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Summarized Sworn Detainee Statement

When asked by the Tribunal President if the detainee understood the CSRT process, the Detainee answered, "Yes."

When asked by the Tribunal President if the detainee had any questions concerning the Tribunal process, the Detainee answered, "Yes."

Detainee: I was told I had the right or the opportunity to have a witness. There is a witness here in the detention facility that I want to present.

Tribunal President: I will address your witness request later in the process.

Detainee: When the documents were given to me explaining this Tribunal, I did not understand the classified information. If there is a secret witness that testified against me and secret information how can I defend myself if I don't know what this information is?

Tribunal President: First about what is classified. I will read you our definition. This might help you. Classified information, what you called secret information, is information that the owning government agency has decided could cause damage to our National Security if released. This Tribunal does not have the authority to change that decision. I will add to that to answer your second question about how you can defend yourself.

Detainee: How can I against a witness that testified against me?

Tribunal President: I will explain that. We can have the information as a Tribunal, which we will hear later. We have not seen it. If you remember our oath, we will promise to do our best to judge it in this case. Your Personal Representative has also reviewed it and will point anything out to us that we need to consider in our decision. We cannot provide this information to you because of its classification. Does that help explain?

Detainee: I understand.

[After the Recorder requested a closed session to present classified information the detainee wanted to ask a question.]

Detainee: What he read, the unclassified, and what the Personal Representative read to me, there are differences.

Tribunal President: Yes there are differences, I understand, shortly you will be given a chance to address them.

[The above exchange is addressed on page 5 of this document.]

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Tribunal President: I notice from your election form that you requested a witness who was with you when you were fleeing Jalalabad into Tora Bora and was also with you when you were captured. Is that correct?

Detainee: Yes.

Tribunal President: You also believe that the witness would testify that you did not distribute weapons and did not fight in Kandahar.

Detainee: The witness was going to testify that I was not in Tora Bora and that I had no kind of weapon to distribute and that I was not fighting. There were no weapons in the area that I was staying in. This is important to me. Because I didn't know how to use a weapon, I did not carry a weapon, and this person was with me in Tora Bora.

Tribunal President: I have determined that the witness is not available to attend any of your open sessions. I have directed the Personal Representative to investigate available other information to present to this Tribunal in an appropriate session. That is my ruling on the availability of your witness at this session. The information may be available in another part of this hearing.

Detainee: To me it is not important that this witness is not here now, but it is important that you hear what this witness has to say.

Tribunal President: Do you wish to make a statement to this Tribunal?

Detainee: Yes.

Tribunal President: Would you like to make your statement under oath?

Detainee: Yes.

[The detainee was sworn using the Muslim oath.]

Tribunal President: You may now proceed.

Personal Representative: Do you wish to address each of the points as we did in our interview?

Detainee: Yes

Personal Representative: 3.a.1. (The detainee left Mashad, Iran and headed to Afghanistan seven to eight days before the 11 September 2001 terrorist attacks in the United States.)

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Detainee: I went to Mashad, which is in Iran. I went from Mashad to Afghanistan seven to eight days before the incident. I am not a resident of Mashad. I went there ten days before I went to Afghanistan. The reason I went to Mashad was because I was going to Quetta city in Pakistan. There is a U.N. office in Quetta. I am Palestinian and I have a wife and two children and we don't have any official identification. I wanted to go to the U.N. to solve that problem. My children are growing up and they will soon need identification and official papers for school. I went to the U.N. to get the paperwork but the U.N. takes a lot of time before you can get an appointment. The time period was a problem for me for two reasons. Because my family has no identification or paperwork and I would have stayed in Iran or Pakistan any longer we would have had a problem with the government. For that reason I decided to stay in a place where there was not a problem if you did not have identification. That is why I chose to go to Afghanistan. I chose Jalalabad because I heard it was the quietest city with few problems. The second reason was to get a job so I could support my family. I looked for a job and a house. At that time the problems began happening and I was forced to go to Tora Bora.

Personal Representative: 3.a.2. (While in the Al-Farouq training camp in Afghanistan, the detainee was in charge of delivering food to caves.)

Detainee: I asked one of the detainees here that was at the Al-Farouq training camp to describe the camp to me. He said the camp did not have any caves. As far as food, the people gather in one place to eat. The people who give the food are cooks. The cooks are Afghani citizens. I asked the detainee who gave me the information about the camp to be a witness, but he told me no. He will not talk to anybody and did not attend his Tribunal.

About the accusation that says I trained in the camp. I also asked the detainee about this and he said during the incident of 9/11 there was nobody at the camp training. It would be impossible for me to get training in seven or eight days.

Personal Representative: 3.a.3. (When Jalalabad was overrun by the Northern Alliance, the detainee fled into the Tora Bora mountain region.)

Detainee: Like I said before I was in Jalalabad. I had a job and when the coalition forces entered Jalalabad I was not fired and had no problems with the coalition forces. So why would I run away. The problem happened when the coalition forces accused the Arabs of killing Massoud. He was their top leader. They were looking for any Arabs. People said they were killing Arabs. For that reason I was afraid and ran away. If you look at a map, the coalition forces were coming from this direction so of course I am going to run the other way. And the way I ran was toward the Tora Bora Mountains. I was forced I had to go that way.

