

Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the Detainee. The Detainee requested additional clarification of the purpose of the proceedings. The Tribunal President explained the process a second time. The Detainee then confirmed that he understood the process and had no questions. The Recorder presented the summary of evidence in full to the Tribunal. As the Tribunal President explained the proceedings, the Detainee interrupted and stated the following:

Tribunal President: The Detainee had requested no witnesses or documents be produced for the Tribunal today.

Detainee: I don't have witnesses, but I have a lawyer in Italy.

Tribunal President: Your lawyer will not be available for this session.

Detainee: How can I bring witnesses? I have no witnesses. I have one friend that came with me from Afghanistan. He is here, I can bring him, and he will say everything. But he's not here, so I don't know who to bring as a witness.

Tribunal President: I understand. As we indicated earlier, and you indicated earlier, you have no witnesses to appear today.

Detainee: Yes, sir.

The Tribunal President then asked if the Detainee still wished to participate in the Tribunal, and if he would like to take the Muslim oath. The Detainee indicated he still wished to present evidence, and took the Muslim oath.

The Personal Representative then stated each point of unclassified evidence separately to allow the Detainee to respond, and included notes he had gathered from the Detainee in a previous interview.

Personal Representative: We met on the 25th of October, three weeks ago, for about 70 minutes. We discussed the summary of evidence, and he (the Detainee) was given the options on how he wanted to present it. We decided we'd present the evidence together, especially since it's three weeks old.

Regarding the first two points now: (3.a.1) *The Detainee traveled from Germany to Afghanistan via Turkey and Pakistan in September 2001 and (3.a.2) The Detainee received training on the AK-47, RPG's, grenades and pistols at al Farouq; all of the aforementioned training occurred sometime in September 2001:* On the first point, he said he did travel. On the second one, regarding the training on the different weapons systems at al Farouq, they will be addressed together. The training, he stated, on the AK-47 and RPG, were done in his home country of Algeria. He stated that every Algerian

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was asked to perform two years of military training. When asked if he went to al Farouq, he said yes, he went there for 12 days and got some training; of course he received training, he stated he didn't go there as a tourist. For a matter of record, the Detainee stated he only received training on the AK-47. (To the Detainee): Is there anything you would like to add regarding this item?

Detainee: The five accusations, I confessed myself. What hurt me hurt my kids. I talked to interrogators for 2 ½ years. I didn't speak to them to harm me, I was telling them the truth. I didn't want to lie to them, or (for) those to be used to harm me.

Personal Representative: And I think as we proceed through the remaining evidence, that will come forward; your story and what you have said to be your truth.

Detainee: Yes.

Personal Representative: *(3.a.3) The Detainee received camouflage and physical training at a facility near Kabul known as "Camp Nine" after America was attacked.* Regarding this, he stated in our previous meeting that he did not receive physical training or camouflage training. Others had gotten physical training, but the Detainee claims he did not.

Detainee: Yes.

Personal Representative: *(3.a.4) The Detainee was captured in a house where he stayed with a senior al Qaida leader in Faisalabad, Pakistan.* On this fourth point, he stated yes, he was in Pakistan. And you (the Detainee) may need to help me on this because there's a lot of information here. The houses, he stated, each had supervisors. The house you stayed at was (affiliated with the) al-Tabligh (Jamaat al-Tabligh) society. Their mission was to recruit Muslims. The people of al-Tabligh would move people between different houses, and he stayed at two houses. The first house was for two months, and the second one was for one month and ten days. You waited there until at such time you were told where to go next, and you were told to go to Faisalabad until people would come to give you your passport, and then send you back to Germany, which is where you lived. You stated you were with three people, a Yemeni, a Russian and yourself. You went by car to this house, and the supervisor of that house was Abu Khalid. Abu Khalid would go to get food and supplies because he had a motorcycle. When you were at this house, you were all three told that you were brought to this house by mistake. You were told that after the evening prayer, you'd all be moved to another house. You told them you would not leave. Can you clarify the reasons you would not leave?

Detainee: Yes. I was here for about three months. They transferred me because of problems with people inside of house. There were always a lot of people. There were problems with food and sleeping areas. They didn't let me sleep or eat well, and nothing was organized, so I always had problems. One of the people from the Tabligh group told me they would take us to another house so we could be relaxed. A car came, and he

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brought us all three to Faisalabad. After going there, we stayed in one house. And then a vehicle came and took me to the house I was arrested. We stayed in that house for maybe an hour to an hour and a half. The supervisor of the house was a Pakistani named Abu Khalid. He told us you have to go to another house because it was a mistake. The house was big and nice, everybody had their own room, and I didn't want to leave. I had my own room and put my clothes and belongings in that room. I told him I wouldn't leave there until I get back my passport and then I'll leave. After the evening prayers, they brought the vehicle, and I was told to take my belongings and go with the Pakistani, but I refused to leave. I stayed there about two days. The guy from al Qaida, Daoud, questioned me as to who I was, what I was doing here and who brought me. I said I'm from Germany waiting on my passport. When I get it, I will leave. He said, no problem, you can stay here for a week. I stayed there for about twelve days and the Pakistani police came. They took us to prison. Daoud was arrested with us, you can ask him about us.

Personal Representative: That was consistent with the notes of our meeting on 25th of October. And it also covers the unclassified evidence, up to item 4, the circumstances of his capture. Regarding (3.b.1) *The Detainee carried an AK-47 on the battlefield* and (3.b.2) *The Detainee volunteered to fight on the Northern front in the vicinity of Bagram, and did so for a period of approximately two months*, you told me you did not carry an AK-47 on the battlefield. You stated you were with the Taliban because they were giving you freedom. When you were ordered to leave Afghanistan, you left the Taliban, and gave back the AK-47 you were given in Kabul. Regarding fighting on the Northern front, you explained that during that time there were three lines. The first line was the Taliban, the second line was the Pakistanis, and the third line was the Arabs. You told me you had no animosity or hate towards Americans, and that you did not come to Afghanistan for the purpose of fighting. You stated you came for personal reasons, and mentioned you wanted to express those reasons to the Tribunal. Do you still want to express those personal reasons to the Tribunal?

Detainee: I left Germany. I went to prisons in Germany and in Italy, a lot of prisons. In July 1999 was the last day I was in prison in Germany. I didn't have anything but my Polish girlfriend. I was told to go there to buy heroin because it was cheaper there; in Europe it is very expensive. We agreed that we would leave and buy (heroin) and come back. I went to Afghanistan and found everything. The Taliban officials did not let me leave Afghanistan. I had no passport or identification. They told me you cannot leave unless you are given an order. So for two months or so, they bought vehicles and told us to put our weapons in those vehicles, and then we left for Pakistan. That's it. I didn't enter there to fight with the Taliban. Even in Algeria when I was in the military, I did not complete my duty; I left before. Every time I was given a month for leave, I would leave for a year. I didn't like military training. I didn't like Afghanistan; I wanted to live in Europe. It was a mistake going to Afghanistan.

Tribunal President: Does this conclude your statement?

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Detainee: I don't understand. I have questions about the five points. The training at Camp Nine, I told the interrogators that I didn't have the training; I just told them the truth about the training others were doing. I could've said I never went to Afghanistan, they would've believed me. I didn't go there to fight. I didn't want to die; I have a wife, children and a girlfriend. I told them the truth from the time I left Germany until I went to Afghanistan. I didn't have the training. That was the first time I went to Afghanistan, so when I was told to go here or there, I went because I didn't know where to go. I chose to go with the Taliban because there were problems with the Arabs every day. The Taliban gave me the freedom to go anywhere. Arabs are given certain times to get up and certain times to go to the market. My friend and I had a lot of problems. We went to the Taliban and were relieved. The Taliban never told us anything and we were free to go to the market or anywhere. At that place, there were airplanes flying, they told us to leave that place and go to our families. I had a Kalashnikov, and gave it to them when the vehicles came, and went to Pakistan. I was the one that told them this. They asked (the interrogators), and I told them the truth. There's no lies in this story. There's no negative or positive, or anything added or taken from it.

Tribunal President: We understand. This is why we welcome your testimony here today to clear up any questions we might have.

Detainee: Now I was able to say it, and it is out.

Tribunal President: We certainly welcome the truth, and appreciate your openness with these statements that you have made. We'll have some questions, but before that, is there anything else you'd like to make known to us?

Detainee: If you have a question, I will answer you.

The Tribunal President then asked the Personal Representative if he had any questions for the Detainee, or had any additional information to present to the Tribunal.

Personal Representative: (to the Tribunal) Sir, the one point is that the statement he has made to this Tribunal was consistent with the session we had three weeks ago. I just have a couple questions for the Detainee.

Q: When did you move to Germany?

A: I was in Italy, then Germany.

Q: When did you go to Germany?

A: 1994.

Q: Are you still a citizen of Algeria or Germany? What country do you claim for citizenship?

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A: I have Algerian citizenship and am a permanent resident of Italy.

Q: Did you travel to Afghanistan with legal papers?

A: No. It was a fake passport. It was not original.

Q: What was the reason why you traveled with a fake one?

A: In Germany, they wouldn't give me a passport, only a permit to just move from Hamburg. Even from Hamburg to Bamberg (phonetic)(another city in Germany), they would punish you.

Q: Is that because you had prison time?

A: Yes.

Q: So you traveled illegally, and for illegal reasons, to get pure heroin?

A: Yes.

Q: And who gave you the money?

A: I had money. And a person from Tabligh (Jamaat al Tabligh) brought me the tickets.

Q: Your main, prime reason to go to Afghanistan was for what?

A: Drugs.

Q: You did go to al Farouq to train on a Kalashnikov. Could you explain why you did that?

A: The person that brought me the tickets from Hamburg told me to go to Pakistan. He told me there'd be one or two people waiting for me. He gave me his name. When we got to airport at 2 a.m., they saw us because we didn't look like Pakistanis. We got a rental car, went to a hotel. We stayed there about three days. He showed us the way and bought us clothes. He bought us plane tickets from Karachi to Quetta. The reasons I went were not known to them. I didn't want them to kill me or anything. And they showed me where to go to get to the Taliban center. We stayed for two or three hours before we went to Kabul. They brought us a car just to get to Kabul, and then to Kandahar. When we got to Kandahar, they took us to a guesthouse for Arabs. When we went there, there were about 25 or 26 Arabs in the house. We stayed there about 3-4 days; we were divided into two groups, and we walked to al Farouq. Then the incident happened in the U.S., so they told us to leave al Farouq and go to the mountains. We were there for 12 days before we were taken to Kabul.

The Tribunal President then asked any Tribunal Members if they had any questions of the Detainee.

Q: Good afternoon. I just have some things I want to clarify from what you told us today. I'll go to the most recent first since it's fresh in our mind. When did you first realize you were going to al Farouq - in the guesthouse or before that?

A: When I got to it.

Q: You didn't know you were going until you actually got there?

A: We got to the place where there were a lot of military personnel; then I saw the flag, and it was what I remembered from a tape I saw in Germany. The flag had al Farouq written on it like I saw on the tape.

Q: What was the tape about that you saw in Germany?

A: A Moroccan missionary was the one that bought me tickets to Pakistan and was the one that showed me the tape. I saw a tape in which one was for Chechens, and one for Afghans. He would show the tapes and ask if you wanted to be a jihad fighter, and would buy them tickets to send them there.

Q: This man was not a Jamaat al Tabligh person, he was someone else?

A: He walked by himself, and you would always see him at the mosque.

Q: Is that where you first met him was in a mosque?

A: Yes.

Q: And that was in Germany; the mosque you attended?

A: Yes.

Q: So he wanted you to go to be a fighter, but you went for other reasons as you said?

A: Just go and train and come back, he told me if you want to stay, then stay. I told him I would go, but inside myself I knew I was coming back.

Q: Did you believe or know him to be an al Qaida person?

A: Before I didn't know, but right now, I think he is.

Q: When you went to Afghanistan to get the drugs, was it to sell them to earn a living or use them because you needed to?

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A: I didn't want to use them. I wanted to earn money to open a club with my girlfriend in Germany. If you can contact her, you can ask her.

Q: And she encouraged you to do this?

A: We both chose this together. I knew her from before when we used to go to dance clubs together and do cocaine together. In 1999 when I got out of prison, I found out a kilo is cheaper in Afghanistan. It was \$700 per kilo in Afghanistan, but in Germany, it would be worth \$330,000 for one kilo. I wanted to bring 5 or 6 kilos back, sell it for money and buy a club. I hated being in prison.

Q: Reference your timeline of the things you were doing in Afghanistan; which happened first, when you were in al Farouq and you tried to leave, or when you went there and got the drugs, tried to leave but they wouldn't let you?

A: First thing I went to Kandahar. We didn't know directions or the language, and the Moroccan guy told us where to go. When we entered Kandahar walking, we just wanted to make it to our goal. We got to Camp 9, and they wouldn't let us leave. I had problems with them until the Taliban came, and I went with them. Then I went to Bagram. Any crowd that came in with the food, I went with them, no problem. I was free, no one was telling me to sit, get up, move; no one was telling me to do that. Even the Taliban told us to go to Pakistan, and we went.

Q: I thought there was a part where you mentioned that you were trying to leave, but you weren't permitted to because you hadn't received an order to leave?

A: In Camp 9, I was told not to do anything without an order. They wouldn't even let us by food from the outside. Every day, rice and tea, rice and tea, rice and tea. It was like a house with no neighbors.

Q: How long were you at Camp 9?

A: About a month or 25 days.

Q: You mentioned you didn't get the camouflage or physical training, but others did; what did you do instead?

A: Even in the morning they would tell me to get up and run to do the physical training, and I would curse them. I did not want to run. I always had a problem running. Especially when you are sleeping, they would come and wake you up to run; this is why I left the military there in Algeria.

Q: They just let you do your own thing for a month?

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A: They couldn't do anything; I was in my room sleeping. I would put a big piece of wood on my door so they couldn't open the door until about 9 a.m. in the morning. They gave me and my friend bad treatment.

Q: You mentioned you gave your rifle back to someone; where did you get it in the first place?

A: The Taliban gave it to me. When we were leaving, they took them from us. The magazines were taken, too.

Q: Was this at Bagram that this happened?

A: Yes.

Q: So at al Farouq and Camp Nine, you didn't have a weapon?

A: There was training, but they don't give you one.

Q: What kind of training did you have in the Algerian military?

A: We trained a lot, for about six months. We trained on Kalashnikov and RPGs, mostly old Russian weapons.

Q: And there was a time you decided you didn't want to do that anymore and you went to Italy?

A: I don't understand.

Q: I thought you said you finished your Algerian service before it was supposed to end. Is that correct?

A: No, I was finished and detained in prison. I was then given my papers in January 1979. I left the prison in February 1984. It was about 5 years. In the law, it says two years. The rest of the time was all prison. I would be arrested, then released, then arrested again, then released so I got my papers and left. In 1986 I left and got married. In 1990, I went to Italy and haven't been back to Algeria since.

Q: You said you had a wife and children. Are they in Algeria or Italy?

A: Algeria. I have 4 kids.

Q: So when you were in Italy, you had permission to live there. In Germany did you have permission?

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A: I didn't give them my true name in Germany. In Italy, I had given my real name, and they will not give you permission for both places at the same time. I went to visit Germany and liked it so I decided to stay. I stayed for a month until I met a German, and so I got married. I stayed with her and forgot about Italy.

Q: Going back to the house in Faisalabad; when they mentioned you were in a house with a senior al Qaida leader, was that Daoud or someone else?

A: I didn't know his name, but after we were arrested, they showed us a picture and told us it was Abu Zubaydah.

Q: Was that the person you knew as Daoud?

A: Yes, he came in and said, "My name is Daoud." We all knew him by that name until we were arrested.

At this time, the other Tribunal Member addressed the Detainee.

Q: Just a few questions. How long did you spend on your plan to leave Germany to go to Afghanistan to buy drugs to finance a club; how long did you think about that?

A: It was in my head a long time ago. I always heard about the product being cheaper there. I had a chance to go because of the Moroccan. When the chance came, then I planned.

Q: Just for the cheap drugs?

A: Yes.

Q: Would it make any difference to you who you had to work with to get those cheap drugs?

A: Yes. I brought a lot of information with me from Afghanistan.

Q: I don't think you understood the question. You took a free ticket to get to Afghanistan; you had help to get there.

A: The person that showed me the tape paid for the ticket.

Q: And the person that showed you the tape showed you military training camps?

A: He didn't tell me anything. After showing me the tape, he asked me if I wanted to go to Chechnya or Afghanistan. I will buy you a ticket to this country or the other.

Q: To do what?

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A: To train; to become a mujahadin. The Chechen tape was difficult, and so I decided to go to Afghanistan.

Q: With your love of the military it seems strange you would want to go to Afghanistan to get training even though you could get drugs there. They just bought you a free ticket to get into the country.

A: Not because I couldn't get the tickets, I did this because I didn't know the way to get there.

