

Summarized Unsworn Detainee Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee confirmed that he understood the process.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal and gave a brief description of its contents. A closed session was requested at a later time to present classified evidence to the Tribunal.

The Detainee requested to take the oath before making his statement. The Recorder administered the oath.

Before I would like to address the accusations I would like to take a moment to thank the members of the Tribunal for giving me the chance to come and speak on my behalf. And this shows freedom of speech and the right to defend yourself.

In the beginning I would like to talk about the reasons for my presence in Cuba before I talk about the accusations. Maybe you saw in my file that I was accused in Bosnia of terrorist activities. Planning to attack the U.S. Embassy in Sarajevo. The accusation was the intent to plan to attack the U.S. Embassy. As if they went into a person's heart and tried to find out what they were thinking and then came up with this accusation. We were detained in a prison in Bosnia and we were interrogated there for three months. We were the victims of a political game. This political game has no proof that we had intended to carry out an attack against the U.S. Embassy. I would like to make clear that if this was a real accusation, if it were true that this was a matter regarding national security of the United States; from the first day they would have taken me from my home to America. Five percent proof, that I had anything against the United States, they would have taken me from my house to the United States, so that I could be tried in America because this is a matter regarding the American Embassy. Which is proof that this is a political game first of all. The second thing is that I stayed in a Bosnian prison for three months. And they were waiting for an American to come and interrogate us. No one came to the prison and no one interrogated us. This is proof that this is a political game between the Bosnian government and the American government. In the end, after three months, after the interrogations, and after they asked us everything, Bosnian television aired the fact that they we found innocent by the court. So we were in prison and acquitted in prison. These people are to be released immediately without any conditions and to live in Bosnia as free people. Unfortunately, when we were released (inaudible), and maybe you have a copy of it here. You must have it, because it was in my packet when I came here. So when we came out of prison we were surprised that we were handed over to the American forces that are present in Bosnia. We were bound by our hands and our feet and we were treated the worst treatment. For 36 hours without food, sleep, water or anything and we were treated the worst treatment. We came to this place so they could interrogate us. Now I have been here for three years. Unfortunately I thought the case was about an American embassy and up until now no one has directed one question towards me regarding this case. In spite of the fact they told us this case was about the

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American Embassy, we were surprised by the fact that this is not about the American Embassy. I asked my interrogators, then why am I here. He said forget about the fact that you were here because of the American Embassy or because you're from al Qaida or because you are a terrorist. I said, "You told the world that you had proof against that we were involved in an attack against the American Embassy." He said to forget this because in Bosnia nothing happens, we know this. You came here to give us information about relief and rescue operations in Bosnia. So we were surprised and in spite of this we cooperated with the interrogators. We talked about these charity organizations and we cooperated to the fullest extent with these interrogators. In the end we were faced with strange accusations that are not backed with any proof. We were from al Qaida (*referring to paragraph 3 of the Unclassified Summary*). We were members of al Qaida in Bosnia. We're part of the Armed Islamic Forces (*referring to paragraph 3.1*). This al Qaida, I only knew it through the media, that's it. This al Qaida is a terrorist organization that kills innocent people and we are against the killing of innocent people. We were very, very upset at the events that happened in America before. I imagine that the people in these buildings (*the World Trade Center*) could be my brother or my father or my sister or my son. Islam is innocent of these actions. It is innocent of the actions that these individuals carried out without any reason. My father taught me how to do good and how to treat people right. I was brought up in my house with good principles and how not to harm anyone or do anyone any harm. In my whole life I never did harm to anyone with my tongue by talking so how could I harm anyone with my hands. This is how I was raised in my house: helping people and loving people. So my heart does not allow any evil to be in it. To say you are part of al Qaida or you're terrorist, my heart does not allow for this. My father when he used slaughter or kill chickens I used to cry. I used beg him please don't kill these chickens so how can I be a part of this terrorist activity or organization. Even my work that I do in Bosnia and Herzegovina is with orphans and taking care of orphans. I took care of these orphans, and I gave them compassion and care and I'm there in place of their father or their brother. I used to hold the orphans in my hands and give them food or nutrition until they reached a certain age. So how can my heart hear any evil or wrongdoing? So I am innocent of these of accusations that do not have any relation or anything to do with me. I asked one of the interrogators one day. "Did you say that have captured 70% of the members of al Qaida?" He said yes yes we have captured 70% of the members of al Qaida. I told him, "Good. That's excellent! Take my picture and my information and take them to these people and ask them am I from al Qaida or am I not from al Qaida. You will feel better and I will feel better." That's it, he told he would try he will ask and so on. Al Qaida kills even the Muslims themselves. In the studies it said that the buildings had 700 Muslims in them and they all died. Are they not Muslims? So al Qaida kills even Muslims. Islam is innocent of these things. People think wrongly of Islam. Islam should be presented to people on a plate of gold not a plate of fire. Islam has taught me to respect my neighbor even if he was Christian and to visit him if he were sick. If he died, I'd go to his funeral. Because he is human, the same race as me. That is what I was taught and that is what my father taught me in our house. Also, regarding this Armed Islamic Group (*paragraph 3.1 of the Unclassified Summary*), this is also a terrorist group. I thought that one day I would go to Algeria to visit my family. The Algerian

government knows about all the members and knows everything about the Armed Islamic Group. How could I be part of the Armed Islamic Group and be able to travel to Algeria? I would have gone there and been executed. I would have been afraid to go to Algeria if I was a member. So this matter is not true. The Bosnian government said to the Algerian government, these people are part of the Armed Islamic Group come take them from us. The Algerian government said no these are not terrorists and they're not part of the Algerian Armed Islamic Group. Try them if you have anything against them with you. If you don't have anything on them, release them as innocent people. Is that not proof? This is important proof that the government itself knows that we are not part of the Armed Islamic Group. You have been interrogating me now for three years. You have asked everything about me even the stones and the trees (an expression). You have asked everything of me and thank God you know that I'm not from al Qaida. You say I have classified evidence. I would say yes you do have classified evidence, but it shows that I am innocent of this accusation. I don't have any relationship with these things at all. That is what regarding this matter about terrorism. I don't have anything to do with this and I am innocent completely of these accusations.

Paragraph 3.2. Detainee is a former employee of the Red Crescent Society and attended meetings in Sarajevo for Algerians working for non-government organizations in Bosnia.

Regarding the third accusation where it says that you met with the Algerians in the Red Crescent Society. Met with Algerians working for non-government organizations. Regarding this matter, the Red Crescent is a known government organization. It does not have any relationship with non-government organizations. These non-government organizations they work together and they have coordination between them and they just work together. So we don't have anything to do with at all. If they needed anything, they could confer with our management who would not attend as a member of this government organization because that's not allowed. I used to work outside Sarajevo in a city called Dehug. I never met with any Algerians in any non-government organization I used to have meetings with members of the office. The manager, Macmuseth (ph) and he's an Egyptian, Imin Faghe (ph) he's an accountant. (inaudible) he is the manager of the office in Fusla which is another city. Nocfnid (ph), he is present here and he is responsible for the office in Sarajevo. He is the only Algerian that was working with me in the Red Crescent. I did not meet with anyone besides these four. We used to meet once a month and discuss matters regarding the orphans. Everything is recorded at the office. The meeting, when it was, the members that attended the meeting, and what was said during the meeting, everything was recorded. You can get in contact with Sarajevo and talk to the manager there. Government organizations also they have their own specific meetings. Non-government organizations have their own meetings and I did not attend any of those. I never attended any of their meetings. You can ask the manager. You can ask Sarajevo. That is my answer to the third accusation.

Paragraph 3.4. The detainee is also known as Sharfuldin or Sharuldin.

Regarding the accusation that says your name is Sharfuldin. Not Sharuldin, it's a mistake. But, it's the first one Sharfuldin. In the Arab countries it's not a problem, it's not abnormal and it's very common for people to be called by names other than their names like Abdul something, which is the father of something. Or, to be called by another a name that you're known by. For example, my brother's name is Aganamni (ph). I call him Imin Adir (ph). My friends call him Imin Adir (ph). (inaudible). My name is Mohammed but they used to call me Sharfuldin. This is something very normal. It's not something that I hide and I'm not hiding anything regarding this matter. Even in Bosnia, when dealing with anyone, I always used my real name Mohammed Nechle and my cards say Mohammed Nechle. My papers and dealings with government are in my real name. Only when I went to Dehug, when I was with the orphans in Dehug. Dehug is very far from Sarajevo and they have their own accent or dialect. It's close to Croatia. So that's why their accent or dialect is close to Croatian so when I went there I told them that my name Mohammed Nechle and some of the orphans laughed at this. I asked them why are you laughing? The word Nechle, what we know of the Nechle is that it means congestion, like when you have a cold and you're stuffed up. That's what it means. So they were laughing. I told them okay you call me Mohammed, Mohammed Sharfuldin so you can stop laughing. Call me that. Only the orphans used to call me that. No one else used to call that. Ask one of the orphans there at Sum Dehug you can make sure of that fact. I don't have any aim or anything regarding an alias. I'm not hiding anything. That's what I have to say to about these accusations. I am innocent of these accusations. I don't have anything to do with terrorism or anything like that.

Believe me, I came to this place as a mistake and I think that I was wronged. It was unfair to me. I always used to wonder why am I here. Especially when the interrogator used to tell me that we want information from you about these organizations and you are innocent. And you present me with these accusations that have anything to do with anything. I have a clear conscience that I am not a part of these terrorist organizations. I am not afraid of anything because I am not a terrorist. If you interrogated me for 20 years you would find that I am Mohammed Nechle. God as my witness, as God as my witness, as God as my witness. I thank you.

The Tribunal President confirmed that the Detainee's statement had concluded. The Personal Representative had no questions. The Recorder had questions for the Detainee. The Tribunal members had the following questions:

Tribunal Members' questions

- Q. Would you please tell me something about your education.
- A. You mean when did I finish my education?

- Q. Yes and far along did you go?
- A. I got to high school. The last thing before college. Then I stopped with my studies. I freed myself for trade.
- Q. What kind of trade did you work in Algeria?
- A. Vegetables and fruits. When my father was sick I used to help him. That was my job.
- Q. Did you have any military service while in Algeria?
- A. No. I had an excuse from that duty.
- Q. Did you receive military training in any other country?
- A. No.
- Q. When did you join the Red Crescent?
- A. In Albania I worked with the Red Crescent. Until I was captured until Bosnia.
- Q. So at what time did leave Algeria to go to Albania what year?
- A. 1995.
- Q. When did you into Bosnia from Albania?
- A. I lived in Albania and then when the civil war occurred in Albania I asked to transfer from the Albanian office to the office in Bosnia, through the main office in Abu Dabi (ph), in the United Arab Emirates. The security situation was not very good in Albania. So they transferred us directly from Albania to Bosnia. That's it.
- Q. When you joined the Red Crescent, did you join it just for Albania or did you join it in the International Red Crescent?
- A. The United Arab Emirates Red Crescent. Before that it was called the Abu Dabi (ph) organization and then it became the Red Crescent. Just the Emirates. It's main office is in Abu Dabi.
- Q. Do you know where the main office is for the Red Crescent is? Not just in Abu Dabi?

- A. In the capital in Abu Dabi. The exact location I don't know. You can call and ask about it.
- Q. The point I'm trying to get to is, are they all under one main organization?
- A. The Red Crescent?
- Q. Yes, in Albania, in Bosnia...
- A. The main office is in Abu Dabi. Sheik Zaiat Ima Hil, is the president of that countries office. It has branches in the world. In Albania, in Bosnia, Khezikikistan (inaudible), Kosovo. Many countries
- Q. Throughout the Muslim world?
- A. Just about. Poorer countries like Albania.
- Q. When you told us that you worked with orphans, children without homes. What was your official title or duty with the Red Crescent?
- A. I was there for the aid of the orphans. I would give help. I visited orphans in their houses or distributing food to them. Teaching them computers in the English language. Complete help in all aspects. Social help mostly.
- Q. Did you receive a regular salary?
- A. Yes, about \$1, 000 a month. The cost of living in Bosnia is high so it really wasn't that much. I used to rent a house for \$200. I would end up saving about \$100 or \$50 a month. My work was more than that because I wanted to help people. It was more of a voluntary nature. If money was important to me I could have been making \$10, 000 but this was enough for me to live with my wife and my kids.
- Q. So your wife and family were with you in Bosnia and lived with you?
- A. Yes.
- Q. From 1995 to the present?
- A. Yes they were with me in Albania and then moved with me to Bosnia.
- Q. Did anyone else live in the house with you other than your family?
- A. No just my wife and my children.

- Q. The \$1,000 a month salary. You were saying \$200 for rent and you saved about a \$150. Not to be exact but where did the rest of the money go?
- A. \$200 for the rent for the house. Gas, electricity, and telephone about \$150. Gas for the car about \$100, it's expensive. And the rest was for the house like food and drinks and stuff like that. Like I said, it was a simple amount.

Tribunal President's questions

- Q. I just have one question. You talked about what happened to you in Bosnia when you were turned over to the Americans. And you talked a little bit abuse there. I understood you to say that it was at the hands of the Americans.
- A. The Americans were in kind of a war against terrorism. So anyone in that situation would have been treated badly. I excuse them for that treatment. I just told you that we were not treated in a humane manner. We were not caught in Afghanistan or any place like that, we were caught in Bosnia. We were taken from our houses. Now I have many illnesses that I never had before. It was difficult. We were treated in a harsh manner, but we were supposed to be treated better than that because we had been acquitted. We don't any relationship with terrorism or anything like that. So what I was saying is that I wish we would have been treated better on the way here and given food and water. Even the bathroom was forbidden from using it on the way here. The way was about three days and during the three days they just gave us some apples, that's all we ate. When I got here I was sick for about a month or a month and a half from exhaustion. I used to think that America had respect for human rights when it comes to prison. That's all I have.
- Q. Was there any physical abuse while you were in transit?
- A. It's not a problem. Just leave it. We weren't beaten for no reason, but our hand were bound like that (looking down at his handcuffed wrists). Even that used to stop you. You couldn't feel your hands. This part (referring to his wrists) is numb right now I can't feel anything. But it's not a problem it's passed.
- Q. I appreciate your excusing it, however it is a concern of ours.
- A. I excuse them because of the war that they were in and because of the events that happened in America. Anyone would have probably done the same thing if they were in their place. We were just victims to this.
- Q. How have you been treated since you have been here in Cuba?
- A. It's changed in the last year. It's better than before. There is improvement in the treatment.

Q. When you arrived here sick, did you receive treatment for your illnesses?

A. In the beginning they didn't treat me. I asked them to treat me and they left me for a long time without treatment. I had a hemorrhage, that's what I had and I talked to them about that. I used to tell them there was blood; I was bleeding. I used to tell them about it time after time and just left it. I had problem with it and they told me that they didn't have any doctors here. They said they to call America and have bring over specialists. So this comes here and now they have all these doctors. A person comes here... A person comes here healthy and then he leaves with all these illnesses. Besides the fact that your future, the way that came here; your image is tainted in the world because of the way that you brought here and the media how they depict it. I was a respectable person living in Bosnia. People used to respect me and had good relations with people. I had great respect. In the end the way that this happened, the way I was brought here and the accusations that brought against me, I feel that my future has been destroyed. A person does not even know what to say to their kids now. Your father, why is he in Cuba, because he has accused of terrorism. That's a really big thing. I just hope that you are fair in my case and that you take everything into consideration. I swear to that I am innocent. I have been wronged and I don't have anything to do with terrorism or anything like that. Thank you.

The Tribunal President thanked the Detainee for participating in the Tribunal and confirmed that he had presented all the evidence that he intended to present. The procedure for the witnesses the Detainee requested to have make statements on his behalf were explained. The first witness was then brought into the Tribunal.

The first witness was brought into the Tribunal. He confirmed his name for the record and was then administered the oath.

Detainee's questions to witness Mustafa Ait Idr (ISN 10004)

Detainee: When I got to Bosnia from the year 1997 until now did I ever any relationship or anything to do with terrorism or al Qaida or the Armed Islamic Forces? Or am I a terrorist or not? Please explain to the Tribunal.

Witness: I would like to tell them something first. I got a letter from an American lawyer last week and it said do not participate in this Tribunal and anything you say in this Tribunal will be used against you. Don't even speak with the Personal Representative. So I'm asking you. If you want me to talk I will talk. If you don't want me to talk I won't talk.

Detainee: I got the same message from the lawyer but I have chosen to participate in order to clarify these points and defend myself. So you can say your testimony.

Witness: From the day I knew Mohammed, I know him as well as I know my pocket. As well as know my wife and my kids. If Mohammed has anything to do with terrorism, so I must also have something to do with terrorism. If Mohammed is a terrorist then I am for sure a terrorist. If you were to sentence him to prison for terrorism then I would wish to stay with him. I've known Mohammed in my life to have any relationship with terrorism rather it's terrorism or rather it's this Armed Islamic Group, there is completely no relationship. Terrorism is on this side and Mohammed is on this side.

The Detainee had no further questions for the witness. The Personal Representative had no questions. The Recorder had no questions for the witness.

Tribunal Members' questions to the witness Mustafa Ait (dr (10004))

Q. How long have you known the Detainee?

A. Approximately '95 or '96 end of '95.

Q. Do you know him both personally and professionally or just through work?

A. I don't understand the question.

Q. Do you know him socially as well as through work?

A. We don't work together. When we met, he worked at the Red Crescent and I worked at another place.

Q. Where did you work? In 1995 to 1996?

A. You asking me?

Q. Yes I am.

A. Then I won't answer. This is Mohammed's Tribunal not Mustafa's Tribunal. When it's my Tribunal, I will answer.

Q. I seek to understand how well you know Mohammed Nechle.

A. I told you I know him as well as I know my wife and kids. I don't have an answer better than that.

Q. How many kids does Mohammed Nechle have?

A. Two.

Q. What hobbies does Mohammed Nechle have?

A. These are very strange questions.

Q. I am trying to establish how well you know Mohammed Nechle.

A. What I know about Mohammed. I know that he likes soccer, cars, bikes, things like that.

The Tribunal members had no further questions for the witness. The Tribunal President thanked the witness and concluded the question and answer session. The next witness was brought in before the Tribunal. The Tribunal President asked the witness to state his name. The witness replied:

You know my name. You have my name.

Tribunal President: We need to verify for the record

10005 (in English)

The Tribunal President confirmed that the witness was there to testify on behalf of the Detainee. The oath was then administered to the witness. The Tribunal President explained the procedures for his testimony.

Detainee's questions to the witness Lakhdar Boumediene (ISN 10005)

Detainee: I need your testimony because they have accused me of being a terrorist and of being a member of the Armed Islamic Group.

Witness: They are lying.

Detainee: From the time I was in Albania until now, was I ever related to terrorism or the Armed Islamic Group or anything like that?

Witness: Never. Never.

Detainee: They accuse me of meeting with Algerians in non-governmental organizations when I was working for the Red Crescent. Do I have any meetings with anybody besides the people in my office or anyone who was working for a non-government organization?

Witness: Never.

Detainee: That's it.

The Tribunal President confirmed that the Detainee has concluded his questions for the witness. The Personal Representative had the following question:

Personal Representative question to witness Lakhdar Boumediene (ISN 10005)

Personal Representative: Yes.

Witness: It that your Personal Representative (said to Detainee)? They are lying. Another person came to me and told me he was your Personal Representative.

Detainee: No. They changed Personal Representatives.

Personal Representative: Please explain your working relationship with Mohammed while you were in Sarajevo. You worked together. Please explain.

Witness: He worked with me I worked with him. He worked in the city. I worked in the Capital. He did not work in Sarajevo. He worked outside of Sarajevo. We did the same work with orphans. He worked with orphans in the place he was in and I worked with orphans in the place I was in. Do you have anything else to ask me (said to the Personal Representative)?

Personal Representative: No.

Witness: Next who (said to the room in general)?

The Tribunal President asked if the Recorder had any questions for the witness.

Recorder: No.

Witness: I am here to testify. Ask me (said to the Recorder). It's for my brother that's all.

The Tribunal members had the following questions for the witness:

Tribunal members' questions to the witness Lakhdar Boumediene (ISN 10005)

Q. In what year did you first meet Mohammed Nechle?

A. '94 in Albania.

Q. Was he working for the Red Crescent then?

A. Yes.

Q. Were you his supervisor or co-worker?

A. We had the same job.

Q. How many children does Mohammed Nechle have?

A. That is the question? This something regarding him? He has a boy and girl.

The Tribunal President thanked the witness and concluding the question and answer session. The next witness was brought in before the Tribunal.

The Tribunal President confirmed that the witness was there to testify on behalf of the Detainee. The oath was then administered to the witness. The Tribunal President explained the procedures for his testimony.

Detainee's questions to the witness Boudella al Hajj (ISN 10006)

Detainee: They accused me of something. I would like you to testify. They accused me of being a member of al Qaida in Bosnia and that you were part of the Algerian Armed Force Group and that you were a terrorist. So I would like you to testify and tell the truth about what you know about me. I thank you.

Witness: Truthfully, all I know is good. Since I've known him in 1997 until the day we were imprisoned here, I don't know anything about him but good. He is a man who was very involved and concerned with his children and his family and in his work. The whole time I knew him, I never knew of him to break any law in the country that we were living in. I never knew of a terrorist act to be related to him. Rather it was in the country we were living in or any other country. I never knew that he had wronged anyone or had been unfair to anyone in any one of these days. We were all very surprised at the accusations that they place against when they handed us over to the Americans. Therefore, he is not related in any way to any of these things. I know him as well as I know myself. If he is a terrorist then I am a terrorist as well because I know him as well as I know myself. That's what I have.

The Tribunal President confirmed that the Detainee had no further questions for the witness. The Personal Representative had the following question:

Personal Representative question to the witness Boudella al Hajj (ISN 10006)

Personal Representative: How did you come to meet Mohammed in Bosnia?

Witness: I knew him in '97. He was an Algerian like me so I met him and I got to know him. He was working with the Red Crescent. He's Algerian and I'm Algerian so we got to know each other and relationship continued. From that day until the day we were imprisoned we've known each other.

The Tribunal President confirmed that the Recorder had no questions for the witness

The Tribunal members had the following questions for the witness (ISN 10006):

Tribunal members' questions to the witness Boudella al Haji (ISN 10006)

- Q. Do you come from the same part of Algeria as Mohammed?
- A. Yes.
- Q. Did you know his family or his relations where you came from?
- A. No I don't know his family but his family is known in the city as well as my family name is known around the city.
- Q. Was there a large Algerian community in Bosnia?
- A. What do you mean?
- Q. How many other Algerians were there in Bosnia that you knew of and associated with?
- A. I think there is but I'm not sure exactly how many but I'm sure that there is.
- Q. Did Mohammed associate with the other Algerians in Bosnia?
- A. From what I know of the people that he knew are the same people that I know and they are here; Mustafa and Lahkdar. It was very limited knowledge of other people.
- Q. Mohammed has told us that he worked with the orphans under the Red Crescent and tried to help the orphans. Do you know what Mohammed did with his free time with his spare time?
- A. He lives far away from Sarajevo. I live in the capital of Sarajevo and he lives in a city far away from Sarajevo, so I don't know exactly what he does. When he would come to Sarajevo every month maybe one or two days we would meet up. Say hi how are you, how are you doing. We would go to a café and drink coffee or go to a restaurant and eat. Things like that.

Tribunal President questions to the witness Boudella al Haji (ISN 10006)

- Q. You said that you were imprisoned in Bosnia with Mohammed.
- A. Yes.

Q. What do you think led to your imprisonment? Why did they suspect you?

A. The matter is very simple. The events that happened in American on September 11th were very important and great events (great as in big). And any person who has a heart would have upset at this matter. Any person who helped or supported these events is a terrorist. Any person who has a humane heart would be upset at these events that led the death of many people, children, women, men, young people. So many countries wanted to help the United States in anyway that they could. Bosnia wanted to give help but it gave help in the wrong way. Bosnia didn't have anything to turn over so they found this group of Algerians. They said okay this is a group of Algerians living there and there is terrorism in Algeria so here we go. All these words that the government said is wrong or irrelevant because the High Court said that we were innocent and they acquitted us. That's the reason.

The Tribunal President thanked the witness for participating in the Tribunal.

Also I thank you for listening to me as well as my brother Mohammed.

This concluded the witness phase of the Tribunal.

The Tribunal President asked if the Detainee had anything further to add before the Tribunal was concluded.

I have a question and I have a suggestion at the same time. I asked a lot of people who have gone through Tribunals, a lot of them are in Camp 4, so I got the chance to ask to them and everyone who has gone a Tribunal, most have been Enemy Combatants. Even the others in Camp 1 and Camp 2 and they've all be Enemy Combatants. I haven't seen anyone who's been innocent in any of this. So just want to ask, have you found anyone innocent yet and if you haven't there's no need for these Tribunals just say that everyone is an Enemy Combatant. If it's possible to answer you can answer but if it's not it's no problem.

Tribunal President's response:

I would say that each case is judged on its own merits. I can't speak to the other Tribunals but we will look at your case as fairly as we can.

The Detainee thanked the Tribunal President and posed the following suggestion:

Maybe in the Tribunals there could be a clock on the wall. So that the Detainee can look at it and see how long he's been speaking, how long the Tribunal went on. Just a suggestion.

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Tribunal President: I can tell you that we probably don't look at a clock just because we are here to listen to what you have to say and however long it takes is fine.

Detainee: It's not a problem. Just that I know how long I talk, like 15 minutes, half and hour just to know. But it's not a problem if the Tribunal is two, three hours it's no problem.

The Tribunal President confirmed that the members of the Tribunal had no further questions.

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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Tribunal President

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Summarized Detainee Statement

When asked by the Tribunal President if he understood the CSRT Process, the Detainee answered, "yes".

When asked if he had any questions concerning the process, the Detainee answered as follows:

Detainee: I hope this hearing looks at the truth and represents true justice. This country has been a symbol of justice for more than two hundred years. I hope these hearings are not just one movie from many movies that have passed by us. I also hope I will be judged by the law and not by politics. Please leave the politics on one side and put the law on the other side.

Others that have been judged were promised they would receive the results of the Tribunal within three weeks. Over a month has passed and they still have not received the results. This causes me to doubt the seriousness of this trial. In spite of that, I shall start but before I do, I would like to comment on the accusations that have been made about me.

Tribunal President to Detainee: You will have time to comment on the accusations in just a few moments. We have a time set aside for that. This Tribunal is here to review the facts and not politics. If someone understood they were to be notified in three weeks, I am not sure were they got that understanding from. We do not control the process by which notifications are returned to the Detainees. I cannot tell you how long it will take. When we are done, we forward our decision to Washington, D.C. They review what we have done. Once they approve it, they will come back and tell you at that time. I do not know how long that process will take. Do you have any questions about the process we are doing today?

Detainee: I don't have any, but if my Personal Representative wants to say anything please go ahead.

Tribunal President: The Personal Representative will present evidence on your behalf in just a moment.

Tribunal President: The Detainee has requested one witness and one document for this Tribunal. The Detainee requested his fellow Detainee (10001) be brought in as a witness to talk about their relationship while in Bosnia. The witness has refused to testify at this Tribunal.

The Detainee also requested a document be presented from Bosnia concerning his court case. We have not been able to locate this document through the Bosnian government. We were not able to find that for you.

When asked if the Detainee wished to make a statement, the Detainee stated:

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Yes, I would like to respond to the accusations that have been presented. I might not respond to the accusations in the correct order, since I don't have the unclassified summary in front of me.

Tribunal President: That is okay, we understand.

When asked by the Tribunal President if he wanted to take an Oath, the Detainee answered:

I don't have a problem either way, but I prefer not to swear. Don't focus on me not swearing. The focus should be on what I say and the accusations. If I swear, it will not help me in any way. What will help me is the presentation of the accusations, and my answers to them. This is how the problem will be solved. In my eyes, the problem cannot be solved by swearing under oath, but by the truth.

Tribunal President: We agree.

The Detainee made the following statement:

[The Personal Representative asked the Detainee if he would like him to present his written statement. The Detainee stated he preferred to talk.]

Detainee: Words are better than a written statement. The hearing is being recorded, so I prefer to speak.

I would like to point out something important. My detention from Sarajevo to Cuba was not legal. There is no current law in the world that allows for my detention from my country to another country. If I am accused of something in a country I was in, I should have been detained in that country. That country is recognized worldwide and therefore it has laws and courts. The court from the country should have tried me.

Let's assume I was guilty of something and received punishment for it. The punishment should have been in that country. I have nothing to do with Cuba. The intimidation from the Americans is what caused my illegal detention from one country to another country.

The Combatant Status Review Tribunal states I am an enemy combatant. Those words in my view are ridiculous and have no meaning. A sane person or a small child would never say anything like. The words 'enemy combatant' means a prisoner that has been arrested on the frontlines of the battlefield holding a weapon. In my case, I was kidnapped from my home by Americans. Therefore, the words enemy combatant doesn't apply to me.

Regarding paragraph 3.a.6, [The Detainee was arrested in October 01 under suspicion of planning to attack the American Embassy in Sarajevo, Bosnia-Herzegovina.]