Personal Representative: I would like to go back to the second point. 3.a.2. (While in the Al-Farouq training camp in Afghanistan, the detainee was in charge of delivering

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food to caves.) You stated to me in our interview prior to coming here you had never heard of or knew of Al-Farouq, and that you never entered or went to Al-Farouq.

Detainee: Yes.

Personal Representative: 3.a.4. (The detainee admits that he was at the Tora Bora camp and was responsible for distributing supplies from the central supply point.)

Detainee: I would like to ask a question to clarify something. Can someone explain to me responsible? What do you mean by being responsible?

Tribunal President: All I have is what you have. I read this as you admitted to being responsible for distributing supplies. In charge of moving the supplies out. We don't know what the supplies are. It could be anything.

Detainee: Responsible means two things to me. To me it means that I take this product and then I go to a place and give it to them and then go to another place and give them the same product. Or it could be that I was responsible for the paperwork.

If I was responsible for distributing a product from one place to another then I am not responsible for the product. I didn't know this area so this was not my job. The place I was at had six Afghans that were responsible for distributing the food. So I wasn't responsible for distributing.

I was not responsible for the paperwork. A person by the name of Abdul Kadus was responsible for the paperwork. The paperwork came from a man for moving the product from one place to another. My only responsibility was to look at the paper and tell the Afghan to get only what was on the paper. When I went to the mountain I met with Abdul Kadus and he was responsible for the mountain. He asked me if I knew how to use a weapon. I told him I didn't know how to use any weapon. For that reason he sent me to where the food was at. The next day he told me I could stay there until they got me someone who could help me to the border of Afghanistan. There was no kind of weapons there.

Personal Representative: 3.a.5. (The detainee was trying to get to Pakistan and was captured by Northern Alliance forces as he fled Tora Bora, through Wazir village and on the way to Jalalabad.)

Detainee: Kadus came and told me this Afghani will take you to the Pakistan border. The Afghani took me to a village called Wazir at night. We went to a house in the village where the Afghani spoke with the person from the house. I couldn't understand what they were saying. I stayed at the house with the family for about a week to ten days. One night an Afghani came to the house and told me he would take me to Jalalabad. He said he would take me there until they could get me to Pakistan. He had a pickup with two boxes. The person sitting next to the driver had a weapon. There were also six or seven

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Afghans in the back that had weapons. We were supposed to go secretly and I did not understand what they were doing and I couldn't do anything. When you first get to Jalalabad there is a security checkpoint. They stopped the vehicle and the driver and the passengers got out. Three people from the checkpoint came over to us said we were Arab and told us to come with them. They took us and the others got back in the vehicle and left. They took us to a prison. The next day the commander of the checkpoint told me they would get paid \$5000.00 for me. He said if I could pay him more than that he would release me. I didn't have any money. The next day vehicles came and they took me from Jalalabad to a Kabul prison. The commander of the prison told me they got paid \$10,000.00 for me. One month later I was given to the Americans in Bagram.

Personal Representative: Who was with you during the capture and on the mountain?

Detainee: Fouad Al-rabia he came down from the mountain with me. It was him, some Afghans and I. The same amount of money that was offered for me was also offered for him. We were given to the Americans in Bagram and I haven't seen him since.

Personal Representative: 3.b.1. (The detainee trained in hand weapons at Al-Farouq and later fought at Kandahar.)

Detainee: That is the difference from what I was read and what he (the Recorder) read before. What he read there says military action against the coalition forces or the United States. And it says I fought in Kandahar. To me this is very important because the word fight has no limit. The accusation against me is that I fought against the coalition forces in Kandahar?

Tribunal President: That's the allegation.

[Note: The Tribunal recognizes that the recorder's summary of the unclassified evidence may have confused the detainee in the hearing, specifically the reference to paragraph 3.b in general as compared to the specific subparagraphs under 3.b. The detainee recognized the difference as indicated in the transcript above and responds to the specific accusation of paragraph 3.b.1 from exhibit R-1. After the hearing, the Personal Representative confirmed that he did not specifically address paragraph 3.b with the detainee but concentrated the detainee's attention to the specific accusations of the subparagraphs under 3.b. The Personal Representative stated that the entire Unclassified Summary was read to the detainee in the initial interview and that the detainee understood the allegations.]

Detainee: As far as the Al-Farouq training camp. I mentioned before I came to Afghanistan seven or eight days prior to the incident in the United States. From the information I got from the detainee about the camp in Kandahar. I asked the detainee to describe Kandahar. From what you have told me I trained for seven or eight days on weapons. Let's say the detainee was not telling the truth. The Americans start attacking Afghanistan about a month later. After the attack there was on one at the training camp

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because I am sure the Americans knew where it was. It would be attacked no one would be there. For that reason I would have about a month and seven days. Is this enough time for me to get trained and then distribute weapons?

