

Summarized Unsworn Detainee Statement

The words that you said are not true. The accusations you presented are not true. I don't understand what you want me to do. Do you want me to talk to the Personal Representative? What should I tell him?

The Tribunal President advised the Detainee it was his opportunity to tell the Tribunal his story.

I did not go to Chechnya or Kashmir. I never met that Sheik Uqla that was mentioned and I never fought with the Taliban or Al Qaeda. I never fought against the coalition. I never trained on the machine guns.

The name that you mentioned that was captured, I don't know anything about that name. The Al Farouq training camp - I didn't know it was the Al Farouq training camp. I didn't know anything about Al Qaeda. All this I knew after I came here.

The Personal Representative asked the Detainee if he would like to review the notes from their meeting. The Detainee said yes.

Statement on Behalf of Detainee by Personal Representative

The Personal Representative addressed each bullet on the Unclassified Summary.

- 3(a) The Detainee is associated with Al Qaeda and is a Taliban fighter.

That's not true.

- 3(a)(1) Detainee was recruited to fight in Kashmir and Chechnya by a Jihadist recruiter in Saudi Arabia.

That's not true. Detainee was not recruited.

- 3(a)(2) Detainee joined the Taliban after receiving a Fatwa from Sheik Ha Al-Uqla at the Imam Muhammad Bin Saud College in Burayda, Saudi Arabia.

Not true. Detainee went alone and made decision to go alone.

- 3(a)(3) Detainee trained at Al Farouq training camp in Afghanistan during September 2001.

Detainee does not know Al Farouq. Detainee was at a camp, but doesn't know if it was called Al Farouq or not.

- 3(a)(4) Detainee was trained on the Kalashnikov rifle, Pakistan machine gun, and a Russian pistol at the Al Farouq training camp.

Detainee was only trained on the handgun.

- 3(a)(5) One of Detainee's known aliases was on a list of captured Al Qaeda members that was discovered on a computer hard drive associated with a senior Al Qaeda member.

Detainee has no knowledge of this hard drive. The first time I learned of the existence of Al Qaeda was here at Guantanamo Bay. The Detainee is not even sure what alias they are referring to.

- 3(b) The Detainee participated in military operations against the coalition.

This is not true. Detainee was only in Afghanistan 2 months and that was only enough time to train.

- 3(b)(1) Detainee was a fighter at Tora Bora.

Not true. Detainee was in Tora Bora and was captured in Pakistan after he crossed the border. Detainee was never near any fighting with the Taliban in Tora Bora.

The Personal Representative stated that this information summarized what was discussed between the Detainee and him.

Summarized Unsworn Detainee Statement

The 2 months I was in Afghanistan, I wasn't training the whole time. It wasn't enough [time] for training or fighting or anything like that. I just wanted to get out [of Afghanistan].

I was only in Tora Bora because it was the way to get out. I was told if I wanted to get out I had to go through Tora Bora.

I got out [of Afghanistan] and was captured by the Pakistani authorities.

Questions by the Tribunal Members

Q: You said you decided on your own to go to Afghanistan. Can you tell us why that was?

A: For training.

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Q: What training did you desire?

A: Just light training. I didn't know what kind of training it was.

Q: Why did you need to go all the way to Afghanistan to get light training? Could you not have received it in your home country?

A: I didn't know there were problems in Afghanistan.

Q: What made you decide to go to Afghanistan at the time you did?

A: No reason. It was just a vacation I had.

Q: It had nothing to do with receiving a Fatwa from a Sheik?

A: No.

Q: Why did you desire to have this light training?

A: Just normal.

Q: How long were you planning to stay in Afghanistan?

A: I would come back before school started. Maybe 2 months.

Q: You had no desire to fight in Kashmir or Chechnya?

A: No.

Q: How did you make your trip to Afghanistan? How did you know how to get there?

A: Normal. Travel from country to country doesn't require knowledge.

Q: Who funded your travel to Afghanistan?

A: I have money.

Q: You took enough money to sustain yourself for your entire time in Afghanistan?

A: That's what I thought.

Q: You got to Afghanistan and went to Al Farouq for a while and you also spent time in Tora Bora trying to get out? What else did you do?

ISN# 177
Enclosure (3)
Page 3 of 9

UNCLASSIFIED//~~FOUO~~

002813

UNCLASSIFIED//~~FOUO~~

- A: I didn't stay in Al Farouq for 2 months.
- Q: Your total time in Afghanistan was 2 months, then?
- A: Approximately, yes.
- Q: Where else did you go besides Al Farouq and Tora Bora?
- A: I passed by Kabul and Jalalabad and Tora Bora.
- Q: Was there any time there that you helped the Taliban fight against the Northern Alliance?
- A: No.
- Q: What did you do when you were in Kabul and Jalalabad?
- A: I didn't stay there. It was just to get out.
- Q: So, you went through Tora Bora to Pakistan. The Pakistan authorities captured you at the border, or where?
- A: A little while after the border.
- Q: When you were captured, did you have your passport with you?
- A: No.
- Q: Can you explain why not?
- A: I didn't have it with me. I left it.
- Q: Why would you leave it and not take it with you?
- A: Before I went to receive training, I left it in a place so I would not lose it.
- Q: You thought you were going to be able to travel through Pakistan with no passport?
- A: I was going to the Saudi Embassy.
- Q: Please explain the circumstances of your capture in Pakistan.
- A: The Pakistani police saw me and captured me.

ISN# 177
Enclosure (3)
Page 4 of 9

UNCLASSIFIED//~~FOUO~~

002814

UNCLASSIFIED//~~FOUO~~

Q: Were you going to say something else?

A: They captured me on the basis that they would take me to the embassy. Suddenly I found myself in prison.

Q: Were you by yourself or with a group of people?

A: By myself.

Q: So, they captured you and put you in a prison in Pakistan for a while?

A: Yes.

Q: Do you remember how long you were there?

A: I don't remember.

Q: A long time or short time?

A: Short, not long.

Q: Eventually you came into American custody?

A: Yes. After that, they took me to the American authorities.

Q: You said, when you were captured you didn't have your passport. Did you have any money or weapons with you?

A: No.

Q: Can you explain why your name or alias is associated with Al Qaeda?

A: I don't know about this. This is something the interrogator talked to me about. I told him I didn't know anything about it.

Q: Were you a student prior to leaving your home country for Afghanistan?

A: Yes.

Q: Did you have any other occupation or source of income?

A: I worked for a short while.

Q: That's how you saved up enough money to travel to Afghanistan?

ISN# 177
Enclosure (3)
Page 5 of 9

UNCLASSIFIED//~~FOUO~~

002815

UNCLASSIFIED//~~FOUO~~

- A: No, I had money from school and this work.
- Q: What happened to the money you took with you to Afghanistan?
- A: It was with my passport.
- Q: So, you lost the money and your passport also?
- A: Yes.
- Q: Who did you give your money and passport to?
- A: A person I do not remember.
- Q: Where did you give it to them and why?
- A: So that he could take care of it for me and it would not get lost.
- Q: Did you choose to do this or did this person persuade you to do this?
- A: He suggested it to me.
- Q: The light training, I assume it is military training?
- A: Did I know it was military?
- Q: Yes. Was it military training that you received?
- A: Just physical training...body...that gun...that's it.
- Q: The handgun?
- A: Yes.
- Q: You actually practiced with and fired the handgun?
- A: Just a little bit.
- Q: Were you ever issued a handgun?
- A: No.
- Q: You never took one away from training?

ISN# 177
Enclosure (3)
Page 6 of 9

UNCLASSIFIED//~~FOUO~~

002816

A: For me?

Q: Yes.

A: No.

Q: For anyone else?

A: No.

Questions by the Tribunal President

Q: Was it at the training camp that you turned over your passport and money?

A: No.

Q: When was that; before the training camp?

A: Before that there was a small house. As soon as I arrived there they put me in this house.

Q: They? Who are they?

A: The Afghan driver that brought me.

Q: Did you make arrangements for this training before you traveled to Afghanistan?

A: No.

Q: How did you find out about this training facility?

A: The Afghan took me straight there.

Q: You did not know this Afghan?

A: No.

Q: But you trusted your passport and money with him?

A: It's a normal thing. I didn't know anything was wrong.

Q: When you decided to leave Afghanistan, why didn't you try to recover your passport and money before starting your trek to Pakistan?

A: Time would not allow.

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Q: Why?

A: Because I just wanted to leave. I didn't have time to look for it. I just went straight to Kabul.

Q: From Kabul, you went to Tora Bora and then across the mountains into Pakistan?

A: Yes, I passed through Jalalabad.

Q: You were alone all this time?

A: No.

Q: You traveled with companions that provided assistance for your departure?

A: I had 10 with me.

Q: Were these the 10 that helped you find your way through the mountains into Pakistan?

A: No. They were just traveling normal. I didn't know where they were going.

Q: When you entered Pakistan, you were by yourself?

A: The first time? When I was leaving?

Q: When you were attempting to leave Afghanistan and trying to get into Pakistan, were you by yourself?

A: Yes.

Q: How did you find your way through a mountainous terrain you had never been through before into Pakistan?

A: I had the Afghani with me. He told me. But I didn't have any of the 10 people with me.

Q: I'm starting to get confused. You said you traveled into Pakistan by yourself and you were captured by yourself. Now you're saying you had the Afghani help you cross the border into Pakistan.

A: You asked me if anyone was with me. I said yes, there were 10 people with me and then you asked me directly if there was anyone with me when I went into

ISN# 177
Enclosure (3)
Page 8 of 9

UNCLASSIFIED//~~FOUO~~

002818

UNCLASSIFIED//~~FOUO~~

Pakistan. I thought you were talking about any of the 10 people who were with me before, so I said no. What is strange about that?

Q: Was there anyone with you when you crossed the border into Pakistan?

A: Yes, just the Afghan guide.

Q: Did he stay with you as you traveled into Pakistan?

A: Did not travel. As soon as they [Pakistani police] saw me they captured me. I didn't see him [the Afghan man] after that. I don't know if they caught him or if he left before.

Q: So, you don't know if they captured him as well?

A: I don't know if they captured him, arrested him or if he left.

Q: Why would he help you find your way to Pakistan? If you had no money, how could you pay him for his services?

A: I didn't pay him. I met someone before him who wanted to help me get out. He introduced me to this Afghani and said he would help me get out.

Q: I find it unusual that an individual would risk his safety and take the chance of getting captured to help someone that did not pay him.

A: Maybe the person I met before is the one that paid him. I don't know.

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

ISN# 177
Enclosure (3)
Page 9 of 9

UNCLASSIFIED//~~FOUO~~

002819

Summarized Unsworn Detainee Statement

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

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

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents. The Recorder also presented R-2 to the Tribunal as evidence.

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

The Tribunal President confirmed that the Detainee had no documents that he wished to present to the Tribunal as per the Detainee Election Form. The Tribunal President also confirmed that the Detainee requested to have no on island witnesses participate in the Tribunal on his behalf.

Detainee: These allegations against me are not true. I will give an oath.

The Recorder administered the Muslim oath to the Detainee.

Summarized Sworn Detainee Statement

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

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

Detainee: No. I have never been with the Taliban at all.

3.a.1. The detainee attended a Taliban training camp.

Detainee: No. Nobody can prove it. I have never (been) in the training camp.

3.a.2. The detainee worked for a Taliban Commander and was part of a special forty-man unit.

Detainee: No. I never did that. If you can prove that you can drop me in the ocean.

3.a.3. The detainee trained with light weapons, machine guns and missiles.

Detainee: No. This is not true.

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3.a.4. When arrested by Afghanistan Military Forces, the detainee had in his possession the following items: rockets, a circuit tester, Russian artillery officer's compass, and rocket mortars.

Detainee: I didn't have any electric circuit for testing anything. They didn't find that on me at all. I had only a compass with me to show the directions for the Kabla, which the Muslims bring. That is for the mosques and prayers. I didn't have any rocket or anything with me. On the rocket, I have to tell my story. I am a poor guy and was working as a laborer to support my house and my family. When the Taliban had dropped from power and the new government came, I was jobless, working making mud walls. The time was not convenient. I was jobless and the economy was very bad. My cousin told me, you are jobless so I will put you with a commander who is working over there. That place is in Izaraq (ph) and he will not give you a certain amount but he would help. I was happy with him as it was better than the hard job and I went to the district and started working. He offered five or six hundred a month, which was not enough to support my family. I came back to my home because I could make more money in my labor job when I counted for the expenses of my house, like cooking oil, sugar and tea. I was at home, with my newborn son, mother, wife, and my little brother. It was midnight and some people came to my home and told me not to move. He asked me my name and then told me to get up from the bed. I asked him what was going on and he told me not to talk and follow him. I didn't know who this guy was and he asked me to come out and I followed him. When I stepped out from the room, my mother and brother also stepped out from their rooms and started yelling. I told him to tell me what was going on because my family was disturbed. He said don't talk and follow me. I didn't know exactly what time it was. When we were walking, there was a guy named Mohammad and he came up to us. This guy named Voramidi (ph) came out and asked me if I went to the district area and worked with Lashar Khan (ph), I will kill you and destroy your family. The guy that pulled me out of the house, I understood his name to be Sher Jan (ph). He told me that if I worked with Lashar Khan he would destroy my family and kill all of them. I told him that I didn't know him but my cousin told me to work with him to make some money. I came back because that money was not enough for me. We arrived at the end of Kaneba (ph). That place was a very end place and at that point he asked me where is Lashar Khan's house. I told him that I didn't know. I told him that I never been there. He told me that I had to show him his house. Because he had a machine gun in his hand and he was interrogating me, I was scared so I told him that his house was by this way, by this side and pointed but I didn't really know where his house was. At that time he pulled out some rocket bullets from the ground where they had it under the straw and dried wheat. After that they started burning the wheat and straw and told me to start walking. After awhile he intimidated and warned me again that if he saw me at Lashar Khan's again, that he would kill all of my family including me. When they left I went back home. When I got home my mother and my brother were waiting at the door for me. My mother was crying. They asked me what happened and I told them the story. The night passed on and my mother got a little bit happy that I came back. The next day I was thinking to myself, what was this all about and why did these people come to me?

ISN# 849
Enclosure (3)
Page 2 of 9

UNCLASSIFIED//~~FOUO~~

002821

UNCLASSIFIED//~~FOUO~~

It was evening and Sher Jan appeared and knocked on the door. When I opened the door, I asked him what are you going to do again, what do you want? When I started talking to him, my mother steps out and asked what was going on? I told her that Sher Jan came again and he told me don't talk to anybody and that he had stuffed two rockets in our garden. My mother told me to send some people to the district area to report it and for the district people to check it. I sent my little brother to the district and they would bring some soldiers. Last time it happened, that happened and today the guy came again and told me that he stuffed rockets in my garden. I was scared of it. I apologize but I forgot one thing. At the time he told me that he stuffed two rockets in the garden, he offered me 100 kaldars (ph) and I rejected it. As soon as he saw that my brother was running to the district office, he dropped the 100 kadars and ran away. He had another person with him at the time. His name was Nuwilly (ph). At the time he ran away, after awhile my little brother came back and asked him what happened. He said that the soldiers said they would come tomorrow because it is late and they couldn't come right now. The next day I went to the bazaar and I saw Sber Jan at a little restaurant drinking tea. When I got back home I told my mother that he was at a restaurant drinking tea, what going on? I was trying to think what was going on and in the late afternoon the district people showed up at our home. When the district people came they knocked on the door and I opened the door and asked them why didn't you show up yesterday? Today is almost past and it is late. The district soldier asked what was going on and I told him that last night the guy came and told us that he stuffed two rockets in our garden and he said let's go to your garden and see and we went over there. We went to the garden and they found the rocket bullets. It wasn't a rocket he said, it was a rocket ammunition. They asked me to go for questioning and I told them that the ammunition did not belong to me and I reported it. I went to the district office and from there they transferred me to Jalalabad city. It was a commander and I didn't know him and they handed me to the commander. The commander started beating me up and after awhile when the beating stopped he started pulling my nails with pliers. After two to three days and a hard time they handed me to the Americans. The Americans transferred me to Bagram. I spent four months in Bagram. In Bagram they told me to confess the truth. I told them that I was not lying. Jalalabad is not far from Kabul and Bagram. You can go and ask my mother and my brother and what was going on at that night. If you do not trust my family you can ask the other people. After three months they told me that my interrogation was finishing and that I would go back home but instead they sent me to Cuba. If you don't trust me you can go to Shardahar (ph) and ask the people there if I was associated with Taliban. These people will be witnesses to whether I was or not associated with the Taliban. I told them I didn't know anybody in Cuba and I'm a detainee in here and I do not have any witnesses to bring in here. This is our custom. Our ladies can't go outside talking with anybody they don't know. It's not possible. That is why I offered my uncle, he would talk instead of my mother. You can ask people from Shardahar and Jalalabad what kind of person that I was. Was I a commander, was I with the Taliban, associated with Taliban? The allegations came on me that I was six months with the Taliban. I wasn't there. I wasn't there fighting. I swear I never been with them at all. You all can write anything you want to write about me. It's up to you guys but I don't have anybody. I don't have any uncle from my father's side and I don't have a father. This is the situation that came on me. It is up to you guys. Whatever allegations you put on me you can do

ISN# 849
Enclosure (3)
Page 3 of 9

UNCLASSIFIED//~~FOUO~~

002822

UNCLASSIFIED//~~FOUO~~

because I don't have anything but God is with me. At least I am saying this. If a person is handing somebody to the government on purpose, of course they will make up some lies on him and accuse him also.

3.b.1. Late on 16 October 2002, the detainee was arrested by the Nangarhar Province chief of public security as the detainee, and three of his cohorts, was preparing to launch BM-12 rockets at Jalalabad.

Detainee: First of all who are the three more people?

Tribunal President: The only information that we have about you is on this piece of paper.

Detainee: Who wrote this paper? You are supposed to write the name of the three people also. What I mean is someone who wrote the letter about me is supposed to name my three friends also. I will bring my three friends in front of me and I will ask them, "Were you guys with me when I was shooting the rocket?" "Was I with you guys to shoot the rocket?" And that is what I mean. It is supposed to be confronted to me where my friends will say yes, I saw you in that issue.

3.b.2. The detainee took responsibility for the 28 August 2002, BM-12 attack launched at the Jalalabad Airport, which impacted near U.S. Troops.

Detainee: No. I never took that responsibility. I swear to God I know about this story at all and I told them about my story. I never heard about the airport or the place that the rockets hit over there.

3.b.3. The detainee assisted in firing two rockets towards the home of an Afghanistan government police official.

Detainee: You must be talking about the commander I was working with and I rejected working with him. I ask this. Did somebody bring me by force in here? I came by myself here in Cuba. They pulled me out of the house by force and they got the two rockets and maybe they attacked the police official but I wasn't with them. I didn't do it. Before the Americans came and even at the start when they came to Afghanistan, the officers and regular people had the same clothes. I didn't know who was this guy, why did he come behind my door, but he had the power, he had people, he had a gun and he pulled me out of my house by force. I couldn't do anything. Right now after the Americans came and issued the uniforms for the officers and the soldiers, we know who is who, otherwise we can't recognize who is who. I am from Afghanistan and I know about these situations.

3.b.4. The detainee fought directly against U.S. forces in Jalalabad, Afghanistan and had been with the Taliban for five to six years.

ISN# 849
Enclosure (3)
Page 4 of 9

UNCLASSIFIED//~~FOUO~~

002823

UNCLASSIFIED//~~FOUO~~

Detainee: This is completely wrong. If you guys prove that I was, that I was only one night with the Taliban, you can punish me the way you guys want.

Tribunal President: Is there anything you would like to add?

Detainee: I talked about it already and I don't have anything and previously I said I am a poor guy and working as a laborer and the only thing that I can tell you is I don't have any witnesses in Cuba. I don't know anybody to bring in as a witness to say I wasn't involved in these things. The only thing I ask and prove for me is Allah is my witness and two letters from two people. You can't directly talk to my mother according to our culture and my uncle, my mother's brother, will be involved in the issue to prepare the letter. The others are members of my family, which were looking into the situation. They came behind me on that night. More than that, I can't prepare anything and you can ask the people of our village that I was involved or I was a member of the Taliban or not. I was working as a laborer trying to support my family. This is my situation and I don't have anything more to add and Allah is my witness.

Tribunal Members' Questions to Detainee

Q: How old are you?

A: I don't know my age and nobody told me but according to what the interrogators wrote, I go by that. We never write our date of birth or the exact age that we are.

Q: Are you a native of Afghanistan?

A: Yes, I am from Afghanistan.

Q: Have you ever traveled outside Afghanistan?

A: No.

Q: Do you have any military training?

A: I went only with Lashar Khan for only one month and I came back.

Q: When was that?

A: That was at the time that the new government was in Afghanistan and took power.

Q: Were you working for the new government?

A: Yes, Lashar Khan was a new government officer. At that time the Americans were not in Jalalabad. Personally I didn't see them over there at that time.

Q: Have you ever been near somebody that fired a rocket?

ISN# 849
Enclosure (3)
Page 5 of 9

UNCLASSIFIED//~~FOUO~~

002824

A: No.

Q: Did you ever see anybody fire a rocket?

A: No. If I was I would tell you right now, but I wasn't.

Tribunal Members' Questions to Detainee

Q: You've been in Afghanistan when they were fighting the Russians and the Taliban was fighting the Northern Alliance?

A: At the time of the Russian war, I was a little kid. I can't remember.

Q: Is it OK for Muslims to lie?

A: No.

Q: What happens if you lie?

A: If I lied I will excuse you even if you kill me. I can't say more than that. This is the hardest punishment.

Q: Was your wife and mother always at home?

A: Yes, of course. The reason I say my mother, maybe doesn't know is because the complete story that I told in here, I didn't describe it for her but my uncle does know about it.

Q: These rockets that were found, were they buried under the dirt or in a hole?

A: In where?

Q: In your garden.

A: Yes, they started over there.

Q: Did you know they were there?

A: I never was aware of it. I said this guy came to me at my door and told me that they stuffed the rocket in my garden. I didn't know about it at all.

Q: How can someone come to your home, dig a hole and nobody in your family knew that somebody buried rockets in your garden?

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A: Our garden is not attached to our home. The garden is away and outside. The garden is away from the home. If somebody goes over there, I would not be aware.

Tribunal President's Questions to Detainee

Q: Have you ever had any formal schooling?

A: No?

Q: You mentioned that when the Taliban fell you were jobless. What did you do prior to that, what kind of job did you have?

A: I was working as a laborer building mud walls.

Q: You were still building mud walls then?

A: Sometimes we were building mud walls and sometimes we were digging the wells for water. Some people would build high walls like castles. It is common over there. We have to work in the mud for so many days because we have to walk on it, mix it until the mud gets harder and build it.

Q: Did you work for a person or a company?

A: No. I never worked for anybody or for a company. There is no company over there. It is a small area, like you are in here, everybody know each other. They will ask if you have free time to work for them as a laborer. If I had free time and wasn't working for anyone else I would tell them yes. This is the way I would do it.

Q: When you went to work for the commander that was with the new government, what skills did you bring?

