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Summarized Detainee Statement

Tribunal President: For the record this tribunal has been assembled for a detainee whose name is listed as Jumma Jan. Is that correct?

Detainee: Of course, it is correct. But the name they are using before is not correct.

Tribunal President: How would you like me to refer to you during this hearing?

Detainee: Zain Ul Abedin, is my name.

Tribunal President: I understand that you would like to be referred to as Zain Ul Abedin. Is that correct?

Detainee: Yes, that is my name.

The Tribunal President continued with the Tribunal process.

Tribunal President: The detainee requested person or persons who positively identified him referring to his statement listed in the unclassified summery.

Tribunal President: The detainee was captured in Mazar-e-Shariff, Afghanistan by coalition forces and positively identified, on 3 July 2003. The identification of those who positively him at that time and place if available will be addressed in the closed session, because it would refer to classified information. The identification of those witnesses if they are identified will be referred to and be addressed in a closed session. So, for open session, for your information at this time these witnesses are not reasonably available. I have directed the Personal Representative to comment on the classified information relative to your request. That will be in the closed session of this hearing at a later time.

Your other request, which I note on the Detainee Election Form was that you wished records indicating that you were a citizen of Afghanistan. Your citizenship as an Afghani is not relevant to your determination of being an enemy combatant. Is there any further information you would like to provide regarding your request for certification as a citizen of Afghanistan?

Detainee: The only documents I have (inaudible) was in my car. And that's my driver's license and the identification card. That was in my car. If that's a document I have in my car. I don't have it with me.

Tribunal President: I don't understand. Why do you wish that identification be presented to this Tribunal? I don't understand why you are requesting it.

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Detainee: It doesn't matter to me either. I could say I am an Afghan citizen, or I could state that I am a Tajikistan citizen. The important thing is the allegations on me. They are not correct and I want to clear it up.

Tribunal President: I understand. And we will now proceed to the point of the proceeding where you can provide that information to us.

Tribunal President: Zain Ul Abedin, you may now present any evidence you have to the Tribunal. Your Personal Representative may assist you if you wish. Do you want to make a statement to the Tribunal?

Detainee: What kind of information?

Tribunal President: Any statement you would like, addressing the information you have been provided, regarding the unclassified evidence.

Detainee: What will I accomplish? I did this with my interrogations. From background up to in here, Guantanamo Bay. With the interrogations, that's the truth and also with my Personal Representative, that's the truth. The other stuff, lies.

Tribunal President: I understand. I understand that you want to provide us with additional information at this point. Is that correct?

Detainee: I can provide witnesses in here, at Guantanamo Bay, a lot of witnesses. In Afghanistan also, I find and sign off witnesses, by any number. But those people who have allegations on me, wrongly (inaudible) witnesses first. Can I do one more question? If it is not possible, I will ask later.

Tribunal President: I would first like you to confirm that you would like to address the allegations that have been read already. Before you answer you need to understand all we know is what has been read today. We have not seen any of the other information. We will not see that until later.

Detainee: That's correct.

Tribunal President: So, do I understand that you wish to address these allegations at this time? A yes or no answer is what I am looking for.

Detainee: Whatever I spoke with, with my Personal Representative, that is correct. My answer is yes. Whatever I didn't tell him and those allegations are not correct, then I say no.

Tribunal President: I understand. We will shortly have an opportunity for the Personal Representative to review what was addressed earlier. As the Personal Representative reviews the previous discussions, I would like you to have an opportunity to confirm,

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deny or change anything the Personal Representative says. And before we do that I would like to ask if you would like to make your statement under oath.

Detainee: Yes.

The Detainee was sworn using the Muslim oath.

Tribunal President: Personal Representative, please assist the detainee with his statement.

The Personal Representative read the detainee's response to the allegations and the detainee also responded to the allegations as follows:

3.a.1. The detainee, as a military commander, reportedly was assigned a mission in Tajikistan after 11 September 2001 as part of an al Qaida and Taliban operational plan.

