

Summarized Detainee Unsworn 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 confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The Tribunal President referred to the Detainee Election Form, which indicated that the Detainee had chosen to participate in the Tribunal process, had not requested any documentary evidence or witnesses on his behalf and would like the Personal Representative to speak briefly regarding the allegations in the Unclassified Summary of Evidence with the Detainee adding additional comments as needed.

The Tribunal President opened the Tribunal to the Detainee to make his statement.

Detainee: I will explain my evidence to the Tribunal.

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

Detainee: I will take the oath for only one thing. I have told the truth on all the other points.

Tribunal President: Then you will take the Muslim oath?

Detainee: Yes.

Tribunal President: Very well, thank you. At this time, Recorder, please administer the Muslim oath to the Detainee.

Detainee: I know the Muslim oath.

Tribunal President: All right, if you would like to say it yourself that is fine.

Detainee: I will take the oath for number one (referring to bullet 3.1 of the Unclassified Summary of Evidence) that said that I have association with al Qaida or Taliban. I will take the oath that I have nothing to do with those organizations or those people. I will take the oath only for that reason.

Tribunal President: The oath that we would like for you to take is a symbolic or a gesture that indicates that you will promise to tell the truth.

Detainee: I will take the oath for just one thing and that's where it says that I have an association with al Qaida and Taliban. I will take the oath for this but the rest of them are just accusing me for all of those things that aren't true and I will not take an oath for those issues, only the one.

Tribunal President: I think I understand. By taking the oath it's not a sign of admission or confession. All it is saying is that I promise to tell the truth. Everything I say here today, I promise to tell the truth.

Detainee: Everything I said is true and I will not take the oath.

Tribunal President: Very well then. That will be fine too. We will accept your statements and give them serious consideration whether you take the oath or do not take the oath.

Detainee: Okay.

Tribunal President: Very well then. At this time, with the assistance of your Personal Representative, you may begin.

Personal Representative: What I will do is read the allegation and then read what you told me in the interview and then you will have time to add anything else if you want to.

Detainee: Okay.

3.1. The Detainee traveled from China to Pakistan in April or May 2001. In July 2001 the Detainee traveled to Afghanistan to receive military training at the Uighur camp in the Tora Bora Mountains.

Personal Representative: This is true. I went to Pakistan in about May of 2001 to do business. I didn't have a specific business. I had some money to go to Pakistan to start a business after looking around at the market. Somebody told me about a Uighur training camp in Afghanistan that would teach you to fight against the Chinese government. In July 2001, I traveled to Afghanistan and I did learn to shoot a gun there.

Detainee: This was at the end of July.

Personal Representative: Is there anything else you want to say about that?

Detainee: First let me explain to you why I left my country. Our country is being controlled by the Chinese government, which has different kinds of policies and for some reason they accuse Uighur people for nothing and punish them really badly. I decided I didn't want to be accused for doing nothing and be punished so I left the country. I left my

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home country and had no desire to go back. That's why I closed up all my business and went to Pakistan.

Personal Representative: Let's go to the second allegation.

Detainee: Yes.

3.2. The Detainee lived at the Uighur training camp from July to October 2001.

Personal Representative: I went to Afghanistan in July of 2001. After the bombing we couldn't stay at the place we were and we went to the mountains.

Detainee: You didn't read the reason I went to Afghanistan.

Translator: I think that he (the Detainee) thinks we are still on number one.

Personal Representative: Why don't you tell us why you went to Afghanistan?

Detainee: I wanted to go somewhere else to do business but I heard of some Uighur groups in Afghanistan getting training to fight against the Chinese government. I changed my mind and tried to go over there to join that group. That's the reason I went to Afghanistan. If someone told me that the Uighur group was not against the Chinese government and against any other government besides China then I would not have gone to join them.

Personal Representative: I will read the next allegation.

Detainee: Yes.

The Personal Representative began to read point 3.3.

Translator: I think we need number two. Did he answer number two?

Personal Representative: Ask him if he has anything else to say about number two.