A: I was working as a guard. This was my job. When I go behind some people they have some problem or some issue, I have to get a receipt from my commander and show it for him to tell them that they were supposed to come to the district office to solve the problem. If the people would come, it was good, otherwise I would come back to my commander and tell him that the people did not want to come. The commander would send more guards to bring them with force to solve the issue between two people.

Q: You indicated that the person that told you the rockets were buried in the garden, tried to give you some money. And you said that you dropped it, what happened to the money?

A: Are you talking about the 100?

ISN# 849
Enclosure (3)
Page 7 of 9

UNCLASSIFIED//~~FOUO~~

002826

UNCLASSIFIED//~~FOUO~~

Q: Yes.

A: I can't remember what happened to the money, whether we picked it up or not. It's been two years and it was a surprising situation but I can't remember exactly what happened to the money. It is possible that I picked it up or maybe it was over there, again it's been two years.

Q: You indicated that the Afghanis tortured you. What were they trying to get you to say?

A: As soon as I was handed to him without any questions he started to beat me. I told him that he had to ask me some questions and they didn't hear from me and started beating me. Perhaps it was the person from the district; whatever he told them made them beat me.

Basically when they brought me over there, it was three days I was in a small room and a hard situation. After three days they delivered me to the Americans and the American soldiers, I told them that they were supposed to ask me what did I do but they never asked me. I told one American it's possible that the person that handed me over there wrote something about me and I didn't know what he wrote and they supposed to ask of the people also what kind of person I was or what happened.

Tribunal President: I would like to thank you for your participation today. Do you have anything else that you would like to tell us at this time?

Detainee: The only thing is I'm not educated and if somebody can order to let me take a class in here to learn reading and writing.

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

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

ISN# 849
Enclosure (3)
Page 8 of 9

UNCLASSIFIED//~~FOUO~~

002827

UNCLASSIFIED//~~FOUO~~

The Tribunal President adjourned the unclassified open session.

AUTHENTICATION

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



Colonel, U.S. Army
Tribunal President

ISN# 849
Enclosure (3)
Page 9 of 9

UNCLASSIFIED//~~FOUO~~

002828

Summarized Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee and asked if he understood the process.

Detainee: Should I speak?

Tribunal President: As far as if you understand the process that we just described to you.

Detainee: It's not fair for me if you mask some of the secret information. How can I defend myself?

Tribunal President: The Tribunal is an impartial panel that looks at two things. The things we take into account are the information that the recorder provides us; the second thing that we look at is the oral statement that you will provide today, we hope. We have to weigh both things.

Detainee: I don't know what I should say. It is unfair that the government is going to be talking about me and I don't have an attorney, a civil attorney, and that attorney can come up with evidence that proves my innocence. As all people who commit crimes, they have an attorney defending them. If that's the only thing we have to do, what else can I say?

Tribunal President: I just want to remind you that this is an administrative process only. No punishment will be derived from the things that we do here today.

Detainee: You are right, but the thing that is the worse punishment is when you have determined that I am guilty when I am not. I feel that anybody that comes before any Tribunal is going to be classified as an Enemy Combatant. I'm not putting you down because I don't know you and you don't know me. I respect the Tribunal but the way it's formed is unjust.

Tribunal President: We will note your concerns for the record. I would like to tell you though that we do look at each case on its own merits. So basically, at least what information I have given you; do you understand the process up to this point?

Detainee: Yes.

Tribunal President: And I will again note your concerns.

Translator: Excuse me, may I ask him if he speaks English? If he wants to say something in English, because I just heard him say something in English.

Tribunal President: He did respond in English. Yes, you certainly can ask him.

Translator: He just said that he only knows a few words.

UNCLASSIFIED//~~FOUO~~

Tribunal President: I was going to say that you don't have to use the translator if you don't want to. Feel free to engage us directly.

Detainee: I really wish I knew how to speak the English, this way I would have explained it much better and I will know them and they will know me.

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

Tribunal President: Recorder, please provide the Tribunal with the unclassified evidence.

Detainee: What is this D-A?

Tribunal President: It's an exhibit that your Personal Representative prepares based on your initial interview that you had with him. We'll talk about it here in just a minute.

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

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

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

The Tribunal President opened the Tribunal to the Detainee to make his statement noting that he, per the Detainee Election Form, would read a translated copy of the summary of evidence addressing each point and that the Personal Representative will submit a written statement on his behalf.

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

Detainee: I am so confident of myself that I have no problems with taking the oath.

The Recorder administered the Muslim oath to the Detainee.

Detainee: I hope that my oath will have some weight with this Tribunal.

Tribunal President: You may begin.

3.a.1. The Detainee is a member of al Qaida.

Detainee: This is not true. It is impossible. I am surprised that they said that I am. Everybody who is here in the prison, are aware of the fact that I am not al Qaida.

ISN# 1463
Enclosure (3)
Page 2 of 8

UNCLASSIFIED//~~FOUO~~

002830

3.a.2. The Detainee assisted members of the Egyptian Islamic Jihad through facilitation of movement out of Yemen and by obtaining them passports.

Detainee: That is not true. I did not help anybody and whoever is saying that I did, let them present their evidence. If I know that somebody presented any evidence, then somebody can tell me what that evidence is so that I can respond to it. If there is any evidence at all.

3.a.3. The Egyptian Islamic Jihad is a terrorist organization associated with al Qaida.

Detainee: How does that concern me?

3.a.4. The Detainee assisted members of the Al-Gama'a al-islamiyya.

Detainee: That's not true. Again, whoever has any evidence to prove, let them present it. If somebody submitted any evidence, I'd like to take a look at it to find out if that evidence is true.

3.a.5. The Al-Gama'a al-islamiyya is a designated foreign terrorist organization associated with al Qaida.

Detainee: What business is it of mine? If that was part of the investigation or does it make it (my business)?

3.a.6. The Detainee provided false passports to associates of Usama Bin Laden.

Detainee: I don't know anybody that have followed Usama Bin Laden or anybody else. I did not help anybody with false passport or real passport. Whoever said that I did, let them present the evidence. These are all words and reports from the Embassy (inaudible). You are attorneys and you know the law and it applies to all evidence that you bring against me.

3.a.7. The Detainee is associated with a convicted terrorist and visited him in prison.

Detainee: This just in general, I don't know anybody in prison. That is not true and I don't what you mean by it. All of these that are not true and all the evidence against me, I don't know why they have these allegations against me and for whose benefits.

3.a.8. The Detainee has had meetings with representatives of al Haramayn.

Detainee: I don't know this organization and I don't know anyone in that organization, absolutely nobody.

3.a.9. The Detainee arranged the release of imprisoned al Qaida members.

Detainee: I don't know anyone who is a member of al Qaida and I am not a government to have the authority to release anybody from prison. How do I know it would be (inaudible)? That is not true.

3.b. The Detainee supported military operations against the United States and its coalition partners.

Detainee: This is a large allegation. I don't know how to start with this accusation. All events are obvious to you and whoever committed these crimes is known and they are in prison. If there was anybody of them, who spoke against me at that point in time, you should accuse him. Other than that, you have no right to accuse me. All that has been said about me is untrue, you can go back to all of them and say untrue, untrue, untrue. The cuffs are on my hands and I don't have freedom to move my hands (Detainee dropped his paperwork). That's what you are saying that I should have cuffs on, so I guess I'm going to have to stay with the cuffs on.

3.b.1. The Detainee's brother was extremely close to those who conducted the terrorist attack on the U.S.S. Cole.

Detainee: I repeat again. If there is any live conscience, that allegation is proof that all these allegations against me, I don't know how you obtained them or who gave them to you (inaudible). I hope that you can take that into consideration. I want to tell you something that I'd like you to understand. Supposing that my brother was and that's not true. If he had any connection to these people, how does that concern me? Number two and most important. If my brother knew these when he was a young person, he went to fight in Bosnia; without any of my family's approval when he was a very young man. Maybe he knew these guys in Bosnia. Then he came back to Yemen and stayed there for a while. Then went back to Bosnia to live there. That again was without our approval as well. We don't what happened until he got arrested and was jailed. He was in six years. He was in prison from 1997 up until the time I got jailed in the year 2002, my brother was still in jail. The meaning of that is that all connections between him and all the people was broken. How can he have any knowledge of all these acts, and the attacks took place in 2001? Don't you see that this allegation is unjust against me? You can measure this off the allegations as well, if you want to find out the truth. Unless the Tribunal was formed just to give a decision on keeping us here, I request that you look this evidence and my statement because you are looking for the truth. The future will determine.

3.b.2. The Detainee possessed detailed knowledge of a planned terrorist attack on a U.S. embassy.

Detainee: I don't know what is meant by that. Again, I don't know what is meant by that. Especially until the time I got imprisoned, I didn't know there was any attack on the U.S. Embassy. This allegation is in my favor and not against me.

3.b.3. The Detainee possessed detailed knowledge of a terrorist attack against a western oil company.

UNCLASSIFIED//~~FOUO~~

Detainee: Again, I say I don't know what they mean by that. Whoever made that accusation how did they know that? If they heard that from me, again it is considered as evidence in my favor. When I know information like that, I would contact the police or the security in Yemen so that the Yemeni government can take all necessary precautions. That should be considered as evidence for me and not against me. Will you allow me to speak more?

Tribunal President: Yes.

Detainee: Having read the definition of an Enemy Combatant in the letter that I received a few months ago, is anybody that helped al Qaida or is a supporter. I am a businessman. I have no connection to al Qaida or any terrorist organization. I have never joined in any task or operations and I was never an enemy to the United States or other countries. I did not fight America or anybody else. I will not be considered as an enemy to anybody. I will not fight anybody. I hate fighting from the bottom of my heart. This is not because I'm here today; this is a fact. My religion, which I respect, as you well know is the Muslim religion, they forbid such a thing. My country is against terrorist and terrorism. As I told you earlier, I hate terrorists and terrorism and I give you evidence that terrorism is against my personal beliefs as I am a businessman in Yemen. Eighty percent of my trade depends, as I'm an exclusive dealer for international companies. They come to Yemen to conduct business there. I help these companies to get all kinds of contracts and get business in Yemen. I receive some kind of commission from them. Which company do you think is going to come to Yemen if there was terrorist and terrorism in Yemen? All these international companies need stability so they can come there and conduct their business. Any of these terrorist or terrorist activities is against my trade. How can I be supporting terrorist or terrorism? I hope you consider that in your decision. I repeat, all of these attacks that shook the world, is bad. Whoever committed these crimes is known and they are here. Is there anyone of them, who accuses me that I had anything to do with all these events? At that point in time you people can go ahead and accuse him. Other than that, nobody has a right to accuse me of anything. Just because of the fact that I am a prisoner, (inaudible). And you know that the CIA depends on a lot of information and some of it is incorrect. These people make mistakes and they depend on other agents and pay them so much money and only suffer because of it. They bring some information to the CIA, and it is usually is incorrect so they can take as much money as possible. So myself and other people like me, we are the victims and the CIA could also be a victim because they concentrate their effort on people that don't have anything to do with the events. These people, once they give the information to the CIA sometimes they give the wrong information and they know that they are feeding them. I hope you consider all this information. I want to let you know that I am a father. Even though I am not important in the American people's eyes because I am a prisoner, I am very important to myself. My kids and my wife think that I am important as do my mother and family. I hope that you consider that. I've already spent 28 months. I am in prison without any reason for being there. Don't be confused and mislead by all these allegations. I swear that the truth is totally different. I have nothing to do with terrorist or terrorism. I have nothing to do with all the attacks, as I told you before. I want to let you know that I lost a lot of money in my

ISN# 1463
Enclosure (3)
Page 5 of 8

UNCLASSIFIED//~~FOUO~~

002833

UNCLASSIFIED//~~FOUO~~

trade. I lost my place in the congress because of prison here. Don't you think that the time I have spent over here and the amount of money that I have lost and I lost the congress, don't that is a high price to pay? Don't you think that is a high price to pay? Don't you think that is a high price to pay? I apologize for taking too much of your time. I hope that you will be the people that will put an end to this situation so I can go back to my family. So I can live my life as a normal person. Don't be the cause for my continued imprisonment and give the CIA reason to keep me here. I hope so. Thank you.

Tribunal President: Does that conclude you statement?

Detainee: Yes.

Tribunal President: I'd like to at this point indicate that the only that we have seen about you to this point, is the Unclassified Summary. Would you be willing to answer some questions that we may have for you?

Detainee: If you ask questions that I know the answer to, I will answer.

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

Personal Representative: Yes ma'am I do. I would just like to remind you that you had made a statement earlier when discussing with me, that you were a facilitator for the Yemeni Government?

Detainee: My Personal Representative is supposed to be with me. Not against me. Now he is talking like he is an interrogator. How can he be an attorney? I said all of these allegations were fabricated and I told you I had nothing to do with them. It's up to the Recorder or Reporter to respond or provide the proof. I'm afraid to say anything that you might use against me. As you know, there is no attorney here today and I don't know anything about the law. I don't know which of these statements are going to be used for me or against me. Whoever is representing the government needs to provide evidence.

Tribunal President: The Personal Representative is here simply just to help you and I don't know how it worked out in the translation, but the statement he made was not a negative one.

Detainee: I cannot say anything that can be used against me. I am even afraid to say what my name is.

Personal Representative: I was just trying to help him cover all the aspects of the response that he provided in his defense.

Detainee: All of my statements were accurate. Whatever you wanted to know I've already talked to you about. Nobody can mistreat me or get me counting or do you want me to, I'll count for everyone. You can condemn on something that I did against the United States or

ISN# 1463
Enclosure (3)
Page 6 of 8

UNCLASSIFIED//~~FOUO~~

002834

UNCLASSIFIED//~~FOUO~~

anything or any mistakes I committed. But if you wanted to look at me from time of World War I and World War II, that is unreasonable. Any unclassified information that you have; you need to come up with the answer. Once you give me the unclassified accusation or allegation, I will respond to it.

Tribunal President: Is that all you have Personal Representative?

Personal Representative: I guess based on his response, I'm questioning rather or not he would want me to submit anything in writing or just stick with his oral statement.

Detainee: I'm not going to keep repeating myself. What I just told you is just re-hashing the situation. Anything else I say, I am afraid is going to be used against me. I hope that you can forgive me.

Tribunal President: Do I take that to mean that you don't wish to answer anymore questions?

Detainee: Are you looking for the truth or you going to be interrogators?

Tribunal President: Like I said, this is the only information we have on you and occasionally we do have questions to clarify some things.

Detainee: The are allegations that I am accused of. There should be some material evidence. Not just words. Anything that was fabricated (inaudible). If you are aware of the laws, you know what I'm talking about when I say material facts. Give me all the evidence then I will answer these questions. Other than that, anything I say might me used against me.

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

Detainee: You give me the evidence against all these allegations and then I will answer questions.

Tribunal President: We have shown you all the unclassified evidence that we can show you.

Detainee: These are only accusations and I have already told you that there is no truth in them. Whoever is saying that these are accurate, then come up with the proof. If there is no evidence then it's considered implied. You know the law

Tribunal President: Okay. At this point your Personal Representative would submit your written statement to us, or would you prefer that he does not do that?

Detainee: I don't want him to give you the document. I wanted to speak to you myself. I don't think that the information that the Personal Representative wrote down is accurate. I

ISN# 1463
Enclosure (3)
Page 7 of 8

UNCLASSIFIED//~~FOUO~~

002835

UNCLASSIFIED//~~FOUO~~

will talk you directly if you like. If there is anything that you don't understand, everything is all recorded and you can go back to it.

Tribunal President: Okay. Thank you.

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

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

AUTHENTICATION

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


Colonel, U.S. Army
Tribunal President

ISN# 1463
Enclosure (3)
Page 8 of 8

UNCLASSIFIED//~~FOUO~~

002836

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

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

The Tribunal President stated that the Detainee wants to participate and has requested four witnesses. The Tribunal has determined that three of the four witnesses would testify basically to the same information. The Tribunal will allow one witness, Zabit Kabir, (ph) head of security forces for the province of Zabol. The Tribunal determined that this testimony is relevant to this hearing. The first witness request was sent to the Department of State on 29 November 2004, the second on 13 December 2004 and a third request was sent on 20 December 2004, all contacting the foreign embassy. As of this date, 22 December 2004, we have not received a response from the foreign embassy on the status of this witness. The witness has been deemed not reasonably available. The Tribunal President stated that if this witness statement comes in at a later time, this Tribunal would consider reopening your case.

The Recorder administered the Muslim oath to the detainee.

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

3.a. The detainee is associated with forces allied with al Qaida and the Taliban.

3.a.1. Until the time of his detention, the detainee was serving as the security commander for the Shinkai district, Zabol Province, Afghanistan.

Detainee: Yes.

3.a.2. The governor of the Zabol district appointed the detainee to the security commander position.

Detainee: I was not only appointed, the governor and the people of the province both appointed me.

3.a.3. The detainee and the governor fought together for years with the Mujahdeen against the Russians.

Detainee: We did not fight together. He was separate from me and we were in different areas. But we fought in the same province.

UNCLASSIFIED//~~FOUO~~

3.a.4. The governor is Taliban and has ties to Hezb-e-Islami Gulbuddin (HIG).

Detainee: No he was not Taliban and he was nowhere near Taliban. He escaped from the Taliban; he went to Pakistan to escape the Taliban. He was a former member of HIG, but before Taliban showed up, he escaped and left everything behind.

3.a.5. The HIG is a terrorist organization with ties to Osama Bin Laden.

Detainee: Yes, he's a terrorist. They do wrong things and we do not like them. I do not like them and the new government of Afghanistan, run by President Karzai, does not like them. I know he does wrong against the new government.

3.a.6. The detainee had under his control, a stockpile of weapons that included: assault weapons, RPG's with ammunition, mortars, and landmines.

Detainee: Yes, that's not mine, not my private place. They have one list, every weapon has a number, and there was one list, and that was with the Interior of Ministry. That list was with the government position. Everybody writes the weapon's serial number and everything. They put them in there and it was under my control, because it belonged to the government. From the Interior Ministry, they have all the lists, all the ammunition numbers, all serial numbers, everything. All the records were under my control but belonged to the new Government. This government appointed me to this position and I worked for the new government. I'm a person, employee of the new government.

3.a.7. The detainee possesses detailed knowledge of Taliban and HIG plans and organization.

Detainee: I have no knowledge, no information about anybody, no Taliban or HIG. Of course, the governor was my boss, I don't know what his position is, and I have to ask for permission, to talk to him, to have a meeting with him. That's a different story. But, if you found any evidence to this allegation, on this allegation on me, either with the Taliban, HIG, or any close ties, or any information, I will accept lifetime prisoner. If you found any proof or evidence on me, I will accept lifetime prisoner. One time, I took an oath in Bagram. I even put my hand on the holy book of Koran. That's just way hard, and I did that, and I told them, this is my holy book, I respect it dearly. I told them this is my religion, if ever you find any proof, or any evidence against me, which I was giving/getting information from Taliban or HIG or al Qaida, that I share with them, I will accept a lifetime sentence.

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

Detainee: I will tell you the story of how I was arrested. Yes, when I accepted the job as district Chief of Police that made me a lifetime enemy with Taliban. Taliban, is I think, for life, my enemy of the future. They are sending me messages. They sent me all kinds of things, they are telling me, you work with the American, non-Muslims, and infidels.

They warned me and threatened to kill me. After this whole thing, the Americans arrested me. I'm not upset with Americans, and I'm not mad at Americans. I'm only upset with some people; they are just a personal enemy. I was, when they arrested me, I was taken to Bagram. I spent three or four months there, but I assured myself and I was comfortable because I knew Americans would find out the truth. They will ask about me, get the right information, and I hope that they will release me soon. But, I'm thinking that my enemy has more power, more things, and gave more allegations, wrong allegations. I expect from the Tribunal President please, I have the right to ask you, I have the law of the country, give me the right to ask you, please get as much of the right information about me as you can. Please, I ask you again, to find the true story about me. I would like to get the right information to release me, to get back home and to my family. If you found any allegations against me, if I was ever a member of the Taliban, or I worked with the Taliban, or I was in close ties with the Taliban, either the Taliban or HIG, I will accept anything, the hardest punishment. Again, I never, ever did anything with the Taliban or HIG. I'm innocent, completely innocent, God is watching me, and God knows I'm innocent and I don't have to say again. I swore on God, and, I never ever thought about anything or did against the Americans, they are not my enemy. I never thought of them as my enemy and I never did anything wrong against America in my lifetime, and I never will. I'm innocent, and I'm very hopeless. I accept you as my elder brother in Afghanistan, Americans are our eldest. We respect you because you guys help us, and you guys helped rescue us from the criminals, the al Qaida, and from the Taliban. That is a very important thing.

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

Detainee: Yes.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. You said you were going to tell us the story of how you were captured. Basically, all you said was that you had a personal enemy who was responsible. But I would like to see if you could give me more details. For example, were you arrested in your house or did they ever tell you why you were arrested?

A. When I got arrested I was in my office in the district, inside the government building. But I don't know who the person was. They did not let me know who the person was. Who gave out the wrong information against me? I don't know.

Q. I just want to get a little more background on you. Are you married?

A. Yes, I'm married.

Q. Do you have children?

A. I have seven children.

UNCLASSIFIED//~~FOUO~~

Q. What is your education background?

A. No education.

Q. Is it your job to know who the members of the HIG are? Do you know very many members of the HIG?

A. I only know the people; they are close to our province. I spoke of all of them, and they are in my file. I already told the interrogators.

Q. The stockpile of weapons, were they kept in a private residence or in a government building?

A. No, they were in our district building, government building, which was inside the compound in the district.

Q. How long have you been here?

A. Almost twenty-one or twenty-two months. Since I was arrested.

Q. Were there any terrorist activities or fighting around the time you were arrested?

A. No, there was nothing going on in our district when I was there.

Q. I'm not sure where your district is. Does your district and province border Pakistan?

A. Yes.

Q. Did you ever travel to Pakistan?

A. Yes, when Taliban came to power, I escaped to Pakistan. I was running away from the Taliban.

Q. Do you have a passport?

A. No need for a passport, I don't have a passport, because we were in and out (of Pakistan.)

Q. What did you do before you were the chief of security?

A. Before Taliban, I was fighting the Russians. When Taliban came to power, I escaped from the Taliban to Pakistan. Twelve or fourteen months, I escaped from the Taliban. I went to Pakistan.

Q. Did you work during that time frame?

A. Yes, I owned a small store that sold blankets.

Q. You said you fought the Russians; but did you have any formal training?

A. No, no, no one gets training. Everyone knows how to shoot Kalashnikov. They know how to fire weapons.

Q. When you were Chief of Police, was the Taliban in power?

A. No, the Taliban was gone. The new government threw out the Taliban. I then became chief under the Karzai government commander.

Q. You said the governor and the people appointed you the chief of police. Was the governor a friend of yours, and if he was, how long did you know him?

A. Yes, we knew each other at that time. We fought the Russians; all Mujadeens knew each other. When the Taliban came, he was in Pakistan because he had escaped from the Taliban. When the new government came to power, the Karzai government, he became the governor of the province. We had some problems in our own district. Between us, among them, all the elders, his friends, and everybody went to the province, and went to the governor's office. We talked to him in a meeting and talked to them, the whole people talked to the governor. They said this person, Mr. Darwaish, wants to be our district manager. The governor approved it.

