

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 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 want to take the provided Muslim oath. He did state he would use his own Oath to tell the truth.

The Personal Representative read the accusations to the detainee and read the answer given to him from the detainee at a previous meeting. Then the detainee responded to the allegations. The allegations appear in italics, below.

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

Personal Representative: He is not associated with, or a member of the Taliban or al Qaida.

3.a.1. The detainee traveled from China to Afghanistan via Kyrgystan and Pakistan in the summer of 2001.

Detainee: It is not illegal to travel from China to Afghanistan.

3.a.2. From approximately 01 August through 01 October 2001, the detainee attended the Uigher training camp in the Tora Bora Mountains where he received instruction in the Kalashnikov rifle.

Personal Representative: The detainee asked me to go into the detainee's file in regards to the training the detainee received at a Uigher training camp. I have reviewed his file entirely; he also stated that he would like to address, and tell the Tribunal the facts and the truth.

3.b.1. The detainee participated in the battle of Tora Bora.

Personal Representative: Regarding the participation in the battle of Tora Bora, he asked what is the battle of Tora Bora? Where is the battle of Tora Bora?

3.b.2. The detainee was wounded as a result of coalition bombing, and received medical treatment from the Taliban.

Personal Representative: Yes, he did receive injuries, but as reflected in the unclassified evidence, about receiving medical treatment from the Taliban, that part is not true. He received treatment in an Afghanistan hospital.

3.b.3. The detainee retreated from Toru Bora to Pakistan in late 2001, where he was arrested by Pakistani authorities.

Personal Representative: He was subsequently arrested by the Pakistani authorities in late 2001.

Personal Representative: I would like you to use this opportunity to explain your reason to why you are here, and this is your opportunity to dispute the evidence. Specifically why did you travel to Afghanistan? You can use as much time or as little time, if you want to dispute this you have to let them know why you went to Afghanistan.

Tribunal President: Would you like to respond to each allegation or do you have a statement you would like to make.

Detainee: I will answer them one by one, then when I am finished with them I have something to add.

Personal Representative: Ok, then please, in part one tell us why you traveled to Afghanistan.

Detainee: The number one reason, I was living in China, I am a Chinese citizen. I grew up in the countryside, I was a farmer, and I was born and raised there. Then, when I grew up, I started to know things, I saw the Chinese government putting too much pressure on us and torturing us. We don't have any religious freedom, or any other cultural and traditional activities; we don't have those kinds of freedoms. Then, I had no choice but to leave the country. During that time, I was trying to get some information to try to get out of the country. I couldn't find any information, then I heard on the radio, the radio was founded, created, provided by the U.S. government, and we always had a radio station by the U.S., I decided to leave the country. I heard that some people went to Mecca for a Haj. Then that government turned to the Chinese government, I heard some people said the Kyrgyzstan and the Pakistan government turned in all the other Uighur's to the Chinese government. I lost my hope to go live in another country. I tried really hard and got my passport legally from the government. During that time I spent a lot of money to get the passport, and also, after I got the passport I didn't take the opportunity to travel as soon as possible. At that time I didn't know what side the U.S. was, on which side I had no idea. I don't have much education, then I didn't get any information, the Chinese government didn't provide much information to us. Then, I decided to travel as soon as possible. My goal was when I left the country, because I heard that radio station, I decided to find the people that can help me go to America. I traveled from Urumqi (ph) City to Kyrgyzstan, I only had six hundred dollars when I got there. Also I heard from Haj people from Mecca. They told me sometimes at the airport, when you travel the people there check your pockets, then they put something in your pocket, then they will arrest

you and say you did something wrong. Sometimes they say they will check your wallet or check your money, when I was at the airport in Kyrgystan, the Kyrgystan police said they were going to check my money, and then they took three hundred dollars from me. I didn't know what I was going to do since I didn't have an education, since I grew up on a farm, I didn't know what to do. After that, it was really hard for me, I told them I wanted to go to America, they laughed at me, I didn't know where America was, I didn't know how much it was going to cost to get to America, they kept laughing at me, it was really hard for me. I heard there were some Uighur people going to Pakistan for business, then I spent one hundred-ninety some dollars to buy a ticket to Pakistan. When I got to Pakistan, at the airport I found a Uighur person, he took me to his apartment, he introduced himself to me, and he was a businessperson. I stayed with him for one night at his apartment. He then told me, he thought that I wanted to borrow money from him. If I go there it will not cost me any money. He then encouraged me to go there. He said he could send me to that place. He wrote me all the information to get there. A Pakistani driver took me all the way to the border. Then I went to Jalalabad, I have never heard of it before. When I crossed the border, I saw a taxi driver in Afghanistan, since I didn't know the place or the people, I told them "Uzbek," and they took me somewhere in the city of Jalalabad. When I arrived to Jalalabad city it was late at night, then the guy knocked on the door, then a Uighur came out and he took me into his house. We introduced ourselves, and all the people talked about why we left the country, most of the people also left the country from the pressure by the Chinese government and all the torture. They told me they were going to take me to another place. It was two hours outside of Jalalabad city, it is located just in front of the mountains. That is the reason I left the country and I ended up in Afghanistan. I am ready to answer the accusations now.

