was just reading from earlier notes that this was in Khost.

Tribunal President: Are you saying that al Farouq was in Khost, at the time you were in Afghanistan?

Detainee: Yes, Ma'am; that is very important. By waging Jihad against America, they took Kandahar as a headquarters. My Personal Representative wanted to make a point that the old version of the allegation against me, that I was with al Qaida and waging war against America, was not my case. When I came to Afghanistan, I couldn't choose the training camp; al Qaida and the Arabs ran the camps. I said, hey, I want to help. They said I could not until I had training. I said, OK, I'll take the training. They sent me to al Farouq camp for seven weeks. Like anybody else, I never heard of al Farouq before I got there. People who ran the camp suggested to me to take an alias because it wasn't good to take my name; they were afraid of people from Communist countries finding out. They were afraid people from Libya or ex-USSR, who were forbidden to wage Jihad, would find out, so I took an alias, and it was fine for me to take it. Ma'am, I would not have been approved to go to the front had I refused to take the training. It made sense for me to go through the training, which I paid no money for, and it was good. No further statement about number three.

3.a4. the Detainee received training on the Kalashnikov, Semenov, UZI, M-16, Makarov pistol and RPG's while at the al Farouq camp.

Detainee: This is correct. I just want to complete it; there were other weapons, but it's been a long time, maybe 14 years. Other Soviet weapons were involved with the training; for example, I don't see mortars here. I just want to let you know the training in al Farouq, at my time, is well known. There were other weapons I don't remember. If I get a catalog of Russian weapons, I could point out what weapons I trained on. It is only my idea that it made sense they took those Russian weapons because they were very cheap and were everywhere. It made sense to train on weapons they possessed. Ma'am, I didn't design the program of al Farouq; I came and it was already designed for thousands of people who came for Jihad, including your country, who helped us with ammunition. For example, the mortar ammunition was made in the U.S.A. I remember 60, 80, and 120 mm rockets. I don't know what you call this. I want to add some more to this point. When I trained, I was bored. When I left Afghanistan, and came back the next year to go the front; when I came, they knew I was trained because they kept records. When I gave them my name (his alias), they sent me to the front, to Galdez, commanded by Jalaladin Hakkani. I was with an Arab group; they were fighting under an Afghani commander, but physically they were in separate places. The city of Galdez was in Communist hands, but after three weeks of surrounding, in February 1992, the Communists agreed to give the city up; to surrender. They arranged the surrender, and the majority had to stop firing. We didn't really fire one shot, except in training. At this point, we heard about Kabul being taken; we heard Kandahar and Jalalabad were under Communist control. Right after the break down of Communists, the Mujahiden

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themselves started to wage Jihad against themselves, to see who would be in power; the different factions began to fight against each other. I decided to go back because I didn't want to fight against other Muslims, and found no reason why; nor today did I see a reason to fight to see who could be president or vice-president. My goal was solely to fight against the aggressors, mainly the Communists, who forbid my brethren to practice their religion. Ma'am, I was knowledgeable I was fighting with al Qaida, but then al Qaida didn't wage Jihad against America. They told us to fight with our brothers against the Communists. In the mid-90's, they wanted to wage Jihad against America, but I personally had nothing to do with that. I didn't join them in this idea; that's their problem. I am completely out of the line between al Qaida and the U.S. They have to solve this problem themselves; I am completely independent of this problem. As far as the timing, because this is vital and important to my case, my agenda, or Jihad, was against the Communists, not the U.S. or its allies. In the late 90's it was clear that al Qaida trained people as potential soldiers against the U.S. That is very important, and for the timing, I asked my PR if there were many witnesses, and to pick one witness, he suggested U.S. intelligence; it's his choice, and I accept this choice, because you trust your country more than anyone else for this information. I just want to emphasize this should be trivial that I went to Afghanistan, in this case. Your honor, as to the evidence, I have not much else to say. I confessed this, and I cannot see where the hostility against the U.S. fits.

Tribunal Member Questions to Detainee

Q: Where are you from?

A: I am from Mauritania.

Q: And a personal question if you don't mind me asking; how old are you?

A: I am 34 years old.

Q: How old were you when you first went to Afghanistan?

A: 20 years old.

Q: Where were you captured?

A: I turned myself in; that's a very good question, thank you. I turned myself in to the Mauritanian government, and they told me I was wanted. I told them I would come to them, and they said the American government wanted me. I was kidnapped and spent 8 months in Jordan; they tried to squeeze information out of me. I then went from Kandahar to Cuba. I turned myself in September 29, 2001, around 2300 hours.

Q: How long were you in Jordan?

A: Eight months.

Q: And you said after you left Afghanistan in the early 90's, you never went back again?

A: Never, never, never, never.

Q: Pakistan?

A: Never; no Bosnia, no Chechnya; I just went back to finish my studies until I turned myself in; I had a big family to feed. I had 100 mouths to feed.

Q: You said when you were discussing the allegation before, you'd fight anyone oppressing Muslims; would you consider what the U.S. was doing in Afghanistan there in 2001, would that warrant you to go fight?

A: First of all, I told myself before that I don't think that the U.S. forbids Muslims to practice their religion; in the U.S. there are many Muslims, why should I fight?

Q: Why do you think you get such special treatment here at Guantanamo?

A: Your government captured me for the wrong reasons; they thought I was part of the millennium plot. This was the Algerian who tried to smuggle explosives from Canada into the U.S. in December 1999; in Jordan, they made me crazy to admit I had something to do with it. Because there was so much pressure and bad treatment, I admitted to this. Your intelligence later realized it was not true and a mistake, and this was a form of redemption. Furthermore, I am the most honest Detainee in the whole of this camp; I gave all the information and every bit of information I knew of; I challenge them to prove I have not provided good information.

Q: You mentioned you traveled to Canada; what were some of your travels after you left Afghanistan up until your arrest?

A: When I came back in February 1992, I went to Germany to study in Glicht. In August 1993, I went on holiday for two or three weeks to my country. Then I stayed in Germany, and I didn't travel until May 1998 when I went to Saudi Arabia for Haaj, because every Muslim should go for this duty once in his life, and I went with my wife.

Q: After Haaj, did you go back to Germany?

A: Oh yes, I used to live in Germany, so after about one month I went back. On September 16, 1998, I went to Canada because I wanted to immigrate there because of unemployment in Germany; I was really only in Germany for my studies. I wanted other options or another shot, goodbye Germany, and wanted to go to a place where I could exercise my trade. I am an electrical engineer. I stayed in Canada in one week, and finished my immigration papers and went back to Germany. In November 1999, I

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learned from German immigration I had to leave, and they wouldn't prolong my visa. That's bad, but at least I could go to Canada and start a new life. I was hosted by a friend of mine, a college or study mate, by the name of Hasni Mohsen.

Q: What year was that? When did you go back to Canada?

