

Summarized Sworn Detainee Statement given by Personal Representative

When asked by the Tribunal President the detainee stated he understood the process and he did not have any questions.

When asked by the Tribunal President if he wanted to make a statement the detainee stated his Personal Representative would give his statement for him.

The detainee traveled to Kabul to provide assistance to the Afghans. He paid for his own travel. The detainee was not asked by Al-Jabri, while in Saudi Arabia to fight for al-Qaida. The only thing discussed was going to help the Afghans. The detainee only knew al-Wafa helped people and he agreed to go. The detainee did not flee Kabul. The work of loading trucks with food and supplies was very difficult. He was not physically prepared or experienced in such work. The war was going on, so he decided to leave with his brother, cousin and an unidentified Afghani man. He was in Kabul for 8 days. When his group crossed into Pakistan they asked the Pakistani police for assistance in getting to the Saudi embassy. Instead they were taken to jail and subsequently arrived in Cuba.

Summarized Answers in Response to Questions by the Personal Representative

Q. Did you ever take part in weapons training in preparation for your work in Afghanistan?

A. No.

Q. When you decided to leave Kabul, how long did it take you to travel from Kabul to Khost and to the Pakistan border?

A. Five days from Kabul to Khost where I stayed for 13 days. From Khost to Pakistan was eight days.

Q. Did you deviate from the direct route from Kabul to Khost.

A. No.

Q. Did you and the 2 witnesses you are going to call for this hearing always travel together?

A. Yes.

Summarized Answers in Response to Questions by the Tribunal Members

Q. What is al-Wafa?

A. An organization that helps people.

Q. Is it a Saudi based organization?

A. I don't know.

Q. Where did you travel from, before you got to Kabul? Where did you start your travel?

A. In Saudi Arabia.

Q. Where in Saudi Arabia?

A. I left from the Jeddah airport.

Q. From Jeddah airport you went to Kabul?

A. From Jeddah to Syria, Syria to Iran.

Q. Did you work with al-Wafa representatives in Afghanistan?

A. I didn't work with them, I observed them.

Q. But yet you went to Afghanistan to help al-Wafa who is a humanitarian organization?

The detainee asked to speak with his Personal Representative and the Tribunal recessed.

The Personal Representative made the following statement on behalf of the detainee:
The detainee was confused as to why you kept asking questions about al-Wafa. He said he never officially worked for al-Wafa. He went to Afghanistan to help, with no plans to associate with any organization, it just so happened al-Wafa was there.

Q. Do you understand you do not have to answer questions if you do not wish to?

A. Yes.

Q. Do you know what al-Qaida is?

A. A terrorist organization.

Q. Have you ever worked with al-Qaida or been affiliated with al-Qaida?

A. No.

Q. Do you know whom the Taliban is?

A. The government in Afghanistan.

Q. Have you ever worked with the Taliban or any affiliated organization of the Taliban?

A. No.

Q. When you were in Saudi Arabia did you work with Al-Jabri Wael?

A. No.

Q. Were you recruited by them to go to Afghanistan?

A. I spoke with them and was told about the opportunity to help in Afghanistan.

Q. How long were you in Afghanistan?

A. About one and a half months.

The detainee stated he did not wish to answer any more questions.

Q. Do you have any other evidence you wish to present to this Tribunal?

A. No.

Q. Personal Representative do you have any other evidence or does the detainee have any previously approved witnesses to present to the Tribunal?

A. The detainee has 2 witnesses.

The detainee stated he only wanted one witness, his cousin, AL BADDAH, Abdul Aziz Abdul Rahman Abdul Aziz, ISN 264. The detainee also asked if he could question the witness.

The witness was sworn.

Summarized Answers by the Witness in Response to Questions by the Detainee

Q. Do you know if I was an enemy combatant or a member of al-Qaida?

A. I know you are not al-Qaida or an enemy combatant. I was with you in Afghanistan. I was with you from the time we left Saudi Arabia until we were captured in Pakistan.

Q. Do I have any relation to the Taliban?

A. No.

Q. Was I ever working for al-Wafa or was I just staying with them?

A. You were not working for al-Wafa. The purpose for going to Afghanistan was for humanitarian assistance, not to work for any organization.

Q. Was I recruited in Saudi Arabia by Jabri Wael?

A. No, you left Saudi Arabia on your own free will.

Summarized Answers by the Witness in Response to Questions by the Personal Representative

Q. Are you aware if the detainee ever took weapons training in preparation for his work in Afghanistan?

A. No, he was a student.

Summarized Answers by the Witness in Response to Questions by the Tribunal Members

Q. Do you speak English?

A. A little bit.

Q. When you and your cousin left Jeddah, why did you go to Syria?

A. That's where the plane stops.

Q. Did either you or the detainee serve in the Saudi military?

A. No.

Q. Did either you or the detainee have any weapons training?

A. No.

Q. Were you with the detainee the entire time from the time you left Saudi Arabia to the time you were arrested?

A. Yes.

Q. What did you and the detainee do when you got to Kabul?

A. We distributed money to people who needed it.

Q. How long were you in Kabul?

A. 8 days.

Q. How were you and the detainee captured?

A. We surrendered to the Pakistani authorities.

Q. Why?

A. We wanted to return to our country.

Q. You traveled to Khost at one point?

A. Yes.

Q. How long did it take you to get from Kabul to Khost?

A. 7 or 8 days.

Q. How long did you stay in Khost?

A. 13 days.

Q. Where did you go after that?

A. To Jalalabad.

Q. How long did it take you to get there?

A. 7 days.

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Q. Who was with you when you were arrested?

