

Summarized Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee and confirmed that the Detainee understood and had no questions.

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) to the Tribunal.

The Recorder presented Exhibit R-2 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.

Tribunal President: I see by the Detainee Election Form that you have elected to participate as evidenced by your being here today. I also see that you wish to make an oral statement and the Personal Representative will read each allegation and then you will respond to it.

The Tribunal President opened the Tribunal to the Detainee to make his statement and asked if he would like to make his statement under oath.

Detainee: No.

Tribunal President: No, you don't wish to do it under oath?

Detainee: Yes.

Tribunal President: That's fine. We will accept your oral statement. You may begin.

3.1. The Detainee traveled from China to Afghanistan in the summer of 2001.

Detainee: I didn't go. What do you mean by summer? Which month?

Personal Representative: Do you want to tell us when you went to Afghanistan from China. This is your opportunity to tell your story.

Detainee: It was in the fall, at the end of the fall.

3.2. The Detainee went to Afghanistan to receive weapons training.

Detainee: I didn't go for weapons training.

3.3. The detainee stayed at a Uighur training camp in the Tora Bora Mountains in Afghanistan.

Detainee: I didn't stay at that camp. When I got there, the camp was being destroyed by the bombing.

3.4. The training camp was destroyed by coalition air strikes in October 2001.

Detainee: What is this, an accusation? Are they blaming that on me? What is this?

Personal Representative: It's just a statement. If you have anything that you want to say about it, you have an opportunity now to do so.

Detainee: Yes, number four is true.

3.5. The Detainee was in Afghanistan during the U.S. bombing campaign.

Detainee: That's true.

3.6. The Detainee was traveling with a group of armed Arabs from Afghanistan to Pakistan.

Detainee: I traveled with Kurkistani (ph) people. I was with the Kurkistani people who were following the Arabs. I wasn't with the Arab people. I was with the Kurkistani people.

3.7. The Detainee was captured in a mosque in Pakistan by the Pakistani authorities.

Detainee: I didn't know if I was being arrested by the Pakistan authorities or the local tribe people. I had no idea. I was arrested in Pakistani territory.

Personal Representative: Madam President, may I try to explain.

Tribunal President: Certainly.

Personal Representative: If there is anything else in your story (speaking to the Detainee) that you want to say about these allegations, now is your opportunity to do it. In a few minutes the Tribunal, if they have questions, they will ask you questions. If you have anything else you want to say about your story, now is the time to do that. Right now the Tribunal doesn't know anything about you other than what they've heard this morning. So anything that you can to explain your story would be helpful to them as they ask questions of you.

Detainee: If it's helpful to me, yes I will explain everything. But if it's not helpful to me, I don't have to tell anything.

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Tribunal President: It may be helpful. Like the Personal Representative said this is the only information we have seen so if there is something that you think would help us understand why you left China and went Afghanistan, and what you did while you were in Afghanistan, I think it would be helpful to your case.

Detainee: I've been telling everything truthfully in the last two and half years because I'm not sure I can remember everything clearly because it's been a long time.

Tribunal President: Okay. That is fine. We may have some questions for you. Would you be willing to answer some of our questions?

Detainee: Yes.

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

Personal Representative: Yes, ma'am.

Personal Representative's questions

- Q. You said earlier that you did stay at the Uighur training camp in the Tora Bora Mountains. Was that before or after that training camp was bombed?
- A. After.
- Q. Where were you when the bombing started in Afghanistan?
- A. In Jalalabad.
- Q. One of allegations say that you were traveling with a group of armed Arabs from Afghanistan to Pakistan, and you said the group that you were traveling with were only Uighurs, is that right?
- A. Yes, I told you that the Uighur people were following the Arabs. I was with only Uighur people.
- Q. Could you see the Arab group in front of you? How much distance was between the two groups?
- A. At the time when we traveled there was snow and it was foggy. I couldn't really see farther than 4 or 5 meters away.
- Q. I'm not sure I really understand your answer. Are you saying that they were 5 meters in front of him?