Q: What did you do for a living when you were not in prison?

A: Which prison?

Q: What did you do for a living; what was your occupation? In Germany and Italy?

A: I was helping a cook, and I was selling vehicles. I was also a thief. In Italy and Germany we were thieves. We would steal things.

Q: How much cash did you have on you when you left Germany for Afghanistan?

A: I had 17,000 Marks. I took 11,000 for my girlfriend, and took 6,000 with me.

Q: And it was 700 Marks per kilo?

A: At the beginning, I didn't want to buy anything yet.

Q: You left Germany for Afghanistan with about 17,000 Deutschmarks?

A: In Germany, I had 17,000 marks. When I left, I took 6,000 Marks, and 11,000 with my girlfriend.

Q: When you were in Camp Nine, who was your friend? Did he travel with you?

A: When he saw the tape of Afghanistan, he just wanted to visit. He bought a ticket that was a two-way ticket to go and come back. I didn't even tell my friend I was going there for drugs. When I went to the market, I didn't take him with me, I went alone.

Q: So he bought his own ticket from Germany to Afghanistan?

A: The Moroccan bought it. He showed us a Pakistani visa and passport, and he was the one that showed us the way and bought us the tickets. The visa was for three months, or 90 days.

Q: So basically you worked with the Taliban to try to get drugs?

A: No, no. If the Taliban knew, they would kill me.

Q: I don't mean you told the Taliban what you were going to do. I meant you worked with the Taliban to get what you wanted.

A: Yes, because they don't tell anyone where to go, and you are not afraid to go wherever.

The other Tribunal Member then addressed the Detainee a second time.

Q: If you were to be released, where would you go and what would you do?

A: My goal is to go back to Germany and open a club and relax. I've told everyone that. I don't want to live in any Arab country. I want to live in Europe; I like Europe. We would meet in Germany or Italy. Italian interrogators came here two years ago. They interrogated me about when I went to Germany. They told me they didn't have a problem with me. They have my passport and everything. Germany or Italy is where I'd like to live. I would want to bring my kids from Algeria. That's what is in my thoughts.

The Tribunal President then asked if anyone else had questions for the Detainee.

Personal Representative: One short question; I remember when we talked during our session, you talked about your Muslim religion. Could you clarify to me if you consider yourself a strong and dedicated Muslim, or to what level do you consider yourself a Muslim?

Detainee: I just know my parents would pray and fast. They passed away. I don't have any problems.

Personal Representative: But you did not go to Afghanistan to answer a fatwa or to fight for any religious cause?

Detainee: No, I don't know, not a fatwa. My parents raised us not to cause problems and to be peaceful.

The Tribunal President thanked the Detainee for his testimony, and began explaining the rest of the Tribunal process. The Detainee interrupted and stated the following:

Detainee: I would also like to tell you that I do not have any problems with the United States of America, or any other country. From my side, in my heart, I don't have anything against (the U.S.).

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The Tribunal President again thanked the Detainee for his testimony, then completed his explanation of the remainder of the Tribunal process, and adjourned the open session.

AUTHENTICATION

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

Colonel, U.S. Marine Corps
Tribunal President

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Summarized Unsworn Detainee Statement

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

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

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

Tribunal President stated that the detainee wants to participate and has requested two witnesses, which will be present later on during the tribunal hearing and the other, Abdullah Hakeem (ph) who is currently located in Afghanistan. Both witnesses have been ruled relevant to this case. The first witness request was sent to the Department of State on 20 December 2004, the second on 29 December 2004 and a third request was sent on 3 January 2005, all contacting the Afghanistan embassy. As of this date, 13 January 2005, we have not received a response from the embassy on the status of this witness. The witness has been deemed not reasonably available.

The Recorder administers the Muslim oath to the detainee.

Detainee: I swear to Allah what I say in this tribunal will be all truth.

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

3.a. The detainee is associated with the Taliban.

3.a.1. The detainee traveled to Afghanistan 26 September 2001.

Detainee: Everybody is entitled to go to their home, their country at any time. But, if I were to go to Afghanistan to join the Taliban, I wouldn't have taken medical supplies; I would've taken weapons to go and help the Taliban. When you are going to go fight a war or go to a war zone you wouldn't take your children or your family. This situation, we wanted to start a medical facility in Afghanistan, it was well thought of, and we thought about it a long time ago, before we left. When we built this house, there were no signs of Taliban or Americans at this time. I had no idea I would ever see Americans stationed right next to our house. I would like to know, which basis, that you consider this a crime; please tell me why this is a crime? Why is it a crime that I went to Afghanistan with my family, to my home?

Tribunal President: This is just a statement.

3.a.2. The detainee operated medical equipment at a local clinic, but no such equipment was found.

Detainee: I don't think the basis of this accusation is a very strong. The Americans came to our house; they never went to our clinic. If someone says that I'm accused for having medical equipment, then all the whole Americans should be accused of this, because there is a lot of medical equipment there. If this is a crime, everyone is a criminal. This machine was there to cure problems and people. Not hurt anyone. The machine that we had, the biggest machine was an x-ray machine. You can use this machine only for x-rays. No way possible to use this machine to hurt someone.

Tribunal President: Maybe we need a clarification. The allegation said that you operated medical equipment at the clinic. They did not find any equipment at the clinic, is what they are trying to say. Not that it's bad to have medical equipment, it just that they didn't find equipment there.

Detainee: They came and captured us at our house. I did not operate from my house. We have a clinic about five to six minutes away from our house; the facility was not there when they searched.

3.a.3. The detainee can fire an AK and a pistol.

Detainee: No doubt about it that I can use weapons. Those are there used for protection. It is a duty for every man. There is not a possible way for someone to live in that environment, in those conditions where there is no security, no rules, no law, that someone can defend themselves with no weapon just on his own, especially in a country like Afghanistan. You know better, how Afghanistan, if that becomes some sort of offense, or accusation, maybe you should put all Afghanistan in this area.

3.a.4. Two rifles, a pistol, and a signal mirror were located in a center building, also referred to as the "Target Compound".

Detainee: We have admitted to that situation that there is a target area in our house. You know better than that, that we have the right to have weapons and to know how to use them. If the law allows us to have these things, then why is it a crime? When you are referring to these signal mirrors, they are not just in our house; they're in every house. Every house has about a dozen sitting around. We use for routine, daily use, to look at ourselves in the mirror. Not for signaling. The fact that they are talking about some type of targets, wall, they are very common. This house is our house, it's no different than other houses in area. It is a typical house of that area. It was built five to six years earlier. How is that possible if their children and women and then you use the same place for targeting? Not a huge house, it's thirty meters in width, not made for big there. Not a target house, it is a family house.

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

3.b.1. The detainee was arrested in the house into which someone entered after firing rockets at United States forces.

Detainee: What I agree with all of this is that I know after rockets were fired, we had company. Those people were Abdullah Hakeem and his family. Hakeem (ph) is a well-aged individual; he's well over fifty to fifty-five years old. He was captured sometime and transferred to same American firing base. As you know, he was captured with us, then, we are all here, he is there. If someone entered my house, that might have anything to do with the rockets being fired, strangely enough, he came to our house. He's in his house there, and I'm in my house here in prison. If you think he is the guy, then why isn't he there? Why am I being accused of this? I get the feeling that maybe the Americans that were there somehow did not like me. That they wanted to do something to me, because they don't like me, they captured me for punishment.

3.b.2. The detainee exhibited the burnt hair, gunpowder smell, and oil stains on his clothes, indicative of the recent firing of a rocket launcher.

Detainee: I do not have burnt hair and never smelled like gunpowder, not true at all. How is this possible that I have gunpowder and explosion and I am alive and right there? They have evidence about my hair. They got samples from my hair, it was easy. They were supposed to take a piece of my hair, part of my hair, for testing purposes for what they accused me of. According to that, they could've made the right decision, but, they didn't make the right decision. If they think that I had yellow marks on my hair, and that I caused them, then all of you then, have fired rockets. Those who have yellow hair, then you fired rockets also. They never told me when they caught me I had burnt hair. They told me that I looked like that my hair might have been on fire. There is a big difference between burnt and regular hair. That is big evidence, that my hair was not on fire and that I did not get burnt. All this is a complete lie.

Tribunal President: Does that conclude your statement?

Detainee: There is one follow-up on the oil spots on the clothes. The fact there was some spots on my clothes, you know that I was working in a lab. We used different sorts of chemicals in the lab. It's always a possibility and it happens to someone all the time, to someone who works in a lab. You know, they get their share of spots on their clothes from all the chemicals. We use oil in our daily cooking. If that is some type of evidence or crime, then ninety percent of Afghanistan has spots on their clothes. For what reason, what logic, do those spots relate to a situation that might have come from firing rockets? I do not know how to fire rockets; I have not seen one up close. It's not what I do for a living. My duty was to bring harmony, take care of them, and give them treatment for the people. I was not there to kill people and ruin their security. A person like that, a person who wants to help, these accusations not right. All these accusations are so far from my mentality; I have never caused any of this. I don't want to accept any of them.

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

Detainee: Yes.

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

Personal Representative: Yes Ma'am. When you went to Pakistan to Afghanistan, were you aware that Americans were sending military forces over to Afghanistan?

Detainee: I had no idea; I had no information about that situation at all, either radio and television.

Personal Representative: During our initial meeting, you had said that you lived in Pakistan for twenty-five years. During that time, did you go to Afghanistan, even temporarily?

Detainee: Maybe once a year, if there was an emergency type of situation. Something I had to go do. I would make a trip, to Afghanistan to where they were and then that was it.

Personal Representative: Did you have family in Afghanistan?

Detainee: My family, my uncles, my nephews was there. My other family was in Pakistan.

Personal Representative: Prior to arrest, had U.S. forces ever been to your clinic?

Detainee: Yes, they have been to the clinic.

Personal Representative: Inside?

Detainee: Yes, they did.

Personal Representative: Regarding the target in the compound. Did you or did you not, shoot your weapon from inside compound?

Detainee: If you have a house that's about thirty meters in width and there are four different rooms around it, you can't use that area for training purposes. Children and our wives walk around there all the time.

Personal Representative: So, no you did not.

Detainee: No, I did not.

Personal Representative: Regarding the clothes that you had on when you were captured, do you normally wear work clothes to bed?

Detainee: It has been part of my imagination, during the past year, I've been thinking about it, that when they brought me here, at the time of the capture. I do not remember if I had work clothes on, at that time I was taken away. But usually, I changed into sleeping clothes.

Personal Representative: You said you had visitors that night. Is it possible that you changed clothes when visitors came?

Detainee: No.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Were you wearing a hat?

A. No.

Q. Why did you have a visitor that night?

A. Which visitor? Hakeem? (ph)

Q. Yes.

A. Hakeem? I previously verified that Abdullah was living in a more vulnerable area where the bombings were occurring on usual basis. He came to our house so he could refuge his family, his kids and his family, because our house was in a safer area, his was right on the skirt of the mountains.

Q. Any other visitors that night?

A. No other guest. The only guest was Hakeem, and he only came there to protect himself.

Q. Did he drive out there?

A. He walked.

Q. Do you, your brother, or your wives have a car?

A. No.

Q. Are there any cars parked outside your house?

A. I did not see a car, did not know a car came there, and did not see a car.

Q. When Americans came, were they in cars?

A. Yes.

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Q. When you went outside, did all the vehicles look like their vehicles?

A. HMMWV, all lights were at us, Army cars. I could not recognize the difference in the cars that much.

Q. The X-ray machine, you might have misunderstood the allegation, but the allegation is that you say that you are a technician for the equipment, and the allegation is that there is no equipment. Can you describe the x-ray machine?

A. We have someone that always guards the clinic. When Americans went there, to look for those machines, no one was there, they must've taken them.

Q. Does the machine use electricity?

A. It uses the generator at the clinic.

Q. Where did you get training to operate the x-ray machine?

A. Two years in Pakistan with a professor.

Q. Before you were working in the lab, what did you do prior to this?

A. Before I was worked in our lab, I worked with that guy I told you about in Pakistan.

Q. You indicated that you have weapons, did you have any formal military training?

A. No, I have not done any formal training in Afghanistan. Weapons usage is common, used all the time. Mainly in the liberated areas, borders of Pakistan and Afghanistan.

Q. Do you know what dynamite (gunpowder) is?

A. I have not seen any gunpowder or dynamite before.

Q. When you were working in the clinic, were you paid?

A. Everything. I worked with my brother. I never got paid by him, our property and our assets are the same. Got paid by brother.

Q. You indicated that you went back to Afghanistan with your family, who was that? How many wives and children went back with you?

A. We were six to seven people in house, me and my brother, his wife, and my wife. When we came, my third brother, and his wife had come along as well. He was not there in that house. There were seven or eight people there when everything happened. When we came, to Afghanistan, we came as a whole family. Other sisters and other brothers were there too.

Q. The house in the clinic did you and your brother own that, or were you renting it?

A. It's a (inaudible) (sounds like either board house, or own house) house.

Q. You said earlier that the U.S. soldiers might not like you. Do you know why would they not like you?

A. The only reason I said that, that I do not have any records of that, but it was because if there was somebody at all responsible for the accusations, then it wouldn't have been me, because I was never out. It was Hakeem (ph) who came. So, when I see the situation

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that if the Americans came to captures someone, with a probable cause. He is not even here, so, I'm drawing this solution from it, that maybe this was something personal against me. I'm here. I don't know why they did that to us, no specific reason.

Q. You indicated earlier that you were not wearing a hat. Did you wear routinely wear a turban to cover your hair?

A. There is a typical hat, pakol (ph), that's wool. We wear it during the daytime, but not at night or at home I did not wear that.

Q. You said sometimes you get oil on yourself when you cook. Were you cooking the day that everybody was arrested?

A. My older brother, we respect him a lot, whatever he says, when he has visitors, when people came to see him, when sick people came to see him for consultation, we always feed them too, they are our guests as well. So, I always did his duties and always took care of things. I always transfer food to his guests all the time. The food always had oil in it. But I did not cook.

Q. Were you in charge of lab or did you work for someone else other than your brother?

A. Nobody else there, but me and my brother.

Q. What were you doing when the American forces came to your house that night? Were you awake or asleep?

A. When rockets fired, usually do to the humungous impact, sound, and destruction of the bombs, usually every time something got fired, or the airplane shot, fired missiles, the whole area shook, our children get scared, and we come to the front of the house, still inside the house. In the middle of compound, in a flatter area it's like an earthquake, everything shakes. When all of this was done we went back and we went back to sleep. I could still hear other bombs, fired, or launch, but they were far away. It was not effecting us, not shaking our area, so, we felt safe and we went back to the house. Specifically, I was sleeping when Americans came.

Q. How long after the rockets were launched did the Americans show up?

A. More or less thirty minutes, half an hour.

Tribunal President's questions.

Q. When you were taking your family to Afghanistan, how did you prepare for them, did you build house, or buy one from somebody?

A. We had built the house, five or six years ahead. It was built already; it was not a challenging situation, just to be around the area.

Q. You went from Pakistan to Afghanistan to build the house?

A. When we were in Pakistan, my father had the project to build the house for us, with workers. He built the house for us.

Q. I thought you had indicated that, I just want to clarify, that obviously there weren't any Americans there, but also no Taliban, when house was built?

A. During all this time, I live near the border, there is no sign of Taliban, they can't even make it there, it's too far, there's no presence of Taliban, at any time at all.

Q. If you built the house, and I'm assuming you want to live in Afghanistan, why didn't you move back when the house was built?

A. My brother was still in medical school.

Q. You were waiting for him to move back together?

A. Yes.

Q. When you moved back, was the clinic was already built?

A. Yes, it had been built before.

Q. Did you guys build it in prep before you were moving back, or did you buy it from somebody?

A. The tribe leaders, people who lived there, the elders had built the clinic there. They are residents there. When we went there, we got it from them and we are paying rent. We did not build it from scratch. I do not remember paying any rent for it. But the way things go, if there was nobody in the house, in that area, it was empty and we picked it, that spot for the clinic.

Q. Who would you say most of the time, who were your patients? Were they locals, poor people?

A. They were mainly people from the area that were living in that region.

Q. Did they pay you for your service, for services received from your clinic?

A. Of course, we gave them medicine. We bought the medicine, so we had to give it to them. They paid for the medicine and the visit.

Q. I know normally things like x-ray machines are very expensive pieces of equipment. How did you pay for x-ray machine?

A. We purchased that machine for 2000,000 rupees, and it's 50 rupees for each dollar, it equals out to 3,000 to 4,000 dollars. We invested that money we wanted to buy that. That much money a whole family can come up with the money.

Tribunal President: Is there anything else at this time you want to tell us?

Detainee: No. I do not have any questions at this time.

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

Personal Representative: No documentary evidence, but we have a pre-approved witness, his brother is available, and is ready.

