

**Summarized Sworn Detainee Statement**

My Personal Representative previously showed me the Unclassified Summary. I informed him of what was wrong and what was right. I was shocked and surprised to see that some of the information in the summary had nothing to do with me. I can clarify which points are correct and which are not. But I do not remember each point.

*The Tribunal President advised that the Personal Representative could assist the Detainee.*

*The Personal Representative stated he met with the Detainee on October 14, 2001, for approximately 70 minutes. During that interview, he went over each point of the unclassified evidence with the Detainee. The Personal Representative stated he would like to go over each of the points and recap the essence of the meeting he had with the Detainee, and give the Detainee the opportunity to elaborate if he wished.*

*The Personal Representative showed the Unclassified Summary to the Detainee and verified it is the same document the Detainee had seen before.*

The Personal Representative addressed each point of the Unclassified Summary of Evidence. The Personal Representative advised that 3(a)(1) and 3(a)(2) will be addressed together.

- 3(a)(1) The Detainee is associated with Lashkar-e-Tayyiba and/or Jaish-e-Mohammed.
- 3(a)(2) Both Lashkar-e-Tayyiba and Jaish-e-Mohammed are know terrorist organizations that are based in Pakistan and have well-established ties to al Qaida.

*The Detainee stated that some of the information is not true. He knew nothing of the Army of Mohamed (Jaish-e-Mohammed) until he arrived at Camp Delta. The Detainee did train with Lashkar-e-Tayyiba in the summer, but he was very young and did not know what these people were about. He did not know that they were terrorist organizations, and many young men go to train with them.*

*The Personal Representative asked the Detainee if he had anything to add.*

No, that is good.

- 3(a)(3) During the summer of 2000, the Detainee traveled from Saudi Arabia to Lahore, Pakistan, to attend the al Aqsa military

training camp so he could learn to fight against the Northern Alliance.

*Yes, this is true. The Detainee did go to train, but the Detainee was very young and he did not know anything about Afghanistan, the Taliban, or about the Northern Alliance or politics. The Detainee had no will to fight against the Northern Alliance.*

Correct.

*The Personal Representative asked the Detainee if he had anything to add.*

No.

- 3(a)(4) While at the al Aqsa military training camp, the Detainee received training in the use of the Kalashnikov rifle.

*Yes, the Detainee admits this is true. His purpose was to go to train, not to fight.*

Correct.

- 3(a)(5) The Detainee traveled from Saudi Arabia to Afghanistan during June 2001 to fight against the Northern Alliance.

*The Detainee stated this is not correct. He did not go there to fight the Northern Alliance. The Detainee stated he went to visit a relative in northern Afghanistan. He went there to bring the relative back to Saudi Arabia.*

Yes.

*The Detainee did not know that war would break out. The Detainee heard this relative was in the north and he went to find him. He is a relative, but not a first cousin. And it was his family's will that he be brought back to Saudi Arabia.*

Yes.

*It was very difficult traveling. When the Detainee asked his relative to come back, the relative stated he would think about it.*

Yes.

*The fighting began to worsen.*

Yes.

*The Detainee moved with a group of people down to Kandahar.*

Yes.

*The Detainee and these people were cornered, and then captured.*

Yes.

*The Personal Representative asked the Detainee if there is anything he would like to add.*

The statement that I made before is correct. For my family, going there to bring my relative back was a humanitarian act. Since I was young, I've never liked problems. If I had known that I would have these problems by going there, I never would have gone. The situation was worse when I went, and this is what led to me come here.

- **3(b)(1)**      **The Detainee possessed a Kalashnikov rifle and was present on the front lines where he fought against coalition forces.**

*The Detainee stated that this was not why he was in the north. I previously explained the reason was that he went to retrieve a relative.*

Correct.

- **3(b)(2)**      **The Detainee participated in the Mazir-E-Sharif prison riot.**

*That entire event was chaotic. People were killing other people. The Detainee just found a safe corner until it was over. The Detainee stated it was not a riot, but people were shooting the people in the prison.*

Yes.

*The Detainee also noted in our session that he traveled to Afghanistan prior to the September 11<sup>th</sup> attacks. He traveled during the June timeframe, before the attacks occurred.*

*The Personal Representative asked the Detainee if there was anything further he would like to tell the Tribunal.*

Only when it comes to my witness, but everything else is the same.

*The Personal Representative advised the Tribunal that he has nothing else to add on behalf of the Detainee.*

*The Tribunal President advised the Detainee that he would have a chance to question the witness when he is present.*

**Questions for the Detainee by the Tribunal Members**

Q: How old are you?

A: 26 years old.

Q: What did you do in Saudi Arabia before you went to Afghanistan?

A: I was studying in a University.

Q: Can you tell us about the Lashkar-e-Tayyiba group? What is this group and its purpose?