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The day I was detained at Sarajevo, I asked the interrogators why? They told me they didn't know anything about it, the Intelligence Department at the Embassy in Sarajevo was responsible. As far as they were concerned, there weren't any accusations against me. The pressure came from the Americans.

From my first day in Cuba, I asked the interrogators to question me regarding the bombing of the Embassy. They tried to avoid asking me questions regarding that matter. On occasion, they told me they knew I didn't attempt to blow up the Embassy; they only brought me to Cuba for information. They told me if I gave them information, they would let me go. I refused to talk to them until they addressed the accusation of the bombing of the Embassy. This lasted for eight months before they gave up on me talking. I was punished and placed in solitary confinement for three months. I was released, and again I was asked to talk. I refused to talk until they interrogated me on the matter regarding the Embassy. Approximately one and a half years passed, when an interrogator named James (who is still here) told me he wanted to be honest with me for the first time. He told me he wanted to tell me things he hadn't told me before. They didn't want to interrogate me about the night of the Embassy, because that information wasn't contained anywhere in my file. He went on to say he'd hope I would forget about the matter. After that, I started talking to them about other things.

The accusation I tried to bomb the Embassy is merely a move cooked up by the intelligence people in Sarajevo. The intelligence community advertises to the terrorist media in Sarajevo. The news reported some people wanted to bomb the Embassy in Sarajevo. The people accused of the bombing were free at that time, they were in (inaudible). They should have been detained before the information was released. (I for example could have fled anywhere and they wouldn't have been able to catch me). I was arrested five days after the release of this information. If that were my intention, it wouldn't have made sense to stay in my house.

I want the judge to ask the intelligence people, were working at that time, the truth behind my detention. From my first day in Cuba until now, I have not been interrogated on this matter. How can I be accused of something I haven't been interrogated on? Is that justice?

I am not asking to be presented with evidence on this matter. I challenge you to come up with any proof that I planned to bomb this Embassy. I have a witness who can testify I am innocent. I was detained in Sarajevo, tried and acquitted. But, Americans are Americans.

Paragraph 3.a.8, [The Detainee is a member of the Algerian Armed Islamic Group and attempted to assume leadership in the organization in November 2000.]

I left Algeria approximately fifteen years ago, in 1992. I met an Islamic group in the city. My whole life consisted of studying, until I graduated from the University. I then went to Bosnia where I worked for a charitable organization. After which, I was detained and brought to Cuba. If someone wants to become a leader in an armed Islamic organization

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in Algeria, that person should have lived in Algeria, not outside of Algeria. A leader is supposed to live with his group. It doesn't make sense if a group lives on one continent and their leader lives on another continent for several years.

The Algerian Embassy in Saudi Arabia, kept records of my time spent studying at the Islamic University. I have identification from the Embassy. The Algerian Embassy in Italy has a record of when I moved to Bosnia (Bosnia doesn't have an Algerian Embassy). If I had been a leader of an armed Islamic group and this group was considered dangerous to the Algerian government, I wouldn't have registered at the Algerian Embassy, because it would have been stupid. The government would have known where I was and they would have immediately arrested me and taken me to jail.

My passport was issued by the Algerian Embassy. If I were leader, as you have said, I wouldn't have gone to the Embassy for the passport. Algeria looks for everyone with any connection to this group. More importantly, the day I applied for the passport, the Ambassador told me over the phone he wasn't able to issue me a passport until certain procedures were met. The Ambassador told me he had to get in contact with the interior ministry in Algeria to verify the Algerian government wasn't looking for me. I was told it would take approximately four months. After four months, I was contacted by the Embassy and they said they were able to verify I didn't have any problems in Algeria. If I still wanted to apply for a passport, I would have to pay a fee. I received the passport and you have it with you.

I am not asking you for truth, but I challenge you to find proof or anything that looks like proof that I had anything to do with this group.

Paragraph 3.a.7, [The Detainee advocated attacking U.S. forces and supported the Fatwa issued by Usama Bin Laden.]

First, I am not a scholar or sheik to support Usama Bin Laden. I am not considered someone with great weight or great consideration. He wouldn't make me a leader, and I'm not a leader. I am just an employee who works in the Higher Saudi Arabia Charitable Organization. I was a professor who taught children Arabic in Bosnia and Herzegovina.

If you assume I am a scholar, Bin Laden is not a scholar. He is nothing more than a military man and I wouldn't help him. It might make sense if I helped him in military operations. However, I am not a soldier, my whole life has been related to books.

I did not go with Usama Bin Laden until after the events of 11 September.

I ask you and once again challenge you to find any proof that I aided Bin Laden in any of those Fatwas.

Paragraph 3.a.8, [The Detainee is a member of the Algerian Armed Islamic Group and attempted to assume leadership in the organization in November 2000.] [The translator

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referred to this paragraph after relaying the name Bensayah Belkecem. The response given by the Detainee could have actually been for paragraph 3.b.2, (Bensayah Belkecem, alias Mejd jis the apparent leader of the Algerian cell and has a direct link to Usama Bin Laden.)]

I do not carry the status of others. For example, you can say this man who was this man's son is a member of this group. This is not my crime. Whoever wrote this accusation may have been drunk. I have only seen him twice in my life. I don't remember the exact time between each visit, because they were many years apart.

[Tribunal member asked Detainee to clarify with whom he was referring.]

Detainee: Bensayah Belkecem.

I asked him to come here as a witness, but he refused because he thought my Personal Representative was lying to him. He told me if I wanted him to appear as a witness, to have my Personal Representative ask him again. He would appear. I refused. I told the Personal Representative I only wanted him to testify that I didn't have a relationship with him and he didn't have one with me. I have only seen him twice. His testimony is in his file. I am sure he was asked if he knew me; and he answered the question.

Regarding the word 'apparent' in paragraph 3.a.2, [Bensayah Belkecem is the apparent leader of the Algerian cell] in matters of law, the word apparent isn't useful in any way. In law, either you did it or you didn't. I am being tried on a word that is not used in a court of law. 'Apparent' is not based on facts.

The accusation should be made against Bensayah Belkecem, not me. It would be humorous if I were accused as being a member of al Qaida just because my Personal Representative was a member. If he were a member of al Qaida, it had nothing to do with me.

Paragraph 3.a.1, [The Detainee is associated with a known al Qaida facilitator.]

I don't know anything about al Qaida or (inaudible) except after the surprising events of 11 September. In matters of law, you cannot say that I associated with a person; you have to tell me the name of this person. Who is it? Up until now, this man is imaginary. He doesn't exist. Also, assuming this person did exist, prove he is a member of al Qaida, and I am associated with this person. If you prove this person really is a member of al Qaida, it doesn't mean I am a member. I believe I have made a reasonable point.

I ask and challenge you to find one person or something that proves I had a relationship, or anything close to a relationship, with a man from al Qaida. You can look in Bosnia, the Earth, and the moon. If you find a man on the moon from al Qaida, tell me.

Paragraph 3.a.6, [The Detainee was arrested in October 01, under suspicion of planning to attack the American Embassy in Sarajevo, Bosnia-Herzegovina.]

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When I was detained for attempting to bomb the American Embassy in Sarajevo, I sat in the police station for forty-eight hours being interrogated. Shortly before the end of the forty-eight hours, the interrogator told me they were waiting for replies, regarding me, from all police stations in Bosnia-Herzegovina. After an hour, they were able to verify the police didn't have any issues with me in any city. The head of the police department provided me with a piece paper that allowed me to leave. He said they no longer had a right to keep me there.

Shortly thereafter, The State Head of the police department apologized to me. He told me he was under pressure to keep me detained. He said he didn't want to go into details, but maybe I had an idea who the pressure was coming from. I was put in prison for three months before I was acquitted in court. I was then detained by the Americans and brought to Cuba. I believe it is important for the judge to get this document from the Sarajevo police department.

If I had problems in Bosnia-Herzegovina, I should have been tried there. Therefore, this accusation is not valid. There is a quote that states, "a chicken lays an egg and the rooster head hurts." The chicken's head should hurt, not the rooster's head. If all my problems were in Bosnia, then Bosnia's head should have hurt, not Americas.

I have not committed any criminal acts inside or outside of Bosnia.

Paragraph 3.a.10, [The Detainee applied for a Visa in Sarajevo for travel to Afghanistan on 27 September 2001.]

How could I apply for a Visa in Bosnia-Herzegovina for Afghanistan, when there isn't an Afghani Embassy in Bosnia? To my knowledge, I have never known of an Afghani Embassy in Bosnia.

I would also like to point out, not everyone that travels to Afghanistan is a terrorist. Everyone has there own personal reasons for traveling to Afghanistan. Some travel to study, some travel for charitable organizations.

I would like you to provide me proof that I applied for a Visa from the Afghani Embassy, if there is such an Embassy.

Paragraph 3.a.5, [The Detainee had charges filed against him by the Bosnia-Herzegovina government for International terrorism.]

I don't support or advocate any terrorist acts whether they are local or worldwide.

I would like you to show me proof that I advocated terrorism. Provide me with one witness that will say I encouraged them to perform terrorist attacks.

Paragraph 3.a.11, [The Detainee was jailed in late 1997, for robbing a U.S. Citizen.]

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I was accused of that accusation in Bosnia-Herzegovina. After spending time in prison, I was acquitted by the court and released. Lets assume I did this, I served my time. I don't understand why it was presented again. This happened in Bosnia-Herzegovina and not in America. I have been punished for this, and I served my time. I considered the matter closed. You don't have the right to bring up this accusation, unless you want to be laughed at.

Tribunal President to Detainee: That is one thing we agree on. That point has no bearing on this case.

Detainee: God knows I have answered all the accusations. The last thing I would like to say is I hope this trial is fair. I am ready if you find anything on me then punish me as you see fit. I hope there is no political pressure on these trials. I also hope, there are no invisible hands playing (inaudible) regarding the trials of these people. I hope, that I am tried according to the law and nothing else. Regarding my Personal Representative, do you have anything? Thank you for listening to me.

Summarized Answers in Response to Questions by the Personal Representative

Q. When you were talking about Usama Bin Laden, the translation came out that you did not know him until after 11 September. I believe he meant he did not know of him until 11 September.

A. I did not know him or anything about him.

Q. Would you like me to give the Tribunal your written words that you provided me the other day to remind the Tribunal of your testimony?

A. Yes. I hope when you review the facts, you will pay more attention to what I said then what I wrote because there were things I remembered that were not on the paper.

Tribunal member to Detainee: The reporter will provide a transcript of your statement, and we will review that.

Detainee: Excellent.

[Translator clarified she made a mistake when the Detainee talked about studying in a city in Saudi Arabia. The Detainee said Medina. Medina can be referred to as a city or a place. In this case, Medina was the city in Saudi Arabia (not a city).]

Summarized Answers in Response to Questions by the Tribunal Members

Q. Did you have any plans to, or ever want to travel to Afghanistan?

A. Never. I have never seen Afghanistan, and I never had any intentions of going there.

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Q. You stated when you left Algeria you went to work for a charitable organization?

A. When I left Algeria, I went to Medina to study. After I graduated from the university, I went to Bosnia.

Q. In Bosnia you worked for the charity organization?

A. I was a teacher at the Arab college. I taught children Arabic.

Q. What was the name of that organization?

A. The Higher Saudi Organization.

Q. Were you ever a member of the Algerian Armed Islamic Group?

A. I was never part of it. I was very young when this organization was formed. I left Algeria when I was twenty or twenty-one years old. Since I left, I have not returned to Algeria. When I wasn't studying at the Islamic University in Medina, I was in Bosnia-Herzegovina. That was from 1996 until I was detained and brought here.

Q. When you were captured in Bosnia, where were you?

A. I was leaving prison. Please repeat the question.

Q. When you were captured by the Americans, where were you?

A. I left prison and was headed for my house. It was nighttime, around 9:00 p.m., when I received my acquittal paperwork. The American forces and the United Nations, with the help of the Bosnian police, captured me.

Q. You never reached your home?

A. No.

Q. Who else was with you when you were captured?

A. There were five people. The day I was captured?

Tribunal President: Yes

A. When I was captured I was alone. They came to my house. The first to arrive was the Bosnian police (intelligence police). They came by at 8:00 p.m. and told me they wanted to search my house. I told them no problem, come in. I asked them, what was the problem? I was told there wasn't a problem they just wanted to search the house. For four hours they searched my house, from 8:00 p.m. until midnight. After they searched

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my house, they told me to come with them to search my car. They searched my car for an hour, before I was asked to go to the police station. I was interrogated for forty-eight hours I was transferred to the higher court. The judge ruled I would be detained for three months. After serving three months, I was acquitted. I was then kidnapped, as you know the story.

Q. When the Bosnian police came to your home, was there anyone else there?

A. Two individuals from the United Nations and the Bosnian police.

Q. Who did you have at your house before the police came?

A. My wife.

Q. No one else?

A. No.

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

A. No.

The Tribunal President asked the Detainee if he had any other evidence to present to this Tribunal. The Detainee stated, "no."

Detainee: I see the biggest problem regarding me is the bombing of the Embassy. I ask that you ask the intelligence authorities who were during that time in Sarajevo for the real reason I was detained. Then, you will know the truth.

Tribunal President: It is our objective to discover the truth. And we will do everything we can to find that truth.

AUTHENTICATION

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



Tribunal President

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These are my detailed responses to the accusations that are facing Sabir Alahmar - from the side of the concerned authorities .

As for that I say :

As for me being an enemy combatant (EC), this is basically wrong .I have been kidnapped, a kidnapping from the prisons of Bosnia and Hercegovina in Europe accordingly I have nothing to do with being an EC. As the EC is the one who had been arrested from the front line and in the fighting arena, with a gun at hand .

As for me having been associated with one of Al Qaida operatives This is all purely bull shit. This is an allegation that needs evidence, but evidences I also need to say : who is that person? Then you have to prove that he is AlQaida associate. Then get me his testimony that testifies that I have a relation with him. That you need to prove beyond doubt that this person is also a member of AlQaida .

As for the one named - Ben Sayeh Belgacem. Who may be as the committee of revision claims is one of the leaders of some Algerian cells, that is directly connected to Usama Ben Laden (UBL). I say: if that person is as such then what is my crime? I am not responsible for other's mistakes, and they being criminals. If they were so ..Every one is responsible for what he does, he himself no one else ..This is the conventional thing in all international tribunals.

Let us suppose I am responsible for what others did. Then the revising committee is not sure that Mr. Ben Sayeh Belgacem is the one leading this Algerian cell that is so close to UBL , as the committee says, maybe and maybe means doubt and you can not build anything on doubt .

AS for the fact that Mr. Sayeh Belgacem had contacted by phone ...etc.
I say : This accusation is supposed to face no one but Ben Sayeh Belgacem, not Sabir Alahmar, as I am not supposed to be punished for someone else's mistake .

- As for my being arrested on suspicion of being related to terrorism .
I say:

That this is a plot cooked by hidden guys well known to the Americans for sure. I have been arrested in Bosnia and Hercegovina for three months. All interrogations were done with me. Then I was charged by the Bosnian Justice. The result -that is- the judge's decision was -I am innocent and no authority, anywhere, has the right to follow me any more. But the American plot insisted to arrest me and to bring me to Cuba . Then I say the day I was arrested the police authority in Sarajevo, the capital, has investigated me thoroughly, all through Bosnia police centers and Hercegovia. Accordingly they inquired about my situation in Bosnia, the answer from their side was I have no problem with any body at all and no one is looking for me all through the cities of that country for anything. The police director himself gave me a paper that proves that. This you can request from them or from my attorney in Sarajevo.

- AS for the accusation that I tried to blow the American Embassy in Sarajevo .This is all bull shit and plain wrong for the following reasons:

Since the day I was arrested and up to this people's day No one had interrogated me on

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this subject .. Yet so many times have I asked the interrogators to interrogate me for that but they were evading this each time. They even said to me about a year back, we do not want to talk to you about the Embassy subject because it is not at all in your file. Interrogator James said this to me, he is in this island now. We brought you here to give us information only. Accordingly I say that how can I face such an allegation that I have not been interrogated for, they even deny it.

- As for the allegation that I encourage fighting the USA and I am in favor of UBL (fatwas.) I say that this is base-less talk and is not true. This is an allegation that necessitates proof and you have not a single evidence for that. I hereby request the revision committee to give me one single proof or give me one word that I said in this line to encourage fighting the USA.

As for being in favor of any of UBL fatwas. I say that this UBL in fact I only knew him after September 11th events. Then again this man is not a scholar so that I should favor his fatwas. He is in my opinion nothing but a military man and who ever is like that can not be favored nor can he give fatwas. I request the revising committee to give me one single evidence that I support this man.

- As for my being a member of the Algerian Islamic Armed Group(AIAG), and that I tried to lead the group sometime in 2000. This is a belated mistake and a wrong allegation. My evidence against this is that you can inquire about me in the Algerian emabassy in Jeddah In Saudi Arabia where I used to live as a resident or the Algerian Embassy in Italy whence I used to live in Bosnia and Hescovia, where I was officially registered with them and hold a consulate card ..If I were a member of the AIAG I would not have gone to the Embassy of my home and registered myself with them also the same thing applies for Italy. Since in that case I will be arrested on the spot.

I say that because in around the year 2000 I renewed my passport in the Algerian Embassy in Italy. Before renewal they told me that they have to wait for response from the home affairs department in Algeria (Ministry of interior) for the permission to renew it. Four months later the response came as OK, permitted to renew my passport as there is no search for me as I have no problem with any body at all. What is meant here is that If I were a memeber of the (AIA G) then I would have been arrested and my passport would not have been renewed And If I were a memeber of the (AIAG) I would not have registered myself in the Embassy as it makes my arrest easy and I would have uncovered myself.

- As for the allegation that I applied for a visa to enter Afghanistan in Sarajevo this is also plain lying as there is absolutely no embassy in Bosnia or Hescovia that gives Afghanistani entry visas.

As for my being imprisoned in Bosnia for stealing from some American This according to my knowledge occurred in 1996 in Bosnia and Hescovia. I spent some time in prison and went out free as there was a review of my case and I was declared innocent of that charge.

Then suppose that was true If ever it was that I stole from an American this stealing must have occurred a long time back, and I spent the prison punishment I had to and the Bosnian Justuice took course. Why is this case reopened?

These are my responses to the allegations that I am facing. I hope you will be considerate in looking at it in depth.

Summarized Sworn Detainee Statement

With the permission of the Tribunal President, I would like to say something before I respond to the accusations.

In the name of Allah, when I was in Bosnia, everybody knows I was very moderate and very nice. I was not an extremist. This is very well known. I was brought up not to harm anyone, but to be just and fair, that's how I grew up. I learned that my religion forbids harming others. In our Koran, it says it is absolutely forbidden to kill a human being. The Koran says killing one person is like killing all of humanity. If you bring one person to life, it's like giving life to all of humanity. You can check this in the English version of the Koran.

With God as my witness, if you believe me or not, it's not important, but I absolutely never supported and always condemned any terrorist act against the United States or anybody else.

As I love life for myself, my family and my kids, I love that for everybody else. I believe all religions should live in harmony and in peace.

For these reasons, I am against any and all terrorist attacks. That's why I'm surprised I'm in this camp, in prison now, classified as a terrorist or enemy combatant.

The Detainee responded to each point in the Unclassified Summary of Evidence.

- **3(a) The Detainee is associated with Al Qaeda.**

This is absolutely not true. I've never heard of them until the 9/11 incident. I heard about it through the media. How can you associate me with an organization I've never heard of? As I said before, I'm against any terrorist attacks.

I've lived in Bosnia for a long time, and you can check and see that I've never been associated with or belonged to any terrorist or criminal organizations. Further, all the years I spent in Bosnia, I never broke the law, not even for one day. I've never harmed Bosnians, or foreigners, ever.

You say I'm associated with this organization, so if you have any proof just bring it.

- **3(a)(1) The Detainee was arrested with Bensayah Belkacem, a known Al Qaeda associate, for International Terrorism by the Bosnia-Herzegovina authorities.**

I've never met this person and I've never seen him in my life. Interrogators asked me before about his name and I told them I don't know this person. You can ask my wife, my work, people I've associated with, ask them if they've ever seen me with this person, if this person came to visit me, if I've talked to this person. You can ask. I've never had anything to do with this person.

You say I was captured with this person and this is not true. I surrendered myself to the police; they didn't capture me. I went myself and surrendered.

Does the President of this Tribunal think that if someone would surrender himself if he weren't innocent? I don't think so.

- **3(a)(2) Bensayah Belkacem had phone conversations with Abu Zubaydah, a senior aide to Usama Bin Laden, who was in charge of screening recruits for Al Qaeda training camps in Afghanistan.**

I don't know the first person or the second person. You can ask either one of them, I don't know them. You can ask the second guy, I believe you have him in jail. Ask him if he knows me.

The second one, I didn't hear about him until I was here. I've never heard his name before. How can I hear of him here, and be accused of knowing this person?

- **3(a)(3) The Detainee and others acted as an organized terrorist group and they were in contact with a known Al Qaeda member, Abu Zubaydah.**

This is not true. I don't know anyone except the three names I gave you, that are going to be my witnesses. All three of these were working in international organizations and humanitarian organizations. We have no relation whatsoever with terrorism, so how could we have contact with people that have relations with terrorism?

It doesn't make sense and it's not logical that we'd be working with humanitarian organizations and then be doing terrorism. It doesn't make sense. Each one of us has a family and kids.

I've been living in Bosnia for 10 years. If my goal was terrorism, why wouldn't I have done that a long time ago? Why did I wait until the end?

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If I was thinking of terrorism, I would have thought about it for a while, not just at the last moment.

You have these people's names. You can double check with them. I have no relations with terrorists whatsoever.

- **3(a)(4) Detainee was arrested by Bosnian authorities in connection with a planned attack on the American embassy.**

First, that's not true. When I heard about the accusations, I went to the police myself. They didn't capture me, I went myself.

I never walked the streets the American embassy was on, I never observed or watched it or anything ever. If you have any proof of this, it's no problem, please bring me proof and confront me with it.

Also, the Supreme Court of Bosnia found us innocent because there was no proof and nothing to sustain the allegation that we were plotting to attack. They set us free. We were found innocent by the Supreme Court of Bosnia.

Plus, if I was really a terrorist, or if I were to do any terrorism act, instead of going to the police, I could've easily escaped and left the country.

I knew that the three that were going to be witnesses were captured, so I had plenty of time. Before I went to the police, I heard of their capture and I went myself. They were captured 2 or 3 days before I went to talk to the police, so I had plenty of time if I wanted to do something. I still went to the police on my own. I could have easily escaped if I wanted to because I had my passport and I had money.

The papers from the Court that say we are innocent do exist. When the Bosnian Commission was here, they showed me the papers and I read them myself. It said the International Human Rights Organization was suing the Bosnian government for our treatment.

They went to court on our behalf because they treated us badly. The document didn't just show that we were innocent, but they also gave us compensation for our families. They gave us 10,000 marks each. I saw the document showing that amount.

I believe you can get these documents because the Bosnian Delegation showed them to me. It shouldn't be too hard to get it back from them or to get a copy from them.

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The Tribunal President advised the Detainee we would continue to try to find those documents.

- 3(a)(5) Detainee is a member of the Mujahadin network. Also, Detainee is likely a member of Armed Islamic Group of Algeria, a militant organization.

What do you mean by Mujahadin? Where? When? What do you mean by this? This is not clear. It is just a general statement.

First, this is not true. The accusation is not clear, saying I'm part of Mujahadin. You say I'm a member of this Islamic Algerian Armed organization. I left Algeria in 1990, and from what I know, this organization was formed long after I left Algeria. You can contact the officials in the Algerian government and ask them if I really belonged to this organization and they will be able to give you the right answer.

- 3(a)(6) Armed Islamic Group of Algeria is on the list of sympathizers and helpers of Usama Bin Laden's Al Qaeda.

As I mentioned before, I am against any terrorist acts. How could I belong to an organization that I strongly believe harmed my people in Algeria?

This is all I have to say. I'm convinced and I believe that you will look at my responses and accusations with an eye of justice and fairness. My response to the accusations has ended, but I would like to bring the witnesses.

The Tribunal President advised the Detainee that the witnesses will be brought in later, but the Tribunal Members have some questions to ask.

Tribunal Members Questions to the Recorder

Q: The Detainee mentioned he had seen a document from the Supreme Court of Bosnia that indicated he was innocent of the charges against him. I presume that refers to exhibit R-4. Do you have any knowledge of the document he is speaking of?

A: I am familiar with this document [R-4], but I don't believe it is the document the Detainee is referring to.

Tribunal Members Questions to the Personal Representative

Q: Are you familiar with the document the Detainee has spoken of?

A: I am familiar that it was a requested piece of evidence that was unable to be located.

Q: Do you happen to know what efforts were made to locate it?

A: No, I don't.

Q: As the President said, we'd like the Recorder and the Personal Representative to work together at the conclusion of these proceedings to try to locate that document.

Tribunal Members Questions to the Detainee

Q: How long have you been living in Bosnia?

A: From 1992 until I was captured.

Q: You are married with five children?

A: I now have seven. I've had two since I was captured.

Q: Congratulations.

A: Thank you.

Q: I presume you moved from Algeria to Bosnia in 1992?

A: Yes, but not directly. First I studied in Pakistan and then I moved to Bosnia. I finished my studies, got my degree, got certified and then I went to Bosnia.

Q: It says here (on exhibit R-4) you are a clergyman.

A: Yes.

Q: That is your primary occupation?

A: Yes, that is my job.

Q: You were able to make a sufficient living as an Imam?

A: As I said, I was working with a humanitarian organization and I was making decent money. According to the Bosnian income, it was very good money.

Q: Can you describe what duties you had with this organization in Bosnia?

A: I worked with orphaned boys that don't have fathers.

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- Q: Did you live in Sarajevo the entire time, or were you in different places in Bosnia?
- A: Most of that period was in Sarajevo, but I lived in other places too.
- Q: Can you give examples?
- A: I lived in a city called Tesanj, then Tuzla and then Sarajevo. From 1996 on, I was in Sarajevo.
- Q: We recall that during that time Bosnia was in the midst of a terrible civil war.
- A: Yes, before 1995, not after.
- Q: Prior to 1995, while the war was still going on, people in Sarajevo suffered terribly, as I understand.
- A: All Bosnians suffered from the war.
- Q: Did anyone ever approach you to assist the Bosnian army to fight against the Serbs or the Croats?
- A: I enlisted in the Bosnian military because as a Bosnian, I am married to a Bosnian and her family was Bosnian. I had to enlist. For example, if I was living in the United States and I am a nationalized American, if there was an attack against the United States, and every man has to enlist, I should enlist. It's the same thing here.
- Q: Did you volunteer to serve in the Bosnian military or is it mandatory service?
- A: You can't really say if it was volunteer or not. Everybody has to, it's not explicit, by force or obligation, but everybody feels that way.
- Q: How long was your term of service with the Bosnian military?
- A: I don't remember exactly. It was from the beginning of 1994 until the end of 1995. From the beginning of 1992 I was working with them, teaching. They consider me one of them since 1992. I was a clergy person and they know me and I was part of them.
- Q: Did you have those duties while you were serving in the military as well, or only before that?
- A: While I was in the military that's what I was doing. Just as a teacher, Imam and a clergy person.

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- Q: Did the Bosnians give you regular military training, common to all soldiers?
- A: In the beginning it was not a regular army. There was no training and it was not organized. At the end of 1995 when the European nations and the United States intervened, they formed a regular army.
- Q: No one trained you on basic military skills, weapons or anything of that nature?
- A: No, I never sat down with someone and got trained.
- Q: They didn't issue you weapons for protection?
- A: Weapons were available, but they didn't give me one because I was a teacher and a clergy. I didn't go to the fighting lines. I was just a teacher and clergy.
- Q: Were those the only responsibilities you had during your term of service in the military?
- A: That's all. Just teaching, nothing else.
- Q: Prior to moving to Bosnia, when you were in Algeria, do they also have mandatory military service?
- A: Yes.
- Q: You were required to serve in the Algerian military?
- A: Yes, it's a law; everybody has to.
- Q: How long did you serve during that time?
- A: Two years.
- Q: What type of training did they give you there?
- A: We didn't have too many weapons, we only trained on the Russian Kalashnikov. We didn't have any other training.
- Q: What were your responsibilities as an Algerian soldier?
- A: I used to work in the administration. I was the postman in the military. I took care of mail, bringing letters to soldiers.
- Q: What years did you serve there?