A. Me, the detainees (inaudible and inaudible), 4 people

Q. When you were in Afghanistan, you were there to distribute money to the people who needed it?

A. Yes.

Q. Did you distribute food as well?

The detainee made the following statement:

All the money I had was my own. The witness had the money to be distributed.

The questioning was complete and the witness was removed from the Tribunal room.

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

A. No.

Q. Personal Representative do you have any other evidence to present to this Tribunal?

A. No.

AUTHENTICATION

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

 Col, USAF
Tribunal President

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Summarized Unsworn Detainee Statement

Tribunal President asks the Detainee if he would like to present any information or make a statement to the Tribunal.

Detainee: For what reason?

Tribunal President: Would like to answer or respond to the allegations on the Unclassified Summary?

Detainee: Yes.

The Tribunal President asks the Detainee if he would like to do this under oath. The Detainee states it is not necessary to take the oath because he has always told the truth and will continue to tell the truth. The Detainee states that lying is not acceptable as a Muslim. The Tribunal President asks for the assistance of the Personal Representative by reading each allegation and the Detainee can respond to each allegation.

3.a.1. The Detainee traveled to Afghanistan via Pakistan to receive training at a Uighur training camp in Tora Bora.

Detainee: What is the reason you can call me a Uighur fighter?

Tribunal President: Are you saying you're a Uighur fighter or not?

Detainee: Why are you calling me a Uighur fighter?

Tribunal President: Are you a Uighur fighter or not a Uighur fighter?

Detainee: I am not a Uighur fighter. You did not answer my question.

Tribunal President: I am asking you the questions. We need you to respond to our questions first.

Detainee: I ask you a question. If you answer the question, I will answer another question.

Tribunal President: Answer our questions first and then we will go on.

Detainee: I want to talk about the subject. They accuse me of being a Uighur fighter, is there any evidence to prove the allegation?

Tribunal President: The process that we are going through right now is that we read a statement to you and you respond to it. If you don't want to participate in this process, then we can stop the Tribunal right now.

Detainee: The process does not have to be stopped. I just want it explained to me why I am being accused of being a Uighur fighter. If you explain that to me, it will be enough.

The Personal Representative advises the Detainee that as discussed, the statement "The Detainee is a Uighur fighter" is the accusation and the statements following support it. The Personal Representative asks the Detainee if he wants to discuss point number one.

Detainee: Correct. I went to Afghanistan thru Pakistan because there is not a direct border crossing to Afghanistan. The area all around Jalalabad is called Tora Bora, but the place I stayed along the mountainside in a village is called something different. It is the place Muslims call Tora Bora.

Tribunal President: Did you receive any training at a Uighur training camp?

Detainee: That will be answered in accusation number three.

Tribunal President: Can you just answer my question? Did you receive training at a Uighur training camp?

Detainee: No.

3.a.2. The Detainee arrived at the Uighur Tora Bora training camp on 17 June 2001.

Detainee: That's correct. The name Tora Bora is used in the accusation, but it is not correct.

3.a.3. The Detainee received training on the AK-47 while at the Uighur Tora Bora training camp.

Detainee: Correct. I was there. I don't know if it was the AK-47. It was an old rifle, and I trained for a couple of days. I went to the camp to train because the Chinese government was torturing my country, my people, and they could not do anything. I was trying to protect my country, my country's independence and my freedom. From international law, training is not illegal in order to protect your freedom and independence. I did it for my country.

3.a.4. The Detainee was at the Uighur Tora Bora training camp when it was bombed by US/Coalition forces in October.

Detainee: Correct. I went there before the things happened in the U.S. One night while we were sleeping, bombing started. There was fire everywhere. We started to escape. Should we have stayed and been killed by the bombs? We stayed there since before 9/11, and then they came and bombed us. We did not have any problems with the U.S.

Economically, socially, culturally, they are not are enemy. We have nothing against the U.S.

3.a.5. The Detainee evaded in the Tora Bora mountains for two and half months before being captured by Pakistani Security Forces along with a group of other Uighur fighters and Arabs.

Detainee: Correct.

The Tribunal President asks the Detainee if there is anything else he would like to add.

Detainee: I would like to add something about the accusation number five. After the bombings, we ran to the mountainside and stayed for two or three months. We ran out of food, so we had to go somewhere. If we go to Jalalabad, they will kill us. We didn't know the roads to go anywhere else or to Pakistan. We had to stay there. Where else can we go if we don't know the roads? We didn't have anything against the U.S. or coalition. If the bombing stopped within a couple of months, then we can go back to our old place. We didn't have any more food. Then we saw four or five people walking around, and then we asked them where they were going because we didn't know the roads. We said we would like to go to Pakistan. Those people said to follow us. The people left, we discussed it then we followed them. We walked for two or three days until we reached a tribe. It was an Arab tribe and we stayed there for a day. Then they moved us after a day. They told us that they were going to split the group and take us to a safe place in the mountains. They took us to a police compound. We stayed for 15 days and then they turned us in to the U.S. In reference to number five, the Pakistani Security force did not catch us, we went to them.

Tribunal President asks if there is anything else he would like to say.

Detainee: I would like to say something about number one. I went to Pakistan for more education and language so I could try to help my country and people. Because of my poor education, and my teacher wasn't a Uighur, I could not understand very well. I heard there was a place in Afghanistan where people trained, so I went there to for training to help my country. I went to Afghanistan legally. I did not sneak across the border.