Tribunal President: At this time, let me explain to you how the witness process occurs. Since you already have been a witness, you already know what to expect. Basically, we will have the witness brought in, and I'll ask him to state his name for the record. The Recorder will administer the oath. At that time, then you will be allowed the first opportunity to ask him questions to get him to present information that you think is relevant to your case. Then the Personal Representative, the Recorder, and the Tribunal Members will be able to ask questions. Please keep in mind everything needs to be translated, and please allow time for that as you are asking questions. You are certainly welcome to give him a brief greeting or brief exit greeting, orally. Again, please remember, that it all needs to be translated. Do you have any questions?

Detainee: No, that's fine.

Tribunal President: You are certainly welcome to give him a brief greeting or brief exit greeting, orally. Again, please remember, that it all needs to be translated.

The Tribunal President called for a brief recess while the witness is brought into the room.

Hearing is reconvened with witness and detainee present.

The detainee and witness exchange greetings.

Tribunal President: This tribunal has been reconvened with the witness in the room. Would you please state your name for the record?

Witness: My name is Naquibullah.

Tribunal President: You are here today to testify for Mohammed Rasoul, are you still willing to do so, and are you willing to do so under oath?

Witness: Yes.

The recorder administered the oath to the witness.

Tribunal President: I will tell you that we are having difficulties picking up with the recording device, we may, even though you speak to us in English, we may repeat it again just to make sure she has it in the record. Detainee, do you have any questions for the witness?

Detainee: I do not have any questions for witness, but if wants to make a statement about me, he can.

Tribunal President: That will be fine.

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Witness: Before I say something. I mentioned it before. In my country, in the different area, we live as a giant family. We know everyone. My brother, my sister and everyone. If some people, are living separately you can make a mistake. You don't know about his brother or sister, you don't know who is living in his home, who belongs from different families. Last time I told you, me and my brother and my whole family, for the last twenty years we were living in Pakistan. My brother, his job was just to study. He studied for around ten years. Later on for some reason he doesn't continue his education, and he finished his education about ten years later. He joined the laboratory; he was working in the laboratory for two years, more or less. He was learning laboratory courses I was studying in college, and when I completed my education I go back to my country, and he was also with me. He was working with me as a laboratory technician. If you have any questions about my brother, you can ask them.

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

Personal Representative: Yes Ma'am, I do. While you were going to college, yourself, how did you pay for it?

Tribunal President tells witness to wait for translation to his brother before he answers.)

Witness: Family financed, I already mentioned that my father, my dead father, he was working in Dubai, for ten years, and he was there and he was sending money back for me and my whole family, there is no problem for me to go to college. Here in the United States and other countries, the fees to the schools and colleges compared to Pakistan, is very expensive, compared to there. For example, from the beginning of ten years there is no fee in the schools. I went to a school, not a private school. After two years, I went to the college, the fees were round about, for one year, it will be less 1,000 rupees (Pakistan rupees) about \$20. My college before this, three years before, I mentioned everything, that where I studied, I give you the college numbers and high school numbers I give you everything. This college, in Pakistan. there are more than four colleges. They are not from Pakistan; you get help from United Nations and some other countries. So the fees were way, way less. Everybody knows about these colleges, their programs and their fees. My education expenses were books, uniforms and eating. These are the main expenses. It is not difficult for me, because of my dead father, this is what I studied.

Personal Representative: Did you and your brother always have a plan to go to college and start a clinic back in your own country.

Witness: In childhood, no one thinks of future that you will be a doctor. When mature, then he knows about his future. My brother is younger than me. I already decided to be a doctor. For more than eighteen years, I lived outside my home. From my country and my home. I would only go for vacation to my home. For long, long time. Four or five years, this was my decision, before, I want to be doctor; I will come back to my country. My brother wants to be a doctor too. He doesn't continue his education he remains in the middle. I was already in college; I was studying. For me, there was no way. I knew in Afghanistan, that I decided when I become a doctor I will go back to my country. For me

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there is no chance, because if you are a doctor, and you have nothing, it's more difficult for you to diagnose any patient. You need x-ray, laboratory, all these things, we use in the medical profession. Nobody is ready to work with you in the mountainous area, in the backwood area. All those people, have something, they are going to a different area, a more developed area, for example, the United States or any other countries. Nobody wants to become a doctor and then come back to a backwoods area but my mission was different than other people. I was not thinking of myself. I was trying to become a doctor, and to get more money. My job was different, so, if no one working with you, not possible to do x-ray, running laboratory. I requested my brother, he was not interested in these things, he was interested in the business, but requested his time, without him I would face a lot of problems, I can't do these things by myself, I need brother and family.

Personal Representative: When did you graduate from medical school?

Witness: 1998.

Personal Representative: Why did you decide to go back to Afghanistan at that time to open clinic?

Witness: This was my program from the beginning, and before, we started this, five or six years earlier. When I go back to my country, this is our plan before. When I was in college, my dead father, said for the sake, you will work here. The bazaar any patient or poor person that was coming in that area, it is a big problem, not everyone has a vehicle. My home is situated near the bazaar, so that any patient coming to me, he can stay there, and there is transport facility.

Personal Representative: I understand the reason you came back, but my question is more directed to when. You graduated in 1998, there are two to three years in between.

Witness: I worked for one year as an intern, a practical job. That's a rule, for the medical college, that when you are finishing the theory, for practice you go to a big hospital and you will practice for one year. I was working for year working as a psychiatrist and a physician at the hospital. Everybody knows there, in Pakistan, the first day, when the interrogator asked where do you work, I have him all the phone numbers, and all the names of the hospitals and where and which time I was working there. When I completed all this, I went back to my country.

Personal Representative: The night of your arrest, did anyone come to your house seeking medical attention?

Witness: No.

Q. You were paying monthly on this x-ray machine. \$8,000 rupees a month, and you said it cost about 300,000, how many payments did you make before you were arrested? Was it paid off or did you still owe?

A. Three to five months that I paid. I bought this machine five or six months before. I did not have machine.

Q. The person you were renting this machine from, did he know where clinic was?

A. He was living in that area, and knows about me.

Q. If you stopped making payments on this x-ray machine, would it be possible that he would come and retrieve it and rent it to someone else, in another village?

A. I don't know about this. I am here. Everything is possible. This is useless for him. Nobody else knows how to use it. They have no other person to use it. For example, if you know how to use it, then it's precious, but, if you don't know how to use it, then it's useless. My other brothers, they are working. Everybody is trying to be respectable, my brothers, they work day and night. For example, I don't know the exact mentality of that person, if ruthless person, (inaudible) It's not impossible. I don't think so.

(Inaudible)

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Before when you were giving an answer, you said, you told us before, I just wanted to clarify that his case goes to Washington, and your case goes to Washington. Each file is separate, and that there may be something that you told us before that needs to be in his record. One of his allegations is that he smelled like gunpowder and he had stains on his clothes. So maybe he fired rocket. You previously told us that where the rockets were firing, you couldn't get there in half an hour. Can you explain again for the record?

A. I already showed you everything on the map, on the towel paper. It showed everything, rockets, and different areas, no other area. This area isn't only one mountain, not two mountains, there are a lot of mountains, and I did not see that from where they fired the rockets, I don't know about the area, but I don't know the exact area more than 1.5 hours maybe the distance may be more than that, because of the area is not only one mountain to be measured. We think that the distance will be one hour, or one and half hours. The second thing is, this smell is distinct. I know if its head, but, the chemical dynamite (gun) powder, he does not shower. He does not change his hair; he does not have artificial hair to be changed from that one to another one. We arrived at the same time, they took the same hair, the blood samples, everything. They wear the gloves, and the uniform. There was nothing. This stain was of the chemical used in the (inaudible) you should understand, you have laboratories too. How is it possible, that he smelled of gunpowder? I don't know about gunpowder, if there was too much gunpowder, at the time, he should be dead, and if he's firing the rocket. The rocket, the people are using powder. How you can say if there was smell, if you know there was smell, that's ok. They took hair, blood samples. Still you are working on this process, for the last two and half years, it's not a difficult job.

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Q. One of the allegations said that he was a lab technician. But, when they went to look at your clinic, no medical equipment found. So, I'm to assume they went to the medical clinic and they didn't see a machine. So, I want you to verify that he did use the machine.

A. They went to my home, not clinic, at clinic. The machine is at my clinic, not at my home. The second thing is no one can say that you can't use the medical equipment these are the medical machines. These are required and should not be an allegation. Every country build their own machines in the United States, you are making a big mistake, because we are having one machine, and you having a lot of machines. A medical machine is not an allegation; this is not a machine not known to everybody. The U.S. soldiers before have seen this machine, and this machine is not to be used to fire the rockets, this was just for used for medical. We also have a small machine that we use for tests. I don't know the name.

Q. Did you have electricity at clinic?

A. Yes, generator.

Q. The night you were arrested, was it night, moon or dark?

A. I don't know.

Q. When you went to bed that evening, were there any cars around house?

A. No.

Q. Did you have any visitors at the time you went to bed, staying at house when you went to bed?

A. No.

Q. Did anyone besides Abdullah Hakeem (ph) and his family, did any other visitors come?

A. No.

Q. After your arrest, did you identify your clinic location to the American Forces?

A. No one asked me.

Q. No one specifically asked you?

A. No, no one asked me.

Q. Your brother indicated you served food at the clinic sometimes. How often, at all, did he cook or for you, or the people who would come to the clinic?

A. I don't understand.

Q. One of the allegations is oil stain. Your brother indicated that you would serve food in your clinic, and that he would sometimes cook. How often would he do that?

A. No, we never cooked any food in the clinic. The clinic was a profession, not used as a kitchen. But, he was bringing food from home sometimes; my younger brother would do this. For example, in according to tradition, if a patient is coming, and he is the

caretaker, the facility is not available. You are to bring food for them in your home. But, that is for those patients that are admitted.

Q. Just for clarification purposes, the area you were living when captured, is that the original home in Afghanistan?

A. Yes, this is my original home. But, before, I already mentioned, we constructed this one five, six, seven years before. We have our own village, we have our uncle and my whole family is living there, the distance is about six to ten kilometers. Yes, this is our original home, but before we weren't living here, we were living in village.

Q. It was six to ten kilometers.

A. Round about.

Q. Was there ever an occasion that you ever saw your brother with any sort of burnt hair, and type, arm, leg, head hair, ever on occasion when it was burnt?

A. I never smelled his head, but his hair color you can see that his hair is weak. But, when his hair is long, the ends of his hair they become double, double, they are different than remaining hair. I never smelled his hair, his head, to feel his head. His hair is split ended, weak hair, smelly head.

Tribunal President's questions

Q. After you were captured, did the U.S. forces ask you any questions that would lead you to believe that they had went to your clinic after your arrest and searched it?

A. No. Nobody asked me at the Firebase, nobody asked me at Bagram or here. Nobody asked me if they went to my clinic.

Q. How expensive, I know they are pretty expensive, how expensive was your machine?

A. It was a second hand machine, not a new one. 300,000 Pakistan Rupees. I was not paying this money. I took money, this money from the other person as a profit. I repay monthly, 8,000. In my room, I have documents, agreement letter. Some months I pay 8,000 rupees. I took from other person and the profit I would pay monthly.

Q. Was this a portable machine, as in you could move it from room to room, or was it a stationary, large machine?

A. It was fixed. I don't exact weight, but six or seven people can move it.

Tribunal President: Thank you for participating in this tribunal. We will take a brief recess while the witness is removed from the room.

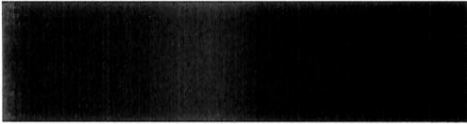
Tribunal is recessed until after witness is removed from the room.

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

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

Summarized Sworn Detainee Statement

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

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

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

The detainee did take the Muslim oath.

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

Detainee: It has been three years since I have been detained here. I have been wrongfully accused. I did not do anything at all. I am not an enemy combatant. All the allegations against me, if they are true then I would not mind if the tribunal gave me any punishment to keep me here for the time I have been here. None of this is true. They do not have any evidence that I did these allegations against me. I am looking for justice, because I have been wrongfully accused and I am innocent. In my entire life I only seen Padsha Khan for five minutes and that was after the Taliban left and the Americans came. He was with the Americans. I only saw him for five minutes, he did not know me and I do not know him. The second allegation that I secured the village of Khumdi, I do not know where this village is. If anyone in my area knows this village then I would be wrong because I have no idea where this village is. I did not secure any village by this name. I didn't do anything like that. Padsha Khan I only know his name. I did not know him personally and he did not know me. I am not a member, friend, soldier or have any relation with that person. Why would I do something like secure the village or work for him? I have never done that type of work because I don't know that person. If I knew him then you could say that I worked for him, but I never worked for that person. About the gun, this was my personal gun. I had a license from the security commander Misure Ha(ph) that they issued to me so I can carry it by law. I understand that he issued me a permit, but I did not have any particular way of how I would use the weapon it was my personal choice. When I was in possession of this gun I never did anything wrong with it, I never fight with it or shoot anyone with it. If you have any evidence of someone saying that I did something with that gun and you have proof then I would ask of that proof, but I never used that weapon. I just used it for personal safety and I was carrying it. About the 40 to 50 personal that I was a member of their group, it was the people who were helping the Americans when they first came to the area. We were helping the Americans with security to make sure the are secured and I worked for Mohammad Yousef(ph) the commander at that time. All of those people are still working for the American base in the area. Whatever we did, we did not do against the government, we actually did to help the American government because they were new in the area and it was our job to protect them and let them know about the area. Out of all the things I said,

if anyone says that I lied even one word then you could say all my statement is a lie, but everything I say is true. The only thing I did to help the (inaudible) of my country was that I came back to my country and help the Americans because they were new and I knew the area and I know the people so I worked and helped them. That was the only thing I did in my life relating to the government other than that I never did anything with any group or anybody else. If I worked for Padsha Khan like they said then he would not have turned me over to the Americans if I was his soldier. He did it because I did not know him. I have never worked for him. In the beginning when the Americans first came to the area Padsha Khan was the one who was the helping the Americans and working for the Americans. They were providing him money and weapons and he was recruiting people for the Americans to help in the region. He was a good man at that time working with that Americans. Now if he is a bad man I did not have anything to do with him. I never had anything to do with him before but I know him at that time because he was working with the Americans and when I captured he was the one who did it. Now if he is a bad man I should not have anything to do with that. The person I worked for, Mohammed Yousef(ph) he was the Commander of the Afghan military working with the American base at that time when I worked for him and he is still working for the American base in the area. That is why I put him down as a witness because he can testify to that, I use to work for him. Three years ago anyone who was working with the Americans when I was in the country, if they turned against the Americans I should not be responsible for that. The Americans worked with him and they should know where this person is. They can also check my records of what I did when I was in the country and you can also ask the Afghan Commander, he should have a record of me when I was working for him. The only is that I have been here for three years and I was telling people that I was a friend of the Americans and I worked for them. The people here are either Taliban or al Qaida. If I was them then I would say you could keep me here for that long, but I help them and now in return I got three years in the prison over here. In the past three years that they have had me here anytime they come and ask me any questions or for any information I have helped the Americans I have never refused to answer any questions. I gave them any information that I knew, but I have been here three years and now they are saying that I might be an enemy combatant. That is why they are keeping me here. I have seen in the past three years that there were people who worked for Taliban and the al Qaida they are gone but I got these three and I am still here just because I worked and helped the Americans.

Tribunal President: Does that conclude your statement?

Detainee: There are a lot of things that they say I did, but I just want to make sure to answer all the allegations on me and just let the tribunal know what is right and what is not true. That is why just told the whole story other than that if they ask me more questions I will answer them but I don't have anything else to add to it.

Tribunal President: We may have some questions. I appreciate that.

The Personal Representative had a question.

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Personal Representative: When you were at the checkpoint and taken into custody can you tell us what happen at that checkpoint.

Detainee: It was about 1:30pm in the afternoon. I was going to Mediamshaw(ph), Pakistan because I have family there. It was four people in a corolla car. I was going on the road to Pakistan when I saw American and Afghan soldier at the checkpoint. When we got to that checkpoint they ask me to give them the weapon. They ask me to give them my weapon and I told them that I worked for the same government. The people with the American soldiers were Padsha Khan soldiers; they asked me to give them my weapon. I told them that I work for the same government and the same Americans and I have a permit from the government to carry it. You can check the permit and if I'm wrong then yes you can have the gun and if I'm right then I can carry it. I asked the commander of the Afghan military does he mind because I did not give him my weapon. He said that you couldn't leave the area; you will not go with those people. He went and talked to the American. Nobody ever asked who I am, what did I do, or where did I live. They just handcuff me. I'm not saying anything about the Americans because the American didn't probably know me and we could not speak the same language. The only thing is the Afghan people know me and they knew that I was saying that I work for the same government but they told the American something else and then they handcuff me. If I did anything wrong then I can say that they are right. They let the other three people go, my brother and two other friends they had weapons but they let them go. Since I argued with that Commander, I guess he considered it as an insult. That is why he lied to the American and probably told him a different story and then they captured me and brought me here. If carrying a weapon was a bad thing then they should not have let the other three people go home. It wasn't actually the weapon he just took it personally.