A: November 26, 1999. Because I learned Germany wouldn't prolong my visa, I went to Canada and was hosted by my friend. Then this Algerian guy, in December, tried to smuggle the explosives into the U.S. The police came for a lot of reasons, mainly because they were watching friends of Hasni. Furthermore, I am the cousin of the right hand of Osama bin Laden, who has \$25 million on his head. But those facts were known to the intelligence community, and they said, look at this guy, he has been to Jihad, and he is the cousin of the right hand of Osama bin Laden; they said that's him, that's him. I said, yes, I have been to Afghanistan, but I have nothing to do with this sh_t, in good English, and I couldn't believe it. The guy that was captured would not cooperate with American authorities; obviously later on he decided to cooperate after September 11, which helped my case, too. I also want to tell you I took several polygraphs, which I passed perfectly.

Q: When did you go back to Mauritania?

A: I went back to Mauritania January 21, 2000; ask me why.

Q: Why?

A: Because that was not a good life; wherever I went I had people right behind me at the market watching my butt, I said what the heck? That is not the life I want to live; I wanted to live a productive and peaceful life. I am a Muslim, and I believe in Jihad, but I'm not ready to kill innocent people for it. I said hey man, you can keep your country for yourself, so I went back to my country; that's why.

Q: So your understanding is that you were arrested because they thought you were part of the Millennium plot?

A: Yes; that was clear, and that's what my government told me.

Q: Was Hasni Mohsen involved in the plot?

A: No; he was not.

Q: Was he arrested?

A: No; I was also not arrested.

Q: Why was the intelligence watching him?

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A: Because of his friends; he has very bad friends, such as Raoul Hanashi, and some Arabs that I don't know, because my time in Canada was very short. Hanashi was the guy from the same country who was the one who was recruited to Jihad and introduced to Abu Zaydida; that was very, very bad.

Q: How do you know all that?

A: Because I read it in the papers and the interrogators told me.

Q: Can I get your response to the very first allegation that you are a member of the Taliban or al Qaida?

A: The Taliban; I have nothing to do with them whatsoever. Al Qaida, I was a member in Afghanistan in 91 and 92. After I left Afghanistan, I broke all my relations with al Qaida.

Q: And you've never provided them money, or any type of support since then?

A: Nothing whatsoever.

Q: Ever recruited for them?

A: No, not at all; no trying to recruit for them.

Q: You said that you were pressured to admit you were involved in the Millennium plot, right?

A: Yes.

Q: To whom did you make that confession?

A: To the Americans.

Q: And what do you mean by pressure?

A: Your honor, I don't wish to talk about this nature of the pressure if I don't have to.

Tribunal President: You don't have to; we just want to make sure that you were not tortured or coerced into saying something that wasn't true. That is the reason he is asking the question.

A: You just take from me I am not involved in such a horrible attack; yes I admit to being a member of al Qaida; but I am not willing to talk about this. The smart people came to me and analyzed this, and got the truth. It's good for me to tell the truth, and the

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information was verified. I said I didn't have anything to do with this. I took and passed the polygraph, and they said I didn't have to speak of this anymore. They said please don't speak of this topic anymore, and they haven't opened it up to this topic for a year now.

Q: So no U.S. authorities abused you in any way?

A: I'm not willing to answer this question; I don't have to, if you don't force me to.

Tribunal President Questions to Detainee

Q: When did you go back to your home country from Canada?

A: It was January 21, 2000.

Q: What had you been doing in your country since January?

A: Good question; I was working for a company named Nasunad Medical.

Q: What did they do?

A: It was a company that deals with medical equipment that what we call in Mauritania a scanner, they inject people with a bottle; it's not as advanced as an MRI. They deal with this and in controlling medical equipment such as oxygen equipment, so that people would stay alive.

Q: And what did you do for that company?

A: They also had an internet service provider, a small one. In my country, if you work for a company, you touch everything; sometimes they sent me to the hospital to repair equipment, but most of the time, I was repairing the computers and installing software, and fixing and developing the service.

Q: Is that what you learned in school?

A: Yeah; like I said I am an electrical engineer, and microelectronics. In July 2001, I left the company to go to another company called Ahman Peche. This is a French word for fish. This company was a company of people from my tribe, and they gave me more money to join them. They wanted to develop the business and to use me; I was just setting up my office, because they didn't know what to do with me at first. They had many electronic devices and electrical machines they wanted me to take care of. I had just set up my office and installed the AC, and September 11th happened. Then America went crazy looking for leads; and I was the cousin of the right hand of Osama Bin Laden, and oh, get him. And in my country you don't need any evidence to arrest anybody, and need no jurisdiction to extradite anybody.

Q: Did you have to have permission or authority to leave al Qaida? I need to understand if you could walk away from an organization like that.

A: That is a good question. If you joined Jihad, at least when I was, you are a de-facto al Qaida member. They made me swear that you are here to take orders and to follow Osama, and do nothing against Islam. There is no money that they pay you, and it's just benevolent work. It is so, OK, but Jihad stopped in Afghanistan, so I went to go back to study because Communism was gone. Nobody told me I had to stay, so I left. Nonetheless, my cousin tried many times to get me back, and called me a lot, and I was like, hey, I want to work a little bit. I didn't want to tell him to forget me, because they would be against me, and they would hunt me down. Do you understand my point? If you provide information they will hunt you down, but if you just go away and try to break contact, there is just no contact. The only contact was my cousin who tried desperately to get me back, but he couldn't, because I told him mom was sick, and had problems here, etc.

Q: How much time do you feel like you devoted to al Qaida?

A: I trained 7 weeks with al Qaida, and I was 3 weeks fighting in the front. That makes 10 weeks total devoted with al Qaida.

Q: And they've invested money and time in training you, so you walked away, but they attempted to get you back; do you think that's all they're going to do?

A: Al Qaida is 10,000 people, and they cannot control all of those people. You must have the passion to go back to them, and if you don't have the passion, and you don't hurt them, it's sort of OK; that's my thinking, or my feeling on that. But if you said I'm going to say every name they trained, that would be bad; very bad.

Q: Have they ever provided you any other funding or support?

A: Why should they provide me any support when I work for the allies? I don't see why.

Q: Did you ever work for some of the non-governmental agencies; NGO's?

A: No, never.

The Tribunal President thanked the Detainee for his participation, and asked if he had any more questions or statements.

Detainee: I want to thank you very much, for asking the questions that helped me remember.

Upon informing him he (the Detainee) would be notified of the results of the proceedings, the Detainee asked the following question:

Detainee: Madam, when would that be?

Tribunal President: I don't know exactly how long it will take. We've noticed it takes anywhere from 3-4 weeks, but sometimes 4 months. We should hear something pretty soon.

The Tribunal President resumed explaining the Tribunal process to the Detainee; the Detainee interrupted briefly to consult privately with his Personal Representative.

Personal Representative: Ma'am, that (discussion with the Detainee) was a comment about being returned to another country instead of his home country; I told him the State Department would work all those issues out at a later date.

Tribunal President: (to the Detainee) If I'm understanding your comments to your Personal Representative, you do not want to return to your home country?

Detainee: No, because I'm threatened because of the amount of the information I've provided to the United States, I would be hunted down and I would be killed. I want to be provided security.