Tribunal President asks if there is anything else he would like to say.

Detainee: No comment for number two.

The Personal Representative asks the Detainee what he did when he learned the Americans were bombing them.

Detainee: I went far away from where I was staying.

The Personal Representative states that in response to number one, the Detainee says he did not receive any training, and then in response to number three, the Detainee states he learned to use the Kalashnikov for a couple of days.

Detainee: Yes, I did say I did not receive training at the camp, and in number three I said I learned how to use the rifle for two or three days; this is not training.

The Personal Representative says he has a final point that needs clarification. How long was the Detainee in Pakistan before he decided to turn himself over to the Pakistani security forces?

Detainee: After I fled from the mountains and went to Pakistan, at that time I went to the Pakistani forces. I reached the tribe and didn't know if they were part of Pakistan or Afghanistan. Then they put us into a truck and took us to another compound. Police were all over the place. Then they took us to another compound, and after 15 days, they turned us over to U.S. forces.

Questions by Tribunal Members

Q: How did you know the U.S. was doing the bombing?

A: After the bombing, I found out. We found out after the bombing that it was the U.S., then we thought that we don't have anything against the U.S. government. There is a distance of 10,000-15,000 kilometers between our country and America. We have nothing against the U.S. economically, religiously, culturally. We thought they would bomb for a couple of days, then go back.

Q: Did you have your passport when you turned yourself in?

A: I didn't turn in myself. I was just trying to find a place. All the documents were left in the camp when the bombing started.

Q: Including the passport?

A: Yes.

Q: What other activities were going on at the camp?

A: There was no typical training, whoever volunteered, once in a while people would run or exercise. I would carry wood, water came from far away, bring stone to build houses.

Q: You said in number two that you arrived at the camp on June 17th 2001. I want to make sure that I understand, you only trained on the rifle for two or three days between the time you arrived and the time you left the camp?

A: I don't remember the exact date, maybe June 10th or the end of June. One day they showed us an old rusty rifle for about a half hour. Then the second day we shot three to five bullets.

Q: Who was providing the training?

A: There was not a provider for all of the training. There was one person doing some training.

Q: Who was in charge of the camp?

A: I told the interrogators this many times. You might have seen this in my file.

Q: We have not seen the file.

A: I have been here about three years, so my head is not clear about that now.

Q: Was he an Arab?

A: There were only Uighurs in the camp, no Arabs or Afghanis. Only Uighurs in the camp.

Q: When you were captured, did you have any weapons on you?

A: No.

Q: Did you ever carry weapons in Afghanistan or on your way to Pakistan?

A: No. I only had two days training and there were not enough weapons at the camp. All I did was try to collect stones to build a house, toilet. I did not carry any weapons.

Q: What about the people you were with? Did they carry any weapons?

A: Are you asking about the Uighur people?

Q: Whoever you were traveling with. If they were Uighur or anyone?

A: I did not see Arabs during that time, but the Uighurs did not carry any weapons.

Q: What about the guys that you followed into Pakistan? Were they armed?

A: I did not see them carrying rifles in their hands, but they had some kind of back pack, luggage. It was like all their clothing rolled into piece of fabric and carried.

Q: When you were hiding out to stay away from the bombing, were you with only Uighur people or with Afghans or Arabs?

A: There were only Uighur people. No Arabs or Afghans.

Q: Where any Arabs or Afghans nearby?

A: There were no Arabs or Afghans in the place we stayed, but further down in the village there were Afghani houses.

Q: What country are you from?

A: Turkistan.

Q: Where there only Uighur people at the training camp?

A: Yes. Only Uighur people at the camp.

Q: How did you find out about the training camp?

A: I didn't know it was a camp. I heard there were Uighur people there. That is the reason I went there.

Q: If I understand you correctly, you left your country to go to Pakistan/Afghanistan for training. How did you find out there was training at this particular camp?

A: I went to Pakistan to study, and get more education. I studied for three years, but my education did not improve. Then I heard there was a place, a Uighur state, in Afghanistan. So I decided to go there to train, fight for my freedom, independence for my country, and freedom for my own people. I wanted to give some kind of help to my people, big or small. That is why I went to Afghanistan.

Q: Where did you study in Pakistan?

A: I have told everything to interrogators. I don't think it is necessary to tell you about this anymore. If it is important, I will tell.

Q: We have not seen the information that you have given interrogators. That is why we may be asking you some of the same questions, so I apologize for that. So, in order for us to make a good decision, we need to have this information.

A: That is not a problem. It's okay.

Q: Where did you study in Pakistan?

A: Lahore.

Q: Was that a college?

A: Institute, a technical school.

Q: While you were in the mountains, did you have to fight against the U.S. or Northern Alliance or any of the coalition partners?

A: No, I was not involved in any of the fighting against the U.S. or Northern Alliance. I never saw any U.S. soldiers or people in Afghanistan, or Northern Alliance forces. The first time I saw Americans were when they turned us in to the U.S. forces. In Kandahar, I saw U.S. soldiers. In the past, I heard of Americans, but I did not know that Americans were white, black, yellow. That was the first time I saw them.

Q: What was the name of the village you stayed in near the camp? You said it was not the Tora Bora Mountains, but it was a village.

A: I can't remember. I forgot. It was a different name. It is hard to remember the name. I was hard to pronounce. It was a difficult name.

Q: Earlier you said it was your intention to receive additional education and training. Do you feel like you received enough education in Pakistan and in Afghanistan at the camp?

