

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-2 thru 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 detainee stated to the Tribunal President that he wanted to make a statement. The Detainee also took the Muslim oath.

Detainee: I am sorry, I am under medication right now from my doctor. It makes me thirsty and dizzy, so if I don't say things properly I apologize. Everything I will say is the truth.

Tribunal President: Do you need any water before we proceed?

Detainee: Yes.

Tribunal President: A short recess was taken to get the detainee some water. If you need any help with your drink let please ask and we will be happy to help.

Detainee: I just wanted to say that I don't belong to HIG or al Qaida. I served Americans and they captured and punished me for that.

Tribunal President: I am sorry you said they captured me, who are they? Is that the Americans, Taliban or who?

Detainee: I meant we had some personal problems, somebody. I came and told the Americans about the bomb, and they captured and punished me.

Tribunal President: Ok, thank you.

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.1. The detainee had knowledge of a bomb plot against an embassy.

3.a.2. The detainee knew where the aforementioned bomb was stored.

3.a.3. The detainee was determined to have been involved in an embassy bomb plot.

Personal Representative: Now is a good time to read the allegations and you can describe to the tribunal about the bomb. All three were tied together

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Detainee: There was a girl who told me about this bomb. I told a translator named Hamid about this plan. An Americans got suspicious of him and later they captured me. About HIG I want to tell you that they killed my 3 brothers and they shot me. Why would I want to be with them or even help them?

Personal Representative: Do you want to tell them of details about bomb plot on how you told the Americans and where it was, the relationship with this girl?

Detainee: I was at my home, and then I went to my shop. This girl named Laila told me that they were planning to bring a bomb in order to make an explosion at the American or British embassy when they get the chance. I was talking to Laila when she told me about this; I met this man who was an engineer. I told him this story and he introduced me to a translator Hamid, and I told him the story. Laila asked me not to tell anyone, because she was afraid they were going to kill her. I went against her will to report it. I told Laila to tell the Americans, they wanted her to take them to it, and she explained it was not there yet. When they bring the bomb I will notify you, when they brought the bomb and we told Americans I was detained. American told me how was I going to inform them? I said it's very far I could take a cab, but I don't have any money. They replied we would pay for it. I took the cab; I used the cab driver a couple of times on the last day the cab driver asked me for some money. I told him lets go to the American to get our money, when I got there they detained me. I served you guys and help you.

Personal Representative: Do you want to tell the tribunal where the bomb was?

Detainee: The bomb was in Kabul, in a house were the Laila lived. Her sisters' husband was supposed to bring the bomb. I did what they told me to do and now they are accusing me of being Al Qaida, HIG, or Taliban show me the proof. I swear to the Koran that I am innocent.

Personal Representative: Did you want to mention Khlid's name?

Detainee: I am sorry, I am a little dizzy and sick and I forgot to mention his name. Khlid that was Laila's sisters name, the house was Khlid's house and Laila use to live there. Laila told me her sister said a bomb was going to be at the house. I told Americans that the bomb was going to be there, I served you and the other detainee might be al Qaida or Taliban but I am innocent.

Personal Representative: Would you like to talk more about the bomb plot or do you want to move on?

Detainee: I told you everything about that. I want to say I never done anything against you. My children are there like orphans, and I don't know why I am still here. I am innocent.

3.a.4. The detainee was imprisoned for serving under a Taliban commander.

Detainee: That is a lie I never served Taliban.

Personal Representative: Were you ever imprisoned, if so under whom?

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Detainee: I was in prison for 5 years. Hamed Shaw Masoud put me in prison. I wasn't a director or a commander I was no body my brothers were killed by HIG. There was at some point that HIG and Hamed Shaw Masoud they were united. Hamed Shaw Masoud put me in jail; since these two groups joined I had no one to defend me. It was a person prison for that warlord that is why I was there for 5 years chained up. I had nobody my father was real old and couldn't help me, and you are calling me Taliban or a Terrorist. Why didn't you do research on me I never picked up a gun, I was telling my brother to stop fighting or stop the Jihad and nothing good will come out of fighting.

Personal Representative: Do you remember about how long ago you were in prison?

Detainee: I don't remember the exact day. All I remember was that was the beginning of Rabani's government.

Personal Representative: For the record in our initial interview you we determined it was around 1992-1996 was the time frame he was in the prison. Also the HIG and the Masoud came together to fight against the Taliban and you didn't want to fight anybody is that correct?

Detainee: No, it wasn't that way. They were very close with the Taliban; they were close Kabul I didn't want to fight.

Personal Representative: Is there anything you would like to say about the time you were in prison?

Detainee: The only thing I want to add is they were very cruel and they tortured us in the personal prison. This is not a personal prison this is an International Prison so if you can provide all your information that I am a guilty person.

3.a.5. The detainee was captured with documentation addressing him as a Commander Zahoor Khan from Yar Muhammad, who is identified as a commander of an unknown region.

Detainee: He is not a commander he is my neighbor. I am not a commander. If I have ever picked up a gun I am guilty and you can call me a commander. I have never picked up a gun in my life. The only problem was that bomb, did you get it from my house and now you are charging me and calling me a commander. Those people had ties with General Mahin he is the minister of defense, and that is why you released them because he had big ties otherwise you would have kept him. I didn't even know him well I just knew his sister.

Personal Representative: Regarding the documentation that you were captured with. Who owned the notebook?

Detainee: That was a very nice notebook and it belonged to my brother. When the new money was issued, I didn't want to crease it so I put it in the notebook to keep it straight.

Personal Representative: Your brother was killed and that is why you kept it?

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Detainee: That was the only memory that I had from my brother. It was really nice and I didn't want to write anything on it. Now you are making the memory of brother as evidence against me.

Personal Representative: Can you read and write?

Detainee: No, I am illiterate.

Personal Representative: Why would Yar Muhammad call you commander?

Detainee: He was my neighbor and was a very funny man; he was always joking and making fun and stuff. As a joke he used to call me commander. My kids are literate and they can read and write. They laugh when they read letters that I was being called a commander.

3.a.6. The detainee was captured with documentation that listed personalities identified as detainee's troops.

Detainee: I don't know anything about it I can't read or write. I just took it cause of the new money and I wanted to keep it crisp and straight that is why I was using the notebook.

Personal Representative: So did you know what was written in the notebook?

Detainee: No, I told you I couldn't read or write. I didn't keep it to read.

3.a.7. The detainee was captured with documentation that discussed Blowpipe and Stinger surface to air missiles.

Detainee: That engineer that I mentioned earlier he used to work for the United Nations. The U.N. asked him to help them with the collection of the weapons all over the country. He told me that this is the price if any commanders wanted to turn in the weapons the government would buy it. Then I told him I was going to forget, so he wrote it down so that I could show them this paper.

3.a.8. The detainee was alleged a member of Hezbi-Islami Galbuddin (HIG) with ties to al Qaida.

Detainee: I am not; I didn't belong to any parties. Except one party National Kara van and I had the membership card with me and American took that from me too.

Personal Representative: Who shot you and how many times?

Detainee: Galbuddin killed my 3 brothers, I was standing by the door and I didn't have any weapons with me. They shot me twice once in the foot and the other in my back. You think your self someone killed my brothers and shot me how could I go work for that person.

3.a.9. *HIG is listed on the department of Homeland Security Terrorist Organization Reference Guide.*

Detainee: I am telling you he is a terrorist.

Personal Representative: Do you have any more comments you want to make before questioning?

Detainee: The only statement that I have is that I am innocent. I didn't do anything wrong some times people joked around and called me commander but ask anyone in Afghanistan. You are taking that too serious. My two brothers were killed were with Hamed Shaw Masoud that is not my problem they are dead now.

Tribunal President: Does that conclude your statement.

Detainee: I told you all that I can remember. If you have any evidence keep me here for 5 years if you want. I am not feeling good and I am not arguing with you I am begging you. One thing I want to tell you about that guy Hamed is there was a personal animosity between him and I. The problem is that when I informed American about the bomb they were secretly watching that house. Somehow they found out Hamed was working with a party as well. He was double crossing Americans.

The Personal Representative and the Recorder had no further questions.

Recorders' Questions.

Q. To your knowledge did Laila ever talk to the investigators?

A. When Americans got suspicious of me then I brought Laila as proof what I heard from her. An American girl talk to Laila, and Laila told her the whole story.

Q. So Laila you brought to the investigators is that the Laila that spoke to you about the bomb plot?

A. Yes.

Q. For clarification were you ever paid by the United States forces?

A. If I were working for the money I wouldn't be in jail. That was service that I did for free and that is why I am here. In the background on the loud speaker there was an announcement that if you see or hear terrorist and report them to us. That is what I did by telling you about the bomb.

Tribunal Members' Questions.

Q. Why did Laila go to you instead of someone else? Was she a relative or a friend?

A. She is a relative of my wife.

Q. Was your brother who had the notebook in the Taliban or al Qaida?

A. He was killed but was with Hamed Shaw Masoud.

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Q. What was the name of the engineer?

A. Shaga.

Q. You said you are a member of the National Kara van?

A. It is a new party; they were giving weapons to their members. They send people to collect weapons from other fighters/warlords. That engineer gave me a membership to that party and when I got home to show the family, my kids were laughing at me to why I got a card from them, but I kept it.

Q. In your prior testimony you gave the name of that leader?

A. The leader of the party was Dr. Abdul Rahman. He was assassinated and now another man named Norastani is the leader of the party. It is a democratic party.

Tribunal President's Questions.

Q. Earlier you said you have a shop. What kind of shop was it?

A. It was a little shop that I ran with the family.

Q. What kind of thing did you sell?

A. We sold fruit, tea, sugar and things like that. I would bring the stuff and my nephew took care of the shop.

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.


Tribunal President


Colonel, USAF

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.

The Detainee did not take an oath.

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

3.a. The detainee is associated with the Taliban or al Qaida.

3.a.1. The detainee traveled from Semey, Kazakhstan, to Islamabad, Pakistan, in August 2001.

Detainee: I never went [from] Semey. I have never heard of Semey. What is that?

Tribunal President: I understand that it maybe a village or a town in Kazakhstan.

Detainee: You could be right but I am not sure about it. I was traveling from Omond also.

3.a.2. The detainee stayed at various madrassas during his travels around Pakistan.

Detainee: Yes. I have been to a few madrassas.

3.a.3. The detainee admitted that he stayed at a house in Kabul, Afghanistan, that was owned by the Taliban.

Detainee: I stayed in a house in Kabul but I was not sure whom the house belonged to.

3.a.4. The detainee stayed with two individuals in Kabul, Afghanistan, who worked as cooks for the Taliban.

Detainee: I was with two individuals but they did not work for the Taliban.

