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Summarized Detainee Sworn Statement

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

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

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

Detainee: I would like to swear.

Tribunal President: The Recorder will swear in the detainee.

The Recorder swore in the detainee.

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

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

3.a. Detainee is associated with the Taliban.

1. The detainee admitted to affiliation with the Taliban.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Personal Representative: Did you observe any fighting in Afghanistan?

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

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

Detainee: No, I did not.

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

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

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

Detainee: No, I was not aware.

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

Detainee: Approximately one year.

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

Detainee: No, there were no travel restrictions.

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

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

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

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

Personal Representative: Were you expecting a big war?

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

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

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

Personal Representative: Where you were, were you bombed?

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

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

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

Personal Representative: Did you stay on the line?

Detainee: We thought of leaving the line.

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

Detainee: They wanted to leave.

Personal Representative: Where did you want to go?

Detainee: Everyone was going to their own country.

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

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

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

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

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

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

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

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

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

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

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

Detainee: That was the agreement for everyone.

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

Detainee: Yes.

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

Detainee: Correct.

Personal Representative: You were there for one day?

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

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

Detainee: No, not at all.

Personal Representative: Did you have any weapons?

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

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

Detainee: No, I did not know.

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

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

Detainee: No, never.

Tribunal Member: And that also applies to Al Qaida?

Detainee: No, never.

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

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

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

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

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

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

Tribunal Member: But no Taliban?

Detainee: There were. The Afghans are the Taliban.

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

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

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

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

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

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

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

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

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

Detainee: Yes, that was the same group.

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

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

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

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

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

Detainee: The fighting between who?

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

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

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

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

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

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

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

Detainee: I do not understand.

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

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

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

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

The Tribunal members had no further questions.

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

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

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

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

Tribunal President: I believe it is clear.

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

AUTHENTICATION

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



COL, USA
Tribunal President

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FINAL INTERVIEW NOTES

13 and 26 August 2004

0755-0950 hrs

Name: Nasser Najiri Amtiri

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

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

A: Detainee is associated with the Taliban

A1: The Detainee admitted to affiliation with the Taliban

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

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EXHIBIT DB

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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