Personal Representative: I am not a commander. I have been away from Tajikistan for the past 13 or more years. I have not been in Tajikistan before or after 11 September 2001 with the exception of the first 13 years of my life. So how could I be assigned a mission as a commander in Tajikistan if I had never been there for the last 13 years?

3.a.2. The detainee was a leader of a Taliban compound.

Personal Representative: No that is not true, I was not a leader of anything or a Taliban compound. I would now for you like to share with the Tribunal the information that you told me about Tajikistan, Afghanistan and your refugee status.

Detainee: Should I say it right now and whatever I told him?

Tribunal President: Yes, please.

Detainee: Do I have to say a summary of that (inaudible) by detail from the start up to then?

Tribunal President: You can say anything you like, anything you can provide us to help us understand your situation. I remind you that you don't have to tell us anything. It is your choice.

Detainee: Do I have to start?

Tribunal President: It is your opportunity to tell us any information.

Detainee: I was born in 1978 and I was born in Tajikistan. Because of the chaos, (inaudible) chaos in Tajikistan, I was refugee between 1991 to 1992 in Afghanistan. Up

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to now I am a refugee in Afghanistan. Because in Tajikistan, the morality and learning Islamic issue is very weak that's why I became a refugee in Pakistan. (Translator said Pakistan, think he meant Afghanistan). Because I wanted to learn more about it. I memorized the Koran over there. At the time I was in Pakistan, my parents got back to Tajikistan from their refugee status. They went to their homeland again. I remained in Pakistan. After I finished my education about memorizing the Koran, I got a serious sickness, tuberculosis or TB. Because of the treatment, I did not have any money. Without money I could not do my health treatment, I came back to Afghanistan to go from Afghanistan to my homeland Tajikistan. At the time Taliban was over there (inaudible) Afghanistan. At that time Afghanistan gentleman because of Taliban was not recognized over all nations in the world. They did not have a tie and relation with Tajikistan, with government they sent me up (inaudible). At that time I was a refugee, at that time I was an Afghan citizen, over there and he was driving a car and he gave his car for me, till I earned some money and do my treatment. Health treatment and he went back to Pakistan because his family was in Pakistan. After 9 to 10 months I earned enough money to do my health treatment and I left the car and I started operating the tractor. Machinery Tractors. The reason I bring up this issue when they arrested me, in Bagram, 3 months I was treated again because they told me your TB came on again and also in Cuba, they gave me again 4 months. Altogether 7 months I was under treatment again. This is the reason that I remained in Afghanistan because of my treatments. That's why I brought up this issue. I did my treatments, although it is a very weak reason, but I could provide a kind of proof from the doctor who was my doctor and treated me.

3.a. 3. The detainee is a high-ranking Taliban member and is currently a Hezb-e-Islami Gulbuddin (HIG) Commander and 3.a.4. Hezb-e-Islami Gulbuddin (HIG) has been designated by the United States as a terrorist organization.

Personal Representative: I am not in any part of the HIG organization. Not family, not relative, not any part of the organization. That if HIG and Taliban, if you were a high ranking Taliban member and a HIG commander, how could that be? Because the HIG and the Taliban were enemies of one another. The HIG was fighting with the Northern Alliance before the Taliban and the Northern Alliance was an enemy of the Taliban, then when the Taliban showed up and fought the Northern Alliance the HIG went away.

Personal Representative: Is there anything else you can add to these two pieces of evidence?

Detainee: That's the accomplishment, I did it and that's enough.

3.a.5. The detainee was captured in Mazar-e-Shariff, Afghanistan by coalition forces and positively identified, on 3 July 2003.

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Personal Representative: I worked as a driver in Mazar-e-Shariff for approximately 9 months. I was getting paid in Afghan currency, about a 1000 to 1700 rubies per month. I was in Mazar-e-Shariff about a year and a half before the September 11, 2001 attacks.

Detainee: One and a half year before I ended my work and I start my own business.

Personal Representative: And every month you would go to Pakistan to get medicine for you TB?