A: Afghanistan or Pakistan?

Q: In Pakistan you said you were attending the institute or technical school. You were there for three years. So did you complete the training that you needed while you were there?

A: I didn't have any education when I was at home. Then I went to Pakistan and Afghanistan. That school was five years, but I dropped out after three years. It was really hard and I had to study really hard. I had to memorize all kinds of things because I did not have a basic education in the past. I could not get my education level up to go back to my country and teach my people language skills. I could not do that. Then I dropped out.

Q: Then you went to Afghanistan to learn military training?

A: I heard there were Uighur people in Afghanistan, so I decided to go over there and get any training I could and try to help my country and my people.

Tribunal President had no more questions.

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Detainee: Thank you.

Tribunal President: Do you speak English?

Detainee: A little bit.

The Tribunal President begins the closing remarks of the Tribunal session. Upon advising the Detainee that if the Tribunal determines that he should not be classified as an enemy combatant, the Detainee shall be released to his home country as soon as arrangements are made. The Detainee advises the Tribunal that he does not want to go back to his home country. The President states that will be documented, and asks the Detainee if there is any particular place he would want to go. The Detainee states he does not have a particular place, but he would like to go to a country where there is not any Chinese influence. The Tribunal President confirms his statement. The Detainee states that if he is sent to Central Asia, Pakistan, Afghanistan, or other places, China has a strong influence. If he is sent to one of those countries today, tomorrow he will be sent back to China. The detainee noted it would be the same case if he were sent to the Middle East.

The Tribunal President advises the Detainee that if the Tribunal confirms his status as an enemy combatant, he is encouraged to contact his family as soon as possible. The Detainee asks if he is found to be an enemy combatant, will he be able to contact his family? The Tribunal President informs the Detainee that if he is found to be an enemy combatant, there will be another board similar to this one. The Detainee will have the opportunity to call his family or anyone else to assist with the Administrative Review Board. The Tribunal President also states that a military officer will be assigned to assist in the Administrative Review Board process. The Detainee asks if he will have another Personal Representative and the President states that is correct.

AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President

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**Summarized Unsworn Detainee Statement/ Summarized Response to Questions by
Personal Representative**

The Detainee stated he would like to answer the evidence. The Detainee knows what he did and will admit to the Tribunal the things he did; however, if he did not do some of the things, he would like to explain himself to the Tribunal.

The Personal Representative assisted the Detainee in his statement by reading, line by line, the Unclassified Summary to him.

- Q. The Detainee was associated with Al Qaida and admits going to Afghanistan to join a jihad against Hindus.
- A. The Detainee stated he never said he had any association or links with Al Qaida and yes, he went to Afghanistan for jihad.
- Q. That he was recruited by Jamaat-I-Islami Organization to join the jihad.
- A. The Detainee states that is true.
- Q. That he received training at a camp outside Konduz, which consisted of physical training, long marches, and AK-47 instructions.
- A. The Detainee states he wasn't at a camp, but at a place with a group of tents. There were 2 or 3 other places with these groups of tents outside of Konduz. They did run a couple times a day and they also showed him how to fire the Kalashnikov AK-47.
- Q. Do you want to make a comment on whether there are long marches?
- A. The Detainee stated he did not receive any training on long marches.
- Q. Did you engage in hostilities against the United States or it's Coalition partners? The first was that you traveled to Dashtearche, Afghanistan with other fighters and you were armed with a Kalashnikov rifle and 1 magazine.
- A. The Detainee stated he did not fight against the U.S. or its coalition partners and he did not see them when he went to fight jihad. He stated that he did go to fight, but never had the chance. He was there for 15 days and did have training on the Kalashnikov.
- Q. He was with other fighters and may have some comments on the others he was with.

- A. The Detainee stated he did have 40 other people with him in Afghanistan, but did not know any of them. He does not know how they were trained, but they were against somebody.
- Q. And during that time, he was armed with a Kalashnikov and 1 magazine. Does he have any comments about whether that's true? Whether there was a magazine and a Kalashnikov?
- A. The Detainee stated yes, he had a Kalashnikov AK-47 and 1 magazine with him.
- Q. Admits to going to the front lines with 40 other fighters in the command of Sultan?
- A. The Detainee stated he went and stayed for 15 days and met Sultan twice. He did not know he was the commander, but someone told him that he was in town. There were "inaudible" where they have fighting conditions, but there was no chance to fight anybody. After that, they came back.
- Q. Did he have any comments on whether he went to the area and met Sultan, when those were, the order those were in?
- A. The Detainee stated that he did come, he was with other people, but he does not know why Sultan was there. Detainee never saw any fighting, so he does not know why he was there.
- Q. That he fled his position in Dashtearche and was almost immediately captured near Konduz?
- A. The Detainee stated that is true.
- Q. Did he have any comments on whether he knows for sure where the location of Konduz is?
- A. The Detainee stated he did not know where he got captured; he doesn't know how far it was from Konduz. The Village he was captured in was Moullah.
- Q. Personal Representative stated that was everything they had gone over in the notes.

Summarized Answers to Questions by Tribunal Members

- Q. The evidence given to us indicates that you originally went there to fight Hindus. Is that true?
- A. That's true.