A: Before, I did not have a purpose to go there. I had no previous knowledge about that group or their purpose. I heard that there was weapons training there, and a lot of young people like to train on weapons. It was just like a summer vacation. I did not know the purpose of their group or why they were there.

Q: Do they have a presence in Saudi Arabia or only Pakistan?

A: In Pakistan, but someone spoke about them.

Q: Someone in Saudi Arabia originally explained about the group to you?

A: Yes, (inaudible).

Q: This was not a religious leader of yours in Saudi Arabia?

A: No, not a religious person. Just a regular guy.

Q: Could you have received the training closer to home? Why was it necessary to go to Pakistan?

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A: We do not have training of that sort in my country. I also traveled with the Daawa people. I went to a lot of places with them. Being there, I decided to get training while in Daawa.

Q: These people went for religious reasons?

A: Yes, they are a religious group.

Q: What were you studying in school.

A: Art.

Q: Did you have a job or not?

A: When I finished the university, I would be able to get a teaching job.

Q: Was the trip to Pakistan expensive or did you have help paying for it?

A: A lot of Saudi citizens are in a good economic status and do not need help to travel. The university would also give me a monthly award.

Q: You went for the training and then you returned to Saudi Arabia?

A: Yes, I would travel with the Daawa people in the summer. This past summer I spent more time with them and returned late.

Q: It was the following summer you went to Afghanistan to retrieve your relative?

A: Yes.

Q: Was he in distress? What caused your family to ask you to go get him?

A: I met with his family, and they asked for someone to bring him back. They did not ask me in person, but they know that a lot of my relatives are not able to travel and are not familiar with those places. I had the idea to do them a favor and bring this person back to his family.

Q: Is he Saudi Arabian also?

A: Yes.

Q: Why was he in Afghanistan?

A: I do not know for sure.

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- Q: He was not someone you were close to?
- A: We know each other as family, even though there are no strong ties.
- Q: Did he know you were coming, or realize it when you showed up where he was?
- A: No, he did not know I was going to get him. But he was very surprised.
- Q: He hesitated when you said you were there to bring him back? He said he would think about it.
- A: Yes?
- Q: Was that his polite way of saying he did not want to go back?
- A: He said he would prepare himself before leaving.
- Q: What was he doing there?
- A: He was there with Arab people. I do not know exactly why he was there.
- Q: He was not involved in the civil war for one side or the other?
- A: I do not know for sure.
- Q: It seems he was in the north, which was the most dangerous place to be in Afghanistan at the time.
- A: I was not thinking of that at the time.
- Q: You were not concerned for your own safety while traveling there?
- A: It was not that important. The area I went to was very safe.
- Q: You said your relative was preparing to leave, but decided not to leave immediately. What happened after that?
- A: I requested to see him during that time. I tried to make him change his mind, to come with me. He said he would think about it and prepare himself. I told him if he wants to come back with me he has to decide within 2 days. I waited for his answer, but it was more than 10 days. I was asking anyone who was capable of getting to where he was, to ask him if he is coming or not so I can leave. The days were going fast, a lot of incidents happened and it was very difficult for me and difficult to travel. People told me to wait for the situation to improve before leaving. When the situation is better, it will be easier for me to leave. But things

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went from bad to worse. Soon we were surrounded and given to (the forces at) Mazir-E-Sharif.

Q: Why was he resistant to return with you if the conditions were deteriorating there?

A: I don't know. But I heard from others that he had problems in Saudi Arabia.

Q: You mean with the authorities?

A: Yes, that is what I think.

Q: How long were you in Afghanistan?

A: More than a year, but I don't know exactly. A long time.

Q: His family must have known he had problems with the authorities, but they still wanted him to come back?

A: Yes, they wanted him back. His brother is a high-ranking government official and would be able deal with them.

Q: Did your relative go to Afghanistan on his own free will or was he forced?

A: I don't know.

Q: He continues to not give you an answer, the situation deteriorates and eventually you are apprehended?

A: Yes.

Q: They took both of you to the Mazir-E-Sharif prison?

A: They told me he died in the north, so we didn't go together.

Q: Was that true or you don't know?

A: A lot of people have said that he is dead.

Q: We express our condolences for that.

A: Thank you.

Q: When you were detained, it was by the Northern Alliance soldiers?

A: (Yes) - by soldiers of Dostum.