Detainee: Yes, I have something else to say. It's true that I went to Afghanistan at the end of July. At the camp the conditions were really bad and stressful and there was lots of hard work. I decided to stay there because our goal was to be against the Chinese government and I wouldn't give up my goal even in the bad conditions to live. The food was not good quality but I still decided to stay there.

Personal Representative: I'll go to the next one now?

Detainee: Yes.

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3.3. The East Turkistan Islamic Movement (ETIM) operated facilities in the Tora Bora region of Afghanistan in which Uighur expatriates underwent small arms training. These camps were funded by Bin Laden and the Taliban.

Personal Representative: This is what you told me. I never said this during any interrogations and I don't know who funded the camp. We did not know that the place where the camp was located was called Tora Bora. I heard this name for the first time in Kandahar.

Detainee: Can I look at my statement?

Tribunal President: Sure.

Detainee: (Pulling sheets of paper from his shirt pocket) I never heard about the Turkistan Islamic Movement. My understanding is that this is a liberation movement. Like I said, the place where we stayed was called Tora Bora, I didn't know that name. We called the place by it being at the end of the village and also the beginning of the mountain. That's how we (inaudible). It says there was small-arms training. I did not see many weapons in there. I only trained on the Kalashnikov and not any other weapon. They called this place a camp but that's way too much of a name for that place we stayed. They did not have enough bathrooms to use or housing or anything. That is way too big of a name for the place where we stayed. You say that Osama Bin Laden and the Taliban funded the camp but I never heard about that. I don't think the camp needed help from them. There are a lot of rich Uighur people who might have helped the camp.

Personal Representative: I'm going to the next one.

Detainee: Yes.

3.4. ETIM is one of the most militant of the ethnic Uighur separatist groups, and it is suspected of having training and financial ties to al Qaida.

Personal Representative: This is what you told me. It is a separatist group because we want to be separate from the Chinese government.

Detainee: Is that all? I do not understand. My understanding is that it is a separatist group and I just explained that we want to separate from the Chinese government and that's why it is called separatist. I want you to explain to me what they mean by a separatist group.

Tribunal Member: We believe it is the same meaning how you explained it.

Detainee: That's why we wanted to be separate from the Chinese government and we want to create our own Uighur nation without the Chinese government. The Chinese say that there two separate groups. One is in the (inaudible) and one is the country. If something happens they announce on the radio and television those two separatist groups are the ones taking responsibility for anything happening in the country. Uighurs have a

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title now. Uighurs inside the country they call a separatist group. Now we are outside and have the title of terrorists. I have no knowledge about the training and being funded by al Qaida. I have no knowledge about that.

Personal Representative: I'll read the next one.

Detainee: Yes.

3.5. While at the Uighur camp the detainee received training on the Kalashnikov rifle, a handgun, and another weapon.

Personal Representative: This is what you told me. I only trained on the Kalashnikov. I never trained on any of the other weapons.

Detainee: That's true. I only trained on the Kalashnikov. (If) You don't train on that weapon, you cannot fight back against the Chinese.

Personal Representative: I'll go to the last one.

Detainee: Yes.

3.6. Following the destruction of the training camp by the United States forces bombing campaign, the Detainee traveled to Parachinar, Pakistan where he was turned over to Pakistan authorities.

Personal Representative: This is what you told me. That's true we went into the mountains and we stayed inside a cave. Then we went into Pakistan and we were turned into Pakistan authorities and then into prison.

Detainee: That's true. I want to explain a little bit more about this. When we stayed in that camp, we heard that bombing would be starting in Afghanistan. Our leaders told us that we had done nothing against America or any other forces and that they wouldn't be bombing us and we don't have anything to worry about. They said to just stay there and do your own business as usual. That's the reason we continued to stay at the camp. The first day they dropped a bomb just in front of us. We were scared and ran away. Then they dropped a bomb right onto the camp so we ran into the mountains. On the second day in the morning we came back to the same place, found some food and went back into the mountain. About three or four days later it looked like no one ever even stayed in that place. After that there was no stopping. There was constantly bombing all the time. In the mountain we stayed in a cave because we didn't know where to go. We didn't know if we should go to the city or other places. We were waiting for our leaders to come and tell us to go to the city or somewhere else but no one showed up and we decided to go to Pakistan. When we got to Pakistan, the local people came to us with tea, bread and meat, really good stuff. In the middle of the night they came to us to take us to the mosque. We went to the mosque and then they turned us over to the Pakistani authorities but those

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people didn't even have any weapons or uniforms. They were just regular people. They put us in cars and took us to jail. After that they turned us over to the U.S.