Q. When did you first realize there were no Hindus in Afghanistan to fight against?

A. The Detainee stated he found out when he was captured.

Q. Did you realize at any time that you were actually fighting against Afghans?

A. No.

Q. Have you ever fought against Hindus in Kashmir?

A. No.

Q. Do you live near Kashmir?

A. The Detainee stated no, he lived in Pakistan and Kashmir is on the other side.

Q. But where he lives in Pakistan, is that close to the Kashmir region?

A. The Detainee stated he lived close to Karachi, which was too far.

Q. You are familiar, obviously, with the conflict between the Hindus and Muslims in Kashmir?

A. Yes.

Q. Did you believe when you went on jihad that you were to be fighting the same type of Hindu battle that existed in Kashmir?

A. The Detainee stated he didn't know. They tricked him. They said he was going to fight Hindus and he went with them. The Detainee doesn't know if they are the same kind of people or different.

Q. The evidence that was given to us says that there were times you heard gunfire coming toward you. Do you remember that?

A. The Detainee asked what kind of gunfire the Tribunal Member was talking about.

Q. The Member stated it did not say, but it is presumed it was from the Northern Alliance.

A. The Detainee stated they sometimes heard firing in the place he stayed for 15 days, but it was far from his location.

Q. It says also, he mentioned that his group did not have permission to fight back against the Northern Alliance. Is that true?

A. The Detainee stated he was told to stay there and not to fire back.

Q. At the time, where did you think the gunfire was coming from?

A. The Detainee stated it was his first time there, so he did not know where it was coming from. He is not familiar with the area.

No further questions.

Summarized Unsworn Detainee Statement, continued

The Detainee stated he needed to know who put in his file that he was associated with Al Qaida, and that he went to fight against the United States and its Coalition forces. He never fought, and never went to fight against the U.S. or its Coalition forces.

The Recorder stated it was part of the government evidence against him.

The Detainee stated he never fought against U.S. or its Coalition forces, so how would they decide that if he never went. If he knew who said that, he could answer them, but if he doesn't know, how will the Tribunal review this?

The Recorder stated the evidence against the detainee was gathered from interviews with the Detainee through various investigators.

The Detainee stated he never said that to any of his interrogators, and they might have recordings, since they had them every time they talked to him. He personally never said that to anyone and they can check that.

The Tribunal President informed the Detainee that the decision would be based upon all of the evidence presented, including the Detainee's statement.

Summarized Answers to Questions by Tribunal Members, continued

Q. You were part of the Jamat-I-Islami organization?

A. The Detainee stated he was never part of the organization. He was invited to go fight with them, and he accepted. He did not know any of the people personally.

Q. Do you know of any relationship between Jamaat-I-Islami and Al Qaida?

A. The Detainee stated he had no information about that.

Q. When you were captured, you were captured by an Uzbek named Moman, is that true?

A. The Detainee stated it has been a long time and he forgot the name of the person who captured him.

Q. Was the person an Uzbek?

A. Yes.

Q. Do you know whom this Uzbek was fighting for?

A. The Detainee stated he had no information.

Q. Do you know if the Uzbek was part of the Northern Alliance?

A. The Detainee stated he had no information about who they were, who they were fighting for or whom they were fighting with, but they captured him and he was with them for 2 months. There were other people from Pakistan with him when he was captured.

AUTHENTICATION

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

Colonel, U.S. Marine Corps
Tribunal President

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Summarized Unsworn Statement on Behalf of Detainee

Detainee admits to being on the front lines in Afghanistan for 3 days. Detainee received weapons training in the Malik Center in Kabul at Al Farouq in Kandahar. Detainee was captured near Mazar-e Sharif while fighting inside Jenki Castle against the Northern Alliance, but not the United States.

Detainee was not driving a rocket launcher mounted truck in combat against the Northern Alliance, he was driving a food supply vehicle.

He was injured and fainted while fighting inside Jenki Castle at Mazar-e Sharif. Had been carrying a Kalashnikov rifle but does not know what happened to it.

Detainee is concerned about the status of his medical care if he is released.

AUTHENTICATION

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


Tribunal President


Col, USAF

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Summarized Unsworn Detainee Statement

The Personal Representative provided the following statement on behalf of the Detainee:

Regarding the unclassified summary, paragraph 3.a.1, [The Detainee stated it was his duty to fight for Jihad.]

Detainee admitted it was his duty to fight Jihad since his initial capture and continues to admit to that today. He says it is all Muslims' responsibility to fight for Jihad when called upon by a Muslim government (in this case, and at that time, it was the Taliban).

Paragraph 3.a.2, [The Detainee has personal knowledge of al Qaida operatives in Afghanistan.]

Detainee admits he saw some key (al Qaida) figures. In many instances it was a normal part of the processes and places in Afghanistan. He saw Usama Bin Laden and Abu Hatat (phonetic) from a distance. He had also mentioned to interrogators other people he had seen in various areas. He volunteered to fight for the Jihad, and was put in positions in which he carried arms.

Paragraph 3.a.3, [The Detainee began his travel to Afghanistan in September 2001.]

Detainee admitted he traveled to Afghanistan in September (Islamic Year) 1421H (2000).

Paragraph 3.a.4, [The Detainee's travels took him from Jordan to Damascus, Syria; then to Tehran, Iran before reaching Kandahar and Kabul, Afghanistan.]

Detainee admitted this is true.

Paragraph 3.a.5, [The Detainee stayed at a guesthouse in Kabul where he relinquished his passport and belongings before leaving for the front lines to fight.]

Detainee admits he met with someone who took him to Kandahar, where he attended school for Jihad. He then proceeded to Kabul to be with and see other Arabs and to stay at the guesthouse. Detainee said there were several people at the guesthouse. He had put his papers and passport in a safe place prior to going toward the fighting lines.