3.a.5. The detainee, as well as those he was arrested with, had a cover story regarding their recruitment at a mosque in Kazakhstan.

Detainee: That is not true.

3.a.6. The detainee was in Afghanistan when the United States bombing campaign began.

Detainee: Like I told you before, when I was in Afghanistan they did start the bombing but I didn't know that they were going to start the bombing campaign otherwise I would not have went there.

3.a.7. The detainee was captured by the United Islamic Front for the Salvation of Afghanistan (UIFSA) and turned over to U.S. custody in December 2001.

Detainee: I did not know about the United Islamic Front for the Salvation of Afghanistan. I don't have any idea what that is. One person came and put us in a car and said that he was going to take us to a safe place and he took us to some place. He told us to go in the basement and they just locked us up and that is how I was captured. I didn't know anything about UIFSA. Later on we were handed over to the Americans. Even then they told us that they were going to help us get back to our country.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. How old are you?

A. Twenty-four right now.

Q. Are you from Kazakhstan?

A. Yes.

Q. What did you do there?

A. After I finished school I did not do anything.

Q. What level of school are we talking about?

A. Ninth grade.

Q. How long of a period from the time you finished ninth grade until the time you went to Afghanistan?

A. After I graduated from the ninth grade I went to a technical college for four years, so probably two and half years after that.

Q. During those two and a half years you didn't work but did you do anything else like undertake religions studies or anything?

A. No, but we have a backyard so I worked over there.

Q. Why did you decide to go to Afghanistan?

A. I didn't have any intentions to go to Afghanistan. I wanted to go to Pakistan to study.

Q. So how did you end up in Afghanistan?

A. I went to Pakistan during the time schools have breaks. I was going thru the different places and trying to choose which place was best for me to study. I met two people one of them was originally from Afghanistan and I had a conversation with them. Since it

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was break time from school for a couple of months and he told me that they had pretty good places to study. I decided that I would go to Afghanistan with him and check it out and if I don't like it, I would come back just in time for the school year to start and start my study in Pakistan.

Q. At this point did you have your passport with you?

A. Yes.

Q. How many people in the party traveled from Pakistan to Afghanistan with you?

A. I had one person with me but there were a lot of other people whom I did not know.

Q. Did you go directly to Kabul?

A. I'm not sure. We were going towards Afghanistan and it was a very long journey and ride and at one point they told me this was Kabul.

Q. Once you got to Kabul, what were you doing?

A. For the first few days we were just sitting at home and doing pretty much nothing. I was just going outside and in the streets to go to the mosque.

Q. After the first few days?

A. I was planning to stay a couple of months in Kabul but after the fifth day I was captured.

Q. In the unclassified summary it suggests that you came to Pakistan in August and you were captured in December. Does that sound right?

A. I'm not sure. I don't remember.

Q. All I really need to know is that you were only in Afghanistan for five days?

A. Yes.

Q. Another thing to clarify. I understand that you went to Pakistan to study in madrassas, or did you just go on vacation?

A. To study.

Q. What languages do you speak?

A. I speak Russian and my native language is Uighur.

Q. Why did you go to Pakistan to study, how did you study?

A. I wanted to study the Koran.

Q. Were you able to find someone to translate it for you?

A. Yes.

Q. The person who ended up locking you in the basement. Did you know that person?

A. No I did not.

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- Q. Why did you go with him then?
A. I was in Afghanistan for only five days and I did not know anybody, so I thought that maybe he was a friend of the people I came with.
- Q. Have you had any military training?
A. No.
- Q. Were you armed while you were in Afghanistan?
A. No.
- Q. Did you have your passport on you when you were arrested?
A. Yes.
- Q. You mentioned you were in Afghanistan for five days. Were you ever in Afghanistan at any other time in your life?
A. No.
- Q. Were you aware of the attacks on the United States on September 11, 2001?
A. No.
- Q. What reason did they give you for your capture?
A. They told us that they were going to take us to Pakistan. Then they locked us in a basement. After that they told us they could not help us out. They said they were going to hand us over to the Americans. The Americans are going to help you.
- Q. Did you know any of the people's names that you were captured with?
A. Only the two people that I came with.
- Q. What were their names?
A. Yakup and Tulkon.
- Q. Did you know their last names?
A. No I don't remember their last names.
- Q. Those two gentlemen that you knew when you were captured together, did you meet them before?
A. Yes.
- Q. Where did you meet them?
A. We were from the same village.
- Q. The same village in Kazakhstan?
A. Yes.

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- Q. I just want to clarify that the person that locked you in the basement, was that in Afghanistan at the time or somewhere in Afghanistan?
- A. I think so.
- Q. How long did you stay there until the U.S. people came to get you? I'm not looking for exact days, just number of days or number of weeks, somewhere in that range.
- A. Approximately three months.
- Q. Three months you were in the basement before the U.S. forces?
- A. First we were in the basement, then some kind of huge container. Then it was a place like a barn.
- Q. The people who were captured with you, Yakup and Tulkon. Do you know if they were released or where they are now?
- A. I saw one of them about six or eight months ago here at this camp.
- Q. Which one was it?
- A. Yakup.
- Q. When the bombing started in Afghanistan, were you in the basement or being held by these other people?
- A. I did not hear anything about the bombing campaign in Afghanistan.

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

Detainee: I have one question. When are you going to release me?

Tribunal President: I will give some other information shortly that may address some of that. The reason for us having this hearing today, is that we will review all the information the government has regarding your classification as an enemy combatant.

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.

Tribunal President

Colonel, USAF

Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process but had one question.

Detainee: I want to ask mainly about what has been going on in the investigations. Is it going to be applied in this tribunal?

Tribunal President: Let me review what we are doing here today. That may help. The three members have been formed and brought together here to review all the information the government wishes to provide us regarding your classification as an enemy combatant. So, to answer your question, what investigation the government has, done we may receive some of that information here today. The three members have not received any other information about you other than minor administrative details that were received from the Personal Representative and the Recorder. For example, all we know is your name and your preferred language. Later in the tribunal we will be presented the same information that you were provided earlier regarding the unclassified evidence. This tribunal is formed in open session so that you may provide additional information if you wish too. The tribunal is concerned with one matter, are you properly classified as an enemy combatant? This is not a legal proceeding; we are not determining guilt or innocence. We will review the government information, regarding what they think classifies you as an enemy combatant. Does this answer your question?

Detainee: My question, really frankly, I am not an enemy combatant. If I was chosen to be an enemy combatant, this talk, the whole talk is not true.

Tribunal President: Very well, we will continue with the tribunal and look forward to hearing more statements from you on that matter.

The Tribunal President informed the detainee if he had any other questions, he could ask them at any time.

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.

The Tribunal President asked the detainee if he wished to make a statement.

Detainee: What kind of statement do you want me to present?

Tribunal President: It is customary for the detainees to provide personal comments about each of the allegations that were discussed earlier. This is possibly the first time that you had an opportunity to present anything you wish without being questioned from the government. This is your opportunity. Recall that we are independent; we are not part of any interrogations, intelligence, or combat officers. Do you wish to make your statement?

Detainee: I'd like to respond to the allegation that I'm al Qaida or Taliban.

Tribunal President: Very well.

The detainee affirmatively acknowledges that he wishes to make a statement under oath. The Recorder administers the Muslim oath to the detainee.

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

3.a. The detainee is associated with al Qaida and/or the Taliban.

3.a.1. The detainee traveled to Afghanistan in 2001.

Detainee: I traveled from Sana'a Yemen to Dubai, from Dubai to Karachi, from Karachi to Kuwait, then to Pakistan, and from Kuwait to Pakistan to the border of Afghanistan. As to the accusation that I'm al Qaida or Taliban, I never heard of the Taliban or al Qaida until I got to this country.

3.a.2. The detainee was given airline tickets to Karachi, Pakistan.

Detainee: Is this the same talk as we talked before? Yes, that's true. Yes, I got airline tickets from a friend of mine and his name is Tarek Mohammed. As for my traveling to Karachi, I had a passport, and when I got to the airport, when I got to the hotel, they told me it was altered, so I went back to a friend of mine, his name was Tarek, and he said they only wanted money from you, to bribe them. He took my passport and he examined it. He said it was a good passport, nothing wrong with this passport. I stayed three days there. My friend told me in three more days there will be another trip, and you will be on that trip. In the meanwhile, I renewed my passport because it was expired. I renewed my passport. How can it be altered if it was a brand new passport? I'm a hundred percent sure that what I'm telling you is the truth. This passport is legal, and nothing wrong with it. It wasn't altered. I think you have it in your possession. I've seen this passport in Bagram.

3.a.3. The detainee had his passport altered after he was denied boarding on an airplane bound for Pakistan.

Detainee: Not true.

3.a.4. The detainee's travel facilitator lived in Sana'a, Yemen.

Detainee: That's true.

3.a.5. The travel facilitator's support to the detainee mirrors that of a known al Qaida and/or Taliban recruiter.

Detainee: This is not true.

Tribunal President: Karam Khamis Sayd Khamsan, does this conclude your statement?

Detainee: I have nothing to do with al Qaida, or the Taliban. I have nothing to do with Jihad. I never heard of al Qaida or the Taliban until I got to this country. I heard it over here in this country. I have nothing whatsoever to do with al Qaida, the Taliban, or Jihad. I protest my designation as an enemy combatant without solid evidence.

The Tribunal President asked the Personal Representative if had questions for the detainee.

Personal Representative: I want to clarify, where were you when you were told your passport was not correct? Was that at the airport or hotel?

Detainee: This isn't true it wasn't altered.

Personal Representative: Where were you told?

Detainee: I entered the airport, and they returned us from the airport with two other people. We went to the lobby of the airport. I asked the military officer about my passport, and I checked with him, and he told me that's there's nothing is wrong with your passport. I asked Tarek, my friend, and why did they return me back, and he told me that they only want bribery.

Personal Representative: What is Tarek Mohammed's business?

Detainee: He's a drug dealer.

Personal Representative: What was your purpose for your travel to Pakistan and Afghanistan?

Detainee: I was sent through Tarek on a drug mission. My role was to be used as a collateral.

Tribunal President: (To the translator) A collateral? Was it a courier or collateral? A courier is someone who carries something....

Translator: No, collateral, as a hostage exchange for the money.

Tribunal President: Okay, thank you.

Detainee: We exchanged money to stay in Karachi for three months until we get their money. This is the whole story. I moved from Sana'a airport to Karachi, from Karachi to Kuwait, from Kuwait to Pakistan, from Pakistan to Afghanistan border.

Personal Representative: Do you remember the date you went from Yemen to Pakistan?

Detainee: No, I don't remember.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Are you from Sana'a Yemen?