Q. Who was the governor?

A. Hamedullah Tukhi

Q. Is he still the governor now?

A. I don't know now, but he was when I was arrested.

Q. Point four said that the governor belonged to HIG, and you said for a short period of time, do you know why he left HIG?

A. Yes, he was a member of a different group. He came from a different group. He joined HIG for two or three years, and when the Taliban came to this area and captured this area, he left HIG and escaped to Pakistan.

Tribunal President's questions.

Q. Was the governor appointed by Karzai?

A. Yes, Karzai appointed him.

Q. What type of things did you do in your capacity as security chief?

A. Not a big job. It's only a district. We are a small district. I was police chief there, and I handled the security of the people. I handled disputes, solved problems.

Q. Did you have people working for you?

A. Yes.

Q. How many?

A. Around thirty to thirty-five people. But they made the new program for the district. They appointed me sixty to sixty-five people; but we didn't have a budget at that time. It wasn't organized at that time, but I did keep the thirty to thirty-five people.

Q. Did you select the people?

A. No, before I was in a different area. When I transferred from this area to here, there were some previous people I kept there with me, and I put a few new people in.

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Q. I'm assuming in your district there are a number of tribes. Is that correct, or is it mainly one tribe?

A. I think first of all, there are many different tribes. The men have two different tribes, one is called Hodak (ph), and also Tukhi (as in the last name of the governor). The Tukhi is now a separate tribe, in a totally different area, in a different district now. The only main tribe now is Hodak.

Q. Would you say that the security people you had working for you were a blend of the two tribes?

A. There were three tribes working for people out there, Hodak, Tukhi, and Alatuzi (ph). Those people, they belong to a different district, but that was before me and I still keep them.

Q. I want to ask you about the place where you stored the weapons. Were you the only one to have access to that area?

A. Yes, I was the only one there, but I appointed one other person. There was a security guard--to guard the place all the time. He was allowed to get in.

Q. Did you have established procedures for taking things out of that weapons cache?

A. Before we went there, and that was from the former district officer, or district manager, there were things left from before the Taliban time. The mines, the ground mines. We didn't touch those things. Sometimes we moved (inaudible), only if we go somewhere and we take it with us for security reason. Those other things we don't touch.

Q. Regarding the person that you appointed to guard that facility. Did you have confidence that he was following the procedures so that weapons and stuff were not going out without your knowledge?

A. Yes, I had confidence. It was my person that I appointed.

Q. I assume that your own security forces had their own assigned weapons that they kept with them all the time?

A. Yes.

Q. As a rule, would you say that the rest of the population, citizens that didn't belong to your security force, didn't have weapons? Or, was it a normal thing for everyone to have weapons?

A. No, we were very close to the border of Pakistan. There were a lot of movement of the Taliban, and we are scared of them. We don't let anybody carry a weapon, or use a weapon or have the position of a weapon. If we found anybody with a weapon or knew anybody who had a weapon, we collected the weapon. We don't let anybody have a weapon.

Tribunal President: I want to thank you for participating in this tribunal today. Naibullah Darwaish, do you have any thing else you would like to tell us?

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ISN#1019
Enclosure (3)
Page 6 of 7

002852

UNCLASSIFIED//~~FOUO~~

Detainee: I don't have any questions, but, if you have questions for me, I'm ready to answer them.

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

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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ISN#1019
Enclosure (3)
Page 7 of 7

002843

Summarized Unsworn Detainee Statement

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

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

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

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

The Detainee did not want to take any oath.

a. The detainee is associated with the Taliban and supported hostilities against the United States and its coalition partners.

a.1. The detainee traveled to Afghanistan because he heard Uighur people could receive military training there.

Detainee: That is right. I heard there were Uighur people there, that is why I went there. I went there for my own best interests; I didn't go there for the fight against the U.S. government.

a.2. The detainee arrived in Afghanistan from China via Pakistan and Kyrgyzstan in June 2001.

Detainee: That is true.

a.3. The detainee stayed at a Uighur guesthouse in Pakistan.

Detainee: What do you mean stayed, I went there at night and left in the morning.

a.4. The detainee attended a Uighur training camp in Afghanistan.

Detainee: I didn't attend the training camp. If they call that the training camp, I wasn't in the training camp. I stayed in the place where the Uighur people stayed.

a.5. The detainee received training in the use of the Kalashnikov rifle and a type of pistol.

Detainee: Are you saying training? Do you mean when you use the weapons or when you see the weapons?

Tribunal President: To further explain that, did you handle a Kalashnikov weapon? Did they show you how to use it? Did they show you how to disassemble it and put it back together?

Detainee: I was shown the weapon by the other people because I was interested. Since I wasn't in my country, I had just seen it in the movies and I didn't see it in real life. Then I was happy. That's the thing that dictates to us in our home country, so I looked at it and how to use it and how to hold it but I didn't really use the weapon.

Tribunal President: What about the pistol?

Detainee: Both of them the same.

I've been told many times in the interrogation that I was a new comer. What I heard is that if we decide to stay it was kind of a test for us: are we going to continue and go to the next level or not? If we chose to stay at this place then what I heard is they are going to take us to other places, but I don't know where they are located and what exactly they do.

a.6. The detainee decided to travel to Afghanistan and join the Islamic Movement of Uzbekistan.

Detainee: That is true, I went to Afghanistan. The reason is because number one: I am scared of the torture from my home country. Second: if I go there I will get some training to fight back against the Chinese government. I don't know if there is an Uzbekistan organization. I don't know any of them; why would I join the Uzbekistan movement? I only know them since I got to this base, then I found out there were some Uzbek people. I didn't know them before I came to this camp.

a.7. Islamic Movement of Uzbekistan is a terrorist organization.

Detainee: I know what is my goal because my country and my own people and my own family are being tortured under the Chinese government and there is too much pressure. Why would I join and drop my own problem on the side to help other person? That doesn't make any sense. I said this many times.

a.8. The detainee was captured in Pakistan after crossing the border from Afghanistan.

Detainee: It shows in here that I am a Detainee; a Detainee is someone who fought against another government or force. Then, if they are captured, they should be called a Detainee. I wasn't fighting against any government or other forces. We were in a mountain and we had no more food. We just stayed in a mountain because of the continuation of bombing going on. We didn't know the road and so we followed some other people into Pakistan. We crossed the border and there were lots of people. They took us into their homes and fed us. On the second day they took us to a mosque and

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there were a lot of people at the mosque. Then they called the Pakistan police. Then we found out, after a few days, that they sold us to the US government.

b.1. The detainee supported military operations against the coalition.

Detainee: I wasn't injured; if I was injured there should be marks on my body.

b.2. The detainee worked construction and improvements of the Uighur camp while in Afghanistan.

Detainee: I helped build the toilet and fix the wall from the kitchen. I was helping bring stones and stuff, it was kind of construction work.

b.3. The detainee was in the Tora Bora mountains during the U.S. air campaign.

Detainee: I heard the name of Tora Bora when I came here from my interrogator. Is that the place we stayed, or are all the mountains called Tora Bora?

Tribunal President: According to the unclassified summary, it says that you were in the Tora Bora Mountains during the US air campaign.

Detainee: The place we stayed was kind of like a village. After the bombing started, then one or two Uighurs were dead and one guy had a broken arm. The place was completely destroyed so we ran to the mountains to stay in a safer place.

Tribunal President: Does that conclude your statement?

Detainee: It mentioned earlier that I was supporting Taliban.

Tribunal President: That is the very first allegation, that the detainee is associated with the Taliban and supported hostilities against the United States and its coalition partners.

Detainee: The first day, I left Pakistan and came to Jalalabad. Then the people I met took me to the place where they lived. During that time, I didn't see any Taliban. If I didn't see any Taliban people, how can I associate with the Taliban? I have never seen American forces or coalition forces. If I don't see those people, how can I associate with the Taliban and fight against the US and the coalition people?

Tribunal President: Do you have anything else to add?

Tribunal President: Abdul we can ask you some question that can assist you in telling the rest of your story.

Detainee: Ok, you can ask.

Tribunal President: Personal Representative do you have any questions?

Personal Representative: I have just s few.

Personal Representative: Was it your intent when you were training to fight against the US or its allies?

Detainee: I have one point, a billion Chinese enemies, that is enough for me. Why would I get more enemies? I need help. If I need help, how can I drop my goal and decide and go help another person?

Personal Representative: That sums up my other question.

Tribunal President: What was the question?

Personal Representative: What was his intent on doing with the training.

Tribunal President: OK.

Tribunal Member: The Personal Representative asked: when you went to the training, did you intend to fight the US? And the answer was: Why would I want more enemies? In my opinion the question has not been answered yet.

Tribunal President: Please translate.

Detainee: I know my goal; I was never going to fight. I've never seen Americans; why would I fight against the US government?

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. At the camp, were there any Afghanistan, Pakistan, Talibans or Al Qaida?

A. No, Only Uighur people

Q. Who was in charge of the camp? Was it Uighur?

A. Yes, his name was Abdul Hakh (Haq).

Q. Who paid for your travel from home to the camp?

A. I paid my own expenses.

Q. What was your employment or job at home?

A. It was doing business.

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Q. What personal effects or paper work did you have with you when you got captured?

A. All my documents were destroyed during the bombing. When I was captured, I only had my clothing.

Q. Did you ever fire a weapon?

A. Yes, I shot 3 bullets from the Kalashnikov at the camp.

Q. For training or against an enemy?

A. There wasn't an enemy there; I shot just it to try it.

Q. You went to Afghanistan for the purpose of receiving training on how to fight right?

A. Yes, that was my goal.

Q. You did not receive any training according to your testimony. Why is that?

A. The place was new for all Uighurs. Many people that went there stayed for a while for the test. Our leader would look at the people because the place was in real bad shape and there is not enough food and the house is in really bad condition. If we can continue to stay during the harsh environment then their leader will decide whom they will pick to go for the next level of training camp. That is why we stayed and never got any real training.

Q. It is my understanding what you said earlier you stayed in the village until it got bombed. That is when we went to the mountains. I don't understand how you got from the camp to the village?

A. It's not a village; it's kind of a farm. There are just a few houses not enough houses for us to stay in. You could not really grow anything there.

Q. Those are the same place?

A. Yes.

Tribunal President's questions.

Q. What country were you coming from or leaving when you went to Pakistan?

A. I went to Pakistan through Kyrgyzstan.

Q. What country are you from?

A. Turkistan.

Q. How did you travel from Turkistan into Kyrgyzstan then into Pakistan then into Afghanistan? Did you use a car, plane, train?

A. From Turkistan to a city called Rimchi (ph.). Then I traveled by airplane to Kyrgyzstan. Then I also traveled by airplane from Kyrgyzstan to Pakistan. Then from Pakistan to Afghanistan by car.

Q. Did someone assist you with your travel, as in which way to go?

A. I left from China to Turkistan to Kyrgyzstan, I understood some of the Kyrgyz's language because it is a little closer to my native language. Then I found some Uighur people in Kyrgyzstan, but I didn't know those people. I told those people that I wanted to go to Afghanistan. Then they helped me to get a plane ticket and they gave me an address to a guesthouse in Pakistan. When I got to Pakistan, the people there sent me to Afghanistan.

Q. Did you know anyone in Afghanistan before going there?

A. No. I only knew the Uighur people were there.

Tribunal President: I need to clarify a statement you made earlier when you were responding to allegations on the unclassified summary.

Q. Did you join the Islamic Movement of Uzbekistan?

A. I saw Uzbekistan people at this camp in Cuba. I've never seen Uzbekistan people in Afghanistan, but in our country Uzbekistan people speak Uighur language. I never saw any Uzbekistan people in Afghanistan.

Q. My question is, did you join the Islamic group of Uzbekistan?

A. No, I didn't join.

Q. You said you had a business in your country before you left. What kind of business was it?

A. A shoe business.

Q. Was Afghanistan the only country you could have gone to, to receive the training you needed?

A. In our country people are being punished and tortured, a lot of Uighur are dying every single year by the torture. Now every one, not only me, are trying to escape the country and go somewhere else. They are all trying to do that. Because I found the easy way of getting out of the country and going to Afghanistan, it was less expensive to travel. Also Turkistan, Kyrgyzstan and Pakistan border on us and they will turn us back into China. So, I didn't want to stay in those countries.

Q. After you received the training you participated in, in Afghanistan, what were you going to do with that training?

A. After, I would want to go back to my country.

Q. You gave me the impression that you were escaping your country? Then you wanted to go back. I don't understand.

A. I won't go back to my country until I get the power I need to fight my government.

Q. Do you know how long you were in Afghanistan?

A. Since June 2001.

The Personal Representative called the witness, Abdul Hehim, Adel, ISN 293

Tribunal President: you are Adel Abdul Hehim.

Witness: Mohammad.

Tribunal President: Give me your full name.

Witness: When I got to Afghanistan I changed my name to Mohammad.

Tribunal President: You are here to act as a witness for Abdul Gappher (Detainee). I want to make sure that you understand this is not your tribunal.

Witness: I understand.

Tribunal President: This panel will ask you questions as well as the Abdul Gappher (Detainee) may ask you some questions.

The witness took the Muslim Oath.

The Personal Representative and the Recorder had no questions.

Tribunal Members' questions

Q. Mohammad (Witness) when did you met Abdul Gappher (Detainee)?

A. I met him in 2000 at a place where we stayed in Afghanistan.

Q. Do you remember what month in 2000?

A. Probably July.

Q. Were you together when the bombing started?

A. Yes, we were together.

Q. What did you see Abdul (Detainee) doing at the camp?

A. I saw him fixing houses that were destroyed.

Q. Ever any military training?

A. Some time in the early morning we would run together but I didn't see anyone else.

Q. Were there any other people other than Uighur at the camp? Afghanis, Pakistanis; anyone else?

A. I only saw Uighur people, no one else.

Q. Who long were you in the camp?

A. I arrived at the end of June, until the start of bombing.

Q. I find it strange in a number of months you didn't do anything you thought you would do. Why is that?

A. The place was a really an old place, it was not big enough, so we fixed the bathroom and we fixed the houses and the roads. In Turkistan we don't have the freedom to learn Koran. We don't have religious freedoms and we learned to read the Koran.

Q. When you fled into the mountains, were you armed?

A. No, no weapons.

Tribunal President's questions.

Q. Do you know if Abdul Ghapper (Detainee) was a member of the Islamic Movement of Uzbekistan?

A. No, I don't think he would join another organization because there were only Uighur people in that place. How can he drop that organization to join another organization?

Q. Did you see Abdul Ghapper (Detainee) receive any kind of military or weapon training?

A. There was a guy named Abdul Mahsen, he was the one that trained me on the Kalashnikov. I don't know who gave Abdul Ghapper (detainee) the weapons training. I never seen him have weapons or military training.

Q. You were at the camp from July to about October, November?

A. It is possible, when the first bomb dropped at our camp we left.

Q. Where were you going when you left the camp?

A. We didn't know the road so we ran into the mountains. We stayed there for a while. We were waiting for someone to help us. We stayed in the mountains until we saw some people going to Pakistan, so we followed them to Pakistan.

Q. Did Abdul Ghapper (Detainee) go with you?

A. Yes, there were 18 people with us.

Q. How long were you in Pakistan before you were turned over to American forces?

A. We arrived in Pakistan. The people of the tribe came to us they welcomed us. They fed us. We stayed there for two days. Then they promised that they would take care of us; it was a nice place and not to worry about it. They took us to a mosque. Then they turned us over to the Pakistan police. We stayed in prison for 12 or 13 days. Then the U.S. interrogated us.

Q. Do you consider the place you were staying in Afghanistan a training camp?

A. I didn't look at the place as a training camp, but I was expecting the place to be a big training camp. When I got there it was little it was located by a mountain. You can barely run to exercise.

Q. Did you have to protect yourself from the Northern Alliances?

A. No, I didn't do anything to protect my life from the Northern alliance or the U.S. forces. Then, when the bombing started, we decided this fight had nothing to do with us. We had our enemies and so we ran into Pakistan.

Q. Do you know who supported the camp you stayed in?

A. I don't know who supported the camp.

Q. How many months were you at the camp?

A. Approximately 3 months. I used to know the numbers. It has been 3 years; I forgot the numbers.

Tribunal President: Abdul you have the right to ask the witness any questions.

Detainee: What I had to ask was talked about already.

Tribunal President: Mohammad do you have anything else you would like to add?

Witness: I want to clear one thing. A lot of Uighur went to that place because we have no chance to use weapons or learn how to read Koran in our own country. We would like to take advantage of the chance that was given to us to train so that, in the future, if something happened, we would go fight against the Chinese government. We have nothing to do with the Taliban or Arabs. We have nothing to do with the U.S. government or coalition forces. We never thought about fighting with the Americans. I want you to understand what our goal is: just to fight against the Chinese government. If there is nothing happening in the future, we would like to stay where ever, abroad, to do our business.

Tribunal President: Ok.

The Personal Representative called the witness, Abdulahat , Eman, ISN

Tribunal President: is your name Eman?

Witness: Yes

Tribunal President: You are here to act as a witness for Abdul Gappher (Detainee). I want to make sure that you understand this is not your tribunal.

The Witness did not want to take the Muslim oath.

The Personal Representative and the Recorder had no questions.

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Tribunal Members' questions

Q. Eman when did you meet Abdul Gaffer?

A. When I arrived to Afghanistan.

Q. Do you remember when? What month? What year?

A. When I arrived at that place in August 2001. When I arrived there he was there.

Q. When you say that place you mean the training area?

A. Yes.

Q. What did you see Abdul Gaffer do at the camp? What was his responsibility?

A. I didn't see him individually, but we all did jobs together.

Q. What kind of jobs?

A. We brought stones from the mountains. We took them to camp to build the kitchens.

Q. Who else was at the camp other than Uighurs?

A. No one, only Uighurs.

Q. Ever any military training with weapons or guns?

A. No.

Q. To follow up on that, you said there was no military training at that camp?

A. Are you saying just individual or all the people?

Q. All the people?

A. No.

Q. Do you know what the Islamic Movement of Uzbekistan is?

A. I do not.

Q. Were there any members of that camp there?

A. No. There was only one nationality at the camp.

Q. Did you come across any members of this group when you moved into Pakistan?

A. No.

Q. Did you meet any of the members of this organization before you got to Afghanistan?

A. No.

Tribunal President's questions.

Q. Where was the camp located?

A. The camp was just outside Jalalabad, it was located in the foothills of the mountains, by some housing area.

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Q. Do you know who managed the camp?

A. Abdul Hakh.

Q. Do you know who supported the camp?

A. I'm not sure. What do you mean by "supporting"?

Q. Who paid for the training? All the food? The housing you were building?

A. I don't know who did that.

Q. Did you have to pay to attend the training?

A. No.

Q. Did you travel with Abdul when you were ready to leave the camp?

A. Yes.

Q. Why did you leave the camp?

A. We didn't have any food and we were forced to leave that place.

Q. When did you leave the camp?

A. I don't remember exactly. I do remember it was the end of Ramadan.

Q. Did you see Abdul receive any injuries while you were leaving the camp?

A. I never saw that he had been injured.

Q. Where did you go after you left the camp?

A. Pakistan.

Q. Did you have to go through any mountains like the Tora Bora Mountains?

A. I don't know what mountains they were. We passed through the mountains. I don't know what Tora Bora is.

Q. One you reached Pakistan what happened?

A. When we passed into Pakistan, the local people turned us into the Pakistan Police.

Q. Did any of the people traveling with you have weapons?

A. I didn't see any.

Q. Did you see or hear any bombing in the region you were in?

A. Yes, we heard some bombing. We didn't see it.

Q. Did you have to protect yourself while you were at the camp or leaving the camp into Pakistan?

A. Yes, we were hiding inside the mountains because we were afraid of the bombing.

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Q. Did you have to have any weapons while you were there in the mountains?

A. No.

Witness made a comment to the Detainee.

Tribunal President: The witness is not authorized to talk directly to the detainee.

Translator: (Witness) They brought me here as a witness, but they are asking me a lot of questions.

Tribunal President: We needed to clarify to make sure we were hearing the same story.

Tribunal President: Abdul, would you like to ask the witness any questions?

Detainee: I wanted to clarify one thing; the witness didn't say one thing clear. Because we left our camp when the bomb started. Then we ran into the mountains.

Q. Eman(witness), is that true, do you agree with that?

A. That is true.

Personal Representative: Eman was talking about training with weapons, did you see individuals training with them?

Witness: No

No further questions were asked of the witness.

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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Detainee's Sworn Statement - ISN 111

To the President of the Tribunal, I am thankful to the American government for allowing me the time to discuss my situation before this Tribunal. I am asking you to consider my situation and help me as much as you can, and along with that, I offer my thanks.

I want to thank the American government and the American people and the military for helping the Iraqi people get rid of the cruel regime of Saddam Hussein. This would not have been accomplished without the American government. We thank you for getting rid of Saddam Hussein.

I have never been an enemy of America. I'd like to be a United States person. I'd like to be an American person. This is a very important point in my life and the situation. This is a good chance for me, talking directly in the court. This is my goal in life.

Before, when I was living with my family, times were bad; I was homeless. The bad times and the homelessness and bad luck are behind me, because I'm poor.

All my time in jail, I never was a bad person. A lot of people are in jail because they have [bad] luck, especially Iraqi people. I was in the service of the United States and was trying to help the Americans the best way I knew how.

Mr. Judge, I've never been an enemy of America. I think America did a great job for my people and my home there. My full name is Aji Abdul Motalib Hassan Al Tayceea. My parents are both Iraqi. We are a poor family from the Shiite Muslim community. My family was tired of Saddam Hussein's regime and the injustice to my family and my home. You know that Saddam is a Sunni. Not all Sunni are bad, but Saddam was mad at the Shiite people because they don't need [didn't want] to fight in Iran and they don't want Saddam to stay in Iraq. This is a unique problem that is bigger than me; I'm just a person.

I was young when Saddam took control. My birthday is 2 October 1974 and I graduated high school in Baghdad in 1994. I went to high school at night because I was working during the day to help my father. My job was with machines.

My family and I had a hard life. I request that the Judge give me the chance. One time in my life, I want to feel human. This doesn't mean I'm not human; I'm human, but I never had any chance at life. I want to help my family and I want to help myself. I want to save enough to not have a homeless life. I sleep in the city streets and in jail and from my life, it has taken a lot. It has taken a lot of time from my life.

My problem isn't just because I'm poor or that Saddam's government killed my second uncle. My problem, I'm sorry to say in front of the two ladies, but I want the Judge to know everything about me.

ISN# 111
Enclosure (3)
Page 1 of 24

UNCLASSIFIED//~~FOUO~~

002856

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I was never a "homo" or gay, but I have a problem. I can't get married because my penis is small sized. I went to the doctor and they said there is no help. They said I couldn't have an operation or surgery of any kind because I'm poor. I want to get the operation or drugs in America or Europe. Who can help me? I can't talk to my family about this problem, because it is too shameful. This is not my fault and I still feel like a man. This is bullshit and it's a big problem for me.