Detainee: It was in Mazar-e-Shariff.

Personal Representative: Okay, so the medical treatment was in Mazar-e-Shariff.

Detainee: If it is necessary I could provide the medicine store also.

Personal Representative: And if you can tell us about the circumstances of your capture that may help the Tribunal in their deliberations. How you were captured and where you were captured.

Detainee: Can I start it?

Tribunal President: Please.

Detainee: I was driving a car in district area, that district area which was, that car belonged to somebody else. That car was a kind of mini bus for 20 people. The car was flying coach taxi for passengers, for transportation and on the way to the destination I got a flat tire and had (inaudible) problems also. And that was Thursday and the doctor advised me I needed an operation on my hernia also. The operation date was estimated on Saturday. I brought the car from Mazar up to the village. I left the car over there and came to the Bazar (inaudible). Because in Mazar-e-Shariff I didn't have any of my cloths. I was by myself. I got back to the house which I was 2 and half years in that persons house and he told me that would provide a person, at the time of operation in the hospital he would stay with you or if you need something. I arrived Thursday night at that house. This guy had one car, five stores and one (inaudible) the condition of his car was broken and he told me that I had to fix that one and you will earn some money also for your operation. It was 11:00 or 10:00, I came out and went to the store to get the part for the car and 100 meters away, there was a bank over there also and 100 meters away from the store I saw some of the soldiers. They were Americans soldiers. One of them called to me Sofi. Sofi meaning the person with a beard. When I turned I saw those American soldiers. They had a car over there and they asked me to climb up in the car, and the door of that car was sliding in the one side and he said you have to climb in the car with them. Then I passed the fan belt to the mechanic and I climbed up in the car. After I climb up in the car, as soon as I sat down, they covered my head with a piece of bag and I did not know where they took me. When they took me over there I did not know where it was, it was a small room and after a while they kept me over there and

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started to interrogate me. That continued for 24 hours. After 24 hours they transported me to the bathroom. This is the story of my arrest. The Personal Representative told me that the soldiers were allied forces, but personally I saw that none of them were allied forces, all Americans and Afghan soldiers.

3.b.1. The detainee was in leadership role in a rocket attack against United States forces at the Mazar-e-Shariff airfield and 3.b.2, the detainee has been implicated in the roadside bomb assassination attempt of General Dostum, a Northern Alliance leader.

Personal Representative: On both these counts, they are simply not true.

Detainee: I will address in the front of the Tribunal members a few sentences about Dostum. When we got as a refugee in Afghanistan, first time we came to the Caliza District and (inaudible) in the side of the road. As soon as we escaped from the Tajikistan side and passed the river because of the chaos inside Tajikistan and our enemy was following us and we came on the other side of the river, those Dostum he provided us with helicopters. One and a half years he supported us with food and clothes. The number of the refugees which they landed in the dessert which was sand only and Dostum provided a camp for us, it was 15000 (inaudible). When a person feeds you for one and a half years how can you destroy the salt. It is an expression in that language. When you eat from somebody you can't do bad to him. How can I eat for one and a half years from him, food and I destroy the salt for him? It is not possible. For 13 years I was away from my Tajikistan and they accuse me that I was doing the plan in Tajikistan, it is not possible. This is my story.

Tribunal President: I understand. Zain Ul Abedin, does that conclude your statements?

Detainee: Yes, of course.

Tribunal President: Personal Representative, do you have questions for the detainee?

Personal Representative: Just a couple of questions sir.

Tribunal President: Proceed.

Personal Representative: How long then, have you lived in Afghanistan?

Detainee: If you look at the year, I came between 1991 and 1992 in Afghanistan up to now. I was in Afghanistan but you have to subtract 2 years from it because I stayed in the jail right here.

Personal Representative: Do you have a family?

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Detainee: Yes. In Mazar-e-Shariff. I am engaged, I did the oath for the engagement but I am not married yet.

Personal Representative: And that family lives in? Can you tell us the city again?

Detainee: In Mazar-e-Shariff.