Tribunal President: We may have some questions for you. Does this complete your statement at this time?

Detainee: Can I ask something from you?

Tribunal President: Sure.

Detainee: I just explained everything. Do you think when I traveled to Pakistan, was that the right thing or the wrong thing?

Tribunal President: We think that you traveled from Afghanistan to Pakistan, and that is what we are aware of at this point.

Detainee: I traveled from Pakistan to Afghanistan because of joining that group. Is that the right thing or the wrong thing?

Tribunal President: I don't know how to answer that. Is it the right thing or the wrong thing? We understand from the Unclassified Summary of Evidence, which says that from Pakistan you traveled to Afghanistan and then after the bombing of the Uighur camp you traveled back to Pakistan.

Detainee: There was only one chance for the Uighur people. When we went to Afghanistan to get training, it was only one thing in my mind, which was to be trained to fight back against the Chinese and nothing else. The last fifty years we didn't have any chance. This was the first chance we have had.

Tribunal President: I understand. Is there anything else at this time?

Detainee: No.

Tribunal President: If you don't mind, we may have some questions for you.

Detainee: Yes.

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

Personal Representative: No, sir.

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

Recorder: No, sir.

Tribunal President: Do any members of the Tribunal have questions for the Detainee?

Tribunal Members' questions

- Q. Good afternoon. We recall your courteous participation from a previous Tribunal where you testified for one of your Uighur brothers. Over time we have come to learn the situation in your home country from the other Uighurs who have come before us. So it is understandable why you would want to leave your home country in search of a better life. Does that accurately say why you left originally?
- A. That is accurate.
- Q. So in Pakistan you were hoping to start your own business and live there and support yourself, was that your goal?
- A. I wasn't going to stay in Pakistan permanently. If the business was good, then I would go somewhere else and travel the world.
- Q. Were you able to start a business and was it going well at the time you decided to go to Afghanistan or you hadn't had enough time to do that yet?
- A. I did some business in Pakistan. It was a watch business.
- Q. Was it profitable? Were you able to sustain yourself just by doing that?
- A. I didn't really have a chance to make that much of a profit or anything like that. I just started the business then I got the idea to go to Afghanistan.
- Q. Before you went to Pakistan, when you were in your home country, how did you make a living?
- A. I was making hats in my home country. Then the Chinese started to take over all the business. When you do something by hand and try to sell it, it doesn't work because the Chinese created so many factories and everything became automatic with the machines. With shoe fixing and that kind of work, you can't make a profit.
- Q. Besides Pakistan, did you travel to any other country near your home country?
- A. I traveled to Kyrgyzstan first, then I traveled to Pakistan.
- Q. How long were you in Kyrgyzstan?
- A. Approximately ten days.
- Q. A very short time then?

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- A. Because I didn't have any desire to stay in Kyrgyzstan. I just wanted to look around at the market and that kind of stuff.
- Q. So that's what you did in Kyrgyzstan, you just looked around the market and then left?
- A. Yes.
- Q. There was a time in the recent past where the American embassy in Kyrgyzstan was attacked. Do you know anything about that?
- A. When did this happen?
- Q. I believe three years ago or so.
- A. No, I don't know.
- Q. Have you ever had any dealings with Uzbek (ph) Muslims?
- A. You mean in Kyrgyzstan?
- Q. In Kyrgyzstan or any other place.
- A. No, I never met the Uzbek (ph) people.
- Q. There is a group called the Islamic Movement of Uzbekistan (ph). Have you ever heard of this group?
- A. No, I didn't hear anything about that.
- Q. So was there anytime during any of your interrogations in Pakistan, Afghanistan, or Cuba where you said you were a member of the group?
- A. I never said I was a member of this organization. I told them that I joined the group in Tora Bora.
- Q. In the Uighur camp in Afghanistan, were there any other people there besides Uighurs that you saw?
- A. I didn't see anyone besides Uighur people.
- Q. Who was in charge of the camp where you were?
- A. There was a person named Abdul Haq he is the one in charge of the camp.
- Q. So the Uighurs there took their direction from him?