- A: I believe 1987 to 1989.
- Q: Prior to the insurgency of the Armed Islamic Group?
- A: Way before that. The problems started in the 90's. I believe the problems in Algeria started in 1992.
- Q: While you were in Algeria, you decided to become an Imam, conducted your studies in Algeria and Pakistan, and decided to settle in Bosnia?
- A: That is true.
- Q: Why did you choose to go to Bosnia, as opposed to any other place you could go?
- A: The Humanitarian organization needed people to go work for them in Bosnia. That's how I ended up in Bosnia.
- Q: How did you first know about this organization?
- A: I first worked with this organization in Pakistan for a little while. My studies matched what they needed, so I went with them to Bosnia.
- Q: Did you do the same type of work in Pakistan that you did in Bosnia?
- A: Yes, it was the same.
- Q: The reason you chose to go to Bosnia was because they had a greater need for you there?
- A: I wouldn't say the need was greater, it was just because I finished my studies. They needed someone to work for them and I went.
- Q: So, from 1992 until 2001, your primary duty was as an Imam on one hand and assisting this organization on the other?
- A: Yes. My main job was working with the orphans, but I volunteered to be an Imam and to teach. My job was to work with the orphans.
- Q: What kind of things would you do for them [orphans]?
- A: Our job... we had people who sponsored the orphans. They would bring money and clothing and things like that. Our job was to see that things were run properly and the orphans got what was meant for them.

- Q: If I understood you earlier, did you say that no one ever approached you about a plot to attack the American embassy?
- A: Never.
- Q: But, you heard the police were looking for you or concerned about your possible involvement?
- A: What happened is, when they [Bosnian authorities] captured those three people, they [Bosnia authorities] asked them about me. They told the Bosnian authorities that I had nothing to do with it and neither did they. They gave the Bosnian authorities my number and told them to call me. The police contacted me and I said okay, I was coming.
- Q: Why did they mention your name if you didn't have anything to do with it?
- A: I don't know, by mistake or whatever. I want you to know one thing. If I really had anything to do with it, I had plenty of time and there was a great opportunity for me to leave and escape easily to any neighboring country if I wanted to. That shows you that I'm not guilty.
- Q: The three people you said gave them your name, are these people known to you?
- A: Yes, they are the three people I called as witnesses.
- Q: So, you heard the police wanted to speak with you, you turned yourself in and then they arrested you?
- A: Yes. They called me and asked me if I could come to the station and I said sure. But, before that I had heard about those people being captured through the news.
- Q: So, when they said please come in, you went in, and then what?
- A: I went in, found an investigator, and he said they wanted to investigate me for a few hours and after that I'd leave. I said, sure, go ahead, no problem. After that, when he finished with me, he said he had to check with his superiors to see the status. His superiors said I couldn't go, I had to go to court. I said no problem, because I have nothing, so I went. After that, we went to court.
- Q: Did you have one court proceeding or more than one?
- A: Only one time. The investigator stayed with me about 8 hours at one time and then we went to court. It was only one session and that was it.

- Q: Were you originally found guilty and the verdict was overturned by the Supreme Court, or did the Court you were at find you not guilty?
- A: From the beginning, our case went straight to the Supreme Court. From the beginning the Supreme Court decided that we were innocent.
- Q: You were declared innocent and what happened after that?
- A: After that, they said we were free, we left, went outside the prison and found the Bosnian Special Police with the Americans and they captured us and we ended up here.
- Q: How long have you been here?
- A: Almost three years.
- Q: How many others were taken with you?
- A: We were six. I know about the six from reading the newspapers and watching TV. When they took us, we were blindfolded and couldn't see anything.
- Q: But, this person who's name we were given, Bensayah Belkacem, he was not one of the six?
- A: The media said he was one of the six, but I don't know him. I've not seen him. Maybe he's here, I don't know. I'm sure he's here because they've asked me about him many times in interrogations and they told me he was here, so he must be here, but I don't know him.
- Q: You never met him in Bosnia or ever heard his name mentioned?
- A: Never. I first heard his name here in this prison. In the beginning, when we were in the old spot, in the old jail, they put all of us there. They had us all in one area and they were saying the Algerian or Bosnian Six. He was there and I saw him there.

With permission, I'd like to say something I forgot to mention earlier. I've been here for three years and these accusations were just told to me. Nobody or any interrogator ever mentioned any of these accusations you are talking to me about now. I've been here for three years, been through many interrogations and no interrogator ever mentioned any of these accusations, so how did they just come now? Not even one mentioned the embassy thing, the terrorist organization, this Algerian Islamic organization. It's weird how this just came up now.

- Q: We cannot answer that because we ourselves don't have any access to any other information at this point except what you're telling us now and the accusations told to you.
- A: I was just observing and making a point.
- Q: We understand. That is why it is necessary for us to ask you these questions.
- A: I don't object to any of your questions. Ask any question you want, I'm just mentioning what I observed. I just can't understand how accusations came out and nobody talked about it in investigations or interrogations. It just seems strange to me.
- Q: At this point, we don't know why you're being accused of being a member of the Armed Islamic Group. Do you have any idea why you are being connected with this group?
- A: I don't know. All I know is that after the horrible problem with 9/11, all of the nations in the world wanted to help because it was a big problem. I think that Bosnia didn't find anything to give to the United States, so they said okay, let's give them these six Algerians; they are Muslims. We were sacrificed just to show they gave something. There is no other way to look at this.
- I'm asking you. You are just people, if I did a crime in the United States, would you take me to the courts in the United States? Of course. You are not going to deliver me to another country. If you find me innocent you'd let me go free, if not, you'd take me to jail. If I was innocent, it is impossible that you would give me to another nation.
- Even though we were innocent, we were delivered to another nation and we don't know why.
- Q: We didn't realize you had never been confronted with these allegations.
- A: No, nobody ever mentioned anything about any of these things. I should admit, that one time one investigator asked me if I walked by the street the embassy is located on. I said no, I never walked on that street; I never went there.
- Q: I don't mean to recount three years of interrogations, but can you give us a brief summary of things you have been asked about?
- A: I was asked about my life story, from the day I was born until the day I got here. I asked the interrogator if he'd give me a copy of that, it would be great! I would not have a chance to go through my life story again. I asked for it as a souvenir.

Then they asked me where I worked, where did I go, all the details. I was very cooperative and told them everything freely. You can ask, I always cooperated and always told them whatever they asked for.

I want to make an observation, also. I have a lawyer in the United States and he sent me a letter. He urged me not to participate, but to show you my good faith, I said I wanted to participate and I want to show you that I am really innocent and I want you to see. I can defend myself. If you're innocent, no matter how people try to cover your innocence, it will come out.

Q: We appreciate your decision to participate.

A: Thank you.

Q: Do you happen to know if any of the other people in the so-called Bosnian Six have connections with the Armed Islamic Group of Algeria?

A: As I told you, I only know three of them. Those three, I can guarantee you 100% it is impossible for anyone of them to be a member of any organization, especially terrorist. I know them as they know me. I know very well they are not part of this organization.

Q: You're quite sure of this?

A: I am certain. They are my friends and if I had even the slightest doubt that they might be members of those organizations, I would not be their friend and I would not be associated with them. I do not want to be dragged in things that are against the law or associated with things that are against the law. Plus, I condemn all things like that.

Q: You said you were released by the Bosnian Supreme Court and you walked outside the doors. You were greeted by the Bosnian Special Police and the Americans?

A: Yes, because we saw the Bosnian Police and other people wearing Bosnian clothes, but they couldn't speak Bosnian, they were speaking English, so they were obviously Americans. I know Bosnia very well, and just by looking at them it's easy to tell they are not Bosnians.

Q: Do you have any idea what organization the Americans belonged to?

A: No, I don't know these things. The only thing I know is we were taken by the Bosnians, delivered to the Americans and the next thing we knew, we were here.

We spent four days with our eyes closed, with bandages on our eyes, tape on our mouths, with shackled hands and feet. Tuesday through Sunday.

Q: You were not in the same prison or jail you were in while you were waiting for the Supreme Court?

A: No, we were separated. Each of us was in one cell.

Q: But it was a different jail? Was it a different jail than when you were waiting for the Supreme Court trial?

A: [No response. The Detainee did not appear to understand the question.]

Q: Before the Supreme Court trial happened, you were in jail.

A: We were in Sarajevo prison.

Q: You were not placed in Sarajevo prison after you were released by the Special Police and the Americans?

A: No, they took us to an American place, I don't know the name, or where it is.

Q: No one asked anything about your innocence from the Bosnian Supreme Court decision?

A: I tried to clarify this to all of the interrogators, but they keep telling me it's not their job for me to convince them of my innocence. It's their job to interrogate me.

Q: At any time, did you admit to anything that you did not do, hoping that it might make it easier for you?

A: No, I never admitted or confirmed anything, because I had nothing to admit or confirm. I am innocent.

Q: You said you never even walked by the American embassy and you also said you never watched the American embassy. Why did you say you never watched the American embassy?

A: I never needed a visa or anything. I have nothing to do with the American embassy, so why would I go and look at it? That's what I meant. I have no business there and I don't need anything, so why would I go?

When the witnesses are brought in, is it possible to salute them?

Tribunal President: Of course.

The Personal Representative called Nechele Mohammed (Mohammed Nechele).

Detainee's Questions to the Witness, Nechele Mohammed (ISN 10003)

The Witness, Nechele Mohammed, was sworn.

Q: Hello, Mohammed. Do you know if I belong to any terrorist organization or if I am a terrorist?

A: All I know about this person [Detainee] is that he is a very nice and a very good person. He takes good care of his family. He is a family man. He works for a humanitarian organization.

Our case is very well known because we are called Algerian/Bosnians. Everybody knows that we have nothing really. We have no terrorism connections or anything. We are just wrongfully accused.

This is the truth, he [Detainee] is not a terrorist, because if he is a terrorist, that means I am a terrorist too. I know he is a straight and good person. He has nothing to do with terrorism. I know him very well, as much as I know myself or even more. If I knew he had anything bad about him, I would not be his friend. I would not be associated with him. God is my witness.

Personal Representative Questions to the Witness, Nechele Mohammed (ISN 10003)

Q: What did he [Detainee] do for the humanitarian organization? Can you describe it?

A: He worked with the orphans, that was his job with this organization.

Tribunal Members' Questions to the Witness, Nechele Mohammed (ISN 10003)

Q: So, you were arrested, along with this Detainee here?

A: I was detained before him. He was detained after me.

Q: What charges did they make known to you that you were being accused of?

A: All I know is through the media. They said we were planning a terrorist attack against the American embassy in Bosnia. This is not true. The Supreme Court of Bosnia found us innocent and when they took us out, they brought us here.

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Q: Describe the circumstances when you were released by the court and then ended up here. Tell us what happened.

A: We heard the news like everybody else. The Supreme Court found us innocent. There was news and media. We went outside the jail, our families were waiting for us, and as soon as we walked out, they captured us and the next thing we knew, we were here. This is briefly what happened.

Q: Do you know who Bensayah Belkacem is?

A: He was jailed with us, but I don't know him as a person. I just know he was captured with us.

Q: Is he Algerian/Bosnian also?

A: They say that he is Algerian, but I don't know. The only people I know are those three, Hajj, Mustafa and Lakhdar.

Q: Do you know anything about the Armed Islamic Group of Algeria?

A: All I know about this organization is through the media. From the media I know they are labeled as a terrorist organization and they kill people and they do bad things. We don't approved of these things; we are against these kinds of acts.

Q: Have you ever been accused of being involved with them?

A: When? Before, or when I got to Cuba?

Q: At any time.

A: Yes, here I was accused of that. The interrogator came and said I was a member and I said no, that was not true.

Q: Why would someone accuse you of being a member of this group when you say you are not a member?

A: I don't know. Throwing accusations is so easy, but you have to have the proof. It is impossible for me to belong to this organization. Even in Bosnia, they were saying we might have connections to these organizations. They contacted the Algerian government and the Algerian government confirmed that we have no relation with this organization, whatsoever.

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The Algerian government told them, if you found them innocent for what you are accusing them of, you have to let them go, because there is nothing against them.

Q: You've never had any associations with Al Qaeda or any other people?

A: No, it's impossible because from what I know, Al Qaeda is a terrorist organization and they kill innocent people. We don't approve of killing innocent people or killing anybody, so I can't belong to such an organization.

You investigated me for three years, and I'm sure you found out I have nothing to do with it. Even if you continue to investigate me for another ten years, you will find out that I have no relations with them.

Q: Before you were captured in Bosnia, what was your occupation?

A: I used to work with the Red Crescent.

Q: How long have you lived in Bosnia?

A: Almost five years.

Q: How long have you and Hajj [Detainee] been friends?

A: I met him as soon as I got to Bosnia, in 1997.

Q: You're very good friends?

A: Yes, he's a good friend. He's very straight and a very good human. That's why we're friends. Since I've been friends with him, I've never seen anything bad from him.

My testimony is said before God. I'm not saying it for anything, just to tell the truth.

Q: In your free time, what were your favorite things to do together?

A: I used to come to Sarajevo only once a month because I lived far from where he lived. Whenever I'd come, we just talked about business, life and things like that.

Q: How long would you stay? One day, three days?

A: It depends. The organization I work with was there, so sometimes it'd be one day, sometimes two days. It depended on the need.

Q: You stayed at his house?

A: No, I just used to go visit him because we have an office there. I'd go and visit him and have coffee, that's it.

The witness, Nechele Mohammed, was excused.

The Personal Representative called Aet Adeer Mustafa (Mustafa Ait Adir).

Detainee's Questions to the Witness, Aet Adeer Mustafa (ISN 10004)

The Witness, Aet Adeer Mustafa, was sworn.

Q: Hello, Mustafa. Do you know if I am a terrorist, or if I belong to any terrorist organizations, or anything that is close to that? Do you know if anything of this nature has to do with me? If I had the intention of doing any terrorist acts against the embassy, or anything else?

A: First, I would like to talk about this tribunal, if it's possible, then I want to reply to what he asked me.

Tribunal President: You are here only to testify on behalf of the Detainee.

A: I know Al Hajj very well, as well as I know my pocket right here [pointing toward pocket on shirt]. If he is accused of terrorist acts, that means I am also accused of that.

With regard to the American embassy in Bosnia, if you don't believe the Bosnian government who told you that we are innocent, how are you going to believe me? How are you going to believe Hajj?

The Bosnian government declared us innocent and we have the document. You took those documents and you brought us here. You have the documents to prove that we are innocent and we have no relation with this embassy, period. It is impossible to believe me if you don't believe the Bosnian government.

Now, I'm going to talk to you about what the investigators said. All the investigators told me this just a play, just a joke. There is no American embassy and nothing that has any relation to terrorism in regard to us.

The Bosnian government took money from the American government to deliver terrorists. So the Bosnian government took that money and delivered six of us, just to show and we have nothing to do with all that. These are not my words, these are the words of the investigator. A tape of this does exist. That's what they told me. I don't know if they told Hajj the same thing.

The investigator told me personally that they have a big problem with us. In Bosnia they said they have classified proof against us and here they say they have nothing against us. The problem is that they cannot return us to Bosnia because they will ask where the proof is. If they keep us for three years in prison and tell us to go home, somebody who is plotting to bombard the American embassy should not stay only three years, he should stay the rest of his life. Now they have a problem with us, they don't know if they should release us or if they are going to keep us here. Therefore, this investigator kept telling me that we can't leave here until they find something against us.

I'm talking about myself, but I'm also talking about him [Detainee]. We have the same issue and the same problem. As I told you, I know Hajj very well, just as I know my pocket. If you think he's a terrorist, that means I'm a terrorist. If he thought about putting explosives in the American embassy, that means I thought about it too. If you're going to keep him in jail, I want to stay with him. I know him to the level I know my wife and my kids.

This is all I know about his case, but regarding this terrorism and putting explosives in the embassy, this is all false and all lies.

I'm going to tell you further things the interrogators are telling us about this issue. When I stopped talking to the interrogators, they asked me why I stopped talking. I stopped talking until I was told why we are here. He told me you still don't know the accusation against you? I said I didn't know. He asked what they accused me of in Bosnia. I told him they say we intended to think of doing this. I intended to think of putting explosives in the American embassy in Bosnia.

Forget about this. All of this is not true. He asked me if there were any other accusations besides this. I told him they said we are members of the Algerian Islamic Military organization. Forget this one, too.

There was another accusation, I forget. Maybe Hajj will remember.

Q: Did I ever talk to you about his Bensayah Belkacem that is mentioned in the accusations? Have I ever mentioned this person to you? Have I ever spoke to you about this person?

A: First of all, this guy [Bensayah Belkacem] is with us here. He is one of the six that were brought here. I've never seen him with Hajj and Hajj never even once mentioned his name. I am sure if Hajj knows this person, I would know this person too because I'm with Hajj almost every day in Bosnia. We are always together. It is impossible for him to know this person and for me not to know him. I would have at least seen him with him and he never talked to me about this person.

They asked me about this person in Bosnia, but I didn't know him. I met him here in this prison.

Q: Do you know of me knowing anybody belonging to Al Qaeda, or have I ever mentioned anything to you about this?

A: Absolutely never.

Tribunal Members' Questions to the Witness, Acet Adeer Mustafa (ISN 10004)

Q: As I understand it, you deny being associated with any terrorist organization at any time?

A: Are you asking me about myself?

Q: Yes.

A: I thought this was a tribunal for Hajj, not my tribunal. When it is my tribunal, then you ask me.

Q: I was listening closely to your testimony and I thought you said you were not affiliated with these groups, so I just wanted to make sure I understand what you said.

A: I don't want to answer you. If you ask me about Hajj I will answer you, but if you ask me about myself, I'm not answering. My tribunal is over, and I already talked to them about my case.

Q: How long have you known Hajj?

A: I believe I met him in Tuzla in 1996, when I moved there.

Q: Been very good friends ever since?

A: Yes.

Q: In your free time, what is your favorite thing to do together?

A: We had some free time, but unfortunately his free time is different than mine. Me, personally, I don't have a lot of free time. I work in the morning and in the evening I am a coach for a team. Mostly we just go have coffee. We'll go to Sarajevo to a sidewalk place and just have coffee or go to the Mosque. Sometimes we'd go to Friday prayer.

Q: You know Hajj as well as your wife and kids, always together. What was Hajj's favorite thing to do?

A: He likes to buy cars and he likes soccer.

Tribunal President's Questions to the Witness, Aet Adeer Mustafa (ISN 10004)

Q: Did your families ever get together for celebrations or festivities?

A: Yes.

Q: What is your occupation?

A: I'm a computer designer. I program and repair computers, software and hardware.

Q: What sport did you coach?

A: Karate. I am member of the national team in Bosnia.

The witness, Aet Adeer Mustafa, was excused.

Detainee: I apologize for the way the he answered your questions.

Tribunal Member: Thank you.

The Personal Representative called Bomedienne Lakhdar Mohammed (Lakhdar Mohammed Boumedienne)

Detainee's Questions to the Witness, Bomedienne Lakhdar Mohammed (ISN 10005)

The witness was reluctant to take the oath. He explained that he did not know why he was here. He said he would testify and take the oath, if Hajj had asked for him. It was explained to the witness that Hajj did ask for him and the Tribunal President apologized for not making it known to the witness why he was here.

The witness, Bomedienne Lakhdar Mohammed, was sworn.

Q: Lakhdar, do you know of me being part of any terrorist group, or have I ever mentioned anything to do with terrorism? Do you know of me associating with anything to do with terrorism or any terrorist organization?

A: Never

Q: Have I ever talked to you about anybody that belonged to Al Qaeda, or to Muslim Algerian Military organization, or anything of this kind?

A: Never.

Tribunal Members Questions to the Witness, Bomedienne Lakhdar Mohammed
(ISN 10005)

Q: Do you know why anyone would accuse Al Hajj of being involved with terrorist organizations?

A: No, I don't know.

Q: You were apprehended with him in Bosnia and taken here as well?

A: Yes.

Q: You went through the same trial in Bosnia with the same result?

A: Yes.

Q: Do you know Bensayah Belkacem?

A: During the investigations, they have talked to me about him.

Q: Do you know whether or not he is associated with Al Qaeda?

A: I don't know.

Q: Do you know if he is associated with the Armed Islamic Group of Algeria?

A: Are you talking about him [Detainee] or the other guy [Bensayah Belkacem]?

Q: The other guy.

A: No, I don't know.

Q: Do you know if Al Hajj has any enemies that might have accused him of being involved with any of this?

A: No, I don't know, but he is a very nice person and I don't think he would have enemies.

Q: Do you consider yourself a friend of his?

A: Yes, he is my brother.

Q: How long have you known each other?

A: From the time I got to Bosnia?

Q: Which was when?

A: 1997.

Q: How often did you see him in Bosnia?

A: I don't have a number. I didn't write down every time I saw him, but I used to see him. I don't know how many times.

Q: I don't need to know exactly, but I'm looking for frequently...occasionally...what?

A: He's not my wife, so I'm not going to tell you I see him every day. I see him once in a while, yes. I don't see him every day.

Q: Did you socialize together?

A: We used to visit each other.

Q: What were some of the things you enjoyed doing together?

A: We used to like to eat, drink and watch soccer on T.V.

Q: What was your line of work in Bosnia before you came here?

A: I worked with a humanitarian organization that deals with orphans, the Red Crescent.

Q: This is a different organization than Hajj is associated with?

A: Yes.

Q: Hajj coached a sport. Which sport?

Detainee: That was Mustafa, not me.

Q: You were good friends. He coached a sport. Do you know which sport that was?

A: We used to play soccer, but he wasn't the coach.

Q: He also had a part-time job, exchanging things, buying and selling things. Do you know what that was?

A: No, I don't know.

Tribunal President's Questions to the Witness, Bomedienne Lakhdar Mohammed (ISN 10005)

Q: You indicated you worked for the Red Crescent?

A: Yes.

Q: Did anyone else work with the Red Crescent that was captured with you?

A: Yes.

Q: Who was that?

A: Mohammed (Nechele).

Q: Your occupation, did you have any other occupation besides your work with orphans?

A: No.

Q: What else can you tell us about Al Hajj that could convince us that he has nothing to do with any terrorist organization?

A: Well, to tell you the truth, this is just like a play. This is all politics. First of all, may I ask a question? If you know you are a terrorist and you know people are looking for you, are you going to escape or not? Answer me.

Q: You're posing the question to us?

A: Yes, I'm asking you. You said you want me to convince you, so I'm asking you.

Q: You would have reasonable thought that a person would try to flee, yes.

A: Good. When they captured me and told me the accusations, I was surprised. I was actually shocked. When they asked me about people I know or not, on the list was Al Hajj's name. I thought for sure there was confusion on the subject. I asked the head of the investigation the same question I asked you. He told me, of course, if accused of this and the police were looking for him, he'd flee.

I told him, how about I call him [Detainee] on the phone and he'll come himself. At that time, I thought it was democracy and there was a mistake or a problem. If they wanted to investigate, that was okay. I didn't know that these things were cooked from way up top and they were such a big thing. After that, Al Hajj walked by himself to the investigator's office and now he is in chains.

It is unreasonable that a terrorist would deliver himself to the police. That doesn't make sense. I have other things, but this is the most important thing.

Tribunal Members Questions to the Witness, Bomedienne Lakhdar Mohammed (ISN 10005)

Q: When you were on trial in Bosnia, were all of you on trial at the same time?

A: Yes, of course. In Bosnia, we didn't go to official court, similar to this. We were in jail and they told us that we were acquitted and had official papers that we were acquitted and there was nothing against us. It was announced on the national T.V. and everywhere.

Q: Did you have representatives on your behalf? Any lawyers or anything?

A: Yes, we had lawyers.

Q: Did you have to pay for them yourself or did someone pay for them for you?

A: I'm talking about myself. I don't know who paid for Hajj, but I know that the organization I worked with paid for mine.

The witness, Bomedienne Lakhdar Mohammed, was excused.

Witness: Why, you can ask. It's no problem.

Tribunal Members: I have no further questions.

The Witness and the Detainee had a conversation as the witness was being removed. The Witness told the Detainee that he would not do this for his own tribunal, but for his brother, he would testify.

Witness: You people who are asking these questions, you don't know that Hajj is innocent?

The witness was removed from the Tribunal room.

Detainee: I apologize to the Tribunal and to the Translator for the witness' behavior. It was unnecessary.

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Detainee: This is all that I have. But, also those documents in Bosnia will help my case.

Tribunal President: Very well.

Detainee: Also, during my time here, my behavior with investigators, interrogators, and the guards was exemplary. I was very kind to them and they know that. This might also help and show that I was very kind to everybody.

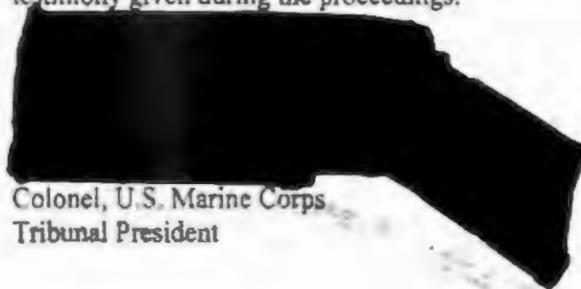
Tribunal President: We'll certainly take that into consideration.

Detainee: I know and I am confident that the Tribunal is experienced in this field and they took the oath and they are just people. I'm sure they will get to the right answer and do the right thing.

Thank you for listening and for your patience, and also for your patience with the witnesses also. I thank you very much.

AUTHENTICATION

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



Colonel, U.S. Marine Corps
Tribunal President

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Summarized Sworn Detainee Statement

The Personal Representative made the following statement on behalf of the Detainee.

Before commenting on the unclassified evidence he [Detainee] wants you to know he is innocent.

- **3(a)(1) Detainee is a French citizen who traveled to Afghanistan from London on 22 July 2001.**

The Detainee did this for the sole purpose of living in a Muslim lifestyle and society. Detainee made this trip to investigate immigrating to Afghanistan, which was under Sharia law. Detainee understands his religious obligation to find the correct Muslim lifestyle for himself and his family.

Detainee initially looked at Pakistan, but ended up choosing Afghanistan because it was a cheaper place to live and he could get a house for under \$3,000.00. The remarks by Detainee's brother in his affidavit, marked R-4 state this also.

- **3(a)(2) The Detainee trained with Kalashnikov rifles in Afghanistan.**

This is false. Detainee once watched someone assemble and disassemble an AK-47. This was strictly out of curiosity because everyone in Afghanistan had an AK-47.

Items 2, 4, 5, and 6, [of the Unclassified Summary]. These items refer to statements by Detainee and the translator that the Detainee dealt with prior to this tribunal and [according to the Detainee] did not give a correct translation. Therefore anything attributed to the Detainee in these statements must be questioned, due to that fact.

- **3(a)(3) The Detainee stayed at a safehouse in Kabul in the Akbar Khan Mina neighborhood, a known Taliban and Al Qaeda occupied territory.**

This is not true. The Detainee stayed at a house, not a safe house. This was just a house in Jalalabad that the Detainee stayed in on his way to Kandahar to look for potential places to live.

Concerning the statement about "known occupied territory," the Taliban occupied all of Afghanistan and it has nothing to do with the Detainee. The Detainee never had any dealings with Taliban or Al Qaeda. The first time he heard of the existence of Al Qaeda was on the radio after the 9/11 attack.

Again, on items 4, 5, and 6, [of the Unclassified Summary], each reference statements made by the Detainee and the translator used in the initial interview

who [according to the Detainee] had problems with the translation. We uncovered many of these problems with our new translator today during the final interview.

- **3(a)(4) The Detainee stated that he traveled to a Taliban camp in Kandahar for training and also carried weapons into the mountains when Jalalabad fell to the Northern Alliance.**

This is false. The Detainee was at a house in Kandahar, not a camp. The reason he went to different houses is because he heard about the 9/11 attacks and was attempting to get to Jalalabad, and then exit the country to France. At one time, when he was in a house, he was told to leave quickly, empty everything in the room he was in, and throw it in the back of the truck.

In the room, there was a broken AK-47. The Detainee did put that in the back of the pickup truck. He did not keep it with him and it was not his weapon. The Detainee was doing a favor for Jafar, the individual that was helping him escape the violence that was coming. Jafar was going to help them get out of Afghanistan.

- **3(a)(5) The Detainee stated he arrived in Jalalabad in August 2001 and stayed at an Algerian safe house.**

That is correct, but it was a guesthouse, not a safe house. The Detainee stayed for 3 weeks and looked for a house to buy. The reason he went to several different places is that he was looking for a house to buy and then later to try to flee the country.

The Detainee had the money to pay for a hotel room, but because of the chaos when he was leaving the country, he was forced to stay in many guesthouses.

The Personal Representative states that he entered into evidence documents from the evidence custodian showing that the Detainee had currency with him that would have been sufficient to pay for hotel rooms for a prolonged period while the Detainee searched for a house.

- **3(a)(6) The Detainee stated that, after September 11, 2001, he met two fellow detainees at the same Algerian safe house that was located in Jalalabad.**

The Detainee remembers the young lady who translated his statements that day. He tried to correct her bad translation when he could. Despite that, the statement is false. The Detainee met the 2 people in question prior to 9/11. The first person came with him from France, through London to Afghanistan. The second person he met in London, as he was enroute to Afghanistan. The first person died in the mountains from sickness and cold when they were trying to flee the country.

Overall, the evidence tries to portray the Detainee as a fighter and because he has hepatitis C, scoliosis (which prevents him from standing for a prolonged period of time), and herniated disks in the C vertebrae of his neck, the combination of these things would prevent him from being a threat to anyone, let alone engaging in hostile actions.