Tribunal President: We'll make note of that; is there a particular country you are interested in going to? Not to say that we make that decision, someone else would make that decision, the PR is correct, but we'll put it on the record.

Detainee: United States.

Tribunal President: You want to go to the United States?

Detainee: I do.

Tribunal President: OK; that is now made a part of this record, and the State Department will take note of this request.

The Tribunal President read the remainder of the hearing instructions to the Detainee, to include the description of the Administrative Review Board process.

Detainee: (for the Administrative Review Board) To contact my family, I need encouragement, because I am having problems contacting my family. For example, a couple of my letters were over a year old, so how is it possible to handle this in a reasonable way?

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Tribunal President: We'll make note of that, and talk to the people that are responsible for the process of handling and receiving mail; that's not part of our responsibility, but we'll certainly pass that along to the people that will be handling that.

Detainee: You understand my point?

Tribunal President: Yes, I do. You said you had a lot of family, though, about 100 members?

Detainee: Yes, I do. They can write all at once, and it would be like they can hit you with mail. But the mail gets stuck somewhere, and it's not convenient if I am going to prepare myself for another board, and the letters comes seven months after the decision of the board; that is not very ideal.

Tribunal President: That is correct, and we'll pass that information on.

Detainee: Thank you, Ma'am.

The Tribunal President thanked the Detainee for his participation and adjourned the open session.

AUTHENTICATION

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


Colonel, U.S. Army
Tribunal President

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Summarized Sworn Detainee Statement

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

The Recorder then read the Unclassified Summary of Evidence in full to the Tribunal.

The Tribunal President explained to the Detainee that the Witnesses requested were not reasonably available, and that several attempts to contact them had been made.

Personal Representative: He [the Detainee] asked me to read each allegation, and then he would respond.

3.1. The Detainee is an Afghan citizen who stated that he was a Taliban member.

Detainee: I am not a member of the Taliban. The reason is I never participated, or knew about all this, was because I was studying in Pakistan. The only time I went to Afghanistan was on a break time from studies.

Personal Representative: When we spoke, you said you never said you were a Taliban member; did you ever say you were a Taliban member?

Detainee: I never said that I was Taliban.

3.2. The Detainee was in the Spin Boldak Mountains with up to 80 other fighters.

Detainee: I was not there. The only reason I went to this place was to bring my brother home.

Personal Representative: When we spoke in the interview, you had a story on who told you to go get your brother; do you want to elaborate?

Detainee: The day I came home from school, my father told me to bring my brother home. The Taliban had taken him by force to the mountains. That was the only reason I went there was to bring my brother back. That time I came from Pakistan to my home, the first thing my father told me that my brother had been taken by a man named Duraghim. He said he took your brother, so you go look for him, and bring him home. My father gave some address of some place; go look, find him, and bring him home. Finally, I found where he was. When I found him, I told him I was sent by our father, and when we tried to go home, we saw the Americans coming. When we saw the Americans, we left the street for them, and turned on one side to let them go; we drove a little more and got into an accident. At that time, we were under gunfire by the Americans. They shot him [brother] and they captured me. They captured me, and didn't hit me when they were firing.

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Personal Representative: You [the Detainee] also mentioned the soldiers brought you somewhere after you were captured. Do you want to talk about that?

Detainee: When they asked me where I came from, they offered to take me back to the place I came from. I took the Americans to the place I came from. I don't know after that.

3.3. The Detainee recruited members at gunpoint to fight a Jihad against the Afghanistan government and the Americans.

Detainee: I never knew about this thing, and I never did it.

3.4. The Detainee was identified as an executive assistant to the commander of a known Taliban terrorist group.

Detainee: I don't know anything about this thing.

3.5. The Detainee was captured as he drove past a U.S. convoy on a motorcycle carrying a passenger.

Detainee: Yes.

Personal Representative: Were you driving the motorcycle or was your brother driving?

Detainee: My brother.

3.6. As the Detainee approached the U.S. convoy, he attempted to evade by steering off the road.

Detainee: We did not run away from them.

3.7. During the subsequent pursuit, the Detainee crashed his motorcycle and he and his passenger fled the accident in opposite directions, both were headed away from the U.S. forces.

Detainee: No, we did not run.

3.8. Detainee's passenger was shot while attempting to throw a grenade at capturing forces.

Detainee: I never saw anything he threw or if he had anything. I saw only the gunfire being shot by Americans.

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3.9. *After his capture, the Detainee led U.S. forces to an area that contained four reinforced bunkers in which were located intelligence documents, weapons, ammunition, and bomb making materials.*

Detainee: I never showed them this place; I don't know about this place, and I never heard of this place.

Personal Representative: We went over a couple other things that you did bring out in our interview, and I'll help bring them out for you.

Personal Representative Questions to Detainee

Q: Where were you before you saw your father; where were you and what were you doing for several years before you saw your father?

A: I was in Pakistan at school in Quetta for 5 years.

Q: Why were you there?

A: I was studying.

Q: How long were you back in Afghanistan before you went to go get your brother?

A: Two or three days.

Q: Did you or your brother have a Kalashnikov when you were being captured?

A: No.

Q: Is there anything else you'd like to explain?

A: No.

The Tribunal President confirmed that this concluded the Detainee's statement, and asked if he would be willing to answer questions from Tribunal Members. The Detainee accepted, and the Personal Representative offered a final summation of the interview notes previously gathered.

Personal Representative: He [the Detainee] was studying in Pakistan over the past five years, and had come home on break. His father told him to go and find his brother. He took the motorcycle to find his brother. Once he found his brother, he was on his way back and met U.S. forces. They moved to the side of the road because they had been told to let U.S. forces pass, and crashed the motorcycle. The U.S. fired on them without cause, shooting his brother and capturing him. They asked him where he came from, and he indicated up in the mountains. He brought them to where he picked up his brother, but

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he said he didn't know what was up there. (Addressing the Detainee) Does that pretty much summarize your statement?

Detainee: Yes.

Tribunal Members' Questions to Detainee

Q: Good morning. Because we have not seen your file before coming here today, all we know about you is what has been presented here, and what you have told us thus far. We just would like to ask you a few questions to better understand what happened here. Are you originally from Afghanistan?

A: Yes.

Q: And you said you'd gone to Quetta to study for five years; what were you studying there?

A: To study the holy book, the Koran, and to memorize it.

Q: How long was that course of study supposed to take?

A: Depends; between 4-6 years.

Q: How did you support yourself while you were studying out there?

A: The school provided [support].

Q: After you finished your course of study, what were you going to do next?

A: After that, I was planning to study more.

Q: Also away from home, or this time back home?

A: I don't know; but you can go both places, back and forth and back and forth.

Q: Did you have a goal that you were trying to achieve?

A: It was my own thing to study for more information or education.

Q: You didn't have a goal of becoming a religious leader or clergyman?

A: To maybe become a mullah at a mosque and pray with people together, like a priest.

Q: Are you married and have a family, or are you single?