When I was first in Iraq I knew I needed America to help myself because I don't want to stay alone in life. I don't want to be homeless. I want to be a clean man and have a good job. I want to be a good person and a father of a small family with a wife and kids. I don't like jail and I don't like to fight.

This problem has taken all of my life and my thinking. For example, when I was in school, a lot of my friends were married. I look at my friends and say they have a good life. I can't stay in my house, because my father and mother are waiting very anxiously for me to get married. She says she has a nice girl for me to marry, because she says this is my goal in life. I run away from these questions from my mom. I told her that I want to go to college and be a good person. My family said it was a bullshit reason and that I'm Arabic and I can marry and complete my life. I can't stand the sight of my mom, because she says, "my son, I want to see your kids." I just kiss my mom and I say "maybe someday."

In America this is only a little problem, but in my home and in my life, it's very difficult when the day gets dark because I hate running from my people. I feel someday I'll go back to my home and I'm sure that all of my friends are married now. This is not just me in my family; it's also my younger brother. He was born in 1980. He's big and is a nice guy, but he has the same problem. I know about my brother, but my family doesn't.

Someday, I hope to go to America and get a good job and be a good person and help my brother because this is my goal in life.

I know that the other Detainees were living the high life and have rich families and they come to fucking Afghanistan. I'm sorry; I'm picking up the American dialect because of the MP's.

I knew there was this little fucker, Usama Bin Laden, and the fucking Taliban. If I saw Usama Bin Laden, I'd kill him.

I never left my homeland for Afghanistan like a lot of others. That's bullshit. Fucking Afghanistan and my fucking bad luck. It's just my fucking bad luck. The homeless and everybody in Pakistan...you can't find food. I would sleep in the cemetery. I would find a small amount of food on the ground.

Please, Mr. Judge, I want you and the gentlemen of this court to know...

ISN# 111
Enclosure (3)
Page 2 of 24

UNCLASSIFIED//~~FOUO~~

002857

UNCLASSIFIED//~~FOUO~~

Tribunal President: If I could just stop you for a moment. To clarify, I am not a judge and this is not a court. This is a non-judicial hearing.

Detainee: I understand what you say. I call everybody judge, even the interrogators.

Tribunal President: Just so you are clear and understand this is not a court of law.

Detainee: Thank you gentlemen for giving me this chance to talk. My English is not good, but I'm trying.

The Detainee would switch between English and Arabic throughout his statement.

Tribunal President: We certainly want to provide you the opportunity to tell us whatever you feel we should know because we don't know anything about you. We've come here with an open mind and our job is to determine if you've been properly classified as an enemy combatant or not. We'll take everything into account.

Detainee: The Iraqi government condemned us. On November 21, they killed my second uncle, Mohammed Ali Awayd Hassan Al Tayeea for some political situation. My uncle was in Baghdad and the decision came from the security department.

I spent so much time in prison under the Saddam regime. The government was very bad to my family. They were watching my house and we couldn't even have a wake for my uncle. My father buried my uncle in one of the Shiite graveyards. After that, the government made my aunts leave their jobs because they didn't want them to work for the government and my uncle had to leave his job at the airport. My father was working as a driver in the Iraqi oil refinery. He used to drive everything and he didn't get anything from the Iraqi government.

Three years later, after the death of my uncle, my youngest uncle, Abdul Bassat (phonetic), went to Europe, taking the northern route in Iraq during the hard time of fighting between Iran and Iraq, in 1984.

The purpose of this war was to kill Iraqi people for no reason...by Saddam and his government. After the death of my second uncle, it was considered a big problem as far as Iraqi laws and government. The government officials came to the house tens to hundreds of times and asking the family all sorts of meaningless questions.

When I was in Iraq, during my schooling and service, the person in charge was a guy from the Al Garath (phonetic) organization. He was from the security unit and he was asking a lot of silly questions about both of my uncles. Those two uncles were my direct uncles. Most of the questions were, "where is your younger uncle?" "Where did he go?" "Why did he flee the country?" "Who were his friends inside Iraq and which one helped him flee Iraq?"

ISN# 111
Enclosure (3)
Page 3 of 24

UNCLASSIFIED//~~FOUO~~

002858

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These were bad questions for a young person because they scared us. This is when I was in school and was in the Army. I don't want to talk to them, the security office, about this. I just told them "I don't know, they're dead."

The Detainee had to compose himself for a moment.

I'm sorry; they've broken my life and my family's lives.

They were asking so many silly questions, like "Did your father know anything about your two uncles?" My answer was "He knew nothing about that and doesn't know anything about it."

Even during elementary school there was discrimination. How cruel Saddam's regime was toward my family. They were separating people that had a member of their family condemned by Saddam Hussein, who left the country to go to Europe or somewhere else, or was imprisoned by the Saddam regime. Every day was worse than the other. I will provide you with my uncle's address, who presently lives in Holland and holds a Holland citizenship: 263531061S, in Amsterdam, Holland.

My youngest aunt is presently in Denmark. They went to Denmark through the United Nations as refugees and they never helped me and I place the responsibility on them. They should have provided for me; they are my family.

In 1994, I finished school with a very acceptable grade point average, but my financial condition was so bad. Due to the situation I was in, I wanted to get some medication for myself and it's only available in the United States. This is very simple medication, as far as you're concerned, but to me it was very expensive because I don't have any money. I hid all of this from my friends and my family because my situation is considered shameful in my country. They did not consider (inaudible) a human. That's not my problem and I could be treated. I wanted to treat my condition because I'd like to be a husband and a father.

I was respected in my country. I was working in the mornings as a mechanic, helping my father and I was carrying the family responsibility. I was also studying in the evening to escape from the military training in the country, which is compulsory and everyone has to do it.

My trade as a mechanic is good. My search for medication and treatment for my situation occupied most of my thinking. I was thinking about it all the time, especially because I'm a man, but I feel that bad because of the shortness of my private part.

I've practiced sex with some Iraqi females, but I paid money for that and they laughed at me because of the size of my private part.

ISN# 111
Enclosure (3)
Page 4 of 24

UNCLASSIFIED//~~FOUO~~

002859

UNCLASSIFIED//~~FOUO~~

January 7, 1995 I went to the compulsory service and became a soldier in Baghdad. I was at the Kharh (phonetic) training camp for basic training. Three weeks later we went to the Republican Guard.

We moved to another camp because the Republican Guard was at a different camp, but it was the same shirt, same Army and was the same bullshit, especially if you were just a soldier and you were poor. If you had money or had family working in the government you could have a good time in the Army. They would stay in their house and they do their service in their house and they'd come and harass you, because there is nobody looking. They are the government for Saddam.

The people were scared. They are mad at Saddam, but they are scared. For example, I can't say I don't want to be in the Army. Bullshit, they'd put me in jail.

That's true, because I did run away from the Army. They took me back to the Republican Guard at Al Taji to train me how to salute, follow rules, obey orders and how to use a Kalashnikov. That's an obvious thing in Iraq because the Russian Kalashnikov was available anywhere in Iraq. In school, they force the students to learn how to assemble and disassemble a Kalashnikov. Everyone is supposed to do that because it's an order that came from the government that's ruled by Saddam. At that camp, I was mistreated. I didn't have any food. That camp was nasty.

After that, I was transferred to a training institute of the Republic in southern Iraq in the Al Soura municipality, Unit 167764. Because I graduated from a trade school, I worked as a layperson. I did this work until I became a driver for the Commander, Subail Mubawish Jashim Al Jawi. I did this to escape the wrath of the Major of the training camp, Colonel Mazar el Tikriti. He's from Saddam's family.

The Detainee had to compose himself.

I'm sorry for this long situation, but they were unjust to me. They beat me many times, and I'll never forget it.

Tribunal President: That's okay. We're here and will listen as long as you want to talk to us.

Detainee: Thank you. Mazel Abdul Karim Abedi was an assistant to the second person in charge of the factory. He was very cruel and he imprisoned me so many times because I hid the truth about the death of my uncle, Mohammad Ali and the escape of my youngest brother, and my escape from the Army in February 1996.

I escaped to northern Iraq with my friend, Ali Hassan Sarayseh, who was also escaping from the Army. Too bad we got arrested before we got to the northern border, because the man who was responsible for taking us out of there [the Army], was working for Saddam's government. His name was Dale Shat (phonetic) and he's a Kurdish citizen.

ISN# 111
Enclosure (3)
Page 5 of 24

UNCLASSIFIED//~~FOUO~~

002860

UNCLASSIFIED//~~FOUO~~

This guy turned me over to the security at the border to the Sunni people. He turned me over to someone named Daoud who was a very cruel man. He hit me with a stick and I will not forget that for the rest of my life. They treated me as an animal.

Northern Iraq used to be considered an enemy to the government. After they searched my clothes, they found a red piece of paper that was given to me from the security office in Baghdad, which showed about the death of my second uncle; the one they executed.

I was hit so many times because of that piece of paper. The same day, April 1, 1996, they turned me over to security. They were hitting me, spitting on me and slapping my face. They had me blindfolded and they tied my hands behind my back with telephone wire. I could feel it restricting my blood circulation. They were hitting me with cables and sticks. This is normal. If they catch anyone, they beat them. This didn't just happen to me; it happened to a lot of Iraqi people. For what? For nothing. Because they don't like Saddam's government. It's bullshit, and it wasn't just the males. In the night, you can hear the guards punish the females and you listen to that and think, my God.

I was 22 years old then. Two weeks later we were turned over to the interrogators in an area called Al Zingeh (phonetic) because we were escaping. After hitting us and interrogating us, 10 days later, they sent us to Baghdad. Our travel was terrible because the Commander was so lousy. They loaded us into a small pickup truck and we were in the cabin. We were on the ground and he'd put his feet in my face, my head and my pants. The plastic and glass were in my eye and the wires made me cry because there was no blood in my hands. It was so far away; it was 450 kilometers. They would beat us and they talked bad shit about our family and sisters.

We arrived with our hands tied and our eyes blindfolded until we got to the interrogation offices in Baghdad in a place called Al Khademeh (phonetic), between the bridge and a city called Al Adameh (phonetic). After we arrived, we understood and we cannot forget. They changed our clothes with very bad clothes and they took us someplace, hitting us along the way.

They'd make your finger touch ground, your face is in the ground and you walk fast and someone behind you, pees on you from behind. If you stop or slip on the ground, it's a big problem...big problem.

They put me in cell #17 with four other people that I don't know. Two days later, they took me for interrogations. I came back and they were carrying me with a cover because of the way they beat me.

All of the questions were about my uncle that was executed and the piece of paper that they found on me. They asked why I wanted to go to the area that was against the government. My only answer was that I needed to work in northern Iraq because of the

ISN# 111
Enclosure (3)
Page 6 of 24

UNCLASSIFIED//~~FOUO~~

002861

UNCLASSIFIED//~~FOUO~~

difference in money. If you don't know, Saddam money is different from northern Iraq. Northern Iraq was using the old money and it's more expensive than Saddam's money.

Regarding the piece of paper that with me, I told them it was so the Kurdish people wouldn't interfere. I told them I was a good person and I wasn't against the system.

Two days later, they brought me back a second time. This time was a little better, because I was very sick. This time, they were just happy to slap my face. They were torturing me by using the telephone and passing the electricity into my fingers at night. Then, they brought me back to my cell and my answer was always the same.

Two weeks later, they sent me to the Republican Guard security office. The reception was so bad that I wished I were dead because of how bad they were. I was in the worst physical condition.

After a week or so, they sent me to another military office, to the Police Army. That place was so bad. Having spent a little time there, I went to that training camp on June 20, 1996. I met the Colonel. He was very afraid. He was afraid that I gave information about him or anything about the thievery and the stealing he always ordered me to do.

July 1, 1996, they took me to a second military court in Baghdad in a municipality called Al Wileel Helah (phonetic). The name of the judge was Colonel Salah Nasar Al Dulemi (phonetic) He sentenced me to be executed. They were going to shoot me because I was escaping to an area against Saddam. On the same day, the same judge changed the sentence to one year in prison because of the United Nations decision in 1995 about the oil for food program, before Saddam Hussein and his government changed the decision from a military decision to a civil decision. Going against Saddam Hussein and his government was cause for execution.

I thank the United States government for halting these activities. I will not forget that for the rest of my life. They helped me in Iraq and I hope they help me.

After I finished my sentence and they took me from the factory area, I was taken to do work of a normal soldier. For example, you'd be assigned a post for four hours and then at night, you'd have the same thing.

The Tribunal took a short recess.

Tribunal President: I am sorry for the delay.

Detainee: No problem, gentlemen. Thank you gentlemen and ladies for listening. I'm sorry my story is so long, but I need to tell you and I want you to understand me and know my reasons and why I left my home. I love my home.

ISN# 111
Enclosure (3)
Page 7 of 24

UNCLASSIFIED//~~FOUO~~

002862

UNCLASSIFIED//~~FOUO~~

Tribunal President: We understand. You went through the trouble to prepare this statement, and we will hear it.

Detainee: Thank you, gentlemen. After spending the day in prison, I went from the factory to the other camp. Two months later I had a military vacation and Colonel Al Jawi sent me a warning. He said I had to leave the house because they changed one of the military officers. Major Sa'ab Al Tikriti was an officer to the Republican Guard. He was asking me to come in for interrogations about the thievery and robbery in Iraq. He told everybody there to capture me as soon as I got back and turn me over to security.

The same day, my friend came back to my house and told my mother, while I was outside the house. I escaped to Nasiriyah because my oldest aunt was living there. I stayed there for a while and then came back to Baghdad. I went to the Colonel to pick up a piece of paper that would allow me to move locally, inside or outside of Baghdad. He gave all of the forged documents. He sent me to a Sergeant Allah Nassir Al Awan to get additional documentation to protect me from the military police.

He ordered me not to go to the house. I went from there to the municipality of Al Khaldeh, where my aunt lives. I spent a few days there and then I went back to Nasiriyah. From there, with a sum of money, I left the military unofficially and escaped the institute. Even though I stayed there for 6 months, and couldn't leave the area. My sister helped me with that sum of money.

I was escaping from the military service because that happens a great deal in Iraq. You can go from one unit to another unit by bribing people. You can check my military record. I was with the Guard and I was taken to a different place.

The money I had was equivalent to almost \$150. To you, this is nothing, but to us; it's a lot of money. I could not go to the house because the guards came to the house so many times. You can check that with the Mayor of that area. They would search our house so many times.

They came to inspect under the supervision of Major Abdullah, who is a murderer and a bad person. He was in the same unit I was in and he knows me directly. He used to hate my guts because I was a prisoner and moving back in forth. He was in the government and he's young, like [born in] 1972. He was barely 25 or 26 years old. He is cold and has no heart.

He once called me "Kiki"; it means "homo." If you are someone's "homo", you are called "Kiki." It means nice boy. I'm sorry, but he's a motherfucker. If I was there, I'd fucking kill him. He would search mother and my sister. He was mad at me because he was at the same unit with me. He would ask me who helped me and I'd never give an answer.

ISN# 111
Enclosure (3)
Page 8 of 24

UNCLASSIFIED//~~FOUO~~

002863

UNCLASSIFIED//~~FOUO~~

On December 16, 1998, I left Iraq, on my way to Jordan, using my Iraqi passport. I don't know anyone there. I had a few bucks that could last me three days. I stayed in the worst hotel; worse than the streets.

He said I could stay for one night for one Jordanian Dinar. When I spent all of my money, I called my uncle in Holland. I charged it to the hotel's phone, because I didn't have any money to go outside to make the call. My uncle never even sent me one Jordanian Dinar. He's an asshole and a motherfucker, but he's my uncle and I miss him.

He just lied to me. I called my sister and she talked to the employees of the hotel and told them that she would send the money because the owner of the hotel was going to turn me over to Iraq for not having any money. I didn't have any money because I kept my passport.

Then, my sister sent me \$100 and I went to Libya. After I stayed there for two or more months, I obtained a visa from the Tunisian government in Libya. I then went to my sister's house. Once at my sister's house, I stayed for 3 ½ to 4 months, trying to get a visa to any European country. I was unable to do that because every embassy I went to refused me because they don't respect the Iraqi passport. They said that if they gave me a visa, once I got there I would ask for asylum.

When the Iraqis go over there, they go to the police, and go to the United Nations office and get asylum. That's if he has good luck; if he has bad luck, he's like me and homeless.

After I left Tunisia and went back to Jordan, I went to the United Nations and asked for asylum. I explained my situation and it was all in vain. I presented them with the letter issued by the government to execute me. That piece of paper is available with the United Nations. My file number 702 in the year 1999 [is] in Jordan.

My residency expired in Jordan because they did not give Iraqi people more than six months to stay in Jordan and we could not work there. If they caught you working, they would deport you back to Iraq. Whether you were working or not working really made no difference. They had certain times they could go out to the streets and catch the Iraqis and return them. The name of the police was the Al Wafadin.

The reason for this was that Saddam's regime was providing all the oil to Jordan for free. For that reason, King Abdullah's executive order said that if an Iraqi is found to be working or in Jordan for more than 6 months, they would be caught and sent back. They sent a lot of people back, and the people had all kinds of documentation from the United Nations, but the government did not respect that visa. That situation applied only to the Iraqis.

For the poor people like me, we had to find work in Jordan because it was so expensive and we didn't have any money. I was working in a company that deals with mechanics.

ISN# 111
Enclosure (3)
Page 9 of 24

UNCLASSIFIED//~~FOUO~~

002864

UNCLASSIFIED//~~FOUO~~

It was a Jerusalem company in an area called Abu Alanda. They paid me so little. It was just enough to eat for the week. An Iraqi must work. Any other nationality was allowed to find work, but not the Iraqis.

Then, my sister came with her husband from Tunisia. They passed through Jordan and I took \$300 from them. They were on their way to visit my family. She would visit them every 4 or 5 years.

I bought a visa with that \$300 so I could go to Syria. This visa can be obtained in any travel agency for like \$200 or \$250. The name of that company translates to Golden Travel Agency.

After that, I went to Syria in January 2001. After 7 months in Syria, because it's a very poor country, I couldn't find the work or the money to help myself or help my family. After I saved some money, I was compelled to sell my Iraqi passport in a place called Al Sayedeh, which is a place for Shiite people. I sold it for \$100 because Iraqi passports are not respected worldwide. I bought, from the same person, a Moroccan passport. My name in that passport was Mubarak.

The purpose of that passport was to go to Turkey because I can go to Turkey on a Moroccan passport without a visa. I didn't have the money to buy a European passport, but if you have money, you can buy any passport. In Iraq, people carry briefcases with 100 passports in them. They can change a passport for you immediately, but cannot change any document from Syria.

They Syrian government would overlook that and say it's not a problem, but nobody changes Syrian documentation.

From there, I went to Istanbul. I was there for 3 days and on September 1, 2001 I bought a ticket on Holland Airlines to go through Amsterdam to Casablanca, because I had a Moroccan passport.

Unfortunately, they caught me in the Istanbul airport because I do not speak French. They examined my passport many times and everything was fine, except it was the wrong picture. That's not bad for a homeless Iraqi that wanted to go to a different country. That was my only purpose.

I wanted to get off in Amsterdam, but they captured me before the plane took off, and then I was beaten. They put me in jail for a month. They took me to court and they ordered my departure back to Iraq.

In northern Iraq, there is an area called Zakho. After the imprisonment and the routine interrogations, because I was not Kurdish, they turned me over to (inaudible) and there were other Iraqis with me.

ISN# 111
Enclosure (3)
Page 10 of 24

UNCLASSIFIED//~~FOUO~~

002865

I told them I was escaping from the Army and I wanted to go to As Sulaymaniyah. The other Iraqi people with me said not to go inside Iraq and if they asked where I wanted to go I should say As Sulaymaniyah.

Tribunal President: Where is that?

Detainee: It is in the northern Kurdish government [limited autonomous area of Northern Iraq for Iraqi Kurds who lived there]. It's another town with different conditions. They were working with Saddam because they would transport oil from Iraq to the Turkish border. We went there because it was a safe place for us. After they asked me and I said As Sulaymaniyah, they asked if I had family there, and I said yes.

They put me on a bus, because no one was walking anywhere. At the As Sulaymaniyah border, they asked me where I wanted to go. I said my name was (inaudible). I gave them another name because I know it's bullshit.

At the first border, they asked who I was (inaudible). The Turkish police caught me in the airport and bagged me again in northern Iraq. I told them I don't want to stay because I have a bad situation and problem. They asked me if I had anyone, and I said, honestly, no.

So, they put me in jail for 2 days. The conditions were very good; there was food and smokes. I had \$100 saved from my money. They didn't take my money because I put the money inside my shoe. I had to carry it in my shoe because the Arabs, they are motherfucking people [they would have stolen it].

Those mother fucking police. They said to go directly to the security office and they'd take information from me about my name and they'd give me a small piece of paper to go to any hotel. I'd have to go every night to the security office to get this piece of paper.

The hotel was very cheap. Many Iraqi people were going somewhere else because it was cheaper. I could stay for either 25 Dinars or 10 Dinars. They said it was good.

On the second day, me and my friends went to the ICRC office and talked to them about our situation, about how the Turkish police had bagged me. They made me a case, but I don't remember the case number. There was a female that worked there from Belgium. They helped me for 150 Iraqi Dinars because there was no food or work for the Arabic people. It was too hard.

After this, I couldn't stay at the hotel. It was bullshit and I found a job. I crossed the border back to Turkey and found a job in a little factory as a mechanic.

After a month, my friends and I went to the security office and said we wanted to go to Iran. We were given a small piece of paper and they said we could leave. I couldn't leave from the Kurdish border because they would catch me repeatedly. There were

UNCLASSIFIED//~~FOUO~~

people with me and they would only help us to the Kurdish border. They said at the Iranian border, we would have to take care of ourselves.

They took our money and they moved us. We then stayed with this young person named Naji. He's normal, we found him at a coffee shop on the border and he asked us where we wanted to go.

We went across the Turkish mountains and walked through the mountains for 8 days, on October 10, 2000.

After we arrived inside the Turkish [border] there was a little town and I was separated from my friends for 2 or 3 days. I don't speak Turkish and the Turkish people don't speak English, except a little bit. I asked many people where to find the United Nations and no one answered me. After two days, I found the United Nations office. I went inside and requested asylum.

They asked my name and I gave them my cousin's name, Mohammed (inaudible). I couldn't give the same name I had given the United Nations in Jordan. These people, the officials, don't know what is happening outside. The people would help you for money, for \$3000. The rich people who had money could go to America or Canada. But poor [people] sleep in the cold because the Turkish (inaudible) didn't work. I found work at night. My job is very good, because I can always find a job.

After 3 months I went back to Istanbul and the police captured me and bagged me. They peed on me again. They told me to go to the same place. I went to the ICRC office in February 2001. It was very cold and I had no money. I found a job just to take food and a warm place.

They told me to go to a camp and stay and they'd give me food and then after 3 months, they'd give me money. This is all I had. The Kurdish people said (inaudible) office. I was in opposition of Saddam.

This camp was bullshit. They have nothing except 3 officers. They give you free food, but it's very bad and it's cold. I just wanted to be warm. I left to go back to Iran.