Paragraph 3.a.6, [The Detainee was identified as having the alias Abu Anas.]

Detainee admitted in Afghanistan his name was Abu Anas.

Paragraph 3.a.7, [The Detainee was identified as the person responsible for providing a movie that provided all the details on how the USS Cole was attacked and the explosives that were used.] Paragraph 3.a.8, [The Detainee was identified as Abu Anas, a person responsible for providing a movie regarding the 11 September 2001 attacks.]

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Detainee stated he had not completed middle school. Although his name was Abu Anas, there was another individual with the same name. Detainee believes it was the other individual who made the movies of those activities.

Paragraph 3.b.1, [The Detainee was trained in the Saudi Arabian Army on the anti-tank weapons, artillery, and light weapons.]

Detainee admitted he was in the Saudi Arabian Army for nine years and four months. Americans trained him during periods of his service with the Saudi Arabian Army. He left the Army approximately six months before going to Afghanistan.

Paragraph 3.b.2, [The Detainee fought in Tora Bora.]

Detainee stated he was in the Tora Bora region at the rear of the fighting lines. He had to go through Tora Bora in order to get to Pakistan. Detainee was told there were a number of Arabs in Tora Bora; his intent was to meet up with that group.

Paragraph 3.b.3 [The Detainee admits to carrying an AK-47 while retreating from Baghram, Afghanistan.] Paragraph 3.b.4 [The Detainee surrendered to the Pakistani Police.]

Detainee admitted he carried a weapon. He said anyone who had to move into the front line for information or travels was issued a weapon for that purpose.

Detainee said had his desire been to fight and kill Americans, he could have done that while he was side by side with them in Saudi Arabia. His intent was to go and fight for a cause that he believed in as a Muslim toward Jihad, not to go and fight against the Americans.

AUTHENTICATION

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

Colonel, U.S. Marine Corps
Tribunal President

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Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the Detainee. The Detainee confirmed that he understood the process.

Tribunal President: Mohammed Ahmed, do you understand this process?

Detainee: (responded by nodding head) Yes.

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

Detainee: (responded by shaking head) No.

Tribunal President: Can you please respond by saying yes or no?

Detainee: No (referring to the previous question).

The Personal Representative submitted the Detainee Election form (Exhibit D-A) into evidence.

Tribunal President: I would like to make note that on the Detainee Election form, the Personal Representative made the responses to the Unclassified Summary. Is that correct?

Personal Representative: Yes, ma'am.

Tribunal President: Mohammed Ahmed, will these responses also be stated again during the Tribunal?

Detainee: The Personal Representative will speak about these.

Personal Representative: The summary of our interview notes are included in his Detainee Election Form, but he has decided this morning that he would like to make a statement.

Tribunal President: Mohammed Ahmed, is that satisfactory to you?

Detainee: Yes.

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

The Recorder submitted 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.

Tribunal President: Mohammed Ahmed, 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 want to present information to this Tribunal?

Detainee: I do not wish to make a statement because there's no use in making a statement or defending myself.

Tribunal President: Would you like the Personal Representative to review the information that is on the Detainee Election Form? These are statements that you may have made to him during an interview. These statements look like they are responses to some of the allegations.

Detainee: I have many statements and evidence and information that I could present, but there is no use in presenting them because you have classified information that I cannot see or look at to defend myself against them. There is no point me saying anything.

Tribunal President: Mohammed Ahmed, this is an opportunity for you to respond to the allegations that are being presented right now. We have not had the opportunity to look at the classified information. This Tribunal is obligated to review all of the evidence that is presented to us; that includes any statements or responses that you may have to the Unclassified Evidence.

Detainee: Some of the statements that I have presented are available with the Personal Representative. Some of them are. If you have a closed classified session after this and you wish to call me to answer those allegations, then I will.

Tribunal President to Personal Representative: Okay, then why don't we go through the responses to some of these allegations or any statements that you may have seen, that you may have received from Mohammed during an interview.

Detainee: I can't respond to allegations like this. You have to give me all of the allegations that you have. I need to see everything that you have against me, so that I am able to answer all of them.

Tribunal President: Personal Representative, with your assistance in going through the allegations on the Unclassified Summary, and then Mohammed, you can respond to each of those allegations if you wish to do so.

3.1. The detainee traveled to Afghanistan in March 2001 to fight the Jihad.

Detainee: I don't have any response.

3.2. *The detainee stayed at Taliban safe houses.*

Detainee: I don't have any response.

3.3. *The detainee's travel to Afghanistan was arranged by the Taliban.*

Detainee: I don't have any response.

3.4. *The detainee stayed at the Taliban embassy in Pakistan.*

Detainee: I don't have any response.

3.5. *The detainee was issued a Kalashnikov at the "AMR" center.*

Detainee: I don't have any response.

3.6. *The detainee was a guard at the "AMR" center for the Taliban.*

Detainee: I don't have any response.

3.7. *The detainee was in Afghanistan during the U.S. bombing campaign.*

Detainee: I don't have any response.

3.8. *The detainee fled to the Tora Bora Mountains in December 2001.*

Detainee: I don't have any response.

3.9. *The detainee, along with a large group of Arabs who had fled Afghanistan, was arrested by the police in Pakistan.*

Detainee: I don't have any response.

Tribunal President: Mohammed Ahmed, would you like to add anything to the comments or the allegations that were read?