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A. Five or six meters farther away, you can't really see the person because of the snow and it's really foggy.

Q. So maybe you don't know how far they were?

A. Right, I don't know how far.

Q. How long did you stay at the Uighur training camp in the Tora Bora Mountains?

A. I didn't stay in the camp in the Tora Bora Mountains or the Uighur training camp.

Q. Where did you stay when you were in the Tora Bora Mountains?

A. We went to some kind of jungle area and went into the mountain and found a cave to stay in.

Q. Did you ever receive any weapons training when you were in Afghanistan?

A. No.

Q. Did you ever carry a weapon during your travels in Pakistan or Afghanistan?

A. No.

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

Recorder: Ma'am I have two questions.

Recorder's questions

Q. You said that you went to Afghanistan but you did not go to receive weapons training. What did you go for?

A. I told you two and a half years ago. Everything is in the interrogation. I've told you that.

Q. We weren't at the interrogation and nobody here knows why. Can you explain why you went to Afghanistan?

A. It's clear that before you people come into the Tribunal room that you have already checked my files.

Tribunal President: Do any Tribunal members have any questions?

Tribunal Members' questions

Q. Were you a member of any political parties or groups?

A. Are you saying in China, Afghanistan, or in here?

Q. In your lifetime.

A. No.

Q. I just want to repeat that all we are trying to do is get your side of the story because we have to make a determination. So we would like to hear your side.

A. In the world, no place, can you put a person in prison for three years and then you check their status. This is not right. I've told everything to the interrogators two and half years ago. I'm suffering here and I cannot remember and I cannot tell you.

Q. Okay, so why did you elect to come to the Tribunal if you have no information to give us?

A. Because I wanted to answer those allegations, yes or no.

Q. So I understand you really have nothing else to say?

A. No.

Tribunal President: Let me jump ahead a little bit. You asked to have a witness come here. What would you like for the witness to tell us?

Detainee: I came here to explain that I wasn't traveling with the Arab people and that I went to the Afghanistan, Tora Bora Mountains after the bombing, and that to Afghanistan not in the summer but during the fall.

Tribunal President: Okay. Let me ask you again. You wanted to bring a witness in. What do you want him to testify to?

Detainee: He can tell that I went to Tora Bora after the bombing and that I traveled with the Uighur people not with the Arabs.

Tribunal President: So those are just the two points you want him to collaborate?

Detainee: At this time yes.

Personal Representative: There may have been a third point. May I ask a question?

Tribunal President: Yes.

Personal Representative: Were you going to ask whether he saw you receive any weapons training in Tora Bora Mountains?

Detainee: We mentioned it in the interview yesterday but I didn't answer.

Tribunal President: At this point, it's my understanding that this concludes the statement that you have to provide to us.

Detainee: I have nothing to tell. If you ask more questions I will answer.

Tribunal President: Personal Representative, do you have other evidence or does the Detainee have any previously approved witnesses to present to this Tribunal?

Personal Representative: There is a witness. Hamid Mohammed Hamid (ph) is the witnesses' name.

Tribunal President: At this point let me explain to you how the witness procedures will go. We will bring the witness in. I will ask him if he is still willing to testify for you and he will take the oath. Then you will be allowed to ask him questions to get information from him that you would like for us hear. Then the Personal Representative, Recorder, and the panel will be allowed to ask him questions as well.

Detainee: Can I talk?

Tribunal President: Sure.

Detainee: The witness is for the two issues I've already mentioned and I don't want other people asking questions about me or other issues.

Tribunal President: That's not acceptable. This is the procedure. You have an option at this point to elect to not have a witness.

Detainee: I don't want any witnesses.

Tribunal President: Okay and that's fine.

The Tribunal President confirmed that the Personal Representative had no further evidence to present and that the Detainee had no previously approved witnesses to present to the Tribunal and closed the open session.

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The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

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. Army
Tribunal President

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