I was contacted by my brother in Canada. He sent me \$100 to go back to Iran. But, he sent me \$100 Canadian Dollars and I didn't know it was different from the American Dollar. I exchanged it in the northern office for \$50.

Me and two friends from the same unit didn't want to stay. We went back to the security office and asked again for the piece of paper. They said no problem because they knew I was a good person and I was three months and there was nothing bad about me, because I was watched.

ISN# 111
Enclosure (3)
Page 12 of 24

UNCLASSIFIED//~~FOUO~~

002867

UNCLASSIFIED//~~FOUO~~

After I went with my friends to Iran, they said we could find a job. Iran is not my goal. My friend had a little room because he could speak good Farsi. He's from my big family.

After I stayed 90 days, he said we should stay there because Iran was good for us. I said I wanted to leave because there's no United Nations office in Iran. I said I wanted to go to Turkey and he said I'd need \$300 or \$400 bucks, so I said I'd go to Pakistan.

He said he'd help me go to the bus, but I couldn't talk to anyone because I don't speak Farsi. He got a ticket from me. He told me to go to Mashaad (Iran) to a Shiite Mosque. He said if I see the police are watching me; don't go because sometimes the police are bullshit.

I went from Iran to the United Nations in Quetta, Pakistan. I gave them a different name, the name of my friend. After two days in Quetta, which is a small town, I met some Iraqis that said I should go to Islamabad, and if the police asked me for money I should tell them I have none.

Then, after two days, I went to the United Nations and asked for asylum and gave them my cousin's name. After 3 months of hard times in Pakistan, I had asked Iraqis for help. I followed a Pakistani person who sent me to the Islamic Office because they would treat me good. He sent a letter with me and helped me with a taxi. I had to tell him that my name was Ahmed, because Ali is a Shiite name.

I said that I wanted to go, I needed a job and I was hungry. They then sent me to Afghanistan to get a job. By God, before I didn't know about the fucking Taliban. I learned about the Taliban when I was in Afghanistan, because in Pakistan they called it the Islamic Office.

This was about 20 days before 11 September, and I didn't know the Taliban was an enemy of America. They are not my people. I was hungry. It was a good time for me because I found food.

The people in Afghanistan (inaudible). I never prayed before. I was drinking every night. It's fucked up for me, because I'm hungry. So, they moved me from Pakistan to Kabul.

I'm done now, so you can ask me the questions. I'm sorry and thank you for listening.

The Personal Representative then assisted the Detainee with answering the points on the Unclassified Summary of Evidence (Exhibit R-1):

- **3(a) The Detainee is a member of the Taliban.**

I joined the Taliban when I was in Pakistan about 20 days before September 11, 2001. I didn't know the Taliban was an enemy of the

ISN# 111
Enclosure (3)
Page 13 of 24

UNCLASSIFIED//~~FOUO~~

002868

United States. I used to think the Taliban was an opportunity for me to work, to avoid being with no money and to eat.

- **3(a)1 The Detainee traveled from Iran to Pakistan in July 2001.**

I went to Iran through northern Iraq, and the Kurdish government was aware of my entrance. It's normal if someone obtains an exit visa from the security department in the Kurdish government.

I was with 4 or 5 Iraqi guys, who were very respectful people. We crossed the borders illegally, close to the cities of Salandig and Aromia. From there we went to Kum. I went there to see a friend of mine named Abass Maalo (phonetic). He is a respected man and he was with me at that al Ahra camp. He is against the government of Saddam and he helped me get to Pakistan, because he knows his way around.

I was in Iran for 90 days and Abass got me a bus ticket to go to Mashaad and he asked me not to speak on our way and not to talk to females, even if she was very beautiful. Once in Mashaad I was to go to a place called Zahaden and there was an area called Faka Naraque, where they would take people to the Pakistan border.

I arrived there by myself and entered Pakistan and went to Quetta by bus, with the help of a Farsi guide. In Pakistan they speak a little English, which helped me. There were close to 100 people on the bus, in addition to the animals and other people sitting on top of us.

- **3(a)2 The Detainee stayed at a military training camp (al Ahrar) for three months.**

Yes, in the beginning of February 2001. After the Kurdish police took me back from Turkey the 2nd time by accusing me of passing through the border illegally.

There was snow in the streets and there was no place for me to go because I didn't have any money in my pockets. There were people who were a force against Saddam. Massim Jalad (phonetic) was the (inaudible) President. He's big business.

- **3(a)3 The Detainee was trained on basic soldiering skills at the camp.**

That camp is considered a center for all the people escaping. This was in exchange for three meals and some clothes to keep you warm and blankets. There was just training on basic things because the majority of

UNCLASSIFIED//~~FOUO~~

the people there had escaped from the military forces in Iraq and they already had decent training.

- **3(a)4 The Detainee stood guard duty at the camp with a rifle.**

Yes.

- **3(a)5 The Detainee stayed at a Taliban house in Kabul, Afghanistan.**

Yes. This was when I was entering Afghanistan on August 20, 2001 and I didn't know any other place to go to, especially since I was with the Pakistanis.

- **3(a)6 Men arriving from the al Farouq training camp stayed at the Taliban house.**

That's true. That's not my problem. I was different from them. I wanted to go to Kabul and I was never in the al Farouq camp.

- **3(a)7 The Detainee was a truck driver for the Republican Guard.**

Yes. In the Army, I was a driver and a mechanic at different times.

- **3(a)8 The Detainee was a driver for the Taliban.**

Yes, that's true, because I didn't want to carry the weapons on the front lines. Being a driver is my job. I don't believe in the Taliban, but being hungry and homeless, I worked there for 2 ½ months and traveled in an old Russian car called a Gas 66. There are many of these in Iraq; it's a bullshit car. Everyday there was a broken engine, so I requested the money to fix it. I put a little of the money in my pocket and I'd go fix it. I didn't want to go every day. The fucking Taliban is fucking my life.

I was forced to go to the front lines because I was asked by Abdullah Hamas, who was the person in charge.

They put me in a building with the Pakistani people and Tajikistan people. There was no one Arabic in the building. After 6 or 7 days he asked me many bullshit questions. He said he knew I was Shiite. They put Shiite people in jail and kill them because they are bad. I knew how to answer. I said no, my name is Ahmed and I asked him if I could go back to Pakistan and I was told no, because we were there.

He talked to all the Pakistanis and the guards and told them not to let me leave the building except to pray. I can't not go, because they'd know.

ISN# 111
Enclosure (3)
Page 15 of 24

UNCLASSIFIED//~~FOUO~~

002870

UNCLASSIFIED//~~FOUO~~

So, they taught me the Sunni prayer. After 8 days like this, the Arab came at night directly to the 2nd floor, where I was sleeping with the Pakistanis.

The Pakistan people said the Arabs were coming if I wanted to talk to the Arabs. I was desperate to talk to anyone Arabic because I don't speak Pakistani.

It was bullshit for me. I asked this person, and he didn't answer me because I have no beard. Before I never had a beard.

In my religion, Shiite, only old men have beards. My brother and father have no beard either. The beards are bullshit. They have bullshit rules.

After a few days talking to some Arabic people, they asked me where I was from and I said from the Army, but I didn't give out my name. I said I was from Baghdad.

One person who was with these people was John Walker. When I saw him, he had a different face because he's too white and his hair is blonde. He spoke very good Arabic; he speaks better than me. His grammar was too hard for me.

After 5 days like this, I saw John Walker inside the building. I asked him if he was Arabic and he said no, he was from Greece in the north by the Turkish. I speak Turkish a little bit, so I said good morning or good night in the Turkish language to him and he didn't answer me, but he was a good guy, I promise.

These people, they lie about John Walker. He was a jackass and he's young and doesn't know anything about the Islamic religion. They just broke his mind and taught him Islamic. Islamic doesn't mean to kill people, like they do.

After a few days they moved us from Kabul to Konduz by plane. I'm not a jackass. I know they're watching me. I was in an Iraqi jail and I know.

The person who was watching me is here now. There are times I was eating breakfast and all they talk about is how the Shiite is bad and they kill me when they talk like that, but I can't answer.

They moved me to Konduz and after one night, we were moved in a big truck to northern Afghanistan, near the Tajikistan border. Those 15 days were very hard for me.

ISN# 111
Enclosure (3)
Page 16 of 24

UNCLASSIFIED//~~FOUO~~

002871

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I thank you because I'm here now and it's good luck. The Taliban is fucked up, I'm serious. Before I was here, they watched. I cannot be like them and I was laughing at something because I wanted to change. They pray like 20 times a day. That's too hard for me. What the fuck? I've got to say this 20 times? That's fucked up.

They say Usama Bin Laden is a prophet or something like that. That's bullshit. After 11 September and after they shot Massoud, I don't know. In the night they shot guns in the sky. I asked what happened and they said the Taliban killed Massoud. I didn't know who he was. They said he was the first enemy of our religion.

After 2 days the people were quite and scared. Some people said they were happy because of the two towers. After 2 days they said Usama Bin Laden did it.

I couldn't run away...it was fucked up. A lot of people were scared and many ran away. A person like me can't run away. I can't go to the Afghanistan people. If I said I was Taliban they would kill me.

The bombs started and many people died. Do you know what I was doing when the people died? I was searching pockets and taking the money. Hey, if they died, it's not my problem.

After a few days we went back to Konduz. It was 27 kilometers or 55 miles to walk.

- **3(b) The Detainee supported forces engaged in hostilities against the United States and its coalition partners.**

I didn't know the Taliban was an enemy of the United States. I was in Afghanistan before 11 September. I couldn't run away. By God, I promise you, I was never an enemy of America. I was just like a little scared mouse. If I had known the Taliban was against America, I wouldn't have gone. I am homeless...I'm homeless.

- **3(b)1 The Detainee was on the front lines with the Taliban, who were fighting against the Northern Alliance.**

Yes, I was in the north, but I didn't know. I was just a driver; it's not my problem. After I was in the north, I couldn't get back. Put yourself in my place. If I had \$100 in Pakistan, I wouldn't have gone to fucking Afghanistan, I would have gone back to Iran, but I didn't have money.

- **3(b)2 The Detainee was on the front lines for two and a half months.**

ISN# 111
Enclosure (3)
Page 17 of 24

UNCLASSIFIED//~~FOUO~~

002872

UNCLASSIFIED//~~FOUO~~

Yes. The 2 ½ months includes the whole time.

• 3(b)3 **The Detainee surrendered at Mazar-e-Sharif.**

Exactly, but I have to say something important about this point. After the lines were broken, the Taliban was back to Konduz. After we stayed in Konduz for about 15 days, they said we'd go to Pakistan and have a testament with Dostum's Army at Mazar-e-Sharif and they'd transfer us back to Pakistan. I was very happy about this, because it's done. I had \$500 I stole. I was a member of "The Good, the bad and the ugly" movie. I'm serious. It's my favorite movie.

They let me drive the 16-ton pickup to Konduz. There were 6 trucks. We drove through the night from Konduz to Mazar-e-Sharif.

With Dostum's Army, there was no more Taliban. I was the first truck to go inside Mazar-e-Sharif, and I'm a very good driver. But, about 8 miles before Mazar-e-Sharif, they met with us and removed us from the trucks and they took all of the weapons.

I was very happy because I was thinking they'd give us to the American government. This is good for me.

After they took the guns, I was the first truck. I was happy and they could see it in my face and everyone told me not to be like that. I was very happy.

They put us in Qalai Janghi (prison) and they checked us again. One of the people had a grenade and he killed himself because he didn't want to stay. They put us inside shelter. There were maybe 650 people in a place like a kitchen. On the second day, I was beside the door. The Pakistan people are very stinky. They use oil and they are very stinky.

Then I was taken outside and they tied my hands behind me for two hours, took my shoes and put me in line.

There was an American with a camera and was asking who we were in Arabic. They kept saying they were Pakistan. He asked me and I said I was Arabic. After that, he sent a guard to remove me because he wanted to talk to me. They moved me with a gun to my head.

I said, please gentlemen; I want to give you information. He asked who I was and I said my name is Ali and I'm from Iraq and I want to tell you the people here are Arabic. They said thank you.

ISN# 111
Enclosure (3)
Page 18 of 24

UNCLASSIFIED//~~FOUO~~

002873

UNCLASSIFIED//~~FOUO~~

He told me his name was [REDACTED] from the CIA. He had on a blue coat and he took the information from me. He then said he'd see me again in the camp. When they move you to the American camp, I'll talk to you.

They asked me if there were any Americans here. I said I don't know but there was a blonde guy, John Walker. I didn't know he was American because he said his name was Abdul Hamid and the second time he said he was from Ireland.

When he told me he was from Ireland, I asked him what was going on with his government between the Catholics and Protestants.

There was another blonde guy they asked me about who said he was from Russia. He [REDACTED] thanked me. You can check the cameras.

Now, all the people were outside and we hear the bomb and someone from Dostum's Army had a machine gun on his shoulder. He opened fire on people. People were yelling "please don't shoot" and he opened fire. The people beside me were (inaudible). This is a reflex. There is nothing you can do. Some people stood up and some people stayed down.

There were RPGs and Kalashnikovs. There was nothing we could do. We were in the center and fire came from everywhere. A lot of people died. I laid down because my hands were tied.

I asked someone to just open my hands a little bit. I begged for someone to just open my hands because they had been tied for a long time with wire and they were blue and cold. They opened my hands and I went inside the shelter.

There was bombing and fire for the first three days. It was dark and you couldn't see who your neighbor was. Like 70 people died and it smelled bad. After 3 days, Dostum's Army...they thought we had guns. There were some people outside fighting because of the reflex.

We were inside the shelter. I didn't fire because I'm not a jackass. I stayed inside. After 3 days, they opened the window and put fire inside the shelter and there was nothing we could do about it. Many people died in the fire and it smelled like steak.

I looked and I was beside John Walker. After this they put water in through the window. John Walker was tall and he's beside my shoulder. Some of the Detainees that were short were under water. It was like this for 8 days.

ISN# 111
Enclosure (3)
Page 19 of 24

UNCLASSIFIED//~~FOUO~~

002874

UNCLASSIFIED//~~FOUO~~

The water went down after 3 or 4 days and Dostum's Army sent someone who spoke a little English who said they'd give 2 or 3 hours and if no one came out they would kill all of us with fire.

Everybody was scared. I said fuck it, I'm going outside. I told the person I was an American person. I don't know who I said it to. He said the ICRC was outside and they promised not to hurt anyone. I said I was an American person and I wanted ICRC and I had no gun.

They said they wouldn't shoot me. I was the first person to go outside, but I couldn't walk after being in water for three days. They dragged me and put me on the ground.

When I got out they asked if I was American and I said, "no gentlemen, I'm Iraqi." I had to help myself. I told them people were scared. So I told everyone that ICRC was here and not to be scared, so everyone came up... John Walker included.

The first question I asked them was about smoking and they gave me 4 cigars.

After a month they took me because I was English and said they wanted to thank me for getting the people out and giving the information. They asked me for more information. After a few days they took us to the Kandahar camp. There were 600-700 Iraqis and Pakistanis, the jail was real tight.

They took 6 or 7 of us and moved us to the Kandahar camp. The American people speak very fast and I couldn't understand them. They said I thought you spoke English, I said yes but they talked too fast and I didn't understand what they were saying.

At the camp, I gave good information because they said if I did, they'd give me asylum.

The other Detainees want to kill me and they know my address. They want to kill me because I'd talk to the American interrogators and I'd be gone for 2 hours. They'd notice that when I got back and the Kuwaitis and the other rich people said they were going to kill me and my family, even if it wasn't now or next year, then in 10 years. The money was nothing for them and they'd lose all their money to kill me.

Do you know why they put me in this camp? It's because it's a safe place. I've never had trouble with the MPs either. The Detainees have spit and

ISN# 111
Enclosure (3)
Page 20 of 24

UNCLASSIFIED//~~FOUO~~

002875

UNCLASSIFIED//~~FOUO~~

thrown pee many times in my face and talked bad shit because I gave information.

The Detainees asked me why I give information to the Americans and I say "fuck you, you're fucking wrong. You're my enemy."

For this, I have asked the American government to help me with asylum because my life is in danger. These people...you can check with the interrogators. It's not just me, but there's another Detainee who is my buddy and he's giving information.

You can ask him how many times I've asked. Please, they know my address. I ask you please about asylum. I help myself and I can't be with my family because I'm scared for them. Maybe they've killed them already, but I'm scared for my family.

The other Arabic people say that if they kill a Shiite person there's no punishment. They are wrong. They are very fucking wrong. I know Islam and they are not Islamic. They are bullshit.

I'm happy now. There's no problem with you shackling my hands, but if they put me in jail it's not safe. They'll kill me because they are bad people.

They call me motherfucker all the time and I say, "fuck Usama Bin Laden and fuck the Taliban." I'm very happy and I tell them I'll stay here forever and give information about them. I tell them fuck you if you believe Usama Bin Laden.

There's a big difference between the homeless and rich people that come to Afghanistan. The homeless people need work and they go to Afghanistan. A lot of the Detainees are poor and I just want one chance.

I wish America would just give me one chance in my life. I will be a good person. I'd like to be an American citizen and a good soldier. I want to help my life and I want to help myself. I want someone to put his hands on my shoulder and say, "Don't worry." I'm sure this can happen in America.

I'm a good person and you can ask the guards here. They call me "Pimp Daddy." I don't have a problem with the MPs because it's their job and I thank them for giving us food.

This is my last point about the proof. I know I've talked a long time, but I want to talk about the proof.

ISN# 111
Enclosure (3)
Page 21 of 24

UNCLASSIFIED//~~FOUO~~

002876

UNCLASSIFIED//~~FOUO~~

First, I'd like to inform you that the evidence is not truthful, but it is a fact that I'm homeless.

Point number one, because I am homeless, I did not join any forces whatsoever. I did not do anything or work any place to get proper documentation. I don't have any documentation to present to you. I don't even have a passport, because I sold it in Syria.

The second point, is I did not know the Taliban was an enemy of the United States. Had I known that, I wouldn't have worked with them, but I was hungry and homeless and it was prior to the attack. The Taliban office in Pakistan was giving three meals and clothes. This was an opportunity for a homeless person like me.

I was a driver. I would like to inform you that I was a victim of a war that was caused by Saddam Hussein and his government. I didn't leave Iraq and go to Afghanistan, but I tried my luck in other very poor Arabic countries, but again, I was unlucky and the result was that I was still homeless, poor and hungry.

The third point, I'm a Shiite and the Shiite is the Taliban's first enemy. The reason I denied the truth about being a Shiite is because I was hungry. If I could have found work in Pakistan, I would not have gone to the Taliban. I didn't hear anything about the Taliban prior to going to Afghanistan because in Pakistan they called it the Islamic Offices. Pakistan and Afghanistan are not my purpose in life. I would like to go to educated place with people with open minds, like the United States and Europe.

Finally, my life is threatened and my worst fear is that the rest of the prisoners have already sworn to kill me, even if it costs them everything. The reason for that is because I'm Shiite and I'm really their enemy because they call me a spy, especially the Kuwaitis, Saudis and Algerians. Their main purpose is to kill Shiites.

They want to kill me and my family and some people have even ordered a fatwa to do that. I'm not the only one, [there's also] my friend from Yemen. He's my buddy. He's threatened just like I am.

The ICRC and the interrogators are aware of that. Therefore, I ask you to allow me asylum in the United States and I will be a respected American citizen. I will be honored to serve the United States government. For the safety of my family, I don't want to be close to them so they will not be threatened.

ISN# 111
Enclosure (3)
Page 22 of 24

UNCLASSIFIED//~~FOUO~~

002877

UNCLASSIFIED//~~FOUO~~

I request human treatment and I hope you provide safety to me, because I trust the United States will provide this for me.

Tribunal President: Just so you are aware, we have no jurisdiction over your request for political asylum.

Detainee: I just gave you my story and am requesting it.

Tribunal President: We will make it part of our report that we send up to the Convening Authority.

Detainee: I am not an enemy of the United States and I never will be, I swear to that.

Tribunal President: We will take everything you've told us into serious consideration as we make our determination. Is there any other information you would like to make known to this Tribunal today?

Detainee: I just want freedom. I miss freedom and I miss my family, but I can't go back to my family. The first reason I can't is because of my problem. If I got married it would help. I like my bome, my mother and my father. I'd like to help my father; maybe in 20 years I could buy a house for my father. My parents have nothing.

Perhaps the United States or Europe will give me asylum. The second reason is about my life. By God, the Detainees are serious about killing me. You don't even know what's happening in the Delta Camp and even in Camp 4. I never had any problems with any MPs. All the MPs joke and laugh with me.

The other Detainees are mad at me and they make up bullshit information about me. By God, if they have information about me, I'm not scared. I give information because if I keep it, it's bad for me.

I looked for [REDACTED] from the CIA. Nobody asked about him in the Kandahar Camp and I asked about him. I told them I was talking to [REDACTED] from the CIA and that I had been giving him information. They told me [REDACTED] died.

So I talked to the other person from the CIA and they said they knew everything and that I wasn't a liar. I give the truth. They had cameras. Look at all the information about the Detainees in Afghanistan. The FBI knows that I'm the one that told.

ISN# 111
Enclosure (3)
Page 23 of 24

UNCLASSIFIED//~~FOUO~~

002878

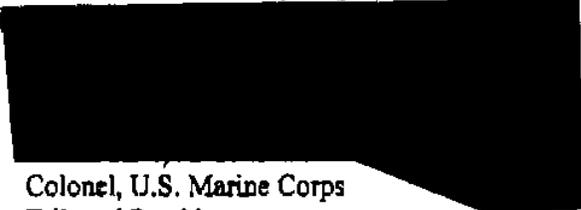
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By God, Usama Bin Laden and those guys are my enemy. Thank you, sir and thank you gentlemen. This is my most important point. I have never been an enemy of America and I will never, never be an enemy. America helped my family and they were helping Iraq. If I have a chance to be an American soldier, I would. It would be a good job for me. If I go to America, it will be my home. This is my life.

Thank you, sir.

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

ISN# 111
Enclosure (3)
Page 24 of 24

UNCLASSIFIED//~~FOUO~~

002879

Summarized Detainee Sworn Statement

As the Tribunal opened, the Tribunal President made the following statement:

Tribunal President: Please tell the Detainee he doesn't need to stand when we do.

Detainee: If everybody is standing up, I don't have a problem standing up to.

Tribunal President: Okay, I just didn't know how uncomfortable that might be.

Detainee: No problem.

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and commented:

Detainee: I don't have any questions now, whenever the Tribunal wants me to speak then they can tell me to start answering questions, I will do it.

Tribunal President: We will do that, thank you.

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

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

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

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

The Tribunal President, referring to the Detainee Election Form, made the following statement:

Tribunal President: I see by the Detainee Election Form that you have elected to participate today as evidenced by your being here. I also see that you requested initially to have one witness and that witness supposedly did not have firsthand knowledge concerning the enemy combatant issue but would testify to your employment with the Karzai government. In light of the cooperative testimony and looking at the unclassified summary we determined that the testimony has no relevance and therefore the witness request was denied. Naserullah you may now present any evidence you have to the Tribunal and you have the assistance of your Personal Representative in doing so. Do you wish to present information to the Tribunal and would you like to make your statement under oath?