A. I am from Mahra it belongs to Sana'a.

Q. But in Yemen?

A. In Yemen, yes.

Q. What did you do in Yemen before this all started?

A. I was a soldier in the army. This is mandatory army service.

Q. How long were you a soldier?

A. Three years.

Q. Are you involved in drug dealing?

A. No, that was my first time that I got involved with this operation and we lost.

Q. Have you ever met this person before, Tarek Mohammed, before this story started?

A. Yes, he is from the same town, from the same country I'm from and I know him.

Q. How did you get involved in this drug deal?

A. I'm not involved in drug dealing in the first place, to begin with. He came to me, this (inaudible) Mohammed. He offered me some money because of the fact that he knows that I wanted to get married, and that I needed the money. So, he offered me 50,000 Riyals in return to go and travel to Sana'a to Dubai, from Dubai to Karachi, in order to be a collateral in exchange for the money. This is so they can get their money from that drug deal. He knew that I needed the money because I'm getting married, and I was going to use it for the sake of the marriage. He told me that I was only to stay for three months as a collateral. He came to me.

Q. Was Tarek selling or buying drugs?

A. I don't know exactly if he was selling or buying, but I was offered this mission to stay in Karachi for three months as a hostage exchange or money exchange.

Q. You said you went to the Afghanistan border. Why did you go to the Afghanistan border?

A. This was another method. When I got to Karachi, a guy by the name of Farhan, he was there to meet us. He took us to the hotel and we stayed there for a couple of days. The second day, I had \$800 on me and he took me to the bank so we could exchange the money. I was told by Mr. Farhan that we need to go to the bank to exchange money because something had happened in the United States, which he refers to 9/11, and believes that the dollar is going to go down. The value of dollar will go down. So we went to the bank to exchange the money, into another currency. He exchanged the money from dollars to rupees (Pakistani money).

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Q. Okay, but still. I don't understand why you left Karachi to go to Quetta, from Quetta to the border?

A. Mr. Farhan came to me at nighttime, and he offered me this. I was wearing a nice suit, very much like the one I'm wearing now. They brought a Pakistani gown. This guy told me that I'm to be moved to another town, because this Karachi town is full of thieves, so you're going to a better place there. You are going to stay there for three months until we get our money.

Q. Did you ever cross into Afghanistan?

A. When they were doing the investigation, they told me. I told them I got to the border of Afghanistan, but they told me it was Kandahar. They took me inside a house, and they told me this was Kandahar. While I was in prison here on the camp, a couple of Afghani people have told me that this was not Kandahar. They described it to me and they told me it wasn't Kandahar, two of the detainees here in the camp. The two Afghanis, the two detainees they told me, and they assured me that wasn't Kandahar. It was a country by the border; it's mainly for drug dealing.

Q. Who arrested you?

A. Nobody captured me. I was returning from this town. It was the border between Afghanistan and Pakistan. This town, they say it belongs to Pakistan. I got out of this town and I talked to the drug dealer, someone by the name of Naseer Al Balshou. There was somebody else, Saeed Alyamee. This will prove that I'm not an enemy combatant. (An) Enemy combatant will carry a gun and he will fight. That person I just mentioned, Saeed Alyamee, his case is similar to my case, and we were sitting at one time. This person, named Naseer, that I mentioned before, he came to us and told us the mission failed. It wasn't going to work and to come back after a year. We may have a different operation and it might work. This time it fell through. The next morning he told me that he would bring a driver. I'll bring a car with a driver and he will take me to Kuwait.

Q. Can you tell me the name of town to which you intended to fly when you went to the Karachi airport but you were turned around because of the passport, just the name of the town.

A. Sana'a.

Q. So, were you attempting to return home from Karachi to Sana'a? Is that right?

A. My passport has a two-year open round trip from Dubai to Karachi. This is the first time I traveled. When I returned, when the deal fell through, we were returning, they spoke to us in urdu, which I don't understand that language. We did not answer them. They told us to get out of the car, because they need to check us. My passport is my pocket. Saeed had the same story; his passport was in his pocket too. Then they took the passports and they brought some kind of guy, he could be a translator or whatever, I don't know. He took the passports and he looked at it, and he examined it a little bit. They told our driver that he was supposed to take us to the border and they spoke a long time. I didn't understand, and I don't know what was said. When they were done with this driver he took off with his car, and he went to go to his country, and I don't know what country he went too.

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Q. Who ordered the you and the other individual out of the car?

A. The Pakistani police.

Q. Was this after 9/11, after the attacks on America?

A. It was after 9/11 events.

Q. Were you or other the individual that were taken into custody armed at the time?

A. No, we weren't armed.

Q. I'd like to go back to the part that you were told your passport was altered. I understand that was in Dubai, is that correct?

A. No.

Q. If it's not correct, which one is it?

A. They didn't take the passport from me in Dubai.

Q. I didn't say anything about taking the passport. I understand you were told it was altered, which was untrue.

A. They didn't say it was altered. They just returned me from the airport in Sana'a.

Q. So, this is all in Sana'a in Yemen?

A. That happened in Yemen.

Q. Has anyone else you knew, maybe family or friends ever participated in this money-hostage mission?

A. They don't know, and basically this kind of work is impossible for me to tell my family or tell anybody about.

Tribunal President: Karam Khamis Sayd Khamsan, do you have any other evidence to present to this tribunal? Anything else you'd like to tell us?

Detainee: I met a Saudi man in Kuwait and Pakistan. I met him at his house, and then I got to know him. He told me he was a Saudi from Najaran, I'm a Saudi native. His name was Sayeed Alyamee, which I have mentioned before. He told me that I'm in the same kind of business as you are. I went from his place to the border, and I went by car to with him to the border to Afghanistan. We then entered the first town and then we entered the other town. What happened at this time, he was with me. The Pakistani police surrendered us to the upper authority and then to Kuwait. From Kuwait then to Salamada, from Kuwait we went to the border one time. Then back to Salamada, one time, and then the Americans investigated with him in Salamada. Then he told then I never entered Afghanistan. He entered with me to the border. The Pakistani then surrendered him to the Saudi's. That's what they say. This guy that was with me that's all I know about the trip.

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.

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AUTHENTICATION

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

Tribunal President

Colonel, USAF

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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.

Detainee: If you would like me to be sworn, I will swear.

Tribunal President: The choice of taking the oath is up to you. We will accept your statement either way.

Detainee: What will I be swearing to? Will this be an Islamic oath?

Tribunal President: It's a Muslim oath and it's just saying that what you are saying is true.

Detainee: That's fine. I would like to take the oath.

The Recorder administered the Muslim oath to the Detainee.

Tribunal President: You may begin.

Detainee: Do you want me to address these points?

Tribunal President: Yes please and the Personal Representative can help you.

Personal Representative: As we discussed yesterday, I will read point one and then you can respond.

Detainee: Fine.

3. *The Detainee is associated with al Qaida:*

3.1. The Detainee arrived in Afghanistan via Pakistan.

Detainee: I wanted to enter Afghanistan. I have to enter via some place. I live in Pakistan since 1985. I married two Afghani women. I have all of my relatives, uncles and grandparents, in Afghanistan. If I wanted to go with my wife and my kids who carry Afghani citizenship, I have to go through Pakistan. I cannot fly. If you consider going from Pakistan to Afghanistan, a crime that does not concern me because I am a married person and I can go wherever I want to. It's natural that I have to go from Pakistan to Afghanistan. If there was another way that I could go another route, tell what's that route. That's all I have to say regarding that one.

3.2. The Detainee attended the Sheikh Sanif terrorist camp.

Detainee: I would like to make a correction. It's not Sanif. It's Saiaf. That particular camp I do not consider it as a terrorist camp. I entered that camp in 1986. My purpose for entering that camp was not to get trained on weapons. I was supposed to be traveling north for a humanitarian reason. To move or transfer medication and blankets to the northern people. That trip takes about 45 days. It's very hard and required me to be physically fit. Because there are no cars there to take you and my travels were going to be using my feet or an animal, like a horse or donkey. I had an opportunity before I take that trip. The Sheikh called me and told me that physically, I'm not fit to take that trip. His name is Sheikh Abdalleh. He asked me to go there and get physically fit before a take that trip. I went there for one day. I arrived on the 18th. I spent there that night. The second day they had physical activities where they were running and exercising. In the same night, he received (a note) that the caravan was supposed to be taking off the following day or the day after that. I arrived there on the third day. The duration of my stay in that camp was only one day. The purpose of my being there was just to exercise. That particular camp was associated with other Afghani organizations. That particular organization was training the people to fight the Russians. The United States was supporting that particular organization. The United States accepted that organization. Sheikh Saiaf, is not designated as a terrorist and you can check your file. He is presently in Kabul and working for the government. His assistant, somebody brought him the pictures, is also running for the government and he has got the picture. You can forward. Bottom line is that Sheikh Saiaf is not a terrorist and the American government supports him because he is already in the government. Why do you call him a terrorist?

3.3. The Detainee was trained to use the AK-47.

Detainee: When I went to that camp, I did not go there for the training. Just for physical training. There were people getting the training on the Kalashnikov. I sat there with them for a period of no more than ten minutes because I was curious and wanted to know about this. You consider that ten minutes is long enough for me to learn how to use a Kalashnikov? The Kalashnikov represents terrorism? If it does, every house in Afghanistan has two or three Kalashnikovs and Pakistan as well. That is the normal way of living in that part of the world and they consider it a dangerous weapon. If you want to

consider me watching this for ten or fifteen minutes as terrorist training, I had training in Jordan. I was there for two years. Why don't you consider that as terrorist activity or being a terrorist? You might consider this as being a terrorist or associated with al Qaida, but to me it's meaningless.

3.4. The Detainee met Usama Bin Laden.

Detainee: That allegation is incorrect. It's all lies. The interrogators, every time they ask me, have you met Usama Bin Laden my response is that I've never met Usama Bin Laden. What I told them is that I have seen Usama Bin Laden from a distance for a period of maybe a few minutes. Is just watching a guy passing through a crime? I told the interrogator more than once that I've never met Usama Bin Laden. It's up to you to believe who ever you want; him or me. You've got my file there and in my file it states that I never met him.

Personal Representative: I also have in my notes that when you did see him that it was in the 1980s.

Detainee: When I saw him it was in 1987. That was even before Usama Bin Laden was a member or the head of al Qaida. During that time the United States was even happy with Usama Bin Laden because he was fighting the Russians.