Personal Representative: And do you know who Jumma Jan is?

Detainee: No. At the time I was in the refugee camp, there was a doctor, his name was doctor Jumma. Only Jumma. He was from the camp too. Other than that guy I don't know anybody named Jumma.

Personal Representative: Lastly of all these pieces of evidence that we went over, I don't recall you saying any of these are true, except for the fact that you were captured.

Detainee: On the arresting portion, also there is one mistake that allied forces never arrested me, it was Afghan and Americans and 3 years I drove taxi in that city and all the people know it. And I was invited in the home. I did not do anything wrong by hiding myself in the house, I was driving the taxi.

Tribunal President: I understand.

Personal Representative: Do you believe that the evidence here is evidence against someone else and not yourself?

Detainee: You mean somebody else did this? Humans are everywhere, there are different, but (inaudible).

Personal Representative: Okay. Sir, that's all I have for the Tribunal.

Tribunal President: Recorder, do you have any questions for the detainee?

Recorder: No, sir.

Tribunal President: Does the board have any questions for the detainee?

Member: No, sir.

Member: I understand your point, why would they think it's you if it's not you. Do you know, do you have any idea?

Detainee: Because it's mine. I wasn't hiding in the home. I was driving my car. I could pass you a telephone number from that motel I was transporting the piece. From the village up (inaudible) in their quarters. If I give you the telephone number and I was

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staying everyday over there with him and he didn't do that, I am responsible for everything. In two minutes he would give you a response. I was not a (inaudible) in their home, I was working and everybody knows.

Member: So you think the American Forces just arrested the wrong man. Is that what you are telling us?

Detainee: That's true. The people who found me, he is a Tajik, I am a Tajik. That's true the people who found me, that's me they arrested me. But I'm not that name, I don't know what they call me. Jumma Jan. I am not that person. 100% I am not that person, that's why I am saying these allegations are wrong. And whatever they asked me in interrogations, it was all wrong. They were asking me the name of the people, I never hear that name in my life. If you have more questions, I am ready to give you the answer.

Member: Were you a member of the Taliban?

Detainee: I was driving a car.

Member: Were you a member of the Taliban?

Detainee: Whatever you are counting me, that was my job, I was driving the car. If you count me Taliban or not. I was a sick person and I was working in that taxi, thousand Afghanis a piece for my treatment. Isn't that a good reason, I was working to earn some money for my treatment. The doctor was treating me over there, and I gave you the name and what kind of human right is that one? I was working for my health and if you guys all not counting that reason, I was there for that purpose and it means that there is no justice.

Member: The question though requires just a yes or no answer. Were you a member of the Taliban?

Detainee: No.

Member: Were you a member of Hezb-Islami Gulbuddin?

Detainee: No.

Member: Were you a member of al Qaida?

Detainee: No.

Member: Thank you.

Tribunal President: What I.D. did you have when you were arrested?

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Detainee: Whatever I had?

Tribunal President: Yes.

Detainee: In my pocket?

Tribunal President: Yes.

Detainee: At the time of arresting?

Tribunal President: Yes.

Detainee: In my pocket, there was 25 pictures from all my people. From some of my people from the same village. It was a little boy picture also some other peoples picture. Approximately 700 to 800 Afghani new currency also. I also had a pack of cigarettes. I had a notebook, that I was writing my loans from the people that I owed, 500, 600 from the people. All these papers was pictures in my pockets and a few (inaudible) from the car. And that all I had, a pair of clothes and waist coat. That is it.

Tribunal President: So, no government or district identification card with your name on it?

Detainee: No, identification with my diver's license and small brown visor of the car, it was over there.

Tribunal President: I understand that you started your own personal business after the taxi, driving a tractor. How long did you have that personal business?

Detainee: Even when I left the taxi I started on the tractor, the tractor belonged to somebody else. Which he had a bus also, but approximately 7 to 8 months I was operating the tractor. But after the tractor, I started to drive the mini bus, which he called "a flying coach".