The Detainee saw his travel documents, which include his visa, passport and airline ticket here in the camp shortly after his arrival.

The Detainee interrupted and stated that the documents were not presented to him here; they were presented to him in Pakistan by FBI agents.

The Tribunal President commented, understanding why we could not find the documents here [in Guantanamo Bay].

The Detainee was offering these documents as proof that he was house hunting for a short period in Afghanistan. The documents show he had a visa for 3 months time, not enough to train and engage in any hostilities.

The Detainee specifically remembers his airline ticket because the interrogator incorrectly looked at his time of departure, 2000 hours and thought it was the year of departure. They [interrogators] initially accused the Detainee of lying and later apologized.

Questions by the Tribunal Members

Q: Prior to traveling to Afghanistan, you lived in London for a time?

A: A few days, yes.

Q: Only a few days?

A: Yes, only a few days.

Q: Prior to that, where were you?

A: In France.

Q: What was the purpose of going from France to London? To facilitate your trip to Afghanistan?

A: Exactly. I can tell you the reason, if you want.

Q: Please.

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- A: As I mentioned earlier, Abdul Aziz knew a lot about Afghanistan, and he told me that there was a person in London who would give us addresses and phone numbers for a point of contact when we got there [Afghanistan].
- Q: You received that information and then traveled to Afghanistan afterward?
- A: Yes.
- Q: Are you also Algerian by heritage, or only French?
- A: My Algerian heritage is only language, which I share with my parents.
- Q: So, your parents are Algerian, but you were born in France?
- A: My parents are considered French citizens because they were born and during the French (inaudible) [occupation].
- Q: Have you ever lived in Algeria?
- A: No, but I spent my National Service there.
- Q: Under conscription for the French military?
- A: We had the possibility to choose if we were going to stay in France to do it or go to Algeria. People choose to go wherever they want.
- Q: How long a time period was that?
- A: 24 months.
- Q: How did you serve while you were in Algeria?
- A: Civil Engineering.
- Q: Did you receive any military training while you were in Algeria?
- A: Just for parade. It might sound funny, but it's true. That's all my military training.
- Q: Only to march and drill in ceremonies?
- A: Exactly.
- Q: Not weapons, or anything of that nature?

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A: Yes, we had to use. We shot 3 bullets with a weapon that is called Seminov (phonetic). Everybody has to go through that.

Q: Besides your parade and ceremonies, what other training did you receive, besides what you just said?

A: None.

Q: Please tell us again about your exposure to the Kalashnikov rifles in Afghanistan.

A: I was in a house in Jalalabad. As mentioned earlier, a person named Idious (phonetic). He dismantled it in front of us. That was it. That is what happened. There was no firing and we didn't even touch the weapon.

Q: Why were you even present?

A: Just curiosity, that's all. As you know, everybody there has a Kalashnikov.

Q: How many people were there at the time he did this?

A: Three, four, maybe five.

Q: Were there any other weapons you were exposed to while in Afghanistan?

A: No, none.

Q: Were you captured in Afghanistan or Pakistan?

A: In a mosque in Pakistan.

Q: How many other people were you captured with at the time?

A: I don't know exactly. It was the French group and other people. I would say 20, or so.

Q: Were there weapons present at the mosque, even if they were not yours?

A: No, I didn't see any.

Q: Did you have any relationships with any individuals in Afghanistan that you knew to be affiliated with the Taliban?

A: No, not at all.

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- Q: Even though your purpose for going to Afghanistan was your desire to live in an Islamic state?
- A: I don't understand.
- Q: You stated the reason you wanted to go to Afghanistan was because you wanted to see what it was like to live in an Islamic state.
- A: Yes, that was my biggest reason.
- Q: It would seem logical that you would seek out people who would teach you what it was like to live in an Islamic state, which Afghanistan was at the time.
- A: In Pakistan, not Afghanistan.
- Q: You wanted to live in Pakistan? I thought you wanted to live in Afghanistan.
- A: Yes. The purpose was to live in Jalalabad, which is a border city, so it's close to both. Islamabad in Pakistan has a big religious school. This is one of my main reasons.
- Q: All right, I'll ask it a different way. During the time you were in Afghanistan or Pakistan, you did not meet anybody associated with the Taliban?
- A: We met Taliban in the roads, but nobody that is really associated with me. They have checkpoints all over the country.
- Q: What I'm getting at, is people who would be in a position to help you.
- A: The only people that could help me were the French. I didn't speak Pashtu, so I couldn't communicate with people over there. The only person that was helping us was Jafar, who spoke Algerian, just like me.
- Q: As I understand what your Personal Representative said, you deny any association with Al Qaeda?
- A: Absolutely. All association.
- Q: Did you know any Al Qaeda fighters while you were in Afghanistan?
- A: No, absolutely not.
- Q: In Pakistan also?
- A: I didn't stay long in Pakistan. I stayed only 1 week, just to continue the trip.

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Q: You were in Afghanistan for approximately 5 months or so?

A: It was from August to September 11th, when the catastrophe happened in the United States. After that, we wanted to leave immediately, going through Jalalabad again. When we got to Jalalabad, Jafar told us we could not go. All of the borders were closed. He advised us to be patient and just wait there and maybe we could go later.

At this time, we went to the 2nd house in Jalalabad, called the House of the French.

Q: You were captured in November, December 2001?

A: I think it was December.

Q: The places you were in Afghanistan were Kabul, Kandahar, Jalalabad...anywhere else?

A: No.

Q: How did you fund your trip to Afghanistan?

A: With my own personal money.

Q: You went from France to London to Afghanistan. You left your family there in France?

A: I would never take my wife with me to a place I don't know yet, especially when we hear on the radio that there might be a little danger involved there.

Q: If everyone is carrying a Kalashnikov in Afghanistan, why would you want to move your wife and children there?

A: For me, I didn't know that. I wanted to see with my own eyes. On top of that, all that we heard about was mainly about the north and Jalalabad, as you know, is in the south, near the Pakistan border. That's why, if there were any problems, I would just go to Pakistan because that city is on the border.

The Personal Representative wanted to clarify one of the questions regarding how the trip was funded. Looking at R-4, the affidavit of the Detainee's brother, it discusses, in length, that the Detainee was fully employed before he left and owned his own business.

The witness, Khalid Bin Mustafa, was called and took the Muslim oath.

Questions by the Personal Representative to the Witness

Q: Can you tell us why the two of you went to Afghanistan?

A: Of course. I would like to know if Redouane Khalid asked for me as a witness.

The Tribunal President advised the witness that the Detainee did request him as a witness.

Q: Can you tell us why both of you traveled to Afghanistan?

A: I personally went to visit Afghanistan with my own eyes if it is [was] convenient and the right Islamic country to live in. It is the same for the Detainee. He told me he wanted to go see Afghanistan and eventually immigrate.

Q: Could you tell us where you met for the first time?

A: At his wedding, in Paris.

Q: Could you tell us the length of time you were both in Afghanistan?

A: If I recall correctly, it was August 2001. As far as I remember, we left 1 ½ months after the problems of September 11th in the United States, the beginning of the war.

Q: Were you both together most of the time you were in Afghanistan?

A: Yes, we were almost always together.

Q: Did either of you engage in any weapons training?

A: No, never.

Q: Can you tell us the circumstances under which you left the country?

A: We left the country in the beginning of the war. We didn't have the possibility to leave Afghanistan on our own, so we waited for a guide. We stayed for 1 ½ months because we were waiting for a guide.

Q: Did you ever have any contact with members of the Taliban or Al Qaeda?

A: No.

Questions by the Tribunal Members to the Witness

Q: Were you captured with Redouane Khalid?

A: Yes.

Q: Please explain the circumstances of your capture.

A: We left Afghanistan with no problem. We wanted to enter Pakistan to get to France. We wanted to go the legal way, with our own passports and our own papers. As you know, [along] the roads between Afghanistan and Pakistan, there are a lot of villages to go through. We arrived in Pakistan in a village. The people of this village gave us a place to stay. They told us we had to go to the police station or the police representative. They said the police would take us to our Embassy. That is when we were arrested, without incident.

Q: Where was the police station where you were arrested?

A: The police came to the village to take us. They told us to come with them.

Q: You were in the village in Pakistan when the police arrested you?

A: Yes.

Q: How many were among you when you were arrested?

A: It wasn't a huge number, 10 more or less.

Q: All of the French speakers together, or other nationalities?

A: I was only with the French. I didn't visit the whole village to see who was there, but I know it was only French.

Q: Are these the people you traveled with all the way from Afghanistan to this place in Pakistan?

A: Yes.

Q: When you were captured by the police in the village, please explain what happened there.

A: As I said before, there was no incident. It was without handcuffs. They came and explained to us that they had to interrogate us and then they would release us to our Embassies to be released to our countries. When we went to the police station they put us in prison.

Q: When the police first came to seek you, were you guests in someone else's home?

A: Yes. First we were in a house and then we went to the village mosque.

Q: That is the place they came?

A: Yes, the cars came within 5 meters of the mosque.

Q: Was there ever a time, during your time in Afghanistan, where you and Redouane Khalid were separated?

A: No, we were always together. He might have gone to the market and came back, but that's it.

Q: Did you receive any training on weapons while you were in Afghanistan?

A: No. I saw weapons there, but we never received any training on weapons.

Questions by the Tribunal President to the Witness

Q: When you were captured, or taken into custody by the Pakistani police, did you have any money with you?

A: Yes, I had some money, but it was stolen from me.

Q: It was stolen when you were arrested by the police?

A: Yes, the police took it.

Q: How much money?

A: Not a whole lot, but I personally had about \$1,000 French Francs.

Q: Did you have, in your possession, either a visa or a passport?

A: I had with me my passport, my ID, my visa, everything was in order.

Q: Did you or anyone in your group have weapons when you were arrested?

A: No. We were captured without incident. We went with no problems. No one had weapons.

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The Tribunal President asked the Detainee if he had any additional information to present to the Tribunal.

The Detainee stated that he would love to show the Tribunal President his documents to show that he was legal.

The Personal Representative stated he had no further witnesses, but points out that the witness also stated their documents were legal.

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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CCGX 2-

EVIDENCE/PROPERTY CUSTODY DOCUMENT		INFLUENCED SEQUENCE NUMBER		
For use of this form see AR 190-45 and AR 195-5; the proposing agency is US Army Criminal Investigation Command		ISN [REDACTED] CRD REPORT/ACD ROI NUMBER		
RECEIVING ACTIVITY Criminal Investigation Task Force	LOCATION Guantanamo Bay, Cuba FPO AE 09593			
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER OR [REDACTED] JTF-160 <input checked="" type="checkbox"/> OTHER	ADDRESS (include Zip Code) JTF-160 Guantanamo Bay, Cuba FPO-AE 09593			
LOCATION FROM WHERE OBTAINED From the hand of C/M 4 [REDACTED] while at the JTF-160 Property Room	REASON OBTAINED Evidence	TIME/DATE OBTAINED 10 JUL 02 22 JUL 02		
ITEM NO.	QUANTITY	DESCRIPTION OF ARTICLES (include model, serial number, condition and unusual marks or markings)		
1	1	50 French Franc currency notes. Serial Numbers: "U036557488". Notes placed in white envelope which was marked for ID with <u>1011, 22 JUL 02, TCH</u> .		
2	4	500 French Franc currency notes. Serial Numbers: "D009882731", "R034429773", "R011461588", "R026304136". Notes placed in white envelope, which was marked for ID with <u>1046, 22 JUL 02, TCH</u> .		
3	1	1 English Pound currency note. Serial Numbers: "ED72435545". Notes placed in white envelope, which was marked for ID with <u>1017, 22 JUL 02, TCH</u> . ~~~~~LAST ITEM~~~~~		
CHAIN OF CUSTODY				
ITEM NO.	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
thru 3	21 Jul 02	[REDACTED]		Received as Evidence
1-3	21 Jul 02			Released to Evidence Custodian
1-3	31 Jul 02			Change of Primary Custodian
1-1	29 Oct 02			Change of Primary Custodian
1-3	7 Dec 02			Change of Primary Custodian

DA FORM 4137
1 Jul 94

Replaces DA FORM 4137, 1 Aug 74 and
DA FORM 4137-R, Privacy Act Statement
28 Sep 75 Which are Obsolete.

LOCATION 21

DOCUMENT NUMBER 209-02

Exhibit D-b

- [REDACTED] (1)P - 102

EVIDENCE/PROPERTY CUSTODY DOCUMENT		MFR ID SOURCE NUMBER	
For use of this form see AR 190-45 and AR 195-5 the proponent agency is US Army Criminal Investigation Command		CRO REPORT ID NO NUMBER	
RECEIVING ACTIVITY 65TH IAP CO		LOCATION KAW AF	
NAME GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input checked="" type="checkbox"/> OWNER <input type="checkbox"/> OTHER E OSONANE KHALID		ADDRESS (Include Zip Code)	
LOCATION FROM WHERE OBTAINED KIA STHF		REASON OBTAINED SEARCH	TIME DATE OBTAINED 31 024302Z
ITEM NO	QUANTITY	DESCRIPTION OF ARTICLES (Include make, model number, quantity and include photo or sketches)	
1	7	5100 BILUS. SN: A37879002K ✓ A3722261000 ✓ AB42472195J ✓ AB44605139Q ✓ AB18367444R ✓ AB19640038N ✓ AFF7445021B ✓	
2	1	506 FRANK. SN 4036557488	
3	4	506 FRANK, SN D001882731, R424429773, R411461588, S026204336	
4	1	5 POUND SN E072435545	
5	1	SPIRIT STICK	
6	1	Book from in color, Arabic Writing	
		CHAIN OF CUSTODY	
		PURPOSE OF CHANGE	

Exhibit D-G

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Summarized Detainee Statement

Tribunal President: Muhammad, you made a request to us for witnesses. Your request was for the witnesses to be any of the members or group of people who were arrested at the same time you were. We identified there were 14 people arrested at the same time you were. Although we did determine your request was relevant, we did not think it was reasonable to try and bring in 14 witnesses. So we asked you to identify 2 witnesses that would testify that you were a student studying in Pakistan. You indicated that you would identify 2 witnesses, but I understand that there is one witness here for you. Personal Representative, would you please explain why there is only one witness?

Personal Representative: Two witnesses were identified and one of them declined to participate.

Tribunal President: Muhammad, we will have the opportunity to hear from your witness after we hear from you. Muhammad, 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 any information to this Tribunal?

Detainee: Yes, I do.

The Detainee was sworn using the Muslim oath and testified to the Tribunal in substance as follows:

Detainee: You indicated that I was associated with Al Qaida. How do you know this? Just because I am a Yemeni citizen, you accuse me of being an Al Qaida member or associated with Al Qaida. There are so many Yemenis that live in the States, are they Al Qaida as well? The fact that I went to Pakistan to study during the fight does not make me an Al Qaida member or associated with Al Qaida. I was there for a short while. I was there for less than a few hours. I went there to visit then leave. I was living on campus at the university I was attending. You spoke about the fact that someone saw me and thought I could possibly be a member of or associated with Al Qaida. I don't even know anybody. This is the first time I have heard of Al Qaida, in this prison. Do you have anything else to say?

Personal Representative: I would like to hear your reasons for going to Pakistan.

Detainee: I went there to learn the Koran.

Personal Representative: You said you were only at the place a few hours. Was this the house that you were captured at?

Detainee: All I knew was there were Yemeni people there.

Personal Representative: You went there for a visit?

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Detainee: Yes, just to visit.

Personal Representative: That is all I have for now.

Detainee: You believe anyone that gives you any information. What if that person made a mistake? Maybe that person looked at me and confused me with someone else. If you bring that same individual here that identified me as a member, or maybe saw me with somebody, that person probably does not even know me. I do not know Afghanistan. The only time I was there was when they took me to prison there. The Americans took me to Afghanistan. That is all I've got.

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

Recorder: No, Ma'am.

Tribunal President: Does the Recorder have any further evidence?

Recorder: No, Ma'am.

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

Personal Representative: No, Ma'am.

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. What was the name of the school you were studying at?

Detainee: The name of it is Salafi University in Faisalabad.

Tribunal Member: When did you enroll or begin studies?

Detainee: Four months prior to my capture, I was enrolled.

Tribunal Member: What were you studying? What was your primary area of study?

Detainee: The Koran.

Tribunal Member: How did you travel from Yemen to Pakistan?

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Detainee: My father got me my passport, visa, and paid for my plane ticket.

Tribunal Member: Did you go straight from Yemen to Pakistan?

Detainee: Yes, I went directly. I stopped in the United Arab Emirates for one hour.

Tribunal Member: How did you pay for your studies?

Detainee: My father paid my tuition, but the living arrangements were all free.

Tribunal Member: Did you live on campus?

Detainee: Yes, I did.

Tribunal Member: Have you received any grades or transcripts from school yet?

Detainee: No, I was supposed to take a test, but it was not done.

Tribunal Member: Do you speak any English?

Detainee: Close to none.

Tribunal Member: Did you know any of the other people that were arrested with you?

Detainee: There were a few that went to the same university.

Tribunal Member: Were they friends of yours?

Detainee: Yes, they were.

Tribunal Member: How far away was the university from Karachi?

Detainee: The university was in one city and the other one was another city. This was too far.

Tribunal Member: Was it many kilometers away?

Detainee: I don't know how many kilometers, but by plane it takes an hour and a half.

Tribunal Member: The place where you were arrested, was it close to the university?

Detainee: Yes, it was.

Tribunal Member: I am not familiar with the university. Can you tell me how big it was? How many people attended?

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Detainee: There were two parts to it. One part had a mosque in it. The other part had all the dorms and rooms to live in. There was a wall surrounding the whole area.

Tribunal Member: So how many people attended the university?

Detainee: 150 to 200 people.

Tribunal Member: Did any of your friends that were arrested with you - did any of them have any type of military training?

Detainee: I do not know.

Tribunal Member: Have you had any type of military training?

Detainee: No, I do not.

Tribunal Member: When you were arrested with your friends, did any of you have any weapons with you? Were any weapons in the house?

Detainee: I did not see any weapons.

Tribunal Member: Were there any weapons there that you may not have seen?

Detainee: I don't believe so. I only spent a few hours there.

Tribunal Member: How many people lived in the house where you were arrested?

Detainee: Between 14 and 18 people.

Tribunal Member: What did the people who lived in that house do?

Detainee: I do not know. I was only there for a few hours. I just sat with the Yemeni people and I was talking with them. They were asking me about what was going on in Yemen.

Tribunal Member: On the unclassified summary, the house was referred to as the "Crescent Mill Guesthouse." Do you know why it was called that?

Detainee: This is the first time I have heard that name. I do not know why. I have never heard this name before until this Tribunal.

Tribunal Member: Have you ever been to Afghanistan?

Detainee: I had never gone there until I was taken to the prison by the Americans.

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Tribunal Member: How long were you going to study in Pakistan?

Detainee: One year.

Tribunal Member: You mentioned your living arrangements were free. Why were your arrangements free?

Detainee: The people who ran the university were operating a charity. They assisted poor people and tried to help out.

Tribunal Member: Were you ever a member of Al Qaida?

Detainee: No. Never. I only heard of Al Qaida here in Guantanamo.

Tribunal Member: Did you do anything at all that might have helped people in Afghanistan?

Detainee: No, I did not.

Tribunal Member: While you were in school, did you have any other jobs or tasks around campus? Did you work in the kitchen? Did you help a charity around there?

Detainee: No. There was none.

Tribunal President: Whom did you visit at the guesthouse in Faisalabad, at the Crescent Mill?

Detainee: One of my friends came over and said he had a house where I could come and stay. His name was Emad.

Tribunal President: Where did you know Emad from?

Detainee: I met him at the university.

Tribunal President: Was Emad staying at the Crescent Mill?

Detainee: He lived there, and he moved back and forth between the Crescent Mill and the university.

Tribunal President: You were invited by Emad to visit?

Detainee: Emad was the one who invited me over.

Tribunal President: Was Emad arrested with you?

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Detainee: Yes.

Tribunal President: Were you arrested at the Crescent Mill while you were visiting?

Detainee: Yes, I was there.

Tribunal President: Did you ever spend the night at the Crescent Mill?

Detainee: Yes, I did.

Tribunal President: How many times?

Detainee: It was only one time. When I got there.

Tribunal President: So the night that you were arrested, were you spending the night?

Detainee: Yes, the same night I was arrested.

Tribunal President: What time were you arrested?

Detainee: About two o'clock in the morning, the following day.

Tribunal President: Did you share a room while you were there spending the night?

Detainee: I was there along with Emad and some others.

Tribunal President: All in one room?

Detainee: We all were in the same room. There were other rooms there as well.

Tribunal President: Did you know the people in the room with you?

Detainee: Of all the people in the room, the only one I remember is Emad.

Tribunal President: Who arrested you at the guesthouse?

Detainee: The Pakistani police.

Tribunal President: Why did you choose to go to Pakistan for school?

Detainee: My father advised me to go there.

Tribunal President: Did you go to Pakistan by yourself? Did you go with friends or other students?

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Detainee: There were many people on the plane with me.

Tribunal President: Were they friends of yours? Were you traveling with a companion?

Detainee: I was in a group of people.

Tribunal President: Did they all go to the university?

Detainee: No.

Tribunal President: How many people were arrested with you?

Detainee: 14 people.

Tribunal President: Did you know all 14 people before you were arrested?

Detainee: No, but we had supper together.

Tribunal President: Do you know if any of those people were members of the Taliban or Al Qaida?

Detainee: No, I do not know.

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

Tribunal Member: You have asked for a witness this afternoon. Is this witness one of the people that were arrested with you?

Detainee: Yes, he is. I have not seen the witness. There were mistakes made in the past, but according to the Representative, he is the one.

Tribunal Member: Is this person Emad?

Personal Representative: No, Sir.

Tribunal Member: Personal Representative, what is the name of the witness?

Personal Representative: I only have the ISN.

Tribunal Member: Detainee, do you know the name of the witness?

Detainee: I do. His name is Alah.

Tribunal Member: How do you know the witness?

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Detainee: He was with me in prison in Pakistan.

Tribunal Member: Did you know the witness before you were arrested?

Detainee: No, I did not.

Tribunal Member: So is the witness your friend now?

Detainee: Yes, he is.

Tribunal Member: What can we expect the witness to say about what happened?

Detainee: He probably will tell you everything he knows about me.

Tribunal President: Muhammad, do you have any other evidence to present to the Tribunal?

Detainee: I have given you all my statements.

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

Personal Representative: Yes, Ma'am. I have two follow-up questions for the Detainee.

Tribunal President: Okay.

Personal Representative: When you went to the college, did you register? Is there a written record of your attendance?

Detainee: Yes, there is.

Personal Representative: When your father advised you to go, is it a custom in Islamic countries to do as your father tells you?

Detainee: Yes.

Personal Representative: Madam President, I have no further evidence, but the Detainee does have one witness.

Alah Ali Bin Ali, appeared as a witness for the Detainee, was sworn using the Muslim oath and testified in substance as follows:

Tribunal President: Would you like to make a statement on the record for your friend, Muhammad?

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Witness: He was a student at the Salafi University.

Tribunal President: Are you saying Muhammad was a student?

Witness: I was referring to Muhammad.

Tribunal President: Do you understand the process and the reason you are here?

Witness: Yes, I do.

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

Witness: Anything I know, I will state it. If not, I will say nothing.

Tribunal President: Are you waiting for us to ask you questions, or is there a statement you would like to make?

Witness: Please ask me.

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

Personal Representative: I do not, but the Detainee would like to ask questions.

Tribunal President: I'll allow the Detainee to ask questions in one moment. Recorder, do you have any questions for the witness?

Recorder: No, Ma'am.

Tribunal President: Muhammad, would you like to ask questions of the witness?

Detainee: Do you know if I am a member of Al Qaida or if I am associated with Al Qaida?

Witness: All I know is all the people in the house were students.

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

Detainee: That is all I have got.

Tribunal President: Any of the Tribunal Members have any questions for the witness?

Tribunal Member: Yes, Ma'am. Alah, where did you meet Muhammad?

Witness: I met him in the house.

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Tribunal Member: Why were you at that house?

Witness: I wanted to go to the university but I could not.

Tribunal Member: Why were you at the house on the day you were arrested?

Witness: I went there because I found out some people going to the university were there. I went there to meet with them. I could not go to the university. I stayed at the house until the time I was arrested.

Tribunal Member: How many times did you visit the house before?

Witness: Once.

Tribunal Member: Once before, or was that the only time?

Witness: That was the only time.

Tribunal Member: Were there any weapons in the house?

Witness: No.

Tribunal Member: Do you know why the house is called the Crescent Mill Guesthouse?

Witness: This is my first time hearing that name.

Tribunal Member: Who did you know at that house?

Witness: I knew all the people that were there.

Tribunal Member: Where were they all students?

Witness: In the same university.

Tribunal Member: How many of them were Muhammad's friends?

Witness: All who were studying with him.

Tribunal Member: Muhammad was friends with all the people in the house?

Witness: Not all of them.

Tribunal Member: How many?

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Witness: 4 or 5.

Tribunal Member: Did you talk to Muhammad at the house that day?

Witness: No. He came on the last day, and it was a short visit.

Tribunal Member: Did Muhammad live at the house?

Witness: Just the day he was arrested.

Tribunal Member: Who was Muhammad visiting at the house?

Witness: He went to see the 4 or 5 friends he knew.

Tribunal Member: What were those friend's names?

Witness: I forgot the names, but I probably could identify them through pictures.

Tribunal Member: Have you been to Afghanistan before?

Witness: No.

Tribunal Member: Have you ever had any type of military training?

Witness: No.

Tribunal Member: What were you doing in Pakistan?

Witness: I was there to study.

Tribunal Member: Where were you studying?

Witness: At the university about the Koran.

Tribunal Member: Which University?

Witness: Salafi University.

Tribunal Member: But you said a few minutes ago you went to the house to visit these people because you could not go to the university. I don't understand.

Witness: I went to the house so I could go to study at the Salafi University. I could not attend the university because I ran out of money. I sat there with the rest of the people until I was arrested.

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Tribunal Member: How long had you not been going to the university?

Witness: I never went there.

Tribunal Member: So, what were you doing in Pakistan?

Witness: I went to study, but I ran out of money. I just stayed in the house until I was arrested.

Tribunal Member: How long were you in the house?

Witness: Three to three-and-a-half months.

Tribunal Member: A few minutes ago, you said this was the only time you visited that house. I don't understand.

Witness: I simply got there, I ran out of money so I could not go to the university. I just sat there.

Tribunal Member: Who paid for your food and other things?

Witness: The house belonged to the university and that was free.

Tribunal Member: If it was free, why couldn't you afford to go to the university?

Witness: It was my first time traveling outside of my country. I did not know how to manage my money. I ended up spending my money.

Tribunal Member: But if it was free to stay in the university, why did you need money?

Witness: So I could buy clothes and books. Other expenses.

Tribunal Member: How long had you been in Pakistan?

Witness: Five to six months.

Tribunal Member: Where did you come from?

Witness: Yemen.

Tribunal Member: How did you pay for your trip to Pakistan?

Witness: My family paid for my visa and my tickets.

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Tribunal Member: Why didn't you go back home once you ran out of money?

Witness: That was my first time I traveled and my visa expired. I did not know how to do things the proper way. I was afraid to go to the airport, if they found out my visa expired. I did not know what was going on or where to go. So because of all those problems, I went back and stayed at the house.

Tribunal Member: Alah, what time were you arrested?

Witness: One or two o'clock. I don't remember exactly, but around that time.

Tribunal Member: Was that at night, or during the day?

Witness: In the night.

Tribunal President: You met Muhammad at the house?

Witness: Yes.

Tribunal President: Muhammad was only there for one night?

Witness: Yes.

Tribunal President: How did you get to know Muhammad? Was it after you were arrested?

Witness: Yes, we were in the prison together. When we were in prison, we were grouped together.

Tribunal President: Were you grouped together in the prison?

Witness: Yes, we were a group, but in separate rooms. There were some prisons where the whole group was all together in the room.

Tribunal President: Did you know any of the people in the house before you started to live there?

Witness: No, they all came after me.

Tribunal President: Did you know any of the people that were living at the house when you first arrived?

Witness: There was one. Maybe between one and three.

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Tribunal President: How did you know to go to that house?

Witness: There was a Pakistani guy named Isha. He told me about it.

Tribunal President: Who was Isha to you?

Witness: He was a Pakistani guy in the house. When I got there, Isha was already in the house. Isha received me and welcomed me into the house.

Tribunal President: Did Isha approach you about living in the house?

Witness: No. I went to the house. Isha was there and he welcomed me.

Tribunal President: How did you know to go to that house?

Witness: Some people told me about that house.

Tribunal President: Were those people students? Were they soldiers or fighters?

Witness: I met the people at the airport.

Tribunal President: Did the people at the airport approach you, or did you approach them?

Witness: As soon as I got there, I saw some Arabic-speaking people. So I approached them and talked to them. They asked me why I was going to Pakistan, and I told them I had heard of the university and I wanted to check it out to see if I could go there. There were the same people that took me to the house.

Tribunal President: Since you were not going to the university, what did you plan to do?