3.5. The Detainee worked for the al-Haramayn Organization.

Detainee: That is also a lie. I told the interrogator that I never worked for al-Haramayn. Not even one minute. I did not get any money from them. My name was not on their list like I was one of their employees rather in Saudi Arabia or Afghanistan or anywhere. I told the interrogator that I was a businessman. If the al-Haramayn Organization bought some food for me, I collect commission on what I sale and I give the money to the Haramayn. I get the money and they give the food. I get my commission from my suppliers. That's the business. That's what I told the interrogator and can find that in my file. I gave them the name of the other business that I was dealing with that they knew me in Kabul, the storage places where we kept our food, and all the people that I dealt with during my activities. That would prove that I was honest in my dealing and I gave them all that information and it's available in my file. If a terrorist came to a store to buy a pack of cigarettes, as soon as he leaves, does that make the owner of that store a terrorist? That is assuming that al-Haramayn is a terrorist organization.

3.6. Al-Haramayn is associated with al Qaida.

Detainee: If you have proof of that, what's that got to do with me? If you have evidence against anybody who is a member of al-Haramayn or al Qaida, you should be asking them, not me. If you consider al-Haramayn as a terrorist organization you should talking to Saudi Arabia, because Saudi Arabia was the country that established al-Haramayn. Its president is the royal prince there. Why don't you go over there and ask him? They were just buying things from me and as far as I know that is nothing more than a humanitarian

organization. If you have any proof that it's not, this is something you need to take up with Saudi Arabia.

3.7. The Detainee attended the al Fand training camp.

Detainee: This point is the first time that I've heard of it. Nobody mentioned it to me. It's not even in my file. I am totally surprised of how they got this and where they got it. You can check my file to see if there is anything that leads you to this.

3.8. The Detainee worked for Maktab al Khidmat.

Detainee: Yes, I did. I worked indirectly with them. I worked with the Sheik's wife. Sheik Abdalleh Azam, I worked with his wife for an organization called Laddens (ph) Organization. The only reason why I was going there was to get my money. When I was working for that Maktab al Khidmat, it was just a humanitarian effort on my part. I opened up hospitals in the north. We helped the poor and needy people. We delivered some food to them. I was finished with Maktab al Khidmat in January 1992. I was finished with them from point on I had nothing to do with them.

3.9. Maktab al Khidmat is on the terrorist exclusion list.

Detainee: They were saying that the al-Haramayn was a terrorist and exists, al Waha (ph) is a terrorist and it exists, and other organizations they exist, they are talking about Maktab al Khidmat. Where is that Maktab al Khidmat? In 1996, the Pakistani government closed it down. They arrested all of its members and they put them in jail. Some of them were turned over to the Saudi government. The president of that organization, Muhammed Muhamad Youssef Abass was turned over the Saudi government. That was the end of Maktab al Khidmat in 1996. It is not in existence from that point. Up until 1996, Maktab al Khidmat was not a terrorist. They were just helping the Afghani people ever since it was established, up until the time it was closed. Then that camp became a terrorist camp organization and it's not even around. That's all I can say for that for now.

3.10. The detainee is associated with Jamat al Tabligh.

Detainee: Yes, I'm a member of al Tabligh. This is an Islamic organization and it's a good organization. Everybody's happy about the Tabligh worldwide. I was calling helping people. The same way the western world has missionary people, they go to the world, they have the same thing. This particular organization is, just pulling people for God and help and everything else. We could be good people to go to the Mosque and pay their duties and things like that. The Tabligh up until 1996, I did not leave Peshawar to go to Lahore so I could join them in any activity. That is where their headquarters. I didn't go there since 1996. My assistance would then be just local in Peshawar. That is as far as the Mosque is concerned.

Personal Representative: I have in my notes that 1996 is the last time you worked with Tabligh?

Detainee: Yes, I just said that. I was just helping the local. My activity (inaudible).

3.11. Jamat al Tabligh, a Pakistani-based Islamic missionary organization, is being used as a cover to mask travel and activities of terrorists including members of al Qaida.

Detainee: Who is considering that organization as being used as a cover? Who is considering that?

Tribunal President: Don't know.

Detainee: I just worked with the Tabligh because it's a good organization. It works for the Muslim. It's a missionary organization. If there were people that were using it for any terrorist activities, I have nothing to do with that. Tabligh does not confirm these activities. They will not allow other people to influence their members. They will not allow other people to use their members for other purposes. If Americans say that they use that particular organization for terrorist activities, whoever you caught there as terrorists, you can grab them and execute them. Whoever you can grab over there, you can punish them. I am not convicted of that. Does America have anything to prove that I used that organization as a cover? Was there anybody that can come forward and say that I took them to Afghanistan? I have nothing to do with that? If you consider it that way than that's your business. I did not use the al Tabligh for any other purpose other than what's legal. If you have any proof that shows that I used it for other purposes, please present that evidence and then you can try me and convict me.

Personal Representative: That was all the pieces of evidence but I have in my notes that you told me to look at all of the things that you have done, and it would show that you have a history of helping, and helping Afghanistan.

Detainee: Yes, that is true. Even during the Russian attacks I didn't even work with the Russians. I didn't even go against anybody. I was just doing my own thing. My activities were all humanitarian. You can find all that in my file.

Tribunal President: Does that conclude your statement?

Detainee: I have other statements that you would like to say I did. I would like for you to look at my file. I trust you because you have already taken the oath. My classification as an Enemy Combatant is unjust. I did not participate in any activities against the United States or its allies. The proof of that is when I decided to go back to Jordan. I went back there to prove that I did not have any problems with any governments. You can find out all that information from the Jordanian government. I never considered the United States as my enemy. I never fought against the United States. I never carried any weapons against them. Proof of that is when I was captured, I was not captured in the part where they were carrying weapons and fighting. I was captured when I was going back with my wife and my family and my kids to my hometown.

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Tribunal President: I'd like to tell you at this point that this is the only information that we have seen on you to this point (referring to Exhibits R-1 to R-3).

Detainee: If I have 11 points on the Unclassified Summary, five of them were inaccurate and how am I going to trust the classified information? Even the other five were inaccurate, the other five or six were all twisted, how should I trust the classified evidence?

Tribunal President: The purpose of this hearing is to have an impartial board look at the information. We consider two things...

Detainee: Are they going to look at my classified summary (asked to the translator)?

Translator: Yes.

Tribunal President: We look at whatever the Recorder provides us but we also take into consideration your oral statement. At this time we might have some questions for you. Would you be willing to answer?

Detainee: Fine. Go ahead and ask.

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 Members' questions

Q. Sir, when did you last travel from Pakistan to Afghanistan?

A. I told the interrogator in the past. The last time I went to Afghanistan was in 1992. I did not go back to Afghanistan until the year 2000. In June of 2000, I went to Afghanistan.

Q. How long did you stay there in June of 2000?

A. I stayed there until Ramadan 2001. That's when I left Afghanistan. Because in Kabul they were saying that the foreigners need to leave the country including all organizations to protect themselves from what's going on. I lived there as a foreigner.

Q. From June of 2000 until Ramadan 2001, where did you stay?

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A. I was in my house. I my trade was selling honey. I was dealing with al-Haramayn because they were buying that from me.

Q. Where was your house?

A. The house was in an area called Taymenih. The street address was number 6.

Q. Is that near any larger cities in Afghanistan?

A. It's inside Kabul. Just like an area or street.

Q. From June of 2000 until Ramadan 2001 did you stay anywhere else besides your house in Kabul?

A. I spent three months with my wife's family.

Q. Where was that?

A. In an area called Barwansia. I'm not sure of the name but that's what I think. They are my wife's relatives. My wife's aunt. So I stayed with them for three months.

Q. What's the nearest large city in Afghanistan to Barwansia?

A. Kabul.

Q. The purpose of your visit from June of 2000 until Ramadan 2001 was simply to sell honey?

A. Not only to sell honey.

Q. What else?

A. I was working with al-Haramayn selling them honey along with food items. What is the purpose of this question? Are trying to find out if I'm selling honey?

Q. I'll continue asking some more questions and maybe you'll come to understand. Who were you arrested with?

A. We were in Islamabad and we were traveling, going back to Jordan via a missionary organization who was buying the tickets. Since I have my wife and seven kids, they gave a lot of money to buy tickets for them. I had all my furniture with me. That trip was going to be expensive for me. We went with that organization so they could help us. So we could go back to Jordan without having to pay any money. The Pakistani people and the people in that organization, they

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were just interrogating us. It was just a routine thing to exist that area. There were a whole bunch of people with me. All of them went and there were only two left.

Q. What was name of this organization?

A. al-Qathafi Organization.

Q. I'm still not certain I got an answer to that question. Who were you arrested with?

A. They are in my file. I don't know their name but you can find their number and name in my file.

Q. Approximately how many people?

A. Approximately seven. More or less, but all the names and numbers are in my file.

Q. Did you have any weapons with you when you were arrested?

A. No, I didn't have any weapons.

Q. How about the other people that were arrested? Did they have any weapons?

A. No, they did not have any weapons. We were not captured or arrested. The organization, the al Qathafi organization was the one that turned them over. They took us over to the Pakistani government.

Q. Did anybody explain to you why?

A. They told us we have to go through that in order of us to leave the country. They have to make the necessary arrangements.

Q. At some point you were arrested?

A. We went to them and they kept us there. They said that it's going to take some time. We were there for 19 days and then they let us go. I was one of the ones that left. Five days later, they called us again and said they had a few questions we would like to ask you. When we went there... they just kept me there.

Q. Did they tell you why they were keeping you there?

A. They never told me. Until this time, I don't know why I'm here.

Q. The Sheikh Saiaf camp. It's a little unclear to me. How many times did you actually attend that camp?

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- A. The one time that I went there was the only time. I was there for 24 hours as I told you earlier.
- Q. Do you have any friends or associates who are members al Qaida?
- A. No.
- Q. How many times in your life, if at all, have you been arrested?
- A. I've never been arrested. This is the first time in my life.
- Q. Describe any weapons training you've received throughout your lifetime, other than that ten minutes that observed the Kalashnikov training.
- A. Are you talking about the Jordanian Army?
- Q. Anything in your lifetime. That would be included.
- A. The only thing that I trained on in the Jordanian Army was the M16.
- Q. The al Fand training camp. Did you attend that camp or not?
- A. I told you. This is the first time I've heard of it. I don't know where you got it from or how you obtained it.
- Q. So you did not attend the camp?
- A. Never.
- Q. You went to the Sheikh Saiaf training camp for 24 hours?
- A. Yes, I told you that in the beginning.
- Q. You went there for physical training so that you could move supplies?
- A. That long trip ahead of me. I wanted to get in shape. That was an order from Sheik Abdalleh. To go just for physical training.
- Q. So you are saying only after 24 hours you were in shape to start moving supplies?
- A. No, as I said before. I went over there for the physical training. It so happened that after having been there for one day I received a note. Sheik Abdalleh told me that it's going to take a couple of days for the caravan to gather. Instead of spending your time here and doing nothing, why don't you go to the camp, get as much training as you can until the caravan gets all taken care of. So when I spent the first

day at the camp. We got the answer that the caravan would be leaving on the second day or the day after that.