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A: No, not married.

Q: Concerning your brother, you did not know that he had been taken to fight with the Taliban until you went home on break?

A: No. I didn't know before that.

Q: Did your brother ever do or say things to make you think he was sympathetic to the Taliban?

A: No, he didn't say or tell me anything.

Q: Did your father mention anything about this when he talked to you?

A: No. He just told me to find him and bring him home.

Q: How many other brothers do you have?

A: We were seven brothers; one is gone and there are six left.

Q: How long had your brother been gone before you went to go get him?

A: I don't know, because I was not there.

Q: No idea if it was a short or long time? You don't know?

A: Each time I went after 2 or 3 months for break, he was home. The last time I came he wasn't there.

Q: I see. So he could not have been gone more than a few months?

A: Yeah, a short time.

Q: Unfortunately some of these points are very specific about what someone has said that you've done.

A: I have no idea how they got this information.

Q: Can you think of any reason someone would say these things about you?

A: I don't know how these allegations came about; I don't know.

Q: It seems to me that if you were a religious student in Pakistan you wouldn't have any enemies.

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A: I think there is no good allegation on me; hopefully they can give me one good reason. I didn't do anything. Tell me what I did against the Americans.

Q: Can you think of any Afghan people that could've said these things about you?

A: I don't know of any person or anybody that would put this allegation on me.

Q: As far as you know, neither you, your family nor your father has any personal enemies that may have done this?

A: No. I don't know of any personal enemies.

Q: How long did it take when you got back to Afghanistan to go for your brother, a day or week?

A: Only two or three days.

Q: And it was your father's motorcycle?

A: No, it was not my father's. My brother or someone else found it. We were there; he [brother] took it to come back home.

Q: How did you know how to find your brother?

A: My father mentioned an area north or south to look for my brother here. I went to that area, and saw a person somewhere in the mountains. He asked me what I was doing; I said looking for my brother. He told me to stay here, and he was gone for an hour. He came back with my brother.

Q: It was no problem getting your brother released to come back home?

A: I told him my father sent me to get my brother to come home immediately, and he told me to wait here.

Q: Was there anyone else arrested besides you?

A: No, I didn't see anyone else.

Q: Do you know if there are any acquaintances or friends, people you know here in Cuba from Afghanistan?

A: I don't know anybody.

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Tribunal President Questions to Detainee

Q: How long had your brother been serving with the Taliban?

A: I don't know.

Q: When you met your brother, did he have weapons in his possession?

A: When I met him the first time he had a gun.

Q: Where did you get the motorcycle?

A: I don't know. When I met my brother, the bike was somehow there, and he just got it.

Q: So you and your brother left immediately on the motorcycle?

A: Yes.

Q: And you were headed home?

A: Yes.

Q: Where's your home again?

A: My village's name is Moshinzhe.

Q: Is it near Kandahar?

A: Kandahar; the district of Spin Boldak.

Q: Isn't that where you met your brother?

A: Yes.

Q: It took 2-3 days to get there?

A: I spent 2-3 days at home from Pakistan.

Q: When you left your home, how long did it take you to link up with your brother?

A: I started in the morning, and I found him in the middle of the day.

Q: If it was so close, why didn't your father go get him himself?

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A: I didn't ask my father why. He just told me to get my brother and return.

Q: Who was driving the motorcycle home?

A: My brother.

Q: Had you ever driven that motorcycle?

A: No.

Q: On your way home, did you or your brother have any weapons in your possession?

A: Yes, my brother had a weapon.

Q: Did you think there'd be trouble carrying a weapon running into U.S. forces?

A: I didn't know about the whole thing, if I would have a problem or not with a weapon.

Q: You didn't know the situation in Afghanistan when you arrived home?

A: No.

Q: What time of year was this?

A: I don't remember; I think it was close to winter because it was cold.

Q: Was it before, during or after Ramadan?

A: After Ramadan.

Q: Was it cold?

A: Yes.

The Tribunal President confirmed the Detainee had no additional information or questions for the Tribunal, and thanked him for his participation and testimony.

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

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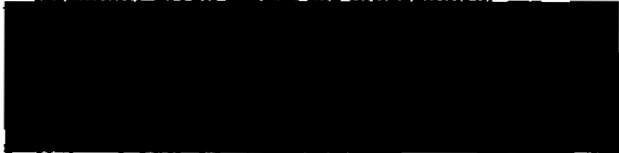
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AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

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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 the Unclassified Summary of Evidence to the Tribunal and gave a brief description of its contents. A closed session was then requested to present classified evidence to the Tribunal.

The Detainee was properly sworn and informed the Tribunal that the Personal Representative would make his statement for him. The Personal Representative was then instructed to respond to the points made in the Unclassified Summary on behalf of the Detainee and the Detainee would comment as needed. The Personal Representative read the numbered paragraphs contained in Exhibit R-1 and provided the Detainee's responses to each.

Paragraph 3.a.1. The Detainee traveled from Saudi Arabia to Afghanistan via Pakistan in August 2001 to join the Jihad and fight with the Taliban.

I did not say I went there (Afghanistan) for the Jihad or to fight with the Taliban. I went for the fatwa from the clergy to promote and search for things. I didn't hear of fatwa I read of fatwa calling for people going there to help people.

The Personal Representative requested that the Detainee give the Tribunal a definition of fatwa.

I don't know how to explain it. I don't have the knowledge... I just know that an important sheik talks.

Personal Representative asks what this particular fatwa was for.

This particular fatwa was about helping those who needed help.

Paragraph 3.a.2. The Detainee received 10 days of weapons training while in Kandahar.

Not true. I did not say this to the interrogator or with any interrogator.

Paragraph 3.b. The Detainee participated in military operations against the coalition.

Not true.

Paragraph 3.b.1. The Detainee joined the Taliban on the front line following training.

Not true. But, I did go to the front lines for a visit. I did not have a weapon nor did I do anything at the front line.

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Paragraph 3.b.2. The Detainee was given a Kalashnikov when the front lines withdrew to Konduz.

Correct. They gave me an AK47 to protect myself. I needed an AK47 because we were traveling a long distance and did not know what I would see or run in to. There were robbers. I did not fire the weapon. When I arrived at Konduz, a Taliban official took the AK47.

Paragraph 3.b.3. The Detainee surrendered between Konduz and Mazar-e-Sharif.

True. I was arrested with regular people. There were a lot of people. The word surrendered implies that I had a weapon, but I didn't have any weapon at that time. The word surrendered implies that meaning and it's not true.

Paragraph 3.b.4. The Detainee was sent to the Al-Janki prison in Mazar-e-Sharif, where he was present for the prison uprisings.

True. I was there but I did not take part in the uprising. I heard there were 700 hundred people killed.

The Detainee concluded his statement and agreed to answer questions from the Tribunal.

Tribunal Member questions

Q. Where were you born?

A. Tabakh.

Q. How old are you?

A. Twenty-four approximately.

Q. Were you ever a member of any armed force and did you ever receive military training?

A. No.

Q. Who issued your passport?

A. The passport itself?

Q. Yes, which nation?

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A. Saudi Arabia.