Witness: I wanted to go to the Yemeni Embassy so they could figure out a way to get me back to Yemen. That was the last thing I did before I got arrested.

Tribunal President: Were you arrested at the embassy or the guesthouse?

Witness: At the house.

Tribunal President: When did you go to the embassy?

Witness: I was planning on going to the embassy but I did not go. It was an idea, but before I could implement that idea, I got arrested.

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Witness: Initially when I went to the house, there were some Saudis. But I never got to know them or even bothered with them.

Tribunal President: Did the Saudis move out of the house?

Witness: Two or three days after I arrived, the Saudis left.

Tribunal President: After the Saudis left, did someone else move in?

Witness: There were other people that arrived at the house. All the other people came after me, and they lived in the same house.

Tribunal President: So there was a mixture of nationalists? Palestinians? Yemenis?

Witness: Yes, it was a mixture.

Tribunal President: You said they were all students. Did they all go to the same university?

Witness: The majority of them were students.

Tribunal President: Did they all go to the same university?

Witness: The majority of them went to the Salsal University.

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

Tribunal Members: No, Ma'am.

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

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

Witness: Is the Personal Representative male or Muhammad's?

Tribunal President: The Personal Representative is Muhammad's. Muhammad asked you to come here as a witness for his Tribunal.

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Witness: Why don't I have a Personal Representative for myself?

Tribunal President: This is not your Tribunal. I do not know if you have had a Tribunal or if you will have one in the future, but you will have a Personal Representative assigned to you.

Witness: All these questions and this Tribunal is not for me?

Tribunal President: That is true. We thought that you could help us in determining if Muhammad was a student at the university and you did answer that question. Recorder, do you have any questions for the witness?

Recorder: No, Ma'am.

Tribunal President: Muhammad, would you like to ask or say anything else to the witness?

Detainee: There is nothing else.

The witness is excused and escorted out of the Tribunal hearing room.

Tribunal President: All evidence having been provided to this Tribunal, this concludes the Tribunal session.

AUTHENTICATION

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

[REDACTED]

Colonel, U.S. Army
Tribunal President

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Summarized Detainee Sworn Statement

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

Detainee: In response to the evidence, I just want to defend myself.

Tribunal President: Okay. Would you like to make your statement sworn or unsworn?

Detainee: I would like to swear.

Tribunal President: The Recorder will swear in the detainee.

The Recorder swore in the detainee.

Tribunal President: Nasir Najr Nasir Balud Al Mutayri, you may begin your statement.

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

3.a. Detainee is associated with the Taliban.

1. The detainee admitted to affiliation with the Taliban.

I am not associated with the Taliban. The line that I was in was open to anyone, it wasn't just for Taliban. Anyone could come and go as they pleased. And no one in that line was related to the Taliban.

2. Detainee admitted to traveling to Afghanistan to fight with the Taliban.

That is not true. I traveled to Afghanistan for what is called preparation. It is called Rabat. That is why I traveled to Afghanistan.

3. Detainee received weapons training in the use of hand grenades and the Kalashnikov rifle on the Karabatt line in Afghanistan.

That is true. I did have a Kalashnikov and I was on that line, but all I did with the weapon was clean, disassemble, and reassemble it.

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3.b. Detainee engaged in hostilities against the US or its coalition partners.

That is not true, I did not engage in hostilities against the Americans. I was there in Afghanistan on the Karabatt and Kawajaqaar lines about a year before the September 11th attacks. I did not know who were allies with the US.

1. Detainee fought against Northern Alliance forces on the Karabatt line for 6 months and on the Kawajaqaar line for four months.

I was on both of those lines for approximately one year, give or take two months. It was not to fight, but to do Rabat.

2. Detainee carried a Kalashnikov and two hand grenades while on the front lines.

They were standard issue on the front lines; they were not necessarily to use in hostilities or to fight. If you didn't get them, you left.

3. Detainee relinquished his weapon and surrendered to Northern Alliance forces at Mazar e-Sharif

I did relinquish my weapon for peace and that was one of the conditions to be able to leave. But it was not a surrender; it was an agreement between me and the Northern Alliance forces to surrender my weapon and go on my way. It was not a surrender. It was an agreement.

4. Detainee was injured in the Qala-I-Jenghi prison uprising and eventually surrendered to Northern Alliance forces.

I was injured by accident in the courtyard of the prison. I was in the courtyard and people were shooting everywhere, and I was injured. After I was in the prison for 8 days it was normal to surrender. It was the only thing left to do. I was told I could leave and that's when I left.

The detainee then provided additional details regarding how he was injured, summarized as follows:

The other prisoners and I were outside in the courtyard with our hands bound. There was shooting all around, so I started running to the right of the building with a group of people who were fleeing in that direction. Then we all decided it would be safest to run back inside the prison. Between the area where I was and the prison, there was an open area, an area that provided cover, and an open area. While running across the first open area I was injured. After I was injured, they started shooting at the place where I was, and the bushes and stuff around me caught fire from the shooting. There was a person hiding in the bushes and he was burned. I knew I had the choice of dying right there or

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continuing toward the house. There was a group of people who told me to lay low so I would not be shot, and then another round of shooting began. I fell to the ground and the group of people picked me up and took me inside. I was there for eight days and then I left. I was injured the second day before the uprising.

The detainee then agreed to answer questions, indicating he would do so truthfully. The Personal Representative began the questioning, which is summarized as follows:

Personal Representative: Nasir, can you explain for us please what Rabat is and what does it mean as a Muslim?

Detainee: Rabat means waiting. It's a form of worship, a kind of practice. There is a great reward in my religion for doing Rabat. If someone dies while on the line while doing Rabat they are considered martyrs and go to heaven. Rabat is the opposite of Jihad because Rabat is defending the line and Jihad is attacking the line.

Personal Representative: When you went to Afghanistan on the line, did you do any Jihad on the line, or was it only Rabat?

Detainee: It was only Rabat. When I got to the line it was during wintertime and it's known that in winter there is no fighting, no Jihad. It is the opposite of the summer because in the summer it is known for fighting. All I was doing was Rabat.

Personal Representative: When you were on the line on Rabat, what was a typical day like? What did you do on the line?

Detainee: My daily schedule. There was program to defend, like guard duty. In the morning we would have breakfast. We would check the schedule to see who was on guard duty for the day. There was someone responsible for us on guard duty. We would modify our schedules based on the duty schedule to know whether to go to bed early or late. There were two shifts of guard duty, a morning and a night shift. And that is the basic thing a person on Rabat does, guard duty. That is what their schedule revolves around. Usually it was one-hour shifts unless there was a shortage of people and I would do three or four-hour shifts. Anything else we did outside of guard duty was praying eating, sleeping, things like that. That was our typical day.

Personal Representative: Can you explain to me why you did Rabat on the line? You mentioned that it was a good deed for a Muslim to do, why were you there on that line for Rabat? What was your purpose?

Detainee: It says in Islam to go do Rabat and I wanted to do something that was considered good in my religion and also to earn wages.

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Personal Representative: So you are saying this is defensive and not offensive?

Detainee: No, there was no fighting or anything offensive. It is known there is little fighting in Afghanistan. It is a known fact.

Personal Representative: Did you observe any fighting in Afghanistan?

Detainee: Not directly, but I saw another line where I saw some shooting where the Afghans were.

Personal Representative: But you did not participate in that shooting?

Detainee: No, I did not.

Personal Representative: Did you go for Rabat for the Taliban? Were you serving for the Taliban while you were there?

Detainee: No. When you are doing Rabat, you are not doing it for a certain person or organization or country, you just go there, do Rabat, and return to your home. You do not do that for anybody in particular.

Personal Representative: Were you aware of any links between al Qaida and the Taliban?

Detainee: No, I was not aware.

Personal Representative: How long were you in Afghanistan before the September 11th attacks?

Detainee: Approximately one year.

Personal Representative: Were there any restrictions or anything when you traveled to Afghanistan from your own country?

Detainee: No, there were no travel restrictions.

Personal Representative: How did you hear about the news of 9/11?

Detainee: I was in the north of Afghanistan in a line directly opposite of Massoud's group. I heard from the people in Massoud's group the news that Massoud had been injured. And we started listening for more news from others. If I remember correctly, it was a Sunday and they said he was injured. So after a day or two, I heard about the news of September 11th. After that, all I heard was about the events of 9/11 and there was no more talk of Massoud.

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Personal Representative: What did you hear about who was behind September 11th?

Detainee: During the first week, they accused al Qaida.

Personal Representative: Were you expecting a big war?

Detainee: I did not know what was going to happen. I am not involved in politics, so I do not know, but I heard it on the news.

Personal Representative: What happened after the news of 9/11, approximately a month later?

Detainee: I heard the news that Kabul had been bombed and we were surprised and wondered why they bombed Kabul. After a few days there were more bombings.

Personal Representative: Where you were, were you bombed?

Detainee: Close to where I was, but not exactly. There were bombs every day, morning and night, different planes.

Personal Representative: What did you do when you realized they were bombing?

Detainee: During the first days, I dug a ditch to hide in.

Personal Representative: Did you stay on the line?

Detainee: We thought of leaving the line.

Personal Representative: Did you continue to stay and do Rabat on the line?

Detainee: They wanted to leave.

Personal Representative: Where did you want to go?

Detainee: Everyone was going to their own country.

Personal Representative: So you were going to stop doing Rabat and leave?

Detainee: It was over. There was no more Rabat, so I was going to go home.

Personal Representative: So what happened when you tried to go home?

Detainee: I went to Konduz, because most places had fallen to Dostum or Massoud. When we went there, we were surrounded and confined to that area. There was an agreement between Dostum and the people who were surrounded.

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Personal Representative: These people were the ones that were on Rabat?

Detainee: Everyone who was in that area. There was an agreement between them and Dostum. The Taliban was there in Konduz while we were there and were still there when we left. So all the people who left were people doing Rabat. Afghans, Arabs, Pakistanis.

Personal Representative: Were you able to leave Konduz? What happened?

Detainee: We got in cars and left and went to Mazar e-Sharif. Those were the terms of the agreement.

Personal Representative: Explain the agreement. You were surrounded by Massoud?

Detainee: One of the Afghans came to the group and talked to one of the Arabs doing the Rabat and said there were two options: a place called Bamiyan or Mazar e-Sharif. Both were enemies, but one was worse than the other. The first option involved Shiites. The second involved Dostum's people, and they were a better option than the Shiites to our group because they were less dangerous. So that is where we decided to go, but under the condition that we give up our weapons. We gave up our weapons and they took us to the prison.

Personal Representative: So they were going to give you safe passage if you gave up your weapons?

Detainee: That was the agreement for everyone.

Personal Representative: You said they took you to the castle?

Detainee: Yes.

Personal Representative: And that was the Qala-I-Jenghi prison?

Detainee: Correct.

Personal Representative: You were there for one day?

Detainee: I spent the night there and the second day we started leaving. The first day we were treated badly.

Personal Representative: Were you aware of any plans for an uprising at the prison?

Detainee: No, not at all.

Personal Representative: Did you have any weapons?

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Detainee: No, we had already relinquished the Kalashnikov and the two hand grenades we had.

Personal Representative: Do you know what caused the commotion, how it started?

Detainee: No, I did not know.

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

Tribunal Member: In regards to the unclassified summary, just to confirm, you were not a member of the Taliban or affiliated with the Taliban?

Detainee: No, never.

Tribunal Member: And that also applies to Al Qaida?

Detainee: No, never.

Tribunal Member: On point 3.a. of the Unclassified Summary of Evidence, it talks about the weapons training. From whom did you receive the weapons training?

Detainee: Just individual Arabs. There was a leader of the Arabs who were on that line, and he was the one giving that training.

Tribunal Member: When you went for your Rabat, how would decide which side you would defend?

Detainee: I was originally coming from Kuwait and I had a paper telling me where to go. When I got to Afghanistan, I met an individual at the airport at Kabul and he took me to where I ended up.

Tribunal Member: Were there any Taliban on the lines with you?

Detainee: There were Pakistanis in Kabul. There were Arabs and Afghans too. And in the north, there were also Uzbeks and Tajiks, other groups.

Tribunal Member: But no Taliban?

Detainee: There were. The Afghans are the Taliban.

Tribunal Member: So when you were talking about Afghans before, you were talking about Taliban?

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Detainee: Yes, the Afghans on the line were Taliban.

Tribunal Member: So on the lines you were assigned, there were Taliban as well?

Detainee: Yes. But I was not affiliated with them. Like I said before, anyone could come and go as they pleased. And whoever was with the Taliban would go with the Taliban, and whoever wasn't wouldn't.

Tribunal Member: Earlier, you mentioned when you went to the lines it was winter and you did not expect fighting in the winter.

Detainee: Yes, and it's known that in the nature of the Rabat that its during the wintertime.

Tribunal Member: But you said that you were on the lines for 10 months, so you must have known that there was fighting in the summer, why did you not leave?

Detainee: They were in Kabul during the winter and during the summer they went to the north. And the fighting that was happening in the summer did not concern me, that was between the Taliban and whoever was fighting. Me being an Arab, I can only take instruction from the leader of the Arabs.

Tribunal Member: When you went to Konduz, you went with the group of people who were also doing Rabat?

Detainee: Yes, that was the same group.

Tribunal Member: And that was from the lines in the north?

Detainee: Yes, Konduz was the closest place to the north.

Tribunal Member: Did Taliban also come with you to the north?

Detainee: Konduz belonged to the Taliban and it was the only place that hadn't fallen in the war.

Tribunal President: You stated that one month after 9/11, you were on the line with guard duty, but the fighting was close enough that you could see it.

Detainee: The fighting between who?

Tribunal President: You didn't say. You simply said the fighting was not on your line, but you could see the fighting on the other line.

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Detainee: The fighting between the Taliban and Massoud's group is the fighting I could see. Occasionally they would attack each other. It had nothing to do with my group.

Tribunal President: If the fighting would have proceeded to your line, would you have shot your weapon?

Detainee: Of course, it's natural to defend myself. I want to clarify the difference between fighting and Rabat. There is a big difference between an Afghan Jihadist and an Arab Rabatist.

Tribunal President: The group that you were defending against - your opponent, was that the Northern Alliance?

Detainee: They didn't have any stations directly opposite where I was. The Northern Alliance had stations opposite the Taliban on the line, but not where I was.

Tribunal Member: If forces were to come your way that would have caused you to defend yourself, would they have been Northern Alliance forces?

Detainee: I do not understand.

Tribunal Member: For the Rabat in Afghanistan, who or what were you defending Afghanistan from?

Detainee: Rabat is not defending something. You go there, earn your wages, learn how to meditate, pray and learn patience. It is not your purpose to be defending something. The scholars in Saudi Arabia said that the people who were fighting from the Taliban and Massoud's people were going outside the religion by fighting and it was not a good thing, it was a bad thing. They still consider them all brothers because they are all Muslim, so they wanted to have peace. Rabat wasn't to be there to defend against someone. They didn't want the Taliban to be fighting against Massoud's people, because they are Muslim as well.

Tribunal Member: The piece of paper that you had from Kuwait going to Afghanistan for Rabat, if that had you do Rabat for Massoud, the Northern Alliance forces, would you have had a problem doing that?

Detainee: If there was a large group of people doing it, I would have joined. Dostum's people did not have a lot of allies, so there was only a small number of Afghans with him, that's why I didn't join him. If he had a large number of people following him, I would have joined him.

The Tribunal members had no further questions.

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Tribunal President: Nasir Najr Al Mutayri, do you have any other evidence to present now that the Tribunal is completed?

Detainee: There is no evidence, but are my words clear? Is everything that I said understood?

Tribunal President: Do you think there is a miscommunication based on the questioning?

Detainee: No, I just want to make sure that everything is clear.

Tribunal President: I believe it is clear.

A brief discussion followed with the detainee regarding how he would be notified of the findings. That concluded the statement of the Detainee.

AUTHENTICATION

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



COL, USA
Tribunal President

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FINAL INTERVIEW NOTES

13 and 26 August 2004

0755-0950 hrs

Name: Nasser Najiri Amtiri

Pronunciation: Nah-Sir Nah-Jeer El-Mit-Terry

Detained asked that these notes be submitted to the Tribunal and included in the record. They are a summary of what he said during our meetings on 13 and 26 Aug 2004 in response to the unclassified summary of evidence.

A: Detainee is associated with the Taliban

A1: The Detainee admitted to affiliation with the Taliban

- He did not go to Afghanistan for Jihad (to fight), he went there for Re-batt (waiting)
 - In Islam Re-batt is encouraged to prevent the enemy from attacking. He and others went to the Karabatt line in large numbers to mass on the boarder and wait
 - The intent was to discourage anyone from attacking
 - During Re-batt, Muslims learn patience and how to use weapons, Re-batt is akin to Defense, where as Jihad is Offensive
 - Detainee claims, "Mohammed said that people who die waiting (Re-batt) are martyrs also and go to heaven"
 - Detainee stated that Re-batt is like the US bases in Kuwait, the soldiers are sent there to wait and train to keep the peace and prevent conflict
 - In Islam, Re-batt is an honorable deed and is encouraged
 - Re-batt brings you closer to Allah, similar to fasting but better - 1 hour of Re-batt is like several days of fasting
- He was in Afghanistan for Re-batt approximately one year before the 9/11 attacks
 - At that time, the Taliban was the legal government of Afghanistan, Dostum and Mossoud were considered outlaws
 - Taliban controlled 95% of Afghanistan, the majority of the people followed them
 - The Taliban was recognized by the Saudi and Kuwaiti governments along with other countries
 - Where the Taliban ruled, it was safe and there was justice, people attested to that- there was peace
 - When he left for Afghanistan, the Kuwait government did not have any restrictions on travel to Afghanistan, it was allowed. They never said anything
- He went to Afghanistan for Re-batt and to help keep the peace for his fellow Muslims
 - His purpose for Re-batt was to help his fellow Muslims, not because he was a member of the Taliban, or wanted to join the Taliban, but because he loves Allah and wanted to do a good deed
 - He was told that Re-batt was only available for Afghanistan and that Mossoud and Dostum were criminals

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EXHIBIT DB

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- If he knew Mossoud and Dostum were allied with the United States, he would have not gone, the United States helped Kuwait in the Gulf War and is a friend to Kuwait
- Arabs participating in Re-batt were not obligated to participate in Jihad
- Detainee asked why can't there be peace between the Farsi (Mossoud), Uzbek (Dostum) and Pashtu (Taliban)
 - Mossoud and Dostum did not have a lot of allies, just their tribes
 - Mossoud had kicked out the Russians, so he believed he was better to rule Afghanistan, the Afghanistan people wanted the Taliban and they were more popular
 - Mossoud told the Arabs and the Pakistani's to get out of Afghanistan, this was a fight between him and the Taliban
 - No one paid attention to Mossoud because he was considered a criminal
- The Taliban respected the Arabs and Pakistanis and welcomed them to stay and help, but they were not obligated

A2: Detainee admitted to traveling to Afghanistan to fight with the Taliban

- He did not admit to traveling to Afghanistan to fight (Jihad), he went there for Re-batt. He claims the translators have been misinterpreting.
- Before 9/11, he wasn't aware of problems between the Taliban and the United States
 - Only aware of problems between Al Qaida and the United States
 - He does not belong to Al Qaida, he is not a member
- After 9/11, he wanted to get out of Afghanistan
 - He tried to flee, but was caught by Dostum's (Northern Alliance) group
- The Sunday before 9/11, he heard the news in the media that Mossoud was killed
 - This was very big, because he was one of the Taliban's main enemies (i.e., Dostum and Mossoud)
- He was following the news about Mossoud's death when he heard the news about the 9/11 attacks
 - Media reports said that the United States threatened to fight UBL and Al Qaida in Afghanistan
 - He thought the United States would just fight against Al Qaida, not everywhere
 - He thought it would be like when he heard the news that Al Qaida blew up the US embassies in Africa, he thought the US would only strike Al Qaida, not all of Afghanistan
 - He was not aware of any connection between Al Qaida and the Taliban
- Approx 1 month after the 9/11 attacks, the United States began attacking everywhere in Afghanistan – all the lines and borders
 - He realized that this was going to be a big war against all of Afghanistan and he did not want to participate in it and decide it was time to flee country
- He did not know the Taliban were allied with Al Qaida

A3: Detainee received weapons training in the use of hand grenades and the Kalashnikov rifle on the Karabatt line in Afghanistan

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- These were standard issue weapons on the front line. He was issued them 1 year before the 9/11 attacks
 - He was taken to the front lines in the north (Kawajagaar line).
 - There they gave him very basic training on the Kalashnikov (how to shoot it, and how to take it apart and clean it)
 - He never fired the weapons or used the hand grenades
- He only guarded the lines, he didn't fight
 - On the line there was Arabs, Afghans and Pakistani
 - The fighting was between the Afghans and Dostum/Mossoud
 - He witnessed the fighting, but did not participate, he just guarded the line (Re-batt)
 - On the line, there was a lot of praying and learning, no news about who was allied with who -- he didn't know Mossoud's allies
- Did you attend Al Qaida training camps?
 - No, I never attended any training camps

B: Detainee engaged in hostilities against the US or its coalition partners

B1: Detainee fought against the Northern Alliance forces on the Karabatt line for six months and on the Kawajagaar line for four months

- He did not participate in Jihad, he participated in Re-batt
- These are not exact times, but approximations -- give or take a few months. He guarded these two lines for 1 year, before the 9/11 attacks as discussed above
- When he realized the United States was entering the fight against the Taliban, his Re-batt was over
 - He wanted nothing to do with this fight and tried to go home

B2: Detainee carried a Kalashnikov and two hand grenades while on the front lines

- This is true, the Kalashnikov and grenades were standard issue for the front lines. However, he went there for Re-batt and was there a year before 9/11. He never intended to fight against Americans.
- Did you know the Taliban were allied with Al Qaida?
 - No never, for the month after the 9/11 attacks, he thought the fight would be between Al Qaida and America, not all over and not against the Taliban
 - He did not know the Taliban were allied with Al Qaida

B3: Detainee relinquished his weapon and surrendered to Northern Alliance forces at Mazar-e-Sharif

- True, he withdrew from Kawajagaar line in the north when he realized the US was fighting in all of Afghanistan, he withdrew to Konduz
- While in Konduz, he was surrounded by Mossoud and Dostum's troops and he was air attacked by US aircraft
- He only had two directions to flee

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- Bamian, this was control by a Shia group that was an enemy of the Taliban
- Mazar e-Sharif, which belonged to Dostum
- The group he was fleeing with made an agreement with Dostum, Dostum would allow them to flee the country if they surrendered their weapons.
 - Although Dostum was considered to be an outlaw, he was known to be a man of his word
 - He surrendered his weapon because he wanted peace and wanted to go home
 - Instead of taking him to the boarder, Dostum's forces took him to Qala-i-Jenghi castle and put him in a basement

B4: Detainee was injured in the Qala-i-Jenghi prison uprising and eventually surrendered to Northern Alliance forces

- He was at Qala-i-Jenghi castle for 1 day, Dostum's forces took him there after he surrendered his weapons at Mazar-e-Sharif so he could go home
- Dostum's people at the prison took everything (money, shoes) and tied his hands behind his back
 - The conditions were bad and the food was bad
 - People in his group began to think that Dostum was going to betray them
- At the prison he was taken outside to a yard, they were taking people there 1 at a time
 - He does not know why they took him outside, there were a lot of people outside in the yard
- When he had been outside for approximately 5 minutes, he heard a loud commotion (gunshots, yelling, etc) and Dostum's security began to fire upon the people outside in the yard
 - That was confirmation that Dostum's had betrayed the group of Arabs trying to flee -- he wasn't going to take them to the boarder.
 - He tried to run and hide with a group of young people that were in the yard
 - At first he ran away from the castle, but quickly decide it would be better reverse direction and attempt to find cover in the castle.
 - While running to hide in the castle, he was shot twice in the leg, that was how he was injured
 - After he was shot, he was carried into the castle by someone in the yard
- He had no prior knowledge of the uprising at the castle, and he had no weapons while he was at the castle, he had voluntarily surrendered them
- To this day, he is not sure how it started

If you are returned home, will you go back to Afghanistan? What will you do?

- No I want to get married and live a normal life and have children and raise them
- Should he go back to Kuwait, they will restrict anyone from traveling to Afghanistan and he will gladly agree

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Summarized Detainee Statement

Tribunal President: Sa Ad Al Azmi, you may now present any evidence you have to the Tribunal. You have the assistance of your Personal Representative in doing so. Do you want to present any information to this Tribunal?

Detainee: I do not have anything.

Tribunal President: Do you want to present information to this Tribunal?

Detainee: Like what?

Tribunal President: Okay. You can make a statement under oath or not under oath. Or, you can have your Personal Representative present exhibits on your behalf.

Detainee: The information I gave to the Representative is all I have.

Tribunal President: For the record, Personal Representative, the election form states an oral statement would be given. So that was the intent prior to coming in here?

Personal Representative: Yes. The Detainee said he would give an oral statement. *(Speaking to the Detainee)* I would like to know if the Detainee is still going to do that?

Detainee: Yes, that is true.

Personal Representative: Do you want me to walk you through the points?

Detainee: Yes.

In response to the allegation 3(a), that the Detainee is associated with Al Qaida:

Detainee: Should I talk with them about this?

Personal Representative: Yes. You can address this to the Tribunal President, and I will back you up [assist you].

Detainee: I am going to say the same thing I told my Personal Representative. I have no connection with Al Qaida.

Tribunal President: For your benefit, we have not spoken with the Personal Representative. We have not heard this information before.

Personal Representative *(speaking to the Detainee)*: I have heard this before, but this is all new to the Tribunal.

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In response to the allegation 3(a)(1), that the Detainee lived with and is associated with known members of Al Qaida:

Detainee: This is an Al Qaida organization. I am not associated with it. I have not lived with any member of them. All accusations are incorrect.

Personal Representative: That pretty much covers 3(a)(1).

In response to the allegation 3(a)(2), that the Detainee worked for and was affiliated with the Wafa organization in Kabul, Afghanistan for three months:

Detainee: This is not true. Previously, I did visit that place. My reason for going was to look for a specific person - not the organization of Wafa or any other organization. The purpose of my visit was to find a guy I knew from my hometown. I do not know anyone besides him in Afghanistan, especially those who work for Al Wafa. I did not know anything about the place I went to or worked in. I did not know that Al Wafa was being sought by the American Government. I simply went to a house, and I knew nothing about that place.

Personal Representative: You did not mention about the three months' stay verses a less than one-month stay. What about that?

Detainee: I never worked with Al Wafa. My friend's name that I was working for was Al Zamel; my time with him did not exceed a month. I was only there for three weeks.

In response to the allegation 3(a)(3), that the Wafa Organization is listed on Executive Order 13224 as an entity that commits or poses a significant risk of committing acts of terrorism:

Detainee: That organization is in Kabul. But I do not know the area, because I was from outside the area.

In response to the allegation 3(a)(4), that the Detainee is an Islamic extremist who has participated in extremist activities in Kuwait where he was a member of a group known as the "Takfir Seven:"

Detainee: This accusation is incorrect. I have not even heard of the word "Takfir Seven."

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Personal Representative: Just to elaborate a bit, this group was a sort of behavioral police for non-Islamic behavior for a woman in Kuwait. There was a woman, and they were accused of harassing her because of non-Islamic behavior.

Detainee: This group is not even available in Kuwait. I do not belong to any one of these organizations in Kuwait. As far as the woman is concerned, this is nothing more than a disagreement or fight. The court took its course. They dismissed the case, and I was found innocent of any activities. Even though they were referred to as "Takfir Seven," there were only six people.

In response to the allegation 3(a)(5), that the Detainee was arrested with a known member of Al Qaida who owned and ran a Karachi (Pakistan) Al Qaida safe house; and in response to the allegation 3(a)(6), that Pakistani police arrested the Detainee with other foreign fighters at an Al Qaida safe house in Karachi (Pakistan):

Detainee: I got arrested with a guy, Al Zamel, whom I went to see in Afghanistan. As far as I know, Al Zamel has no ties to Al Qaida or any other organization. The people I was arrested with were civilians. They were not wearing any uniforms. I did not know anybody there except Al Zamel.

Personal Representative: In essence, I just led the Detainee through what we talked about in the interviews, and this was his side of the story.

Tribunal President: Personal Representative, we let you dive in a little too soon. Did the Detainee wish to make this statement under oath or not under oath?

Personal Representative: No. The Detainee said not under oath.

Detainee: I do not wish to make a swearing of the statement. However, if the court would prove me innocent, I am willing to swear.

Tribunal President: It is strictly up to you - whether you wish to swear or not swear.

Detainee: I was told that by the Representative.

Tribunal President: So, you know it is your choice. We need to know whether you wish to do so now or not?

Detainee: If you will let me go, I will swear.

Tribunal President: Okay. Whether you swear or not will have some bearing, but we cannot tell you that simply by swearing you will be released.

Detainee: I already know this, but at this present time I am not going to swear.

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Tribunal President: That's fine. That's all we needed to know.

Recorder: Mr. President, for the record, would you like me to re-summarize the evidence?