Detainee: Add what evidence?

Tribunal President: Any other comments or evidence or any explanation to...

Detainee: Like I said, I do have statements and information and evidence. But, if there is classified information that I cannot see, then there is no use.

Tribunal President: That is correct, there is classified evidence that you are not able to see. But, this is your opportunity to make a statement based on the allegations that were presented to you during your interview. If you choose not to make any comments, then we will go on with the Tribunal process.

Detainee: I don't have anything, but the Personal Representative has some statements, if he would like to present them.

Tribunal President: Personal Representative, would you present the statements that were on the Detainee Election Form?

Personal Representative: Yes ma'am. I did want to just say that during our interviews, Mohammed Al Asadi had been very cooperative and I think he exhibited very good behavior during those interviews. He explained that he had never fought against the U.S., but that he was with the Taliban before they fought against the U.S. or the Northern Alliance. He believed that one point of evidence for him would be to confirm that the dates of his travels would show that he had traveled from Yemen approximately four months prior to September 11th. From Yemen to Pakistan. That's that I would like to add.

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 any questions for the Detainee?

Tribunal Member: Yes, ma'am. How did you get from Yemen to Pakistan?

Detainee: I don't have any responses to any questions.

Tribunal Member: I have one question for the Personal Representative. When you were going through, there was one additional thing on the Exhibit D-A that you didn't read and I just wanted to confirm that statement.

Personal Representative: Yes sir. I would like to add that with regard to the Unclassified Evidence in bullet six, Mohammed did mention that he was not a guard at the AMR camp, but that he was just one of the people who was there waiting.

Tribunal Member: You mentioned that he said, "confirm that dates of his travel from Yemen to Pakistan, four months prior to 9/11." Did he suggest how we confirm that?

Personal Representative: Yes, sir. If I recall from my notes, he suggested that we get his passport, but it was not on file for his case.

Tribunal Member: Did he tell you that he had his passport when he arrived here?

Personal Representative: No, sir.

Tribunal President: Mohammed Ahmed, can you tell me what the AMR camp was?

Detainee: I clarified it to the Personal Representative.

Tribunal President: Personal Representative, did he clarify what the AMR camp was? What kind of camp it was?

Personal Representative: We brought up the question regarding the AMR camp and we were told by way of the translator that it was Omer not AMR. That was the extent to our discussions, I did not ask him about the camp.

Tribunal President: I understand.

Tribunal President: Was it your impression, Personal Representative, that there was a misspelling?

Personal Representative: It is my impression that it was a pronunciation or spelling issue, but in conferring with the Recorder, we were never able to pin down specifically what the difference was.

Tribunal President: Any other Tribunal Members have any other questions?

Tribunal Member: Again, for the Personal Representative. Going back to the question one of other Tribunal Members mentioned. Did the Detainee ask you to or ask us to obtain his passport as a document to be presented to the Tribunal?

Personal Representative: Sir, he brought the fact that he believed the dates in the passport would confirm that he had traveled to Pakistan before September 11th. So, I went to the area that holds the property, but they did not have a record of his passport.

Tribunal Member: Did he suggest that we should have his passport, or did he say it might be some place else? Did he give any idea of where the passport was?

Personal Representative: No sir. That was the extent of our discussion.

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

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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.

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Colonel, U.S. Army
Tribunal President

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Summarized Detainee Statement

Tribunal President: Do you understand the CSRT process?

Detainee: Some I understood, some I did not.

Tribunal President: What part do you not understand?

Detainee: I understand what we have talked about, but I don't understand what is coming.

Tribunal President: Anytime you have questions about what is happening please ask.

Detainee: Fine.

[After the Recorder finished reading the summary of the unclassified summary the Detainee wanted to ask a question.]

Detainee: Referencing some of the allegations. Allegation number eleven, I want to clarify that about me being paid.

Tribunal President: This process will allow you to make statements a little later in the Tribunal.

[The President continued with the Tribunal script]

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

Detainee: I would like to go over these points and then I will give you a statement.

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

Detainee: No.

Tribunal President: You may proceed.

[The detainee asked for and was handed a translated copy of the unclassified summary to comment from.]

Detainee: Do I need to read all of this?

Tribunal President: You may comment on each point without having to read it, we have a copy.

Detainee: Do you want me to read each point?

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Tribunal President: No you don't have to read each point it has already been read.

Translator: He wants me to explain a point to him.

Tribunal President: I would like you to read that statement to us and we can help explain.

Detainee: I am referring back to number eleven.

Tribunal President: For the record number eleven is: 3.a.11. (The detainee traveled and worked as a paid employee of the Jama'at Al Tablighi.)

Detainee: Do you want me to explain it?

Tribunal President: Yes.

Translator: He wants me to explain it to him.

Tribunal Member: Explain what?

Tribunal President: What does he not understand?

Detainee: I don't know what you mean, when it says I went there and got paid. Does this mean that they were paying me money?

Tribunal President: Yes.

Detainee: You mean that I was working for the Tablighi and they were paying me money?

Tribunal President: That is what the evidence says.

[The detainee read each of the points of the unclassified summary and commented on each.]

3.a.1. (The detainee was convinced to go to Afghanistan and fight the non-believers in an attempt to establish an Islamic state.)

Detainee: I went to Afghanistan because I was an immigrant there and residing there.

3.a.2. (The detainee was smuggled from Libya to Egypt with 1,000 United States dollars in his personal possession and then flew to Saudi Arabia, then to Karachi, Pakistan and then to Peshawar, Pakistan, staying one year, and then drove to Jalalabad, Afghanistan.)