Tribunal President: That partner, I will call him a partner, the person that owned the other vehicles, can you identify that person? I am asking about the "flying coach" owned by someone else, can you provide that person's name.

Detainee: I confessed this one previously. It's in the file.

Tribunal President: As I have said before we haven't seen the file yet.

Detainee: How come you didn't refer to my file and now you are making judgments?

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Tribunal President: No, I'm not. I am asking for information. This is all I know. You have told us new information today, I would like to know a little more regarding that information, like who this other person was.

Detainee: That's correct, I will give you the name of that person it is no problem for me, but how can you guys not refer to my file and you can't find it from my file and you can't find it from the file. It is not by law, it not logical.

Tribunal President: Well actually I would like to ask why you didn't ask that gentleman to be a witness here today.

Detainee: What did you say please?

Tribunal President: I would like to ask why you wouldn't want that partner to be a witness here today?

Detainee: When you guys read all these lies about me, allegations on me which is not correct and you find it in my file how come you can't find the name of that person from my file?

Tribunal President: Okay, we will refer to the files at a later date and look for that name. Thank you.

Detainee: Your Honor, I gave you the name of the guy. His name is Hajjiraseed.

Tribunal President: Okay.

Detainee: I am very sorry to speak like that in front of you all, but I wonder how come you guys are not allowed to refer to my file and can't find this name? I can't confess all my interrogations again.

Tribunal President: Like I said in the beginning we promised to review all the information and make a determination on your classification as an enemy combatant. You need to understand that we are receiving information in a certain order. Someone else has provided an unclassified summery which you have read and you know that this is your opportunity to tell us what you believe regarding this information and you have done that. And we understand that your statement today, is that you were a taxi driver in Afghanistan for about a year and a half, 2 years before you were arrested on the street. Is that correct?

Detainee: Yes, of course.

Tribunal President: Okay, and my question was again, asking for your partner who I thought would be the closest associate of yours in Afghanistan, would be to testify to the truthfulness of your statement.

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Detainee: I can give you more than one witnesses name. The person who I was living in his house and the other people also. But I was disappointed on the one piece of paper and the 2 years, nobody can find the truth and wrongs.

Tribunal President: I also respect that earlier in this hearing that you said that you could name witnesses. I'm sorry, Personal Representative, you have a comment?

Personal Representative: Yes, sir. As we saw from his replies to all the pieces of evidence against him, he did tell me, at that time, that the information was in the file and yes I explained to him that the Tribunal does not look at the file, nor does the Personal Representative before we meet with the individual. Because it gives us both a more objective approach to deliberate the evidence against that side of the story. So regarding the specific asking for witnesses, it is clear he has disputed each and every piece of evidence on the unclassified summery. His story and time in Afghanistan is a lengthy and detailed one. He had no idea what evidence to cause to skew things in his mind far out there, which is why he had asked me for the individual or individuals who had positively identified him, to address what they knew how they identified him and what they were bringing up his allegations. Based on all the information received then he could provide names and numbers, phones locations of anybody the Tribunal would like.

Tribunal President: I understand. Okay, I understand. Do the members have any other questions?

Members: No, sir.

Tribunal President: Personal Representative, do you have any other evidence to present to this Tribunal?

Personal Representative: No, sir.

Tribunal President: Regarding the detainee's earlier request for witness and our earlier discussion, I will reserve the decision on requesting further witnesses after reviewing the files that you have requested. I may reopen this hearing if I determine that it is necessary to clarify any information that you provided regarding and with respect to the government information we have not yet reviewed. Do you understand that?

Detainee: Yes.

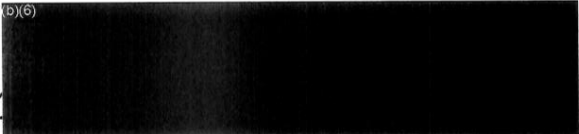
Tribunal President: All unclassified evidence having been provided to the Tribunal, this concludes this Tribunal session.

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AUTHENTICATION

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

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