Tribunal President: No, we are fine right now. Thank you. Personal Representative, do you have any other questions for the Detainee?

Personal Representative: No, Sir. We have covered what I told him we would cover in the meetings.

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

Recorder: No.

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

Tribunal Member: May I see the exhibits for a second, Sir.

Tribunal President: Sure.

Tribunal Member: Yes, Sir, I have a question. In regard to the summary we just went over with the Personal Representative, specifically points five and six where it discussed the Al Qaida safe house and how you were captured or arrested - you do not have to answer if you chose not to: Why were you there, and what were you doing with those people?

Detainee: I was asked that question previously, and I told them I only knew one individual. That person is Al Zamel. And that was it.

Tribunal Member: I understand that, but why did you go to that location?

Detainee: I was traveling. I wanted to go back to my family. I was told in that house there was somebody there in that house that spoke the same language, Urdu. I went there so I could buy a ticket. That was the only reason I went there.

Tribunal Member: I am asking these questions because the Tribunal has not seen any evidence. We are trying to build facts. Thank you.

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Tribunal President (*to the Detainee*): Understand, you do not have to answer any questions.

Detainee: I understand that. All these questions are normal questions to me.

Tribunal President: Very good.

Tribunal Member: I'd like to start, if I may, by asking the Recorder one question about Exhibit "R-18." These are the questions for the Detainee's family?

Recorder: That is correct, Sir.

Tribunal Member: Do we know who answered these questions?

Recorder: No, I do not.

Tribunal Member: Have these questions and answers been shown to the Personal Representative?

Recorder: Yes.

Tribunal Member: There is a question in here that appears to have been answered by the Detainee's family. The question is, "Was Al Azmi associated with any type of non-Governmental organization, specifically AL Wafa while in Kuwait?" The answer by his family is, "He did work in Al Wafa charitable organization while in Kabul for a very short time." Is that correct?

Detainee: Are you saying Al Azmi or Al Zamel?

Tribunal Member: Al Azmi.

Detainee: Al Azmi?

Tribunal Member: Is that your friend?

Detainee: No, that is me. Al Azmi is me.

Tribunal Member: So, in this exhibit, your family said you worked for Al Wafa.

Detainee: Who in my family made that remark?

Tribunal Member: I do not know, but is the remark correct?

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Detainee: No. Nobody from my family even knew that I was traveling to Afghanistan.

Tribunal Member: Okay, I have no further questions.

Tribunal President: Sa Ad Al Azmi, do you have any other evidence to present to this Tribunal?

Detainee: At the present time, no.

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

Personal Representative: No, Sir.

Tribunal President: Recorder, do you have any final evidence or question for the Tribunal?


Recorder: Yes. One question, when going to the safe house: Whom did you meet at the safe house?

Detainee: I met my friend, whose name is Al Zamel. There were some other people there, but I did not know them. They were of different nationalities.

Tribunal President: All evidence having been provided to this Tribunal, this concludes this Tribunal session.

AUTHENTICATION

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


Colonel, US Army
Tribunal President

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Summarized Unsworn Detainee Statement

When advised by the Tribunal President that the following would apply the detainee stated that he understood all that was being translated to him.

When advised by the Tribunal President that he may be present at all sessions of the tribunal unless he becomes disorderly the detainee stated yes.

The Detainee stated that he understood the process; he also stated that he did not have any questions about the process.

When advised by the Tribunal President that he may present to the Tribunal any evidence that he may have, the detainee stated he would answer if asked a question.

The detainee read from notes he created earlier when he met with his Personal Representative. The detainee stated that these [the statements on the Exhibit R-1] were accusations about him and he has read them and has taken note of them.

When asked by the Tribunal President if he would like to make a statement under oath the detainee stated, "yes I will take the oath and I will talk."

The Recorder swore the detainee.

Summarized Sworn Detainee Statement

When asked by the Tribunal President if he would like to address the statements in the unclassified summary [Exhibit R-1] the detainee stated they said he was a member of Al Qaida and that was not true. The detainee stated that he was not a member of Al Qaida in the first place.

The detainee stated that Question #2 [of Exhibit R-2] said that he confessed that he established the group of al-Wafa with Mr. Suliman Abu Ghaith. The detainee asserted that he did not establish this organization, he was just an employee and that he had "nothing to do with inside and the outside of the organization." The detainee stated he never accepted the accusation and he never said he did this [organized the al-Wafa group] or that he was a member of this organization or establishment and that he just stated he was just an employee, that there is an difference between an employee and a the one who established the organization.

He said that to his knowledge it was a charity organization.

The detainee stated that he did stay at a safe house but does not know where they got this name ["safe house"]. The detainee said that while he was there he was waiting to escape to Pakistan, and waited there for 16 weeks.

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The detainee stated Suliman Abu Ghaith was a good person and had no knowledge he was a spokesperson for Al Qaida.

The detainee stated he never knew or confessed to the September 11th attacks.

At the Detainee's request, the Personal Representative made the following comments, which had previously been prepared by the detainee:

First, if al-Wafa is already considered a terrorist organization in accordance with the President's Executive Order # 13244, he [the detainee] fears he is already considered an enemy combatant, although he knows al-Wafa is a charitable organization, he was only an employee and ended his employment on 1 August 2001.

Second, although he understood the role of the Personal Representative it did not make sense to him that I [the Personal Representative] was not an attorney and that didn't know him well.

Third, relative to the information in the unclassified summary, he was not aware of the events prior to September 11th and if anybody were it would have been prevented.

Summarized Answers in Response to Questions by the Tribunal Members

Q. What position did you hold in al-Wafa?

A. I was the manager for the Kabul office.

Q. So you were the senior person in the Kabul office?

A. Yes.

Q. Did your wife and family live with you in Kabul in 2001?

A. Yes, they lived with me.

Q. Then did you take your family out of Afghanistan shortly before the September 11th 2001 attacks?

A. Yes.

Q. Did you also help Mr. Abu Ghaith family also leave Afghanistan?

A. Yes.

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Q. And that was also shortly before the September 11th attacks correct?

A. Yes.

Q. You stated you ended your employment with al-Wafa on the first of August 2001.

A. Yes, true.

Q. Where did you go when you ended your employment?

A. I went to Pakistan for approximately a month or a little more and went back to Pakistan.

Q. So, when did you return to Afghanistan?

A. I went back to Afghanistan after a month in Pakistan and went again to Kandahar. After that I took the Ghaith family and went back to Pakistan again.

Q. Is that the reason you returned to Afghanistan was to get his family?

A. No, he was going to Kabul and he met me and then he told me that he wanted to move his family and then we moved them.

Q. Why did you return to Afghanistan after removing your family from Afghanistan?

A. Where did you want me to go?

Q. You stated you took your family out of Afghanistan and then returned alone but were not working for al-Wafa.

A. When I left for Afghanistan there was no other organization there, so where should I go, I just went to Afghanistan.

Q. Now, how do you know Mr. Abu Ghaith?

A. I knew him from Kuwait, I saw him two or three times while in Kuwait. When he came to Afghanistan, I wrote him a letter. I heard that he honored his family and I told him if he honored his family let's meet in October.

Q. And you know him to be the spokesperson for Al Qaida and Usama Bin Laden correct?

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A. This is later, after September 11th when he appeared on TV, I knew. In the beginning, no.

Q. Sir, you said that you left your office 1 August 2001? Why, was it because you were fired or you chose to leave on your own accord?

A. Disagreement.

Q. So, you chose to leave?

A. Yes.

Q. What was the disagreement about?

A. If you want he to say it then I will say it.

Q. I want him to say it.

A. He was not in Herat, he was in Kandahar. He [Detainee's new supervisor] came after I had started after one month. He interfered with my job; I got the job one month before he came. When he came he interfered with my job and it made me unhappy and this is one good reason why I needed a good job. When supplies come, food or medical equipment or something and it is broken or croked, I get upset. He says that it is okay, its okay. I told him that this is not your money, not my money. This is good people's money you have to care and be careful with it. And be careful of long distance [phone calls] because the young people call for hours and call their families overseas and everywhere, I get angry. And I told him that his is good people's money and collected for the mosque to give it to the poor. We don't allow strangers to come and waste it like that, so he got real angry with that. He entered my house while I was absent and he go through my stuff and my wife's stuff and this made me real angry. He build a hospital pretty fast, and he worked real hard to establish it, and he came and he wanted to come here and change what he worked hard for. And then he said he did not want anyone to come and work for him except for people from Mecca. So after all of my hard work he wanted to kick me out, so I leave.

Q. How much was he paying you?

A. In the beginning, nothing, then two hundred dollars a month. I did not expect money from him because it was volunteer work.

Q. Adel Zamel do you have any other evidence to present to this tribunal?

A. I have nothing else to say except if you have questions.

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Questions were concluded.

When advised that he would be notified of the tribunal decision the detainee stated that he was astonished. What is the relationship between fighting and a charity organization? I am not a combat fighting animal. It is just a charity organization. What is my mistake? Why are you mentioning Al Qaida and fighting when I worked for a charity organization? How can my family prove I am innocent when they are in Kuwait and I am here? My family, my wife and children they don't know anything about me. I have not even received any letters from them.

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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The Tribunal President advised the Detainee that his 5 requested witnesses were not relevant to the Detainee's classification as an Enemy Combatant, because the witnesses would testify that the Detainee was a student from June 2000 to February 2001. The time frame that would be relevant would be after September 2001.

In response, the Detainee stated:

If my memory is correct, the only time I spent in Pakistan was from June 2000 until February 2001. I wasn't there after February. I was captured. I was in Pakistan.

I was only there (Pakistan) for only 7 months. After that, I was captured in Pakistan. The whole thing was only 7 months.

Detainee's Unsworn Statement

The Personal Representative read the Unclassified Summary of Evidence, point by point, and the Detainee addressed each point individually.

- **3(a)(1) The Detainee traveled to Afghanistan to fight in the Jihad.**

I have never been to Afghanistan. I was only in Pakistan for an exact time period of 7 months to go to the University. My passport will educate that because it's all marked in my passport. My passport will prove that I was only in Pakistan once, from this period to that period, and I was captured at the end of that period, so how could I be in Afghanistan?

- **3(a)(2) The Detainee avowed he would follow a fatwa that declared Jihad and would not question the guidance of his leader.**

This statement has no foundation at all. The whole thing was with the interrogator, he said "If you were asked to participate in Jihad, or if one of your leaders asked you to do something, are you going to follow this fatwa?" My answer was negative. Absolutely no. I remember vividly that I told him I don't follow any specific person because I, Emad Abdalla, have my own ideas and philosophy, which I respect and follow. I don't follow anybody else.

- **3(a)(3) The Detainee affirmed that if a leader of his tribe ordered an attack on America, he would be bound by duty to obey.**

This, I can answer from 2 aspects. The first point is, I don't belong to any tribe. As you know, the policy we follow in southern Yemen, there are no tribes or tribe leaders.

Second, we [Detainee and Interrogators] were just discussing and talking about the tribal laws in Yemen. I remember vividly that he [interrogator] asked me "if a

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tribe leader asks somebody to kill somebody or follow his order, do you think he would follow?" I said yes, he would follow. This is how the tribal laws go. I never said such a thing is related to me. Maybe the translator applied this statement to me just because I am Yemeni.

- **3(a)(4) While in Afghanistan, the Detainee received training at the Al-Farouq training camp.**

The answer to this is exactly the same as the one before. I've never been to Afghanistan.

- **3(a)(5) The Detainee traveled to both Kandahar and the Tora Bora region of Afghanistan.**

The same answer.

- **3(a)(6) The Detainee was arrested by Pakistani authorities in Faisalabad, Pakistan, along with several others living in the same house, who were from Yemen, Saudi Arabia, Palestine, Libya, Russian and Pakistan.**

This is true, but let me make this clear. It is a University dorm, so we have international students from all over the world, so it makes sense that we have so many different nationalities.

Questions to Detainee by the Personal Representative

Q: Please describe, for the Tribunal, the course of study you participated in.

A: The study of the Koran. Just from the name of the University, Salifiyah University, it means study of the old science, but mainly the Koran. It is recognized by the Pakistani government. This university is not following any organization or anything. How could this title of "terrorist" be put on us, just like that?

This is a simple and small university. I don't know why they are giving it such a big importance and big attention. It is just a simple, plain university.

If it is proven that I was only at the university, it would, therefore prove that I have never been to Afghanistan. Most of the students escaped from this university. The oldest of them is not even 23. We are all in that age range.

Even when we were captured in Pakistan, the person in charge came and told us we didn't have anything to worry about. He told us that our sheet was clean and we had nothing to worry about.

Again, this can show clearly that I was at the university and it will clearly show that I was in Pakistan only during this time of study.

Questions to Detainee by Tribunal Members

Q: When you were captured in Pakistan, did you have your passport with you?

A: Yes.

Q: Do you know what happened to it after that?

A: They [unknown] brought me a copy over here. It does exist.

Q: Have you seen either the passport or a copy since you've been here?

A: Yes, I saw a copy of it here.

Questions to Personal Representative by Tribunal Members

Q: Did you happen to see either the passport or a copy of it while you were preparing the case for the Detainee?

A: No, I did not.

Questions to Recorder by Tribunal Members

Q: Are you aware if the passport is in control of the U.S. government here in Guantanamo?

A: No, sir, I'm not aware.

Questions to Detainee by Tribunal Members

Q: If we were to see a copy of your passport, what are the dates it would say you are in Pakistan?

A: The date of my entry to Pakistan, the dates I have on my visa, they all exist there. Even in Pakistan, we were received by American investigators. We were interrogated by American interrogators in Pakistan.

Q: How long have you been here at the camp?

A: I really don't know anymore, but most likely 2 to 2 ½ years.

- Q: Prior to coming here, you were held in Pakistan for a while?
- A: Two months.
- Q: Can you estimate roughly how many times you've been interrogated since you've been here?
- A: It is very difficult. There have been so many times I can't say a number.
- Q: The interrogators have asked you about your association with Al Qaeda?
- A: Yes, I believe so.
- Q: Have you told them the same thing that you are telling us? You have never been to Afghanistan.
- A: Yes.
- Q: Then why do you believe you are here?
- A: (Laughter) How can you ask me this question? This question should be asked to you.
- Q: You've been here almost 3 years. Surely the interrogators have given you an idea of why they believe you should be here.
- A: In Bagram, they told me I was definitely going to go home. They told us we were captured by mistake. We're still under the error.
- Q: Bagram is in Afghanistan, is it not?
- A: Yes, that is true.
- Q: So, how long were you in Afghanistan?
- A: Nineteen days.
- Q: So, after you were captured, you were in Pakistan for a while? Then you were in Afghanistan, and then here?
- A: They kept us for 2 months in Pakistan. Then they took us to Bagram, then to Kandahar and then here [Guantanamo Bay, Cuba].

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Q: As I understand what you've told us today, the only reason you were in Pakistan is because you were a university student in Faisalabad?

A: Yes, that is true.

Q: Have you ever received any military training?

A: You mean in Pakistan?

Q: In Pakistan or before that.

A: In Yemen, we don't really need any training. Weapons are a normal part of life we see since we are kids.

Q: Are you proficient in any particular types of weapons?

A: We have traditional small swords that we keep here [across the chest] that is something everybody wears. People carry them with them all day and sleep with them. It's something normal.

Q: Have you ever received training on rifles?

A: We carry pistols on our sides. No rifles, just pistols.

Q: Did you have a weapon with you in Pakistan for personal protection?

A: (Laughter) Why would we need personal protection? No, we didn't have anything.

Q: How old are you?

A: 25

Q: Were you arrested with other individuals?

A: Yes.

Q: Other university students?

A: Yes, we were all university students and we were all captured in the same house.

Q: Can you estimate the number? How many were with you?

A: Approximately 12-15.

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- Q: Was that the population of your university, or were there other houses with students? Were you just a small element, or was that pretty much the student body?
- A: I don't know if there were other houses for students. You'll have to ask the administration of the university.
- Q: How large was your university? How many students?
- A: There were a lot of students, by the hundreds I would say.
- Q: Do you have any reason to suspect that the local authorities had a problem with your particular house?
- A: The problem is, they told us themselves that "we captured you by mistake and we are going to free you."
- Q: Do you know what may have happened to some of your fellow classmates?
- A: How?
- Q: I don't know, that's why I asked you. If you don't know, that's fine.
- A: Do you mean the ones that were captured with me?
- Q: Yes.
- A: They are all here with me.

Detainee's Unsworn Statement

There is one important piece of information. If you determine that I was in Pakistan, this will determine that I was never in Afghanistan. Since all of the accusations are based on that, that will clear that up.

For example, if Emad [Detainee] is here now. It is impossible that one guard will come here and tell us that Emad [Detainee] is in the cell. That means, definitely he [the guard] is lying because you can't split a man in two parts.

Even the interrogators in Pakistan told me that they have the proof that I was registered [as a student] and all that is true, so that means I was in Pakistan. And he [interrogator] told me they came to the conclusion that we were effectively students at that university. It was very precise and determined.

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So, if it has been proven I was at the university, there is no way I could be in Afghanistan. It has been proven. An interrogator told me and confirmed to me that they concluded and verified that we were students at that university.

This proof is solid and strong. The rest has no foundation whatsoever. This is all that I have.

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 Detainee Statement

Tribunal President: Fouad Al Rabia, you may now present a statement. Do you have a statement to make to this Tribunal?

Detainee: Yes, I do.

Tribunal President: Would you like that statement to be sworn or unsworn?

Detainee: Which would be better for you?

Tribunal President: It is strictly your choice. If you wish to make a sworn statement, that is fine. If you wish to continue without a sworn statement, that is your choice as well.

Detainee: I value the word Allah very much. If I would say, my word here would have weight on this proceeding, I will swear by Allah. Otherwise, I will not say his name in vain.

Tribunal President: This is a very formal proceeding. I understand the importance you place upon Allah. We place a very great importance upon this Tribunal as well. So I believe this is an occasion where a sworn statement will be worth your time. Would you like to have the Recorder read the Muslim or non-Muslim oath?

Detainee: Yes, I have read those oaths, but I would like to read my own.

The Detainee was sworn using a Muslim oath of his choice. The Detainee declined using the prepared Muslim oath. The Detainee testified to the Tribunal in English in substance as follows:

Detainee: May I start?

Tribunal President: You may begin.

Detainee: I would like to start by introducing myself. My name is Fouad Al Rabia. I am a Kuwaiti national. I am 45 years old and I am married with four children. I have a masters degree in business. I have worked for thirty-four years with Kuwaiti Airways as an engineer. I also partially own and manage a health club. I also do relief work in my extra time. I am a very busy businessman with a life back at home. I will start now with what has happened.

In May 2001, I was in the club I was managing. A young man, a member of the club, came to me and said you and the relief organization I volunteered for, which helps other nations all over the world, forgot about the millions of people in Afghanistan. I asked him what he meant by that. I said Kuwait did not forget about Afghanistan, but Kuwait was disappointed with the Afghanis after the whole world had supported the Afghanis by

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Summarized Detainee Statement

Tribunal President: Fouad Al Rabia, you may now present a statement. Do you have a statement to make to this Tribunal?

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assisting in removing the Russians. Then they started a civil war and became the largest producers of drugs in the world. The young man stated that this was wrong information. The young man stated there was no civil war; there is war in the Northern part of the country; there are no people carrying weapons in the street; and there are no drugs. All the drug fields had been burned. This sounded very strange to me. I did not believe a country could gain control over the drug problem just like that by burning tens of thousands of poppy fields. The young man stated the only problem the Afghans had at that time was the drought and the lack of medical infrastructure. To us Kuwaitis, helping Afghanistan would have been a great victory to the Gulf area. All of the drug problems in the Gulf stem from Afghanistan. Whoever was overseeing these tens of thousands of poppy fields totaled five million. By burning these fields, they became drugless; they became homeless; and they have theft in the area. This young man, named Abu Suliymman who came to me in the club, was just like any other Kuwaiti. He asked me to come to Afghanistan and see the problems for myself. I asked him if there were any other people going. Abu Suliymman replied many people were going there. Abu Suliymman stated a student scholar by the name of Abu Muldah would also be going. I considered it a great honor to be accompanied by a student scholar. A student scholar does not have students of his own nor has written books, but he is studying to be so. However, a student scholar is extremely knowledgeable in Islam. I thought it was a good idea if I went along with this student scholar. Abu Suliymman stated he would make all the arrangements for the trip. Once I reached the airport in Pakistan, I would be escorted all the way into Afghanistan. I asked Abu Suliymman what kind of visas I would need. Abu Suliymman stated I did not need any visa to get into Afghanistan. The fact that I was Muslim would allow me entrance into the country. He stated there were no border controls or passport controls into Afghanistan. It is a refugee pass that everyone was going through, so it made no sense to have an office there. Abu Suliymman said Abu Muldah would be ready by June 1st to go. I said fine. It was very easy for me to take a ten-day vacation from my employment. Ten days was more than what we needed to go and see what we needed to see. I gave Abu Muldah a courtesy call, and told him I was going on the trip with him. We left as planned, and traveled to Pakistan. A gentleman was waiting for us at the airport in Pakistan. Abu Muldah and I were very distinctive looking. We were dressed with headpieces, scarves, and we both were a little chunky. I weighed 240 pounds at the time and Abu Muldah's weight was not very far behind mine. The gentleman was able to pick us out of the crowd. The gentleman took Abu Muldah and myself by taxi from the airport to a town called Quetta. There we slept. The gentleman said the next morning a taxi would take us to our next location.

The next morning a taxi came with another escort. The second escort told Abu Muldah and I that the way we looked, we would not pass any of the checkpoints. It looked like we had money, and no one would let us in without asking for any money. There were about seven checkpoints. If we did not pay them, they would let us stand there for hours. The escort told Abu Muldah and I to keep only our scarves and to give him everything else we had that could possibly show we were well-off people.

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Detainee (continued): The escort wanted us to blend in and look more like the other Pakistani people. Abu Muldah and I complied. We got in the car and there were many check points along the way. We were able to pass across. When we reached the last checkpoint, the escort told us to get out of the car. The escort told Abu Muldah and I we had to ride motorbikes the rest of the way. I was concerned because of my weight, and I had not ridden on the back of a motorbike. Also, it was not honorable for a scholar, Abu Muldah, and myself to do such a thing. We were told we had to ride on the motorbikes. We complied. The ride was about four or five minutes. Once we crossed, another taxi met us on the other side. Once we were in the taxi, there were no problems. The taxi took Abu Muldah and I to meet with an official, Abu Sullyman, that greeted us. Abu Muldah and I complained about the improper travel across the Afghan border. The official told us this was not the proper way of traveling, but we were in Afghanistan. There was no border control, no passport check, nothing; there were no laws, and we would see for ourselves. We visited for about an hour. I saw refugees scattered in the desert. This was in June. It was very hot. People were lying on the ground in the desert. The scene was so much to comprehend.

As we were traveling from Kuwait, I realized the purpose of Abu Muldah's trip to Afghanistan differed from mine. I was there to see the refugees and to assist with their situation. Abu Muldah said there was a missionary man that told him there was a ruler. Bin Laden, called Al Abu Asaa. I did not know who Al Abu Asaa was. Abu Muldah said this person was identified in the prophecy of the Koran as the guided one, Al Mahi. The guided one is someone who will pave the way. Abu Muldah said there were a few more people who are paving the way to Al Mahi. I told Abu Muldah I did not know that. Abu Muldah said there was a man called Al Abu Asaa and another man, I cannot recall. Abu Muldah said maybe Bin Laden is Al Abu Asaa. Abu Muldah said he had to find out if this were true. If this were not true, the word had to get out to the people so they would not follow a false prophecy. I asked Abu Muldah how he was planning to see this person. I asked if we were going to climb mountains or go out in the middle of the night. Abu Muldah said no, and he was told that Bin Laden is living inside a residence in Kandahar. Many people visit Bin Laden there - just like any normal person. Abu Muldah assured me we were not sneaking about to do anything illegal. I said fine. I am going to Afghanistan for my purpose.

Once we reached the official's residence in Kandahar, I had a gift, a small two-gallon container of holy water from Mecca. It is customary to give a gift to the person who arranged for our arrival. It was a small container, and I was able to carry it aboard the aircraft. I also had an incense burner, or hand warmer, that I gave as a gift. I told the official what I saw, but for me to present this information to the relief organization, I would need statistics. The official told me he would go to the consulate and get an appointment. The official was able to make me an appointment with the office of the Governor of Kandahar. I went there, and officials from the UNCR (United Nations Commission for Refugees) and WFP (World Food Program) were there. I told the Kandahar official I was there to help assist the problems concerning malnutrition, disease, health problems, and drugs.

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Detainee (continued): The next day, I went back and met with officials from the Ministry of Health and the Ministry of Public Works. I gave them my business card. The public works official talked about a problem concerning the lack of water. The health ministry official talked about the lack of medical infrastructure. They had no proper operating rooms, dialysis machines, delivery rooms, no incubators, nothing. I told both officials I needed official, stamped documentation to take back to the people who could do something about their problems. The official told me it would take a couple of days to gather up the documentation, and they would fax it to me when it was ready. I told them that was fine. My meeting concluded, and I returned back to the residence. I was convinced the people of Afghanistan needed help. It was a total of 10.2 million refugees in the region that needed assistance - more than half of the population. It was a disaster area. I did not see any weapons in the streets. I did not see drugs being sold in the streets. I discovered from my research that the United Nations Drug Control Program visited Afghanistan and found no poppy fields. My side of the trip was finished.

I went back to the residence. Someone told Abu Muldah that he was in luck; Bin Laden came to town and he could see him today. To us in Kuwait before this, Bin Laden was an eccentric millionaire who became a revolutionary. This was way before September happened, and way before we realized what Bin Laden was capable of doing. The house was in Kandahar, and everything looked peaceful there. We went inside. There were no guards and we were not searched. Bin Laden was sitting in an open room and he greeted us. We sat down. When we were in the Governor's office meeting about the refugees - I am the one who talked because it was my business - the person who listened was Abu Muldah. This time, it was the other way around. Abu Muldah talked and I listened, because I am just a person seeing what was going on. I was seeing the chat that was going on. As I said, Abu Muldah had specific questions to find out if this person was the man with the cane or not. Abu Muldah asked this person, Bin Laden, where he was from; so on and so on. Then Abu Muldah asked Bin Laden his opinion about killing innocent people, killing civilians. I think Abu Muldah was referring to the bombing in Africa. Bin Laden replied, he did not order the bombing but he was not shocked by it. Bin Laden cited words from Arabic stating I do not order massacres, but I do not object if I see them. So, this did not sit well with Abu Muldah because Al Abu Asaa is supposed to be the man with the cane. Al Abu Asaa should be guiding people like a Shepard with a stick, not with a sword. Al Abu Asaa is not supposed to be killing people; he was supposed to preaching to them and guiding them to the way to the guided one. The conversation ended about late afternoon.

A young man named Abu Sulyman came and showed Bin Laden the hand warmer. Abu Sulyman said that in Kuwait the item was used as an incense burner, but it is actually a hand warmer. It could be useful for people in the mountains. He looked at me and said we would rather have three hundred pairs of woolen underwear instead of hand warmers. Then, somebody came into the room; this was an open room, it was not closed off. A man who looked like another visitor came and hugged him. This man gave him perfumes, sandalwood, and things like that from Saudi Arabia. He had nothing else in his hands, because they checked everything before you get close to Bin Laden. And that was

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the end of that. We were asked to go to the second room to have dinner. We went to pray the sunset prayer. We had dinner. I asked Abu Suliymman why did he embarrass me by letting Bin Laden ask me about the hand warmers. Abu Suliymman said Bin Laden was speaking to him, not me. Abu Suliymman said that there were no strings attached, and they were not asking us for anything. This was Abu Muldah's fault, because this was his part of the trip.

I later asked Abu Muldah if he thought Bin Laden was the man with the cane. Abu Muldah replied he did not think so. Very important point that I missed earlier: Abu Muldah asked Bin Laden straightforward what he wanted. Bin Laden said he wanted the Americans out of the Gulf. Then, I asked how about Kuwait. Last time we had Saddam enter Kuwait because there was no one there to protect us. Bin Laden said look at the big picture, meaning it was okay for Saddam to enter Kuwait again. Why? Because if the Americans leave, Saddam would come in. Bin Laden said no problem. Let Saddam come in and then something would happen, and control would come back. By that time, what is going to happen to Kuwait? I was in Kuwait during the invasion. I saw what Saddam did. I saw what could be done to a small country, like Kuwait, by an enemy. So when we went outside, I asked Abu Muldah if Bin Laden was the man with the cane. Abu Muldah said I don't think so. I replied thank God, because if he were the man with the cane, that means he is coming to our area, as the prophecy states, and he will destroy Kuwait. I am a business man in Kuwait. If I wanted to see Kuwait disappear, I would not have my fortune in Kuwait. I would take my family and my business somewhere else, where it would be safe. But I have everything in Kuwait because I feel it is safe, and I would like for Kuwait to remain safe. We have friends to help keep Kuwait safe, under the grace of Allah of course.

