

Summarized Unsworn Detainee Statement

Recorder read unclassified summary. Detainee made the following comments in response to the following bullets.

3b3. Detainee was on the secondary line near Kabul, Afghanistan when the 11 September 2001 attacks occurred.

Detainee: Not true. I was in the North during the events.

Tribunal President: We will give the Detainee an opportunity later on to elaborate and counter these allegations.

Recorder finishes reading unclassified summary. Recorder has no witnesses or further evidence to present, but requests a closed, classified session at a later time for presentation of classified evidence.

Tribunal President: At this time, Mesh Arsad Al Rashid, you may now present any evidence or information to this tribunal. You have the assistance of your Personal Representative in doing so. Do you want to present information to this tribunal?

Detainee: Yes. First of all, in the name of Allah, most gracious, most compassionate, prayers and peace be upon our prophet Mohammed. First of all when I went to Afghanistan, the first objective was to help Muslims.

Tribunal President: If I could stop you just a minute, excuse me. Was that to be considered as taking an oath?

Detainee: No, with Muslims of Islam, it is customary to start anything you are about to say with "In the name of God, most compassionate, most merciful."

Tribunal President: Very well. Would you like to take a Muslim Oath when you make your statement or answer questions?

Detainee: No I will not swear. It is not right to put God as something to swear upon.

Tribunal President: Very well, that will be fine. We will be happy to accept his statements.

Detainee: The first objective was to help Muslims and not for any other reason. My presence in Afghanistan was before any problem happened in America. When the Recorder stated earlier that I was in Kabul, this is not true. I was in Kabul before the events, a long time before. But during the events, I was in the North. So that is an

incorrect accusation. You said they were causing trouble or an uprising at prison? What uprising, we didn't do any uprising. We had given up our weapons, so how could we be part of an uprising? They were the ones that had all the weapons. We tried to defend ourselves but we couldn't because they had the weapons.

Tribunal President: Who is they?

Detainee: [General] Dostum's prisoners.

Tribunal President: When you said they had the weapons, whom are you referring to as they?

Detainee: Dostum's Army. The Personal Representative has everything else.

Personal Representative reads Detainee statement in regards to the Unclassified Summary.

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

Personal Representative: Yes, [but] he said he was not a member of al Qaida.

Personal Representative: The camp he was at was run by non-Arabs. He had no knowledge of who was running the camp.

Detainee: Correct.

3a3. Detainee received training on the Kalashnikov rifle, hand grenades, and PK machine gun while at the Al Farouq training camp.

Personal Representative: On the allegation that he received training on weapons, he said yes, but he only saw hand grenades, and he did not use them.

Detainee: Correct.

Personal Representative: He only knew of fighting between the [Taliban and the] Northern Alliance, against [Northern Alliance leaders] Massoud and Dostum. The only coalition he was aware of was between the Northern Alliance and Russia.

Detainee: Correct.

3b2. Detainee surrendered to Rashid Dostum's forces.

Personal Representative: On the item where it says he surrendered, he says they were tricked. Their agreement was they would return home and give up their arms. And then Dostum's forces sold them for money to the United States.

3a2. Detainee trained for approximately 1 month with approximately 30 students at the Al Farouq training camp.

Personal Representative: Any training he received at the camp was long before the 9-11 attacks on New York City. At that time there was no front with the Northern Alliance, and he was not in Kabul when 9-11 occurred. He was on the Northern front near the Jihoun (phonetic) River. He also says there was no bombing where he was. That summarizes what we talked about.

Detainee: I think I have something I would like to clarify. When I entered Afghanistan, before the events happened [and] before any problem happened with America, I think the relationship between America, Saudi Arabia, and Afghanistan, they had a good relationship. This is way before the events. So this is proof I didn't go over there to fight them. Or anything like that.

Tribunal President: Mesh Arsad Al Rashid, does this conclude your statement?

Detainee: God Willing.

Personal Representative has no questions for the Detainee. Recorder has questions for the Detainee.

Recorder: You mentioned training and only seeing hand grenades.

Detainee: Yes.

Recorder: Did you train on the rifle and the machine gun? Kalashnikov and a PK machine gun?

Detainee: Yes, not a handgun, [but] a Kalashnikov.

Recorder: You said the coalition was the Northern Alliance and Russia?

Detainee: No, the Alliance that I knew of was Dostum and Massoud. That was the coalition that I knew of. That was the one I thought I was going to be fighting against. I didn't know that they were allies of America, but what I know is that they were allies of the Soviet Union. And Russia helped Massoud and helped Dostum, so how could they be allies to the United States? I don't know if they had a previous agreement.

Recorder: My question there is, that coalition, did you fight against them?

Detainee: This is before the problems happened, of course. When the problems happened we surrendered our weapons and that was it.

Recorder: Which problem?

Detainee: After the events. And we didn't know there was alliance between America and Massoud or anything like that. All that was known in the world was that Massoud and Dostum were helping the Soviet Union.

Recorder: So to clarify fighting prior to the events, which events are we talking about?

Detainee: Explain your question.

Recorder: I'm trying to get clarification, you said you fought the coalition prior to the events.

Detainee: Yes

Recorder: Which events?

Detainee: The events that happened in America.

Recorder: The September 11th attack.

Detainee: Yes. During the events I was present at the front lines, [and] after the events, I gave up my weapons. That's what was customary during Ramadan, we just gave up our weapons. My presence [I was present] in Afghanistan, but I didn't have anything to do with America. The relationship was peaceful, there were no problems between the United States and Afghanistan, it was before that. My training, I did not know my training would be considered al Qaida training. I was trying to help Muslims, [so] I thought I would go train. Massoud and others, I knew Russia helped Massoud. I didn't know Massoud was allied with the United States. So if you look at Massoud's weapon, you will see Russian. That is my answer to your questions.