The Personal Representative read the accusation (3.a.1.) to the detainee, the detainee wanted to know about (3.a.), he wanted to know who was at Qaida? Who was in charge of al Qaida? And what they did? The Tribunal President gave a brief description to the witness about al Qaida. Then the President stated that the Tribunal Members were going to be asking questions. The Recorder then stated to the witness that in the summary of evidence (a, b) were categories in which the accusations fell, and that they were not the accusations against him. The only questions he was going to respond to was (a. 1 & 2 and b. 1 thru 3.)

Detainee: In regards to 3.a.2. I went there in August, I stayed there in the camp for two months, and there were only Uighur people in there. I didn't see any other people besides Uighur's.

Personal Representative: For clarification this is 3.a.2. He stated in August 01, he attended a training camp. From approximately 01 August through 01 October 2001, the detainee attended the Uigher training camp in the Tora Bora Mountains where he received instruction in the Kalashnikov rifle.

Detainee: If you explain to me what is the meaning of camp?

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Tribunal President: Did you receive any type of training in a village or a farm from Uighur people, al Qaida or from Taliban on a Kalashnikov rifle?

Detainee: There is specifically one trainer, there we just ran, that is about the only training we got on the Kalashnikov rifle.

Tribunal President: Who trained you on the Kalashnikov rifle?

Detainee: The person's name was Abdul Maxum.

Tribunal President: Was Abdul Maxum a Uighur?

Detainee: Yes.

Tribunal President: Did you receive the training between August and October 2001?

Detainee: You are saying I trained with the Kalashnikov; that means I fought against the U.S. government?

Tribunal President: Did you learn how to use the Kalashnikov between August and October 2001?

Detainee: Yes.

Personal Representative: The detainee participated in the battle of Tora Bora. In our meeting you asked what and where the battle of Tora Bora was. Can you please explain to the tribunal?

Witness: We stayed in a place in Afghanistan; the name Tora Bora, I heard it from here. I didn't know if Tora Bora was the whole mountain region or specifically one small area. Then my Personal Representative told me that the whole region was called Tora Bora.

Tribunal President: After the Personal Representative told you that region was Tora Bora, was that the area that you participated in fighting?

Detainee: No, I didn't participate in any fighting.

Tribunal President: Did you have to fight at any time while you were in Afghanistan?

Detainee: No, we didn't have any enemies to fight.

Tribunal President: Was there any bombing going on while you were in Afghanistan?

Detainee: I never saw any bombing the night we were sleeping. In the middle of the night the American's dropped the bomb, I then had an injury to my arm. That is the only one I saw.

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Tribunal President: Ok, please go to 3.b.2.

Personal Representative: Yes, Ma'am. I think we covered both of them, he has denied participation in any battle, he has denied participating in any fighting. Although he was at the camp he did not hear about Tora Bora until he was here.

Tribunal President: However 3.b.2 is in reference to his wound and receiving treatment.

Personal Representative: As a result to the injury you got during the bombing. Can you tell us about the medical treatment you received from the Taliban?

Detainee: I have to add some more. From the beginning, they said that place was a battle, I think you understand the place we stayed, wasn't a battle. It was just an old housing place. When the Americans arrived there we didn't have any readiness, we didn't have anything to fight back in. We had no idea the Americans bombed the place. We never thought America would bomb our places. In history, Americans never hurt any of our people or done anything bad to our people. We are hoping America will help us. Then at night we were sleeping we had no idea what was going to be happening. Then, they dropped one bomb, one person died, his whole body exploded, we were covered with a half a bucket of his body meat, also my arm was broken at that time. We were hiding and they dropped other bombs around that area. On the second day when the sun rose, one other person took me to the hospital. I stayed there almost a month; Afghani people or Taliban people didn't treat me, there was one Uighur person who took care of me. A month later, there was a riot in the city, so we went back to the mountain.

Tribunal President: Can you please share with the Tribunal about your retreat and your travels to Pakistan, and when you were arrested?

Detainee: They continued to keep bombing the mountain area where we were hiding. We had no choice, so we traveled to Pakistan.