Q. Please describe your route of travel when you went to Afghanistan in answer to the fatwa.

A. Please clarify the question.

Q. Yes. Where did you leave from and how did you travel? Did you take one airplane, two airplanes, did you go by car...?

A. From Jetti to Qatar to Karachi to Quetta.

Q. And who paid for your travel?

A. Myself.

Q. What was your usual occupation? How did you pay for yourself?

A. I am a student but my social standing is very good. I have my own money.

Q. When you visited the front lines where did you stay and with whom did you stay?

A. I stayed with people. I don't know truthfully who they were exactly. But, they were wearing normal Afghan clothes. The place itself, I don't know exactly where it was, on the first line, last line.

Q. Where you were staying, were there any members of the Taliban or al Qaida to your knowledge?

A. I didn't know the people that were staying there.

Q. You mentioned that you were given an AK47 to protect yourself. Who gave you this weapon?

A. People that were moving back, I went with them. I didn't have a weapon. I didn't have anything. So one person came up to me and said how can you travel this distance without having a weapon. I told him I had not been trained and I don't know how to use a weapon. So he gave me a Kalashnikov and said this is to protect yourself until you get there.

Q. Do you know the name of this person?

A. No.

Q. Do you know his affiliation, his nationality?

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- A. At that time, it was the beginning of nighttime so it was not clear.
- Q. Could you tell by his accent where he came from?
- A. A person who speaks modern Arabic or classical Arabic, you can't tell by the accent where he is from.
- Q. So he spoke Arabic to you.
- A. Yes.
- Q. Did he give you bullets, rounds, or ammunition with this weapon?
- A. No parts. I did not examine the weapon. I just took it and left.
- Q. How long did you have the weapon before you turned it over to the Taliban?
- A. About two days. We were walking on foot.
- Q. Did you have a job in Saudi Arabia?
- A. No.
- Q. What were you a student of?
- A. High school. I finished high school.
- Q. You were not a student at a university or college?
- A. It was during the summer. I was preparing my paperwork to begin studying.
- Q. Did you travel with anyone else to Afghanistan?
- A. No.
- Q. Do you have any brothers?
- A. I have many brothers.
- Q. Were any of you brothers in Afghanistan before you went to Afghanistan?
- A. No.
- Q. What kind of help did the fatwa ask for and why?

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A. Helping people because they were in need of help. I'm prepared to explain it further if you are prepared to listen. It's a lot of words. During the Afghan Jihad, everyone was helping the Jihad at that time. Even America was helping the Jihad. So after a while, there's fighting between the people there. So the picture to us was tainted and the reputation was not good. And after a while, there was fighting in Afghanistan and then the fighting started to slow down and people were united for one government. We had the sheiks and normal people started saying to us that there are people there who need your help and you should go help them. The situation was now better than it was before. So these are the reasons that caused me to go over there.

Q. So you went there to help them fight?

A. No.

Q. You have not told me why or what help that you were there to give.

A. I didn't know myself what kind of help I would be giving when I went there. I wanted to go there to see what the situation was and what help was needed.

Q. Are you the oldest of your brothers?

A. No.

Q. Why did you feel you must go if none of your brothers went?

A. That's a strange question.

Q. If your brothers did not feel it wasn't important to go help, why did you decide to go?

A. Okay... now, are your brothers all in the military?

Q. No.

A. Everyone has there own point of view.

Q. Okay. If you were there to help people, why would you go to the front line?

A. I was in the clinic in the hospital. I was sick for a while. So I did not know that there was fighting. I thought the situation was normal. They told me at the hospital or clinic that there was fighting. One of the reasons is that no one gave me a good answer. So I went for myself to investigate this issue.

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Tribunal President question

Q. Did you have a planned destination when went into Afghanistan? You were heading for a certain place?

A. No. I was just going to Afghanistan. I did not know.

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

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

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Summarized Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood the Tribunal procedures.

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal. The Tribunal President made the following comment reference the Detainee Election Form (Exhibit D-A):

Tribunal President: Haji, this document indicates that you wanted to participate in the Tribunal.

Detainee: Yes.

Tribunal President: It also indicates that you requested a witness.

Detainee: Yes. I did request a witness.

Tribunal President: Your witness was your brother?

Detainee: Yes.

Tribunal President: This Tribunal approved your request for a witness. We requested the State Department to make contact with the Afghanistan government. As of today, we have not received a response from the Afghanistan government. So, we will need to proceed with the process. Recorder, please provide the Tribunal with the Unclassified Summary 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 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. The Detainee responded by making the following statement:

Detainee: You may have the documents that were against me when I was arrested. I don't have any documents.

Tribunal President: Would you like to respond to the Unclassified Summary of Evidence, the allegations in the Unclassified Summary?

Detainee: Yes, I want to say something.

Tribunal President: Okay, Personal Representative would you assist us with that please? Haji, would you like to make your statements under a Muslim oath?

Detainee: Yes.

Tribunal President: Recorder, please administer the Muslim oath.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: Personal Representative, would you begin with 3.a please?

Personal Representative: Yes ma'am. Haji, I will read each allegation, you will have time to respond and at the end that, if there is anything you want to add to your story, madam President will give you time do that.

Detainee: It's okay.

3.a.1. The Detainee and his wife have been identified as members of the Taliban.

Detainee: Since the Taliban came to the Afghanistan we ran away from them. We are against the Taliban.

3.a.2. The Detainee acted on behalf of leaders of Fidayan Islam.

Detainee: I haven't heard of that name until just now. I don't have any information or any involvement with this Fidayan Islam.

3.a.3. Fidayan Islam is a terrorist organization in Afghanistan targeting United States and Coalition forces.

Detainee: I don't know because I don't know Fidayan Islam so I don't know what they are doing. I don't have any involvement with that group. I was working for the government. I was one of the government's employees. I don't know anything about them targeting American forces or Coalition.

3.a.4. The Detainee was directed to identify and kill local Afghans who were assisting U.S. forces.

Detainee: This is an accusation. Who directed me to do this? I did not target anyone. This is all accusation. I considered myself as one of the government's supporters and worked with the government.

3.a.5. The Detainee was detained by American forces in Gereshk Village, Baghram District, which is located in Helmand Province, Afghanistan.

Detainee: They did not capture me. They did not come after me. I just went to talk to them. I went voluntarily to talk to them and they held me there and brought me here.

3.b.1. The Detainee provided information concerning movements of U.S. forces in Helmand Province of Afghanistan to insurgent operatives opposed to U.S. forces.

Detainee: I don't know about this allegation. I don't know about this.

Personal Representative: That is all of the allegations. Would you like to expand on this and tell your story?

Detainee: Yes, I would.

Tribunal President: Please proceed.

Detainee: Which story? The story about when I was captured?

Tribunal President: Do you have anything you want to add to any of the allegations?