Tribunal Members question Detainee.

Tribunal Member: Do you remember how long it was between the time you came to Afghanistan and the time you surrendered or were captured?

Detainee: My going in to Afghanistan, I mentioned before, it was about a year and a half, but I don't remember the exact date because we are not the kind of people that write down dates and things. I'm trying to clarify the question that I was there before any problems occurred or anything happened with the United States.

Tribunal Member: I understand; I'm just trying to figure out how long you were in Afghanistan from beginning to end.

UNCLASSIFIED//FOUO

Detainee: Maybe a year and a little bit, a year and a half. The purpose was fighting Massoud and Dostum and helping Muslims.

Tribunal Member: So the time starting from the events of September 11th, you surrendered during the time of Ramadan, how long was that?

Detainee: If you could clarify the question.

Tribunal Member: How long after September 11th did you surrender?

Detainee: Of course we were on the lines, we didn't know, we didn't hear the news, we didn't have access. After the events, maybe sometime during Ramadan, before Ramadan, that's it we surrendered our weapons.

Tribunal Member: When you were on the lines, what weapons were given to you to use?

Detainee: Simple things, Kalashnikov, PK, that's it.

Tribunal Member: When you surrendered, how many were with you?

Detainee: A lot of people, Arabs, Pakistanis. I don't know exactly how many there were. But we surrendered our weapons to Dostum and he told us "we will turn you over to the United Nations."

Tribunal Member: After that you went to the prison in Mazar E Sharif?

Detainee: After the betrayal, he sent us there. How could someone go to you, surrender their weapons to you and you betray them? I think that is illegal worldwide. After the events, we didn't have anything to do with anything. The goal that I mentioned was to fight with Dostum so after the events we didn't have anything to do with anything. Dostum is known for helping and cooperating with the Russians. You know how they were.

Tribunal Member: But you said when you were in the field, you did not know the events of September 11th, so you continued to fight because no one told you to stop?

Detainee: No there was no fighting, it was a line. The shooting was at us, we weren't shooting ourselves.

Tribunal Member: So Dostum's forces came to your position and you surrendered without a fight?

Detainee: No, we retreated into the city. After we got to the city, we were invited to throw down our weapons and to just leave.

Tribunal Member: Was this in Mazar E Sharif?

Detainee: Yes to Mazar E Sharif. Yes and if it was true in the accusations if we were there to fight America or the European Union or the Northern Alliance we would not have surrendered. For example, if I had the intention to fight against the European Union or America, then I would not have given up my weapon.

Tribunal Member: How long were you in the prison at Mazar E Sharif?

Detainee: I don't remember exactly, but it was a long time, maybe 4 months, but I was injured, but I do not remember exactly.

Tribunal Member: What injuries did you have?

Detainee: They were from Dostum. I was injured in my thigh and my shoulder. That was during the betrayal that Dostum had imprisoned us. If someone is bound, how do you shoot at him? That was a sure sign of the betrayal.

Tribunal Member: So this happened at the prison or before you went to the prison?

Detainee: We surrendered ourselves and he took us into the place.

Tribunal Member: When you were at the prison, did you see the battle between Dostum's forces and your comrades?

Detainee: I was injured from the beginning, I don't know. I was injured from the first moment so I don't know anything. Do you have anything else?

Tribunal Member: You stated that you are not al Qaida?

Detainee: Yes

Tribunal Member: How about Taliban?

Detainee: I'm not from the Taliban, I'm just a person, a helper. I was going to fight against Dostum. I wasn't a part of anything. Trying to protect the Muslim population from criminals and Dostum. So this is not a world crime. This is human rights.

Detainee: Personal Representative, do you want to say anything?

Personal Representative: No.

Tribunal President: I have a question. You mentioned you were traveling to Afghanistan to fight against Massoud, Dostum, and to help the Muslims.

Detainee: Yes.

Tribunal President: Were not Massoud and Dostum Muslims too?

Detainee: They were Muslims but they violated the rights of other Muslims. When you see a Muslim who is not being fair to another Muslim, you have to help the Muslim who is being persecuted. Dostum, behind him was the Soviet Union. Was that good?

Tribunal President: Thank you for your testimony today.

Detainee: Dostum is not a Muslim, he's a communist, he has the support of the Soviet Union.

Tribunal President: Do you have any other information you would like to present to the tribunal today?

Detainee: What information?

Tribunal President: Is there anything you would like to say or make known to us?

Detainee: If you can remind me, Personal Representative?

Personal Representative: I have already covered anything in the notes.

Detainee: That is just what I wanted to remind you of the reasons and the objectives for me going there. The purpose of me going to Afghanistan was to fight Massoud and Dostum, not for any other purpose. And the proof of that is that my presence inside of Afghanistan was before any events happened or problems happened to America, as God as my witness.

Personal Representative has no further evidence or witnesses.

Tribunal President: All unclassified evidence having been provided to this tribunal, this concludes the open session of the tribunal.

Detainee: All the evidence and classified evidence has been entered, I didn't understand this part.

Tribunal President: All unclassified evidence.

UNCLASSIFIED//FOUO

AUTHENTICATION

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

[REDACTED]

Colonel, U.S. Marine Corps
Tribunal President

ISN# 074
Enclosure (3)
Page 8 of 8

UNCLASSIFIED//FOUO

000348