The Recorder had no further questions.

Tribunal Members' questions

Q. What is you occupation?

A. I was a shopkeeper.

Q. Did you have travel as part of that job?

A. What kind of travel?

Q. Let me take a step back. What did you sell in your shop?

A. Grocery and food.

Q. Did you have to go get the products or did someone bring the products to sell?

A. Yes sometimes I would go and buy the groceries at a store. Sometimes I would ask my brother if he could get it. If he can't then I would keep him in the store and then I would go and get his stuff, yes I do go and get the stuff sometimes. I would go for a week and buy the stuff and come back.

Q. What village are you from?

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- A. When I got captured I was in Afghanistan, but before I was living in Muzaffargarh(ph), Pakistan and the village name was Darga.
- Q. Is your store in Pakistan?
A. Yes before it was in that village.
- Q. Do you have a passport?
A. What country?
- Q. Either Afghanistan or Pakistan?
A. I have an Afghanistan passport.
- Q. When you were captured you were living in Afghanistan, is that correct?
A. During the Taliban time we were living in Pakistan. When they left I was bring my family back to Afghanistan. That is why I was working on bring everything back to Afghanistan, then I got captured before I could finish the transfer. Now all of my family has moved back and now they live in Afghanistan.
- Q. When you were captured do you know who was the governor of Pakia(ph)?
A. Bothcho Han(ph)
- Q. I noticed you said that your three year point is this month or next month. This says March 2002, so do you think it was January 2002?
A. That is wrong. It should be over three years next month.
- Q. Are you married?
A. Yes.
- Q. One wife?
A. Yes. Just one.
- Q. Do you have children
A. Yes
- Q. How many?
A. Three.
- Q. Do you speak english?
A. No
- Q. Your education?
A. No education.
- Q. Did everyone carry a gun for safety?

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- A. Outside the city area everybody carry a weapon because they might have a personal dispute or enemies. In the city only the people who carry a license or a permit from the government could carry a gun.
- Q. Have you ever had any military training?
- A. No.
- Q. Padsha Khan and Mohammed Yousef(ph) were they both helping the United States.
- A. Yes they both work with the Americans.
- Q. Were the both helping the same Americans at the same base?
- A. Yes the both work with the same Americans because when the Americans first came to the area they had a base in Sarobagh(ph) the one mentioned in the allegation. Mohammed Yousef(ph) was the commander of AMF (Afghan Military Force) for that base and Padsha Khan was the governor of Khowst with the base of the American soldier.
- Q. Is Mohammed Yousef(ph) or Padsha Khan against the Americans now?
- A. It has been three years since I have been here so I don't know if they are still working with the Americans or if they went against Americans because I have been here.
- Q. Do you know any Taliban or al Qaida member?
- A. No. I do not know them. I left Pakistan because of the Taliban and I came back when they left. In the beginning if I do know some people that were working with the Taliban then I probably mentioned in my interrogation.
- Q. When you were working for Mohammed Yousef(ph) what did you do?
- A. The American base was in Sarobagh(ph). That area belongs to the tribe. It was our area. We were helping the American when they first came. There was a main road going from Khowst to across the border and going through other cities. I was going through our property also. We put a check a point on that road to make sure that nobody would bring a weapon across the border and to help Americans so people would not bring any weapons to use against them. After the Taliban left there was no government in the beginning so everybody was fighting and getting weapons. Other tribes were trying to protect their area, so our people decided to go out and put a checkpoint on each road and make sure no one would bring a weapon to the area and harm their tribe, that's why we were actually doing it to keep the area safe and help the American soldiers.
- Q. You say your brother and two friends were in the car. Did they have weapons as well?
- A. Yes.
- Q. All three of them?

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A. My brother had a weapon, but the other two people didn't.

Q. Your brother and the other two were let go?

A. Yes.

Tribunal President's questions.

Q. I understood you say that when you were captured you on your way back to Pakistan?

A. Yes.

Q. Is there a problem carrying a weapon over the border?

A. No, that is tribal area. There is no problem if you have a license from the Afghanistan government. There is no problem to carry a weapon on either side, it is a tribal area and there no Pakistan government controlling the area so you can carry a weapon freely.

Q. So actually your tribe controls the border is what you're telling me?

A. All the border is tribal area and it is free.

Q. You said at the checkpoint there was an American and an Afghan, was the Afghan a member of your tribe?

A. Their faces were covered. I just knew one of the Afghan soldier commander Sabad(ph) who was working for Padsha Khan. When they first stop me they were asking me. I was giving up the weapon because I do have personal enemies. I thought maybe that if they all are working with the government, not because their faces were covered. That is why I wanted to keep the gun with me. They went and told the Americans something else and then they came and handcuff me.

Q. You talked about working with Mohammed Yousef(ph) did you receive pay for this work?

A. It was the beginning because the Taliban had just left. There was no official government in Afghanistan so we did not receive any salary from the government but we were getting money from the security commander for the area. It was not that much money that you have regular pay. After the Americans build a new government later on they started paying people salary monthly. In the beginning we were just getting money to support the family from the security commander.

Q. You talked about having personal enemies, was there anyone in particular that you had a problem with?

A. I don't know of anyone specifically that did that to me. When I was working for the American base somebody shot my brother in the leg, so we do have enemies that we have to watch for all the time that is why we carry weapons. I don't know which enemy did that to him. There was a personal difference somebody paid three hundred thousand Pakistani currency to kill my brother or me. We ask the person why did you take the money? He said "No I didn't take any money" and

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then we brought all the elders together and they found out that he did get some money. They blame him for that and later on when they got a chance they shot my brother. I was working with Mohammed Yousef(ph) at the base for two weeks when my brother got hurt and I took him to Pakistan. I spent two months in a hospital over there. When he got healthy we came back so we could bring the entire family to Afghanistan. They captured me and turned me over to the Americans.

Tribunal President: I would like to thank you for participating in this tribunal today.

Detainee: Thank you for giving me the opportunity and when you make a decision I would hope you will consider everything and all the truth I told you.

Tribunal President: Do you have anything else that you would like to say to us at this time.

Detainee: No I do not have anything else to say, but in the past three years I have told them everything that they have asked me, so when you look at my file later on any questions you may have, you will find it in my files. I answer every question that they asked me and sometimes they ask me to draw a map for them about the area and you will see that in my file. I answered all the questions that they asked me. Bill was my interrogator's name, he asked me how would I feel when I go back. I told him that if anything happen to me it was the American because they did not know about the people. They don't know who is a good guy or a bad guy. It was our own people that actually given them the wrong information. The only thing is that it has been three years and it shouldn't take that long for Americans to find the truth but once they find the truth and send me home. I told them anytime that they need me for any help or they come in my area and ask for my help I will still help them in the future. It has been a year since I don't tell anyone because he told me not to tell anyone. He told me when I go back, I can work for the American base again. I can actually go and give my name and they should have my record. I never told anyone again, this is the first time because in the past year nobody had interrogated me. It was the last interrogation that he did with me and he said the Americans did not have anything against me.

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

Tribunal President: Do you have a question?

Detainee: I gave them all the information about my family, my village and my entire tribe, and where they live. The Americans can find anything I did, my family did. They can find any information. I hope that after these three years of being here that when they make a decision, they know that the decision is based on the truth. The review board is looking to see if that person would still pose a threat to the U.S. or it allies. The

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Americans are not my enemy and I'm not their enemy. Whatever happened to me it was my own people did it to me. They handed me over to them. Once they find the truth then I will be happy with it because at least they found the truth even if it is after this long time. Hopefully when the decision comes they know everything and they know the entire truth. I hope that I get justice.

The Tribunal President finish explaining the remainder of the Tribunal process to the detainee.

Detainee: What kind of information should I gather?

Tribunal President: Unfortunately the Administrative Review Board is outside of what we do here but at a later date there will be an military officer assigned to you. If we confirm your status as a enemy combatant a military officer will be assigned at a later date to assist you in the Administrative Review Board process.

Detainee: What kind of people do they consider as an enemy combatant?

Tribunal President: We weight all the facts and based on the definition of enemy combatant.

Detainee: The definition of an enemy combatant. Does enemy combatant mean that I fought; I was a member of Taliban or al Qaida. If they do have evidence to support that then they can say a person is an enemy combatant other than that if the person never fought or brought any harm against them then that person should not be under that definition. They should look what did he do, what type of work he did, and what kind of damage he did to them or to the allies. That is why I was asking what type of people are they considering as enemy combatant. Are they putting everybody in that enemy combatant or just the people that did some bad things?

Tribunal President: We have pretty strict definition but in general it's a person that was Taliban or al Qaida or associated forces that were engaged in hostilities against us or our allies.

Detainee: I don't understand the process how they define someone as enemy combatant because in the beginning I was in Kandahar for three months. They had twenty people with me in one cell. I was the only person who was not a member of the Taliban or al Qaida. I didn't support or help them fight against the Americans. All the other people were members or captured in the battlefield. I know them, they were with me for three months there and then we came here and after the first year all of them are gone. I was the only person still here and it has been three years. I don't understand the process, how come they release the people that are either a member or part. Now I'm here under the definition which I did not do anything.

Tribunal President: I can't address whom they released and whom they haven't. I have no knowledge of that, but I will tell that we look at two things. We look at your oral

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statement and we look at the information that the Recorder will present to us to make our decision today.

Detainee: All of those people, they are gone. They should go in front of a tribunal because they were captured in the fight in Mazar-E-Sharif(ph). It was a lot of people that surrender to the northern alliance. Those people should go and face a tribunal. What did I do to wait all these years to see the tribunal? They will decide what happens to me. Those people, they just sent them home without facing the tribunal and some of them are still here. Those are the people that they should bring to the tribunal, why should they bring people like me that never did anything wrong. I don't understand how the process works. How are they going to find out that the people they are sending was the people that was helping the Taliban or al Qaida and the people like me who have never did anything wrong.

Tribunal President: Your opinion is noted for the record.

Tribunal President adjourns the Tribunal.

AUTHENTICATION

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

Colonel, United States Army
Tribunal President

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Summarized Unsworn Detainee Statement

The Tribunal President was explaining the hearing instructions to the Detainee. The Tribunal President asked the Detainee if he had any questions about the Tribunal process.

Detainee: When you spoke about the witnesses, I did not understand that part.

Tribunal President: That your Personal Representative asked you whether you had any witnesses for this Tribunal.

Detainee: What for?

Tribunal President: It was an option if you wanted to address any of the issues on the unclassified summary of evidence.

Detainee: I don't know if I should present my witnesses here or in Afghanistan or where?

Tribunal President: That was an option we had. To be honest, we place a lot of weight on your oral statement.

Detainee: Basically, you should explain to me what would I need the witnesses for. I cannot have witnesses present here in Cuba.

Tribunal President: Most of the people that request witnesses do so to collaborate their story or to specifically address a point of the unclassified summary of evidence.

Detainee: I understand.

The Detainee elected not to take an oath but chose to make a statement.

Detainee: I speak but I don't swear.

Tribunal President: That's fine. You may begin.

Detainee: May I start now?

Tribunal President: Yes.

Detainee: In the name of Allah, the compassionate, the merciful. I am very happy to see you, that you took an oath in front of me and I the trust on that oath and if you don't do what you swear to, may Allah punish you.

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If anyone could prove that I was a member of the Hizb-I Islami Gulbuddin or if I had any involvement with that organization, then I am guilty. If anyone could prove that I reported to any al Qaida leaders or if I had any connections with al Qaida, I am guilty again. If anyone could give you proof that I helped al Qaida or members in any way to go from Afghanistan to Pakistan then I am guilty as charged.

I did the job that was given to me by an American. I went to Pakistan and I tried very hard. Anything I did in Pakistan, Mark is a witness. Mr. Mark.

I did work for the government of the Taliban, I confessed it and I will confess again. I don't see anything wrong with it. The charges that you are telling me that I was in charge of the border. I was, but that was before the Americans came to Afghanistan.

I don't want to make it too long because for the past two and one-half years, we were speaking with the interrogators about the ten charges. The interrogators were telling me that I was with al Qaida and I was trying to tell them that I was not. They did not give me any benefit from what I told them and I don't think without making this longer, that I will get any benefit in the future.

The things are against me now are because I helped the government of Afghanistan and I helped the United States of America. I don't know that much where you can be charging me about helping al Qaida or to be a Hizb-I Islami Gulbuddin or that I did anything against the Americans. I don't know about these charges.

Now I am detained here and I think I will be detained here for a long time to come. There will be a time when you realize that keeping me here or what benefits I have for you or what benefits for you if my enemies are charging me with wrong accusations. You will all realize in the future. If this is guilt, that you give me a job to go find out about al Qaida, I tell you that yes, I went and I wanted to find out about al Qaida for you.

There are lots of good people and bad people that are in Kwest. You asked all of the bad people and did not ask any of the good people in Kwest about me. This Tribunal, I think that probably in 10 years time will be finished. I think it will never be finished.

I am here for this Tribunal for you to decide if I am guilty. You will tell me for how many years I will be here and if I am not proven guilty you should tell me that someday I might go home.

If you are here to decide to make a judgment about me or against me, I want you to use your humanity towards another human being. That is all I want from you. I'm sorry for taking your time and I'm sorry if I said something wrong.

Tribunal President: You covered some of the points on the unclassified summary, do you want to address each one with your Personal Representative?

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Detainee: I don't want, but if you want, I don't have any problem with it. If she has any proof then she could interrogate.

Tribunal President: Let me tell you at this point, this unclassified summary of evidence is the only piece of evidence that this Tribunal panel has seen about you. We look at two things when we come into a Tribunal. One of the things that we look at is the information that the Recorder presents to us (unclassified summary of evidence), and the second thing is your statement. We may have some questions for you at this time. Will you be willing to answer our questions?

Detainee: Yes.

Tribunal Members' Questions to Detainee

Q: One of the allegations here, sir, is that your name and phone number was discovered in a senior member al Qaida's house?

A: Like whom?

Q: At this point that is the only information that we have. Based on that information, do you have any reason to believe that it may be true?

A: First, I don't believe my telephone number was found in anybody's house. Second, even if it was found, you provided the telephone number. The American made it up because everybody wants to be connected to one person or one group.

Q: Are you saying that you worked for the United States?

A: I think my file is full of these kinds of things.

Q: Do you have a point of contact that you actually made contact with while working for the United States?

A: I said previously that his name was Mark and that he was an American.

Q: And when was this?

A: Five to six months prior to my capture.

Q: And you were specifically doing what with this person named Mark?

A: I think that you are trying to make me tell you what's already in all my files. If you want, I will do it. If you want to give me something to do again, I'll try.

Q: So you'll give me the information to this Mark person?

A: Yes. After that Mark was gone from Kwost and after Mark left the job our connection was with another individual by the name of Nasir to Mark.

Q: Do you know what organization Mark worked for in the US?

A: I don't know but he was working in the province of Kwost.

Tribunal Members' Questions to Detainee

Q: Is it ever OK for a Muslim not to tell the truth?

A: No. For an infidel and for a Muslim, it's no good to tell a lie.

Q: Do you know any al Qaida members?

A: No. I swear to Allah that I don't know members of al Qaida. I heard the name al Qaida and I heard the name Bin Laden but I do not know.

Q: Have you ever worked with the organization Hizb-I Islami Gulbuddin?

A: I never did. If anyone can prove that I did work for that organization, then I am guilty.

Q: Have you ever belong to any organization or charity group?

A: At the time of the Jihad, at the time of the refuge, I belonged to a group called Haraket-e-Inqlab-e-Islami.

Q: Was this the Jihad against the Russians?

A: This was during the time of the refuge. The wounds on my body don't mean that I was part of Gulbuddin and the Jihad against the Russians. At that time I was a young boy, but I wish I fought against the Russians.

Q: I understand. I was trying to find out when did you belong to the organization.

A: That was during the time when President Rabani was in power of Afghanistan. That was long before the Taliban come.

Q: Do you have the spelling of the charity group?

A: Haraket-e-Inqlab-e-Islami.

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Tribunal Members' Questions to Detainee

Q: When you worked for the Taliban, what did you do? How did you support the Taliban?

A: I was sitting in an office and working in an office.

AUTHENTICATION

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



SILVER D. HILL
Colonel, U.S. Army
Tribunal President

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Summarized Unsworn Detainee Statement

The Tribunal President was explaining the hearing instructions to the Detainee. The Tribunal President asked the Detainee if he had any questions about the Tribunal process.

Detainee: I have only one thing to say and that is I requested very good witnesses. These witnesses work for the current government of Afghanistan. What happened to my witnesses?

Tribunal President: I will tell you in just a few minutes about the witnesses that you requested but we are aware of it.

The Tribunal President explains about the witnesses.