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- Q: Did you have anything with you at the time: money and passport?
- A: Yes, I had my passport, money, and official paperwork.
- Q: No weapons?
- A: No.
- Q: So they took you to prison and the shooting incident happened?
- A: Yes.
- Q: Guards shooting at prisoners, and maybe prisoners attacking guards, or what?
- A: There were a lot of people, guards were shooting from every side.
- Q: You were not injured?
- A: No.
- Q: Did you leave the prison at some point?
- A: The place the incident happened?
- Q: Please explain how how you were released from prison. Were you released to the Americans, or did something else happen?
- A: When the shooting occurred, I hid underground. I stayed there for days. There were people dying and starving to death during that time. After that, we were told to get out and no one would be killed. Me and the other people hiding underground got out. A lot of them were injured and Dostum's soldiers arrested us and put us in prison for about 20 days. Then the American forces took us.
- Q: Have you seen your passport and money since it was taken from you?
- A: No. I asked the interrogators if they had them here.
- Q: What did they say?
- A: They said they would look for them.
- Q: You received training in Pakistan the year before you went to Afghanistan?
- A: Yes.



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- Q: But when you went to Afghanistan you did not have any weapons?
- A: Yes.
- Q: No one asked you to fight for the Taliban?
- A: I was asked by some to fight, but I did not go there to fight. I did not want to fight there.
- Q: No one tried to force you to fight when you were in Afghanistan?
- A: No.
- Q: Did you say you do not know anything about the Army of Muhammad?
- A: Exactly, and I was surprised their name came up in my file.
- Q: You do not know if they have any presence in Pakistan like the other group?
- A: I do not know.
- Q: Initially, you stated that prior to your capture, you and a group of people were going to flee to Kandahar.
- A: People were saying it was better to go to Kandahar to get to Pakistan. So that is why I went with those people.
- Q: You were going with those people but never made it to the direction of Kandahar?
- A: We were on our way to Kandahar, but Mazir-E-Sharif happened.
- Q: Where were you staying in the Mazir-E-Sharif area?
- A: When we got to Mazir-E-Sharif we were taken to prison. We were moved to Kandahar, and then entered the prison and the riot started.
- Q: Where you were staying and where you were talking to your relative, how close was that to Mazir-E-Sharif?
- A: We walked for many hours before reaching Mazir-E-Sharif.
- Q: East, west, north?
- A: I don't know.

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- Q: You stated your relative was killed north of Mazir-E-Sharif.
- A: He was not killed in Mazir-E-Shariff. He was killed before we moved from the city in the north to Mazir-E-Sharif.
- Q: The reason I ask is that Mazir-E-Sharif is very close to the border and if you were north of that you would be out of the country.
- A: But it is very far from Kandahar.
- Q: I understand that. But the events you are describing are in the Mazir-E-Sharif area.
- A: Same city as Mazir-E-Sharif. We were in the city in the north, and Mazir-E-Sharif was on the road to get to the other city.
- Q: You mentioned that, while you traveled, you were with some religious people?
- A: Yes, the Daawa people. But they are known as a humanitarian society.
- Q: Are you a religious person?
- A: Not very religious.
- Q: During your travels, were you ever in a Taliban-controlled area?
- A: A lot of the Taliban cities were under the Taliban government, but they were not controlling the travelers, just like in Pakistan.
- Q: Where were you staying while waiting for your relative for several days? Where you at a hotel?
- A: I stayed in houses Arabs stayed in.
- Q: Did you pay for the houses?
- A: No.
- Q: They let you stay for free just because you are Arab?
- A: Yes. Do you want me to explain how I got to those houses?
- Q: Yes.

A: In the beginning of summer, I went with the Daawa people there. I had a short time left before I had to go back to study. I thought this was enough time to meet my relative and go back. I spoke to the Daawa people in Pakistan and told them I was going there to meet my relative and bring him back. They said they would help me with this and took me to the border close to Pakistan. They said there is a city close to the border with a student guesthouse and I could stay there, and there are Arabs in the house to help me get where I am going. If I couldn't find anyone there to help me, they would find another way to help me. I found two Arabs at the house. I told them my relative's name asked them how to get to Afghanistan. They told me how, and that they would help me get there. They helped me get into Afghanistan and took me from one city to another until we were in the north. They took me to a house when we got to the north. I noticed a lot of Arabs going in and out, so I stayed there. They told me to stay at the house until my relative showed up.

Q: Did anyone at the houses suggest that you leave your passport with them?

A: In the first house, no one asked for anything. But, in another house, they said they would take them for safekeeping so it will not get stolen.

Q: And you said?

A: OK.

Q: You gave them your passport?

A: I was worried it would get stolen or lost.

Q: As you were traveling in the Taliban controlled areas, did anyone give you trouble for your appearance or actions being not a religious person, not having full beard or long hair?

A: No.

Q: In traveling and staying at the houses, did any of the Arabs have weapons?

A: Every once in a while, I would see someone with a weapon.

Q: Did you go through any training camps in Afghanistan? Not participate or to train, but just to go through?

A: No.

Q: What was the place your relative was at in Afghanistan?

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A: Konduz.

Q: How did you know he was there before you went to Afghanistan?

A: Two Arabs that I met on the Pakistani border told me.