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- A. That is the person who was leading all of the Uighur people.
- Q. Did he ever say anything to you about the fighting for the Taliban?
- A. No, he didn't say anything like that. If he had said something like that, there would no Uighur people staying in that camp.
- Q. I just wondered if he wanted the Uighur people to get practice fighting so they could be ready for the big fight against the Chinese someday.
- A. That's right. What I think is that we continued to train. Keep training and keep training and if we get more members and more people then we fight back against the Chinese.
- Q. Did you know of any Uighur people who did fight alongside the Taliban?
- A. No.
- Q. Besides the Chinese, who do the Uighur people say are their enemies?
- A. I don't think the Uighur people have any enemies but the Chinese. They have been fighting against the Chinese since way back in history.
- Q. We know that you do not want to be at the camp, but during your time here how have been treated?
- A. I don't know. I've never been in a prison so I don't know how a prison treats people so I can't really tell if they have treated me good or bad. But, I don't want to stay in the prison.
- Q. Other than the Uighur camp in Afghanistan, was there any other time in your life when you had military training?
- A. I ran in my life for exercise. That's the only thing I really did. But inside Kyrgyzstan, Uighur people have no chance to get military training. If you want I can tell you a little story about running that is happening in my home country.
- Q. Okay, please.
- A. It was fall of 1997 and during that time lots of Uighur people started during things against the Chinese government. All the young people started running for exercise. One day I decided to run. A guy ran up to me and told me that I needed to go back home because they just arrested two Uighurs because they were running. So I went back home. Later I heard that they kept them in prison for like a month and interrogated them about why they were running because it's not the Uighur

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people's culture. You've been runners. Who's organizing you to do all this running and exercising. They kept them for like a month in the prison, torturing them and then let them go. During that time I was running for like a month.

Q. If you were to be released, where would you want to go and what would you want to do?

A. If you released me now I don't know what I'm going to do. In my mind, I'm just living some place in peace. Outside the life for Uighurs is kind of narrow and I'm afraid to join any committee or organization or anything, I just want to stay away from them.

Q. Have you been able to communicate with your family back in China since you've been here in Cuba?

A. No, we don't have a chance to communicate with family.

Q. You said that your job or occupation in Pakistan was the watch business and before that when you were back in China you made hats by hand. I guess you didn't get much training in making or fixing watches, was it selling watches?

A. It was just the selling the business. People would go to the home country in China and bring watches, calculators and all types of things back to Pakistan and I sold it to the Pakistanis.

Q. Did you sell a lot of watches?

A. No, I didn't sell a lot of watches. I was just trying to see how it would work. I just bought a couple to sell.

Q. Did you have any special brand of watch that was good seller or a possible good seller?

A. They weren't really good watches. They were really cheap watches. I used to have one on my hand but you guys have it now.