Q. Do you believe in jihad?

A. I believe in Islam. Do not dissect Islam.

Q. I'm not. All I'm asking is do you believe in jihad.

A. I cannot answer that question. It is a mysterious question and I cannot answer it.

Q. Do you know what jihad is?

A. Jihad, as far I'm thinking has many meanings. Just like what he was doing there, helping people or what he was doing when Russia was attacking. Don't think that when you are saying jihad, that you are always talking about somebody killing somebody. Jihad could mean somebody helping other people. Opening schools all these are part of the jihad. So when I went to Pakistan, I went to do just the humanitarian part of the jihad.

Q. But jihad does include killing people correct?

A. That is true but I'm a coward, I cannot go into these things. All I did for my part of the jihad is helping people. That's why I chose (inaudible).

Tribunal President's questions

Q. I understand that your primary cause for leaving your business in Pakistan was to do humanitarian things?

A. Which year are you talking about?

Q. I'm talking about in 2000.

A. I did not go to Afghanistan for humanitarian because I was not associated with any organization. I went with my kids, my two wives to Afghanistan so I could live there. We were immigrating. Because my wives wanted to do that and I wanted to grant their wishes. That's their right because they're from there and wanted to go back to their country.

Q. So you were actually going to go live there?

A. Yes, I was going to go and stay. I wanted to buy a piece of land to build house for my family. (inaudible). I had nothing to do with all of this. All I wanted was a peaceful life for my kids and wives.

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Q. You indicated that Pakistan kept you for 19 days. Then you said that after five days they called you back. If your intent was to go on to Jordan, why did you stick around after they let you go the first time?

A. I didn't go back. After the 19 days we left and that organization was making arrangements for us to leave. They said before you leave we wanted to ask you a few questions we forgot to ask.

Tribunal President: I'd like to thank you for participating in this Tribunal. Do you have any further evidence to present to this Tribunal?

Detainee: I told my Personal Representative, the last time I talked to him that I had some witnesses but the thing of it is that I'm going to leave it to God. That is the truth that I told you and I'm just waiting for Justice.

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

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

AUTHENTICATION

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

Colonel, U.S. Army
Tribunal President

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Summarized Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood the procedures. When the Tribunal President asked the Detainee if he had any questions about the Tribunal Process, the Detainee stated:

Detainee: Yes, I understand but there are some documents you say that I'm not allowed to look at?

Tribunal President: That is correct.

Detainee: I told my Personal Representative if those documents, if I cannot see them, why are they actually putting them in the Tribunal as evidence?

Tribunal President: I think I can help explain.

Detainee: I'm just saying, any documents I cannot look at to say if it's true or not, I don't want them to be put in as evidence against me.

Tribunal President: I understand. The classified documents are classified by another government agency. They have determined that releasing them to you may cause our country damage.

Detainee: It's okay if I cannot look at them, but if there is any allegation on me in those documents I do not agree with that.

Tribunal President: I understand that perfectly. However, you have already received an unclassified summary of the evidence against you.

Detainee: Yes. I assumed that. I'm just saying the other documents, other than that which include any accusation in it, and I did not know about it I don't want the Tribunal to decide on those documents, which I did not testify on.

Tribunal President: I understand that. The Personal Representative has seen all classified documents regarding your case. It is his responsibility to identify to the Tribunal those things that we need to consider, including things that would tend to make you a non-enemy combatant.

Detainee: My Personal Representative showed me a lot of the documents and the allegations on me, and most of them are not true and that's why I'm here to testify, and I want the Tribunal not to consider any of the documents, which I did not know about those allegations. He has told me about a lot of allegations and we talked about it and most of them are not true.

Tribunal President: I understand. We're going to proceed with this Tribunal and you'll have an opportunity to provide us that testimony.

Detainee: I will answer to each allegation and I will bring a witness on each allegation that is not true.

Tribunal President: That would be very helpful to the Tribunal. I have more information for you.

Detainee: Any other new allegation that I cannot see, you can ask me if I ever did that and I will answer. If I have knowledge, I will provide it.

Tribunal President: I understand. Before we continue you need to understand that the three members here have not seen any information about you other than your name. This is an opportunity for you to provide us information and we can evaluate that without any other knowledge that the government has. Any information you give us would be helpful. Do you have any other questions concerning the Tribunal process?

Detainee: No that's all I was going to say. I said it before to my PR and the Tribunal that whatever allegations are on me let me know and let me explain it before you make a decision.

Tribunal President: Very well.

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

The Recorder presented Exhibits R-2 thru R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1). The Tribunal President called for a brief recess to allow the Tribunal Team to read the unclassified evidence. But before the hearing could be recessed, the Detainee made the following request.

Detainee: I have to pee and I have to go to the bathroom; they didn't ask me. I will make it quick if you will give a short recess.

Tribunal President: That will be appropriate at this time.

Detainee: Sorry for that.

The Tribunal was recessed briefly. Then the Tribunal is called to order.

Detainee: Sorry for the inconvenience. It was really bothering me.

Tribunal President: That's fine. You can make any request that you need during this Tribunal and it was also a very appropriate time since we needed to review some evidence.

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

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

Tribunal President: Zaman Gul I've been told by the Personal Representative earlier that you requested two witnesses. I determined that the reasons these witnesses were being called would be relevant to this Tribunal's deliberations. I approved that request and I understand that both witnesses are available and have agreed to testify at this hearing today. I would like to confirm for the record the identification of these two witnesses. The first is Zaman Khan and the second is Mohammed Gul. Are those the two witnesses that you requested?

Detainee: Yes.

Tribunal President: We're going to proceed with this hearing to receive your testimony first regarding the government's allegations. Before we ask you questions regarding your testimony I would then like to bring in each witness one at a time. As Zaman Khan is available he is ready to testify at this time. He is waiting. Lets proceed with the next part of the Tribunal. Zaman Gul you may present any evidence you have to the Tribunal. Your Personal Representative may assist you if you wish. As you have stated previously, and also had noted in the Detainee Election Form, I believe you wish to address each allegation one at a time. Is that correct?

Detainee: Yes.

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

Detainee: Yes I want to take that oath that I will tell the Tribunal the truth.

Tribunal President: Very well, Recorder please administer the appropriate oath.

The Recorder administered the Muslim oath to the Detainee.

The Tribunal President opened the Tribunal to the Detainee to make his statement. The Personal Representative repeated the allegations from the unclassified summary document provided below in italics.

3.a.1. The detainee traveled from Afghanistan to Saudi Arabia in 2001.

Detainee: Yes I went. Can I give you the details or just say yes or no?

Tribunal President: You can provide detail if you think it's important for us to know. We will ask questions later; that is why we're taking notes.

Detainee: Can I go into detail on that allegation?

Tribunal President: Yes. You can if you wish; however, you may want to go into more detail when we have questions and answers because then you'll know what we're interested in.

Detainee: The allegation has a date and I don't know what date it was, it just said the year. I did go to Saudi because in Afghanistan there was fighting around that time in the country and there was no work in the country. Most of the people, they left to other countries for work, to do some work, make some money and support their families. That is what I did; I left the country and went to Saudi to support my family.

3.a.2. The detainee utilized counterfeit travel documents for his travel to Saudi Arabia.

Detainee: Since there was no government in Afghanistan, people could not fly from the country of Afghanistan because there were no official documents and no government in the country and there was no airline. Most of the Afghan people went to Pakistan and traveled from there to other countries. The same way all of those people did it; I did it. I went to Pakistan, I bought my tickets and documents and I went through the airport officially just like the other people did it. So it wasn't any counterfeit documents; it was the way other Afghan people did it.

3.a.3. The detainee returned to Afghanistan at the time the Northern Alliance recaptured Kabul.

Detainee: When I came home I was just there to visit my family. I was not actually supposed to, but the Northern Alliance took Kabul. I was not aware of that and I did not come for that reason. I went there to see my family.

3.a.4. The detainee's family and village members stated an important Taliban member used the detainee's father's guesthouse.

Detainee: This is not true. There was no such thing like that.

3.a.5. The detainee lives with his father, Haji Sarajudeen.

Detainee: Yes.

3.a.6. The detainee's father worked as a recruiter for Pacha Khan.

Detainee: My father testified about that question already.

The Tribunal President requested that the Personal Representative repeat the allegation and he did so.

Tribunal President: Again your statement?

Detainee: This allegation is not on me it is on my father. He is here and he testified on that allegation and he answered that allegation. I can tell you again.

Tribunal President: That might be helpful because I believe the other Tribunal panel members have not had the benefit of his father's testimony. We would recognize it would be your statement not your father's.

Detainee: My father did not work for Pacha Khan directly or with him or under him. Pacha Khan came to the village elder, Nazim, to gather and rise up against the Taliban. The village elder told my father to go and tell the other villages close to our village to get together and that we needed to unite against the Taliban. Whatever he did, it might have been indirectly for Pacha Khan but Pacha Khan was working with the Americans and he was in the government at that time.

Tribunal President: Can you give the name of the elder?

Detainee: Nazim or Nazim Khan.

Tribunal President: Thank you.

3.a.7. Pacha Khan, a renegade Pashtun Commander, has been conducting military operations against the Afghan Transitional Administration (ATA) and coalition forces.

Detainee: At the time we got captured he was working with the Americans. I've been here all this time so I have no information if he is still working with the Americans or if he turned.

Tribunal President: Okay, thank you.

3.a.8. The detainee stated he owns one or two Kalashnikov rifles with 30 rounds of ammunition.

Detainee: Yes. In Afghanistan everyone has a weapon in their house for personal safety, especially in Khost province and the Paktia province. The government allowed the people to keep a weapon in their house because they are in border cities.

3.a.9. The detainee was captured with communication equipment.

Detainee: That is not true. They did not capture me with any equipment. I did not have a radio in my house. I did not see that kind of thing in my village either.

3.a.10. The detainee admits seeing this type of equipment in the possession of Taliban members.

Detainee: They did not capture any kind of radio with me, in my village or in my house. They asked me and I told them that yes I did see a radio before in my life during the Taliban time. When we go to the bazaar you see the Taliban people, they were playing the radio for communication. So I did see them, but they did not capture anything with me.

3.a.11. Coalition forces were fired upon during the capture of the detainee and three associates.

Detainee: No that's not true. We did not fire on them and I'm sure they do not have any evidence showing there was a firing.

Tribunal President: Does that conclude your statement?

Detainee: Yes.

Tribunal President: Thank you.

Detainee: How about the other allegations you have?

Tribunal President: That's all we are concerned with at this point.

Detainee: Okay.