Detainee: Since the Taliban came to Afghanistan we moved to Pakistan and lived as refugees. We were living in Pakistan while the Taliban was in Afghanistan. When the Taliban fell and the new government came, we moved back to Afghanistan. When we came to Helmand, the Governor offered me the job. He gave me a job as manger of transportation. Time was passing and I wanted to go see the Governor and congratulate him on his new position. When I went to Helmand, the Governor was sitting with an American. I congratulated the Governor and he introduced me to the American. He introduced me to the American as the new manager of transportation and told him that he if had any problems to contact me and I could contact him to solve the problems. After the governor introduced the Americans, I shook their hands and introduced myself to them and we exchanged phone numbers. Then I left them and went back to Gereshk. Later, I had a car accident and came down with a fever. I was sleeping and my friend brought a doctor to me. The doctor gave me an I.V. Later while I was still sick and sleeping my friend called me and told me that there was an American who had my friend in his custody and that they wanted to talk me. I took the needle out and removed the I.V. and went to find out who the people were because I knew that some of the Americans knew me. I went there and said bello to them. One of them was with the Governor of Helmand. I told them that this man was the brother of the governor. They told that this was okay and we all would go and talk. We all got in the car and went to

the military station. When we got there they tied my hands and asked me if I could help them. I told them that they knew me and that I had come to ask them to release the brother of the Governor, the District officer of Masa Kala (Ph). I told them the governor of Helmand introduced me to them and that they knew me and I came to talk to you about the Governor's brother. They released him but they captured me, sent me to Baghram and then here.

I don't know about all of these allegations. They made it up for me. This was the whole truth that I have told you. This is the whole story and all the facts. It is up to you.

Tribunal President: Haji, does that conclude your statement?

Detainee: Yes.

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

Personal Representative: No ma'am.

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

Recorder: No ma'am.

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

Tribunal Members' questions

Q. When did you move back to Afghanistan from Pakistan?

A. My brother was a friend with the governor and he is still a friend with that governor. The Taliban came and made us move from Helmand to Pakistan as refuges.

Q. But when did you move back to Afghanistan?

A. When the Taliban lost control of Afghanistan. We brought our family back to Afghanistan.

Q. How long were you in Afghanistan before you were captured or arrested?

A. I did not count it but I'm assuming about 11 months or one year maybe more than that. You can count it from when the new government came to Afghanistan to the time I got captured.

Q. Have you ever had any military training?

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A. No, I have not had any military training. My brother had a shop and I was working in that shop with him before.

Q. What kind of shop?

A. A fabric store.

Q. Did you ever own any guns?

A. No, I don't have any personal weapons. But the government gave me two weapons and a telephone and it was all in my car what they gave to me.

Q. I didn't understand. Weapons?

A. I have the vehicles and the telephone and two weapons. I have the documents from the government that those things were given to me by the government. They have it here, the documents and the card. The reason they gave it to me was for the security of transportation.

Q. Have you ever been a member of any political or social or religious group?

A. No.

Q. Is there anybody back in Afghanistan that wanted to see you captured; any enemies or anybody seeking revenge on you?

A. I don't know. I'm not sure who would have pointed at me.

Q. If your brother was able to testify on your behalf, what would he tell us?

A. I'm not sure, I'm with my brother. I don't know he was supposed to tell you.

Q. Then why did you want him to testify?

A. I don't know what he would probably tell you but I wanted him to tell you about my capturing.

Q. How long had you known this Governor?

A. For a very long time, ever since I can remember. He is from our district. I knew him before the Taliban came and I knew him after the Taliban, it's been a long time.

Q. What's the name of the Governor?

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A. Sher Mohammed.

Q. So you got the position as the Minister of Transportation just because you knew him or because you had some experience in that field?

A. My brother is still with him. My brother is his driver. He knew my brother. He gave me the job because he knew me.

Q. Back to the question about enemies. After being here for so long, what is your theory on who made up all of these allegations and why?

A. I don't know because I'm in prison, I'm a prisoner. You probably know better than me and you may find it out, who did it and why they did it.

Tribunal President's questions

Q. What type of weapons did the governor give you?

A. Two AK-47s.

Q. Did the government give all of their administration staff weapons?

A. I'm not sure but anywhere that they needed security. The reason he gave me the weapons was because of keeping the security of the transportation. There was money involved and a lot of travel and a lot of vehicles involved.

Q. What were the responsibilities as the Minister of Transportation?

A. I was taking care of the drivers when their vehicle was going from one point to another or one place to another place; I was giving them the documents.

Q. Where were you captured?

A. In Gereshk.

Q. Where in Gereshk?

A. It was in front of my office. It was in front of my transportation office when I went to see them about that problem. It's a street between my office; they were on the other side of the street and my office is on the other side.

Q. Can you clarify for me why you moved to Pakistan?

A. When the Taliban came, my brother had a fight with them and had to flee from the Taliban.

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A. Because my brother was a friend of this new government he a bad relationship with the Taliban. He was against the Taliban. Because of my brother, they were afraid of him and would have done something to us if we had stayed.

Q. How did you support yourself while you were in Pakistan?

A. I had a shop. I was working in the shop.

Q. What kind of shop?

A. I had a fabric shop.

Q. So when you went back to Afghanistan you gave up the shop and started working as the Minister of Transportation?

A. My other brother was taking of the shop. He was working in the shop.

Tribunal President: That's all the questions I have.

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.

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

Detainee: Thank you very much.

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 Detainee Statement

The Detainee made no initial statement but indicated that he would answer any questions asked.

Answers in response to questions by the Personal Representative:

I am not a member of the Taliban and did not participate in the *jihād* in Afghanistan. I did attend training camps and at one learned to shoot a Kalishnikov rifle. Then I got sick and received medical treatment at the camp. I learned to fire a weapon to defend myself, my brother, and my father. I doesn't have any enemies, but everyone is fighting with each other over there (in Pakistan). I did not attend the camp to learn how to fire the weapon for the purpose of committing or assisting in future hostile acts against the United States or its allies in the war on terrorism. I attended another camp to please and worship Allah and to tell people to follow the Quran, do their duties, and not to fight against each other. I do not own a rifle. I went to Afghanistan from Pakistan to serve. I was making beds and giving food and water to the Pakistanis there. I did not fight against anyone. Later an airplane came and there was a big light and people were dying. Then we started heading back toward our homes in Pakistan. We were captured by some "English People" and were handcuffed. Then I was put in jail. I did not fire a weapon at any time against the U.S. or its allies.

Answers in response to questions by the Recorder:

I did not go to Afghanistan to train or to learn to fire a weapon. They did not send me to serve in Konduz. I went to preach. They were Pakistan people and they were coming and I came with them. The people I served were Pakistan people.

Answers in response to questions by the Tribunal Members:

I went to serve with the Pakistani people. I was serving with them. I did not see the fighting going on and I don't know why they were there. No, the Pakistanis were not fighting anyone. There was no fighting going on over there. After a while the planes came and there was a bombardment from the planes. There were many people over there like English people. They arrested me. Like the hospital here, there were hospitals there in Pakistan as well. I did not see the fighting. I went there to serve them and the planes came over and then came the bombs.