So, that was the end of the first meeting. The next day Abu Muldah and I were invited to lunch. Bin Laden did attend this luncheon. That night Abu Muldah and I were invited again. Bin Laden was also invited because he was the man, and people invited him. Abu Muldah and I were strangers visiting the town, so we were invited as well. This was the third meeting. Then the day after that was the day for Abu Muldah and I to leave to return to Kuwait. It is our custom if someone invites you to their home, then before you leave the town, you have to go back and say farewell. So we went back to the house, but Bin Laden was not there. So, Abu Muldah and I went into a room where a video tape was played of Bin Laden's interviews with CNN, Al-Jazeera, and other news agencies. Then, Bin Laden came with Abu Suliymman. They saw us; we said goodbye; and then we left.

Those are the four times I saw Bin Laden. As you can see here in the points, it mentions I met Bin Laden four times. This was not an intelligence gathering. This is what I told them. I told the interrogators I saw Bin Laden, but they changed it to say I met with Bin Laden. Look what the interrogators wrote about me. Anyway, I will continue.

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Detainee (continued): I went back to Kuwait. In Kuwait, I started doing my research. I looked at the UN articles; I looked at the World Food Program articles; and I looked at the WFP and UNCR articles. I compiled all my research on that matter, and it is ready for you in Kuwait. I have letters from my family saying all the documentation is waiting and ready for you. It has been translated and presented to the appropriate officials. I would like to present it now.

Personal Representative submits Exhibit "D-B" to the Tribunal

Detainee: The second half of the letter is the document part. The first half is a greeting. So, I went to the relief organizations. The faxes came in from Afghanistan. I was supposed to get 20 pages, but I only received 7 and a half because of the bad lines in Afghanistan. I took my research, along with the faxes, to the relief organization. The organization stated this was far greater than for one individual organization to handle. The Kuwaiti Joint Relief Council should take this job. I was told I was to go and brief the head of the Joint Relief Council. I went to present the information to this person. I had an appointment with this person. I showed him my research, and he said this was something that was far greater than any one person can handle. He was convinced from my research that Afghanistan was a genuine disaster area. So, we will re-open our regional office in Peshawar, which is in Pakistan. The UN does not acknowledge the Taliban as a Government - neither does the relief organization approve of the Taliban as a Government. They also requested that I be the head of the Peshawar relief office. There was no objection to my appointment, and soon after a secondment letter for me was to be drafted. A secondment letter is something we have in Kuwait that simply authorizes my job, Kuwait Airways, to place me in a paid leave status for the duration of the appointment, which was to be for one year. I took this letter to Kuwait Airways after I received the letter from the Kuwaiti ministry. Once the Kuwait Airways President signed the letter, my paid leave would start automatically, and I would be headed to the office in Peshawar. I understood that once I reached this stage, it would mean I would have to make a presentation to all the relief council heads, and they would assign staff to different jobs and allocate the budget. I realized they would not allocate a budget for this purpose. I realized the department heads would not allocate the budget based on just my word. I needed to take pictures of the hospitals, the dry terrain, the operation rooms, the refugees in the desert, and so on and so forth. These were the things the department heads were looking for. So, I was ready to help and do what I needed to do to educate the gentlemen.

I did not want to travel to Afghanistan in the manner I did during my last trip. It did not look proper. Because of my weight, I was not going to ride on the back of a motorbike again. I was too big for that. Also, it was not honorable for a person of my stature. I was thinking of how I was going to go back to Afghanistan to take the pictures I needed. I did not want to come close to Bin Laden after what he said; I did not want to get too close to Bin Laden's people because I had no idea of what they were going to do. And then, all of a sudden, September 11th happened. At that time, no one knew who was responsible, but as the days went by the fingers started pointing at Bin Laden.

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Detainee (continued): During this time I had closed my research of the things going on in Afghanistan. I was preparing to have someone take over my position at my job until I returned. I had to resign my job as the manager of the health club so they could appoint someone else to take over as manager. I gave the club enough notice of my pending resignation. The news had come that I was leaving the club for the relief organization business. It was big news. During that time I heard the news that the Taliban was threatening to exile the non-Muslim people from Afghanistan. So, even with all the problems going on in Afghanistan, even with the need that they had, the Afghan Government was planning to throw all the people out - all the people who were helping them out. So, the need even became greater for some one to come out and help the refugees. During that time also, the drought center was estimating that in 2002 the rainfall would be very little in Pakistan and Afghanistan. So, the problem was becoming greater and escalating.

I was then contacted by a friend of Abu Suliyma. This person asked me if I was going to Pakistan. I told him yes, that I was going to run the office there, but I needed to go to Afghanistan first and take pictures of everything I saw. I told this person I did not want to go through Abu Suliyma, because Suliyma was a part of Al Qaida. This person told me he was going to Afghanistan and I told him I wanted to go. I told this person I did not want to play around, and I wanted to travel officially by using my passport. This man told me he did not approve of Al Qaida. Mr. Abu Hufs is this the second gentleman. I found out later the reasons why Abu Hufs did not like Al Qaida. The reason Abu Hufs disapproved of Al Qaida was because he was in Afghanistan during the Russian time, and his skin color was a renounced color in Afghanistan during that time. Sheik Ali Hasam was assassinated, and the rumors are Bin Laden was responsible for the assassination. So, Abu Hufs feels that Bin Laden assassinated Hasam, so that is why he does not like Bin Laden or Bin Laden's organization. Al Qaida was a name we did not know in Kuwait. We just knew Bin Laden as an eccentric millionaire, as a revolutionary. It was not an organization. I knew at one point Bin Laden was living in a grand house with ten or twenty young men sitting outside. But Bin Laden does not look like an organization. Bin Laden did not look like any real threat. He looked like anyone else who liked to make speeches. He is not a person who would do as much as he would say.

So, I told Abu Hufs that all I needed was one day in Afghanistan to videotape and to help out. Abu Hufs said no problem, but he had so many other things to do, for he was planning on staying longer. All I needed was my carry on luggage, which included a change of underwear, my videotape camera, and my medications. I had my things ready to go, and I told Abu Hufs whenever he was ready to go that I would be ready to go. Abu Hufs said we would not be going through Pakistan; we would go through Iran. I told him that would be even better, because I would be in charge of the 1.5 million refugees in that country and I wanted to see those people also. Abu Hufs stated we will be passing through all the customs and so forth. Then we would go to Afghanistan. There were no pauses on the flights from one place to the other, and I was happy with that. Then by the first week of October, Abu Hufs told me he was ready to go. I wanted to leave with him as soon as possible. So, we left about the 3rd of October from Kuwait, through Dubai and

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Tehran, to Masshad, Iran. In Masshad, we stayed at a hotel. A cab came and got us and took us to the border. Our passports were stamped, and the dates I traveled are all in the passport. My passport is here, as evidence, and it shows the dates I left Kuwait and entered Iran. You can go back to it and look at it. When Abu Hufs and I entered Afghanistan, there was no border control, there was no authorities to check anything. There was a guest house for non-Afghanis. Abu Hufs and I went there; they took our luggage and they searched us. The people were not Afghanis, they were not Iranian searchers. It was Arabs that searched us. They took my camera, they took my medications, and they took anything that was open. I was told that the person responsible for checking my items was in Kandahar. I said to the searchers I was going to Kandahar, and they told me fine. I would be able to find my things there in Kandahar. I was told from there, the next morning we should take a bus from Herat to Kandahar. I would be able to take my pictures, make my videotape, go back to Herat, and then back to Masshad, Iran. I took ten days leave from Kuwait Airways for this trip. My ticket was a return ticket for ten days. Everything in my office is still there. It was supposed to be on a ten day leave. I did not leave for an extended leave. I only took hand-carried luggage with me. Anyway, later that night, when we entered Afghanistan, the war had not started yet. Remember, it was not a real risk to enter Afghanistan at that time for many reasons. First, we did not hear the American forces specify a date or deadline for the start of the bombings. Secondly, I was only supposed to be there for one day, and I was leaving right back out. Thirdly, hospitals are not shot at. I was in Kuwait during the bombings in Kuwait. We knew about the strategic bombings from the Americans. I felt safe there, because the Americans were not hitting people rather, they were hitting strategic targets. So, if I am in a hospital for one day, no one is going to hit me there. There was no real threat. So, it was a straightforward, easy decision to make to go into Afghanistan.

I went back to the border city of Herat that night, but the airport was gone. You can check. In my passport, you can check I was there. I had left the Afghani/Iranian borders on that same date. That night was when the first bombs hit. Before I left Kuwait, I did not know there was deadline. But the deadline had passed. It was after September 11th. There was an investigation and there was talk; there was threatening; and there were promises, but there was no action or bombing. So, an extra day would not make a difference. But it happened and I was in Afghanistan, and they bombed the airport. That same night, the Iranians closed their borders to keep out refugees fleeing from Afghanistan. So, they closed the borders on me and I could not go back. I have lower back pain and neck pain. A drive on the off-roads in Afghanistan was not possible for me. All the main roads had been closed, so the only routes were off-roads. You can only imagine how treacherous a trip this was. I had in mind if I went back and told the Government that I was there from the relief organization to help the Afghanis, I was there only to take pictures, and please get me away quickly. I needed to leave. I don't want to stay here. I needed to leave as soon as possible. I have what I need, the video clip, and I needed to leave. I wanted to go to Kandahar, show my videotape to those guys; get my pictures; go to the Kandahar Governor's office, and he will arrange for me to leave. Because the Governor's office had cars with tinted glass, that would go through borders. Something like diplomatic cars. So, I thought that was the easy way out of the country.

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Detainee (continued): That was no big deal. When I reached Kandahar, I was told martial law was in effect. So, no one could come close or speak to the Government officials. I would have been shot on sight if I got too close to that area. I did not get my video camera back. I was told after the borders were closed that the people who seized my items had packed up and moved to Kabul. So, my camera, medication, and everything was in Kabul. I said okay. I can borrow a camera to take more pictures and leave. That was not a big deal. They told me no. The Government officials would not see me and I could not get close to arrange for my transport. Then I was told the Kandahar border was closed for fear of more refugees. There was no other way for me to leave unless I went to Kabul. From Kabul, I was told there were two routes out. This time, Abu Hufs was leading as my escort. I followed him because he knew the country; he knew the area. From Kandahar we went to Kabul. On the way, we were ambushed by highway robbers. However, we escaped without death. We reached Kabul. When we were in Kandahar, we were told to go to the ex-ambassador to Saudi Arabia's residence in Kabul. It is now a guesthouse for Al Qaida. Everyone seemed to know this place. We went there by taxi. When we arrived, we asked for Abu Suliymman and were told he was coming. I told them I needed to get out. I was in Afghanistan to help the refugees. I need to go. I needed to take pictures and leave the country. I am official and I am taking the info I saw to the committee. Abu Hufs told me that was the end of his escort, and he was leaving to go and take care of the reason for his travels. Abu Hufs told me Abu Suliymman would take over and get me out of the country.

Abu Suliymman did not have a residence and was looking for a house. During that time, no one would rent a house to an Arab for fear of being shot or bombed. They would let us stay at their house for a couple of days as a courtesy. So, we were moving from one house to the other every few days, looking for a way to get out. We were then told we had to go to the north to Jalalabad. There was supposed to be a way out from there. So we went to Jalalabad looking for the way out. Now the country is falling. No one believed the country would fall so quickly - within one week. So, you can imagine the chaos that was going on there. When we got to Jalalabad, we were told to go back to Kabul. We went back to Kabul and were told the place was falling and to run away. So we ran away back to Jalalabad. We went back to Jalalabad, which was falling also. We saw in Jalalabad, we saw all the Arabs. There were many people who were Muslim that had left to go to Afghanistan from North Africa and Europe looking for peace and Islam. These people do not want to raise their children in a world of violence. There were hundreds of them. In Jalalabad, all the women, children, and small babies were taken in mini-buses leaving in one direction with young men with machine guns sitting on top. Real disastrous looking. And all the men, no matter how old you were and boys who were strong enough, were inside. We were going in a direction no one knew. The vehicles were full of people who were like luggage thrown on top of each other. We went to a house on the edge of Jalalabad that belonged to a person called Abdul Ghoudous. He turned out to be a very big man in Al Qaida. We took everything in the house with us, and we left because Jalalabad fell. There was no more control. Simply being out on the street was an invitation to be killed. They would kill you on the spot. We walked from there to the baseline edge of the mountains. Those mountains were the

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border mountains known as the Tora Bora mountains. They are on the border of Afghanistan and Pakistan. Because of my health condition, consisting of problems with my neck, back, knees, and my weight, I could not go through the mountains. But I had no choice. I had to walk for about five hours. It was still in the valleys. The group I was with left me because I could not continue walking. I sat down and when the next batch of fleeing refugees came, I caught my breath and continued with them to the next location. There was water there and a kitchen cooking food. I decided to stay there until they found me a way through. I stayed there until Abdul Ghoudous said civilians could not remain in the valley, and everyone had to go up the mountains. They could not secure the valleys anymore. I told them I could not go up the mountains. I cannot walk up the mountain. They said everyone had to go up, and they sent down a mule. The only person that he insisted on sending a mule for was for me. Everyone else had to walk. I was the person from Kuwait that was used to a desk, air conditioning, enjoying food, and being so big. I could not manage. All the way up the mountain, I could hear children; I could hear men; I could see small children walking around. The mountains were filled with civilians fleeing the area. I reached the top of the mountain, sat there, and then could see the chaos that was going on. They did not respect people. It was way above their heads. Everything there had collapsed.

People were arguing over food and things like that. Abdul Ghoudous told me to go and hold down the issue counter. The issue counter is where you sit and you say give. Abdul Ghoudous told me because of my age, no one would scream, shout, or argue with me because of the culture. So he told me to just go and sit there. So I would sit there and say give this person a blanket, or give this person rice, and so forth. No weapons. I did not know the difference between 14.78 or 17.68 ammunition. It was not my business. I was a civilian, and I do not know anything about weapons or such. Abdul Ghoudous told me to be there because my age was enough. Another mule took me over to that place. All I had to do was to stay in the cave; someone would show me a piece of paper stating what they were supposed to be issued, and I would say please issue what you can. And no one would argue with me. Before I went down to that location, I told them I did not know who was coming and they do not know who I am. Would you please help me? So, he sent people to me, and he told them Al Rabia is an old man. These guys were all young men who were in their early twenties. I am about their fathers' ages. They were told not to give me any problems, and to take what was given to them. They replied God's will. So, I sat at the counter, and they would come and I would give them as much as I could. This lasted for a week.

Then Abdul Ghoudous gave the order that everybody go and take as much as we could, because we feared snow was coming. The roads would be blocked. There was also the possibility a bombing would happen, and we would lose all our storage. So, everyone had to take what they had. For another week, I was overseeing six or seven mules. In the early morning, children from the village would come and take the mules, and use them to go to the water spring to fill water jugs to take to their location. They would bring the mules back and leave.

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Detainee (continued): Now after another week, they decided it was time to leave. During that time, I told Abdul Ghoudous I needed to leave. He told me no one was leaving. He said the villages on the other side were not secured yet, and once that had been done, I would be let go. I had to stay like everyone else. I refused to continue to hold the job overseeing the mules. Abdul Ghoudous told me he was not asking me rather, he was telling me. You will earn your keep. This was not time to be nice about anything, because we were at war. So, the bombing started near our location, and it was decided we would withdraw - withdraw with hundreds of refugees. Now, they said it was time to leave. I told them I cannot walk. I need a mule or something to go and leave. They told me sorry, but we don't have any. We cannot give you a mule. After I pleaded with them for a long time, they decided to let me travel with the injured people. I am injured, in a sense, because of my physical condition. The injured people had a shorter route, but it was through a village at the bottom of the valley. That was where the mules came from. That is where, every now and then, we would have a villager or two come up into the mountains selling products to make a little money. So, Abdul Ghoudous said I will take care of you by placing you with the injured, and you will have a safe crossing across the border.

They took two people at a time down the mountain. I came down to the bottom of the mountain, and was told to go to a village outside the mountain. I was told Abdul Ghoudous would meet me there, which he did. I stayed in this village for four to six days. During that time, Abdul Ghoudous said I am sending people to secure any routes so I can send you on. I told him I needed to send a letter to the Kuwaiti Embassy so someone will meet me on the border when I travel. Someone from the embassy would know who I was. Abdul Ghoudous said fine, and that would not be a problem, but first we have to secure a route. Then, I could tell you which route to go to. I said fine, once you have secured the route, I will give you the letter and you can send it so I will have someone from the embassy there. Then one guy from them, of course most people are not tied up because if they were tied up they would be fighting and not walking, so during that time, he said the Northern Alliance took several people as hostages, and stated if they were not given the injured people from the village, the hostages would be killed. So, the remaining injured people were the prize - myself and the other injured gentleman that was walking with me. Some people came one night and said I had to leave. I was taken to Jalalabad. I spent six days in that house. So I got in the car with them, where I was taken to Jalalabad. From there I was handed over to the Northern Alliance. That was the first time in my life I ever wore shackles.

Now, this is my story. I have been here for almost three years. I have been interrogated hundreds of times. I have taken the polygraph. I have taken the CVSA test. More than anyone else in this camp maybe. I would like now to go to the points I am accused of. I will address each point one by one. I thank you for your patience during this inquiry. I will start with the point number one.

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In response to allegation 3(a)(1), that the Detainee traveled to Afghanistan in October 2001:

Detainee: Yes, I did and you know why. I went there to videotape, and I was to go back within a day or two.

In response to allegation 3(a)(2), that the Detainee met with Usama Bin Laden on four occasions during July 2001:

Detainee: It was not July; it was early June. And it was not meeting with Bin Laden. I saw him. This was something I said, it was not gathered by intelligence. I told them about this. I showed them. If anybody who would talk to Bin Laden is a criminal, then take the reporters of CNN and Al-Jazeera. Then anybody just seeing Bin Laden without even talking to him is a criminal - then also take the General. I did not talk to Bin Laden; I just saw him. So, I guess I am in that category in that sense.

In response to allegation 3(a)(2), that the Detainee delivered money to Usama Bin Laden:

Detainee: This is an outright lie, a false statement. First, I had never been to Afghanistan before. I did not build any relations with anyone to start or give anyone any money. You will see if I just jump all the way down to point number seven.

In response to allegation 3(a)(7), that the Detainee was an operator for the Al WAFA NGO and likely transferred large sums of money through a front company:

Detainee: Now, a person doing that is a person hiding and transferring money, not a straight liner. If I can deliver mine straight, why should I go and find other ways? I would say that for them to keep me here, let's stick everything on this guy hoping something would stick. These two points are contradicting. If I am going to give them money by hand, why should I go through a front company or an NGO or whatever? If I did give him money, why should I go through that? I did not go through that. Why should I give him money straight? I hope I am making myself clear to you. Secondly, about the Al WAFA organization. Their chairman is here. He was asked about me. He denied knowing who I was. It is on record. I asked if I could have him as my witness, and now he is refusing to talk. [Note: The detainee requested no witnesses for the Tribunal.] I tell you please look at his record, look at what his interrogator said before he stopped talking. You will find that they asked him about me, and he said I do not know this man. You have other people from Al WAFA here, and they will say they do not know me. I do not know who these people are. I will go back to point number three.

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In response to allegation 3(a)(3), that the Detainee delivered money to Usama Bin Laden:

Detainee: If I gave Usama Bin Laden money, and there are other witnesses or evidence - one of the interrogators told me what would you say if we found a suitcase that had the money. I told him perfect - please take my fingerprints now. I know my fingerprints would not be on the suitcase. If there are witnesses, then I want to see the witnesses. I am sure there are no witnesses. If there are any, they are somewhere here on the camp. I will advise that you will find here some people have been on drugs and some people have become insane. If they said they have someone who said or saw me, please find out and see them for yourselves. You will find that I did not do these things. I would not give money to a man who wants to destroy my country.

In response to allegation 3(a)(4), that the Detainee's name and telephone number were in an address book recovered from the residence where senior Al Qaida operative Khalid Shayk Muhammad was captured:

Detainee: There are two ways for this to have happened or for this phone book to read such. First, Abu Suliymman is a big man. He arranged meetings with everybody. Secondly, Abu Suliymman has my business card. The officials in Kandahar have my card. There were two ways for those people to have my card. Why should they have my card? Well, I would have been in charge of millions of dollars of relief to the refugees. Maybe I am a good target for blackmail in the future. Maybe this has something to do with it. So, this name is not to be thrown away. This name might be useful in the future. That is why these people would have my name and number on hand. I hope this is clear to you.

In response to allegation 3(a)(5), that the Detainee provided coordination and logistical support to Taliban fighters in Tora Bora:

Detainee: There were no Taliban fighters in Tora Bora. Taliban fighters were out fighting. They were not in the mountains hiding or trying to escape. They were fighting for their villages. If some of them did not want to fight, it would be very simple. He does not have to go through mountains or cross the border or anything as such. There was no such thing as a Taliban fighters. The only Afghans, maybe I guess the people who wrote this, meant the boys from the village that I told them about that were coming. Or maybe the villagers that were coming to sell whatever they had. Maybe those were the Taliban fighters to them. I have no idea. Otherwise, there were no Taliban fighters. Also, coordination and logistic support - now I have just been there. I have been to Afghanistan in June for ten days; then, entering in October and running for my life for the next trip. All of a sudden I am a trusted person by the people of that land and the people who hide in the mountains and the people who made the man-made caves and all of this; now they trust me for logistics? I don't have the power to go and see inside any of those man-made caves. As you know, logistics means I had to know what was coming, where it was going, inventory issues, all of these things. None of these things apply here. I have never done any of these things. I had never been to any of these locations. I have

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been asked on the polygraph and the CVSA about these things, and they know I did not do this. Point number six.

In response to allegation 3(a)(6), that the Detainee was present at an Al Qaida meeting in the Tora Bora Mountains in which the topics discussed included the distribution of SAM-7s and other anti-aircraft weapons:

Detainee: Now again points number five and six. Let them decide if I am with the Taliban or am I with Al Qaida. Am I superman to be with everybody at the same time? I was a person who could not walk; I had to ride a mule to go ten meters. Now I coordinated logistic support and held meetings. Aircraft missiles - I think that is too big for a person like me. I do not have any military training. The only military training I had was two weeks in Kuwait. If you would like for me to elaborate on that, I will.

Tribunal President: We can move on.

Detainee: The meeting they are speaking about is what I told them. I asked them to allow someone from each location to come and see my face. That was the meeting that they have turned into an Al Qaida meeting with SAM missiles or whatever. There is no such thing.

I hope I have covered all the points. Is there any point I have missed? I would like to give a final statement, if I may?

Tribunal President: You have covered all seven points.

Detainee: Good. Then if I may, can I finish my statement? How would a person that does not know Afghanistan, does not speak the language, and is not in the proper health, go to the mountains, hold meetings, and arrange support? And, I did not know the locations or anything inside? How can I coordinate between Al Qaida and Taliban when they were friends for a long time? Neither side needed someone like me, who did not know anything, to come and coordinate between them. I am from Kuwait. If I did not like the US, I would not have given the US a \$100 million contract. During my work at Kuwait Airways as an engineer, I had a consignment of spare parts. I could have taken it to Europe; I could have taken it anywhere. But I liked the way the US or American companies were doing business. I helped facilitate this contract. This information was with my interrogators more than a year back. It has never been disputed or argued about. Please do not think of me, because I am in Camp 5, that they have something. If you came here a year back, I would be wearing white because I was in Camp 4. Why was I in Camp 4? Because they had given me the polygraph, they asked me about all these things I am accused of, and I answered truthfully. I have nothing to do with any of this. Then they said no, I was lying. Maybe not in those words, but it was something like that. Then I was given three CVSAs. With the presence of the quality control from the General's office watching. After the third CVSA, they decided to move me to Camp 4. I

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was not moved to Camp 4 for bad behavior. I am too old for that. I was moved to Camp 4, because it was realized I had done nothing wrong.

I told them in the second CVSA to ask me if I lied during my polygraph, or if I tried to manipulate the machine. I said no, I did not lie. The CVSA examiner said I was right, and I did not manipulate the polygraph because my CVSA proved I was not lying in the polygraph. After that, they decided to bring me from Camp Delta to here. When I asked why I was moved to Camp 5, I was told I am an interesting case. I was also told that Camp 5 needed to be operational and military police needed training on how to run this facility when it is fully operational. As you can see now, it is half full. This is just an experiment or a training stage for the people working here. So, I am not here because it was discovered I am the bad guy they were looking for. I am a person who, in May of 2001, felt the entire world was nice - everything was nice. There was no such thing as Al Qaida. There were no problems. I have never been to any station except Kuwait. I had never been interrogated in Kuwait. I am a successful businessman, and happily married with children. I had no problems with anything. Perhaps it was God's will that I saw what I see now. I hope that you will see the truth in what I am saying. I thank you very, very much for your patience. Thank you.

Tribunal President: You have given us much to consider. We are going to take a few minutes to allow the Tribunal Members to read through your statement.

The hearing recessed at 1127 hours. The hearing re-opened at 1137 hours. All parties present prior to recess were again present.

Tribunal President: We have read through your statements. Will you answer questions?

Detainee: Yes, Sir. Of course.

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

Personal Representative: Yes, Sir. I do have questions. I would like to take you back to what you said about the four meetings you sat in with the scholar where Usama Bin Laden was present. You see it says in number three where it claims you delivered money to Usama Bin Laden. You obviously stated you did not and have never delivered money. Have you ever seen anyone deliver money?

Detainee: No. As I explained on the CVSA, I was asked if I had given money to Bin Laden. I said please do not ask me this question as such. Put the question, as have I given Bin Laden money, letters, orders, anything. Don't make the question narrow. I want you to ask if I have given him anything; have I taken from him anything? Did I see anything? Did I see anybody giving him something? No.

Personal Representative: Did you ever see someone give money to Usama Bin Laden?

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Detainee: I did not do it. I did not ask someone to do it. I did not see someone do it for someone else. It is very clear.

Personal Representative: Have the interrogators ever told you about you being confused with someone else who may have given money to Usama Bin Laden?

Detainee: Yes. In the last meeting I had with my interrogator, I was told that it was discovered that I was not the person who gave money to Bin Laden. It was Abu Sullyman who gave money to Bin Laden. Last month, someone testified that Abu Sullyman was the person who gave money to Bin Laden during that time. I was asked if I saw Abu Sullyman give money and I answered no. I was asked if Abu Sullyman went outside with Bin Laden alone. I said when I went with Abu Muldah to say goodbye, Abu Sullyman went and approached Bin Laden. So they left together. What ever happened after that, I do not know. I was told that there is evidence or witnesses that Abu Sullyman gave Bin Laden money, not me.

Personal Representative: Just to clarify, Abu Sullyman was the young man who attended your health club in Kuwait? And he invited you to meet with the host to show you around in Afghanistan?

Detainee: Yes.

Personal Representative: Did you ever train on any weapons?

Detainee: No, Sir. I was shot at on the way from Kandahar to Kabul. We were ambushed and they came with machine guns. No one was injured. When we reached Kabul, I was looking into obtaining a pistol for self-protection. You never know if the whole country is falling. No weapons were offered, and I did not see any weapons for sale. So, I did not buy, see, nor was I offered a weapon.

Personal Representative: So, I assume you never shot a weapon in Afghanistan?

Detainee: No, Sir, definitely not.

Personal Representative: Did you attend any training camps while you were in Afghanistan?

Detainee: No. The only training I had was in Kuwait, the training for every Kuwaiti, when you turn eighteen years old. If you are a high school student, you get two years of training. If you are a graduate, you get one year - except for those who have what is called rare specialties like engineers, oil refinery engineers, and so on. This is because in case of war, these individuals would be manning their civilian positions. So these individuals only receive three months of training. After that, you go back to your normal work. In my case, I was trying very hard. It was a good chance for me to lose some weight. But I injured myself in the first two weeks. I was sent home. I was forbidden

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from entering the exams and classes because of that. In those two weeks, I learned how to march. That was my military training.

Personal Representative: Have you ever at any time in your life committed any hostile acts against the United States or its allies?

Detainee: No. Never. Definitely not. Like I said, I am a person who in Kuwait is known to be pro-American. I gave a US company a huge contract. I was also in favor of buying the latest Boeing triple seven (777) aircraft instead of the European Airbus. While almost all of our fleet is Airbuses, we took the triple seven (777) because I like the way the American companies were. I'd rather buy from American companies because I feel they are faster in operation and they are better in dealing. I am giving you business. I am not doing bad business or bad things to you.

Personal Representative: Just to clarify, Abu Sullyman was your host in Afghanistan? He was your host when you got there, and you did give him the incense burner as a gift? Is that correct?

Detainee: Yes. The incense burner was mine, it was not the real gift. The gift was the holy water of Mecca.

Personal Representative: Abu Sullyman was the one who showed the incense burner to Usama Bin Laden?

Detainee: Yes. He told him that in Kuwait it is used as an incense burner, but it is a hand warmer. It is good for people in the mountains to use.

Personal Representative: But you did not give that gift to Abu Sullyman to show to Usama Bin Laden; he took it on his own to show that incense burner to Bin Laden?