Tribunal President: At this point I would like to bring in the witnesses. I'd like to go over the procedures we will use.

Detainee: Can he explain it to me again?

Tribunal President: Is that what he asked?

Translator: Yes.

Tribunal President: We will take a brief recess shortly and the panel will leave the room and you will remain in your seat. The Personal Representative and the Translator will stay also. Your witness will be brought into the room and placed in the seat over on the other side of the Translator. Rules require no communication be conducted so please refrain from any greetings or any other conversation.

Detainee: What if I have a question for the witness.

Tribunal President: I'm getting to that. We will reconvene and bring everyone back into the room and I will then permit you an opportunity to greet and to identify the witness. At that point, you and your Personal Representative will be able to ask questions of the detainee to provide the testimony that you think will be helpful to us. I would ask that you please keep your questions short and wait for the translations. After you have received all the testimony that you wished from the witness I will then ask the Personal Representative, the Recorder and the Tribunal panel if they have questions for the witness. During our questioning of the witness I ask that the detainee remain silent.

Detainee: The witness?

Tribunal President: We are going to ask questions of the witness, you will still be in the room, but please do not add or ask questions. After we have asked our questions of the witness you may provide additional information or ask follow-up questions.

Detainee: What if the witness wants me to clarify something?

Tribunal President: If we have a question with the witness and he asked it to me and it requires your involvement I will facilitate that. The procedures I have gone over is for an orderly and understandable process, and he will have plenty of opportunity to ask questions and to clarify matters during the witness testimony. One other point I want to clarify, before the witness provides any testimony, before your questions, I do require the witnesses to take an oath to tell the truth. Do you have any questions?

Detainee: From the witness, do I ask the questions from my allegations?

Tribunal President: Yes. That would be very helpful if you could address those allegations with your witness. You don't necessarily have to cover all of those, but those points that you think your witness could help us with, would be very helpful.

Detainee: Okay.

The Tribunal President called for a brief recess to bring in the first witness, Zaman Khan.

The Tribunal is called to order.

Tribunal President: Zaman Khan, good morning.

Witness 1: Thank you.

Tribunal President: Zaman Gul, is this the witness that you requested.

Detainee: Yes. I have two witnesses.

Tribunal President: Yes, this is just the first. Zaman Khan I believe you understand as a witness we require you to take an oath.

Witness 1: Yes.

The Recorder administered the Muslim oath to Witness #1, Zaman Khan.

Tribunal President: Thank you. Zaman Gul you may ask the questions of the witness to provide the testimony that you require. Your Personal Representative may assist you.

Detainee: He can tell it to me and I will ask the witness either way.

Tribunal President: Any method is proper with me.

Personal Representative: Do you want to ask your questions or do you want me to ask first and you can add? If you have additional questions you may ask.

Detainee: Okay. I remember all of the allegations I can I ask him.

Tribunal President: That's fine.

Detainee: So I will ask him and then translate to the Tribunal each question.

Tribunal President: We appreciate that you wait for a translation so we can participate in the questions.

Witness 1: Okay.

Detainee's questions for witness #1, Zaman Khan

- Q. Explain to the Tribunal about when I went to Saudi. Did I go through the proper channels, the proper way, or was it illegally?
- A. He went to Saudi the proper way. That's how it was in that country. He went the right way.
- Q. When I came back from Saudi did I come back because the Northern Alliance took Kabul?
- A. That's true that he came during that time when they captured Kabul. (Inaudible)
- Q. I know he already answered it but did I come back just because of the Northern Alliance recaptured Kabul, did I fight against them or why did I come?
- A. That's true he went to Saudi and most Afghan people are still going to other countries to make money to support their families. They spend a couple of years there and then come back to see their families. He went and he was there and he came back to see his family. He did not come back to fight against [anyone] or to be a part of that thing. He just came back because of his family.
- Q. Was there a Taliban commander that my father was hosting named Jalaluddin? There were some other documents saying that other people told him that he was the person at our house and that they remember our house.
- A. That is not true that Sarajudeen was hosting a Taliban commander named Jalaluddin. Whoever told them, whoever reported it in the newspaper it is not right. He swore on that there was no such person in our house. We have a villager who swore that there was nobody in our house and there was no Taliban commander that even came to our village at that time. It is not true. The bombing that happened to our house was wrong. Somebody misled the Americans.
- Q. The other allegation is that my father worked for Pacha Khan. I answered that my father did not work for Pacha Khan directly. Pacha Khan asked the village elder, Nazim that he needed to help against the Taliban. The village elder told the villagers, including my father, that he needed people to gather against the Taliban and that Pacha Khan was the government at that time working with the Americans. Is that true?
- A. It's true that my brother did not work for Pacha Khan directly. Pacha Khan asked our village elder to provide people to gather against the Taliban. The village elder asked my brother to let other villages know that we are gathering against the Taliban. So he did

that for the village elder not for Pacha Khan. At the time we got captured, Pacha Khan was actually with the government and he was working with the Americans and the new Afghan government, President Karzai. At that time, he was a good man and he was against the Taliban. In the meantime, if he has changed, if he has turned over on the Americans we are not responsible for that.

- Q. The other allegation is that when we got captured they found communication equipment, a radio, with us. Testify that that is not true. Did they capture any communication equipment or radios with us? Another allegation on me is that I told them that I saw communication equipment or radios with the Taliban. I did tell them that the only time I saw that kind of equipment, during the Taliban, is when they were using it. Americans did not capture any equipment or radios with us nor had I seen any of that kind of equipment in my village.
- A. It is not true that they captured communication equipment or a radio with us. There was no radio with us at that time. There was not a radio in our house. There was no radio. I saw a radio during the Taliban time, but when we were captured there was no radio, not in the house or even the whole village. We never saw a radio with anyone from our village.
- Q. Another allegation on me is that when the Americans came and captured us, somebody fired on them. My answer was that when they captured us we were sleeping and if you are sleeping you cannot fire on them.
- A. It is not true. Nobody fired on the soldiers and nobody fired on the aircraft. We were sleeping at that time. They woke us up. We did not have any gunshots before and we did not have any gunshots when they captured us. So there was no gunshot, we already told them that this was not true. All the allegations that he asked they are all not true.
- Q. Another allegation is that I had two Kalashnikov's in our house. I told them that all people in Afghanistan keep weapons in their house, especially in our province, Paktia. The government allowed us from the beginning that we can have a weapon in every house for personal safety and because it is a border area. It was never illegal, especially in our area. The government actually took it away from the people in other parts of the country before.
- A. Whatever Gul Zaman said is true. When Zahir Shah was king he did especially for the people in Paktia favors. He allowed things for them. One was to keep a weapon in their house. Either one or two of any kind of weapon, especially small weapons for personal protection. The second was that they didn't need to participate in the military. The government would not ask them to join the military unless they wanted to. The third thing was that the people in Paktia didn't need to pay a tax on their land. There are a few things that King Zahir Shah let us have. It is true that we had a weapon in our house but that was for personal safety for us and for our animals, any cow or any animals to protect them at night from the wild animals that will attack our animals. It was for our personal safety not to fight or use against someone.

Detainee: Personal Representative is there any other questions or allegations left for me to ask him.

Personal Representative: I just have one further question.

Personal Representative questions for witness #1, Zaman Khan

Q. Do you know if Gul Zaman had any relationship with Pacha Khan?

A. No. Gul Zaman has no relations with Pacha Khan at that time he was in Saudi.

Tribunal President: (To the Personal Representative) Answer the detainee's question. Did he address all of the allegations?

Personal Representative: Yes.

Tribunal President: I would now like to get into the questioning of the witness by the Tribunal. Personal Representative do you have any further questions?

Personal Representative: No sir.

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

Recorder: Yes sir.

Recorders questions for witness #1, Zaman Khan

Q. You mentioned you were sleeping when you guys were captured. Do you remember if you were inside or outside? Can you give us a location?

A. Inside the house.

Q. Based on your observation, were Zaman Gul and Sarajudeen very close? Did they do a lot of things together?

A. Yes, they were close to each other.

Q. You mentioned the village elder. What was the name of the village elder?

A. Nazim.

Recorder: Thank you.

Tribunal President: Does the board have any questions for the witness?

Tribunal Members questions for witness #1, Zaman Khan

Q. I would just like to clarify a few points, if I may. You are the brother of Sarajudeen?

A. Yes.

Q. You live in the same house as your brother?

- A. Yes, we all live in one house.
- Q. Zaman Gul did as well?
A. Yes, we all live in the same house.
- Q. You've known him his whole life?
A. Yes because of my relation to Sarajudeen.
- Q. Do you live in a place called Ani Khel?
A. It's Zani Khel.
- Q. Is that best characterized as the village?
A. It's a tribe name.
- Q. What is the name of the village in which your house is?
A. The house is between two villages. Sometimes when we send a letter with the address of one village or sometimes the other village.
- Q. Can you give me the names of the villages?
A. One is Shamawat village and the other is Khojari village. It is between those two villages. The tribe name in Zani Khel.
- Q. It is correct that you were apprehended sometime around November of 2001?
A. Since I am uneducated and I don't know the dates in our country all I know is that I have almost three years and maybe a month more than that. So now you can look back three years from today or maybe a month more than that.
- Q. Are you familiar with the name Wazir Khan Zadran?
A. No I don't know this person.
- Q. How about the name Zakim Khan?
A. I don't know that name either.
- Q. Do you know if your village elder had a relationship with Pacha Khan?
A. I don't know how much of a relationship they had but they both were commanders for another person together before the Americans came. That persons name was Pir.
- Q. Pir was a commander for the Taliban or against the Taliban?
A. Against the Taliban.
- Q. You mentioned before that your nephew went to Saudi Arabia the proper way. Could you describe what the proper way is for a person to travel from Afghanistan to Saudi Arabia?
A. In the time of war, Pakistan let Afghans come to their country as refugees. They were keeping all the Afghans as refugees for a long time. Another thing they did for those refugees is they allowed them to fly from their country and they would make legal

documents for them to go to other countries to work and to support their families. Arab countries, especially Saudi Arabia, did that for Afghanis. They will accept either documents from them, or if they have documents from Afghanistan before, or if they have documents from Pakistan. They know that they are Afghanis, but they will accept them with Pakistani documents because they know that they are refugees there. That was the legal way for refugees to go through the proper channels and get documents from the Pakistani government and then go to Saudi. Saudi allowed it. They allowed them to work in their country and support their family.

- Q. What kind of transportation did the American forces have? How did they get to your compound?
- A. It was nighttime and I don't know how they got there. They woke us up and they tied our hands and captured us. Then a chopper came and they put us on the chopper. We heard the chopper but I don't how they got to our compound.
- Q. The helicopter came after they captured you?
- A. Yes. It was nighttime and they captured us and took us out of our house and the chopper landed and they put us on the chopper.