Q. What kind of watch was that?

A. It had a battery and was kind of like the watch that he (a member of the Tribunal) is wearing.

Q. Oh, like his watch, okay.

A. It looked like that, but was a little bit smaller. That's only one kind.

Q. It was probably a better watch than his.

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- A. It said made in China.
- Q. Okay, earlier on you said that you did not want to go back to China. Why then would you want to go to a military training camp to fight China if you had no intention to go back to China?
- A. I said that when I got to Afghanistan it came up in my mind. When you go to Afghanistan they will look at us, those groups against the Chinese and then we would never have a chance of going back to China. The thing is we could go back to China and fight back against them or I would never have a chance to go back to China. I saw that in my eyes before I went to Afghanistan. I saw it but I still decided to go to Afghanistan.
- Q. And go for military training?
- A. Go to Afghanistan for training to fight against the Chinese.
- Q. But you didn't want to go back to China though?
- A. Yeah, I didn't want it. The Chinese policy, let me explain their policy. The Chinese policy told the Uighur people that if anyone wanted to go to another country it was like an animal escaped from their farm. It is very difficult. Under 30 years old, the government doesn't issue passports for the Uighur people. In China the corruption is really bad. If you spend the money on it you can get some illegal way to get a passport or other documents.
- Q. Okay.
- A. There wasn't anything in my record. I haven't been to prison or anything so I have a really clear record. Still I got passport in six months. I spent a lot of money for it. It's a legal passport but it took six months to get it and I spent some money to get it faster.
- Q. Was that a passport for travel to Pakistan only?
- A. The passport I got I was told was good for 16 countries. I'm allowed to travel to 16 countries.
- Q. But it was an illegal passport right?
- A. It is a legal passport. Not illegal but a legal passport. The passport official told me that it was good for travel to 16 countries. There are a couple different kinds of passports in China. Some of them are business passports and some of them are travel passports.

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- Q. What kind do you have?
- A. Business passport.
- Q. That was good for how many days?
- A. It was good for three years. It was for two years but when I got it, I got changed it changed to three years.
- Q. But if you were to travel somewhere on business, how long could you stay on that business trip before you had to come back?
- A. I could stay in the place for three months. You had to be back to China before three months. If you don't come back before three months, when you do come back they will punish you and your family.
- Q. Did you have your passport with you in Pakistan when the authorities put you under custody?
- A. No, I didn't have anything on me.
- Q. Where was your passport?
- A. At the camp they had a place to save our passports and I gave it to those people. It was probably destroyed in the bombing.
- Q. It was in Afghanistan that you turned your passport over at the camp?
- A. Yes, I gave it to those people.

Tribunal Member: I have no more questions. Thank you very much.

Tribunal President's questions

- Q. Let's go back to the American bombing campaign in Afghanistan. When the bombing started at the training camp everyone fled to the mountains and you indicated that you sought safety in a cave?
- A. Yes, I fled to the mountains because it was safer.
- Q. You further indicated that you were waiting, your group that you were with, for the leaders to join you but they never did.
- A. That's one reason. We didn't know where we were going to go. I didn't even know if we could walk into Pakistan through those mountains. We were waiting for someone else to come and lead us somewhere because we didn't know the way

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to go anywhere. That's the reason we stayed in the cave. It's only my opinion. That's what I thought about that.

- Q. Were you referring to leaders of your Uighur group or guides to take you to Pakistan?
- A. We didn't have any leaders or anyone to lead us. When we were in the cave we were waiting for someone to come up the mountains and lead us to the city or tell us what we should do. That's why we were waiting.
- Q. So your use of the word leaders at that time meant a guide to take you to Pakistan?
- A. We were waiting for Abdul Haq, he was in charge of the group. We were waiting for him to come up to give orders or take us somewhere else. That's what I mean.
- Q. He was in charge of the training camp?
- A. Yes, he was the one responsible for the camp.
- Q. Did he ever link up with you or do you know what happened to him?
- A. We didn't have a chance or reason to stay in that place but none of us Uighurs knew where to go. That's why we continued to stay in that place.
- Q. But the camp leader, did he ever join you in the caves or do you know what happened to him?
- A. No, I don't know about that.
- Q. You don't know what happened to him. You never saw him again?
- A. I didn't see him again.
- Q. The group that you were fleeing with. How many were in your group?
- A. There were 18 people and all of us are here. During that time, we didn't know the exact amount of how people many there were. After we counted there were 18 people and all of us are here right now.
- Q. That was the number in your group that crossed the border into Pakistan before you were captured?
- A. Yes, those 18 people together.
- Q. There were only 18? Were there any Arabs escorting you or with you?

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- A. Arabs crossed the border too, but we weren't with them. We were behind them, following them. We heard those people were traveling to Pakistan and we followed their footsteps and crossed over to Pakistan. During that time we didn't if those people were Arabs or Afghanis. When we heard they were going to Pakistan we decided to follow them.

Tribunal President: Very good. Are there any other questions?

Tribunal Member: Just one.