UNCLASSIFIED//~~FOUO~~

Detainee: I can speak now?

Tribunal President: Yes, the first thing I do need to know though is if you would like to make your testimony under oath.

Detainee: I have no problem taking the oath if the Tribunal wants me to take the oath I can do it either way because I'm not scared, I know that I was never part of the Taliban and I never did anything wrong so I will tell the truth, so I don't have any problems taking the oath.

Tribunal President: And that choice is strictly up to you, we will accept your statement either way.

Detainee: I was asking if you wanted me to take it, if not then I said it before I will take it, I am ready to take the oath.

Tribunal President: Reporter will you please administer the oath.

Detainee: Should I start (inaudible)?

The Recorder administered the Muslim oath to the Detainee.

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

Personal Representative: Yes Ma'am, Naserullah and I had met approximately three weeks ago on the 20th of November. Our meeting lasted about an hour and fifteen minutes. I would like to begin with some general comments regarding that meeting, and then together we will respond to each piece of evidence as previously read here in the Tribunal. Do you (to Detainee) still wish to proceed in that manner?

Detainee: Yes.

3.a. The detainee was carrying messages for Taliban commanders when apprehended.

Personal Representative: A couple of general statements Ma'am. These are just general notes based upon our meeting and in there you stated that when you were captured you had absolutely no weapons whatsoever on you. That you served with the Karzai government, not against it. That you served with them for approximately a 2-month period and that you stated that you are also pro-American and helped the Americans. That you never fired any weapons and that you were a farmer. That you spent all your time working to support your family as your father had passed away. That you did not have time to support either the Taliban or the al Qaida. That the work you did for the Americans was when they were bringing in relief supplies; such as blankets, flour and other items. That you helped provide safety for those supplies when they were delivered. Regarding each piece of evidence as previously read about his association with the Taliban, you told me it was not

ISN# 967
Enclosure (3)
Page 2 of 10

UNCLASSIFIED//~~FOUO~~

002881

UNCLASSIFIED//~~FOUO~~

true that you were not carrying messages for Taliban commanders when apprehended. Would you like to tell the Tribunal anything about this piece of evidence?

Detainee: When you ask me a question I can answer them, other than that, it is pretty much clear what you are saying and I will answer any question that you or anybody else in the room would like to ask.

Personal Representative: That's fine, you will have the opportunity to answer individual questions.

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

3.b.1. The detainee suffered hearing loss when captured, which was caused by firing weapons.

3.b.2. The detainee took part in attacks against U.S. forces.

3.b.3. The detainee had knowledge of an early warning system used to alert of approaching U.S. or coalition forces.

Personal Representative: Regarding participation in military operations and suffering hearing loss when captured, you told me you do not have hearing loss, your hearing is fine nor did you suffer any hearing loss. When captured, you were going to the bazaar to get groceries for your family, you were in a bus, a small taxi, with approximately six other people. That you got this bus in your own town, it was daylight when you went to the bazaar, the time was approximately 12 o'clock or high noon. You also denied taking part in attacks against U.S. forces; nor did you have any knowledge of an early warning system used to alert of approaching U.S. or coalition forces. That's what had happened, you got on this bus in your own town to go the bazaar, and you came up against a checkpoint and the bus was stopped at this checkpoint. Those were the circumstances, they took you off the bus and they captured you. You told me that all of the items of evidence that I had read to you were not true, and Ma'am that's the essence of the meeting that we conducted on the 20th of November. Would you (Detainee) like to respond to questions or do you have anything else that you would like to add about our meeting?

Detainee: I would like to answer anybody's question, if they ask me. The only thing is I said in the beginning to my interrogator and to everybody that I am innocent and a farmer, I never did anything wrong. I was protecting and providing support to my family because when my father died, my brothers and sisters I supported them. I never did anything wrong, the only thing I did do is support the new Karzai government. I did that; I worked with him and guess that's what I got to support, the new government, that's why I am here today.

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

ISN# 967
Enclosure (3)
Page 3 of 10

UNCLASSIFIED//~~FOUO~~

002882

Personal Representative: Yes Ma'am, just a couple of questions.

Personal Representative's questions

Q. You said you did not know anyone on the taxi or the bus, how many people were on that bus when you got on it?

A. It is a taxi and the total was six people in that car. So, I was the last person to sit in the taxi, there was five people already in the taxi and the only person I spoke with was the driver, I asked him how much fare I had to pay him from here to the bazaar. So, that was the only time I talked to anyone in that vehicle, other than that, I didn't know anyone, I never talked to any person in that vehicle, and we were going and when we got to the checkpoint, they stopped us and then they told us to get out of the vehicle.

Q. Did this taxi go from your town, to the village, to the bazaar?

A. There is a main road from the village where we stay; we were walking the distance to the road from the village. When we got to the main road we heard a taxi going from there to the bazaar all of the time. I got there and saw the taxi was stopping and I got in the taxi. It's the main road to the bazaar and people usually come to the main road and stop and wait.

Q. Is this the way you usually go to get to that bazaar, this route?

A. Yes

Q. How many times during a month or a year do you go to the bazaar on that taxi?

A. I don't go to the bazaar everyday because you have to pay fare from there to the bazaar and I am a poor man, I cannot afford to go everyday. But anytime they need groceries in the house, like rice or bread or wheat, then yes then I go to the bazaar to get it. So, it's not like how many times I go in a week or a month, it just depends on how much stuff we need at the house and we usually put it together because I don't want to go just for one thing to the bazaar to get it, usually we make a list of what we needed and then go and get everything together because it costs money to go from there to the bazaar. I'm a farmer and I'm not making that much money.

Personal Representative: Ma'am, those questions were just in order for me to clarify the contents of our meeting and to clarify for the Tribunal the bus taxi he took was a taxi that originated from the town in which he lived. Those are all the questions I have at this time.

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

Recorder: No Ma'am.

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

Tribunal Member: Yes Ma'am.

Tribunal Member's questions

Q. How old are you Sir?

A. In Afghanistan we do not track a year or month and nobody cares because most people are uneducated so they don't know. The only thing that I can say is when I got captured I was 22 years old so all this time that I've been here you can add that to it. Because over there no one writes it down so if somebody needs to know how old they are or the month they are born, they do not track these things in Afghanistan.

Q. Are you a native of Afghanistan?

A. Yes, I was born and raised in my country and my father and grandfather live in the same area and we never went anywhere else.

Q. Okay, just to confirm you never actually traveled outside of Afghanistan in your whole life?

A. No, just in my country and in my area but I don't know any other places, this is the first time I have ever been outside...in Cuba.

Q. What is the highest grade level you've achieved?

A. There is no school in our area. The only thing that we learn when we are kids our parents send us to the mosque and at the mosque the mullah actually teaches you how to read and learn the Koran. How to read it and how to say it, it is the only thing we do when we are kids, other than that, I don't have any other education and I have never been to school.

Q. Can you read and write?

A. Yes, right now I write a little bit and read also.

Q. You said right now, how about when you were in Afghanistan right around the time you were captured, could you read and write at that time?

A. First of all, writing and reading I had a knowledge a little bit before but I'm still not familiar with that knowledge.

Q. Besides farming, have you ever done any other kind of work?

A. No, the only thing I did was the farming because my father died; when I was captured, it was eight years since he died so I had my brothers, sisters and mother to take care of; that was all I did, just farming. The only thing I did was to support the new government of Karzai and I worked with them for two months. That is the only thing other than farming I did.

Q. What was it again that you did with the government of Karzai?

A. Well first of all I was at the airport, in an area of the airport. I protected the area of the airport that the American planes landed on the airport and brought blankets and food products to the people to support the people in the area, to give it to the poor and to the needy people. When they landed, we made sure that nobody came close to the airport and when they left, we protected the stuff that they dropped in. Because later on, the people from the government office would come and pick all those things up and take it to the capital, to the government place where they actually give it to the poor people. That is our job, to protect the area before the Americans land the plane and when they leave, we just protect the stuff where they dropped it at the airport and make sure the government people take it and not anybody else.

Q. Did you use a weapon at that time to protect the airport?

A. No, they did not issue weapons to us, they said that they would send us to training, which is a year or two years training. Then after that training they would issue you a weapon, but I was only there for two months, and before I got to that stage to send me to that training. I got captured so I didn't have a chance to go. They did not issue any weapon to us. We were waiting for the time they could send us to the training. The only thing that we were doing was protecting and watching for the people and protect when they drop the food and everything to protect it and monitor to make sure nobody comes and gets those things.

Q. What kind of crops did you farm?

A. In our area there is not that much water, but we grow wheat, corn and vegetables and watermelons and melons. That's all we do, we grow because we don't have enough water.

Q. The watermelons, what season do you plant those in?

A. When we cut the wheat, we grow the wheat and we cut it. After that we get the soil ready to grow the watermelon and melon. Since there is not enough water, the size does not get very big because there is not enough water. But usually we do that after we cut the wheat season, when the wheat season is over then we grow that.

Q. Is that fall, winter, spring, summer?

A. When it is not that cold, so we can grow it anytime because the weather is nice and

UNCLASSIFIED//~~FOUO~~

if you have a warm winter, then yes they will grow. So usually it's the end of summer-time when we grow that fruit, melon or watermelon. But if you have water you can grow it at anytime because it doesn't get that cold.

Q. What area specifically did you live in?

A. The Province is Hilmon (ph) and the district is Bahrain and it's in Afghanistan and the name is Taryak. The village name is Taryak. I spent the whole time I never left my village more than one night.

Q. When you were captured, did you have any paperwork on you at all?

A. Yes

Q. What paperwork did you have on you?

A. Those were Americans that I worked with. I worked for the Mayor of the area. With the government approval they were shipping cards from our state to a different state, so they do have a record of what is going and what is coming in. It was by order of the government and I work with the Mayor because I know how to read and write. I did have those letters since I worked with him and the Americans saw the letters when they captured me and they were opening those letters.

Q. You said you worked for the Mayor there. Did you get paid for doing that?

A. I did not get paid from the government on a regular basis. The only thing we were getting money for 10 people arranging a way from state to state. Out of 10 people we only get one percent. Nine people, the pay would go to the owner of the vehicle and the one percent would go to them, which was the money that you were allowed to take. It wasn't any regular salary from the government, they were paying us on a monthly basis.

Q. These letters, which you said you could read and write, you actually had a chance to read these letters, you know what they said?

A. Yes, I saw it and if you show them now I can tell you if they are the letters. They captured with me and those letters were from either the commander or from the Mayor to do their things. Actually when we get to collect the money we take it to them and they give us the pay for it so they can see how much money and the rest to that person who had the vehicle. It was like that if they wanted to do something like mail simple paperwork or do their things, which was a government job. Those people are still working for the government, supporting the government, and it wasn't anything personal, it was to help the new government.

Q. Other than these letters, did you have any other paperwork on you at the time of your capture?

ISN# 967
Enclosure (3)
Page 7 of 10

UNCLASSIFIED//~~FOUO~~

2886

UNCLASSIFIED//~~FOUO~~

A. Yes I did have some other papers with me, like I bought motor pump and I don't have receipt for it, I bought that in the bazaar. I don't think, we usually send away from different places and we know which way they go, so if they are official, like the Governor or commander, they want to send a letter from different area people then they will give it to us because we know who is leaving in a car, leaving to that area and we give it to the people so they can transfer it to the people in that district and province. Maybe I did have a letter like that from the government only to send it to a different area, I carry it to the village to the people with a car to leave our province to their province.

Q. How many other people were arrested with you?

A. I was the last person to enter the taxi so it was six people in the taxi and there was six people and they captured everyone from the checkpoint, there was a lot of people sitting right there and they were actually capturing a lot of people, so I don't know anyone in the group that was there but there were six of them all together sitting in one place.

Q. Have you seen any of them here in Cuba?

A. I was living with the Arabs, I did not see anyone from that area, from my area, from the people who got captured but in the beginning I saw one person. His name is Kismila (ph) and he is from my area and I saw him in the beginning. So I don't know now if he is still here or he's gone, but he is the only person that I saw. Other than that, the whole time I've been living with the Arabs and they are from another area, they were not from my culture. I don't know if those people live out there or if they let them go home.

Detainee: Can I say something?

Tribunal President: Certainly.

Detainee: The person, if he is still in Cuba, you can ask him if he knows. I'm sure he knows me from the same area and he probably knows me from childhood, when I grew up, and he knows my father died and that I was taking care of my family. You can ask him if he is there and he can testify about all those people. I don't know how much he knows me and what I did, but I'm sure he knew my family and me in that area and if he is still here, I'm sure if you ask him, he will tell you what he knows about me.

Tribunal President's questions

Q. When you were arrested, what did they tell you?

A. They did not tell us anything when they stopped us. They just said get out of the vehicle and sit on the side. They didn't say anything. They didn't say anything about

ISN# 967
Enclosure (3)
Page 8 of 10

UNCLASSIFIED//~~FOUO~~

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UNCLASSIFIED//~~FOUO~~

weapons or fighting. We told them we were working for the new government and we also work for American safety when they come to the area to make sure they go safe and go to the safe homes. They did not use anything, they did not ask us any questions for two days. They kept us for two days in that area and they brought us to Bagram and from Bagram they brought me here. So they never said anything why we got captured, what was the reason because there was no fight at that time in that region and that's what I'm looking for.

Q. Who was running the checkpoint?

A. It was the American soldiers, and no one else was there and since we can't speak with them, we don't know the language, so why were they there and what were they looking for, the Americans who captured us?

Tribunal President: I want to thank you for participating in this Tribunal today.

Detainee: Thanks for giving me the opportunity to come here and tell what happened to me about my story. I have no problem to even come in the future if they need any information from me and they can go and ask anyone in the area about me and my family, what kind of person I was, and support the new government and I support the Americans in the area. At the time I got captured I had a full stack of wheat in which the Americans brought to give to the poor people. So I was the one getting stuff from there also, how would I go and fight against them? I supported them before and I will support them in the future and I have no problems with Americans and what happened to me. It may be the wrong information but if they do want to check on me, they can ask anyone in my area, in my village and those people will testify about me.

Tribunal President: Is there anything else that you would like to tell this Tribunal at this time?

Detainee: No, if anyone else has a question, then yes, I would like to answer them, other than that, if you have knowledge of that person is in the camp and you think you need more to check on me, then you could ask him, the person, and I'm sure he will testify, he will give you the truth and he will tell you the same story that I told you because if you know my family. If you don't know me well because he will know about because we were in the same area. I don't have anything else to say what happened to me, it was just somebody that gave maybe wrong information to the Americans maybe that was written from the guard but that is supposed to be happening to me. I was captured there and then had to come all the way to Cuba to stay here. So I have no regret in there, but the only thing is that I'm innocent and there is nothing that I do is wrong. There isn't anything that I did, and the Tribunal can decide on that, that's fine, that would be great. If they need some more then they can go ask this person and they can go ask anyone in the area in my village.

ISN# 967
Enclosure (3)
Page 9 of 10

UNCLASSIFIED//~~FOUO~~

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

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

AUTHENTICATION

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



Colonel, U.S. Army
Tribunal President

ISN# 967
Enclosure (3)
Page 10 of 10

UNCLASSIFIED//~~FOUO~~

2889

Summarized Sworn Detainee Statement

When asked by the Tribunal President if the Detainee understood the Tribunal process, the Detainee stated, "yes".

As the Recorder summarized the Unclassified Summary of evidence paragraph 3(a)(3), the Detainee made the following comment:

Detainee: Who has killed?

Tribunal President: The statement reads, the Detainee admitted executing three Afghans as the [REDACTED] for the Taliban in [REDACTED].

Detainee: Do you want me to answer now, or do you want me to answer later?

Tribunal President: You will have an opportunity to respond to each one of these in just a few minutes.

The Tribunal President addressed the Detainee Election Form (Exhibit D-A) and made the following comment regarding the Detainee's witness request:

Tribunal President: I see by the Detainee election form you have elected to participate as evidence of you being here today. Additionally, I understand that you requested two witnesses and the reason why you wanted these witnesses was they could testify that you joined the Taliban as a result of some force. This Tribunal has determined that this testimony, even if true, is not relevant to these proceedings. This Tribunal looks at the enemy combatant status of the Detainee. These witnesses appear to have information about your actions before you joined the Taliban. As such, the nature of the evidence is more addressing character which is not relevant for this panel to consider. Additionally, the issue of force or conscription to serve the Taliban is not relevant to one's status as a possible enemy combatant. Accordingly, the Detainee's request for witnesses is denied. Having said that, I do want to tell you that the only thing we have seen about you to this point is the information on the Unclassified Summary. In making our determination we consider two things. We consider the evidence as provided to us by the Recorder, and the second thing is we consider the things you have to say to us in your oral statement.

After taking the Muslim Oath, the detainee made the following sworn statement:

3.a. I The Detainee was the Taliban [REDACTED] of [REDACTED].

Detainee: The whole world knows that Taliban was a brutal regime. Anytime that they capture a place or surrender a place, especially if they were Farsi or Uzbek speaking, they will burn the houses down; they will put people in jail and they will kill people. Farsi and Uzbek speaking, because of fear for their families, that's why they will join Taliban. I never liked Taliban, but with force, they made me join. Everybody knows and the

ISN [REDACTED] 1003
Enclosure (3)
Page 1 of 11

UNCLASSIFIED//FOUO

whole world knows that my people opposed Taliban and up to the last minute opposed to Taliban. Anybody else knows there's been 30 years of war in Afghanistan and everybody, door-to-door, they have animosity against each other. Lots of animosity between tribes and neighbors, and [REDACTED] had traded me and sold me for money. When I was detained in Mazar-E-Sharif, the interrogators came and asked me questions. At that time, Americans decided that they were bad people, but not me at that time. For 18 months I was detained in Afghanistan without knowing what was going to happen to me. And because I didn't have any money myself to give him, he made up these accusations so he could sell me to Americans. The whole world, many of you do not believe what I say, but the whole world knows that in the regions of Northern part of Afghanistan, Taliban burns houses and put people in prison. It is proven that I never liked or supported Taliban, but they forced me. The people of Afghanistan, every day new people come, and they have to obey the laws of the government.

3.a.2. The Detainee admitted supporting the Taliban.

Detainee: I never admitted to this. When I was with Taliban, it was to protect myself, my family and my region. It was not because I was supportive of it. Taliban killed a lot of people of my tribe and put a lot of them in prison. I never supported that.

3.a.3. The Detainee admitted executing three Afghans as the [REDACTED] for the Taliban in [REDACTED]

Detainee: That does not have anything to do with me. During Taliban, anybody who stole anything or committed adultery...when somebody steals or kills someone or commits adultery, laws and the court and judges of Afghanistan decide on punishment of these people and that has nothing to do with me. That depends on the court and the government and the President of Afghanistan, it's not up to me. But I have not decided on anything on this, I did not know any of these people. Mullah Omar was the leader of Taliban and he has decided on that, and the court has decided on that. And the interrogators said if I told the truth it would help me. At that time, I was the [REDACTED] and this is a fact and I told them. This is not anything up to me, it's not up to me. That was the work of the court and the work of the leader of Afghanistan.

3.b.1. The Detainee stated he commanded 40 men armed with AK-47 rifles.

Detainee: I have said it before and I will say now, that there were 40 people with me. They work for the security of town. I wasn't involved with any war or anything else, I was just involved with the security of town.

3.b.2. The Detainee surrendered himself to neutral elders of Andkhoy City, Afghanistan.

Detainee: You tell me that I have fought against American and Coalition forces, but before the war I had surrendered myself to the people of Andkhoy. And people know,

ISN: [REDACTED] 1003
Enclosure (3)
Page 2 of 11

UNCLASSIFIED//FOUO

AF 02891

UNCLASSIFIED//~~FOUO~~

and it is known in the Andkhoy area there has never been war. A lot of the people will witness that I surrendered myself to the Andkhoy elders.

Tribunal President: Would you like to add anything else at this time?

Detainee: I want to tell you that only because of money, I was sold. And the American interrogators questioned me and I was told to lie to American officials. They (the Americans) told me they didn't think it was necessary to bring me here at that time. In Afghanistan, they are poor people. They knew I didn't have any money myself, and for that reason, they sold me. And I admit that I was Taliban, but I was forced to support and protect my people, family and myself. I have been detained as an innocent man for three years, and have not committed any crime. If I'm accused of being with Taliban for one year, thousands of people in Afghanistan are with Taliban, why aren't they detained?

Tribunal President: Does that conclude your statement?

Detainee: Thank you very much for allowing me, and I appreciate it. I know what's going to happen to me after this.

Tribunal President: Would you mind answering some questions we may have?

Detainee: Yes, I would.

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

Personal Representative: No, ma'am, I do not.

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

Recorder: No, ma'am.

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

Summarized Questions to Detainee by Tribunal Members

Tribunal Member: Yes, ma'am. I'd like to ask you (the Detainee) some background questions right now. Would you tell the tribunal about your education; how far you advanced in your studies?

Detainee: I studied until fourth grade and finished. Fifth grade I enrolled and did not get my books. The communist regime came, and they attacked the region and destroyed the school.

Tribunal Member: Have you had any military or weapons training?

ISN [REDACTED] 1003
Enclosure (3)
Page 3 of 11

UNCLASSIFIED//~~FOUO~~

AP 02892

UNCLASSIFIED//~~FOUO~~

Detainee: No, no, no. We are poor people, all day long, we are thinking about how we are going to find food to feed our family. With all this military staff, I never dealt with it and I don't understand it.

Tribunal Member: You were not taught how to use a weapon as part of a police force?

Detainee: In Afghanistan, some of the people even with no education have high jobs. They are all uneducated.

Tribunal Member: I understand that, but I am asking you did you learn how to use a weapon when you joined the police force?

Detainee: The police in Afghanistan is not the same as police here. We were just common, regular people.

Tribunal Member: So you did not command 40 men with AK-47 rifles?

Detainee: Those 40 people were only security of the town, that's all.

Tribunal Member: And they had AK-47's?

Detainee: Not all had Kalishnikovs.

Tribunal Member: And did you have one?

Detainee: No, I did not.

Tribunal Member: Now you told us something about [REDACTED] forces selling you.

Detainee: Yes.

Tribunal Member: How do you know this? Did you speak with him or did someone tell you that you were sold?

Detainee: When I was in Mazar detained, all the people there told me that I was here because of money. They told me that if I had money I would be released. Every day they told me that I was there detained because of money.

Tribunal Member: And this is while you were in Mazar-E-Sharif?

Detainee: They tell me all you have to do is give us money and you will be free.

Tribunal Member: Did they tell you what the price was?

ISN [REDACTED] 1003
Enclosure (3)
Page 4 of 11

UNCLASSIFIED//~~FOUO~~

AP 02893

Detainee: Because I didn't have any money, I did not discuss how much. I didn't ask how much. If I had money, I would've asked how much I would need to be released.

Tribunal Member: Now I'd like to ask you a little about your time as a Police Commandant.

Detainee: I have one thing to add about the money situation. After the American interrogators said it wasn't necessary to detain me here. Every day we talked about money.

Tribunal Member: Thank you. When did you first become the [REDACTED] [REDACTED]?