Detainee: I would like to ask something of my Personal Representative.

Tribunal President: When we're complete with our questions, please.

Detainee: I have something to clarify, that's why I need to.

Tribunal President: If you would please wait until we finish our questions then I will give you the opportunity to clarify.

Detainee: I need my PR to ask something for me.

Tribunal President: Again, please wait and if we need to review earlier testimony to help you with that question, we will later. I would like to finish these questions first.

Detainee: He answered all of my allegations and he should ask him things concerning my allegations. Why are they actually asking more questions?

Tribunal President: These are questions relating to the evidence that we have that your witness may be able to answer.

Detainee: He answered and if you have more information or details you can ask me and I can answer them.

Tribunal President: Right now this is now regarding the witness testimony so I need you to refrain for a little while longer.

Detainee: He answered all of my allegations.

Tribunal President: I understand. I have a few questions.

Tribunal Presidents questions for witness #1, Zaman Khan

- Q. You provided testimony regarding the attack or the bomb on your brother's home. Where were you on that day?
- A. I was not there. I was in Gardez.
- Q. Do you know where Zaman Gul was at that time?
- A. He was in Saudi.
- Q. How long after that event were you captured by U.S. forces?
- A. I really don't follow the dates. Usually we know the beginning of the month when we look at the moon. Approximately a month and a half to two, two and a half months.
- Q. That's very helpful, thank you. Both yourself and Zaman Gul were captured at the same time, the same night? Is that correct?
- A. Yes at the same time.
- Q. From the information here you also lived with your brother. All three of you were together at the same time? Was this the same home that was bombed previously?
- A. No; it is a different house.
- Q. Who's house were you staying at when you were captured?
- A. I was at a villager's house. He gave it to us to share.
- Q. How far away from your brothers previous house was this?
- A. I don't really remember how many meters it was from each but they are close to each other. I don't know exactly how much.

Tribunal President: Thank you. I have no further questions. Zaman Gul did you have any follow-up questions you would like to ask the witness?

Detainee: No I don't have any questions. I have one more question.

Tribunal President: Okay.

Detainee's follow-up questions for witness #1, Zaman Khan

- Q. The last question I wanted to ask to the witness is what happened to us the whole time that we are here, and people bomb each other and the Americans. Things are different and not true. Maybe they are our enemies; maybe they have a personal dispute with some people. Do you have any idea of who did that? What kinds of people are doing this to us?

- A. It's true that there are a lot of Afghans that are doing that to their people due to personal disputes or some problem with the family or maybe the tribe. They lied to other people or made false accusations against them, but whoever told the Americans or the media or the newspaper people, the Tribunal should only consider the people that come here and testify on anything. If the person says something and they don't have any witnesses for it or he cannot come and testify on those things then you should not consider it. Instead consider the people who give you a statement and they took the oath and testify on the questions or allegations. That's my opinion on how the Tribunal should consider this testimony instead of what other people tell them or to the country or to the media or to the forces.

Tribunal President: Zaman Gul does that complete your questions of the witness?

Detainee: Yes.

Tribunal President: Before we recess, if you would like to greet in any other fashion, your relative. I still request that you allow us to translate so that we are aware of your conversation please.

Detainee: There is no need for that.

Tribunal President: Okay.

Detainee: We usually ask each other how are you doing? How is your time going here?

The Detainee and Witness #1 then had a short dialog.

Translator: They asked each other how they are doing and if they are feeling good, are they sleeping well, how is your time going. Then they said God be with you and that was it.

Tribunal President: Okay thank you. Zaman Khan, thank you for coming this morning.

The Tribunal President called for a brief recess to remove witness # 1 and to bring in witness #2, Mohammed Gul. The Tribunal was called to order.

Tribunal President: Mohammed Gul, good morning.

Witness 1: Good morning to you too.

Tribunal President: Zaman Gul, is this the witness that you requested.

Detainee: Yes.

Tribunal President: Very well. Mohammed Gul you understand that we require you to take an oath to tell the truth.

Witness 1: Okay.

The Recorder administered the Muslim oath to Witness #2, Mohammed Gul.

Tribunal President: Thank you. Zaman Gul you may ask the witness your questions.

Detainee: Should I start asking them?

Tribunal President: Yes, please.

Detainee: Does he know the procedure that I ask a question and he has to wait for the translation?

Tribunal President: Thank you. (To the witness) It's very important that we understand what is being communicated, so please wait for the translation.

Witness 2: Okay.

Detainee's questions for witness #2, Mohammed Gul

- Q. The allegation on me is that I went to Saudi Arabia in 2001. I don't know the exact date or if that is the time but I did go to Saudi. The allegation is that I went there with false documents. Is that true?
- A. That's true that he went to Saudi. He went to Saudi with a Pakistani passport because there was no government in Afghanistan. There was no official passport issued to Afghans so Pakistan allowed them to send those people to other countries on their passports. Saudi also knew that those people were Afghans with Pakistani passport. It was the proper way; probably four and a half million people did that.
- Q. The other allegation that some guests came to my father's house. It was a Taliban commander of the name Jalaluddin. They have a news article saying that he was there. Is that true or not?
- A. I'm their villager and I have no knowledge of that person coming to their house or the village. Whoever said that, it is a lie.
- Q. The other allegation is that my father worked with Pacha Khan. I told them that he did not work for him directly. The village elder, Nazim Khan, told him they need people against the Taliban, maybe it was for Pacha Khan but he did not work with him directly. Is that true or not?
- A. That's true. Maybe his father worked for Pacha Khan indirectly but he was the governor of Khost and he was working with the Americans. Not his father but a lot of other people, at that time, helped him because he needed people against the Taliban. That is why people were helping him.
- Q. The other allegation is that they said we had a radio in our house. I told them that we did not have any radio in our house and I did not see any radio with anyone in the village.

Maybe during the Taliban time they were using the radio but that kind of radio I did not see in my village or my house.

- A. That's true they did not find the radio with us. They showed me a picture here and I'm not sure that they are showing me a picture of any radio to see if I know this. They are saying that they found this when we got captured. Personally I never saw this radio in their home or in my village, with anyone. It was the first time that I saw it when they showed me the picture.
- Q. The allegation is also saying that when the soldiers came and captured us, somebody fired on them. Since you are our villager if somebody fired on them, you probably heard the firing. Did you hear any firing that night?
- A. Not true. There was no firing that night. They got captured while sleeping as well as I was. If somebody fired on them, there would have been crossfire as well. I did not hear any firing that night.
- Q. The other allegation is that they are saying that they found two or three Kalashnikovs in my house and I told them that since the time of King Zahir Shah we were allowed to have weapons in our house for personal safety not for fighting or to use against someone.
- A. That's true. Before Zahir Shah, his father, Nadir was there. He (Nadir) even said to the people of Paktia they don't have to join the military and they can keep a weapon in their house for personal safety due to it being a border area and it's in the mountains.
- Q. Another allegation is that they are saying I came back from Saudi during the time. I told them that I went to Saudi to make some money to support my family. Most people when they didn't like the area or couldn't find a job they go back to their home. That is what I did, that's why I came back to see my family not for the reason they put on me.
- A. It is true that he went to Saudi and most Afghans go to Saudi for work because there is no work in Afghanistan. They have to support their family so they go there to find work. He went there and then he came back to his family for that and not for any other reason.

Detainee: He is my villager so if you ask him any personal questions about me he probably will know. But if you have a personal question about me you can ask me. Because he is my villager and he probably knows me well personally.

Tribunal President: I understand. Does that complete your questions?

Detainee: Yes.

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

Personal Representative questions for witness #2, Mohammed Gul

- Q. Mohammed Gul do you know if Gul Zaman has any relationships or business relationships or did he work with Pacha Khan?

A. No Gul Zaman never had any relationship with Pacha Khan. He never worked for him. His father never worked for Pacha Khan directly but he probably did something for him through a village elder.

Q. During our interview for the witness before, you mentioned you were captured before Gul Zaman. Can you explain to the Tribunal, you were not captured at the same time.

A. Sir, I did not say that I got captured before them. I said that they got captured before me. They were sitting and the American forces they captured them. They were sitting in one place. Then they captured me and brought me to them. So we were all four sitting together.

Q. You did not see a radio during the capture?

A. No. They were captured before me they searched their house. Then the soldiers came and captured me and searched my house. At the time of the capture, they brought us together and nobody mentioned any radio. They did not show us that they found a radio in the search and I did not see any radio in my village.

Personal Representative: Okay. That's all the questions I have.

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

Recorders questions for witness #2, Mohammed Gul

Q. How far away do you live from Zaman Gul?

A. I'm not exactly sure how far we are from each other. There is a space between our house and their house. It's close to each other.

Q. Do you know of any reason why they picked you out of the whole village?

A. They were searching the house and then they found an Afghani passport and an international driver's license so they thought that I was a big fish, a big person so that's why they brought me.

Q. They searched everybody's house?

A. I don't know about the whole village but they searched their house and they searched my neighbor's house and then after the neighbors they searched my house.

Recorder: I have no further questions.

Tribunal President: Does the board have any questions for the witness?

Tribunal Members questions for witness #2, Mohammed Gul

Q. Before you were apprehended, had you heard the name Jalaluddin Haqqani?

A. Yes I had heard the name.

Q. Who is he?

A. He is from Paktia, the same province.

Q. What does he do? Why is he involved in this?

A. They did not ask that question in Kandihar. They asked that when I came to Cuba. They asked if Jalaluddin Haqqani came to our village. I told them that I had heard the name but I never saw him and he was not there. If he was there then I should know because it is our same village.

Q. Before you were captured, when you had heard the name, in what context? Why did you hear his name? Who is he?

A. I heard his name ten years before that. He was a commander at that time. I heard his name on the radio all the time.

Q. Is he a commander for the Taliban?

A. I'm not sure about that during the time of the Taliban. He was a commander in jihad against the Russians.

Q. Were you in the village the day Zaman Gul came home?

A. Yes I was in the village.

Q. Was that before or after Pacha Khan or his men asked for his father's help?

A. It was before he came home.

Tribunal Presidents questions for witness #2, Mohammed Gul

Q. Where were you when Zaman Gul's father's home was bombed?

A. I was in the village at my house.

Q. How are you related to Zaman Gul?

A. No relation.

Q. You're not from the same tribe?

A. Yes.

Tribunal President: Very well. Zaman Gul do you have any follow-up questions for the witness?

Detainee: No. All the questions I asked him if it were true and he said yes.

Tribunal President: That concludes the witnesses' testimony. If you would like to have a simple greeting before we recess you may.

The Detainee and Witness #2 had a short dialog.