Tribunal President: I see by the Detainee Election Form that you have elected to participate today as evidence as you being here. I also see that you did in fact request three witnesses. And as such, we did submit a request through our State Department for these individuals and the initial request noted a suspense date of 28 November 2004. In addition to the first request, we sent two additional requests for the suspense date of the 22 and 26 of November. Again, there was no response. As of this morning the State Department has not receive any response back concerning these three individuals. I will tell you, if the testimony becomes available at a later date the Tribunal will consider reopening your case. Based on this information at this time, these witnesses are deemed unavailable.

Detainee: The charges that are alleged against me, can I answer them now or not?

Tribunal President: In just one more minute.

Detainee: No problem.

Tribunal President: Are you willing to make your statement under oath?

Detainee: Yes, Ma'am. I am willing to say anything under oath but there are witnesses that I wanted to present to this Tribunal. The current government of Afghanistan, chief of the district, it would be very easy to find them. They have telephones. The same way that you are talking to me under oath is the same way I will talk to you under oath and then it is up to you. You know in your gut.

Summarized Sworn Detainee Statement

The Tribunal President instructed the Detainee that he (the Detainee), could make an oral statement and could present any evidence with the assistance of his Personal Representative.

Personal Representative: What we discussed, this is the best way to present your information. You and I met almost a month ago and our meeting was approximately two hours long. I think you will find that the story he is going to tell and the evidence he is going to present to address the alleged allegations will have a lot of longevity to it and a lot of complexities to it. It will be best if we present the information together and I can refer to the notes during our meeting. Would you like to address each of the pieces of evidence?

Detainee: One by one. What do you mean?

Personal Representative: Yes, one by one.

Detainee: Yes, I want that.

Personal Representative: It is the best way but what I think you are going to find to be able to preferably understand it, is that a lot of these areas are going to blend together. But after I think that you hear them, it will be clear. Can you tell us looking at the summary of evidence about being a Taliban military commander and you knew many former Taliban commanders.

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

I was not a member of the Taliban. I was Mujahidin, a single soldier and not a Taliban member.

- **3(a)(1) The detainee was a Taliban military commander.**

I was not a commander of the Taliban. I was a Mujahidin, a freedom fighter. I was against the Taliban.

- **3(a)(2) The detainee knew of many former Taliban Commanders.**

That is not correct.

- **3(a)(3) The detainee was the director of the Hizb-I Islami Gulbuddin (HIG) cell operations in Kandahar, Afghanistan.**

I was not a member of the Hizb-I Islami Gulbuddin, nor was I a commander or a leader. I fought against Gulbuddin Hekmatyar in the Sarubi area.

- **3(a)(4) Hizb-I Islami Gulbuddin (HIG) is a terrorist group.**

I fought against them.

- **3(a)(5) The detainee paid others to warn him when American forces were in his area.**

I did not pay anybody any money. I was sitting and rebuilding my house. Anybody who is against the Americans, they would not stay in their hometown and rebuild their house. I did disarm people with weapons and captured bad people and thieves to bring peace to my area.

- **3(b) The detainee engaged in hostilities against the United States or its coalition partners.**

I did not fight against the US and its coalition partners. I fought against the Russians in the 1980s.

- **3(b)(1) The detainee admitted fighting against the United States or its coalition partners.**

This is false. I did not fight against the US and its coalition partners.

- **3(b)(2) The detainee reportedly was the commander of the front lines in the Tagab and Nejrab district.**

I did not go to Tagab and Nejrab but I fought against Hizb-I Islami.

- **3(b)(3) The detainee was a member of a 40-man unit primarily operating against U.S. personnel, intending to bomb or strike soft targets.**

I was the leader of a 40-man group in the military division. It still exists in the area and everyone knows about it. When the rumor started about the Americans coming, I began to shut down my group. I told everyone to go to their own homes and no bullets were fired. You can ask in Afghanistan. No one attacked any military division nor did the military division attack anyone in the area.

Detainee: Four days before Masoud died, I was wounded and placed in a hospital. The Masoud and the HIG was against the Taliban. I was at home when I was captured. I was in my military division when Masoud died. At that time, I went to the military division and wanted to hand over my weapons. I told all of the members of my group that you can go and sit at your homes and keep your weapons with you and at a later date I will come and gather all of the weapons and turn them into the government.

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After that, because of my wounds, I stood behind the military division. No one attacked my military division and nor did my military division attack anyone else. I then took the path toward Ghazni, I did not go to Qandahar. I went to my province, which is the province of Orizgan. I went to Orizgan and I gathered all of the weapons because our district was separated in two and we have enemies. I did not want to hand in the weapons until the American forces came into the area.

Also, the official commission of the government came into the area and I wanted to hand in my weapons to them. Then I went to the governor of the Qandahar province and I was told not to hand in my weapons to any district chief but to wait until the official commission of Afghanistan come and you hand in your weapons and get a proper receipt. After that, they told me to go and sit at home and not to worry about it until the official commission come and surrender the weapons. When the official commissions arrived, I went and surrendered my weapons and I have the receipt of all of the members of the commission in which they signed the receipt.

The two individuals delivered a letter to me and I wanted to hand it to the district chief in which I forgot his name. I wanted to hand the two individuals who delivered a letter for me and I wanted the chief district to capture them in the area. After that, I sat at home, I was not against no one and no one was against me. I was sitting at home, and rebuilding my home. A long time ago, Afghanistan was a place of guns and no government, when the governments arrived, we surrendered the weapons and I sat at home.

The reason why I was against the Taliban is because the Taliban took one of our elders of the tribe body from his grave and threw it on the streets. That is why we became the Taliban enemy and we were fighting against the Taliban. My tribal elders went to the leader of the Taliban and told him to rebury the body that you took from the grave. We told him, if you don't rebury his body, we would fight against you. That is why my whole tribe is against the Taliban and the entire world knows about it. My tribe was very happy when the Americans came and we are not against the Americans. I am not telling you this because I am a detainee. As I am here or if I was free I would say the same thing. All I want to say is that I was not treated as a detainee; instead I was treated as a freedom fighter. They took care of all my wounds and I am very happy for all the Americans and the guards here. Now I don't have anything else to say, but if you have a question, I will answer them.

Personal Representative: Why do you think you were brought here?

Detainee: I don't know. Before my capture, I was at home for one year. When they captured me, they didn't tell me that I was going to be detained. I don't know why I am here.

Personal Representative: You are telling the Tribunal that you were not a military Taliban commander?

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Detainee: I was not a member of the Taliban, nor a military commander of the Taliban. I did help the Taliban disarm the thieves and that is all I did with the Taliban.

Personal Representative: You are also saying that you were not the director of the Hizb-I Islami Gulbuddin?

Detainee: Never. I fought against them.

Personal Representative: You never fought against the United States or it's coalition?

Detainee: No. I did not fight against the Americans. I am happy with the Americans and their coalition partners.

Personal Representative: Ma'am that summarizes and concludes the information from the meeting we had on 28 October 2004.

Tribunal Members' Questions to Detainee

Q: Sir. Are you a native Afghan?

A: Yes.

Q: You ever travel outside of Afghanistan?

A: No Sir.

Q: During the Taliban, what was your job?

A: My position in the Taliban era was a soldier.

Q: Who paid you?

A: We did not get paid. We got up against the thieves to disarm them and nobody paid us for it.

Q: How did you support yourself?

A: They provided us with logistical support but no money.

Q: Do you have a family?

A: Yes Sir.

Q: How did you support your family?

A: We have land and we have a garden. We lived off of that.

Q: After the Taliban fell, what did you do?

A: I had my own land and my own garden; I was working on it and I was planting wheat.

Q: Were you also a soldier after the Taliban fell?

A: No. I was rebuilding my house.

Q: Did you fight against the remaining Taliban after they fell?

A: No. I did not fight against the Taliban but if I saw an individual who were against the current government, I reported them to the government.

Tribunal Members' Questions to Detainee

Q: You had made a statement that you turned in your weapons right after Masoud was killed.

A: Yes Sir.

Q: Prior to him being killed, you fought against the Taliban?

A: I did not fight against the Taliban.

Tribunal President's Questions to Detainee

Q: Do you have any idea why in the unclassified summary they have linked you to HIG? In your opinion, why have they linked you to this group?

A: I was not a member of the HIG. I don't know why they are accusing me of that. I fought against the HIG. The check post that they had to collect taxes; I attacked those check posts and everybody knows it.

Q: The check posts. Who were you collecting taxes for?

A: The cars that passed by they collected the taxes. It's not only me, the whole nation of Afghanistan got up against the HIG. I was a member of those people fighting against them.

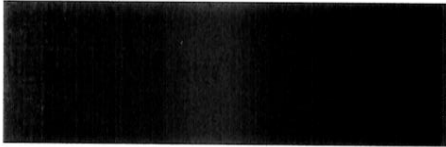
Detainee: What are my charges? So far the interrogators did not ask me the accusations that you are accusing me of here today. They never talked about these things. If you

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think that I am guilty to fight against the Russians or to fight against the bad groups in Afghanistan. Yes I did that.

AUTHENTICATION

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



Colonel, U.S. Army
Tribunal President

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Summarized Unsworn Detainee Statement

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

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

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

Tribunal President stated that the detainee wants to participate and requested one witness and that the witness is present.

The detainee questioned the reasoning for having a witness for these allegations as follows:

Detainee: I have to say in response to this tribunal, and to my witness, I'm asking why would without any witnesses, these allegations be brought against me?

Tribunal President: The government may have some suspicion or evidence that you participated in these activities.

Detainee: If they have it, prove it and bring it in front of me, the witnesses. Other wise, if it's lies, I will not accept it.

Tribunal President: There may not be witnesses, it may be just documentation. But, what this is for you is an opportunity for you to respond to these allegations. Before we go on any further, would you like to make a statement under the Muslim Oath?

Detainee: I want to confess, my speaking with my oath, and my oath, by Islamic oath and this two years, when I'm in the jail, nobody asked me are you a member of the Islami Gulbuddin.

Tribunal President: I understand. Would you like to take a Muslim Oath?

Detainee: Yes, I will, because my part will be in truthfully.

Detainee: Do I have to stand?

Tribunal President: No.

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The Detainee was given the Muslim oath.

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

3.a. The detainee is associated with forces that are engaged in hostilities against the United States or its coalition partners.

Detainee: I didn't do such a thing, and I'm not aware of it. I'm not a preacher or head of the tribe to collect people around me, and give them advice. I'm a shepherd; nobody will go by my words.

3.a.1. The detainee is a member of the Lashkar-e-Tayyiba group.

Detainee: I never have been a member of the Lashkar-e-Tayyiba. I was working in sugar cane. That's a product of sugar, brown sugar in Afghanistan and Pakistan and I was only faced with one member of Lashkar-e-Tayyiba, he asked me only, you are a good guy, and you want to be with us, I said no, I want to work in my sugar cane business, and I didn't know who is that guy. If you detain me by this question that guy told me, then I'm in here. Otherwise, I swear to god, who are these Lashkar-e-Tayyiba?

3.a.2. The Lashkar-e-Tayyiba is listed in the U.S. Department of Homeland Security, Terrorist Organization Guide due to its ties to al Qaida.

Detainee: I do not know about it. If they have ties with the al Qaida or not, and I'm not with it.

3.a.3. The detainee volunteered to round up people for the Lashkar-e-Tayyiba to fight in jihad.

Detainee: I'm not a very senior guy in the village to get everybody to accept my requests or prepare them for jihad. I do not know about it, or not aware of it. Somebody lied about me.

3.a.4. The detainee was a soldier in the Hizb-I Islami Gulbuddin (HIG).

Detainee: I didn't work with none of them.

Tribunal President: (to translator) Excuse me; please translate exactly what he said.

Detainee: I never worked with none of them, not even with the Hizb-I Islami or other groups.

3.a.5. The HIG is listed in the U.S. Department of Homeland Security, Terrorist Organization Reference Guide as having long-established ties to Usama Bin Ladin.

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Detainee: I don't know about it.

3.a.6. The detainee is associated with members of the Taliban.

Detainee: I took care of my goats on the mountain; I was a shepherd, and I never can even go out very much, and I was always with my goats on the mountain. They didn't ask me these questions in my interrogation. Why do they write these lies about me? All of these interrogations, interviews I was asking why they. If they came in front of me, they never asked such a question from me in the interrogation.

3.a.7. The detainee was paid for the attack on an American military base.

Detainee: Nobody gave me money for such dealing and I'm a poor guy that's why I keep my goats on the mountain. If I had that much money, to have an attack on an American bases, today nobody could arrest me.

Tribunal President: Taj Mohammed, do you have anything else that you would like to add?

Detainee: I'm a poor guy and you can ask about me, my mother and my father in the village, they are poor people. These are all lies about me. For these lies, I've been living two years in jail. I don't want more lies about me. I'm a Gujar (ph) in the tribe and you can ask from the village about the Gujar (ph) people and how poor they are and they are my witness. I was a shepherd on the mountain. I will never lie and I don't want somebody lie to about me and I will not accept it. This is two years and I don't want to be more than two years with these lies in the jail.

Tribunal President: Does that conclude your statement?

Detainee: Yes, this concludes my confession, and I don't want to accept the lies. If you bring paper and pen for me, I can write lies on everybody.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. You are from Pakistan, correct?

A. No, who says that's correct?

Q. I'm asking, is that correct?

A. No, I'm from Afghanistan.

Q. Have you ever had any military training?

A. I was a shepherd, except for working the sugar cane. I hit that son of the bitch and he lie about me, said I was member of al-Qaida and Islami. The gods gave you good

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thinking and good judgement. You can think about my family and me and what situations we are living with over there. Those people lied about me, you can realize it.

Q. What province of Afghanistan are you from?

A. Kojar? (ph)

Q. Your witness, what is he going to testify for? Why is he important?

A. This is the request from the tribunal. He has to testify that I'm a shepherd for the tribunal to believe and he is the only witness I have in here, he can do that.

Q. Who is it that is lying about you?

A. I will tell you the whole story and you listen to it, and then you can realize who lied about me. I was working in a sugar cane product in Pakistan when I came back to my home. Americans bring the water pipes in our houses to be used the water pipes. And my cousin, he built all the pipes for all village, except our house. And my mother told me he didn't give us water pipe. When I came to him at the late afternoon, I asked him why did you give everybody in the village a line of water, and you didn't give us one. We start arguing and I beat him pretty bad. When I beat him up, after four days, Americans came over to my home and they told me they wanted to talk to me. And they took me. They asked me to go with them; they didn't tie my hands or handcuff me. I was willing, walking by myself, and when we went over there, they didn't ask me anything, they just tied my eyes and they told me that this is our regulation and translator was translating also. And finally they asked me why did you hit this guy? I told them the problem is about this water issue and this is the main problem and this is why we start fighting with each other. The American guy, he asked me why I didn't come to me, he was working for us, why did you hit him? You should come to us. And, I told them, I didn't know you guys, I didn't know where you are to come blame for you, I know this guy and I hit him in the argument. And, finally, the translator says you have to sit down, I will tell everything about your problem. And I was calm, and not talking, and the translator did whatever he did. After three days, they transported me to Bagram. In Bagram they told me that I confessed over there to attacks on American bases. I told them no, I didn't say such a thing. And they told me we will bring that translator in front of you, confront with you, and see that he will tell you that you confess that, and up to today, they didn't bring him in front of me and face me. When my interrogation finished, the American shook hands with me. He said we are all brothers and you have to tell me the with truth and from your heart and I confess whatever I know from my heart to him, and he says I will release you, but he send me in here, up to today, I am in here.

Q. You didn't actually answer the question earlier, have you received military training?

A. No, I didn't.

Q. Do you know what attack on which American base; do you know anything about that allegation?

A. No, I don't. Americans are close to our house, they are somewhere close to our house, but I don't know where it is. At the time of the attack, I was in Pakistan. When I came they were over there, but I don't know about the attack.

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Q. Do you own a weapon?

A. When they search my house, they couldn't find any weapons. Only a mirror and one comb for here. If I'm fighter for this stuff, yes I am.

Q. Again, do you own a weapon?

A. No, I don't.

Q. Does anybody in your village own a weapon?

A. Now a days, I don't know who has a weapon or not, but, what I saw, except for my cousin, nobody has any weapons. At the time of Taliban, everybody had one weapon with them, but since Taliban came from exile and everybody collected their weapons and delivered it to the government. I don't know after that who has weapons, except my cousin.

Q. So, should I infer that during the time of Taliban, you had a weapon?

A. No, I didn't have any weapon. The weapon I had at time of Taliban it was borrowed from somebody, and as soon as Taliban came on to power, they took it from me.

Tribunal President's questions.

Q. Did you ever see any fighting going on in your province between the Northern Alliance or the Taliban, or the Americans?

A. No, I didn't.

Q. So, at no time, did you have to protect your family against the Northern Alliance, Taliban or Americans?

A. No, we are shepherds, and we don't deal with those. At time of hot season, we are climbing on top of the mountain and at the time of the cold season we are coming down to the bottom of the mountain.

