

**Summarized Unsworn Detainee Statement**

Tribunal President: Adnan Muhammed Ali Al Saigh, do you understand this process?

Detainee: Are you going to give me the accusations so I can respond to it?

Tribunal President: That's correct.

Detainee: Go ahead and accuse me and I will respond.

Tribunal President: When you respond, please speak up in volume a little bit.

Detainee: Do you understand Arabic?

Tribunal President: No, but we need to have your responses recorded as well.

Detainee: Bring the microphone closer to me then.

Tribunal President: The microphone will stay where it is, I ask that you speak up so not only can the microphone pick you up, but so the translator can understand clearly what you say.

Detainee: This is the way I talk, this is the way my voice is.

Tribunal President: Very well then.

**Personal Representative hands Tribunal the Detainee Election Form (Exhibit D-a); Recorder hands Unclassified Summary to Tribunal (Exhibit R-1) and Exhibit R-2. Recorder reads Unclassified Summary.**

**President clarifies with Translator that the Unclassified Summary is the same one previously discussed with the Detainee.**

Detainee: I want to answer all these accusations.

Tribunal President: You will have that opportunity in just a minute.

Detainee: Fine.

**Recorder has no witnesses or further unclassified evidence, requests a closed session a later time to present classified information.**

Tribunal President: Adnan Muhammed Ali Al Saigh, you may now present evidence you have to this tribunal and you have the assistance of your Personal Representative in doing so. Do you want to present evidence to this tribunal?

Detainee: I would like you to read the accusations and I will respond to it.

Tribunal President: When you respond would you like to make your responses under oath? If you like we can administer the oath at this time.

Detainee: Is this the infidel's oath or is it my oath?

Tribunal President: It is the Muslim Oath.

Detainee: Is it necessary for me to be sworn in?

Tribunal President: It's not necessary but we provide you the opportunity if you would like to take the Muslim Oath.

Detainee: When am I going to swear to it?

Tribunal President: Recorder, please administer the Muslim Oath?

Detainee: Am I going to swear to what he is going to read?

Tribunal President: Yes.

**Recorder administers Muslim Oath to Detainee.**

Tribunal President: Adnan Muhammed Ali Al Saigh, with the assistance of your Personal Representative, you may now begin.

*3a. Detainee in associated with the Taliban.*

Detainee: Is that the first evidence?

Tribunal President: Yes that is the first piece of evidence as identified on the Unclassified Summary.

Detainee: If I am with the Taliban, why is that an accusation?

Tribunal President: What do you have to say about that, are you or are you not with the Taliban?

Detainee: I am.

*3a1. Detainee stated he answered an Islamic fatwah in Saudi Arabia to fight for the Taliban forces in Afghanistan.*

Detainee: That is a religious activity, are you fighting my cause?

Personal Representative: When I spoke to the Detainee, he said, "this is true but I did so to answer a religious calling."

Detainee: That is what I told the guy and I'm wondering why you are fighting my religion?

Tribunal President: The reason we are here today is to determine today whether or not you are properly classified as an enemy combatant.

Detainee: I don't consider myself an enemy combatant because all the accusations have no harm or effect on America.

Tribunal President: Very well, if we could continue then he has an opportunity to tell his side against the unclassified evidence.

Detainee: I agree to that.

*3b. The Detainee participated in military operations against the coalition.*

**Recorder provided translator an English copy of unclassified summary.**

Detainee: I never participated.

Personal Representative: When I spoke with the Detainee, he said he fought with the Taliban against the (forces led by General) Massoud but not against the American allies.

Detainee: That's true.

*3b1. Detainee went to Afghanistan to fight in the Jihad with the Taliban for approximately six months before being captured in Qualajinki, Afghanistan.*

Detainee: That's true, but only 4 months.

*3b2. Detainee served at the front lines near Khanajah Gar, Afghanistan.*

Detainee: Is that an accusation?

Tribunal President: That's right.

Detainee: Strange, that's strange.

Personal Representative: He told me he did not fight on the front lines but was just providing support.

UNCLASSIFIED//FOUO

Detainee: I was giving support to people that owned horses.

Tribunal President: Adnan Muhammed Ali Al Saigh, does this conclude your statement?

Detainee: I have nothing else to say.

Tribunal President: We may have some questions, do you mind if we ask you questions?

Detainee: Is that an interrogation or court?

Tribunal President: This is a non-judicial hearing, this is not a court of law.

Detainee: What's the difference between the two?