There is something I would like to note in the accusations. They keep saying that I am responsible, responsible, and responsible. Is it possible for a person to be responsible after being in Afghanistan for only eight days?

About fighting in Kandahar. From the time I left Mashad to Jalalabad. I came from Mashad to Herat, to Kandahar, to Kabul, and then to Jalalabad. This is the way I traveled. So when I see Kandahar and Kabul and Jalalabad. Kabul is between Kandahar and Jalalabad. You know the first city to fall was Kabul, then Jalalabad, and then Kandahar. If I was at the attack in Jalalabad when the coalition forces entered I was in the Tora Bora Mountains. So when Jalalabad fell Kandahar had not. So when was it that I was fighting? Let's say that I was in Kandahar fighting the American forces. I was in Kandahar, it was the last city to fall. Then I was arrested in Kandahar because it was the last city to fall. But I was arrested at the beginning in Jalalabad.

Personal Representative: 3.b.2. (The detainee was at Tora Bora and had responsibility for distributing food and weapons supplies to Taliban and Al-Qaida soldiers throughout the Tora Bora area, and he often met with and talked on the radio with Usama Bin Laden.)

Detainee: There were no weapons in Tora Bora. In the investigation I was never accused of distributing weapons. They showed me a picture of a detainee here and told me he was responsible for distributing weapons in Tora Bora. They asked if I knew him and saw him on the mountain. There were no weapons and I didn't see this person. So why now am I being accused of distributing weapons? You can ask the witness I requested about the weapons. There was food only. I did not carry weapons.

Imagine the mountains being attacked twenty-four hours a day. Under these conditions I would be meeting with Usama Bin Laden whenever I want? And I was calling Usama Bin Laden. You are military, you know what I am saying. If we used the radio, wouldn't the American forces know exactly where we were at. And they would hear his voice. Why did they come to the Tora Bora Mountains to hear me talk to Usama Bin Laden? There is no reason for me to call Usama Bin Laden. Usama Bin Laden is not stupid. You are in Afghanistan and you have not seen Usama Bin Laden. This proves that he is smart. He wouldn't be stupid and take a call from me. He is not stupid enough to have some one that has been in Afghanistan for only a few days at a level of that importance. If I had met him I would have used the way he did to escape. The accusations say I am a close friend of Bin Laden so why wouldn't I take the same way through Tora Bora. Why am I here handcuffed and Bin Laden is not.

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

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**Summarized Answers in Response to Questions by the Personal Representative**

- Q. The evidence says that you were in charge of delivering food, responsible for supplies and that you talked with Usama Bin Laden many times on the radio. I want this to be clear. The point you were trying to make to the Tribunal was how could you be so important in so many places and be in the position to be friends with Usama Bin Laden, if only in Afghanistan for approximately one month.
- A. It's impossible.

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

Personal Representative: No sir.

Tribunal President: Do the Tribunal Members have any questions for the detainee?

**Summarized Answers in Response to Questions by the Tribunal Members**

- Q. Where was your family during your travels to Iran and then into Afghanistan?
- A. They were in Iran.
- Q. So they stay in Iran while you went to get the papers?
- A. They were in Iran and I was to go to Afghanistan and find a good place to live, a good job, and then I would bring them over.
- Q. You were not able to bring your family to Afghanistan yet?
- A. Because of the pressure of not having a place to live or hard times, my family could not survive there alone.
- Q. Had you ever been in Afghanistan before this trip?
- A. No.
- Q. Were you ever in the Al-Farouq camp?
- A. No.
- Q. You stayed in Jalalabad for a number of weeks, did you find a job there?
- A. Yes.
- Q. What was that job?

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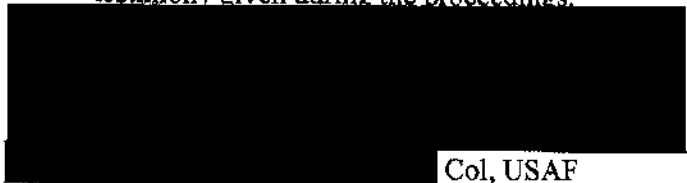
- A. I met a person there and this person worked in sheep trading. He had an Afghani partner with him. I became the third partner. That was my job.
- Q. When you described your time in Jalalabad you said that people there accused the Arabs of killing an important person. Who was accusing? Were they coalition forces or Jalalabad leaders, Taliban, who?
- A. The Northern Alliance, which are the forces of Massoud, they were the ones that said it. When I was in the Kabul prison they tortured us for the month we were there.
- Q. You provided statements regarding your work in the Tora Bora Mountains. And if you would just confirm for me that you were in the Tora Bora Mountains and if you can explain a village or a place in the mountains. It is a very large area.
- A. Tora Bora is a mountain area. It is a group of mountains. When I went from Jalalabad to the mountains I met the person named Kadus, it was at night. From what I understand from walking the area was on a slope of the mountain. We walked for a long time. There were caves and we stayed in the caves.

Tribunal President: Do you have any other evidence you wish to present to this Tribunal?

Detainee: No.

**AUTHENTICATION**

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



Col, USAF

Tribunal President

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