Q. Were you able to see or hear any of the bombing going on?

A. No, I didn't see anything, nothing ever happened. In Kujar (ph) it wasn't hard fighting. When the Taliban left the government they left province also.

Q. So, was there Taliban in the area prior to 9/11 or after 9/11?

A. I exactly don't know about the date of 9/11 and what happened. But at that time I was in Pakistan. When I came to my province, Taliban had left the government and the oppositions were the government and they took power of government.

Q. Why did you travel to Pakistan?

A. I was a poor guy. I was working in the sugar cane product.

Q. So you spent some of your time in Pakistan and then would travel back to Afghanistan?

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A. Basically, at the hot season I was living on the top of the mountain; we aren't going anywhere else. But at the time of the cold season, we are coming down. We don't have anything to do. I have to go and find a job for me to support and at the winter I was working for 2500 in the sugar cane product.

Q. Where were you when someone approached you about joining the HIG or the Lashkar-e-Tayyiba?

A. I was working in the sugar cane product.

Q. Do you remember who approached you?

A. No, I didn't know him, and I can't remember who was it. I confess this issue by myself. When I was working over there in the sugar cane product, this guy came, I didn't know him and he asked me, and I confess this issue to the interrogator and this interrogator brought this allegation about me. I confess truthfully to him, but he brought this issue about me although I said in the interrogation, he promised me that he would help me, but he brought a lie about me and, I don't know what kind of interrogations this is.

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

Detainee: And after that every separate, every interrogator asked me what did you do, why are you in here, and they keep me for two and a half years. I didn't work with the Gulbuddin; I didn't work with the al Qaida. I was working in my job and why do you guys go over the limit on me. It's mean to me. I didn't do anything to keep me living here.

Tribunal President: Do you have any other comments?

Detainee: Without crime I'm in here. I'm asking from you guys to be kind to me. If I did anything wrong, the hardest jail you have in the United States you can put me, otherwise, please release me to go home.

Tribunal President: Taj Mohammed, we will consider everything that you have said. The government's evidence and also the comments from your witness and all of that will assist us in making a decision.

Detainee: Thank you very much.

Tribunal President: Personal Representative, can you get the witness?

Personal Representative: Yes Ma'am.

The Tribunal President called for a brief recess while the witness is brought into the room.

Hearing is reconvened with witness and detainee present.

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Tribunal President: Is it Sada Jan?

Witness: Yes.

Tribunal President: You have been asked to be a witness for Taj Mohammed. I want to make it clear that this is not your Tribunal. Do you understand?

Witness: Yes.

Tribunal President: We will ask you questions and then Taj Mohammed may ask you questions. Personal Representative, do you have any questions for the witness?

Tribunal President: Thank you. Sada, would you like to take a Muslim Oath?

Witness: If you guys offer, this is up to you guys, if you like, it I will.

The recorder administered the oath to the witness.

Personal Representative questions

Q. Sada Jan, how do you know Taj Mohammed?

A. At the time of Taliban, when I was working, I knew he was working as a shepherd to keep his goats.

Q. Did you see him very frequently?

A. I have seen him, he was keeping goats, but I didn't talk with him, I was busy with my work.

Q. Do you know if Taj Mohammed is a member of any political or charity groups?

A. As far as I know, Taj Mohammed is not a political person, he doesn't know about political issues and he never play with that issues, and we are Muslims all, and if you counted religious person and we are all Muslims and religious but not belong to any political party.

Personal Representative: (To Taj Mohammed) Do you have any questions?

Detainee: No I don't have any questions, whatever you ask him, it's good.

Personal Representative goes back to asking witness questions.

Q. Have you ever seen Taj Mohammed carry weapons?

A. No, I never see him.

Recorder's questions

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Q. Where are you from originally?

A. I'm from Konan.(ph)

Q. And when you were captured, where were you captured?

A. In my house.

Q. Where you captured at the same time as Taj Mohammed?

A. Taj Mohammed was arrested before me.

Q. How long did you know Taj Mohammed before you came here?

A. At the time I was working as a carpenter and that was the Taliban era, and I could see him, he was passing with his goats and he didn't have a beard at that time also.

Q. Do you know anyone who is a member of the Taliban or al Qaida?

A. No, I didn't know, if I know, I would tell, but I don't know.

The Personal Representative and the Recorder had no further questions.

Tribunal Member's questions

Q. Taj was a shepard, do you know what Taj's other job was?

A. No, I don't know what he was doing as far as I know he was a shepherd.

Q. And do you know his cousin?

A. No, I don't know.

Q. Are you both from the same village?

A. No, we are from the same province but our village is far away from each other.

Tribunal President's questions

Q. Did you ever see Taj Mohammed have to fight to protect his family?

A. No, I never seen such a thing. We are poor people; we never fight for our families, and today they brought us in here and linked us to al Qaida. (Interpreter stops, excuses self for error in translation) I was working with the new government, in getting some money to support my family, and otherwise I don't have anything to survive, and we are poor people. We have a little piece of land to work as a farmer.

Q. Do you remember seeing any Taliban or al Qaida members in your province or in your village?

A. At the time of Taliban, like I told you, before, also, I was a carpenter and I don't have any relations, and I don't know them at all.

Q. Did you ever see any soldiers, American soldiers, Taliban soldiers, and al Qaida soldiers in your province?

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A. I was working with the new government, and I see American soldiers, I see Afghan soldiers also. Americans walk over there, and I was working also, I didn't know they would arrest me, and bring me in here. I didn't know, we were happy that Americans came into Afghanistan, we would see stability, but I didn't know they would bring me in here and put me in the jail.

Q. Did you see any of the soldiers, Taliban soldiers, or al Qaida soldiers with weapons?

A. No I didn't. Some of the Taliban members, right now working with the government also, and I don't know how many of them is over there. And, about the other province, and Taliban members, I don't know and I'm not aware of.

Q. Are you aware of any Islami Gulbuddin soldiers in the area?

A. As far as I know, one of the commanders in the name of Nija Woobe (ph) and the other was Sadan, they were members of Islami. When I was there, they were working with the new government also, but by the time I was arrested, before my arrest they escaped and they were not with the government anymore.

Q. Do you know if that was before the attack on the Americans in the United States September 9/11, was that before or after?

A. It was in the time of the new government started. They were opposite of Taliban also, and they were in power, they were fighting against Taliban, but, since American came, through that province, they escaped.

Q. Ok, Taj Mohammed, do you have any questions that you would like to ask the witness?

Detainee: No, I don't have any questions, and I also don't know this guy very well. He is a poor guy, he came, and made up a whole lot of his confession, so, the rest of it belongs to you guys, what decision you make about me.

Tribunal President: Thank you. We will take a brief recess while the witness is removed from the room.

Tribunal is recessed until after witness is removed from the room.

Tribunal President: Taj Mohammed, do you have any other comments before we move on?

Detainee: No, I don't, if you all have questions, I am willing to give you answers.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The Tribunal President explains the remainder of the Tribunal process to the detainee. The detainee has a question in regards to the Tribunal process and the gathering of information from his family. It is as follows:

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Detainee: How can I collect information? My family is in Kujar, (ph) in the province, in Afghanistan, and they are in the mountain.

Tribunal President: There will be an Administrative Officer or military officer assigned that will assist you in gathering that information from your family.

Detainee: Good.

The Tribunal President adjourns the Tribunal.

AUTHENTICATION

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



Colonel, United States Army
Tribunal President

Summarized Detainee Statement

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

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

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

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

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

The Tribunal President addressed the Detainee's request for deportation documentation from Afghanistan informing the Detainee that the document was not reasonably available and therefore denied.

Tribunal President: Was this a request that you made through your Personal Representative?

Detainee: Yes.

Tribunal President: This is the first time the Tribunal has seen this request. Personal Representative, did you make an on island look for this?

Personal Representative: Yes ma'am and was unable to locate it.

Tribunal President: Can you shed any more light on this?

Personal Representative: Yes ma'am. He last saw the document in Bahgram. He had not seen it in Guantanamo Bay but his interrogator saw it here. Therefore, I knew that if I did not find it here that we would not have it.

Tribunal President: It's reasonable to assume that it should have been located here. It should have come with him if was in fact seized on him in Bahgram, is that correct?

Personal Representative: Well ma'am, his interrogator saw it here.

Tribunal President: Unfortunately, based on this information we'll have to determine that it's not reasonably available.

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

Detainee: Okay, no problem.

The Recorder administered the Muslim oath to the Detainee.

Detainee: First of all, all of these accusations do not exist. In regard to being part of the Taliban or al Qaida, that's not true. I have documents that prove that I was in a Taliban prison. That's all. I don't have anything else, it's all there.

Personal Representative: I can review some of the things we discussed if you would like.

Detainee: Go ahead.

3.a.10. The Detainee stayed at the al Farouq camp in Darwanta, Afghanistan, where he received 1, 000 Rupees to continue his travels.

Personal Representative: He said that he had never been to al Farouq.

Detainee: I never visited al Farouq.

3.a.13. Detainee was arrested by Pakistani authorities in Khudzar, Pakistan in July 2002.

Personal Representative: The true month was April, not July.

Detainee: That is true yes.

Personal Representative: He said that before 9/11, he worked with the Taliban fighting.

Detainee: Yes, I was with them only for one month.

Personal Representative: They asked him to leave and he was captured before he could leave.

Detainee: That is true.

Personal Representative: He was never involved in any fighting after he was asked to leave.

Detainee: I never participated in fighting in Afghanistan before or after.

Personal Representative: That concludes everything that we discussed.

Tribunal President: Does that conclude your statement?

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Detainee: Yes. I am done.

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

Detainee: Yes.

Tribunal President: I always like to say that this the only document that we have seen about you to this point. So we may ask some questions reference your background or other things just because we don't any more information than this. Personal Representative, do you have any questions for the Detainee?

Personal Representative: No ma'am.

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

Recorder: Yes ma'am. Earlier you stated that all these accusations do not exist. What do you mean by that?

Detainee: That all of these things you said I have done, I have not done any of those things. For example, being part of al Qaida or part of the Taliban, I am not part of any one of them.

Recorder: Were you ever in the Iraqi army?

Detainee: Yes.

Recorder: So some are true?

Detainee: Yes, some of these points are true and others are not.

Recorder: One more question. You said that you did not attend the al Farouq in Darwanta?

Detainee: Yes.

Recorder: Did you attend any camp at Darwanta?

Detainee: I visited but I never trained.

Recorder: Visited a camp?

Detainee: Yes. I visited as a guest but never trained.

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Recorder: Can you tell me what al Farouq means?

Detainee: Farouq's name is one of the disciples of Mohammed. He is one of the first brilliant leaders and that's the name of that training camp in Afghanistan.

Recorder: Do you recall the name of the camp you visited?

Detainee: I don't remember the other names but I know Darwanta I visited there.

Recorder: Thank you.

Detainee: You are welcome.

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

Tribunal Members' questions

Q. We've just gone over this list here, the entire list. You had said basically that they were all false. But now we find that that is not necessarily true. So to clarify, you stated that you had never been to al Farouq but then you just stated that you were a guest at al Farouq.

A. I said in Darwanta. Not in al Farouq.

Q. Al Farouq is not in Darwanta?

A. Al Farouq is in Khandahar.

Q. What was your occupation while you were in Afghanistan?

A. I didn't have a job when I was there. I was just an immigrant and I used to hunt birds.

Q. How did you support yourself?

A. I used to ask the leaders of Taliban for help and I used to go to some humanitarian organizations.

Q. Which charitable organizations were these?

A. Like the United Nations, the International Islamic Relief Organization, and also Doctors without Borders and the Red Cross.

Q. How long did you live off charity?

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A. I wasn't staying permanently in Afghanistan. I used to go in and out.

Q. Between Afghanistan and where?

A. Pakistan.

Q. So I understand you did not have a job in Pakistan either?

A. That is true. I did not have a job in Pakistan either.

Q. Okay so you did live off charity in both Afghanistan and Pakistan?

A. Yes, that is true.

Q. How many years did you live off charity?

A. '96 to '97 is the first period. And the second period is 2000 to 2001. In '95 I was in a prison in Afghanistan.

Q. Why were you in prison?

A. I didn't have a passport.

Q. You gave the years '96 to '97 and then you jumped to 2000 to 2001. So between 1997 and 2000, what did you do?

A. 1997, '98, and '99 I was in Pakistan.

Q. Okay, let me ask this one more time. So between the time you left prison until the time you were captured, you lived off charity?

A. That is true yes.

Q. And you never asked for anything in return?

A. No.

Q. What is your education level?

A. Third year in middle school.

Q. Would you call yourself a very religious person?

A. No, I'm not religious.

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- Q. While you were in the Iraqi army, did you receive training on Kalashnikov, on the mortar, and rocket propelled grenades?
- A. Yes, I trained on Kalashnikov, hand grenades, mortars but no rocket propelled grenades.
- Q. What was the reason you left Iraq to Afghanistan?
- A. First time I trying to go to Iran. Then we went to Turkmenistan and Turkmenistan sent us to Afghanistan.
- Q. You said they sent you to Afghanistan. Who sent you to Afghanistan?
- A. The government of Turkmenistan.
- Q. This just opens up two more questions. Why did you leave Iraq?
- A. I deserted the Saddam's army.
- Q. Why did Turkmenistan send you to Afghanistan?
- A. There was no Iraqi embassy in Turkmenistan, so they sent us to Afghanistan.
- Q. You said you did work with the Taliban is that correct?
- A. Yes, that is true. Only one month.
- Q. During that month, describe for us all the work you did with the Taliban.
- A. I was in a reserve unit. Our job was if there was an attack we move toward where the attack was coming from. It was a mobile unit. I didn't participate in any attack myself.
- Q. Did you participate in any training of other Taliban soldiers? Did you train any of the other Taliban soldiers? Did you train Taliban?
- A. No.
- Q. Did you have a rank in the Taliban?
- A. No, I didn't have a rank.
- Q. How did you come to find out about this opening with the Taliban?

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A. Taliban will hire anybody that comes and wants to join. They didn't have any structure or any device for hiring or recruiting people so anybody can come and join (inaudible).

Q. Where did you join?

A. It was in a school.

Q. Where?

A. Mazar E Sharif.

Q. How old are you?

A. I am 39 now.

Q. How many times have been arrested?

A. In Afghanistan?

Q. In your life.

A. Many times. Five times.

Q. What were those five times for? Describe for me.

A. All of it because I didn't have a passport.

Q. How about this last time you were arrested? What was that for?

A. Also because I didn't have a passport.

Q. Did anybody tell you any other reason besides not having a passport for being arrested?

A. They always accused me of being a spy.

Q. This last time you were arrested you were accused of being a spy?

A. No, last time they didn't accuse me of that. Just because I didn't have a passport.

Q. Usama Bin Ladin, do you know him?

A. Yes I know him.

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Q. How do you know him?

A. I know him through T.V. and through newspapers.

Q. Did you ever work for him?

A. No, never.

Q. Did you ever meet him?

A. I never met him but I've seen him once.

Q. Where did you see him?

A. In Hundar (ph) area in Pakistan.

Q. Describe the circumstances for us.

A. He was going in the street in a small bus with tribe leaders. So I ran to the street. I wanted to talk to him but he was already gone.

Q. When was this?

A. It in April of 2002.

Q. You said you wanted to meet him. Why did you want to meet him?

A. I wanted to know where he was going.

Q. Did you want to ask him something?

A. I just wanted to know where he was going. Because I wanted to report where he was going.

Q. Who were you going to report it to?

A. To the police.

Q. The Pakistani police?

A. Yes. After that I did report that but he left and I was arrested.

Q. Did you know any of the people that Usama Bin Ladin was with at that time?

A. Yes, I did know some. You mean the people in the streets with him?

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Q. Yes.

A. I know one whose name is Nonewe Kabar Idin (ph).

Q. This person was actually with Usama Bin Ladin?

A. Yes, he was with him in the cars.

Q. How do you know this person?

A. I know him for a long time.

Q. How long?

A. I know him since 1999.

Q. Where do you know him from?

A. I was planning to go to Quetta I didn't have money so I came to this person. He was one of the tribe leaders, sheiks. Since then we became friends.

Q. Did you ever talk to him about Usama Bin Ladin?

A. I talked to him the following day about Usama Bin Ladin and he told me I was crazy that wasn't Usama Bin Ladin.

Q. How about before that day? Before you saw Usama Bin Ladin did you talk to him about Usama Bin Ladin?

A. No. Before that, no.

Q. Do you know anybody else that knows Usama Bin Ladin?

A. Nonewe Sius (ph). He was the driver in that car.

Q. How do you know him?

A. I knew him also through Kabar Idin.

Q. How long have you known him?

A. I know him 2002.

Q. Know anybody else who knows Usama Bin Ladin?

A. No, just these two.

Q. You ever work with al Qaida?

A. No not ever.

Q. These two people that you mentioned, are they al Qaida?

A. No, they are just scholars, Islamic scholars.

Q. Other than the military training that you received with the Iraqi army, describe for us all the other military training you have received.