Tribunal President: In a judicial setting, you would have a judge and lawyers representing the Detainee. Lawyers would also represent the Government in a judicial session. In a non judicial session, which this is, the Detainee is not represented by a lawyer, the Government's information is not presented to the tribunal by a lawyer, although it is a legal proceeding it is purely administrative in nature.

Detainee: What is the reason for this hearing?

Tribunal President: The reason is to determine whether you are properly classified as an enemy combatant. An enemy combatant has been defined as an individual who was part of or supporting the Taliban or al Qaida forces or other associated forces who are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of the enemy armed forces. We are here to make that determination of whether you meet that definition of enemy combatant.

Detainee: "The Massoud"; is he one of your allies?

Tribunal President: Yes.

Detainee: When did he become your ally or coalition partner?

Tribunal President: I think officially after September 11, 2001.

Detainee: I never fought after 2001.

Tribunal President: We have not been exposed to any of the unclassified evidence or the classified information, and that's why we are interested in your story.

Detainee: I was wondering how "the Massoud" became one of your allies.

ISN# 105  
Enclosure (3)  
Page 4 of 7

UNCLASSIFIED//FOUO

001129

Tribunal President: I don't have that information, that is above my pay grade and not available to me.

Detainee: I didn't think the Massoud was one of your allies.

Tribunal President: May we ask you some questions?

Detainee: I am not going to answer any questions; the only thing I am going to do is defend these accusations.

Tribunal President: The questions we would like to ask are relevant to this.

Detainee: You are going to ask me and I will respond to you?

Tribunal President: If you would be so kind.

Detainee: If its new questions I will answer them, if its old questions I'm not going to answer.

Tribunal President: Very well, we'll take whatever level of cooperation you choose to give us. I want you to understand we are here to determine your enemy combatant status. And in doing that, it's to your benefit to help us understand what your position was and in order to do that we have to ask questions. Do you understand?

Detainee: Fine, go ahead and ask the questions.

Tribunal President: Thank you very much.

Personal Representative has no questions for the Detainee.

Personal Representative: I just want to repeat that the Detainee was fighting against "the Massoud" starting March 2001.

Detainee: I do not know the exact date.

**Recorder has no questions for the Detainee. Tribunal Members begin questioning.**

Tribunal Member: Did you answer a fatwah from a religious leader in Saudi Arabia to go to Afghanistan?

Detainee: Yes.

Tribunal Member: What did the leader say?

Detainee: Who is the leader?

Tribunal Member: The sheik or the religious authority who convinced you to go to Afghanistan.

Detainee: I went there to fight with the rest of the people.

Tribunal Member: What did the Sheik or Imam tell you about Massoud and the people allied with him?

Detainee: I don't know who the Sheik or Imam is.

Tribunal Member: Did you realize when you went to Afghanistan that Massoud and his people were also Muslim?

Detainee: Yes.

Tribunal Member: So why did you choose to fight against them?

Detainee: This is none of your business.

Tribunal Member: We'll give you one more chance to answer that if you would like to reconsider.

Detainee: Again for the second time, that does not concern you.

Tribunal Member: You said that when you were in Afghanistan, you didn't fight but just provided support.

Detainee: What's the next question?

Tribunal Member: What kind of support did you provide?

Detainee: You have that in my file from the interrogators.

Tribunal Member: The Tribunal has not seen any of the files of the interrogators and that is why we are asking you this question.

Detainee: Do you have the file?

Tribunal Member: Again for the second time, the Tribunal does not have access to this file and that is why we are asking you this question.

Detainee: Everything is in my file.

UNCLASSIFIED//FOUO

Tribunal President: I might say that I find it disappointing that you are not cooperating. I thought I had explained to you to determine your enemy combatant status and to your benefit it would be good to answer to our questions. But if you choose not to, then we would not gain very much if we continued to ask questions if you're not going to answer them.

Tribunal President: Adnan Muhammed Ali Al Saigh, do you have any other information to present to this tribunal?

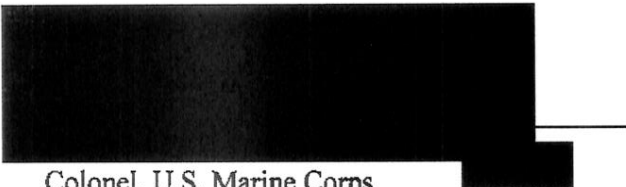
Detainee: There is none.

**Recorder had no further questions**

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

**AUTHENTICATION**

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

A large black rectangular redaction box covers the signature area. A horizontal line extends from the right side of the box to the text below.

Colonel, U.S. Marine Corps  
Tribunal President

ISN# 105  
Enclosure (3)  
Page 7 of 7

UNCLASSIFIED//FOUO

001132