Detainee: I don't remember the date, but I know it was one year I was with Taliban. That was the first duty I had, and I didn't know what type of people Taliban was and what they did.

Tribunal Member: Did you join the Taliban before the attacks of September 11th or after?

Detainee: When were the attacks on the United States?

Tribunal Member: September 11, 2001.

Detainee: It was before that.

Tribunal Member: OK.

Detainee: Before the war with the United States, I had surrendered myself to the people of Andkhoy.

Tribunal Member: We'll get to that in a moment. Were you paid as the [REDACTED] [REDACTED]?

Detainee: I was getting 5 to 6 dollars salary per month. Approximately I would say between 5 to 6 dollars.

Tribunal Member: Who was your supervisor or superior?

Detainee: The governor of [REDACTED]

Tribunal Member: Now you told us that the executions that were carried out were not your decision.

LSN [REDACTED] 1003
Enclosure (3)
Page 5 of 11

UNCLASSIFIED//~~FOUO~~

Detainee: This is not true. These were done by the government of Afghanistan and the leader of Afghanistan and the whole system, they decide.

Tribunal Member: I understand that. Did you carry out the executions yourself?

Detainee: No, no, no.

Tribunal Member: Did men who worked for you carry out the executions?

Detainee: No. They were stoned to death by people, and people have to stone them to death.

Tribunal Member: People in the town?

Detainee: All the people everywhere they take a rock and hit the person.

Tribunal Member: What was the crime?

Detainee: Crime was adultery. I don't have anything to do with it. I have been 18 months detained in Afghanistan, no one has brought any charges against me.

Tribunal Member: I'd like to now ask you about the time around your surrender. Now you said that was the time before the war with the United States; can you be more precise of the date and time?

Detainee: At that time, America was not in Afghanistan.

Tribunal Member: Had the bombing begun?

Detainee: Yes, they had started bombing.

Tribunal Member: When you surrendered yourself, did you have a weapon?

Detainee: All the weapons we had, we surrendered.

Tribunal Member: Did you fight against General Dostum's forces and the Northern Alliance?

Detainee: No, no, no. If you don't believe what I say, you could ask the neutral people in Andkhoy City.

Tribunal Member: Thank you. That's all the questions I have.

Tribunal Member: I have a question Ma'am. What was your occupation before you were the [REDACTED]?

LSN [REDACTED] 1003
Enclosure (3)
Page 6 of 11

UNCLASSIFIED//~~FOUO~~

AF 02895

UNCLASSIFIED//~~FOUO~~

Detainee: My job was a farmer. Wheat and rye and to make food for my family.

Tribunal Member: Who hired you to be the [REDACTED]?

Detainee: One of the persons that was with Taliban I had known since we were small, young kids. I went to see him and he forced me to join and I said I am a poor farmer and I don't want to do it. After he gave me the job, many times I told him I was a farmer and that I didn't understand this job and I don't want it. He would tell me, you have to be with Taliban because if you don't they will go into your region and be cruel to your people. And so you are forced. You have to stay.

Tribunal Member: You say this was your friend?

Detainee: Yes, I know him and we grew up in the same region.

Tribunal Member: Did you see him often?

Detainee: Where?

Tribunal Member: In the region?

Detainee: Yes. We are in the same district. He also was not happy with Taliban. They forced him, too. He was in Afghanistan for a better job, but they don't have a good economy. My friend had a house or home there. If they burn the house down, then what is he going to do?

Tribunal Member: Was there a police department prior to you being a [REDACTED]?

Detainee: I'm not sure. Maybe.

Tribunal Member: Who handled security for the region, prior to you being [REDACTED]?

Detainee: I heard of his name, but I have not seen him. Everybody knew him as [REDACTED]

Tribunal Member: Why did the Taliban not use him for the [REDACTED] there?

Detainee: Don't know why.

Tribunal Member: How did you support the Taliban?

Detainee: I never supported Taliban. I only supported to protect my region and myself. My friend was himself forced to go. He told me I had to go and was forced to go, and I was never a supporter of Taliban.

ISN [REDACTED] 103
Enclosure (3)
Page 7 of 11

UNCLASSIFIED//~~FOUO~~

AP 02896

UNCLASSIFIED//~~FOUO~~

Tribunal Member: I don't understand. You joined the Taliban, but you did not support them; therefore, what did they require from you?

Detainee: I told them I was not happy to stay there with them, they made me, and I was not happy with them.

Tribunal Member: So you were only following orders?

Detainee: By force, yes.

Tribunal Member: What did they ask from you? What did they ask you to do?

Detainee: Our job was to make sure nobody beat anybody, that nobody would steal anything and provide security for the town. The person who supports Taliban has family that is Taliban, and my family is not Taliban. My tribe or people are not Taliban and oppose Taliban. My region's people are not Taliban and have been killed by the Taliban. Everybody knows that Taliban comes into our region and burns our houses down, and made us join them. Taliban at that time was regime in Afghanistan. A lot of people were with them but not supporters.

Tribunal Member: Do you remember the year that you joined the Taliban?

Detainee: I don't understand about the dates.

Tribunal Member: The year 1422, 1423, do you recall?

Detainee: I don't know the dates, but I know it was about 12-13 months I was with them.

Tribunal Member: Twelve to thirteen months. Ok. If you did not like the Taliban, why did you not work with [REDACTED] to identify those Taliban causing problems?

Detainee: We couldn't do it. It's known all the people in the north was close to Taliban. Taliban did not trust us, and always watched what we were doing. The day I surrendered to the elders I did not have the opportunity.

Tribunal Member: Do you remember in relation to Rhamadan when you surrendered?

Detainee: Seven days before Rhamadan. That night, [REDACTED]'s forces had captured part of the city, and gave me the opportunity to surrender myself. This is not a hidden story, whole world know what happened.

Tribunal Member: There were many refugees during that time, why did you and your family and your tribe decide not to go to Iran or Pakistan with the other refugees?

ISN [REDACTED] 1003
Enclosure (3)
Page 8 of 11

UNCLASSIFIED//~~FOUO~~

AP 02897

UNCLASSIFIED//~~FOUO~~

Detainee: I don't know there was a lot of refugees.

Tribunal Member: There were thousands of refugees fleeing.

Detainee: Who had money in Afghanistan could be a refugee and go. Some people in Afghanistan are so poor, when they eat at night, they do not know if they will eat in morning again. How are they going to find money?

Tribunal Member: Are you a farmer?

Detainee: Yes.

Tribunal Member: What did you grow?

Detainee: In my region, we grow wheat, rye, crops of that sort.

Tribunal Member: With wheat and rye, you did not have food to eat?

Detainee: We had only enough to eat for the day.

Tribunal Member: Last question. Do you believe in Jihad?

Detainee: I am a foreigner. I don't understand these things.

Tribunal Member: Ok, thank you. No more questions, ma'am.

Tribunal President: Can you tell us where home is for you?

Detainee: The street of [REDACTED] in the village of [REDACTED]

Tribunal President: Where is home in relation to [REDACTED]?

Detainee: A long drive. There are five or six provinces between us. More than one day by car.

Tribunal President: Is [REDACTED] a large town?

Detainee: No, it is not a large city.

Tribunal President: When the bombing started, were you hoping that the Taliban regime would fall?

Detainee: We were all hoping for that day when the brutal regime of the Taliban would come to an end, because they killed people and burned their houses down.

ISN [REDACTED] 1003
Enclosure (3)
Page 9 of 11

UNCLASSIFIED//~~FOUO~~

AP 02898

UNCLASSIFIED//~~FOUO~~

Tribunal President: Instead of surrendering, why didn't you try to go home?

Detainee: They wouldn't let me go. At that time, the Taliban, in some provinces they were still the rulers, so I could not go. It is common sense that all these provinces were still at Taliban's hands, how could I go home?

Tribunal President: I have no further questions. I want to thank you for participating in this tribunal today.

Detainee: I also thank you.

Tribunal President: [REDACTED] do you have any other evidence to present to this tribunal?

Detainee: All I wanted to say, I already did, and I told them about the two witnesses I wanted to bring. If they are around me, I will do that.

Tribunal President: I think we've adequately covered the witness request and it's not relevant at this time.

Detainee: What other evidence? What other things do you want from me?

Tribunal President: Anything else that you would like to tell us.

Detainee: The evidence that I have presented to you the whole world knows about. This is the truth, and it's not that I am hiding anything from you.

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

Personal Representative: No, ma'am. I do not.

Tribunal President: All unclassified evidence having been provided to the tribunal, this concludes the tribunal session. [REDACTED] you shall be notified of the tribunal decision upon completion of the review of these proceedings by the convening authority in Washington, D.C.

Detainee: How long will that be, ma'am?

Tribunal President: Unfortunately, I don't know the answer to that. If the tribunal determines you should not be classified as an EC, you will be released to your home country as soon as arrangements can be made.

Detainee: I've not seen war, I never supported war, and I don't want my country to be ruined by war. It's up to you to decide my fate, I have told you what I needed.

ISN# [REDACTED] 1003
Enclosure (3)
Page 10 of 11

UNCLASSIFIED//~~FOUO~~

AP 02899

UNCLASSIFIED//~~FOUO~~

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

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

ISN# [redacted]
Enclosure (3)
Page 11 of 11

1003

UNCLASSIFIED//~~FOUO~~

Summarized Sworn Detainee Statement

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

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

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

Tribunal President: According to the D-a election form, you asked for three witnesses and some information from a police station. The Tribunal deemed that they could be relevant to your case. We contacted our Department of State on 9 November 2004 and also had follow-ups on the 22nd and the 30th of November to get the information. As of today there was no response to these witness from the government in Afghanistan. Therefore with the lack of response, these witness are not reasonably unavailable. If this information does come across at a later date, the Tribunal will consider whether to reopen your tribunal case.

You had also requested a piece of paper referencing U.N. protection that you have, and that you indicated that you seen a picture of this piece of paper when you were being interrogated here at Gitmo.

Detainee: I don't remember what paper it was.

Personal Representative: He said, it was a piece of paper that was given to him in 1998. I did not find the document.

Detainee: Yes, I did see it during interrogation. It is there I saw it myself.

Tribunal President: The Personal Representative did look for it and didn't find it anywhere on the island. We will take your statement that the paper exists. The last witness that you asked for yesterday, he has declined to testify on your behalf.

Detainee: I spoke with him and he said he would come to the tribunal, and tell you what he heard and seen. That then shows you the relationship between the Shiite and Sunni's. I am a Shiite and he is a Sunni and there is hatred, if I had known he was a Sunni I would not have invited him to my house. He deceived me and told me he was a Shiite that is why we don't have a relationship.

The Detainee took the Muslim oath.

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

3.1. *The detainee was a Taliban Group Commander.*

Detainee: I was not a leader or a group commander for the Taliban. I am a taxicab driver. All the witnesses that gave you this evidence were Sunni's. In the beginning they didn't say all these accusations. After we had a problem they were cursing each other and were causing problems here. They also sued me. They complained that I was a commander of the Taliban. I cannot be with the Taliban for more than one hour if I was with them. I don't know their religion; if I stayed with them I didn't know their prayers. If they found out I was a Shi'ite, they would take my wife and kids and imprison me. If they put me in prison they will execute me. When I speak it is with an accent and they will know I am a Shi'ite. They know all the people that are coming from Iraq are from the south and are all Shi'ite's. The Taliban used to give me my food. I asked the interrogators to ask the neighbors about my situation on how I used to get my food. The guy I asked to be my witness here today, he was going with me too, but nobody here at this camp wants to see me get out. They curse me when they pray, they say to God "Kill him don't send him to his family." How could I be a commander of a group of people if I don't have food for myself? Taliban gave even my food to me; they were helping because I was an immigrant there. I was helping the women and children by giving them rides from one village to another village. Not just women and children but anyone willing to pay me money since I had a taxi. I was also transporting wheat, chopped wood. How could I be a commander? When they first caught me (and) five brothers and the commander who caught me was an Afghani. I am an Iraqi immigrant and I had my wife and kids with me. They came to my house and took me from the house. The American interrogator told me it was nothing more than procedures that they have to follow. They were going to interrogate me and ask me some questions; then let me go back to the village. From that point they took me to Qandahar, and they interrogated me further, the same interrogator said they asked about me in Mazar-e-Sharif and they were sure about all the information, and these are the steps and I have to follow and I have to go to Cuba. That interrogation was done about a year ago. The answer came from Washington that I was to be released. During that time there was problems with other Iraqi people and the Yemeni kind. The stopped talking to me in the cells about me, after that they signed a document stating that anything they said about me was a lie. The individual who squealed on me was a drug addict; he came to my house in Mazar-e-Sharif and said he was my brother, that he is an immigrant just like me. He said help me I am very hungry, I didn't have any food and so I borrowed money to give it to him. He came back a second time and I helped him out again. I heard he was a drug addict and had a bad reputation. I told him and kicked him out, he held a grudge against me. We both had the same interrogator, they asked him about me and he said he didn't have any information about me.

3.2. *The detainee recruited soldiers for the Taliban.*

Detainee: As far as the Taliban is concerned, they thought it was nothing more than a Jihad. All the people of Afghanistan, they were using guns. How is it possible that I don't know the language, the people, and I had no money; how can I recruit the people? Did I advertise on the radio? That point doesn't make any sense at all.

That drug addict made up all these allegations. I am talking about the witness I requested for today. He was living with me and when I had money, I would bring my food home and share with him. If I wanted to recruit anybody, I would have recruited him to the Taliban. I am afraid of the Taliban.

3.3. The detainee conscripted fighters.

Detainee: Which fighters are you talking about? This guy you are talking about is a drug addict or if it was a different individual and if was an Arab, they were saying killing me is a blessing. The Arabs went to Afghanistan so they can kill the Shiite's. How is it I am being accused of being with Taliban or al Qaida? I have no connection with these people, and I myself am afraid of the Arabs. The Afghani's may not know that I am Shiite but the Arabs do.

3.4. The detainee was the Director of Intelligence for the Taliban at Mazar-e-Sharif, Afghanistan.

Detainee: I have no answer to that, the director of intelligence you have him here. How can I be the director of intelligence, if I speak, they don't understand me and if they speak, I don't understand them. I don't know how to read or write in their language. If I were in charge or the director of intelligence, why would I ask the interrogator to testify and be a witness? These accusations are impossible and are made up. The Afghani people or the Pashtu cannot reach that high position as director of intelligence. Why would they give that to me?

3.5. The detainee was the chief of the Taliban's Interrogation Office at Mazar, Afghanistan.

Detainee: The director of intelligence was imprisoned, he gave some kind of kickback to Mullah Abdul Salam and he paid off Dustorn when he got out of prison and some of his guards were still in prison. He was fully aware of Koran, and he is Pashtu and speaks Pashtu, Farsi, and Arabic better than me. These people use the Sharia against me, who am I to use the Sharia against them. I didn't even pray when they picked me up and put me among the Arabs in Qandahar. If the chief of the police went to do a job, the head of the interrogation department becomes the chief of police. Why would they give me this high position? They had some other prisoners right now in Sherbergan, and they were asking me if the chief interrogator was in prison with me or not. If I had something to do with him, I am asking the director of intelligence to be my witness. It was be pretty stupid of me to ask somebody to be my witness if I had been the director of intelligence. When the chief interrogator comes to my house and he was with Mullah Abdul Raouf and he speaks Pashtu, Farsi and Arabic; he also knows the Koran and the Sharia. There are Koran laws and it is very hard to put someone in this position that doesn't know the laws of the country and rules of the Koran. If there are some Afghani's here, you can ask them if there is an Arabic guy in Afghanistan that held a very high position. If the answer was yes, they placed Arab or an Iraqi in a high position, then he will ask you to keep him here in the prison for the rest of his life.

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Nobody will get that position unless he is well connected. You have the director of intelligence here. I told that to the interrogator named [REDACTED] here. She laughed and said, "Yes." So why are you accusing me? The Afghani people from the Mazar-e-Sharif and from the village came to interrogate me. The United States came for the Arabs and they went to the investigation to ask about me. I went to Qandahar. They sent me letters and said they wanted to visit me to see if they can get vacation for me. They were afraid I only received eight letters. My wife and kids stayed in Mazar-e-Sharif and the people were giving them bread. My wife wrote to me and told me not to worry about them. They got a card from the Red Cross. They are giving us bread and the people were helping us. I was living by myself over there and helping the Northern Alliance. When Mazar-e-Sharif fell, I was with the Northern Alliance. The New Government gave me a paper (letter) that did not interfere with my life. I sat with Mouan Dostum, he asked me for money and I told him I didn't have any. So there was a problem between Massoud and Dostum. The Massoud people were saying that we know he is an immigrant and didn't have any money. The people of the village said "If you need money we would take a collection." If he doesn't pay me the money, I will turn him over, and he didn't say, "I will turn him over to the Americans, I will sell him to the Americans." The same Kamel Mouan Dostum, he is the administrative person for Dostum. He advertised on the radio, anybody that finds an Arabic or informs about an Arab will get 3000 dollars. I was among the people living there for two months with out any problems. This is the money that brought me here and I left my family back there. The neighbors were giving me the bread. The interrogators were asking in Qandahar and I didn't have any problem there. I gave the telephone numbers to the American people on 3 January 2002. I had the telephone of the company that has the car, there were two cars and the price of the two cars was eight hundred dollars. You can check on that, I repaired the cars. I fixed it and turned around and sold it and bought another car. Before that I used to own a shop for the outside connection or calls because I couldn't speak their language. I had to hire an Afghani man and he was there working for three months and he was stealing. Three months later I sold that shop. I became a partner with an older man; we were selling Benzene. Before that when I was in Pakistan, you had a telephone number for one of my people. He is in the United States in New York, he is in a mission organization for the Shiite and he is the head of that organization. For three days my wife and daughter didn't eat the food. I asked an Iraqi guy, he is a Imam or Mullah, I asked him if I could contact my relatives. After I requested that, I was kind of shy to call my relative and my wife called and when she talked to him, she cried and told him that we are hungry; he sent us 350 to 400 dollars. I fled Iraq, I didn't go for Jihad. I was living in Iran for over a year. I was selling vegetables in the street and there I couldn't communicate with the people, Even though the market was for Iraqi's, when an Iranian came to buy from me I cannot sell him anything because I can't understand him. I had a very hard time, the people that was supposed to take me to Iran and they left me there. I gave their name and address to the interrogators. I sent a letter to my father so they can write their statement and send it over here. I am an immigrant, a Shiite and I had a hard time. I contacted my father and asked him to send me my documentation (selective service paper), and also get the testimony of other witness to how I was living. I haven't heard anything; the interrogators are delaying those things.

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Tribunal President: Does that conclude your statement.

Detainee: If you have any questions I am ready for you now.

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

Personal Representative: Yes Ma'am, do you speak any languages such as Farsi, Persian or Dari?

Detainee: I don't speak any other language; What ever I learned of the Farsi I learned it in Afghanistan. I have been here for three years and you can look in my file that I can't live with these people. I lived with the Afghan and I speak Farsi. Three years in prison and four years in Afghanistan, a total of seven years, I cannot make up one full statement. As far as reading and writing that is impossible.

Personal Representative: How did you get customers for your taxi?

Detainee: There is a place for the taxis and people went there were the taxis were. I don't work inside the cit. There is a special parking spot for the all taxis just for the village. Everyone knows where that parking is. It was like a pickup, I could carry wheat, wood and other items. I would take the people from one location in the morning and bring them back in the afternoon. I worked many jobs, but the interrogators picked on one or two jobs. They didn't tell you I opened up a small shop selling watermelons and I lost a lot of money. How could I be the director of intelligence and selling watermelon in the street? Why is it that the interrogator didn't tell you the director of intelligence is here in the prison? What business of it is mine? The people and the Taliban were wearing a long robe and turban on their head, so I wore the turban. I even grew a long beard, if I didn't have a long beard I couldn't walk down the streets. The beard is just like a visa. When I was in Mazar-e-Sharif there was a British family living there. Why didn't they bring that British family here? They were living off the Taliban, him and his wife. He was also an immigrant in Afghanistan. You didn't bring him here, and he still may be there. You brought me here despite the fact all the people testified in my favor; even the American that was there, heard the testimony of the other people. Don't worry about anything you will get back. They tried to get me out and for some reason or another I haven't gotten out yet. The interrogator told me, we have a lot of names of Afghani's, and that they interrogated them. Anybody that goes to the director of intelligence would have to sign a register, if you go there as a person who is being accused, they will write down your accusations. If you get one Afghani or Arabic witness, all they have to say is this guy interrogated me. If you can get one witness against me, you can put me at camp five for the rest of my life. The Taliban fell but the people are still there.

Tribunal President: Does the Recorder have any questions for the detainee?

Recorder: Yes Ma'am, A few moments ago you said you asked your father for documents for selective service in your country. The question is what country?

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Detainee: al Basara Aumqasar (ph)

Recorder: Did you receive any military training? Did you carry a weapon in Afghanistan?

Detainee: No, it was in Iraq.

The Personal Representative and the Recorder had no further questions.

Tribunal President: Do any of the Tribunal Members if they had any questions for the Detainee.

Tribunal Members' questions.

Tribunal Members: Yes Ma'am, Sir I have some very specific questions and I would appreciate if you give a concise answer.

Q. You are a native of Iraq?

A. Yes, Sir.

Q. When did you go to Afghanistan?

A. In 1998.

Q. You were arrested approximately how long after that?

A. In 2002.

Q. You speak what languages?

A. Arabic.

Q. Apparently you speak a little bit of other languages?

A. Farsi and English.

Q. How long were you a soldier in Iraq?

A. In 86 at the police department in al Basara, 87 I went to the Army, then I escaped and they put me in jail, 89 I left the prison then I escaped again. There was a decision from the interior minister that stated anybody that was in the Army from the police department would have to be expelled from the Army. I left and got a piece of paper from the Army. I went to the police department in al Basara and they took the paper that I got from the Army and they put it on a piece of paper and signed it and stamped it. I took it to the selective service.

Q. Have you ever fought in any battles?

A. No.

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Q. Why do people here want to see you stay here?

A. Because they are my enemy, they are my enemy religiously. I am a Shiite and they are Sunnis, the Sunnis oppose the Shiites.

Q. In Afghanistan, were people friendly to you there?

A. Yes, they were very friendly.

Q. Why did you select Afghanistan to go to?

A. I didn't select Afghanistan to go to. After my relatives sent me money, there were two Iraqi guys that told me they would take me to a village via Afghanistan since there was not a place to stay. I didn't know it was a police department and I left my wife and daughter outside and I explained to him my story and there was no Iraqi guy there. They said there were no hotels for the families since we are strangers here. They told me to leave my wife and daughter inside and I was to stay outside with the guards and they will find a house for us. Three days later they found a house for me. They took me to the immigration department and every month I filled out a petition and they give me food. All these petitions I filled out, you can check out. In Qandahar they already asked about me.