A. Beside the army I didn't have any.

Q. What is jihad?

A. It's fighting.

Q. Fighting who?

A. The Muslim's point of view, anyone who is not Muslim you should fight them.

Tribunal President's questions

Q. You said that you had a document to prove you were in a Taliban prison, can you elaborate on this?

A. Yes.

Q. Can you tell the year or just anything about it that you wanted to share with us?

A. The date on the paper is August 15th, 2001. Also the administration of the prison gave me that paper. They told me take this to the Red Cross and within twenty days we will give you (inaudible) and you're going to leave Afghanistan. If you don't leave in this period we are going to put you jail for a long time. The Red Cross starting on my case trying to get me out of Afghanistan but that took extra time. After that it was the incident of 9/11 and the Red Cross and United Nations and everybody left and I was left alone.

Q. So if I understand you right, the document you are talking about are the same as the deportation documents?

A. Yes, it is the same.

A. It's written in the Farsi language.

Q. You've traveled around a lot. Where would you call home?

A. Really, I don't have home. I was searching for a country or a nation but I couldn't find one.

Q. No family to speak of?

A. I have family in Iraq.

Tribunal President: I'd like to thank you for participating in this Tribunal today.

Detainee: You are welcome.

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

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

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

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

AUTHENTICATION

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


Colonel, U.S. Army
Tribunal President

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Summarized Detainee Sworn Statement

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

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

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

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

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

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

The Detainee stated that would like to make his statement under oath.

The Recorder administered the Muslim oath to the Detainee.

Personal Representative: He will begin with an opening statement.

Detainee: The story of my life. I can start now by telling you that all of those accusations are false. If you like or if it is important to you, I can explain to you or tell you who Yunis is.

Tribunal President: Let me tell you first that is the only information that we have seen on you to this point. So anything that you think would be helpful to us please feel free to tell us.

Detainee: Good. In the name of merciful God, people in this detention facility have met with their lawyers who are American citizens. All of the lawyers advise them to not talk to the Tribunal. Not even personal information. Trusting myself, I know I'm not an enemy combatant. I'm not an enemy of anyone. I've never fought anyone. For that reason I'm speaking and I hope the Tribunal members will take this as the truth. After meeting with my Personal Representative, I had a lot to write and not a lot of time to prepare myself to give my statement. I've heard a lot of points, including my life in Morocco and leaving Morocco and traveling to Pakistan. I stayed for about six years in Pakistan. I was there for studying and humanitarian reasons. I left Pakistan and went to Yemen to study. For the same reason I went to Syria and stayed for three years. In the sixth month of year 2001, I went to Afghanistan to do humanitarian work. I spoke before about who is Bin Laden and

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the truth of who are the Taliban and all those groups that were mentioned in the accusations and the incident of September 11th and me leaving Pakistan and being given to American forces. The last place was Kandahar and then later I was taken to Cuba. I have a lot of words to say and I don't know how to tell all 14 years of my life in one hour.

The Detainee began to retrieve the written notes that he had in his shirt pocket. The translator assisted the Detainee in getting the pages of his statement in numerical order to allow the Detainee to continue his statement.

Detainee: My name is Yunis Abdurrahman Shokuri. I was born in Morocco on 5/4/68. My family is very poor, made of nine males and five females. I studied middle school and high school in the same city in Morocco. In 1988, I decided to leave to and complete my studies somewhere else. My hope was to go to Europe and finish my studies there. I never had the chance to go but there was a chance for me to go to Pakistan. Pakistan had a special place in my heart from what I heard from the al-Tabligh (ph) groups about this country.

3.a.1. The Detainee traveled in June 2001 from Damascus, Syria through Turkey and Iran to Jalalabad, Afghanistan.

The first accusation was about al-Tabligh group. I still do not understand because we can split that accusation into two, so if you could repeat it to me please.

Personal Representative: I will repeat if for you.

Detainee: I'm sorry. I want number two.

Personal Representative: Okay, I'll read it in English first.

3.a.2. Prior to helping the Moroccan Islamic Fighting Group (GICM), the Detainee was involved with Ja'am al-Tabligh.

Detainee: It's not understood that point very well. I do not know that group at all. I have never heard of it at all. I dare anyone that would even find any evidence or any name or anything about this group against me. All the groups in the world have a newspaper or maybe a paragraph about them and some kind of newspaper about certain groups. Moroccan fighters, I've heard of them at all. I don't know who made that up. Most of this accusation is about this group and I do not know about this fighting group. I do not know them. The other one about the al-Tabligh group, I will give you a summary of the al-Tabligh and who they are.

Ja'am al-Tabligh was established in the country of India from the hands of one of the Indian Scientists, Sheik Kandaholi (ph). This happened about one hundred or one hundred and fifty years ago. It's an Islamic missionary group. It forbids violence against anyone. It asks for forgiveness and love for all the people. No discrimination against any religion. Islam is a message from God to all the people. Whoever is convinced of this religion, is

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free to decide rather to take that religion or not take that religion. The way they are is that they have good manners that were brought by the prophet Mohammed, peace upon him, and all the other prophets also. It is a worth while group. In the past one hundred and fifty years no one has accused it of anything, violence or terrorism. All the people know their ideology and their idea. Violence or terrorism or hatred were not used by any members of this group or any of that group. Their numbers are in millions. Their slogan is that there is no politics in religion and religion has no politics. They understand the jihad, the jihad against self and the devil. Fighting is forbidden. Also another slogan is that the people of Adam or humanitarian to be peaceful and not fighters or killers. My relationship to that group is that I met them in my country (Morocco) in 1985. I was raised on the hands of the members of that group. After leaving Morocco, I had no connection to that group whatsoever. Especially in Pakistan, I did not know anyone from that group there. I do not know where they came up with this accusation that I have a connection in Pakistan. Even if something was made up about this group, the whole world would know that it's not true. I spoke about this in the interrogation multiple times. I told them that accusation is stupidity given by the Americans to the world, because the world knows the truth about those people. I want to notify you also that all the interrogations, which are over 150 times that I have been interrogated, I spoke the truth, the whole truth. I gave everything I have to the investigators or interrogators. All my advices that were given to the interrogators, even if they were useless, in my eyes, maybe to them it will be useful against those incidents that were happening in those days.

I will complete my story. In the year 1990, I left Morocco and went to Pakistan. My sister and her husband accompanied me with my older brother. I went for immigration reasons. This immigration is the prophets way too, Prophet Mohammed peace be upon him, Prophet Moses peace upon him, and Prophet Abraham and Jesus peace upon him, they all immigrated, they went from one place to another. My reason was to finish my studies. For sure my family was stabled in Bashower (ph) city. I followed this group that my sister's husband worked for called the Humanitarian Committee. The Humanitarian Committee is based in Saudi Arabia to support the inmigrants and orphans of Afghanis. After months I followed the same committee and after a year in 1991, my sister's husband passed away. I became responsible for the family. My brother went back to Morocco. After a period of time, in the beginning of 1993, my sister went back to Morocco also. In that time period I worked with another humanitarian committee called Islamic Humanitarian Charity. In 1994, I registered and studied at the Islamic University in Islamabad.

I had an idea and decided to finish my studies. In this time period 1993, both of my parents passed away. My relationship to Morocco was just my parents. My brothers have their own families and their own lives and situations. I didn't have anything in Morocco. No house, work, or anything. My situation at the University did not help me at all because my financial status was very difficult. The study hours of the program were very difficult because it went by hours and not by years. I had to find another way to finish my studies and I'd thought about Yemen a lot. The study there is more affordable. People always say that hearing is not always what you see. The situation there was not better the situation in Pakistan. I spent three months there. I registered officially in a Community College.

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Even getting a visa was very difficult there. I decided to go to Syria because I heard that education in Syria is much better and studying there is much better and for sure that was true. But registering at the college was very difficult also. They had multiple programs but they had many, many religious instructors. During my stay in Syria, I worked as a student in a Mosque with an Imam. I worked as a merchant also doing trade and sell. The first I see in Syria people who are Muslims and Christians living in peace together following the same rules in the same country. Even the Sheiks or the chiefs of tribes were always forgiving, especially religious forgiving. They took importance on education. Educating the heart and the mind are very important. I benefited a lot in that field.

At the end of year of 1999, I married a young Algerian woman and this was strange that a Moroccan man married an Algerian woman. This was strange especially considering the number women of in Morocco. We have a lot of women in Morocco. Marriage there is much easier, getting married there is.

In 1994 there was an incident that happened in my life that changed it in many ways. It didn't happen to me personally but it happened to my brother who was living with me in Pakistan. When my brother returned to Morocco, he worked in the bureau office and all his work was in Pakistan. I have all official paperwork to prove that. When my brother returned to Morocco, I stayed there a period of time. The Moroccans arrested him. He was tortured in the prison and was put under surveillance. This caused my family to live in fear. During this time my parents passed away. So I told my brothers and sisters that I wanted to come to Morocco, they all advised me to not come back to Morocco, because they did not want problems. If I returned back there I would not have a house to live in and would be forced to live with my brothers. All my brothers said they didn't want me to return. For me, I decided to not go back to Morocco I did not want to put myself in an awkward situation to the government, to me, or to anyone else. Even then I did not have anything strange going on in my life. I was in Pakistan and I was registered at the Moroccan Embassy and through the Embassy I registered at the university. Everyone who went from Morocco to Pakistan was arrested. Any Moroccan that went to Pakistan who went back to Morocco was arrested and his passport was taken away from him and he was interrogated. So this caused me to cut all of my connections to Morocco. For that reason I preferred to marry a woman that wasn't Moroccan. In the year of 2001, my financial situation was very difficult. In Syria I couldn't find a job that would fit me. In the sixth month of 2001 I chose to travel to Afghanistan. At the beginning, I wanted to go to Pakistan but they were forcing all of the Arabs out. I heard all the charity organizations left Pakistan and went to Afghanistan. So, I thought that maybe I would find the same line of work that I was working before there. Especially charity work is a big thing in life. Helping the needy, the poor, and the Orphans. Especially in our religion, it's a duty. It's what God wants from us. So now I will answer why I traveled from Syria to Iran and then to Afghanistan.

3.a.1. The detainee traveled in June 2001 from Damascus, Syria, through Turkey and Iran, to Jalalabad, Afghanistan.

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Detainee: I am very shocked that this travel is an accusation. My Moroccan passport allows me to travel to any place in the world, even Israel, which most passports are not allowed to travel. I traveled on an official visa. I chose that path because it was cheaper for me. I've never hear from any country to forbid that kind of travel. So I do not know how this travel could be an accusation against me. My travel to Afghanistan again was to find work and for sure when I got to Afghanistan I got stabled in Kabul city. Over there I found a house that belonged to Moroccans. So when I arrived to Pakistan I found a lot of Moroccans in that place. I felt very strange to travel to a country and find brothers that are willing to help others, especially people from Morocco. When I went there, I did not find employment. There was only charity organization there. They allow Saudis to work there. When I arrived there, my wife had a very strange disease, gas in the kidneys. I had never heard of that before. There was no treatment for that in Kabul. So I decided to leave. But exiting Afghanistan was not as easy entering Afghanistan. Entering Afghanistan is not like exiting Afghanistan. I tried with all my will and effort to leave but it was almost impossible. I was hoping for things to get better but I still wanted to leave as soon as possible. During that time I was active in something very simple. I can talk about it if you would like. I find it like a charity work and work that God likes according to me. But I do not know if your holiness would agree with this or not. When I arrived in Afghanistan, I found a group of Moroccan youth and they were all complaining about one thing. A lot of people want to use the Moroccans. How come a lot of people want to use them? We had to find a solution for this problem. We chose to open a guesthouse for the Moroccan to protect them from other ideas. We did not succeed in this a lot. The guesthouse only had 17 people. All of these people did not have a connection to anything that has to do with fighting. They were not fighters. They had no connection to and were not associated with any other group at all. Most of them were homeless or they did not have anyone. But they were convinced about the same thing that what happens in Afghanistan (incomplete thought).

I want to talk about a situation or a story. The people in the guesthouse had the same ideas about who the Taliban was and the truth about Bin Laden and other groups in Afghanistan. The group had a special program so no fingers were pointed or accused of anything from Arabs or anything like that.

I will start in the Moroccan house. This house had no enemies what so ever; it was not enemy to anybody. Far away some old accusations were put against it. They did not have any personal enemies and they were not enemies of any side. Even the Taliban and all the accusations they had against them. The leader of the Northern Alliance (inaudible) and all the militias belonging to that group, to Dostum (ph). This speaking of Afghan, this group in that guesthouse, the Moroccan house, died there fighting with the Taliban and anyone else was stupidity and there is no value and no benefits in fighting. In our religion of Islam, it teaches us to forgive other Muslims, forgive them. And the fighting between Muslims is forbidden. The fighting between Afghan, between themselves, lasted for about 20 years. There was value and no good came out of that fighting between those people. The best thing to do is sit somewhere far, far away from those people and what's happening in that country. That's what happened. Even our program in the guesthouse, we had a program about studying and education. We had another house outside Kabul, the

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same house that was called Amal Jahadar (ph). It had no connection what so ever to fighting. I've never heard of that before. Jahadar (ph) is taken from the jihad against the inner self and against Satan, like I said before. If you want me to talk to you about the Amal Jahadar (ph) I can tell you the ideology and anything you would like about it. If you want to ask me about the fighters, the combatants or the fighters, I do not know anything about that. Something else also, something else was mentioned, like we had a camp or something and we shot Kalashnikovs?

Personal Representative: It was number ten in the summary of evidence.

3.a.10. The Detainee obtained AK-47 rifles and a mortar from the Taliban.

Detainee: We had an AK-47 to protect ourselves. The mortar was not working. It was broken. It did not belong to me personally. It was not mine. I said it multiple times that I did not train and did have a personal weapon and did not need that at anytime. There is another thing after that.

Personal Representative: Would you like me read all of the accusations now?

Detainee: No, I'm stilling talking about...

Personal Representative: Another accusation or what?

Detainee: Something about the front lines.

Tribunal President: Perhaps number eleven.

3.a.11. Members of the GICM trained in an area between Kabul and the front lines against the Northern Alliance where they fired AK-47s.

Detainee: This is not true. The truth is that we had a house outside Kabul. It was a very big, vacant house. We found the place because we wanted to be outside the city. It was very far away from fighting alliances, about five hours and about half an hour away from the Kabul city. We did not see any fighters. We did not have fighters by us. We did not hear fighting. We did not see fighting at all. That weapon was to guard the place. There were all different kinds of animals living around that place. There were also, thieves, smugglers, and robbers. We took that weapon from the Taliban government. We did not buy it from the black market. In the ninth month (September), when the incident happened, they returned the weapon that was giving for us and it was not used to fight at all. Like I said before this place was to raise self. Especially for people who want to look at the sky and the stars and pray and meditate. Even the new people that came to the house, liked the weather and the sun. They never wanted to go to other places or to other camps. They stayed there because they liked the place. It was a very nice place. It had water and greenery, and a big garden. I do not know what's strange about being in a house. We only stayed two months in that place and then we left it. The same guesthouse,

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we locked it after the incident of September 11th and every person went their way. There was no name left there with the name of Amal Jahadar (ph). It was not left there.

I can also talk about the situation of the Moroccan guesthouse after the incident of September 11th. After this strange incident which shocked the world, and the United States accused al Qaida and personally Usama Bin Laden, the manager at the Moroccan house met with everyone there. They decided to close the guesthouse. They advised everyone there to leave Afghanistan in anyway. It happened, the house was locked and everyone left at the end of September. I personally traveled to Jalalabad, which was the closest city to Pakistan or to exit Afghanistan. It is known by everyone in Afghanistan that Jalalabad has no connection to fighting in Afghanistan. After the Taliban government fell there, the rulers were tribal and so the situation there stayed stable. Something unexpected happened. One of those days, I do not know exactly when, maybe October, Kabul fell. A day before I was able to make my wife leave Jalalabad to Pakistan. What we decided was that on the next day I would follow her. Even though she only took a small amount of money, of Pakistani money, thinking that I would follow her the following day, I would be going to follow her and get the rest our... I was surprised the next day that Jalalabad fell. So all the roads and all the ways to Pakistan were stopped or they were cut. I was forced to escape with other people. The only way that was left was through the mountains. I stayed in a village there with Afghans. It was the month of Ramadan. I tried any and every way to leave the country. But all roads were very highly guarded. The person that was guarding those roads was an Afghani leader called Hirdid Ali (ph). He was known to be a smuggler before. He is known for having raped a lot of women and killed a lot of people. It was impossible to put my life in danger and take those (inaudible) to fight this man. So on the twentieth of Ramadan, I tried anyway so I could meet with my wife before the holiday. One of the Afghans went with me. It took us about a week and we entered Pakistani land.

I will answer the point.