AUTHENTICATION

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


Col, USAF

Tribunal President

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Summarized Detainee Statement

Tribunal President: Fahed Abdullah Ahmad Ghazi, you may now present any evidence you have to the Tribunal. You have the assistance of your personal representative in doing so. Do you want to present any information to this Tribunal?

Detainee: In response to the evidence, I do not belong to the Al Qaida or any other organization. I would like my Personal Representative to provide you with the exhibit showing the results of my polygraph. I also want to speak in my own behalf about this case.

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

Detainee: I have no problem and I would like that.

Tribunal President: Recorder, please administer the oath to the detainee.

The Recorder swore in the detainee.

Tribunal President: Fahed Ghazi, you may begin your statement.

The detainee was handed a translated copy of the Unclassified Summary of Evidence to use during the presentation of his statement. He then addressed each point on the Unclassified Summary of Evidence in order. To put his comments into context, the points from the Unclassified Summary of Evidence are provided below in italics. The detainee's comments follow each point (summarized).

a. The detainee is an Al Qaida fighter.

In my defense, I never had any contacts or assignments with Al Qaida. To my knowledge, I have never had any contact with any Al Qaida members. I do not belong to Al Qaida. I took a polygraph and was asked more than 15 times about my participation with Al Qaida. I passed all of the tests and they showed I have no knowledge of Al Qaida and I am not a member of Al Qaida. When I left Yemen to go to Afghanistan, it was not to join Al Qaida or to become an Al Qaida member.

1. The detainee voluntarily traveled from Yemen to Afghanistan in 2001.

I left Yemen for training purposes only. I was under the assumption from one of the scholars about being able to learn how to fight and defend myself and my honor. Since there were a lot of problems in Yemen and a chance I could be killed at anytime, I wanted to be trained on the weapons so I could defend myself. That was my purpose in leaving Yemen. I wanted to train in Yemen or join the Army or any other forces that could have trained me. But after I graduated from high school, I had no chance. The

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Yemeni Government dismantled the Army, and got rid of the law requiring high school graduates to serve. If I officially joined the Yemeni Army, it would be a lifetime commitment. I had other plans to pursue higher education – I didn't want a lifetime commitment. The only reason I wanted to train was to learn how to handle a weapon and how to defend myself. Since there was no draft for a short period of time, I could not join.

2. The detainee attended training at the Al Farouq training camp.

When I arrived in Afghanistan, I had no knowledge of where to go or to what place to go to train. I was directed to the Al Farouq camp. I had no idea what Al Farouq was or who it belonged to. It was the only place I could find available and it was where the people told me to go to receive training. I did not know of any association between Al Farouq or any other organization.

3. At the Al Farouq training camp, the detainee received training on the AK-47, explosives, the PK machine gun, and RPG's.

I only spent 9 days in the Al Farouq training camp. It was impossible for me to train in 9 days on how to use the Kalashnikov, bombs, grenades, RPGs and any other sort of equipment. The only thing I touched or used during my 9 days was the Kalashnikov. That's it. After my 9 days in Al Farouq camp, and after the knowledge of the bombings started, I had no chance afterward to train. I was moving from one area to another.

4. After attending training at the Al Farouq training camp, the detainee was chosen to go to Tora Bora and become one of Usama Bin Laden's bodyguards.

I was not in Tora Bora by choice. It was a recommendation from the people who knew the bombing was coming to my area. I kept moving from one area to another area until I ended up in Tora Bora. I was not chosen or picked to go there. I had no knowledge of how to get out of Afghanistan. The only choice I had was to listen to the people who led me from one place to another. I thought Tora Bora would be a safe haven on the way out of Afghanistan.

It would not make any sense to believe that in 9 days, I would have achieved the knowledge or received sufficient training to join Usama Bin Laden or be his bodyguard. First, I did not have enough training. Second, I was only there for a few days, so there was not enough time to establish knowledge about me or trust. Third, I was only 17 years old. It would have been impossible for Usama Bin Laden to trust a 17-year-old with only 9 days of training to become a trusted bodyguard. This was one of the questions that was repeated on many occasions during my polygraph test. I answered this question truthfully beyond a doubt. This should prove I was not lying and I have no knowledge or association with Usama Bin Laden whatsoever.

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

1. The detainee fought in the KTAL region of Afghanistan.

This does not make any sense to me. I never was assigned any weapon. All during the time I was moving from one area to another, I never had a weapon in my hand - nothing. That by itself should prove the only thing I had in mind was to get out of Afghanistan. If I had any intention to fight I would have had a weapon with me in my hand and I would have fought. I never did any of this. All I was thinking about was I was being led to get out of Afghanistan. I never heard of the KTAL area. I never was in that area. The first and only time I heard about this area was about 2 days ago when I met with my Personal Representative.

2. The detainee attempted to flee Afghanistan following the US air strikes. He crossed the border into Pakistan, and surrendered to authorities, who accused him of being a terrorist trying to escape from Afghanistan.

This point is true. However, I was not running away. I was trying to make my way back home. The problem was I had many obstacles. My number one obstacle was I had no passport. My passport had been withheld. I had no money because my money was in the possession of other people. I had no way to speak the language. I needed a means to get to Pakistan. I tried my best by being patient in my attempts to leave and to get to Pakistan.

The accusation of my being a terrorist because I was trying to leave Afghanistan to get into Pakistan, this does not make any sense. My intention was to leave Afghanistan, to get into Pakistan so I could go back to Yemen. When I was in Pakistan, I turned myself in to the Pakistani Government officials. If I was a terrorist, why would I do that? I would have tried to stay as far away from them as I could. That is my statement.

The Tribunal President then asked the detainee if that concluded his statement. The detainee added the following point (summarized):

If you have any information that proves other than what I have told you, I would like to see it so I may defend myself. If there is any secure evidence or other authorized evidence, let me see it. If there is anything of that nature, I would like to see it so I can speak and talk about it, if you will allow it.

The Tribunal President explained that persons at a much higher level than anyone sitting in this room determined what evidence was classified. The President stated the detainee could not review the classified evidence, but that the Tribunal would review the classified evidence in its deliberations. The detainee indicated he understood. The Tribunal President then asked the detainee if he would answer any questions. The detainee responded that he would be happy to as long as he was

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capable. The Personal Representative and the Recorder had no questions for the detainee. The Tribunal then questioned the detainee as summarized, below.

Tribunal Member: When did you travel from Yemen to Afghanistan in 2001? What month?

Detainee: I left Yemen on the 19th of August 2001. I can accurately say it was the 19th of August.

Tribunal Member: Did the bombing start while you were attending training in Al Farouq?

Detainee: No.

Tribunal Member: So you had already completed the training before the bombing started?

Detainee: After the September 11th incident took place, they disassembled the camp. They told everyone to leave the camp. So before I finished my training, we were ordered to leave the camp. They expected the bombing to start.

Tribunal Member: Where did you go?

Detainee: I left for Kabul.

Tribunal Member: Who did you go with?