Q. Where did you intend to go from Iraq, if you didn't intend to go to Afghanistan?

A. I was in Iraq for one year and two months. Other Iraqi people convinced me that there were some United Nations people that will give us a monthly income, along with medication and housing arrangements. I was convinced and I went with them. I filled out some petition and they gave me documentation, but they didn't help me with anything at all. There were other Iraqi families there; they were paying some families some monthly income and food. I knew it would take me some time; I was really starving so I couldn't stay there. I called my relatives and he gave me the money. I was in Pakistan for approximately 2 1/2 months. You have the telephone number of my relative; you can ask them about in 1998. The woman that talked to you and you sent her the money in Karache and that is the Shiite Missionary Organization.

Tribunal Member: Personal Representative and Interpreter was there a prepared translated statement for the detainee to read during the interview? And did he read it?

Personal Representative: Yes, He was reading it.

Tribunal Member: Was it obvious that he was reading it?

Interpreter: Yes, he was looking at the paper and reading the next allegations.

Q. Didn't you make a statement earlier that you couldn't read?

A. I couldn't read Farsi.

Q. You can read and write in Arabic?

A. Yes.

Q. Why didn't you stay in the Iraqi Army?

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A. The government was against us. We wanted to be in the police department so we didn't have to fight.

Q. How long did you train in the Iraqi Army?

A. 45 days for training.

Q. Who gave you the piece of paper from the United Nations and why?

A. The United Nations in Pakistan.

Q. Why did they give this to you?

A. They gave it to all the immigrants.

Q. What was the purpose?

A. There was no place for me to stay.

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 Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee, and asked if he understood the Tribunal process. At this time, the Detainee stated the following in reference to the classified information:

Detainee: The classified information; you mean the information I have discussed with the Personal Representative? Is this the classified information, or is there more classified information?

Tribunal President: I think you're referring to the unclassified information made available to you by your Personal Representative; the classified information, due to national security reasons, will not be available to Detainees. Do you have any other questions at this time?

Detainee: No.

Tribunal President: Very well.

The proceedings then continued, to include the reading in full of the Unclassified Summary of Evidence by the Recorder to the Tribunal.

The Tribunal President explained to the Detainee that the Witness requested was relevant and reasonably available, and would be present for the Tribunal.

The Tribunal President then informed the Detainee he would have the opportunity to respond to the allegations, that he had the assistance of his Personal Representative, and asked if he would like to take the Muslim oath.

Detainee: I looked at the allegations, and 18 of us were captured together, I told the truth. I don't think it's necessary to take the oath; if it's necessary, I will.

Tribunal President: It's not necessary, we just give you the opportunity to take the oath; whether you take it or not, we will accept your statement.

Detainee: It's not necessary to take the oath.

Tribunal President: That's fine; at this time, you may begin.

At this time, the Personal Representative read each allegation individually to allow the Detainee the opportunity to respond, and included statements the Detainee had made previously.

3a. The Detainee is associated with al Qaida.

ISN# 295
Enclosure (3)
Page 1 of 13

UNCLASSIFIED//~~FOUO~~

002909

UNCLASSIFIED//~~FOUO~~

Personal Representative: He (the Detainee) says he does not know of al Qaida or the Taliban. Is there anything else you'd like to add to that?

Detainee: The reason I went to Afghanistan is because I heard there were people trying to fight the Chinese government, and get independence. That's the reason I went to Afghanistan. A person that led me there was a Higher, too. I arrived to camp, and there were only Uighur people; I had not seen any other people. Until I arrived in Pakistan, I stayed with Uighurs; wherever we go, we stay together. I never thought about joining other groups or people; it's not in my mind.

3a.1. The Detainee arrived in Afghanistan from China, via Pakistan, in August 2001.

Personal Representative: He stated he went to Afghanistan to escape being sent back to China by the Pakistanis. Did you want to add anything to that?

Detainee: Yes. When I left my home country it was the beginning of June. On June 13, 14 or 15th, 2001, I traveled there because I had two reasons to do so. Number one was to escape from the torturing, darkness and suffering of the Chinese government. Lately, the Chinese government was putting too much pressure on Uighurs. We wanted to go to some other country to live in peace. The government, if they suspect us for anything, would torture and beat us, and fine us money. Lately, the young Uighurs would get caught just doing exercising. They would stop us and say it was not our culture, and put us in jail for it. I have evidence, and have seen myself, and will tell this story. In my city, there was one young Uighur that had a medical problem, and a doctor told him to run for a while. A couple days later, he was taken to prison and interrogated about why he was running; they beat and tortured him. The guy said the doctor prescribed him to run, and they wouldn't listen, and beat him anyway. The Uighur's parents went to the doctor to get the prescription, but they still beat him and fined him lots of money. We have so many of these types of things happening; people are suffering so badly. For the females, if they have one child, they open them up and throw the baby in the trash. After 1997 or '98, they came up with a nasty policy. If 1,000 people are arrested wrongly, they will not let one go. When they arrest people and are suspected for a political reason, they will fine them lots of money; the reasoning is if their finances are cut off, they can't function politically. That's the reason they fine them so much money. The new policy says that during interrogation, if someone dies, the interrogator has no responsibility for it. What I just told is not made up - I heard that from a local police officer and a government official; I heard it from their mouth. That's the reason the Chinese government is acting crazy; this madness makes it too dark to live there. I was looking for a better life to live somewhere else in peace. The number two reason is to go to another country to tell them how much Uighurs are suffering so we can get support for others to help us. An example is that the Chinese have occupied our country over 100 years; they didn't treat Uighurs well, and many times we fought back. There were two or three times where there was a big operation and Uighurs got parts of the country back. Almost all the parts were gotten back, but we still needed support from other countries, and needed financial support. It would then go back to the Chinese. The Communist

ISN# 295
Enclosure (3)
Page 2 of 13

UNCLASSIFIED//~~FOUO~~

002910

government has been there over 50 years now. There wasn't any big operations or bloodshed anymore, but we demonstrated many times. Uighurs demonstrated with empty hands asking for changes in policies towards Uighurs, but the Chinese government used weapons against our peaceful demonstrations. They never asked what we wanted; they wouldn't ask about our demands. They would shoot, kill and torture us; all those bad things. The Chinese government kept these activities very secret from other countries. Many outsiders have no idea what is being done to the Uighurs. That's the reason I went somewhere else; to explain what is happening to Uighurs. We can't get independence by ourselves; we must get support from others. Only then will we have the chance. That's the reason I decided to go somewhere, but before I traveled, I spent two years to get the passport. The Chinese told me I was too young to get the passport. For Uighurs, it is hard to get the passport. Then I almost lost hope, but I heard there was a special travel document. It is only good for travel to Pakistan, and no other places. That document was for travel to Pakistan and no other countries. I know I couldn't go anywhere with that document, but I was leaving Chinese torture. Also, that document is only good for one month. When I got to Pakistan I tried really hard within that month to change that document into a passport to go somewhere else. I spent almost a month and a half in Pakistan trying to change it. Other Uighurs gave me advice that I needed to go back to China or go somewhere in Pakistan. They told me if they caught me they'd turn me over to China and it was dangerous. Even if I went back to China, I was fifteen days past permission, so I would still be punished. I asked what I should do, and Uighurs told me there was a place in Afghanistan that Uighurs were trying to learn to fight the Chinese for independence. If you go to Afghanistan, they wouldn't ask for a passport or visa, and if you wanted to go back, you could. They also said there was a special document I could get, and if there was any chance to get it, then I could come back. In August I left the travel document in Pakistan and went to Afghanistan. That's all I have for that accusation.

3.a2. The Detainee trained in a military training camp in Afghanistan.

Personal Representative: He (the Detainee) said he helped build the camp, and he was there from August 2001 until the bombing started.

Detainee: The question is not really clear that I trained in Afghanistan. The reason I went there was not for training; I just wanted to escape so they wouldn't turn me over to the Chinese. I wanted to stay away from the Chinese. I went to stay with the Uighurs, and they showed me the rifles, that's true; in two days they showed me how to break it down and put it back together. Besides that, I just helped in construction; kitchen, bathroom, etc.

3.a3. The Detainee completed weapons training.

Personal Representative: As he said previously, it was for two days.

Detainee: It's not clear, them saying I completed weapons training; this is a big, huge thing. I just learned to break it down and put it back, it doesn't mean I completed weapons training. There are many other weapons, and the Kalashnikov is probably one of the little tiny ones.

3.a4. The Detainee stayed in a Uighur guesthouse in Jalalabad.

Personal Representative: He indicated that he did.

Detainee: Can I explain more? I told the person that led me from Pakistan to Afghanistan that it doesn't matter whether Uighurs stay in the city or the mountains, I will stay with the Uighurs. We left Pakistan early in the morning, and got to Jalalabad at night. Someone told me there was a Uighur house; have them drop you off at that place, and they will take you to the mountains to the Uighur place. Those people at the house told me they could not take me to the Uighurs at night. They said they would contact them in the morning, and take me then. That's the reason I stayed at house one night, and the second day they took me to the mountains.

3.a5. The Detainee traveled to Afghanistan without a passport.

Personal Representative: I believe he's completely covered that in his previous statement.

Detainee: Could I explain more? When I traveled to Pakistan it was a legal document. If I had a legal document to travel to some other country, I wouldn't have gone to Afghanistan; I would've gone somewhere else. The person that took me to Afghanistan told me that if I went there, there's no immigration or customs to check my documents for legal or illegal travel.

3.b. The Detainee participated in military operations against the United States and its coalition partners.

Personal Representative: He indicated that this is not true.

Detainee: That is not true, and is a huge blame [accusation] for me. The reason I left the country was not to fight with anyone else. I wanted to explain to others about Uighurs, and get support from others, and not to fight with others. In Afghanistan, we only had those types of conversations about how to fight back the Chinese, not to fight others. Like I said earlier, until they started bombing, we were building houses and doing construction; when they bombed we went into the mountains and tried to fill our stomachs. Before the bombings, we were in peace and were happy, and had no problems. We didn't expect the Americans to bomb our camp; we thought if they knew we were there, they wouldn't bomb our camp. We were shocked when the bombing started. One day in the middle of the night, the bombing started; we were scared and we ran into the mountains. When we ran there, we tried to fill our stomachs; if we filled our stomachs,

we would've been happy. We stayed in the mountains a while. Until we went to Pakistan, all Uighurs stayed in the caves in the mountains; all we worried about was our stomachs everyday; if we had enough food, then that would be great. We were just worried about our stomachs. We never fought back U.S. or coalition forces; we didn't think about fighting anyone else, we were only worried about ourselves. The other thing we worried about was that we left our country to fight the Chinese; for some reason we thought we might end up with the Chinese again, and this is what worried us very much. When bombing started it wasn't quiet, so we tried to go somewhere peaceful and quiet, so we tried to go to Pakistan.

3.b1. The Detainee was in Tora Bora for approximately three months during the U.S. bombing campaign.

Personal Representative: He indicated he first knew of the Taliban from watching Chinese TV in Afghanistan. He said he first learned of al Qaida here in Guantanamo, and that Abdul Haq was the person that ran the camp. Is there anything else you'd like to add?

Detainee: Yes, I stayed there three months; and I told you about the mountains. We stayed in the mountains a long time, and we worried about ending up in Chinese hands. We were trying to find a safe place to stay. We didn't think there was any other place safe for us to stay. We didn't know how close the place we stayed was to Pakistan, and didn't know we could get there by walking. Then other people were walking through to Pakistan, and we found out and followed the other people to Pakistan. The reason I went to Afghanistan I already mentioned. I heard a little bit about Afghanistan; about the fighting amongst each other, but I never heard they would fight any other country or people. Before I went there, I never heard America would go there and fight with Afghani people; I never heard this before. If the Americans went to Afghanistan and didn't bomb our camp, then we would be happy and support America; we would've stayed there continuously. The reason we went to Afghanistan doesn't mean we have a relationship with al Qaida or some other organization; we went there for peace and not to be turned back over to the Chinese. It doesn't matter if it was the Taliban government or new government; as long as they give us a place to stay and didn't turn us over to the Chinese government. There is nothing else there but to learn to fight the Chinese, and then go back again. Another way we were there is because they border our country. If the Afghan government would let us go back and fight the Chinese, then we could come back again. There is no relationship of Uighurs and those government people; we would go there just for training to go back [to China] to fight and return. The reason Uighur people go to Afghanistan is only to fight the Chinese or any other nation or people or countries. That's all.

Tribunal President: We may have some questions for you, but does this conclude your statement at this time?

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Detainee: That's all. If there's anything left, you can ask me or my Personal Representative can ask questions, and I'll answer and explain more.

Tribunal President: Very good; thank you. Personal Representative, do you have any other comments or questions for the Detainee?

Personal Representative: That covers everything we discussed, sir.

Tribunal Member Questions to Detainee

Q: Good morning. Do you know a little bit of English?

A: I know a little about how to greet people.

Q: We appreciate the opportunity to speak with you today.

A: I appreciate you listening to my story.

Q: Thank you for educating us on the background of Uighur people. It helps us to better understand what happened, and why you're here today. I think you understand our duty is to focus on you in particular. Besides the two days of training with the rifle, did you ever have any other military training?

A: Sometimes in the morning we would run individually if we wanted to; I did some running.

Q: Besides what you did for those two days, you never had any other training on military subjects?

A: No.

Q: Did you have any other training in your home country or Pakistan or anywhere else?

A: No.

Q: Is the Uighur camp you stayed at near Tora Bora?

A: I didn't know it was Tora Bora; if it were closer we would've seen people around us. I assumed it wasn't around any place called Tora Bora. We only saw Uighur people there.

Q: As I understand what you told us, you were in the camp, the Americans bombed the camp and you fled to the mountains for a while?

A: Yes.

ISN# 295
Enclosure (3)
Page 6 of 13

UNCLASSIFIED//~~FOUO~~

002914

UNCLASSIFIED//~~FOUO~~

Q: And then you went into Pakistan where you were captured?

A: Yes.

Q: How many of you were together when you were captured?

A: Eighteen of us were together.

Q: Did any of you, or did you have any weapons with you when you were captured?

A: No.

Q: There is a group that we have heard of called the East Turkistan Islamist Movement. Are you familiar with this group, and if so, are you a member of it?

A: I told you earlier that Uighur people were there to fight back the Chinese, but I never heard of them.

Q: On your travels from your home country, did you ever have any dealings with any Muslims from Uzbekistan?

A: No.

Q: There is also a group we have heard of called the Islamist Movement of Uzbekistan; do you know anything about this group?

A: I haven't heard of that.

Q: So you're not a member of this group, and have never told anyone you were a member of it?

A: I do not understand.

Q: I just wanted to clarify you were not a member of the Islamist Movement of Uzbekistan and you never told anyone of it.

A: Yes, I never told anyone; I didn't think outside of the Uighur people.

Q: Have you ever traveled to Kyrgyzstan?

A: No.

Q: If the U.S. embassy or interests were attacked in Kyrgyzstan, you wouldn't know anything about that?

ISN# 295
Enclosure (3)
Page 7 of 13

UNCLASSIFIED//~~FOUO~~

002915

A: I never heard about that.

Q: Have you been visited by the Chinese delegation since you've been here in the camp?

A: Yes.

Q: Could you tell us briefly how that visit went?

A: Yes. When they arrived, I decided not to talk to them. One of my cell brothers, or person next to me told me that he went to see them. He said he said nothing to them, but they kept him in the booth for 7 hours. The time was almost 11 p.m., so I decided to talk to them a little bit, and thought I wouldn't have to stay for 7 hours; I changed my mind that I would talk to them a little bit. Since I talked a little bit, they saw me four more times. What I told them was not about what I told interrogators, and that I was captured walking down the street in Pakistan. They turned over my first interrogation file to the Chinese. Then there was one American person dressed like an American and said he was representing the President's house; he said we decided we are going to send you back to China, and he told me to cooperate with the delegation. He then went out and gave my file to the delegation. The second time, it was 6 p.m., and they kept me until midnight, or six hours. During that time, they gave me no food; I called for the MP, but they didn't help. They took me to the bathroom, and after that, took me back again. The third time I was there I fell asleep, and the MP kept making noise every 10-15 minutes to keep me awake all night. During that time, they forcefully took pictures of us and recorded our voices. In the morning, they took me back to my cell, and I was sitting praying on my chair. I went to breakfast, and they took me back to the interrogation again. I told them I was sick and didn't feel good because I stayed up all night, but they said I have to go even if I don't talk. The fourth time, I wouldn't even look at them. They said I still had to look at them even if I didn't talk. One interrogator tried to hit me. I said if you want to hit me, go ahead and hit me, but you can't hit me now, and I was screaming. They said I had a problem in the interrogation, and took me back to my cell. After they came here, they took our picture forcefully, and recorded our voices and threatened to hit us and do other things. They don't have the right to do that to us in here. We were asked when we were in Pakistan [where we were from], and we said we were Afghani, and we were happy to end up in U.S. hands. In Kandahar, we were so happy we ended up in U.S. hands. Then the Chinese delegation came and did all those things. This shouldn't happen [even] once. I'm asking you to not let those things happen again to us [because] it would hurt us really bad.

Q: Just to clarify that the person you said told you to cooperate with the Chinese delegation; was that someone you thought to be an American or someone else?

A: The person that was saying that did not look Chinese, but looked like an American. The person, [REDACTED] an American, had a conversation with the Chinese people in the Chinese language. The Chinese delegation said I was not in Afghanistan, but in Pakistan,

and what had I (the Detainee) said to him? Then he [REDACTED] gave my first interrogation files to the Chinese.

Q: Is he someone that has interrogated you before?

A: No. We asked interrogators about the delegation; they said they do not know them, and have no authority to control them. This maybe came from a higher command; maybe the President, or those people in Washington who told them they couldn't say anything to the delegation.

Q: If you were to be released, where would you want to go, and what would you want to do?

A: I would like to go to America, England or Germany; a strong country higher than the Chinese; any of those countries because I have no specific country. I want to go there and start a family and live in peace. The reason I mentioned a powerful country instead of Pakistan is because the Chinese can't reach in and ask for us to be sent back to China.

Q: My colleague asked so many good questions, I don't have any questions left; but just a few. What was your occupation before you traveled to Pakistan and Afghanistan; what was your living?

A: My house was in the countryside; I was in a farm business; food, animals, fruit, and my brother has a little store in the city.

Q: Is your brother here or back home in China?

A: He's in China.

Q: Have you had any contact with your brother or your family since you've been here?

A: No. I would like to make contact, but if I make contact, the Chinese will use our punishment for my family members; that's the reason I'm scared to contact them.

Q: Do you consider yourself a practicing or strong Muslim?

A: I can't say strong, it's normal.

Q: I understand. Back when you were addressing the allegations, and you were at the camp, you made a statement. That statement was that you didn't expect Americans to bomb your camp. When I heard you say that, were you aware of what was going on in the world and New York City, what happened in Washington, D.C., and what was going on in the world?

A: Yes, we were aware of that; we heard about that and felt sorry for all those people in the accident in New York and Washington. We thought America would deal with whoever did that to America, like al Qaida or Taliban, but we never thought they'd attack us because we had nothing to do with that.

Q: When you heard these reports, did they mention Taliban or al Qaida connections?

A: No, I heard that from here.

The Tribunal Members thanked the Detainee for his testimony, and the Tribunal President announced that the Witness would be brought in shortly. The Tribunal President then asked the Detainee if he had any more he wished for the Tribunal to know before the Witness was brought in.

Detainee: I have a little to say. We just talked about the building attacks in the U.S. We (Uighurs) feel sorry for that, but we want America to give the people that did that what they deserve. America should do that if it's a punishable or bad person, they should be punished; whatever they deserve. If innocent people were not involved in bad things, then America should respect them differently than those bad people.

The Tribunal President then explained the Witness procedures to the Tribunal, and informed the Detainee that he would have the first opportunity ask questions. At this time, the Witness was brought in to the Tribunal, and presented the Muslim oath by the Recorder. The Witness did not recite the oath verbatim, but stated the following.

Witness: I will swear I am telling the truth.

Tribunal President: Very well; we will accept that. Thank you very much.

The Tribunal President offered the Detainee the opportunity to ask questions of the Witness, but he had no questions. At this time, the Personal Representative agreed to ask the first questions of the Witness.

Personal Representative Questions to Witness

Q: When did you first meet the Detainee?

A: I met him the first time at the mountains where Uighur people stay.

Q: What town is closest to that?

A: I heard it was Jalalabad when I came here, but at the mountain I believe it was Jalalabad City.

Q: How long were you at the camp together?

UNCLASSIFIED//~~FOUO~~

A: I arrived there in June, and there were many people coming in and out, so I don't remember the exact date. I remember he arrived to the camp after me.

Q: Who was at the camp?

A: The people here at the camp now, and the leader of the camp.

Q: What nationality were these people?

A: Uighurs.

Q: Who was the camp leader?

A: Abdul Haq.

Q: What nationality was he?

A: Uighur.

Q: Were there any other nationalities there?

A: No.

Q: Any contact with Taliban or al Qaida?

A: No; there are only Uighur people in there.

Q: Do you know who funded the camp?

A: It did not need funding from someone else; there was all Uighur people eating, sleeping and building houses, that's all.

Q: Did they ever do any military training?

A: I learned how to read the Koran, and once in a while, we would be shown the Kalashnikov; other times, people would run in the morning. It was not by group, but by individual.

Q: Did you ever see any fighting?

A: We would stay at the camp, and then we were bombed so we ran into the mountains. Then we saw airplanes, and we heard bomb noises, that's all.

ISN# 295
Enclosure (3)
Page 11 of 13

UNCLASSIFIED//~~FOUO~~

002919

Tribunal Members' Questions to Witness

Q: Good morning; I just have a few questions for you. In your travels from your home country to Afghanistan, did you or any of your fellow Uighurs have contact with Uzbek Muslims?

A: When I left my home country, I traveled in a short amount of time to that place. At the camp, it was only Uighurs, and the only person that could go out was the leader; for supplies or for food. For the newcomers, it was just a temporary staying place; whoever stayed at the camp didn't have contact with the outside or any other people.

Q: We also heard of a group called the East Turkistan Islamist Movement; we wondered if you were a part of that group or knew anything about it.

A: Where is it?

Q: We were hoping you could tell us.

A: We're not a big, huge organization; we are just a few Uighur people. When we are good, then we can go to the next level.

Q: We heard there were a few Uighur people that fought against the Northern Alliance along with the Taliban; do you know any Uighur people that did that?

A: When I came to the camp here, I saw three different Uighurs not with us; I don't know, they might be those Uighurs. I don't know anything about it.

Q: As far as you know, did Abdul Haq ever have any dealings with al Qaida or Taliban people?

A: I already told you it was only Uighur people that stayed at this place. Also, there were rules by our leaders in which we cannot go outside this place. Besides, there was nowhere else to go except the mountains.

Q: So none of these kinds of people visited you while you were in the Uighur camp?

A: Only the leaders and people bringing food from the city to us; those were the only kinds of people that came to us.

Q: You've gone through many interrogations while you've been here; is there anything else you've said in the past you'd like to change, explain or correct at this point and time?

A: I can't remember what I've said over the past three years; I can't think of them.

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The Tribunal President then confirmed there were no more questions for the Witness, and thanked him for his participation. The Witness was excused.

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.

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

ISN# 295
Enclosure (3)
Page 13 of 13

UNCLASSIFIED//~~FOUO~~

002921