3.a.12. The Detainee left Jalabad on foot in November of 2001 when the city fell and was arrested by Pakistani police on 19 Dec 01 as he tried to cross Afghanistan and Pakistan border.

Detainee: That is not true because I was in Pakistan. I was in Pakistan for two days. After that I decided to go from one city to another but in the market somebody saw me and noticed that I was Arabic. He started talking to me and the police interfered and said you shall come with us, so I went with them to the police station. They told me that they don't have any problems with me. They just want to make sure that my citizenship is Moroccan or not and we will send you to the Embassy in Islamabad. So they put me in a small prison and they took me by a vehicle to another prison. There I found other Arabs. I asked them how and where they were arrested and they told me they were trying to leave Afghanistan and they were arrested. Then at night, we were transferred to another jail with a larger group of people. Later I found myself in another prison and over there I found a group of people who are with me in this place now. From that prison we were given to American

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soldiers. With all this travel I've seen any fighting, an American airplane, the Northern Alliance, I haven't seen any of that. That's my story.

Personal Representative: Would you like to now go through each one of these evidences and get your response?

Detainee: Yes.

Personal Representative: I know you have already answered a lot of them but we can go through.

3.a.1. The Detainee traveled in June 2001 from Damascus (ph) Syria through Turkey and Iran to Jalalabad, Afghanistan.

Detainee: Yes.

Personal Representative: I believe you answered more than that. Is there anything else you would like to add to the point that you haven't already?

Detainee: No.

3.a.2. Prior to helping form the Moroccan Islamic Fighting group (GICM), the Detainee was involved with Ja'am al-Tabligh.

Detainee: I answered that question that I was with al-Tabligh group in Morocco and I did not have any connection to them when I left Morocco. And the second part of that question, the GICM, I've never heard of that group. Never heard of that group before. I want to tell the Tribunal Members that there are a lot of Moroccans in Afghanistan. I don't know exactly what they are talking about honestly.

3.a.3. Ja'am al-Tabligh is a Pakistan based Islamic missionary organization that has been used as cover mask travel and activities of terrorist including members of al Qaida.

Detainee: Answering that question, it's impossible. The al-Tabligh group don't allow any of their people to talk about violence, jihad, or hatred or anything to do with that. The world intelligence should know that. Security inside the al-Tabligh group is very strong. They don't allow anyone suspected of being a terrorist or anyone who is suspected of sitting with them. Even if he is in there and he says something that's wrong, they will tell him to leave the meeting. I do not know how to answer that.

3.a.4. The Detainee was the head of the Military Commission of the GICM which is the Moroccan Islamic Fighting group.

Detainee: Like I said before, I've seen training. I have knowledge at all of military training. I've never received the training. And I've never heard this fighter group. In my whole life I've never heard of it.

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3.a.5. The GICM is associated with and supported by other known terrorist groups including the Libyan Islamic Fighting Group...

Detainee: Can I answer point by point? The Libyan Fighting Group, the whole world knows that group. There were enemies between them and us, many enemies. The house of Moroccan and that group were enemies of each other. The reason for that was that this group, the Libyan Islamic Fighting Group accused the Moroccan house of being an intelligence house. We used to make people aware of the all the groups and keep them away from all the groups. Those people had some Moroccans with them. So they would say things about us that were not true. How can someone who is an enemy of someone else be a supporter at the same time. How could that be possible?

Personal Representative: The next group is Hizb-E Islami Gulbuddin.

Detainee: This political party was active in Afghanistan between the civil war from 1992 to 1995. This party was finished so how can the Moroccan have a connection with that group?

Personal Representative: al Qaida.

Detainee: I would like to talk on who is Bin Laden. I personally went to Afghanistan in 1990. I heard the name Bin Laden after the Gulf War. During this time, most people in Bishou (ph) were making us aware of this man. Almost telling us to stay away from this man. During that time, Bin Laden was nobody and everyone was accusing Usama Bin Laden of being Saudi intelligence agent or working for the Saudi government. And his wealth comes from the Saudi government, especially Turki al Farsia (ph) the head of Saudi intelligence. After that, I heard that Bin Laden was stripped out of his Saudi citizenship and exiled from the kingdom. I was shocked that this would be a new game that the Saudi government would be playing with us. Especially during that time period there was fighting between Afghani's political parties and most people were taking a role of trying to bring peace between those political parties and bring them together.

Bin Laden was the only person who would leave Afghanistan and go to Sudan in a very strange way. He was supposedly to come in and try to bring peace between people but not leave the country and take all of his wealth and evacuate the country. When he got to Sudan, they received him like a hero. He became a close friend to Sudan's president and second person in charge in the Sudan. People were shocked. How could someone who was exiled, kicked out of their country to be third person in charge of Sudan? How could Sudan sacrifice a relationship with the world, Saudi Arabia for that person? Most people thought this man Bin Laden, was a double agent working for Saudi government. But he would not be a danger to anyone in anyway in these years.

Second, we heard that he would be leaving Sudan, going to Afghanistan and when the civil war between the political parties ended; he would leave Sudan and go to Afghanistan. Everyone was asking, what's the role of this man? Why did he come back? After that, we

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heard about the terrorist thing that happened in Kenya and in Nairobi. A lot of Muslims were victims of those attacks. People were asking why did he do this? People were questioning why he migrated so many Arabs that were living in Pakistan and moved them to Afghanistan. All of this was because of Bin Laden. A lot of people lost their business, their job, they lost almost everything because of this strange (thing) that Bin Laden did. After that we heard about another terrorist attack on an American ship in Yemen. People were shocked about this lunatic attack and it was done in the name of Islam.

In every meeting that happened, people would say that Usama Bin Laden is dangerous to the people, he's dangerous to us, he's dangerous to everyone around him. The people that made that aware to people was the Moroccan house. They would advise people about Bin Laden. I was one of the people that was telling others that Usama Bin Laden is someone dangerous, someone who is a bad person, and a crazy person and that what he does is bad for Islam. How can he be the only person in the world to say that jihad is fighting Americans? How could he just make that up? We were very honest in what we said against Bin Laden. For that reason, we received a lot of threats. But that was not important to us. We kept saying bad things about Bin Laden and about al Qaida.

Personal Representative: The next group is the Egyptian... Are you done with Bin Laden?

Detainee: What is the next group?

Personal Representative: The Egyptian Islamic Jihad.

Detainee: I do not know that name.

Personal Representative: Okay, the next one is the Egyptian National Tarouat Salah.

Detainee: I do not even know the meaning of the name.

Personal Representative: The next one is the Taliban.

Detainee: The Taliban came about around 1995. A person in Pakistani Intelligence wrote a book about the Taliban. The Taliban is made up by the Pakistani Army or the Pakistani Intelligence. Their interest is to do whatever is beneficial for the Pakistani government. So, most to the accusations or most of the things were pointed at the Taliban government and they would ask, who is Mullah Omar, where does he get his money, and where does he get his support? People in Afghanistan who had knowledge about the Afghani situation would make us aware and tell us about those people. Speaking of the Taliban or Sheik (inaudible), there was fighting between Muslims. According to me and other people in the Moroccan house, fighting between Muslims was forbidden and killer and the victim will be in Hell. How can these people be that way? That's what I have.

Personal Representative: Okay, and the last group is the Algerian Armed Islamic Group.

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Detainee: The Moroccan house was established about 2000, 2001 by this Algerian group that is pretty old, maybe since 1992. They were known to have terrorist attacks in Algeria. It is known by all people that this is a terrorist group that killed women, children, and even animals. In Algerian there was two groups. Algerian Intelligence were killing people in the name of Islam and this terrorist group was killing people in the name of Islam and Islam is innocent of killing on both sides. So I do not know what they mean by support from those groups. I don't know what they mean. Those 17 people at that guesthouse and they were supporting all those groups in the world, how could that be possible? Honestly, that's like one of the jokes that heard in this place.

Personal Representative: Okay, the next piece of evidence is number six:

3.a.6. The GICM allies itself with al Qaida and supplies personnel for al Qaida for operations abroad.

Detainee: The Tribunal know now my opinion of Bin Laden and terrorism. I have no connection what so ever with al Qaida and ask the Tribunal, what is the evidence that you have to prove that point. I've been here for three years. If they ask right now about my wife, which is the closest person to me, I do not know anything about it.

Personal Representative: Okay, the next one is number seven:

3.a.7. The GICM, with assistance from al Qaida, planned to carry out attacks against U.S. citizens in foreign countries.

Detainee: That doesn't need an answer.

3.a.8. The detainee associated with known al Qaida members.

Detainee: Who are those members? If you ask me about any person, I will honestly answer you. But if you tell me that I knew people, I do not know people. If you ask me about an actor or an actress in America, I could answer about that. I will even tell you what kind of clothes they wear. But, how can I answer this kind of question? I assure you that I do not know anyone from al Qaida.

3.a.9. The detainee is associated with a former Afghan Arab linked to an al Qaida sleeper cell in Morocco.

Detainee: Like I said before, I do not know anyone from al Qaida. I am not connected to any al Qaida people. None of my friends or family have any connection to al Qaida and I dare you bring any person from al Qaida that says I am connected to them.

Personal Representative: Okay, the next one, ten, I know you already answered. Would you like to add something briefly?

3.a.10. The Detainee obtained AK-47 rifles and a mortar from the Taliban.

Detainee: Like I mentioned before, the weapon was taken from an official, officially and it was turned to the government after two months. It was not fighting at all.

Personal Representative: Okay, number eleven (read bullet), I know you answered this one as well. Do you want to add anything to your answer?

3.a.11. Members of the GICM trained in an area between Kabul and the front lines against the Northern Alliance where they fired AK-47s.

Detainee: Like I mentioned before, this house was for self-improvement, meditation for people to relax and spend some good time. It was a beautiful house with a nice garden. It had no connection to fighting, training, or anything like that.

Personal Representative: Okay, and the last one, number 12 (read bullet).

3.a.12. The Detainee left Jalalabad on foot in November of 2001 when the city fell and was arrested by Pakistani police on 19 Dec 01 as he tried to cross Afghanistan and Pakistan border.

Detainee: I answered that.

Personal Representative: I know you already answered that.

Tribunal President: Does that conclude your statement?

Detainee: I hope so.

Tribunal President: We may have some questions for you. Would you be willing to answer some questions?

Detainee: Any questions.

Tribunal President: Personal Representative, do you have any 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's questions

Q. Sir, do you have any enemies which would fabricate evidence against you?

A. Yes.

Q. Who are those enemies?

A. There is a person who is here called Abdual Rahim Asolri (ph).

Q. How is this person your enemy?

A. I did not know him before and I hadn't heard of his name. I was shocked at when I came to Cuba there was a person in front of me called Abdual Rahim Asolri (ph). This person was a spy in Afghanistan and was arrested in Afghanistan. He was tortured by al Qaida and detained in the Taliban prison. One day I was joking with him and laughing so I was shocked when I heard a very strange story from him. He told me, "I apologize, I am sorry. I've talked about you in the investigation." I was shocked and wanted to know what he said and what happened. He said that in Kandahar, he was interrogated, detained, and tortured and a female interrogator took her clothes off in front of him and doing very strange things in front of him. When he saw an album of pictures he told them that I looked like a man that was detained and tortured in Afghanistan. He mentioned a name that was (inaudible). It was a name that I haven't heard before. I was shocked and everyone that was standing by was shocked as well. He said that later in the interrogation, he spoke to them and said that what he said was not true. He said that he made a mistake in identity because the picture looked like another. He said that he told them that had given them the wrong information. I was shocked that during the whole year the interrogators were speaking to me about the same subject. I would tell them to go to that person and them because that's how that information came about. That's the first person.

The second person is this Iraqi person here. His name is Alkhan Ani Eraki (ph). This man is also a spy and was arrested in Afghanistan. He spent time in the detention facility in Kabul at the hands of the Taliban. I saw him first at the camp in Kabul. In the American military camp in Kabul. I spent about two months there. There was no conversation done between us, or any kind of relationship between us. When we came to Cuba, about a whole year we met at the same detention facility. This man with other groups of Iraqis made up a way or a solution, a very stupid solution, to how to leave this place. They are Shiites and all the Arabs that are here are Sunni. Those Arabs are enemies of America and those Shiite Iraqis were all friends of Americans. Those people did very strange things to cause problems and conflicts between Sunnis and Shiites. They cursed the Prophet wife, peace upon him and friends of the prophet, peace upon them, and religious scientist in general...

Q. If I could interrupt you, all I was interested in was what enemies you had. I appreciate your answer but it's getting a little more detailed then I really need it.

A. He's not an enemy with me, but I'm explaining to you how this came about. This man, when they put me close to him. He started to curse other young people in the prison and those people were cursing him back. In about a month, he told me that he saw my picture in the investigation and he told them, "I do not know this man and this is the end of our investigation." But when this happened, the cursing between the group and him, he told me, he started to threaten me that he would accuse me of the same things he had accused Abdull Rahim Asolri (ph) of. He threatened me with that.

Tribunal President: I want to thank you for participating today in this Tribunal. Is there anything else that you would like to present to us?

Detainee: I just want to make a small statement. Me (inaudible), the only way I know the United States is through movies from Hollywood or through cartoons. I'm a big fan of a lot of their singers. I was shocked, the first time I saw an American soldier was at Kandahar Air Base. This was the first time I had ever seen an American man. I do not want to talk about all the pain that I suffered. From the first moment that I was sent from Kandahar to Afghanistan or given by the Pakistani government or forces to the American forces, I spent five months in Kandahar. Maybe two years and five months in this place. All this I really do not want to think about the time. A lot of people investigated me and I've seen a lot of strange things. I wanted to mention some things that I think are important in this Tribunal.

If this Tribunal thinks of me as an Enemy Combatant I find that very strange and funny at the same time. I've never fought anyone and have never even had the interest to fight anyone. I'm not an enemy of anyone. I don't have an interest to be enemy of anyone in the future. I do not allow for anyone to call me an Enemy Combatant when I don't consider them to be enemies. I want to mention things that have happened to me in Cuba...

Tribunal President: Let's take a brief recess. We need to do that. Would you like some water or anything?

Detainee: Yes.

The Tribunal took a short recess and reopened after four minutes had passed.

Tribunal President: I'm sorry but we did need to take a recess. Please continue.

Detainee: When I came to Cuba, after two months of interrogation, I was offered something very strange. I do not know, I was talking to someone and I do not know what side they were from but it seemed to be that they are from International Terrorist Department of Defense. They asked me to work with them as an agent. To me, that was very strange. I refuse to work as a spy for any country in the world or for whatever was offered. I meant that but not as a spy. I agreed to do this on the basis of one reason. I felt

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it was religious obligation to fight Bin Laden. At that time, I was willing to put my life in danger just to get rid of that man Usama Bin Laden. The interrogators didn't take that seriously. After two years and five months that I have stayed here, I found that I was very weak person. Especially that I am an ill person. I am sick from top to bottom. At that time I was willing to do anything. Not for the United States or America honestly, but for the humanitarian issue. Especially, after I found my brothers being tortured in Kandahar and here. Especially after I have seen a person who was 105 years old that was pulled by the military and treated the worse way. Other similar aged people who were 85, 95 years old and sick people also who are here. They do have their own procedures but I was not able to do all that. How could all of these people suffer and not Bin Laden? A person who is willing to sacrifice his own life to get rid of an American enemy Usama Bin Laden how could he be an Enemy Combatant?

Also in Kandahar something strange happened. When I got to Kandahar I made responsible for the tent, which could hold 55 people and twice it has happened that a guard that came into the tent and he dropped his keys in the tent. The people were able to take those keys and do whatever they want. But twice I have taken those keys and given them back to the guard. Also, a soldier dropped his knife, which contained a spoon, fork, utensils, and can opener and people who did not care would have been able to do something with the knife. But, I took that knife and I gave it to the guard. We would always talk to the young people and tell them how the United States had justice and equality is not like Pakistan or other countries. Some of the young people were tortured and interrogated and were not well treated but when I spoke to them, I convince them that America is a country that goes by laws and is a just country. The truth is that the United States is the greatest country in this world. The United States has brought security to the world through all these operations like WWI and WWII. The United States has brought security to this world. So, I was shocked to see some of the American soldiers and how they act in front of people. I am even shocked at the American government.

When I first saw myself in Kandahar, it was like I was in a cinema or a movie. I saw a movie in 1996 called "The Siege". The movie was about terrorists carrying out terrorist attacks in the United States. This comes from being accused of that. The CIA and FBI were not successful in finding that terrorist group and the United States Army interfered and gathered all the people of Arabic decent and put them in a land cage or camp just like it happened in Kandahar. I was shocked, thinking am I in that movie or on a stage in Hollywood? Is this happening? Sometimes I laugh at myself and say when does that movie end?

I put my voice with the voices of people who condemn this kind of treatment. The victim of this is not the American government but the American citizens. That's the truth.

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

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

AUTHENTICATION

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



Colonel, U.S. Army
Tribunal President

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