Detainee: The trainer and some of they guys that were training with me. Is this going to be another interrogation? Is this part of the proceeding?

Tribunal Member: I am not interested in individual names. This is not an interrogation. You are free to answer or not answer any questions.

Detainee: That's fine.

Tribunal Member: I am just trying to understand all the facts.

Detainee: That's good.

Tribunal Member: When you went to Kabul, were you armed or unarmed?

Detainee: I had no weapon.

Tribunal Member: Was the group you were traveling with just individuals, or was it Taliban soldiers?

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Detainee: The five people who were with me were training; they were the same as I. They came from overseas to train. They did not belong to the Taliban.

Tribunal Member: In the time from Kabul until you turned yourself in, in Pakistan, did you ever participate in any fighting?

Detainee: No.

Tribunal Member: Did any of the people you were traveling with participate in any fighting?

Detainee: The only person who had a weapon on him was the trainer. He did not fight. He was just carrying a weapon.

Tribunal Member: How did you turn yourself in to the Pakistanis?

Detainee: When the bombing started in Tora Bora, it was extensive bombing overnight, a lot of people died. I did not know what to do. The best thing I could think of at the time was to run for my life. After I started walking, headed towards the snow mountains, I met some people who were also running away. I asked them where they were going. They said they were going to Pakistan. I asked them can they guide me or help me to get to Pakistan. When I reached the border of Pakistan, I turned myself in.

Tribunal Member: Did you ever associate or travel with any Taliban soldiers?

Detainee: There were no Taliban soldiers. They were just regular people.

The Tribunal had no further questions for the detainee, and the Tribunal President asked the detainee if he had any further evidence to present. The detainee had no further evidence. A brief discussion followed with the detainee regarding how the classified session would be conducted and the Administrative Review Board process. That concluded the statement of the detainee.

The Personal Representative then offered into evidence Exhibit D-b, which the detainee had earlier asked his Personal Representative to introduce. Because the detainee did not know what the exhibit was, he asked the Tribunal President whether the evidence offered by the Personal Representative was against him or on his behalf. The Tribunal President responded that the exhibit was a summary of his polygraph examination, and the detainee indicated, "Okay. That concluded the detainee's presentation of evidence.

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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.



COL, USA

Tribunal President

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Summarized Detainee Statement

Tribunal President: Abdul Sattar, you may now present any evidence you have to the Tribunal. You have the assistance of your personal representative in doing so. Do you want to present any information to this Tribunal?

Detainee: I have no evidence.

Tribunal President: Does the Detainee care to make a statement?

Detainee: The other day my Personal Representative told me about the evidence. I told him that I had an objection on one point. After that, I have no objection or anything about the other points.

Tribunal President: This is the point in the Tribunal when the detainee gets to address any objections. If the detainee would like to make a statement, it can either be a sworn statement or unsworn statement.

Detainee: I don't swear. I won't take the oath.

Tribunal President: Okay, so there will be no oath. Is there a statement or no statement?

Detainee: I will talk but there will be no statement.

Tribunal President: He may speak now. This is his time.

Detainee: Do I have to speak about the holy war in Afghanistan?

Tribunal President: He does not have to speak about that. He does not have to talk about anything.

Detainee: Then why do I have to make a statement? About what?

Tribunal President: He does not have to make a statement. This is simply his opportunity to make a statement in his defense.

Detainee: I don't want to say anything about it.

Tribunal President: Okay, very well.

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Personal Representative to the detainee: We spoke about the group, H.U.M. In the evidence we went over it said HUM was linked to Al Qaida. Did you have any statement about that?

Tribunal President: Before the detainee answers, the detainee must understand that he does not have to answer questions. This is only if he cares to answer any questions.

Detainee: I have no proof to show you that HUM has links to Al Qaida. But if you have the proof, please tell me. You say I am linked with Al Qaida, but I did not even hear about Al Qaida until I came over here [to Guantanamo Bay].

Tribunal Member: When were you captured?

Detainee: I don't remember the month, but I remember the year. It was 2001.

Tribunal President: Abdul Sattar, do you have any other evidence to present to this Tribunal?


Detainee: No.

Tribunal Member: The detainee indicated during his initial remarks that he mentioned to his Personal Representative one item, in the unclassified summary that he objected to. Have we addressed that one item?

Personal Representative: Yes Sir. That was his contention that he knows no links between the H.U.M. and Al Qaida.

AUTHENTICATION

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


Colonel, US Army
Tribunal President

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Summarized Unsworn Detainee Statement

I have given all of my written information to my Personal Representative. Yes, I went to Afghanistan to fight the Jihad. I did not carry an AK-47 and I did not fight, but I did go to fight.

In the place I stayed in Kabul, there weren't specific facilities. Not everyone had an AK-47.

From Kabul, we went to Konduz. There we did everything freely, walking and talking. People were given guard duties. I told them I would do it when it was my turn. I did it voluntarily, and was not forced. I was there approximately 20 days and had guard duty 2 or 3 times.

When I was leaving Konduz, we got captured. I never said I was willing to fight jihad in the future.

There was no fighting in Konduz when I was there. We were there, just learning and not fighting.

The one thing I want to say is that I did not fight Americans before and won't in the future. These are not personal matters against Americans, so why would I fight them? I did not say that I would fight against them in the future. If you desire to make me an enemy combatant, it is in your hands.

Summarized Answers in Response to Questions by the Personal Representative

- Q. You said you never fought Americans. Were you aware that the Americans were in the fight prior to your capture?
- A. No. I did know about the Americans until we got to Konduz. We found out because they bombarded a couple of places.

Summarized Answers in Response to Questions by the Tribunal Members

- Q. When you traveled from Pakistan to Kabul, did you travel by yourself or with a group?
- A. I went alone.
- Q. When you were in Afghanistan, did you receive military training?
- A. No, I did not receive any military training.

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Q. When you traveled from Kabul to Konduz, did you travel by yourself or with a group?

A. We went in 2 or 3 pick-ups, each with 13-14 people.

Q. Were all of the members of the group that traveled to Konduz members of the Taliban?

A. I don't know. I didn't have any relations with the Taliban, now or ever.

Q. When you chose to go from Kabul to Konduz, were you ordered or directed to go, or did you choose to ride in the vehicles with these men?

A. In Kabul, everyone was leaving, so I jumped in one of the trucks and went with them.

Q. When you made your first decision to go help, did you realize, at the time, that the Taliban was fighting other Muslims?

A. The fight was going for a long time. I knew they were fighting against the Northern Alliance. It was in the newspapers.

Q. Did that bother you that the Northern Alliance was also made up of Muslims?

A. I didn't know that the Northern Alliance people were Muslim.

Q. Do you have any other evidence or information to present to this Tribunal today?

A. No, sir. Since the Tribunal swore that they would decide with justice. I've been in prison for 2 ½ years. Whatever you do, keep justice in your mind.

Detainee asked if he will get justice soon and the President stated he would get notified of the Tribunal's decision at the earliest opportunity.

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, CSRT

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