Translator: He asked how are you doing, are you okay? He asked if he wanted some water and he said no. That's it.

Tribunal President: Mohammed Gul thank you for coming this morning and testifying at this hearing.

Witness 2: Thank you to all of you to give me a chance to speak.

The Tribunal President called for a brief recess to remove the witness. The Tribunal was then called to order.

Tribunal President: Zaman Gul we are now to the questions we would like to ask you. Personal Representative do you have any questions for the detainee?

Personal Representative's questions

Q. Did you know if your father was ever involved with the Taliban?

A. No.

Q. Do you have any explanation for why the capture team would state that a communication device or a radio was found during your capture?

A. No there was no equipment or radio captured with us and I'm sure there is no evidence showing that they captured a radio with us or in our house. They knew when they came to our house, they knew they were going to capture us. If they have that information they should evidence showing that yes there was some kind of device either at our house or captured with us.

Personal Representative: I have no further questions.

Tribunal President: Very well. Recorder do you have questions for the detainee?

Recorder: No sir.

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

Tribunal Team's questions

Q. I'm still trying to figure out who Jalaluddin Haqqani is. Is it true, as far as you know, that he was a commander of Taliban forces in the southern provinces of Afghanistan?

A. Just like you, I don't have any information about him.

Q. Here's the part that puzzles me. Why did the villagers who informed on your father come up with this name?

A. Maybe it is a false report. Any personal differences, maybe it was that name. I don't know who did it and why they said that name. Maybe they confused my fathers name Sarajudeen with Jalaluddin. Maybe it was some miscommunication or misunderstanding.

Q. Are you familiar with this article that was written in the New York Times? Have you seen this before or a translation of it?

A. When?

Q. This article (referring to the unclassified exhibit), it was written February 2, 2002.

A. Yes, I heard about it. If you have a question about the article you can ask me. Personally I wouldn't believe that without any evidence what is written in there. If you have a question you can ask me and I will say it.

Q. Understood. When did you arrive back from Saudi Arabia into your village? If you don't know the specific month or year was it before or after Ramadan of that year?

A. It was the 17th day after Ramadan.

Tribunal Member: 17th day after Ramadan. Okay just give me a second please. (Referring to notes.)

Q. This was right after your compound was bombed by the Americans?

A. Yes.

Q. How did you know who was staying or not staying in your family's compound?

A. When I came, my family members told me. Guess what happened to us? Because of a mistake and miscommunication. My villager told me also that it was a mistake, what the U.S. did to our house. I told them that the mistake probably happened because it was Ramadan time and usually during Ramadan they wake up after midnight to get food ready to eat before the dawn. The women get up and they usually cook something like bread and they make fire. Somebody probably saw that somebody was moving in the house and thought something was going on inside the house. But it was for Ramadan, that they were preparing food for it. It was probably a mistake.

Q. You were there when Pacha Khans representatives approached your village elder and your father about volunteers for military service?

A. I wasn't there.

Tribunal President's questions

Q. I would like to clarify a question that the other panel member just asked you; about the New York Time's article. When was the first time you learned of this article?

A. What do mean, what happened?

Q. Where were you first given or told about this article? Was it here at Guantanamo or in Kandihar or somewhere else?

A. I did not know before about this. The question was not clear. The interrogator told me that they bombed our house.

Q. Okay. I will try to clarify this. More specifically about this article saying that someone important was at your fathers house. I believe that comes from this article. I was just

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wondering when you first heard about this article. Was it during the interview here in Guantanamo or was the first time you heard this when your Personal Representative informed you?

- A. The interrogator has been telling us for the last three years that they bombed our house because somebody important was there, that my father hosted someone for the commander. We told them that it wasn't true.

Tribunal President: Very well. Just to clarify with the Personal Representative, did you provide a translated copy of this article to the detainee prior to this hearing?

Personal Representative: Yes sir, I did. We discussed it with him and gave him an opportunity to look at it, although he declined to read it.

Detainee: If you have a question, I will read it. I will say if it's true or not. If it's true I will say it is true, if it is wrong I will tell you.

Tribunal President: I understand. I think we've addressed it adequately during this hearing. I wanted to clarify that you...

Detainee: Yesterday in the newspaper it was also saying that what happened to us was a mistake and it was not right.

Tribunal President: We recognize that. I wanted to make sure that you had an opportunity to read this article before the hearing.

Detainee: Do the Americans know now that it was a mistake or did they know before?

Tribunal President: I'm not sure what America thinks of it, I just know it has been provided for us to consider. We understand your statements regarding it, very well.

Detainee: I don't know why they have kept us here for three years. They knew it was a mistake and that we are innocent.

Personal Representative: Sir, just one point. The detainee, I didn't explain (inaudible). This is a newspaper reporter's account of the activity. It is not an official document and it is not any U.S. official statement. It's weighing on that alone.

Detainee: The general in the area told the news conference that it was a mistake.

Tribunal President: Personal Representative is correct that this piece of evidence is not an official United States government position.

Detainee: He didn't mean the reporter, he thought the person he was actually talking about was the guest, Jalaluddin.

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Tribunal President: Understand. Some reporter is talking about certain things but as far as this Tribunal is concerned that is worth being talked about in that article is not necessarily the government's position.

Q. I have one other question regarding your testimony. Can you tell us a little more detail about the night you were captured?

A. You can ask me in short detail or do you want me to tell you the whole long story?

Q. We heard little pieces here and there. I would like to hear from when you woke up to when you were taken away in the helicopter. Your account of what happened.

A. Do you want to know specific times or how it happened? Because we have been telling the whole story for the last three years and it's in our file. If you have some specific question I can answer it.

Q. As you know we have not seen your file. We may see it later and have an opportunity to read what you said before. This is an opportunity for you to tell us in any way you wish, not to read what others thought you said.

A. I don't know if you know about our file or not. I will tell you again.

Q. I would appreciate it, I really would.

A. It was the nighttime, but I don't know the exact time. The Americans came to our house and they captured us. Then they brought us from there to Kandihar. It was my father, my uncle, a villager and me. Then from there they brought us to Cuba.

Q. Were all three of you asleep?

A. Yes.

Q. Did you or anyone in the house resist?

A. Nobody resisted.

Q. Did they ask for identification and did you provide it?

A. The person, the linguist and I did not really understand each other because he was not a Pashtu speaker. We did not understand each other well.

Q. The people capturing you did not have a translator in your language? Is that correct?

A. No.

Q. No, there wasn't a translator with your language?

A. We speak Pashtu and they didn't have any. We don't understand other languages like Arabic, English or any other.

Q. Did you know if they took your identification papers?

A. What kind of papers. We do not have any ID cards in Afghanistan.

Q. Did you still have your passport that you used to travel from Saudi Arabia?

A. I had it in my house at that time. I don't know if it is still there or what happened to it.

Q. Okay. To clarify, that passport was a Pakistani passport?

A. Yes.

Q. You had come from Saudi Arabia home to visit. Did you have a return ticket to go back to Saudi Arabia to continue working?

A. I went to Saudi and usually people go to work in Saudi. I went there and I had a passport with me when I came back and I had a valid Visa on it. I spent my time in Saudi, my daily work with someone helping them in a store. I could not find any good job for me. Plus, I could not speak the language; I had a language problem in Saudi. When I heard that there was no fighting in Afghanistan I thought that I should try if the country's good, because I was a shopkeeper before. Let me see if I can do a business in Afghanistan that way I can be with my family and that is why I came back. If I liked it I would stay, if not and if I could not find work then I would go back and try in Saudi again.

Tribunal President: Zaman Gul do you have any other evidence to present to this Tribunal?

Detainee: I don't think it is going to help me because the whole time it has not been helping me.

Tribunal President: Okay.

Detainee: The whole time they ask us questions and we tell them the truth about what happened to us. How it was a mistake what they did. They will not consider anything that will make them wrong. That is why I don't think they are accepting anything from us only if they have some other information they can give it to them. They will not consider anything that will prove our innocence and which will release us from here. So this whole time I figured it out that it is not going to help us. Like the allegations on me I can (inaudible) about my allegations. The first allegations on me that I went to Saudi, you know a million refugee Afghans went to Pakistan and other countries. There was no work in those countries so they had to go to other places to find a job to support their families. How come this is an allegation on me that I went somewhere to support my family; it wasn't illegal, it was legal. A lot of people are still there and they are still going through that channel. How can it be an accusation on me that I did something wrong? Pacha Khan, I did not help him, I had no association with him. He was working with the Americans at that time. If somebody helped him at that time, was it the wrong thing to do? About the allegation, I told them yes I had them in my house. It is not something you can hide because in Afghanistan every person has a weapon in their house for personal safety. It is a crime to have a weapon in your house for personal safety? About the radio, I told them and other people told them there was no radio with us at that time. I saw people using that radio before. Sometimes people were using it to talk to their friends, from one place to another place, just for chatting. That should not be a crime. Even for those people that are using some kind of device. About that person being the commander, twelve of my family members died in that attack and three of my family members have been in prison for three years and one of my villagers just because of that person. We told them that he was not there and there is no evidence showing that he was there. Why would we keep him secret after all of those losses we had? Consider if he was there, just for that one person, why are you killing twelve innocent people, children and female; and keep three people for this long time? Because of one person? My father is here also

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for three years. From Childhood through today I never heard any American with proof that he was with Taliban. He never worked with them. My father, uncle and myself did not know how to read the holy book Koran and they kept us here for three years, and the thing that we helped the Taliban, how could we help them if we didn't know how to read our holy book? We are uneducated. Helping against the Taliban, which should be a crime if somebody helped against the Taliban. If people are doing it now, probably in the future they will ask that of somebody why did you do that and they should not be held accountable for it, they should be appreciated for their help. There is nothing that we are keeping secret. Twelve people died and three people have been in prison for three years. There is nothing that we are hiding.

Tribunal President: Zaman Gul I totally understand your points regarding the Summary of Evidence.

Detainee: I said it before, I don't know how much of what I told you you will believe because it is in the past. You are the last hope, you should consider.

Tribunal President: As you heard us promise before, we will consider that information very carefully as we continue our work.

The Tribunal President confirmed with the Personal Representative that he has no further evidence to submit during the unclassified portion of the Tribunal and that the Detainee had no previously approved witnesses to present to the Tribunal.

The Tribunal President explained the remainder of the Tribunal process to the Detainee and before the open session was adjourned the detainee added:

Detainee: I ask forgiveness from the Tribunal and from my PR. If I said anything wrong, if I hurt anyone's feelings I'm sorry for that. Thank you for giving me your time.

Tribunal President: We understand this is a difficult process and I appreciate your cooperation.

AUTHENTICATION

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

Colonel, USAF

Tribunal President