Q: They knew your relative by name?

A: Yes.

Q: Before you left Saudi Arabia, you did not know where he was in Afghanistan?

A: Yes. I did not know exactly. I just knew he was in Afghanistan.

Q: Was that the place you finally met with your relative?

A: Yes, in the north of Afghanistan.

Q: Near Konduz?

A: Yes, in Konduz.

Q: How did you get separated?

A: I was at a house and came to visit, and he told me he would think and prepare himself and get ready. And when he did this he would come back.

Q: Then, the war intensified?

A: Yes.

Q: He was killed and never returned?

A: Yes.

Q: You ended up in Mazir-E-Sharif?

A: Yes.

Q: Is the witness someone that you knew before coming to this place?

A: I met him while traveling to the north. I don't remember the city. But I remember seeing him there.

Q: You remember seeing him in your travels and knew that he was here also?

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- A: I saw him in the north, in the same cities I was in.
- Q: He was traveling with you?
- A: He was staying in the same houses as I was, and he was also in Mazir-E-Sharif.
- Q: So you were going in the same directions?
- A: Yes.

*The Personal Representative called Yusef Rubeish.*

**Detainee's Questions to the Witness, Yusef Rubeish (ISN - 109)**

**The Witness, Yusef Rubeish, was sworn.**

- Q: I want to ask the witness if he remembers meeting me in northern Afghanistan.
- A: Yes, I remember him.
- Q: When I met him multiple times in Afghanistan, and I told him why I was there. If he remembers what I told him about why I was in Afghanistan, I would like him to say it.
- A: I remember that the reason he told me he was in Afghanistan was to look for one of his relatives.
- Q: I would like to ask him if he saw me carrying a weapon in Afghanistan.
- A: No, you did not.
- Q: You heard why I was there. Was I fighting against the Northern Alliance, American forces or the coalition?
- A: No, I did not hear that you were there to fight. I did not see you fight. I know you were there to bring your relative back home.

**Personal Representative Questions to the Witness, Yusef Rubeish (ISN - 109)**

- Q: When I met you, you did not immediately remember the name of the Detainee.

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- A: Sometimes, names are not mentioned completely. It is difficult to recognize the person if I don't know the complete name. I mentioned this in our last meeting.
- Q: You knew him, and saw him multiple times in Afghanistan?
- A: In Afghanistan.
- Q: How many times did you see him?
- A: I don't remember.
- Q: Many times or a few times?
- A: I can't remember exactly. I wasn't feeling well at that time. I was sick.
- Q: When I showed you a photograph, you did recognize the individual?
- A: That is what happened.
- Q: And you were cooperative and willing to help him out with your testimony?
- A: That is what's happening.

**Tribunal Member Questions to the Witness, Yusef Rubeish (ISN - 109)**

- Q: When is the last time you saw Al Utaybi?
- A: What do you mean?
- Q: Prior to coming here, when is the last time you saw him?
- A: In north Afghanistan, (inaudible).
- Q: Both of you were in prison together?
- A: Yes.
- Q: Both of you left prison and ended up here?
- A: I do not know if we were together or separated. When I say together, it does not mean just he and I. We were part of a group.
- Q: Prior to meeting him in Afghanistan, you did not know him?

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A: No.

Q: You knew that Muhammad Al Utaybi was looking for his relative. Did you know his relative?

A: No.

Q: Ever heard of his relative?

A: Not before, no.

Q: Just a total stranger?

A: Yes.

*The witness was excused from the Tribunal room.*

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

I do not have anything, but from reading the definition of an Enemy Combatant, there is no part of that definition that applies to me. Like I have said before, I do not want to be involved with people that are suspected terrorists. I would not want to be involved with a group like al Qaida and terrorist organizations. I was very surprised that they accused me of that. It was a total surprise, a shock. When I was in Afghanistan, and even before, I was not involved with anyone that are terrorists or suspects or criminals. My whole life, I never thought of hurting anyone. I just wanted to be an average person, live life normally. That is what I have now.

*The Tribunal President advised the Detainee that everything he has said would be taken into consideration.*

Can I add one more thing?

*Tribunal President: Certainly.*

The training that I went to was because I was a teenager. I was too young. As a juvenile, we never think of the dangers, or what happens in those situations. If I knew that it would lead to problems or dangerous things, I would not have been involved. I think the biggest mistake I have made in my life was going to train in Mazir-E-Sharif.

*The Tribunal President asked the Personal Representative if he has any other information or witnesses to present to the Tribunal.*

*The Personal Representative asked the Detainee if he got his money and his passport back.*

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Yes, they gave it back to me. But when I went to (inaudible), the soldiers took it from me and I still have not received it.

AUTHENTICATION

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



Colonel, U.S. Marine Corps  
Tribunal President

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