Tribunal President: When did you travel to Pakistan? Can you give us a general idea of what month?

Detainee: It was the third day of a Muslim holiday. They didn't capture us by force. We traveled to Pakistan and the local people there welcomed us since it was a holiday. They gave us meat and good food. They treated us like guests, when we were sleeping, I wasn't sure of time; it was the middle of the night. They said the U.S. found this location; they are going to bomb here, so we are going to take you to another place. They took us to a Mosque, there was an elder person with a long beard, they wanted to introduce us to their leader, they were going to take us to his house, then they put us in the truck. They took us directly to the prison.

Tribunal President: Yusef, would you like to add anything else or does that conclude your statement?

Detainee: That is enough for the accusations. I would like to add a little more.

Tribunal President: Please proceed.

Detainee: I would like to say, Turkistan has 30 million people. The Chinese government tried to destroy those people, and they are hiding from other side, from what is going on in there, they are trying to use all the countries to torture and all the stuff. That is the reason all the people are trying to live free. Whenever anyone gets a passport they are trying to leave as soon as they can. During that time all the people were desperate to get their freedom. At that time we heard the radio said the U.S. will help and that is the reason we left the country. Because of the Uighur listening to the radio station, they were tortured and punished by the Chinese government. I seen by my eye, there was a 70 year old woman listening to the radio station, because of the older lady was getting excited about it I was too. They said on the radio they were going to help us, they were going to work together to get our independence that is the reason we left. During that time we didn't know what kind of readiness we were going to need, then we found out we don't have enough finances or an other source to take action so we had no choice, so we ended up in Afghanistan. When we were in the Pakistan prison, I noticed a lot of nationalities there. There was a delegation of people from the other countries. During that time American soldiers came and took our pictures and took our fingerprints. Then we found out we were going to be in America's hands. We were happy because we were going to talk face to face to the country to help us get out independence. We were so happy, all of us Uighur's. If we told Pakistan they would have turned us into China for the money. Since we ended up in the U.S. hands it has been almost 3 years. We had interrogators explain themselves to us; some have high positions, some explained their jobs and some don't say much. During that time until now we have been telling the interrogators all the stuff, why we were in Afghanistan. What the reason we went to Afghanistan. The whole we explained to the interrogators people. The interrogators also told us they were going to support us, they were going to help us, they are not going to turn us into China, they respect us and treat us very well. Now it is like they are joking or are they serious, we are getting confused, this country are trying to blame us for fighting against or with al Qaida or Taliban people or we are associated with them, it doesn't make sense, we are confused. They are blaming us

Tribunal President: Does that conclude your statement?

Detainee: We would like to check our status, on all the cases we want you to be fair, and look at how things are our way.

Tribunal President: I have one question for you. If you are released from the prison what country would you like to go back to?

Detainee: If it not by my choice, If I can go to some country and the Chinese would not hurt us, and there is no punishment and it's a free country, then I will be fine.

Tribunal President: Would you like to go back to your home?

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Detainee: You know that I don't want to go back to that country.

Tribunal President: I didn't know, you may have family there that you would like to go back to.

Detainee: Yes, I would like to go to my motherland, but I cannot go there. I have my kids and my family there.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. What happened to your passport?

A. When they bombed the place, then my passport and all my stuff were burned by the fire.

Q. Why did you receive rifle training?

A. We have One Billion enemies we need to be ready.

Q. When you say enemies you are referring to the Chinese?

A. Yes.

Q. Are their groups opposing the Chinese government either made up by Uighurs or on behalf of the Uighurs?

A. I don't know any groups or seen any of those groups. I don't know any of them.

Q. What was the purpose of getting the training? What was he going to do?

A. If there is any chance we were going to fight to get back our countries independence.

Q. Who is we, that is what I am trying to get to?

A. The Uighur people, prisoners at the camp.

Q. Were the Uighur people at the camp a group?

A. Yes.

Tribunal President's questions.

Q. Where was the hospital you were at after you were injured?

A. Jalalabad.

Q. Did you have any weapons when you were crossing the border?

A. When I crossed the border?

Q. As you were fleeing, leaving Afghanistan?

A. I seen only one Kalashnikov, we didn't have a weapon when we crossed. We didn't even have enough weapons for the people at the camp.

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Q. When you were training, you didn't have enough weapons there?

A. There was only one Kalashnikov.

Q. Were you with a lot of other people when you were captured?

A. We were all Uighur's. When we arrived to the prison there were a lot of people.

Q. Were there a lot of other nationalities, were there Arabs?

A. Yes, they were there when we went to the prison.

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

AUTHENTICATION

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



Colonel, United States Army
Tribunal President