Tribunal Member's questions

- Q. Since you've here at the camp, has the Chinese delegation come to visit you?
- A. Yes.
- Q. How did they treat you when they did come here?
- A. They didn't treat me good.
- Q. How long did you speak with them?
- A. They took me to the interrogation room twice. It was probably a total of about a half of an hour. They speak most of the time. I just spoke a little bit.
- Q. When they spoke to you what did they say?
- A. They read the report that the U.S. gave to the Chinese. The allegations that I came to Pakistan from Tora Bora and that I went from Pakistan to Afghanistan. It was all the information.
- Q. Did they make any threats against you?
- A. Yes they did.
- Q. How, what did they say?
- A. The American government will turn you guys over to us. You have no other way. We came here to pick you guys up. When you go back to China you will be put into prison for at least three years or longer. They said that there was an American person that was going to be a witness for them and tell us that America had already decided to turn us over to the Chinese. If you don't believe us we can bring witnesses. I told them that if they wanted to bring a witness then bring one but I don't care. If they send me back to China then I'll go back to China if not I'll stay here. I don't really care what they do. They brought him as a witness to some

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other Uighurs and told them that they were going to send them back to China so they had better answer whatever the interrogators ask. It was their last chance.

Q. Did you see this person?

A. No, I didn't see this person. I thought they were going to bring him but they didn't bring him. I told them it was their choice. If they want to bring him then to bring him or if you don't it's up to you. They didn't bring him to me. They used him as a witness for the person that was staying next to him on the cellblock. They told him that they had an agreement with the government and that they were going to send him back to China. He read some article about an agreement with the government about the Detainees. First I didn't believe those allegations that the U.S. was going to send us back to China but then they came to our rooms to take our pictures and I told them no. They said that if I don't cooperate with they would call the MP soldier because we have an agreement and that they will come here and hold you so we can take your picture. I told them whatever if you want to call the MPs go ahead and call I don't care. I thought the MP would (inaudible). The MP came in and said that they had orders from higher up and we have to hold you by your neck and they will take your picture. I told them okay you don't have to hold me. I will let them take picture. They had me believe the allegations that the U.S. would send us back to China.

Q. Did the Chinese make any threats against your family?

A. No, they didn't threaten my family. I was thinking that if was really hard on them and tough that they would hurt my family. That's why I was nice and they called us bastards and all this stuff.

Tribunal Member: That's all I have. Thank you.

Tribunal President: Thank you for your testimony today. Is there anything else you would like to say to or bring to the attention of this Tribunal today?

Detainee: I would like to talk about the oath. I just want to explain. In my entire life I have never taken an oath for anything. Taking an oath is a very huge responsibility. If you do something and you take an oath it makes it totally different. That's the reason because I've been telling the truth all the time. The only thing that I would take an oath on was the association with al Qaida and Taliban accusation. That's the one I will take an oath for. The rest of the stuff wasn't really necessary for me to take an oath because I've been telling the truth. I felt it didn't really need an oath for the other accusations.

Tribunal President: Very well, we understand.

Detainee: I have nothing else to say now.

Tribunal President: Okay, thank you.

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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.

The Tribunal President began to explain the remainder of the Tribunal process to the Detainee and when told that he would be notified of the Tribunal's decision upon completion of the proceedings by the convening authority, the Detainee asked the following question:

Detainee: When will the results be completed?

Tribunal President: As soon as possible but hopefully within 30 to 60 days from today.

Detainee: I would like to mention one more thing.

Tribunal President: Okay.

Detainee: They accused me of having association with al Qaida or Taliban but the evidence and accusations don't relate to me having an association with al Qaida or the Taliban.

Tribunal President: The unclassified evidence identifies that there is an association with the Taliban or al Qaida. What that association is, is on number three that the East Turkistan Islamic Movement (ETIM) operated facilities and that the camps were funded by Bin Laden and the Taliban.

Detainee: The evidence is that I stayed in that place so I have an association with Taliban or al Qaida?

Tribunal President: That's what it says.

Detainee: Then I explained everything about why I went to Afghanistan. I guess you understand why I went to Afghanistan. I want you to look at it clearly and be wise with your result. Me seeking political asylum in another country, I want to take out of this place clear and clean.

Tribunal President: I understand.

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The Tribunal President continued to explain 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, USMC
Tribunal President

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