Detainee: It is less than five dollars. So you don't say show this to someone, you know. It is more like here, take this or something like that.

Personal Representative: When that gift was shown to Bin Laden, Bin Laden then said back to Abu Sullyman he wanted one hundred pairs of woolen underwear?

Detainee: Yes. I thought Bin Laden was talking to me. That is why I was embarrassed. I asked Abu Sullyman why did he embarrass me in doing so? Then Abu Sullyman said no, he was talking to me, Abu Sullyman.

Personal Representative: This is my last question. Have you ever given any money to Al WAFA or any other organization at any time?

Detainee: No, Sir. Al WAFA did not exist during my first trip. There was no such thing. I had never seen them. There were no banners or posts or buildings identifying

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them as Al Wafa. When I went to Kabul, I saw signs on hospitals, on water wells, and so on. I met their president once at dinner in a clay house outside Kabul. I had never been to that office in Kabul. Kabul is the capital city. There is running water and toilets and such in the buildings. Why should they go to a mud house outside and call it their office, I have no idea. But I went there one night; I had dinner and left. When I was there I saw their president. I did not talk to him. We did not exchange cards. We did not do anything as such.

Personal Representative: And the dinner you are referring to, these are the same ones with your travel companion, the religious companion?

Detainee: No, no, no. That is from the second trip. The religious companion was my first trip. This trip was during the days I was in Kandahar every couple of days in one house until they found us a way out. We were invited to dinner at one house and that was it.

Personal Representative: So, you saw this person during your second trip?

Detainee: Yes. Not on the first trip. When I was there I did not know it was Al Wafa. I was not told this was Al Wafa headquarters.

Personal Representative: Thank you very much.

Tribunal President to the Personal Representative: Does that conclude your questions?

Personal Representative: Yes, Sir, that concludes my questions.

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

Recorder: No, Mr. President.

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

Tribunal Member: Could the Kuwaiti Government officially attest to your relief work efforts? I saw in your Wife's letter some documentation that relates to this.

Detainee: Yes, Sir. There is so much. I was even in the news during the Kosovo crisis. I was with the Kuwaiti relief work with the UN and the ICRC and the Red Cross. The news media, the Kuwaiti Corner news agency, I was in the news every night for maybe two weeks. It is not just the Government, it was even on TV in Kuwait.

Tribunal Member: During your statement, you said that on your second trip to Afghanistan you were taking ten days leave from Kuwaiti Airways. I thought you had already arranged for your one-year leave?

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Detainee: The secondment letter starts when the President of the Airlines signs the letter. Then, I no longer go to Kuwait Airways, I would go to my work in Peshawar. During that time I was still an employee of Kuwait Airways, and I still would go in the morning and punch my time card. To take the leave, I had to sign the leave form.

Tribunal Member: In reference to point six on the statement, you were not present at any meetings where they discussed SAM-7s?

Detainee: Definitely not.

Tribunal Member: During your statement you said some of the folks you were with when you were going through the Tora Bora region, specifically the gentleman who said you have to earn your keep now, you said they were not Taliban fighters because fighters would not be in the mountains. To the best of your knowledge were any of those folks Al Qaida? The reason I ask this is because some of those folks you mentioned turned out to be Al Qaida. Were any of those folks with you?

Detainee: Okay. Now the people who are leaving the Jalalabad area were everybody. Everybody was fleeing. Everybody is running for their lives. Now which group is there, there is only the Tora Bora mountain area. In Tora Bora there were all kinds of fighters. There is not just Al Qaida. As I said, Abu Hufs was not going to Al Qaida. He was going to fight but not with Al Qaida, but with some other people. There are so many groups. There is no law in that land. Anyone can do whatever he wants. Whatever groups can be together, they can be together. Do they have cards saying what group or they are fighters? No. Are they fighters? Yes, they are fighters. Who are they? I don't know. Would I be able to say this person was Al Qaida or not? I was not able to say that. But some of them were fighters, and most of the fighters were the immigrants and the people who were going to teach Islam. Because in Afghanistan, an Arab in Afghanistan, was either a fighter, an immigrant, a teacher teaching the people there because the illiteracy was very high, and of course, the relief workers. These were the four kinds of people. So in this case, in the mountains while I was with them, I could hear children crying; I can hear someone telling his father why are we here or whatever; or with his mom and things like that. This was really distressing to see them here.

Tribunal Member: To your knowledge, the gentleman who told you to earn your keep, do you know if he was Al Qaida?

Detainee: I would say he was because he was the biggest man that we saw. But he did not tell me I am Abdul Ghoudous, I am a member of Al Qaida. He is the big guy in the mountain. So, if he said do this or do that, you had to comply. Otherwise, you move.

Tribunal Member: When you said that you worked with the relief organization prior to the first trip, what were the relief organizations you worked for and what were your positions with them?

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Detainee: First, I do not have a position because I do volunteer work. But because of my education, they don't just throw me with the small guys. I always go to the presidents of the relief organizations. This is also important, because I do not belong to any relief organization, that is why I was a good choice for the Joint Relief Council. If I belonged to one organization, then all the credit would go to that organization or that relief society. I don't belong to anybody, so I am for everybody. I work for everybody at the same time. I have done much relief work in Kuwait. We have so much red tape in adopting orphans. I streamlined a joint effort operation for adopting orphans. As a result of that, more than 7,000 children were adopted.

Tribunal Member: What was that called?

Detainee: It was one of the operations. It was for the Bosnian refugees. Then in Kosovo, we were at the borders working with the UN military. Those were the people taking care of all the transportation and things like that, the helicopters and so on.

Tribunal Member: And you were there with them?

Detainee: Yes. Also I have helped with the dialysis center that was a part of the relief organizations in Bangladesh. I have worked on the flood in Bangladesh.

Tribunal Member: What would you do with them? Were you just contributing money?

Detainee: No. I don't do anything with money. I am helping. My masters is in management. I would tell them how to do the job right. In Bangladesh I gave them a short course in managing, decision-making, communications skills, things like that. They did appreciate it. The relief organizations are usually people who are living there; they are not necessarily people with education in management. Decision-making is not something they normally have to do. They may say I feel it is right this way. I also went to Cambodia. There is an orphanage there for 400 orphans. There was a terrible system in place there. I stayed with them for about ten days. I did not change anything. I just reported the condition to the organization in the Kuwaiti society. They made the changes. I was told everything went okay and the system was advanced; the students are doing better. The orphanages usually have like fishing ponds to produce fish and things like that. So I helped in organizing these things for them.

Tribunal Member: Are these big name charities? What is the organization? How do you do that? What was your vehicle for making this happen that you volunteered for it?

Detainee: First, Kuwait is a very small country. Relief organizations, there are four of them. One for the solidarity movement; One for the Islamic brotherhood; One for the, I would say for the Asufi [inaudible]; and the fourth is the Kuwaiti Government, where the ex-minister is the head of, and he is also the head of all the relief organizations. And there are other small relief organizations that would do work for orphans or things like that inside Kuwait. The major relief organizations in Kuwait, they work inside Kuwait

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and work outside Kuwait. The work outside Kuwait is divided into regions. Each region would take care of the country in that region. They would build mosques, repairing houses, adopting children, and things as such. But to work on a large scale like what happened in Afghanistan, like what happened in Bosnia, like what happened in Kosovo, this is a job for the Joint Relief Council. Everybody will pitch in on the Council, and the Council will appoint someone in those locations and they will take care of that. I have never been in charge of any of those locations. This was my first opportunity for me to go to Peshawar.

Tribunal Member: How well did you know Abu Suliymán before he approached you to go to Afghanistan?

Detainee: Abu Suliymán, I knew him only from the club. I joined the club as a manager and he was already there. I did not finish a whole year in the club before this whole problem happened. He is just a member of the club. Nothing more than that.

Tribunal Member: Did you know him very well at all?

Detainee: No. It was just the courteous hello and the usual talk of a manager to his members. I attended a dinner that he hosted for his brother. He invited everybody in the club, and I was one of the people he invited.

Tribunal Member: Did you know he was associated with Al Qaida at the time?

Detainee: Definitely not. You see there was no such thing as Al Qaida in Kuwait.

Tribunal Member: Did you know that he was associated with Usama Bin Laden?

Detainee: Definitely not.

Tribunal Member: Did you know what his job was or what he did?

Detainee: No, I don't think he has a job. I think he is a student. When he went to this house or room in Kandahar, he was trying to be student scholar. He had so many books. It is something like a seclusion for him to study. When I met him for the first time, he was not with Al Qaida, in their guesthouses, or with Bin Laden in Bin Laden's house. No, he had his own residence away from everybody. As I told my interrogator, he was very clearly a trustworthy person because he is a very quiet person. He does not talk. I went there and I did not know Abu Muldah was there to see Bin Laden. I was not told that. I went there to see the refugees, and was told fine, come and see them. I did not know Abu Muldah had a different agenda. But they are so secretive; no one was telling me anything. So, when Abu Suliymán was in the club, he did not say I was with Bin Laden or with Al Qaida. He was there training like everybody else.

Tribunal Member: But he did tell you about the person that was going to Afghanistan?

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Detainee: Yes. When I told him I would try to go to Afghanistan by myself, he said Abu Muldah was going also on some sort of summer vacation.

Tribunal Member: When you were talking about the logistical support, and the fact that it was unrealistic to say you would be put in charge of the logistical support because you had only been there a few days and there was not time to develop trust - but, you developed trust in someone you really did not know or know anything about, and you went to Afghanistan with this person?

Detainee: You see the first trip I did not need to develop trust or anything, especially as there was no war. There are no weapons in the streets. The drug fields had been burned. So claims like this, they had to be true or otherwise the first moment I would see he was lying, he would not be able to help the people. Abu Suliymman wanted me to go and help the people. Because if I went and saw that all this was a lie, then I would not have trusted him. But it was so clear and so obvious; there were no weapons in the streets. There was no war. And there was a genuine problem. That is why there was no need to trust or not trust. To me, why not trust him? I did not see anything bad from this guy before; he is in the club just like everybody else. So, why not? Fine, I will go. Why did I go to Cambodia? Was there a war there? Why would I go to any other place? Why did I go there? People would tell you go and see. So, you go and see and if you find there is a need in that place; you will react to that. So, it is something that is natural in Kuwait. Everybody goes and sees for themselves what people need. That is how the Kuwaiti relief organizations work. Even though we are a lot smaller than Saudi Arabia, we far exceed their operations all over the world. Because we go and see for ourselves, and the people trust us that we are not bad people. We go to help. We are not there to take, but to give.

Tribunal Member: I also got the impression, by the way you have spoken, you are a man of stature in Kuwait.

Detainee: I hope so.

Tribunal Member: With your position at the airline and in also with the club, you were well to do. Would that be a fair assessment?

Detainee: Yes, because Kuwait is a small country. My father is well known. My brother is the number one ophthalmologic surgeon in Kuwait. All of my family is well known people. Even my masters degree was on a scholarship from one of the royal family. We are not anybody, but we are not everybody. My family is respectable, good people in Kuwait.

Tribunal Member: Even more so now and how you entered Afghanistan the first time, being a respected businessman from a respected family, why would you not say as you

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are going through I am not going this way? I want to go through legitimately or we are not going to go at all.

Detainee: That is because we were on the way. We were on the way. And that was how Afghanistan was. That was how Pakistan was. When we reached the airport in Pakistan, when he opened the passport, he asked for some money. Everything was there, he had the visa, but still he was asking for something. In that country, you had to pay.

Tribunal Member: Why did you have to go through Pakistan? Since there was no war, why couldn't you just fly directly into a city in Afghanistan and then travel internally?

Detainee: I work in Kuwait Airlines and we fly Kuwait Airways. Kuwait Air does not fly into Afghanistan. The closest would be Lahor airport in Pakistan.

Tribunal Member: So, you could not fly another airline?

Detainee: No. I don't think they have any international flights in Afghanistan. I don't think so. Yes, it was a terrible way of entering Afghanistan. That is why the second time I made it very clear I was not going to go through that again. When I crossed and I saw Abu Suliyma, I told him that this was not a respectable way to take us into Afghanistan, being in my position and so on and so forth. But also there was a scholar and they made the scholar ride the bike. That was not right.

Tribunal Member: After you indicated the airport in Herat was bombed and you traveled a difficult trip to Kandahar in attempts to see the Governor, you indicated they would have vehicles that were sufficient to get you out of there. Wasn't it unusual that you did not insist on that type of travel into Afghanistan during the first trip?

Detainee: I did not know there was such a thing on the first trip.

Tribunal Member: Just going through diplomatic channels on such a big issues. You seemed to be going through very small channels.

Detainee: It was not a diplomatic channel because, first of all, there was no diplomacy between Kuwait and Afghanistan. Secondly, I did not know of such ability. This tinted car business is a great point to answer one of the points I gave Bin Laden money. If I were bringing Bin Laden money, don't you think he would have sent me a car instead of going this way of riding the bike? He would have sent me that car, and I would have had the money in the car with me. I would go inside, give him the money, no questions asked. Right? That did not happen. And on the way out, if Bin Laden thought we were good prospects, or it was a good chance that he may have something from us, maybe they could have managed to give us a ride back in one of those nice tinted cars. But no. We went back in a taxi. So, it seems we did not fit what Bin Laden expected.

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Tribunal Member: The holy water, was that something you presented to Usama Bin Laden?

Detainee: No.

Tribunal Member: That was also to Abu Suliyman?

Detainee: Yes, because it was an inexpensive gift. It was a symbolic gift. You would not give this to someone you do not know. This man helped me to go and see the conditions of the refugees. So, it was a token of appreciation to give holy water.

Tribunal Member: Where did you buy the holy water?

Detainee: In Kuwait.

Tribunal Member: How did you get this holy water across the border?

Detainee: I carried it. It was a two-gallon bottle with a handle.

Tribunal Member: So you went across the border on a bike, but the taxi came across with your things also?

Detainee: Yes. The bike was a four or five minute trip, maximum. Nothing more than that. We saw where we were to go. The only thing the escort told us was we had to get off there, because a very bad man was manning the checkpoint and he would do anything to get money. Maybe they had an experience with this person before and knew to go through that way.

Tribunal Member: Even as a man in your stature, if they asked for money you would have the money to give them?

Detainee: I would.

Tribunal Member: You would?

Detainee: I would.

Tribunal Member: You would have the money to give them; it would not have been a problem? This strikes me as being so unusual.

Detainee: I would give them, but how much do I give them? This guy wanted money; then he would tell the other guys after and the ones before. Remember, I was not there to be hassled by those people. I was there to see the refugees. If I had another way to get to the refugees other than going through those people asking for money just like that, I would have.

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Tribunal Member: When you went on the second trip to get the pictures, again why would you not just ask someone else to go and take the pictures, or ask the recipients to send you the pictures back?

Detainee: Send them how? There was no way to send anything from there to the outside.

Tribunal Member: What about sending someone else to go get the pictures and bring them back?

Detainee: I was not appointed yet. So, I did not have people working for me to go there. Or, should I have sent someone from Kuwait Airways? There was only me.

Tribunal Member: So it was just you?

Detainee: Yes, until I got the job. Then, I will have all the people that I need.

Tribunal Member: But didn't you already have your secondment letter?

Detainee: No, not yet. It was not signed.

Tribunal Member: While you were considering your second trip, was Abu Hufs an associate of Abu Suliyma?

Detainee: He would train within the club. He worked and chatted with him. He was in the gym.

Tribunal Member: So, he worked out with Abu Suliyma?

Detainee: Yes.

Tribunal Member: You indicated on your trip Abu Hufs did not want to see Abu Suliyma because he did not like him.

Detainee: No, no, no. I said he did not want anything to do with Al Qaida because he did not approve of Al Qaida.

Tribunal Member: Correct, because Bin Laden had assassinated one of the leaders Abu Hufs previously worked for?

Detainee: He was a scholar.

Tribunal Member: Even though Abu Hufs did not like Al Qaida, he associated himself with Abu Suliyma?

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Detainee: Abu Sulyman is just another guy in Kuwait. It does not mean because this guys works with or knows Al Qaida, it does not mean everyone knows that much about him. This guy was very secretive, and he did not talk that much.

Tribunal Member: You never fought or carried arms against the United States or its coalition partners?

Detainee: No.

Tribunal Member: Did you ever instruct, plan, or direct any one else either as an Al Qaida member or any one else to engage in any of those activities?

Detainee: No, Sir. I was in Kuwait during the invasion. I did not carry a weapon in Kuwait.

Tribunal Member: When you were in Afghanistan on your second trip, did you direct or plan or have any type of association?

Detainee: No.

Tribunal Member: During that time when you were in the Tora Bora mountains, and you were issuing items?

Detainee: I did not issue anything. I did not know where they went to get them.

Tribunal Member: Did you sign a piece of paper; what were they seeking you to issue?

Detainee: They would ask for food stuffs, canned food, dried beans, things like that. Shoes, stoves for the man-made caves, things like that.

Tribunal Member: Some of these people were males in their early twenties, who would not be able to cause you any problems?

Detainee: Yes.

Tribunal Member: Were they fighters?

Detainee: When they came carrying weapons, yes. Not all of them, but some of them.

Tribunal Member: Who would they have been fighting with? Were they fighting the Northern Alliance and the coalition forces?

Detainee: In the mountains, you are not fighting anyone. We were just sitting there and getting bombed. This is so ridiculous about what is going on. Those mountains were not for fighting. Those mountains were for running away. Those mountains were an escape

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route outside the country. It was not a place to fight. There was no one to fight in the mountains.

Tribunal Member: But were the Northern Alliance forces up there? You were not issuing stuff to Northern Alliance forces?

Detainee: I don't know, I don't think so.

Tribunal Member: So they could have been Al Qaida, or persons that were fighting together with Al Qaida?

Detainee: That would have been everyone in the mountains. Anybody would come forward because that was where the food was. It was not my job to ask each person if they were Al Qaida or a civilian or whatever. If you had the paper, I gave whatever to you.

Tribunal Member: Who was issuing or giving out the papers?

Detainee: Abdul Ghoudous.

Tribunal Member: Was Abdul Ghoudous Al Qaida?

Detainee: He did not tell me that. He was the big man of the mountain. If he is, he is. But those are the people who ruled, those giving us the way out.

Tribunal Member: When the big man was having his meetings, did you attend any of those types of meetings?

Detainee: No, Sir, not a single one. I don't even know if they had any of those types of meetings in that place.

Tribunal Member: How was it that you were captured?

Detainee: When we were leaving and as we reached the bottom of the mountain, the injured people, we entered the village.

Tribunal Member: They turned you over to the Northern Alliance?

Detainee: That is right.

Tribunal Member: Did any of the people you were with have weapons at the time you were turned over?

Detainee: Yes. When we were turned over, the people turning us over had weapons. And they turned us over to the Northern Alliance.

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Tribunal Member: The people that turned you over, were they Afghani civilians?

Detainee: They were Afghani villagers.

Tribunal Member: They were armed?

Detainee: Yes, everybody now was armed. Everybody in that country was armed.

Tribunal Member: Thank you.

Tribunal President: You mentioned at one point after 9/11 nobody knew who did it?

Detainee: Yes.

Tribunal President: I thought Bin Laden came out and took credit fairly shortly after the event?

Detainee: What I saw was the news in Kuwait. I was there in Kuwait when it happened. When I first saw it, I thought it was a movie or something. They closed all the airspace. I thought this was going to be the third world war. It was something huge. People were talking it may have been the Chinese, or Russians, or something like that. Then, I do not know if Bin Laden said he did it. We did not know who was claiming it.

Tribunal President: I am not sure of the time, but it did not seem too long after the incident.

Detainee: Well, ten days after. Something like that. Yes. Because from September 11th to the day I entered Afghanistan was about three weeks. In those three weeks, I was busy doing my research, preparing what I wanted to do, and so on. Then I told Abu Hufs whenever you are ready to leave, I am ready. Abu Hufs was ready to go on the 3rd of October. If he had been ready before that, I would not be here.

Tribunal President: So on the 3rd of October when you started your trip, you did not know that Al Qaida and Bin Laden were responsible for the terrorist acts of 9/11?

Detainee: Oh, yes.

Tribunal President: You did know.

Detainee: Oh, yes. Then, as I said, his fangs started showing. When Bin Laden said I did not commit the massacres in Africa but it did not shame him; then saying look at the big picture if Kuwait would fall and other massacres would happen. Something like this would happen; this guy meant what he was talking about. He was going to do whatever he likes; so, you keep away from this guy. This guy wants Kuwait just like any other

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country. I was not going to risk my life, my future, my children, my business for a person who wants to destroy. That is why I said I did not want to do anything with them. I wanted to go through my own route, everything clear and straight. I would not be doing anything with them.

Tribunal President: You left Kuwait on the 3rd of October?

Detainee: I believe so, yes.

Tribunal President: When did you get captured?

Detainee: I wouldn't know the exact date. But it was in the end of Ramadan. It was during the feast of Ramadan.

Tribunal President: So you went from Herat to Kandahar?

Detainee: Yes.

Tribunal President: Do you know when you were in Herat approximately, or when you were in Kandahar?

Detainee: I left Kuwait on the 3rd of October. I spent one or two days in Dubai. Then I went to Tehran to Mashhad which took one day. Then I crossed the border and spent one day in Herat. Then, the next morning I departed out to Kandahar. I spent a couple of days in Kandahar.

Tribunal President: So, what are we up to now? Are we up to the 10th of October? Had it been a week?

Detainee: It is a week. After a couple of days in Kandahar, from there maybe a day in Gandiz. Yes, because after we got shot at, the car radiator was damaged. So we had to stop and fix the car. Then the next day we continued on to Kabul. In Kabul, I don't recall the number of days I was there. We moved from one house to another. We spent a couple of days in each house. We visited five or six houses. Then we went to Jalalabad. Then we went back to Kabul. As I said, I am a person with a desk job. I like everything to be organized. In a situation like this, I lose track. I could not focus. I could not make a proper decision when I had to make an immediate decision. When we drove from Kandahar to Jalalabad, if the man said go, I went. I did not want to give my opinion.

Tribunal President: I know you are very organized. I know you have a masters in management. I just thought you might have been able to keep track of the time of where you were.

Detainee: It was chaos. And when you get shot at, you do not try to keep the time.

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Tribunal President: When did you arrive in Tora Bora? When were you in the mountains?

Detainee: I continued on after we were captured for some time. Then it was Christmas when we were in the vicinity in Kabul. I would say a month before that I was captured.

Tribunal President: So, it was late November?

Detainee: Something like that, but please do not take my word for it. I believe they have the date somewhere in the file.

Tribunal President: Now, you left Kandahar to go to Jalalabad?

Detainee: No, to Kabul.

Tribunal President: You went to Kabul to meet Abu Suliyma?

Detainee: Yes.

Tribunal President: Did Abu Suliyma go with you to Jalalabad?

Detainee: Yes, he did. Abu Suliyma was my escort from now on because Abu Hafs was no longer with me. I told him you have to get me out. So I was dependant on this guy to do whatever he had to and get me out of Afghanistan to go back.

Tribunal President: Did he leave Jalalabad with you to go to Tora Bora?

Detainee: Yes, but not with me. We were no longer together. I know I saw him again about half the way to Tora Bora, but from there on I did not see him.

Tribunal President: You mentioned Tora Bora was not for fighting, it was for hiding?

Detainee: Yes. That was common sense. But if they were there as fighters for something else, then I do not know about that. But for me and for other people, this was an escape route to get out of the country. Because it is the border between Pakistan and Afghanistan. That was the only way to get out.

Tribunal President: It was also the location of one of the biggest battles of the war.

Detainee: Yes. Because that was where everybody was headed towards and ended up. There was no other route. Everybody had to go to that spot. So that was the spot.

Tribunal President: But you saw no fighting when you were there?

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Detainee: No one could fight in there. To fight what? There was only the aircraft there. They told me to get out because something would happen down there. That is a good point. Maybe something happened there that I don't know about. Like I said, the mountains were huge and if something happened in the valleys, then that does not necessarily mean the people on top will hear.

Tribunal President: I understand. But again it was the site of a major battle during the war. At that time, there was war up in the mountains.

Detainee: Up in the mountains, there was bombing night and day. That I know. But for fighters to shoot and to shoot back at, no there was nothing as such in the top of the mountains.

Tribunal President: Now that we all have asked questions, we will give you one last opportunity to present evidence. So, Fouad Al Rabia, do you have any other evidence to present to this Tribunal?

Detainee: When asked earlier, I swore by God I would tell the truth.

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

Personal Representative: No, Sir. I do not.

Tribunal President: Recorder, do you have any further evidence to present or questions?

Recorder: No, Sir. I do not.

Tribunal President: Any Tribunal Members, last opportunity. Any questions?

Tribunal Member: Are you or have you ever been a member of Al Qaida?

Detainee: No, Sir, definitely not - neither Al Qaida nor other organization. No Al Qaida.

Tribunal President: All evidence having been provided to this Tribunal, this concludes this Tribunal session.

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AUTHENTICATION

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


Colonel, US Army
Tribunal President

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The following letter was translated by the Detainee, Fouad Mahoud Hasan (Al Rabia), and verified by OARDEC Linguist 02.

"This is an ICRC letter from my wife to me written and dated on May 7, 2002. It says the following:

"My beloved husband Fouad, Greetings. I hope you receive my letter and that you are in good health. Our children are all OK and we lack nothing other than your presence among us.

"Fouad, this is the seventh (7th) letter I have written to you personally, other than the letters from my mother-in-law and your sister Noria. Hopefully some of it will reach you in good health and well being.

"Do your best in your worship and subplication. Allah willing, may He relieve you from this sad ordeal and may He grant you a speedy release. As for us, the children are OK and they are praying for you after the call for prayers and when it rains. They are always asking about you and your condition. As for their studies, they are doing very well and Abdallah is now doing his final and Tabia, Allah willing, will start in two weeks.

"Fouad, by the way everyone is working hard to collect your papers that may relieve you of your ordeal. Our hope in Allah is great and we trust everything will work in your favor, Allah willing. The Government is also helping us and is sparing no effort to prove your relief work. Fouad, all papers and documents that proves that you are a man working in charity and helping the needy and refugees are ready and have been submitted to the officials.

"I hope that Allah will make things right, Allah willing. All the children and the whole family send their hello. Good-bye and Allah protect you."

Signed: Um Abdallah (The mother of his oldest son)
Addressee: My husband

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Exhibit DB

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The following letter was translated by the Detainee, Fouad Mahoud Hasan (Al Rabia), and verified by Linguist 02.

"This is an ICRC letter from my wife to me written and dated on May 7, 2002. It says the following:

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"Do your best in your worship and ^{sublimation} ~~sublimation~~ Allah willing, may He relieve you from this sad ordeal and may He grant you a speedy release. As for us, the children are OK and they are praying for you after the call for prayers and when it rains. They are always asking about you and your condition. As for their studies, they are doing very well and Abdallah is now doing his final and Tabia, Allah willing, will start in two weeks.

"Fouad, by the way everyone is working hard to collect ^{your papers} ~~documentation~~ that may help you in your situation in this difficult time. Our hope in Allah is great and we trust everything will work in your favor, Allah willing. The Government is helping us and is sparing no effort in ^{your letter work} ~~providing all to prove that you are~~ documentation that proves you were conducting charity work for the refugees and needy people.

"I hope that Allah will make things right, Allah willing. All the children and the whole family send their hello. Good-bye and Allah protect you."

Signed: Um Abdallah (The mother of his oldest son)
Addressee: My husband

I have read the translation and agree it is accurate.

Signature: _____

Date: _____

3-9-2004

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(F)
Fouad, all papers and documents that prove that you are a man working in charity and helping the needy and refugees are ready and have been submitted to the officials.

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INTERNATIONAL COMMITTEE
OF THE RED CROSS
GENEVA - SWITZERLAND



وكالة البحث المركزية
اللجنة الدولية للصليب الأحمر
جنيف - سويسرا

FAMILY MESSAGE رسالة عائلية

SENDER المرسل

ICRC NANTANAMO BAY, CUBA

Full name رقم الصليب
Family Name الاسم الكامل
Mother's name اسم العائلة
Date of birth اسم الأم
Home Address تاريخ الميلاد
Postal Address عنوان السكن
Telephone العنوان البريدي
رقم الهاتف

ADDRESSEE المرسل اليه

ICRC No. 1835-010030 رقم الصليب
Full name الاسم الكامل
Family Name اسم العائلة
Mother's name اسم الأم
Date of birth تاريخ الميلاد
Home Address عنوان السكن
Postal Address العنوان البريدي
Telephone رقم الهاتف

CLEARED BY U.S. FORCES

Please write very clearly

الرجاء الكتابة بخط واضح جدا

00886

اخبار عائلية فقط

Date: ٢٠٢٢ / ٥ / ٧ التاريخ

Signature _____ التوقيع

The addressee is my [REDACTED] صلاة قراءة المرسل اليه

AP 00886A

اخبار عائلية فقط

[illegible]

Date: ٢٠٢٢ / ٥ / ٧ التاريخ

Signature التوقيع ام عبد الله

The addressee is my

حالة قرابة المرسل اليه

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