Detainee: I left Libya and went to Egypt with \$7,000.00. Then I went to Saudi Arabia and then to Karachi, Pakistan and then to Peshawar. I was not there for a year; it was only a few days.

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3.a.3. (The detainee stated he flew from Yemen to Jeddah, Saudi Arabia, then to Mecca, Saudi Arabia and back to Jeddah, and then flew to Karachi, Pakistan, and then to Peshawar, Pakistan, and then drove to Jalalabad, Afghanistan.)

Detainee: I have a problem with the Libyan government and it is a long story. I told them I was Yemeni during the interrogation, but I am from Libya. My first statement was incorrect.

Tribunal President: Your first statement to us or to the interrogators in Libya?

Detainee: The interrogators.

3.a.4. (The detainee stated he had about 2,700 United States dollars, 1,500 Saudi Arabian Riyals, and an unknown amount of Pakistani money when he left Yemen.)

Detainee: I had the dollars and the Saudi Riyals; the only thing wrong with this statement is that I never left Yemen.

3.a.5. (The detainee stated he originally lied about his true name and nationality. He is from Libya not Yemen.)

Detainee: Is correct.

3.a.6. (The detainee reportedly had been in Afghanistan since the Jihad.)

Detainee: This is inaccurate.

Tribunal President: What is not correct?

Detainee: The whole thing. Since the Jihad that is not accurate.

3.a.7. (The detainee reportedly was seen just before 11 September 2001, in Jalalabad, Afghanistan in the Arab complex.)

Detainee: This is not correct.

3.a.8. (The detainee was in possession of a wristwatch, the type used in improvised explosive device bombings linked to Al-Qaida and radical Islamic terrorists.)

Detainee: I had a wristwatch but it had nothing to do with explosives.

3.a.9. (The detainee stated that he was a member of the Al-Jamia'a Al Tablighi for two years, while he was in Afghanistan and Pakistan.)

Detainee: This is accurate.

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3.a.10. (The detainee worked a few missions, which were forty days long, for Al-Jamia'a Al Tablighi throughout the Afghanistan and Pakistan region.)

Detainee: This is also correct.

3.a.11. (The detainee traveled and worked as a paid employee of the Jama'at Al Tablighi.)

Detainee: This is inaccurate.

3.a.12. (Jama'at Al Tablighi, a Pakistani based Islamic missionary organization is being used as a cover to mask travel and activities of terrorist including members of Al-Qaida.)

Detainee: This is inaccurate.

3.a.13. (The detainee is reportedly a member of the Libyan Islamic Fighting Group, LIFG.)

Detainee: This is inaccurate.

3.a.14. (The Libyan Islamic Fighting Group, a listed terrorist organization with black market contacts, reportedly is used by Al-Qaida to obtain travel documents.)

Detainee: This one is also incorrect. Can you explain this one to me?

Tribunal President: What part do you not understand?

Detainee: What do you mean when you are talking about a group? Do you mean that I was working with them?

Tribunal President: This is a statement about the Libyan Islamic Fighting Group, not you the group. This is a statement about the group.

Detainee: Why is it in my file?

Tribunal President: The previous statement, number thirteen...

Detainee: Put it with number thirteen, why do you have another bullet there?

Tribunal President: It is the organization process.

Detainee: Number fourteen is incorrect. I never worked with them or had any connection with them.

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3.a.15. (The detainee was arrested in Pakistan with 1,800 U.S. Dollars, 1,500 Saudi Arabian Riyals, and an unknown amount of Afghan and Pakistan money in his possession.)

Detainee: This is accurate.

3.a.16. (The detainee stated the money, which was captured during his arrest, all came from a source in Europe.)

Detainee: This is accurate also.

Tribunal President: Does this conclude your statement?

Detainee: Yes.

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

Personal Representative: Just one question.

Summarized Answers in Response to Questions by the Personal Representative

Q. You mentioned you had a problem with the Libyan government; can you describe the nature of the problem?

A. The Libyan government used to capture the Muslims and because of that I went to Afghanistan.

Q. When you talk about the Muslim people do you mean because of the religion?

A. What is the difference between Muslim and religion?

Q. Do you mean that you were persecuted because of your religion?

A. Yes.

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

Recorder: No sir.

Summarized Answers in Response to Questions by the Tribunal Members

Q. In reference to point ten, it states, the detainee worked a few missions, which were forty days long, and you said that was correct. I would like to know what the missions were? Can you explain what you did for forty days?

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- A. I use to spread the word of god to the people that were there. To repent and to go to god's ways.
- Q. You said that the money you had when you were arrested came from a source in Europe. Do you know who that was? Where did that money come from?
- A. I said that point was inaccurate.
- Q. So that point was inaccurate?
- A. Yes.
- Q. I have a question on eleven. You said this was not accurate. The detainee traveled and worked as a paid employee, are both inaccurate, that you didn't travel and you didn't get paid?
- A. The whole thing is incorrect.
- Q. The previous point, number ten, said you traveled on missions. Were the missions for the Al-Jamia'a group?
- A. I don't understand Arabic very well. I went out with the Tablighi organization. I was there for forty days. We were reaching the people and asking them to repent. That's all I did, what kind of missions are you talking about?
- Q. Did that organization pay you or just care for you, providing food and travel?
- A. No.

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

Detainee: No.

AUTHENTICATION

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

Tribunal President

 Col. USAF

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